



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

May 24, 2004

(Date)

Memorandum

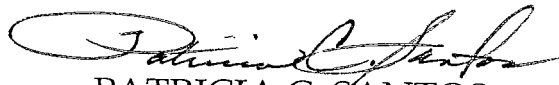
To: Senator Klitzkie

From: Clerk of the Legislature

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

Pursuant to Section 7.04 of Rule VII of the 27<sup>th</sup> 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 Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

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

Dear Speaker pangelinan:

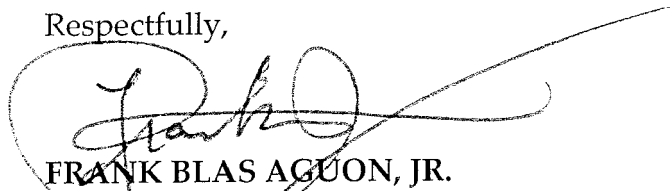
The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which was referred, Bill No. 233 (COR) – An Act Relative to 5 GCA §8104 (A) (1) to make the Open Government Law applicable to Elected Boards and Commission, has had the same under consideration,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

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	<u>-0-</u>
TO ABSTAIN DUE TO POTENTIAL CONFLICT	<u>-0-</u>
TO PLACE IN INACTIVE FILE	<u>-0-</u>

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 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*

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.

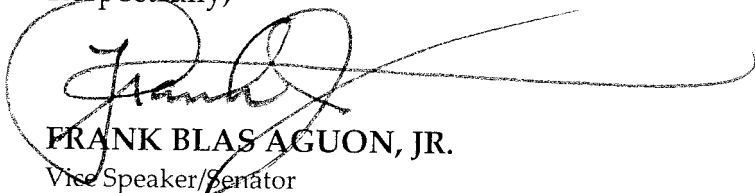
This memorandum is accompanied by the following:

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 Guahan*

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**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 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 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*

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*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 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



## 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"<sup>™</sup>

Post Office Box 3010, Hagatna, Guam 96932

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

May 12, 2004

27<sup>th</sup> 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.

Senseremente,

DAVID R. CRADDICK  
General Manager

*Handwritten note:* Attached to



MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN  
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:**

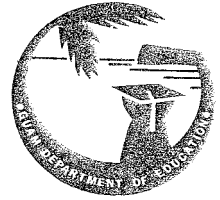
(a) (1) Public agency includes any board, commission or comparable unit of government any of whose members are elected, appointed by the Governor or appointed by the Legislature; any non-profit corporation created by one or more public agencies or the Legislature and whose board of directors is appointed 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.

*MHaddad 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 Liheslaturan 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*

**COMMONWEALTH NOW!**



Introduced by

DEC 10 2003

**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

L.A. DeLeon  
F.B. Aguon, Jr.  
R. J. ...  
T. ...  
J.M. Quinata  
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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**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. Agnon, Jr., Chairman**

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

*I Liheslatuan Guahan, 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
SCORCRA David R. Craddock	Sell GWR	✓	X			956-4500



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

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**

*Publsh May 15 2004 PPN*