



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker
Vicente C. Pangelinan

JUL 01 2004

TIME: 4:50 () AM / () PM
RECEIVED BY: [Signature]

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

01 JUL 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 233 (COR), "AN ACT RELATIVE TO AMENDING §8104(2a)(1), TITLE 5 OF THE GUAM CODE ANNOTATED, TO MAKE THE OPEN GOVERNMENT LAW APPLICABLE TO ELECTED BOARDS AND COMMISSIONS," which I signed into law on June 25, 2004 as Public Law No. 27-93.

Sincerely yours,

[Handwritten Signature]

FELIX P. CAMACHO
I Maga' Låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

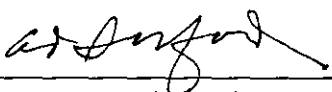
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

This is to certify that Bill No. 233 (COR), "AN ACT RELATIVE TO AMENDING §8104(a)(1), TITLE 5 OF THE GUAM CODE ANNOTATED, TO MAKE THE OPEN GOVERNMENT LAW APPLICABLE TO ELECTED BOARDS AND COMMISSIONS," was on the 18th day of June, 2004, duly and regularly passed.

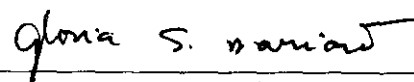
Attested:

vicente (ben) c. pangelinan
Speaker



Antoinette (Toni) D. Sanford
Senator and Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 21st day of June, 2004,
at 4:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 6/25/04

Public Law No. 27-93

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 233 (COR)

Introduced by:

R. Klitzkie
Mark Forbes
J. M.S. Brown
L. F. Kasperbauer
J. A. Lujan
Ray Tenorio
v. c. pangelinan
L. A. Leon Guerrero
F. B. Aguon, Jr.
R. J. Respicio
Toni Sanford
J. M. Quinata
C. Fernandez
F. R. Cunliffe
T. R. Muña Barnes

AN ACT RELATIVE TO AMENDING §8104(a)(1), TITLE 5
OF THE GUAM CODE ANNOTATED, TO MAKE THE
OPEN GOVERNMENT LAW APPLICABLE TO ELECTED
BOARDS AND COMMISSIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §8104 (a) (1) of 5 GCA, is *amended* to read:

3 “(a) (1) Public agency includes any board, commission or
4 comparable unit of government, any of whose members are elected,
5 appointed by *I Maga’lahen Guåhan* or appointed by *I Liheslatura*; any non-
6 profit corporation created by one (1) or more public agencies or *I*
7 *Liheslatura*, and whose board of directors is appointed by such public

1 agencies or by *I Maga'lahen Guåhan* or *I Liheslatura*, and which is formed
2 to acquire, construct, reconstruct, maintain or operate any public work
3 project, or any board, commission, committee or other body on which
4 officers of a public agency serve in their official capacity as members
5 and which is supported in whole or in part by funds provided by such
6 agency, whether such board, commission, committee or other body is
7 organized and operated by such local agency or by a private
8 corporation."



FILE COPY

MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

May 24, 2004

(Date)

Memorandum

To: Senator Klitzkie

From: Clerk of the Legislature

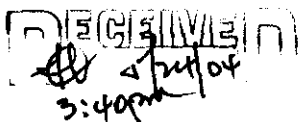
Subject: Committee Report on Bill No. 233(COR)

Pursuant to Section 7.04 of Rule VII of the 27th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 233(COR), for which you are the prime sponsor.

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


PATRICIA C. SANTOS

Attachment





FRANK B. AGUON, JR.

Vice Speaker

May 19, 2004

MEMORANDUM.

The Honorable ben c. pangelinan
Speaker, *I Mina' Bente Siete Na Liheslaturan Guahan*
155 Hesler Street
Hagåtña, Guam 96910

Via: Honorable Senator Lou Leon Guerrero, Committee on Rules & Health

Dear Speaker pangelinan:

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which was referred, Bill No. 233 (COR) – An Act Relative to 5 GCA §8104 (A) (1) to make the Open Government Law applicable to Elected Boards and Commission, has had the same under consideration, and now wishes to report back the same with the recommendation TO DO PASS.

The voting record is as follows:

TO PASS

8

NOT TO PASS

-0-

TO ABSTAIN DUE TO POTENTIAL CONFLICT

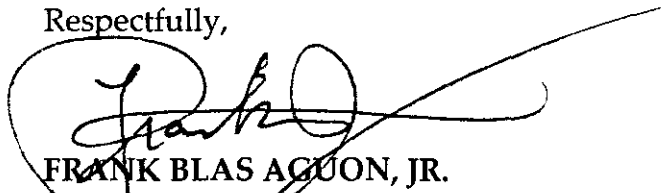
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TO PLACE IN INACTIVE FILE

-0-

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention to this matter. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,


FRANK BLAS AGUON, JR.
Vice Speaker/Senator
I Mina' Bente Siete Na Liheslaturan Guahan

Respetu Para Todu (*Respect for All*)

I Mina Bente-Siete Na Liheslaturan Guahan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



2004 MAY 19 10:17 AM
250



FRANK B. AGUON, JR.

