

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 <i>AMEND</i> § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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.	3/14/25 4:23 p.m.	Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure.	Request: 3/14/25 5/2/25	3/31/25	5/6/25 As Amended.	



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

May 5, 2025

Honorable Frank F. Blas, Jr

Speaker

Mina'trentai Ocho na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: Honorable V. Anthony Ada 
Chairperson, Committee on Rules

Re: Committee Report on Bill No. 83-38 (COR) as Amended

Håfa adai Speaker Blas:

Transmitted herewith is the Committee Report on the **Bill No. 83-38 (COR) – As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure - V. Anthony Ada, Sabina Flores Perez - “AN ACT TO AMEND § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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.”**

Committee votes are as follows:

<u>3</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',



V. Anthony Ada



COMMITTEE ON RULES

RECEIVED:

May 5, 2025 9:01 a.m.
Marie Crisostomo



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT

Bill No. 83-38 (COR)

As Amended by the Committee on Land, Environment, Housing, Agriculture,
Parks and Infrastructure

Introduced by V. Anthony Ada, Sabina Flores Perez

“AN ACT TO AMEND § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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.”

by Vice Speaker V. Anthony Ada



OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

May 2, 2025

MEMORANDUM

To: All Members
Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure

From: Vice Speaker V. Anthony Ada
Committee Chairperson

Subject: Committee Report on 83-38 (COR) as Amended

Transmitted herewith for your consideration is the Committee Report on **Bill No. 83-38 (COR) As Amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure** - "AN ACT TO AMEND § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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." – V. Anthony Ada, Sabina Flores Perez

This report includes the following:

- Copy of COR Referral of Bill No. 83-38 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies & Supporting Documents
- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 83-38 (COR) as Introduced
- Copy of Bill No. 83-38 (COR) As Amended by the Committee
- Copy of Bill No. 83-38 (COR) with Markup
- Copy of Fiscal Note

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

March 14, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Christopher M. Dueñas** *SD*
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill No. 83-38 (COR)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 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.”

Please ensure that the subject bill is referred to the Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure chaired by Vice Speaker V. Anthony Ada. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.



Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

FIRST NOTICE of Public Hearing: March 31, 2025

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Mon, Mar 24, 2025 at 8:22 AM

Bcc: phnotice@guamlegislature.gov, Arlene Acfalle <arlene.acfalle@epa.guam.gov>, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, glenn.sannicolas@epa.guam.gov**FOR IMMEDIATE RELEASE**

March 24, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media
From: Vice Speaker V. Anthony Ada
Re: FIRST NOTICE of Public Hearing: March 31, 2025

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure will conduct a public hearing on **Monday, March 31, 2025 at 2:00 pm** in the Public Hearing Room of the Guam Congress Building. The agenda is as follows:

- The reappointment of **Steven P. Carbullido** as a Member of the Board of Directors of the Guam Environmental Protection Agency.
- **Bill No. 83-38 (COR)** – V. Anthony Ada - 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.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov for further guidance.

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The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan's live feed. Written testimonies may be sent via email at vicespeakertonyada@guamlegislature.gov.

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Office of Vice Speaker V. Anthony Ada



38th Guam Legislature
I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910
Phone: (671) 989-0855
Email: vicespeakertonyada@guamlegislature.gov

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2 attachments

 **2025-03-24 FIRST NOTICE of Public Hearing.pdf**
809K

 **Bill No. 83-38 (COR).pdf**
895K



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

March 24, 2025

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FIRST NOTICE of Public Hearing: March 31, 2025

FIRST NOTICE of Public Hearing: March 31, 2025

PUBLIC HEARING

 **Posted on:** 03/24/2025 10:00 AM

 **Posted by:** Erin Grajek

 **Public Hearing Date:** 03/31/2025 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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FOR IMMEDIATE RELEASE

March 24, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Vice Speaker V. Anthony Ada

Re: FIRST NOTICE of Public Hearing: March 31, 2025

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§ The reappointment of **Steven P. Carbullido**

(https://guamlegislature.gov/38th_Guam_Legislature/Mess_Comms_38th/Doc.%20No.%2038GL-25-0196.pdf) as a Member of the Board of Directors of the Guam Environmental Protection Agency.

§ **Bill No. 83-38 (COR)**

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2083-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2083-38%20(COR).pdf)) – V. Anthony Ada - 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.

