

I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.	5/31/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs	6/15/17 10:30 a.m.	6/20/17 12:14 p.m. As corrected by the Prime Sponsor; and amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs.	Fiscal Note Request 5/31/17 Fiscal Note Waiver 6/9/17	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	6/26/17	AN ACT TO AMEND § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND AMEND § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS.	6/30/17	7/3/17 2:10 p.m. As corrected by the Prime Sponsor; and amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs .	7/14/17				



I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
Thirty-Fourth Guam Legislature

June 30, 2017

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 26-34 (COR), 30-34 (COR), 40-34 (COR), 48-34 (COR), 72-34 (COR), 91-34 (COR), 93-34 (COR), 95-34 (LS), 97-34 (LS), 101-34 (LS) 102-34 (LS), and 103-34 (COR); and Substitute Bill Nos. 69-34 (COR), 87-34 (COR), and 94-34 (LS) which were passed by *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* on June 30, 2017.

Sincerely,

RÉGINE BISCOE LEE
Legislative Secretary

Enclosure (15)

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 2:10 P DATE 7.9.17

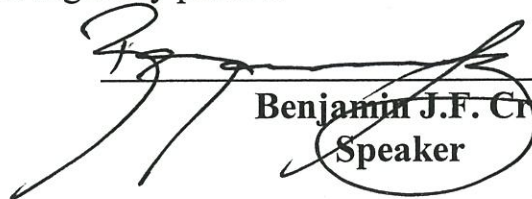




I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

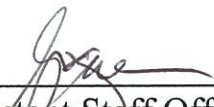
This is to certify that **Bill No. 101-34 (LS), "AN ACT TO AMEND § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND AMEND § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS,"** was on the 30th day of June 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 03 day of July,
2017, at 2:10 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____



I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As corrected by Prime Sponsor; and amended
by the Committee on General Government Operations
and Federal, Foreign and Regional Affairs.

Introduced by:

Therese M. Terlaje
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Mary Camacho Torres

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

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

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

4 “§ 9303. Adoption, Repeal, Rescission, or Amendment of Rules and
5 Regulations: Circulation and Filing.

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

4 (1) Prepare the rules in a form which will conform to a
5 standard system or code adopted by the Guam Code Advisory
6 Commission for the guidance of all agencies. Agencies may contact the
7 Compiler of Laws for recommendations as to placement and
8 formatting.

9 (2) File with *I Maga'låhen Guåhan* (the Governor of Guam)
10 a printed and an identical electronic (pdf) version of the proposed rules
11 and regulations and one (1) printed and an identical electronic (pdf)
12 copy of the entire agency record, to include minutes or a resolution
13 showing board approval of proposed rules, certification of the agency
14 record and compliance with each of the requirements of this Chapter,
15 economic impact statements, and transcripts of any public hearings on
16 the rules being proposed.

17 (3) File with the Attorney General a printed and an identical
18 electronic (pdf and word) version of the proposed rules and regulations,
19 and one (1) printed and an identical electronic (pdf) copy of the entire
20 agency record, to include minutes or a resolution showing board
21 approval of proposed rules, certification of the agency record and
22 compliance with each of the requirements of this Chapter, economic
23 impact statements, and transcripts of any public hearings on the rules
24 being proposed.

25 (4) Upon written approval of *I Maga'låhi* as to policy, and
26 approval of the Attorney General as to constitutionality, compliance
27 with this Act, and compliance with the statutory authority for the

1 promulgation of the rules, file with the Speaker of *I Liheslatura* a
2 printed and an identical electronic (pdf and word) version of the
3 proposed rules and regulations, and a printed and an identical electronic
4 (pdf) copy of the entire agency record, to include minutes or a
5 resolution showing board approval of proposed rules, certification of
6 the agency record and compliance with each of the requirements of this
7 Chapter, economic impact statements, and transcripts of any public
8 hearings on the rules being proposed. Evidence of the Governor's and
9 the Attorney General's approvals *shall* be included in the transmittal.

10 The subject line of the transmittal letter *shall* clearly include the
11 following: **“This is a Transmittal to *I Liheslaturan Guåhan* of**
12 **Proposed Rules and Regulations pursuant to the Administrative**
13 **Adjudication Law.”**

14 (b) If the proposed rules were not adopted by the agency or were not
15 transmitted in full compliance with this Chapter, *I Liheslatura* may return the
16 rules by an oversight committee letter, a rules resolution, or a legislative
17 resolution to the agency for correction, and a new submittal in conformance
18 with this Chapter *shall* be required. Proposed rules *shall* be referred to the
19 legislative committee with oversight of the subject matter, and that committee
20 or the Committee of the Whole *shall* conduct one (1) or more public hearings
21 on the proposal within seventy-five (75) calendar days from the date of filing
22 of the rules with the Speaker.

23 (c) No rule *shall* be effective until after compliance with the
24 provisions of this Section and ninety (90) calendar days have elapsed from the
25 date of filing with the Speaker of *I Liheslatura*. After the public hearing and
26 the ninety (90) calendar days from the date of filing, the Speaker may certify,
27 and the Legislative Secretary attest to, the default approval of compliant rules

1 and regulations pursuant to this Chapter. *I Liheslaturan Guåhan* may, by the
2 passage of a bill into law, approve, disapprove, or amend any rule within
3 ninety (90) calendar days from the date of filing with the Speaker of *I*
4 *Liheslatura*; *except* that any pending rules *shall* be deemed disapproved upon
5 adjournment *sine die* of *I Liheslaturan Guåhan*.

6 (d) The Legislative Secretary *shall* maintain a copy and permanent
7 register of all rules proposed, which *shall* include a notation of the date of
8 filing; the date of referral to the legislative oversight committee; the date of
9 the scheduled legislative public hearing; the date of and link to the legislative
10 committee report; the date of return to the agency by committee letter, rules
11 resolution, or legislative resolution; the date of passage of the bill to approve,
12 disapprove, or amend; the date of certification by the Speaker of default
13 approval of the compliant rule; and the date of disapproval due to adjournment
14 *sine die*. The Legislative Secretary *shall* also cause said permanent register to
15 be published electronically on *I Liheslaturan Guåhan*'s website and updated
16 weekly.

17 (e) The Compiler of Laws *shall* ascertain the approval of proposed
18 rules and regulations in accordance with 1 GCA § 1610.”

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

21 **“§ 1610. Publication of Administrative Rules and Regulations.**

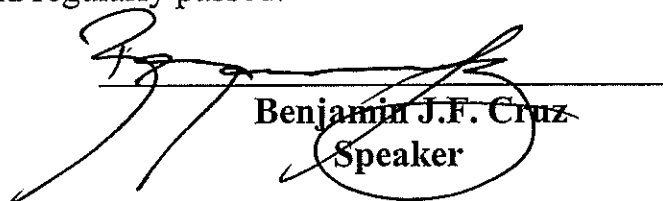
22 All rules and regulations or amendments to rules and regulations
23 promulgated by any Director and/or board for departments, agencies, and
24 instrumentalities of the government of Guam, pursuant to specific statute or
25 through the Administrative Adjudication Act, *shall* be codified and published
26 as provided for in this Act. The Compiler of Laws *shall* ascertain legislative
27 approval of rules and regulations pursuant to the Administrative Adjudication

1 Act by clear indication of approval, either by the passage of a bill into law or
2 by certification by the Speaker of *I Liheslatura* as to *I Liheslatura*'s default
3 approval of said compliant rules and regulations. The Compiler of Laws *shall*
4 submit to *I Liheslatura* a list of rules and regulations whose approval he or
5 she is unable to confirm due to the loss of records prior to the transfer of the
6 Compiler of Law's Office to the Supreme Court, or due to the lack of certified
7 legislative records, or due to any other reason."

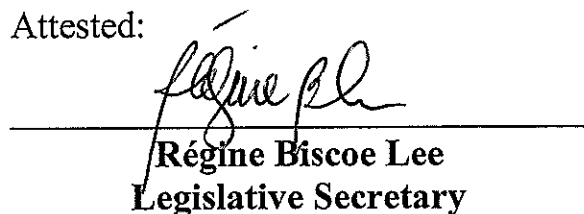
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 101-34 (LS), "AN ACT TO *AMEND* § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND *AMEND* § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS,"** was on the 30th day of June 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this _____ day of _____,
2017, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As corrected by Prime Sponsor; and amended
by the Committee on General Government Operations
and Federal, Foreign and Regional Affairs.

Introduced by:

Therese M. Terlaje
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
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**AN ACT TO *AMEND* § 9303 OF ARTICLE 3, CHAPTER 9,
TITLE 5, GUAM CODE ANNOTATED; AND *AMEND* §
1610 OF CHAPTER 16, TITLE 1, GUAM CODE
ANNOTATED, RELATIVE TO THE ADOPTION OF
RULES AND REGULATIONS.**

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

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

4 **“§ 9303. Adoption, Repeal, Rescission, or Amendment of Rules and**
5 **Regulations: Circulation and Filing.**

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

4 (1) Prepare the rules in a form which will conform to a
5 standard system or code adopted by the Guam Code Advisory
6 Commission for the guidance of all agencies. Agencies may contact the
7 Compiler of Laws for recommendations as to placement and
8 formatting.

