



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, GU 96910

7:13 PM 9:37
De

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 18-30 (LS) "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO CREATING A GUAM VISITORS BUREAU 'RAINY DAY FUND'" which I signed into law on April 1, 2010 as **Public Law 30-116**.

Sinseru yan Magåhet,

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

Attachment: copy of Bill

30-10-0310

4/12/10
4:50 PM

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

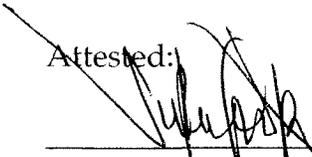
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 18-30 (LS)**, "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO CREATING A GUAM VISITORS BUREAU 'RAINY DAY FUND'," was on the 19th day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of March, 2010, at
2:15 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan
APR 01 2010

Date: _____

Public Law No. P.L. 30-116

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 18-30 (LS)

As amended on the Floor.

Introduced by:

J. V. Espaldon
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
E. J.B. Calvo
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9,
TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO
CREATING A GUAM VISITORS BUREAU “*RAINY DAY
FUND*”.**

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

2 **Section 1. Establishment of a Guam Visitors Bureau “*Rainy Day***
3 ***Fund*”.**

4 (a) Statement of Intent. The need to establish a “*Rainy Day Fund*” as a
5 safeguard against unforeseen circumstances which endanger one of Guam’s
6 economic mainstays – tourism – was one of the recommendations contained in the
7 Guam Visitors Bureau’s Five Year Strategic Plan. This would be a prudent and

1 proactive measure that enables Guam to meet the challenges resulting from a
2 natural *or* man-made disaster, *or* from external economic conditions that have
3 severely affected Guam’s ability to attract visitors.

4 (b) Guam Visitors Bureau “*Rainy Day Fund*” established. A new Article
5 3 is *added* to Chapter 9, Title 12, Guam Code Annotated, to read:

6 “ARTICLE 3
7 RAINY DAY FUND

8 §9301. **Rainy Day Fund, established.**

9 §9302. **Annual Deposit.**

10 §9303. **Use of Funds.**

11 §9304. **Access to Funds, established.**

12 §9305. **Initial Deposit, identified.**

13 §9306. **Annual Audit, required.**

14 §9301. **Rainy Day Fund, established.** There is hereby created,
15 separate and apart from all other funds, the Guam Visitors Bureau “*Rainy*
16 *Day Fund*” (hereinafter referred to as *Fund*). The deposits into the Fund
17 *shall not* be commingled with deposits received from the Tourist Attraction
18 Fund for the operations, special projects, and any other appropriations made
19 to the Guam Visitors Bureau, and *shall* be kept in a separate bank account.
20 The bank account *shall* be established and maintained by the Guam Visitors
21 Bureau, and its funds *shall only* be available for use as stipulated herein.

22 §9302. **Annual Deposit.** An amount equal to one and one-half
23 percent (1½%) of the adopted revenue projection of the Tourist Attraction
24 Fund for each fiscal year, *or* a minimum of Two Hundred Thousand Dollars
25 (\$200,000), *shall* be set aside and allocated by the Department of
26 Administration to the Guam Visitors Bureau for deposit into the Fund

1 established by this Section. Each annual deposit *shall* be made over the
2 course of the fiscal year as collections are received.

3 **§9303. Use of Funds.** The funds may be used to support
4 identified activities to meet unforeseen *or* unanticipated challenges resulting
5 from either a natural *or* man-made disaster that has occurred on Guam, *or*
6 from external economic conditions that have severely affected Guam's
7 ability to attract visitors.

8 **§9304. Access to Funds, established.** Following the approval
9 of a resolution by the Board of Directors of the Guam Visitors Bureau
10 containing: (1) a statement of facts that a natural *or* man-made disaster has
11 occurred on Guam, *or* certain external economic conditions have been
12 experienced; (2) a recitation of the activities to be undertaken to mitigate the
13 potential harm to Guam's tourism industry; and (3) insufficient funds are
14 available for such activities within the current fiscal year's operating budget;
15 up to fifty percent (50%) of the Fund's balance may be made available to the
16 Guam Visitors Bureau for each such occurrence. *If* the activities to be
17 undertaken require funding greater than the amount available, the Guam
18 Visitors Bureau *shall* immediately notify *I Liheslaturan Guåhan* of their
19 need for additional funding assistance, and seek the approval of legislation to
20 expend *more than* the fifty percent (50%) authorized herein.

21 **§9305. Initial Deposit, identified.** Notwithstanding the general
22 provisions of Title 11, Guam Code Annotated, §30107.1, and for the
23 purposes of the initial deposit *only*, the funds contained in the Guam Visitors
24 Bureau's Bank of Guam Certificate of Deposit *shall* constitute the deposits
25 for Fiscal Year 2009 and Fiscal Year 2010.

1 **§9306. Annual Audit, required.** The Guam Visitors Bureau
2 *shall* conduct an annual audit of the Fund to ensure compliance with all
3 statutory regulations governing its deposits and expenditures.”

