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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
***Hagåtña,* Guam 96910**

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY: J. Dela Rosa
TIME: 11:28 AM DATE: 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 193-32 (COR), "AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235, RELATIVE TO DELETING THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW",** was on the 12th day of November 2013, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 193-32 (COR)
As substituted by the Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens and amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
FRANK B. AGUON, JR.
Chris M. Dueñas
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 4 OF PUBLIC LAW 31-235, RELATIVE TO DELETING THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the provision contained in Section 4 of Public Law 31-235 which requires the "printed materials" and "checklist certification" to undergo the rulemaking process

as set forth in Title 5, Chapter 9, Article 3 of the Guam Code Annotated should be deleted. This determination is based upon the fact that neither the "printed materials" nor the "checklist certification" are rules; and, but for the requirements of Section 4, would *not* have to undergo – and, therefore, *should not* undergo – the rule making process. These findings are supported by a memorandum from the Office of the Attorney General, Guam, which states that "the printed materials and checklist do not meet the definition of a rule." AG Memo -Ref: DPHSS 13-0276 (citing 5 G.C.A. §9107, which defines rules and regulations under pertinent Guam law).

I Liheslaturan Guåhan further finds that it would serve *no* purpose and that it would constitute a waste of government resources to require the Department of Public Health and Social Services to undertake the significant effort necessary to promulgate the "printed materials" and "checklist certification" as if they were rules or regulations when all are in agreement that they are not.

The purpose of this Act, therefore, is to amend Section 4 of Public Law 31-235 to delete the provision contained therein which requires the "printed materials" and "checklist certification" to undergo the rulemaking process.

Section 2. Amendment of Section 4 of Public Law 31-235. Section 4 of Public Law 31-235 is hereby *amended* to read:

"**Section 4. Effective Date.** This Act *shall* take effect sixty (60) days after the "printed materials" described in proposed §3218.1(c) and the "checklist certification" described in proposed §3218.1(c)(5) have been approved by a majority vote of a team consisting of the Director of DPHSS, who *shall* serve as the Chairperson; the Medical Director of the DPHSS; an OB/GYN doctor from the Guam Medical Association; a Social Worker from the National Association of Social Workers; and a Psychiatrist from the Guam Behavioral Health and Wellness Center. These appointments are *not*

subject to the advice and consent of *I Liheslatura* (the Legislature), and *shall* be identified *no later than* fourteen (14) days after the enactment of this Act. The "printed materials" and "checklist certification" highlighted herein *shall* be approved *no later than* one hundred twenty (120) days after the enactment of this Act."

Section 3. Effective Date. This Act *shall* be effective upon enactment.