

EDDIE BAZA CALVO  
Governor



*Office of the Governor of Guam*

RAY TENORIO  
Lieutenant Governor

31-11-1327

Office of the Speaker  
Judith T. Won Pat, Ed. D.

Date 2/7/12  
Time 4:19 PM  
Received by [Signature]

February 6, 2012

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 390-31 (COR) "AN ACT TO AMEND SUBSECTIONS (a) AND (i), AND TO ADD A NEW SUBSECTION (j) TO §77104 OF ARTICLE 1 OF CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION, AND PROVIDING THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 23, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS", which I signed into law on February 3, 2012 as Public Law 31-179.

*Senseramente,*

EDDIE BAZA CALVO

Attachment: copy of Bill

1327

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session

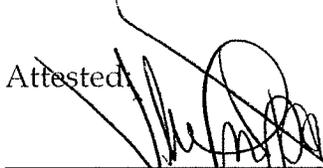
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 390-31 (COR), "AN ACT TO AMEND SUBSECTIONS (a) AND (i), AND TO ADD A NEW SUBSECTION (j) TO §77104 OF ARTICLE 1 OF CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION, AND PROVIDING THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 23, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS", was on the 20<sup>th</sup> day of January, 2012, duly and regularly passed.



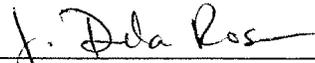
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



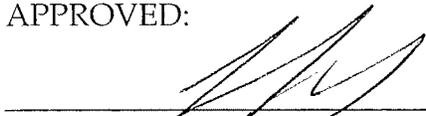
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23<sup>rd</sup> day of Jan., 2012, at 12:45 o'clock P.M.



J. Dela Rosa  
Assistant Staff Officer  
*Maga'laha'i's* Office

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date:

FEB 03 2012

Public Law No. 31-179

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

**Bill No. 390-31 (COR)**

As amended by the Committee on Municipal Affairs,  
Tourism, Housing and Recreation; and  
further amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND SUBSECTIONS (a) AND (i), AND TO *ADD A NEW* SUBSECTION (j) TO §77104 OF ARTICLE 1 OF CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE DUTIES OF THE DIRECTOR OF PARKS AND RECREATION, AND PROVIDING THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO *REPEAL* §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 23, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS.**

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

2           **Section 1.** Subsections (a) and (i) are *amended* and a new Subsection (j) is  
3 hereby *added* to §77104 of Article 1 of Chapter 77, Title 21, Guam Code  
4 Annotated, to read:

5           “(a) Except for the use of sports fields, pools, playgrounds, and  
6 youth centers by bona fide youth sports, groups, non-profit youth  
7 organizations, public or private school youth sports activities or other youth  
8 league sporting activities, competitions or tournaments, to establish fees,  
9 rules and regulations to accomplish the purpose of the Department;”

10           “(i) To designate “Alcohol Free Zones” within the Guam Territorial  
11 Park System. The Director *shall* develop policies and procedures for the  
12 effective designation, implementation and administration of “Alcohol Free  
13 Zones” in accordance with the Administrative Adjudication Act. “Alcohol  
14 Free Zone” designation *shall not* exceed more than fifteen percent (15%) of  
15 the combined total number of beaches and parks, not inclusive of  
16 playground-only parks under the jurisdiction of the Department of Parks and  
17 Recreation;”

18           “(j) To, notwithstanding any other provision of law, administrative  
19 rule, or regulation, determine the appropriate number of vendors for each  
20 park under the Department’s jurisdiction, provided that such determination  
21 *shall not* unduly impede park use or access by the general public.”

22           **Section 2. Repeal of Administrative Regulation Capping Number of**  
23 **Park Vendors.** §2105 of Chapter 2, Division 1 of Title 23, Guam Administrative  
24 Rules and Regulations, is hereby *repealed*.

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# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN 2012 (SECOND) Regular Session

Date: 1/20/12

## VOTING SHEET

ABill No. 390-31(COR)

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

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

| <u>NAME</u>                       | <u>YEAS</u> | <u>NAYS</u> | <u>NOT VOTING/<br/>ABSTAINED</u> | <u>OUT DURING<br/>ROLL CALL</u> | <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 |             |             |                                  |                                 | EA            |
| RESPICIO, Rory J.                 | ✓           |             |                                  |                                 |               |
| RODRIGUEZ, Dennis G., Jr.         | ✓           |             |                                  |                                 |               |
| SILVA TAIJERON, Mana              | ✓           |             |                                  |                                 |               |
| WON PAT, Judith T.                | ✓           |             |                                  |                                 |               |
| YAMASHITA, Aline A.               | ✓           |             |                                  |                                 |               |

TOTAL

13    1    0    0    1

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



**I Mina'trentai Unu Na Liheslaturan Guåhan**

Office of The Legislative Secretary

Tina Rose Muña Barnes

2012 JAN 18 PM 10:07  
*[Handwritten signature]*

JAN 18 2012

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 *[Handwritten signature]*

RE: Committee Report on Bill No. 390-31 (COR) as Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 390-31 (COR) as Amended – “An act to add a new item (J) to §77104 of Chapter 77, Title 21 of the Guam Code Annotated; relative to providing the Director of Parks and Recreations with the authority to determine the appropriate number of vendors for the Guam park System; and to repeal §2105 of Chapter 2, of Division 1 of Title 21 Guam Administrative Regulations relative to the number of allowable park vendors.”

Committee votes are as follows:

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

Sincerely,  
*[Handwritten signature]*

Tina Rose Muña Barnes  
Senator

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation  
Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting



**I Mina'Trentai Unu Na Liheslaturan Guåhan**  
Office of The Legislative Secretary  
Tina Rose Muña Barnes

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**COMMITTEE  
REPORT  
ON**

**Bill No. 390-31(COR)**

**as Amended by the Committee on Municipal Affairs,  
Tourism, Housing and Recreation  
(Sponsor: Tina Rose Muña Barnes)**

“An act to add a new Item (J) to §77104 of Chapter 77, Title 21 of the Guam Code Annotated; relative to providing the Director of Parks and Recreations with the authority to determine the appropriate number of vendors for the Guam Park System; and to repeal §2105 of Chapter 2, of Division 1 of Title 21 Guam Administrative Regulations relative to the number of allowable park vendors.”

