



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY
 ACKNOWLEDGMENT RECEIPT
 Received by: [Signature]
 Time: 4:45 pm
 Date: 11-19-99

NOV 19 1999

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 11/19/99

Time: 1:45 pm

Rec'd by: [Signature]

Print Name: _____

0525/99-0350

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 302 (COR), "AN ACT TO ADD §§10108(k) AND 10108(l) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY, THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION ('KGTF') AND THE GUAM COMMUNITY COLLEGE", which I have signed into law today as **Public Law No. 25-79**.

This legislation adds a few categories of exempt records, which do not have to be released to the public, relative to the Department of Education and the University of Guam. Participants in the School Breakfast/Lunch Program, their parents, guardians and caretakers, do not have to be released to the public. Application records for admission and financial aid to the University of Guam do not have to be released to the public.

Additionally, this legislation **disapproves** all listings of documents made by the Guam Public Library [System], the Guam Educational Telecommunications Corporation ('KGTF'), and the Guam Community College, as well as other listings made by the Department of Education and the University of Guam.

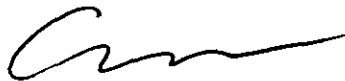
The lengthy and involved process entered into by i Liheslatura for determining that participants in the School Breakfast/Lunch Program and records for admission and financial aid at the University of Guam do not have to be released was cumbersome and expensive. A general policy which could be applied across the board would have been much more efficient and useful

00553

to the agencies whose personnel spent many hours making lists, attending public hearings, and attending Committee of the Whole sessions of the Legislature. Political rumination over document listings is not productive, when major policy decisions for the betterment of the government and the people of Guam are needed.

Our Administration has always been in favor of open government, for the benefit of the public, not politics.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill


cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00588

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 302 (COR) "AN ACT TO ADD §§10108(k) AND 10108(l) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY, THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION ("KGTF") AND THE GUAM COMMUNITY COLLEGE," was on the 5th day of November, 1999, duly and regularly passed.



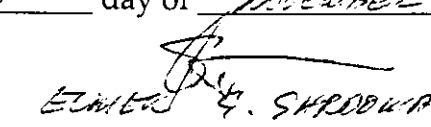
ANTONIO R. UNPINGCO
Speaker

Attested:



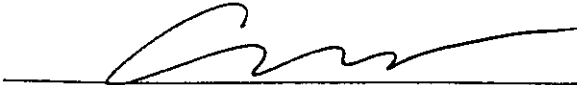
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 8th day of NOVEMBER, 1999,
at 6:27 o'clock P..M.



EILEEN Y. SARDOÑA
Assistant Staff Officer
Maga'laha's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 11-19-99

Public Law No. 25-79

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 302 (COR)

As substituted by the Author, amended
and further substituted on the Floor.

Introduced by:

L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §§10108(k) AND 10108(l) TO
ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
SUNSHINE REFORM ACT OF 1999 EXEMPTIONS
FOR THE DEPARTMENT OF EDUCATION, THE
UNIVERSITY OF GUAM, THE GUAM PUBLIC
LIBRARY, THE GUAM EDUCATIONAL
TELECOMMUNICATIONS CORPORATION
("KGTF") AND THE GUAM COMMUNITY
COLLEGE.**

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

2 **Section 1.** All records of the Department of Education, the
3 University of Guam, the Guam Public Library, the Guam Educational
4 Telecommunications Corporation ("KGTF") and the Guam Community
5 College that are exempted from public disclosure under the provisions of
6 Article 1 of Chapter 10 of Title 5 of the Guam Code Annotated, as repealed
7 and reenacted by Public Law Number 25-06, shall remain as private
8 writings.

9 **Section 2.** Section 10108(k) is hereby *added* to Article 1, Chapter 10 of
10 Title 5 of the Guam Code Annotated, as repealed and reenacted by Public
11 Law Number 25-06, to read as follows:

12 “(k) For the Department of Education information which
13 personally identifies participants in the School Breakfast/Lunch
14 Program, or their parents, guardians or caretakers.”

15 **Section 3.** Section 10108(l) is hereby *added* to Article 1, Chapter 10 of
16 Title 5 of the Guam Code Annotated, as repealed and reenacted by Public
17 Law Number 25-06, to read as follows:

18 “(l) For the University of Guam: (i) all applicant records
19 regarding admission, financial aid and/or scholarships, *except* that
20 the names and majors/areas of concentration of Financial Aid
21 recipients funded directly or indirectly, through repayments by prior
22 recipients, by a fund of the government of Guam, including the
23 University of Guam's Student Financial Assistance Program Fund



COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910


November 8, 1999

Honorable Carl T.C. Gutierrez
I Maga'lalen Guahan
Office of *I Maga'lahi*
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill, Nos. 334(COR), 304(COR), 305(COR), 291(COR), 294(COR), 302(COR) and Bill No. 303(COR), which were passed by *I Mina' Bente Singko Na Liheslaturan Guahan* on November 5, 1999.

Sincerely,


JOANNE M.S. BROWN
Senator and Legislative Secretary

Elmer S. ...
15 99

Enclosures (7)

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 302 (4A)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF PAGES 3 pages
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By: _____

[Signature]

Dated: _____


11-8-99

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA' LAHEN GUAHAN

This is to certify that Substitute Bill No. 302 (COR) "AN ACT TO ADD §§10108(k) AND 10108(l) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY, THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION ("KGTF") AND THE GUAM COMMUNITY COLLEGE," was on the 5th day of November, 1999, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 5th day of NOVEMBER, 1999,
at 6:77 o'clock P. .M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 302 (COR) "AN ACT TO ADD §§10108(k) AND 10108(l) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY, THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION ("KGTF") AND THE GUAM COMMUNITY COLLEGE," was on the 5th day of November, 1999, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 1999,
at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 302 (COR)

As substituted by the Author, amended
and further substituted on the Floor.

Introduced by:

L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §§10108(k) AND 10108(l) TO
ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE
GUAM CODE ANNOTATED, RELATIVE TO THE
SUNSHINE REFORM ACT OF 1999 EXEMPTIONS
FOR THE DEPARTMENT OF EDUCATION, THE
UNIVERSITY OF GUAM, THE GUAM PUBLIC
LIBRARY, THE GUAM EDUCATIONAL
TELECOMMUNICATIONS CORPORATION
("KGTF") AND THE GUAM COMMUNITY
COLLEGE.**

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

2 **Section 1.** All records of the Department of Education, the
3 University of Guam, the Guam Public Library, the Guam Educational
4 Telecommunications Corporation ("KGTF") and the Guam Community
5 College that are exempted from public disclosure under the provisions of
6 Article 1 of Chapter 10 of Title 5 of the Guam Code Annotated, as repealed
7 and reenacted by Public Law Number 25-06, shall remain as private
8 writings.

9 **Section 2.** Section 10108(k) is hereby *added* to Article 1, Chapter 10 of
10 Title 5 of the Guam Code Annotated, as repealed and reenacted by Public
11 Law Number 25-06, to read as follows:

12 “(k) For the Department of Education information which
13 personally identifies participants in the School Breakfast/Lunch
14 Program, or their parents, guardians or caretakers.”

15 **Section 3.** Section 10108(l) is hereby *added* to Article 1, Chapter 10 of
16 Title 5 of the Guam Code Annotated, as repealed and reenacted by Public
17 Law Number 25-06, to read as follows:

18 “(l) For the University of Guam: (i) all applicant records
19 regarding admission, financial aid and/or scholarships, *except* that
20 the names and majors/areas of concentration of Financial Aid
21 recipients funded directly or indirectly, through repayments by prior
22 recipients, by a fund of the government of Guam, including the
23 University of Guam's Student Financial Assistance Program Fund

1 shall be public information and *not* covered as private writings; (ii)
2 closed archives of the RFT Micronesian Area Research Center, as per
3 agreement with donor; *and* (iii) anonymity agreements regarding
4 financial donations and other contributions made to the University
5 only to the extent needed to protect the identity of the donor."

6 **Section 4. *Disapproval of Agency Lists.*** The following agencies'
7 lists submitted pursuant to §10106(b) of Article 1, Chapter 10 of Title 5 of
8 the Guam Code Annotated, as repealed and reenacted by Public Law
9 Number 25-06, are hereby *disapproved*, but shall *not* affect the existing
10 limitations already contained within the Sunshine Reform Act of 1999,
11 including within §10108, and their applicability to said agencies:

12 (1) the Department of Education;

13 (2) the University of Guam;

14 (3) the Guam Public Library;

15 (4) the Guam Educational Telecommunications Corporation

16 ("*KGTF*"); *and*

17 (5) the Guam Community College.

18 **Section 5. *Severability.*** *If* any provision of this Law or its
19 application to any person or circumstance is found to be invalid or
20 contrary to law, such invalidity shall *not* affect other provisions or
21 applications of this Law which can be given effect without the invalid
22 provisions or application, and to this end the provisions of this Law are
23 severable.