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Date: 3/19/10

VOTING SHEET

Bill No. 18-30 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



April 27, 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 18 (LS)

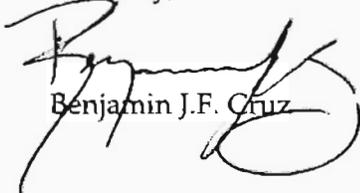
Dear Speaker Won Pat:

The Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting, to which was referred **Bill No. 18 (LS) – An act to add a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau "Rainy Day Fund"** – hereby reports out the subject bill with the recommendation TO PASS.

Committee votes are follows:

 5 TO PASS
 1 NOT TO PASS
 0 TO REPORT OUT ONLY
 0 TO ABSTAIN
 0 TO PLACE IN INACTIVE FILE

Sincerely,


Benjamin J.F. Cruz

2009 JUN 26 PM 5:01



COMMITTEE
REPORT
ON
BILL NO. 18 (LS)



June 23, 2009

MEMORANDUM

To: Committee Members

From: Chairman
Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting

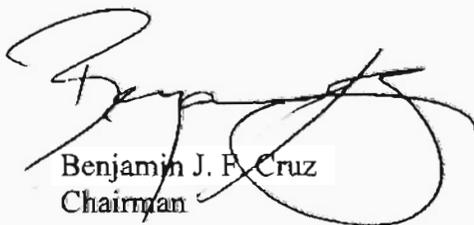
Subject: **Bill No. 18 (LS): J.V. Espaldon** – “An act to add a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau “Rainy Day Fund.”

Transmitted herewith for your information and action is the report on **Bill No. 18 (LS): J.V. Espaldon** – “An act to add a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau “Rainy Day Fund.”

This memorandum is attached with the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 18 (LS)
4. Public Hearing Sign-In Sheet
5. Copy of Submitted Written Testimonies
6. Notices of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions with respect to the report or accompanying documents, please do not hesitate to contact our office.


Benjamin J. F. Cruz
Chairman



COMMITTEE VOTING SHEET

Bill No. 18 (LS) - "An act to *add* a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau "Rainy Day Fund," was referred, wishes to report its findings and recommendations."

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	ABSTAIN	TO PLACE IN INACTIVE FILE
VICE-SPEAKER BENJAMIN J.F. CRUZ Chairperson		✓				
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Vice-Chairperson				✓		
SENATOR RORY J. RESPICIO Member		✓				
SENATOR JUDITH P. GUTHERTZ Member		✓				
SENATOR THOMAS C. ADA Member						
SENATOR FRANK B. AGUON, JR Member		✓				
SENATOR JAMES V. ESPALDON Member		✓				
SENATOR TELO TAITAGUE Member		✓				
SENATOR RAY TENORIO Member				✓		

I. OVERVIEW

The Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting scheduled a **Public Hearing** on **Monday, March 16, 2009 at 9 AM** in the Legislature’s Public Hearing Room. Among the items on day’s Agenda for public consideration was Bill No. 18: (LS) – “An act to *add* a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau “Rainy Day Fund.”

Public Notice Requirements

Notices were sent via e-mail and/or fax to all Senators and main media broadcasting outlets on:

- March 5, 2009, giving five-days notice; and again on
- March 11, 2009, giving two-days notice.

Senators Present

- Vice Speaker Benjamin .J.F. Cruz, Committee Chairman
- Senator Matt Rector
- Senator vicente c. pangelinan
- Senator Espaldon, Committee Member
- Senator Aguon
- Senator Frank F. Blas, Jr.

The Public Hearing on Bill No. 18 (LS) was **called to order** at 9:00 AM.

II. SUMMARY OF TESTIMONY

VICE SPEAKER CRUZ opened the hearing making all proper announcements.

SENATOR ESPALDON stated Bill No. 18 (LS) seeks to accomplish two things: One, it seeks to establish a fund for unforeseen conditions as a source of payment and deem necessary by GVB. Two, it seeks to legitimize TCD, \$530,000 as an authorized initial fund with no legal authority to keep the funds and will be reverted back to the Tourist Attraction Fund.

GERRY PEREZ, General Manager Guam Visitors Bureau, appeared before the Committee in SUPPORT of Bill No. 18 and read his written testimony (attached) into the record.

SENATOR ESPALDON asked Mr. Perez if money not spent from the Tourist Attraction Fund reverts into the Tourist Attraction Fund and whether there has been an audit regarding deposits or “lapses” to GVB. Espaldon asked if GVB spent any of the money from this account.

GERRY PEREZ, General Manager Guam Visitors Bureau, stated that the deposit “lapses” have been noted and audited as an account that exists and GVB has not spent any of the money recently.

SENATOR ESPALDON asked Mr. Perez, when you say “not recently” does that mean that there was money spent some time in the past and will GVB’s operations be negatively impacted if the Bill does not go through.

GERRY PEREZ, General Manager Guam Visitors Bureau, stated uncertainty about money spent in the past, but emphasized that when he was not with the Bureau a “loan” that was owed an advertising company years ago might have been a security asset pledged that was never drawn upon.

SENATOR PANGELINAN asked if GVB can differentiate the ability to attract visitors from an external economic condition or is it merely a bad marketing plan.

