



CONSOLIDATED COMMISSION ON UTILITIES
Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 ~~Hagatna~~, Guam 96932 | (671) 648-3002 | guamccu.org

Special Board Meeting
CCU Conference Room, Gloria B. Nelson Public Service Building
4:00 p.m., May 10, 2019

AGENDA

1. CALL TO ORDER
2. COMMUNICATIONS
 - 2.1 Public Comments (2 min. per person)
3. GPA
 - 3.1 New Business
 - 3.1.1 [To Address Letter Received by the CCU From the Guam Attorney General Regarding the November 27, 2018 CCU Meeting and Other Related Matters](#)
4. ANNOUNCEMENTS
 - 4.1 Next CCU Meetings: May 21 – GWA WS; May 23 – GPA WS; May 28– CCU Mtg.
5. ADJOURNMENT

OPINION MEMORANDUM

To: Chairman of the Consolidated Commission on Utilities
From: Outside Counsel
Subject: Pay Adjustments Discussed During November 27, 2018 meeting

Outside counsel was asked to evaluate the propriety of the CCU’s discussions of executive management team’s salaries that took place on November 27, 2018 and to suggest alternatives so as to prevent running afoul of the Open Government Law of Guam (“Open Government Law”).

BACKGROUND

On November 27, 2018, the CCU went into “executive session” for the purposes of evaluating executive management employees and while in the process discussed salary/salary adjustments and bonuses of individual employees.

Through a letter dated April 23, 2019, the Attorney General of Guam advised the CCU that the executive session was in violation of 5 GCA § 8111(a) of the Open Government Law which states:

Under no circumstances, however, shall a public agency¹ hold an executive or closed meeting to discuss salaries, salary levels, or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and open to the public.

Since the meeting was in violation of a provision of the Open Government Law, the actions taken in the November 27, 2019 meeting were invalid or void *ab initio*. The Attorney General then directed that any pay adjustments that have been paid out must be paid back by the employees

DISCUSSION

A. SALARY ADJUSTMENTS

The CCU is tasked with setting the salaries of GPA’s General Manager (12 GCA § 8108), GPA’s Chief Financial Officer (12 GCA § 8110), Board Secretary (12 GCA § 8112(a)) and GPA’s Legal Counsel (12 GCA § 8112(d)). The CCU is also tasked with setting the salaries of GWA’s

¹ Public Agency includes any board, commission or comparable unit of government, any of whose members are elected, appointed by the *I Maga’lahen* or appointed by the *I Liheslatura*. See 5 GCA § 8104(a).

General Manager (12 GCA § 14106), GWA's Chief Financial Officer (12 GCA § 14108), Board Secretary (12 GCA § 14109(a)) and GWA's Legal Counsel (12 GCA § 14109(a)).

The GPA's Assistant General Manager of Operation's salary is set by the GPA General Manager subject to board approval. All other Assistant General Managers for GPA and GTA salary is not discussed in a statute and therefore does not require board approval.

The CCU previously adopted GPA Resolution No. 2018-08 and GWA Resolution No. 21-FY2018, the CCU the Executive Officer Evaluation Policy ("Evaluation Policy")². Through the Evaluation Policy, the CCU solicits evaluations from each general manager for the performance of their respective Chief Financial Officer and Legal Counsel (not assistant general managers).

Inasmuch as evaluations are personnel matters, the evaluations should not be opened to the public. This would be in compliance of 10 GCA § 10108(c) which reads: "Except as provided in § 10109 of this Chapter, nothing in this Chapter shall be construed to require disclosure of records that are any of the following... (c) [p]ersonnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. All information regarding salary, and the name, and worksite mailing address of each employee and public official shall be public record." This would also conform to the Evaluation Policy Section 4(h).

Note, however, that the evaluations conducted by the CCU while in closed sessions should not discuss salaries or salary adjustments. Doing so would run afoul of the "Open Government Law" referred to in the Attorney General's letter (5 GCA § 8111 ("Under no circumstances, however, shall a public agency hold an executive or closed meeting to discuss salaries, salary levels or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public")) and would be void *ab initio* 5 GCA § 8114. Also note that 5 GCA § 8115(b) states: "[e]ach member of a public agency who attends a meeting of a public agency where action is taken in violation of any provision of this Chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor."

B. BONUSES AND RETROACTIVE PAY

Bonuses and retroactive pay, unless authorized by statute, are prohibited. Three statutes were found concerning retroactive pay and bonuses. 4 GCA § 2103.14, 4 GCA § 6218.1 and 4 GCA § 6218.2.

§ 2103.14. Retroactive Pay. No unclassified employee or officer of the government of Guam may receive a retroactive pay increase **unless specifically authorized by statute.**

§ 6218.1. Prohibition on Retroactive Pay Raise. Whenever a classified or unclassified employee of the Government of Guam, including all departments, agencies

² The Evaluation Policy at Section 1 "in accordance with 12 GCA § 79101 (§ 79100), the CCU adopted the Policy, perhaps the Policy should be amended to include an evaluation by the General Manager of the Assistant General Manager for GPA since board approval is required.

and instrumentalities, whether or not autonomous, receives an increase in pay resulting from step increase, pay range increase, promotion or any other cause, such increase in pay shall not be retroactive from the date of its authorization, **unless so specified by law**. Any person who authorizes a pay raise which is retroactive in violation of this Section shall be guilty of a misdemeanor.

§ 6218.2. Prohibition on Bonus Pay for Unclassified Employees. No bonuses shall be authorized and/or paid in lump-sum, or otherwise, to unclassified employees of the government of Guam unless so specified by law. Any person who authorizes a bonus payment in violation of this Section shall be guilty of a misdemeanor. For the purposes of this Section, bonuses or bonus payments shall mean sums authorized and/or paid to an unclassified employee that is separate and apart from and/or added to the base pay of such unclassified employee for any purpose.

C. REPAYMENT BY EMPLOYEES

Inasmuch as the action to adjust the pay of GPA and GWA's employees was void, payment made as a result of the void action must be paid back. I was unable to find any statute touching on the conditions of repayment of an employee. Past practices by the Government of Guam (Governor's Office), however, seem to allow re-payment over time.

/s/
VINCENT LEON GUERRERO
Outside Counsel GPW/GWA



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Hon. Leevin Taitano Camacho
Attorney General of Guam

April 23, 2019

Consolidated Commission on Utilities
Attn: Chairman Joseph T. Duenas
P.O. Box 2977
Hagatna, GU 96932

Ref: AG 19-0213

Re: Pay Adjustments Discussed and Decided at November 27, 2018 CCU Meeting

Hâfa Adai Mr. Chairman,

Our office reviewed the minutes of the November 27, 2018 Consolidated Commission on Utilities Regular Board Meeting. According to the minutes, salary adjustments of executive management were discussed in executive session in violation of the Open Government Law.

The Open Government Law prohibits such discussions and provides in relevant part, "Under no circumstances . . . shall a public agency hold an executive or closed meeting to discuss salaries, salary levels or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public." 5 G.C.A. § 8111(a). Any action in violation of the Open Government Law is void *ab initio*. 5 G.C.A. § 8114.

Therefore, any salary adjustments approved at this meeting are void *ab initio*. Any salary adjustments or bonuses authorized and paid as a result of this meeting must be paid back by these employees. Should you have any questions and/or concerns, please do not hesitate to contact me at 475-3324, ext. 5015.

Sincerely,

A handwritten signature in black ink, appearing to read "Leevin Taitano Camacho".

LEEVIN TAITANO CAMACHO
Attorney General of Guam

cc: General Manager, GPA
General Manager, GWA

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**CHAPTER 8
OPEN GOVERNMENT LAW**

- § 8101. Citation.
- § 8102. Policy.
- § 8103. Open Meetings.
- § 8104. Definitions.
- § 8105. Exception.
- § 8106. Regular Meetings.
- § 8107. Notices.
- § 8107.1. Guam Public Notice Website - Creation, Establishment and Administration.
- § 8108. Special Meeting.
- § 8109. Adjournments.
- § 8110. Same.
- § 8111. Executive Sessions.
- § 8112. Disturbances.
- § 8113. Minutes.
- § 8113.1. Reporting Requirements for Boards and Commissions.
- § 8114. Action Voided.
- § 8115. Penalties and Court Jurisdiction.
- § 8116. Severability.

§ 8101. Citation.

This Chapter may be cited as the *Open Government Law of Guam*.

SOURCE: GC § 3225 added by P.L. 13-35.

A.G. OPINION 77-47: The Open Government Law applies to the elected school board.

§ 8102. Policy.

The Legislature declares it is the policy of this Territory that the formation of public policy and decisions is public and shall not be conducted in secret. The people of Guam do not yield their individual rights to the public agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

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SOURCE: GC § 3226 added by P.L. 13-35.