6/

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/5/99

VOTING SHEET

Bill No. 302

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					EA ✓
BERMUDES, Eulogio C.		✓			
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B. 11	✓				
CAMACHO, Marcel G. 1	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott 11	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13 1 _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



FILE

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

October 27, 1999

(DATE)

Memorandum

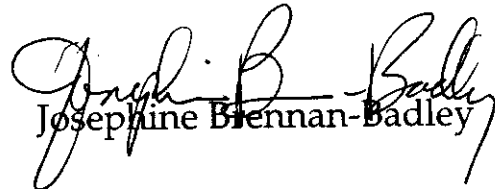
To: Senator Lawrence F. Kasperbauer

From: Clerk of the Legislature

Subject: Report on Bill No. 302 (COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 302 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment



10-27-99



✓

I MINA' B E SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
Senator Lawrence F. Kasperbauer, Ph.D.
Vice Speaker • Chairman, Committee on Education

215-A Chalan Santo Papa, Suite 106-F
Ada's Professional & Commercial Center
Hagåtña, Guam 96910

Telephone (671) 475-KIDS
Fax (671) 475-2000
e-mail: lk4kids@ite.net
webpg: www.lk4kids.com

October 18, 1999

The Honorable Antonio R. Unpingco
Speaker, I Mina Bente Singko Na Liheslaturan Guahan
Hagatna, Guam

Via: Committee on Rules

The Committee on Education, to which was referred **Bill No. 302 (COR)** -AN ACT AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATION CORPORATION (KGTF).herein reports back with the recommendation TO DO PASS as substituted by the Committee on Education.

Votes of the committee are as follows:

7 To Pass

___ Not to Pass

___ To the Inactive File

___ Abstained

Sincerely,

LAWRENCE F. KASPERBAUER, Ph.D.

Attachments



October 18, 1999

MEMORANDUM

To: All Members

From: Chairman
Committee of Education

Subject: Voting Sheet

Transmitted herewith is the voting sheet and Committee Report on **Bill No. 302 (COR)** -AN ACT AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATION CORPORATION (KGTF)., for your review and signature.

Your attention to this matter is greatly appreciated.

LAWRENCE F. KASPERBAUER, Ph.D.

Attachments

COMMITTEE ON EDUCATION
 I Mina' Bente Singko Na Liheslaturan Guahan
 155 Hesler Street · Hagåtña, Guam 96910

Chairman: Vice Speaker Lawrence F. Kasperbauer Vice-Chairperson: Senator Joanne M.S. Brown
 Ex-Officio Member: Speaker Antonio R. Unpingco

VOTING SHEET ON:

Bill No. 302 (COR) - AN ACT AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATION CORPORATION (KGTF).

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Vice Speaker Lawrence Kasperbauer <i>Chairman</i>	<u>LK</u>	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Joanne M.S. Brown <i>Vice-Chairperson</i>	<u>JMB</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Speaker Antonio R. Unpingco <i>Ex-Officio</i>	<u>AU</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Frank Blas Aguon, Jr. <i>Member</i>	<u>FBA</u> <i>12/26/99</i>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Eulogio C. Bermudes <i>Member</i>	<u>ECB</u>	<u>X</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Anthony C. Blaz <i>Member</i>	<u>ACB</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Edward B. Calvo <i>Member</i>	<u>EC</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Mark Forbes <i>Member</i>	<u>MF</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Kaleo Scott Moylan <i>Member</i>	<u>KSM</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Sen. Simon A. Sanchez, II <i>Member</i>	<u>SAS</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

RECEIVED
99 SEP 7 AM 11 03

Bill No. 302 (cor)

Introduced by:

L.F. Kasperbauer

F.B. Aguiar, Jr.

**AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF
THE DEPARTMENT OF EDUCATION, THE GUAM
COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM,
THE GUAM PUBLIC LIBRARY AND THE GUAM
EDUCATIONAL TELECOMMUNICATIONS CORPORATION
(KGTF).**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. The Public Writings lists of the Department of
Education, the Guam Community College, the University Of Guam, the
Guam Public Library and the Guam Educational Telecommunications
Corporation (KGTF) as submitted to I Liheslaturan Guåhan, pursuant to the
provisions of §10106(b) of Chapter 10 of Title 5, Guam Code Annotated as
repealed and re-enacted by Public Law 25-06, and appended hereto are
hereby approved.

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 302 (COR)
As Substituted by the
Committee on Education

Introduced by:

L.F. Kasperbauer
F.B. Aguon Jr.

**AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF
THE DEPARTMENT OF EDUCATION, THE GUAM
COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM,
THE GUAM PUBLIC LIBRARY AND THE GUAM
EDUCATIONAL TELECOMMUNICATIONS CORPORATION
(KGTF).**

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

2

3 **Section 1. The Department of Education** (a) The private writing list
4 in the letter dated July 8, 1999 as attached hereto as "Exhibit 1A" is hereby
5 approved. (b) The private writing list in the letter dated July 12, 1999 as
6 attached hereto as "Exhibit 1B" is hereby approved.

7

8 **Section 2. The University of Guam.** The private writing list in
9 Board of Regents Resolution 99-07 as transmitted by the letter dated July
10 10, 1999 as attached hereto as "Exhibit 2" is hereby approved with the
11 following exceptions:

12 (a) Item 1, Personnel Information: Salary information shall be public
13 information and shall not be covered as private writings.

1 (b) Item 2, Financial Aid: The *names* and *majors/ areas of*
2 *concentration* of Financial Aid recipients funded directly or indirectly
3 (through repayments by prior recipients) by a fund of the Government of
4 Guam including the University of Guam's Student Financial Assistance
5 Program Fund shall be public information and not covered as private
6 writings.

7 (c) Item 10, Correspondence with Legal Counsel. Only items
8 pertaining to attorney client privilege shall be considered private writings.
9 All legal opinions upon which action of the Board of Regents is based, shall
10 be public information.

11
12 **Section 3. The Guam Public Library System.** The private writing
13 list in the letter dated July 12, 1999 as attached hereto as "Exhibit 3" is
14 hereby approved.

15
16 **Section 4. The Guam Educational Telecommunications**
17 **Corporation (KGTF).** The private writing list in the letter dated July 12,
18 1999 as attached hereto as "Exhibit 4" is hereby approved.

19
20 **Section 5. The Guam Community College.** The private writing list
21 in the letter dated August 30, 1999 as attached hereto as "Exhibit 5" is
22 hereby approved with the following exception:

23 (a) Item 4, Attorney Client Information: Only items pertaining to
24 attorney client privilege shall be considered private writings. All legal
25 opinions upon which action of the Board of Trustees is based, shall be
26 public information.



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



JUL 08 1999

Refer to
Legislative Secretary

Honorable Antonio R. Unpingco
Speaker, 25th Guam Legislature
Agana, Guam

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 2:45 pm
Date: 7-9-99

Dear Speaker Unpingco:

The Department of Education (DOE) requests that the 25th Guam Legislature undertake the following two actions to correct a problem which we believe exists with the recently enacted P.L. 25-06.

- 1. Amend Section 10108 of Public Law 25-06 to include the following general wording as a new Item (i): "all other categorized listing of records approved by the Guam Legislature as nondisclosable to the public".
2. Approve the attached listing of listing of records which would not be available for public disclosure in accordance with the amendment stipulated above.

The addition to Section 10108 indicated above is necessary because Section 10106(b) states that the "list containing categorized descriptions of all writing in the custody of the agency which said agency considers non-public and nondisclosure" that has to be submitted to you for approval must be these proscribed by Section 10108. In other words, Section 10106 indicates that DOE could not refuse to disclose those records which it believes should be nondisclosable unless they are on the list contained in Section 10108. The problem is that we are prohibited by various federal regulations and legal considerations from publicly disclosing the records listed on the attachment, notwithstanding the current wording of Section 10108. The addition of the amendment suggested above to Section 10108 and the Legislature's subsequent approval of the attached list would eliminate the above described conflict that currently exists between this law and the other regulations with which we must comply. In addition, the addition of the suggested wording to Section 10108 would give all GovGuam agencies the flexibility to work with the Legislature to revise the categorized listings of nondisclosure records as time and changing circumstances would dictate.

We welcome any questions which you may have about the above proposal or the attachment. Thank you for your consideration of our concerns.

ANTONIO R. UNPINGCO
Date: 7/9/99
Time: 12:45 pm
Rec'd by: [Signature]
Print Name: [Signature]
Attachment 0525/99-0215

[Signature]
Michael Reidy
Acting Director



00366

COMMONWEALTH NOW!

EXHIBIT 1A PAGE 2
CATEGORIZED AND SPECIFIC LISTINGS OF RECORDS
MAINTAINED BY THE DEPARTMENT OF EDUCATION
WHICH ARE NOT DISCLOSABLE TO THE PUBLIC
THAT IS NOT CONTAINED
IN SECTION 10108 OF PUBLIC LAW 25-06

(As of 7/8/99)

All of the categorized and specific listings of records shown below are prohibited by various federal regulations or legal considerations from being disclosable to the public, notwithstanding the provisions of P.L. 25-06.

1. All parts of students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
2. All parts of the records maintained by the Department of Education (DOE) that contain information which is found in students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
3. Information which personally identifies participants in the School Breakfast/Lunch Program, or their parents, guardians, or caretakers.