GERRY PEREZ, General Manager Guam Visitors Bureau, stated agreement with Senator Pangelinan and asserted concern that the Board would have to evaluate.

SENATOR PANGELINAN asked it how to define the scenario and if the Board is the sole evaluator.

GERRY PEREZ, General Manager Guam Visitors Bureau, states that the Board often tracks the results of advertising strategies. These strategies include improving the product at the end of the day to accomplish sustainability. Furthermore, the Bureau is in SUPPORT of the rainy day fund.

VICE SPEAKER CRUZ asks panel if there are any other questions and Mr. Chair thanks Mr. Perez.

MR. NORBER “BERT” UNPINGCO, Tourism Consultant, appears before the panel in SUPPORT of the “Rainy Day Fund”. Today’s Guam’s industry is “Rainy” and is failing with many people being laid off and our people are waiting for the military to come. And expresses that if the power was left up to him, he would use the “Rainy Day Fund” to clean and fix the basic structures, such as the bathrooms which are filthy and dirty located at our parks, recreational, and scenic areas. Upgrading these structures are so modified that they are inexpensive today. Mr. Unpingco expresses his concern of embarrassment to the visitors of Guam who has to use these restrooms and many of them come back disappointed. A new source of money should be raised and set aside to replenish this “Rainy Day Fund”. We need to make Guam enjoyable so that the visitors will come back.

MR. FELIX AGOUN, Resident from the Village of Dededo appears before the panel and is in SUPPORT of Bill No. 18. He believes that money is geared towards GVB, and that we should look at ways to educate the children to become involved in the Tourism industry because if we do not, no one will. We need to get our local people involved, not just someone willing to work out in the sun.

MR. BOBING WOLFORD appears before the panel and speaks in Chamorro. This translation is into English as follows: “Good Morning to all five Senators. Asian tourists come to Guam, but do not go to Ypao because of filthy bathrooms. At Two Lovers Point Japanese come to get married at the church, but the area has trash and boonie dogs everywhere. Residents should be embarrassed about the trash and dogs littering an island built on the tourism industry.

VICE SPEAKER CRUZ says *Sainan Ma'ase* Mr. Wolford and thank you to all; Bill No. 18 (LS) has been heard.

The Public Hearing on Bill No. 18 was **adjourned at 11:00 P.M.**

Please note: *An audio/video DVD recording is available for a review of more details of the testimonies summarized above and/or the open discussion during this Public Hearing.*

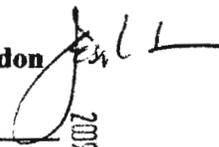
III. RECOMMENDATION

There being no objections or amendments to Bill No. 18 (LS), the Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting hereby reports out Bill No. 18 (LS) with the recommendation TO DO
PASS.

I MINA 'TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION

Bill No. 18 (LS)

Introduced by:

J.V. Espaldon 

AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE
12, GUAM CODE ANNOTATED, CREATING A GUAM
VISITORS BUREAU "*RAINY DAY FUND*".

2009 JAN - 5 AM 11:00

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Establishment of Guam Visitors Bureau "*Rainy Day Fund*". a) **Statement of Intent.** The need to establish a "*Rainy Day Fund*" as a safeguard against unforeseen circumstances which endanger one of Guam's economic mainstays – tourism – was one of the recommendations contained in the Guam Visitors Bureau's Five Year Strategic Plan. This would be a prudent and proactive measure that enables Guam to meet the challenges resulting from a natural or man-made disaster, or from external economic conditions that have severely affected Guam's ability to attract visitors.

(b) **Guam Visitors Bureau "*Rainy Day Fund*" established.** A new Article 3 is added to Chapter 9, Title 12, Guam Code Annotated, to read:

"ARTICLE 3
RAINY DAY FUND

§ 9301. **Rainy Day Fund, established.**

§ 9302. **Annual Deposit.**

§ 9303. **Use of Funds.**

§ 9304. **Access to funds, established.**

§ 9305. **Initial deposit, identified.**

§ 9306. **Annual Audit, required.**

§ 9301. **Rainy Day Fund, established.** There is hereby created, separate and apart from all other funds, the Guam Visitors Bureau "*Rainy Day Fund*" (hereinafter referred to as '*Fund*'). The deposits into the Fund shall not be commingled with deposits received from the Tourist Attraction Fund for the operations, special projects, and any other appropriations made to the Guam

1 Visitors Bureau, and shall be kept in a separate bank account. The bank account shall be established
2 and maintained by the Guam Visitors Bureau, and its funds shall only be available for use as
3 stipulated herein.

4 **§ 9302. Annual Deposit.** An amount equal to one and one-half percent (1½%) of the
5 adopted revenue projection for each fiscal year, or a minimum of Two Hundred Thousand Dollars
6 (\$200,000.00), shall be set aside and allocated by the Department of Administration to the Guam
7 Visitors Bureau for deposit into the fund established by this Section. Each annual deposit shall be
8 made over the course of the fiscal year as collections are received.

9 **§ 9303. Use of Funds.** The funds may be used to support identified activities to meet
10 unforeseen or unanticipated challenges resulting from either a natural or man-made disaster that has
11 occurred on Guam, or from external economic conditions that have severely affected Guam's ability
12 to attract visitors.

