



Office of the Governor of Guam

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Felix Perez Camacho
Governor
Kaleo Scott Moylan
Lieutenant Governor

22 JUL 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 11:05 Date: 7-25-05

Dear Mr. Speaker:

Transmitted herewith is Bill No. 137 (EC), "AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125, AND TO REPEAL AND RE-ENACT SUBSECTION (d) OF §3122, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW" which I signed into law on June 30, 2005, as Public Law 28-50.

Sinseru yan Magâhet,

[Signature of Felix P. Camacho]

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES
Date: 7/25/05
Time: 8:00 AM
Rec'd by: [Signature]
Print Name: Mark Forbes
28-05-0311

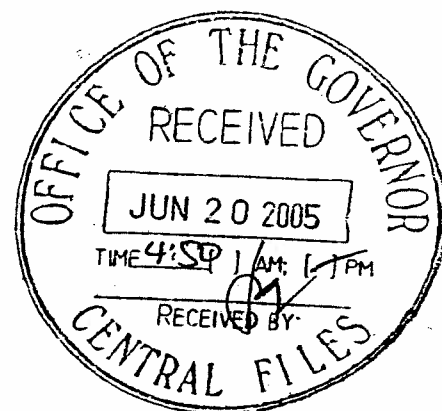
0312



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

June 20, 2005

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 97(EC) & 103(LS); and Substitute Bill Nos. 41(EC), 46(EC), 59(EC), 61(EC), 69(EC), 77(EC), 87(LS), 100(EC), 112(EC), 119(EC), 122(EC), 128(EC) and 137(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on June 17, 2005.

Sincerely,

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (15)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 137 (EC), "AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125, AND TO REPEAL AND RE-ENACT SUBSECTION (d) OF §3122, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW," was on the 17th day of June, 2005, duly and regularly passed.

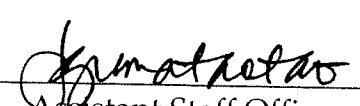

Mark Forbes
Speaker

Attested:

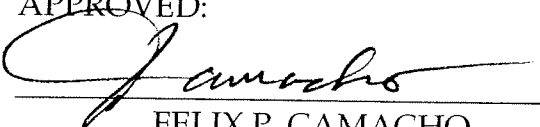

Edward J.B. Calvo

Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 20 day of June, 2005,
at 4:50 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date:

Public Law No.

6/30/05

28-50

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 137 (EC)

As substituted by the Committee on
Education and Community Development,
and amended.

Introduced by:

L. F. Kasperbauer
Mark Forbes
R. Klitzkie
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125, AND TO REPEAL AND RE-ENACT SUBSECTION (d) OF §3122, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE

BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO
THE OPEN-GOVERNMENT LAW.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be known as the "Guam
3 Community-Based Library Act".

4 Section 2. Section 80106 of Chapter 80 of Title 5, Guam Code Annotated
5 is hereby amended to read:

6 "§80106. Library Board Members. The Board shall be composed
7 of seven (7) members, to be appointed by *I Maga'lahi* with the advice
8 and consent of *I Liheslaturan Guåhan*. Of the appointed members, one (1)
9 member shall be a full-time student, in compliance with 4 GCA §2105.1;
10 at least one (1) shall be employed as a librarian throughout the term of
11 appointment; at least one (1) shall be a classroom teacher throughout the
12 term of appointment; at least one (1) shall be employed in the field of
13 Information Technology throughout the term of appointment; at least
14 one (1) shall be a business owner or a senior manager employed with a
15 private business throughout the term of appointment."

16 Section 3. Length of Terms. Section 80107 of 5 GCA is hereby
17 amended to read:

18 "§80107. Library Board Tenure. Except for the student member,
19 the members of the Board shall serve for a term of three (3) years,
20 commencing with the date of appointment, and until their successors
21 are appointed and qualified; provided, that of the members first
22 appointed, two (2) shall serve for two (2) years and two (2) shall serve

1 for one (1) year, as designated by *I Maga'lahi*. The term of the student
2 member shall be for one (1) year."

3 **Section 4. Item (d) of Section 3122 of Chapter 3 of Title 5 Guam**
4 **Code Annotated, is hereby *repealed and re-enacted* to read:**

5 **"(d) (1) Qualifications for Director.** The Director must:

6 (a) have earned a Master's Degree in Library Science (MLS),
7 a Master's degree in Library and Information Science (MLIS), or a
8 Masters degree in Education with concentration on Library
9 Science from a United States accredited college or university or
10 from a college or university accredited by the American Library
11 Association (ALA); and

12 (b) have a minimum of four (4) years general managerial
13 experience *or* have earned Bachelor's or Master's degree in
14 Business Administration, Commerce, Business Information
15 Systems, Public Administration or a related field from a United
16 States Accredited College or University.

17 **(2) Primary Job Duties.** The Director shall administer the day-to-
18 day operations of the Guam Public Library System, implement board
19 policy and perform other duties as assigned by the Board."

20 **Section 5. Fundraising Authorized.** Section 80117 of Chapter 80 of 5
21 GCA is hereby *amended* to read:

22 **"§80117. Gifts to the Library and Fundraising.** The Board shall
23 have authority to solicit for and accept on behalf of, and in the name of,
24 the government of Guam from any government or agency thereof, or
25 any person, advisory services, grants-in-aids, gifts, donations of money

1 and other property for the benefit of the Library System, or the Guam
2 Archives; provided, that any grants-in-aid, gifts, donations or other
3 form of assistance involving an obligation on the part of the Library
4 System or the Guam Archives or the government of Guam shall require
5 the approval of *I Maga'lahi*. The Guam Public Library system may, upon
6 approval of the Board, engage in fundraising activities for the benefit of
7 the Public Libraries. The Board shall submit an annual report on such
8 fundraising activities to *I Maga'lahi* and *I Liheslatura*."

9 **Section 6. Use of Volunteers Authorized.** A new Section 80124 is
10 hereby *added* to Chapter 80 of 5 GCA to read:

11 "§80124. **Friends of the Library Volunteers.** The Board may
12 institute a program within the Guam Public Library System to be
13 entitled, 'Friends of the Library'. The Board shall make necessary rules
14 and regulations for the employment and use of said volunteers within
15 the System. The Board may obtain liability insurance coverage for said
16 volunteers. Title 4 GCA §2112 shall apply to volunteers hereunder."

17 **Section 7. Separate Budgeting for Branch Libraries.** A new Section
18 80125 is hereby *added* to Chapter 80 of 5 GCA to read:

19 "§80125. **Separate Budget for Branch Libraries.** The Board shall
20 submit a separate budget to *I Liheslatura* annually for the operations of
21 each branch library. The budget shall include sufficient funding for
22 personnel, utilities, books, periodicals, computers, internet access, etc.
23 necessary to operate a branch for *not less than* twenty (20) hours per
24 week. The Board may transfer funds within each branch library budget

1 among object categories, however, such transfers of funds shall not
2 impede a branch's operating for the minimum hours prescribed herein."

3 **Section 8. Open Government Requisite.** Section 80109 of 5 GCA is
4 hereby *amended* to read:

5 "§80109. **Board Meetings.** Meetings of the Board shall be open to
6 the public and held at a regular time and place each month. Special
7 meetings may be called by the Chairperson. All meetings shall be
8 subject to the provisions of 5 GCA Chapter 8, *'The Open Government*
9 *Law'*."

10 **Section 9. Effective Date.** Section 2 of this Act shall take effect thirty
11 (30) days following the enactment hereof, or upon appointment of members
12 required to meet the conditions of Section 2 of this Act, whichever is sooner.
13 If any of the Board members currently serving on the Board, who have been
14 confirmed by *I Liheslatura*, are re-appointed by *I Maga'lahi* prior to the
15 enactment hereof, such members may serve out their remaining terms
16 without legislative confirmation. All other sections of this Act shall take effect
17 upon enactment.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 6/17/05

VOTING SHEET

SBill No. 137(EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.					✓
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-50



May 26, 2005

The Honorable Mark Forbes
Speaker
I Mina Bente Ocho Na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

Re: Committee Recommendation

Dear Speaker Forbes:

The Committee on Education & Community Development, to which was referred **BILL NO. 137 (EC)**: An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law herein reports back with the recommendation **To Do PASS as substituted by the committee.**

Votes are as Follows:

7

TO PASS

/

NOT TO PASS

/

TO REPORT OUT ONLY

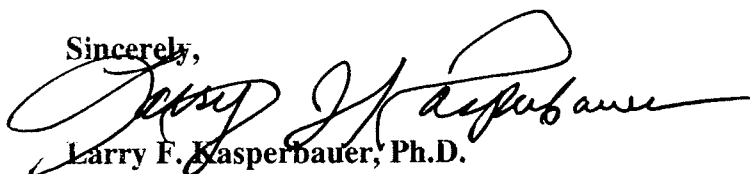
/

ABSTAIN

/

INACTIVE FILE

Sincerely,


Larry F. Kasperbauer, Ph.D.



May 26, 2005

MEMORANDUM


TO: All Members
Committee on Education and Community Development

FROM: Chairman

Subject: Voting Sheet

Transmitted herewith are the voting sheet and the Committee Report on **BILL NO. 137 (EC)**: An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law, as substituted for your review and signature.

Your attention to this matter is greatly appreciated.



Larry F. Kasperbauer, Ph.D.

attachments

COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT

I Mina' Bente Ocho na Liheslaturan Guáhan








155 Hesler Street · Hagåtña, Guam 96910

Chairman: Senator Larry F. Kasperbauer, Ph.D. Vice-Chairperson: Senator Ray Tenorio
 Ex-Officio Member: Speaker Mark Forbes

VOTING SHEET ON BILL NO. 137

BILL NO. 137 (EC): An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law, by Senator Larry F. Kasperbauer, Ph.D.

