

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
133-32 (COR)	v.c. pangelinan B.J.F. Cruz	AN ACT TO ADD SUBSECTION 6206(c) AND TO AMEND SUBSECTION 6210(a) AND TO ADD SUBSECTION 6210(c) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6 ARTICLE 2; TO AMEND SUBSECTION 6401(b) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6, ARTICLE 4; TO AMEND SUBSECTION 10102(d) AND SECTION 10113 TO TITLE 5 GUAM CODE ANNOTATED, CHAPTER 10, ARTICLE 1; AND TO AMEND SECTION 1820 TO TITLE 1 GUAM CODE ANNOTATED, CHAPTER 18, ARTICLE 2 RELATIVE TO PROHIBIT THE SEALING OF SETTLEMENTS OF CLAIM AGAINST THE GOVERNMENT.	6/4/13 9:33 a.m.	6/4/13	Committee n Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			Request for Fiscal Notes Received 6/11/13 11:12 a.m.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
V. Anthony Ada
Member
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Aline Yamashita
Member

June 11, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 131–140(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUN 11 AM 11:12
[Handwritten initials]

Bill Nos.	Sponsor	Title
131-32 (COR)	T. C. Ada	AN ACT TO AMEND SUBSECTION (f) AND ADD A NEW SUBSECTION (g) TO §3301 AND OF CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING SPEEDLIMITS.
132-32 (COR)	Dennis G. Rodriguez,Jr.	AN ACT TO ADD A NEW SECTION 11 TO PUBLIC LAW 30-200 RELATIVE TO EXPANDING THE BORROWING ABILITY OF THE GUAM MEMORIAL HOSPITAL AUTHORITY BY INCLUDING THE AUTHORIZATION TO ALSO ENTER INTO REVOLVING LOAN FUNDS, AND DIRECT LOAN FUNDS.
133-32 (COR)	v.c. pangelinan B.J.F. Cruz	AN ACT TO ADD SUBSECTION 6206(c) AND TO AMEND SUBSECTION 6210(a) AND TO ADD SUBSECTION 6210(c) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6 ARTICLE 2; TO AMEND SUBSECTION 6401(b) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6, ARTICLE 4; TO AMEND SUBSECTION 10102(d) AND SECTION 10113 TO TITLE 5 GUAM CODE ANNOTATED, CHAPTER 10, ARTICLE 1; AND TO AMEND SECTION 1820 TO TITLE 1 GUAM CODE ANNOTATED, CHAPTER 18, ARTICLE 2 RELATIVE TO PROHIBIT THE SEALING OF SETTLEMENTS OF CLAIM AGAINST THE GOVERNMENT
134-32 (COR)	Frank B. Aguon,Jr	AN ACT RELATIVE TO RECOGNIZING THE OFFICE OF VETERANS AFFAIRS AS THE OFFICIAL LOCAL AGENCY FOR ESTABLISHING AND MAINTAINING THE "GUAM VETERANS REGISTRY" WHICH SHALL BE UTILIZED FOR ENUMERATING THE POPULATION OF VETERANS ON GUAM, AND FOR THE USE OF SUCH INFORMATION FOR INCREASING OR ACQUIRING NECESSARY HEALTHCARE AND OTHER RELEVANT SERVICES TO BENEFIT VETERANS AND THEIR FAMILIES; THROUGH ADDING A NEW §67110 TO CHAPTER 67, TITLE 10, GUAM CODE ANNOTATED.
135-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO INCREASING THE REPRESENTATION OF THE NUMBER OF VETERANS SERVING ON THE GUAM VETERANS COMMISSION, TO INITIATE EFFORTS TOWARD THE EVENTUAL ESTABLISHMENT OF THE "SENGSONG BETERANUN GUAHAN - GUAM VETERANS VILLAGE", WHICH SHALL SERVE AS A ONE-STOP VETERANS SERVICES CENTER; AND FOR OTHER PURPOSES; THROUGH THE REPEAL AND RE-ENACTMENT §67107 OF CHAPTER 67, TITLE 10, GUAM CODE ANNOTATED.
136-32 (COR)	T. R. Muña Barnes R.J. Respicio	AN ACT TO REZONE LOT NO. 2174, LOCATED IN TIYAN IN THE MUNICIPALITY OF BARRIGADA, FROM AGRICULTURAL ZONE (A) TO LIGHT INDUSTRIAL ZONE (M1).
137-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §1115 TO CHAPTER 1 OF TITLE 12 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING NO COST SPACE TO THE GUAM CUSTOMS AND QUARANTINE AGENCY IN A MANNER CONSISTENT WITH FEDERAL LAW.
138-32(COR)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTION 1515(i)(2)(G), ARTICLE 5, CHAPTER 1, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE REPAIR AND IMPROVEMENTS TO THE GUAM FISHERMEN'S COOPERATIVE.

