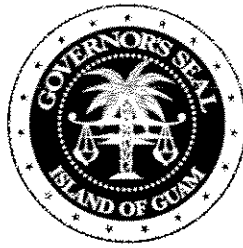


EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina' trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-13-1024  
Office of the speaker  
Judith T. Won Pat, Ed. D.  
Date 11-29-13  
Time 9:59am  
Received by: J

2013 NOV 29 AM 11:11

Dear Madame Speaker:

Transmitted herewith is 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" which I signed into law on November 27, 2013 as Public Law 32-089.

*Senseramente,*

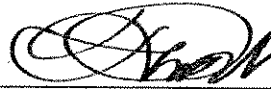
EDDIE BAZA CALVO



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

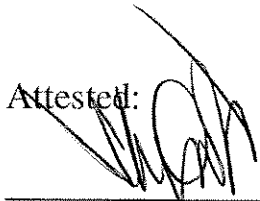
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

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 12<sup>th</sup> 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'lahaen Guåhan* this 15<sup>th</sup> day of Nov.,  
2013, at 11:28 o'clock A.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: NOV 27 2013

Public Law No. 32-089

*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. Lintiaco  
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.**

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

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

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

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

15 The purpose of this Act, therefore, is to amend Section 4 of Public Law 31-  
16 235 to delete the provision contained therein which requires the “printed materials”  
17 and “checklist certification” to undergo the rulemaking process.

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

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

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

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