

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
281-32 (COR)	Chris M. Dueñas	AN ACT TO ADD A NEW SECTION 22401.2 TO ARTICLE 4, CHAPTER 22, OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM, THROUGH THE OFFICE OF THE GOVERNOR, TO RETAIN PROFESSIONALS TO PURSUE CLAIMS OF THE	2/21/14 2:05 p.m.	02/21/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic	08/28/14 10:00 a.m.		Fiscal Note Request 2/27/14 Fiscal Note Recd' 9/19/14



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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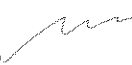
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 19, 2014

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Fiscal Notes & Waiver**

Hafa Adai!

Attached please find the fiscal notes and waiver for the bill numbers listed below. Please note that the fiscal note and waiver is issued on the bills as introduced.

FISCAL NOTE:

Bill No. 281-32 (COR)

Bill No. 285-32 (COR)

Bill No. 388-32 (LS)

Bill No. 395-32 (COR)

WAIVER:

Bill No. 346-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2014 SEP 19 AM 11:54

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

ANTHONY C. BLAZ
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
ACTING DEPUTY DIRECTOR

SEP 18 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 281-32(COR), 285-32(COR), 388-32(LS), 395-32(COR) and Fiscal Note Waiver on the following Bill No.: 346-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

ANTHONY C. BLAZ
Acting Director

Enclosures

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 281-32 (COR)**

AN ACT TO ADD A NEW SECTION 22401.2 TO ARTICLE 4, CHAPTER 22, OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM, THROUGH THE OFFICE OF THE GOVERNOR, TO RETAIN PROFESSIONALS TO PURSUE CLAIMS OF THE GOVERNMENT OF GUAM AGAINST THIRD PARTIES ON A CONTINGENCY FEE BASIS, AUTHORIZATION TO PAY FOR SAME, AND TO APPROPRIATE TO THE OFFICE OF THE GOVERNOR \$350,000 TO PAY FOR THE COSTS AND EXPENSES (NOT FEES) ASSOCIATED WITH BRINGING AN ACTION AGAINST THE FEDERAL GOVERNMENT FOR HARMS AT THE ORDOT DUMP.

Department/Agency Appropriation Information	
Dept./Agency Affected: Office of the Governor	Dept./Agency Head: Eddie Baza Calvo, Governor
Department's General Fund (GF) appropriation(s) to date:	6,522,917
Department's Other Fund (Specify) appropriation(s) to date: Indirect Cost Fund	253,561
Total Department/Agency Appropriation(s) to date:	\$6,776,478

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$593,827,815	\$0	\$593,827,815
FY 2014 Appro. (P.L. 32-68 through P.L. 32-170)	(\$593,956,429)	\$0	(\$593,956,429)
Sub-total:	(\$128,614)	\$0	(\$128,614)
Less appropriation in Bill	(\$350,000)	\$0	(\$350,000)
Total:	(\$478,614)	\$0	(\$478,614)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$350,000	1/	1/	1/	1/
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$350,000	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/ / Requested agency comments not received by due date /X/ Other: Time constraints

Analyst: 4/10/12 Date: 9/29/14 Director: [Signature] Date: **SEP 18 2014**
 Angela Flores, BMA IV ANTHONY C. BLAZ, Acting Director

Footnotes: 1/ A fiscal impact is anticipated relative to authorization of the government of Guam, through the Office of the Governor to retain qualified service providers and/or professionals on a contingency fee basis to pursue claims of the government of Guam against third parties, including, without limitation, the Federal Government and its agents and contractors, for reasons stated in the bill language. In the United States, the Federal government has sovereign immunity and may not be sued unless it waives its immunity or consents to the suit. The bill does not define funding limitations, and such, will subject the government of Guam to indefinite costs. Notwithstanding any other provision of law, any monies collected or recovered of up to 30% will be authorized to pay such service providers and/or professionals hired on a contingency fee basis. In Section 3 of the bill, the amount of \$350,000 is being appropriated from the General Fund to pay for costs and expenses (not attorneys' fees) incurred in the pursuit of claims against the Federal Government for harms caused at the Ordot Dump. The necessity to include language that the Department of Administration be directed to identify the fund source for this purpose, is not explained since Section 2 provides that the appropriation is made from the General



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February 27, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes– Bill Nos. 279-32 (LS), 280-32(LS),
and 281-32(COR)**

