

FR



2011 NOV 22 AM 9:59 *de*

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

November 21, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1128
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11/21/11
Time 4:49 PM
Received by *de*

Dear Madame Speaker:

Transmitted herewith is Bill No. 182-31 (LS) "AN ACT TO ADD A NEW §80128 TO CHAPTER 80 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM PUBLIC LIBRARY SYSTEM TO LEASE A PORTION OF ITS FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGÁTÑA FOR THE OPERATION OF A FOOD ESTABLISHMENT", which I signed into law on November 17, 2011 as Public Law 31-131.

Senseramente,

EDDIE BAZA CALVO

Attachment: copy of Bill

#1128

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that Bill No. 182-31 (LS), "AN ACT TO ADD A NEW §80128 TO CHAPTER 80 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM PUBLIC LIBRARY SYSTEM TO LEASE A PORTION OF ITS FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGÁTÑA FOR THE OPERATION OF A FOOD ESTABLISHMENT," was on the 8th day of November, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 8th day of Nov., 2011, at 4:25 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

NOV 17 2011

Public Law No. 31-1301

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 182-31 (LS)

As amended on the Floor.

Introduced by:

Sam Mabini, Ph.D.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
v. c. pangelinan
Adolpho B. Palacios, Sr.
Chris M. Dueñas
F. F. Blas, Jr.
Judith P. Guthertz, DPA
T. C. Ada
V. Anthony Ada
B. J.F. Cruz
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
R. J. Respicio
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW §80128 TO CHAPTER 80 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE GUAM PUBLIC LIBRARY SYSTEM TO LEASE A PORTION OF ITS FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGÁTÑA FOR THE OPERATION OF A FOOD ESTABLISHMENT.

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Unu Na*
3 *Liheslaturan* finds that there is a need for the Guam Public Library System (GPLS)
4 to be authorized to solicit and contract for the lease of its frontage property at the

1 Nieves M. Flores Public Library in *Hagåtña* for the operation of a food
2 establishment to provide drink and food services for library patrons and the general
3 public.

4 *I Mina'Trentai Unu Na Liheslaturan* finds that many public libraries
5 throughout the nation partner with “cafe” type business establishments to improve
6 services to library patrons. To better serve local library patrons, the Guam Public
7 Library System seeks to contract with a “cafe” mobile food service business to be
8 set up outside the premises of the Nieves M. Flores Public Library in *Hagåtña*.
9 Establishing an outside “cafe”-like experience may also attract and increase more
10 patrons and visitors to the establishment.

11 *I Mina'Trentai Unu Na Liheslaturan* finds that agencies may have
12 enterprising opportunities that can fund operational needs. Allowing GPLS to lease
13 a portion of its frontage property at the Nieves M. Flores Public Library to a
14 business establishment will provide a new revenue generating source to support
15 library infrastructure.

16 **Section 2.** A new §80128 *added* to Chapter 80, Title 5, Guam Code
17 Annotated to read:

18 “§ 80128. The Guam Public Library System is authorized to enter
19 into a contract for the lease of its frontage property, in accordance with
20 current procurement law, for a food establishment to provide drink and food
21 services for library patrons and the general public. This *shall* be limited to a
22 small-size mobile food establishment with services to include, but *not* be
23 limited to, the selling of coffee and other drinks or snacks, with a facility to
24 consume them on the premises, or as deemed appropriate by the Library
25 Board.

26 (a) The solicitation and contracting for lease of frontage
27 property to a food establishment may include, to the extent deemed

1 practicable, appropriate and necessary, the use of the exterior frontage
2 property of the Nieves M. Flores Memorial Library.

3 (b) All funds received from the contract for the lease of
4 frontage property *shall* be maintained separate and apart from any
5 other funds of the government of Guam, and independent records and
6 an independent bank account *shall* be kept in connection with this
7 fund. The revenue from the contract for lease of frontage property
8 *shall* be used for facility maintenance or improvements. The use of
9 these funds *shall* be subject to the determination and approval of a
10 majority of the Library Board, and subject to legislative appropriation
11 through the annual budget act.

12 (c) Funds directed, as a result of revenue received from the
13 contract for lease of frontage property, *shall* be subject to an annual
14 audit by the Office of Public Accountability.

15 (d) The Library Board *shall* establish policy and procedures
16 for the administration of this §80128.”

