Dear Mr. Speaker:

Transmitted herewith is Bill No. 97 (EC), “AN ACT TO REPEAL AND REENACT SECTIONS 10305 AND 10306 OF CHAPTER 10 OF TITLE 5 GCA TO REQUIRE EACH GOVERNMENT DEPARTMENT OR AGENCY TO POST AND MAINTAIN AN INTERNET HOMEPAGE OR WEBSITE AND PROVIDE INFORMATION TO THE GENERAL PUBLIC, OTHERWISE TO BE KNOWN AS “THE TRANSPARENCY ACT OF 2005” which I signed into law on June 30, 2005, as Public Law 28-57.

Sinseru yan Magâhet,

FELIX P. CAMACHO
I Maga’låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
    Senator and Legislative Secretary
June 20, 2005

The Honorable Felix P. Camacho
I Maga’lahen Guåhan
Ufisinan I Maga’lahi
Hagåtña, Guam 96910

Dear Maga’lahi Camacho:

Transmitted herewith are Bill Nos. 97(EC) & 103(LS); and Substitute Bill Nos. 41(EC), 46(EC), 59(EC), 61(EC), 69(EC), 77(EC), 87(LS), 100(EC), 112(EC), 119(EC), 122(EC), 128(EC) and 137(EC) which were passed by I Mina’Bente Ocho Na Liheslaturan Guåhan on June 17, 2005.

Sincerely,

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (15)
CERTIFICATION OF PASSAGE OF AN ACT TO IMAGA’LAHEN GUÅHAN

This is to certify that Bill No. 97 (EC), "AN ACT TO REPEAL AND REENACT SECTIONS 10305 AND 10306 OF CHAPTER 10 OF TITLE 5 GCA TO REQUIRE EACH GOVERNMENT DEPARTMENT OR AGENCY TO POST AND MAINTAIN AN INTERNET HOMEPAGE OR WEBSITE AND PROVIDE INFORMATION TO THE GENERAL PUBLIC, OTHERWISE TO BE KNOWN AS ‘THE TRANSPARENCY ACT OF 2005’," was on the 17th day of June, 2005, duly and regularly passed.

Attested:

Mark Forbes
Speaker

Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by I Maga’lahen Guåhan this 20 day of June, 2005, at 4:50 o’clock P.M.

FELIX P. CAMACHO
Assistant Staff Officer
Magå’ahi’s Office

APPROVED:

FELIX P. CAMACHO
I Maga’lahen Guåhan

Date: 6/30/05

Public Law No. 28-57
AN ACT TO REPEAL AND REENACT SECTIONS 10305 AND 10306 OF CHAPTER 10 OF TITLE 5 GCA TO REQUIRE EACH GOVERNMENT DEPARTMENT OR AGENCY TO POST AND MAINTAIN AN INTERNET HOMEPAGE OR WEBSITE AND PROVIDE INFORMATION TO THE GENERAL PUBLIC, OTHERWISE TO BE KNOWN AS “THE TRANSPARENCY ACT OF 2005”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that many departments and agencies of the government of Guam do not maintain homepages or websites on the world-wide web for the purpose of providing necessary information to the public. In other cases, the web pages
are out of date or contain such a paucity of information as to be useless. *I Liheslaturan Guåhan* intends to mandate that each department or agency of the government of Guam shall maintain an updated website or homepage openly accessible to the general public, and to describe such information as must be available through such websites or homepages.

Section 2. Section 10305 of Chapter 10 of Title 5 GCA is hereby repealed and re-enacted to read:

"§10305. HomePage for Each Department or Agency of Government. Within one hundred and twenty (120) days of the enactment hereof, 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 homepage or website. Each homepage or website shall be designated as the official website or homepage for such department, agency, autonomous agency or public corporation. The provisions of this Section, as well as Section 10306 of this Chapter, shall apply to *I Liheslaturan Guåhan* as a single agency, and the Unified Judiciary as a single agency."

Section 3. Section 10306 of Chapter 10 of Title 5 GCA is hereby repealed and re-enacted to read:

"§10306. Information Required. The following information must be posted, at a minimum, on each official website or homepage required pursuant to Section 10305 above."
1. 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.

