

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 249-37 (COR) As amended; and further amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 7, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin					✓	✓
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓	I				
Speaker Therese M. Terlaje	✓					

TOTAL

13

0

2

2

Aye

Nay

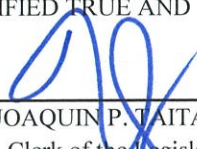
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:


 JOAQUIN P. TAITAGUE
 Clerk of the Legislature

I = Pass

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2024 (SECOND) Regular Session

Bill No. 249-37 (COR)

As amended; further amended by the
Committee on Environment, Revenue and Taxation,
Labor, Procurement, and Statistics,
Research, and Planning; and further amended on the Floor.

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Introduced by:

Sabina Flores Perez
Therese M. Terlaje
Chris Barnett

**AN ACT TO *ADD* A NEW § 1203.1 TO ARTICLE 2 OF
CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND
A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE
10, GUAM CODE ANNOTATED, RELATIVE TO
ALLOWING THE BUREAU OF STATISTICS AND
PLANS GUAM COASTAL MANAGEMENT PROGRAM
AND THE GUAM ENVIRONMENTAL PROTECTION
AGENCY TO HIRE ENVIRONMENTAL LAW
ATTORNEYS FOR THEIR EXCLUSIVE USE.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that both the Guam Environmental Protection Agency (GEPA) and the Guam Coastal
4 Management Program (GCMP) of the Bureau of Statistics and Plans (BSP) are
5 predominantly federally-funded entities that are permitted to utilize federal funds to
6 hire full-time attorneys to address legal issues pertaining to environmental law.

7 *I Liheslatura* further finds that in general, Guam is experiencing a shortage of
8 lawyers in public service, which hinders the Office of the Attorney General's (OAG)
9 ability to assign legal counsel focused on addressing the specific and oftentimes
10 complex needs of individual government agencies. There are instances where

1 appointed Assistant Attorneys General may be reassigned from one agency to
2 another, creating a costly and inefficient dynamic of unresolved matters requiring an
3 agency to retain substitute legal counsel.

4 *I Liheslatura* further finds that authorizing certain government agencies to
5 hire in-house legal counsel, on a full-time basis, serves the public interest on two (2)
6 fronts: cost-effectiveness and efficiency. Firstly, hiring in-house legal counsel on a
7 full-time basis cost less than contracting private legal firms to address an agency’s
8 legal matters on a case-by-case basis. Secondly, in-house counsel provides
9 consistency in an agency’s day-to-day operations and a specialized, legal
10 understanding and awareness of the policies that govern it and the policies it
11 enforces.

12 *I Liheslatura* further finds that GEPA and the Bureau of Statistics and Plans
13 GCMP are mandated to adhere to critical and nuanced environmental protection and
14 management statutes that require its legal counsel to possess an institutional
15 understanding of the agencies’ governing policies and programs. With the rapid
16 updating of environmental policies prompted by the international call to sustain the
17 earth’s resources, GEPA and the Bureau of Statistics and Plans GCMP are faced with
18 authoritative decisions vital to our island’s way of life. As the Pacific islands inhabit
19 spaces at the frontlines of climate change, availing these agencies with consistent
20 legal expertise on a full-time basis will help ensure Guam is prepared for what
21 changes may come.

22 *I Liheslatura* further finds that environmental law attorneys:

23 (1) work on novel, cutting-edge legal issues that impact how Guam
24 EPA and the GCMP of the Bureau of Statistics and Plans carry out their
25 mission. Through their work in counseling agency program offices and
26 litigators and prosecutors at both the Office of the Attorney General of Guam
27 and the U.S. Attorney’s office in litigating legal issues of first impression in

1 federal and Guam courts, attorneys have a major role in shaping federal
2 environmental law;

3 (2) are given extraordinary responsibility throughout their careers.
4 Individual attorneys are often responsible for providing legal advice on
5 environmental programs affecting public health and the environment across
6 the island; and

7 (3) are highly proficient in particular areas of general or
8 environmental law. Environmental law attorneys are generally responsible for
9 providing all types of legal support, including legal advice on not only the
10 agencies' policy development process, rulemaking, and legislation, but also
11 on contracts, grants, managing property and money, protecting Guam
12 EPA's/GCMP's intellectual property, advising on eDiscovery, records,
13 information issues, working with Guam EPA's/GCMP's employees, and
14 litigation support. As a result, environmental law attorneys have an
15 opportunity to use and perfect a wide array of lawyering skills, including brief
16 and memo writing, client relationship skills, and legislative and regulatory
17 drafting.

18 *I Liheslatura* further finds that Guam law provides two (2) mechanisms for
19 hiring and retaining environmental law attorneys based on the merit system. These
20 are hiring the attorneys as classified employees based on the merit system, the other
21 is as independent contracts through the procurement process (Requests for
22 Proposals).

23 *I Liheslatura* further finds that Public Law 28-187 amended the classified
24 employment law that allowed government of Guam agencies to hire classified
25 employees on a limited-term basis. The intent of the law was to provide these
26 employees, who were competitively hired, to avail themselves of Civil Service
27 Commission protection (grievance and adverse action appeal rights). Although it is

1 possible to hire unclassified employees competitively, they were still at-will
2 employees and could be transferred to other agencies, detailed to other jobs, or
3 terminated at any time.

4 *I Liheslatura* recognizes that § 1422c(c) of the Chapter 8, 48 U.S.C. (Organic
5 Act of Guam) requires the Legislature to create a merit system and to use it as “far
6 as practicable” for promotions and appointments.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize the Guam
8 Environmental Protection Agency and the Guam Coastal Management Program of
9 the Bureau of Statistics and Plans to hire environmental law attorneys for their
10 exclusive use.

11 **Section 2.** A new § 1203.1 is *added* to Article 2 of Chapter 1, Title 5, Guam
12 Code Annotated, to read as follows:

13 **“§ 1203.1. Environmental Law Attorney for the Bureau of Statistics and
14 Plans Coastal Management Program.**

15 Notwithstanding any other provision of law, the Guam Coastal
16 Management Program of the Bureau of Statistics and Plans is authorized to
17 use its federal funds to hire an attorney for its exclusive use. The attorney shall
18 be hired pursuant to and in accordance with the Guam procurement process
19 for professional services.”

20 **Section 3.** A new § 45112 is *added* to Article 1 of Chapter 45, Title 10,
21 Guam Code Annotated, to read as follows:

22 **“§ 45112. Environmental Law Attorney for the Guam Environmental
23 Protection Agency.**

24 Notwithstanding any other provision of law, the Guam Environmental
25 Protection Agency is authorized to use its federal funds to hire an attorney for
26 its exclusive use. The attorney shall be hired pursuant to and in accordance
27 with the Guam procurement process for professional services.”