17 **Section 3. Severability.** *If* any provision of this Law or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity *shall not* affect other provisions or applications of this Law which can be
20 given effect without the invalid provisions or applications, and to this end the
21 provisions of this Law are severable.

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) Regular Session

Date: 11/07/11⁸

VOTING SHEET

Bill No. 182-31 (LS)

Resolution No. _____

Question: _____

| NAME | <u>YEAS</u> | <u>NAYS</u> | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | <u>ABSENT</u> |
|-----------------------------------|-------------|-------------|-----------------------------|----------------------------|---------------|
| ADA, Thomas C. | ✓ | | | | |
| ADA, V. Anthony | ✓ | | | | |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CRUZ, Benjamin J. F. | | ✓ | | | |
| DUENAS, Christopher M. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MABINI, Sam | ✓ | | | | |
| MUNA-BARNES, Tina Rose | ✓ | | | | |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RESPICIO, Rory J. | | ✓ | | | |
| RODRIGUEZ, Dennis G., Jr. | ✓ | | | | |
| SILVA TAIJERON, Mana | ✓ | | | | |
| WON PAT, Judith T. | ✓ | | | | |
| YAMASHITA, Aline A. | ✓ | | | | |

TOTAL

13 2 _____

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

*
3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 25 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 182-31 (LS) As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 182-31 (LS) , As Introduced: "An act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80, relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagåtña to operate a small mobile food establishment" and which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- TO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

201 OCT 23 AM 10:39

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Committee Report

On

Bill No. 182-31 (LS), As Introduced

Sponsored by Senator Sam Mabini

An act to amend and add §80128, Title 5
Guam Code Annotated, Chapter 80, relative
to authorizing to the Guam Public Library
System to contract for lease of a portion of
frontage property at the Nieves M. Flores
Public Library in Hagåtña to operate a small
mobile food establishment



I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

OCT 25 2011

MEMORANDUM

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairman

Subject: Committee Report on Bill No. 182-31 (LS), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 182-31 (COR), As Introduced: "An act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80, relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagåtña to operate a small mobile food establishment" sponsored by Senator Sam Mabini.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.182-31 (LS), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Copy of COR Referral of Bill No.182-31 (LS), As Introduced
7. Notices of Public Hearing
8. Copy of the Public Hearing Agenda
9. Fiscal Note

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'ase',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

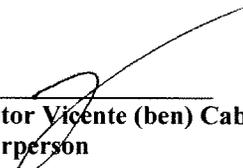
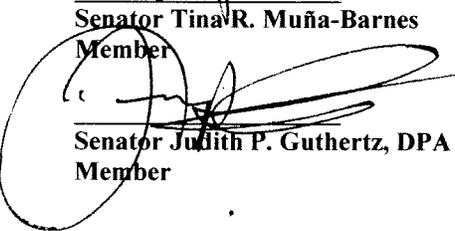
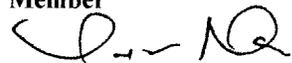
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land

Bill No. 182-31 (LS), As Introduced: "An act to amend and add §80128, Title 5
Guam Code Annotated, Chapter 80, relative to authorizing to the Guam Public
Library System to contract for lease of a portion of frontage property at the Nieves
M. Flores Public Library in Hagåtña to operate a small mobile food establishment"

| Committee Members | To Pass | Not To Pass | Report Out Only | Abstain | Inactive File |
|--|---------------|-------------|-----------------|---------|---------------|
|  Senator Vicente (ben) Cabrera Pangelinan Chairperson | ✓ | | | | |
| Speaker Judith T. Won Pat, Ed.D. Vice Chairperson | | | | | |
|  Vice Speaker Benjamin J.F Cruz Member | 10/25/11 ✓ | | | | |
| Senator Tina R. Muña-Barnes Member | | | | | |
|  Senator Judith P. Guthertz, DPA Member | | | | | |
| Senator Dennis G. Rodriguez, Jr. Member | | | | | |
|  Senator V. Anthony Ada Member | ✓ | | | | |
|  Senator Christopher M. Dueñas Member | ✓ | | | | |
|  Senator Mana Silva Taijeron Member | ✓ | | | | |



the People

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 182-31 (LS), As Introduced: "An act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80, relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagåtña to operate a small mobile food establishment"

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on July 11, 2011 at 8:30 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on July 4, 2011 (5-Day Notice), and again on July 8, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman
Senator V. Anthony Ada, Member
Senator Christopher M. Dueñas, Member
Senator Adolpho Palacios Sr.
Senator Aline Yamashita, Ph. D.
Senator Sam Mabini, Ph. D.

