



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

MAY 16 1997

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>5:23pm</u>
Date	<u>5-16-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 8 (LS), "AN ACT TO AMEND §9303 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW.", which I have signed into law today as **Public Law No. 24-27**.

This legislation restores the rule-making function of the Executive Branch to its customary role. Rules and regulations have the force and effect of law, however, are designed to fill in the blanks created by legislation, not replace legislation. Rules and regulations are not in contravention of laws. In other words, rules and regulations are implementing tools for laws, and do not repeal or change laws. The law-making process cannot take into account each and every administrative function or procedure. Rules and regulations iron out the practical difficulties experienced on a daily basis in the implementation most statutes.

This legislation also deletes the time-consuming and repetitive processes which had grown up over the last several years wherein an Executive Branch agency would draft rules and regulations, hold a public hearing, revise the rules and regulations, transmit them to the Attorney General and to the Governor, have the rules and regulations typed up in bill form, and transmitted to the Legislature, where a repetition of processes would occur.

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 5-16-97  
Time: 4:15pm  
Rec'd by: am  
Print Name: Anne

After being subjected to the rule-making processes of the Executive Branch, the Rules and regulations would then be subjected to the legislative processes of the Legislature. The rules and regulations were erroneously being introduced as bills, subjected to another public hearing, amended, put on the First, Second, and Third Reading File, engrossed, voted upon by the Legislative body as if they were statutes, certified and then transmitted again for a second time to the Governor for the Governor to sign into. . . rules and regulations? or law?

I am very pleased that this convoluted and repetitive process has been eliminated, for the good of the people of Guam in the functioning of a more streamlined and responsive government.

Attached is an example of the format that the Compiler of Laws has developed for the publication of the rules and regulations of the government of Guam. It will be very similar to the Guam Code Annotated.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam


Attachment            00231

cc:    The Honorable Joanne M. S. Brown  
       Legislative Secretary


TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

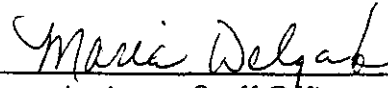
This is to certify that Substitute Bill No. 8 (LS), "AN ACT TO AMEND §9303 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATIVE ADJUDICATION LAW," was on the 6th day of May, 1997, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by the Governor this 8th day of May, 1997, at  
12:35 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 5-16-97

Public Law No. 24-27

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

**Bill No. 8 (LS)**

As substituted by the Committee on Rules,  
Government Reform and Federal Affairs.

Introduced by:

E. Barrett-Anderson

AN ACT TO AMEND §9303 OF TITLE 5 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
ADMINISTRATIVE ADJUDICATION LAW.

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

2 Section 1. (a) Background and Legislative Intent. The original  
3 intent of the Administrative Adjudication Law was to establish a uniform  
4 method of making, adopting, promulgating, filing and publishing of rules of  
5 agencies of the government of Guam. It was intended to promote public  
6 participation in the rule-making process.

7 The Guam Legislature finds that recent amendments to §9303 of Title 5,  
8 Guam Code Annotated regarding the adoption, repeal, rescission or  
9 amendment process has resulted in cumbersome and inefficient methods for  
10 the adoption of rules. There is duplication and unnecessary delay, especially  
11 where laws are enacted requiring rules to implement them properly and  
12 promptly.

13 The existing requirement to have proposed rules submitted in bill form  
14 imposes an unnecessary additional burden on agencies and public  
15 participants. In addition to attending the public hearing on the proposed  
16 rules held by the agency proposing them, the public would be again asked to

1 attend another public hearing on a bill to approve the proposed rules, should  
2 one be introduced. This repetitive process causes two (2) complete  
3 procedures to be engaged in: rule-making by the Executive Branch, and  
4 introduction and law-making of the same rules by the Legislative Branch.

5 (b) **Repeal of Requirement for Preparation of Rules and**  
6 **Regulations in Bill Form.** Section 9303 of Title 5 of the Guam Code  
7 Annotated is repealed and re-enacted to read:

8 "Section 9303. **Adoption, Repeal, Recision, or Amendment of**  
9 **Rules and Regulations: Circulation and Filing.** It shall be the duty of  
10 every agency which may have been or hereafter may be clothed with or  
11 given any power or authority to make, adopt, promulgate or enforce  
12 rules to:

13 (a) Prepare the rules in a form approved by the Attorney  
14 General or other legal counsel of the agency, and where required  
15 by law, approved by the Governor, and which will conform to a  
16 standard system or code of rules adopted by the Legislative  
17 Secretary for the guidance of all agencies.

18 (b) File the original approval copy and one (1) duplicate  
19 and one (1) copy of the entire record of any public hearings on the  
20 rules being filed with the Legislative Secretary of the Guam  
21 Legislature. The Legislative Secretary shall maintain a permanent  
22 register of all rules, which shall include a notation of the date of  
23 filing thereon, and evidence of public hearing held by the agency.

24 (c) No rule shall be effective until after compliance with  
the provisions of this Section and ninety (90) calendar days have

1            elapsed from the date of filing with the Legislative Secretary. The  
2            Guam Legislature may approve, disapprove or amend any rule  
3            within ninety (90) calendar days from the date of filing with the  
4            Legislative Secretary.”

PL 20-27

✓

**24th Guam Legislature**  
**Committee on Rules, Government Reform and Federal Affairs**  
*Senator Mark Forbes, Chairman*



**APR 14 1997**

Speaker Antonio R. Unpingco  
Twenty-fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 8 was referred, wishes to report back to the Legislature its recommendation **TO DO PASS BILL NO. 8** (as substituted) "An act to amend 5 GCA §9303, relative to the Administrative Adjudication Law."

The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.