13 **§ 9304. Access to funds, established.** Following the approval of a resolution by the
14 Board of Directors of the Guam Visitors Bureau containing: 1) a statement of facts that a natural or
15 man-made disaster has occurred on Guam, or certain external economic conditions have been
16 experienced; 2) a recitation of the activities to be undertaken to mitigate the potential harm to
17 Guam's tourism industry; and, 3) insufficient funds are available for such activities within the
18 current fiscal year's operating budget; up to fifty percent (50%) of the Fund's balance may be made
19 available to the Guam Visitors Bureau for each such occurrence. If the activities to be undertaken
20 require funding greater than the amount available, the Guam Visitors Bureau shall immediately
21 notify *I Liheslaturan Guåhan* of their need for additional funding assistance, and seek the approval
22 of legislation to expend more than the fifty percent (50%) authorized herein.

23 **§ 9305. Initial deposit, identified.** Notwithstanding the general provisions of 11 GCA
24 §30107.1, and for the purposes of the initial deposit only, the funds contained in the Guam Visitors
25 Bureau's Citibank Certificate of Deposit shall constitute the deposits for Fiscal Year 2009 and Fiscal
26 Year 2010.

27 **§ 9306. Annual Audit, required.** The Guam Visitors Bureau shall conduct an annual
28 audit of the Fund to ensure compliance with all statutory regulations governing its deposits and
29 expenditures.”

Senator Benjamin J.E. Cruz
 VICE SPEAKER
 CHAIRMAN, COMMITTEE ON TOURISM, CULTURAL
 AFFAIRS, YOUTH AND PUBLIC BROADCASTING



I Mind' Treuta na Libestlaturan Guahan
 THIRTIETH GUAM LEGISLATURE
 155 HENRIE PLAZA, HOGANSA, GUAM 96910 • SENATOR@GOV.GU
 TELEPHONE: 671-633-3301 • FAX NUMBER: 671-633-3302

9 A.M. MONDAY, MARCH 16, 2009 -- PUBLIC HEARING

BILL NO. 18 (U.S) - An act to add a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau "Rainy Day Fund".

NAME (Please Print)	REPRESENTING (Agency/Company/Organization/Self)	SUPPORT		OPPOSE		CONTACT INFO (Phone Number &/or email address)
		(Written/ Oral Testimony)	(Written/ Oral Testimony)	(Written/ Oral Testimony)	(Written/ Oral Testimony)	
G. PEREZ	GVB	✓				65AD 43 @ yahoo.com
BERT WUPINGCO		✓				
FELIX ABMON	SELF	✓				
FRANCIS H. WOLFORD "BOBING"		✓				



March 16, 20009

Testimony of Mr. Gerald S.A. Perez, General Manager, Guam Visitors Bureau on Bill No. 18 (LS) AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, CREATING A GUAM VISITORS BUREAU "RAINY DAY FUND".

Mr. Chairman and members of the Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting. For the record, my name is Gerald S.A. Perez, General Manager of the Guam Visitors Bureau. I am here today to discuss Bill No. 18 (LS) and the potential it holds for the Bureau.

In principle, the Bureau supports the concept of having a rainy day fund which can be immediately tapped in the event of a natural or economic disaster to our tourism industry. However, we recommend the following:

1. **Funding Source:** The source identified will reduce the level of appropriation needed to intensify destination improvements and marketing investments at a time when we are already far below previous (desired) funding levels needed to remain competitive.

Recommendation: Tap other sources directly benefiting from visitor arrivals; for example, option tours, travel retailers, restaurants and car rental companies.

2. **Access to Funds:** The legislation further specifies that the Bureau may spend up to 50% of the rainy day fund upon board approval, with use of greater than 50% requiring legislative approval. Although this allows the Bureau flexibility, it may impact our reaction time should we need to expend amounts greater than 50% for disaster or economic recovery.

Recommendation: Give the board 100% spending flexibility to react to contingencies, which are typically very time sensitive. However, require an after action report detailing the expenditures with 90 days giving the reason for, and outcome of, this expenditure.

Gerald S.A. Perez
General Manager



March 16, 20009

Testimony of Mr. Gerald S.A. Perez, General Manager, Guam Visitors Bureau on Bill No. 18 (LS) AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, CREATING A GUAM VISITORS BUREAU "RAINY DAY FUND".

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Gerald S.A. Perez
General Manager

Bureau of Budget & Management Research
Fiscal Note of Bill No. 18 (LS)

RECEIVED
3/14/2009
H6

Bill Title (Preamble): AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, CREATING A GUAM VISITORS BUREAU "RAINY DAY FUND".

