



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 07 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 LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<i>[Signature]</i>
Time:	4:55
Date:	6/7/99

Dear Speaker Unpingco:

Enclosed please find Bill No. 94 (LS), "AN ACT TO AMEND §10104(a)(2) OF ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION", which I have signed into law today as **Public Law No. 25-40**.

It should be noted that this measure references the wrong section regarding Limitation on Right of Inspection. Public Law No. 25-06, which I Liheslaturan Guåhan approved just last April, provides for this in §10108 rather than §10104 as noted in Bill No. 94. This technical correction will be necessary.

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

00275

Office of the Speaker	
ANTONIO R. UNPINGCO	
Date:	6/7/99
Time:	2:55
Rec'd by:	<i>[Signature]</i>
Print Name:	Laurie

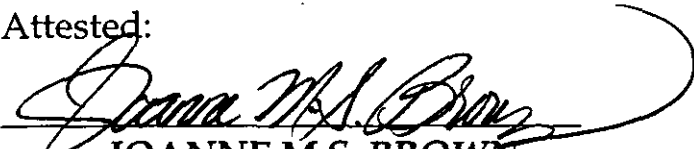
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

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

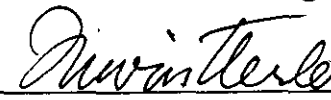
This is to certify that Bill No. 94 (COR), "AN ACT TO *AMEND* §10104(a)(2) OF ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION," was on the 24th day of May, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 26th day of May, 1999,
at 4:55 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 6-7-99

Public Law No. 25-40

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

Bill No. 94 (COR)

As amended.

Introduced by:

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

**AN ACT TO AMEND §10104(a)(2) OF ARTICLE 1,
CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
THE RIGHT OF INSPECTION.**

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

2 **Section 1.** Section 10104(a)(2) of Article 1, Chapter 10, Division 1, Part 1
3 of Title 5 of the Guam Code Annotated is hereby *amended* to read as follows:

4 **"Section 10104. Limitation on Right of Inspection.**

1 (a) None of the following documents may be inspected
2 and copied pursuant to §10103 of this Chapter, *unless* permitted by
3 any other law of Guam:

4 (1) files involving the investigation of any person,
5 real or legal, for the commission of any crime; provided,
6 however, that this Section shall *not* affect the public or sealed
7 nature of any documents filed with the courts in any action
8 or proceeding;

9 (2) the personnel file of any employee of the
10 government without his consent, *except* that relevant
11 material in said file shall be open to inspection after a final
12 decision has been rendered in any tribunal which may have
13 jurisdiction over the subject matter in the file. All
14 information regarding salary, and the name, and worksite
15 mail address of each employee shall be public;

16 (3) tax returns and tax records, *except* for real
17 property tax records and returns which shall be public; *and*

18 (4) police blotters, accident reports, daily activity
19 logs and similar information not restricted by Subsection (a)
20 of this Section shall be available to the public."

21 **Section 2. Severability.** *If* any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary to
23 law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.

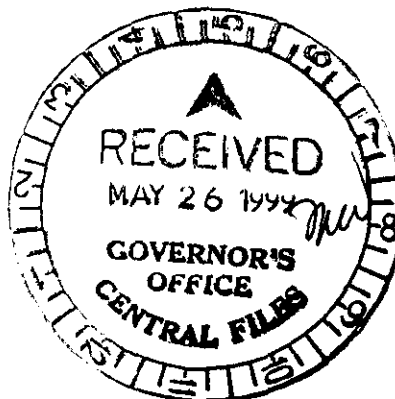


COPY

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

May 26, 1999

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 136 (COR), 166 (COR), and 177 (COR) and Bill Nos. 149 (COR) and ~~94~~ (COR) which were passed by *I Mina' Bente Singko Na Liheslaturan Guahan* on May 24, 1999.

Sincerely,

JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (5)

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

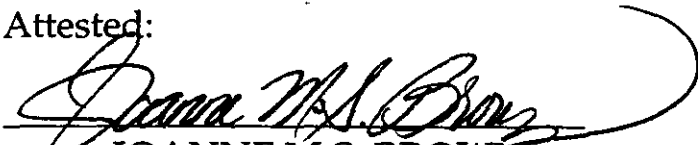
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 94 (COR), "AN ACT TO ~~AMEND~~ §10104(a)(2) OF ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION," was on the 24th day of May, 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 26th day of May, 1999,
at 4:55 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 5/24/99

VOTING SHEET

Bill No. 94(COE)

Resolution No. _____

Question: _____

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

TOTAL 13 0 0 0 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



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

FILE

May 17, 1999

(DATE)