2. The official name of the department, agency, autonomous agency or public corporation in both English and Chamorro, the e-mail address, public phone numbers, mailing address and physical location of the department, agency, autonomous agency or public corporation.

3. 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.

4. A list of all fees charged for any services.

5. 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.

6. 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.

7. 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.

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

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

10. 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, as well as any public reports, studies and publications as the public might expect access to under Guam law, or links thereto, and forms, notices or circulars required to be used by the public while interacting with the department, agency, autonomous agency or public
corporation, and all offices, programs, services, units or divisions under its purview.

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

12. 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.

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 homepage or website."
May 6, 2005

Speaker Mark Forbes
I Mina’ Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 97 was referred, wishes to report its findings and recommendations TO DO PASS BILL No. 97 (EC): “An Act To Repeal And Re-Enact Sections 10305. And 10306 Of Chapter 10, 5GCA To Require Each Government Department Or Agency To Post And Maintain An Internet Home Page Or Web-Site And Provide Information To The General Public, Otherwise To Be Known As The Transparency Act Of 2005”.

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

5 TO PASS

- NOT TO PASS

- TO REPORT OUT ONLY

- ABSTAIN

- INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu’os ma’ase for your attention to this matter.

MARK FORBES

Attachments
MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL No. 97 (EC): “An Act To Repeal And Re-Enact Sections 10305. And 10306 Of Chapter 10, 5GCA To Require Each Government Department Or Agency To Post And Maintain An Internet Home Page Or Web-Site And Provide Information To The General Public, Otherwise To Be Known As The Transparency Act Of 2005”.

Transmitted herewith for your information and action is the report on BILL No. 97 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 97 (EC)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu’os ma’ase.

MARK FORBES

Attachments
COMMITTEE ON GENERAL AND OMNIBUS
MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN
155 HESLER PLACE, HAGÁTNA, GUAM 96910

An Act To Repeal And Re-Enact Sections 10305. And 10306 Of Chapter 10, 5GCA To Require Each Government Department Or Agency To Post And Maintain An Internet Home Page Or Web-Site And Provide Information To The General Public, Otherwise To Be Known As The Transparency Act Of 2005.

VOTING SHEET

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<td>Edward J.B. Calvo</td>
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### VOTING SHEET

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- **Resolution No.**
- **Question:**  

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**CERTIFIED TRUE AND CORRECT:**

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3 Passes = No vote  
EA = Excused Absence  

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P.L. 28-51
I MINA’ BENTE OCHO NA LIHESLATURAN GU’IHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN

COMMITTEE REPORT
ON
BILL NO. 97 (EC)

AN ACT TO REPEAL AND RE-ENACT SECTIONS 10305. AND 10306
OF CHAPTER 10, 5GCA TO REQUIRE EACH GOVERNMENT
DEPARTMENT OR AGENCY TO POST AND MAINTAIN AN
INTERNET HOME PAGE OR WEB-SITE AND PROVIDE
INFORMATION TO THE GENERAL PUBLIC, OTHERWISE TO BE
I. OVERVIEW
The Committee on General and Omnibus Matters held a public hearing at 2:00 p.m. on April 27, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on April 20 and April 25, 2005 and posted in the Government Meetings Section in the April 26, 2005 edition of the PDN.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Lawrence F. Kasperbauer, Ph.D., Member
Senator Lou A. Leon Guerrero, Member
Vice Speaker Joanne M.S. Brown
Senator Robert Klitzkie
Senator Frank B. Aguon, Jr.
Senator Adolpho B. Palacios, Sr.

II. SUMMARY OF TESTIMONY
Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

There were no individuals who testified before the committee on Bill No. 97, nor any written testimonies submitted to the committee.