9 (2) File with *I Maga'låhen Guåhan* (the Governor of Guam)
10 a printed and an identical electronic (pdf) version of the proposed rules
11 and regulations and one (1) printed and an identical electronic (pdf)
12 copy of the entire agency record, to include minutes or a resolution
13 showing board approval of proposed rules, certification of the agency
14 record and compliance with each of the requirements of this Chapter,
15 economic impact statements, and transcripts of any public hearings on
16 the rules being proposed.

17 (3) File with the Attorney General a printed and an identical
18 electronic (pdf and word) version of the proposed rules and regulations,
19 and one (1) printed and an identical electronic (pdf) copy of the entire
20 agency record, to include minutes or a resolution showing board
21 approval of proposed rules, certification of the agency record and
22 compliance with each of the requirements of this Chapter, economic
23 impact statements, and transcripts of any public hearings on the rules
24 being proposed.

25 (4) Upon written approval of *I Maga'låhi* as to policy, and
26 approval of the Attorney General as to constitutionality, compliance
27 with this Act, and compliance with the statutory authority for the

1 promulgation of the rules, file with the Speaker of *I Liheslatura* a
2 printed and an identical electronic (pdf and word) version of the
3 proposed rules and regulations, and a printed and an identical electronic
4 (pdf) copy of the entire agency record, to include minutes or a
5 resolution showing board approval of proposed rules, certification of
6 the agency record and compliance with each of the requirements of this
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8 hearings on the rules being proposed. Evidence of the Governor's and
9 the Attorney General's approvals *shall* be included in the transmittal.

10 The subject line of the transmittal letter *shall* clearly include the
11 following: **"This is a Transmittal to *I Liheslaturan Guåhan* of**
12 **Proposed Rules and Regulations pursuant to the Administrative**
13 **Adjudication Law."**

14 (b) If the proposed rules were not adopted by the agency or were not
15 transmitted in full compliance with this Chapter, *I Liheslatura* may return the
16 rules by an oversight committee letter, a rules resolution, or a legislative
17 resolution to the agency for correction, and a new submittal in conformance
18 with this Chapter *shall* be required. Proposed rules *shall* be referred to the
19 legislative committee with oversight of the subject matter, and that committee
20 or the Committee of the Whole *shall* conduct one (1) or more public hearings
21 on the proposal within seventy-five (75) calendar days from the date of filing
22 of the rules with the Speaker.

23 (c) No rule *shall* be effective until after compliance with the
24 provisions of this Section and ninety (90) calendar days have elapsed from the
25 date of filing with the Speaker of *I Liheslatura*. After the public hearing and
26 the ninety (90) calendar days from the date of filing, the Speaker may certify,
27 and the Legislative Secretary attest to, the default approval of compliant rules

1 and regulations pursuant to this Chapter. *I Liheslaturan Guåhan* may, by the
2 passage of a bill into law, approve, disapprove, or amend any rule within
3 ninety (90) calendar days from the date of filing with the Speaker of *I*
4 *Liheslatura*; *except* that any pending rules *shall* be deemed disapproved upon
5 adjournment *sine die* of *I Liheslaturan Guåhan*.

6 (d) The Legislative Secretary *shall* maintain a copy and permanent
7 register of all rules proposed, which *shall* include a notation of the date of
8 filing; the date of referral to the legislative oversight committee; the date of
9 the scheduled legislative public hearing; the date of and link to the legislative
10 committee report; the date of return to the agency by committee letter, rules
11 resolution, or legislative resolution; the date of passage of the bill to approve,
12 disapprove, or amend; the date of certification by the Speaker of default
13 approval of the compliant rule; and the date of disapproval due to adjournment
14 *sine die*. The Legislative Secretary *shall* also cause said permanent register to
15 be published electronically on *I Liheslaturan Guåhan*'s website and updated
16 weekly.

17 (e) The Compiler of Laws *shall* ascertain the approval of proposed
18 rules and regulations in accordance with 1 GCA § 1610.”

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

21 **“§ 1610. Publication of Administrative Rules and Regulations.**

22 All rules and regulations or amendments to rules and regulations
23 promulgated by any Director and/or board for departments, agencies, and
24 instrumentalities of the government of Guam, pursuant to specific statute or
25 through the Administrative Adjudication Act, *shall* be codified and published
26 as provided for in this Act. The Compiler of Laws *shall* ascertain legislative
27 approval of rules and regulations pursuant to the Administrative Adjudication

1 Act by clear indication of approval, either by the passage of a bill into law or
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3 approval of said compliant rules and regulations. The Compiler of Laws *shall*
4 submit to *I Liheslatura* a list of rules and regulations whose approval he or
5 she is unable to confirm due to the loss of records prior to the transfer of the
6 Compiler of Law's Office to the Supreme Court, or due to the lack of certified
7 legislative records, or due to any other reason."

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN

2017 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 101-34 (LS)

Speaker Antonio R. Unpingco Legislative Session Hall

**As corrected by the Prime Sponsor; and
amended by the Committee on General
Government Operations and Federal,
Foreign, and Regional Affairs.**

June 30, 2017

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. ADA		✓				
Senator FRANK B. AGUON, JR.	✓					
Senator William M. CASTRO	✓	I				
Speaker B. J.F. CRUZ	✓					
Senator James V. ESPALDON	✓	I				
Senator Fernando Barcinas ESTEVEZ	✓					
Senator Régine Biscoe LEE	✓					
Senator Tommy MORRISON	✓					
Senator Louise B. MUÑA	✓					
Senator Telen Cruz NELSON	✓					
Senator Dennis G. RODRIGUEZ, Jr.	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Michael F.Q. SAN NICOLAS	✓					
Vice Speaker Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	14	1				
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As corrected by Prime Sponsor; and amended
by the Committee on General Government Operations
and Federal, Foreign and Regional Affairs.

*

Introduced by:

Therese M. Terlaje

**AN ACT TO *AMEND* § 9303 OF ARTICLE 3, CHAPTER 9,
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standard system or code adopted by the Guam Code Advisory
Commission for the guidance of all agencies. Agencies may contact the
Compiler of Laws for recommendations as to placement and
formatting.

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3 and regulations and one (1) printed and an identical electronic (pdf)
4 copy of the entire agency record, to include minutes or a resolution
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6 record and compliance with each of the requirements of this Chapter,
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8 the rules being proposed.

9 (3) File with the Attorney General a printed and an identical
10 electronic (pdf and word) version of the proposed rules and regulations,
11 and one (1) printed and an identical electronic (pdf) copy of the entire
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17 (4) Upon written approval of *I Maga'låhi* as to policy, and
18 approval of the Attorney General as to constitutionality, compliance
19 with this Act, and compliance with the statutory authority for the
20 promulgation of the rules, file with the Speaker of *I Liheslatura* a
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12 legislative committee with oversight of the subject matter, and that committee
13 or the Committee of the Whole *shall* conduct one (1) or more public hearings
14 on the proposal within seventy-five (75) calendar days from the date of filing
15 of the rules with the Speaker.

16 (c) No rule *shall* be effective until after compliance with the
17 provisions of this Section and ninety (90) calendar days have elapsed from the
18 date of filing with the Speaker of *I Liheslatura*. After the public hearing and
19 the ninety (90) calendar days from the date of filing, the Speaker may certify,
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22 passage of a bill into law, approve, disapprove, or amend any rule within
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26 (d) The Legislative Secretary *shall* maintain a copy and permanent
27 register of all rules proposed, which *shall* include a notation of the date of

1 filing; the date of referral to the legislative oversight committee; the date of
2 the scheduled legislative public hearing; the date of and link to the legislative
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25 she is unable to confirm due to the loss of records prior to the transfer of the
26 Compiler of Law's Office to the Supreme Court, or due to the lack of certified
27 legislative records, or due to any other reason.”

I Mina'Trentai Kuåttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
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Committee on General Government Operations
and Federal, Foreign & Regional Affairs

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



June 16, 2017

The Honorable Benjamin J.F. Cruz

Speaker

I Mina'trentai Kuåttro na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Michael F.Q. San Nicolas
Chairman, Committee on Rules

Q

RE: Committee Report on Bill No. 101-34 (LS) As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs

2017 JUN 20 PM 12:14

[Signature]

Dear Speaker Cruz,

Transmitted herewith is the Committee Report on **Bill No. 101-34 (LS) As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs** – "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."

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u>Ø</u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
<u>Ø</u>	TO ABSTAIN
<u>Ø</u>	TO PLACE IN INACTIVE FILE



Respectfully, -

[Signature of Michael F.Q. San Nicolas]

MICHAEL F.Q. SAN NICOLAS



Committee on General Government Operations
and Federal, Foreign & Regional Affairs
Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



COMMITTEE REPORT

Bill No. 101-34 (LS)
As Corrected
by Prime Sponsor and
Amended by the Committee on
General Government Operations and
Federal, Foreign, and Regional Affairs
Introduced by 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."**



Committee on General Government Operations and Federal, Foreign & Regional Affairs

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



June 16, 2017

MEMORANDUM

To: All Members
Committee on General Government Operations, and Federal, Foreign, &
Regional Affairs

From: Senator Michael F.Q. San Nicolas
Committee Chairman

Subject: Committee Report on Bill No. 101-34 (LS), As Corrected by Prime Sponsor and
Amended by the Committee on General Government Operations and Federal,
Foreign, and Regional Affairs

Transmitted herewith for your consideration is the Committee Report on **Bill No. 101-34 (LS), As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs**—“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.”