CROSS-REFERENCE: 12 GCA § 50118.

§ 8103. Open Meetings.

(a) Every meeting of a public agency *shall* be open and public, and any person *shall* be permitted to attend any public agency meeting, *except* as otherwise provided in this Chapter. A member of the public *shall not* be required, as a condition to attendance at a meeting of a public agency, to register his name and other information, to complete a questionnaire or otherwise to fulfill any condition precedent to his attendance.

(b) This Chapter does *not* require that a person who is admitted to a meeting of a public agency shall, because of his mere presence, be accorded an opportunity to participate in such a meeting. Each public agency retains the right to reserve areas for the public, and to exclude the public from any area necessary for the orderly conduct of its business.

(c) *Except* for executive sessions and other meetings expressly authorized by public law to be closed, *no* board, commission or public officer of the government of Guam may prevent or deny the recording (audio and/or video) of any public meeting.

SOURCE: GC § 3227 added by P.L. 13-35. Amended by P.L. 31-052:1 (May 23, 2011).

§ 8104. Definitions.

(a) (1) *Public agency* includes any board, commission or comparable unit of government, any of whose members are elected, appointed by *I Maga'lahaen Guåhan* or appointed by *I Liheslatura*; any non-profit corporation created by one (1) or more public agencies or *I Liheslatura*, and whose board of directors is appointed by such public agencies or by *I Maga'lahaen Guåhan* or *I Liheslatura*, and which is formed to acquire, construct, reconstruct, maintain or operate any public work project, or any board, commission, committee or other body on which officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.

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(2) *Public agency* also includes any advisory commission, advisory committee or advisory body of a public agency, created by law, resolution or any similar formal action of a public agency.

(3) The *Legislature* is a *public agency* when it is holding a daily session but meetings of political caucuses composed of members of the Legislature are not required to be conducted in public.

(4) A *Committee of a Legislature* is a *public agency* when it is holding a hearing but committee meetings other than hearings are not required to be conducted in public.

(5) (A) Public Notice, as used in this Chapter, means a publication by newspaper of general circulation or by radio or television which is reasonably calculated to provide notice of the facts it announces to the public at large, *and* by electronic publication on the Guam Public Notice Website.

(B) As used in this item, *newspaper of general circulation* means a newspaper which is printed and distributed not less than once a week, at regular intervals, throughout the territory of Guam, which has a paid circulation and holds a valid second class mailing permit from the United States Post Office, and which contains news, articles of opinion, features, and other matters of current interest published for public dissemination.

(C) Government entities that access cable channels *shall* also be required to broadcast public notices on that channel for that respective branch of government.

(b) *Meeting* means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program.

(c) *Action* taken means a collective decision made by a majority of the members of a public agency, a collective commitment or promise by a majority of the members of a public agency to make a positive or a negative decision, or an actual vote by a majority of the members of a public agency when sitting as a body or entity, upon a motion, proposal, resolution or order.

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SOURCE: GC § 3228 added by P.L. 13-35; subsection (a)(5) added by P.L. 15-86:1. Subsection (a)(1) amended by P.L. 27-93:1. Subpart (a)(5)(A) amended by P.L. 32-037:2 (June 7, 2013). Subpart (a)(5)(C) added by P.L. 32-037:3 (June 7, 2013).

2012 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

A.G. OPINION GHPDA 92-1244: Although the foregoing [subsection c] is merely a definition and not substantive law, it seems unlikely that the Legislature would allow circumvention of the Open Government Law by not addressing action taken by less than a majority. Therefore, it is our conclusion that the Legislature intended that action taken by boards be by a majority of the body.

§ 8105. Exception.

A chance meeting of two or more members of a public agency shall not be considered a public meeting. No chance meeting, informal assemblage or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this Chapter.

SOURCE: GC § 3229 added by P.L. 13-35.

§ 8106. Regular Meetings.

A public agency shall provide by appropriate administrative action rules to govern the conduct of its business. Such rules shall provide for the time for holding an agency's regular meetings. If at any time a regular meeting falls on a holiday, such regular meeting shall be held on the next business day unless continued until some other publicly announced date by action of the agency. If, by reason of an emergency, it shall be unsafe to meet at the time designated, the meetings may be held for the duration of the emergency at such other time as is designated by the presiding officer of the public agency.

SOURCE: GC § 3230 added by P.L. 13-35.

§ 8107. Notices:

(a) Notice of Regular Meetings. Any public agency which holds a meeting required by statute, regulation or resolution, shall give five (5) working days public notice, and a second public notice at least forty-eight (48) hours prior to the start of the meeting. The public agency must comply with the Title II of the Americans with Disabilities Act ('ADA') requirements for effective communication for people with disabilities and include information in the notice that individuals requiring special

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accommodations, auxiliary aids or services shall contact and submit their request to the designated agency or department representative or ADA Coordinator. The public agency shall make available the name, office address and telephone number, including Telecommunications Device for the Deaf ('TDD'), of the designated ADA Coordinator.

(b) Notice of Special Meetings. Any public agency which holds a meeting not previously scheduled by statute, regulation or resolution, or for which notice is not already provided by law, shall give five (5) working days public notice of such meeting, and a second notice at least forty-eight (48) hours, prior to the start of such meeting as required by this Chapter. The public agency must comply with the Title II of the ADA requirements for effective communication for people with disabilities and include information in the notice that individuals requiring special accommodations, auxiliary aids or services shall contact and submit their request to the designated agency or department representative or ADA Coordinator. The public agency shall make available the name, office address and telephone number, including TDD, of the designated ADA Coordinator.

(c) The notice requirements of this Chapter are in addition to and not in substitution of any other notice required by law.

SOURCE: GC § 3231 added by P.L. 13-35. Subsections (a) and (b) amended by P.L. 24-109:1.

A.G. OPINION 78-2: Public notice of any time, place and agenda of any special meeting must be given by delivery of such notice to the news media 24-hours before the beginning of the meeting. Emergencies are exempted from these requirements.

A.G. OPINION DLM 93-1724: The public notice of the October 28 meeting, which showed an agenda item of a "status report" on a conditional use application for the Bubulao Golf Course Project adequate notice so as to allow approval of the application by the Territorial Land Use Commission at that meeting, was not adequate notice and therefore the action was void.

§ 8107.1. Guam Public Notice Website – Creation, Establishment and Administration.

(a) As used in this Section:

(1) *Website* means the “Guam Public Notice Website” created under this Section.

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(b) There is created the “Guam Public Notice Website” to be administered by the Department of Administration.

(c) The website *shall* provide assistance to the public to find posted public notices for public agencies of the government of Guam, and its political subdivisions, as required under Title 5, Chapter 8, the Open Government Law.

(d) The Department of Administration *shall* create the website which shall:

(1) allow a public agency, or other certified entity, to easily post any public notice information that the public body or other entity is required to post under statute;

(2) allow the public to search the public notices by:

(A) public agency name;

(B) date of posting of the notice;

(C) date of any meeting or deadline included as part of the public notice; and

(D) any other criteria approved by the Department of Administration;

(3) allow the public to search and view past, archived public notices;

(4) allow a person to subscribe to receive updates and notices associated with a public body or a particular type of notice;

(5) be easily accessible by the public from the government of Guam and Guam Legislature home pages;

(6) have a unique and simplified website address;

(7) be directly accessible via a link from the main page of the official government website; and

(8) include other links, features, or functionality that will assist the public in obtaining and reviewing information in relation to public notices posted on the website, as may be approved by the Department of Administration.

(e) The Department of Administration *shall* be responsible for:

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- (1) establishing and maintaining the website, including the provision of equipment, resources, and personnel as is necessary;
- (2) providing a mechanism for public agencies to have access to the website for the purpose of posting and modifying notices; and
- (3) maintaining an archive of all notices posted to the website.

(f) The time period for posting and the content of the public notices posted to the website *shall* be the responsibility of the public agency or other entity posting the notice. The agency or entity posting or publishing the public notice required under this Section must meet all the requirements for public notice under the Open Government Law.

SOURCE: Added by P.L. 32-037:1 (June 7, 2013), effective 180 days after enactment pursuant to P.L. 32-037:4 (June 7, 2013).

§ 8108. Special Meeting.

A special meeting may be called at any time by a public agency, by delivering personally, or by mail, written notice to each member of a public agency. Notice shall also be given to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam. Such notice must be delivered personally or by mail at least five (5) working days, and a second public notice at least forty-eight (48) hours, before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the public agency. The five (5) days notice and the forty-eight (48) hours notice may be waived in the event of an emergency certified to in writing by a public agency. A public agency may also consider all necessary business in the event of an emergency. This Section shall not require a public agency to give notice of its meetings by paid advertisements in any newspaper or over any broadcasting station. Written notice may be dispensed with as to any member who at, prior to or subsequent to the time the meeting convenes, files with the clerk or secretary of the public agency a written waiver of notice. Such written notice may be dispensed with as to any member who is actually present at a meeting at the time it convenes.