(b) Appearing before the Committee

None

(c) Written Testimonies Submitted

Ms. Sandra Stanley, Guam Public Library System Acting Director

II. COMMITTEE PROCEEDINGS

Senator Vicente (ben) Cabrera Pangelinan: I want to thank everyone for their presence this morning on this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land. All notices for the public hearing were issued in conformance with the Open Government Law and this morning we have confirmations and bills before the Committee.

The next bill on the agenda is Bill 182 an act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80, relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagåtña to operate a small mobile food establishment. We have with us the author of this legislation, Senator Sam Mibini. I will give her an opportunity to make a short presentation on the intention of the bill.

(a) Bill Sponsor Summary

Senator Sam Mabini: Thank you Mr. Chairman. Bill 182 follows suit on a lot of other bills that were heard this morning. We are supporting our agencies to be more enterprising to help fund operational needs. This bill allows GPLS to contract for lease apportion of their frontage property to operate a small food establishment. There are a lot of libraries in the nation that partner with café like business establishments. So, the idea was to develop a café like experience. The food establishment will be overseen by the Library Board and the director. The funds will support infrastructure. I hope my colleagues will support this bill. Thank you.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much Senator Mabini. We have not had any person signed in to testify at this time but we did receive testimony from GPLS. There being no further questions, for the record, Bill 182 has been publicly heard.

(b) Testimony

None

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 182-31 (LS)), As Introduced, by the committee, with the recommendation **TO PASS**.

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 182-31 (LS)

Introduced by:

Sam Mabini, Ph.D. *SM*

**AN ACT TO AMEND AND ADD §80128, TITLE 5 GUAM
CODE ANNOTATED, CHAPTER 80, RELATIVE TO
AUTHORIZING TO THE GUAM PUBLIC LIBRARY SYSTEM
TO CONTRACT FOR LEASE OF A PORTION OF
FRONTAGE PROPERTY AT THE NIEVES M. FLORES
PUBLIC LIBRARY IN HAGATNA TO OPERATE A SMALL
MOBILE FOOD ESTABLISHMENT.**

2011 MAY -11 PM 12:18

18

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Mina'Trentai Unu Na*

Lihselaturan finds the need for the Guam Public Library System to be authorized, solicit and contract to lease of frontage property of the Nieves M. Flores Public Library (Hagatna Public Library) to a small mobile food establishment to provide drink and food services for library patrons and the general public.

I Mina'Trentai Unu Na Lihselaturan finds that many public libraries throughout the nation partner with “cafe” business establishments to improve services to library patrons. To better serve local library patrons, the Guam Public Library System seeks to contract with a “cafe” mobile food service business to be set-up at the outside premises of the Nieves M. Flores Public Library (Hagatna Public Library). Establishing an outside “cafe” like experience may also attract and increase more patrons and visitors to the establishment.

1 *I Mina'Trentai Unu Na Liheslaturan* finds that agencies may have
2 enterprising opportunities that can fund operational needs. Allowing GPLS to lease
3 a portion of frontage property at Nieves M. Flores Public Library to a business
4 establishment will provide a new revenue generating source to support library
5 infrastructure.

6 **Section 2.** A new Subsection §80128 added to Chapter 80, Title 5, Guam
7 Code Annotated to read:

8 “§80128. Contract to lease of frontage property, in accordance with current
9 procurement law, a food establishment to provide drink and food services for
10 library patrons and the general public. This shall be limited to a small-size mobile
11 food establishment, with services including, but are not limited to, the selling of
12 coffee and other drinks or snacks, with a facility to consume them on the premises,
13 or as deemed appropriate by the Library Board.

14 (a) The solicitation and contracting for lease of frontage property to a
15 food establishment may include, to the extent deemed practicable, appropriate and
16 necessary, the use of the exterior frontage property of the Nieves M. Flores
17 Memorial Library.

18 (b) All funds received from the contract for lease of frontage property
19 shall be maintained separate and apart from any other fund of the Government of
20 Guam, and independent records, and an independent bank account shall be kept in
21 connection with this fund. The revenue from the contract for lease of frontage
22 property shall be used for facility maintenance or improvements. These funds will
23 be used at the sole discretion of the Director of the Guam Public Library System.

