

5 GCA GOVERNMENT OPERATIONS
CH. 20 DEPARTMENT OF ADMINISTRATION

DIVISION 2
LAWS APPLICABLE TO EXECUTIVE BRANCH

CHAPTER 20
DEPARTMENT OF ADMINISTRATION

- Article 1. Organization.
- Article 2. Office of Technology.
- Article 3. Training and Development.
- Article 4. Patents, Trademarks & Copyrights.
- Article 5. Surplus Property.
- Article 6. Records Management Act.

ARTICLE 1
ORGANIZATION

- § 20101. Title.
- § 20101.1 Director of Administration to Pay COLA Awards.
[Repealed.]
- § 20101.2 Duties of Director of Administration Regarding
COLA Awards. [Repealed.]
- § 20102. Definitions.
- § 20103. Transfer of Duties.
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- § 20105. Organization & Personnel.
- § 20106. General Powers & Duties of Director.
- § 20107. Transfer of Records & Equipment.
- § 20108. Transfer of Officers & Employees.
- § 20109. Effective Date.
- § 20110. Schedule of Fees of Copies.**
- § 20111. Payroll Deductions and Marketing within
Government.

§ 20101. Title.

This Chapter may be cited as the *Department of Administration Law*.

SOURCE: GC § 6000 repealed and reenacted by P.L. 11-219.

COMMENT: The word *act* in P.L. 11-219 changed by Compiler of Laws to conform the usages of the Guam Code Annotated.

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and Finance in the exercise of the functions transferred shall be transferred to the Department of Administration.

SOURCE: GC § 6007 renumbered from § 54157 by P.L. 11-219.

§ 20108. Transfer of Officers & Employees.

[Repealed.]

SOURCE: GC § 6008 renumbered from § 54158 by P.L. 11-219. Repealed by P.L. 28-068:IV:43 (Sept. 30, 2005), effective January 1, 2006.

§ 20109. Effective Date.

This Chapter shall take effect upon its passage and approval, but in order that there be no interruption of the administrative business of the government, the Governor may, for a period of not to exceed six months, postpone the actual transfer of all or a portion of the functions here involved until such time as the organization herein provided for can be put into full force and effect. Except as otherwise provided, all officers, their subordinates and employees whose functions are preserved by this Chapter, shall continue to perform the same from the time this Chapter takes effect in like manner as though they had been appointed or employed after the passage of this Chapter until successors to said functions and duties are appointed and qualified.

SOURCE: GC § 6009 renumbered from § 54159 by P.L. 11-219. Original Dept. of Administration Act was enacted by P.L. 9-239.

§ 20110. Schedule of Fees of Copies.

The Director of Administration, notwithstanding any other provision of law, is **authorized and directed to collect** the following fees for the furnishing of certified, authenticated, or photocopied copies of records, documents, receipts, or other papers:

Copy of filed income tax return, without attachments	\$ 5.00
Copy of attachments to filed income tax returns	\$ 1.00
Copy of W-2 withholding tax statement	\$ 1.00

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Copy of pay-in voucher or treasurer's receipt	\$ 1.00
Copy of business or professional license	\$ 1.00
Copy of fishweir license	\$ 1.00
Copy of certificate of registration of articles of incorporation, domestic or foreign corporation	\$ 1.00
Copy of articles of incorporation	\$10.00
Copy of any other record, document, receipt, or other paper, per page	\$ 1.00
Certification or authentication of any record, document, receipt, or other paper, in addition to copy charge	\$ 0.50

All laws inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency.

SOURCE: GC § 6114 added by P.L. 3-20. Repealed by P.L. 18-047:2 (Jan. 2, 1987); however, P.L. 19-005:139 (Aug. 21, 1987) repealed P.L. 18-047.

COMMENT: Notwithstanding the express repeal of this section by P.L. 18-047:2, the previous Compiler found that this section was revived upon the enactment of P.L. 19-005 (Aug. 21, 1987). The common law rules of statutory construction apply in Guam pursuant to 1 GCA § 700. "Under the common law rules of interpretation, the repeal of a repealing statute revives the original enactment where such repeal is accomplished by express provision." Sutherland Statutory Construction, 7th ed., § 23:32 (2009).

P.L. 19-005:139 expressly repealed P.L. 18-047, but did not include a provision addressing the schedule of fees for copies; therefore, the original enactment (codified as 5 GCA § 20110) was revived.

CROSS REFERENCE: 5 GCA § 10203 (Charges for Copying Government Documents).

§ 20111. Payroll Deductions and Marketing within Government.