SOURCE: GC § 3232 added by P.L. 13-35. Amended by P.L. 24-109:2.

§ 8109. Adjournments.

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A public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the public agency may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in § 8108 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this Section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held it shall be held at the hour specified for regular meetings.

SOURCE: GC § 3233 added by P.L. 13-35.

§ 8110. Adjournment: Same.

Any hearing being held or noticed or ordered to be held by a public agency at any meeting may by order or notice of continuance be continued or recontinued by any subsequent meeting of the public agency in the same manner and to the same extent set forth in § 8109 for the adjournment of meetings; provided, that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

SOURCE: GC § 3234 added by P.L. 13-35.

§ 8111. Executive Sessions.

(a) No public agency is prohibited because of this Chapter from holding executive sessions with the Attorney General, Chief of Police or the respective designated representatives of each on a matter which poses a threat to the public health, safety or welfare or from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by

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another public officer, person or employee unless such officer or employee requests a public hearing. Under no circumstances, however, shall a public agency hold an executive or closed meeting to discuss salaries, salary levels or salary adjustments of any employee or officer. All such discussions or decisions must be held in a public meeting and minutes shall be kept and opened to the public. A public agency may exclude from any public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the public agency, but may not exclude a party, complainant or the subject of an adverse action.

(b) Notwithstanding any other provision of law, a public agency may hold executive sessions with its staff to consider matters with the scope of the Public Employee-Management Relations Act.

(c) Under no circumstances shall a public agency hold an executive or closed meeting to discuss legal matters, impending legal matters or legal strategies with an attorney, except as herein provided below. All such discussions must be held in a public meeting and minutes shall be kept and opened to the public, except as herein provided:

(1) No such meeting may be closed except on the written recommendation of the attorney, and an affirmative vote of a majority of the members of the Board of the Public Agency to go into executive session.

(2) Only matters directly relating to ongoing litigation or litigation which has been threatened as is reasonably expected may be discussed. Only the attorney(s), court reporter, board members, and the Executive Director or managing officer of the agency may attend such a meeting.

(3) A verbatim transcript by an authorized court reporter must be taken of all meetings which are closed to discuss litigation or possible litigation and such transcript shall promptly be reduced to writing.

(4) Notice of the meeting shall be given as required for any other meeting. The notice shall indicate the place and time of the meeting, and shall indicate the general subject matter to be discussed, (if not confidential) as well as the specific exemption permitting an executive or closed meeting.

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(5) After such meeting, the attorney or attorneys involved must file an affidavit with the Agency, which shall be a public document, that only matter relating to litigation or pending litigation have been discussed.

(6) There shall be public minutes made of all such executive sessions indicating the existence of the transcript, the subject matter of the meeting (if not confidential), the names of all persons attending the closed meeting, their capacities and the date and times the meeting started and closed.

(7) The transcript of such meeting shall be sealed for a period of six (6) months, and shall thereafter be a public document unless there is a court order, further sealing the transcript. Before issuing such an order, the court must read the transcript in camera and determine that the Agency would be unduly prejudiced by the release of the transcript, taking into account the public's right to know. In such event, the court may order the transcript released and made public, or may order the transcript sealed for a period not exceeding six (6) months only if there is ongoing litigation over the matters discussed and release would prejudice the Agency, or if the court finds there is a strong likelihood of litigation concerning the subject matters within six (6) months. Unless the court orders otherwise all transcripts concerning litigation or potential litigation shall become public immediately upon the termination of litigation or the threat of litigation. Under no circumstances may a matter concerning litigation be sealed for more than three (3) months after the conclusion of the litigation. In the case of expected litigation, all such transcripts cannot be sealed for more than one (1) year after the closed hearing if no litigation results.

(d) Under no circumstances shall a public agency vote on any matter before it during an executive or closed meeting. All voting must be held in a public meeting and minutes shall be kept and opened to the public.

SOURCE: GC § 3235 enacted by P.L. 13-35. R/R by P.L. 19-5:138. Subsection (d) added by P.L. 25-171:1.

§ 8112. Disturbances.

In any event that any person willfully interrupts a meeting of a public agency so that a meeting may not be conducted in an orderly

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fashion and order cannot be restored by the removal of the person who is wilfully interrupting the meeting, the members of the public agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such session. Duly accredited news reporters and photographers shall be allowed to attend any session held pursuant to this Section, provided that any such person who wilfully interrupts a meeting of a public agency may be removed, in the same manner as any other person.

SOURCE: GC § 3236 added by P.L. 13-35.

§ 8113. Minutes.

The minutes of every meeting of each public agency shall be promptly and fairly recorded, shall be open to public inspection and shall include but not be limited to a record of all motions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call. Insofar as it may do so without violating § 8103 of this Chapter, an agency may also maintain a record of persons present at a meeting.

SOURCE: GC § 3237 added by P.L. 13-35.

§ 8113.1. Reporting Requirements for Boards and Commissions.

The governing Boards and Commissions of all agencies, public corporations, and departments of the government of Guam shall provide electronic copies of the monthly Board and Commission meeting agendas, approved minutes, and other attachments and addendums as discussed in each monthly meeting, to *I Maga'lahaen Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than fifteen (15) days after the end of said meeting and post the same on its website of the agency, public corporation, or department to which it governs. The audio recording of each meeting shall be provided to the Office of Public Accountability within seven (7) calendar days after the meeting. The Office of Public Accountability shall post these audio files on its website upon receipt of audio files.

SOURCE: Added by P.L. 31-233:XII:38 (Sept. 7, 2012).

§ 8114. Action Voided.

Any action taken at a meeting in violation of any Section of this Chapter shall be void and of no effect, provided that this nullification of

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actions taken at such meetings shall not apply to any commitment, otherwise legal, affecting the public debt of the entity concerned.

SOURCE: GC § 3238 added by P.L. 13-35.

§ 8115. Penalties and Court Jurisdiction.

(a) The Superior Court shall have jurisdiction to enforce any action brought as a result of a violation of this Chapter. Any person shall have standing to sue for the enforcement of this Chapter.

(b) Each member of a public agency who attends a meeting of a public agency where action is taken in violation of any provision of this Chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

(c) Any interested persons may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing a violation or threatened violation of this Chapter by members of an agency or to determine the applicability of this Chapter to actions or threatened future action of an agency.

(d) In each suit brought under the Chapter, the court shall file a written Findings of Fact and Conclusions of Law and final judgment which shall also be recorded in the minutes of body involved.

(e) The court shall permanently enjoin any person adjudged to have violated this Chapter from further violating this Chapter. Each separate action taken which is not in accordance with this Chapter shall constitute a separate violation.

(f) The final judgment or decree in each suit shall state that the court shall retain jurisdiction over the parties and subject matter for a period of one (1) year from date of entry and the court shall order the defendants to report in writing twice annually to the court of their compliance with this Chapter.

SOURCE: GC § 3239 added by P.L. 13-35.

§ 8116. Severability.

If any provision of this Chapter or the application of any Section thereof, to any person or circumstance is held invalid, the validity of the remainder of said Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

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SOURCE: GC § 3240 added by P.L. 13-35.

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CH. 10 SUNSHINE REFORM ACT OF 1999**

**CHAPTER 10
SUNSHINE REFORM ACT OF 1999**

- Article 1. Sunshine Law.
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**ARTICLE 1
SUNSHINE LAW**

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NOTE: P.L. 18-047:1 (Jan. 2, 1987) added Chapter 9 (§§ 6980 - 6991), entitled Freedom of Information, to the Government Code ("Sunshine Act of 1986"). P.L. 18-047:2 also repealed GC § 6114 (Fees of Copying Documents), § 6270 (Inspection of Public Records; Certified Copies), and § 6271 (Fees of Certified Copies of Public Records).

P.L. 19-005:139 (Aug. 21, 1987) repealed P.L. 18-047, and P.L. 19-005:136 added a new Chapter IX (§§ 6980-6991) entitled Freedom of Information, to Title VII of the Government Code ("Sunshine Act of 1987"). In the 19th Guam Legislature Session Laws, the previous Compiler renumbered these sections to GC §§ 6750-6759, and later codified these provisions as Article 1 of this Chapter. Further, he determined that the repeal of P.L. 18-047:2 by P.L. 19-005:139 resulted in the revival of §§ 6114, 6270 and 6271 of the Government Code, which he renumbered and codified as Article 2 of this Chapter.