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Visitors Bureau	Dept./Agency Head: Gerald S.A. Perez
Department's General Fund (GF) appropriation(s) to date:	\$0
Department's Other Fund (specify): Tourist Attraction Fund (TAF) appropriation(s) to date:	\$13,736,095
Total Department/Agency Appropriation(s) to date:	\$13,736,095

Fund Source Information of Proposed Appropriation			
	General Fund:	Other (TAF):	Total:
FY 2009 Adopted Revenues	\$520,721,797	\$21,500,000	\$542,221,797
FY 2009 Appro. (P.L. 29-113) to P.L. 29-156	(\$520,721,779)	(\$21,500,000)	(\$542,221,779)
Sub-total:	\$18	\$0	\$18
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$18	\$0	\$18

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2009 (if applicable)	FY 2010	FY 2011	FY 2012	FY 2013
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Tourist Attraction Fund	1/	\$0	1/	1/	1/	1/
Total	1/	\$0	1/	1/	1/	1/

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
/X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date
Rose Cunliffe, GVB Controller, was contacted & information requested 2/17/09. / / Other: CLEARED PER
BBMR'S REVIEW

Analyst: Michael M. Aflague, B&M Analyst Date: 3/5/09 Director: Bertha M. Duenas, Director, BBMR Date: MAR 06 2009

Footnotes: 1/ Bill 18 (LS) proposes to establish a "Rainy Day Fund" under the Guam Visitors Bureau. The Bill would require one and one-half percent (1½%) of the adopted revenues projected each fiscal year, or a minimum of \$200,000, to be set aside by the Department of Administration (DOA) for deposit into the Fund; however, the Bureau would like to note that the Bill is silent relative to the source in which the percentage (1½%) is to be applied. Assuming the application of 1½% to the adopted revenues of the TAF, the Bureau anticipates an annual deposit of \$333,923 based on the average of the adopted revenues of the TAF in the last five (5) fiscal years or \$200,000 annually (FY2005-FY2009 ref. attachment). As such, in five years, there could be as much as \$1M ~ \$1.6M deposited into the GVB Rainy Day Fund. The projected impact is roughly \$200k ~ \$333k less in appropriations that may be made from the TAF annually to departments/agencies typically subsidized by such fund to include requirements for debt obligations (i.e., Limited Obligation Infrastructure Improvement Bond, 1997 Series A). Lastly, it should be noted that the Bureau has requested a fiscal impact assessment from the Guam Visitors Bureau in accordance with 2GCA, Chapter 9 (Fiscal Accountability Act of 1999); however, information was not received as of these comments.

**MINA'TRENTA NA LIHESLATURAN GUÅHAN
(FIRST AND SECOND) Regular Sessions
LEGISLATIVE HISTORY
January 2009 - December 2010**

Bill No. 18 (LS) – by J. V. Espaldon

AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 9, TITLE 12, GUAM CODE ANNOTATED, CREATING A GUAM VISITORS BUREAU "RAINY DAY FUND".

01/05/09 - Read first time. Referred to the Committee on Rules.

01/08/09 - Referred to the Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting.



March 5, 2009

MEMORANDUM

To: All Senators

From: Senator Judith P. Guthertz, DPA
Acting Chairperson
*Committee on Tourism, Cultural Affairs, Youth and Public
Broadcasting*

Subject: Public Hearing Notice: March 16, 2009 at 9 a.m. and 3 p.m.
Agenda: Resolution 41; Bills 18, 45, 57, 71, 75

3/05/09
12:15
[Signature]

Please be advised that the Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting is holding a public hearing at 9 a.m. and 3 p.m. on March 16, 2009. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

Public Hearing Agenda:

9:00 a.m.

Resolution No. 41 (COR): Judith T. Won Pat, Ed.D. - Relative to the appointment of Mr. Norbert "Bert" R. Unpingco to serve as the alternate Director to the Guam Visitors Bureau Board of Directors.

Bill No. 71 (LS): B.J.F. Cruz / F.B. Aguon, Jr. / T.R. Muna-Barnes - An act to amend Section 25(a) of Part II, Chapter 5 of Public Law 29-113; to add a new Section 25(j) to Part 11, Chapter 5 of Public Law 29-113; to reappropriate unexpended sums, as previously authorized in Section 25(a) of Part 11, Chapter 5 of Public Law 29-19; and to reappropriate unexpended sums, as previously authorized in Section 18 of Part 11, Chapter IV of Public Law 28- 150; relative to providing greater flexibility to the Guam Visitors Bureau in its use of appropriations authorized by *I Liheslaturan Guåhan*.

Bill No. 18 (LS): J.V. Espaldon - An act to *add* a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau "Rainy Day Fund".

Bill No. 45 (COR): T. R. Muña Barnes - An act to construct a *Guåhan* Performing Arts /Cultural Center and a Guam National Museum, and to assist in furthering the preservation and presentation of Guam's Culture, Heritage and History by creating the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund by adding a new Subitem (y) to §87104 of Chapter 87, Division 8, Title 5 Guam Code Annotated; adding a new Chapter 89 to Division 8, Title 5 Guam Code Annotated; and adding a new Chapter 29 to Title 11 Guam Code Annotated.

3:00 p.m.

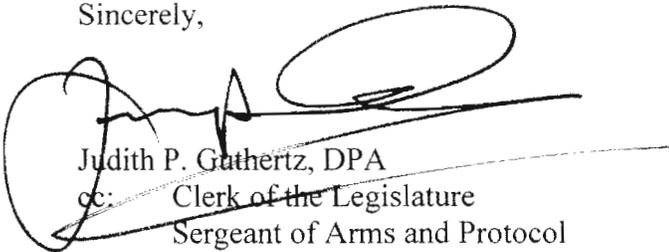
Bill No. 75 (LS): J.T. Won Pat, Ed.D. / T.R. Muña Barnes - An act to refer KGTF or KGTF TV-12 as PBS Guam in any laws of Guam.

