

NOV 19 1999

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


Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 11/19/99  
Time: 1:45pm  
Re: R748  
Print Name: 0525/99-0350


Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 352 (LS), "AN ACT TO ADD §10108(q) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION, THE DEPARTMENT OF PUBLIC WORKS, THE GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD", which I have **signed** into law today as **Public Law No. 25-82**.

This legislation disapproves all lists made by the Guam Power Authority, the Department of Youth Affairs, the Department of Parks and Recreation, the Department of Public Works, the Guam Contractors Licensing board, the Bureau of Budget and Management Research, the Guam Energy Office and the Board of Registration for Professional Engineers, Architects and Land Surveyors in the i Liheslatura's futile exercise to enumerate specific releasable documents rather than establish adequate general guidelines for the release of information to the public. The legislation adds one item to the list of exemptions: "draft documents of an agency."

Very truly yours,

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

  
4:45pm  
11.19.99

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

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

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

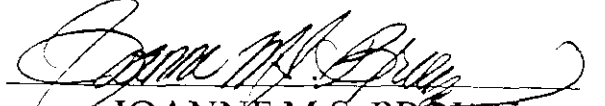
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 352 (LS) "AN ACT TO ADD §10108(g) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION, THE DEPARTMENT OF PUBLIC WORKS, THE GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.



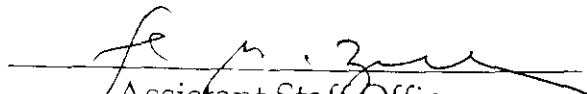
ANTONIO R. UNPINGCO  
Speaker

Attested:




JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 9<sup>th</sup> day of November, 1999,  
at 5:10 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: 11-19-99

Public Law No. 25-82

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

**Bill No. 352 (LS)**

As substituted on the Floor.

Introduced by:

E. B. Calvo  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
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(q) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION, THE DEPARTMENT OF PUBLIC WORKS, THE GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD.



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

November 9, 1999



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

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 314(COR) and 352(LS), which were passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on November 5, 1999.

Sincerely,

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosures (2)

**CLERK OF THE LEGISLATURE**

**TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN**

(Included in File w/ All Bills Transmitted)

BILL NO.

**FINAL PROOF-READING OF BLUEBACK COPY**

Initialed by: \_\_\_\_\_ and Date: \_\_\_\_\_

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF 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: \_\_\_\_\_

Dated: 6-25-95

- 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. 352 (LS) "AN ACT TO ADD §10108(q) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION, THE DEPARTMENT OF PUBLIC WORKS, THE GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD," was on the 5<sup>th</sup> day of November, 1999, duly and regularly passed.



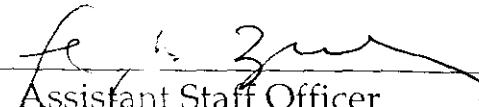
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 9<sup>th</sup> day of November, 1999,  
at 5:10 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. 352 (LS) "AN ACT TO ADD §10108(q) TO ARTICLE 1, CHAPTER 10 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SUNSHINE REFORM ACT OF 1999 EXEMPTIONS FOR THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION, THE DEPARTMENT OF PUBLIC WORKS, THE GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD," was on the 5<sup>th</sup> 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. \_\_\_\_\_

\_\_\_\_\_  
*[Handwritten signature]*  
\_\_\_\_\_  
*[Handwritten signature]*  
\_\_\_\_\_  
*[Handwritten signature]*

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

**Bill No. 352 (LS)**

As substituted on the Floor.

Introduced by:

E. B. Calvo  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
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(q) TO ARTICLE 1, CHAPTER  
10 OF TITLE 5 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE SUNSHINE REFORM ACT OF  
1999 EXEMPTIONS FOR THE GUAM POWER  
AUTHORITY, THE DEPARTMENT OF YOUTH  
AFFAIRS, THE DEPARTMENT OF PARKS AND  
RECREATION, THE DEPARTMENT OF PUBLIC  
WORKS, THE GUAM CONTRACTORS LICENSING  
BOARD, THE BUREAU OF BUDGET AND  
MANAGEMENT RESEARCH, THE GUAM ENERGY  
OFFICE AND THE PROFESSIONAL ENGINEERS,  
ARCHITECTS AND LAND SURVEYORS BOARD.



1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. Public Law 25-06, known  
3 as the Sunshine Reform Act of 1999, changed the Guam policy governing the  
4 disclosure of records and information in the possession of public entities. The  
5 following agencies/departments, in accordance with §10106(b) of Public Law  
6 Number 25-06, submitted to the Committee on Power, Public Works, Tax and  
7 Regulatory Reform, Municipal and Community Affairs their lists of  
8 documents to be exempted from the disclosure requirements of Public Law  
9 Number 25-06: the Guam Power Authority; the Department of Youth Affairs;  
10 the Department of Parks and Recreation; the Department of Public Works; the  
11 Guam Contractors' Licensing Board; the Bureau of Budget and Management  
12 Research; the Guam Energy Office; and the Professional Engineers, Architects  
13 and Land Surveyors Board.

14 This Act is intended to *disapprove* all submitted lists by agencies  
15 contained herein and specifically approve exemptions contained under  
16 §10108. The disapproval of a submitted list is *not* intended to disapprove an  
17 exemption created in the Sunshine Reform Act, or as created herein, for those  
18 agencies.

