

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

| BILL NO.                         | SPONSOR                   | TITLE   | DATE INTRODUCED        | DATE REFERRED | CMTE REFERRED  | PUBLIC HEARING DATE                                   | DATE COMMITTEE REPORT FILED | FISCAL NOTES                      |
|----------------------------------|---------------------------|---|------------------------|---------------|--|---|-----------------------------|-----------------------------------|
| <b>180-32<br/>(COR) - VETOED</b> | B. J.F. Cruz<br>T. C. Ada | 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 UNCLASSIFIED, IN-HOUSE COUNSEL. | 9/6/2013<br>11:45 a.m. | 09/09/13      | Committee on General Governmental Affairs and Cultural Affairs | 10/7/13<br>10 a.m.                                    | 1/27/2014<br>3:39 p.m       | Fiscal Note Requested<br>09/24/13 |
|                                  | <b>DATE PASSED</b>        | <b>TITLE</b>  | <b>TRANSMITTED</b>     |               | <b>DUE DATE</b>  | <small>DATE SIGNED BY I<br/>MAGA'LAHEN GUAHAN</small> | <b>PUBLIC LAW NO.</b>       | <b>NOTES</b>                      |
|                                  | 2/1/2014                  | 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.   | 2/1/14                 | 10:50 p.m.    | 2/13/2014  |   |                             | <b>Vetoed<br/>2/13/14</b>         |

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

2014 FEB 13 PM 4:55

February 13, 2014

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-14-127  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date: 2.13.14  
Time: 4:39pm  
Received by: [Signature]

Dear Madam Speaker,

Attached is Bill No. 180-32 (COR), *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*, which I have **vetoed**.

Throughout our country's centuries-long experiment with democracy, we have always sought to make governance more perfect, and we have never sought to make it less so. Yet Bill 180-32 does just this. Its effect is insidious, and though it comes in the guise of a cost-saving measure, its economy is false.

By disallowing the retention of outside counsel except only on a case-by-case basis to address "a sole and specific" legal matter, and then requiring that certification of the fact be made not only to the Attorney General but also to the Speaker of *I Liheslatura*, Bill 180-32 intrudes upon the Governor's Organic Act authority to administer the Executive Branch. It further places the Attorney General in the position of possibly engaging in an unethical conflict of interest. Particularly in cases where the Attorney General is the plaintiff and the agency is a defendant, the Attorney General should not be permitted to confirm and thereby approve the outside counsel the agency has chosen to defend itself.

More than two hundred years ago, then-Mr. James Madison cautioned us that we need always avoid dependency among our branches of government, that we must guard against tendencies of one branch to encroach upon the powers of another, and that the great task of each branch is to fend off usurpations of the others. If we do not faithfully undertake these responsibilities, power will become concentrated in one branch, without check, and the voice of the governed silenced. The People charge the Governor, and no other, with exercising Executive powers. It can be said, without quibble, that this entails the exercise of discretion, particularly in a matter so personal and fundamental as the choice of legal counsel. Bill 180-32 places a great measure of that discretion, for example an executive agency's conduct of suit, in the hands of the



Attorney General. While it is true that presently the Attorney General too is elected to exercise certain powers, no person will say he or she is elected as a co-Executive.

A hallmark of my administration has been prudent economy and the exercise of cost saving measures. The maintenance of Organic balance and the safeguard of democratic principles underlying one's choice of legal counsel must not be impaired at the cost of false economy.

*Senseramente,*



EDDIE BAZA CALVO

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

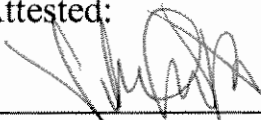
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Substitute Bill No. 180-32 (COR), "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,"** was on the 1<sup>st</sup> day of February, 2014, duly and regularly passed.



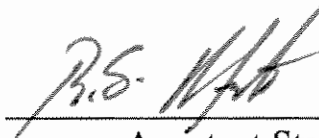
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 1<sup>st</sup> day of FEB,  
2014, at  
10:50 o'clock P.M.



**Assistant Staff Officer**  
**Maga'lahi's Office**

APPROVED:



**EDWARD J.B. CALVO**  
***I Maga'lahen Guåhan***

Date: FEB 13 2014

Public Law No. \_\_\_\_\_