

OCT 19 2000

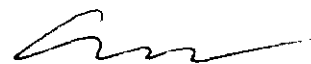
The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Suite 200  
130 Aspal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 440 (COR), "AN ACT TO *ADD* §8111(d) TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXECUTIVE SESSIONS" which I have **signed** into law as **Public Law No. 25-171**.

This legislation reiterates the general policy to favor open government. The Attorney General has given the opinion that all voting of matters considered in Executive Session is to take place at a public meeting. This legislation emphasizes that view.


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

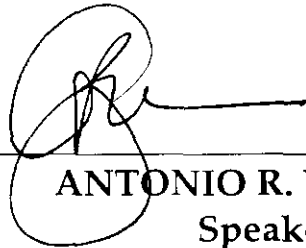
cc: The Honorable Antonio R. Unpingco  
Speaker

LEGISLATIVE SECRETARY  
GOVERNMENT  
  
1:37 p.m.  
19 Oct 2000

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) Regular Session

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

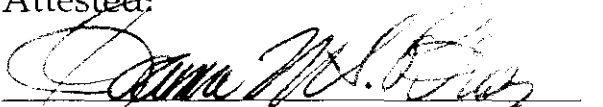
This is to certify that Bill No. 440 (COR) "AN ACT TO ADD §8111(d) TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXECUTIVE SESSIONS," was on the 5<sup>th</sup> day of October 2000, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

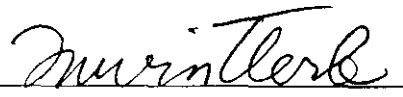
Attested:



---

JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 10<sup>th</sup> day of October, 2000,  
at 4:55 o'clock p.M.



---

Assistant Staff Officer  
Maga'laha's Office

APPROVED:



---

CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: 10.19.00

Public Law No. 25-171

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
2000 (SECOND) Regular Session**

**Bill No. 440 (COR)**

As amended on the Floor.

Introduced by:

V. C. Pangelinan

J. M.S. Brown

A. R. Unpingco

L. F. Kasperbauer

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

E. B. Calvo

M. G. Camacho

Mark Forbes

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

J. C. Salas

S. A. Sanchez, II

**AN ACT TO *ADD* §8111(d) TO TITLE 5 OF THE GUAM  
CODE ANNOTATED, RELATIVE TO EXECUTIVE  
SESSIONS.**

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

2           **Section 1.** Section 8111(d) is hereby *added* to Chapter 8, Division 1 of  
3 Title 5 of the Guam Code Annotated to read as follows:

4                   “(d) Under no circumstances shall a public agency vote on any  
5 matter before it during an executive or closed meeting. All voting must  
6 be held in a public meeting and minutes shall be kept and opened to the  
7 public.”

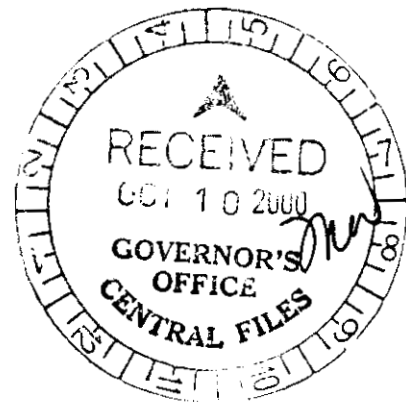


**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
TWENTY-FIFTH GUAM LEGISLATURE  
155 Hesler Street, Hagåtña, Guam 96910

COPY

October 10, 2000

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 No. 409(COR) and Bill Nos. 231(COR), 440(COR) and 456(LS) which were passed by *I Mina'Bente Singko Na Liheslaturan Guahan* on October 5, 2000.

Sincerely,

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure (4)



**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha. Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurât*

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

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 440, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 440**, "An Act to add a new subsection (d) to §8111 of Title 5, Guam Code Annotated, relative to executive sessions."

The voting record is as follows:

TO PASS

8

NOT TO PASS

2

ABSTAIN

\_\_\_\_\_

TO PLACE IN INACTIVE FILE

\_\_\_\_\_

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
MARK FORBES

Attachments



**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurat*

**MEMORANDUM**

**TO:** Committee Members  
**FROM:** Chairman  
**SUBJECT:** Committee Report- BILL NO. 440, "An Act to add a new subsection (d) to §8111 of Title 5, Guam Code Annotated, relative to executive sessions."

Transmitted herewith for your information and action is the report on Bill No. 440, from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 440
4. Public Hearing Sign-in Sheet
5. Fiscal Note Waiver
6. 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.

