



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By Heefi

Time 11:10

Date 12/6/95

DEC 05 1995

The Honorable Ted S. Nelson
Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Office of
VICE-SPEAKER TED S. NELSON

Received by Cashy TS

Print Name Initial

Date: 12-6-95 Time: 10:00 am

Dear Speaker Nelson:

Enclosed please find a copy of Bill No. 95 (LS), "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES, AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES BY ADDING NEW §4210 TO TITLE 4, GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-55**.

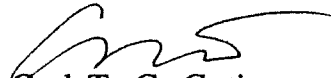
This legislation states that employees of the government have First Amendment rights to communicate with elected and appointed officials when violations of law, rules, or regulations come to their attention.

The legislation protects "whistle-blowers" by stating that employees who communicate possible violations of law, rules, or regulations to "Senators, with the Attorney General, with law enforcement officials, with the Governor and Lt. Governor, and with other persons in authority" shall not have adverse actions taken against them for doing so.

The language of this legislation does not explicitly state that employees of the Legislature or the Judiciary are also covered by the "whistle-blower" protection, although it can be inferred that employees of these 2 branches of government are also covered in the prohibition on "other officers" from penalizing employees who call violations of law, rules, or regulations to the

attention of "persons in authority". An amendment making it explicit that all 3 branches of the government are covered would be desirable, however, for clarity, and would be favorably received.

Very truly yours,



Carl T. C. Gutierrez

Attachment

230887

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 95 (LS), "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES, AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES BY ADDING NEW §4210 TO TITLE 4, GUAM CODE ANNOTATED," was on the 22nd day of November, 1995, duly and regularly passed.

Don Patk

DON PARKINSON
Speaker

Attested:

Judith Won Pat-Borja

JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 29th day of November,
1995, at 4:55 o'clock P.M.

Mwin Clerk

Assistant Staff Officer
Governor's Office

APPROVED:

Carl T. C. Gutierrez

CARL T. C. GUTIERREZ
Governor of Guam

Date: 12-5-95

Public Law No. 23-55

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 95 (LS)

Introduced by:

D. Parkinson
J. T. San Agustin
F. E. Santos
T. S. Nelson
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. M. S. Brown
F. P. Camacho
M. C. Charfauros
H. A. Cristobal
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
L. Leon Guerrero
S. L. Orsini
V. C. Pangelinan
A. L. G. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES, AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES BY ADDING NEW §4210 TO TITLE 4, GUAM CODE ANNOTATED.

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

2 **Section 1.** A new §4210 is added to Title 4, Guam Code Annotated, to
3 read as follows:

4 "§4210. It is the intent of the Legislature that employees of the
5 government of Guam be encouraged to communicate freely with their
6 Senators, with the Attorney General, with law enforcement officials, with the
7 Governor and Lt. Governor, and with other persons in authority regarding
8 possible violations of law, rules, or regulations of the respective agencies.
9 Therefore, it shall be illegal for the Governor, the Lt. Governor, the Director
10 of any agency of the government of Guam, including autonomous agencies
11 and instrumentalities, or any supervisor or other officer or employee to
12 discriminate against, to penalize, or discourage by overt act any employee
13 within the service of the government of Guam, including autonomous
14 agencies and instrumentalities, for or from communicating with any Senator,
15 the Attorney General, the Governor of Guam, the Lt. Governor, or any law
16 enforcement official concerning any possible violation of law, rule, or
17 regulation which comes to their attention. No adverse action whatsoever
18 shall be taken against any employee for such action. Violation of this section
19 shall be a misdemeanor."

PL 23-55 ✓
Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

April 3, 1995

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 95**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 95** - "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED."

The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>2</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments.

● Senator Mark C. Charfauros ●

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

March 22, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 95** - "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original Bill 95;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.



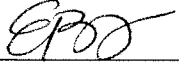
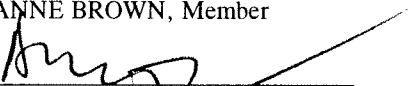
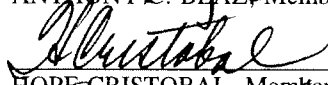


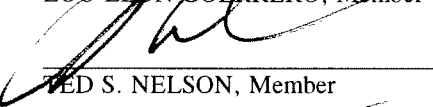

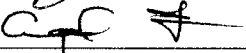

Your attention and cooperation in this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments.

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 95 - "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
JUDITH WONPAT-BORJA, Vice-Chairwoman	—	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	—	✓	—	—
JOANNE BROWN, Member	—	—	—	—
 ANTHONY C. BIAZ, Member	✓	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
 A. TONY LAMORENA, Member	—	✓	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 TED S. NELSON, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
 DON PARKINSON, Ex-Officio Member	✓	—	—	—

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 95

“AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED.”