DEPARTMENT OF EDUCATION

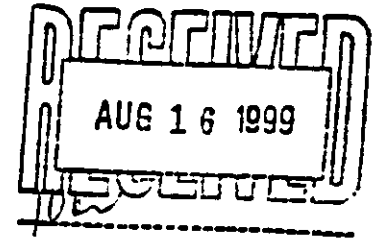
P.O. Box DE
Agaña, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



MICHAEL J. REIDY
Director of Education, Acting

Refer to
Legislative Secretary

July 12, 1999



Senator Antonio Unpingco
Speaker, 25th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

The Department of Education request that the following two items be added to the "non-public" list submitted on July 8, 1999.

- (1) Pending Government Claim(s), until the pending Government Claim has been settled.
- (2) Parents name, address, and phone number

If you have any questions regarding this matter please feel free to contact Fred Nishihira or myself at 475-0457.

Sincerely;

Michael Reidy

00400

OFFICE OF THE LEGISLATIVE SECRETARY

Rec'd by: Richard

Time: 2:40 pm

Date: 7.13.99

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99

Time: 1740

Rec'd by: [Signature]

Print Name: Charlene

0525/99-0227

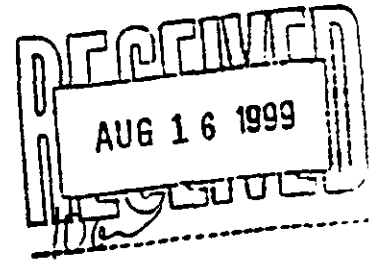


COMMONWEALTH NOW!



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

OFFICE OF THE PRESIDENT
UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296



Refer to
Legislative Secretary

July 10, 1999

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko Na Liheslaruran Guahan
155 Hesler Street
Hagarna, Guam 96910

Dear Speaker Unpingco:

I am pleased to officially transmit the University's "Private Writings List" in compliance with Public Law 25-06. This listing was developed by the University community and approved by the Board of Regents via Board Resolution No. 99-07.

Sincerely,

Dr. Jose T. Nededog
President

Cc: Chairman Dr. David L.G. Shimizu, Board of Regents
Members, Board of Regents
UOG Legal Counsel

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:55 pm</u>
Date	<u>7.15.99</u>

Office of the Speaker
ANTONIO R. UNPINGCO
Date: July 15, 1999
Time: 2:55 am
Rec'd by: [Signature]
Print Name: [Signature]
OS25/99-0233

00403



BOARD OF REGENTS

RESOLUTION NO. 99-07

RELATED TO APPROVING A LIST OF NON-PUBLIC AND NON-DISCLOSABLE WRITINGS RELATIVE TO THE GUAM SUNSHINE REFORM ACT OF 1999

WHEREAS, it is the aim of the Board to fully comply with the letter and intent of the Guam Sunshine Reform Act of 1999 (PL 25-06), and;

WHEREAS, it is also the intent of the Board to comply with all federal laws applicable to the access, disclosure, confidentiality and privacy of information, including but not limited to the 1973 Rehabilitation Act; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Privacy Act of 1974; the Family Education Rights and Privacy Act (FERPA); the Access to Employee Exposure and Medical Records Standard; the Americans with Disabilities Act; the US Department of Health and Human Services Regulations ([42 CFR 2] 42CFR Part 2); and the Driver's Privacy Protection Act of 1994, and;

WHEREAS, the Board recognizes that federal law supercedes local legislation, and;

WHEREAS, the Board desires to guide administrative action by establishing criteria for responding to specific requests for information under the Guam Sunshine Reform Act of 1999.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves the following list of non-public and non-disclosable writings as guided by applicable federal and local law. These items in whatever format are considered private writings not subject to Public Law No. 25-06.

LIST OF NON-PUBLIC AND NON-DISCLOSABLE WRITINGS NOT SUBJECT TO THE GUAM SUNSHINE REFORM ACT OF 1999

1. All file documents maintained on current, former and prospective academic and non-academic employees, unless the employee approves in writing access to and/or release of his or her files.
2. All applicant records regarding admission, financial aid and/or scholarships.
3. Student records and personal case files related but not limited to financial status, health, counseling, advisement, affirmative action, discipline, appeals, transcripts, grades, and test scores.
4. Educational records of current, former and/or prospective students.
5. Faculty grade books and/or grade sheets containing student names and grades.
6. Student directory information if the student formally requests non-disclosure in writing.
7. Student advisement files.
8. The circulation records of UOG's libraries.
9. Closed archives of the RFT Micronesia Area Research Center, as per agreement with donor.
10. Legal Counsel's correspondence related to University business.
11. Board of Regents' Executive Session minutes prior to their approval.
12. Tape recordings and minutes of Board of Regent committee meetings that discuss a particular student's attributes as defined in 2, 3, and 4 above.
13. Laboratory analysis reports.
14. Anonymity agreements regarding financial donations and other contributions made to the University.
15. Human subject research data including but not limited to research questionnaires and records.



GUAM PUBLIC LIBRARY
Laibirihan Pubbleko Guaman
Government of Guam



Refer to
Legislative Secretary

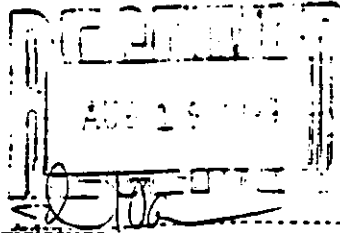
Memorandum

DATE: July 12, 1999

TO: Speaker, Guam Legislature

FROM: Director, Guam Public Library System

SUBJECT: List of Non-public and Non-disclosable Records



Office of the Speaker
ANTONIO R. UNPINGCO
Date: 7-12-99
Time: 1605
Rec'd by: [Signature]
Print Name: [Signature]
 0525/99-0226

Buenas yan Hafa Adai!

Listed below are items to be exempted under P.L. 25-06 and P.L. 25-40 that the Guam Public Library System considers non-public and non-disclosable.

- Individual Personnel records of GPLS employees
- Library Records of library patrons

Source: GC Subsection 42022 added by P.L. 17-38:1

Subsection 80123. Confidentiality of Library Records. (a) A library or library system operated with public monies shall not allow disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

Dangkolo Na Si Yu'os Ma'ase.

OFFICE OF THE LEGISLATIVE SECRETARY
 ACKNOWLEDGMENT RECEIPT

Received By: [Signature]

Time: 5:05 pm

Date: 7-12-99

Christine K. Scott-Smith
 Christine K. Scott-Smith

ANTONIO R. UNPINGCO
Date: 7-12-99
Time: 1:10
Rec'd by: [Signature]
Print Name: Charles
0525/99-0227

Refer to
Legislative Secretary

INTELLIGENCE DIVISION
AUG 16 1999
Guam, M.I. 96921
(671) 734-2207
734-3476
Fax: 734-KGTF

July 12, 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina Bente Singko na Leheslaturan Guahan
Twenty Fifth Guam Legislature
Guam Legislature Temp. Building
155 Hesler Street
Hagatna, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY
RECEIVED
By: [Signature]
Time: 2:40 pm
Date: 7.13.99

Dear Speaker Unpingco:

Thank you for the opportunity to respond to your request to submit a listing of all items to be exempted under Public Law 25-06 and Public Law 25-40.

Whatever is prohibited or covered by the existing laws and any information under Guam Law, and the Federal Communications Commission Code of Regulations, KGTF will abide by these laws & regulations. Regarding section [10108] *Statutory Exemptions for Non-Public Records* listed in the Sunshine Reform Act of 1999 as KGTF's exemptions for non-public records, KGTF will abide by this statute.

Please be advised that KGTF as a public broadcaster is mandated by the Federal Communications Commission to abide by the FCC's Code of Federal Regulations. KGTF has in its file only one set of FCC's books available for your review. The latest newly adopted public file rule requires stations to respond to telephone requests for information from the public and requires stations to mail photocopies of documents requested by members of the public (with copying costs to be borne by the requestor and costs of postage to be borne by station).

FCC reminded all broadcasters of their obligation to afford ready access to their public file. The policy remains that we may ask for a name and address—but no more—of any visitor to the public file. The FCC also encouraged stations to set aside an area with a table at which the public may inspect public file materials. The foregoing obligations apply to the FCC's existing public file rules, as well as to the recently adopted new public file rules, which become effective upon approval by the Office of Management and Budget.

Please be advised that if KGTF does not own the copyright of the television programs aired or the materials used in the process of a television program being produced, we are not authorized to provide the programs or materials to the public. The public would have to get permission from the copyright owners/or owners of the materials, to obtain or use any information from the programs, in which case KGTF would have most addresses for the public to write to. For information requested on video, the requestor will be assessed a charge for dubbing costs at the rate established by this office and the cost of the tape if necessary.

Once again, thank you for the opportunity to respond and if you have any questions about this matter, please let me know. Thank you.