COPY

Memorandum

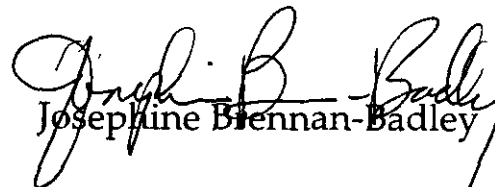
To: Senator JOHN C. SALAS

From: Clerk of the Legislature


Subject: Report on Bill No. 94 (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. 94 (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


4-15
5/17/99



FILE
COPY

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

May 17, 1999

(DATE)

Memorandum

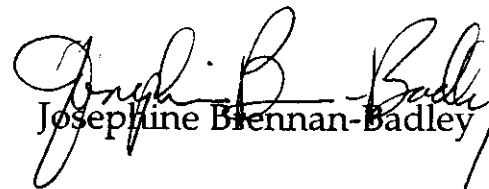
To: Senator JOHN C. SALAS

From: Clerk of the Legislature

Subject: Report on Bill No. 94 (COR)

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


Josephine Brennan-Badley

Attachment

RECEIVED
SIGNED: Am
INITIALS: 8:50 P.M.
DATE: 5/17/99



M i n a ' B e n t e S i n g k o N a L i h e s l a t u r a n G u a h a n

Twenty-Fifth Guam Legislature

The Office of
Senator Kaleo S. Moylan

Chairman, Committee on Housing, General Government Services and Foreign Affairs

Suite 16B
Sinajana Shopping Mall Phase II
777 Route 4
Sinajana, Guam 96928
Phone: (671) 472-3342/43/45
Fax: (671) 472-3440

Date: May 14, 1999

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

VIA: Chairperson, Committee on Rules, Government Reform, Reorganization and
Federal Affairs

Dear Mr. Speaker

The committee on Housing, General Government Services and Foreign Affairs, to which was referred Bill no. 94 (COR), "AN ACT TO AMEND §10104(a)(2), ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION," has had the same under consideration and now wishes to report back to same with the recommendation to do pass.

The Committee votes are as follows:

	To Do Pass
	Not To Pass
	Abstain
	Inactive File

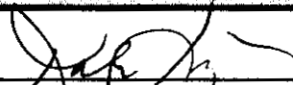
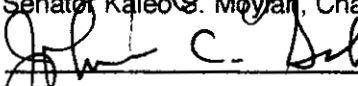
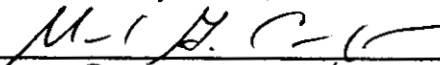
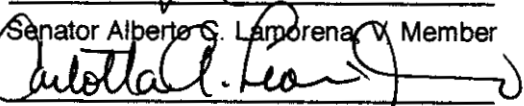
A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Thank you,

KALEO S. MOYLAN
Chairperson

Committee on Housing, General Government Services and Foreign Affairs
Vote Sheet on
Bill No. 94 (COR)

AN ACT TO AMEND §10104(a)(2), ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Senator Kaleo S. Moylan, Chairman	✓			
 Senator John C. Salas, Vice Chairman	✓			
Speaker Antonio R. Unpingco, Ex-Officio				
Senator Frank B. Aguon, Jr., Member				
Senator Anthony C. Blaz, Member				
 Senator Marcel G. Camacho, Member	✓			
 Senator Alberto G. Lamorena, Member	✓			
Senator Carlotta A. Leon Guerrero, Member				
Senator Vicente C. Pangelinan, Member				
Senator Simon A. Sanchez, II, Member				

**COMMITTEE ON HOUSING,
GENERAL GOVERNMENT SERVICES
AND FOREIGN AFFAIRS**

I Mina Bente Singko Na Liheslaturan Guåhan
155 Hesler Street Hagåtña, Guam 96932

**COMMITTEE REPORT
ON
Bill No. 94**

**AN ACT TO AMEND §10104(a)(2), ARTICLE 1, CHAPTER 10,
DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE
ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION.**

COMMITTEE MEMBERS

Chairman: Senator Kaleo S. Moylan

Vice Chairman: Senator John C. Salas

Senator Frank B. Aguon, Jr.

Senator Marcel G. Camacho

Senator Carlotta A. Leon Guerrero

Senator Simon A. Sanchez, II.

Senator Anthony C. Blaz

Senator Alberto C. Lamorena, V.

Senator Vicente C. Pangelinan

Senator Antonio R. Unpingco, Speaker

SUMMARY OF TESTIMONY

No Oral Testimony

Though not present at the hearing to testify, written testimony was provided by Fred Nishihira, Legal Counsel for the Department of Education, who states that no public policy is served by releasing an employee's age and therefore that stipulation should be removed from the Right of Inspection section of Guam law. Mr. Nishihira also noted that having "worksite address" as public information rather than home address could protect individuals from potential harassment, stalkers etc.

There being no other witnesses, the Chairman adjourned the hearing.