Thank you and si Yu'os ma'ase.


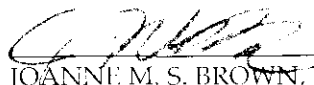
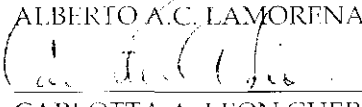
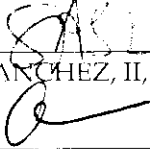

  
**MARK FORBES**

Attachments

Committee on Rules, Government Reform, Reorganization and Federal Affairs  
I Mina' Bente Singko Na Liheslaturan Guåhan

Voting Record

**BILL NO. 440**, "An Act to add a new subsection (d) to §8111 of Title 5, Guam Code Annotated, relative to executive sessions."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
EDDIE B. CAEVO, Vice-Chairman				
ANTHONY C. BLAZ, Member				
 JOANNE M. S. BROWN, Member				
MARCEL G. CAMACHO, Member				
LAWRENCE F. KASPERBAUER, Member				
KALFO S. MOYLAN, Member				
ALBERTO A.C. LAMORENA V, Member				
 CARLOTTA A. LEON GUERRERO, Member				
JOHN C. SALAS, Member				
 SIMON A SANCHEZ, II, Member	✓			
ANTONIO R. UNPINGCO, Member				
FRANK B. AGUON, JR., Member				
ELOY C. BERMUDEZ, Member				
 VICENTE C. PANGELINAN, Member	✓			



I MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

COMMITTEE ON RULES, GOVERNMENT REFORM,  
REORGANIZATION & FEDERAL AFFAIRS

SENATOR MARK FORBES, CHAIRMAN

COMMITTEE REPORT

ON

BILL NO. 440,

"An Act to add a new subsection (d) to §8111 of Title 5, Guam  
Code Annotated, relative to executive sessions."

## **I. OVERVIEW**

The Committee on Rules, Government Reform, Reorganization and Federal Affairs held a public hearing on Bill 440 on Monday, Sept. 18, 2000 at 10:00 a.m. at the Conference Room, Office of Senator Mark Forbes, I Liheslaturan Guahan. Public notice of the hearing was announced in the Sept. 13, 2000 issue of the Pacific Daily News.

Senators present were:

Senator Mark Forbes, Chairman  
Senator Ben Pangelinan

## **II. SUMMARY OF TESTIMONY**

There were no individuals appearing before the Committee to present oral testimony on the bill. Senator Forbes stated that the bill makes it clear that certain matters cannot be decided with closed votes. The true purpose of executive sessions is for matters that might violate the privacy rights of individuals, not to allow secret votes, Forbes said. He said the Open Government Law should be clear that there should be public observation of decisions that affect the public and ultimately affect the services provided to the public.

Senator Pangelinan said that the bill is keeping with the continued policy of this Legislature for open government. He said the bill clarifies the issue of voting in executive sessions – some matters should be discussed in executive sessions, but when it comes to the actual voting, it should be made in public.

## **III. FINDINGS AND RECOMMENDATION**

The Committee on Rules, Government Reform, Reorganization and Federal Affairs finds that Bill No. 440, increases the standards of government accountability and openness for which I Liheslaturan Guahan has consistently strived. From the Sunshine Reform Act to the elected Public Auditor and elected Attorney General, I Liheslatura has made its message clear: the government of Guam will be open to the public, and all decisions made by the government will be made under the light of day. Bill No. 440 ensures that the intent of the Open Government Law is followed in regards to decisions made by government boards and commissions on personnel and other matters.

Accordingly, the Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 440 was referred does hereby submit its findings and recommendations to I Mina' Bente Singko Na Liheslaturan Guahan **TO DO PASS BILL NO. 440**, "An Act to add a new subsection (d) to §8111 of Title 5, Guam Code Annotated, relative to executive sessions."



**MINA' BENTE SINGKO NA LIHESLATURAN GUÁHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurát*

7 2 SEP 2008

MEMORANDUM

TO: Chairman  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

FROM: Chairman  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 440

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "Shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment


introduce

JUN 16 2000

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) Regular Session

Bill No. 440 (COR)  
Introduced by:

v. c. pangelinan  
J. M. S. Brown



AN ACT TO ADD A NEW SUBSECTION (d) TO  
§8111 OF TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO EXECUTIVE SESSIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §8111(d) of Title 5, Guam Code Annotated, is hereby  
3 *amended* to read as follows:

4 “(d) Under no circumstances shall a public agency vote on  
5 any matter before it during an executive or closed meeting. All  
6 voting must be held in a public meeting and minutes shall be kept  
7 and opened to the public.”