P.L. 25-006:2 (May 12, 1999) repealed the Sunshine Act of 1987 and reenacted this entire Article as Chapter 10 (§§ 10101 - 10113) as the

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Sunshine Reform Act of 1999. P.L. 25-006:3 further stated: This Act shall be effective immediately upon its enactment. The existing lists of non-public writings shall remain non-public for one hundred fifty (150) days, or until a new list is promulgated pursuant to this Law, whichever is shorter.

§ 10101. Short Title.

This Chapter shall be known, and may be cited, as the “Sunshine Reform Act of 1999.”

SOURCE: GC § 6980 as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler to this section. Repealed and reenacted by P.L. 25-006:2 (May 12, 1999).

§ 10102. Definitions.

As used in this Chapter:

(a) Agency means any authority of the government and includes a department, institution, board, bureau, commission, council, committee of Guam government, branch, autonomous instrumentality, public corporation funded by public taxes or funds, or other public entity of the government of Guam, whether or not it is within or subject to review by another agency.

(b) Director means the person directly responsible for overseeing the daily operations of an agency, or the person serving in an acting capacity as director at the time of any request for copies of public records.

(c) Person includes any natural person, corporation, partnership, limited liability company, firm or association.

(d) Public records includes any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency in any format, including electronic format; and any out-of-court settlement records.

SOURCE: GC § 6981 as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler to this section. Repealed and reenacted by P.L. 25-006:2 (May 12, 1999). Subsection (d) amended by P.L. 32-076:5 (Nov. 27, 2013).

§ 10103. Right of Inspection of Public Documents.

(a) Every person has the right to inspect and take a copy of any public document on Guam, except as otherwise expressly prohibited in law, and except as provided in § 10108 of this Chapter.

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(b) Public records are open to inspection at all times during the office hours of the agency and every person has a right to inspect any public record, except as hereafter provided. Any segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(c) Except with respect to public records exempt from disclosure by express provisions of the law, each agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Upon request, an exact copy shall be provided, unless impracticable to do so.

(d) Each agency, upon a request for a copy of public records shall, within four (4) working days from receipt of the request, comply with the request if the records requested are disclosable public records in the possession of the agency. If the records being requested partially contain information exempted from disclosure by this Chapter or by another law, the agency shall redact the exempt information only and release the non-exempt information in the records, citing the exemptions in law that require the information to be redacted. If the records in whole contain information not disclosable by this Chapter or another law, and contain no information that can be released, the agency shall notify the person requesting the records within four (4) working days from receipt of the request, and cite the exemptions in law that prohibit disclosure of the records.

(e) In unusual circumstances, the time limit prescribed in this Section may be extended up to ten (10) days, including Saturdays, Sundays and legal holidays, by written notice by the director of the agency or the director's designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. As used in this Section, unusual circumstances means:

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; or

(2) the need to search for, collect and appropriately examine more than ten (10) separate and distinct records which are

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demanded in a single request, or records that in total, are contained in five hundred (500) or more pages, or contain about two hundred fifty thousand (250,000) words, whichever is more.

SOURCE: GC § 6982 as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler to this section. Repealed and reenacted by P.L. 25-006:2 (May 12, 1999).

CROSS-REFERENCE: 12 GCA § 50118. [Applicability of Sunshine Information Act and the Open Government Law.]

§ 10104. Electronic Communications.

(a) An agency shall treat an electronic mail request for public records the same as it treats paper and oral requests for records. The same deadlines apply to electronic mail requests as other requests, and to ensure that electronic requests are complied with quickly, the agency shall check its electronic mail every work day.

(b) In making any record available to a person under this Chapter, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible in electronic form, through electronic mail or on computer disk.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6983, entitled "Limitation on Right of Inspection" as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10104. This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as "Electronic Communications." The provision entitled "Limitation on Right of Inspection" was reenacted as § 10108.

P.L. 25-040:1 (June 7, 1999) amended § 10104 as follows:

§ 10104. Limitation on Right of Inspection.

(a) None of the following documents may be inspected and copied pursuant to § 10103 of this Chapter, unless permitted by any other law of Guam:

(1) files involving the investigation of any person, real or legal, for the commission of any crime; provided, however, that this Section shall not affect the public or sealed nature of any documents filed with the courts in any action or proceeding;

(2) the personnel file of any employee of the government without his consent, except that relevant material in said file shall

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be open to inspection after a final decision has been rendered in any tribunal which may have jurisdiction over the subject matter in the file. All information regarding salary, and the name, and worksite mail address of each employee shall be public;

(3) tax returns and tax records, except for real property tax records and returns which shall be public; and

(4) police blotters, accident reports, daily activity logs and similar information not restricted by Subsection (a) of this Section shall be available to the public.

However, because § 10104 as entitled "Limitation on Right of Inspection" had already been repealed by P.L. 25-006:2, therefore, it no longer existed in the law. As a result of this manifest error, the amendment of P.L. 25-040 was no effect and is not codified here.

§ 10105. Efficient Disclosure of Records.

(a) To ensure expedient disclosure of records by an agency, the Director of an agency shall require all personnel in charge of receiving any incoming mail, electronic mail, faxed documents or other communications to immediately notify the Director or his designee upon receipt of a request for records under this Chapter.

(b) Upon receipt of a request for records under this Chapter, the Director of an agency or his designee shall immediately assign the request to be fulfilled or responded to by an employee of the agency.

(c) Each agency shall organize paper and computer files so that documents can be retrieved and copied quickly for expedient disclosure of records under this Chapter.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6984, entitled "Public Officers to Give Copies" as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10105. This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as "Efficient Disclosure of Records."

§ 10106. Posting Guidelines.

(a) Every agency shall establish written guidelines for accessibility of records and stating the procedures to be followed when making its records available in accordance with this Chapter. The guidelines shall include a mailing address, fax number and electronic mail address to which a person can send requests for copies of public records. The guidelines shall also include the records exempted from disclosure of

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which the agency is a custodian, as prescribed in Subsection (b) of this Section. A copy of these guidelines shall be posted in a conspicuous public place at the offices of each agency, and a copy of the guidelines shall be available upon request free of charge to any person requesting the agency's records. Each agency shall also make the guidelines and list of disclosable and non-disclosable documents available by computer telecommunications within one (1) year of the effective date of this Chapter.

(b) Every public officer in charge of an agency having custody of records shall, within sixty (60) days after the effective date of this Act, compile a list containing categorized descriptions of all writing in the custody of the agency which said agency considers non-public and non-disclosable as prescribed in § 10108 of this Chapter, and submit the list to the Speaker of *I Liheslaturan Guåhan* for approval by *I Liheslaturan Guåhan*. The list for each agency shall be referred by the Rules Committee to the appropriate oversight committees, which shall hold a public hearing on each list before the list is put on *I Liheslaturan Guåhan*'s session agenda for approval. Such approved list shall be used as a guide for determination of non-disclosable records by agency employees and may be amended by *I Liheslaturan Guåhan* at any time. All documents not included on this list shall be considered public writings. If no such list is promulgated by the agency within (60) days, all documents and records shall be public unless non-public and non-disclosable pursuant to § 10108. If a list is not approved by *I Liheslaturan Guåhan* within ninety (90) days of submission thereof, it shall be deemed approved on the expiration of the ninety (90) days.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6985, entitled "Procedure to request public writings" as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10106. This provision was repealed by P.L. 25-006:2 (May 12, 1999), and reenacted as "Posting Guidelines."

NOTE: P.L. 25-076:2 (Nov. 19, 1999) added the following uncodified provisions:

Section 2. Disapproval of GEPA Proposed Guidelines. The GEPA July 12, 1999 proposed guidelines submitted pursuant to the requirements of the Sunshine Reform Act of 1999 are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies.

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Section 3. Disapproval of GEPA Proposed Exemptions. The GEPA July 12, 1999 list of proposed exemptions submitted pursuant to the requirements of the Sunshine Reform Act of 1999 are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies

P.L. 25-077 (Nov. 19, 1999) added the following uncodified provisions:

Section 2. Disapproval of GEPA Proposed Guidelines. The GEPA July 12, 1999 proposed guidelines submitted pursuant to the requirements of the Sunshine Reform Act of 1999 are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies.

Section 3. Disapproval of GEPA Proposed Exemptions. The GEPA July 12, 1999 list of proposed exemptions submitted pursuant to the requirements of the Sunshine Reform Act of 1999 are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies.