24 (c) Funds directed, as a result of revenue received from the contract
25 for lease of frontage property, shall be subject to an annual audit by the Office of
26 the Public Accountability.”

27 **Section 3. Effective Date.** This Act shall take effect upon enactment.

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



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

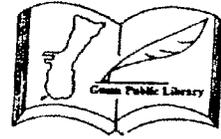
COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE, RETIREMENT AND LAND
 Monday, July 11, 2011
Bill No. 182-31 (COR)
SIGN UP SHEET

| NAME | ADDRESS | PHONE | EMAIL | WRITTEN | ORAL | SUPPORT Yes No |
|-------------|---------|-------|-------|---------|------|-------------------|
| <i>none</i> | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

324 W. Soledad Ave. Hagatna, Guam 96910
 Ph. 473-4236 Fax. 473-4238
 Email: senbenp@guam.net



GUAM PUBLIC LIBRARY SYSTEM
Sisteman Laibirihan Pubbleko Guåhan
Government of Guam



July 8, 2011

The Honorable Vicente (ben) C. Pangelinan, Chairman
Committee on Appropriations, Taxation, Public Debt,
Banking, Insurance, Retirement, and Land
I Mina'Trentai Unu Na Liheslaturan Guåhan
324 W. Soledad Ave. Suite 100
Hagåtña, Guam 96910

Re: Bill No. 182-31(LS), "An Act to Amend and to add §80128, Title 5 Guam Code Annotated, Chapter 80, Relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagatna to operate a small mobile establishment."

Buenas yan Hafa Adai Mr. Chairman and Members of the Committee:

Thank you for permitting the Guam Public Library System (GPLS) an opportunity to present written testimony on Bill No. 182-31(LS). GPLS has no objections to this bill, but recommends that the Committee have consideration for the following:

With regards to Section 1.

Section 1. Legislative findings and intent. *I Mina 'Trentai Unu Na Liheslaturan* finds the need for the Guam Public Library System to be authorized, solicit and contract to lease of frontage property of the Nieves M. Flores Public Library (Hagatna Public Library) to a small mobile food establishment to provide drink and food services for library patrons and the general public. *I Mina 'Trentai Unu Na Liheslaturan* finds that many public libraries throughout the nation partner with "café" business establishments to improve services to library patrons. To better serve local library patrons, the Guam Public Library System seeks to contract with a "café" mobile food service business to be set-up at the outside premises of the Nieves M. Flores Public Library (Hagatna Public Library). Establishing an outside "café" like experience may also attract and increase more patrons and visitors to the establishment.

I Mina 'Trentai Unu Na Liheslaturan finds that agencies may have enterprising opportunities that can fund operational needs. Allowing GPLS to lease a portion of frontage property at Nieves M. Flores Public Library to a business establishment will provide a new revenue generating source to support library infrastructure.

GPLS response: GPLS believes this will certainly generate much needed funds for the GPLS and attract more patrons to utilize our services without having to leave the premises for lunch or to buy drinks when needed. However, all should continue to adhere to the GPLS policies with regards to food, drinks, etc., in the Library. With regards to anything being set up outside the GPLS premises, it should not interfere with any pending GPLS Capital Improvement Projects, or other GPLS facility improvements.

With regards to Section 2.

Section 2. A new Subsection §80128 added to Chapter 80, Title 5, Guam Code Annotated to read: "§80128. Contract to lease of frontage property, in accordance with current procurement law, a food establishment to provide drink and food services for library patrons and the general public. This shall be limited to a small-size mobile food establishment, with services including, but are not limited to, the selling of coffee and other drinks or snacks, with a facility to consume them on the premises, or as deemed appropriate by the Library Board.

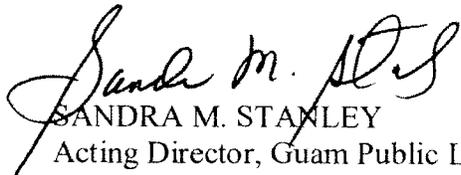
(a) The solicitation and contracting for lease of frontage property to a food establishment may include, to the extent deemed practicable, appropriate and necessary, the use of the exterior frontage property of the Nieves M. Flores Memorial Library. (b) All funds received from the contract for lease of frontage property shall be maintained separate and apart from any other fund of the Government of Guam, and independent records, and an independent bank account shall be kept in connection with this fund. The revenue from the contract for lease of frontage property shall be used for facility maintenance or improvements. These funds will be used at the sole discretion of the Director of the Guam Public Library System. (c) Funds directed, as a result of revenue received from the contract for lease of frontage property, shall be subject to an annual audit by the Office of the Public Accountability."