19 Section 2. *Disapproval of Agency Lists.* The following agencies  
20 lists submitted pursuant to §10106(b) of Article 1, Chapter 10 of Title 5 of the  
21 Guam Code Annotated, as repealed and reenacted by Public Law Number 25-  
22 06, are hereby *disapproved*, but shall *not* affect the existing limitations already

1 contained within the Sunshine Reform Act of 1999, including within §10108,  
2 and their applicability to said agencies:

- 3 (1) the Guam Power Authority;
- 4 (2) the Department of Youth Affairs;
- 5 (3) the Department of Parks and Recreation;
- 6 (4) the Department of Public Works;
- 7 (5) the Guam Contractors Licensing Board;
- 8 (6) the Bureau of Budget and Management Research;
- 9 (7) the Guam Energy Office; *and*
- 10 (8) the Professional Engineers, Architects and Land Surveyors  
11 Board.

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

15 “(q) Draft documents of an Agency.”

16 **Section 4. Severability.** *If* any provision of this Law or its  
17 application to any person or circumstance is found to be invalid or contrary to  
18 law, such invalidity shall *not* affect other provisions or applications of this  
19 Law which can be given effect without the invalid provisions or application,  
20 and to this end the provisions of this Law are severable.

6

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/5/99

## VOTING SHEET

SBill No. 352

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

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

TOTAL

13    1    \_\_\_\_\_    \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



FILE

COPY

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

November 3, 1999

( DATE )

Memorandum


To: Senator Eduardo B Calvo

From: Clerk of the Legislature

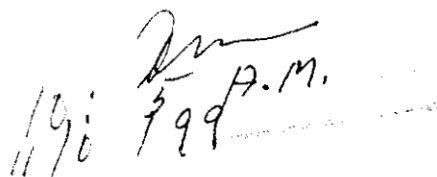
Subject: Report on Bill No. 352 (LS)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 352 (LS), 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: 2  
11: 70 799 P.M.



*Mina' Bente Singko Na Liheslaturan Guåhan*  
TWENTY-FIFTH GUAM LEGISLATURE  
SENATOR EDDIE BAZA CALVO  
Chairman

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM,  
MUNICIPAL and COMMUNITY AFFAIRS

E-Mail address:

120 Father Dueñas Avenue, Capitol Plaza, Suite 109  
Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518

Facsimile: (671) 472-4100

November 1, 1999

The Honorable Antonio R. Unpingco  
Speaker  
*I Mina' Bente Singko Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs, to which was referred **BILL NO. 352(LS)** does hereby report back, with the recommendation **TO DO PASS**.

Votes of the Committee members are as follows:

To Pass	<u>06</u>
Not to Pass	<u>0</u>
Abstain	<u>0</u>
Not Available	<u>5</u>
Off-Island	<u>0</u>

A copy of the Committee Report is attached for your consideration. (NOTE: Public Hearing held September 23, 1999.)

*Si Yin'os Ma'åse',*

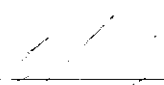
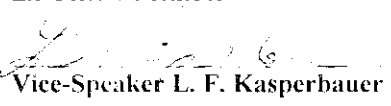
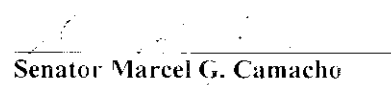
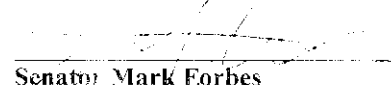
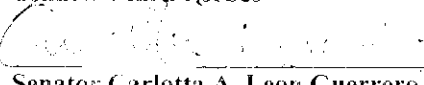

**EDDIE BAZA CALVO**  
Chairman

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**

*Mina Bente Singko Na Liheslaturan Guåhm*  
155 Hesler Street, Hagåtña, Guam 96910

**VOTING SHEET:**

**BILL NO. 352 (LS) "AN ACT RELATIVE TO THE PUBLIC WRITINGS OF THE GUAM POWER AUTHORITY, THE DEPARTMENT OF YOUTH AFFAIRS, THE DEPARTMENT OF PARKS AND RECREATION (PARKS DIVISION), GUAM CONTRACTORS LICENSING BOARD, THE BUREAU OF BUDGET AND MANAGEMENT RESEARCH, THE GUAM ENERGY OFFICE AND THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS BOARD." (By: E.B. Calvo)**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 _____ Senator Eddie Baza Calvo Chairman	_____	_____	_____	_____
_____ Senator Kaleo S. Moylan Vice-Chairman	_____	_____	_____	_____
_____ Speaker Antonio R. Unpingco Ex-Officio Member	_____	_____	_____	_____
 _____ Vice-Speaker L. F. Kasperbauer	_____	_____	_____	_____
_____ Senator Frank B. Aguon, Jr.	_____	_____	_____	_____
_____ Senator Eulogio C. Bermudes	_____	_____	_____	_____
_____ Senator Anthony C. Blaz	_____	_____	_____	_____
 _____ Senator Marcel G. Camacho	_____	_____	_____	_____
 _____ Senator Mark Forbes	_____	_____	_____	_____
 _____ Senator Carlotta A. Leon Guerrero	_____	_____	_____	_____
 _____ Senator Simon A. Sanchez, II	_____	_____	_____	_____

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**

*Mina' Bente Singko Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, Guam 96910

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**COMMITTEE REPORT**

**ON**

**BILL NO. 352(LS)**

(By: E.B.)

**COMMITTEE MEMBERS**

Chairman: Senator Eddie Baza Calvo

Vice-Chairman: Senator Kaleo S. Moylan

Ex-Officio Member: Antonio R. Unpingco

Senator Frank B. Aguon, Jr.

