

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
<b>328-37 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning.	Roy A. B. Quinata Dwayne T.D. San Nicolas Tina Rose Muña Barnes	AN ACT TO AMEND § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1913(c) OF CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS AND PROCEDURES FOR IMPLEMENTATION OF AUDIT RECOMMENDATIONS BY AGENCIES.	7/17/24 10:52 a.m.	7/19/24	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 7/19/24  7/25/24	9/5/24 2:00 p.m.	9/9/24 3:18 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>NOTES</b>			
	9/23/24	AN ACT TO AMEND § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1913 OF CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS AND PROCEDURES FOR IMPLEMENTATION OF AUDIT RECOMMENDATIONS BY AGENCIES.	10/7/24	10/8/24	10/19/24				



**COPY**

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
Thirty-Seventh Guam Legislature

October 8, 2024

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

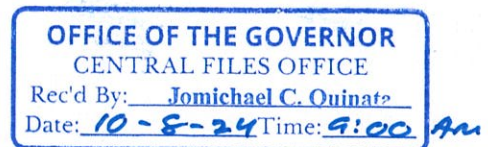
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 174-37 (COR), 193-37 (LS), 247-37 (COR), 249-37 (COR), 293-37 (COR), 328-37 (COR), 338-37 (COR), and Substitute Bill Nos. 124-37 (COR), 286-37 (LS), 327-37 (COR), and 334-37 (COR)** which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on October 7, 2024.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

Enclosure (11)




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

This is to certify that **Bill No. 328-37 (COR)**, “AN ACT TO *AMEND* § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND TO *AMEND* § 1913 OF CHAPTER 19, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS AND PROCEDURES FOR IMPLEMENTATION OF AUDIT RECOMMENDATIONS BY AGENCIES,” was on the 7<sup>th</sup> day of October 2024, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 8<sup>th</sup> day of October, 2024, at 9:00 o'clock A.M.

  
Assistant Staff Officer  
*Maga'håga's* Office

APPROVED:

\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
2024 (SECOND) Regular Session

**Bill No. 328-37 (COR)**

As amended by the Committee on Environment,  
Revenue and Taxation, Labor, Procurement, and  
Statistics, Research, and Planning.

Introduced by:

Roy A. B. Quinata  
Dwayne T.D. San Nicolas  
Tina Rose Muña Barnes  
Chris Barnett  
Frank Blas, Jr.  
Joanne M. Brown  
Christopher M. Dueñas  
Thomas J. Fisher  
Jesse A. Lujan  
William A. Parkinson  
Sabina Flores Perez  
Joe S. San Agustin  
Amanda L. Shelton  
Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO *AMEND* § 5707(a) OF ARTICLE 12,  
CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; AND  
TO *AMEND* § 1913 OF CHAPTER 19, TITLE 1, GUAM  
CODE ANNOTATED, RELATIVE TO THE PROCEDURE  
FOR JUDICIAL REVIEW OF DECISIONS MADE BY  
THE PUBLIC AUDITOR IN PROCUREMENT APPEALS  
AND PROCEDURES FOR IMPLEMENTATION OF  
AUDIT RECOMMENDATIONS BY AGENCIES.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that currently, when a party seeks judicial review of the decision of the Office of

1 Public Accountability (OPA) in a procurement appeal matter, the OPA is named as  
2 a defendant in a civil action in the Superior Court of Guam. The judicial review  
3 process for such OPA decisions is treated like a regular civil action between parties  
4 suing for money damages, property rights, etc. This is different from the procedure  
5 followed for judicial review of other administrative decisions under Guam law,  
6 forcing the OPA to divert operational and human resources to respond to the civil  
7 action.

8 *I Liheslatura* further finds there is uncertainty as to the proper procedure for  
9 the judicial review of decisions by the Public Auditor in procurement appeals and  
10 related matters.

11 It is, therefore, the intent of *I Liheslatura* to clarify that the proper procedure  
12 for such judicial review should be similar to that for judicial review of other  
13 administrative agency decisions under Guam law.

14 **Section 2.** § 5707(a) of Article 12, Chapter 5, Title 5, Guam Code  
15 Annotated, is hereby *amended* to read as follows:

16 “(a) Appeal. Any person receiving an adverse decision, the  
17 government or any autonomous agency or public corporation, or both, may  
18 appeal a decision by the Public Auditor to the Superior Court of Guam by  
19 filing a petition for judicial review.”

20 **Section 3.** § 1913 of Chapter 19, Title 1, Guam Code Annotated, is hereby  
21 *amended* to read as follows:

22 “§ 1913. **Implementation of Recommendation.**

23 The Public Auditor may file in the Superior Court of Guam a  
24 petition for a Writ of Mandate to force the implementation of the  
25 recommendations and the attendant corrective action plan in the event  
26 the Governor, the Committee on Rules of the Legislature, or the Chief  
27 Justice of the Supreme Court of Guam:

1 (a) fails to implement the required corrective action  
2 plan; or

3 (b) fails to provide a satisfactory explanation as to why  
4 such recommendations have not been implemented to the Public  
5 Auditor; or

6 (c) the Public Auditor has not concurred with the non-  
7 implementation on account of the provided explanation.”

8 **Section 4. Effective Date.** This Act shall be effective upon enactment.

9 **Section 5. Severability.** If any provision of this Act or its application to  
10 any person or circumstance is found to be invalid or inorganic, such invalidity shall  
11 not affect other provisions or applications of this Act that can be given effect without  
12 the invalid provision or application, and to this end the provisions of this Act are  
13 severable.