139-32 (COR)	Frank B. Aguon, Jr	AN ACT RELATIVE TO REMOVING ANY REFERENCE OF SLOT MACHINES IN THE DEFINITION OF GAMING DEVICES; THROUGH DELETING SUB-ITEM "(1)" OF SUBSECTION "(N)" OF §7102, CHAPTER 7, TITLE 3 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS
140-32 (COR)	Tommy Morrison	AN ACT TO AMEND SECTION 1515(i)(2)(G), ARTICLE 5, CHAPTER 1, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE REPAIR AND IMPROVEMENTS TO THE GUAM FISHERMEN'S COOPERATIVE.



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June 4, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 133-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 133-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 133-32 (00K)

Introduced by:

v.c. pangelinan
B.J.F. Cruz

AN ACT TO ADD SUBSECTION 6206(c) AND TO AMEND SUBSECTION 6210(a) AND TO ADD SUBSECTION 6210(c) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6 ARTICLE 2; TO AMEND SUBSECTION 6401(b) TO TITLE 5 GUAM CODE ANNOTATED CHAPTER 6, ARTICLE 4; TO AMEND SUBSECTION 10102(d) AND SECTION 10113 TO TITLE 5 GUAM CODE ANNOTATED, CHAPTER 10, ARTICLE 1; AND TO AMEND SECTION 1820 TO TITLE 1 GUAM CODE ANNOTATED, CHAPTER 18, ARTICLE 2 RELATIVE TO PROHIBIT THE SEALING OF SETTLEMENTS OF CLAIM AGAINST THE GOVERNMENT.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
2 advocates for an open and transparent government and desires to enhance
3 accountability in public departments, agencies, branches, and corporations.
4 Currently, there is no provision in statute requiring open and
5 transparent settlements for civil action suits or other disputes concerning
6 public departments, agencies, branches, corporations and funds. Without
7 such a statute to allow for the public to review the government's actions in
8 all settlements, the government will never truly be open and accountable.

1 *I Liheslaturan Guåhan* finds that good public policy allows all
2 settlements are accessible for public review. Full disclosure of decisions
3 made by elected or appointed public officials on behalf of the government
4 of Guam with individuals, private business or other governments provides
5 for review and scrutiny of such decisions. By enacting a policy establishing
6 full disclosure, public officials and the government of Guam are more
7 accountable in aligning settlements with the public’s interest, as well as
8 building a climate of public trust.

9 Therefore, *I Liheslaturan Guåhan* intends to prohibit the sealing of
10 settlements concerning public departments, agencies, branches,
11 corporations and funds by adding and amending current laws relative to
12 the procedures for filing claims and actions to ensure that settlement of
13 claims on behalf of the government of Guam shall be open to public
14 review.

15 **Section 2.** §6206(c) is hereby added to Title 5 Guam Code Annotated,
16 Chapter 6, Article 2 to read:

17 **“§ 6206. Settlement of Claim Before Action.**

18 (c) Settlement of any claims concerning government of Guam
19 shall not be sealed and shall be open to public inspection. The
20 Attorney General or the attorney for the agency shall send a copy of

1 each settlement to the Speaker of *I Liheslaturan Guåhan* within five (5)
2 days of approval by *I Maga'lahaen Guåhan*. “

3 **Section 3.** §6210(a) is hereby amended and §6210(c) is hereby added
4 to Title 5 Guam Code Annotated, Chapter 6, Article 2 to read:

5 **“§ 6210. Settlement of Suit.**

6 (a) Subject to the approval of the court in which the case is
7 pending, the Attorney General is authorized to settle a suit at any
8 time before final judgment; provided that if government funds are to
9 be paid in excess of the balance in the government claims fund, that
10 appropriation for that purpose or authorization to transfer resources
11 of the government have been authorized by law.