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AD SCRIPT – 03/24/2025

FIRST NOTICE OF PUBLIC HEARING: MARCH 31, 2025

March 24, 2025

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INVOICE: I LIHESLATURAN GUAHAN-38TH GUAM LEGISLATURE



600 Harmon Loop Road Ste 102
Dededo, GU 96929
Tel: 671.637.5826
Mobile: [REDACTED]

To: I LIHESLATURAN GUAHAN
38TH GUAM LEGISLATURE
Attn: Accounting Department

DATE 3/21/2025
INVOICE NO. 2720-00009-0000M

PURCHASE ORDER 2538PO060

Date(s)	Service Details	Amount
3/21/2025	COMMITTEE ON LAND, ENVIROMENT, HOUSING AGRICULTURE, PARKS AND INFRASTRUCTURE PUBLIC HEARING NOTICE 1: 3.24.25 (3.31.25) Please make check payable to: KUAM PAYMENT IS DUE UPON RECEIPT OF INVOICE. THANK YOU.	\$ 160.00
		\$ 160.00

Please pay
amount stated
above.

Should you have any questions please contact: 671-687-8879 or 671-635-5836.

SECOND NOTICE of Public Hearing: March 31, 2025

Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

Sat, Mar 29, 2025 at 1:00 PM

Bcc: phnotice@guamlegislature.gov, stevenpcarbullido@gmail.com, Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>, Glenn San Nicolas <glenn.sannicolas@epa.guam.gov>, lolalg@bsp.guam.gov, "matthew.santos@bsp.guam.gov" <matthew.santos@bsp.guam.gov>

FOR IMMEDIATE RELEASE

March 29, 2025

MEMORANDUM

To: All Senators, Stakeholders, Media
From: Vice Speaker V. Anthony Ada
Re: SECOND NOTICE of Public Hearing: March 31, 2025

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Office of Vice Speaker V. Anthony Ada

38th Guam Legislature

I Mina'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 2nd Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

Phone: (671) 989-0855

Email: vicespeakertonyada@guamlegislature.gov

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2 attachments



2025-03-29 SECOND NOTICE of Public Hearing.pdf

810K



Bill No. 83-38 (COR).pdf

895K



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

FOR IMMEDIATE RELEASE

March 29, 2025

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SECOND NOTICE of Public Hearing: March 31, 2025

SECOND NOTICE of Public Hearing: March 31, 2025

PUBLIC HEARING

 **Posted on:** 03/29/2025 10:00 AM

 **Posted by:** Erin Grajek

 **Public Hearing Date:** 03/31/2025 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF VICE SPEAKER V. ANTHONY ADA (/notices?division_id=261)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

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March 29, 2025

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§ **Bill No. 83-38 (COR)**

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2083-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2083-38%20(COR).pdf)) – V. Anthony Ada - 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.

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INVOICE: I LIHESLATURAN GUAHAN-38TH GUAM LEGISLATURE



600 Harmon Loop Road Ste 102
Dededo, GU 96929
Tel: 671.637.5826
Mobile: [REDACTED]

To: I LIHESLATURAN GUAHAN
38TH GUAM LEGISLATURE
Attn: Accounting Department

DATE 3/25/2025
INVOICE NO. 2720-00010-0000M

PURCHASE ORDER 2538PO060

Date(s)	Service Details	Amount
3/25/2025	COMMITTEE ON LAND, ENVIROMENT, HOUSING AGRICULTURE, PARKS AND INFRASTRUCTURE PUBLIC HEARING NOTICE 2: 3.29.25 (3.31.25) Please make check payable to: KUAM PAYMENT IS DUE UPON RECEIPT OF INVOICE. THANK YOU.	\$ 160.00
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OFFICE OF THE VICE SPEAKER V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

Public Hearing

Public Hearing Room · Guam Congress Building
Monday, March 31, 2025 – 2:00 pm

Agenda

The reappointment of **Steven P. Carbullido** as a Member of the Board of Directors of the Guam Environmental Protection Agency.

Bill No. 83-38 (COR) – V. Anthony Ada - 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.

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Written testimonies may be submitted to the Office of Vice Speaker V. Anthony Ada at (671) 989-0855 or via electronic mail at vicespeakertonyada@guamlegislature.gov.

The Public Hearing will broadcast LIVE on local television (GTA Channel 21, Docomo Channel 117) and stream online via i Liheslaturan Guåhan's YouTube live feed.



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina Trentai Ocho Na Liheslaturan Guahan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

PUBLIC HEARING SIGN-IN SHEET

Monday, March 31, 2025 · 2:00 pm · Public Hearing Room, Guam Congress Building

Bill No. 83-38 (COR) - V. Anthony Ada - 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.

