

CARL T.C. GUTIERREZ GOVERNOR OF GUAM

Refer to Legislative Secretary

MAY 26 1999

The Honorable Antonio R. Unpingco Speaker I Mina'Bente Singko na Liheslaturan Guåhan Twenty-Fifth Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Hagåtna, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY ENT RECEIPT Data

Dear Speaker Unpingco:

Enclosed please find Bill No. 67 (COR), "AN ACT TO REPEAL AND REENACT §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY", which was **vetoed** and subsequently overridden by i Liheslatura. This legislation is now designated as **Public Law No. 25-22**.

Very truly yours,

Carl T. C. Gutierrez I Maga'Lahen Guåhan Governor of Guam

Attachment: copy attached for signed bill or overridden bill original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown Legislative Secretary

Office of the S	
ANTONIO R. U	NPINGCO
Date:5	124199
Time:/	10:45
Rec'd by:	- CAR
Print Name:	Illina

0:2.3

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 67 (COR), "AN ACT TO REPEAL AND REENACT §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 24^{TH} day of May, 1999, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of thirteen (13) members.

A٢

ANTONIO R. UNPINGCO Speaker

Attested: JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this 3544 day of 1024, 1999, at 4:35 o'clock P.M.

Assistant Staff Officer Maga'lahi's Office

Public Law No. 25-22

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 67 (COR)

As amended on the Floor.

Introduced by:

K. S. Moylan A. R. Unpingco J. C. Salas F. B. Aguon, Jr. E. C. Bermudes A. C. Blaz J. M.S. Brown E. B. Calvo M. G. Camacho Mark Forbes L. F. Kasperbauer A.C. Lamorena, V C. A. Leon Guerrero V. C. Pangelinan S. A. Sanchez, II

AN ACT TO *REPEAL AND REENACT* §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*finds that public hearings are important to the law making process,
permitting public input and discussion, and ultimately making for legislation
tailored to the will of the people. Emergency and other situations exist which
caused prior legislatures to carve out exceptions to the requirement of public

hearings, namely for emergency situations and when a previously introduced 1 bill, which received a public hearing, is similar to a bill subsequently 2 introduced. However, the language contained in the existing statute has 3 caused ambiguity as to interpreting the exceptions to the general rule 4 requiring a public hearing. Further, I Liheslaturan Guåhan finds that its 5 6 Members should also be given the opportunity to present their reason to 7 waive a public hearing before the Legislative Body justifying an emergency 8 waiver of a public hearing.

9 Section 2. Section 2103 of Chapter 2 of Title 2 of the Guam Code
10 Annotated is hereby *repealed and reenacted* to read as follows:

11 "Section 2103. **Public Hearings Mandatory.** No bill shall 12 be passed by I Liheslaturan Guåhan unless it received a public hearing, 13 except that when the Presiding Officer of I Liheslaturan Guåhan, or a 14 majority of the Members of I Liheslaturan Guåhan, certify that emergency 15 conditions exist, involving danger to the public health, safety or welfare, the requirement for a public hearing shall be waived. In the event the 16 17 bill as introduced is substantially identical to a bill introduced earlier in 18 the current legislative term, which earlier introduced bill received a 19 public hearing, then a public hearing for the subsequently introduced 20 bill shall also be waived."



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN TWENTY-FIFTH GUAM LEGISLATURE 155 Hesler Street, Hagåtija, Guam 96910

May 25, 1999

The Honorable Carl T.C. Gutierrez I Maga'lahen Guåhan Ufisinan I Maga'lahi Hagåtña, Guam 96910



Dear Maga'lahi Gutierrez:

Transmitted herewith are Substitute Bill No. 4 (LS) and Bill No. 67 (COR) which were overridden by *I Mina'Bente Singko Na Liheslaturan Guåhan* on May 24, 1999, notwithstanding your veto.

Sincerely,

TOANNE M.S. BROW

Senator and Legislative Secretary

Enclosure (2)



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN TWENTY-FIFTH GUAM LEGISLATURE 155 Hesler Street, Hagåtña, Guam 96910

May 5, 1999



The Honorable Carl T.C. Gutierrez I Maga'lahen Guåhan Ufisinan I Maga'lahi Hagåtña, Guam 96910

Dear Maga'lahi Gutierrez:

Transmitted herewith are Substitute Bill Nos. 46 (COR) and 185 (COR) and Bill Nos. 64 (COR), 67 (COR), 76 (COR) and 91 (COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on May 3, 1999.

