

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2024 (SECOND) Regular Session

### VOTING RECORD

<b>Bill No. 328-37 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 7, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin					✓	✓
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**12**

**1**

**2**

**2**

Aye

Nay

Not  
Voting/  
Abstained

Out  
During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:

  
 JOAQUIN P. TAITAGUE  
 Clerk of the Legislature

I = Pass

***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.

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Introduced by:

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 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.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

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

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

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

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

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

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

15            “§ 1913.    **Implementation of Recommendation.**

16            The Public Auditor may file in the Superior Court of Guam a  
17 petition for a Writ of Mandate to force the implementation of the  
18 recommendations and the attendant corrective action plan in the event  
19 the Governor, the Committee on Rules of the Legislature, or the Chief  
20 Justice of the Supreme Court of Guam:

21            (a) fails to implement the required corrective action  
22 plan; or

23            (b) fails to provide a satisfactory explanation as to why  
24 such recommendations have not been implemented to the Public  
25 Auditor; or

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

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

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