Senator Anthony C. Blaz

Senator Mark Forbes

Senator Carlotta A. Leon Guerrero

Senator Eulogio C. Bermudes

Senator Marcel G. Camacho

Vice-Speaker Lawrence F. Kasperbauer

Senator Simon A. Sanchez, II

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**

*Mina' Bente Singko Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, Guam 96910

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**BILL NO. 352(LS)**

**BILL NO. 352(LS)** \_\_\_\_\_ (By: E.B. Calvo)

**I. PUBLIC HEARING**

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs ("the Committee") held a public hearing on Thursday, September 23, 1999 at 9:00 a.m. to discuss and to take testimony on the lists of public writings to be considered as non-public and non-disclosable by the Guam Power Authority, the Department of Public Works, the Guam Contractors Licensing Board, the Bureau of Budget and Management Research, the Guam Energy Office, the Professional Engineers, Architects and Land Surveyors Board, the Department of Parks and Recreation and the Department of Youth Affairs.

The hearing was called to order by Committee Chairman, Senator Eddie Baza Calvo. with Senator Mark Forbes in attendance.

**II. TESTIMONY**

Appearing before the Committee to testify on behalf of their agencies were Mr. Ricardo Unpingco, Guam Power Authority; Mr. David Dell'Isola, Department of Youth Affairs; Mr. Sonny Shelton, Department of Parks and Recreation and Mr. George Tydingco, Department of Public Works. All were testifying in favor of the listing they submitted for non-disclosure.

Also appearing before the Committee was Ms. Jayne Flores, who was representing the Micronesia Chapter, Society of Professional Journalists. Ms. Flores expressed concern regarding the lists which were submitted and here concerns are contained in **Exhibit A**.

The lists submitted by the agencies for exemption from the disclosure requirements of Public Law 25-06 are attached as follows:

Exhibit B Guam Power Authority



- Exhibit C Department of Public Works
- Exhibit D Guam Contractors Licensing Board
- Exhibit E Bureau of Budget and Management Research
- Exhibit F Guam Energy Office
- Exhibit G Professional Engineers, Architects, Land Surveyors Board
- Exhibit H Department of Parks and Recreation
- Exhibit I Department of Youth Affairs

### **III. FINDINGS**

The Committee finds that the items requested for non-disclosure by each of the agencies that are exempted from Public Disclosure under the provision of Article 1 of Chapter 10 of Title 5, Guam Code Annotated as amended by Public Law 25-06 shall remain as private writings. The exception is with the Bureau of Budget and Management Research with respect to Audit Work Papers and Draft Audit Reports which the Committee agrees that they should be approved as items which are non-public and non-disclosable.

### **IV. RECOMMENDATION**

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs puts its recommendation in **BILL NO. 352(LS)**, and reports out **Bill No. 352(LS)** to *I Liheslaturan Guåhan*, with the recommendation **TO DO PASS**.

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

Bill No. 352 (LS)

Introduced by:

E. B. Calvo *EB*

RECEIVED  
1 NOV 1 1999

AN ACT TO RELATIVE TO THE PUBLIC WRITINGS  
OF THE GUAM POWER AUTHORITY, THE  
DEPARTMENT OF YOUTH AFFAIRS, THE  
DEPARTMENT OF PARKS AND RECREATION  
(PARKS DIVISION) GUAM CONTRACTORS  
LICENSING BOARD, THE BUREAU OF BUDGET  
AND MANAGEMENT RESEARCH, THE GUAM  
ENERGY OFFICE AND THE PROFESSIONAL  
ENGINEERS, ARCHITECTS AND LAND  
SURVEYORS BOARD

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

2           **Section 1. Legislative Findings and Intent.**           Public Law 25-06,  
3 known as the Sunshine Reform Act of 1999, changed the Guam policy  
4 governing the disclosure of records and information in the possession of  
5 public entities. The following agencies/departments, in accordance with  
6 Section 10106(b) of Public Law 25-067, submitted to the Committee on Power,  
7 Public Works, Tax and Regulatory Reform, Municipal and Community  
8 Affairs their lists of documents to be exempted from the disclosure  
9 requirements of Public Law 25-06.

10           Guam Power Authority

1 Department of Youth Affairs

2 Department of Parks and Recreation (Recreation Division)

3 Department of Public Works

4 Guam Contractors' Licensing Board

5 Bureau of Budget and Management Research

6 Guam Energy Office

7 Professional Engineers, Architects and Land Surveyors Board

8 **Section 2.** All records of the Guam Power Authority, the Department  
9 of Youth Affairs, the Department of Parks and Recreation (Recreation  
10 Division), the Department of Public Works, the Guam Contractors' Licensing  
11 Board, the Bureau of Budget and Management Research, the Guam Energy  
12 Office and the Professional Engineers, Architects and Land Surveyors Board  
13 that are exempted from Public Disclosure under the provisions of article 1 of  
14 Chapter 10 of Title 5, Guam Code Annotated as amended by Public Law 25-06  
15 shall remain as private writings.

16 **Section 3.** The following items are approved as private writings  
17 consistent with the provisions of §10106(b) of Article 1 of Chapter 10 of Title 5,  
18 Guam Code Annotated as amended by Public Law 25-06:

- 19 (a) At the Bureau of Budget and Management Research, Audit Work  
20 Papers and Draft Audit Reports.

21 **Section 4.** No private writings contained in any correspondence, board  
22 resolution or other document transmitted to *I Liheslaturan Guahan* prior to the  
23 enactment of this Act shall be considered private writings unless such  
24 writings are covered by Section 1 or 2 of this Act.

**From:** Kin & Jayne Flores <jayne@ite.net>  
**To:** sencalvo@ite.net <sencalvo@ite.net>  
**Cc:** hafaguam@ite.net <hafaguam@ite.net>; dvcris@ite.net <dvcris@ite.net>  
**Date:** Wednesday, October 27, 1999 11:10 AM  
**Subject:** MSPJ FOI testimony

Micronesia Chapter, Society of Professional Journalists  
Written Testimony  
FOI Hearings  
Submitted 10-27-99

The Micronesia Chapter, Society of Professional Journalists has submitted formal written testimony that the Sunshine Reform Act of 1999 allows sufficient exemptions for some government documents to be kept private.