VOTING SHEET: Bill No. 137

BILL NO. 137	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Senator Larry F. Kasperbauer, Ph. D, Chair		X				
Senator Ray Tenorio, Vice Chair		✓				
Speaker Mark Forbes, Ex-Officio		✓				
Vice Speaker Joanne Brown, Member						
Senator Frank B. Aguon, Jr., Member						
Senator Edward J.B. Calvo, Member		✓				
Senator Mike Cruz, M.D., Member		X				
Senator Robert Klitzkie, Member		X				
Senator Jesse Lujan, Member						
Senator Rory J. Respicio, Member						
Senator Antonio R. Unpingco, Member		✓				
Senator Judith T. Won Pat, Member						

Committee Report on:

BILL NO. 137 (EC): An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law. , by Senator Larry F. Kasperbauer, Ph.D

I. OVERVIEW

The Committee on Education & Community Development held a public hearing on Wednesday, May 25, 2005 at 4p.m. at the Guam Legislature Session Hall in Hagatna, Guam on BILL NO. 137 (EC). Notice of public hearing was printed in the Marianas Variety - Guam Edition, The Pacific Daily News, and the Guam Legislature's Home Page, under the link Legislative Calendar (see attached).

Committee Members Present:

Senator Larry F. Kasperbauer, Chairman
Senator Ray Tenorio, Vice Chair
Senator Robert Klitzkie
Senator Rory Respicio
Senator Frank Aguon, Jr.

The following Individuals provided testimony on Bill No. 137:

- 1.) Mr. Michael Cruz, Chair, Guam Public Library Board
- 2.) Ms. Cristina M. Watson, Acting Director, Guam Public Library System
- 3.) Anthony C. Lamorena V, Senior Assistant for Policy, Communications & Research, Office of the Governor of Guam
- 4.) Ms. Christine Scott-Smith, Member Guam Public Library Board
- 5.) Mr. Ric Castro, Member Guam Public Library Board
- 6.) Ms. Shirley (SAM) Mabini Souza, Member Guam Public Library Board
- 7.) Ms. Marie Serneo. Student member, Guam Library Board System
- 8.) Linda Aguon, Laurie Atoigue, Ronald Ayuyu, Gregorio Borja, Evelyn Concepcion, Melba Generaga, Bertha Guerrero, Teresita Kennimer, Jaydene Lujan, Joaquin Lujan, Victor Palomo, Geria Perez, Emily Salas, Rosa Santiago, Elizabeth Santos, Sandra Stanley, Richard Taitague, Linda Villagomez;
Employees, Guam Public Library System:
- 9.) Del Agahan & Kimberly Wang, ETAL; Patrons, Guam Public Library System:

II. SUMMARY OF TESTIMONY:

Michael S. Cruz, Chairman, Guam Public Library System Board: Mr. Cruz at the end of the hearing offered his full-support of the Bill but added that he would like to see the Civil Service recommendations for the director's salary implemented. He did note at the beginning of hearing that his support of the Bill would be contingent upon what he hears and learns about the bill from the author and from the others testifying. He had several questions to the author regarding procedures that would be necessary once the bill was enacted such as what would happen to members if they stopped doing the occupation that qualified them to be on the board and how would they be replaced? The Chairman replied that such replacement appointments are subject to gubernatorial appointment and confirmation as is the case with other Government of Guam boards and commissions. Mr. Cruz also suggested that based on his discussion with "professional librarians" that he believes five years of managerial experience should be required for the director. In response to questions from Senator Klitzkie for the reason for such a position, he could not come up with one and requested that that recommendation be stricken from his testimony.

He appended a copy of a CSC recommendation letter dated to then Legislative Finance Committee Chair Frank B. Aguon, Jr. regarding the compensation of the Library Director's position.

Cristina Watson, Acting Director, Guam Public Library System: Ms. Watson submitted written and oral testimony in full support of the Bill. She noted that the diverse membership composition proposed in the Bill will "ensure that the Board adequately represents the community". She also testified that the provision to allow the library to engage in fundraising would be a great advantage to the library system in acquiring resources since the current law only allows the library to receive gifts but not actively solicit them. She supports the authorization to enlist the services of volunteers, the one-year term provision for the student member, the Open Government Law applicability and the separate budget for the branch libraries that will ensure their operation for at least 20 hours per week.

Ms. Watson added that because of the support of the administration, BBMR and the Department of Administration that the branch libraries in Agat and Yona will be re-opening this summer. She noted that she is committed to opening the other branches when the Bill passes.

Senator Aguon expressed to Ms. Watson his concern that the acceptance of donations absent the direct receipt by the "Chief Executive" may create problems of accountability. He suggested that a reporting requirement to the "Chief Executive" and the Legislature should be included. Ms Watson agreed.

Alberto A.C. Lamorena V, Senior Assistant for Policy, Communications and Research, Office of the Governor: Mr. Lamorena submitted written and oral testimony on behalf of Governor Felix P. Camacho in full support of the bill. He testified that the bill would "provide sound governance, encourage volunteerism, community endowments and private sector assistance, and sustain the branch libraries to accommodate the geographic concerns of our people". In his oral testimony, he noted that the current legislated job specifications made it difficult to recruit a suitable director. He said that the provisions in the bill that keep the academic requirements but allow for managerial and business expertise will help the library to better meet its fundraising goals. He noted that from his personal experience business skills by an agency director are the most important ability to efficiently and affectively manage a government agency.

He also emphasized that the administration whole-heartedly supports opening all the branch libraries and is committed to that goal.

Rick L. Castro, Member, Guam Public Library System Board: Mr. Castro testified in favor of the Bill except the provision that would remove “library supervisory experience” from the director’s qualifications. He stated that he believed based on 17 years of experience in working in library science that such experience is critical. Senator Klitzkie inquired why he believed that. Mr. Castro cited his experience at the UOG library and as a former Board Chairman of the Guam Public Library System. He said that he believes that the director needs hands-on skills in the library.

The Chairman asked how do the current job requirements guarantee that current job requirements under existing law guarantee that the director will have the necessary managerial skills to prepare financial reports, grant applications and other things that someone with a business background should be able to do? He did not answer but did say he believed that the salary should be raised to attract such applicants. He maintained that he thought the provision in the Bill “waters down the qualifications”.

Shirley (Sam) A. Mabini-Souza, Member, Guam Public Library System Board: Ms. Mabini-Souza submitted written and oral testimony in favor of the Bill. She noted that the Bill exemplifies the “meaning to community”. She supported the entire bill noting that she appreciates the positive direction that our leaders are taking in supporting Island-wide library services. In following previous witnesses on comments made regarding the qualifications of the Director, she noted that here entire career and education has been in the field of employment and human-resources education and that such qualifications as proposed in the Bill are not only adequate but better than those that exist in current law in terms of leadership the library needs to carryout the other mandates in the Bill. She also noted that combination of education and experience is valuable but in itself does not guarantee effective management. She inferred that based on her examination of problem issues at the library that existed under the prior administrations that “library supervision experience” by no means guarantees that the library will be run effectively. She also stated that detailed job requirements beyond the minimums proposed by the Bill should be the prerogative of the Board.

Christine Scott-Smith, Member, Guam Public Library System Board: Ms. Scott-Smith testified (oral only) in favor of the Bill except the provision that would remove “library supervisory experience” from the director’s qualifications and the provision that allowed for the acceptance of volunteer services. While she did not elaborate on the qualifications issue except to say that from her personal experience, she believes that such experience in a library setting is important. She did not expound on her position against the use of volunteers except to say to “protect the integrity of the position”. She felt that volunteers would require several paid staff to supervise their volunteer activities and that she would support it only if the funding was provided to hire such staff. Senator Klitzkie questioned her position stating that volunteers would “reduce the need for paid staff”. He noted that in his last term he was able to save a considerable amount of money by accepting the services of volunteers in his legislative office which ultimately ended up helping DOE’s libraries.

Nia Maria B. Serneo, Member, Guam Public Library System Board: Ms. Serneo testified in full support of the Bill. She testified as a student member, she believes that the provisions that allow for volunteers and fundraising will really benefit the library system.

Linda Aguon, Laurie Atoigue, Ronald Ayuyu, Gregorio Borja, Evelyn Concepcion, Melba Generaga, Bertha Guerrero, Teresita Kennimer, Jaydene Lujan, Joaquin Lujan, Victor Palomo, Geria Perez, Emily Salas, Rosa Santiago, Elizabeth Santos, Sandra Stanley, Richard Taitague, Linda Villagomez;
Employees, Guam Public Library System: Ms Kennimer and Ms. Aguon read the written testimony signed by 18 of the 20 library employees in full support of the Bill. The Chairman asked why only 18 signed the testimony. Ms. Kennimer replied that one declined for religious reasons and another needed more time to review the Bill.

Del Agahan & Kimberly Wang, ETAL; Patrons, Guam Public Library System: Ms. Agahan and Ms. Wang submitted written testimony in full support of the Bill. Additionally, five additional patrons signed the written testimony submitted. They stated that the Bill can “only promote more positive changes in the library system.”

