

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

Bill No. 193-32 (cop)

Introduced by:

Dennis G. Rodriguez, Jr. 

**AN ACT TO AMEND SECTION 4 OF PUBLIC
LAW 31-235 TO DELETE 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:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the provision contained in Section 4 of Public Law 31-235 which requires the
3 “printed materials” and “checklist certification” to undergo the rulemaking process
4 as set forth in Title 5, Chapter 9, Article 3 of the Guam Code Annotated should be
5 deleted. This determination is based upon the fact that neither the “printed
6 materials” nor the “checklist certification” are rules; and, but for the requirements
7 of Section 4, would not have to undergo – and, therefore, should not undergo – the
8 rule making process. These findings are supported by a memorandum from the
9 Office of the Attorney General, Guam which states that “the printed materials and

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1 checklist do not meet the definition of a rule.” AG Memo -Ref: DPHSS 13-
2 0276(citing 5 G.C.A. § 9107, which defines rules and regulations under pertinent
3 Guam law).

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

9 The purpose of this act (the “Act”), therefore, is to amend Section 4 of
10 Public Law 31-235 to delete the provision contained therein which requires the
11 “printed materials” and “checklist certification” to undergo the rulemaking
12 process.

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

15 **“Section 4. Effective Date.** This Act *shall* take effect sixty (60)
16 days after the “printed materials” described in proposed § 3218.1(c)
17 and the “checklist certification” described in proposed § 3218.1(c)(5)
18 have been approved by the Director of the Department of Public
19 Health and Social Services. ~~Department and, pursuant to the rule~~

1 ~~making process set forth in Title 5, Chapter 9, Article 3 of the Guam~~
2 ~~Code Annotated.”~~

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

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