This report includes the following:

- Copy of COR Referral of Bill No. 101-34 (LS) As Corrected
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Hearing Sign-In Sheet
- Copy of Written Testimonies
- Committee Vote Sheet
- Committee Report Digest
- Bill History:
 - Copy of Bill No. 101-34 (LS), As Introduced
 - COR Pre-Referral Checklist on Bill No. 101-34 (LS)
 - Copy of Bill No. 101-34 (LS), As Corrected by Prime Sponsor
 - Copy of Bill No. 101-34 (LS), As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs
- Copy of Fiscal Note Waiver for Bill No. 101-34 (LS)



Committee on General Government Operations
and Federal, Foreign & Regional Affairs

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



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.

Respectfully,

MICHAEL F.Q. SAN NICOLAS



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MAY 31 2017

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Re: **Referral of Bill No. 101-34 (LS), As Corrected by the Prime Sponsor**

Buenas yan Håfa adai.

Please be advised that **Bill No. 101-34 (LS)** was returned to its Prime Sponsor due to its noncompliance with the Standing Rules (see (A)(2) of the pre-referral checklist) on May 31, 2017. The Prime Sponsor has made the necessary corrections to the subject bill, in accordance with the opinion of Legal Counsel. The Committee on Rules has reviewed the Bill, as corrected by the Prime Sponsor, and deems it compliant to the Standing Rules.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Bill No. 101-34 (LS), As Corrected by the Prime Sponsor**.

Please ensure that the subject bill is referred, in my name, to **Senator Michael F.Q. San Nicolas, Chairperson of the Committee on General Government Operations and Federal, Foreign, and Regional Affairs**.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.	5/31/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs				



Senator Michael F.Q. San Nicolas <senatorsannicolas@gmail.com>

FIRST NOTICE OF PUBLIC HEARING AND OVERSIGHT ROUND TABLE- Thursday, June 15, 2017

Senator Michael F.Q. San Nicolas <senatorsannicolas@gmail.com>

Thu, Jun 8, 2017 at 10:40 AM

To: phnotice@guamlegislature.org, "SEN Michael F.Q. San Nicolas" <senatorsannicolas@gmail.com>
 Bcc: Joe San Agustin <protocol@guamlegislature.org>, mis <mis@guamlegislature.org>, Jeanenne Cordero <jean@guamlegislature.org>, Joe Borja <jborja@senatorada.org>, Juliette Gillham <juliette@senatorada.org>, Orleen Villasoto <orleen@senatorbjcruz.com>, Peter Mesa <pmesa@guamlegislature.org>, SEN Dennis Rodriguez <senatordrodriguez@gmail.com>, SEN ESPALDON <senjvespaldon@gmail.com>, SEN FBA <aguon4guam@gmail.com>, "SEN Fernando B. Esteves" <senatoresteves@gmail.com>, SEN Joe San Agustin <senatorjoessanagustin@gmail.com>, "SEN Louise B. Muna" <senatorlouise@gmail.com>, SEN MORRISON <tommy@senatormorrison.com>, SEN Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Mary C. TORRES" <marycamachotorres@gmail.com>, "Senator Telena C. Nelson" <senatortcnelson@gmail.com>, "Senator Thomas C. Ada" <office@senatorada.org>, Senator William 'Wil' Castro <solutions@wilcastro.com>, "SPEAKER Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, VICE SPEAKER Therese Terlaje <senatorterlajeguam@gmail.com>, Vote <vote@gec.guam.gov>, mcogadmin@teleguam.net, Committee on Rules 34GL <corguamlegislature@gmail.com>

FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

June 8, 2017

From: Senator Michael F.Q. San Nicolas
 Chairman, Committee on General Government Operations, and
 Federal, Foreign, & Regional Affairs

Subject: FIRST NOTICE of Public Hearing and Oversight-Round Table - Thursday, June 15, 2017

Håfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations and Federal, Foreign, and Regional Affairs will convene a public hearing and an oversight-round table on Thursday, June 15, 2017 in I Liheslaturan Guåhan's Public Hearing Room with the following schedule:

10:30 AM - PUBLIC HEARING

Bill No. 48-34 (COR)—As Corrected by the Prime Sponsor: Introduced by Senator Louise B. Muña

AN ACT TO ADD A NEW § 4129 TO ARTICLE 1 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ADMINISTRATIVE LEAVE FOR EMPLOYEES OF THE GOVERNMENT OF GUAM FOR THE PURPOSE OF DONATING ORGANS, TISSUE, AND BONE MARROW.

Bill No. 81-34 (LS): Introduced by Senator Frank B. Aguon, Jr.

AN ACT RELATIVE TO ESTABLISHING EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO FACILITATING THE GOVERNOR'S REORGANIZATION AUTHORITY OF THE EXECUTIVE BRANCH OF THE GOVERNMENT AND FOR OTHER PURPOSES; AND TO CITE THIS ACT AS THE "GOVERNMENT PRIORITIES ACT OF 2017."

Bill No. 101-34 (LS)—As Corrected by the Prime Sponsor: Introduced by Senator 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.

Bill No. 102-34 (LS): Introduced by Senator Therese M. Terlaje

AN ACT TO AMEND § 9301 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC AWARENESS OF ECONOMIC IMPACT OF RULES AND REGULATIONS.

2:00 PM - OVERSIGHT- ROUND TABLE

Budget of the Mayors' Council of Guam

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *Lilheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Michael F.Q. San Nicolas. Testimonies may be submitted via hand delivery to the Office of Senator Michael F.Q. San Nicolas at the DNA Building, Suite 407, 238 Archbishop Flores Street *Hagåtña*, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to senatorsannicolas@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'ase!



Senator Michael F.Q. San Nicolas <senatorsannicolas@gmail.com>

SECOND NOTICE OF PUBLIC HEARING AND OVERSIGHT ROUND TABLE- Thursday, June 15, 2017

Senator Michael F.Q. San Nicolas <senatorsannicolas@gmail.com> Tue, Jun 13, 2017 at 8:55 AM
To: phnotice@guamlegislature.org, "SEN Michael F.Q. San Nicolas" <senatorsannicolas@gmail.com>
Bcc: Joe San Agustin <protocol@guamlegislature.org>, mis <mis@guamlegislature.org>, Jeanenne Cordero
<jean@guamlegislature.org>, Joe Borja <jborja@senatorada.org>, Juliette Gillham <juliette@senatorada.org>, Orleen
Villasoto <orleen@senatorbjcruz.com>, Peter Mesa <pmesa@guamlegislature.org>, SEN Dennis Rodriguez
<senatordrodriguez@gmail.com>, SEN ESPALDON <senjvespaldon@gmail.com>, SEN FBA <aguon4guam@gmail.com>,
"SEN Fernando B. Esteves" <senatoresteves@gmail.com>, SEN Joe San Agustin <senatorjoessanagustin@gmail.com>,
"SEN Louise B. Muna" <senatorlouise@gmail.com>, SEN MORRISON <tommy@senatormorrison.com>, SEN Regine
Biscoe Lee <senatorbiscoelee@guamlegislature.org>, "Senator Mary C. TORRES" <marycamachotorres@gmail.com>,
"Senator Telena C. Nelson" <senatortcnelson@gmail.com>, "Senator Thomas C. Ada" <office@senatorada.org>, Senator
William 'Wil' Castro <solutions@wilcastro.com>, "SPEAKER Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, VICE
SPEAKER Therese Terlaje <senatorterlajeguam@gmail.com>, Vote <vote@gec.guam.gov>, mcogadmin@teleguam.net,
Committee on Rules 34GL <corguamlegislature@gmail.com>, T'Nelta Mori <tneltasmori@gmail.com>, valerie@kuam.com

SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

June 13, 2017

From: Senator Michael F.Q. San Nicolas
Chairman, Committee on General Government Operations, and
Federal, Foreign, & Regional Affairs

Subject: SECOND NOTICE of Public Hearing and Oversight-Round Table - Thursday, June 15, 2017

Häfa Adai!

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations and Federal, Foreign, and Regional Affairs will convene a public hearing and an oversight-round table on Thursday, June 15, 2017 in I Liheslaturan Guåhan's Public Hearing Room with the following schedule:

10:30 AM - PUBLIC HEARING

Bill No. 48-34 (COR)—As Corrected by the Prime Sponsor: Introduced by Senator Louise B. Muña

AN ACT TO ADD A NEW § 4129 TO ARTICLE 1 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ADMINISTRATIVE LEAVE FOR EMPLOYEES OF THE GOVERNMENT OF GUAM FOR THE PURPOSE OF DONATING ORGANS, TISSUE, AND BONE MARROW.

Bill No. 81-34 (LS): Introduced by Senator Frank B. Aguon, Jr.

AN ACT RELATIVE TO ESTABLISHING EDUCATION, HEALTH AND PUBLIC SAFETY AS THE TOP PRIORITIES OF THE GOVERNMENT, TO FACILITATING THE GOVERNOR'S REORGANIZATION AUTHORITY OF THE EXECUTIVE BRANCH OF THE GOVERNMENT AND FOR OTHER PURPOSES; AND TO CITE THIS ACT AS THE "GOVERNMENT PRIORITIES ACT OF 2017.