Vice Speaker

May 19, 2004

MEMORANDUM

TO: Members, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

FROM: Vice Speaker Frank B. Aguon, Jr. Chairman, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

SUBJECT: Committee Report – Bill No. 233 (COR)

Transmitted herewith for your information and action is the report on Bill No. 233 (COR) An Act Relative To 5 GCA §8104 (A) (1) To Make The Open Government Law Applicable To Elected Boards And Commissions. From the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

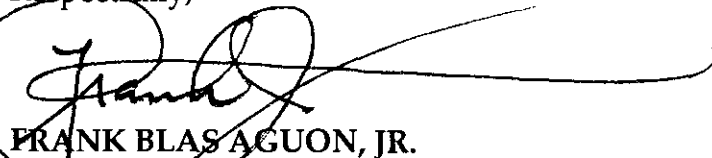
This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 233 (COR)
4. Public Hearing Sign-in Sheet
5. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,



FRANK BLAS AGUON, JR.

Vice Speaker/Senator

I Mina' Bente Siete Na Liheslaturan Guåhan

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.

Vice Speaker

**Committee on Appropriations and Budgeting, General Governmental
Operations, Reorganization and Reform
VOTING SHEET**

**Bill No. 233 (COR) - An Act Relative To 5 GCA §8104 (A) (1) To Make The Open Government
Law Applicable To Elected Boards And Commissions.**

Committee Members	To Pass	Not to Pass	To Abstain due to potential Conflict	To place in Inactive File
 FRANK B. AGUON, JR. Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANTOINETTE D. SANFORD Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 LOU LEON GUERRERO Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TINA R. MUÑA-BARNES Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN M. QUINATA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 RORY J. RESPICIO Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARMEN FERNANDEZ Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARK FORBES Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 LAWRENCE E. KASPERBAUER Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Respetu Para Todu (Respect for All)





FRANK B. AGUON, JR.

Vice Speaker

I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN

Committee on Appropriations and Budgeting,
General Governmental Operations,
Reorganization and Reform

**VICE SPEAKER FRANK B. AGUON, JR.
CHAIRMAN**

Committee Report
On
Bill No.233 (COR)

**AN ACT RELATIVE TO 5 GCA §8104 (A) (1) TO MAKE THE OPEN
GOVERNMENT LAW APPLICABLE TO ELECTED BOARDS AND
COMMISSIONS.**



Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Libeslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



I. OVERVIEW

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform to which was referred Bill 233 (COR) held a public hearing at 4:00 p.m. on Wednesday, May 12, 2004 in the Public Hearing Room, *I Liheslaturan Guåhan*. A paid ad was publicized in the Pacific Daily News on Wednesday, March 24 and Wednesday, May 5, 2004. The hearing was also announced Thursday, May 6, and Monday, May 10 in discussion on News Talk K57 during “The Big Show” with Travis Coffman; Tuesday, May 11, 2004 during News Talk K57 news broadcasts and in a news brief on KUAM news; and Wednesday, May 12, 2004 in a news article in the Pacific Daily News.

Senators present at the public hearing were:

Vice-Speaker Frank Blas Aguon, Jr., Chairman

Speaker ben pangelinan

Senator Toni Sanford, Vice Chair

Senator Carmen Fernandez

Senator Tina Muna Barnes

Senator Rory Respicio

Senator Larry Kasperbauer

Senator Robert Klitzkie

II. SUMMARY OF TESTIMONY

Jacob Cruz, representing himself stated that he is in support of Bill 233.

David .R. Craddick, General Manager of Guam Waterworks, who was not able to provide an oral testimony submitted a written testimony, which stated that the Consolidated Commission on Utilities is currently complying with the Open Government Law and is therefore in support of Bill 233. **(See attachment 1).**

Juan P. Flores, Superintendent of Education, provided a written testimony in support of the intent of Bill 233. **(See attachment 2).**

Rosa Palomo, Vice Chair of the Guam Educational Policy Board, stated a brief oral testimony that she too, is in support of the bill.

III. FINDINGS AND RECOMMENDATION

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform finds that Bill No. 233 is a good measure to instill the accountability within the Government of Guam as to where all board and Commission members can be a part of the Open Government Law.

Accordingly, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill No 233 was referred, does hereby submit its findings and recommendations to *I Mina Bente Siete Na Liheslaturan Guåhan*
TO DO PASS BILL NO. 233 (COR) - An Act Relative To 5 GCA §8104 (A) (1) To Make
The Open Government Law Applicable To Elected Boards And Commissions.



GUAM WATERWORKS AUTHORITY

"Good Water Always"

Post Office Box 3010, Hagatna, Guam 96932

Phone: (671) 647-2603 Fax: (671) 646-2335

May 12, 2004

**27th Guam Legislature
Committee on Appropriations & Budgeting, General Government Operations,
Reorganization & Reform**

Bill No. 233

TESTIMONY

The Consolidated Commission on Utilities is currently complying with the Open Government Law therefore we support Bill 233.

Thank you for this opportunity to provide testimony on this bill.