Sincerely,

JOANNE M.S. BROWN Senator and Legislative Secretary

Enclosure (6)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 67 (COR), "AN ACT TO REPEAL AND REENACT §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 24^{TH} day of May, 1999, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of thirteen (13) members.

ONIO R. UNPINGCO A٢ Speaker

Attested: IOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this _25th day of _ May_ 1999, at <u>4:35</u> o'clock <u>A</u>.M.

Assistant Staff Officer Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ I Maga'lahen Guahan

Date:

Public Law No.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 67 (COR)

As amended on the Floor.

Introduced by:

K. S. Moylan A. R. Unpingco J. C. Salas F. B. Aguon, Jr. E. C. Bermudes A. C. Blaz J. M.S. Brown E. B. Calvo M. G. Camacho Mark Forbes L. F. Kasperbauer A.C. Lamorena, V C. A. Leon Guerrero V. C. Pangelinan S. A. Sanchez, II

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permitting public input and discussion, and ultimately making for legislation
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caused prior legislatures to carve out exceptions to the requirement of public

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9 Section 2. Section 2103 of Chapter 2 of Title 2 of the Guam Code
10 Annotated is hereby *repealed and reenacted* to read as follows:

11 **Public Hearings Mandatory.** No bill shall "Section 2103. 12 be passed by I Liheslaturan Guåhan unless it received a public hearing, 13 except that when the Presiding Officer of I Liheslaturan Guåhan, or a 14 majority of the Members of I Liheslaturan Guåhan, certify that emergency 15 conditions exist, involving danger to the public health, safety or welfare, 16 the requirement for a public hearing shall be waived. In the event the bill as introduced is substantially identical to a bill introduced earlier in 17 18 the current legislative term, which earlier introduced bill received a 19 public hearing, then a public hearing for the subsequently introduced 20 bill shall also be waived."

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(erneacn)

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

21/99 Date:

VOTING SHEET

Vetal Bill No. <u>67(COR</u>)

Resolution No. _____

NAME	YEAS	<u>NAYS</u>	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					
BERMUDES, Eulogio C.					~
BLAZ, Anthony C.	\checkmark				
BROWN , Joanne M.S.	\checkmark				
CALVO, Eduardo B.					
CAMACHO, Marcel G.	\checkmark				
FORBES, Mark	~				
KASPERBAUER, Lawrence F.					
LAMORENA, Alberto C., V	\checkmark				
LEON GUERRERO, Carlotta A.	~				į
MOYLAN, Kaleo Scott	\checkmark				
PANGELINAN, Vicente C.	\checkmark				
SALAS, John C.					
SANCHEZ, Simon A., II	\checkmark				· · · · · · · · · · · · · · · · · · ·
UNPINGCO, Antonio R.					

TOTAL

13 0 \sim

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

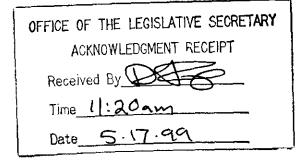
* 3 Passes = No vote EA = Excused Absence



Refer to Legislative Secretary

MAY 14 1999

The Honorable Antonio R. Unpingco Speaker I Mina'Bente Singko na Liheslaturan Guåhan Twenty-Fifth Guam Legislature Guam Legislature Temporary Building 155 Hesler Street Hagåtña, Guam 96910



Dear Speaker Unpingco:

Enclosed please find Bill No. 67 (COR), "AN ACT TO REPEAL AND REENACT §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY", which I have vetoed.

The conduct of public hearings on bills is the province of i Liheslatura, however, I do not believe that this legislation encourages full participation of the public in the legislative process in the spirit of "sunshine" and "open government".

Notice to the public, including even separate invitations to all parties who are obviously affected by legislation, is the desirable norm in conducting public hearings on matters affecting the public. For example, it is an unfortunate situation that **no one** appeared to testify or offered written testimony about this legislation at its public hearing. It has been noticed that many legislative public hearings have become perfunctory in recent years, rather than genuine opportunities to hear the public.