MSPJ asks senators to keep in mind that many items on these government lists are too general in nature. We advise you, the lawmakers, to force the agency heads to be extremely specific about what types of documents fall under the provisions of Subsection 10108 of the Sunshine Reform Act.

For example, the University of Guam's proposed non-public list contained this item:

10. Legal counsel's correspondence related to University business. That statement, MSPJ testified, is too general in nature and could be used as an umbrella to keep out of the public eye legal correspondence that should be made public. UOG's legal counsel was understanding of MSPJ's position. Sen. Kasperbauer requested, and UOG agreed, to change the wording so that only legal correspondence involving pending legal matters would be kept private.

MSPJ recommends that senators make the suggested adjustments to these items contained in proposed non-public lists from the following government agencies:

Guam Power Authority:

- Budgeted contractual services information (individualized) - this item needs to be more specific
- Cost of Service Study - change to "Draft Cost of Service Study"
- Disconnection Listing - while private accounts may be kept out of the public eye, the list of government agencies that have not paid their GPA bills should definitely be open to the public
- Discovery Records or Documents in PUC Proceedings - include the word "draft" in front of this item
- Insurance Records - add "relating to pending claims prior to settlement"

**Exhibit "A"**

- Integrated Resource Plan - only the numerical cost estimates in the plan should be kept confidential. The rest of the plan should be open to the public.
- Memorandum from GPA's Internal Auditor to the Board of Directors - add "with regard to internal investigations"
- Notice of levy files or correspondences - add "with regard to employees"
- Records or Applications with Banks, Savings & Loan Assns., Credit Unions, or other financial institutions - add "with regard to employee matters only"

Department of Parks and Recreation

- Payroll Records - please note that all employees' salaries should be public information
- Offense Reports - are cases of offense and arrest records - As long as the arrest record is forwarded to GPD, MSPJ has no problem with this item.

Respectfully submitted by

Jayne Flores  
MSPJ Treasurer  
477-4487



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96910-2977

May 26, 1999

The Honorable Antonio R. Unpingco  
Speaker  
Twenty Fifth Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96932

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>APRARIO</u>
Time	<u>11:16am</u>
Date	<u>6-29-99</u>

Re: Information Exempted from Public Scrutiny

Dear Speaker Unpingco:

The following are my suggestions for information which should not be subjected to disclosure under open government laws:

- Personnel Data other than name, position, and pay grade
- Integrated Resource Plan
- Documents related to litigation which is on-going issues for which GPA has reason to believe there may be litigation in the near future
- Documents related to GPA strategies with respect to issues before the Public Utility Commission
- Bid Documents provided by vendors other than the vendor selected by GPA to provide the materials or services which are declared by the vendor to be "trade secrets"
- Documents created by GPA or a prospective vendor for which negotiations are on-going
- Memorandum from GPA's Internal Auditor to the Board of Directors
- Minutes from Board Meetings conducted in Executive Session.

Should you have any questions, please call me at 649-6818.

Sincerely,

RICARDO S. UNPINGCO  
General Manager

c: Board of Directors

00-328

# Exhibit "B"

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 5/11/99

Time: 4:20 pm

Rec'd by: ELUR

Print Name: Jaura

0525/99-0191



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96910-2977

Refer to  
**Legislative Secretary**

July 1, 1999

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fifth Guam Legislature  
Ufisinan i Liheslatura  
155 Hesler Street  
Hagåtña, Guam 96932

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>3:49 pm</u>
Date	<u>7-02-99</u>

Re: Guam Power Authority List of Non-Public/Non Disclosable Documents

Dear Speaker Unpingco:

Enclosed is the Guam Power Authority's list of documents submitted pursuant to 5 GCA §1010(b). Please let me know if you have any questions in this regard.

Sincerely,

RICARDO S. UNPINGCO  
General Manager

Enclosure: List of Non-Public/Non Disclosable Writings

00352

Office of the Speaker  
 ANTONIO R. UNPINGCO  
 Date: 7/2/99  
 Time: 3:38 pm  
 Rec'd by: [Signature]  
 Print Name: Laurie

0525/99-0202

**GUAM POWER AUTHORITY  
LIST OF NON-PUBLIC/NON-DISCLOSABLE WRITINGS  
PURSUANT TO 5 GCA §10106 (b)**

Academic records/transcripts

ADA ~ reasonable accommodation files or correspondences

Alcohol testing results, files or correspondences

Any and all personnel related matters, data, documentation, records, files, or correspondences

Any Document containing customer name

Bid Proposals, Procurement Records, other than the record required by 5 GCA §5249

Bid Documents provided by vendors other than the vendor selected by GPA to provide the materials or services which are declared by the vendor to be "trade secrets" or confidential information

Billing Records

Budgeted contractual services information (individualized)

Budgeted salaries for each position with employee names attached

Company profiles and/or other documents labeled "confidential" or "proprietary"

Cost center budget submissions or any budget session working documents

Cost of Service Study

Cost Estimates for Projects, Services, and Equipment Prior to Bid Award

Determination of Non-Responsibility

Disciplinary actions (i.e. employee counseling, letter of warning, letter of reprimand, notice of adverse actions, final decision on adverse action, etc.)

