

IMINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2012 (SECOND) REGULAR SESSION

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Bill No. ~~447~~-31 (COR)

Introduced by:

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AN ACT TO RENUMBER § 8116 OF TITLE 5 GCA, CHAPTER 8 OF "THE OPEN GOVERNMENT LAW" TO § 8117, AND TO ADD NEW §§ 8116 (a) AND (b) RELATIVE TO ENSURING ACCURACY AND ACCOUNTABILITY IN VERBAL AND WRITTEN POSTS, INCLUDING STATEMENTS RELEASED, DIVULGED OR PLACED ON-LINE BY GOVERNMENT OFFICIALS AND EMPLOYEES TO NEWS AND/OR INFORMATION ORGANIZATIONS, BY REQUIRING THAT A SIGNED, UNSWORN DECLARATION, AS PROVIDED IN TITLE 6 GCA § 4308, SHALL ACCOMPANY EACH SUCH STATEMENT, NEWS RELEASE, WRITING, OR ON-LINE POSTING; AND TO EXEMPT STANDARD, REQUIRED PUBLIC NOTICES FROM THIS REQUIREMENT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. **Legislative findings and intent.** *I Liheslatura* finds
3 that a growing number of statements, news releases and writings posted
4 on-line, and officially or unofficially released to news/information
5 organizations by government officials or employees, are of questionable
6 accuracy. *I Liheslatura* also finds that many of these news/information
7 organizations receiving such questionable statements, news releases and
8 writings, oftentimes unknowingly present misinformation as if it were
9 fact, due in part to the increasingly more common practice of regular

1 news/information organizations using attributions to specific sources,
2 without ascertaining the veracity of such statements prior to their
3 publication, broadcast or posting.

4 It is therefore the intent of *I Liheslatura* to ensure greater accuracy
5 and increased accountability from government officials and government
6 employees, relative to statements and writings released or divulged to
7 news and/or information organizations, or posted on-line, by requiring
8 that all such news releases, writings, or on-line postings provided by
9 Government of Guam officials and employees must contain a signed,
10 unsworn declaration, as provided by law.

11 **SECTION 2. RENUMBERING:** Existing § 8116 of Title 5 GCA,
12 Chapter 8 is renumbered to § 8117.

13 **SECTION 3. NEW § 8116 (a) and (b), "Government Statements**
14 **and Releases to News/Information Organizations,"** are added to
15 **Chapter 8 of Title 5 Guam Code Annotated to read:**

16 **"§ 8116 (a). Government Statements and Releases to News/**
17 **Information Organizations.** All statements and releases to
18 news/information organizations from a government official or
19 government employee authorized to interact with the public,
20 whether posted on-line or delivered in written, audio or video
21 format, must contain, under penalty of perjury, a signed,

1 “unsworn declaration” as provided for in §§ 4308 and 4309 of Title
2 6 of the Guam Code Annotated (and also provided below), a
3 separate paragraph following the text of the statement or release,
4 in a readable font type of at least 10 points in size, that reads:

5 “UNSWORN DECLARATION: ‘I hereby declare that
6 the foregoing is true and correct to the best of my knowledge
7 and belief, under penalty of perjury of the laws of Guam,
8 this declaration being sworn and made in lieu of an affidavit
9 pursuant to Title 6 Guam Code Annotated §4308, at the
10 place and date identified herein.’ [name and signature of
11 individual releasing information]”

12 Statements and writings in audio format must contain an
13 audio “Unsworn Declaration” statement by the government
14 official or employee that the statement is made pursuant to Title 5
15 GCA §8116 (a); video formats must contain either the signed
16 “Unsworn Declaration” in legible text on-screen, or an audio
17 statement by the government official or employee, that the
18 statement is made pursuant to **Title 6 GCA §4308.**

19 For the purpose of this § 8116, “News/Information
20 Organizations” shall include but not be limited to bona-fide news
21 organizations such as those which provide television, radio, print,

1 and on-line news reports, and represent themselves as such;
2 “Information Organizations” shall include but not be limited to
3 other information sources that can be accessed by the general
4 public, including on-line, internet based providers of information
5 whether amateur or professional, to include blogs, on-line forums,
6 personal websites, social networking, and other similar sites.

7 **(b). Exemptions.** The following news releases and meeting
8 notices are exempted from the provisions of § 8116 (a) of this
9 Chapter 8:

10 All standard notices required by law for regular and special
11 public government meetings of boards, commissions, councils,
12 hearings, Legislative meetings and sessions, and other regular
13 government meetings requiring public notice; standard
14 government announcements such as requests for proposals,
15 invitations to bid, requirements for placements on websites, and
16 other general operational notices; public safety notices for road
17 closures, construction detours; hazard warnings, and other similar
18 announcements and notices.”

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