III. FINDINGS AND RECOMMENDATIONS:

The Committee on Education and Community Development finds that Bill No. 137 (EC) has the support of its patrons, its staff, and its director, most of its board and that of the administration. The provisions of the Bill will create a board that will be representative of the community, allow for fundraising, guarantee funding for the branch libraries, allow of acceptance of volunteer services and adapt the qualifications of the director to ensure that the day-to-day administration of the Guam Public Library system will stay on focus towards these goals. While the Committee agrees that there is value in “library supervisory experience” such requirements cannot guarantee that the director will have the necessary Knowledge, Abilities and Skills (KAS) in accounting, budgeting, planning and marketing that a director would acquire through managerial experience of completion of a degree program in business or public administration. A director who possesses these KAS is essential to ensure that the other provisions of the Bill can be fulfilled.

The committee concurs with recommendations to require reporting on fundraising activities, to continue to call the library volunteer programs “Friends of the Library”, to create a separate fund for deposit of such funds and to allow the Board flexibility to move funds among object categories within the branch library budget. Such recommendations are incorporated in a substitute bill. It is the recommendation that Substitute Bill No. 137 (EC) be reported out with the Recommendation **TO DO PASS**.

2nd
6/7/05

3rd
6/9/05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 137 (EC)
As Substituted By the
Committee on Education and
Community Development

Introduced by:

L. F. Kasperbauer
Mark Forbes
Robert Klitzkie

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be known as the "Guam Community-
3 Based Library Act".

4
5 Section 2. Section 80106 of Chapter 80 of Title 5, Guam Code Annotated is
6 hereby *amended* to read:

7 "§80106. Library Board Members. The Board shall be composed of seven
8 (7) members, ~~of which one (1) member shall be a secondary student, in compliance~~
9 ~~with Public Law No. 22-160, Section 7,~~ to be appointed by the Governor with the
10 advice and consent of the Guam Legislature. Of the appointed members one (1)

1 member shall be a full-time student, in compliance with 4GCA: §2105.1, at least one
2 (1) shall be employed as a librarian throughout the term of appointment, at least one
3 (1) shall be a classroom teacher throughout the term of appointment, at least one (1)
4 shall be employed in the field of Information Technology throughout the term of
5 appointment, at least one (1) shall be a business owner or a senior manager employed
6 with a private business throughout the term of appointment.”

7

8 **Section 3. Length of Terms.** Section 80107 of 5G.C.A. is hereby *amended* to
9 read:

10 **“§80107. Library Board Tenure.** Except for the student member, the
11 members of the Board shall serve for a term of three years commencing with the date
12 of appointment, and until their successors are appointed and qualified; provided, that
13 of the members first appointed, two shall serve two years and two shall serve one
14 year as designated by the Governor. The term for the student member shall be one
15 (1) year.”

16

17 **Section 4.** Item (d) of Section 3122 of Chapter 3 of Title 5 Guam Code
18 Annotated, is hereby *repealed and re-enacted* to read:

19 **“(d) (1) Qualifications for Director.** The minimum qualifications for the
20 Library are:

21 (1) An earned a Master's Degree in Library Science (MLS), Library and
22 Information Science (MLIS) or a Masters degree in Education with concentration on
Library Science from a United States accredited college or university or from a
college or university accredited by the American Library Association (ALA) *and* —

J. Torres
8/23
J. Torres
8/24
J. Torres
8/25

26 (2) have a minimum of four (4) years general *Managerial* experience *or* an
earned Bachelor's or Master's degree in Business Administration, Commerce,

1 Business Information Systems, Public Administration or related field from a United
2 States Accredited College or University.

3 (2) **Primary Job Duties.** The Director shall administer the day-to-day
4 operations of the Guam Public Library System, implement Board Policy and perform
5 other duties as assigned by the Board.”

6

7 **Section 5. Fundraising authorized.** Section 80117 of Chapter 80 of 5G.C.A.
8 is hereby *amended* to read:

9 “§80117. **Gifts to the Library and Fundraising.** The Board shall have
10 authority to solicit for and/or accept on behalf of, and in the name of, the government
11 of Guam from any government or agency thereof, or any person, advisory services,
12 grants-in-aids, gifts, donations of money and other property for the benefit of the
13 Library System, or the Guam Archives; provided, that any grants-in-aid, gifts,
14 donations or other form of assistance involving an obligation on the part of the
15 Library System or the Guam Archives or the government of Guam shall require the
16 approval of the Governor. The Guam Public Library system shall have the authority,
17 upon approval of the Board, to engage in fundraising activities for the benefit of the
18 Public Libraries. The Board shall prepare report on such fundraising activities to I
19 Maga Lahen and I Liheslatura annually.”

20

21 **Section 6. Use of Volunteers Authorized.** A New Section 80124 is hereby
22 *added* to Chapter 80 of 5G.C.A. to read:

23 “§80124. **Friends of the Library Volunteers.** The Board is authorized to
24 institute a program within the Guam Public Library System to be entitled, "Friends of
25 the Library." The Board shall, by its policies, make needful rules and regulations for
26 the utilization of said volunteers within the System. The Board is authorized to obtain

1 liability insurance coverage for said volunteers. The provisions of 4G.C.A.: §2112
2 shall apply to volunteers herein.”

3

4 **Section 7. Separate Budgeting for Branch Libraries.** A New Section 80125
5 is hereby *added* to Chapter 80 of 5G.C.A. to read:

6 “§80125. **Separate Budget for Branch Libraries.** The Board shall submit a
7 separate budget to *I Liheslatura* annually for the operations of the branch libraries.
8 The budget shall include sufficient funding for personnel, utilities, books, periodicals,
9 computers, internet access, etc. necessary to operate a branch for not less than Twenty
10 (20) hours per week. The Board shall have the flexibility to move transfer funds
11 within the branch library budget among object categories , however, such transfers
12 funds shall not impede the ability to keep the branches operating for the minimum
13 hours prescribed herein this section.”

14

15 **Section 8. Open Government Requisite.** Section 80109 of 5G.C.A. is
16 hereby *amended* to read:

17 “§80109. **Board Meetings.** Meetings of the Board shall be open to the public
18 and held at a regular time and place each month. Special meetings may be called by
19 the Chairperson, ~~and, at his discretion, shall be open or closed.~~ All meetings shall be
20 subject to the provisions of 5.G.C.A. Chapter 8; “Open Government Law”.”

21

22 **Section 9. Effective Date.** Section 2 Act shall take affect thirty (30) days
23 following the enactment hereof or upon appointment of members required to meet the
24 conditions of Section 2 of this Act whichever is sooner. If any Board members
25 serving on the Board, who have been confirmed *by I Liheslatura*, prior to the
26 enactment hereof are re-appointed by *I Maga Lahi*, such members may serve out their

- 1 remaining terms without legislative confirmation. All other Sections of this Act shall
- 2 take affect upon enactment.
- 3

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
FLOOR AMENDMENTS/CHANGES
S Bill No. 137

J. Won Pat
Senator Proposing Amendment

Amend Section 4 of the Bill to read:

"Section 4. Item (d) of Section 3122 of Chapter 3 of Title 5 Guam Code Annotated, is hereby *repealed and re-enacted* to read:

(d) (1) Qualifications for Director. The minimum qualifications for the Library are:

(1) An earned a Master's Degree in Library Science (MLS), Library and Information Science (MLIS) or a Masters degree in Education with concentration on Library Science from a United States accredited college or university or from a college or university accredited by the American Library Association (ALA) ~~and or~~

(2) have a minimum of four (4) years general *Managerial* experience ~~or~~ and an earned Bachelor's in Library Science, or Master's degree in Business Administration, Commerce, Business Information Systems, Public Administration or related field from a United States Accredited College or University.

(2) Primary Job Duties. The Director shall administer the day-to-day operations of the Guam Public Library System, implement Board Policy and perform other duties as assigned by the Board."

Date 6/9, 2005

Floor Amendment No. 137-1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

JWP
AUTHOR OF AMENDMENT

Concur (initial)

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 137 (EC)

Introduced by:

L. F. Kasperbauer
Mark Forbes
Robert Klitzkie

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

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

2 **Section 1. Short Title.** This Act shall be known as the "*Guam Community-*
3 *Based Library Act*".

4

5 **Section 2.** Section 80106 of Chapter 80 of Title 5, Guam Code Annotated is
6 hereby *amended* to read:

7 **"§80106. Library Board Members.** The Board shall be composed of seven
8 ~~(7) members, of which one (1) member shall be a secondary student, in compliance~~
9 ~~with Public Law No. 22-160, Section 7,~~ to be appointed by the Governor with the
10 advice and consent of the Guam Legislature. Of the appointed members one (1)
11 member shall be a full-time student, in compliance with 4GCA: §2105.1, at least one

1 (1) shall be employed as a librarian throughout the term of appointment, at least one
2 (1) shall be a classroom teacher throughout the term of appointment, at least one (1)
3 shall be employed in the field of Information Technology throughout the term of
4 appointment, at least one (1) shall be a business owner or a senior manager employed
5 with a private business throughout the term of appointment.”

6
7 **Section 3. Length of Terms.** Section 80107 of 5G.C.A. is hereby *amended* to
8 read:

9 “§80107. **Library Board Tenure.** Except for the student member, the
10 members of the Board shall serve for a term of three years commencing with the date
11 of appointment, and until their successors are appointed and qualified; provided, that
12 of the members first appointed, two shall serve two years and two shall serve one
13 year as designated by the Governor. The term for the student member shall be one
14 (1) year.”