Disconnection Listing



LIST OF NON-PUBLIC/NON-DISCLOSABLE DOCUMENTS PURSUANT TO 5 GCA §10106 (b)

---

Discovery Records or Documents in PUC Proceedings

Documents or Records with Customer Information, Name, Account Numbers, Address, Telephone Numbers, or Other Similar Personal Information

Documents created by GPA or a prospective vendor for which negotiations are ongoing

Documents related to GPA strategies with respect to issues before the Public Utility Commission

Drug testing results ~ post accident, reasonable suspicion, applicant, promotional, or voluntary

Drug free workplace files or correspondences

EEO, sexual harassment complaint files or correspondences

Employee Performance Appraisal/Rating Appeals, Files or Correspondence, Committee Proceedings and Minutes

Employee assistance program files or correspondences

Every Document made Non-Disclosable by Federal Law

Fitness for duty examinations files or correspondences

GG1 personnel actions

Grievance Committee proceedings and minutes

Grievance files or correspondences

Home Address or Telephone Number of any Public Official or government Employee

Information Required from any Taxpayer

Information Concerning Taxpayer Records

Insurance Records

LIST OF NON-PUBLIC/NON-DISCLOSABLE DOCUMENTS PURSUANT TO 5 GCA §10106 (b)

---

Integrated Resource Plan

Leave sharing records or correspondences

Legal Opinions or Documents

Medical Surveillance Files - contains only results and findings of physical exams and referrals for further evaluation and treatment if necessary

Medical or psychiatric examinations

Memorandum from GPA's Internal Auditor to the Board of Directors

Minutes from Board Meetings conducted in Executive Session

Negotiation Documents

Non-government Customer Lists, Data, or Records, Files, Correspondence

Non-government Arrears Listing

Non-government Promissory Notes

Non-government Customer Accounts and Records

Notice of levy files or correspondences

Notification of personnel action

Performance appraisals and/or ratings

Personnel records or employment files/jackets

Personnel actions (i.e. salary increment, amendment/changes, pay adjustments, suspensions, demotions, dismissals, reclassification, promotion, transfer, resignation, retirement, etc.)

Personnel Data other than name, position, and pay grade

LIST OF NON-PUBLIC/NON-DISCLOSABLE DOCUMENTS PURSUANT TO 5 GCA §10106 (b)

---

Procurement Negotiation Documents

Professional medical opinion files or correspondences

Proprietary Information or Trade Secrets

Records Pertaining to Complaints or Pending Investigations

Records or Applications with Banks, Savings and Loan Associations, Credit Unions, or other Financial Institutions

Records Involving Alleged Commission of a Crime

Records Pertaining to Litigation, Pending, or Potential Litigation

Recruitment ~ certification of eligibles or supplemental certifications

Recruitment ~ selected interview results

Recruitment ~ employment applications

Recruitment ~ rating sheets/written or practice examinations results

Recruitment ~ eligibility list, re-employment list, promotional list, transfer list, voluntary demotion list

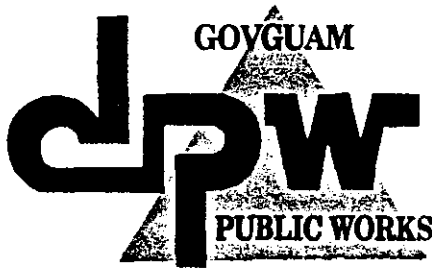
Recruitment ~ interview questions

Training records

Verification of employment or wage inquiry

Worker's Compensation Files - all documents pertaining to medical evaluations, treatments and billing

Workers compensation files or correspondences



Governor Carl T.C. Gutierrez  
Lt. Governor Madeleine Z. Bordallo  
Director Daniel A. Lizama  
Acting Deputy Director Jesse G. Garcia

Refer to  
Legislative Secretary

JUL 12 1999

The Honorable  
Antonio R. Unpingco  
Speaker  
Twenty-Fifth Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>5:05 pm</u>
Date	<u>7.12.99</u>

RE: Reform Sunshine Act of Guam  
P.L. 25-06

Dear Mr. Speaker:

This is in response and compliance to Public Law 25-06 requesting all departments and agencies to compile and submit records to the Legislature within 60 days upon the passage of the law, May 12, 1999.

Since the Department of Public Works is a line agency and all records that are considered non-public as stipulated in Section 10108; personnel, medical, similar files, home address and telephone numbers etc., the Department of Administration serves as the official records custodian on such matters. Any request for such records reflected above are automatically referred to Department of Administration.

We are therefore submitting the following documents we consider non-disclosure:

- **Engineers' estimates prior to advertisement to receive bids, and bid opening of the Project.** This engineers' estimate stipulates the estimated total construction cost of a certain project. This estimate should not be furnished to the public prior to advertisement and bid opening in such a way that prospective bidders had to come out with their own estimate.
- **Bid proposals for construction prior to award of the project.** The bid proposals from contractors shall not be distributed to public prior to award of the project because they first have to be analyzed to insure that proposals are acceptable and/or in compliance with contract requirements.

**Exhibit "C"**

00389

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 7-12-99  
Time: 1610  
Rec'd by: [Signature]  
Print Name: Charlene  
025/99-0226

Cont'd.

RE: Reform Sunshine Act 1999

· **Independent Government estimates for design fee prior to service contract negotiation.** Per approved Engineer-Architect (E-A) Services, Procurement Procedures, DPW, the independent government estimate shall be used for internal use only and shall not be released. During the period that the Department awards the E-A firm's submission of its proposal, the Department shall prepare the estimated cost for procurement of the E-A services. This estimate shall be based on direct cost, indirect costs, overhead, and profit, and shall be the basis of the Government to negotiate for the E-A service fee.

· **Pre-Negotiation memorandum for E/A services prior to award of the project.** This memorandum contains assumptions of scope of work that have to be discussed and clarified between the Government and E-A firm prior to final fee negotiation.