(a) Payroll Deduction. The government of Guam may provide payroll deduction services to employees of the government as requested by an employee; however, if payroll

DOUGLAS B. MOYLAN
ATTORNEY GENERAL



CHARLES H. TROUTMAN
CONSUMER COUNSEL

OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM (Opinion)

To: Superintendent of Education

From: Attorney General

Subject: Copying Charges

Received April 11, 2005
APR 13 2005
Initial Re: DOA 05-0193
Department of Administration
Controller's Office

2005 APR 12 PM 2:17
LINA

You have requested our Opinion as to which law governs the fees the Department may charge for copies of documents. There are two sections which are in absolute conflict with each other. Title 5 GCA §20110, found in the Chapter governing the organization of the Department of Administration and, on its face is specific to that Department. It is the current law, having been repealed by P.L. 18-47, but then the whole of P.L. 18-47 was, itself repealed by P.L. 19-5:136. The general repealer of the whole law (P.L. 18-47) which enacted a version of the Sunshine Act) operates to revive those laws affected by the repealed law. This section is the latest enactment on the subject it deals with.

Title 5 GCA §10203 also deals with charges for copying documents and papers. It states:

§10203. Charges for Copying Government Documents. (a) Notwithstanding any other provision of law, no department, agency or instrumentality of the government of Guam, including all autonomous agencies and instrumentalities, shall charge another branch, department or agency of the government of Guam, including the Guam Legislature and members thereof, for copies of requested documents, so long as the documents are requested in an official capacity.

(b) Notwithstanding any other provisions of law, any department, agency or instrumentality of the Executive Branch of the government of Guam, including all autonomous agencies and instrumentalities, except for the Department of Land Management and the Department of Revenue and Taxation, may charge the media or the general public a copying fee for documents not to exceed ten cents (10¢) for the first page of any requested document, and two cents (2¢) each for any remaining pages. The Department of Land Management and the Department of Revenue and Taxation may set their charges for documents by rules and regulations pursuant to the Administrative Adjudication Law.

(c) Any department, agency or instrumentality of the Executive Branch of the government of Guam, including all autonomous agencies and instrumentalities, may choose not to charge the

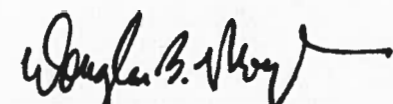
media or the general public a copying fee for requested documents; however, they shall not charge more than indicated in Subsection (b) of this Section.


SOURCE: GC §6711 added by P.L. 18-40:13.

While this section precedes 5 GCA §20110, it covers the entire Executive Branch, excepting only two agencies neither of which is the Department of Education. Because this section specifically applies to all of the government of Guam and has not been limited as to the Department of Education by any later law, we conclude that this section, 5 GCA §10203, applies to the Department of Education. Title 5 GCA §20110 does not apply to the Department of Education.

However, since we have said that both sections can exist together, and 5 GCA §20110 is the later section by reason of its earlier repealer having been repealed, we conclude that this latter section does apply to the Department of Administration because that section so states. The reading is that the Director of Administration is authorized to collect fees for copying documents under the jurisdiction of that department. All other Departments are also authorized to charge and collect copying fees, but under 5 GCA §10203.

If you have any further questions, please contact me, referring to the case number on the first page.


DOUGLAS B. MOYLAN
Attorney General


CHARLES H. TROUTMAN
Deputy Attorney General

cc: Director of Administration

Daniel J. Hattig

From: shannon taitano lujan [shannon.taitano.lujan@guam.gov]
Sent: Friday, April 30, 2010 4:58 PM
To: Lourdes M. Perez
Cc: Daniel J. Hattig
Subject: Re: Emailing: DOC012

while the IFOIA law allows an agency to charge a fee not to exceed . . . 20110 directs DOA to collect a fee . . . as such, DOA's position should prevail.

On Thu, Apr 29, 2010 at 11:23 PM, Lourdes M. Perez <lou.perez@doa.guam.gov> wrote:

Shannon - can you take a quick look at this, and let me know if you agree with Atty Lujan on what rates to apply for copies re: FOIA requests.

Thanks,

Lourdes M Perez
Director, Department of Administration
Government of Guam
P O Box 884
Hagatna, Guam 96932
email: lou.perez@doa.guam.gov
Phone# 671-475-1250/1234

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-----Original Message-----

From: Daniel J. Hattig
Sent: Friday, April 30, 2010 4:19 PM
To: Lourdes M. Perez
Subject: Emailing: DOC012

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DOC012

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shannon taitano lujan, esq.
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