

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
83-38 (COR)	V. Anthony Ada Sabina Flores Perez	AN ACT TO ADD A NEW § 1203.1 TO ARTICLE 2 OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO EMPLOY ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE.	3/6/25 9:46 a.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 83-38 (COR)

Introduced by:

V. Anthony Ada 
Sabina F. Perez 

AN ACT TO *ADD* A NEW § 1203.1 TO ARTICLE 2 OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND A NEW § 45112 TO ARTICLE 1 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE BUREAU OF STATISTICS AND PLANS GUAM COASTAL MANAGEMENT PROGRAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO EMPLOY ENVIRONMENTAL LAW ATTORNEYS FOR THEIR EXCLUSIVE USE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the enactment of Public Law 37-130 did not solve the needs of the Guam
4 Environmental Protection Agency (GEPA) and The Guam Coastal Management
5 Program (GCMP) to employ full-time attorneys for legal services. Both these
6 entities are federally funded and grantor federal agencies both encourage use of
7 federal funds for the hiring of a full-time attorney.

8 *I Liheslaturan Guåhan* further finds that the main issues, in the past, was
9 employment of attorneys with either local or federal funds but diverting the attorneys
10 to provide legal services for agencies and programs that are unrelated to GEPA's and
11 GCMP's missions.

12 *I Liheslaturan Guåhan* further finds Public Law 37-130 requires the obtain of
13 legal services through the procurement process only and does not allow employment

1 of classified employees. The enactment of Public Law 28-187 was intended
2 specifically for federally funded employees. It allowed employees to be hired
3 competitively through the merit system, provided grievance and adverse action
4 appeals rights, protection from political activity but allowed for termination in the
5 event that federal funds ceased to be available to fund their employment.

6 The proscription on the use of classified employees for legal services is
7 inconsistent with the provisions of 48 U.S.C § 1422c(a) and the expectations of
8 federal grantors for personnel staffing of state and local grantee agencies.

9 It is the intent of *I Liheslaturan Guåhan* to amend the sections of law enacted
10 by Public Law 37-130 to allow the GEPA and the GCMP to each employ a staff
11 attorney.

12 **Section 2.** A new § 1203.1 is *added* to Article 2 of Chapter 1, Title 5, Guam
13 Code Annotated, to read as follows:

14 **“§ 1203.1. Environmental Law Attorney for the Bureau of Statistics and
15 Plans Coastal Management Program.**

16 Notwithstanding any other provision of law, the Guam Coastal
17 Management Program of the Bureau of Statistics and Plans is authorized to
18 use its federal funds to hire an attorney for its exclusive use. The attorney
19 shall be hired as a classified employee pursuant to the provisions of § 4103(g)
20 and § 4103 (h) of Chapter 4, Title 4 Guam Code Annotated or to procure the
21 services of an attorney pursuant to and in accordance with the Guam
22 Procurement process for professional services.”

23 **Section 3.** A new § 45112 is *added* to Article 1 of Chapter 45, Title 10,
24 Guam Code Annotated, to read as follows:

25 **“§ 45112. Environmental Law Attorney for the Guam
26 Environmental Protection Agency.**

1 Notwithstanding any other provision of law, the Guam Environmental
2 Protection Agency is authorized to use its federal funds to hire an attorney for
3 its exclusive use. The attorney shall be hired as a classified employee pursuant
4 to the provisions of § 4103(g) and § 4103 (h) of Chapter 4, Title 4 Guam Code
5 Annotated or to procure the services of an attorney pursuant to and in
6 accordance with the Guam Procurement process for professional services.”