

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) As amended by the Committee on Land, Environment, Housing, Agriculture, Parks and Infrastructure; and further amended on the Floor.	V. Anthony Ada Sabina Flores Perez William A. Parkinson Eulogio Shawn Gumataotao Frank F. Blas, Jr. Shelly V. Calvo Chris Barnett	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.	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 2:00 p.m.	5/6/25 As Amended.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE ASSIGNED	NOTES	
	5/27/25	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.	6/3/25	6/5/25	6/17/25	38-15	6/17/25	Received: 6/18/25 Mess and Comm. Doc. No. 38GL-25-0739	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-25-0739

CLERK OF THE SPEAKER
FRANK F. BLAS JR.

Transmitted via Email to: speakerblas@guamlegislature.org

June 17, 2025

JUN 17 2025

Time: 4:30 pm
Received: [Signature]

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Substitute Bill No. 28-38 (COR), "AN ACT TO AMEND § 28112(c) OF CHAPTER 28, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING GUAM ENVIRONMENTAL PROTECTION AGENCY'S COMPLIANCE AND ENFORCEMENT CAPACITY TO PROTECT THE HEALTH OF OUR ENVIRONMENT AND PEOPLE."

Bill No. 83-38 (COR), "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."

Håfa Adai Mr. Speaker,

The preservation of our natural environment is of vital importance to our community. Guam is the homeland of the CHamoru people, who have acted as stewards of the island for thousands of years, and whose culture and very survival depend on the responsible use and protection of our natural environment and resources through conservation and sustainable practices. The health of our island's economy is also tied to responsible care and management of our natural environment, to ensure the continued productivity of our island. To this end, preservation of our island has always required careful balancing of human needs with environmental protection.

Our government's environmental policy, and applicable U.S. environmental policy, is carried out by several agencies including the Guam Environmental Protection Agency ("GEPA") and the Guam Coastal Management Program ("GCMP") of the Bureau of Statistics and Plans ("BSP").

This session, the Legislature passed two bills intended to bolster capacity within these agencies to address the increasing demands they face in their efforts to execute their respective responsibilities. These bills are addressed in turn herein.

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: June 17, 2025
Re: Substitute Bill No. 28-38 (COR) and 83-38 (COR)

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Substitute Bill No. 28-38

Substitute Bill No. 28-38 (COR) proposes to provide a continuing appropriation to the GEPA Environmental Trust Fund, which would enable the agency to increase capacity to perform the agency's regulatory functions.

The GEPA was established to provide a united, integrated and comprehensive program for environmental protection, to safeguard our island from degradation in quality of our land, water and air. Its powers and responsibilities were numerous and varied when it was first established in 1972, but have vastly expanded in the decades since. And like other regulatory agencies in Guam, the GEPA faces significant challenges in recruitment and retention of qualified staff.

Guam law requires persons importing property into Guam to pay a tax for the use of such property at a rate measured by the landed value of the property, also known as a "use tax." Title 11 of the Guam Code Annotated provides that 20% of the total use tax collected in the previous fiscal year *shall* be appropriated to the GEPA Environmental Cleanup Fund to cover costs associated with preserving Guam's natural resources, continued on the annual submission of a detailed budget to the Legislature. Bill 28 would shift the allocation of these funds from the cleanup fund to the Guam Environmental Trust Fund, which would enable GEPA to hire key employees to address its ongoing critical staffing shortage.

While I support Bill 28's intent, unfortunately, I must veto the bill due to its fiscal impact on the current fiscal year's budget. Section 3 of the bill provides that the act shall be effective upon enactment. However, those portions of the use tax allocated to the cleanup fund are not presently available to be diverted to the trust fund. This is because the appropriation reflected in the current law, while continuous, is contingent on GEPA's annual submission of a detailed budget to the Legislature. GEPA did not submit the budget to the Legislature to trigger appropriation of Use Tax funds to the cleanup fund for FY25, and those funds that would otherwise be available have been appropriated by the Legislature for other purposes. The soonest Bill 28 can be implemented is FY26.

For this reason, Bill No. 28-38 is VETOED. I urge the bill's sponsor to reintroduce this bill for prospective implementation.

Bill No. 83-38

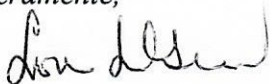
Bill No. 83-38 is intended to address a specific, pervasive need within our environmental agencies – legal services. Because federal and local statutory and regulatory schemes governing environmental issues are constantly evolving, our regulatory agencies would greatly benefit from embedded legal counsel who can, over time, develop the necessary expertise to effectively advise these agencies. For this reason, prior authorizations allowing agencies to hire contract attorneys did not sufficiently meet agency needs. Bill 83 authorizes GEPA and GCMP to hire inhouse attorneys within the classified service. While GCMP requested authorization to hire LTA attorneys as an interim measure while they request funding and authorization from their grantors, which was not ultimately adopted by the Legislature, codification of Bill 83 will certainly benefit GCMP in the future.

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: June 17, 2025
Re: Substitute Bill No. 28-38 (COR) and 83-38 (COR)

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For this reason, I am vetoing Substitute Bill No. 28-38 (COR) and signing Bill No. 83-38 (COR) into law as ***Public Law No. 38-15***.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Substitute Bill No. 28-38 (COR) - VETO
Bill No. 83-38 (COR) nka P.L. 38-15

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws



38GL-25-0739
Messages and Communications

RECEIVED

COMMITTEE ON RULES
June 18, 2025

10:56 a.m.

Marie Crisostomo

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

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

This is to certify that **Bill No. 83-38 (COR)**, "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," was on the 3rd day of June 2025, duly and regularly passed.



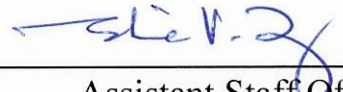
Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June,
2025, at 4:50 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:

6/17/2025

Public Law No.

38-15

2025-23859

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By: <u>Elaine Tajalle</u>	
Date: <u>6/17/25</u>	Time: <u>4:50p</u>

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; and further amended on the Floor.

Introduced by:

V. Anthony Ada
Sabina Flores Perez
William A. Parkinson
Eulogio Shawn Gumataotao
Frank F. Blas, Jr.
Shelly V. Calvo
Chris Barnett
Vincent A.V. Borja
Christopher M. Dueñas
Jesse A. Lujan
Tina Rose Muña Barnes
Sabrina Salas Matanane
Joe S. San Agustin
Telo T. Taitague
Therese M. Terlaje

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.

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

1 Environmental Protection Agency (GEPA) and the Guam Coastal Management
2 Program (GCMP) to employ full-time attorneys for legal services. Both these entities
3 are federally funded and grantor federal agencies both encourage use of federal funds
4 for the hiring of a full-time attorney.

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

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

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

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

22 **Section 2.** § 1203.1 of Article 2, Chapter 1, Title 5, Guam Code Annotated,
23 is *amended* to read as follows:

24 **“§ 1203.1. Environmental Law Attorney for the Bureau of**
25 **Statistics and Plans Coastal Management Program.**

26 Notwithstanding any other provision of law, the Guam Coastal
27 Management Program of the Bureau of Statistics and Plans is authorized to

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

6 **Section 3.** § 45112 of Article 1, Chapter 45, Title 10, Guam Code
7 Annotated, is *amended* to read as follows:

8 **“§ 45112. Environmental Law Attorney for the Guam**
9 **Environmental Protection Agency.**

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