

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
182-35 (COR) As amended on the Floor	Jose "Pedro" Terlaje Tina Rose Muña Barnes William M. Castro	AN ACT TO ADD A NEW § 90.41 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.	7/24/19 4:17 p.m.	10/14/19	Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit	11/8/19 10:00 a.m.	11/25/19 4:40 p.m.	10/25/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	1/27/20	AN ACT TO ADD NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.	2/4/20	2/4/20	2/15/20				



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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
Thirty-Fifth Guam Legislature

Lillian Kosaka

February 4, 2020

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 41-35 (COR), 102-35 (LS), 141-35 (COR), 177-35 (COR), 182-35 (COR), 183-35 (COR), 201-35 (COR), 204-35 (COR), 210-35 (COR), and 231-35 (COR);** and **Substitute Bill Nos. 173-35 (COR) and 200-35 (COR),** which were passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on February 4, 2020.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (12)



I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 182-35 (COR)**, “AN ACT TO *ADD* NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS,” was on the 4th day of February 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 4th day of Feb.,
2020, at 4:15 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2019 (FIRST) Regular Session

Bill No. 182-35 (COR)

As amended on the Floor.

Introduced by:

Jose “Pedo” Terlaje
Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *ADD* NEW §§ 90.41, 90.42, AND 90.43 TO
ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO CREATING AN INMATE
COMMISSARY AT THE DEPARTMENT OF
CORRECTIONS.**

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

2 **Section 1.** A new § 90.41 is hereby *added* to Article 1 of Chapter 90, Title
3 9, Guam Code Annotated, to read:

1 **“§ 90.41. Inmate Commissary.**

2 Notwithstanding any other provision of law, the Department of
3 Corrections (DOC) is authorized to operate or outsource the operation of an
4 inmate commissary within the confines of DOC. This Section *shall* exempt
5 DOC from the provisions of 21 GCA § 60112 in order to provide DOC the
6 authority to lease property to an approved vendor to operate the commissary
7 facility without first seeking legislative approval.”

8 **Section 2.** A new § 90.42 is hereby *added* to Article 1 of Chapter 90, Title
9 9, Guam Code Annotated, to read:

10 **“§ 90.42. Operation of Inmate Commissary.**

11 (a) The Director of DOC may operate, or contract with another
12 person or entity to operate, a commissary for the use of the inmates confined
13 at DOC.

14 (b) In accordance with 5 GCA Chapter 5 (Guam Procurement Law),
15 the Department of Corrections is authorized to enter into a contract for the
16 lease of up to three hundred (300) square feet of its property for an inmate
17 commissary. Procurement of said contract *shall* be done by a DOC staff
18 member who is qualified under 5 GCA § 5141.

19 (c) Funds directed as a result of revenue received from the contract
20 under Subsection (b) of this Section *shall* be subject to an annual audit by the
21 Office of Public Accountability.

22 (d) When entering into a contract under Subsection (a) of this
23 Section, the Director or the Director’s designee *shall* consider the following:

24 (1) whether the contract should provide for a fixed rate of
25 return combined with a sales growth incentive;

1 (2) the menu items offered by the provider and the price of
2 those items;

3 (3) the value, as measured by a best value standard, and
4 benefits to inmates and the commissary, as offered by the provider;

5 (4) safety and security procedures to be performed by the
6 provider; and

7 (5) the performance record of the provider, including service
8 availability, reliability, and efficiency.

9 (e) The Department of Corrections *shall* establish policy and
10 procedures for the administration of this Section. Such policy and procedures
11 *shall* be transmitted to *I Liheslaturan Guåhan* prior to operation of the inmate
12 commissary.

13 (f) The Department of Corrections *shall* establish rules and
14 regulations for the administration of this Section prior to operation of the
15 inmate commissary.”

16 **Section 3.** A new § 90.43 is hereby *added* to Article 1 of Chapter 90, Title
17 9, Guam Code Annotated, to read:

18 **“§ 90.43. Corrections Commissary Fund.**

19 (a) There is hereby established a Fund to be known as the
20 Corrections Commissary Fund (CCF), which *shall* be maintained separate and
21 apart from other funds of the government of Guam. All funds collected by the
22 government of Guam from the operations of a commissary *shall* be deposited
23 in the CCF; and, interest and investment earnings *shall* be credited to the
24 assets of the CCF and *shall* become part of the CCF. Any remaining balance
25 in the CCF at the end of the fiscal year *shall* be carried over to the next fiscal
26 year.

1 (b) Inmate Improvement. The Director may use up to fifty percent
2 (50%) of the net proceeds of the CCF to develop or enhance inmate welfare;
3 and the other fifty percent (50%) *shall* be used for rehabilitation programs
4 within the Department of Corrections.”

5 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

6 **Section 5. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
8 *not* affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.