NAME	AGENCY/ORGANIZATION	POSITION	TESTIMONY	CONTACT INFO
1. Michelle Lastimoza	Guam EPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☒	
2. Lolita E. Gomez	BSP	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☒	
3. GUAN V. SANNIKOLAS	Guam EPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4. Arlene MS Acfalle	Guam EPA	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5. Steven P. Carbullido	GEPA Board	SUPPORT ☒ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



GUAM ENVIRONMENTAL PROTECTION AGENCY • AHIENSIA PRUTEKSIÓN LINA LA GUÅHAN
LOURDES A. ITON GUERRERO • GOVERNOR OF GUAM • JOSHUA F. TENORIO • LIEUTENANT GOVERNOR OF GUAM
MICHELLE C. R. LASTIMOZA • ADMINISTRATOR

March 31, 2025

The Honorable V. Anthony Ada

Vice Speaker

Committee on Land, Environment, Housing,
Agriculture, Parking and Infrastructure

I Mina 'trentai Ocho Na Liheslaturan Guåhan

Guam Congress Building, 2nd Floor

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: Written Testimony in Support of Bill 83-38

Hafa Adai Vice Speaker Ada and members of the Committee,

The Guam Environmental Protection Agency (Guam EPA) urges the passage of this measure. As you are all aware, our environmental laws and regulations provide the framework for protection, conservation, and sustainable use of our environment and natural resources. More importantly, these laws protect people from significant health risks, and authorize us to develop and enforce environmental regulations within the regulated community in order to correct or stop activities that endanger the environment or public health.

Since the enactment of federal environmental laws in the 1970s, the environmental law field has grown by leaps and bounds. New laws tackle environmental, health and safety, energy, climate change, and natural resources challenges. Environmental laws are an enormous and complex specialty. Those interested in this type of practice can expect a heavy administrative, civil, and criminal law component. An attorney representing Guam EPA may focus on water, land use, pollution, solid waste, hazardous wastes, climate change, energy, wildlife and marine conservation, to name just a few.

Guam EPA is currently with (albeit just recently) limited legal representation; with one full day a week. For over a year, this left the agency without representation to defend agency actions under environmental regulations or bring enforcement actions pursuant to environmental laws. Prior assistant attorneys general who have represented the Agency have provided counsel on drafting policy, advised on pending legislation, compliance and enforcement cases, and advocated on our behalf on a wide range of issues involving public interest or participating in negotiations on behalf of Guam EPA for individuals or communities impacted by environmental harm.

It is because Guam EPA operates in the context of federal and local statutes, regulations, and policies that it necessitates having legal representation. An in-house legal counsel will help to preserve due process for enforcement and compliance cases, provide guidance and advice when the Agency seeks clarity in parts of regulations that are not clear so that we can make sound government decisions to protect the community. Additionally, an in-house legal counsel will review draft statutes, rules and regulations, assist with the



GUAM EPA | 17-3304 Mariner Avenue Tiyan Barrigada, Guam 96913-1617 | Tel: (671) 300.4751/2 | Fax: (671) 300.4531 | epa.guam.gov
ALL LIVING THINGS OF THE EARTH ARE ONE • MANUNU TODU I MANLA'LA'

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review of contracts and RFPs and liaise with the AG's Solicitor's Division to ensure we're complying with the procurement process.

We need this invaluable technical asset. One that plays a crucial role in our agency; not only by navigating the legal system or building a strong case or defense, but ensuring our rights and the rights of those accused of wrongdoing are not violated. In-house counsel advocates for us, represents us, mediates and negotiates for us. Bottom line, in-house counsel protects us. We need legal representation.

Thank you for the opportunity to provide testimony today. I'm available to answer any questions that you may have.

Dangkolu na si Yu'us ma'åse'.



MICHELLE C. R. LASTIMOZA
Administrator





LOLA E. LEON GUERRERO
Director
MATTHEW C. SANTOS
Deputy Director

BUREAU OF STATISTICS AND PLANS

Sagan Planu Siha Yan Emfotmasion



LOURDES A. LEON GUERRERO
Governor of Guam
JOSHUA F. TENORIO
Lieutenant Governor

March 31, 2025

Honorable V. Anthony Ada
Office of Vice Speaker V. Anthony Ada
38th Guam Legislature
I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Written Testimony in Support of BILL NO. 83-38 (COR)

Hafa Adai Senator Ada! The Bureau of Statistics and Plans (BSP) is pleased to provide written testimony in support of Bill No. 83-38 (COR), titled *"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."*

Public Law 37-130 authorized the hiring of an attorney through the Guam procurement process for professional services, and Bill No. 83-38 (COR) seeks to expand this flexibility by allowing BSP to hire an attorney through the classified process.

