

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
101-34 (LS)	Therese M. Terlaje	AN ACT TO AMEND § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS.	5/26/17 10:54 a.m.						

**I MINA TRENDAI KUATTRO NA LIHESLATURAN GUAHAN
2017 (FIRST) Regular Session**

Bill No. 101 -34 (LS)

Introduced by:

Therese M. Terlaje *TM*

**AN ACT TO AMEND § 9303 OF ARTICLE 3, CHAPTER 9,
TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND
§ 1610 OF CHAPTER 16, TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO THE ADOPTION OF
RULES AND REGULATIONS.**

2017 MAY 26 AM 10:54 *be*

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 9303 of Article 3, Chapter 9, Title 5, Guam Code Annotated,
is amended to read:

**“§ 9303. Adoption, Repeal, Rescission, or Amendment of Rules and
Regulations: Circulation and Filing.**

(a) It shall be the duty of every agency which may have been or
hereafter may be clothed with or given any power or authority to make, adopt,
promulgate or enforce rules to:

~~(1)(a) Prepare the rules in a form approved by the Compiler of
Laws and the Attorney General or other legal counsel of the agency,
and where required by law, approved by the Governor, and which will
conform to a standard system or code of rules adopted by the Legislative
Secretary and Guam Code Advisory Commission for the guidance of~~

1 all agencies. Agencies may contact the Compiler of Law for
2 recommendations as to placement and formatting.

3 (2)(b) File with the Governor of Guam a printed and an identical
4 electronic (~~word~~pdf) version of the ~~original approval copy of the~~
5 proposed rules and regulations and ~~one (1) duplicate, and one (1)~~
6 printed and an identical electronic (pdf) copy of the entire agency
7 record, to include minutes or a resolution showing board approval of
8 proposed rules, certification of the agency record and compliance with
9 each of the requirements of this Chapter, economic impact statements,
10 and transcripts of any public hearings on the rules being proposed. filed
11 with the Legislative Secretary of the Guam Legislature. The Legislative
12 Secretary shall maintain a permanent register of all rules, which shall
13 include a notation of the date of filing thereon, and evidence of public
14 hearing held by the agency. The Legislative Secretary shall also cause
15 said permanent register to be published electronically on the Guam
16 Legislature website and updated monthly. Proposed Rules should be
17 presented to the Legislature as an Appendix to a draft bill, with a
18 transmittal letter from the Governor or the Director of the agency which
19 asserts the Governor's approval where required by law, and the
20 Director's and Attorney General's approval as to compliance with each
21 of the requirements of this Chapter (evidence of said approvals should
22 in fact be contained as part of the agency record).

23 The subject line of the transmittal letter shall clearly include **“This**
24 **is a Transmittal to I Liheslaturan Guåhan of Proposed Rules and**
25 **Regulations pursuant to the Administrative Adjudication Law”**. If
26 the proposed rules were not adopted by the agency or were not
27 transmitted in full compliance with this Chapter, the Legislature may

1 return the rules by oversight committee letter or legislative resolution
2 to the agency for correction and new submittal in conformance with this
3 Chapter shall be required.

4 (3)(e) File with the Attorney General a printed and an identical
5 electronic (pdf and word) version of the proposed rules and regulations,
6 and one (1) printed and an identical electronic (pdf) copy of the entire
7 agency record, to include minutes or a resolution showing board
8 approval of proposed rules, certification of the agency record and
9 compliance with each of the requirements of this Chapter, economic
10 impact statements, and transcripts of any public hearings on the rules
11 being proposed.

12 (4) Upon written approval of the Governor as to policy, and
13 approval of the Attorney General as to constitutionality, compliance
14 with this Act, and compliance with the statutory authority for the
15 promulgation of the rules, file with the Speaker of I Liheslatura a
16 printed and an identical electronic (pdf and word) version of the
17 proposed rules and regulations, and a printed and an identical electronic
18 (pdf) copy of the entire agency record, to include minutes or a
19 resolution showing board approval of proposed rules, certification of
20 the agency record and compliance with each of the requirements of this
21 Chapter, economic impact statements, and transcripts of any public
22 hearings on the rules being proposed. Evidence of the Governor's and
23 Attorney General's approvals shall be included in the transmittal.

24 The subject line of the transmittal letter shall clearly include **“This**
25 **is a Transmittal to I Liheslaturan Guåhan of Proposed Rules and**
26 **Regulations pursuant to the Administrative Adjudication Law”**.

1 (b) If the proposed rules were not adopted by the agency or were not
2 transmitted in full compliance with this Chapter, the Legislature may return
3 the rules by oversight committee letter, rules resolution, or legislative
4 resolution to the agency for correction, and new submittal in conformance
5 with this Chapter shall be required. Proposed rules shall be referred to the
6 legislative committee with oversight of the subject matter, and that committee
7 or the Committee of the Whole shall conduct one (1) or more public hearings
8 on the proposal within seventy-five (75) calendar days from the date of filing
9 of the rules with the Speaker.

10 (c) No rule shall be effective until after compliance with the provisions
11 of this Section and ninety (90) calendar days have elapsed from the date of
12 filing with the ~~Legislative Secretary~~ Speaker. After the public hearing and the
13 ninety (90) calendar days from the date of filing, the Speaker may certify the
14 default approval of compliant rules and regulations pursuant to this Chapter.
15 The Guam Legislature may, by the passage of a bill into law, approve,
16 disapprove or amend any rule within ninety (90) calendar days from the date
17 of filing with the ~~Legislative Secretary~~ Speaker; except that any pending rules
18 shall be deemed disapproved upon adjournment *sine die* of the Guam
19 Legislature.

20 (d) The Legislature shall maintain a copy and permanent register of all
21 rules proposed, which shall include a notation of the date of filing; date of
22 referral to legislative oversight committee; date of scheduled legislative public
23 hearing; date of and link to legislative committee report; date of return to
24 Agency by committee letter, rules resolution, or legislative resolution; date of
25 passage of bill to approve, disapprove or amend; date of certification by
26 Speaker of default approval of compliant rule; and date of disapproval due to
27 adjournment sine die. The Legislature shall also cause said permanent register

1 to be published electronically on the Guam Legislature website and updated
2 weekly.

3 (e) The Compiler shall ascertain the approval of proposed rules and
4 regulations in accordance with 1 GCA § 1610.”

5 **Section 2.** § 1610 of Chapter 16, Title 1, Guam Code Annotated, is *amended*
6 to read as follows:

7 **“§ 1610. Publication of Administrative Rules and Regulations.**

8 All rules and regulations or amendments to rules and regulations
9 promulgated by any Director, and/or board, for departments, agencies, and
10 instrumentalities of the government of Guam, pursuant to specific statute or
11 through the Administrative Adjudication Act, ~~having been transmitted to and~~
12 ~~received by the Legislative Secretary of I Liheslaturan Guåhan prior to the~~
13 ~~commencement of I Mina’Bente Siete Na Liheslaturan Guåhan, and not~~
14 ~~otherwise acted upon,~~ shall be codified and published as provided for in this
15 Act. The Compiler shall ascertain legislative approval of rules and regulations
16 pursuant to the Administrative Adjudication Act by clear indication of
17 approval, either by the passage of a bill into law or by certification by the
18 Speaker of I Liheslatura as to I Liheslatura’s default approval of said
19 compliant rules and regulations. The Compiler shall submit to I Liheslatura
20 a list of rules and regulations whose approval she is unable to confirm due to
21 the loss of records prior to transfer of the Compiler’s Office to the Supreme
22 Court, or due to the lack of certified legislative records, or due to any other
23 reason.”