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Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation  
Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting

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# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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January 13, 2012

## MEMORANDUM

**To:** All Members  
Committee on Municipal Affairs, Tourism, Housing and Recreation.

**From:** Senator Tina Rose Muña Barnes  
Committee Chairperson

**Subject:** Committee Report on Bill No. 390-31(COR) as Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 390-31(COR) as Amended – “An act to add a new Item (J) to §77104 of Chapter 77, Title 21 of the Guam Code Annotated; relative to providing the Director of Parks and Recreations with the authority to determine the appropriate number of vendors for the Guam Park System; and to repeal §2105 of Chapter 2, of Division 1 of Title 21 Guam Administrative Regulations relative to the number of allowable park vendors..”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 390-31 (COR) as Amended
- Copy of Bill No. 390-31 (COR) as Introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony on Bill No. 390-31 (COR)
- Copy of COR Referral of Bill No.390-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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

*Si Yu'os ma'åse'!*

Chairperson, Committee on Municipal Affairs, Tourism, Housing and Recreation  
Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting  
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# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

## COMMITTEE VOTING SHEET

Bill No. 390-31 (COR) as Amended – “An act to add a new Item (J) to §77104 of Chapter 77, Title 21 of the Guam Code Annotated; relative to providing the Director of Parks and Recreations with the authority to determine the appropriate number of vendors for the Guam Park System; and to repeal §2105 of Chapter 2, of Division 1 of Title 21 Guam Administrative Regulations relative to the number of allowable park vendors..”

|   | SIGNATURE | TO PASS      | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN DUE TO CONFLICT OF INTEREST | TO PLACE IN INACTIVE FILE |
|---|-----------|--------------|-------------|--------------------|--|---------------------------|
| LEGISLATIVE SECRETARY<br>TINA ROSE MUÑA BARNES<br>Chairperson |           | ✓            |             |                    |  |                           |
| SPEAKER JUDITH T. WON PAT, Ed.D.<br>Vice-Chairperson          |           |              |             |                    |  |                           |
| VICE SPEAKER BENJAMIN J.F. CRUZ<br>Member                     |           | ✓<br>1/17/12 |             |                    |  |                           |
| SENATOR RORY J. RESPICIO<br>Member                            |           | ✓<br>1/18/12 |             |                    |  |                           |
| SENATOR THOMAS C. ADA<br>Member                               |           | ✓<br>1/18/12 |             |                    |  |                           |
| SENATOR DENNIS G. RODRIGUEZ, JR.<br>Member                    |           |              |             |                    |  |                           |
| SENATOR JUDITH P. GUTHERTZ, DPA<br>Member                     |           |              |             |                    |  |                           |
| SENATOR ADOLPHO B. PALACIOS<br>Member                         |           | ✓<br>1/17/12 |             |                    |  |                           |
| SENATOR VICENTE C. PANGELINAN<br>Member                       |           |              |             |                    |  |                           |
| SENATOR FRANK F. BLAS, JR.<br>Minority Member                 |           |              |             |                    |  |                           |
| SENATOR ALINE YAMASHITA<br>Minority Member                    |           | ✓<br>1/18/12 |             |                    |  |                           |
| SENATOR V. ANTHONY ADA<br>Minority Member                     |           | ✓<br>1/18/12 |             |                    |  |                           |
| SENATOR MANA SILVA TAIJERON<br>Minority Member                |           | ✓<br>1/18/12 |             |                    |  |                           |
| SENATOR CHRISTOPHER M. DUEÑAS<br>Minority Member              |           | ✓<br>1/18/12 |             |                    |  |                           |

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



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill No. 390-31(COR) was introduced on Tuesday, December 6, 2011 by Senator Tina Muña Barnes, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Recreation on Tuesday, December 6, 2011.

The Committee on Municipal Affairs, Tourism, Housing and Recreation convened a public hearing on Bill No. 390-31(COR) on Friday, January 6, 2012 at 9:00AM in *I Liheslatura's* Public Hearing Room.

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on Thursday, December 29, 2011(5-Day Notice), and again on Tuesday, January 3, 2012(48-Hour Notice).

#### Senators Present

Senator Tina Rose Muña Barnes, Chairperson  
Senator Ben Pangelinan, Committee Member  
Senator Tony Ada, Committee Member

### II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:03AM.

#### **SENATOR MUNA BARNES**

The Committee on Municipal Affairs, Housing, and Recreation will come to order this morning, Friday, January 6, 2012 at just about 9:03 in the morning. Joining me this morning is the good Speaker, Speaker Ben Pangelinan, and Senator Tony Ada. Thank you both for joining me this morning. On the agenda this morning ladies and gentlemen, is bill number 390-31(COR) as sponsored by myself. It is an act to add a new item J to section 7104 of chapter 77, title 21 of the Guam Code Annotated, relative to providing the Director of the Department of Parks and Recreation with the authority to determine the appropriate number of vendors for the Guam Parks System and to repeal section 2105 of chapter 2 of division 1 of title, and it says ladies and gentlemen title 21, but there was a numerical error, it's title 23 of the Guam Administration Regulations relative to the number of allowable park vendors. On this morning agenda, we have Mr. Peter Calvo, the Executive Director for the Department of Parks and Recreation who is here to present oral testimony. Manana si yu'us Mr. Calvo please go ahead and state your name for



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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the record, where you're from, and if you support the bill or not support the bill. You can proceed.

## **PETER CALVO**

Peter Salas Calvo, Director of the Department of Parks and Recreation, fully support the bill. Good morning Madam Chairperson, Speaker Pangelinan, Senator Ada. First of all, I would like to thank you personally Madam Chairperson for hearing our request to address this important issue for the department and we really appreciate your concern and your action in providing us this bill.

[READS WRITTEN TESTIMONY, *written testimony attached*]

Once again Senators, I would like to thank you for introducing this bill as well as request your support in providing us this discretion.

## **SENATOR MUNA BARNES**

[INAUDIBLE, Technical difficulties]

## **SENATOR PANGELINAN**

Just a couple comments, Pete. Perhaps we could get some kind of recommendation from you. I'm a little, you know, concerned about just the wide latitude of the discretion. Maybe we can get from the department a recommendation on where vendors should be allowed, what type of parks, you know what I mean, that there may be some parks where we don't want vendors in. Or that the number of vendors is dependent on the size of the park, so that, or it may be the number of visitors. Whatever criteria, but something a little bit more confined that will give us an idea of how the park, and use, and character of the park is going to change. If you allow more vendors, for example, if you put vendors at Matapang beach where you know it's a large use by local organizations, by our local community and you put five, six vendors in there, it changes the character and the use of park. So maybe some suggestions or some ideas from yourself and your staff on recommendations of how we determine the number, and the type of vendor even, that we should allow in our parks.

## **PETER CALVO**

Thank you Senator for that because indeed that was what actually initiated this request. Upon coming on board, there were only five vendors allowed at the Two Lover's area and we were handling seven. And the situation wasn't very pretty because there many violations to include health, safety, as well as EPA and fire code violations, stuff like that. And so I allowed it to go on until June then we cleaned it up a little bit, but all the vendors are still working. But yes indeed, we do need to address some kind of standard format and also taking into realization that at some point of time we'd like to develop more property, like even the Two Lover's area, we

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

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting  
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# I Mina'Trentai Unu Na Liheslaturan Guåhan

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want to see if we can expand that property a little bit and that might include more vendors as well. We'll try and figure out a format that we can recommend that can be feasible to manage this.