Bill No. 101-34 (LS)—As Corrected by the Prime Sponsor: Introduced by Senator 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.

Bill No. 102-34 (LS): Introduced by Senator Therese M. Terlaje

AN ACT TO AMEND § 9301 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC AWARENESS OF ECONOMIC IMPACT OF RULES AND REGULATIONS.

2:00 PM - OVERSIGHT- ROUND TABLE

Budget of the Mayors' Council of Guam

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via *Liheslaturan Guåhan's* live feed. If written testimonies are to be presented at the Public Hearing, the Committee requests that copies be submitted prior to the public hearing date and should be addressed to Senator Michael F.Q. San Nicolas. Testimonies may be submitted via hand delivery to the Office of Senator Michael F.Q. San Nicolas at the DNA Building, Suite 407, 238 Archbishop Flores Street *Hagåtña*, Guam; at the mail room of the Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to senatorsannicolas@gmail.com.

We look forward to your attendance and participation.

Si Yu'os Ma'ase!



Committee on General Government Operations
and Federal, Foreign & Regional Affairs
Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



PUBLIC HEARING
Thursday, June 15, 2017
10:30 a.m.

Public Hearing Room, *I Liheslaturan Guåhan*

AGENDA

- I. Call to Order**
- II. Opening Remarks/Announcements**

III. Items for Public Consideration

Bill No. 48-34 (COR)—As Corrected by the Prime Sponsor:

Introduced by Senator Louise B. Muña

AN ACT TO ADD A NEW § 4129 TO ARTICLE 1 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING ADMINISTRATIVE LEAVE FOR EMPLOYEES OF THE GOVERNMENT OF GUAM FOR THE PURPOSE OF DONATING ORGANS, TISSUE, AND BONE MARROW.

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AN ACT TO AMEND § 9301 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC AWARENESS OF ECONOMIC IMPACT OF RULES AND REGULATIONS.

- IV. Closing Remarks**
- V. Adjournment**



I Mina'Trentai Kuåttro Na Liheslaturan Guåhan
SENATOR MICHAEL F.Q. SAN NICOLAS

Committee on General Government Operations, and
Federal, Foreign, & Regional Affairs



Public Hearing Sign-in Sheet

Thursday, June 15, 2017 • 10:30 AM • Public Hearing Room, Guam Legislature

Bill No. 101-34 (LS) — As Corrected by the Prime Sponsor: Introduced by Senator 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.

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Geraldine A. Cepeda	Judiciary/Compiler's Office	477-7623	✓	✓	✓	
Lisa C. Ibanez	"	"			✓	
GLORIA J. DUENAS CRUZ	"	"				
Diane Strong	Save Southern Guam	687-3847	✓	✓	✓	

Testimony of Dr. Dianne Strong on June 15, 2017
Bill 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.

In the spirit of upholding and enforcing the intent of 21 GCA REAL PROPERTY CH. 61 ZONING LAW § 3118 ACTIONS UPON APPLICATIONS and § 61620, Save Southern Guam, Inc., and eight residents of Chalan Pago submitted a Writ of Judicial Review and Request for Injunction to declare null and void the decision of the GLUC on 28 April 2016 granting conditional approval of Wanfang Construction, Ltds' application No. 21015-29A for a density variance for the construction of Pago Bay Marina Resort in the municipality of Yona.

It is the position of Save Southern Guam, Inc., and the opinion of The Office of Legislative Council of the 33rd Guam Legislature that the Guam Land Use Commission did NOT adopt or amend its Rules and Regulations in 2010. It is further my opinion that the GLUC and its predecessor the Territorial Land Use Commission have never lawfully adopted rules and regulations as required by the Administrative Adjudication Act (AAA).

I would like to quote from the minutes of the GLUC meeting of January 14, 2010. On page 19 Vice Chairman [Lawrence S.] Chairman Rivera stated:

“We have been using interim rules, a lot of these weren’t clear and are now clear. You have done a great job going through it. Especially with the years of experience that you have, you’ve seen the process, you’ve seen the questions, hearings, this really makes it clearer. This is a working document where we can come back and say this is what it is is - --- **we were illegally gathered [emphasis added]** and have been going [*sic, probably should be “doing”*] this for months and years. Carl, how many years?”

To this question Department of Land Management Chief Planner Carlos Untalan replied, “About thirty years.... [since] 1974.”

Motion [*to adopt*] was moved and seconded by Vice Chairman Rivera.

Chairman [Jay L.] Lather

“Rules are finalized and staff is authorizing the Executive Secretary to send this to the AG’s Office. (4 ayes, 0 – Nay).*

**Were not transmitted to Legislature until November 18, 2011.*

At this very same January 14th meeting, the 98-home subdivision known as Pago Bay Estates was approved. That was seven years ago. Today, the ancestral remains of the Chamorro inhabitants of that land are in cardboard boxes because the GLUC never enforced the conditions for reburial required in the Notice of Approval.

Because the GLUC lacks lawfully approved rules and regulations, it has the power to trample the rights of Guam's residents, especially those who protest the Commission's decisions.

When the honorable Senator Frank B. Aguon, Jr., then of the 33d Guam Legislature, on March 10, 2016 formally requested that the GLUC "withhold action" on the Pago Bay project, the GLUC Chairman John Z. Arroyo replied, "I regret to inform you that at this stage of deliberation, the Commission will not be able to accommodate your request... This position is solely based on parliamentary edicts to which our rules are founded and subjected to and likewise designed to reflect the spirit of due process."

The Chairman continued, "In the eyes of the Commission, public input serves as a vital, if not critical element on how it crafts its decision and/or intent of action. Thus, I must respectfully note we must remain clear of our objectives of this process and to insure proper deliberations, debate, and actions that exact due process fall well within the confines of our procedural authority."

It is the position of Save Southern Guam, Inc., and the opinion of the Office of Legislative Council of the 33rd Guam Legislature that the Guam Land Use Commission did NOT adopt or amend its Rules and Regulations in 2010. It is further my opinion that the GLUC and its predecessor the Territorial Land Use Commission has never lawfully adopted rules and regulations as required by the Administrative Adjudication Act (AAA).

The web site for the Guam Department of Land Management provides a link to its rules and regulations at 18 GAR - LAND MANAGEMENT

<http://www.guamcourts.org/compileroflaws/GAR/18GAR/18GAR001-3.pdf>

CHAPTER 3 TERRITORIAL PLANNING COMMISSION

Article 1 Operational Policies

In the GAR the Rules and Regulations make up only five pages. These adopted rules and regulations are inadequate for a public commission that has such a great impact of Guam's land. Their brevity allows the GLUC to retain broad powers in the conduct of its meetings. In contrast, the statutes regarding **subdivisions** – which are regulated by the GLUC – require 22 pages (from page 6-28), and **H Resort-Hotel Zones** require nine pages (from page 29-38).

The only statutory guidance for the conduct of a GLUC meeting is offered in §3120.

What you WILL find here are Articles that make NO mention of "period for public comment."

The chairman has such broad powers that he can allow testimony to be made AFTER the period for public comment has ended. (Chairman Arroyo did this on 28 April 2016, for petitions supporting the Pago Bay Marina Resort. Ms. Zita Pangelinian then had to persuade the chair to allow her to present a print-out of her on-line petition containing more than 1,000 names of people OPPOSING the development.)

No mention is made regarding recordings – audio and/or video – of the meetings.

No mention is made of the public's right to be able to hear what commissioners are saying or testimony presented (e.g., a public address system).

No mention is made for conduct of the village meetings – the developer presents the application first, and then people are invited by the chairman to testify. This was woefully apparent at the January 6th meeting that the Department of Land Management held at the Yona Community Center for the Pago Bay application.

The requirement for statement of conflict of interest for any commissioner should be made before the consideration of EACH application. (Chairman John Arroyo is married to Joanne Del Carmen, owner of DelCarmen Investments property ADJACENT to Pago Bay Resort. This is clearly a conflict of interest.) See Article IV. VOTING and ATTENDANCE at 4.6 Conflict in the 2006 Procedures

The GLUC retains the power to amend its rules and regulations that therefore are not scrutinized by the public (as are the original) and the Guam Legislature.

ABSENT from 918 GAR is ARTICLE VII. ACTIONS UPON APPLICATIONS. These two pages are extremely important.

ABSENT from 918 GAR is clear guidance on the process by which a GLUC decision can be appealed. Guam Code Annotated states the deadline is 15 days, while the GLUC Notice of Approval states 15 working days.

In summary, Save Southern Guam, Inc. supports Bill 101-34, and stands ready to draft provisions for the adoption of rules and regulations for the Guam Land Use Commission.

Si Yu'Os Ma'ase,

Dianne M. Strong, Ed.D., Secretary, Save Southern Guam, Inc.

and a resident of Yona



Supreme Court of Guam

COMPILER OF LAWS

120 W. O'Brien Drive, Suite 300, Hagåtña, Guam 96910-5174
Telephone: (671) 477-7623 | Facsimile: (671) 472-1246



KATHERINE A. MARAMAN
Chief Justice

GERALDINE A. CEPEDA
Compiler of Laws

June 15, 2017

The Hon. Michael F.Q. San Nicolas
34th Guam Legislature
Chairperson, Committee on General Government Operations
and Federal, Foreign, and Regional Affairs
DNA Building, Suite 407
238 Archbishop Flores Street
Hagåtña, Guam 96910

Re: Testimony in Support of Bill No. 101-34 (LS)

Dear Senator San Nicolas,

Hafa Adai! Thank you for providing me with the opportunity to submit testimony regarding Bill No. 101-34 (LS), **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**, sponsored by Vice Speaker Therese M. Terlaje.