15
16 **Section 4.** Item (d) of Section 3122 of Chapter 3 of Title 5 Guam Code
17 Annotated, is hereby *repealed and re-enacted* to read:

18 “(d) (1) **Qualifications for Director.** The minimum qualifications for the
19 Library are:

- 20 (1) An earned a Master's Degree in Library Science (MLS), Library and
21 Information Science (MLIS) or a Masters degree in Education with concentration on
22 Library Science from a United States accredited college or university or from a
23 college or university accredited by the American Library Association (ALA) *and*
- 24 (2) have a minimum of four (4) years general *Managerial* experience *or* an
25 earned Bachelor's or Master's degree in Business Administration, Commerce,
26 Business Information Systems, Public Administration or related field from a United
27 States Accredited College or University.

1 **(2) Primary Job Duties.** The Director shall administer the day-to-day
2 operations of the Guam Public Library System, implement Board Policy and perform
3 other duties as assigned by the Board.”
4

5 **Section 5. Fundraising authorized.** Section 80117 of Chapter 80 of 5G.C.A.
6 is hereby *amended* to read:

7 “**§80117. Gifts to the Library and Fundraising.** The Board shall have
8 authority to solicit for and/or accept on behalf of, and in the name of, the government
9 of Guam from any government or agency thereof, or any person, advisory services,
10 grants-in-aids, gifts, donations of money and other property for the benefit of the
11 Library System, or the Guam Archives; provided, that any grants-in-aid, gifts,
12 donations or other form of assistance involving an obligation on the part of the
13 Library System or the Guam Archives or the government of Guam shall require the
14 approval of the Governor. The Guam Public Library system shall have the authority
15 , upon approval of the Board, to engage in fundraising activities for the benefit of the
16 Public Libraries.”
17

18 **Section 6. Use of Volunteers Authorized.** A New Section 80124 is hereby
19 *added* to Chapter 80 of 5G.C.A. to read:

20 “**§80124. Library Volunteers.** The Board is authorized to institute a program
21 within the Guam Public Library System to be entitled, "Library Volunteers." The
22 Board shall, by its policies, make needful rules and regulations for the utilization of
23 said volunteers within the System. The Board is authorized to obtain liability
24 insurance coverage for said volunteers. The provisions of 4G.C.A.: §2112 shall apply
25 to volunteers herein.”
26

1 **Section 7. Separate Budgeting for Branch Libraries.** A New Section 80125
2 is hereby *added* to Chapter 80 of 5G.C.A. to read:

3 “§80125. **Separate Budget for Branch Libraries.** The Board shall submit a
4 separate budget to *I Liheslatura* annually for the operations of the branch libraries.
5 The budget shall include sufficient funding for personnel, utilities, books,
6 periodicals, computers, internet access, etc. necessary to operate a branch for not less
7 than Twenty (20) hours per week.”

8
9 **Section 8. Open Government Requisite.** Section 80109 of 5G.C.A. is
10 hereby *amended* to read:

11 “§80109. **Board Meetings.** Meetings of the Board shall be open to the public
12 and held at a regular time and place each month. Special meetings may be called by
13 the Chairperson, ~~and, at his discretion, shall be open or closed.~~ All meetings shall be
14 subject to the provisions of 5.G.C.A. Chapter 8; “Open Government Law”.”

15
16 **Section 9. Effective Date.** Section 2 Act shall take affect thirty (30) days
17 following the enactment hereof or upon appointment of members required to meet
18 the conditions of Section 2 of this Act whichever is sooner. If any Board members
19 serving on the Board, who have been confirmed *by I Liheslatura*, prior to the
20 enactment hereof are re-appointed by *I Maga Lahi*, such members may serve out
21 their remaining terms without legislative confirmation. All other Sections of this Act
22 shall take affect upon enactment.

Senator Larry F. Kasperbauer, Ph.D., Chairman

Public Hearing on Bill 137 by Larry F. Kasperbauer, Ph.D.

Wednesday, May 25, 2005, 4:00p.m. *I Liheslaturan's Session Hall*

Testimony SIGN-IN SHEET

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
<i>Cristina Watson</i>	<i>GPLS</i>	<i>475-475314</i>				
Address			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Linda Agnon</i>	<i>GPLS</i>	<i>475-475314</i>				
Address			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Teresita Kennimer</i>	<i>GPLS</i>	<i>475-475314</i>				
Address			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Elizabeth A. Santos</i>	<i>GPLS</i>	<i>475-4753</i>				
Address				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Senator Larry F. Kasperbauer, Ph.D., Chairman

Public Hearing on Bill 137 by Larry F. Kasperbauer, Ph.D.

Wednesday, May 25, 2005, 4:00p.m. *I Liheslaturan's Session Hall*

Testimony SIGN-IN SHEET

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
	GPLS	475-4751				
Address						
EVERLYN Concepcion				X	X	

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Jaydene Lujan	GPLS	475-4751				
Address						
				X	X	

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Renee Agayo	GPLS	1111				
Address						

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
MIKE CROZ	GPLS	888-0382				
Address						
			X	X	X	

Senator Larry F. Kasperbauer, Ph.D., Chairman

Public Hearing on Bill 137 by Larry F. Kasperbauer, Ph.D.

Wednesday, May 25, 2005, 4:00p.m. *I Liheslaturan's Session Hall*

Testimony SIGN-IN SHEET

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Rick L. Castro	GPLS	735-2307				
Address			X			X

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Christine Scott-Smith	GPLS	735-2333				
Address			✓			

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
BERTHA GUERRERO	GUAM PUBLIC LIBRARY SYSTEM (GPLS)	475-4753				
Address				✓	✓	

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Address						

Committee on Education and Community Development
I Mina' Bente Ocho na Liheslaturan Guðhan

Senator Larry F. Kasperbauer, Ph.D., Chairman

Public Hearing on Bill 137 by Larry F. Kasperbauer, Ph.D.

Wednesday, May 25, 2005, 4:00p.m. *I Liheslaturan's Session Hall*

Testimony SIGN-IN SHEET

Name Address	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Alberto G. Lamorena Jr ✓	Gov's Office	772-8931	X	X	X	

Name Address	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Sam Souza ✓ P.O. Box 315751 Tamuning, GU 96931	GPLS Group	472-3167	✓	✓	✓	

Name Address	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against

Name Address	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against

Committee on Education and Community Development
I Mina'Bente Ocho na Liheslaturan Guåhan

Senator Larry F. Kasperbauer, Ph.D., Chairman

Public Hearing on Bill 137 by Larry F. Kasperbauer, Ph.D.

Wednesday, May 25, 2005, 4:00p.m. *I Liheslaturan's Session Hall*

Testimony SIGN-IN SHEET

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Nia Marie B. Sermeo						
Address PO Box 7582 Agaña Guam 96928	Guam Public Library System Board Member (Student member)	565-5725		✓	✓	

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Address						

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Address						

Name	Agency or Interest Group (if applicable)	Contact No.	Testimony		Comment	
			Oral	written	for	Against
Address						

Statement of Notice:

Committee on Education and Community Development, Office of Senator Larry F. Kasperbauer

The Committee on Education and Community Development sent notice of this Public Hearing in conformance with the Open Government Law to local media outlets for general announcement via facsimile on Wednesday, May 18, 2005 in the form of notices for print publication in newspapers of general circulation. Notices were delivered to the Pacific Daily News and the Marianas Variety Guam Edition via electronic and facsimile delivery. All announcements invited persons to testify, offered special accommodations for those with disabilities wishing to testify; and brought attention to the following:

- The Committee on Education and Community Development will hold a Public Hearing on Wednesday, May 25, beginning at 4:00 p.m. The hearing will take place at *I Liheslaturan's* Session Hall to receive testimony on: Bill No. 137 (EC): An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law.

Notice of this hearing was provided daily since Saturday, May 21, 2005 in the Guam Legislature's Home Page under the link "Legislative Calendar" and was published daily through today in the Marianas Variety Guam Edition in the "Community Calendar" page beginning on May 19. As well, the Pacific Daily News published notice of this hearing daily through today since Monday, May 23, under the Government Meetings section of the publication.

As well, letters of Notice of Public Hearing was disseminated to all members of the Committee on Education and Community Development and CC to All Senators, 28th Guam Legislature. May 18, 2005A letter of Notice was also delivered to the following persons as addressed:

- Ms. Crisitna M. Watson , Acting Director, Guam Public Library System, Nieves Flores Memorial Library, 254 Martyr St. Hagatna., Guam 96910
- Mr. Michael Cruz, Chairman of the Guam Public Library Board, Guam Public Library System, Nieves Flores Memorial Library, 254 Martyr St. Hagatna., Guam 96910
- Governor Felix P. Camacho, Governor of Guam, Office of the Governor, P.O. Box 2950, Hagatna, Guam 96910; Attention to Joe Duenas, Chief of Staff

Finally a Request for Fiscal Note was delivered to the sent to Bureau of Budget and Management Research

- Mr. Carlos Bordallo, Director, Bureau of Budget and Management Research, Government of Guam, P.O. Box 2950 Hagatna, Guam 96932



May 18, 2005

MEMORANDUM

To: All Members
Committee on Education & Community Development
All Senators

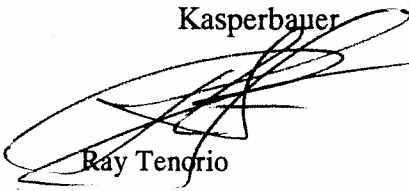
From: Acting Chairman

Subject: Notice of Public Hearing
Wednesday, May 25, 4:00 p.m.

Please be advised that the Committee on Education and Community Development will conduct a Public Hearing on **Wednesday, May 25, beginning at 4:00 p.m.** The hearing will take place at *I Liheslatura's* Session Hall to receive testimony on Bill No. 137 (EC): by L.F. Kasperbauer as referred to the committee.

