


I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular Session

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Bill No. 268-31 (COR)

Introduced by:

ADOLPHO B. PALACIOS, SR.



AN ACT RELATIVE TO AUTHORIZING THE DEPARTMENT OF LABOR TO CONTRACT FOR LEGAL SERVICES, AS DEEMED NECESSARY FOR THE CONDUCT OF ITS OPERATIONS; THROUGH ADDING A NEW SUBSECTION "D" TO §1114 OF CHAPTER 1, TITLE 22, GUAM CODE ANNOTATED, BUSINESS REGULATIONS, DEPARTMENT OF LABOR SERVICES AND AGREEMENTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 *I Liheslaturan Guahan* finds that the Department of Labor is
4 providing an extremely valuable service to the island community
5 through ensuring that labor laws affecting existing and new
6 employees within the work environment is effectively carried out
7 and complied with. In the past few years, the Department of Labor
8 has had to address several legal issues which required the timely and
9 proper coordination with the legal arm of the government of Guam,
10 the Office of the Attorney General. With the anticipated increase in
11 compliance and regulatory oversight in the upcoming years, which
12 will be directly attributed to the impending buildup affiliated with
13 the relocation of thousands of military personnel and their families to

1 Guam, it is critical that the department is provided with the flexibility
2 in acquiring necessary resources, i.e. legal counsel services, so that it
3 may effectively deal with legal matters and enforcement of labor laws
4 within a more timely manner and minimize any unnecessary delays
5 in addressing these concerns.

6 Furthermore, it is the intent of *I Liheslaturan Guahan* to provide
7 the Department of Labor with the option to acquire and contract legal
8 counsel services as deemed necessary to more effectively address
9 critical legal matters. Therefore, this provision would grant the
10 Department of Labor with the authority to contract for legal counsel
11 services, which shall be acquired within its budgetary allocation or
12 through the use of federal or other funds at its disposal.

13 **Section 2. Department of Labor Authorization to Contract for**
14 **Legal Counsel Services.**

15 A new subsection "d" is hereby added to §1114 of Chapter 1,
16 Title 22, Guam Code Annotated, relative to Business Regulations,
17 Department of Labor Consulting Services, Cooperative Activities,
18 Agreements, to read as follows:

19 **"§1114. Consulting Services, Cooperative Activities,**
20 **Agreements.**

21 In the performance of his functions, the Director is authorized:

22 (a) To appoint such advisory committees as he may determine
23 to be necessary for the effective performance of his functions;

1 (b) To use the services, personnel, and facilities of other public
2 or private agencies and instrumentalities (with the consent of such
3 agencies and instrumentalities), with or without reimbursement
4 therefor; ~~and~~

5 (c) To accept and disburse any grants, loans, or other assistance
6 under the terms of any Federal legislation, and to enter into such
7 agreements as may be necessary or appropriate for the receipt of such
8 grants, loans, or other assistance; and

9 d. To contract the acquisition of legal counsel services,
10 other than the Office of the Attorney General, for purposes of
11 addressing regulatory, compliance or other operational legal
12 requirements. The Department, to the greatest extent possible, shall
13 utilize the legal services of the Office of the Attorney General,
14 unless it deems it necessary that the utilization of external legal
15 counsel services would be more advantageous to the agency and
16 beneficial to the public. Any costs associated with the acquisition
17 of legal services, as authorized herein, shall be absorbed within the
18 agency's local operational budgetary allocation or through the use
19 of other funding sources it shall so identify."

20 **Section 3. Effective Date.**

21 The provisions contained herein shall be effective immediately
22 upon enactment of this Act.

23 **Section 4. Severability.**

1 If any provision of this Act or its application to any person or
2 circumstance is found to be invalid or contrary to law, such invalidity
3 shall not affect other provisions or applications of this Act which can
4 be given effect without the invalid provisions application, and to this
5 end the provisions of this Act are severable.

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