This legislation allows a majority of the members of i Liheslatura, in addition to the Speaker alone, to certify when emergency conditions exist and therefore waive the requirement of a public hearing on a bill. Since this will probably happen only when the Speaker opposes the waiver of a

Office of th	e Speaker LUNPINGCO
Date 5-	14.99 254 m
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Print Name	- Canone

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Ricardo J. Bordallo Governor's Complex • Post Office Box 2950, Agana, Guam 96932 • (671)472-6931 • Fax (671)477-GUAM

Speaker/B67/veto May, 1999 - Page 2

public hearing, how will i Liheslatura certify that a majority of their members prohibited the public hearing?

* .

The language of this legislation seems to imply that a public hearing **must** be waived, in fact prohibited, when a certification of emergency is made. I believe that this language should be changed. Although a public hearing **may** be waived in emergencies, due to the short time frame which is sometimes needed to respond, hearings are **desirable** in certain circumstances, even if they are emergencies, and should not be prevented.

The language also includes an additional reason for prohibiting public hearings, and that is, if legislation involves danger to the welfare of the public. Hopefully, all legislation involves the welfare of the public. This is a lax definition of when public hearings will not occur. The current law specifies that this only happens in the case of danger to public health and safety.

An additional provision in this legislation is that public hearings are eliminated if a bill, as introduced, is "substantially the same" as a bill introduced earlier in the current legislative term. Since introduced bills and substitute bills are frequently very different, this will allow many bills which are quite unlike each other as they reach the session floor, to have public hearings prohibited. Note that the waiving of the hearing is mandatory, and not optional.

Very truly yours,

Carl T. C. Gutierrez

I Maga'Lahen Guåhan Governor of Guam

Attachment: copy attached for signed bill or overridden bill original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown Legislative Secretary

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MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

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ÁNTONIO R. UNPINGCO

Speaker

Attested: JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this	644	day of	May	. 1999.
at 4:05 o'clock R.M.		- <i></i>	0	

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winterly

Assistant Staff Officer Maga'lahi's Office

APPROVED: C. **dutierrez** I Maga'laher Guahan Date: Public Law No.

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 67 (COR)

As amended on the Floor.

Introduced by:

K. S. Moylan A. R. Unpingco J. C. Salas F. B. Aguon, Jr. E. C. Bermudes A. C. Blaz J. M.S. Brown E. B. Calvo M. G. Camacho Mark Forbes L. F. Kasperbauer A.C. Lamorena, V C. A. Leon Guerrero V. C. Pangelinan S. A. Sanchez, II

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MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN TWENTY-FIFTH GUAM LEGISLATURE 155 HESLER STREET, HAGATÑA, GUAM 96910

MEMORANDUM

TO : Chairman, Comminee on Rules

VIA : Executive Director

FROM: Senator

SUBJECT: Attached is a Travel Authorization Request Form
For: _____

Your immediate attention in processing the Travel Request is appreciated.

SENATOR (SIGNATURE)

CHAIRMAN, COMMITTEE ON RULES

() ACKNOWLEDGEMENT

DATE:

SENATOR MARK FORBES Chairman. Committee on Rules, Government Reforms, and Federal Affairs

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN 1999 (FIRST) Regular Session

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NTONIO R. UNPINGCO Speaker

Attested: JOANNE M.S. BROWN

Senator and Legislative Secretary

This Act was received by I Maga'lahen Guahan this	644 day of	May	, 1999,
at		. +0	

Assistant Staff Officer Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN 1999 (FIRST) Regular Session

Bill No. 67 (COR)

As amended on the Floor.

Introduced by:

K. S. Moylan A. R. Unpingco J. C. Salas F. B. Aguon, Jr. E. C. Bermudes A. C. Blaz J. M.S. Brown E. B. Calvo M. G. Camacho Mark Forbes L. F. Kasperbauer A.C. Lamorena, V C. A. Leon Guerrero V. C. Pangelinan S. A. Sanchez, II

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I MINA' BENT - SINGKO NA LIHESLATURAŃ GUÅHAN

1999 (FIRST) Regular Session

Date:

VOTING SHEET

Bill No. ((COR)

Resolution No. _____ Question:

NOT ABSENT/ NAME YEAS VOTING/ NAYS OUT DURING ABSTAINED ROLL CALL AGUON, Frank B., Jr. BLAZ, Anthony C. **BERMUDES, Eulogio C.** BROWN, Joanne M. S. CALVO, Eddie B. CAMACHO, Marcel G. FORBES, Mark KASPERBAUER, Lawrence F. LAMORENA, Alberto C., V LEON GUERRERO, Carlotta A. MOYLAN, Kaleo Scott PANGELINAN, Vicente C. SALAS, John C. SANCHEZ, Simon A., II UNPINGCO, Antonio R.