## **SENATOR PANGELINAN**

Thank you very much and si yu'us ma'ase.

## **SENATOR MUNA BARNES**

Thank you Speaker Pangelinan. Just to follow up on Speaker Pangelinan's inquiry Mr. Calvo, you talked about the expansion of the park possibilities. Has the commission and you worked together in as far as delineating these, this concept already so that maybe within the next ten days if we do have a mark-up hearing? We do have session in January, and in order for us to work on an expedited effort to move this legislation forward and to get my colleagues to work with me, I'd like to see if there is anything is writing that can be forwarded to us within this timeline before session day. So I guess I'm going to ask you for a very big timeline, maybe early next week if that's a possibility.

## **PETER CALVO**

Yes, we do have a commission member meeting next week and of course as you can imagine a lot of the issues that I have been introducing to the committee are more important issues that need to come before them and I will introduce this one, as far as expanding certain areas. One of the things we'd like to see at Two Lover's is there's a large (INAUDIBLE) of land up there that essentially, there is only one activity going on up there right now, seven vendors, and of course we'd like to see if we could expand the amenities that are up there as well. We talked about a walking trail. You know I understand that the Cushing Zoo permit was not extended, and maybe putting them up there, where there's actually bus traffic, you know if they'd like to move it would actually entice more tourists to go through the Cushing Zoo. At this point, down at Matapang there's really no bus traffic

## **SENATOR MUNA BARNES**

I really appreciate, just based on that, I think the Speaker could probably agree with me, that maybe that would probably be for a separate stand-alone bill, but I also want to say that based on the inquiries that he had on the number of vendors and what type, is if we can have it delineated down so that we can already see how we can move forward on this legislation. So if that can be addressed immediately it would be good for the committee mark-up and as the listening audience are listening to this public hearing this morning they'll have a better understanding of what is it that Parks and Recs really want to entail in as far as the type and number of vendors that want to come in, especially when we talk about Two Lover's Point, we talk about the Joseph Flores Ypao Beach Park, we talk about some of the other beaches that we have control, that Parks and

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# I Mina'Trentai Unu Na Liheslaturan Guåhan

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Recs has control of in as far as route one. I know we own 60 to 70 parks around the island that the Department of Parks and Recs oversees, am I right?

**PETER CALVO**

Yes, there is a lot of acreage, but basically there are 78 active parks.

**SENATOR TONY ADA**

Thank you Madam Chair. I think the only question I have is how long are these permits granted for?

**PETER CALVO**

They're one-year permits from June 30<sup>th</sup> to July 1<sup>st</sup>. June 30<sup>th</sup> is the ending date. July 1<sup>st</sup> to June 30<sup>th</sup>.

**SENATOR TONY ADA**

Is there like a rotational, like if the vendor comes in, or the vendor that got the permit already is priority over others that want to come in to sell?

**PETER CALVO**

Technically, this being my second year and we've only actually had renewed once so far, we've kept all the vendors that have been operating in that area with the exception of divers down at the Fish Eye because a lot of them were diving without permits. And so we were only allowed three, we pushed it to five. I believe that five in the Fish Eye area is already too crowded because of the size of that area, then when you calculate each one of them bringing five to ten tourists into the water, that's fifty people automatically into the water. We require them to have customer to instructor ratios that are in line with international diver standards. Technically Senator, we have been allowing the previous vendor to continue. New vendors we try to promote in other areas if that area is already filled. We were able to put a vendor at the Alupang Park there. We just got a new vendor on at Paseo. They're going to try back at Paseo again; they haven't been vendors there for quite some time. We're trying to push new vendors into these other areas that haven't had as much activity.

**SENATOR TONY ADA**

So that's what I'm saying is do you guys rotate the vendors among the parks that are active or do they select what park they want to go and be a vendor at?

**PETER CALVO**

As long as they come in, it's basically first come, first serve. If they bring in their full application and all their pertinent documents by a deadline and they pay, they're essentially the ones who get the permit. Once we're full in that particular area and they want additional, we try to push them.

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An example would be again, the divers. They wanted a sixth diver, or actually there were several that wanted to go down to Fish Eye, but we tried to push them up to Ypao. At Ypao, there's three now. We used to only have one, now we have three up there.

## **SENATOR TONY ADA**

I think that's a good way to get other parks with vendors in them. We are already at our capacity at this location so the only available location would be this location, you know to spread out the vendors at all the parks and be able to make those parks viable to tourism and everything else that's going on.

## **PETER CALVO**

Yes indeed. Of course there's always going to be those preferred park areas and you know we, again, we don't have a system yet of rotation spots, but maybe that's something that could be considered.

## **SENATOR TONY ADA**

Something to look into. That way you'll be able to keep your parks active and be able to help you guys out too. Thank you Madam Chair.

## **SENATOR MUNA BARNES**

Thank you Senator. Peter, are there any parks right now today that exist that the Department of Parks and Recs has prohibited any form of vendor utilization within the park area?

## **PETER CALVO**

No, but there are certain recreation areas, such as Paseo, because it's inside a fenced area, the vendors are primarily within those concession stands and those stands are basically managed by the sporting organizations. Other than that, we have not restricted any vendor from operating elsewhere.

## **SENATOR MUNA BARNES**

And in as far as time of vendors, is there a certain time limit that a vendor can come in and leave out, because I know that there were concerns in the past about permanently stationing a vendors equipment and their supplies in one set area because if I'm not mistaken the Department of Parks and Recs has had a waiver clause in reference to the liability of the equipment that's there, am I right?

## **PETER CALVO**

Yes, the vendor by nature is a temporary privilege and even in our permit it requires them to come in when the park opens and leave when the park closes. We've been allowing vendors to



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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set up earlier. Technically our park opens at 6, they'll come in at 5:30 to make sure they catch the first bus at seven. We've allowed that and actually have given them the accommodations for that.

**SENATOR MUNA BARNES**

But that's specified in the rules and regulations already and the latitude of giving them some flexibility is there.

**PETER CALVO**

Sometimes I feel like we should really have secured vendor stalls as well, but the vendor stalls are not made that way. In fact, they're not necessarily conducive to protection of the vendor himself, even during the day and hot sun, the sun comes straight in. But more importantly, leaving their stuff overnight brings up problems with security should their items be broken into or vandalized in some way but we cannot have that responsibility because we just don't have the control.

**SENATOR MUNA BARNES**

Thank you very much. Yes, please?

**SENATOR PANGELINAN**

Mr. Calvo, I'd like to request information for the committee that can be forwarded to the members; the list of vendors at each park, and then maybe a sample vendor license.