MARCH 22, 1995

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on March 22, 1995 at 2:00 p.m. at the Legislative Public Hearing Room. Public notice was announced on the March 21, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Tom Ada
Senator Ted S. Nelson
Senator Ben Pangelinan
Senator Lou Leon Guerrero
Senator Tony Blaz
Senator Joanne Brown
Senator Tony Lamorena
Senator Elizabeth Barrett-Anderson.

Appearing before the Committee to testify on the bill was:

NO PUBLIC PARTICIPATION

II. SUMMARY OF TESTIMONY

NO PUBLIC PARTICIPATION

III. FINDING AND RECOMMENDATION

The Committee finds that it is necessary to encourage employees of the Government of Guam to communicate freely with elected or appointed officials, law enforcement officials, and any other public official. This communication could involve violations of law, rules, or regulations, and should be conducted without fear of retribution. The Committee also finds that there is a need to prevent disclosure of employment records subpoenaed by and in the possession of Senators, except as otherwise permitted by law.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 95**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 95** "AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED."



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

February 3, 1995

MEMORANDUM

TO: Chairperson, Committee on Judiciary, Criminal Justice
and Environmental Affairs

FROM: Chairman, Committee on Rules

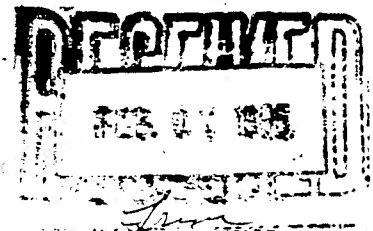
SUBJECT: Referral - Bill No. 95

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



SONNY LUJAN ORSINI

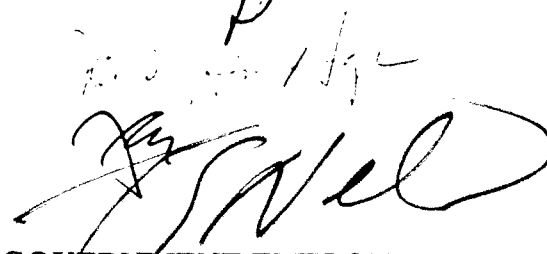
Attachment



TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 95
Introduced by:

D. Parkinson



AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

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Section 1. A new Section 3115 is added to Chapter 3 of Title 2 of the Guam Code Annotated to read as follows:

"Section 3115. It is the intent of the Legislature that employees of the government of Guam be encouraged to communicate freely with their Senators, with the Attorney General, with law enforcement officials, with the Governor and Lt. Governor, and with other persons in authority regarding possible violations of law, rules, or regulations of the respective agencies. Therefore, it shall be illegal for the Governor, the Lt. Governor, the Director of any agency of the government of Guam, including autonomous agencies and instrumentalities, or any supervisor or other officer or employee to discriminate against, to penalize or discourage any employee within the service of the government of Guam, including autonomous agencies and instrumentalities, from communicating with any Senator, the Attorney General, the Governor of Guam, the Lt. Governor, or any law enforcement official, concerning any possible violation of law, rule or regulation which comes to their attention. No adverse

17 action whatsoever shall be taken against any employee such action. Violation of
18 this section shall be a misdemeanor."
19

20 **Section 2.** A new Section 3116 is added to Chapter 3 of Title 2 of the Guam Code
21 Annotated to read as follows:
22

23 "Section 3116. No employment record shall be privileged from inspection by
24 any committee of the Legislature pursuant to a subpoena; however, if a record which is
25 otherwise privileged from release under the open government law or the Sunshine law
26 is in the possession of a Senator, it shall be privileged from further disclosure to the
27 same extent as if it were in the agency which originally had said document, and shall
28 not be subject to public disclosure except as otherwise permitted by law."
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33 F:\22\bill\emprules.bill\sh
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NOTICE OF PUBLIC HEARING

Twenty-Third Guam Legislature
Committee on Judiciary, Criminal Justice and Environmental
Affairs