However, BSP respectfully requests the option to hire the attorney through additional employment mechanisms, such as Temporary Appointment, Limited-Term Appointment, or Competitive Limited-Term Appointment, to address federal funding challenges. This request stems from the inability of CZM federal funds to sustain the high annual cost of a classified attorney without impacting the program. These alternative employment actions allow BSP to address the immediate and pressing need for an environmental attorney while avoiding long-term financial commitments tied to the indefinite funding of the position.

To address this, BSP respectfully proposes the inclusion of the following language: *"The attorney shall be hired as a classified employee pursuant to the provisions of § 4103(g)*

and § 4103(h) of Chapter 4, Title 4, Guam Code Annotated, or hired through the Limited-Term Appointment, Temporary Appointment, or Competitive Limited-Term Appointment hiring option, or their services procured pursuant to and in accordance with the Guam procurement process for professional services."

While Limited-Term Appointment, Temporary Appointment, and Competitive Limited-Term Appointment (CLTA) employees are unclassified, these hiring mechanisms are utilized by the Government of Guam for positions funded by federal grants or programs. They allow agencies to recruit individuals for specific roles without classifying them as regular employees. These appointments are directly tied to the availability of federal funding, meaning the employment duration is limited to the funding period. This approach provides flexibility for agencies to efficiently address staffing needs for federally funded projects.

In conclusion, BSP supports Bill No. 83-38 (COR) and respectfully requests that the bill's language be amended to expand hiring options to include Limited-Term Appointment, Temporary Appointment, and Competitive Limited-Term Appointment.

I greatly appreciate your kind consideration of this request. Should you have any inquiries, please do not hesitate to contact myself, GCMP Administrator Edwin Reyes, BSP ASO Terry L. Cuabo by email at lolalg@bsp.guam.gov, edwin.reyes@bsp.guam.gov or terry.cuabo@bsp.guam.gov.

Si Yu'os Ma'åse',



LOLA E. LEON GUERRERO

Director, Bureau of Statistics and Plans



LOLA E. LEON GUERRERO
Director
MATTHEW C. SANTOS
Deputy Director

BUREAU OF STATISTICS AND PLANS

Sagan Planu Siha Yan Emfotmasion



LOURDES A. LEON GUERRERO
Governor of Guam
JOSHUA F. TENORIO
Lieutenant Governor

April 2, 2025

Honorable V. Anthony Ada
Office of Vice Speaker V. Anthony Ada
38th Guam Legislature
I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 2nd Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Written Testimony in Support of BILL NO. 83-38 (COR)

Hafa Adai Vice Speaker Ada,

The Bureau of Statistics and Plans (BSP) is pleased to update its March 31, 2025, written testimony supporting Bill No. 83-38 (COR), reflecting BSP's review and discussion with the Department of Administration Human Resources Division (DOA-HR) to clarify §§ 4103(g) and 4103(h) of Chapter 4, Title 4, Guam Code Annotated.

Based on our discussion with DOA-HR, I am proposing the following revision to the draft language on Bill 83-38 to align with DOA-HR policies. The current draft prohibits BSP and/or GEPA from hiring a classified employee. The revised language introduces flexible hiring options, enabling our agencies to hire a natural resources attorney with federal funds while also taking into consideration federal funding and operational constraints.

Thus, BSP respectfully proposes the following recommended language to Bill No. 83-38 under §1203.1 and §45112: "The attorney shall be hired as a classified employee pursuant to the Government of Guam personnel rules and regulations; the attorney shall be hired using classified positions pursuant to the provisions of § 4103(g) and 4103(h) of Chapter 4, Title 4, Guam Code Annotated; the attorney shall be hired through a Limited-Term Appointment or Temporary Appointment; or the attorney's services shall be procured in accordance with the Guam procurement process for professional services."

In conclusion, BSP supports Bill No. 83-38 (COR) and respectfully requests that the bill's language be amended to align with DOA HR policies and allow for other hiring options.

I greatly appreciate your kind consideration of this request. Should you have any inquiries, please do not hesitate to contact me, BSP ASO, Mr. Terry L. Cuabo, or GCMP Administrator, Mr. Edwin Reyes by email at lolalg@bsp.guam.gov, terry.cuabo@bsp.guam.gov, and edwin.reyes@bsp.guam.gov, respectively.