P.L. 25-078:4 (Nov. 19, 1999) added the following uncodified provisions:

Section 4. Disapproval of Agency Lists. The following agencies' lists submitted pursuant to § 10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies:

- (1) the A. B. Won Pat Guam International Airport Authority;
- (2) the Guam Mass Transit Authority;
- (3) the Guam Telephone Authority;
- (4) the Port Authority of Guam;
- (5) the Department of Administration;
- (6) the Department of Revenue & Taxation;
- (7) the Office of Public Accountability;
- (8) the Guam Housing Corporation;
- (9) the Guam Housing and Urban Renewal Authority;
- (10) the Government of Guam Retirement Fund;
- (11) the Guam Finance Commission;
- (12) Customs and Quarantine;
- (13) the Civil Service Commission;
- (14) the Governor's Office;
- (15) the Department of Land Management;
- (16) the Department of Agriculture;

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- (17) the Chamorro Heritage Institute Planning Group (now a Division of *Dipartimento I Kahao Guinahan Chamorro*);
- (18) the Chamorro Language Commission (now a Division of *Dipartimento I Kahao Guinahan Chamorro*);
- (19) the Guam Developmental Disabilities Council;
- (20) the Department of Integrated Services for Individuals with Disabilities;
- (21) the Guam Behavioral Health and Wellness Center;
- (22) the Department of Public Health and Social Services;
- (23) the Guam Memorial Hospital Authority;
- (24) the Guam Museum (now a Division of *Dipartimento I Kahao Guinahan Chamorro*);
- (25) the Guam Election Commission;
- (26) the Department of Military Affairs; and
- (27) the Guam Council on Arts and Humanities Agency.

2009 NOTE: Reference to Office of Public Auditor changed to Office of Public Accountability pursuant to P.L. 30-027:2 (June 16, 2009).

2013 NOTE: Pursuant to P.L. 32-024:2 (May 6, 2013) which renamed the Department of Mental Health and Substance Abuse (DMHSA) to the Guam Behavioral Health and Wellness Center, all references to DMHSA were altered to the Guam Behavioral Health and Wellness Center.

P.L. 25-079:4 (Nov. 19, 1999) added the following uncodified provisions:

Section 4. Disapproval of Agency Lists. The following agencies' lists submitted pursuant to § 10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies:

- (1) the Department of Education;
- (2) the University of Guam;
- (3) the Guam Public Library;
- (4) the Guam Educational Telecommunications Corporation ("KGTF"); and
- (5) the Guam Community College.

NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

P.L. 25-080:2 (Nov. 19, 1999) added the following uncodified provisions:

Section 2. Disapproval of DOC Proposed Exemptions. The Department of Corrections' July 12, 1999 list of proposed exemptions submitted pursuant to the requirements of the Sunshine Reform Act of 1999 is hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agency.

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P.L. 25-081:3 (Nov. 19, 1999) added the following uncodified provisions:

Section 3. Disapproval of Agency Lists. The following agencies' lists submitted pursuant to § 10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby disapproved, but shall not affect the limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said Agencies:

- (1) the Department of Commerce;
- (2) the Guam Economic Development Authority; and
- (3) the Guam Visitors Bureau

P.L. 25-082:2 (Nov. 19, 1999) added the following uncodified provisions:

Section 2. Disapproval of Agency Lists. The following agencies' lists submitted pursuant to § 10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies:

- (1) the Guam Power Authority;
- (2) the Department of Youth Affairs;
- (3) the Department of Parks and Recreation;
- (4) the Department of Public Works;
- (5) the Guam Contractors Licensing Board;
- (6) the Bureau of Budget and Management Research;
- (7) the Guam Energy Office; and
- (8) the Professional Engineers, Architects and Land Surveyors Board.

P.L. 25-094:3 (Dec. 29, 1999) added the following uncodified provisions:

Section 3. Disapproval of Agency Lists. The following agencies' lists submitted pursuant to § 10106(b) of Article 1, Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies:

1. the Agency for Human Resources Development;
2. the Department of Law;
3. the Department of Labor;
4. the Supreme Court of Guam;
5. the Department of Youth Affairs;
6. the Public Defender Service Corporation;
7. the Superior Court of Guam; and
8. the Guam Fire Department.

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P.L. 25-097:2 (Dec. 29, 1999) added the following uncodified section:

Section 2. Disapproval of GPD Proposed Exemptions. The Guam Police Department July 12, 1999 and September 3, 1999 lists of proposed exemptions submitted pursuant to the requirements of the Sunshine Reform Act of 1999 are hereby disapproved, but shall not affect the existing limitations already contained within the Sunshine Reform Act of 1999, including within § 10108, and their applicability to said agencies.

§ 10107. Annual Report.

(a) On or before February 1 of each year, each agency shall submit to the Attorney General of Guam a report which shall cover the preceding fiscal year and which shall include:

(1) the number of determinations made by the agency not to comply with requests for records made to such agency under § 10108 of this Chapter and the reasons for each such determination;

(2) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

(3) the number of requests for records received by the agency and the number of requests which the agency processed;

(4) the median number of days taken by the agency to process different types of requests; and

(5) the number of full-time staff of the agency devoted to processing requests for records under this Section, and the total amount expended by the agency for processing such requests.

(b) Each agency shall make each such report available to the public, including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

(c) The Attorney General of Guam shall make each report which has been made available by electronic means available at a single access point. The Attorney General of Guam shall notify the Legislative Secretary of *I Liheslaturan Guåhan*, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

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(d) The Attorney General of Guam shall develop reporting and performance guidelines in connection with reports required by this Section by October 1, 1999, and may establish additional requirements for such reports as the Attorney General determines may be useful.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6986, entitled "Proceedings in the Superior Court to compel disclosure" as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10107. This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as "Annual Report."

§ 10108. Limitation on Right of Inspection.

Except as provided in § 10109 of this Chapter, nothing in this Chapter shall be construed to require disclosure of records that are any of the following:

(a) Records pertaining to pending litigation to which the agency is a party, until the pending litigation has been finally adjudicated or otherwise settled.

(b) Records of complaints to, or investigations conducted by, or records of intelligence information, or security procedures or information, of an agency or its personnel.

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. All information regarding salary, and the name, and worksite mailing address of each employee and public official shall be public record.

(d) Information required from any taxpayer in connection with the collection of taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information, except that total amounts of money owed to or owed by a person, and penalties levied against and owed by a person, shall be public information and not exempt from disclosure.

(e) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this Subsection shall not apply to the records of fines imposed on the borrowers.

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(f) Applications filed with any agency responsible for the regulation or supervision of the issuance of securities or of financial institutions, including, but not limited to, banks, savings and loan associations, credit unions and insurance companies. The exemption in this Subsection shall not apply to the records of loans or securities issued by an agency, the amount of money or credit issued to a person, information about the purpose and reasons for loans or securities issued by the agency, or identifying information about the person receiving the money or credit, including name, date of birth, occupation and place of residence.

(g) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment, or academic examination. The exemption in this Subsection shall not apply to cumulative test scores on academic tests administered by the Department of Education, but shall apply to individual students' test scores.

(h) The home address and telephone number of any person whose occupation is subject to regulation or licensure by the government of Guam, or of any public official or government employee, or of any member of a government board, commission, or council, unless such person gives express permission to disclose such information.

(i) All existing privileges or confidential records or other information expressly protected under the law shall not be abrogated by this Act.

(j) Records specifically pertaining to security procedures, passwords, combinations, access codes, electronic or computer user I.D.s, policies or procedures on security.

(k) For the Department of Education information which personally identifies participants in the School Breakfast/Lunch Program, or their parents, guardians or caretakers.

(l) For the University of Guam:

(1) all applicant records regarding admission, financial aid and/or scholarships, except that the names and majors/areas of concentration of Financial Aid recipients funded directly or indirectly, through repayments by prior recipients, by a fund of

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the government of Guam, including the University of Guam's Student Financial Assistance Program Fund shall be public information and not covered as private writings;

(2) closed archives of the RFT Micronesian Area Research Center, as per agreement with donor; and

(3) anonymity agreements regarding financial donations and other contributions made to the University only to the extent needed to protect the identity of the donor.

(m) For the Guam Police Department:

(1) vice funds disbursement records;

(2) disapproved firearm permit applications; and

(3) investigation techniques, which if exposed, would threaten the safety of law enforcement officials and/or threaten the integrity of an investigation.

(n) For the Guam Police Department: investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(1) interfere with enforcement proceedings;

(2) deprive a person of a right to a fair trial or an impartial adjudication;

(3) constitute an unwarranted invasion of personal privacy;

(4) disclose the identity of a confidential source and, in the case of a record compiled in the course of a criminal investigation, confidential information furnished only by the confidential source;

(5) disclose investigative techniques and procedures; or

(6) endanger the life or physical safety of law enforcement personnel.

(o) for the Department of Corrections' Internal Affairs Unit, the radio logs and tapes.

