

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

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
<b>191-36 (COR)</b> As amended by the Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts, and further amended on the Floor	Clynton E. Ridgell Tina Rose Muña Barnes Jose "Pedo" Terlaje	AN ACT TO <i>AMEND</i> § 3402 OF ARTICLE 4, CHAPTER 3, DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALLOWING WILD DEER TO BE TAKEN AND HARBORED AS LIVESTOCK.	9/9/21 9:11 a.m.	9/14/21	Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts	11/17/21 9:00 a.m.	9/22/22 10:31 a.m. As Amended by the Committee on Economic Development, Agriculture, Power and Energy Utilities, And the Arts	Request: 9/15/21  9/21/21	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE LAPSED</b>	<b>NOTES</b>	
	9/23/22	AN ACT TO <i>AMEND</i> § 3402 OF ARTICLE 4, CHAPTER 3, DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALLOWING WILD DEER TO BE TAKEN AND HARBORED AS LIVESTOCK.	9/30/22	9/30/22	10/12/22	36- 112	10/12/22	Received: 10/12/22 Mess and Comm. Doc. No. 36GL-22-2666	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Transmitted via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

October 12, 2022

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Doc Type: 36GL-22-2666  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

-10- 1 2 2022

Time: 4:38pm  
Received: *[Signature]*

**Re: BILL NO. 191-36 (COR) – AN ACT TO AMEND § 3402 OF ARTICLE 4, CHAPTER 3, DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALLOWING WILD DEER TO BE TAKEN AND HARBORED AS LIVESTOCK**

*Hafa Adai* Madame Speaker,

For the reasons provided below, Bill 191-36 will lapse into law without my signature. Although our Administration supports this legislation's general intent to diversify Guam's economy and efforts to support agricultural activities, amendments to rules that regulate "harboring" and "taking" wild deer for livestock could have been properly accomplished by formal rulemaking by the Department of Agriculture ("DoAG")—the agency charged with implementing Guam's Game and Fish laws.

The separation of powers doctrine recognizes that each branch of government has its own appropriate sphere of activity. Under the Organic Act of Guam, the powers of the three branches of government are enumerated and separated in Subchapters II—Executive Branch, III—The Legislature, and IV—The Judiciary. The Organic Act of Guam charges the Executive Branch with powers to issue "regulations" not in conflict with any applicable law, including Guam's rulemaking laws. In contrast, the Legislature is charged with drafting and passing "bills." The powers over rulemaking and law-making roles are separate and distinct under the Organic Act of Guam.

While the Legislature has the power to pass a bill containing Bill No. 191-36's exact language as a law, it cannot do so under the guise of promulgating a rule. The separation of powers doctrine would prohibit legislation from amending executive rules and regulations, just as it would prohibit an agency from amending legislative enactments. Effectuating the well-meaning intent of Bill No. 191-36 should not come at the expense of observing the distinct powers conferred on our respective branches of government.

To: Speaker Terlaje  
Fr: Governor of Guam  
Date: October 12, 2022  
Re: Bill No. 191-36 (COR)

Page 2 of 2

Once the Legislature has delegated rule-making authority to an agency—such as the Department of Agriculture—in this case, it must abide by that delegation and not interfere with agency rulemaking until altered or revoked by law.

Accordingly, I direct DoAG to begin the statutory rulemaking process to perfect the amendment sought in Bill 191-36. This will ensure the rule will survive possible challenges to its validity and, ultimately, best achieve the agency’s mission to protect and promote Guam’s agricultural resources and economy.

Again, I thank the agency and the Legislature for their efforts in preparing legislation with the intention of diversifying our economy and supporting livestock agricultural activities. However, for the reasons noted above, Bill 191-36 will lapse into law without my signature.

*Senseremente,*



**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
Governor of Guam

**COMMITTEE ON RULES  
RECEIVED:**

October 13, 2022

8:00 A.M.