Bill No. 101-34 (LS) proposes to amend existing statutory language regarding the process of adopting, repealing, and amending administrative rules and regulations pursuant to the Administrative Adjudication Law, codified at Chapter 9 of Title 5 Guam Code Annotated. The bill also authorizes the Compiler of Laws to provide guidance as to formatting and placement in the codified Guam Administrative Rules and Regulations (GAR), and addresses the publication of administrative rules and regulations by the Office of the Compiler of Laws.

One primary effect of the proposed language is clarification of the rule-making process; specifically, the approval or disapproval of proposed rules and regulations. Updating the Guam Administrative Rules and Regulations has been a challenge for the Compiler's Office, and the proposed amendments to 5 GCA § 9303 would make it easier to determine when, and indeed if, the proposed rules and regulations were actually approved in accordance with law.

The Judiciary of Guam is an equal opportunity employer and provider.

Letter to Senator Michael F.Q. San Nicolas
Re: Testimony in Support of Bill No. 101-34 (LS)
June 15, 2017

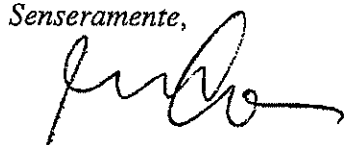
With specific regard to the Compiler's Office, the proposed legislation explicitly authorizes the Compiler to provide guidance to departments, agencies, and other entities that need assistance with placement and formatting of rules and regulations. It also requires that the Compiler report to *I Liheslaturan Guahån* those rules and regulations where approval cannot be confirmed. It is to be hoped that, as a result of this report, the Compiler's Office will be able to work with the *I Liheslaturan Guahån* and with leadership of departments, agencies, commissions, and other entities, to ensure that rules and regulations are provided to the Compiler's Office for publication, and consequently, made accessible to the public.

In this regard, I support the proposed amendments, which would provide certainty as to the approval or disapproval of proposed rules and regulations. If adopted, Bill No. 101-34 (LS) would enable the Compiler's Office to accurately determine whether rules and regulations were adopted in accordance with the Administrative Adjudication Law. Of significant importance is the new language that the permanent register of proposed rules be published on the Guam Legislature website, making this important information easy to find.

I would like to recognize Vice Speaker Therese Terlaje for meeting with the Compiler's Office staff to discuss the proposed amendments. I applaud her intention to make rules and regulations available to the public, and I look forward to continued collaboration to ensure this information is both accurate and accessible.

Thank you also for allowing me the opportunity to provide testimony on Bill No. 101-34 (LS). If you have any questions, please feel free to contact me at gcepeda@guamcourts.org or 477-7623 (Guam Law Library).

Senseramente,



GERALDINE AMPARO CEPEDA
Compiler of Laws







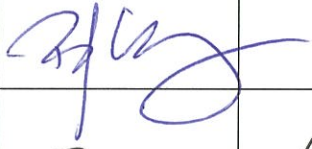



Committee on General Government Operations
and Federal, Foreign & Regional Affairs

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



COMMITTEE VOTE SHEET

Bill No. 101-34 (LS) As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs – “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.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman						
Senator Mary Camacho Torres Vice Chairwoman						
Speaker Benjamin J.F. Cruz Member						
Senator Thomas C. Ada Member						
Senator James V. Espaldon Member						
Senator Régine Biscoe Lee Member						
Senator Telenia C. Nelson Member						



Committee on General Government Operations and Federal, Foreign & Regional Affairs

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 101-34 (LS), As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs – “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.”

Bill No. 101-34 (LS) was introduced by Vice Speaker Therese M. Terlaje on May 26, 2017. Due to its noncompliance with the Standing Rules (see (A)(2) of the pre-referral checklist), Bill No. 101-34 (LS) was returned to its Prime Sponsor on May 31, 2017. Upon the Prime Sponsor making the necessary corrections to the subject bill in accordance with the opinion of Legal Counsel, the Committee on Rules reviewed the Bill and deemed it compliant to the Standing Rules.¹ Bill No. 101-34 (LS) As Corrected by the Prime Sponsor was subsequently referred to the Committee on General Government Operations and Federal, Foreign, and Regional Affairs on May 31, 2017.

The Committee on General Government Operations and Federal, Foreign, and Regional Affairs convened a public hearing on Thursday, June 15, 2017 in *I Liheslatura's* Public Hearing Room. Amongst the items heard was Bill No. 101-34 (LS) As Corrected by the Prime Sponsor. The public hearing began at 10:32 AM and was adjourned at 11:07 AM. Amendments to Bill No. 101-34 (LS) As Corrected by Prime Sponsor² were proffered by Vice Speaker Terlaje at the public hearing.

PUBLIC NOTICE REQUIREMENTS

In accordance with the Open Government Law, public hearing notices were disseminated via electronic mail to all senators, stakeholders, and all main media broadcasting outlets. A 5-day notice was provided on Thursday, June 8, 2017 and a 48-hour notice was provided on Tuesday, June 13, 2017. The notices were also published in the Guam Daily Post and the Pacific Daily News, as well as on *I Liheslatura's* Calendar via the Guam Legislature website.

SENATORS PRESENT

Senator Michael F.Q. San Nicolas, *Chairperson*

Senator Régine Biscoe Lee, *Committee Member*

¹ Referral Memo for Bill No. 101-34 (COR), As Corrected by the Prime Sponsor Dated: 5/31/17

² ATTACHED: Vice Speaker Terlaje's Amendments to Bill No. 101-34 (LS) As Corrected by Prime Sponsor

Senator Telenia C. Nelson, Committee Member

SENATORS PRESENT (continued)

Vice Speaker Therese M. Terlaje

Senator Frank B. Aguon, Jr.

Senator William M. Castro

Senator Louise Borja Muña

APPEARED BEFORE THE COMMITTEE

Dr. Dianne Strong, *Save Southern Guam, Inc.*

Geraldine A. Cepeda, *Guam Compiler of Laws*

SUBMITTED WRITTEN TESTIMONY

Dr. Dianne Strong, *Save Southern Guam, Inc.*

Geraldine A. Cepeda, *Guam Compiler of Laws*

II. TESTIMONY & DISCUSSION

Senator Michael F.Q. San Nicolas, Chairman, Committee on General Government Operations and Federal, Foreign, and Regional Affairs (the "Committee"), convened the hearing for Bill No. 101-34 (LS) As Corrected by Prime Sponsor ("the Bill"). Chairman San Nicolas recognized and thanked his colleagues present. The Chairman then yielded the floor to Vice Speaker Therese M. Terlaje, prime sponsor of the Bill, to provide her opening statements.

Vice Speaker Terlaje thanked the Chairman and proceeded to provide her statement: "Bill 101 makes amendments to the existing Administrative Adjudication Act (or AAA process) that require additional public notice and allow additional scrutiny of rules or regulations made by government agencies that affect their daily lives, such as new fees for services or new requirements or processes to obtain services. Currently, the agency who wants to propose a new rule or regulation, or impose a new fee must give notice to the public, have a public hearing, and submit the rules to the Legislature, and these rules can be deemed approved by default after 90 days of inaction by the Legislature. All too often the public is not sufficiently notified of the new rule or new fee in time to voice their concerns, and even senators have gone unaware of the new fee that was adopted by default. The efforts of the Legislative Secretary in recent years and especially during this term have improved the notice to senators by reporting during the Committee on Rules meetings of the pending rules and the estimated default approval dates. This is very helpful for those senators who are members of the Rules Committee and to the public watching that meeting. Bill No. 101-34 (COR) requires that any rules and regulations adopted or amended by an Executive Branch agency are clearly filed with and approved by the Governor as to policy, filed and approved by the Attorney General as to constitutionality and compliance with law prior to submittal to the Legislature. Bill No. 101-34 (COR) also requires that rules

submitted to the Legislature be referred to a committee and that the committee with oversight on the subject matter conduct a public hearing on the rules and regulations before they are automatically adopted. The Legislature clearly has a means of broadcasting its hearings and potentially reaching more people. Once the rules and regulations have been adopted, they are transmitted to the Compiler of Laws and posted on the Compiler's website for the public to access. This bill requires certification by the Speaker as to default approval in compliance with the Law, and also requests that the Compiler provide a list of any agency rules or regulations that she is unable to confirm as adopted due to loss of records, transfer from AG or lack of legislative records. It is my understanding from discussions with agencies and the Compiler that some of them operate according to rules that the Compiler has no knowledge of or where there is no proof the adoption of the rule. Transmittal of a list of these unconfirmed rules will allow the legislature to confirm the passage of the rules if that is necessary. I am asking that the Committee consider two amendments.³ It is intended that these amendments to the Administrative Adjudication Law will make the government of Guam more transparent and equip the people of Guam with knowledge and information so that they can better be prepared to access government services and advocate for themselves and their families. Our government needs these checks and balances to ensure that the rules and regulations made by government agencies are properly evaluated not only by government officials but also by the people who are directly impacted by them. Thank you Mr. Chair."