**SENATOR MUNA BARNES**

Please approach the panel. Go ahead and just state your name for the record, both of you, and your positions.

**MICHAEL CURA**

I'm Michael Cura, Parks Administrator.

**RICHARD RICHARDS**

Richard Richards, Admin Aide.

**SENATOR MUNA BARNES**

Did any of you care to answer the question from Speaker Pangelinan?

**MICHAEL CURA**

Yes, we do have a vendor list here of our current vendors for the year 2012 and we have a vendor packet with the application and all the rules and regulations.



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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## **SENATOR MUNA BARNES**

Could we get a copy? We'll go ahead and make copies right now for the record and then we'll go ahead and give you back the originals. With your staff here Mr. Calvo, are there any vendors right now that have any issues of discrepancies or concerns that may leave the agency to terminate or release them from their slotted vendor permit right now, today?

## **PETER CALVO**

Not to my knowledge. I know that some vendors have been late and we tried to secure all of that just last month. Even though we gave them payment scheduling's they weren't up-to-date on their requirements so they finally came to compliance last month. However, Richard, do you know of any vendor situations that we might be...

## **RICHARD RICHARDS**

We still have a couple that we're working on that's late with payment. We're trying to expedite with them that they need to, we've given them more than enough time to make payment. We're working with them on it.

## **SENATOR MUNA BARNES**

And the funds that come from the permits, are they going in to your revolving fund, to a separate fund, or does it go straight into the GF fund?

## **PETER CALVO**

It goes straight to the general fund, however the way the budget has been working in the last couple of years, which I'd like to address with you at a later time is that, there's a stipulation within the parks services fund that requires authorization by the legislature. What the previous practice has been is that they have been authorizing us a certain amount for the park services fund in the budget, however taking that same amount out of the general fund and providing it. The problem that we have is that while we have been making 250 plus a year, we have been getting 200,000 or less from the budget obligations, so it's not necessarily rotating.

## **SENATOR MUNA BARNES**

You mean 250,000 for the parks and yet you only receive from the appropriations 200,000.

## **PETER CALVO**

Right, and in fact what has been happening is, my understanding with those funds is that really it's supposed to allow us to then put back in the program and improve the program. What has been happening is, of course, we've been having to use it for our regular operations activities, such as with this particular budget we're addressing 193,000 that we've been authorized through the special parks services fund. We're detailing it for supplies and fuel because basically, we just don't have that set aside in other areas.



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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**SENATOR MUNA BARNES**

Has any of the funds that has been received been taken away from the Governor's transfer authority?

**PETER CALVO**

Not that I know of, Senator.

**SENATOR MUNA BARNES**

Okay, just to make sure that it's kept safe and that we still have a tracking on that, because we know how valuable and how little you guys get. I will definitely work closely with the oversight chair of appropriations to see what we can do to help out in that burden because I too, believe that the funding that the Department of Parks and Recs receives, the little that you guys receive, should go back into the program that you guys work out with, and I think that's important.

**PETER CALVO**

Yes indeed, Senator. That's why I'd like to try and address, and I know the past problems that the department has had, to dispel that, that has been more than twenty years already. There's certain flexibilities that the department really requires to allow for the quick response that is necessary to make programs happen on a timely basis. You know, recreational activities need certain things. If you're, take for example the cemetery, if they're broke down we don't turn around and buy another right away, it just takes time and besides that, the funding is already designated for other purposes. By having the fund within the commission, and now that we've got a commission actually running again, we can approval of the expenditure of these funds through the commission or to make it more legitimized. Somehow, having it go straight into the general fund and only having a certain appropriation for that fund, essentially restricts the flexibility that we should be having when we're operating these programs. We come into programs sometimes on a week's notice and we have to supply the support and it means pulling other resources in order to get it done.

**SENATOR MUNA BARNES**

I appreciate your statement and I just want [INAUDIBLE] actually make the funding source work into the programs that exist today that you guys have because I think it's only fair. But again we must note for the record that accountability and transparency is a crucial ingredient to make this work and as long as that's in place, based on the shortcomings that it had for many years, I think what we can do is re-visit this and work closely together and I'm hoping that with the support of the oversight chair that we will continue to work closely on that. His support with me on this effort has been there and we'll see what we can do to try and make it work.



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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## **PETER CALVO**

Yes indeed, Senator, and I appreciate that. Indeed I think this fund will also inspire an incentive to actually get more things done if we're able to throw it back into the program right away.

## **SENATOR MUNA BARNES**

You know, based on what exists today, it was at the recommendation of the public auditor. And a lot of times, things are set in stone when it's quoted or stated by the auditor and if there's anything that can be done to change the sentiments of that committee or that office, I think it would be a great plus in working with us because based on those changes being made back then, it was because of the...

## **SENATOR PANGELINAN**

We need clear assurances I guess that controls are going to be in place and we need a plan really. We can't just give you 250,000 and say you have total flexibility. I think we want to know what programs are going to be funded and then there's enough contingency to allow you to move in the middle of the year should something else come up. We appropriate the money. I don't think that's going to be a problem as long as we have some kind of plan for the programs that are going to be funded, we can allocate those to other problems. Internal controls are there. If you're going to get back the check writing authority, which I think is one of the issues that you're raising which was rescinded because of some misappropriations of funds in the past, lacking the internal controls. We've got new leadership there, new boards. If we can see some demonstrated and clear policies in place that will safeguard the public funds, basically safeguard the program integrities, then I'm sure we can try to work something out on those issues.

## **PETER CALVO**

Thank you Senator for that. I will work with the OPA to try and figure out what system...

## **SENATOR PANGELINAN**

What needs to be done, what system needs to be put in place that we can be assured that the programs will maintain their integrity and the funds will be safeguarded.

## **SENATOR MUNA BARNES**

Pete, if that gets done, then you know the commitment of us working together is moving forward and making sure that you guys do have the necessary tools to run the programs right. I understand that your agency is going through a lot of stress and I need to be updated with you but that's for another hearing and I just want to say that with the inquires and the requests that are being made, of the information from the agency can come back to us immediately. We do have session the third week of January. Definitely, we'll try to get it on so I'm asking you to work that timeline with us. I do want to make sure that the committee receives this information

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

Vice Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting  
155 Hesler Place Hagatña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] [www.tinamunabarnes.com](http://www.tinamunabarnes.com)



# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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so that we can integrate it, include it to the legislation that we have today. If you can do that, we'll see what we can do to move it forward.

**PETER CALVO**

Thank you Senator, I appreciate that.

**SENATOR MUNA BARNES**

So okay, if there's no one wishing to speak. Speaker Ben? Senator Ada?

**SENATOR TONY ADA**

On your vendor payments, how many vendors are behind and by how much and at what point do you revoke their permits?

**PETER CALVO**

Let me refer to...