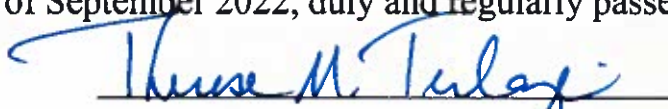
Enclosure: Bill No. 191-36 (COR) *nka P.L. No. 36-112 (LAPSE)*

cc via email: *Honorable* Joshua F. Tenorio, Lt. Governor of Guam  
Compiler of Laws

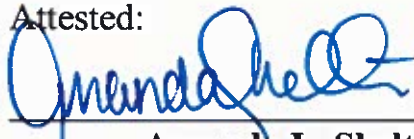
***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

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

This is to certify that **Bill No. 191-36 (COR)**, “**AN ACT TO AMEND § 3402 OF ARTICLE 4, CHAPTER 3, DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALLOWING WILD DEER TO BE TAKEN AND HARBORED AS LIVESTOCK,**” was on the 30<sup>th</sup> day of September 2022, duly and regularly passed.

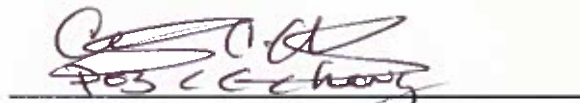
  
**Therese M. Terlaje**  
**Speaker**

Attested:

  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 30<sup>TH</sup> day of Sept.,  
2022, at 7:30 o'clock P.M.

  
**Assistant Staff Officer**  
***Maga'håga's* Office**

APPROVED:

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

Date: 10/12/22

Public Law No. 36-112

**Georgiana  
Rodrigues**

2022-17526  
RCVD AT CENTRAL FILE:  
OCT 8 '22 AM 10:31

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 191-36 (COR)**

As amended by the Committee on Economic Development,  
Agriculture, Power and Energy Utilities, and the Arts; and  
further amended on the Floor.

Introduced by:

Clynton E. Ridgell  
Tina Rose Muña Barnes  
Jose "Pedo" Terlaje  
V. Anthony Ada  
Frank Blas Jr.  
Joanne Brown  
Christopher M. Dueñas  
James C. Moylan  
Telena Cruz Nelson  
Sabina Flores Perez  
Joe S. San Agustin  
Amanda L. Shelton  
Telo T. Taitague  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO AMEND § 3402 OF ARTICLE 4, CHAPTER 3,  
DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE  
RULES AND REGULATIONS, RELATIVE TO  
ALLOWING WILD DEER TO BE TAKEN AND  
HARBORED AS LIVESTOCK.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that our local economy must diversify to give our community its greatest chance of  
4 economic prosperity and encourage less dependence on imported goods. Agriculture  
5 has long been a part of our local economy, from subsistence farming to local

1 plantations. Raising livestock has been a practice in Guam for hundreds of years and  
2 even today is a growing form of agriculture locally. Enacting policies that facilitate  
3 this growth will not only be good for our local food supply but will also be good for  
4 the local economy.

5 *I Liheslaturan Guåhan* further finds that wild deer, considered an invasive  
6 species, have since established a stable and ample population, enough to sustain the  
7 local hunting community. Hunters at times encounter orphaned fawns that are  
8 unlikely to survive without additional care but are unable to take them as it is  
9 currently against Guam law for these fawns to be removed from the jungle. At the  
10 same time, it is also legal under Guam law to raise deer fawns as livestock. This  
11 creates an ambiguous gray area regarding how deer or fawns may come to be  
12 livestock. Clarifying this discrepancy solidifies the legality of raising deer and will  
13 allow more people access to deer as livestock and a food source.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to effectuate this  
15 diversification by creating an ability for hunters and farmers to raise deer as  
16 livestock. By amending Guam law to allow our people to raise deer as livestock, *I*  
17 *Liheslatura* encourages our local community to explore new options to stimulate the  
18 economy and become self-sustaining.