Sincerely,
[Signature]
Ginger S. Underwood
General Manager

cc: Attorney General's Office





GUAM COMMUNITY COLLEGE

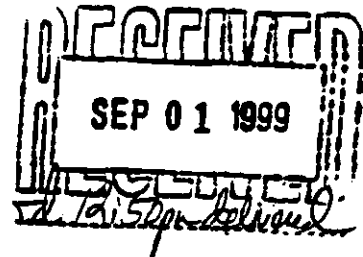
"EXHIBIT 5"

Kolehon Kurranidat Guahan

Accredited by the
Western Association of
Schools and Colleges

August 30, 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Singko Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910



Subject: Public Law 25-06, Section 10106 (b)

Dear Speaker Unpingco:

My apology for the tardiness of this submission. Most of our documents are protected by Federal guidelines, but in general the only records we believe should not be publicly disclosed are:

- Student Records - governed by the Family Educational Rights and Privacy Act (FERPA) also known as the Buckley Amendment, Statute: 20 U.S.C. 1232g; Regulations: 3d CFR Part 99.
- Individual Financial Aid and Health Records
- Personnel records
- Attorney client information

As a public institution we expect to be very open with our records.

Sincerely,

JOHN R. RIDER, Ed.D.
Academic Vice President

c: ✓ Senator Kasperbauer
Senator Forbes
President Cruz

MINA' BENTE SINGKO NA LIHESLATURAN GUÁHAN
Committee on Education

Vice Speaker Lawrence F. Kasperbauer, Chairperson

Committee Report On

Bill No. 302 (COR): AN ACT AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATION CORPORATION (KGTF).

I. OVERVIEW

The Committee on Education held a public hearing on Tuesday, September 14, 1999 at 9:00 a.m. at I Liheslaturan Public Hearing Room. Public Notice of the hearing was announced in the Sept. 9 and Sept. 12, 1999 issues of the Pacific Daily News.

Committee Members Present:

Vice Speaker Lawrence F. Kasperbauer, Chairperson

Providing Testimony on the Bill:

Ms. Jayne Flores, Representative of the Miconesian Society of Professional Journalists (Oral)

Mr. Luis Martinez, Student Support Services Administrator, Department off Education (Oral)

Mr. Fred Nishihara, Legal Counsel, Department of Education (Oral)

Mr. Peter Perez, Board of Regents Counsel, University of Guam (Oral)

Mr. Michael Reidy, Acting Director, Department of Education (Written)

Ms. Marcelene C. Santos, Legal Counsel, University of Guam

Mr. John R. Rider, Ed.D., Academic Vice President, Guam Community College (Written)

Ms. Christine K. Scott-Smith, Executive Director, Guam Public Library (Oral/Written)

Ms. Ginger Underwood, General Manager, Guam Educational Telecommunications Corporation (KGTF) (Oral/Written)

II. Testimony

Ms. Ginger Underwood, General Manager of the Guam Educational Telecommunications Corporation (KGTF), was present and provided oral and written

testimony on the bill. Underwood stated that KGTF abides, in addition to local laws, is mandated by the Underwood said that she received a letter from KGTF's attorney stating that he concurs with the conclusion of both Guam's Attorney General that KGTF will have a very short list of nonpublic records and that *I Liheslatura* has drawn from the better known exemptions found in the Federal Freedom of Information. Underwood added that the circulation of donor membership lists have become controversial at the national level in public television. She said KGTF does not provide donor lists to any candidate for office or any political party.

Ms. Christine K. Scott-Smith, Executive Director of the Guam Public Library, was present and provided oral and written testimony on the bill. Scott-Smith stated that Public Law 17-38 addresses the confidentiality of library records, which prohibits the disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library. Scott-Smith added that the individual personnel records of Guam Public Library System employees are also considered non-public.

University of Guam Legal Counsel, **Ms. Marcelene C. Santos**, was present to provide oral testimony on the bill. Santos said that the University of Guam Board of Regents passed a list of non-public writings on June 17, 1999. Santos said the university has recognized this list for over ten years and was an addendum to its administrative manual. According to Santos, the university's non-public writings list complies with existing laws specific to the university. Santos stated that the provision of the University of Guam's non-public writings regarding library circulation records may be a little more general than it needs to be and should be amended to reflect Public Law 17-38. After concerns brought about by the representative of the Micronesian Society of Professional Journalists, **Ms. Jayne Flores**, Santos suggested that another provision in the university's list regarding legal correspondence be amended to read: "pending or ongoing litigation or formal administrative action."

Mr. Peter Perez, Legal Counsel to the University of Guam's Board of Regents was present to provide oral testimony on the bill. Perez elaborated on the various points provided by Ms. Marceline Santos' testimony. Perez added the university has adopted the Department of Administrations policy on the drug tests.

Mr. Michael Reidy, Director of Department of Education, was not present, but submitted written testimony on the bill (Exhibit 1A). Reidy requested, that the *I Liheslatura* amend Section 10108 of Public Law 25-06 to include to include a new Item (i) to read: "all other categorized listing of records approved by the Guam Legislature as nondisclosable to the public." In another letter the Speaker dated July 12, 1999 (Exhibit 1B), Reidy requested additional items to be placed on his department's list of non-disclosable writings. Reidy also submitted a letter to Chairman Kasperbauer authorizing Fred Nishihara, Luis Martinez, and Tony Diaz to speak on his behalf at the hearing.

Mr. Luis Martinez, Administrator for Student Support Services, Department of Education was present to provide oral testimony on the bill. Martinez reiterated concerns raised in Reidy's letter dated July 8, 1999 (Exhibit 1A).

Department of Education's Staff Attorney, **Mr. Fred Nishihira**, was present and provided oral testimony on the bill. Nishihara reiterated point made by Reidy in his letter dated July 12, 1999 (Exhibit 1B).

Dr. John R. Rider, Academic Vice President of the Guam Community College (GCC) was not present, but provided written testimony on the bill (Exhibit 5). Rider said that the GCC's list includes student records (as governed by federal laws), individual financial aid and health records, personnel records, and attorney client information.

Representing the Micronesian Society of Professional Journalists (MSPJ), **Ms. Jayne Flores**, was present to provide oral testimony on the bill. Flores requested clarification on the various departmental lists of non-public and non-disclosable writings. In reviewing University of Guam's list, Flores stated that any prohibition of the disclosure of legal correspondence related to a department should not be general. With regard to Mr. Reidy's letter to the Speaker (Exhibit 1A), Flores said the MSPJ would have to object to Department of Education's proposed amendment on the grounds that the amendment would make it too easy for departments to add items to their non-public and non-disclosable writings lists.

III. Findings and Recommendation

The Committee on Education finds that Bill No. 302 (COR) serves to protect the interest of the public while maintaining the integrity of writings which are considered non-public or non-disclosable. The Committee agrees with the recommendations of the agencies with the following exceptions:

The University of Guam as outlined in the Board of Regents Resolution 99-07 the exceptions recommended are as follows:

(a) Item 1, Personnel Information: Salary information shall be public information and shall not be covered as private writings.

(b) Item 2, Financial Aid: The *names* and *majors/ areas of concentration* of Financial Aid recipients funded directly or indirectly (through repayments by prior recipients) by a fund of the Government of Guam including the University of Guam's Student Financial Assistance Program Fund shall be public information and not covered as private writings.

(c) Item 10, Correspondence with Legal Counsel. Only items pertaining to attorney client privilege shall be considered private writings. All legal opinions upon which action of the Board of Regents is based, shall be public information.

The Guam Community College as submitted in private writing list in the letter dated August 30, 1999, the exception recommended is as follows:

(a) Item 4, Attorney Client Information: Only items pertaining to attorney client

privilege shall be considered private writings. All legal opinions upon which action of the Board of Trustees is based, shall be public information.

It is the recommendation that these aforementioned exceptions to be included in a substitute bill and that with such exceptions, the private writing lists of the Department of Education, The University of Guam, The Guam Public Library System, The Guam Educational Telecommunications Corporation (KGTF) and the Guam Community College be approved.

It is the recommendation of the Committee on Education that Substitute Bill No. 302 (COR) be reported out with the recommendation **TO DO PASS**.



COMMITTEE ON EDUCATION

PUBLIC HEARING

September 14, 1999 - 9:00 a.m.
I LiheSlatura Public Hearing Room

AGENDA

Bill No. 302 (COR) -AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION , THE GUAM COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION (KGTF).

Testimonies will be heard in the following order:

- KGTF
- Guam Public Library System
- Guam Community College
- University of Guam
- Department of Education

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

RECEIVED
99 SEP 7 AM 11 03

Bill No. 302(cor)

Introduced by:

L.F. Kasperbauer *LFK*

**AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF
THE DEPARTMENT OF EDUCATION, THE GUAM
COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM,
THE GUAM PUBLIC LIBRARY AND THE GUAM
EDUCATIONAL TELECOMMUNICATIONS CORPORATION
(KGTF).**

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

2

3 **Section 1.** The Public Writings lists of the Department of
4 Education, the Guam Community College, the University Of Guam, the
5 Guam Public Library and the Guam Educational Telecommunications
6 Corporation (KGTF) as submitted to I Liheslaturan Guåhan, pursuant to the
7 provisions of §10106(b) of Chapter 10 of Title 5, Guam Code Annotated as
8 repealed and re-enacted by Public Law 25-06, and appended hereto are
9 hereby approved.