(p) For the Supreme and Superior Courts of Guam:

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(1) draft/working copies of bench notes, memoranda and opinions generated by the law clerks, research attorneys, judges and justices of the courts; and

(2) notes of the legal impressions.

(q) Draft documents of an Agency.

(r) All records of the Department of Education, the University of Guam, the Guam Public Library, the Guam Educational Telecommunications Corporation (“KGTF”) and the Guam Community College that are exempted from public disclosure under the provisions of Article 1 of Chapter 10 of Title 5 of the Guam Code Annotated, as repealed and reenacted by Public Law Number 25-06, shall remain as private writings.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999). Subsection (i) added by P.L. 25-078:2 (Nov. 19, 1999). Subsection (j) added by P.L. 25-078:3 (Nov. 19, 1999). Subsection (k) added by P.L. 25-079:2 (Nov. 19, 1999). Subsection (l) added by P.L. 25-079:3 (Nov. 19, 1999). Subsection (m) added by P.L. 25-097:3 (Dec. 29, 1999). Subsection (n) added by P.L. 25-097:4 (Dec. 29, 1999). Subsection (o) added by P.L. 25-080:3 (Nov. 19, 1999). Subsection (p) added by P.L. 25-094:2 (Dec. 29, 1999). Subsection (b) amended by P.L. 25-094:4 (Dec. 29, 1999). Subsection (q) added by P.L. 25-082:3 (Nov. 19, 1999). Subsection (r) added by P.L. 25-081:2 (Nov. 19, 1999). Subsection (h) amended by P.L. 25-184:2 (Jan. 8, 2001). Subsections (c) and (h) amended by P.L. 32-020:2 (Apr. 11, 2013).

NOTE: This section was originally codified from GC § 6987, entitled “Results of nondisclosure” as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10108, entitled “Penalties for results of nondisclosure.” This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as “Limitation on right of inspection.” The provision entitled “Penalties for results of nondisclosure” was reenacted as § 10112.

P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. The passage of P.L. 30-050:2 (July 14, 2009) reverted the name to the Department of Education.

Numbers and/or letters were altered to adhere to the Compiler’s alpha-numeric scheme in accordance to 1 GCA § 1606.

§ 10108.1. Disclosure of Privileged Information to Legislative Oversight Committee.

Any record or information which may be nondiscloseable under § 10108 that is in the possession of an agency shall be discloseable to the Legislative Oversight Committee upon its issuance of a subpoena duces

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tecum requesting such record or information or subpoena upon the director.

SOURCE: Added by P.L. 25:097:5 (Dec. 29, 1999).

§ 10109. Disclosure to Proper Officials.

The exemptions of records as prescribed in this Chapter shall not apply to public officials who prior to the adoption of this act had legal access to the records.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6990, entitled “Public officers to assist implementation of this Chapter” as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10109. This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as “Disclosure to Proper Officials.”

§ 10110. Purpose of Request Irrelevant.

This Chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

NOTE: This section was originally codified from GC § 6991, as added by P.L. 18-047:1 (Jan. 2, 1987), amended by P.L. 19-005:136 (Aug. 21, 1987). Codified by the Compiler as 10 GCA§ 10110, entitled “Privilege No Impaired.” This provision was repealed by P.L. 25-006:2 (May 12, 1999), and added as “Purpose of Request Irrelevant.”

§ 10111. Court Proceedings.

(a) Any person making a request in any agency for public records pursuant to § 10103 shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions of that Section.

(b) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in the Superior Court of Guam to enforce that person’s right to inspect or to receive a copy of any public record or class of public records under this Chapter. The times for responsive pleadings and for hearings in these proceedings shall be set by the judge of the Court with the object of securing a decision as to these matters at the earliest possible time.

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(c) Whenever it is made to appear by verified petition to the Superior Court of Guam that certain public records are being improperly withheld from a member of the public, the Court shall order the officer or person charged with withholding the records to promptly disclose the public record or show cause why the person should not do so. The Court shall decide the case after examining the record in camera, papers filed by the parties and any oral argument and additional evidence as the Court may allow. The burden is on the agency to sustain its action. All records shall be presumed public and the burden of establishing that a document or record is private shall be upon the agency or person claiming that the document on record should not be disclosed or inspected.

(d) Except as to cases the Court considers of greater importance, proceedings before the Superior Court, as authorized by this Section, and appeals therefrom, take precedence over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(e) If the Court finds that the public official's decision to refuse disclosure is not justified under this Chapter, the Court shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, the Court shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

§ 10112. Penalties for Nondisclosure.

(a) If the Court finds that the public official's decision to refuse disclosure is not justified under this Chapter, the Court shall order the public official to pay a fine of One Thousand Dollars (\$1,000.00). The fine shall be a personal expense for the responsible official and in no way shall the fine be paid by the agency or the government of Guam.

(b) There is created the 'Government Ethics Fund' to assist the Guam Ethics Commission in ensuring ethical conduct in the government of Guam. This fund shall not be commingled with the General fund and shall be kept in a separate bank account. Any fines collected under Subsection (a) of this Section shall be deposited in the Government Ethics Fund, are appropriated to the Guam Ethics Commission for ethical investigations, audits and analyses of financial disclosure forms. This appropriation is continuous, contingent on the annual submission of a

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detailed budget to *I Liheslaturan Guåhan*, notwithstanding any other provision of law.

(c) Any officer or employee who acts arbitrarily or capriciously in withholding a public record from a requesting person shall be guilty of a misdemeanor.

(d) The Court shall award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail after initial filing of the complaint pursuant to this Section. The costs and fees shall be paid by the public agency of which the public official is a member or employee and shall not become a personal liability of the public official. If the Court finds that the plaintiff's case is clearly frivolous, it shall award court costs and reasonable attorney fees to the public agency.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999).

§ 10113. Judicial Records.

The provisions of this Chapter *shall not* be deemed in any manner to affect the status of judicial records as it existed immediately prior to the effective date of this Section, nor to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of Guam, nor to limit or impair any rights of discovery in a criminal case. The sealing of settlement documents in cases involving the government of Guam is prohibited.

SOURCE: Added by P.L. 25-006:2 (May 12, 1999). Amended by P.L. 32-076:6 (Nov. 27, 2013).

**ARTICLE 2
RECORDS**

- § 10201. Inspection of Public Records; Certified Copies. [Repealed.]
- § 10202. Fees for Certified Copies of Public Records.
- § 10203. Charges for Copying Government Documents.

**§ 10201. Inspection of Public Records; Certified Copies.
[Repealed.]**

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SOURCE: GC § 6251 as added by P.L. 12-034:5 (July 3, 1973), recodified to § 6270 by the Editor of the 1974 Supplement to the Government Code; repealed by P.L. 18-047:2 (Jan. 2, 1987).

COMMENT: Notwithstanding the express repeal of this section by P.L. 18-047:2, the previous Compiler found that this section was revived upon the enactment of P.L. 19-005. The previous Compiler renumbered this section and codified it into Article 2 of this Chapter, which stated as follows:

§ 10201. Inspection of Public Records; Certified Copies.

Every person has a right to inspect any public writing on record in Guam and every public officer having the custody thereof is bound to permit such inspection, and to give on demand and on payment of the legal fees therefor a certified copy of such writing or record.

The common law rules of statutory construction apply in Guam pursuant to 1 GCA § 700. "Under the common law rules of interpretation, the repeal of a repealing statute revives the original enactment where such repeal is accomplished by express provision. However, where the repeal of the repealing statute is achieved by specific provision or by implication with new additional legislation, the original legislation is revived only to the extent to which it is consistent with the new legislation." Sutherland Statutory Construction, 7th ed., § 23:32 (2000). Because P.L. 19-005 enacted § 10103 governing the right of inspection of public documents, § 10201 was not revived.

§ 10202. Fees for Certified Copies of Public Records.

Except when a different amount is prescribed the following fees shall be paid in advance for certified copies of public records:

(a) for making a certified copy, \$.75 cents for the first 300 words or part thereof, and \$.15 cents for each additional 100 words or part thereof.

(b) if the record is in a foreign language, \$1.00 for each 100 words or part thereof.

(c) for comparing for certification of copy furnished by the applicant, one-half the fee for making a copy.

SOURCE: GC § 6252 as added by P.L. 12-034:5 as GC § 6251 (July 3, 1973); recodified to § 6271 by the Editor of the 1974 Supplement to the Government Code. Repealed by P.L. 18-047:2 (Jan. 2, 1987); however, P.L. 19-005:139 (Aug. 21, 1987) later repealed P.L. 18-047. Renumbered by the Compiler and codified to Article 2 of this Chapter.