In support of the above non-disclosure of documents we are citing the GSA Procurement Regulation 3-202.12.3 Confidential Data and the Release of Information item VIII of the Approved Engineer-Architect (E-A) Services, Procurement Procedures, DPW. Please refer to Attachments A and B.

All other records under the purview of the Department of Public Works are considered open and can be requested by anyone with the exception of the above mentioned documents.

Should there be any questions, please do not hesitate to communicate with me at 646-3259.

Sincerely,

  
JESSE G. GARCIA  
Acting Director of Public Works

00389

Attachments

Upon its receipt, each bid and modification shall be time-stamped, but not opened and shall be stored in a secure place until the time and date set for bid opening.

### 3-202.12.2 OPENING AND RECORDING.

Bids and modifications shall be opened publicly in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bids. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be read aloud or otherwise made available. Such information also shall be recorded at the time of bid opening; that is, the bids shall be tabulated or a bid abstract made. The names and addresses of required witnesses shall also be recorded at the opening. The opened bids shall be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in Subsection 3-202.12.3 of this section. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. Prices and makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary.

### 3-202.12.3 CONFIDENTIAL DATA.

~~The Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the Procurement Officer shall inform the bidders in writing what portions of the bids will be disclosed and that, unless the bidder protests under Chapter 9 (Legal and Contractual Remedies) of this Guam Procurement Regulations, the bids will be so disclosed. The bids shall be opened to public inspection subject to any continuing prohibition on the disclosure of confidential data.~~

Effective Nov. 1, 1984

30

“ATTACHMENT A”

## VI. AWARD

Award of E-A service contracts shall conform with Government policy and procedures for award of construction, service, and supply contracts.

For Federal Aid Highway projects, a concurrence with the negotiated contract amount and authorization to proceed shall be obtained from FHWA prior to execution of the contract.

## VII. CONFLICT OF INTEREST

- A. The award of a contract for E-A services for a particular project and the award of a contract for the related construction work to the same firm, a parent firm, or its subsidiaries, or affiliates is prohibited except for a design/build contract.
- B. An E-A firm selected for negotiation of an E-A services contract shall be informed of the policy set forth above prior to the initiation of negotiations. If the firm possesses construction capabilities either within its own organization or through a parent firm, subsidiaries, or affiliates, the firm shall have the option of either:
  1. declining to enter into contract negotiations so that its parent firm, subsidiaries, or affiliates will be eligible to compete for the related construction contract; or
  2. entering into contract negotiations with the clear understanding that if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.
- C. The E-A firm shall acknowledge its understanding of the above policy in its proposal submission.

## VIII. RELEASE OF INFORMATION

The rank order list of firms selected by the E-A Evaluation Board as most highly qualified is for the internal use of the Department and such information shall at no time be made known to the firms under consideration or to any other non-Governmental source. Information may be released by the Director or Chief of Engineering identifying the E-A selected for negotiation and describing the work in general terms. If negotiations are terminated without consummating a contract, the Director or Chief of Engineering may release such information and the name of the firm with which the Government will start new negotiations. When an award has been made, the Department may release this information, giving special notice of the award to any firms interviewed by the E-A Evaluation Board.

## IX. DEBRIEFING UNSUCCESSFUL INTERVIEW FIRMS

- A. After a contract is awarded, unsuccessful firms that participated in the interviews may be debriefed upon written request of the firm. The debriefing shall be performed

Guam Contractors License Board  
Guaha' netnon Manlisenaiyen Kon tista  
Government of Guam

542 N. Marine Dr. - A Tamuning, Guam 96911 (671)646-7262; 649-2211/9676; 649-2210(Fax)

Refer to  
Legislative Secretary

July 22, 1999

Antonio R. Unpingco, Speaker  
Twenty-Fifth Guam Legislature  
155 Hessler St.  
Hagatna, Guam 96932

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>8:52 am</u>
Date:	<u>7.27.99</u>

Ref.: Sunshine Reform Act of 1999 Listing

Dear Mr. Speaker,

Hafa Adai!

Thank you for your reminder letter of July 20<sup>th</sup> in regards to our Agency's listing of exempted writings for the Sunshine Reform Act of 1999. We are forwarding a copy of our listing, dated July 12, 1999, which was addressed to Senator Mark Forbes and sent, via facsimile on the same date, with the original forwarded via US Postal service.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

  
ALICIA M. MILLARD  
Administrative Services Officer

00426

attachment

Office of the Speaker:  
ANTONIO R. UNPINGCO  
Date: 7/26/99  
Time: 2:00 pm  
Rec'd by: [Signature]  
Print Name: Laura  
0525/99-0249

**Exhibit "D"**



**Guam Contractors License Board**  
**Guahåñ Inetnon Manlisenaiyen Koråtista**  
**Government of Guam**

---

542 N. Marine Dr. - A Tamuning, Guam 96911 (671)646-7262; 649-2211/9676; 649-2210(Fax)

July 12, 1999

Senator Mark Forbes, Chairman  
Committee on Rules  
Twenty-Fifth Guam Legislature  
155 Hessler St.  
Agana, Guam 96932

Ref.: Statutory Exemptions and Exclusions  
Sunshine Reform Act of 1999

Hafa Adai Sentor Forbes,

The Contractors License Board submits the following as it's list of Statutory Exemptions and Exclusions:

**Financial records of Contractors or individuals registered with the Contractors License Board (i.e. Income Taxes Filed (1040/1120), Balance Sheets, Income Statements, etc.);**

**Social Security numbers of applicants and/or any individual listed on an application for Contractors licenses;**

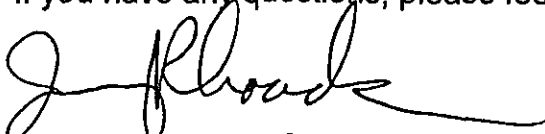
**Test scores, except pass or fail;**

**All materials and/or information relating to examination, except study guides;**

**Any information pertaining to on-going investigations, except names of complainant and/or respondent, date of complaint, and nature of complaint;**

**All information on closed cases except case summaries.**

If you have any questions, please feel free to contact our office.