The Agenda is as follows:

- Bill No. 137 (EC): An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law by L.F. Kasperbauer


Ray Tenorio

CC: All Senators
Protocol
Audio
Office of the Clerk

RECEIVED
DATE: 5/18/05 



RECEIVED
MAY 18 2005
4:00 pm
Bureau of Budget & Mgmt. Research

FAX-OUT

5118
330

May 18, 2005

Mr. Carlos Bordallo
Director
Bureau of Budget & Management Research
Government of Guam
P.O. 2950
Hagatna, Guam 96932

RE: Request for Fiscal Note

Dear Mr. Bordallo:

The following Bill was referred to the Committee on Education and Community Development.

- Bill No. 137 (EC): An Act To Amend §§80106, 80107, 80109 & 80117, To Add New §§80124 & 80125 And To Repeal And Re-Enact Subsection (d) §3122 Title 5, Guam Code Annotated Relative To Providing Broad Community-Based Representation On The Board Of Directors Of The Guam Public Library System, To Allow For A Master Of Education Degree In Library Science To Fulfill The Educational Requirements & Require Managerial Experience Or Equivalent Education For The Library Director Position, To Allow For Volunteerism And Fundraising, To Provide A Means Of Budgeting For The Branch Libraries And To Require Adherence To The Open-Government Law by L.F. Kasperbauer

Pursuant to 2 G.C.A § 9103, I request that a Fiscal Note for Bill 137 (EC) be prepared and transmitted to the office of Senator Larry F. Kasperbauer, Ph.D., Chairman, Committee on Education and Community Development, at your earliest possible convenience. Thank you.

Sincerely,

Ray Tenorio
Acting Chairman

Enclosure: Bill 137

WRITTEN TESTIMONY

Bill No. 137 (EC)
From
Michael S. Cruz
Guam Public Library System
FY2005 Board Chairperson

May 25, 2005

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session**

Bill No. 137 (EC)

Introduced by: L. F. Kasperbauer
Mark Forbes
Robert Klitzkie

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

Section 1. I support this section.

Section 2. What happens when a librarian, teacher, IT, ceases to be such during their term of appointment?

Support: Yes No

Section 3. I support this section.

* Section 4. A letter from the Governor Felix Camacho, dated April 29, 2003, created Public Law 27-13 from Bill No. 33 (COR). This is relative to the minimum qualifications for the Director of the Library.

A letter to Senator Frank Aguon from Mr. Vernon Perez, Civil Service Commission, CSC No. 2003-345, dated Aug 11, 2003, stated that the job standard for the Director's position, and an adjustment to salary from L5 at \$55,303.00 to L10 at \$66,364.00, was approved by the CSC.

What is the reason for Section 4? What if the CSC memo acted on?

What was the reason for changing from 5 to 4 years?

Define 'general Managerial experience'?

Why isn't Library experience required?

Support: Yes No *KEEP EXISTING REQUIREMENTS.
Follow up on CSC MEMO.*

Section 5. I support this section.

Section 6. I support this section.

Section 7. Is this a 'single' budget for all the Branch Libraries?

Support: Yes No

Section 8. I support this section.

Section 9. I support this section.

Si Yuus Maase.

MS

Attachment to Chairman Cruz's Testimony 1 of 6



GOVERNMENT OF GUAM
CIVIL SERVICE COMMISSION
KUMISION I SETBISION SIBIT

490 Chalan Palasyo, Agaña Heights
 P.O. Box 3156 Hagåtña, Guam 96932
 Tel: 475-1300/01 Fax: 477-3301



CSC NO. 2003-345

AUG 11 2003

COPY

SENATOR FRANK B. AGUON

Chairman

Committee on Appropriation and Budget

General Governmental Operations, Reorganization and Reform

155 Hesler Street

Hagåtña, Guam 96910

RE: JOB STANDARD FOR THE DIRECTOR POSITION
GUAM PUBLIC LIBRARY SYSTEM

Dear Senator Aguon:

Hafa Adai! This is to inform you that the job standard for the Director position at the Guam Public Library System was approved by the CSC Board on July 25, 2003.

The Commission allocated this position at the executive salary of L5 at \$55,303.00 and recommends adjusting the salary to L10 at \$66,364.00 per annum based on the Commission's Pay Shift policy and recruitment difficulty.

Attached is the approved job standard for your file.

Any questions pertaining to the above matter may be directed to Ms. Elaine Faculogogue, the Case Manager at 647-1851 or Mr. Juan K. Calvo, Personnel Management Administrator or myself at 647-1855 or 1856. *Si Yu'us Ma'ase.*

Senseramente,

A handwritten signature in black ink, appearing to read "Vernon P. Perez".

VERNON P. PEREZ

Attachment

1. Job Standard

Chrono: VPP:JKC:EFG:rgp:081103



Office of the Governor of Guam

Adelup, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: gov@guam.gu

Attachment to Chairman Cruz's Testimony 2 of 6

Felix Perez Camacho
Governor

APR 29 2003

Kaleo Scott Moylan
Lieutenant Governor

Office of the People's Speaker
Vicente (Ben) C. Pangelinan

APR 30 2003

The Honorable Vicente C. Pangelinan
Speaker
Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

TIME: 3:09 () AM () PM
RECEIVED BY:

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 33 (COR), "AN ACT TO ADD A NEW SUBSECTION (d) TO § 3122 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MINIMUM QUALIFICATIONS FOR DIRECTOR OF THE GUAM LIBRARY SYSTEM," which I have signed into law on April 26, 2003 as Public Law 27-13.

Sincerely,

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

Attachment: copy attached of signed bill

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


Document No. 03-02169/1c

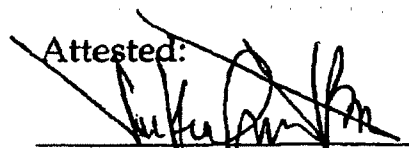
Attachment to Chairman Cruz's Testimony 3 of 6

I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN
2003 (FIRST) Regular Session

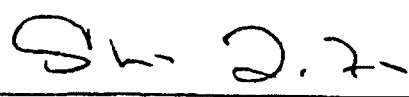
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

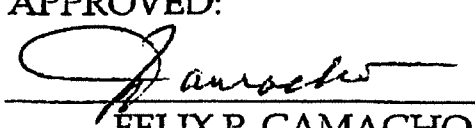
This is to certify that Bill No. 33 (COR), "AN ACT TO ADD A NEW SUBSECTION (d) TO §3122 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO MINIMUM QUALIFICATIONS FOR DIRECTOR OF THE GUAM LIBRARY SYSTEM," was on the 11th day of April, 2003, duly and regularly passed.


vicente (ben) c. pangelinan
Speaker

Attested:

Tina Rose Muña-Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 15 day of April, 2003, at 5:30 o'clock
P .M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guahan

Date: April 26, 2003

Public Law No. 27-13

Attachment to Chairman Cruz's Testimony 4 of 6

**MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session**

Bill No. 33 (COR)

As amended on the Floor.

Introduced by:

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

**AN ACT TO ADD A NEW SUBSECTION (d) TO §3122 OF
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
MINIMUM QUALIFICATIONS FOR DIRECTOR OF THE
GUAM LIBRARY SYSTEM.**

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

2 **Section 1. Legislative Intent.** In our community, every one of all
3 ages must develop information literary skills if they are to prosper in the
4 new global information economy. Libraries and Librarians are critical to
5 this effort. Librarians are key partners in enhancing, teaching and learning
6 and have valuable expertise in how to build information-literate
7 communities. Librarians are the ultimate search engine. They know how

Attachment to Chairman Cruz's Testimony 5 of 6

1 to find the best information whether it is in a book, video, a pamphlet or
2 on a website. Teaching others how to find and evaluate information is a
3 unique skill that Librarians bring to a society suffering information
4 overload. Our community must address the new challenge of information
5 literacy. To achieve these goals, it is essential that the Director of the Guam
6 Public Library be a qualified Librarian. Therefore, it is the intent of *I*
7 *Mina'Bente Siete Na Liheslaturan Guåhan* to mandate minimum
8 qualifications for the Director of the Guam Public Library.

9 Section 2. A new subsection (d) is hereby *added* to §3112 of Title 5,
10 **Guam Code Annotated, to read:**

11 "(d) (1) **Qualifications for Director.** The Director must have
12 earned a Master's Degree in Library Science or Library and
13 Information Science (MLS or MLIS) from an institution accredited by
14 the American Library Association (ALA), have a minimum of five (5)
15 years progressively responsible Library supervisory experience in
16 which the minimum of three (3) years of Library experience must be
17 post degree. The Director must have extensive knowledge of a full
18 range of Library services; strong customer service orientation; ability
19 to work independently and in collaboration with others; strong
20 information technology skills; competent in fiscal management and
21 budgeting; experience with integrated Library automation systems;
22 effective oral and written communication skills; ability to work some
23 evenings and weekends; flexibility and ability to adapt to a changing
24 environment; demonstrate the ability and/or interest in working in a
25 multiethnic and multicultural environment.

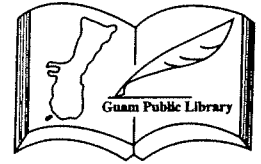
Attachment to Chairman Cruz's Testimony 5 of 6

1 (2) **Primary Job Duties.** The Guam Public Library Board shall
2 develop and the Guam Civil Service Commission shall approve
3 primary job duties and responsibilities for the Director of the Guam
4 Public Library using the standards from the American Library
5 Association. Such duties and responsibilities shall be in place within
6 three (3) months of enactment of this Act."