  
MARK FORBES

Attachments

**24th Guam Legislature**  
**Committee on Rules, Government**  
**Reform and Federal Affairs**  
*Senator Mark Forbes, Chairman*

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**APR 14 1997**

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman

**SUBJECT:** Committee Report -Bill No. 8 (as substituted) "An act to amend 5 GCA §9303, relative to the Administrative Adjudication Law."

Transmitted herewith for your information and action is the report on Bill No. 8 (as substituted) from the Committee on Rules, Government Reform and Federal Affairs.

The Committee Report is accompanied by the following:

1. Bill No. 8
2. Committee Voting Sheet
3. Sign-in Sheet
4. Fiscal Note/ Fiscal Note Waiver
5. Public Hearing Notice

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Thank you and si Yu'os ma'ase.

**MARK FORBES**

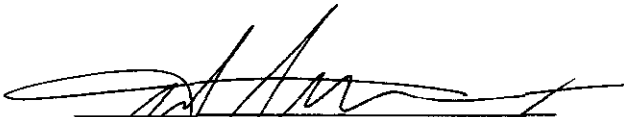
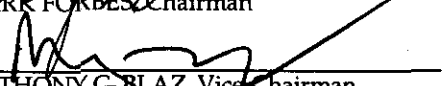

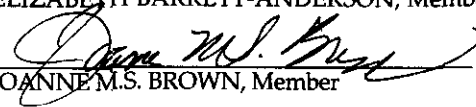

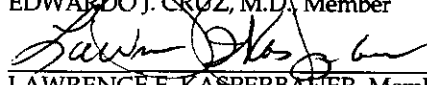


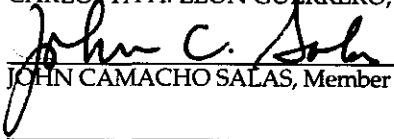
Attachments



**Committee on Rules, Government Reform and Federal Affairs**  
**Twenty-Fourth Guam Legislature**

**Voting Record**

**Bill No. 8 (as substituted) "An act to amend 5 GCA §9303, relative to the Administrative Adjudication Law."**

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
 ANTHONY C. BLAZ, Vice Chairman	✓			
 ELIZABETH BARRETT-ANDERSON, Member	✓			
 JOANNE M.S. BROWN, Member	✓			
FELIX PEREZ CAMACHO, Member				
 EDUARDO J. CRUZ, M.D. Member	✓			
 LAWRENCE F. KASFERBAUER, Member	X			
 ALBERTO A.C. LAMORENA, Member				
 CARLOTTA A. LEON GUERRERO, Member	✓			
 JOHN CAMACHO SALAS, Member	✓			
MARK C. CHARFAUROS, Member				
FRANCIS E. SANTOS, Member				
ANTONIO R. UNPINGCO, Ex-Officio Member				

**TWENTY-FOURTH GUAM LEGISLATURE**  
**COMMITTEE ON RULES,**  
**GOVERNMENT REFORM & FEDERAL AFFAIRS**  
**SENATOR MARK FORBES, CHAIRMAN**

**Committee Report**  
**on**  
**Bill No. 8 "An act to amend 5 GCA §9303, relative to the**  
**Administrative Adjudication Law."**

## **I. OVERVIEW**

On March 19, 1997 the Committee on Rules, Government Reform and Federal Affairs conducted a public hearing on Bill No. 8 "An act to amend 5 GCA §9303, relative to the Administrative Adjudication Law." The hearing took place at 9:00 a.m. in the Public Hearing Room of the Guam Legislative Building. Public Notice was given through an announcement in the March 13, 1997 issue of the Pacific Daily New.

Senators in attendance were:

- Senator Mark Forbes, Chairman
- Senator Joanne Brown, Member
- Senator Mark Charfauros, Member
- Senator Edwardo Cruz, Member
- Senator Larry Kasperbauer, Member
- Senator John Salas, Member
- Senator Tom Ada
- Senator Judith Won-Pat Borja

Appearing before the Committee to testify on the bill were:

- Mr. Charles Troutman, Compiler of Laws, Office of the Attorney General

## **II. SUMMARY OF TESTIMONY**

Mr. Charles Troutman testified before the Committee in favor of Bill No. 8. He suggested that the timeline be for the Legislature to approve, disapprove or amend any rule be amended from 90 days to 30 days for submission to the Legislative Secretary and 30 days thereafter to approve, disapprove or amend. He also suggested that the requirement to prepare the rules in a form approved by the Legislative Secretary be changed to requirements approved by the Compiler of Laws since that office is tasked with the publication of rules and regulations.

## **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Rules, Government Reform and Federal Affairs finds that the primary intent of Bill No. 8 eliminates duplication and unnecessary delay in the rule-making process. Currently, statute requires that proposed rules be submitted in bill form. This requirement places undue burden on agencies and public participants.

The Committee also finds that the bill would make the process by which rules and regulations are submitted and adopted more efficient by eliminating unnecessary layers of bureaucracy.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs recommends **TO DO PASS** Bill No. 8 (as substituted) "An act to amend 5 GCA §9303, relative to the Administrative Adjudication Law."





**BUREAU OF BUDGET & MANAGEMENT RESEARCH**  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

**CARL T.C. GUTIERREZ**  
GOVERNOR

**MADELEINE Z. BORDALLO**  
LT. GOVERNOR

**JOSEPH E. RIVERA**  
DIRECTOR

**FRANCES J. BALAJADIA**  
DEPUTY DIRECTOR

MAR 20 1997

The Bureau requests that Bill No(s). 8 (LS) be granted a waiver pursuant to Public Law 12-229 for the following reasons:

*The Bill appears administrative in nature and should pose no fiscal impact on the General Fund.*

*gr 3/18*  
*Joseph E. Rivera*  
**JOSEPH E. RIVERA**  
Acting  
*3/17*