COMMENT: Notwithstanding the express repeal of this section by P.L. 18-047:2, the previous Compiler found that this section was revived upon the enactment of P.L. 19-005 (Aug. 21, 1987). The common law rules of statutory construction

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apply in Guam pursuant to 1 GCA § 700. “Under the common law rules of interpretation, the repeal of a repealing statute revives the original enactment where such repeal is accomplished by express provision.” Sutherland Statutory Construction, 7th ed., § 23:32 (2009). Because the enactment of the Sunshine Law of 1987, enacted by P.L. 19-005:136, did not include a provision for charging fees for certified copies of public records, § 10202 was revived and provided statutory authority to charge for these copies.

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler’s alpha-numeric scheme.

§ 10203. Charges for Copying Government Documents.

(a) Notwithstanding any other provision of law, no department, agency or instrumentality of the government of Guam, including all autonomous agencies and instrumentalities, shall charge another branch, department or agency of the government of Guam, including the Guam Legislature and members thereof, for copies of requested documents, so long as the documents are requested in an official capacity.

(b) Notwithstanding any other provisions of law, any department, agency or instrumentality of the Executive Branch of the government of Guam, including all autonomous agencies and instrumentalities, except for the Department of Land Management and the Department of Revenue and Taxation, may charge the media or the general public a copying fee for documents not to exceed ten cents (10¢) for the first page of any requested document, and two cents (2¢) each for any remaining pages. The Department of Land Management and the Department of Revenue and Taxation may set their charges for documents by rules and regulations pursuant to the Administrative Adjudication Law.

(c) Any department, agency or instrumentality of the Executive Branch of the government of Guam, including all autonomous agencies and instrumentalities, may choose not to charge the media or the general public a copying fee for requested documents; however, they shall not charge more than indicated in Subsection (b) of this Section.

SOURCE: GC § 6711 as added by P.L. 18-040:13 (Nov. 6, 1986). Repealed by P.L. 18-047:2 (Jan. 2, 1987); however, P.L. 19-005:139 (Aug. 21, 1987) later repealed P.L. 18-047. Renumbered by the Compiler and codified to Article 2 of this Chapter.

COMMENT: Notwithstanding the express repeal of this section by P.L. 18-047:2, the previous Compiler found that this section was revived upon the enactment of P.L. 19-005 (Aug. 21, 1987). The common law rules of statutory construction apply in Guam pursuant to 1 GCA § 700. “Under the common law rules of interpretation, the repeal of a repealing statute revives the original enactment where

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such repeal is accomplished by express provision.” Sutherland Statutory Construction, 7th ed., § 23:32 (2009). Because the enactment of the Sunshine Law of 1987, enacted by P.L. 19-005:136, did not include a provision for charging fees for copying government documents, § 10203 was revived and provided statutory authority to charge for these copies.

**ARTICLE 3
INFORMATION REQUIRED ON MAGNETIC MEDIA AND THE INTERNET**

SOURCE: Entire Article added by P.L. 24-301:2 (Dec. 18, 1998).

- § 10301. Information Required to be Made Available on Magnetic Media Format.
- § 10301.1. Information Not Stored on Magnetic Media Format.
- § 10302. Magnetic Media Defined.
- § 10303. Formats for Magnetic Media.
- § 10304. Fees and Timeframes for Information Available on Magnetic Media.
- § 10305. Home Page for Each Department or Agency of Government.
- § 10306. Information Required on Official Home Pages.
- § 10307. Formats for Home Pages.
- § 10308. Special Requirements for Telephone Directory.
- § 10309. Special Requirements for Legislation.
- § 10310. Special Requirements for Property Maps in the Custody of the Department of Land Management.
- § 10311. Prohibition Against Partisan Endorsements or Detractions.
- § 10312. Special Requirement for Government of Guam Accounts with the Guam Power Authority.
- § 10313. Special Requirement for Non-Immigrant Alien Temporary Labor Certificates approved by *I Maga'lahi* (the Governor).
- § 10314. Acceptance of Applications, Filings and Forms for Services Via the Internet.
- § 10315. Special Requirement for Medical Licenses.

§ 10301. Information Required to be Made Available on Magnetic Media Format.

Any information, that is stored on or will be stored on magnetic media, available under the Freedom of Information Act, as provided for

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in Article 1 of this Chapter, shall be made available to the general public on magnetic media.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10301.1. Information Not Stored on Magnetic Media Format.

An agency may make information, covered by Article 1 of this Chapter that is not stored on magnetic media, available to the general public on magnetic media and charge a fee for such service. Such fees shall be based on the cost of such services, and subject to the provisions of the Administrative Adjudication Law.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10302. Magnetic Media Defined.

For purposes of this Section, magnetic media shall be defined as three and one-half inch (3.5") high-density floppy diskettes and CD ROM disks. To fulfill the requirements of § 10301 of this Article, Agencies only need make information that consist of computer files that total more than six (6) megabytes of information available on CD ROM. All others less than six (6) megabytes shall be available on floppy diskettes.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10303. Formats for Magnetic Media.

Unless otherwise provided for herein, information shall be made available in the following formats:

(a) Written Transcripts, Rules and Regulations, Legislation and Written Text Documents: Written transcripts, rules and regulations, legislation and written text documents shall be made available in the following formats: ASCII, text and any other word processing format commonly and widely used on Microsoft and Macintosh Operating Systems.

(b) Financial Information: Lotus 123, Microsoft Excel and Corel Quattro Pro for Microsoft and Macintosh operating systems.

(c) Other Information: The individual agencies shall, under the provisions of the Administrative Adjudication Law, determine most appropriate format and make available such information on magnetic media.

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Agencies may, through appropriate rules and regulations pursuant to the Administrative Adjudication Law, make information available through other formats and charge a fee for such services. If a special format is, or becomes available for personal computers or Macintosh Computers for individuals with disabilities, agencies shall make such information available in that format at no additional cost. The determination of which formats are commonly and widely used as required herein shall be determined from input from the general public at a public hearing held at least once per calendar year by each Branch of the government of Guam.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10304. Fees and Timeframes for Information Available on Magnetic Media.

(a) Notwithstanding any other provision of law, no department, agency or instrumentality of the government of Guam, including all autonomous agencies and instrumentalities, shall charge another branch, department or agency of the government of Guam, including *I Liheslaturan Guåhan* and members thereof, for copies of requested documents, so long as the documents are requested in an official capacity.

Unless otherwise provided herein, no department, agency or instrumentality of all Branches of the government of Guam, including all autonomous agencies and instrumentalities shall charge fees in excess of Two Dollars (\$2.00) per floppy diskette, and Fifteen Dollars (\$15.00) per CD ROM; should the cost of providing such services increase, a department or agency may set their fees at a higher rate, by rules and regulations pursuant to the Administrative Adjudication Law, only to cover the additional costs. No fee shall be charged to any person who obtains public information from the Internet.

Requests for such information on magnetic media shall be made in writing to the applicable agency. Such magnetic media shall be provided to the person requesting such information within five (5) working days, excluding weekends and holidays, of the request. Payment for such services shall be made at the time of the request. Agencies may by rules and regulations pursuant to the Administrative Adjudication Law, develop appropriate timeframes for providing information in other formats not expressly mentioned in § 10303 of this Article.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

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§ 10305. Home Page for Each Department or Agency of Government.

(a) Every department or agency of the Executive Branch of the government of Guam, inclusive of all autonomous agencies, the Department of Education, the Guam Visitors Bureau, the Guam Economic Development and Commerce Authority, the Guam Waterworks Authority and the Guam Power Authority, shall develop and post on the Internet a home page or website. Each home page or website shall be designated as the official website or home page for such department, agency, autonomous agency or public corporation and no information posted thereon shall be restricted by user status, passwords, or the assessment of dues, membership fees or registration fees. This Section, and § 10306 of this Chapter shall apply to *I Liheslaturan Guåhan* as a single agency and the Judiciary of Guam as a single agency.

(b) All finalized reports, studies, and plans initiated, contracted for or conducted by any department or agency, except criminal investigative and security-related reports, studies, and plans, shall be posted on the agency home page. By January 1, 2008, copies of all such reports, studies, and plans held in the records of all departments and agencies shall be posted on the agency home page.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057:2 (June 30, 2005). Amended by P.L. 29-019:VI:88 (Sept. 29, 2007).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted the name of the Guam Public School System to the Department of Education.

§ 10306. Information Required.

The following information must be posted, at a minimum, on each official website or homepage required pursuant to Section 10305 above.

(a) Notice of all meetings, hearings and public events as required by public law and for such duration as required by public law and containing such information as is required by public law.

(b) The official name of the department, agency, autonomous agency or public corporation in both English and Chamorro, the email address, public phone numbers, mailing address and physical location of the department, agency, autonomous agency or public corporation.

