



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-13-1037  
Office of the speaker  
Judith T. Won Pat, Ed. D.  
Date 11-29-13  
Time 9:54am  
Received by [Signature]

2013 NOV 29 AM 11:13

Dear Madame Speaker:

Transmitted herewith is Bill No. 133-32 (COR) "AN ACT TO ADD A NEW SUBSECTION (c) TO § 6206, TO AMEND SUBSECTION (a) OF § 6210, AND TO ADD A NEW SUBSECTION (c) TO § 6210 OF ARTICLE 2, CHAPTER 6; TO AMEND SUBSECTION (b) OF §6401 OF ARTICLE 4, CHAPTER 6; AND TO AMEND SUBSECTION (d) OF § 10102 AND § 10113 OF ARTICLE 1, CHAPTER 10, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1820 OF ARTICLE 2, CHAPTER 18 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SEALING OF SETTLEMENTS OF CLAIMS AGAINST THE GOVERNMENT" which I signed into law on November 27, 2013 as Public Law 32-076.

*Senseramente,*

EDDIE BAZA CALVO



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

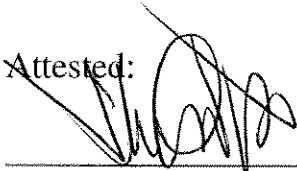
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 133-32 (COR), "AN ACT TO ADD A NEW SUBSECTION (c) TO § 6206, TO AMEND SUBSECTION (a) OF § 6210, AND TO ADD A NEW SUBSECTION (c) TO § 6210 OF ARTICLE 2, CHAPTER 6; TO AMEND SUBSECTION (b) OF § 6401 OF ARTICLE 4, CHAPTER 6; AND TO AMEND SUBSECTION (d) OF § 10102 AND § 10113 OF ARTICLE 1, CHAPTER 10, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND § 1820 OF ARTICLE 2, CHAPTER 18 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SEALING OF SETTLEMENTS OF CLAIMS AGAINST THE GOVERNMENT", was on the 12<sup>th</sup> day of November 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



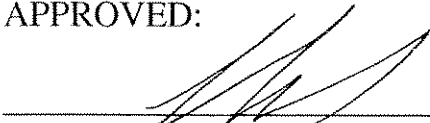
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 15<sup>th</sup> day of Nov, 2013,  
at 11:38 o'clock A.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: NOV 27 2013

Public Law No. 32-076

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

Bill No. 133-32 (COR)

Introduced by:

Vicente (ben) C. Pangelinan  
B. J.F. Cruz  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreddie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

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

1 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 transparent  
5 settlements for civil action suits or other disputes concerning public departments,  
6 agencies, branches, corporations and funds. Without such a statute to allow for the  
7 public to review the government’s actions in all settlements, the government will  
8 never truly be open and accountable.

9           *I Liheslaturan Guåhan* finds that good public policy allows all settlements  
10 are accessible for public review. Full disclosure of decisions made by elected or  
11 appointed public officials, on behalf of the government of Guam, with individuals,  
12 private businesses or other governments provides for review and scrutiny of such  
13 decisions. By enacting a policy establishing full disclosure, public officials and the  
14 government of Guam are more accountable in aligning settlements with the  
15 public’s interest, as well as building a climate of public trust.

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

21           **Section 2.** A new §6206(c) is hereby *added* to Article 2 of Chapter 6, Title  
22 5, Guam Code Annotated, to read:

23           “(c) Settlement of any claims concerning the government of Guam  
24 *shall not* be sealed and *shall* be open to public inspection. The Attorney  
25 General or the attorney for the agency *shall* send a copy of each settlement  
26 to the Speaker of *I Liheslaturan Guåhan* within five (5) days of approval by  
27 *I Maga’lahen Guåhan.*”

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

3           “(a) Subject to the approval of the court in which the case is  
4 pending, the Attorney General is authorized to settle a suit at any time  
5 before final judgment; *provided*, that if government funds are to be  
6 paid in excess of the balance in the Government Claims Fund, an  
7 appropriation for that purpose or authorization to transfer resources of  
8 the government for that purpose *shall* have been previously authorized  
9 by law.”

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

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

16           “(b) Reports by the Attorney General. Upon the settlement of  
17 any claim by the Attorney General, or final judgment in any action  
18 under this Chapter, the Attorney General *shall* designate which line  
19 agency incurred the liability, which requires payment, and whether the  
20 liability arose under tort or contract. A report of settlements or  
21 judgements in any action under this Chapter *shall* be made to the  
22 Speaker of *I Liheslaturan Guåhan* every thirty (30) days.”

23           **Section 5.** §10102(d) of Article 1 of Chapter 10, Title 5, Guam Code  
24 Annotated, is hereby *amended* to read:

25           “(d) *Public records* includes any writing containing  
26 information relating to the conduct of the public’s business prepared,  
27 owned, used, or retained by any state or local agency in any format,

1 including electronic format; and any out-of-court settlement records.”

2 **Section 6.** §10113 of Article 1 of Chapter 10, Title 5, Guam Code  
3 Annotated, is hereby *amended* to read:

4 “§ 10113. **Judicial Records.**

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

12 **Section 7.** §1820 of Article 2 of Chapter 18, Title 1, Guam Code  
13 Annotated, is hereby *amended* to read:

14 “§ 1820. **Legislative Approval of Settlements.**

15 *No* office, department, instrumentality, agency, institution, board,  
16 bureau, commission, council, authority, committee of territorial government,  
17 or branch of the government of Guam may enter into any consent decree,  
18 stipulated order or other settlement agreement with any party seeking a  
19 claim against the government of Guam that requires the payment of cash,  
20 financing, or future financing by the government of Guam without the  
21 approval of *I Liheslatura* (the Legislature), or a specific appropriation for  
22 that claim. Any proposed settlement agreement, *supra*, that requires  
23 legislative appropriation or authorization, by an office, department,  
24 instrumentality, agency, institution, board, bureau, commission, council,  
25 authority or branch, purporting a consent decree, stipulated order or other  
26 settlement with the government of Guam *shall* be transmitted to *I*  
27 *Liheslatura* which, by statute, may amend, approve, or disapprove the plan

1 or the action taken within forty-five (45) days, or said plan or action *shall* be  
2 deemed disapproved. This Section *shall not* apply to claims against the  
3 government arising from the provisions of the Government Claims Act  
4 (Chapter 6, 5GCA), the actions authorized by public law of the Civil Service  
5 Commission, or other settlements expressly authorized by public law. *No*  
6 settlement in legal proceedings or threatened legal proceedings concerning  
7 the government of Guam *shall* be sealed from public review.”

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