19 **Section 2.** § 3402 of Article 4, Chapter 3, Division 1, Title 9, Guam  
20 Administrative Rules and Regulations, is *amended* to read:

21 **“§ 3402. Taking of Deer.**

22 Guam deer may be taken from the wild for the purpose of harboring  
23 them in captivity as livestock. Guam deer currently held in captivity, or the  
24 progeny of any registered deer, may be harbored as livestock. At the discretion  
25 of the Director, as provided in § 63124(b) of Article 1, Chapter 63, Title 5,  
26 Guam Code Annotated, deer may be harbored for other purposes, which  
27 include, but are not limited to, research and exhibition in zoos or as prescribed

1 in § 11310 of Article 3, Chapter 11, Division 2, Article 3, Title 9, Guam  
2 Administrative Rules and Regulations.”

3 **Section 3. Department of Agriculture to Develop Program Report.** The  
4 raising of deer as livestock shall be further reviewed by the Department of  
5 Agriculture (DoAG) as the lead agency involved with that activity. DoAG will be  
6 tasked, via this legislation, to ascertain the viability of raising deer as livestock  
7 amongst local residents, to include the minimum space needed to maintain a safe  
8 and sanitary environment, recommendations on where to allow such an activity, and  
9 other factors necessary for the activity to proceed.

10 The DoAG shall prepare a report on its findings and recommendations and  
11 transmit copies of the same to *I Maga'hågan* and *I Liheslaturan Guåhan*.

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

13 **Section 5. Severability.** If any provision of this Act or its application to any  
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
15 not affect other provisions or applications of this Act that can be given effect without  
16 the invalid provision or application, and to this end the provisions of this Act are  
17 severable.

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Transmitted via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

October 12, 2022

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*I Mina'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature

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163 Chalan Santo Papa

Hagåtña, Guam 96910

Doc Type: 36GL-22-2666  
OFFICE OF THE SPEAKER  
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-10- 1 2 2022

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Re: **BILL NO. 191-36 (COR) – AN ACT TO AMEND § 3402 OF ARTICLE 4, CHAPTER 3, DIVISION 1, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALLOWING WILD DEER TO BE TAKEN AND HARBORED AS LIVESTOCK**

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To: Speaker Terlaje  
Fr: Governor of Guam  
Date: October 12, 2022  
Re: Bill No. 191-36 (COR)

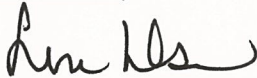
Page 2 of 2

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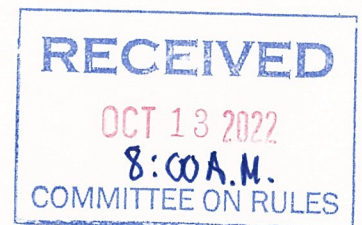
**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure: Bill No. 191-36 (COR) *nka P.L. No. 36-112 (LAPSE)*

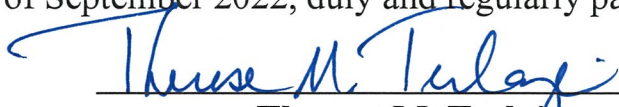
cc via email: *Honorable* Joshua F. Tenorio, Lt. Governor of Guam  
Compiler of Laws



*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
2022 (SECOND) Regular Session

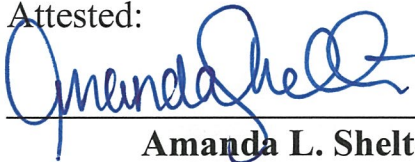
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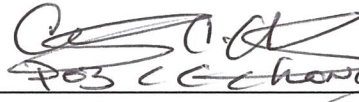
**Therese M. Terlaje**  
**Speaker**

Attested:



**Amanda L. Shelton**  
**Legislative Secretary**

This Act was received by *I Maga'hågan Guåhan* this 30<sup>TH</sup> day of Sept.,  
2022, at 7:30 o'clock P.M.



**Assistant Staff Officer**  
***Maga'håga's* Office**

APPROVED:

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

Date: 10/12/22

Public Law No. 36-112

**Georgiana**  
**Rodrigues**

2022-17526  
RCVD AT CENTRAL FILE  
OCT 8 '22 AM 10:31

***I MINA TRENDAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 191-36 (COR)**

As amended by the Committee on Economic Development,  
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Introduced by:

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