JERRY F. RHOADS  
Executive Secretary (Registrar)



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Agaña, Guam 96910

**CARL T.C. GUTIERREZ**  
GOVERNOR

**MADELEINE Z. BORDALLO**  
LT. GOVERNOR

**JOSEPH E. RIVERA**  
DIRECTOR

**FRANCES J. BALAJADIA**  
DEPUTY DIRECTOR

JUN 10 1999

Memorandum

To: Attorney General

From: Director, Bureau of Budget & Management Research

Subject: Compliance with the Sunshine Reform Act of 1999

Pursuant to your memorandum of May 19, 1999, the Bureau is transmitting its list of what it considers to be non-public and non-disclosable records:

- Audit work papers
- Draft audit reports
- Employee's individual personnel files
- Employee's performance evaluation

Should you require additional information, please contact my office at 475-9429.

*Joseph Rivera*  
JOSEPH E. RIVERA  
Acting

RECEIVED

JUN 11 '99  
Schaco 3:40 pm  
ATTORNEY GENERAL'S OFFICE

**Exhibit "E"**



COMMONWEALTH NOW!



# GUAM ENERGY OFFICE

*Ufisinan Alentos Guahan*

Carl T.C. Gutierrez • Governor  
Madeleine Z. Bordallo • Lt. Governor

Fred P. Camacho • Director  
Jam G. Maravilla • Deputy Director

**Refer to  
Legislative Secretary**

July 12, 1999

Honorable Antonio R. Unpingco  
Speaker, 25th. Guam Legislature  
155 Hesler St.  
Hagatna, Guam 96910

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

Dear Senator Unpingco:

In accordance with memo regarding the Sunshine Law, I respectfully submit the following information to be listed as confidential and unavailable for public consumption.

1. Personnel documents on individuals employed with the Guam Energy Office. This information does not include currently listed as non exempt.
2. Monthly petroleum sales reports from individual oil companies. Currently, the Guam Energy Office provides a consolidated report available to the public.

If you have any questions, please do not hesitate to contact my office.

Senseramente,

*Fred P. Camacho*

**FRED P. CAMACHO**  
Director

# Exhibit "F"

00379

cc: Attorney General  
GEL-99-028

Office of the Speaker  
**ANTONIO R. UNPINGCO**

Date: 7-12-99

Time: 4:56

Rec'd by: [Signature]

Print Name: Charles

6525/99-0226



The Guam Board of Registration  
for  
**PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS**  
*Inetnon Inheneron Prufisionat, Atketekto yan Agranensot Tano'*

July 12, 1999

Letter to  
Legislative Secretary

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time:	<u>5:05pm</u>
Date:	<u>7-12-99</u>

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

Dear Speaker Unpingco:

*Hafa Adai!* In reference to the Sunshine Reform Act of 1999, the Professional Engineers, Architects and Land Surveyors (PEALS) Board considers the following records and documents confidential and are not public records:

1. Applications except for the applicant's name, date of application and current address;
2. All examination materials for examinations not yet given;
3. All examination results for which the grades have not yet been published;
4. File records of examination problems and solutions;
5. Letters of inquiry and reference concerning applicants;
6. Board inquiry forms concerning applicants;
7. Investigation files where any investigation is still pending; and
8. Minutes of meetings which has not been approved or adopted.

Should you require additional information, please do not hesitate to contact us.

Si Yu'os Ma'ase,

[Signature]  
ENRICO A. CRISTOBAL, A.I.A.  
Chairman

cc: Atty. General

00331

**Exhibit "G"**

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: July 12, 1999  
Time: 4:57 P.M.  
Rec'd by: [Signature]  
Print Name: Josel  
025/99-0226



Carl T.C. Gutierrez  
Governor

Madeleine Z. Bordallo  
Lt. Governor

DEPARTMENT of PARKS and RECREATION  
DIPATTAMENTON PLASET YAN DIBUETSION  
GOVERNMENT OF GUAM

Post Office Box 2950  
Hagatna, Guam 96932  
Telephone: (671) 475-6296/7  
Facsimile: (671) 477-0997



A.J. Sonny Shelton  
Director

Dominic G. Muna  
Deputy Director

July 12, 1999

Refer to  
Legislative Secretary

MEMORANDUM

TO: Speaker Antonio R. Unpingco  
25<sup>th</sup> Guam Legislature

FROM: Director, Department of Parks and Recreation

SUBJECT: Compliance with the Sunshine Reform Act of 1999 (P.L. 25-06)

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

The following are non-public, non-discloseable records the department maintains:

Fiscal Section/Director's Office

- a. Personnel Records – contains all employee's personal data for the department which are confidential in nature.
- b. Payroll Records – contains all information regarding employee's salary, hours worked, leave forms, overtime, CTO, and other payroll information which are confidential in nature.

Parks Division

- a. Park Protection Section:
  - 1. Offense Reports – are cases of offense and arrest records.
  - 2. Evidence Inventory Records – are evidences confiscated related to Offense Report Cases.
  - 3. Armory Inventory Records – Inventory of various weapons for use by Park Rangers.

Exhibit "H"

00388



The Way Forward!

