

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

Bill No. 281-32 (COR)

Introduced by:

Chris M. Duenas *ST*

AN ACT TO ADD A NEW SECTION 22401.2 TO ARTICLE 4, CHAPTER 22, OF TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE GOVERNMENT OF GUAM, THROUGH THE OFFICE OF THE GOVERNOR, TO RETAIN PROFESSIONALS TO PURSUE CLAIMS OF THE GOVERNMENT OF GUAM AGAINST THIRD PARTIES ON A CONTINGENCY FEE BASIS, AUTHORIZATION TO PAY FOR SAME, AND TO APPROPRIATE TO THE OFFICE OF THE GOVERNOR \$350,000 TO PAY FOR THE COSTS AND EXPENSES (NOT FEES) ASSOCIATED WITH BRINING AN ACTION AGAINST THE FEDERAL GOVERNMENT FOR HARMS AT THE ORDOT DUMP

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BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* hereby
2 recognizes that the government of Guam has possible claims against third parties,
3 including without limitation, the Federal Government, for tortious and unlawful conduct
4 and omissions, breaches of duty, violations of law, and damage and harm caused by such
5 parties to the government of Guam, the People of Guam, and/or our environment. *I*
6 *Liheslaturan Guahan* further finds that pursuing such claims can be time-consuming and
7 cost prohibitive and the government of Guam may not have the immediate funds and
8 resources available to pay for the fees and expenses associated with pursuing such claims,
9 although action on these claims could result in the recovery of tens of millions of dollars
10 and will help to prevent future unlawful conduct and activities. *I Liheslaturan Guahan*
11 further finds that pursuit of such claims requires the retention of professions with
12 specialized knowledge, experience, and resources. Accordingly, *I Liheslaturan Guahan*
13 finds that considering the importance and significance of pursuing such claims, the lack
14 of immediate funding, the recovery potential and the welfare of the Territory it may be
15 appropriate for the government of Guam to employ professionals and/or service providers
16 on a contingency fee basis so that the fees therefor would only be payable from the
17 recovery on such claims; recovery that will not exist if these claims are not pursued.