



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Speaker
Vicente C. Pangelinan

DEC 31 2004

TIME: 4:34 PM
RECEIVED BY: [Signature]

31 DEC 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 322 (LS), "AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM PURCHASING ALCOHOLIC BEVERAGES, BY ADDING §22401.1 TO ARTICLE 4, CHAPTER 22, DIVISION 2 OF TITLE 5, GUAM CODE ANNOATED," now designated as Public Law 27-152.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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


This is to certify that Bill No. 322 (LS), "AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM PURCHASING ALCOHOLIC BEVERAGES, BY ADDING §22401.1 TO ARTICLE 4, CHAPTER 22, DIVISION 2 OF TITLE 5, GUAM CODE ANNOTATED," was on the 20th day of December, 2004, duly and regularly passed.

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 30, 2004

Public Law No. 27-152

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 322 (LS)

As amended on the Floor.

Introduced by:

v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM
FROM PURCHASING ALCOHOLIC BEVERAGES, BY
ADDING §22401.1 TO ARTICLE 4, CHAPTER 22, DIVISION
2 OF TITLE 5, GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that serving alcoholic beverages at Guam's state functions and affairs
4 has become an accepted practice. Although this seems to be a hospitable
5 gesture as part of entertaining guests, particularly on an evening with
6 dignitaries, it certainly is not an acceptable way of spending taxpayers'
7 money.

1 It is therefore the intent of *I Liheslaturan Guåhan* to prohibit all three
2 branches of the government of Guam from spending our limited government
3 resources on alcoholic beverages.

4 **Section 2.** A new §22401.1 is hereby *added* to Article 4, Chapter 22,
5 Division 2 of Title 5, Guam Code Annotated, to read as follows:

6 “§22401.1. **Expenditures on Alcoholic Beverages Illegal.** No
7 officer, employee, or agent of any public corporation or of any branch,
8 department, agency, or instrumentality of the government of Guam,
9 including, *but not limited to*, the Guam Power Authority, the Guam
10 Telephone Authority, the A. B. Won Pat International Airport Authority
11 Guam, the Guam Economic Development and Commerce Authority, the
12 Guam Housing Corporation, the Government of Guam Retirement
13 Fund, the Jose D. Leon Guerrero Commercial Port, the Guam
14 Waterworks Authority, the Guam Visitors Bureau, the Guam Memorial
15 Hospital Authority, and Boards and Commissions established by law or
16 rule, shall, directly or indirectly, make or authorize any expenditure for
17 the purchase of or reimbursement for alcoholic beverages, or solicit,
18 accept or receive any alcoholic beverages as a gift or donation for any
19 government function or affair.”

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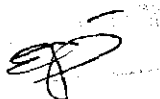
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DEC 31 2004

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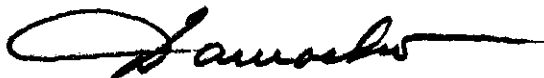
31 DEC 2004

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

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Sinseru yan Magåhet,



FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

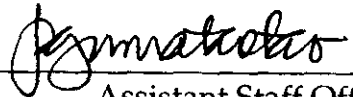
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Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (bentic) pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 20 day of December, 2004,
at 5:50 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 30, 2004

Public Law No. 27-152

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

Bill No. 322 (LS)

As amended on the Floor.

Introduced by:

v. c. pangelinan
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F. R. Cunliffe
Carmen Fernandez
Mark Forbes
L. F. Kasperbauer
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AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM
FROM PURCHASING ALCOHOLIC BEVERAGES, BY
ADDING §22401.1 TO ARTICLE 4, CHAPTER 22, DIVISION
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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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10 Telephone Authority, the A. B. Won Pat International Airport Authority
11 Guam, the Guam Economic Development and Commerce Authority, the
12 Guam Housing Corporation, the Government of Guam Retirement
13 Fund, the Jose D. Leon Guerrero Commercial Port, the Guam
14 Waterworks Authority, the Guam Visitors Bureau, the Guam Memorial
15 Hospital Authority, and Boards and Commissions established by law or
16 rule, shall, directly or indirectly, make or authorize any expenditure for
17 the purchase of or reimbursement for alcoholic beverages, or solicit,
18 accept or receive any alcoholic beverages as a gift or donation for any
19 government function or affair.”



FRANK B. AGUON, JR.

Vice Speaker

December 15, 2004

MEMORANDUM

The Honorable ben c. pangelinan
Speaker, *I Mina' Bente Siete Na Liheslaturan Guåhan*
155 Hesler Street
Hagåtña, Guam 96910

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

Dear Speaker pangelinan:

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which was referred, Bill No. 322 (COR) - An Act to prohibit the Government of Guam from purchasing alcoholic beverages, by adding Section 22402 to Article 4 of Chapter 22 of Division 2 of Title 5, Guam Code Annotated, has had the same under consideration, and now wishes to report back the same with the recommendation **TO DO PASS**.

The voting record is as follows:

TO PASS	<u>1</u>
NOT TO PASS	<u>0</u>
TO ABSTAIN DUE TO POTENTIAL CONFLICT	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention to this matter. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,

FRANK BLAS AGUON, JR.
Vice Speaker/Senator
I Mina' Bente Siete Na Liheslaturan Guåhan

27-152

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.

Vice Speaker

November 19, 2004

MEMORANDUM

TO: Members, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

FROM: Vice Speaker Frank B. Aguon, Jr.
Chairman, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

SUBJECT: Committee Report – Bill No. 322 (COR): An Act to prohibit the Government of Guam from purchasing alcoholic beverages, by adding Section 22402 to Article 4 of Chapter 22 of Division 2 of Title 5, Guam Code Annotated.