Sincerely,

LOLA E. LEON GUERRERO
Director



OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE VOTE SHEET

Bill No. 83-38 (COR) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure - "AN ACT TO AMEND § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1 TO 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." – V. Anthony Ada/Sabina Flores Perez

	SIGNATURE/ DATE OF SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Vice Speaker V. Anthony Ada Chairperson	 05/02/25	✓				
Senator Christopher M. Dueñas Vice Chairperson	EVOTE 05/02/25			✓		
Speaker Frank F. Blas, Jr. Member	EVOTE 05/03/25			✓		
Senator Sabrina Salas Matanane Member	EVOTE 05/02/25			✓		
Senator Shelly V. Calvo Member						
Senator Vincent A.V. Borja Member						
Senator Sabina F. Perez Member	EVOTE 05/04/25	✓				
Senator Chris Barnett Member	EVOTE 05/02/25	✓				
Senator Tina Muña Barnes Member						
Senator Joe S. San Agustin Member	EVOTE 05/04/25			✓		



Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>
To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Fri, May 2, 2025 at 5:26 PM

To do pass.



The Office of Senator Chris Barnett

I Mina'trentai Ocho Na Liheslaturan Guåhan

Suite 202 · Calvo- Arriola Building · 259 Martyr St. · Hagåtña, Guam 96910
(671)969-3586 · malafunkshun@guamlegislature.gov

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URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Senator Chris Duenas <senator.duenas@guamlegislature.gov>

Fri, May 2, 2025 at 5:20 PM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: "Speaker Frank F. Blas Jr." <speakerblas@guamlegislature.gov>, Office Senator Bri

<office.senatorbri@guamlegislature.gov>, Office of Senator Shelly Calvo

<officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office

Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes

<senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett

<malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only

Office of Senator Christopher M. Dueñas

Chairman, Committee on Government Finance and Operations

259 Martyr St., Hagatna, Guam 96910

senator.duenas@guamlegislature.gov

(671) 989-9554

[Quoted text hidden]



Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Sat, May 3, 2025 at 11:06 PM

To: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Cc: Senator Chris Duenas <senator.duenas@guamlegislature.gov>, "V. Anthony Ada Vice Speaker" <vicespeakertonyada@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To report out

Sent from my iPhone

On May 2, 2025, at 5:32 PM, Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov> wrote:

[Quoted text hidden]



Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Joe S. San Agustin <senatorjoessanagustin@gmail.com>

Sun, May 4, 2025 at 4:53 AM

To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Cc: Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>, Senator Chris Duenas <senator.duenas@guamlegislature.gov>, "V. Anthony Ada Vice Speaker" <vicespeakertonyada@guamlegislature.gov>, officeofsenatorshellycalvo@guamlegislature.gov, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>

To report out

[Quoted text hidden]



Vice Speaker V. Anthony Ada <vicespeakertonyada@guamlegislature.gov>

URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Office Senator Perez <office.senatorperez@guamlegislature.gov>

Sun, May 4, 2025 at 10:11 AM

To: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>

Cc: Chris Duenas <senator.duenas@guamlegislature.gov>, "Speaker Frank F. Blas Jr."

<speakerblas@guamlegislature.gov>, Office Senator Bri <office.senatorbri@guamlegislature.gov>, Office of Senator

Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja

<vince.borja@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator

Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin"

<senatorjoessanagustin@gmail.com>

To do pass.

[Quoted text hidden]

URGENT REQUEST for Evote: CORRECTED CR Bill No. 83-38 (COR)

Senator Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Fri, May 2, 2025 at 5:31 PM

To: Senator Chris Duenas <senator.duenas@guamlegislature.gov>Cc: "Vice Speaker V. Anthony Ada" <vicespeakertonyada@guamlegislature.gov>, "Speaker Frank F. Blas Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Senator Vince Borja <vince.borja@guamlegislature.gov>, Office Senator Perez <office.senatorperez@guamlegislature.gov>, Senator Tina Muna Barnes <senator.munabarnes@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>

To Report Out Only.