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



GUAM PUBLIC LIBRARY SYSTEM
Sisteman Laibirihan Pupbleko Guåhan
Government of Guam



TESTIMONY

Submitted to *I Mina'Bente Ocho Na Liheslaturan Guåhan*
Committee on Education and Community Development
May 25, 2005

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

Good Afternoon Chairman of the Committee on Education and Community Development, Committee Members, Ladies and Gentlemen:

Thank you for affording me the opportunity to testify before this Legislative body on Bill 137. Before I begin however, I am proud to announce that as a result of the efforts of the staff of the Guam Public Library System and the support of the Office of the Governor, the Bureau of Budget Management and Research and the Department of Public Works, GPLS will be reopening its Agat and Yona branches this summer. We continue our work with DPW to address all building requirements in order to reopen our Southern branches. BBMR will be transferring funds to meet such needs. I thank the community, most especially our southern residents for their patience and we look forward to welcoming all our library patrons to our Yona and Agat branches.

As the Acting Director of the Guam Public Library System, I am in support of Bill 137, the "Guam Community-Based Library Act". The components of this bill will prove very beneficial to the Guam Public Library System, and by extension to our island's community.

In regards to Section 2, per 5 GCA §80106, the Guam Public Library Board is to be comprised of seven (7) members; however, there are no guidelines for the composition of the board, except for the student member. Section 2 of Bill 137 lists new requirements for five of the seven positions to allow for community-based representation, namely a student, and a classroom teacher, who represent the interests of the education system, and an information professional, a librarian and a business owner or senior manager to provide technical and management expertise. This diverse composition will ensure that board adequately represents the interests of the community at large and has the expertise to implement any programs necessary to pursue those interests. Also, diversifying the board composition will help to provide a wide cross section of ideas and thoughts to the table, maximizing its creative potential and productivity.

In regards to Section 3, the specification of a one year term for the student member makes 5 GCA §80107 complaint with 4 GCA §2105.1 and consistent with the service terms for student members of other Government of Guam agency boards.

In regards to Section 5, GPLS currently cannot fundraise or solicit for the libraries or any of its programs, despite the fact that many worthwhile programs, such as the Bookmobile, the Summer Reading Program, and Saturday Story Hour, are the result of partnerships with outside organizations. GPLS has been fortunate to have these organizations volunteer of their own accord to support these programs, but cannot itself seek out these potentially highly successful partnerships. As a direct community service, it would be appropriate for GPLS to have the ability to actively pursue these partnership opportunities. Such partnerships not only provide critical funding, but more importantly solidify and strengthen the library's position within the community, allowing GPLS to directly and positively impact the community it serves.

Similar arguments apply to Section 6, which allows the library to make use of those in the community who wish to offer service instead of financial support. Again, this allows GPLS to enter into productive and positive partnerships with the community, solidifying its position and a community service.

In regards to Section 7, the proposed separate budget for the branch libraries will ensure that money is allocated solely for the operation of the branches. By reserving a pool of money for the branches separate from the main library, there is a guarantee that the branches will be adequately funded for at least 20 hours per week of operation and therefore will not be closed due to lack of funding.

It is the recommendation of the management of the GPLS to enact a single budget for all branches in order to allow maximum flexibility so that money can be appropriately allocated to the branches based on need.

In regards to Section 8, the proposed amendment makes 5 GCA §80109 compliant with the Open Government Law and is consistent with the requirements of other agency boards.

Thank you for your time and consideration.


Cristina Watson
Acting Director



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

**TESTIMONY SUBMITTED BY ANTONIO C. LAMORENA V,
SENIOR ASSISTANT FOR POLICY, COMMUNICATIONS AND RESEARCH
OFFICE OF THE GOVERNOR OF GUAM**

**Submitted to *I Mina'Bente Ocho Na Liheslaturan Guåhan*
Committee on Education and Community Development
May 25, 2005**

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

Good Afternoon Senator Larry Kasperbauer, Chairman of the Committee on Education and Community Development, Committee Members, Ladies and Gentlemen:

On behalf of Governor Felix P. Camacho, thank you for your invitation and the opportunity to submit testimony on Bill 137.

The Office of the Governor is in full support of Bill 137, the "Guam Community-Based Library Act". This legislation addresses the flexibility needed as the Library continues its work to improve and enhance literacy on our island. It is important that the law governing our Library system provides mechanisms for the hire of sound management; the open participation of our community in the system's governance; the encouragement of volunteerism, community endowments and private sector assistance; and the sustainability of branch libraries that accommodate geographic concerns of our people and students.

The proposed amendments to Section 2, 5 GCA §80106, regarding Board requirements empower the community to take a more active role in the governance of their library system. Appointments of professionals from allied vocations that can assist the Library in its mission to enhance literacy rather than general appointments serves the community's best interest.

With regard to Section 3, the specification of a one-year term for the student member makes 5 GCA §80107 complaint with 4 GCA §2105.1 and consistent with the service terms for student members of other government of Guam agency boards.

The Library's governance is just one area of concern dealing with the Library's functions. We must also support mechanisms that allow for the hiring of a Director who is academically qualified *and* who can support the Board's fundraising endeavors and policy initiatives. It is important that we encourage the hiring of a Library director who has knowledge or experience with the functions of an organization with plans for growth.

Section 5 provides another important mechanism to draw the Library and the community it serves closer. The Library currently cannot fundraise or solicit for the libraries or any of its programs, despite the fact that many worthwhile programs, such as the Bookmobile, the Summer Reading Program and Saturday Story Hour are the result of partnerships with outside organizations. GPLS has been fortunate to have these organizations volunteer of their own accord to support these programs, but cannot itself seek out these partnerships. As a direct community service, it would be appropriate for the Library to have the ability to actively pursue these partnership opportunities. Such partnerships not only provide critical funding, but more importantly, they solidify and strengthen the library's position within the community, allowing GPLS to directly and positively impact the community it serves.

Similar arguments apply to Section 6, which allows the Library to make use of those in the community who wish to offer service instead of financial support. Again, this allows GPLS to enter into productive and positive partnerships with the community and giving opportunities for our citizens to engage themselves with the Library's literacy initiatives.

With regard to Section 7, the proposed separate budget for branch libraries will ensure that money is allocated solely for the operation of the branches. By reserving a pool of money for the branches separate from the main library, there is a guarantee that the branches will be adequately funded for at least 20 hours per week of operation and therefore will not be closed due to lack of funding. The Office of the Governor also supports the Library's recommendation for a single budget for all branches. This would allow GPLS to provide resources that address branch needs and allocate funds accordingly.

Governor Camacho thanks Senator Kasperbauer for his proactive initiatives with the Library and for recognizing the changes that must be made in order to improve Library services and bring its mission to the heart of our community. We thank the Committee and *I Liheslatura* for entertaining this measure and we look forward to your affirmative

response at your next legislative session. Thank you for your time and kind consideration.

Senator Larry Kasperbauer, Ph.D.
Chairman, Committee on Education and Community Development
I Mina' Bente Ocho Na Liheslaturan Guåhan
Suite 16A & B, Sinajana Shopping Mall
777 Route 4
Sinajana, Guam 96926

Dear Senator Kasperbauer:

I am writing in full support of Bill 137, essentially due to the components that support and further enhance the capabilities of the Guam Public Library System Board, administrator, and other stakeholders.

I strongly believe that this is an important bill that clarifies key roles, as well as expand the potential of all constituents who have a vested interest in the success of the library. The bill exemplifies the meaning of community, such as identifying broad representation on the board and the support for more community involvement (via volunteers and harnessing other community resources). In addition, I commend the section that allows for budget submittal for library branches. This clearly reflects a positive direction in that our leaders are supporting island-wide public library services.

Please support Bill No. 137. This serves as another step closer to providing all children and adults on island with equal and easy access to the benefits of the public libraries. Thank you for your kind attention, consideration, and continued support.

Sincerely,



Sam Mabini Souza
Board Member, GPLS
P. O. Box 315751
Tamuning, Guam 96931
671-735-5646 / 472-3167
samsouza@hotmail.com

TESTIMONY
Submitted to I Mina'Bente Ocho Na Liheslaturan Guahan
Committee on Education and Community Development
May 25, 2005

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, BASED REPRESENTATION ON THE BOEARD OF DIRECTORS OF THE GUAM DEGREE IN LIBRARY SCIENCE TO FULFIL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

Good afternoon and thank you for giving me the opportunity to testify on Bill 137. My name is Nia Serneo and I am currently the student board member for the Guam Public Library System. As a student member, I represent the youth and with that said; I am pleased to say that I am in support of this Bill for the various advantages that it gives the library. Among the many things that Bill offers it authorizes the library the opportunity to solicit and a acquire volunteers.

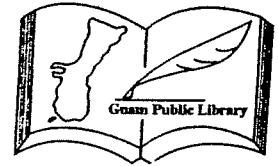
I believe that having the opportunity to fundraise and solicit would better the library because it would allow the library to obtain certain materials for the benefit of all libraries. The authorization of volunteers would also benefit the library because there are times when the library is short handed and in need of a little extra help. It would also give an opportunity for the youth of Guam to get involved in the library.

In conclusion, I am in support of this bill because it would help the library to serve the community at optimum level. I also believe that with the new authority given to the library it will increase awareness and participation among the community of Guam.

Nia Maria B. Serneo



GUAM PUBLIC LIBRARY SYSTEM
Sisteman Laibirihan Pupleko Guåhan
Government of Guam



TESTIMONY IN SUPPORT OF BILL NO. 137 (EC)
Submitted to *I Mina'Bente Ocho Na Liheslaturan Guåhan*
Committee on Education and Community Development
May 25, 2005

BILL NO. 137 (EC) AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

Good Afternoon Chairman of the Committee on Education and Community Development, Committee Members, Senators, Ladies and Gentlemen.