Senseramente,

DAVID R. CRADDICK
General Manager

Attachment 7a

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 233 (COR)

Introduced by:

- R. Klitzkie
- Mark Forbes
- J.M.S. Brown
- L. F. Kasperbauer
- J. A. Lujan
- Ray Tenorio
- v.c. pangelinan
- L. A. Leon Guerrero
- F. B. Aguon, Jr.
- R. J. Respicio
- Toni Sanford
- J. M. Quinata
- Carmen Fernandez
- F. R. Cunliffe
- T. R. Muña Barnes

**AN ACT RELATIVE TO 5 GCA §8104 (a) (1) TO MAKE THE OPEN GOVERNMENT
LAW APPLICABLE TO ELECTED BOARDS AND COMMISSIONS**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section § 8104 (a) (1) of 5 GCA is amended to read:

(a) (1) Public agency includes any board, commission or comparable unit of government any of whose members are elected, appointed by the Governor or appointed by the Legislature; any non-profit corporation created by one or more public agencies or the Legislature and whose board of directors is appointed by such public agencies or by the Governor or Legislature and which is formed to acquire, construct, reconstruct, maintain or operate any public work project or any board, commission, committee or other body on which officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.

Attalberto F. 26



DEPARTMENT OF EDUCATION

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



JUAN P. FLORES
Superintendent of Education

May 12, 2004

HONORABLE FRANK B. AGUON, JR.
Vice Speaker
I Mina' Bente Siete Na Lihelaturan Guahan

HAND DELIVER

Subject: Testimony in Support of Bill No. 233

Dear Vice Speaker Aguon:

Buenas yan Hafa Adai! The Department of Education (DOE) supports the intent of Bill No. 233 - *An act relative to 5 GCA §8104 (a) (1) to make the open government law applicable to elected boards and commissions.*

Thank you for your continued support for Guam's public education system and assuring quality educational opportunities for Guam's public school students.

Si Yu'os Ma'ase!

JUAN P. FLORES
Superintendent of Education

Attachment 2



Introduction

DEC 10 2003

**MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session**

Bill No. 233 (COR)

Introduced by:

R. Klitzke
Mark Forbes
J.M.S. Brown
L. F. Kasperbauer
J.A. Lujan
Ray Tenorio

L.A. Leon Amador
F.B. Aquino, Jr.
R. J. ...
T. ...
J.M. Quinada
F.R. ...
T.C. ...

**AN ACT RELATIVE TO 5 GCA §8104 (a) (1) TO MAKE
THE OPEN GOVERNMENT LAW APPLICABLE TO
ELECTED BOARDS AND COMMISSIONS**

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

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14

Section 1. Section § 8104 (a) (1) of 5 GCA is amended to read:

(a) (1) Public agency includes any board, commission or comparable unit of government any of whose members are elected, appointed by the Governor or appointed by the Legislature; any non-profit corporation created by one or more public agencies or the Legislature and whose board of directors is appointed by such public agencies or by the Governor or Legislature and which is formed to acquire, construct, reconstruct, maintain or operate any public work project or any board, commission, committee or other body on which officers of a public agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.



**Committee on Appropriations and Budgeting, General Governmental Operations,
Reorganization and Reform**

Vice Speaker Frank B. Aguon, Jr., Chairman

Public Hearing: Wednesday, May 12, 2004 • 4:00 p.m.

I Liheslaturan Guahân, Hagåtña

Witness sign in sheet

Bill 233 (COR) - An Act Relative To 5 GCA §8104 (A) (1) To Make The Open Government Law Applicable To Elected Boards And Commissions.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
JACOB Cruz	Self	✓				876-2400
David R. Craddock	GWA		X			



***I Mina' Bente Siete Na Liheslaturan
Guahan***

The Committee on Appropriations and
Budgeting, General Governmental Opera-
tions, Reorganization and Reform

VICE SPEAKER FRANK B. AGUON, JR.,
Chairman

Hearing on Wednesday, May 12, 2004 4 p.m.

Legislative Public Hearing Room:

Bill 188: An act relative to appropriating the sum of Ten Million Dollars (\$10,000,000) from the Fiscal Year 2004 General Fund derived from the recent bank tax settlement to address educational facility repair requirements, tax refund payments and other necessary expenses of the Government of Guam.

Bill 201: An act to utilize a portion of the recent tax settlement to offset the recently re-imposed 11.5% rate surcharge by appropriating the sum of Three Million Dollars (\$3,000,000) from the General Fund to GWA to provide GWA with funding for emergency procurement for repairs to the Ugum Water Treatment Plant and to place a temporary moratorium on all new surcharges and rate increases by GWA.

Bill 233: An act to make the open government law applicable to elected boards and commissions.

Bill 280: An Act to remove potential conflicts of interest on boards and commissions of the Government of Guam.

Bill 285: An act to amend Chapter 10, Title 4 Guam Code Annotated Public Employee-Management Relations Act creating the Public Employee-Management Relations Act of Guam 2004.

Written testimonies may be faxed to 479-4827 before the hearing.
For ADA assistance, contact ADA Coordinator Fred Burgos at 479-4486
Paid for by Government of Guam funds

Publish May 5, 2004 PDN