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
279-32 (LS)	T.R. Muna Barnes Aline A. Yamashita, Ph.D.	AN ACT TO PROVIDE FOR A GUAM ENVIRONMENTAL PROTECTION AGENCY- CONDUCTED SUSTAINABLE MATERIALS MANAGEMENT STUDY AND IMPLEMENTATION OF A ONE-YEAR PILOT PROJECT DEMONSTRATING THE ABILITY OF GUAM TO DEVELOP A BENEFICIAL USE FOR DISCARDED GLASS BOTTLES THAT WOULD, AMONG OTHER THINGS, DIVERT GLASS FROM THE LAYON MUNICIPAL SANITARY LANDFILL, AND FOR OTHER PURPOSES .
280-32 (LS)	V. Anthony Ada	AN ACT TO ADD A NEW CHAPTER 72 TO 9GCA RELATIVE TO BIAS-MOTIVATED CRIMES.
281-32 (COR)	Chris M. Dueñas	AN ACT TO ADD A NEW SECTION 22401.2 TO ARTICLE 4, CHAPTER 22, OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM, THROUGH THE OFFICE OF THE GOVERNOR, TO RETAIN PROFESSIONALS TO PURSUE CLAIMS OF THE GOVERNMENT OF GUAM AGAINST THIRD PARTIES ON A CONTINGENCY FEE BASIS, AUTHORIZATION TO PAY FOR SAME, AND TO APPROPRIATE TO THE OFFICE OF THE GOVERNOR \$350,000 TO PAY FOR THE COSTS AND EXPENSES (NOT FEES) ASSOCIATED WITH BRINING AN ACTION AGAINST THE FEDERAL GOVERNMENT FOR HARMS AT THE ORDOT DUMP.



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February 21, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 281-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 281-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session

Bill No. 281-32 (COR)

Introduced by:

Chris M. Duenas *ST*

AN ACT TO ADD A NEW SECTION 22401.2 TO ARTICLE 4, CHAPTER 22, OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM, THROUGH THE OFFICE OF THE GOVERNOR, TO RETAIN PROFESSIONALS TO PURSUE CLAIMS OF THE GOVERNMENT OF GUAM AGAINST THIRD PARTIES ON A CONTINGENCY FEE BASIS, AUTHORIZATION TO PAY FOR SAME, AND TO APPROPRIATE TO THE OFFICE OF THE GOVERNOR \$350,000 TO PAY FOR THE COSTS AND EXPENSES (NOT FEES) ASSOCIATED WITH BRINING AN ACTION AGAINST THE FEDERAL GOVERNMENT FOR HARMS AT THE ORDOT DUMP

2014 FEB 21 PM 2:05
Amended

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* hereby
2 recognizes that the government of Guam has possible claims against third parties,
3 including without limitation, the Federal Government, for tortious and unlawful conduct
4 and omissions, breaches of duty, violations of law, and damage and harm caused by such
5 parties to the government of Guam, the People of Guam, and/or our environment. *I*
6 *Liheslaturan Guahan* further finds that pursuing such claims can be time-consuming and
7 cost prohibitive and the government of Guam may not have the immediate funds and
8 resources available to pay for the fees and expenses associated with pursuing such claims,
9 although action on these claims could result in the recovery of tens of millions of dollars
10 and will help to prevent future unlawful conduct and activities. *I Liheslaturan Guahan*
11 further finds that pursuit of such claims requires the retention of professions with
12 specialized knowledge, experience, and resources. Accordingly, *I Liheslaturan Guahan*
13 finds that considering the importance and significance of pursuing such claims, the lack
14 of immediate funding, the recovery potential and the welfare of the Territory it may be
15 appropriate for the government of Guam to employ professionals and/or service providers
16 on a contingency fee basis so that the fees therefor would only be payable from the
17 recovery on such claims; recovery that will not exist if these claims are not pursued.

1 **Section 2.** A new section 22401.2 is hereby added to Article 4, Chapter 22 of Title 5 of
2 the Guam Code Annotated:

3 **Section 22401.2. Authorization and Appropriation for Contingency Fee**
4 **Agreements in Furtherance of Claims by the Government of Guam.**

5 (a) Authorization to Hire. The government of Guam, through the Office of the
6 Governor, is hereby authorized, subject to compliance with the applicable
7 Guam Procurement Law and Regulations, to retain qualified service providers
8 and/or professionals on a contingency fee basis to pursue claims of the
9 government of Guam against third parties, including, without limitation, the
10 Federal Government and its agents and contractors, for tortious and unlawful
11 conduct and omissions, breaches of duty, violations of law, breaches of
12 covenants and agreements and damage and harm caused by such third parties.

13 (b) Authorization to Pay for Fees. Notwithstanding any other provision of law,
14 the Office of the Governor is hereby authorized to use an amount not to
15 exceed thirty percent (30%) of any monies collected or recovered through the
16 efforts of such private service providers and/or professionals to pay for the
17 fees of such service providers and/or professionals.

18 **Section 3. Appropriation to Pay for Costs Associated with Bringing Action(s)**
19 **against the Federal Government for Harms at the Ordot Dump.** *I Liheslaturan*
20 *Guahan* hereby appropriates \$350,000 from the General Fund to pay for costs and
21 expenses (not attorneys' fees) incurred in the pursuit of claims against the Federal
22 Government for harms caused at the Ordot Dump. The Department of Administration is
23 directed to identify the fund source for this purpose.

24 **Section 4. Effective Date.** This Act shall become effective upon enactment.

25 **Section 5. Severability.** If any provisions of this Act or its application to any person or
26 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other
27 provisions or applications of this Act that can be given effect without the invalid provisions or
28 application, and to this end the provisions of this Act are severable.