[Quoted text hidden]

All the best,

Isaiah Aguon

Director of Strategic Communications

**Office of Legislative Secretary****SENATOR SABRINA SALAS MATANANE***I Mina'trentai Ocho Na Liheslaturan Guåhan* | 38th Guam Legislature

Chairperson, Committee on Health and Veterans Affairs

163 W. Chalan Santo Papa, Hagåtña, Guam 96910

☎ office.senatorbri@guamlegislature.gov

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OFFICE OF THE VICE SPEAKER

V. Anthony Ada

I Mina'trentai Ocho Na Liheslaturan Guåhan | 38th Guam Legislature

Chairperson - Committee on Land, Environment, Housing, Agriculture, Parks, and Infrastructure

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 83-38 (COR) was introduced on **March 6, 2025**, by Vice Speaker V. Anthony Ada and was subsequently referred to the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure on **March 14, 2025**.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure convened a public hearing on March 31, 2025, at 2:00 pm at the Public Hearing Room of the Guam Congress Building.

Public Notice Requirements

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on **March 17, 2025** (5-Day Notice), and again on **March 29, 2025** (48-Hour Notice).

Senators Present

Vice Speaker V. Anthony Ada – Chairperson
Eulogio Shawn Gumataotao
Telo T. Taitague

Attendees

Michelle Lastimoza, Director – Guam Environmental Protection Agency
Lola Leon Guerrero, Director – Bureau of Statistics & Plans

Written Testimony Provided by

Michelle Lastimoza, Director – Guam Environmental Protection Agency
Lola Leon Guerrero, Director – Bureau of Statistics & Plans

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was called to order at **2:00 PM**

[See testimony proceedings on the appointment of Steven P. Carbullido to the Board of Directors of the Guam Environmental Protection Agency]

Michelle Lastimoza, Director – Guam Environmental Protection Agency: [Written testimony presented orally.]

Lola Leon Guerrero, Director – Bureau of Statistics & Plans: [Written testimony presented orally.]

Chairman V. Anthony Ada referred to Bill No. 349-37 from last term only allowing procurement of legal services through the procurement process and a meeting where it was mentioned that these agencies can use federal funds to employ staff attorneys, agencies expressing frustration over the going rate for contracted attorneys; referred to understanding volumes of federal laws, regulations and procedures that can be minimized by having a staff attorney.

Senator Eulogio Shawn Gumataotao mentioned 5GCA and current Guam law allowing any agency to retain council other than the attorney general subject to reimbursement and asked what challenges EPA and BSP have experienced with current Guam law; asked what powers an in-house counsel will have in bringing suit against an individual or comment that might be in conflict with their agencies; and asked what information is available regarding the availability of attorneys.

Ms. Lastimoza said that they had a full-time AAG assigned to them who then became part-time and worked with several agencies and that one day a week was not going to cut it with their enforcement and they have a lot of pending cases that require full attention; said that there was a concern of whether or not an in-house attorney represents the Government of Guam or not and that it's a question for the AG whether or not their in-house legal counsel could serve as a representative of his office; and that she would hope for someone who has served as their AAG in the past would be applying for this position or classified employees currently that would be interested in a lateral transfer to their agency.

Ms. Leon Guerrero said they've had MOUs with OAG and have had several attorneys but when they provide the information, define scope of work and need immediate support, sometimes those services are not provided in time and they'd have to deobligate obligated funds because of grants expiring; said that they are not an enforcement entity and that with litigation and prosecution and with support services they had with the AG, it was more on the civil litigation side; and that they do not have sufficient funds to sustain a full time classified attorney and they are currently doing market research to see what services can support them and they plan on doing an RFP for legal services.

Senator Telo T. Taitague asked the panel if they interpret Bill 83 to mean that they can hire any attorney and that it doesn't matter if it's an environmental attorney.

Ms. Leon Guerrero referenced their market research again and if they wanted to add language to specify an attorney with an environmental background.

Ms. Lastimoza said that when they did market research, they determined that they would put the specific requirement in an RFP for an attorney with environmental law understanding.

The public hearing was adjourned at **3:00 pm.**

III. FINDINGS & RECOMMENDATIONS

The Committee finds that since the enactment of Public Law 37-130, little progress has been made with either the Guam Environmental Protection Agency (GEPA) or the Guam Coastal Management Program (GCMP) in hiring an attorney for their exclusive use. Both attorneys' salaries will federally funded.

Currently, both agencies can hire attorneys in the unclassified service including competitive limit term appointments. PL 37-130 allows these agencies to hire attorneys on contract but the cost to hire a contract attorney is generally prohibitive as rates for service can easily exceed \$250 per hour.

Using the approach of the limited term classified employee designation that is currently allowed under Public Law, attorneys can be hired in the classified service, avail or the grievance and adverse action appeals processes while limiting their term of employment to the availability of the federal funds source. Since unplanned or unannounced transfer or details to agencies other than the agency for which the attorney is hired is grounds for filing a grievance, it is unlikely that any attorneys hire through the means enacted in this bill will be detailed or assigned unrelated duties or work at an unrelated agency.