12 (b) In the case of autonomous agencies, the attorney
13 representing such agency is authorized to settle a suit against the
14 agency he represents subject to the approval of the governing board
15 of the agency, or if no board exists, to the approval of the chief
16 executive officer of said agency.

17 (c) Settlement of any claims concerning government of Guam
18 shall not be sealed and shall be open for public inspection. A copy of
19 each settlement shall be sent to the Speaker of *I Liheslaturan Guåhan*. “

20 **Section 4.** §6401(b) is hereby amended to Title 5 Guam Code
21 Annotated, Chapter 6, Article 4 to read:

1 “(b) Reports by the Attorney General. Upon the settlement of any
2 claim by the Attorney General, or final judgment in any action under
3 this Chapter, the Attorney General shall designate which line agency
4 incurred the liability, which requires payment, and whether the
5 liability arose under tort or contract. A report of settlements or
6 judgements in any action under this Chapter shall be made to the
7 Speaker of *I Liheslaturan Guåhan* every thirty (30) days. “

8 **Section 5.** §10102 (d) is hereby amended to Title 5 Guam Code

9 Annotated, Chapter 10, Article 1 to read:

10 **“§ 10102. Definitions.**

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

15 **Section 6.** §10113 is hereby amended to Title 5 Guam Code

16 Annotated, Chapter 10, Article 1 to read:

17 **“§10113. Judicial Records.**

18 The provisions of this Chapter shall *not* be deemed in any
19 manner to affect the status of judicial records as it existed
20 immediately prior to the effective date of this Section, not to affect the
21 rights of litigants, including parties to administrative proceedings,

1 under the laws of discovery of Guam, nor to limit or impair any
2 rights of discovery in a criminal case. The sealing of settlement
3 documents in cases involving government of Guam is prohibited.”

4 **Section 7.** §1820 is hereby amended to Title 1 Guam Code Annotated,
5 Chapter 18 to read:

6 **“§ 1820. Legislative Approval of Settlements.**

7 No office, department, instrumentality, agency, institution,
8 board, bureau, commission, council, authority, committee of
9 territorial government *or* branch, of the government of Guam may
10 enter into any consent decree, stipulated order *or* other settlement
11 agreement with any party seeking a claim against the government of
12 Guam, that requires the payment of cash, financing, *or* future
13 financing by the government of Guam without the approval of *I*
14 *Liheslatura* [the Legislature] *or* specific appropriation for that claim.
15 Any proposed settlement agreement, *supra*, that requires legislative
16 appropriation *or* authorization, by an Office, Department,
17 Instrumentality, Agency, Institution, Board, Bureau, Commission,
18 Council, Authority *or* Branch, purporting a consent decree, stipulated
19 order *or* other settlement with the government of Guam *shall* be
20 transmitted to *I Liheslatura* which, by statute, may amend, approve, *or*
21 disapprove the plan *or* the action taken within forty-five (45) days *or*

1 said plan *or* action *shall* be deemed disapproved. This Section *shall not*
2 apply to claims against the government arising from the provisions of
3 the Government Claims Act (Chapter 6, 5GCA), the actions
4 authorized by Public Law of the Civil Service Commission *or* other
5 settlement expressly authorized by Public Law. No settlement in
6 legal proceedings or threatened legal proceedings concerning
7 government of Guam shall be sealed from public review."

8 **Section 8. Severability.** If any provision of this Act or its
9 application to any person or circumstance is found to be invalid or
10 contrary to law, such invalidity shall not affect other provisions or
11 applications of this Act which can be given effect without the invalid
12 provisions or applications, and to this end the provisions of the Act
13 are severable.