Chairman San Nicolas thanked Vice Speaker Terlaje for her statement and stated for the record that the Chair will rule that the amendments are not substantive and thus will not require another public hearing for their subsequent inclusion. Chairman San Nicolas then directed the Committee's Committee Director to include the amendments in the reported out version of the Bill. Chairman San Nicolas recognized the individuals signed up to testify: Dr. Dianne Strong and Ms. Geraldine Cepeda, Compiler of Laws.

Dr. Dianne M. Strong thanked and greeted senators present. Dr. Strong introduced herself as a resident of the village of Yoña and the Secretary for Save Southern Guam, Inc. Dr. Strong testified in favor of Bill No. 101-34 (LS). For her oral testimony, Dr. Strong read her submitted written testimony.⁴

Chairman San Nicolas thanked Dr. Strong for her testimony. He then recognized Compiler of Laws, Geraldine Cepeda to present her testimony.

³ Attached: Vice Speaker Terlaje's Amendments to Bill No. 101-34 (LS) As Corrected by Prime Sponsor

⁴ Attached: Testimony of Dr. Dianne Strong, June 15, 2017 on Bill No. 101-34 (LS)

Compiler Cepeda greeted the Chairman, Vice Speaker, and senators present. Compiler Cepeda wished to read into the record her submitted written testimony.⁵

Chairman San Nicolas thanked Compiler Cepeda for her testimony and yielded the floor to the Author of the Bill and to his colleagues for any questions to the panel of testifiers. Chairman San Nicolas recognized Senator Telenia C. Nelson

Senator Nelson thanked the Chairman and greeted Compiler Cepeda. Addressing Compiler Cepeda, Senator Nelson requested a concrete example of how the Bill provides a better checks and balances as well as to provide an example of historical occurrence during which something was unforeseen and how the bill may help to track things better-

Compiler Cepeda replied that the critical part of the Bill is ensuring that there is certainty in terms of approval and disapproval. She stated that with a specific example, it would be picking one of many. Stating that there has been a lot of movement in the Compiler's Office, originally as a law revision commission to the Guam Legislature, to the Attorney General's office, and now to the judiciary, a loss of records has been apparent. She provided the example of the Gaming Rules and Regulations where apparently they were not provided or did not have an Economic Impact Statement whereas the Rules and Regulations of the Legislative Secretary stamp showed receipt. Compiler Cepeda continued that absent any other information to the Compiler's Office, the Administrative Adjudication Act as it stands states 90 days after receipt by the Legislative Secretary and without that there is no way for the Compiler's Office to glean whether they were indeed in accordance of the Administrative Adjudication Act. She indicated that the proposal in the Bill specifies that after the public hearing, the Speaker may certify default approval or compliance and again other language states that it may be approved by public law, giving certainty.

Senator Nelson thanked Compiler Cepeda for her response and the Chairman for being recognized.

Chairman San Nicolas thanked Senator Nelson and inquired with his colleagues if there were any additional questions. There being none, the Chairman thanked Dr. Strong and Compiler Cepeda for participating in the public hearing. Vice Speaker Terlaje extended her thanks as well. Chairman San Nicolas concluded the public hearing for Bill No. 101-34 (LS) As Corrected by the Prime Sponsor, indicating that the record will remain open for additional testimonies until such time that the filing of the Committee Report necessary for the placing of the Bill on Session Agenda.

III. FINDINGS & RECOMMENDATIONS

⁵ Attached: Testimony of Geraldine A. Cepeda, Compiler of Laws, June 15, 2017 on Bill No. 101-34 (LS)

The Committee on General Government Operations and Federal, Foreign, and Regional Affairs hereby reports out **Bill No. 101-34 (LS), As Corrected by Prime Sponsor and Amended by the Committee on General Government Operations and Federal, Foreign, and Regional Affairs**—"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," with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 101 -34 (LS)

Introduced by:

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.**

2017 MAY 26 AM 10:54

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 (wordpdf) 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 ~~Speaker~~ ~~Legislative Secretary~~; 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.”




COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



PRE-REFERRAL CHECKLIST

BILL NO. 101-34 (LS) 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.		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>5/26/17 11:44 am</u></p> <p>Completed by Legal Bureau: <u>5/30/17 11:10 am</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>5/26/17 11:44 am</u></p> <p>Completed by OFB: <u>5/26/17 4:43 pm</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	<p>Completed by: <u></u></p>



PRE-REFERRAL CHECKLIST

BILL NO. 101-34 (LS) 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.		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 5/31/17 10:14 Completed by: (Signature, Date & Time) 5/31/17 10:14
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input checked="" type="checkbox"/> Return to Prime Sponsor <input type="checkbox"/> Refer to: <i>As per A(2). Subj. to motion to CMTE for the Qs. 11/14/17.</i>	Date & Time: 5/31/17

For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial: <hr/> If NO: Provide letter of explanation (see attached).
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COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MAY 31 2017

MEMO

To: Vice Speaker Therese M. Terlaje

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Re: Return of Bill No. 101-34 (LS) to Prime Sponsor

Buenas yan Håfa adai.

Please be advised that the Committee on Rules is unable to refer **Bill No. 101-34 (LS)** due to its inability to conform to the Standing Rules as to form and style (see (A)(2) on Pre-Referral Checklist).

Please be further advised that a more detailed analysis is available from the Legal Bureau. Please contact Attorney Julian Aguon, Legislative Legal Counsel at guamlegislativecounsel@gmail.com.

The Committee on Rules will continue to retain this bill in the pre-referral process, subject to corrections as submitted by the Prime Sponsor.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

For guidance and questions, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules




I MINA 'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As Corrected by Prime Sponsor.

Introduced by:

Therese M. Terlaje

2017 MAY 30 AM 11:26


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.

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 ~~Speaker~~ Legislative Secretary; 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.”

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As Corrected by Prime Sponsor and Amended
by the Committee on General Government Operations
and Federal, Foreign & Regional Affairs.

Introduced by:

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.

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

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

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

1 legislative resolution to the agency for correction and new submittal in
2 conformance with this Chapter shall be required.

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

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

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

1 (b) If the proposed rules were not adopted by the agency or were
2 not transmitted in full compliance with this Chapter, the Legislature may
3 return 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
7 committee or the Committee of the Whole shall conduct one (1) or more
8 public hearings on the proposal within seventy-five (75) calendar days from
9 the date of filing of the rules with the Speaker.

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

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

1 Legislative Secretary Legislature shall also cause said permanent register to
2 be published electronically on the Guam Legislature website and updated
3 weekly.

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

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

8 **“§ 1610. Publication of Administrative Rules and Regulations.**

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

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
FLOOR AMENDMENTS/CHANGES

Bill No. 101-34 (COR)

Therese M. Terlaje
Senator Proposing Amendment

Line 12 Page 4 of the Bill:

Add the following: "After the public hearing and the ninety (90) calendar days have elapsed from the
date of filing, the Speaker may certify and the Legislative Secretary attest to the default approval of
compliant rules and regulations pursuant to this Chapter."

(Below only for Clerk of Legislature's use and processing)

Date: _____ Floor Amendment No. _____

AMENDMENT PASSED: _____ Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ Concur (initial) _____

____ Engrossment Staff

AUTHOR OF AMENDMENT

Clerk of Legislature

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
FLOOR AMENDMENTS/CHANGES

Bill No. 101-34 (COR)

Therese M. Terlaje
Senator Proposing Amendment

Line 20 Page 4 of the Bill:

Amend the following: “(d) The Legislature Legislative Secretary shall maintain a copy and permanent register of all rules proposed, which shall include a notation of the date of filing; date of referral to legislative oversight committee; date of scheduled legislative public hearing; date of and link to legislative committee report; date of return to Agency by committee letter, rules resolution, or legislative resolution; date of passage of bill to approve, disapprove or amend; date of certification by Speaker of default approval of compliant rule; and date of disapproval due to adjournment sine die. The Legislature Legislative Secretary shall also cause said permanent register to be published electronically on the Guam Legislature website and updated weekly.”

(Below only for Clerk of Legislature's use and processing)

Date: _____ Floor Amendment No. _____

AMENDMENT PASSED: _____ Votes For: _____ Votes Against: _____ Failed: _____ Withdrawn: _____

APPROVED AS TO FORM PASSED _____ Concur (initial) _____

____ Engrossment Staff

AUTHOR OF AMENDMENT

Clerk of Legislature



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUN 09 2017

Senator Michael F. Q. San Nicolas
Chairman, Committee on Rules
I Mina'Trentai Kuáttro na Liheslaturan Guahan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai! Senator San Nicolas:

The Bureau requests that Bill No. 101-34 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill 101-34 (LS) proposes to amend § 9303 of Article 3, Chapter 9, Title 5 and § 1610 of Chapter 16, Title 1, both of the Guam Code Annotated, relative to the adoption of rules and regulations pertaining to the administrative adjudication law.

The intent of the Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Si Yu'os Ma'ase,


LESTER L. CARLSON, JR.