DEPARTMENT OF EDUCATION



P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



JUL 08 1999

Refer to
Legislative Secretary
Honorable Antonio R. Unpingco
Speaker, 25th Guam Legislature
Agana, Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>2:45 pm</u>
Date	<u>7-9-99</u>

Dear Speaker Unpingco:

The Department of Education (DOE) requests that the 25th Guam Legislature undertake the following two actions to correct a problem which we believe exists with the recently enacted P.L. 25-06.

1. Amend Section 10108 of Public Law 25-06 to include the following general wording as a new Item (i): "all other categorized listing of records approved by the Guam Legislature as nondisclosable to the public".
2. Approve the attached listing of listing of records which would not be available for public disclosure in accordance with the amendment stipulated above.

The addition to Section 10108 indicated above is necessary because Section 10106(b) states that the "list containing categorized descriptions of all writing in the custody of the agency which said agency considers non-public and nondisclosure" that has to be submitted to you for approval must be these proscribed by Section 10108. In other words, Section 10106 indicates that DOE could not refuse to disclose those records which it believes should be nondisclosable unless they are on the list contained in Section 10108. The problem is that we are prohibited by various federal regulations and legal considerations from publicly disclosing the records listed on the attachment, notwithstanding the current wording of Section 10108. The addition of the amendment suggested above to Section 10108 and the Legislature's subsequent approval of the attached list would eliminate the above described conflict that currently exists between this law and the other regulations with which we must comply. In addition, the addition of the suggested wording to Section 10108 would give all GovGuam agencies the flexibility to work with the Legislature to revise the categorized listings of nondisclosure records as time and changing circumstances would dictate.

We welcome any questions which you may have about the above proposal or the attachment. Thank you for your consideration of our concerns.

JUDGE OF THE SUPREME COURT
 ANTONIO R. UNPINGCO
 Date: 7/9/99
 Time: 12:45 pm
 Rec'd by: [Signature]
 Print Name: Lawrence
 Attachment 0525/99-0215

Michael Reidy
 Acting Director



CATEGORIZED AND SPECIFIC LISTING OF RECORDS
MAINTAINED BY THE DEPARTMENT OF EDUCATION
WHICH ARE NOT DISCLOSABLE TO THE PUBLIC
THAT IS NOT CONTAINED
IN SECTION 10108 OF PUBLIC LAW 25-06

(As of 7/8/99)

All of the categorized and specific listings of records shown below are prohibited by various federal regulations or legal considerations from being disclosable to the public, notwithstanding the provisions of P.L. 26-06.

1. All parts of students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
2. All parts of the records maintained by the Department of Education (DOE) that contain information which is found in students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
3. Information which personally identifies participants in the School Breakfast/Lunch Program, or their parents, guardians, or caretakers.

DEPARTMENT OF EDUCATION

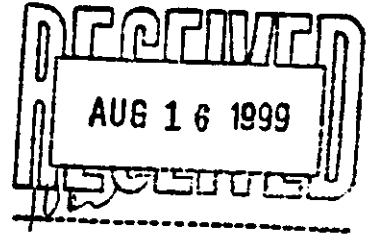
P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



MICHAEL J. REIDY
Director of Education, Acting

Refer to
Legislative Secretary

July 12, 1999



Senator Antonio Unpingco
Speaker, 25th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

The Department of Education request that the following two items be added to the "non-public" list submitted on July 8, 1999.

- (1) Pending Government Claim(s), until the pending Government Claim has been settled.
- (2) Parents name, address, and phone number

If you have any questions regarding this matter please feel free to contact Fred Nishihira or myself at 475-0457.

Sincerely;

[Handwritten Signature]
Michael Reidy

00400

OFFICE OF THE LEGISLATIVE SECRETARY

Rec'd by: Reidy

Time: 2:40 pm

Date: 7.13.99

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99

Time: 1:40

Rec'd by: [Signature]

Print Name: Charlene

0525/99-0227





UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

BOARD OF REGENTS

RESOLUTION NO. 99-07

RELATED TO APPROVING A LIST OF NON-PUBLIC AND NON-DISCLOSABLE WRITINGS RELATIVE TO THE GUAM SUNSHINE REFORM ACT OF 1999

WHEREAS, it is the aim of the Board to fully comply with the letter and intent of the Guam Sunshine Reform Act of 1999 (PL 25-06), and;

WHEREAS, it is also the intent of the Board to comply with all federal laws applicable to the access, disclosure, confidentiality and privacy of information, including but not limited to the 1973 Rehabilitation Act; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Privacy Act of 1974; the Family Education Rights and Privacy Act (FERPA); the Access to Employee Exposure and Medical Records Standard; the Americans with Disabilities Act; the US Department of Health and Human Services Regulations ([42 CFR 2] 42CFR Part 2); and the Driver's Privacy Protection Act of 1994, and;

WHEREAS, the Board recognizes that federal law supercedes local legislation, and;

WHEREAS, the Board desires to guide administrative action by establishing criteria for responding to specific requests for information under the Guam Sunshine Reform Act of 1999.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves the following list of non-public and non-disclosable writings as guided by applicable federal and local law. These items in whatever format are considered private writings not subject to Public Law No. 25-06.

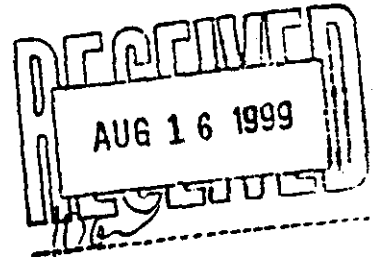
LIST OF NON-PUBLIC AND NON-DISCLOSABLE WRITINGS NOT SUBJECT TO THE GUAM SUNSHINE REFORM ACT OF 1999

1. All file documents maintained on current, former and prospective academic and non-academic employees, unless the employee approves in writing access to and/or release of his or her files.
2. All applicant records regarding admission, financial aid and/or scholarships.
3. Student records and personal case files related but not limited to financial status, health, counseling, advisement, affirmative action, discipline, appeals, transcripts, grades, and test scores.
4. Educational records of current, former and/or prospective students.
5. Faculty grade books and/or grade sheets containing student names and grades.
6. Student directory information if the student formally requests non-disclosure in writing.
7. Student advisement files.
8. The circulation records of UOG's libraries.
9. Closed archives of the RFT Micronesian Area Research Center, as per agreement with donor.
10. Legal Counsel's correspondence related to University business.
11. Board of Regents' Executive Session minutes prior to their approval.
12. Tape recordings and minutes of Board of Regent committee meetings that discuss a particular student's attributes as defined in 2, 3, and 4 above.
13. Laboratory analysis reports.
14. Anonymity agreements regarding financial donations and other contributions made to the University.
15. Human subject research data including but not limited to research questionnaires and records.



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

OFFICE OF THE PRESIDENT
UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296



Refer to
Legislative Secretary

July 10, 1999

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Unpingco:

I am pleased to officially transmit the University's "Private Writings List" in compliance with Public Law 25-06. This listing was developed by the University community and approved by the Board of Regents via Board Resolution No. 99-07.

Sincerely,

Dr. Jose T. Nededog
President

Cc: Chairman Dr. David L.G. Shimizu, Board of Regents
Members, Board of Regents
UOG Legal Counsel

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>4:55 pm</u>
Date:	<u>7.15.99</u>

Office of the Speaker
ANTONIO R. UNPINGCO
 Date: July 15, 1999
 Time: 2:55 PM
 Rec'd by: [Signature]
 Print Name: [Signature]
 OS25/99-0233

00408



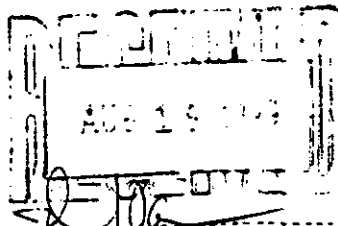
GUAM PUBLIC LIBRARY
Laibirihan Pubbleko Guáhan
Government of Guam



Refer to
Legislative Secretary

Memorandum

DATE: July 12, 1999
TO: Speaker, Guam Legislature
FROM: Director, Guam Public Library System
SUBJECT: List of Non-public and Non-disclosable Records



Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99
Time: 1605
Rec'd by: [Signature]
Print Name: [Signature]
0525/99-0226

Buenas yan Hafa Adai!

Listed below are items to be exempted under P.L. 25-06 and P.L. 25-40 that the Guam Public Library System considers non-public and non-disclosable.

- Individual Personnel records of GPLS employees
- Library Records of library patrons

Source: GC Subsection 42022 added by P.L. 17-38:1

Subsection 80123. Confidentiality of Library Records. (a) A library or library system operated with public monies shall not allow disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

Dangkolo Na Si Yu'os Ma'áse.