GPLS Response: The GPLS Board would have to prepare a contract for review by the Attorney General as to form which would include the requirements of: rental fee as determined by an appraiser; business license; health clearance for the workers of the food mobile; to regulate the size of canopy to set up to cater to the customers; should a storm be declared, it will be the responsibility of the vendor to secure the premises; the requirement of trash disposal and clean up of the area will be the responsibility of the vendor; any power/water source connection (if feasible per Government regulations) will be the responsibility of the vendor and separate from the Nieves M. Flores Memorial Library in Hagatna; vendor to adhere to all government regulations in operating a food business establishment; GPLS will not be responsible and will be free from any liability with regards to any theft or vandalism of the food mobile, its equipment and furnishings, etc.

GPLS Response to Section 2(a), (b), and (c):

- (a) Either GPLS engage with an appraiser or a government of Guam entity to determine the fair market value as to the exact square meter required for the vendor. *GPLS would need funding for this.*
- (b) This will be very practical since we do not have to wait for the issuance of purchase orders from GSA. GPLS will request for quotes from vendors on items needed, withdraw the funds to purchase and ensure that invoices and recorded keeping is accurate at all times.
- (c) We welcome the requirement of an annual audit.

Si Yu'os Ma'ase',


SANDRA M. STANLEY
Acting Director, Guam Public Library System

SS/bmg

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 182-31(LS)**

AN ACT TO AMEND AND ADD §80128. TITLE 5 GUAM CODE ANNOTATED, CHAPTER 80, RELATIVE TO AUTHORIZING TO THE GUAM PUBLIC LIBRARY SYSTEM TO CONTRACT FOR LEASE OF A PORTION OF FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGATNA TO OPERATE A SMALL MOBILE FOOD ESTABLISHMENT.

| Department/Agency Appropriation Information | |
|---|--|
| Dept./Agency Affected: Guam Public Library System | Dept. Head: Sandra Stanley, Acting Territorial Librarian |
| Department's General Fund (GF) appropriation(s) to date: | \$1,425,353 |
| Department's Other Fund (Specify) appropriation(s) to date: | - |
| Total Department/Agency Appropriation(s) to date: | \$1,425,353 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---------------|-------------------------|------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2010 Unreserved Fund Balance ¹ | | \$0 | \$0 |
| FY 2011 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2011 Appro. (P.L. 30-196) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|---------|---------|---------|---------|
| | One Full Fiscal Year | For Remainder of FY 2011 (if applicable) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | 1/ | \$0 | 1/ | 1/ | 1/ | 1/ |
| Total | 1/ | \$0 | 1/ | 1/ | 1/ | 1/ |

1. Does the bill contain "revenue generating" provisions? / x / Yes / / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / x / N/A
3. Does the Bill establish a new program/agency? / / Yes / x / No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes / x / No
Is there a federal mandate to establish the program/agency? / / Yes / x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes / / No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: Evelyn G. Fernandez Date: 5/24/11 Director: Bonita A. Mangiona Date: 6/9/11
Evelyn G. Fernandez Bonita A. Mangiona, Director

Footnotes:

1/ There is a potential impact in terms of GPLS engaging in appraisal services to determine the fair market value as to the exact square meter required for the proposed vendor to occupy. The Bill does not provide a specific name of the revenue fund to be created.

2/ See attachment of fiscal note.



COMMITTEE ON RULES

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May 5, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 180-31 (LS) through 183-31 (LS)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 180-31(LS) through 183-31 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(2) Attachments

2011 MAY -6 AM 8:32
P

I Mina Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

May 04, 2011

Page 2 of 2

| | | | | | | | | | |
|----------------|----------------------|--|-----------------------|--------|--|--|--|--|--|
| 182-31 (LS) | Sam Mabini, Ph.D. | AN ACT TO AMEND AND ADD §80128, TITLE 5 GUAM CODE ANNOTATED, CHAPTER 80, RELATIVE TO AUTHORIZING TO THE GUAM PUBLIC LIBRARY SYSTEM TO CONTRACT FOR LEASE OF A PORTION OF FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGATNA TO OPERATE A SMALL MOBILE FOOD ESTABLISHMENT. | 5/04/11 12:18 p.m. | 5/5/11 | | Committee on Appropriation, s, Taxation, Public Debt, Banking, Insurance, Retirement and Land. | | | |
|----------------|----------------------|--|-----------------------|--------|--|--|--|--|--|

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no, not this time. next hearing. we had too many bills this time.