Bill No. 57: (COR) - Ray Tenorio - An act to add a new Article 3 is added to Chapter 70, 9GCA relative to the unlawful release of a minor's identifying information.

Copies of these items listed on the agenda may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office if you have any questions or concerns.

Si Yu'os Ma'åse'!

Sincerely,



Judith P. Gathertz, DPA
cc: Clerk of the Legislature
Sergeant of Arms and Protocol



VICE SPEAKER BENJAMIN J.F. CRUZ
I Mina'Trenta Na Liheslaturan Guahan
30th Guam Legislature

FACSIMILE TRANSMITTAL SHEET

****REVISION****

DATE: MARCH 5, 2009
RE: PUBLIC HEARING NOTICE
FROM: OFFICE OF VICE SPEAKER BJ CRUZ

TOTAL NO. OF PAGES: *(INCLUDING THIS ONE)* : 1

PHONE NO: 477-2520/1

/X / URGENT *// FOR REVIEW*

// PLEASE COMMENT */ X/FYI*

NOTES/COMMENTS:

Dear Sir/Madam:

Please be advised the previous fax you have received earlier this morning did not contain a (cc) copy of the bills pertaining to your particular agency/department; however, all bills can be viewed online at www.guamlegislature.com.

Should you need any further assistance, please contact our office at 477-2520/1.

The Office of Vice Speaker Benjamin J.F. Cruz



March 6, 2009

Ms. Catriona Melyan
Newsroom
Pacific Daily News
P.O. Box DN
Hagatna, Guam 96910

Dear Ms. Melyan:

Please insert the following in the Pacific Daily News Government Meetings section at the earliest convenience:

- **Committee on Tourism, Cultural Affairs, Youth, and Public Broadcasting:** Public hearing, Legislature's public hearing room, Hagátña. 9 a.m. to 12 p.m.: Resolution 41, relative to the appointment of Mr. Norbert "Bert" Unpingco as alternate Director to the Guam Visitors Bureau (GVB); Bill 71, relative to providing greater flexibility to GVB in its use of appropriations; Bill 18, relative to the creation of a GVB "Rainy Day Fund"; Bill 45, an act to construct a *Guåhan* Performing Arts/Cultural Center and a Guam National Museum and to create the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund. 3 to 5 p.m.: Bill 75, reference of KGTF TV-12 as PBS Guam; Bill 57, relative to the unlawful release of minors identifying information. For special accommodations or additional information, call Mike at 477-2520.

Thank you for your time and kind consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Cruz".

Benjamin J.F. Cruz

RECEIVED
3/6/09



COMMITTEE ON TOURISM, CULTURAL AFFAIRS, YOUTH, AND PUBLIC BROADCASTING: PUBLIC HEARING NOTICE

(March 9, 2009 – Hagåtña, Guam) The Committee on Tourism, Cultural Affairs, Youth, and Public Broadcasting, overseen by Vice-Speaker Cruz, is conducting a Public Hearing on **Monday, March 16, 2009.**

Items on the agenda from 9 a.m. – 12 p.m. are Resolution 41, relative to the appointment of Mr. Norbert “Bert” Unpingco as alternate Director to the Guam Visitors Bureau; Bill 71, an act to provide greater flexibility to GVB in its use of appropriations; Bill 18, an act to create a GVB “Rainy Day Fund”; Bill 45, an act to construct a *Guåhan* Performing Arts/Cultural Center and a Guam National Museum and to create the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund. Then from 3 to 5 p.m.: Bill 75, an act to reference KGTF TV-12 as PBS Guam; Bill 57, an act making it unlawful to release of minors identifying information.

Residents are encouraged to attend the Public Hearing and voice opinions pertaining to the items on the agenda. For special accommodations, please Mike at the Office of Vice-Speaker Benjamin J.F. Cruz at 477-2520/21 or email at senadotbjcruz@aol.com.

For copies of bills, please log onto www.guamlegislature.com.



March 11, 2009

Ms. Catriona Malyan
Newsroom
Pacific Daily News
P.O. Box DN
Hagatna, Guam 96910

Dear Ms. Malyan:

Please insert the following in the Pacific Daily News Government Meetings section at the earliest convenience:

- **Committee on Tourism, Cultural Affairs, Youth, and Public Broadcasting:** Public hearing March 16, 2009, Legislature's public hearing room, Hagåtña. 9 a.m. to 12 p.m.: Resolution 41, relative to the appointment of Mr. Norbert "Bert" Unpingco as alternate Director to the Guam Visitors Bureau (GVB); Bill 71, relative to providing greater flexibility to GVB in its use of appropriations; Bill 18, relative to the creation of a GVB "Rainy Day Fund"; Bill 45, an act to construct a *Guåhan* Performing Arts/Cultural Center and a Guam National Museum and to create the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund. 3 to 5 p.m.: Bill 75, reference of KGTF TV-12 as PBS Guam; Bill 57, relative to the unlawful release of minors identifying information. For special accommodations or additional information, call Mike at 477 - 2520.