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 5:05 pm
Date: 7-12-99

[Signature]
Christine K. Scott-Smith

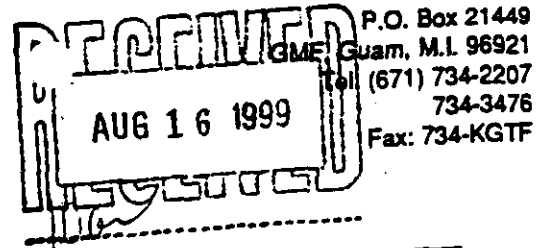
Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99
Time: 1710
Rec'd by: [Signature]
Print Name: Charlene
0525/99-0227

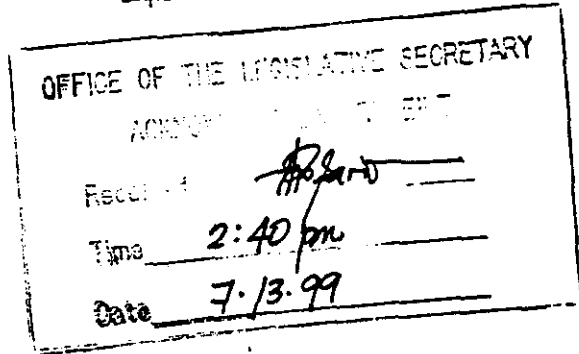
"EXHIBIT 4"

Refer to
Legislative Secretary

July 12, 1999



The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Leheslaturan Guahan
Twenty Fifth Guam Legislature
Guam Legislature Temp. Building
155 Hesler Street
Hagatna, Guam 96910



Dear Speaker Unpingco:

Thank you for the opportunity to respond to your request to submit a listing of all items to be exempted under Public Law 25-06 and Public Law 25-40.

Whatever is prohibited or covered by the existing laws and any information under Guam Law, and the Federal Communications Commission Code of Regulations, KGTF will abide by these laws & regulations. Regarding section [10108] Statutory Exemptions for Non-Public Records listed in the Sunshine Reform Act of 1999 as KGTF's exemptions for non-public records, KGTF will abide by this statute.

Please be advised that KGTF as a public broadcaster is mandated by the Federal Communications Commission to abide by the FCC's Code of Federal Regulations. KGTF has in its file only one set of FCC's books available for your review. The latest newly adopted public file rule requires stations to respond to telephone requests for information from the public and requires stations to mail photocopies of documents requested by members of the public (with copying costs to be borne by the requestor and costs of postage to be borne by station).

FCC reminded all broadcasters of their obligation to afford ready access to their public file. The policy remains that we may ask for a name and address--but no more---of any visitor to the public file. The FCC also encouraged stations to set aside an area with a table at which the public may inspect public file materials. The foregoing obligations apply to the FCC's existing public file rules, as well as to the recently adopted new public file rules, which become effective upon approval by the Office of Management and Budget.

Please be advised that if KGTF does not own the copyright of the television programs aired or the materials used in the process of a television program being produced, we are not authorized to provide the programs or materials to the public. The public would have to get permission from the copyright owners/or owners of the materials, to obtain or use any information from the programs, in which case KGTF would have most addresses for the public to write to. For information requested on video, the requestor will be assessed a charge for dubbing costs at the rate established by this office and the cost of the tape if necessary.

Once again, thank you for the opportunity to respond and if you have any questions about this matter, please let me know. Thank you.

Sincerely,

[Signature]
Ginger S. Underwood
General Manager

cc: Attorney General's Office





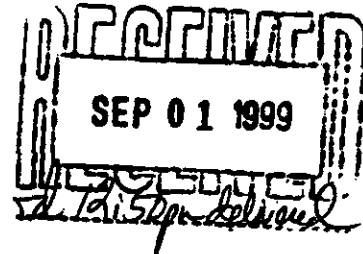
"EXHIBIT 5"

GUAM COMMUNITY COLLEGE

Kolehon Kummundát Guáhan
Accredited by the
Western Association of
Schools and Colleges

August 30, 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Singko Na Liheslaturan Guáhan
Twenty-Fifth Guam Legislature
155 Hesler Street
Hagátña, Guam 96910



Subject: Public Law 25-06, Section 10106 (b)

Dear Speaker Unpingco:

My apology for the tardiness of this submission. Most of our documents are protected by Federal guidelines, but in general the only records we believe should not be publicly disclosed are:

- Student Records - governed by the Family Educational Rights and Privacy Act (FERPA) also known as the Buckley Amendment, Statute: 20 U.S.C. 1232g; Regulations: 3d CFR Part 99.
- Individual Financial Aid and Health Records
- Personnel records
- Attorney client information

As a public institution we expect to be very open with our records.

Sincerely,

JOHN R. RIDER, Ed.D.
Academic Vice President

c: ✓ Senator Kasperbauer
Senator Forbes
President Cruz



DEPARTMENT OF EDUCATION

P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



Michael J. Reidy
Director of Education

September 14, 1999

Senator Lawrence Kasperbauer
Vice-Speaker, 25th Guam Legislature
155 Hessler Street
Hagåtña, Guam 96910

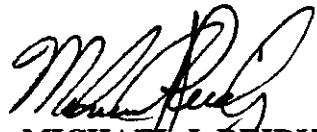
Dear Mr. Vice-Speaker:

I hereby give authorization to the following personnel to speak on my behalf at the public hearing on matters relating to the "Sunshine Reform Act".

- Fred Nishihira - Legal Counsel
- Luis Martinez - Administrator, Student Support Services
- Tony Diaz - Public Information Officer

If you should have any questions, please feel free to contact me at 475-0462.

Thank you for your continued support.


MICHAEL J. REIDY
Director of Education

COMMONWEALTH NOW!



0674-001
BL

(202) 452-4836

WC@cohostmarks.com

July 9, 1999

Ginger Underwood
General Manager
KGTF-TV
P.O. Box 21449 GMF
Guam 96921

Dear Ginger

After reviewing the Reformed Sunshine Act of 1999, I concur with the conclusion of your local attorney general that KGTF will have a very short list of nonpublic records. Please note, of course, that this does not mean that every slip of paper found in your offices and every piece of correspondence found on your computers must be released pursuant to a records request; as per Section II(B)(I) of the Act, a public record is any "writing containing information relating to the conduct of the public's business." (emphasis added). Hence, personal correspondence and notes of station employees do not have to be released.

With regard to the statutory exemptions found in Section V of the Act, there is very little you will be able to put on your nonpublic records list. In creating the list of exemptions, it appears that your legislature has drawn from some of the better known exemptions found in the Federal Freedom of Information Act, pertaining to personal privacy and the respect for ongoing litigation and law enforcement investigations.

The only statutory exemptions that would apply to KGTF are those you highlighted to me in your letter. First, any record pertaining to pending litigation to which KGTF is a party may be withheld until the litigation is completed. Hopefully, this will rarely be put to use. Second, any personnel, medical, or similar files -- basically, anything relating to the identity of or personal information about one of your employees -- may be considered nonpublic unless that employee expressly consents to disclosure of the information. The only records you must turn over pursuant to a valid request are those containing the name, age, business mailing address, and salary of the employee. Any other information pertaining to an identifiable employee on a station record may be redacted prior to

disclosure.

Overall, the tenor of this Act is toward almost 100% disclosure. It certainly appears that your legislature has accomplished this with regard to KGTF. Please contact me if you have any further questions.


Sincerely

Wayne Coy, Jr.

FOR SALE

Restaurant Equipment and Furniture

Call: 649-0215 or 647-4896

 **OFFICE OF SUPPLY MANAGEMENT
DEPARTMENT OF EDUCATION**
P.O. Box DE
Hagatna, Guam 96932
Tel: 475-0436 / Fax: 472-5001

INVITATION FOR B

Bid No.	DUE DATE	TIME
FBE-025-99	09/23/99	10:00

A) Milk (whole) Recombined 1/2 Pint Container
B) Yogurt Low-Fat Container Various Flavors
C) Ice Cream 5-oz. Container Various Flavors

Bid No.	DUE DATE	TIME
FBE-026-99	09/23/99	10:30

Milk Low-Fat (Unflavored and Chocolate) 1/2 Pint Cont

PLACE: Office of Supply Management 2nd Floor, Suite
Manuel F.L. Guerrero / Administration

INTERESTED PARTY MAY PICK-UP BID FORMS
SPECIFICATIONS AT SAID PLACE.

/s/ JUAN MICHAEL PANGELINAN
ADMINISTRATOR, SUPPLY MANAGEMENT

JOB OPENING

WAREHOUSE/DELIVER PERSON

Immediate opening for full time position. Must be 18 yrs. of age, possess A & Chauffeur's Drivers license. Health Certifications and Police Clearance are required.

**NO PHONE CALLS.
PLEASE APPLY IN PERSON**

LUEN FUNG ENTERPRISE
Bldg. 169-D Tun Juan Rivera Way, Tamuning
Guam 96911 next to Universal Motor.

E.O.E.

DIAMOND REALTY J. Dhenas - P. Brokers
649-9532

New Listing!!! Mangilao Very spacious 3Br 2Ba home includes stove/refrig/w/d/a/c also has ceramic tiles. This beautiful home is for rent \$1200.