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thanks, lisa. :)

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Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuátton Inekungok Pupbleko gi I Lihesiaturan Guáhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §59103 and §59110 of this Chapter.

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

- Chat Lisa Cipollone Scott Mendiola Stephanie Mendiola Anjelica Kulani Okada Elaine Tajalle Artemio Hernandez Chelsa Muna-Brecht Chris Budasi Edison Manaloto olivia Selina Onedera-Salas

Bill No. 182-31 (COR): An Act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80 relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagåtña to operate a small mobile food establishment.

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

Alas dos gidespues di talo'ani (2:00pm)

TAREHA (AGENDA)

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm - Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

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Senator Vicente "ben" Cabrera Pangelinan

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INEKUNGOK PUBBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011
(Monday, July 11, 2011)

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(Guam Legislature Public Hearing Room)

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gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

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Chairman
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**I Mina'Trentai Unu Na
Lihselaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

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I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 182-31(15)

Introduced by:

Sam Mabini, Ph.D. *SM*

AN ACT TO AMEND AND ADD §80128, TITLE 5 GUAM CODE ANNOTATED, CHAPTER 80, RELATIVE TO AUTHORIZING TO THE GUAM PUBLIC LIBRARY SYSTEM TO CONTRACT FOR LEASE OF A PORTION OF FRONTAGE PROPERTY AT THE NIEVES M. FLORES PUBLIC LIBRARY IN HAGATNA TO OPERATE A SMALL MOBILE FOOD ESTABLISHMENT.

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BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Mina'Trentai Unu Na*

Liheslaturan finds the need for the Guam Public Library System to be authorized, solicit and contract to lease of frontage property of the Nieves M. Flores Public Library (Hagatna Public Library) to a small mobile food establishment to provide drink and food services for library patrons and the general public.

I Mina'Trentai Unu Na Liheslaturan finds that many public libraries throughout the nation partner with “cafe” business establishments to improve services to library patrons. To better serve local library patrons, the Guam Public Library System seeks to contract with a “cafe” mobile food service business to be set-up at the outside premises of the Nieves M. Flores Public Library (Hagatna Public Library). Establishing an outside “cafe” like experience may also attract and increase more patrons and visitors to the establishment.

1 *I Mina'Trentai Unu Na Liheslaturan* finds that agencies may have
2 enterprising opportunities that can fund operational needs. Allowing GPLS to lease
3 a portion of frontage property at Nieves M. Flores Public Library to a business
4 establishment will provide a new revenue generating source to support library
5 infrastructure.

6 **Section 2.** A new Subsection §80128 added to Chapter 80, Title 5, Guam
7 Code Annotated to read:

8 “§80128. Contract to lease of frontage property, in accordance with current
9 procurement law, a food establishment to provide drink and food services for
10 library patrons and the general public. This shall be limited to a small-size mobile
11 food establishment, with services including, but are not limited to, the selling of
12 coffee and other drinks or snacks, with a facility to consume them on the premises,
13 or as deemed appropriate by the Library Board.

14 (a) The solicitation and contracting for lease of frontage property to a
15 food establishment may include, to the extent deemed practicable, appropriate and
16 necessary, the use of the exterior frontage property of the Nieves M. Flores
17 Memorial Library.

18 (b) All funds received from the contract for lease of frontage property
19 shall be maintained separate and apart from any other fund of the Government of
20 Guam, and independent records, and an independent bank account shall be kept in
21 connection with this fund. The revenue from the contract for lease of frontage
22 property shall be used for facility maintenance or improvements. These funds will
23 be used at the sole discretion of the Director of the Guam Public Library System.

24 (c) Funds directed, as a result of revenue received from the contract
25 for lease of frontage property, shall be subject to an annual audit by the Office of
26 the Public Accountability.”

27 **Section 3. Effective Date.** This Act shall take effect upon enactment.

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