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



COMMITTEE REPORT CHECKLIST

Part 1 / 1

BILL NO. 101-34 (LS)		
<i>As Corrected by the Prime Sponsor and Amended by the Committee</i>		
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.		
REFERRED TO:		
Committee on General Government Operations and Federal, Foreign, and Regional Affairs; Senator Michael F.Q. San Nicolas, <i>Chairperson</i>		
(A) FISCAL NOTE or WAIVER	(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: 5/31/17 12:23pm
	(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: 6/9/17 10:08 AM
	(3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date & Time:
	(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report) (4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"	

If no boxes checked:

**UNABLE TO PLACE ON
SESSION AGENDA**
2 GCA § 9102



Committee Report Checklist on
 Bill No. 101-34 (LS), As Corrected by the Prime Sponsor and Amended by the Committee
 Part 1/1

(B) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (ALL Senators & ALL Media)	Date and Time of Notice: <u>6/8/17 10:40am</u>
	<input type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: <u>6/13/17 8:55am</u>
	(2) Date and Time of Hearing: <u>6/15/17 10:30am</u>	<i>or</i> (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <i>If YES:</i> Attach memo indicating WAIVER
	(3) Location: <u>Public Hearing Room, Guam Congress Bldg.</u>	
	(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
	(a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<i>If YES:</i> Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	(b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<i>If YES:</i> SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO
	COR Chair	

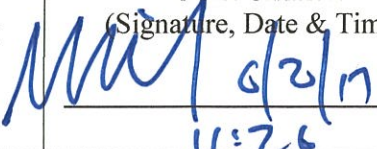


Committee Report Checklist on
 Bill No. 101-34 (LS), As Corrected by the Prime Sponsor and Amended by the Committee
 Part 1/1

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES:</i> Date & Time: <u>6/19/17 4:5pm</u>		Notes:	<i>If NO:</i> UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <i>If YES:</i> Date & Time:			
	(2) LAND LEGISLATION			
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		<i>If YES:</i> ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%; vertical-align: top;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>			
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government		
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		<i>If YES:</i> INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		<i>If YES:</i> INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A				



Committee Report Checklist on
 Bill No. 101-34 (LS), As Corrected by the Prime Sponsor and Amended by the Committee
 Part 1/1

(D) COMMITTEE REPORT (continued)	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303	
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301(d), 9301(e), 9301(f)
	(4) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Committee Chair Memo to All Committee Members	<input checked="" type="checkbox"/>
	(d) COR Referral Memorandum	<input checked="" type="checkbox"/>
	(e) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(f) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(g) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(h) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(i) Committee Vote Sheet(s)	<input checked="" type="checkbox"/>
	(j) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(k) Bill History	<input checked="" type="checkbox"/>
	(k)(1) Copy of Bill as introduced	<input checked="" type="checkbox"/>
	(k)(2) COR Pre-Referral Checklist	<input checked="" type="checkbox"/>
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input checked="" type="checkbox"/>
	(k)(4) Copy of Bill as amended/substituted by Committee (if applicable)	<input checked="" type="checkbox"/>
	(l) Fiscal Note/Waiver and Funding Availability Note (OFB)	<input checked="" type="checkbox"/>
	(m) Two (2) Property Appraisals (if applicable)	N/A <input type="checkbox"/>
	(n) Related News Reports (optional)	N/A <input type="checkbox"/>
	(o) Miscellaneous (optional)	N/A <input type="checkbox"/>
	(p) Committee Report Checklist(s)	<input checked="" type="checkbox"/>
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  6/2/17 11:26



I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.	5/31/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs	6/15/17 10:30 a.m.		Fiscal Note Request 5/31/17 Fiscal Note Waiver 6/9/17	



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



JUN 09 2017

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Re: Fiscal Note Waivers

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver (as advised by BBMR) for the following bill:

Bill No. 101-34 (LS), As Corrected by the Prime Sponsor

Bill No. 103-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUN 09 2017

Senator Michael F. Q. San Nicolas
Chairman, Committee on Rules
I Mina'Trentai Kuåttro na Liheslaturan Guahan
34th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai! Senator San Nicolas:

The Bureau requests that Bill No. 101-34 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill 101-34 (LS) proposes to amend § 9303 of Article 3, Chapter 9, Title 5 and § 1610 of Chapter 16, Title 1, both of the Guam Code Annotated, relative to the adoption of rules and regulations pertaining to the administrative adjudication law.

The intent of the Bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Si Yu'os Ma'ase,


LESTER L. CARLSON, JR.

I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.	5/31/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs			Fiscal Note Request 5/31/17	



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MAY 31 2017

VIA E-MAIL

lester.carlson@bbmr.guam.gov

admin@bbmr.guam.gov

Lester Carlson

Deputy Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

RE: Request for Fiscal Notes on Bill Nos. 99-34 (LS), 100-34 (LS) and 101-34 (LS), As Corrected by the Prime Sponsor

Håfa adai Mr. Carlson,

Transmitted herewith is a listing of *I Mina'trentai Kuåttro na Liheslaturan Guåhan*'s most recently referred bills:

Bill No. 99-34 (LS)

Bill No. 100-34 (LS)

Bill No. 101-34 (LS), As Corrected by the Prime Sponsor

Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Thank you for your attention to this important matter.

Respectfully,

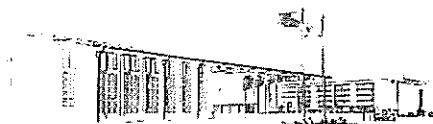
Senator Michael F.Q. San Nicolas

Chairman of the Committee on Rules



Fiscal Note Request for
 Bill Nos. 99-34 (LS), 100-34 (LS) and 101-34 (LS), As Corrected by the Prime Sponsor

BILL NO.	SPONSOR	TITLE
99-34 (LS)	Dennis G. Rodriguez, Jr. Joe S. San Agustin	ACT TO <i>ADD</i> A NEW § 26202(k) TO TITLE 11, GUAM CODE ANNOTATED, TO PREVENT DOUBLE LEVY OF BUSINESS PRIVILEGE TAX ON PROFESSIONAL SERVICES.
100-34 (LS)	Thomas C. Ada	AN ACT TO <i>AMEND</i> § 2107 (b) OF CHAPTER 2, TITLE 2 GUAM CODE ANNOTATED AND TO ADD A NEW § 2107 (c) RELATIVE TO PROVIDING EXEMPTIONS FROM THE REQUIREMENT FOR APPRAISALS.
101-34 (LS), As Corrected by the Prime Sponsor	Therese M. Terlaje	AN ACT TO <i>AMEND</i> § 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.



I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.	5/31/17	Committee on General Government Operations and Federal, Foreign, and Regional Affairs				



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MAY 31 2017

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Re: **Referral of Bill No. 101-34 (LS), As Corrected by the Prime Sponsor**

Buenas yan Håfa adai.

Please be advised that **Bill No. 101-34 (LS)** was returned to its Prime Sponsor due to its noncompliance with the Standing Rules (see (A)(2) of the pre-referral checklist) on May 31, 2017. The Prime Sponsor has made the necessary corrections to the subject bill, in accordance with the opinion of Legal Counsel. The Committee on Rules has reviewed the Bill, as corrected by the Prime Sponsor, and deems it compliant to the Standing Rules.

As per my authority as Chairman of the Committee on Rules, I am forwarding the referral of **Bill No. 101-34 (LS), As Corrected by the Prime Sponsor**.

Please ensure that the subject bill is referred, in my name, to **Senator Michael F.Q. San Nicolas, Chairperson of the Committee on General Government Operations and Federal, Foreign, and Regional Affairs**.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*

I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MAY 31 2017

MEMO

To: Vice Speaker Therese M. Terlaje

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Re: Return of Bill No. 101-34 (LS) to Prime Sponsor

Buenas yan Håfa adai.

Please be advised that the Committee on Rules is unable to refer **Bill No. 101-34 (LS)** due to its inability to conform to the Standing Rules as to form and style (see (A)(2) on Pre-Referral Checklist).

Please be further advised that a more detailed analysis is available from the Legal Bureau. Please contact Attorney Julian Aguon, Legislative Legal Counsel at guamlegislativecounsel@gmail.com.

The Committee on Rules will continue to retain this bill in the pre-referral process, subject to corrections as submitted by the Prime Sponsor.

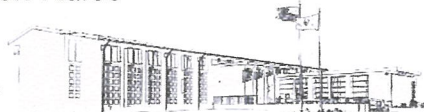
Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

For guidance and questions, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules



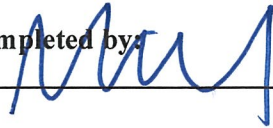


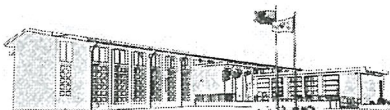
COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



PRE-REFERRAL CHECKLIST

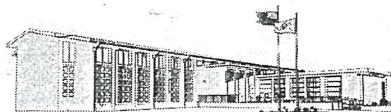
BILL NO. 101-34 (LS)		
AN ACT TO AMEND § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS.		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>5/26/17 11:44 am</u></p> <p>Completed by Legal Bureau: <u>5/30/17 11:10 am</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>5/26/17 11:44 am</u></p> <p>Completed by OFB: <u>5/26/17 4:43 pm</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	<p>Completed by: <u></u></p>



PRE-REFERRAL CHECKLIST

BILL NO. 101-34 (LS) 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.		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 5/31/17 10:14 Completed by: (Signature, Date & Time) 5/31/17 10:14
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input checked="" type="checkbox"/> Return to Prime Sponsor <input type="checkbox"/> Refer to: <div style="font-family: cursive; font-size: 1.2em; margin-top: 10px;"> As per A(2). Subj. to transfer to CMTE Gen. Inv. Ops. Mgmt. </div>	Date & Time: <div style="font-family: cursive; font-size: 1.5em; margin-top: 10px;"> 5/31/17 </div>

For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial: <div style="font-family: cursive; font-size: 1.5em; margin-top: 10px;"> </div> If NO: Provide letter of explanation (see attached).
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I Mina'Trentai Kuåttro 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) As corrected by the Prime Sponsor.	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. AS CORRECTED 5/30/17 11:21 a.m.						

