

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 152-37 (LS)**

Introduced by:

Frank F. Blas, Jr.



**AN ACT TO ADD A NEW CHAPTER 15 TO DIVISION 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE ELIMINATION OF UNNECESSARY OR UNENFORCEABLE REGULATIONS TO BE KNOWN AS THE “BUREAUCRACY SIMPLICITY ACT”.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that among the rights  
3 the people of Guam cherish the most are freedoms to pursue a chosen means to earn a living. Yet  
4 of all the rights that should be fundamental, economic liberty has eroded most of all, to the extent  
5 that today, the “right” to receive welfare assistance enjoys greater legal protection than the right  
6 to earn an honest living.

7 Licensing and regulation of businesses and professions – often placed in the hands of the regulated  
8 industry - artificially limit entry and reduce competition. Many entry-level opportunities are  
9 affected by licensing laws, government-imposed regulations, and restrictions that make building a  
10 profession or operating a home-based business daunting.

11 *I Liheslaturan Guåhan* finds and declares that the right of individuals to own a business or pursue  
12 a chosen profession, free from arbitrary or excessive government interference, is a fundamental  
13 civil right; that the freedom to earn an honest living traditionally has provided the surest means for  
14 economic mobility; that in recent years, many regulations of entry into professions or to start a  
15 business have exceeded legitimate public purposes and have had the effect of arbitrarily limiting  
16 entry and reducing competition; that the burden of excessive regulation is borne most heavily by  
17 individuals outside the economic mainstream, for whom opportunities for economic advancement  
18 are curtailed. *I Liheslaturan Guåhan* further finds and declares that it is in the public’s interest to

1 ensure the right of all individuals to pursue legitimate entrepreneurial and professional pursuits to  
2 the limits of their talent and ambition; to provide the means for the vindication of this right; and,  
3 to ensure that regulations of entry into professions or to start a business are demonstrably necessary  
4 and tailored to legitimate health, safety, and welfare objectives.

5 **Section 2.** This Act shall be known as the “Bureaucracy Simplicity Act.”

6 **Section 3.** A new Chapter 15 is hereby added to Division 1 of Title 5, Guam 19 Code Annotated  
7 to read as follows: “CHAPTER 15: THE BUREAUCRACY SIMPLICITY ACT.”

8 §15101. Definition.

9 § 15102. Limitations on Regulations.

10 § 15103. Elimination of Unnecessary or Unenforceable Regulations.

11 **§ 1501. Definition.**

12 Notwithstanding any other provisions of law, rule, or regulation to the contrary, for the purposes  
13 of this Chapter, a Government Agency (hereinafter referred to as “agency”) shall be defined as  
14 any entity or instrumentality pursuant to Chapter 3 of Title 5, Guam Code Annotated, and Title 12,  
15 Guam Code Annotated.

16 **§ 15102. Limitations on Regulations.**

17 All occupational and business regulations shall be limited to those demonstrably necessary to  
18 fulfill legitimate public health, safety, or welfare objectives.

19 **§ 15103. Elimination of Unnecessary or Unenforceable Regulations.**

20 (a) Upon enactment and within one (1) year, every agency shall conduct a comprehensive review  
21 of all business and occupational regulations and business and occupational license procedures  
22 within their jurisdictions, and for each it shall:

23 \_\_\_\_\_ (1) Articulate, with specificity, the public health, safety, or welfare objective(s) served by  
24 \_\_\_\_\_ the law or regulation;

25 \_\_\_\_\_ (2) Articulate the reason(s) why the law or regulation is necessary to serve the specified  
26 \_\_\_\_\_ objective(s);

27 \_\_\_\_\_ (3) Analyze, where information is readily available, the effects of the law or regulation on  
28 \_\_\_\_\_ opportunities for workers, consumer choices and costs, general unemployment, market  
29 \_\_\_\_\_ competition, governmental costs, and other effects; and

30 \_\_\_\_\_ (4) Compare the law or regulation to whether and how other jurisdictions regulate the  
31 \_\_\_\_\_ business or profession.

1 (b) To the extent the agency finds any law or regulation that does not satisfy the standard set forth  
2 in Section 3, it shall:

3 (1) Repeal the occupational or business regulation or modify the occupational or business  
4 regulation to conform with the standard of Section 3, if such action is within the agency’s  
5 authority to do so; or

6 (2) Recommend to I Liheslaturan Guåhan actions necessary to repeal or modify the  
7 occupational or business license requirement or occupational or business regulation to  
8 conform to the standard pursuant to § 15101 of this Chapter, if such action as it relates to  
9 a regulation that is not within the agency’s authority.

10 (c) Within one (1) year following the enactment of this Act, each agency shall report to I  
11 *Liheslaturan Guåhan* all actions taken to conform with this section.

12 **Section 4. Severability.** If any provision of this Act or its application to any person or  
13 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other  
14 provisions or applications of this Act that can be given effect without the invalid provision or  
15 application, and to this end the provisions of this Act are severable.

16 **Section 5. Effective Date.** The Act shall be effective upon enactment.”

17