III. FINDINGS AND RECOMMENDATION
The Committee on General and Omnibus Matters finds that the intent of Bill No. 97 mandates that each department and agency or instrumentality of the Executive Branch of the government of Guam develop and update on the internet a homepage or web site. The intent is to allow for individuals to easily seek information about a department's or agency's mission, public services, public announcements or to download documents pertinent to the department or agency and the services they provide. The intent is to make our government more transparent in its operations and services to the people and to the allow for public input and comment.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 97 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan TO DO PASS BILL No. 97 (EC), "An Act To Repeal And Re-Enact Sections 10305. And 10306 Of Chapter 10, 5GCA To Require Each Government Department Or Agency To Post And Maintain An Internet Home Page Or Web-Site And Provide Information To The General Public, Otherwise To Be Known As The Transparency Act Of 2005."
IV. PUBLIC HEARING AGENDA

AGENDA
COMMITTEE ON GENERAL & OMNIBUS MATTERS, and
EXECUTIVE COMMITTEE

Public Hearing
Wednesday, April 27, 2005, 2:00 p.m.

Governor’s Appointment of Mr. Lawrence P. Perez to serve as the Director of the Department of Public Works.

Lai Priniponi. 58 (EC) - Inentrodusi Nu As Mark Forbes
Un Akto Na U Ta Na’danña’ Nuebu Na Seksion 834.2. (Ocho Tres Kuattro Punto Dos) Para I ’1GCA’ Ni’ Para U Ma Desikna I Chalan ‘Route 4’ Tät Kumu Chalan Chamorro Ni’ Para U Ta Onra I Manchamorro Espesiaatmente Ayu Siha Na Taotåogues Ni’ Manma Så’pet, Manmesngon Yan Manggai Animu Yan Espiritu Gi Durànten I Gera II.

(An Act To Add A New Section 834.2 To 1GCA To Designate Route 4 As “Chalan Chamorro” To Honor The Chamorro People Of Guam, Especially Those Who Suffered And Demonstrated Such Fortitude, Courage And Strength Of Spirit During The Second World War).

Bill No. 94 (EC) - by L. A. Leon Guerrero
An Act To Transfer The Barrigada Public Library Building From The Guam Public Library System To The Office Of The Mayor Of Barrigada For The Purpose Of A Barrigada Senior Citizen Center.

Bill No. 97 (EC) - by Mark Forbes
An Act To Repeal And Re-Enact Sections 10305. And 10306 Of Chapter 10, 5GCA To Require Each Government Department Or Agency To Post And Maintain An Internet Home Page Or Web-Site And Provide Information To The General Public, Otherwise To Be Known As The Transparency Act Of 2005.

Bill No. 101 (EC) - by L. F. Kasperbauer
An Act To Amend Chapter 58 To Title 5 Of The Guam Code Annotated; Relative To Establishing A Means For Education Facilities Construction.

Bill No. 111 (EC) - by J. A. Lujan
An Act To Repeal Sections 2 And 3 Of Public Law 24-259, Relative To Leasing A Portion Of Lot No. 10142 New PTN Tract 100, Also Known As The Dededo Sports Complex, And To Authorize And Direct The Governor Of Guam To Lease A Portion Of Paseo De Susana For A Baseball/Softball Training Center

Bill No. 118 (EC) - Mark Forbes
An Act To Authorize Interest Only Payments And To Add A New Subsection 8137(h). To 4 GCA, All For The Purpose Of Permitting Employees Eligible To Retire From The Department Of Education And The Guam Memorial Hospital Authority To Retire In Fact.

IV. SIGN IN SHEET

There were individuals who signed to testify on Bill No. 97 at the public hearing.
WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 97 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 97.

MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters
VI. PUBLIC HEARING NOTICES

To PDN Government Meetings Section, April 20, 2005

This document was confirmed,
(reduced sample and details below)
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Transmission Report

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GOVERNMENT MEETINGS

A Continued from Page 6

Commercial Complex, Route 10, Mangilao. Call Jane Diego, 735-7408/11.

GUAM MENTAL HEALTH PLANNING COUNCIL: Noon, April 26, Guam Identified Families' Terrific Strength, or GIFTS, office (left side), Mangilao mayor's office. Call 482-2560.

GUAM MENTAL HEALTH PLANNING COUNCIL: Noon, April 26, Guam Identified Families' Terrific Strength, or GIFTS, office (left side), Mangilao mayor's office. Call 482-2560.

SOUTHERN SOIL & WATER CONSERVATION DISTRICT: 7 p.m. April 28, University of Guam Experiment Station, Inarajan. Call 735-2080.

