

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
14-37 (COR) As amended by the Committee on General Government Operations and Appropriations; and further amended on the Floor	William A. Parkinson Roy A. B. Quinata Dwayne T. D. San Nicolas Jesse A. Lujan Chris Barnett Frank Blas, Jr. Joanne M. Brown Christopher M. Dueñas Thomas J. Fisher Tina Rose Muña Barnes Sabina Flores Perez Joe S. San Agustin Amanda L. Shelton Telo T. Taitague Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 11 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING A PROCEDURE FOR PUBLIC MEETINGS DURING A PUBLIC EMERGENCY AND ENSURING THE RIGHT OF THE PUBLIC TO ATTEND PUBLIC MEETINGS DURING PUBLIC EMERGENCIES; AND TO CITE THIS ACT AS "PUBLIC MEETINGS DURING EMERGENCIES ACT".	1/25/23 9:55 a.m.	1/25/23	Committee on General Government Operations and Appropriations	Request: 1/25/23 2/3/23	3/13/24 9:00 a.m.	5/14/24 4:05 p.m.	As amended by the Committee on General Government Operations and Appropriations
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	6/24/24	AN ACT TO ADD A NEW CHAPTER 11 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING A PROCEDURE FOR PUBLIC MEETINGS DURING A PUBLIC EMERGENCY AND ENSURING THE RIGHT OF THE PUBLIC TO ATTEND PUBLIC MEETINGS DURING PUBLIC EMERGENCIES; AND TO CITE THIS ACT AS THE "PUBLIC MEETINGS DURING EMERGENCIES ACT."	7/10/24	7/10/24	7/22/24	37-121	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2394	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

July 22, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Doc Type: 37GL-24-2394
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

JUL 22 2024

Time: 6:40 pm
Received: [Signature]

Re: Bill No. 14-37 (COR) – AN ACT TO ADD A NEW CHAPTER 11 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING A PROCEDURE FOR PUBLIC MEETINGS DURING A PUBLIC EMERGENCY AND ENSURING THE RIGHT OF THE PUBLIC TO ATTEND PUBLIC MEETINGS DURING PUBLIC EMERGENCIES; AND TO CITE THIS ACT AS THE 'PUBLIC MEETINGS DURING EMERGENCIES ACT'.

Håfa Adai Madam Speaker,

The COVID-19 pandemic highlighted, among other things, the need for flexibility in government operations during public emergencies. Due to the nature of the pandemic, public in-person meetings of government bodies subject to the Open Government Law would have put both the members of the body and members of the general public in attendance at an unreasonable risk of exposure.

To mitigate against the spread of COVID-19 while ensuring the continued operation of government bodies, I ordered, in Executive Order Nos. 7 and 11, issued on March 28, 2020, and April 30, 2020, respectively, the suspension of in-person meetings and authorized government bodies to hold public meetings via teleconferencing and to make such meetings accessible to the public telephonically or otherwise electronically, subject to special notice requirements. While these measures required adjustment to our government's ordinary processes, by and large, these virtual meetings enabled our government to continue its functions while keeping government officials safe.

Bill No. 14-37 (COR) seeks to codify processes for the conduct of virtual meetings in the event an emergency is declared that prohibits or limits in-person meetings. This bill, which is based on a model act that has been adopted in other jurisdictions, will empower our government bodies to proceed with the notice and conduct of public meetings during emergencies in a uniform and predictable manner, which will best serve the goals of the Open Government Law during times when in-person meetings would be impracticable or unsafe. These goals are consistent with Executive Order Nos. 7 and 11, and reflect the lessons our government and other jurisdictions learned from the pandemic.

RECEIVED
7/30/24 4:00pm
[Signature]

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 22, 2024
Re: Bill No. 14-37 (COR)

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For the foregoing reasons, I hereby sign Bill No. 14-37 into law as **Public Law 37-121**.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 14-37 (COR) nka P.L. 37-121

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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

This is to certify that **Bill No. 14-37 (COR)**, "AN ACT TO *ADD* A NEW CHAPTER 11 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CODIFYING A PROCEDURE FOR PUBLIC MEETINGS DURING A PUBLIC EMERGENCY AND ENSURING THE RIGHT OF THE PUBLIC TO ATTEND PUBLIC MEETINGS DURING PUBLIC EMERGENCIES; AND TO CITE THIS ACT AS THE '*PUBLIC MEETINGS DURING EMERGENCIES ACT*,'" was on the 10th day of July 2024, duly and regularly passed.



Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July
2024, at 4:22 o'clock p.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-121

2024-21934

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	Evelyn Fejeran
Date: <u>7/10/24</u>	Time: <u>4:22 PM</u>

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 14-37 (COR)

As amended by the Committee on General
Government Operations and Appropriations;
and further amended on the Floor.

Introduced by:

William A. Parkinson
Roy A. B. Quinata
Dwayne T.D. San Nicolas
Jesse A. Lujan
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Tina Rose Muña Barnes
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *ADD* A NEW CHAPTER 11 TO TITLE 5,
GUAM CODE ANNOTATED, RELATIVE TO
CODIFYING A PROCEDURE FOR PUBLIC MEETINGS
DURING A PUBLIC EMERGENCY AND ENSURING
THE RIGHT OF THE PUBLIC TO ATTEND PUBLIC
MEETINGS DURING PUBLIC EMERGENCIES; AND TO
CITE THIS ACT AS THE “*PUBLIC MEETINGS DURING
EMERGENCIES ACT.*”**

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

2 **Section 1.** A new Chapter 11 is *added* to Title 5, Guam Code Annotated, to

3 read:

1 "CHAPTER 11

2 PUBLIC MEETING DURING EMERGENCIES ACT

3 § 11100. Short Title.

4 § 11101. Definitions.

5 § 11102. Scope.

6 § 11103. Authorization for Virtual Meeting.

7 § 11104. Conduct of Virtual Meeting.

8 § 11105. Public Observation.

9 § 11106. Public Participation.

10 § 11107. Notice.

11 § 11100. Short Title.

12 This Act shall be cited as the "*Public Meetings During Emergencies Act.*"

13 § 11101. Definitions.

14 (a) *Electronic* means relating to technology having electrical,
15 digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

16 (b) *Emergency declaration* means a declaration of emergency issued
17 pursuant to the laws of Guam.

18 (c) *Meeting* has the same meaning as that in Chapter 8 (the Open
19 Government Law) of Title 5, Guam Code Annotated.

20 (d) *Observe* means listen to and watch, listen to, or watch, whether
21 or not permitted to participate.

22 (e) *Open Government Law* means Chapter 8, Title 5, Guam Code
23 Annotated.

24 (f) *Participate* means speak or submit a comment.

25 (g) *Person* means an individual, estate, business or nonprofit entity,
26 government or governmental subdivision, agency or instrumentality, or other
27 legal entity.

1 (h) *Public body* means an entity subject to the Open Government
2 Law.

3 (i) *Record* means information:

4 (1) inscribed on a tangible medium; or

5 (2) stored in an electronic or other medium and retrievable in
6 perceivable form.

7 (j) *Virtual meeting* means a meeting of a public body during at least
8 part of which one or more members of the public body attend by electronic
9 means.

10 (k) *Public emergency* is an emergency as declared by the Governor.

11 **§ 11102. Scope.**

12 (a) This Act applies to the conduct of a virtual meeting only while
13 an emergency declaration is in effect.

14 (b) This Act does not limit or supersede any other law authorizing a
15 public body to permit a member of the public body to participate, or a member
16 of the public to observe or participate, by electronic means, in a meeting of
17 the public body, whether or not an emergency declaration is in effect.

18 **§ 11103. Authorization for Virtual Meeting.**

19 (a) A public body may conduct a virtual meeting while an
20 emergency declaration that applies to all or part of the jurisdiction of the
21 public body is in effect if the emergency declaration prohibits, limits, or has
22 the effect of prohibiting or limiting an in-person meeting of the public body.

23 (b) An action taken in a virtual meeting that complies with this Act
24 has the same effect as an action taken in an in-person meeting of the public
25 body.

26 (c) Any other law that applies to an in-person meeting of a public
27 body applies, to the extent practicable, to a virtual meeting.

1 (d) This Section shall not apply to sessions of the Guam Legislature.
2 It does apply to public hearings, informational hearings and roundtables and
3 other public meetings of *I Liheslatura*.

4 **§ 11104. Conduct of Virtual Meeting.**

5 (a) A public body conducting a virtual meeting, to the extent
6 practicable, shall conduct the meeting using a means compatible with assistive
7 technology commonly used by individuals with disabilities and that facilitates
8 the accommodation needs of individuals with disabilities to access the
9 meeting.

