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

GL H 34-17-737
Speaker Benjamin J.F. Cruz

JUL 14 2017
Time: 2:20 [ ] AM [ ] PM File No. 34-662
Received By:

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,

EDDIE BAZA CALVO

I MINA'TRENTAI KUÅTTRO 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 KUÅTTRO 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
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.

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) Prepare the rules in a form which will conform to a 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.

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

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

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

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

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

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

(c) No rule *shall* be effective until after compliance with the provisions of this Section and ninety (90) calendar days have elapsed from the date of filing with the Speaker of *I Liheslatura*. After the public hearing and the ninety (90) calendar days 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. *I Liheslaturan Guåhan* may, by the passage of a bill into law, approve, disapprove, or amend any rule within ninety (90) calendar days from the date of filing with the Speaker of *I Liheslatura*; *except* that any pending rules *shall* be deemed disapproved upon adjournment *sine die* of *I Liheslaturan Guåhan.*

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

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

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

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

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

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