More Houses!
209 Snowball Lane Mangilao Beautiful 4Br 3.5Ba, custom built home. Recently expanded and renovated. This home is for sale at \$375,000

Houses!
Sinajana 3Br 2Ba corner lot home. Excellent location near schools and stores \$170,000
Yigo 3Br 2Ba home, set in nice neighborhood \$144,000

Dededo 2Br 1Ba with extension, fenced home, needs work \$115,000
Barrigada Custom built tri level home 3Br 2.5Ba nestled on a hilltop and lots of privacy \$245,000

ETRO


Is seeking a highly motivated
SALES ASSOCIATE

- Japanese Speaking Preferred
- Able to work flexible hours

Apply in person at Etro Boutique
1F, Tumon Sands Plaza
San Vitores Road, Tumon

SUN MOTOYAMA INTERNATIONAL GUAM, INC.
P.O. BOX 8139 TAMUNING, GUAM 96931 U.S.A.
TEL 1-671-646-8239 FAX. 1-671-649-9385

PUBLIC HEARING

 **MUNA' BENTE SINGHO NA LIHESLATURAN GUAHAN
COMMITTEE ON EDUCATION**

Vice Speaker Larry Kasperbauer, Chairman
Hearing to be held at 1 Liheslaturan Guahan, 155 Hester Street, Hagatna, Guam.

AGENDA
9:00 a.m. - Tuesday, September 14, 1999

Bill No. 302 (COR) - AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION (KGTF).

Testimonies will be heard in the following order:

- KGTF
- Guam Public Library System
- Guam Community College
- University of Guam
- Department of Education

The public is invited to attend. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Vice Speaker Kasperbauer at 675-5437 or email at ltk@hds.net.

FOR RENT

Harmon Warehouse/Storage w/rollup door
@ \$.50/sq. ft.

**First Month Free
Across Carrier**

Bobbie Reyes


ERA
477-3721
HOMES

SINAJANA Afame Road

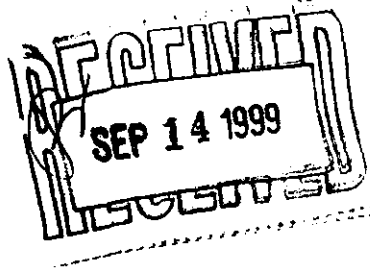


I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
Senator Lawrence F. Kasperbauer, Ph.D.
Vice Speaker • Chairman, Committee on Education

215-A Chalan Santo Papa, Suite 106-F
Ada's Professional & Commercial Center
Hagåtña, Guam 96910

Telephone (671) 475-KIDS
Fax (671) 475-2000
e-mail: lk4kids@ite.net
webpg: www.lk4kids.com

September 13, 1999



COPY

Mr. Joseph E. Rivera
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagatna, Guam 96932

Dear Mr. Rivera:

Buenas yan hafa adai!

Pursuant to Chapter 9 of Title 2, Guam Code Annotated, I respectfully request that your office issue a Fiscal Note for the attached bill:

- **Bill No. 302 (COR)** -AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF THE DEPARTMENT OF EDUCATION, THE GUAM COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM, THE GUAM PUBLIC LIBRARY AND THE GUAM EDUCATIONAL TELECOMMUNICATIONS CORPORATION (KGTF).

Thank you for your time and consideration to this matter.

Sincerely,

Lawrence F. Kasperbauer, Ph.D.

Attachments

Introduced

SEP 07 1999

**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session**

Bill No. 302 (COR2)

Introduced by:

L.F. Kasperbauer *LFK*

**AN ACT TO APPROVE THE PUBLIC WRITINGS LISTS OF
THE DEPARTMENT OF EDUCATION, THE GUAM
COMMUNITY COLLEGE, THE UNIVERSITY OF GUAM,
THE GUAM PUBLIC LIBRARY AND THE GUAM
EDUCATIONAL TELECOMMUNICATIONS CORPORATION
(KGTF).**

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

2

3 **Section 1.** The Public Writings lists of the Department of
4 Education, the Guam Community College, the University Of Guam, the
5 Guam Public Library and the Guam Educational Telecommunications
6 Corporation (KGTF) as submitted to I Liheslaturan Guåhan, pursuant to the
7 provisions of §10106(b) of Chapter 10 of Title 5, Guam Code Annotated as
8 repealed and re-enacted by Public Law 25-06, and appended hereto are
9 hereby approved.

DEPARTMENT OF EDUCATION



P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



JUL 08 1999

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 2:45 pm
Date: 7-9-99

Refer to
Legislative Secretary
Honorable Antonio R. Unpingco
Speaker, 25th Guam Legislature
Agana, Guam

Dear Speaker Unpingco:

The Department of Education (DOE) requests that the 25th Guam Legislature undertake the following two actions to correct a problem which we believe exists with the recently enacted P.L. 25-06.

- 1. Amend Section 10108 of Public Law 25-06 to include the following general wording as a new Item (i): "all other categorized listing of records approved by the Guam Legislature as nondisclosable to the public".
2. Approve the attached listing of listing of records which would not be available for public disclosure in accordance with the amendment stipulated above.

The addition to Section 10108 indicated above is necessary because Section 10106(b) states that the "list containing categorized descriptions of all writing in the custody of the agency which said agency considers non-public and nondisclosure" that has to be submitted to you for approval must be these proscribed by Section 10108. In other words, Section 10106 indicates that DOE could not refuse to disclose those records which it believes should be nondisclosable unless they are on the list contained in Section 10108. The problem is that we are prohibited by various federal regulations and legal considerations from publicly disclosing the records listed on the attachment, notwithstanding the current wording of Section 10108. The addition of the amendment suggested above to Section 10108 and the Legislature's subsequent approval of the attached list would eliminate the above described conflict that currently exists between this law and the other regulations with which we must comply. In addition, the addition of the suggested wording to Section 10108 would give all GovGuam agencies the flexibility to work with the Legislature to revise the categorized listings of nondisclosure records as time and changing circumstances would dictate.

We welcome any questions which you may have about the above proposal or the attachment. Thank you for your consideration of our concerns.

Antonio R. Unpingco
Date: 7/9/99
Time: 12:45 pm
Rec'd by: [Signature]
Print Name: Lawrence
Attachment 0525/99-0215

[Signature]
Michael Reidy
Acting Director



CATEGORIZED AND SPECIFIC LISTING OF RECORDS
MAINTAINED BY THE DEPARTMENT OF EDUCATION
WHICH ARE NOT DISCLOSABLE TO THE PUBLIC
THAT IS NOT CONTAINED
IN SECTION 10108 OF PUBLIC LAW 25-06

(As of 7/8/99)

All of the categorized and specific listings of records shown below are prohibited by various federal regulations or legal considerations from being disclosable to the public, notwithstanding the provisions of P.L. 26-06.

1. All parts of students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
2. All parts of the records maintained by the Department of Education (DOE) that contain information which is found in students' educational records, except for those parts of students' educational records that pertain to directory information as defined by Board Policy 825
3. Information which personally identifies participants in the School Breakfast/Lunch Program, or their parents, guardians, or caretakers.

DEPARTMENT OF EDUCATION

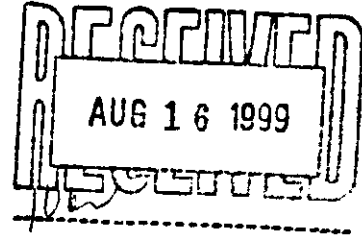
P.O. Box DE
Agana, Guam 96932
Tel: (671) 475-0457
Fax: (671) 472-5003



MICHAEL J. REIDY
Director of Education, Acting

Refer to
Legislative Secretary

July 12, 1999



Senator Antonio Unpingco
Speaker, 25th Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Dear Mr. Speaker:

The Department of Education request that the following two items be added to the "non-public" list submitted on July 8, 1999.

- (1) Pending Government Claim(s), until the pending Government Claim has been settled.
- (2) Parents name, address, and phone number

If you have any questions regarding this matter please feel free to contact Fred Nishihira or myself at 475-0457.

Sincerely;

Michael Reidy

00400

OFFICE OF THE LEGISLATIVE SECRETARY

Rec'd by: Richard

Time: 2:40 pm

Date: 7-13-99

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99

Time: 1:40

Rec'd by: [Signature]

Print Name: Charlene

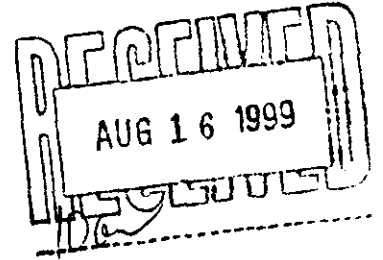
0525/99-0227





UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

OFFICE OF THE PRESIDENT
UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296



Refer to
Legislative Secretary

July 10, 1999

The Honorable Antonio R. Unpingco
Speaker
Mina' Bente Singko Na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Dear Speaker Unpingco:

I am pleased to officially transmit the University's "Private Writings List" in compliance with Public Law 25-06. This listing was developed by the University community and approved by the Board of Regents via Board Resolution No. 99-07.