TOTAL

- 0 -- 2 -- 0 -

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

Senadot Mark Forbes, Gehilu Kabisiyon Mayuråt

APR 23 1999

Speaker Antonio R. Unpingco I Mina' Bente Singko Na Liheslaturan Guåhan 155 Hesler Street Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 67 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 67** "An act to repeal and reenact §2103 of Chapter 2 of Title 2 of the Guam Code Annotated relative to clarifying the language making public hearings mandatory."

The voting record is as follows:

TO PASS	
NOT TO PASS	<u></u>
ABSTAIN	<u></u>
TO PLACE IN INACTIVE FILE	<u>b</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

RK FORBES MÀ

Attachments



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

Senadot Mark Forbes, Gehilu Kabisiyon Mayurat

MEMORANDUM

TO:	Committee Members

Chairman

FROM:

SUBJECT: Committee Report- Bill No. 67 "An act to repeal and reenact §2103 of Chapter 2 of Title 2 of the Guam Code Annotated relative to clarifying the language making public hearings mandatory."

Transmitted herewith for your information and action is the report on Bill No. 67 from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

- 1. Committee Voting Sheet
- 2. Committee Report
- 3. Bill No. 67
- 4. Public Hearing Sign-in Sheet
- 5. Fiscal Note/Fiscal Note Waiver
- 6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES

Attachments

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I MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION & FEDERAL AFFAIRS SENATOR MARK FORBES, CHAIRMAN

COMMITTEE REPORT ON BILL NO. 67

"AN ACT TO REPEAL AND REENACT §2103 OF CHAPTER 2 OF TITLE 2 OF THE GUAM CODE ANNOTATED RELATIVE TO CLARIFYING THE LANGUAGE MAKING PUBLIC HEARINGS MANDATORY."

I. OVERVIEW

The Committee on Rules, Government Reform, Reorganization and Federal Affairs held a public hearing on Wednesday, February 24, 1999 at 10:00 a.m. at the Conference Room, Office of Senator Mark Forbes, I Liheslaturan Guahan. Public notice of the hearing was announced in the February 22, 23, and 24, 1999 issues of the Pacific Daily News.

Senators present were:

Senator Mark Forbes, Chairman Senator Eddie Calvo, Vice Chairman Senator Kaleo Moylan, Member Senator Simon A. Sanchez II, Member Senator Vicente Pangelinan, Member Senator Frank Aguon, Jr., Member Senator Eloy Bermudes, Member

II. SUMMARY OF TESTIMONY

There were no individuals providing oral or written testimony on the bill.

III. FINDINGS AND RECOMMENDATION

The Committee on Rules, Government Reform, Reorganization and Federal Affairs finds that Bill No. 67 clarifies the ambiguities existing in the statute making public hearings mandatory. The Committee finds that emergency situations do arise that necessitate the waiver of a public hearing. The language in Bill No. 67 allows the Members of I Liheslaturan Guahan, through a majority vote, to certify that emergency conditions do exist that justify the waiver of a public hearing.

The Committee further finds that the measure grants a waiver of public hearing if the bill as introduced, is *substantially identical* to a bill introduced earlier in the current legislative term, which earlier introduced bill received a public hearing.

Accordingly, the Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 67 was referred does hereby submit its findings and recommendations to I Mina' Bente Singko Na Liheslaturan Guahan **TO DO PASS BILL NO. 67** "An act to repeal and reenact §2103 of Chapter 2 of Title 2 of the Guam Code Annotated relative to clarifying the language making public hearings mandatory."



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

Senator Mark Forbes, Chairman

FEB 10 1998

MEMORANDUM

TO:	Chairman
	Committee on Rules, Government Reform, Reorganization
	and Federal Affairs

FROM: Chairman Committee on Rules, Government Reform, Reorganization and Federal Affairs

SUBJECT: Principal Referral - Bill No. 67

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