COMMITTEE FINDINGS

The Committee finds that Bill No. 94 addresses modest language changes in the law that are reflective of current attitudes concerning privacy and the Right of Inspection.

COMMITTEE RECOMMENDATIONS

The Committee on Housing, General Government Services and Foreign Affairs hereby reports out Bill No. 94 to the Twenty-Fifth Guam Legislature with the recommendation **TO PASS**.

FEB 10 1999

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

Bill No. 94 (CR)

Introduced by:

J. C. Salas *J. C. Salas*
K. S. Moylan *K. S. Moylan*
A. R. Unpingco *A. R. Unpingco*

AN ACT TO AMEND §10104(a)(2), ARTICLE 1,
CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
THE RIGHT OF INSPECTION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 10104 (a)(2) of Article 1, Chapter 10, Division 1, Part
3 1 of Title 5 of the Guam Code Annotated is hereby *amended* to read as
4 follows:

5 "§10104. Limitation on Right of Inspection.

6 (a) None of the following documents may be inspected and copied
7 pursuant to §10103 of this Chapter unless permitted by any other law of
8 Guam:

9 (1) files involving the investigation of any person, real or legal, for the
10 commission of any crime; provided, however, that this Section shall not
11 affect the public or sealed nature of any documents filed with the courts in any
12 action or proceeding.

13 (2) the personnel file of any employee of the government without his
14 consent, except that relevant material in said file shall be open to inspection

1 after a final decision has been rendered in any tribunal which may have
2 jurisdiction over the subject matter in the file. All information regarding
3 salary, and the name, age, and worksite mail address of each employee shall
4 be public.

5 (3) Tax returns and tax records (except for real property tax records
6 and returns which shall be public).

7 (4) *Police Blotters*, accident reports, daily activity logs, and similar
8 information not restricted by Subsection (a) of this Section shall be available
9 to the public.

10 **Section 2. Severability.** If any provision of this Law or its
11 application to any person or circumstance is found to be invalid or contrary to
12 law, such invalidity shall not affect other provisions or applications of this
13 Law which can be given effect without the invalid provisions or application,
14 and to this end the provisions of this Law are severable.



Richard L. G. Taimanaga
 Director of Education

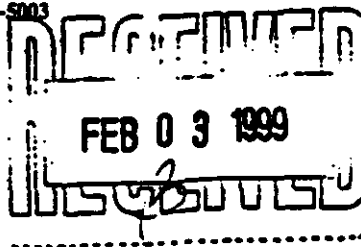
Allen A. Yamashita, Ph.D
 Deputy Director of Education

DEPARTMENT OF EDUCATION

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



Fred S. Nishitara, Jr.
 Legal Counsel



February 2, 1999

Honorable John C. Salas
Chairman, Committee on Judiciary,
Public Safety, Consumer Protection
and Human Resources Development
777 Sinajana Shopping Mall
Sinajana, Guam

Dear Honorable Salas:

Hafa Adai! I have spoken with your Chief of Staff and she requested that I address my concerns in writing. Your review of my request is appreciated.

I am requesting your assistance in amending 5 GCA §10104(a)(2) to read as follows:

(2) the personnel file of any employee of the government without his consent, except that the relevant material in said file shall be open to inspection after a final decision has been rendered in any tribunal which may have jurisdiction over the subject matter in the file. All information regarding salary, and the name, age and worksite mail address of each employee shall be public.

AGE

No public policy is served by the release of an employee's age; therefore, I am requesting your assistance in deleting the language.

MAIL ADDRESS

I am additionally requesting your assistance in adding new language to the law by requiring the worksite address of an employee versus the mailing address of an employee. Simply put, this amendment would protect employees from unwanted mail as well as unwanted visitors and in some cases, stalkers. For contact purposes, a worksite address should be more than adequate to address any concerns of the inquiring party.

Thank you for your time and attention on this matter. If you should have any further questions, please feel free to contact me at 475-0421.

Sincerely,

Fred Nishitara
Legal Counsel





The Office of
Senator Kaleo S. Moylan

Chairman, Committee on Housing, General Government Services and Foreign Affairs

Suite 16B
Sinajana Shopping Mall Phase II
777 Route 4
Sinajana, Guam 96926
Phone: (671) 472-3342/4345
Fax: (671) 472-3440

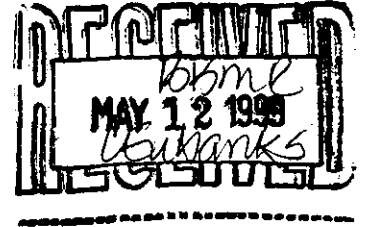
May 11, 1999

MEMORANDUM

TO: Joseph Rivera, Acting Director, BBMR

FROM: Senator Kaleo S. Moylan
Chairman, Committee on Housing, General Government Services and Foreign Affairs

SUBJECT: Request for Fiscal Notes



Pursuant to Title 2, Chapter 9, GCA, please provide fiscal notes for the following bills as soon as possible but no later than Monday, May 17, 1999 (next Legislative session).


