


I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 30-33 (COR)

Introduced by:

B. J.F. Cruz 

AN ACT TO *AMEND* SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE CLASSIFIED, IN-HOUSE COUNSEL.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 30102(a) of Chapter 30, Title 5 of the Guam Code Annotated is hereby *amended* to read:

“§ 30102. Department of Law, Cognizance.

(a) Notwithstanding any other provision of law, the Attorney General *shall* have cognizance of all legal matters, excluding the Legislative and Judicial Branches of the Government of Guam, involving the Executive Branch of the Government of Guam, its agencies, instrumentalities, public corporations, autonomous agencies and the Mayors Council, all hereinafter referred to as ‘agency.’ Where any other law permits any agency or autonomous public corporation to retain counsel other than the Attorney General, this *shall* not preclude said agency or public corporation from requesting the services of the offices of the Attorney General, provided that said agency or autonomous public corporation *shall* reimburse the Office

1 of the Attorney General for such services from funds of said
2 agency or autonomous public corporation. Said reimbursement shall
3 be deposited in the General Fund and credited to the Office of the
4 Attorney General. In addition, and notwithstanding any other law to
5 the contrary, any agency or autonomous public corporation of the
6 Government of Guam may advance funds to the office of the Attorney
7 General for services and incidental travel to be rendered by said office
8 on behalf of said agency or autonomous public corporation. Effective
9 sixty (60) days from the enactment of this act, any law permitting an
10 agency or autonomous public corporation to retain counsel other than
11 the Attorney General shall mean classified, in-house counsel. Any
12 attorney holding the position of full-time classified in-house counsel
13 for any governmental department or agency shall earn the salary set
14 by law for that position, or plus ten percent (10%) of that salary he or
15 she would earn as a government attorney, according to the attorney
16 pay schedule, with maximum additional credit for seniority and
17 experience as allowed in the attorney pay schedule to maximize his or
18 her salary, whichever is higher.

19 (b) An agency or autonomous public corporation of the
20 Government may retain outside counsel, in addition to the classified,
21 in-house counsel mandated in item (a), only when the department or
22 agency has certified in writing to the Attorney General of Guam, the
23 Speaker of I Liheslaturan Guåhan, and I Maga'lahen Guåhan, that
24 such outside counsel is essential to addressing a sole and specific legal
25 matter before the agency. Upon issuance of the certification by the
26 department or agency, the Attorney General shall confirm that such
27 outside counsel has demonstrated prior experience and competency

1 for a period not less than five (5) consecutive years in the subject
2 matter or specialized area for which the in-house counsel or Attorney
3 General's Office is unable to provide at that time. Nothing in this
4 section shall be construed as to apply to the Government of Guam
5 Retirement Fund, or to allow any agency of the Government to retain
6 outside legal counsel on an ongoing basis or to permit the payment of
7 any outside counsel for matters other than the sole and specific matter
8 certified by the department or agency and confirmed by the Attorney
9 General."