**RICHARD RICHARDS**

I believe there's actually just two vendors left that are behind on payments. They've been coming in and making installments and as long as they're active with their account, we're trying to work with them. We know that the tourist industry has been a little bit slow this past year so that's why we allowed them a little leeway as far as making payments.

**SENATOR TONY ADA**

What's the amount of the arrears?

**RICHARD RICHARDS**

I believe some of them are only lacking one final payment, which will be like \$500. They're both lacking about \$500 payment.

**SENATOR TONY ADA**

What's the age on that? How old is that?

**SENATOR MUNA BARNES**

30 days? 60 days? 90 days?

**RICHARD RICHARDS**

Actually it starts since July 1<sup>st</sup>. First payment was due. A lot of them, they came in and met with the director and explained that they were having problems, and we've worked with them on a case-by-case basis, the one's having problems making payments.

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

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# I Mina'Trentai Unu Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

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## **SENATOR TONY ADA**

At what point do you guys cut them off, revoke their payments for non-payment?

## **PETER CALVO**

Thank you Senator for that. If I may, normally there's also temporary allowances for permits and as long as it doesn't exceed the timeframe that they've been operating, we try and allow them to continue working and getting their next payment ready. \$500 basically takes you through a couple of months, the next \$500, even though we set it up for \$500 every month, we allow them to go through the next couple of months until they actually come up with the next 500. Basically giving them that discretion to bring their funding together.

## **SENATOR MUNA BARNES**

None of the aging is past six months?

## **PETER CALVO**

No, no.

## **SENATOR MUNA BARNES**

Okay, we'll give them that leeway. I think it's important. For those wishing to submit written testimony they can do so by submitting it to Senator Tina Rose Muna Barnes at 155 Hesler Place, Hagatna, Guam, 96910. Or via email at [senator@tinamunabarnes.com](mailto:senator@tinamunabarnes.com). If there are no further presentations, we'll go ahead and call this meeting. Public hearing adjourned at 9:49. Thank you very much.

The public hearing was adjourned at 9:49AM.

### **III. FINDINGS & RECOMMENDATIONS**

A minor citation error has been amended to accurately reflect the intent of the author. All references to "*§2105 of Chapter 2, of Division 1 of Title 21 Guam Administrative Regulations relative to the number of allowable park vendors*" has been amended to read: **§2105 of Chapter 2, of Division 1 of Title 23 Guam Administrative Regulations relative to the number of allowable park vendors**".

The Committee on Municipal Affairs, Tourism, Housing and Recreation hereby reports out Bill No. 390-31(COR) as Amended with the recommendation TO DO PASS.

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

Bill No. 390-31 (COR)

Introduced by:

T.R. Muña-Barnes

RECEIVED  
LEGISLATIVE SECRETARIAT  
JAN 10 2011  
T.R. Muña-Barnes

**AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS.**

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

**Section 1.** A new item (j) is hereby *added* to §77104, of Chapter 77, Title 21 Guam Code Annotated to read:

**“§ 77104. Director: Duties.**

The Director shall have the following duties:

(a) Except for the use of sports fields, pools, playgrounds, and youth centers by bona fide youth sports, groups, non-profit youth organizations, public or private school youth sports activities or other youth league sporting activities, competitions or tournaments, to establish fees, rules and regulations to accomplish the purpose of the Department; provided, that any rule shall not be effective until approved by the Legislature. If the Legislature fails to act on the rules within one hundred twenty (120) calendar days after such rules are filed with the Legislative Secretary, they shall be deemed approved.

- 1 (b) To administer the Department through such organizational units which  
2 he may establish;
- 3 (c) To attend, ex-officio, all meetings of the Commission;
- 4 (d) To prescribe the duties of assistants, deputies, agents and other  
5 persons employed by the Department;
- 6 (e) To determine which properties constitute the Guam Territorial  
7 Park System and to classify such properties, pursuant to § 77108 and §  
8 77110;
- 9 (f) To manage the Parks Fund pursuant to § 77112;
- 10 (g) To be State Liaison Officer for the Bureau of Outdoor Recreation, and  
11 State Liaison Officer for Historic Preservation;
- 12 (h) To manage the sports fund for off-island travel pursuant to §26020.
- 13 (i) Guam Territorial Park System as an “Alcohol Free Zone.” The Director  
14 shall develop policies and procedures for the effective designation,  
15 implementation and administration of “Alcohol Free Zones” in accordance  
16 with the Administrative Adjudication Act. “Alcohol Free Zone” designation  
17 shall not exceed more than fifteen percent (15%) of the combined total  
18 number of beaches and parks, not inclusive of playground-only parks under  
19 the jurisdiction of the Department of Parks and Recreation;
- 20 (j) To, notwithstanding any other provision of law, administrative rule, or  
21 regulation, determine the appropriate number of vendors for each park under  
22 the department’s jurisdiction, provided that such determination shall not  
23 unduly impede park use or access by members of the general public.”

24 **Section 2.Repeal of Administrative Regulation Capping Number of**  
25 **Park Vendors.** §2105 of Chapter 2, of Division 1 of Title 21 Guam  
26 Administrative Regulations is hereby *repealed*.

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

Bill No. 390-31 (COR)  
as Amended by the Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

Introduced by:

T.R. Muña-Barnes

**AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF ~~TITLE 21~~ TITLE 23 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS.**

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

2       **Section 1.** A new item (j) is hereby *added* to §77104, of Chapter 77, Title 21  
3       Guam Code Annotated to read:

4       **“§ 77104. Director: Duties.**

5       The Director shall have the following duties:

6               (a) Except for the use of sports fields, pools, playgrounds, and youth  
7       centers by bona fide youth sports, groups, non-profit youth organizations,  
8       public or private school youth sports activities or other youth league  
9       sporting activities, competitions or tournaments, to establish fees, rules and  
10       regulations to accomplish the purpose of the Department; provided, that any  
11       rule shall not be effective until approved by the Legislature. If the  
12       Legislature fails to act on the rules within one hundred twenty (120)

1 calendar days after such rules are filed with the Legislative Secretary, they  
2 shall be deemed approved.

3 (b) To administer the Department through such organizational units which  
4 he may establish;

5 (c) To attend, ex-officio, all meetings of the Commission;

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7 persons employed by the Department;

8 (e) To determine which properties constitute the Guam Territorial  
9 Park System and to classify such properties, pursuant to § 77108 and §  
10 77110;

11 (f) To manage the Parks Fund pursuant to § 77112;

12 (g) To be State Liaison Officer for the Bureau of Outdoor Recreation, and  
13 State Liaison Officer for Historic Preservation;

14 (h) To manage the sports fund for off-island travel pursuant to §26020.