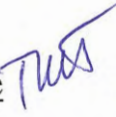

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As Corrected by Prime Sponsor.

Introduced by:

Therese M. Terlaje

2017 MAY 30 AM 11:26



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.

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 ~~Speaker~~ ~~Legislative Secretary~~; 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.”

I Mina'Trentai Kuåttro 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'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 101 -34 (LS)

Introduced by:

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.**

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~~

2017 MAY 26 AM 10:54

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 (wordpdf) 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 Speaker ~~Legislative Secretary~~; 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.”



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

JUL 14 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GLA 34-17-737
Speaker Benjamin J.F. Cruz

JUL 14 2017

Time: *2:20* [] AM [] PM File No. *34-662*
Received By: *[Signature]*

2017 JUL 14 PM 3:18
KC

Dear Mr. Speaker:

Transmitted herewith is Bill No. 101-34 (LS), "AN ACT TO AMEND § 9309 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND AMEND § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS," which was signed into law on July 13, 2017, as **Public Law 34-32**.

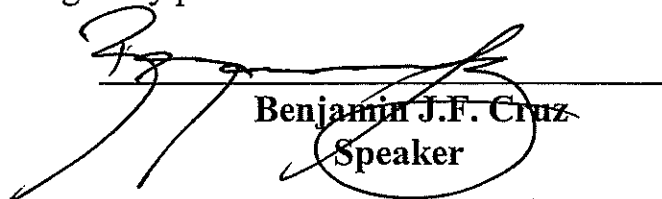
Senseramente,

[Signature]
EDDIE BAZA CALVO

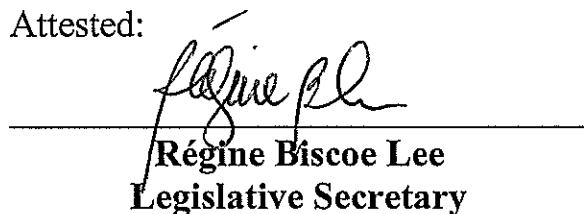
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

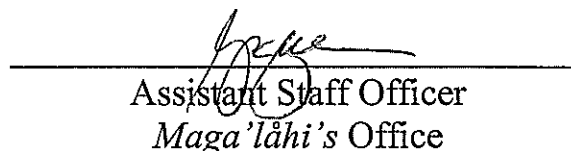
This is to certify that **Bill No. 101-34 (LS)**, "AN ACT TO *AMEND* § 9303 OF ARTICLE 3, CHAPTER 9, TITLE 5, GUAM CODE ANNOTATED; AND *AMEND* § 1610 OF CHAPTER 16, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS," was on the 30th day of June 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

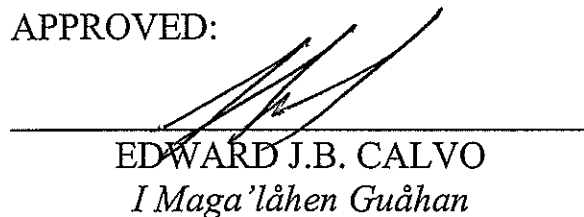
Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 23 day of July,
2017, at 2:10 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUL 13 2017

Public Law No. 34-32

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 101-34 (LS)

As corrected by Prime Sponsor; and amended
by the Committee on General Government Operations
and Federal, Foreign and Regional Affairs.

Introduced by:

Therese M. Terlaje
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telen Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Mary Camacho Torres

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

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

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

4 **“§ 9303. Adoption, Repeal, Rescission, or Amendment of Rules and**
5 **Regulations: Circulation and Filing.**

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

4 (1) Prepare the rules in a form which will conform to a
5 standard system or code adopted by the Guam Code Advisory
6 Commission for the guidance of all agencies. Agencies may contact the
7 Compiler of Laws for recommendations as to placement and
8 formatting.

9 (2) File with *I Maga'låhen Guåhan* (the Governor of Guam)
10 a printed and an identical electronic (pdf) version of the proposed rules
11 and regulations and one (1) printed and an identical electronic (pdf)
12 copy of the entire agency record, to include minutes or a resolution
13 showing board approval of proposed rules, certification of the agency
14 record and compliance with each of the requirements of this Chapter,
15 economic impact statements, and transcripts of any public hearings on
16 the rules being proposed.

17 (3) File with the Attorney General a printed and an identical
18 electronic (pdf and word) version of the proposed rules and regulations,
19 and one (1) printed and an identical electronic (pdf) copy of the entire
20 agency record, to include minutes or a resolution showing board
21 approval of proposed rules, certification of the agency record and
22 compliance with each of the requirements of this Chapter, economic
23 impact statements, and transcripts of any public hearings on the rules
24 being proposed.

25 (4) Upon written approval of *I Maga'låhi* as to policy, and
26 approval of the Attorney General as to constitutionality, compliance
27 with this Act, and compliance with the statutory authority for the

1 promulgation of the rules, file with the Speaker of *I Liheslatura* a
2 printed and an identical electronic (pdf and word) version of the
3 proposed rules and regulations, and a printed and an identical electronic
4 (pdf) copy of the entire agency record, to include minutes or a
5 resolution showing board approval of proposed rules, certification of
6 the agency record and compliance with each of the requirements of this
7 Chapter, economic impact statements, and transcripts of any public
8 hearings on the rules being proposed. Evidence of the Governor's and
9 the Attorney General's approvals *shall* be included in the transmittal.

10 The subject line of the transmittal letter *shall* clearly include the
11 following: **"This is a Transmittal to *I Liheslaturan Guåhan* of**
12 **Proposed Rules and Regulations pursuant to the Administrative**
13 **Adjudication Law."**

14 (b) If the proposed rules were not adopted by the agency or were not
15 transmitted in full compliance with this Chapter, *I Liheslatura* may return the
16 rules by an oversight committee letter, a rules resolution, or a legislative
17 resolution to the agency for correction, and a new submittal in conformance
18 with this Chapter *shall* be required. Proposed rules *shall* be referred to the
19 legislative committee with oversight of the subject matter, and that committee
20 or the Committee of the Whole *shall* conduct one (1) or more public hearings
21 on the proposal within seventy-five (75) calendar days from the date of filing
22 of the rules with the Speaker.

23 (c) No rule *shall* be effective until after compliance with the
24 provisions of this Section and ninety (90) calendar days have elapsed from the
25 date of filing with the Speaker of *I Liheslatura*. After the public hearing and
26 the ninety (90) calendar days from the date of filing, the Speaker may certify,
27 and the Legislative Secretary attest to, the default approval of compliant rules

1 and regulations pursuant to this Chapter. *I Liheslaturan Guåhan* may, by the
2 passage of a bill into law, approve, disapprove, or amend any rule within
3 ninety (90) calendar days from the date of filing with the Speaker of *I*
4 *Liheslatura*; *except* that any pending rules *shall* be deemed disapproved upon
5 adjournment *sine die* of *I Liheslaturan Guåhan*.

6 (d) The Legislative Secretary *shall* maintain a copy and permanent
7 register of all rules proposed, which *shall* include a notation of the date of
8 filing; the date of referral to the legislative oversight committee; the date of
9 the scheduled legislative public hearing; the date of and link to the legislative
10 committee report; the date of return to the agency by committee letter, rules
11 resolution, or legislative resolution; the date of passage of the bill to approve,
12 disapprove, or amend; the date of certification by the Speaker of default
13 approval of the compliant rule; and the date of disapproval due to adjournment
14 *sine die*. The Legislative Secretary *shall* also cause said permanent register to
15 be published electronically on *I Liheslaturan Guåhan*'s website and updated
16 weekly.

17 (e) The Compiler of Laws *shall* ascertain the approval of proposed
18 rules and regulations in accordance with 1 GCA § 1610."

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

21 **"§ 1610. Publication of Administrative Rules and Regulations.**

22 All rules and regulations or amendments to rules and regulations
23 promulgated by any Director and/or board for departments, agencies, and
24 instrumentalities of the government of Guam, pursuant to specific statute or
25 through the Administrative Adjudication Act, *shall* be codified and published
26 as provided for in this Act. The Compiler of Laws *shall* ascertain legislative
27 approval of rules and regulations pursuant to the Administrative Adjudication

1 Act by clear indication of approval, either by the passage of a bill into law or
2 by certification by the Speaker of *I Liheslatura* as to *I Liheslatura's* default
3 approval of said compliant rules and regulations. The Compiler of Laws *shall*
4 submit to *I Liheslatura* a list of rules and regulations whose approval he or
5 she is unable to confirm due to the loss of records prior to the transfer of the
6 Compiler of Law's Office to the Supreme Court, or due to the lack of certified
7 legislative records, or due to any other reason."