



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

Office of the Speaker
Judith T. Won Pat, Ed.
Date 10/12/2010
Time 5:10pm
Received by [Signature]

2010 OCT 13 AM 9:43

OCT 11 2010

30-10-0827

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill 345-30 (LS) "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 30 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL TO RECOVER COSTS ASSOCIATED WITH PROVIDING STATUTORILY MANDATED LEGAL SERVICES TO AGENCIES AND PROGRAMS THAT ARE NOT SUPPORTED BY THE TAX-BASE OF THE GOVERNMENT OF GUAM," which I signed into law on August 28, 2010 as Public Law 30-188.

The legislation authorizes the office of the Attorney General ("OAG") to recover costs for providing mandated legal services to autonomous government agencies and other agencies not funded by the General Fund. This ability to recover the costs would enable the OAG to manage its mandates. However, the legislation sets a flat rate of \$200.00 per hour rather than establish a maximum rate of \$200.00 per hour. Law firms charge agencies a rate of \$150-\$300 per hour. The salaries of senior attorneys at the OAG range around \$40.00 per hour. Attorney salaries and benefits, support staff and other costs would still be lower than private firms. Thus, the OAG will receive a profit at the expense of government agencies that charge a rate to the people of Guahan for the services provided, which is inconsistent with the law's authorization to reimburse costs. Therefore, I request §30202 of Section 1 be amended to read as follows:

"The Office of the Attorney General is authorized to bill and recover from agencies, autonomous and semi-autonomous instrumentalities and public corporations of the government of Guahan its legal services and related costs (1) for the review of contracts where public law and/or federal law require the review and approval of the Attorney General as to form and legality; and (2) for its legal services and costs involving related administrative hearings or litigation and review of the procedures, documents and instruments relating to the requirements of Title 5 GCA §5150; provided that for both (1) and (2) the sources of funding for the contract

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or procurement, or for reimbursing the legal services and costs of the Office of the Attorney General, are not the General Fund or a Special Fund of the government of Guahan line agencies. The billable hourly rate of the Office of the Attorney General for recovery of its legal services and costs shall ~~be~~ not exceed Two Hundred Dollars (\$200.00) per hour.”

Sinseru yan Magâhet,

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO

I Maga'lâhen Guahan

Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 345-30 (LS), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 30 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL TO RECOVER COSTS ASSOCIATED WITH PROVIDING STATUTORILY MANDATED LEGAL SERVICES TO AGENCIES AND PROGRAMS THAT ARE NOT SUPPORTED BY THE TAX-BASE OF THE GOVERNMENT OF GUAM", was on the 16th day of August, 2010, duly and regularly passed.

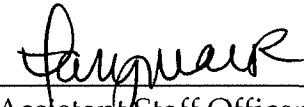


Judith T. Won Pat, Ed. D.
Speaker


Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17th day of Aug., 2010, at
4:40 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED


FELIX P. CAMACHO
I Maga'lahaen Guåhan

AUG 28 2010

Date: _____

Public Law No. P.L. 30-188

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 345-30 (LS)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance Retirement & Land,
and amended on the Floor.

Introduced by:

Telo Taitague
B. J.F. Cruz
Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 2 TO CHAPTER 30
OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO AUTHORIZING THE OFFICE OF THE ATTORNEY
GENERAL TO RECOVER COSTS ASSOCIATED WITH
PROVIDING STATUTORILY MANDATED LEGAL
SERVICES TO AGENCIES AND PROGRAMS THAT
ARE NOT SUPPORTED BY THE TAX-BASE OF THE
GOVERNMENT OF GUAM.**

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

2 **Section 1.** A new Article 2 is *added* to Chapter 30 of Title 5, Guam Code

3 Annotated, to read as follows:

1 programs that are *not* supported by the tax-base of the government of Guam.
2 This model includes *billable hours* for legal services and *legal cost* billing
3 for definable external expenses, such as postage, copying, notary fees and
4 process service. In recent hearings before *I Liheslaturan Guåhan*, witnesses
5 have testified that private law firms currently bill their clients from Two
6 Hundred Dollars (\$200) to Three Hundred Fifty Dollars (\$350) per hour.

7 It is the intent of *I Liheslatura* to provide the Office of the Attorney
8 General with the means to recover the cost of providing statutorily mandated
9 services to agencies and programs that are *not* funded by the General Fund
10 and Special Fund revenues of the government of Guam.

11 **§30202. Legal Fees for Certain Non-General Fund/ Special Fund**
12 **Supported Activities.** The Office of the Attorney General is authorized to
13 bill and recover from agencies, autonomous and semi-autonomous
14 instrumentalities and public corporations of the government of Guam its
15 legal services and *related costs* (1) for the review of contracts where public
16 law and/or federal law require the review and approval of the Attorney
17 General as to form and legality; and (2) for its legal services and costs
18 involving related administrative hearings or litigation and review of the
19 procedures, documents and instruments relating to the requirements of Title
20 5 GCA §5150; provided that for both (1) and (2) the sources of funding for
21 the contract or procurement, or for reimbursing the legal services and costs
22 of the Office of the Attorney General, are *not* the General Fund or a Special
23 Fund of the government of Guam line agencies. The billable hourly rate of
24 the Office of the Attorney General for recovery of its legal services and costs
25 *shall* be Two Hundred Dollars (\$200.00) per hour.

26 **§30203. Legal Services and Related Costs.** The Office of the
27 Attorney General is authorized to bill agencies for the actual costs related to

1 the legal services rendered under the provisions of §30202 of this Article.
2 Such legal services and costs include, but are *not* limited to, work conducted
3 by the staff of the Office of the Attorney General, such as an attorney,
4 paralegal, legal secretary and/or investigator, as well as postage, copying and
5 reproduction charges, transcription, notary fees, process service and other
6 actual costs necessary in performing the tasks required by the provisions of
7 §30202 of this Article.

8 **§30204. Agency Obligation.** An agency or autonomous or semi-
9 autonomous instrumentality or public corporation of the government of
10 Guam billed pursuant to this Article by the Attorney General *shall* make
11 payments within sixty (60) days after receipt of the invoice. The Attorney
12 General and each agency or autonomous or semi-autonomous
13 instrumentality or public corporation of the government of Guam may create
14 a Memorandum of Understanding (MOU) or Memorandum of Agreement
15 (MOA) to govern the relationship created by this Article.

16 **§30205. Special Fund Created.** Notwithstanding any law to the
17 contrary, there *shall* be established a fund called “The Office of the Attorney
18 General Special Fund” (the Fund). The Fund *shall* be maintained separate
19 and apart from other funds of the government of Guam by the Department of
20 Administration. All funds generated under this Article *shall* be deposited
21 into the Fund. The Fund *shall* be used by the Attorney General for the
22 reimbursement or recovery of the costs of its legal services and other related
23 costs, including, but *not* limited to, funding the employment and assignment
24 of an assistant attorney general and other staff to an agency, autonomous or
25 semi-autonomous instrumentality or public corporation of the government of
26 Guam. The Fund *shall not* be subject to *I Maga’lahi’s* transfer authority,
27 and any lapses in the Fund will carry over into the next fiscal year.”