**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**  
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asuntion Fidirat

---

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayurat*

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 440 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 440.

---

MARK FORBES  
Chairman,  
Committee on Rules, Government Reform,  
Reorganization and Federal Affairs

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- A valid drivers license and privately owned vehicle is required
- Will be responsible for establishing new accounts as well as managing existing accounts for cellular, paging, long distance and internet services
- Must meet assigned monthly quota
- Must have strong verbal, written communication, organizational and follow-up skills
- Pleasant disposition, professional attitude and appearance a must
- Must be familiar with cold calling and keeping a daily itinerary
- Must be a self starter, enthusiastic, and aggressive
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**GUAMCELL COMMUNICATIONS**

219 S. Marine Dr., Ste. 206  
Tamuning, Guam 96911

Or email to: ccalugay@guamcell.net

Deadline to submit resume is September 18, 2000



## Notice of Public Hearing

Committee on Rules, Government Reform, Reorganization and Federal Affairs

Senator Mark Forbes, Chairman

10:00 A.M., Monday, September 18, 2000

Bill No. 440 COR

An act to add a new subsection (d) to Section 8111 of Title 5, Guam Code Annotated, relative to Executive Sessions.

The hearing will take place in the Conference Room  
Office of Senator Mark Forbes, U Liheslaturan Guahan, Hagatna, Guam  
The Public Is Invited To Participate

Individuals requiring special accommodations, auxiliary aids or services  
are asked to contact the Office of Senator Forbes at 472-3512

## GHURA

Guam Housing and Urban Renewal Authority  
Atoridat Ginima' Yan Rinueban Siudad Guahan

117 Bico Venida Avenue • Sinajana, Guam 96926  
Phone: (671) 477-9853 or 472-3512 • Fax: (671) 472-7565 • TTY: (671) 472-3701



Carl T.C. Gutierrez  
Governor

Madeleine Z. Bordaño  
Lieutenant Governor

## NOTICE TO THE PUBLIC

Section 8 Housing Assistance Program  
Opening of Waiting List

Effective: Friday, September 1, 2000

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THERAPEUTIC MASSAGE

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B. Swedish Massage  
\$32 1 hr. \$20 30 min.



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Guan

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# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 10/5/00

## VOTING SHEET

Bill No. 440 (COR)

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

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

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	11 ✓				
BERMUDES, Eulogio C.	11 ✓				
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

15    0    0    0    0

CERTIFIED TRUE AND CORRECT:

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

\* 3 Passes = No vote  
EA = Excused Absence



MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) Regular Session

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

This is to certify that Bill No. 440 (COR) "AN ACT TO ADD §8111(d) TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXECUTIVE SESSIONS," was on the 5<sup>th</sup> day of October 2000, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2000,  
at \_\_\_\_\_ o'clock \_\_\_\_\_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 GUÅHAN  
2000 (SECOND) Regular Session

**Bill No. 440 (COR)**

As amended on the Floor.

Introduced by:

V. C. Pangelinan

J. M.S. Brown

A. R. Unpingco

L. F. Kasperbauer

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

E. B. Calvo

M. G. Camacho

Mark Forbes

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

J. C. Salas

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AN ACT TO *ADD* §8111(d) TO TITLE 5 OF THE GUAM  
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1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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FILE

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

September 27, 2000

( DATE )

Memorandum

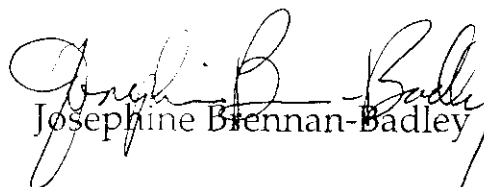
To: Senator Vicente C. Pangelinan

From: Clerk of the Legislature

Subject: Report on Bill No. 440(COR)

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. 440(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


1  
2000  
31

JUN 16 000

MINA/BENTE SINGKO NA LIHESLATURAN GUÅHAN  
2000 (SECOND) Regular Session

Bill No. \_\_\_\_\_  
Introduced by:

v. c. pangelinan  
J. M. S. Brown



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2000 (SECOND) Regular Session

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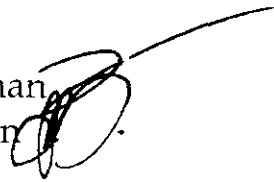
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v. c. pangelinan  
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