

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
18-38 (COR) As amended on the Floor.	Sabina Flores Perez Telo T. Taitague Therese M. Terlaje Chris Barnett Shelly V. Calvo Frank F. Blas, Jr. Tina Rose Muña Barnes Sabrina Salas Matanane	AN ACT TO AMEND § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS.	1/13/25 10:33 a.m.	1/22/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request 1/22/25 2/10/25	3/12/25 8:00 a.m.	4/8/25	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE ASSIGNED	NOTES	
	5/27/25	AN ACT TO AMEND § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS.	6/3/25	6/5/25	6/17/25	38-11	6/17/25	Received: 6/18/25 Mess and Comm. Doe. No. 38GL-25-0732	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

June 17, 2025

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

38GL-25-0732
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

JUN 17 2025

Time: 4:25pm
Received: [Signature]

Re: Bill No. 18-38 (COR), "AN ACT TO AMEND § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS."

Håfa Adai Mr. Speaker,

Bill No. 18-38 (COR) reintroduces a portion of prior Bill No. 328-37 (COR), which I previously vetoed. The new bill omits those provisions of the prior bill to which I objected. As I noted in my veto statement for Bill 328-37, I have no objection to the intent of the remaining provisions, which form the basis of Bill 18.

As written, Bill 18 proposes to restructure the process by which parties seek judicial review of an Office of Public Accountability ("OPA") decision in a procurement appeal. Under existing law, such review is initiated through a civil action, in which the OPA is named as a defendant, and the parties (including the OPA) are potentially subject to the ordinary features of a civil action, including discovery.

The purpose of the discovery process is to allow parties in a civil action to gather information and evidence from each other prior to trial through various tools, including requests for production of documents, interrogatories, and depositions. This process does not lend itself to administrative appeals – the OPA would likely not have personal knowledge or relevant documents related to the underlying facts of a procurement dispute. Rather, judicial review of an OPA decision is likely to involve review of the OPA's interpretations of law or application of the law to the facts presented by the parties, who present the facts to the OPA during the procurement appeal process.

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38GL-25-0732
Messages and Communications

RECEIVED
COMMITTEE ON RULES
June 18, 2025

9:14 a.m.
Marie Crisostomo

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: June 17, 2025
Re: Bill No. 18-38 (COR)

Page 2 of 2

I agree with the Department of Administration that general interest in expediency of review should not override the interest in preserving the rights of the parties. However, in its testimony, the Judiciary noted that enactment of Bill 18 would require it to develop procedural rules to ensure the judicial review process is efficient. I believe the Judiciary's development of applicable rules would ensure the integrity of the judicial review process is preserved, and that the process accomplishes the intent of the bill, while safeguarding the rights of the parties.

For these reasons, I sign Bill No. 18-38 (COR) into law as ***Public Law No. 38-11.***

Senseramente,



LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 18-38 (COR) nka P.L. 38-11
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

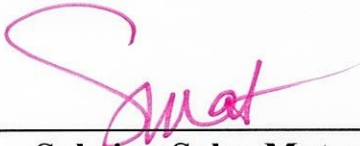
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 18-38 (COR)**, “AN ACT TO *AMEND* § 5707(a) OF ARTICLE 12, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE PROCEDURE FOR JUDICIAL REVIEW OF DECISIONS MADE BY THE PUBLIC AUDITOR IN PROCUREMENT APPEALS,” was on the 3rd day of June 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June, 2025, at 4:56 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/17/2025

Public Law No. 38-11

2025-23873

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Jessica Dyas	
Rec'd By:	
Date: <u>6/15/25</u>	Time: <u>4:56 pm</u>

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 18-38 (COR)

As amended on the Floor.

Introduced by:

Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje
Chris Barnett
Shelly V. Calvo
Frank F. Blas, Jr.
Tina Rose Muña Barnes
Sabrina Salas Matanane
V. Anthony Ada
Vincent A.V. Borja
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
William A. Parkinson
Joe S. San Agustin

**AN ACT TO AMEND § 5707(a) OF ARTICLE 12,
CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE PROCEDURE FOR JUDICIAL
REVIEW OF DECISIONS MADE BY THE PUBLIC
AUDITOR IN PROCUREMENT APPEALS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that currently, when a party seeks judicial review of the decision of the Office of
4 Public Accountability (OPA) in a procurement appeal matter, the OPA is named as
5 a defendant in a civil action in the Superior Court of Guam. The judicial review
6 process for such OPA decisions is treated like a regular civil action between parties

1 suing for money damages, property rights, etc. This is different from the procedure
2 followed for judicial review of other administrative decisions under Guam law,
3 forcing the OPA to divert operational and human resources to respond to the civil
4 action.

5 *I Liheslatura* further finds there is uncertainty as to the proper procedure for
6 the judicial review of decisions by the Public Auditor in procurement appeals and
7 related matters; it is, therefore, the intent of *I Liheslatura* to clarify that the proper
8 procedure for such judicial review should be similar to that for judicial review of
9 other administrative agency decisions under Guam law.

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

12 **“§ 5707. Appeals and Review of Public Auditor Decisions.**

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

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

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