Senator Mark C. Charfauros
Chairman

AGENDA

- Bill No. 23 - AN ACT TO PROHIBIT THE IMPORTATION BY ANY PERSON OR FIRM OF AMMUNITION COMMONLY KNOWN AS "RHINO-AMMO" OF "BLACK RHINO" BULLETS, AND TO PROVIDE PENALTY FOR VIOLATIONS OF THIS ACT.
- Bill No. 35 - AN ACT TO REPEAL AND RE-ENACT 4 GCA §6223 RELATIVE TO DIFFERENTIAL PAY FOR EMERGENCY MEDICAL TECHNICIANS.
- Bill No. 37 - AN ACT TO AMEND §8104 (p) TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO INCLUDING SUPERIOR COURT MARSHALS AS UNIFORMED PERSONNEL.
- Bill No. 44 - AN ACT TO ASSIGN POLICE OFFICERS TO POLICE TYPE DUTIES PERFORMED BY CLASSIFIED CIVILIAN EMPLOYEES.
- Bill No. 57 - AN ACT TO ASSIGN FORE DEPARTMENT PERSONNEL TO FIRE-FIGHTING TYPE DUTIES AND TO HAVE ROUTINE CLERICAL DUTIES PERFORMED BY CLASSIFIED CIVILIAN EMPLOYEES.
- Bill No. 75 - AN ACT TO AMEND SECTION 83.90 OF 9 GUAM CODE ANNOTATED.
- Bill No. 76 - AN ACT TO ADD ARTICLE 3 TO CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, REQUIRING SAFE PETROLEUM WASTE DISPOSAL.
- Bill No. 82 - AN ACT TO ADD A NEW SUBSECTION 725 TO TITLE 1, GUAM CODE ANNOTATED, REQUIRING ALL GUAM CODES TO CONTAIN A COMPLETE INDEX AND TABLE OF CONTENTS AND TO PROVIDE THAT AN ACT SHALL NOT BE CONSIDERED CODIFIED UNTIL AN INDEX AND TABLE OF CONTENTS ARE PROVIDED.
- Bill No. 95 - AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITY'S AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULE, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED.
- Bill No. 98 - AN ACT TO AMEND SUBSECTION (b) SECTION 34.60, TO REPEAL AND REENACT SUBSECTION (c) OF SECTION 34.60, TO ADD A NEW SUBSECTION (d) OF SECTION 34.60, TO ADD A NEW SECTION 34.65, AND TO REPEAL AND REENACT SECTION 34.70 ALL OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE A MINIMUM PENALTY FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY, TO MAKE IT UNLAWFUL TO SELL SPRAY PAINT OR ANY OTHER SPRAY PAINTING DEVICES TO MINORS, as amended by the author.
- Bill No. 117 - AN ACT TO REPEAL AND REENACT SECTION 26103 OF THE VEHICLE CODE OF GUAM, REQUIRING ALL DRIVERS AND PASSENGERS OF EVERY VEHICLE ON GUAM TO WEAR APPROVED SEAT BELTS AND ADD A NEW SECTION 26105 (D) TO PROVIDE PENALTIES FOR VIOLATIONS.
- Bill No. 123 - AN ACT TO AMEND 16 GCA §§3401, 16 GCA §7120 and 5 GCA §50111, TO ADD 16 GCA §7120.1, AND TO REPEAL 17 GCA §41110, RELATIVE TO PARKING FOR PERSONS WITH DISABILITIES.
- Bill No. 157 - AN ACT TO ADD A NEW SECTION 1102 (qq) TO CHAPTER 1, OF TITLE 16 OF THE GUAM CODE ANNOTATED OF THE MOTOR VEHICLE CODE OF GUAM TO INCLUDE THE COMMONWEALTH OF THE NORTHERN MARINAS IN THE ACCEPTANCE OF DRIVER'S LICENSES FROM OTHER JURISDICTIONS.

Date: Wednesday, March 22, 1995

Time: 2:00 p.m.

Place: Public Hearing Room, Guam Legislature
155 Hesler Street, Agana

THE PUBLIC IS INVITED TO ATTEND AND PARTICIPATE

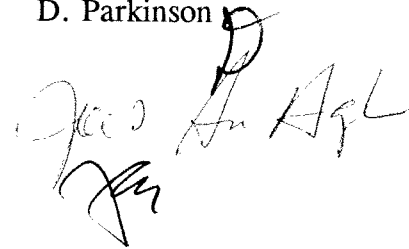
Capture your share of Guam's dynamic
growth market. Advertise in the

Pacific Daily News

MAR 13 1995

Bill No. 95 (LG)
Introduced by:

D. Parkinson



AN ACT TO PROVIDE PROTECTION FOR ANY GOVERNMENT EMPLOYEE WHO WISHES TO COMMUNICATE WITH ANY ELECTED OR APPOINTED OFFICIAL WITHIN THE GOVERNMENT INCLUDING AUTONOMOUS AGENCIES AND INSTRUMENTALITIES AND LAW ENFORCEMENT OFFICIALS ABOUT POSSIBLE VIOLATIONS OF LAW, RULES, OR REGULATIONS OF THE RESPECTIVE AGENCIES; AND PROTECTION OF PRIVILEGED DOCUMENTS, BY ADDING NEW SECTIONS 3114 AND 3116 TO CHAPTER 3 OF TITLE 2 GUAM CODE ANNOTATED

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Section 2. A new Section 3116 is added to Chapter 3 of Title 2 of the Guam Code Annotated to read as follows:

"Section 3116. No employment record shall be privileged from inspection by any committee of the Legislature pursuant to a subpoena; however, if a record which is otherwise privileged from release under the open government law or the Sunshine law is in the possession of a Senator, it shall be privileged from further disclosure to the same extent as if it were in the agency which originally had said document, and shall not be subject to public disclosure except as otherwise permitted by law."