Sincerely,

Dr. Jose T. Nededog
President

Cc: Chairman Dr. David L.G. Shimizu, Board of Regents
Members, Board of Regents
UOG Legal Counsel

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>4:55 pm</u>
Date:	<u>7-15-99</u>

Office of the Speaker
ANTONIO R. UNPINGCO
Date: July 15, 1999
Time: 2:50 pm
Rec'd by: [Signature]
Print Name: [Signature]
0825/99-0233

00403



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN
BOARD OF REGENTS

RESOLUTION NO. 99-07

RELATED TO APPROVING A LIST OF NON-PUBLIC AND NON-DISCLOSABLE
WRITINGS RELATIVE TO THE GUAM SUNSHINE REFORM ACT OF 1999

WHEREAS, it is the aim of the Board to fully comply with the letter and intent of the Guam Sunshine Reform Act of 1999 (PL 25-06), and;

WHEREAS, it is also the intent of the Board to comply with all federal laws applicable to the access, disclosure, confidentiality and privacy of information, including but not limited to the 1973 Rehabilitation Act; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Privacy Act of 1974; the Family Education Rights and Privacy Act (FERPA); the Access to Employee Exposure and Medical Records Standard; the Americans with Disabilities Act; the US Department of Health and Human Services Regulations ([42 CFR 2] 42CFR Part 2); and the Driver's Privacy Protection Act of 1994, and;

WHEREAS, the Board recognizes that federal law supercedes local legislation, and;

WHEREAS, the Board desires to guide administrative action by establishing criteria for responding to specific requests for information under the Guam Sunshine Reform Act of 1999.

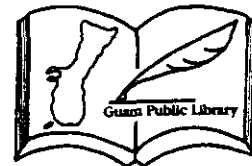
NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves the following list of non-public and non-disclosable writings as guided by applicable federal and local law. These items in whatever format are considered private writings not subject to Public Law No. 25-06.

LIST OF NON-PUBLIC AND NON-DISCLOSABLE WRITINGS NOT
SUBJECT TO THE GUAM SUNSHINE REFORM ACT OF 1999

1. All file documents maintained on current, former and prospective academic and non-academic employees, unless the employee approves in writing access to and/or release of his or her files.
2. All applicant records regarding admission, financial aid and/or scholarships.
3. Student records and personal case files related but not limited to financial status, health, counseling, advisement, affirmative action, discipline, appeals, transcripts, grades, and test scores.
4. Educational records of current, former and/or prospective students.
5. Faculty grade books and/or grade sheets containing student names and grades.
6. Student directory information if the student formally requests non-disclosure in writing.
7. Student advisement files.
8. The circulation records of UOG's libraries.
9. Closed archives of the RFT Micronesia Area Research Center, as per agreement with donor.
10. Legal Counsel's correspondence related to University business.
11. Board of Regents' Executive Session minutes prior to their approval.
12. Tape recordings and minutes of Board of Regent committee meetings that discuss a particular student's attributes as defined in 2, 3, and 4 above.
13. Laboratory analysis reports.
14. Anonymity agreements regarding financial donations and other contributions made to the University.
15. Human subject research data including but not limited to research questionnaires and records.

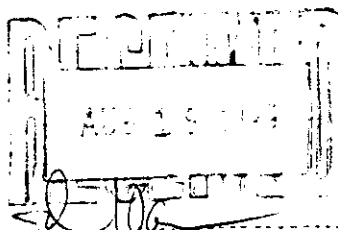


GUAM PUBLIC LIBRARY
Laibirihan Pupbleko Guahan
Government of Guam



Refer to
Legislative Secretary
Memorandum

DATE: July 12, 1999
TO: Speaker, Guam Legislature
FROM: Director, Guam Public Library System
SUBJECT: List of Non-public and Non-disclosable Records



Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99
Time: 1605
Rec'd by: [Signature]
Print Name: [Signature]
0825/99-0226

Buenas yan Hafa Adai!

Listed below are items to be exempted under P.L. 25-06 and P.L. 25-40 that the Guam Public Library System considers non-public and non-disclosable.

- Individual Personnel records of GPLS employees
- Library Records of library patrons

Source: GC Subsection 42022 added by P.L. 17-38:1

Subsection 80123. Confidentiality of Library Records. (a) A library or library system operated with public monies shall not allow disclosure of any record or other information, written or oral, which identifies a user of library services as requesting or obtaining specific materials or services or as otherwise using the library.

(b) Records may be disclosed:

1. If necessary for the reasonable operation of the library.
2. On written consent of the user.
3. On receipt of a court order.
4. If required by law.

Dangkolo Na Si Yu'os Ma'ase.

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By: [Signature]
Time: 5:05 pm
Date: 7-12-99

[Signature]
Christine K. Scott-Smith

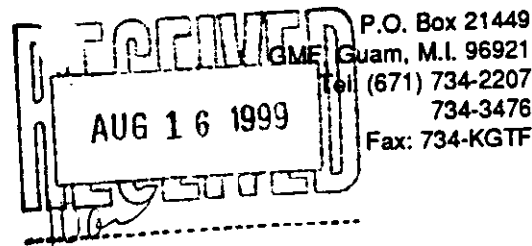
Office of the Speaker
ANTONIO R. UNPINGCO

Date: 7-12-99
Time: 1710
Rec'd by: [Signature]
Print Name: Christine
0525/99-0227

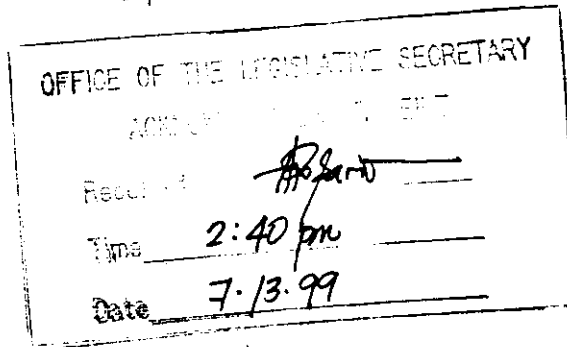
"EXHIBIT 4"

Refer to
Legislative Secretary

July 12, 1999



The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Leheslaturan Guahan
Twenty Fifth Guam Legislature
Guam Legislature Temp. Building
155 Hesler Street
Hagatna, Guam 96910



Dear Speaker Unpingco:

Thank you for the opportunity to respond to your request to submit a listing of all items to be exempted under Public Law 25-06 and Public Law 25-40.

Whatever is prohibited or covered by the existing laws and any information under Guam Law, and the Federal Communications Commission Code of Regulations, KGTF will abide by these laws & regulations. Regarding section [10108] *Statutory Exemptions for Non-Public Records* listed in the Sunshine Reform Act of 1999 as KGTF's exemptions for non-public records, KGTF will abide by this statute.

Please be advised that KGTF as a public broadcaster is mandated by the Federal Communications Commission to abide by the FCC's Code of Federal Regulations. KGTF has in its file only one set of FCC's books available for your review. The latest newly adopted public file rule requires stations to respond to telephone requests for information from the public and requires stations to mail photocopies of documents requested by members of the public (with copying costs to be borne by the requestor and costs of postage to be borne by station).

FCC reminded all broadcasters of their obligation to afford ready access to their public file. The policy remains that we may ask for a name and address--but no more---of any visitor to the public file. The FCC also encouraged stations to set aside an area with a table at which the public may inspect public file materials. The foregoing obligations apply to the FCC's existing public file rules, as well as to the recently adopted new public file rules, which become effective upon approval by the Office of Management and Budget.

Please be advised that if KGTF does not own the copyright of the television programs aired or the materials used in the process of a television program being produced, we are not authorized to provide the programs or materials to the public. The public would have to get permission from the copyright owners/or owners of the materials, to obtain or use any information from the programs, in which case KGTF would have most addresses for the public to write to. For information requested on video, the requestor will be assessed a charge for dubbing costs at the rate established by this office and the cost of the tape if necessary.

Once again, thank you for the opportunity to respond and if you have any questions about this matter, please let me know. Thank you.

Sincerely,

[Signature]
Ginger S. Underwood
General Manager

cc: Attorney General's Office





GUAM COMMUNITY COLLEGE

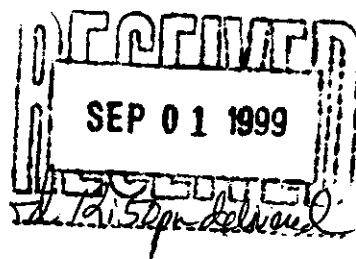
"EXHIBIT 5"

Kolehon Kurrunidat Guahan

Accredited by the
Western Association of
Schools and Colleges

August 30, 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina' Bente Singko Na Liheslaturan Guahan
Twenty-Fifth Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910



Subject: Public Law 25-06, Section 10106 (b)

Dear Speaker Unpingco:

My apology for the tardiness of this submission. Most of our documents are protected by Federal guidelines, but in general the only records we believe should not be publicly disclosed are:

- Student Records - governed by the Family Educational Rights and Privacy Act (FERPA) also known as the Buckley Amendment, Statute: 20 U.S.C. 1232g; Regulations: 3d CFR Part 99.
- Individual Financial Aid and Health Records
- Personnel records
- Attorney client information

As a public institution we expect to be very open with our records.

Sincerely,

JOHN R. RIDER, Ed.D.
Academic Vice President

c: ✓ Senator Kasperbauer
Senator Forbes
President Cruz