

NINTH GUAM LEGISLATURE
1967 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 151, "An Act to amend Sections 24002 and 24100 of the Government Code of Guam, to add a new Section 24007 to said Government Code, and to add a new Chapter II to Title XXV of said Government Code to provide that all agencies of the Government of Guam follow orderly and equitable procedures in issuing rules and in adjudicating contested cases", was on the 22nd day of June, 1967, duly and regularly passed.



J. C. ARRIOLA
Speaker

ATTESTED:



F. T. RAMIREZ
Legislative Secretary

This Act was received by the Governor this 26 day
of June, 1967, at 10:00 o'clock A.. M.

/s/ Rudolph G. Sablan

RUDOLPH G. SABLAN
Secretary of Guam

APPROVED:

/s/ Manuel F. L. Guerrero

MANUEL F. L. GUERRERO
Governor of Guam

DATE: July 7, 1967
10:55 a.m.

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Public Law 9-69

Public Law 9-69
Ninth Guam Legislature
(Bill 131)
July 7, 1967

AN ACT

An Act to amend Sections 24002 and 24100 of the Government Code of Guam, to add a new Section 24007 to said Government Code, and to add a new Chapter II to Title XXV of said Government Code to provide that all agencies of the Government of Guam follow orderly and equitable procedures in issuing rules and in adjudicating contested cases.

Be it enacted by the People of the Territory of Guam:

Section 1. Section 24002 of the Government Code of Guam is hereby amended to read as follows:

"Section 24002. Agency. 'Agency' means any board, commission, department or officer, authorized by law to make rules or to adjudicate contested cases, except those in the legislative or judicial branches."

Section 2. Section 24100 of the Government Code of Guam is hereby amended to read as follows:

"Section 24100. Applicability. The procedure of any agency shall be conducted pursuant to the provisions of this title in any proceeding before an agency in which legal rights, duties, or privileges of specific parties are required by law to be determined after an agency hearing."

Section 3. Section 24007 is hereby added to the Government Code of Guam to read as follows:

"Section 24007. Rule. 'Rule' includes every regulation, standard, or statement of policy or interpretation of general application and future effect, including the amendment or repeal thereof, adopted by an agency, whether with or without prior hearing, to implement or make specific the law enforced or administered by it or to govern its organization or procedure, but does not include regulations concerning only the internal management of the agency and not directly affecting the rights of or procedures available to the public."

Section 4. A new Chapter III is hereby added to Title XXV of the Government Code of Guam to read as follows:

"Chapter III
RULE MAKING PROCEDURES

Section 24200. Adoption of Rules. In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this Act. Such rules shall include rules of practice before the agency, together with forms and instructions.

(2) To assist interested persons dealing with it, each agency shall so far as deemed practicable supplement its rules with descriptive statements of its procedures.

(3) Prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall so far as practicable, publish or otherwise circulate notice of its intended action and afford interested persons opportunity to submit data or views orally or in writing.

Section 24201. Filing and Taking Effect of Rules.

(1) Each agency shall file forthwith in the office of the Secretary of Guam a certified copy of each rule adopted by it, including all rules now in effect. The Secretary of Guam shall keep a permanent register of such rules open to public inspection.

(2) Each rule hereafter adopted shall become effective upon filing, unless a later date is required by statute or specified in the rule.

Section 24202. Publication of Rules.

(1) The Secretary of Guam shall, as soon as practicable after the effective date of this Act, compile, index, and publish all rules adopted by each agency and remaining in effect. Compilations shall be supplemented or revised as often as necessary and at least once every two years.

(2) The Secretary of Guam shall publish a monthly bulletin in which he shall set forth the text of all rules filed during the preceding month, excluding rules in effect upon the adoption of this Act.

(3) The Secretary may in his discretion omit from the bulletin or the compilation, rules the publication of which would be unduly cumbersome, expensive or otherwise inexpedient, if such rules are made available in printed or processed form on application to the adopting agency, and if the bulletin or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(4) Bulletins and compilations shall be made available upon request to officials of this terri-

tory free of charge, and to other persons at a price fixed by the Secretary of Guam to cover publication and mailing costs.

Section 24203. Petition for Adoption of Rules. Any interested person may petition an agency requesting the promulgation, amendment, or repeal of any rule. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

Section 24204. Declaratory Judgment on Validity of Rules.

(1) The validity of any rule may be determined upon petition for a declaratory judgment thereon addressed to the Island Court of Guam, when it appears that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment may be rendered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(2) The court shall declare the rule invalid if it finds that it violates provisions of law or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

Section 24205. Petition for Declaratory Rulings by Agencies.

On petition of any interested person, any agency may issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it. A declaratory ruling, if issued after argument and stated to be binding, is

binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. Such a ruling is subject to review in the Island Court of Guam in the manner hereinafter provided for the review of decisions in contested cases. Each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

Section 24206. Validity. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 24207. Repeal. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed, but such repeal shall not affect pending proceedings."

Section 5. This Act shall take effect January 2, 1968.

Approved July 7, 1967.