Thank you for your time and kind consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. Cruz".

Benjamin J.F. Cruz

Received by
Catriona Malyan
[Catriona Malyan] 3/11/09
11:30 am.



COMMITTEE ON TOURISM, CULTURAL AFFAIRS, YOUTH, AND PUBLIC BROADCASTING: PUBLIC HEARING NOTICE

(March 13, 2009 – Hagåtña, Guam) The Committee on Tourism, Cultural Affairs, Youth, and Public Broadcasting, overseen by Vice-Speaker Cruz, is conducting a Public Hearing on **Monday, March 16, 2009.**

Items on the agenda from 9 a.m. – 12 p.m. are Resolution 41, relative to the appointment of Mr. Norbert “Bert” Unpingco as alternate Director to the Guam Visitors Bureau; Bill 71, an act to provide greater flexibility to GVB in its use of appropriations; Bill 18, an act to create a GVB “Rainy Day Fund”; Bill 45, an act to construct a *Guåhan* Performing Arts/Cultural Center and a Guam National Museum and to create the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund. Then from 3 to 5 p.m.: Bill 75, an act to reference KGTF TV-12 as PBS Guam; Bill 57, an act making it unlawful to release of minors identifying information.

Residents are encouraged to attend the Public Hearing and voice opinions pertaining to the items on the agenda. For special accommodations, please Mike at the Office of Vice-Speaker Benjamin J.F. Cruz at 477-2520/21 or email at senadotbjcruz@aol.com.

For copies of bills, please log onto www.guamlegislature.com.

HP Officejet 6100 Series 6110
Personal Printer/Fax/Copier/Scanner

Log for

477-2522

Mar 13 2009 10:51am

Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Mar 13	10:46am	Fax Sent	477-3079 PPN	0:40	1	OK
Mar 13	10:47am	Fax Sent	477-3982	0:24	1	OK
Mar 13	10:48am	Fax Sent	637-8819 PNC	0:21	1	OK
Mar 13	10:49am	Fax Sent	637-9865 KUAM	0:27	1	OK
Mar 13	10:50am	Fax Sent	648-2007 Narvar	0:24	1	Error 442

events **YOUR CALENDAR**

Daily News, Thursday, March 12, 2009 guampdn.com

▲ Learn about the events going on in your village, your children's school or elsewhere in the community online with the Pacific Daily News' Your Calendar. You can also share your community event via our Web site. Log on to www.guampdn.com and click on the calendar located on the right side of the site.

March 17

Civil Service Commission: Board meeting 5:30 p.m., seventh floor conference room, ITC Building, Tamuning. Motion hearings in Karen E. Guerrero vs. Guam Police Department, Mary Ellen Tyquengco vs. Department of Mental Health and Substance Abuse, Roque V. Castro vs. Department of Corrections; bills and laws relating to CSC. For special accommodations, call Bianca at 647-1855/7 or TDD 647-1872.

Commission for Educator Certification: Meeting 6:15 p.m., University of Guam School of Education faculty lounge, second floor. Committee reports; BP review update; reading specialist — certificate requirements; Chamorro language and culture requirement review. For special accommodations, call Fran Camacho, 735-2447.

Committee on Economic Development, Health and Human Services and Judiciary: Public hearing at 9 a.m., Legislature's public hearing room, Hagåtña. Bill 1, authorizing tax credits to lessors of temporary location of John F. Kennedy High School campus; Bill 6, relative to parental accountability; Bill 7, relative to Mechanic's Lien Law; Bill 10, authorizing granting of qualifying certificates for physicians practicing in specialties of critical need; Bill 40, seeking to preclude from civil and criminal liability any person involved with donation and distribution of food delivered in good faith for sharing with the needy: The Good Samaritan Food Donation Act of Guam; Bill 50, relative to construction of the Guam museum; Bill 54, relative to the Woman's Informed Consent for Abortion; Bill 56, relative to enforcement of fire protection laws; Bill 61, relative to recommendations on medicating students; Bill 77, to merge DISID into DMHSA to ensure a more fully functional and comprehensive service to those in need. Call 969-1495/6.

Civil Service Commission: Board meeting 5:30 p.m., seventh floor conference room, ITC Building, Tamuning. Grievance hearing: Charles Hardy vs. Guam Public School System; bills and laws relating to CSC. For special accommodations, call Bianca at 647-1855/7 or TDD 647-1872.

Guam Board of Nurse Examiners: Regular meeting 4 p.m., Health Professional Licensing Office, Suite 9, Legacy Square Commercial Complex, Route 10, Mangilao. For special accommodations, call 735-7408/1.

Guam Visitors Bureau: Regular meeting 4 p.m., GVB main conference room, Tumon. For special accommodations, call 646-5278.

University of Guam Regent Nominating Council: Regular meeting noon, president's office conference room, second floor of the Jesus S. and Eugenia A. Leon Guerrero School of Business and Public Administration building. For special accommodations, call Elaine Facutor-Gogue, 735-2244 or TTY 735-2243.