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(c) The names and titles of the Director, Deputy Director or official in charge of the department, agency, autonomous agency or public corporation, as appropriate, as well as the names and titles of the administrators of each and all offices, programs, services, units or divisions under its purview, and the names of all board members of every board or commission associated with or appurtenant thereto, and an organizational chart demonstrating the relationships between all, as relevant.

(d) A list of all fees charged for any services.

(e) All rules and regulations in force as promulgated by the department, agency, autonomous agency or public corporation, or links thereto, as well as all proposed rules and regulations, or amendments thereto, as are progressing through the administrative adjudication process as detailed in the Administrative Adjudication Act.

(f) The budget for the department, agency, autonomous agency or public corporation as is in force and approved by *I Liheslaturan Guåhan* or the governing board as appropriate, as well as the proposed budget for the upcoming fiscal year, and in such form as is submitted to or approved by *I Liheslaturan Guåhan* or the governing board as appropriate, and all expenditures of the department, agency, autonomous agency or public corporation, such entries to be updated on a quarterly basis.

(g) The awardee, amount, duration and a general description of all contracts of any nature as entered into by the department, agency, autonomous agency or public corporation, such entries to be updated on a quarterly basis.

(h) The amount of and a general description of all grants received by the department, agency, autonomous agency or public corporation.

(i) The hours of operation of the department, agency, autonomous agency or public corporation, and all programs, units or services under its purview.

(j) A general description of the areas of responsibility of the department, agency, autonomous agency or public corporation, and all offices, programs, services, units or divisions under its purview,

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as well as any public reports, studies and publications as the public might expect access to under Guam law.

(k) The results of audits, or links thereto, of the department, agency, autonomous agency or public corporation, or any component or service of same.

(l) In the case of a department, agency, autonomous agency or public corporation that generates its own income through fees for services or other fees, an annual statement detailing collection and income derived from such fees.

(m) All blank applications and other forms for services, licenses, government benefits, etc., of all agencies, autonomous agencies, public corporations and instrumentalities of the government of Guam. In the event that the nature of a form or application prevents it from being posted (such as carbon copy forms), the agency shall state on its website the reasons that such form cannot be posted. To the extent possible and practical, the agencies shall make the forms available in fill-able/savable/printable Adobe portable document format (PDF). Notwithstanding the requirements, supra, of this Subsection; the Unified Judiciary shall within its rule-making authority determine which documents shall be posted on its website and the form and manner in which such documents are to be posted.

Nothing in this Section shall be construed as limiting the information that a department, agency, autonomous agency or public corporation may provide to the general public via a home page or website.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998). Repealed and reenacted by P.L. 28-057:3 (June 30, 2005). Amended by P.L. 30-222:1 (Dec. 30, 2010).

NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were altered to adhere to the Compiler's alpha-numeric scheme.

§ 10307. Formats for Home Pages.

There are no special requirements for the format or construction of official Home Pages. Each Branch of government shall make every possible effort to ensure that official Home Pages use text and graphics formats that can be easily loaded and read by most Web browsers. For complex documents intended for download by the general public, such

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documents shall be available in, but not limited to, Portable Document Format (“PDF”).

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10308. Special Requirements for Telephone Directory.

The Guam Telephone Authority shall, within ninety (90) days of the enactment hereof, make its annual phone directory of published numbers available on the Internet and on CD ROM. To the extent that funds allow for, the Guam Telephone Authority shall make arrangements with companies that publish national directories on the Internet for inclusion of published Guam telephone numbers on their internet directory services. CD ROM versions of the directory shall be published quarterly and made available in all database, spreadsheet and word processing formats widely and commonly used on Microsoft and Macintosh operating systems. Unlisted numbers and information on subscribers not included in the printed version of the directory shall not be included on the Internet or CD ROM versions. The version of the telephone directory published on the Internet shall be updated not less than once every calendar quarter.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10309. Special Requirements for Legislation.

Beginning with *I Mina’Bente Kuattro Na Liheslaturan Guåhan*, all bills passed by *I Liheslaturan Guåhan* shall be posted on *I Liheslaturan Guåhan’s* Official Home Page. Bills signed into law or vetoed by *I Maga’lahen Guåhan* shall include *I Maga’lahen Guåhan’s* message. In the event a Bill becomes law either through approval of *I Maga’lahen Guåhan*, or override by *I Liheslaturan Guåhan*, the date and public law number shall also be included. Information required to be included with each bill posted on *I Liheslaturan Guåhan’s* Official Home Page shall include the sponsors of the legislation and, if applicable, the score through and underline notations that reflect changes that will be made to existing law by enactment of the bill. The voting record shall be included with each bill passed or overridden by *I Liheslaturan Guåhan*.

Beginning with *I Mina’Bente Sinko Na Liheslaturan Guåhan*, all bills introduced by members of *I Liheslaturan Guåhan* shall be posted on *I Liheslaturan Guåhan’s* official Home Page. New bills shall be posted within five (5) working days of the bill’s introduction. The address of the

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official Home Page, where all bills that are introduced are posted, shall be included in all notices of public hearings.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10310. Special Requirements for Property Maps in the Custody of the Department of Land Management.

Within one (1) year of the enactment hereof, the Department of Land Management shall publish a complete set of the maps of Guam in their custody on CD ROM. Existing maps in magnetic media format shall be made available pursuant to the provisions of this Article notwithstanding this one (1) year period.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10311. Prohibition Against Partisan Endorsements or Detractions.

No official Home Page required herein may be used to endorse or detract from any elected official, candidate for an elected office or the platform of any elected official or candidate for elected office.

SOURCE: Added by P.L. 24-301:2 (Dec. 18, 1998).

§ 10312. Special Requirement for Government of Guam Accounts with the Guam Power Authority.

Within six (6) calendar months of the enactment hereof, the Guam Energy Office shall publish on its website a listing of all government of Guam meters registered with the Guam Power Authority, and the corresponding fiscal quarterly account information that shall include kilowatt hours billed to, amounts billed to, a KWH consumption benchmark which reflects a reasonable target if viable energy conservation measures are implemented, amounts paid from and amounts due from each department, office or agency of the Executive Branch of the government of Guam, inclusive of all autonomous agencies, the Department of Education, the University of Guam, the Guam Community College, the Guam Visitors Bureau, the Guam Economic Development Authority, the Guam Waterworks Authority, the Guam Power Authority, *I Liheslatura* and the Judiciary. The Guam Power Authority shall provide all necessary information to the Guam Energy Office for the purposes of this Section. The Guam Energy Office shall monitor and make recommendations, in writing, on a quarterly basis to the respective agency heads on the energy savings alternatives, and post them on their website.

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SOURCE: Added by P.L. 30-051:1 (July 14, 2009).

2009 NOTE: P.L. 28-045:10 (June 6, 2005) changed the name of the Department of Education to the Guam Public School System. P.L. 30-050:2 (July 14, 2009) reverted to the Department of Education.

§ 10313. Special Requirement for Non-Immigrant Alien Temporary Labor Certifications approved by *I Maga'lahi* (the Governor).

Within six (6) calendar months of the enactment hereof, the Guam Department of Labor shall publish and update on a quarterly basis on its website a listing of all temporary labor certifications issued and attested to, as of the date of the enactment hereof, by *I Maga'lahi* (the Governor) pursuant to Chapter 7 of Title 17, Guam Administrative Rules and Regulations, including the name, telephone number, and physical address of the applicant for temporary labor certification; the position title for which the application was made; the number of United States residents who applied to fill said position; the number of qualified, willing, and available United States residents who applied to fill said position; and the date said application was submitted and approved.

SOURCE: Added by P.L. 31-124:1 (Sept. 30, 2011).

§ 10314. Acceptance of Applications, Filings and Forms for Services Via the Internet.

Notwithstanding any other provision of law, all entities of the government of Guam, inclusive of autonomous agencies, shall provide for the acceptance of applications, filings and forms for services through their official website. If the nature of an application, a filing or a form does not allow for it to be accepted via the internet, the respective government entity shall explicitly state the reason on its website.

SOURCE: Added by P.L. 31-187:1 (Feb. 27, 2012), effective (180) days upon enactment pursuant to P.L. 31-187:2.

§ 10315. Special Requirement for Medical Licenses.

Within six (6) months of the enactment hereof, the Guam Board of Medical Examiners *shall* publish, and update on a quarterly basis on its website, a listing of licenses issued pursuant to Article 2 (Physicians Practice Act) of Chapter 12, Title 10, Guam Code Annotated, including the license holder's name, primary work address, work phone number, specialty, initial date of licensure, license status, and board certifications.

SOURCE: Added by P.L. 33-080:1 (Nov. 9, 2015).

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