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16 shall develop policies and procedures for the effective designation,  
17 implementation and administration of “Alcohol Free Zones” in accordance  
18 with the Administrative Adjudication Act. “Alcohol Free Zone” designation  
19 shall not exceed more than fifteen percent (15%) of the combined total  
20 number of beaches and parks, not inclusive of playground-only parks under  
21 the jurisdiction of the Department of Parks and Recreation;

22 (j) To, notwithstanding any other provision of law, administrative rule, or  
23 regulation, determine the appropriate number of vendors for each park under  
24 the department’s jurisdiction, provided that such determination shall not  
25 unduly impede park use or access by members of the general public.”

1           **Section 2.Repeal of Administrative Regulation Capping Number of**  
2 **Park Vendors.** §2105 of Chapter 2, of Division 1 of ~~Title 21~~ Title 23 Guam  
3 Administrative Regulations is hereby *repealed*.  
4





**Eddie Baza Calvo**  
Governor

**Ray Tenorio**  
Lt. Governor

**Department of Parks and Recreation**  
**Government of Guam**  
490 Chalan Palasyo  
Agana Heights, Guam 96910  
Director's Office: (671) 475-6296 / 6288 / 6289  
Facsimile: (671) 477-0997  
Guahan Historic Resources Division: (671) 475-6295  
Facsimile: (671) 477-2822  
Hagatna Tennis Court: (671) 472-6270



**Peter S. Calvo**  
Acting Director

January 5, 2012

### Testimony on Bill No. 390

***Buenas yan Håfa Adai!*** The Department of Parks and Recreation (DPR) hereby provides this written testimony in support of the above subject Bill. In previous communications with DPR's Oversight Chair, DPR has conveyed to the Honorable Senator, Tina Muna Barnes, how Guam's current statute allows a maximum of 2 to 5 vendors per park area as stated in Guam Administrative Rules and Regulations (GARR) Title 23, Chapter 2 §2105 Parks of Allowable Solicitation.

On October 12, 2011, DPR wrote to Senator Muna-Barnes requesting to amend the current statute to increase the amount of vendors allowed at all sites, at the department's discretion. This issue came to light because DPR has seen an increase in the number of vendors requesting to conduct business at particular park/beach sites.

Allowing DPR to increase the number of vendors at certain park area sites gives us the ability to better manage these non-permitted vendors by requiring them to come in to our office to receive the proper permit. DPR requires vendors to show proof of liability during the issuance of the permit. More importantly, for vendors who are conducting water recreation such as diving, canoeing, and kayaking or any watercraft sports, we request copies of pertinent insurance information that cover the consumers as well as require a balance of instructors to customer's ratio.

The changes that will result from Bill No. 390 which adds a new item to 21 GCA Chapter 77 §77104 (j) will effectively allow for the DPR Director to use his discretion in determining the amount of vendors as deemed appropriate. Additionally, it continues to provide opportunity for those vendors operating over the authorized limit, and allows flexibility as tourist interest change. We are elated that the 31st Guam Legislature has taken steps to see this request come to realization.

Should you have any questions or concerns regarding this matter, please feel free to contact me at 475-6296. *Si Yu'os Ma'ase'*

Sincerely,

**PETER S. CALVO**  
Director

CC: Senator Tina Muña-Barnes

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 390-31 (COR)**

AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS.

| Department/Agency Appropriation Information                 |  |
|---|--|
| Dept./Agency Affected: Department of Parks and Recreation   | Dept./Agency Head: Pete Calvo, Acting Director |
| Department's General Fund (GF) appropriation(s) to date:    | 2,883,722                                      |
| Department's Other Fund (Specify) appropriation(s) to date: | 1,682,509                                      |
| <b>Total Department/Agency Appropriation(s) to date:</b>    | <b>\$4,566,231</b>                             |

| Fund Source Information of Proposed Appropriation |               |                         |            |
|---|---------------|-------------------------|------------|
|   | General Fund: | (Specify Special Fund): | Total:     |
| FY 2011 Unreserved Fund Balance <sup>1</sup>      |               | \$0                     | \$0        |
| FY 2012 Adopted Revenues                          | \$0           | \$0                     | \$0        |
| FY 2012 Appro. (P.L. 31-75 & 31-77)               | \$0           | \$0                     | \$0        |
| Sub-total:  | \$0           | \$0                     | \$0        |
| Less appropriation in Bill                        | \$0           | \$0                     | \$0        |
| <b>Total:</b>                                     | <b>\$0</b>    | <b>\$0</b>              | <b>\$0</b> |

| Estimated Fiscal Impact of Bill |                      |  |            |            |            |            |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
|                                 | One Full Fiscal Year | For Remainder of FY 2012 (if applicable) | FY 2013    | FY 2014    | FY 2015    | FY 2016    |
| General Fund                    | \$0                  | \$0                                      | \$0        | \$0        | \$0        | \$0        |
| (Specify Special Fund)          | \$0                  | \$0                                      | \$0        | \$0        | \$0        | \$0        |
| <b>Total</b> 1/                 | <b>\$0</b>           | <b>\$0</b>                               | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

- Does the bill contain "revenue generating" provisions? // Yes /X/ No  
If Yes, see attachment
- 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
- Does the Bill establish a new program/agency? // Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A // Yes // No  
Is there a federal mandate to establish the program/agency? // Yes /X/ No
- Will the enactment of this Bill require new physical facilities? // Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes // No  
// Requested agency comments not received by due date /X/ Other: Time Constraint

Analyst (s): Joe Certeza Date: 12/21/11 Director: John A. Rios Date: 12/23/11

**Footnotes:**  
1/ The Bill has a potential fiscal impact for additional funding for the DPR Director to perform an assessment in determining the appropriate number of vendors for each of our island parks under DPR's jurisdiction. However, in its present form, such impact cannot be determined at this time.

12/22/11



## COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
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LEGISLATIVE SECRETARY  
MAJORITY WHIP

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ASST. MAJORITY WHIP

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Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

### MINORITY MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

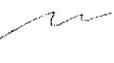
Senator  
Christopher M. Duenas

December 6, 2011

### MEMORANDUM

To: **Pat Santos**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Rory J. Respicio** 

Subject: **Referral of Bill Nos. 389-31(COR) & 390-31 (COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 389-31 (COR) and 390-31 (COR).