The committee further finds that both agencies are authorized and encouraged by their grantor federal agencies to use their federal funds to obtain full-time legal services

Therefore, the committee concludes that by allowing the GEPA and the GCMP the option to hire attorneys through classified employment with term that is contingent on federal funds is a viable alternative to ensure that both agencies will have continual use of the attorney's services.

The Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure hereby reports out **Bill No. 83–38 (COR)** As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure – V. Anthony Ada, Sabina Flores Perez - “AN ACT TO *AMEND* § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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.” with the recommendation **TO REPORT OUT ONLY.**

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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

I Liheslaturan Guåhan further finds Public Law 37-130 requires the obtain of 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.”

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

Bill No. 83-38 (COR)

As amended by the Committee on
Land, Environment, Housing, Agriculture,
Parks and Infrastructure

Introduced by:

V. Anthony Ada
Sabina F. Perez

AN ACT TO *AMEND* § 1203.1 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; AND § 45112 OF ARTICLE 1, 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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

1 *I Liheslaturan Guåhan* further finds Public Law 37-130 requires the obtain of
2 legal services through the procurement process only and does not allow employment
3 of classified employees. The enactment of Public Law 28-187 was intended
4 specifically for federally funded employees. It allowed employees to be hired
5 competitively though the merit system, provided grievance and adverse action
6 appeals rights, protection from political activity but allowed for termination in the
7 event that federal funds ceased to be available to fund their employment.

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

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

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15 is *amended* to read as follows:

16 “§ 1203.1. **Environmental Law Attorney for the Bureau of Statistics and**
17 **Plans Coastal Management Program.**

18 Notwithstanding any other provision of law, the Guam Coastal
19 Management Program of the Bureau of Statistics and Plans is authorized to
20 use its federal funds to hire an attorney for its exclusive use. The attorney
21 shall be hired as a classified employee pursuant to the provisions of § 4103(g)
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I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 83-38 (COR)

As Amended by the Committee on
Land, Environment, Housing, Agriculture,
Parks and Infrastructure

Introduced by:

V. Anthony Ada
Sabina F. Perez

AN ACT TO ~~ADD A NEW~~ AMEND § 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.

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5 Annotated or to procure the services of an attorney pursuant to and in
6 accordance with the Guam Procurement process for professional services.”



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guahan

38th Guam Legislature

March 28, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 83-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note for the following bill:

Bill No. 83-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 83-38 (COR)

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.

Department/Agency Appropriation Information

Dept./Agency Affected: Bureau of Statistics and Plans	Dept./Agency Head: Lola Leon Guerrero, Director
Department's General Fund (GF) appropriation(s) to date:	\$1,973,531
Department's Other Fund (Specify) appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$1,973,531

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Michelle Lastimoza, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$422,741
Department's Other Fund appropriation(s) to date: Guam Environmental Trust Fund (\$492,444); Water Research and Development Fund (\$80,999); Solid Waste Fund (\$202,992); Beach Monitoring (\$46,903)	\$823,338
Total Department/Agency Appropriation(s) to date:	\$1,246,079

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2024 Unreserved Fund Balance		\$0	\$0
FY 2025 Adopted Revenues	\$0	\$0	\$0
FY 2025 Appro. (P.L. 37-125)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2025 (if applicable)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund	\$0	1/	1/	1/	1/	1/
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	1/	1/	1/	1/	1/

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

Analyst: Jane C. Tereas Date: 03/26/25
 Jasmine C. Tereas, BMA II

Director: Lester L. Carlson, Jr.
 Lester L. Carlson, Jr.

Date: MAR 26 2025

Comments:

1/ See attached comments for Bill No. 83-38 (COR).

Bureau of Budget and Management Research
Comments on Bill No. 83-38 (COR)

The proposed legislation intends to authorize the Bureau of Statistics and Plans (BSP) Guam Coastal Management Program (GCMP) and the Guam Environmental Protection Agency (GEPA) to hire an Environmental Law Attorney for its exclusive use as a classified employee or through the procurement of legal services. Currently, Public Law 37-130 provides the authority to the BSP GCMP and the GEPA to use its federal funds to hire an attorney pursuant to and in accordance with the Guam procurement process for professional services. The proposed legislation will provide these entities the option to hire an attorney either as a classified employee or through the procurement process for professional services.