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: July 12, 1999  
Time: 3:40 p.m.  
Rec'd by: [Signature]  
Print Name: Jack  
052599-0226

Memo to Speaker A.R. Unpingco  
Re: Sunshine Reform Act of 1999 (P.L. 25-06)  
July 12, 1999 - Page Two

Historic Resources Division

- a. Section 304 of the National Historic Preservation Act provides authority for federal agencies to withhold information on the location, character, or ownership of a historic resource if they properly make a determination that such disclosure may cause significant invasion of privacy, risk harm to the resource, or impeded use of a traditional site by practitioners.

The Historic Resources Division, in line with general practice of other Historic Preservation Offices, would like to also withhold this information when such a determination has been properly made. At this time, this would be only for such sites where a federal agency has made a determination – there no authorization for the Historic Resources Division to make its own determinations in existing Guam law.

There have been situations in the past where a federal agency has sought to refuse to give specific site locations to the HRD because they understood that location could not be held confidentially. The federal agencies were worried that with location in the public domain in our files, harm might come to the site in question which is both archaeological site and a nesting site for an endangered species.



A.J. SONNY SHELTON

Cc: Attorney General's Office

00388

**Section 304 (16 U.S.C. 4702-3)**

~~The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.~~

*(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.*-The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may-

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resource; or
- (3) impede the use of a traditional religious site by practitioners.

*(b) ACCESS DETERMINATION.*-When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

*(c) CONSULTATION WITH COUNCIL.*-When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f), the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

**Section 305 (16 U.S.C. 470w-4)**

In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

**Section 306 (16 U.S.C. 470w-5)**

(a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall-



Department of Youth Affairs  
Dipattamenton Asunton Manhoben



GOVERNMENT OF GUAM

P.O. BOX 23672  
GUAM MAIN FACILITY 96921  
Tel: (671) 734 -3911  
FAX: (671) 734-7536

CARL T.C. GUTIERREZ  
Governor of Guam

DAVID G. DELL'ISOLA  
Director

MADELEINE Z. BORDALLO  
Lieutenant Governor

ED S. BENAVENTE  
Deputy Director

Refer to  
Legislative Secretary

July 8, 1999

Speaker Antonio R. Unpingco  
25<sup>th</sup> Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By: [Signature]  
Time: 2:45 pm  
Date: 7.9.99

Honorable Speaker:

Buenas Yan Saluda!

In compliance with the Sunshine Reform Act of 1999 (P.L. 25-06), the following is a list of all writings that the Department of Youth Affairs considers to be non-public and non-disclosed:

1. All employee records and information covered in P.L. 25-06 and any other information that may be non-public per Guam Law;
2. Any and all juvenile/client information and information relating to juvenile/clients past and present;

I hope the above is sufficient. If not, please let me know.

Thank You,

[Signature]

DAVID G. DELL'ISOLA  
Director

Exhibit "I"

00362

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 7-9-99  
Time: 1143  
Rec'd by: [Signature]  
Print Name: Charlene  
0525/99-0214



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

Bill No. 352 (LS)

Introduced by:

E. B. Calvo *EB* 1999

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**AN ACT TO RELATIVE TO THE PUBLIC WRITINGS  
OF THE GUAM POWER AUTHORITY, THE  
DEPARTMENT OF YOUTH AFFAIRS, THE  
DEPARTMENT OF PARKS AND RECREATION  
(PARKS DIVISION) GUAM CONTRACTORS  
LICENSING BOARD, THE BUREAU OF BUDGET  
AND MANAGEMENT RESEARCH, THE GUAM  
ENERGY OFFICE AND THE PROFESSIONAL  
ENGINEERS, ARCHITECTS AND LAND  
SURVEYORS BOARD**

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

2           **Section 1. Legislative Findings and Intent.**           Public Law 25-06,  
3 known as the Sunshine Reform Act of 1999, changed the Guam policy  
4 governing the disclosure of records and information in the possession of  
5 public entities. The following agencies/departments, in accordance with  
6 Section 10106(b) of Public Law 25-067, submitted to the Committee on Power,  
7 Public Works, Tax and Regulatory Reform, Municipal and Community  
8 Affairs their lists of documents to be exempted from the disclosure  
9 requirements of Public Law 25-06.

10           Guam Power Authority

- 1 Department of Youth Affairs
- 2 Department of Parks and Recreation (Recreation Division)
- 3 Department of Public Works
- 4 Guam Contractors' Licensing Board
- 5 Bureau of Budget and Management Research
- 6 Guam Energy Office
- 7 Professional Engineers, Architects and Land Surveyors Board

8 **Section 2.** All records of the Guam Power Authority, the Department  
9 of Youth Affairs, the Department of Parks and Recreation (Recreation  
10 Division), the Department of Public Works, the Guam Contractors' Licensing  
11 Board, the Bureau of Budget and Management Research, the Guam Energy  
12 Office and the Professional Engineers, Architects and Land Surveyors Board  
13 that are exempted from Public Disclosure under the provisions of article 1 of  
14 Chapter 10 of Title 5, Guam Code Annotated as amended by Public Law 25-06  
15 shall remain as private writings.

16 **Section 3.** The following items are approved as private writings  
17 consistent with the provisions of §10106(b) of Article 1 of Chapter 10 of Title 5,  
18 Guam Code Annotated as amended by Public Law 25-06:

- 19 (a) At the Bureau of Budget and Management Research, Audit Work  
20 Papers and Draft Audit Reports.

21 **Section 4.** No private writings contained in any correspondence, board  
22 resolution or other document transmitted to *I Liheslaturan Guahan* prior to the  
23 enactment of this Act shall be considered private writings unless such  
24 writings are covered by Section 1 or 2 of this Act.