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 members 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) Attachment



Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>

## Referral of B390-31 (COR)

1 message

Guam Legislature Clerks Office <clerks@guamlegislature.org>

Wed, Dec 7, 2011 at 8:45 AM

To: senator@tinamunabarnes.com, speaker@judiwonpat.com, senator@senatorbjcruz.com, Tom@senatorada.org, senatorTonyada@guamlegislature.org, frank.blasjr@gmail.com, duenasenator@gmail.com, senatorjudiguthertz@gmail.com, senatorsam@senatormabini.com, senator@senatorpalacios.com, senbenp@guam.net, roryforguam@gmail.com, senatordrodriguez@gmail.com, senatormana@gmail.com, aline4families@gmail.com  
Cc: tterlaje@guam.net, mis@guamlegislature.org

*rennae*

CLERKS OFFICE, GUAM LEGISLATURE

*I Mina'Trentai Unu na Liheslaturan Guåhan*

671-472-3465 or 3474 • fax: 671-472-3524

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Intro-Ref-History Bill No. 390-31 (COR) trmb.pdf  
589K

*I Mina Trentai Unu Na Liheslaturan Guahan*  
Bill Log Sheet

| Bill Nos.    | Sponsor           | Title  | Date Introduced    | Date Referred | 120 Day Deadline | Cmte Referred   | Public Hearing Date | Date Committee Report Filed | Status |
|--------------|-------------------|--|--------------------|---------------|------------------|---|---------------------|-----------------------------|--------|
| 390-31 (COR) | T. R. Muna Barnes | AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS. | 12/06/11 8:19 a.m. | 12/6/2011     |                  | Committee on Municipal Affairs, Tourism, Housing and Recreation |                     |                             |        |



**I Mina'Trentai Unu Na Liheslaturan Guåhan**  
**Office of The Legislative Secretary**  
**Tina Rose Muña Barnes**

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December 29, 2011

**Memorandum**

**TO:** All Members/All Senators

**FROM:** Senator Tina Rose Muña Barnes *✕*

**SUBJECT:** First Notice of Public Hearing  
Friday, January 6, 2012

*Hafa Adai!*

The Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting a public hearing on **Friday, January 6, 2012** in the Legislature's Public Hearing Room, beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

*Bill No. 390-31 (COR) – sponsored by: T.R. Muña Barnes*

**“AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS”**

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to [senator@tinamunabarnes.com](mailto:senator@tinamunabarnes.com). We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero from our office at 472-3455/6 or via email at [jean@tinamunabarnes.com](mailto:jean@tinamunabarnes.com). I look forward to your attendance and participation.

*Si Yu'os Ma'åse'!*

cc: Sergeant-At-Arms/Protocol/AV  
Clerk of the Legislature  
MIS  
All Media



Jean Cordero &lt;jean@tinamunabarnes.com&gt;

## First Notice - Jan. 6, 2012 Public Hearing

4 messages

Jean Cordero &lt;jean@tinamunabarnes.com&gt;

Thu, Dec 29, 2011 at 9:03 AM

To: phnotice@guamlegislature.org

Cc: admin@mvguam.com, bgaeth@k57.com, bmkelman@guampdn.com, clynt@spbguam.com, cmelyan@guampdn.com, cmurphy1@guam.gannett.com, dcrisost@guampdn.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, ed@guamtech.com, editor2@directionsguam.com, editor@mvguam.com, egthompson@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, governor@guam.gov, hottips@kuam.com, jason@kuam.com, jdmiller@guampdn.com, john@kuam.com, jtyquiengco@spbguam.com, koreannews@guam.net, kprg@guam.net, kstone@ite.net, life@guampdn.com, llimatthews@guampdn.com, ltgov.tenorio@guam.gov, mabuhaynews@yahoo.com, mar\_vic\_cagurangan@yahoo.com, marvic@mvguam.com, michael@marianasmedia.com, mindy@kuam.com, news@k57.com, news@spbguam.com, nick@kuam.com, odngirairiki@guam.gannett.com, parroyo@k57.com, phillip.leonguerrero@guam.gov, publisher@glimpsesofiguam.com, reporter1@glimpsesofiguam.com, rgibson@k57.com, rkelley@guamtech.com, rlene@rnelive.com, sabrina@kuam.com, slimtiaco@guampdn.com, smbegan@guampdn.com, telo.taitague@guam.gov, therese@mvguam.com, travis.coffman@gmail.com, troy.torres@guam.gov, zita@mvguam.com, Elaine McDonald <elaine@tinamunabarnes.com>, Gavin Santos <gavin@tinamunabarnes.com>, Jane Chargualaf <jane@tinamunabarnes.com>, Richard Dohrumal <richard@tinamunabarnes.com>, Romeo Carlos <romeogfx@yahoo.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Uriah Perez <uriah@tinamunabarnes.com>

Good morning all! Please see attached memo as First Notice of a Public Hearing to be held on Friday, January 6, 2012. Thank you and have a wonderful day!

--

Jeanette P. Cordero "Jean"  
Legislative Assistant  
Office of Senator Tina Rose Muna Barnes  
Tel: 671-472-3455/6  
Fax: 671-472-3400  
e-mail: [jean@tinamunabarnes.com](mailto:jean@tinamunabarnes.com)

First Notice - Jan. 6, 2012 Public Hearing.pdf  
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MAILER-DAEMON@mail.networksolutionsemail.com <MAILER-DAEMON@mail.networksolutionsemail.com>

Thu, Dec 29, 2011 at  
9:03 AM

To: jean@tinamunabarnes.com

Your message did not reach some or all of the intended recipients.

<[agla76@aol.com](mailto:agla76@aol.com)>:

205.188.59.193 does not like recipient.

Remote host said: 550 5.1.1 <[agla76@aol.com](mailto:agla76@aol.com)>: Recipient address rejected: [aol.com](mailto:agla76@aol.com)

Giving up on 205.188.59.193.

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**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)**

As of Nov. 23, 2011

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berlene@senatorpalacios.com  
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cyrus@senatorada.org  
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duenasenator@gmail.com  
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victoria@senatorpalacios.com  
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wilcastro671@gmail.com



**I Mina'Trentai Unu Na Liheslaturan Guåhan**  
**Office of The Legislative Secretary**  
**Tina Rose Muña Barnes**

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January 3, 2012

**Memorandum**

**TO: All Members/All Senators**

**FROM: Senator Tina Rose Muña Barnes** ✕

**SUBJECT: Second Notice of Public Hearing**  
**Friday, January 6, 2012**

*Hafa Adai!*

The Committee on Municipal Affairs, Aviation, Housing and Recreation will be conducting a public hearing on **Friday, January 6, 2012** in the Legislature's Public Hearing Room, beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