The Bureau notes that the fiscal impact is dependent on the pay grade and step in which these entities choose to employ the attorneys. Per comments received from the BSP GCMP, the program is 100% federally funded through annual grant awards. The program is unable to support the personnel costs this fiscal year as an Attorney position was not requested nor budgeted for in its grant application. The BSP GCMP further notes the concerns and risks of hiring an Attorney as a classified full-time employee in light of President Trump's executive orders. Attached to this fiscal note are BSP GCMP's comments for reference.

It should also be noted that the Bureau had sought input on the proposed Bill No. 83-38 (COR) from the GEPA on 03/17/2025 but has not received any official comments as of the date of this fiscal note.

Hafa Adai! The Bureau of Statistics and Plans' (BSP) assessment regarding the fiscal implications of Bill No. 83-38 on the Guam Coastal Management Program is as follows:

The Guam Coastal Management Program has received federal funding since 1979 through appropriations authorized under the Coastal Zone Management Act of 1972.

On average, the GCMP receives \$1,028,000 annually from Section 306 funds and \$76,000 from Section 309 funds, totaling \$1,104,000. Funding is administered through the Office for Coastal Management, National Oceanic and Atmospheric Administration and awarded to Guam and other states and territories in the form of formula Cooperative Agreements.

The current staffing structure comprises the following classified positions:

1. Program Coordinator III (Grants) NX-02
2. Administrative Officer LX-03
3. Planner IV Terrestrial Conservation District OX-06
4. Administrator PX-09
5. Planner IV Federal Activities OX-11
6. Biologist III Marine Conservation District NX-01
7. Program Coordinator IV (Outreach) OX-05
8. Planner III Coastal Hazards / Section 309 Enhancement Areas NX-02

With GCMP current FY 2025 CZM grant of \$1,122,000, approximately 79% of program expenditures are allocated to personnel costs, fringe benefits, and indirect cost rate. The remaining 21% is allocated to the program's operational requirements, including service contracts, supplies, equipment, and travel (mandatory meetings).

Prior to the 2023 Government of Guam Pay Plan, the program was able to support an Attorney IV position. However, due to the increase in personnel costs, the program is unable to cover the following funding estimates to secure the essential services of a classified Attorney III or Attorney IV position:

Position with Pay Grade	Salary	Fringe	Total
Attorney IV, Step 1	\$93,967.00	\$47,923.17	\$141,890.17
Attorney III, Step 1	\$82,584.00	\$42,117.84	\$124,701.84

The BSP GCMP has evaluated its projected budget and factoring for a classified Attorney III and Attorney IV is not feasible for the following reasons:

- The Attorney III total budget of \$132,960.84 and the remaining funds for operational cost is \$102,760. BSP GCMP will need to reevaluate their operational cost to determine what task item will not be budgeted.

Bureau of Statistics and Plans Comments: Bill No. 83-38 (COR)

The Attorney IV total budget of \$151,288 and the remaining funds for operational cost is \$84,432. BSP GCMP will need to reevaluate their operation cost to determine what task item will not be budgeted.

Federal Grant	Grant Award	Budget Salaries	Budget Fringe Benefits	Other Operational Cost: Supplies, Travel, Contractual, Equipment	Indirect Cost
FY 24 CZM Grant Section 306	\$1,046,000.00	\$519,597.00	\$236,117.00	\$235,720.00	\$54,566.00
FY 24 CZM Grant Section 309	\$76,000.00	\$45,599.00	\$20,912.00	\$4,930.00	\$4,559.00
TOTAL	\$1,122,000.00	\$565,196.00	\$257,029.00	\$240,650.00	\$59,125.00

Projected Attorney III Salary	Projected Attorney III Fringe Benefits	Projected Attorney III Indirect Cost	Projected Attorney III Total Cost	Total Attorney III Cost less Other Operational Cost
\$82,584.00	\$42,118.00	\$8,258.00	\$132,960.00	\$102,760.00

Projected Attorney IV Salary	Projected Attorney IV Fringe Benefits	Projected Attorney IV Indirect Cost	Projected Attorney IV Total Cost	Total Attorney IV Cost less Other Operational Cost
\$93,967.00	\$47,924.00	\$9,397.00	\$151,288.00	\$84,432.00

In light of this, the BSP GCMP lacks the federal funding necessary to hire a classified full-time equivalent Attorney without impacting the program. In addition, BSP GCMP funding is only appropriated annually.

Due to the nature of the CZM program, there is a potential risk funding will be impacted in light of President Trump executive orders.

Si Yu'os Ma'âse',