SOUTHERN SOIL & WATER CONSERVATION DISTRICT: 7 p.m. April 28, University of Guam Experiment Station, Inarajan. Call 735-2080.

ALCOHOL BEVERAGE CONTROL BOARD: 5 p.m. April 27, Compliance Branch Office, second floor, Pacific News Building, Archbishop Flores St., Hagåtña. Call 475-1802.

CHAMORRO LAND TRUST COMMISSION: Rescheduled meeting 4 p.m. April 27, Department of Land Management conference room, first floor, Anigua. Call 475-4251.

COMMITTEE ON GENERAL AND OMNIBUS MATTERS AND EXECUTIVE COMMITTEE: Public hearing 2 p.m. April 27, Legislature's public hearing room, Hagåtña. Governor’s appointment of Lawrence P. Perez to serve as director of the Department of Public Works. Bill 58, designating Route 4 as Chalan Chamorro honoring the Chamorro people of Guam, especially those who suffered and demonstrated such fortitude, courage and strength of spirit during World War II; Bill 94, transferring the Barrigada Public Library building from the Guam Public Library System to the Barragda mayor's office for the purpose of a Barrigada Senior Citizens Center; Bill 97, requiring each government department or agency to post and maintain an Internet home page or Web site and provide information to the general public — the Transparency Act of 2005; Bill 101, establishing a means for education facilities construction; Bill 111, leasing a portion in Dededo, also known as the Dededo Sports Complex, and to authorize and direct the governor to lease a portion of Paseo de Susana for a baseball/softball training center; Bill 118, permitting employees eligible to retire from the Department of Education and Guam Memorial Hospital Authority to retire in fact.
AN ACT TO REPEAL AND RE-ENACT SECTIONS 10305. AND 10306 OF CHAPTER 10, 5GCA TO REQUIRE EACH GOVERNMENT DEPARTMENT OR AGENCY TO POST AND MAINTAIN AN INTERNET HOME PAGE OR WEBSITE AND PROVIDE INFORMATION TO THE GENERAL PUBLIC, OTHERWISE TO BE KNOWN AS THE TRANSPARENCY ACT OF 2005.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. I Liheslaturan Guåhan finds that many departments and agencies of the government of Guam do not maintain homepages or websites on the world-wide web for the purpose of providing necessary information to the public. In other cases, the web pages are out of date or contain such a paucity of information as to be useless. I Liheslaturan Guåhan intends to mandate that each department or agency of the government of Guam shall maintain an updated web site or home page openly accessible to the general public, and to describe such information as must be available through such web sites or home pages.

Section 2. Section 10305. of Chapter 10, 5GCA is repealed and re-enacted to read:
§10305. Home Page for Each Department or Agency of Government.

Within one hundred and twenty (120) days of the enactment hereof, each 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 homepage or web site. Each homepage or web site shall be designated as the official web site or home page for such department, agency, autonomous agency or public corporation. The provisions of this section, as well as section 10306. of this chapter, shall apply to the I Liheslaturan Guahan, as a single agency, and the Unified Judiciary, as a single agency."

Section 3. Section 10306. of Chapter 10, 5GCA is repealed and re-enacted to read:

"§10306. Information Required. The following information must be posted, at a minimum, on each official web site or home page required pursuant to section 10305.

1. 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.

2. The e-mail address, public phone numbers, mailing address and physical location of the department, agency, autonomous agency or public corporation.

3. 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 each board or commission associated or appurtenant thereto, and an organizational chart demonstrating the relationships between all, as relevant.

4. A list of all fees charged for any services.

5. All rules and regulations in force, or links thereto, 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.

6. The budget for the department, agency, autonomous agency or public corporation, as is in force and approved by I Liheslaturan Guahan 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 Guahan or the governing board as appropriate.

7. 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.

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

9. The hours of operation of the department, agency, autonomous agency or public corporation, and all programs, units or services under its purview.
10. 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, as well as any public reports, studies and publications as the public might expect access to under Guam law, or links thereto, or forms, notices or circulars required by the public while interacting with the department, agency, autonomous agency or public corporation, and all offices, programs, services, units or divisions under its purview.

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

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

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 web site.”