*Bill No. 390-31 (COR) – sponsored by: T.R. Muña Barnes*

**"AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS"**

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*Si Yu'os Ma'åse'!*

cc: Sergeant-At-Arms/Protocol/AV  
Clerk of the Legislature  
MIS  
All Media



Jean Cordero <jean@tinamunabarnes.com>

## Second Notice of January 6, 2012 Public Hearing

3 messages

Jean Cordero <jean@tinamunabarnes.com>

Tue, Jan 3, 2012 at 8:49 AM

To: phnotice@guamlegislature.org, admin@mvguam.com, bgaeth@k57.com, bmkelman@guampdn.com, clynt@spbguam.com, cmelyan@guampdn.com, cmurphy1@guam.gannett.com, dcrisost@guampdn.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, ed@guamtech.com, editor2@directionsguam.com, editor@mvguam.com, egthompson@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, governor@guam.gov, hottips@kuam.com, jason@kuam.com, jdmiller@guampdn.com, john@kuam.com, jtyquiengco@spbguam.com, koreannews@guam.net, kprg@guam.net, kstone@ite.net, life@guampdn.com, llmatthews@guampdn.com, ltgov.tenorio@guam.gov, mabuhaynews@yahoo.com, mar\_vic\_cagurangan@yahoo.com, marvic@mvguam.com, michael@marianasmedia.com, mindy@kuam.com, news@k57.com, news@spbguam.com, nick@kuam.com, odngirairikl@guam.gannett.com, parroyo@k57.com, philip.leonguerrero@guam.gov, publisher@glimpsesofguam.com, reporter1@glimpsesofguam.com, rgibson@k57.com, rkelley@guamtech.com, rlene@rnelive.com, sabrina@kuam.com, slimtiaco@guampdn.com, smbegan@guampdn.com, telo.taitague@guam.gov, therese@mvguam.com, travis.coffman@gmail.com, troy.torres@guam.gov, zita@mvguam.com, Elaine McDonald <elaine@tinamunabarnes.com>, Gavin Santos <gavin@tinamunabarnes.com>, Jane Chargualaf <jane@tinamunabarnes.com>, Romeo Carlos <romeogfx@yahoo.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, Uriah Perez <uriah@tinamunabarnes.com>

Cc: Peter S Calvo <peter.calvo@dpr.guam.gov>, Linda Alegarbes <linda.alegarbes@dpr.guam.gov>

Good morning and Happy New Year! Please see attached memo of Second Notice for January 6, 2012 Public Hearing beginning at 9:00 a.m. Thank you and have a wonderful day!

--  
*Jeanette P. Cordero "Jean"*  
*Legislative Assistant*  
*Office of Senator Tina Rose Muna Barnes*  
*Tel: 671-472-3455/6*  
*Fax: 671-472-3400*  
*e-mail: [jean@tinamunabarnes.com](mailto:jean@tinamunabarnes.com)*

**Second Notice - Jan. 6, 2012.pdf**  
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**MAILER-DAEMON@mail.networksolutionsemail.com <MAILER-DAEMON@mail.networksolutionsemail.com>**

Tue, Jan 3, 2012 at 8:49 AM

To: jean@tinamunabarnes.com

Your message did not reach some or all of the intended recipients.

<agla76@aol.com>:  
64.12.90.98 does not like recipient.  
Remote host said: 550 5.1.1 <agla76@aol.com>: Recipient address rejected: aol.com  
Giving up on 64.12.90.98.

--- Below this line is a copy of the message.

Return-Path: <jean@tinamunabarnes.com>





*I Mina'Trentai Unu Na Liheslaturan Guåhan*  
Office of The Legislative Secretary  
Tina Rose Muña Barnes

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**PUBLIC HEARING**  
**Friday, January 6, 2012**

**AGENDA**

- I. CALL TO ORDER**
- II. ANNOUNCEMENT**
- III. ITEMS FOR PUBLIC CONSIDERATION**

**9:00 AM**

*Bill No. 390-31 (COR) – sponsored by: T.R. Muña Barnes*

**“AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS”**

- IV. REMARKS**
- V. ADJOURNMENT**

*Electronic copies of the aforementioned items can be found on the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Hard copies can be obtained by visiting the Office of the Clerk of the Legislature. Testimony should be addressed to Senator Tina Rose Muña Barnes, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatña, Guam 96910, via e-mail to [tinamunabarnes@gmail.com](mailto:tinamunabarnes@gmail.com), or via facsimile to (671) 472-3400. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Jeanenne Cordero at our office. For further information, please call 472-3455/6. I look forward to your attendance and participation. Si Yu'os Ma'åse'!*

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

Bill No. 390-31 (COR)

Introduced by:

T.R. Muña-Barnes

2011 FEB 26 10 00 AM  
T.R. Muña-Barnes

**AN ACT TO ADD A NEW ITEM (J) TO §77104 OF CHAPTER 77, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO PROVIDING THE DIRECTOR OF PARKS AND RECREATIONS WITH THE AUTHORITY TO DETERMINE THE APPROPRIATE NUMBER OF VENDORS FOR THE GUAM PARK SYSTEM; AND TO REPEAL §2105 OF CHAPTER 2, OF DIVISION 1 OF TITLE 21 GUAM ADMINISTRATIVE REGULATIONS RELATIVE TO THE NUMBER OF ALLOWABLE PARK VENDORS.**

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

**Section 1.** A new item (j) is hereby *added* to §77104, of Chapter 77, Title 21 Guam Code Annotated to read:

**“§ 77104. Director: Duties.**

The Director shall have the following duties:

(a) Except for the use of sports fields, pools, playgrounds, and youth centers by bona fide youth sports, groups, non-profit youth organizations, public or private school youth sports activities or other youth league sporting activities, competitions or tournaments, to establish fees, rules and regulations to accomplish the purpose of the Department; provided, that any rule shall not be effective until approved by the Legislature. If the Legislature fails to act on the rules within one hundred twenty (120) calendar days after such rules are filed with the Legislative Secretary, they shall be deemed approved.

1 (b) To administer the Department through such organizational units which  
2 he may establish;

3 (c) To attend, ex-officio, all meetings of the Commission;

4 (d) To prescribe the duties of assistants, deputies, agents and other  
5 persons employed by the Department;

6 (e) To determine which properties constitute the Guam Territorial  
7 Park System and to classify such properties, pursuant to § 77108 and §  
8 77110;

9 (f) To manage the Parks Fund pursuant to § 77112;

10 (g) To be State Liaison Officer for the Bureau of Outdoor Recreation, and  
11 State Liaison Officer for Historic Preservation;

12 (h) To manage the sports fund for off-island travel pursuant to §26020.

13 (i) Guam Territorial Park System as an “Alcohol Free Zone.” The Director  
14 shall develop policies and procedures for the effective designation,  
15 implementation and administration of “Alcohol Free Zones” in accordance  
16 with the Administrative Adjudication Act. “Alcohol Free Zone” designation  
17 shall not exceed more than fifteen percent (15%) of the combined total  
18 number of beaches and parks, not inclusive of playground-only parks under  
19 the jurisdiction of the Department of Parks and Recreation;

20 (j) To, notwithstanding any other provision of law, administrative rule, or  
21 regulation, determine the appropriate number of vendors for each park under  
22 the department’s jurisdiction, provided that such determination shall not  
23 unduly impede park use or access by members of the general public.”

24 **Section 2.Repeal of Administrative Regulation Capping Number of**  
25 **Park Vendors.** §2105 of Chapter 2, of Division 1 of Title 21 Guam  
26 Administrative Regulations is hereby *repealed*.