10 (b) The means used to conduct a virtual meeting must permit each
11 member of the public body who attends the meeting, contemporaneously and
12 throughout the meeting, to see and hear, and to be seen and heard by, the other
13 members of the public body who attend the meeting.

14 (c) A member of a public body who attends a virtual meeting is
15 considered present for all purposes, including for determination of a quorum
16 and voting, if contemporaneously and throughout the meeting the member
17 can:

18 (1) for a meeting conducted in compliance with Subsection
19 (b), see and hear and be seen and heard by the other members of the
20 public body who attend the meeting.

21 (d) A vote taken in a virtual meeting must be by a process that
22 identifies the vote of each member of the public body.

23 (e) The minutes of a virtual meeting must report any vote taken, state
24 that the meeting was conducted by electronic means, identify the technology
25 used, and identify the members of the public body who attended by electronic
26 means.

27 **§ 11105. Public Observation.**

1 (a) If the open meetings law requires that the public be able to
2 observe contemporaneously all or part of a meeting of a public body:

3 (1) the public body shall permit the public to observe
4 contemporaneously a virtual meeting, or the part of a virtual meeting
5 that would be required to be open to the public if it were an in-person
6 meeting; and

7 (2) the public body shall provide technological means to allow
8 members of the public who observe the virtual meeting to see and hear
9 members of the public body and members of the public authorized by
10 the public body to speak in the meeting.

11 (b) A document, exhibit, or other record presented to a public body
12 in a virtual meeting that under the open meetings law would have been
13 available to the public at an in-person meeting must be made available to the
14 public, including members of the public observing or participating in a virtual
15 meeting under § 11106 of this Chapter, contemporaneously with the virtual
16 meeting to the extent practicable.

17 **§ 11106. Public Participation.**

18 (a) If the laws of this state or a political subdivision of this state or a
19 rule, practice, or procedure adopted by the public body requires that members
20 of the public be permitted to participate in a meeting of the public body, the
21 public body, to the extent practicable, shall permit members of the public to
22 participate in a virtual meeting, subject to conditions that apply to an in-person
23 meeting of the public body.

24 (b) If members of the public are permitted to speak in a virtual
25 meeting, the technology used to conduct the meeting must permit members of
26 the public body and members of the public attending the meeting to hear the
27 members of the public who speak in the meeting.

1 (c) If a public body considers in a virtual meeting a matter affecting
2 the right or interest of a person entitled by any other law of this state or a
3 political subdivision of Guam or by rule of the public body to participate,
4 present evidence, or examine or cross-examine witnesses in an in-person
5 meeting, the public body shall permit the person to use the same technology
6 that the public body uses to conduct the virtual meeting, or provide equivalent
7 access, to participate, present evidence, or examine or cross-examine
8 witnesses in the virtual meeting.

9 (d) A person to which Subsection (c) applies may object that the
10 virtual meeting does not allow the person effectively to protect the person's
11 right or interest. The public body shall consider the objection and may proceed
12 with the matter in the virtual meeting if the public body determines the virtual
13 meeting will allow the person effectively to protect the right or interest. The
14 public body shall state in a record the determination and the reason for the
15 determination.

16 **§ 11107. Notice.**

17 In addition to any other requirement concerning notice a public body must
18 give for a meeting of the public body, notice of a virtual meeting must specify:

19 (a) that the meeting will be a virtual meeting;

20 (b) the technology to be used for the meeting;

21 (c) how members of the public can observe the meeting
22 contemporaneously under § 11105;

23 (d) if permitted under § 11106, how members of the public can
24 participate, present evidence, or examine or cross-examine witnesses in the
25 meeting;

26 (e) how a member of the public can alert the public body of a
27 technical problem preventing the member from accessing the meeting;

1 (f) how a reasonable accommodation can be requested by or for a
2 member of the public with a disability;

3 (g) the means by which a record considered in a virtual meeting is
4 made available to the public body and, if required by other law, the public;

5 (h) the means for access to a virtual meeting by an individual with a
6 disability; and

7 (i) the process by which a person or members may object under §
8 11106(d) of this Chapter.”

9 **Section 2. Effective Date.** This Act shall be effective upon enactment.

10 **Section 3. Severability.** If any provision of this Act or its application to any
11 person or circumstance is found to be invalid or inorganic, such invalidity shall not
12 affect other provisions or applications of this Act that can be given effect without
13 the invalid provision or application, and to this end the provisions of this Act are
14 severable.