Transmitted herewith for your information and action is the report on Bill No. 322 (COR) from the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill 322 (COR)
4. Public Hearing Sign-in Sheet
5. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,

FRANK BLAS AGUON, JR.

Vice Speaker/Senator

I Mina Bente-Siete Na Liheslaturan Guåhan

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.

Vice Speaker

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

VOTING SHEET

Bill 322: An Act to prohibit the Government of Guam from purchasing alcoholic beverages, by adding Section 22402 to Article 4 of Chapter 22 of Division 2 of Title 5, Guam Code Annotated.

Committee Members	To Pass	Not to Pass	To Abstain due to potential Conflict	To place in Inactive File
 FRANK B. AGUON, JR. Chair	✓	_____	_____	_____
 ANTOINETTE D. SANFORD Vice Chair	✓	_____	_____	_____
 LOU LEON GUERRERO Member	✓	_____	_____	_____
 TINA R. MUNA-BARNES Member	✓	_____	_____	_____
 JOHN M. QUINATA Member	_____	_____	_____	_____
 RORY J. RESPICIO Member	_____	_____	_____	_____
 CARMEN FERNANDEZ Member	_____	_____	_____	_____
MARK FORBES Member	_____	_____	_____	_____
LAWRENCE F. KASPERBAUER Member	_____	_____	_____	_____



Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guahan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479.4827





FRANK B. AGUON, JR.

Vice Speaker

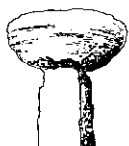
I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN

Committee on Appropriations and Budgeting,
General Governmental Operations,
Reorganization and Reform

VICE SPEAKER FRANK B. AGUON, JR.
CHAIRMAN

Committee Report
On
Bill No. 322 (COR)

"AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM PURCHASING ALCOHOLIC BEVERAGES, BY ADDING SECTION 22402 TO ARTICLE 4 OF CHAPTER 22 OF DIVISION 2 OF TITLE 5, GUAM CODE ANNOTATED."



Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



I. Overview

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform held a public hearing on Bill No. 322 (COR) at 9:00 a.m. on Friday, November 19, 2004 in the Public Hearing Room, *I Liheslaturan Guåhan*. Public notice for this hearing was made on: Friday, November 12, 2004 and Thursday, November 18, 2004 in the Pacific Daily News in the form of a paid advertisement.

Senators present at the public hearing were:

Vice Speaker Frank B. Aguon, Jr., Chairman
Senator Toni Sanford, Vice-Chair
Senator Carmen Fernandez, Member
Speaker ben pangelinan
Senator Robert Klitzkie

II. Summary of testimony

No members of the public appeared personally to submit testimony on Bill 322.

Chairman Aguon invited the bill's author, **Speaker pangelinan**, to comment on his bill for the record. Speaker pangelinan stated that since the hearing was announced he had received comments via e-mail suggesting further amendments to the bill, such as prohibiting solicitation of alcoholic beverages by government employees for official functions. He stressed that the bill was intended only to affect official functions, not other functions such as those hosted by employee associations.

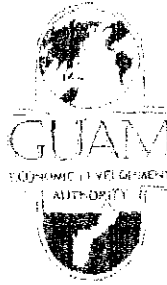
Subsequent to the hearing, written testimony was received from the GEDCA Administrator (attached) requesting the bill to be amended.

III. Findings and recommendation

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform finds that Bill No. 322 (COR) effectively prohibits spending of public funds on alcoholic beverages at official functions.

Accordingly, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill No. 322 (COR) was referred does hereby submit to *I Mina' Bente Siete Na Liheslaturan Guåhan* **TO DO PASS** Bill No. 322 (COR): "An Act to prohibit the Government of Guam from purchasing alcoholic beverages, by adding Section 22402 to Article 4 of Chapter 22 of Division 2 of Title 5, Guam Code Annotated".

Aturidad Inadilanton



Ikunumihan Gu

RECEIVED

NOV 19 2004

ARR 4:55 PM

Lieutenant Governor

Eduardo M. Melancon

Governor

Gilda D. Caneda

November 19, 2004

Vice Speaker Frank B. Aguon, Jr.
 Committee on Appropriations and Budgeting, General Governmental Operations,
 Reorganization and Reform
 27th Guam Legislature

Re: Bill No. 322, "An act to prohibit the Government of Guam from purchasing alcoholic beverages, by adding section 22402 to article 4 of chapter 22 division 2 of title 5, Guam code annotated."

Dear Mr. Vice Speaker:

We were not able to attend today's hearing because of a previously scheduled meeting. However, we are submitting the comments below for inclusion in the hearing record.

If passed into law, this measure will create an awkward and unfair situation for public employees who, among other duties, have responsibility to cultivate business relationships that can be of benefit to the public.

In the case of GEDCA, for instance, business discussions often center around dinner and lunch meetings where guests often partake of cocktails before the meal, and wine served as part of the meal. These social norms in the conduct of business would be in direct conflict with the bill as written.

Employees would be faced with either having to use their personal funds, while conducting public business, or face the embarrassing prospect of asking guests to pay for drinks at events to which we have invited them.

That said, we do appreciate that abuses can and do arise, an unfortunate issue requiring better management discipline and control. If the issue is abuse, however, then this bill should be amended so that it does not impair the ability of public employees to do their jobs in a manner that is consistent with accepted business practices.

I would suggest further that post dinner or lunch entertainment, involving heavy drinking and social contacts, be "recognized as not a necessary" activity in cultivating a business relationship that would justify involving the use of public funds. As in many private companies, these after hours functions are treated as personal entertainment, for which individuals involved must pay.

Michael Basco
 for Gerald S.A. Perez
 Administrator

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TO: VICE SPEAK FR B AGUON JR

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