On behalf of the undersigned employees of the Guam Public Library System, we submit the following in support of Bill 137. We also want to say we support our Director and trust her judgment with regard to Bill 137. The items in this bill will help us to better accomplish the mission and goals of GPLS, which are to provide free and open access to information, protect intellectual freedom, promote literacy, encourage lifelong learning and maintain cultural materials. This bill will help us in our mission to provide better service overall to the community.

Section 2 will provide for a more diverse board, the members being employed in different fields and bringing different perspectives to the table. This will allow the library to better serve the community since it will have a better idea of what the community needs. A classroom teacher and a full-time student will give better insight into the educational curriculum in our island's schools. A librarian can offer additional insight into other types of libraries on the island as this is the only public library system; all others are of different types. An information professional can offer the background and expertise of the field of information. A business owner or senior manager employed within the private sector can offer a wealth of management knowledge to the board and can even help to promote public-private partnerships. Having such guidelines for the

composition of the board will help to ensure diversity in the future. Furthermore, more clearly defined tenure lengths of the board members will help to guide future boards.

We support the change Section 4 will bring to the qualifications for the leadership of the library system. Current requirements call for a Master's of Library Science or Library and Information Science in addition to five years of library supervisory experience. It must be noted that there are no degree programs on-island for advanced degrees in Library and Information Science and there are very few libraries on island that can offer "library supervisory experience". Even GPLS does not currently employ any professional librarian, besides the Director. We feel that an administrator with a management background, education and/or experience, is more beneficial to the department, since the administrator is more than a "supervisor".

It is evident that this has not worked since the board has been unable to recruit a Director based on these inflexible requirements. There have been five (5) appointed Acting Directors in a period of almost two and a half years. Such frequent changes in administrators have taken a toll on the staff of the department. With a lack of consistent leadership, the staff has experienced poor morale, since we are always wondering how long they will last and feel like we are forgotten and our department is not a priority.

The work produced by the department has also suffered. There has been inconsistency in policies and procedures and a lack of follow-through on on-going important projects in the library, such as the automation of the library's collections, scanning of archival collections, opening of branch libraries, and improvement and extension of literacy programs. In over two years, this is the first time the department is trying to get back into compliance with federal grant reporting since it was not done in the previous administration. More changes in leadership will only bring about more problems. For these reasons, we wholeheartedly support this section.

We also support Section 5 of the bill, which gives the GPLS the ability to fundraise and solicit. GPLS currently cannot raise funds or make requests for donations for its current programs. The opportunity to fundraise or build partnerships with various organizations in our community allows for the development and maintenance of library collections, programs, and supplies. The ability to fundraise and solicit enables GPLS to be proactive in acquiring the materials and equipment needed to provide better programs to the community.

We also support Section 6, which authorizes GPLS to utilize volunteers. Volunteers are members of our community who dedicate time and assistance to the library. They can assist the staff in promoting library service and programs and provide a positive image of the library. Volunteers can assist in networking or coordinating fundraising efforts and establishing partnerships.

Volunteers who donate their time and talents provide the support necessary to maintain and extend quality library service. Volunteers can help library staff enhance its current programs, like the "Saturday Story Hour", and assist in implementing new ones. They

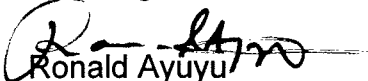
can assist professional library staff to sort and shelve books, audio recordings, periodicals and other library materials. Volunteers come in every size, shape, and age. Their backgrounds and skills vary tremendously, but they all will have certain traits in common: they love libraries and think that the library is an important part of their community.

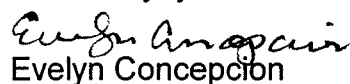
We support Section 7 since it provides for separate budgeting for branch libraries and will help to ensure there is always some funding to keep the branches open. It broke our hearts every time a branch was closed. We get calls and comments on a daily basis from our patrons that they would like to see the branches reopened. We know from these comments and from our statistics, especially from the Bookmobile, that we need to reopen those branches for the people to use.


We also support Section 8 since it will clarify for the board that it should follow the Open Government Law. This will ensure the meetings are accessible to the public.

"Si Yu'us Ma'ase" - "Thank You" for your time. We trust that you, our leaders, will consider this bill favorably, as we strongly believe it will help the Guam Public Library System accomplish its mission.


Linda Aguon


Ronald Ayuyu


Evelyn Concepcion


Bertha Guerrero


Jaydene Lujan


Victor Palomo


Genia Perez

Florence Sanchez


Elizabeth Santos

Richard Taitague




Laurie Atoigue


Gregorio Borja


Melba Generaga


Teresita Kennimer


Joaquin Lujan

Perry Jason Pangelinan


Emily Salas


Rosa Santiago


Sandra Stanley


Linda Villagomez

Senator Lawrence Kasperbauer, Ph.D.
Chairman, Committee on Education and Community Development
28th Guam Legislature
155 Hesler St.
Hagatna, Guam 96910

May 25, 2005

Dear Senator Kasperbauer:

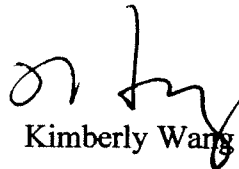
As members of the public and users of Guam's public libraries, we are writing to express our support of Bill 137, the "Guam Community-Based Library Act". As parents, we understand the value of education and literacy and strongly believe that our public libraries support both causes. In recent months, we have noticed the positive changes being made within the libraries, including the Bookmobile, more community events and programs and an improved physical appearance of the libraries, especially the main library in Hagatna. The public library system is more visible now and diligently promotes its programs and services, garnering positive media attention. The administration and staff of the library system are very attentive to the needs of the users and make every effort to provide quality service to all.

The provisions in Bill 137 can only promote more positive changes in the library system. A board representative of the community can better account for the needs of the community and will bring an abundance of knowledge and experience from different areas. Changes in the qualifications of the Director take into account the need for managerial experience and/or education for such a position. The use of volunteers and the ability to fundraise will allow the library to actively seek from the community the tools it needs to enhance its current services and programs and to implement new ones. Budgeting for the branch libraries is also very important to the community, for they provide more convenient access to books and information and ease the burden of time and fuel spent transporting the children to either of the two open libraries, especially in more remote areas of the island.

Again, we strongly support Bill 137 and our island's public library system. Thank you for considering our testimony and hope the members of the legislature will favor it as well. Please contact Del Agahan with any questions at 647-4188 or Kimberly Wang at 653-6740.

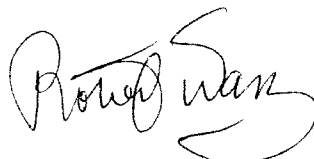
Very Sincerely,

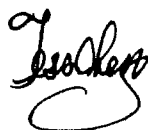

Del Agahan

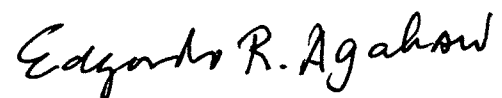

Kimberly Wang


Jimmy Pina


Jason Zhey


Ronald Wang


Isobella


Edgardo R. Agahaw

GOVERNMENT MEETINGS

May 23
COMMITTEE ON JUDICIARY, GOVERNMENTAL OPERATIONS AND REORGANIZATION: Public hearing 9 a.m. May 23, Legislature's public hearing room, Hagåtña. Public is invited to present oral/written testimony. Appointment of Lourdes H. Cruz to serve as a member of the Civil Service Commission. Bill 102, to establish school community-based management; Bill 138, concerning court findings as to residency of any party to a divorce or dissolution of marriage. For special accommodations or to submit testimony, call 472-9355, extension 3 or e-mail: judiciary@bobsoffice.org.
GUAM PUBLIC LIBRARY SYSTEM BOARD: 5:30 p.m. May 23, Hagåtña Library conference room. For special accommodations, call 475-4753/4.

May 24
CIVIL SERVICE COMMISSION BOARD: 5:30 p.m. May 24, second floor, Hakubotan Building, Tamuning. Above-step recruitment: hospital radiologic technician II, Guam Memorial Hospital Authority; motion hearing: M. Ishizaki vs. Department of Education; hearing: M. Castro vs. DOE. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

May 25
ALCOHOL BEVERAGE CONTROL BOARD: 5 p.m. May 25, Compliance Branch Office, Department of Rev & Tax, second floor, Pacific News Building, Archbishop Flores St., Hagåtña. Call 475-1802.

COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT: Public hearing 4 p.m. May 25, Legislature's session hall, Hagåtña. Bill 137, relative to providing broad community-based representation on the board of directors of the Guam Public Library System, to allow for a masters of education degree in library science to fulfill the educational requirements and require managerial experience or equivalent education for the library director position, to allow for volunteerism and fundraising, to provide a means of budgeting for the branch libraries and to require adherence to the Open Government law. Visit www.lk4kids.com under link CECD Bill Referrals or www.guam-legislature.com under link Legislative Calendar. For special accommodations, call Sen. Larry Kasperbauer, 475-5437.