Bill No. 94

AN ACT TO AMEND SECTION 10104(a)(2), ARTICLE 1, CHAPTER 10, DIVISION I, PART I OF TITLE 5 OF THE GCA, RELATIVE TO THE RIGHT OF INSPECTION.

Bill No. 103

AN ACT TO REPEAL AND REENACT SECTION 4104 (a) OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GCA, RELATIVE TO PREFERENCES FOR BASIC LAW ENFORCEMENT ACADEMY GRADUATES.

Your attention is appreciated.


KALEO S. MOYLAN
Senator, 25th Guam Legislature

Attachments

Notice of Public Hearing



Mina'Bente Singko Na Liheslaturan Guáhan Senator Kaleo S. Moylan

Chairman, Committee on Housing, General Government Services and Foreign Affairs

Date:
Wednesday, April 21, 1999

Place: I LIHESLATURAN GUAHAN
PUBLIC HEARING ROOM
155 HESLER STREET,
HAGATNA, GUAM

A G E N D A

8:30 a.m.

- * Governor's appointment of Mr. Peter Sgro as Acting Member, Guam Banking Board, to expire March 16, 2001.
- * Governor's appointment of Mr. Pedro G. Pangelinan as Acting Member, Cockpit License Board, to expire March 26, 2000.
- * Governor's appointment of Mr. Luis L.G. Paulino, Acting Member, Guam Housing and Urban Renewal Authority Board of Commissioners, to expire May 6, 2004.

Bill No. 91- AN ACT TO REPEAL SECTION 113102 AND TO AMEND SECTION 113103 OF CHAPTER 113, OF TITLE 11, GUAM CODE ANNOTATED RELATING TO CORPORATE NAME OF AN ASSOCIATION.

Bill No. 83- AN ACT TO ESTABLISH RULES AND REGULATIONS TO IMPLEMENT THE FIRST-TIME HOMEOWNERS RELIEF PROGRAM ACT PURSUANT TO PUBLIC LAW 24-180, CODIFIED AS ARTICLE 7, CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED.

Bill No. 180- AN ACT TO ADD A NEW SECTION 4115 TO ARTICLE 1, CHAPTER 4 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM HOUSING CORPORATION TO INCREASE THE DEBT TO INCOME RATIO FOR FIRST-TIME HOMEOWNERS.

Bill No. 94- AN ACT TO AMEND §10104(a)(2), ARTICLE 1, CHAPTER 10, DIVISION 1, PART 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RIGHT OF INSPECTION.

Bill No. 103- AN ACT TO REPEAL AND REENACT SECTION 4104(a) OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO PREFERENCES FOR BASIC LAW ENFORCEMENT ACADEMY GRADUATES.

Bill No. 142- AN ACT TO TRANSFER EMPLOYEES ON A VOLUNTARY BASIS FROM THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF LAND MANAGEMENT TO THE CHAMORRO LAND TRUST COMMISSION.

Bill No. 140- AN ACT TO ADD A NEW ARTICLE 4 OF CHAPTER 4 TITLE 21 OF THE GUAM CODE ANNOTATED, TO REQUIRE DISCLOSURES UPON TRANSFER OF IMPROVED PROPERTY.

1 p.m.

Bill No. 175- AN ACT TO ADD A NEW §5218 TO TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO SUBJECTING ALL UNSOLICITED OFFERS TO THE GOVERNMENT OF GUAM TO THE COMPETITIVE SEALED BIDDING PROCEDURES OF GUAM PROCUREMENT REGULATIONS.

Bill No. 166- AN ACT TO REPEAL PUBLIC LAW NUMBER 24-323 IN ITS ENTIRETY, TO REENACT CHAPTER 33 OF TITLE 7 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MECHANIC'S LIEN LAW.

4 p.m.

Bill No. 185- AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF 8164, §8207 AND SUBSECTION (h) OF §8218, AND TO ADD A NEW §8209.1, ALL OF CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE TRANSFER PERIOD OF THE MEMBERS OF THE GOVERNMENT OF GUAM RETIREMENT FUND TO THE DEFINED CONTRIBUTION RETIREMENT SYSTEM.

Bill No. 100- AN ACT TO REPEAL, REENACT, AND AMEND CERTAIN SECTIONS OF ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM RETIREMENT FUND ADOPTING MODERN INVESTMENT PRACTICES INCORPORATED IN THE UNIFORM MANAGEMENT OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS ACT.

* The public is invited to express their views *

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Moylan at 472-3342/3 or fax 472-3440