

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 182-35 (COR) As amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 4, 2020				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN					✓	✓
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedro" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES					✓	✓

TOTAL:	13				2	2
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

Bill No. 182-35 (COR)

As amended on the Floor.

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Introduced by:

Jose “Pedo” Terlaje
Tina Rose Muña Barnes
William M. Castro

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

“§ 90.41. Inmate Commissary.

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

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

1 **“§ 90.42. Operation of Inmate Commissary.**

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

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

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

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

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

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

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

21 (4) safety and security procedures to be performed by the
22 provider; and

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

25 (e) The Department of Corrections *shall* establish policy and
26 procedures for the administration of this Section. Such policy and procedures

1 *shall* be transmitted to *I Liheslaturan Guåhan* prior to operation of the inmate
2 commissary.

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

6 **Section 3.** A new § 90.43 is hereby *added* to Article 1 of Chapter 90, Title
7 9, Guam Code Annotated, to read:

8 “§ 90.43. **Corrections Commissary Fund.**

9 (a) There is hereby established a Fund to be known as the
10 Corrections Commissary Fund (CCF), which *shall* be maintained separate and
11 apart from other funds of the government of Guam. All funds collected by the
12 government of Guam from the operations of a commissary *shall* be deposited
13 in the CCF; and, interest and investment earnings *shall* be credited to the
14 assets of the CCF and *shall* become part of the CCF. Any remaining balance
15 in the CCF at the end of the fiscal year *shall* be carried over to the next fiscal
16 year.

17 (b) Inmate Improvement. The Director may use up to fifty percent
18 (50%) of the net proceeds of the CCF to develop or enhance inmate welfare;
19 and the other fifty percent (50%) *shall* be used for rehabilitation programs
20 within the Department of Corrections.”

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

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