COMMITTEE ON FINANCE, TAXATION AND COMMERCE: Public hearing on department/agency fiscal 2005-2006 proposed budget, 9 a.m. to 4 p.m. May 25. University of Guam representatives (school-

ON THE NET

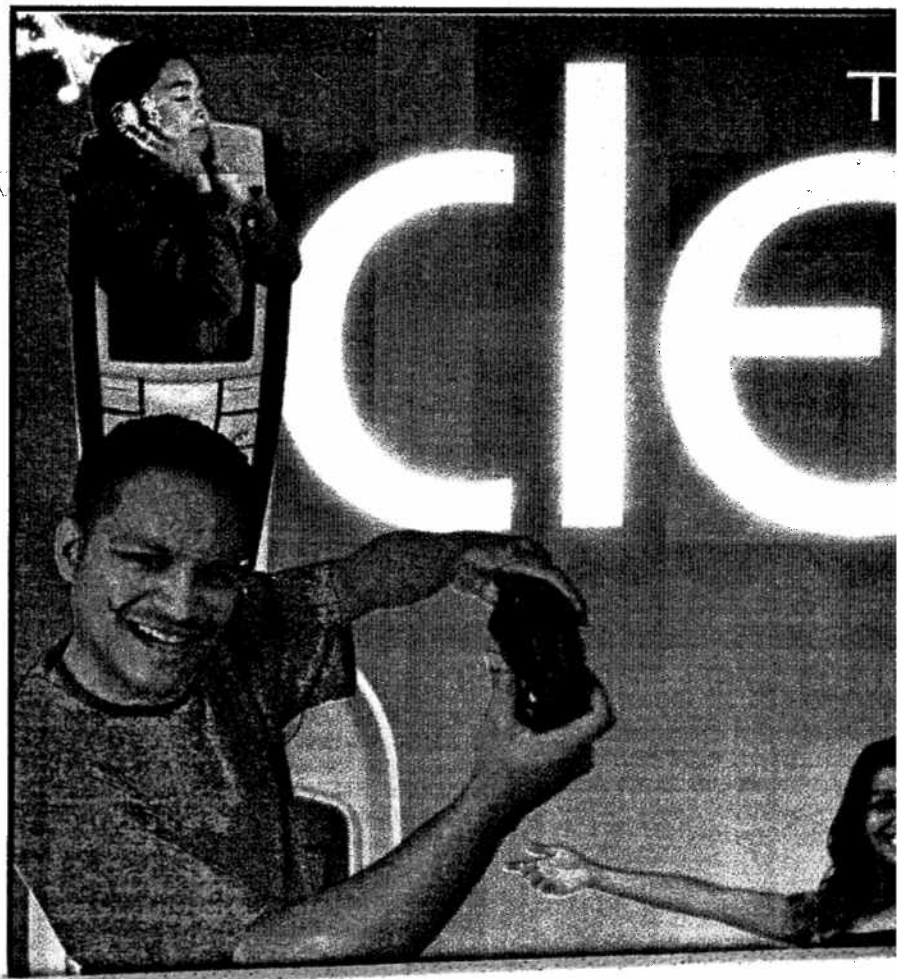
▲ For the complete, searchable database of upcoming government meetings, visit www.guampdn.com.



Adkins and Jovyna Lujan as members of Port Authority of Guam Board. Call Alfred Duenas, 472-3455/6/7.
GUAM ECONOMIC DEVELOPMENT AND COMMERCE AUTHORITY BOARD OF DIRECTORS: 1:30 p.m. May 25, Suite 511, fifth floor, ITC Building, Tamuning. For special accommodations, call Lori Villaverde, 647-4332, extension 120.



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MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 137 (EC)

Introduced by:

L. F. Kasperbauer *LFK*
Mark Forbes *MF*
Robert Klitzkie *RK*

AN ACT TO AMEND §§80106, 80107, 80109 & 80117, TO ADD NEW §§80124 & 80125 AND TO REPEAL AND RE-ENACT SUBSECTION (d) §3122 TITLE 5, GUAM CODE ANNOTATED RELATIVE TO PROVIDING BROAD COMMUNITY-BASED REPRESENTATION ON THE BOARD OF DIRECTORS OF THE GUAM PUBLIC LIBRARY SYSTEM, TO ALLOW FOR A MASTER OF EDUCATION DEGREE IN LIBRARY SCIENCE TO FULFILL THE EDUCATIONAL REQUIREMENTS & REQUIRE MANAGERIAL EXPERIENCE OR EQUIVALENT EDUCATION FOR THE LIBRARY DIRECTOR POSITION, TO ALLOW FOR VOLUNTEERISM AND FUNDRAISING, TO PROVIDE A MEANS OF BUDGETING FOR THE BRANCH LIBRARIES AND TO REQUIRE ADHERENCE TO THE OPEN-GOVERNMENT LAW.

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

2 **Section 1. Short Title.** This Act shall be known as the “*Guam Community-*
3 *Based Library Act*”.

4

5 **Section 2.** Section 80106 of Chapter 80 of Title 5, Guam Code Annotated is
6 hereby *amended* to read:

7 “§80106. **Library Board Members.** The Board shall be composed of seven
8 (7) members, ~~of which one (1) member shall be a secondary student, in compliance~~
9 ~~with Public Law No. 22-160, Section 7,~~ to be appointed by the Governor with the
10 advice and consent of the Guam Legislature. Of the appointed members one (1)
11 member shall be a full-time student, in compliance with 4GCA: §2105.1, at least one

1 (1) shall be employed as a librarian throughout the term of appointment, at least one
2 (1) shall be a classroom teacher throughout the term of appointment, at least one (1)
3 shall be employed in the field of Information Technology throughout the term of
4 appointment, at least one (1) shall be a business owner or a senior manager employed
5 with a private business throughout the term of appointment.”
6

7 **Section 3. Length of Terms.** Section 80107 of 5G.C.A. is hereby *amended* to
8 read:

9 “§80107. **Library Board Tenure.** Except for the student member, the
10 members of the Board shall serve for a term of three years commencing with the date
11 of appointment, and until their successors are appointed and qualified; provided, that
12 of the members first appointed, two shall serve two years and two shall serve one
13 year as designated by the Governor. The term for the student member shall be one
14 (1) year.”
15

16 **Section 4.** Item (d) of Section 3122 of Chapter 3 of Title 5 Guam Code
17 Annotated, is hereby *repealed and re-enacted* to read:

18 “(d) (1) **Qualifications for Director.** The minimum qualifications for the
19 Library are:

20 (1) An earned a Master's Degree in Library Science (MLS), Library and
21 Information Science (MLIS) or a Masters degree in Education with concentration on
22 Library Science from a United States accredited college or university or from a
23 college or university accredited by the American Library Association (ALA) *and*

24 (2) have a minimum of four (4) years general *Managerial* experience *or* an
25 earned Bachelor’s or Master’s degree in Business Administration, Commerce,
26 Business Information Systems, Public Administration or related field from a United
27 States Accredited College or University.

1 **(2) Primary Job Duties.** The Director shall administer the day-to-day
2 operations of the Guam Public Library System, implement Board Policy and perform
3 other duties as assigned by the Board.”
4

5 **Section 5. Fundraising authorized.** Section 80117 of Chapter 80 of 5G.C.A.
6 is hereby *amended* to read:

7 “**§80117. Gifts to the Library and Fundraising.** The Board shall have
8 authority to solicit for and/or accept on behalf of, and in the name of, the government
9 of Guam from any government or agency thereof, or any person, advisory services,
10 grants-in-aids, gifts, donations of money and other property for the benefit of the
11 Library System, or the Guam Archives; provided, that any grants-in-aid, gifts,
12 donations or other form of assistance involving an obligation on the part of the
13 Library System or the Guam Archives or the government of Guam shall require the
14 approval of the Governor. The Guam Public Library system shall have the authority
15 , upon approval of the Board, to engage in fundraising activities for the benefit of the
16 Public Libraries.”
17

18 **Section 6. Use of Volunteers Authorized.** A New Section 80124 is hereby
19 *added* to Chapter 80 of 5G.C.A. to read:

20 “**§80124. Library Volunteers.** The Board is authorized to institute a program
21 within the Guam Public Library System to be entitled, "Library Volunteers." The
22 Board shall, by its policies, make needful rules and regulations for the utilization of
23 said volunteers within the System. The Board is authorized to obtain liability
24 insurance coverage for said volunteers. The provisions of 4G.C.A.: §2112 shall apply
25 to volunteers herein.”
26

1 **Section 7. Separate Budgeting for Branch Libraries.** A New Section 80125
2 is hereby *added* to Chapter 80 of 5G.C.A. to read:

3 “**§80125. Separate Budget for Branch Libraries.** The Board shall submit a
4 separate budget to *I Liheslatura* annually for the operations of the branch libraries.
5 The budget shall include sufficient funding for personnel, utilities, books,
6 periodicals, computers, internet access, etc. necessary to operate a branch for not less
7 than Twenty (20) hours per week.”

8
9 **Section 8. Open Government Requisite.** Section 80109 of 5G.C.A. is
10 hereby *amended* to read:

11 “**§80109. Board Meetings.** Meetings of the Board shall be open to the public
12 and held at a regular time and place each month. Special meetings may be called by
13 the Chairperson, ~~and, at his discretion, shall be open or closed.~~ All meetings shall be
14 subject to the provisions of 5.G.C.A. Chapter 8; “Open Government Law”.”

15
16 **Section 9. Effective Date.** Section 2 Act shall take affect thirty (30) days
17 following the enactment hereof or upon appointment of members required to meet
18 the conditions of Section 2 of this Act whichever is sooner. If any Board members
19 serving on the Board, who have been confirmed *by I Liheslatura*, prior to the
20 enactment hereof are re-appointed by *I Maga Lahi*, such members may serve out
21 their remaining terms without legislative confirmation. All other Sections of this Act
22 shall take affect upon enactment.