Tomorrow

Committee on Public Safety, Law Enforcement and Senior Citizens: Public hearings, Legislature's public hearing room, Hagåtña. 9:30 a.m.: Bill 72, to establish minimum qualifications for Chief Medical Examiner; Bill 68, instituting a Good Time Allowance Program within the Department of Corrections — "The Good Time Behavior Allowance Act of 2009." 1:30 p.m.: Bill 64, to increase the social and recreational activities of senior citizens to include card and mahjong games. For special accommodations, call 472-5047/5048.

March 16

Committee on Tourism, Cultural Affairs, Youth and Public Broadcasting: Public hearings, Legislature's public hearing room, Hagåtña. 9 a.m.-noon: Resolution 41, relative to appointment of Norbert "Bert" Unpingco as alternate director of Guam Visitors Bureau; Bill 71, relative to providing greater flexibility to GVB in its use of appropriations; Bill 18, relative to creation of GVB rainy day fund; Bill 45, to construct a Guahan performing arts/cultural center and Guam national museum and to create the Guahan Heritage Facilities Board, Guahan Heritage Facilities Hotel Room Surcharge and Guahan Heritage Facilities Fund. 3-5 p.m.: Bill 75 — KGTF TV-12 as PBS Guam; Bill 57, relative to unlawful release of minors identifying information. For special accommodations, call Mike, 477-2520.

Civil Service Commission: Board meeting 5:30 p.m. (date), second floor, Hakubotan Building, Tamuning. (agenda); bills and laws relating to CSC. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872



COMMITTEE ON TOURISM, CULTURAL AFFAIRS, YOUTH, AND PUBLIC BROADCASTING

PUBLIC HEARING

March 16, 2009

I Liheslatura Public Hearing Room, Hagåtña

AGENDA

Items on the agenda from 9 a.m. to 12 p.m.:

1. **Resolution No. 41 (COR): Judith T. Won Pat, Ed.D.** - Relative to the appointment of Mr. Norbert "Bert" R. Unpingco to serve as the alternate Director to the Guam Visitors Bureau Board of Directors.
2. **Bill No. 71 (LS): B.J.F. Cruz / F.B. Aguon, Jr. / T.R. Muna-Barnes** - An act to amend Section 25(a) of Part II, Chapter 5 of Public Law 29-113; to add a new Section 25(j) to Part 11, Chapter 5 of Public Law 29-113; to reappropriate unexpended sums, as previously authorized in Section 25(a) of Part 11, Chapter 5 of Public Law 29-19; and to reappropriate unexpended sums, as previously authorized in Section 18 of Part 11, Chapter IV of Public Law 28- 150; relative to providing greater flexibility to the Guam Visitors Bureau in its use of appropriations authorized by *I Liheslaturan Guahan*.
3. **Bill No. 18 (LS): J.V. Espaldon** - An act to *add* a new Article 3 to Chapter 9, Title 12, Guam Code Annotated, creating a Guam Visitors Bureau "Rainy Day Fund".
4. **Bill No. 45 (COR): T. R. Muña Barnes** - An act to construct a *Guåhan* Performing Arts /Cultural Center and a Guam National Museum, and to assist in furthering the preservation and presentation of Guam's Culture, Heritage and History by creating the *Guåhan* Heritage Facilities Board, the *Guåhan* Heritage Facilities Hotel Room Surcharge, and the *Guåhan* Heritage Facilities Fund by adding a new Subitem (y) to §87104 of Chapter 87, Division 8, Title 5 Guam Code Annotated; adding a new Chapter 89 to Division 8, Title 5 Guam Code Annotated; and adding a new Chapter 29 to Title 11 Guam Code Annotated.

Items on the agenda from 3 p.m. to 5 p.m.:

1. **Bill No. 75 (LS): J.T. Won Pat, Ed.D. / T.R. Muña Barnes** - An act to refer KGTF or KGTF TV-12 as PBS Guam in any laws of Guam.
2. **Bill No. 57: (COR) - Ray Tenorio** - An act to add a new Article 3 is added to Chapter 70, 9GCA relative to the unlawful release of a minor's identifying information.

1 Visitors Bureau, and shall be kept in a separate bank account. The bank account shall be established
2 and maintained by the Guam Visitors Bureau, and its funds shall only be available for use as
3 stipulated herein.

4 **§ 9302. Annual Deposit.** An amount equal to one and one-half percent (1½%) of the
5 adopted revenue projection for each fiscal year, or a minimum of Two Hundred Thousand Dollars
6 (\$200,000.00), shall be set aside and allocated by the Department of Administration to the Guam
7 Visitors Bureau for deposit into the fund established by this Section. Each annual deposit shall be
8 made over the course of the fiscal year as collections are received.

9 **§ 9303. Use of Funds.** The funds may be used to support identified activities to meet
10 unforeseen or unanticipated challenges resulting from either a natural or man-made disaster that has
11 occurred on Guam, or from external economic conditions that have severely affected Guam's ability
12 to attract visitors.

13 **§ 9304. Access to funds, established.** Following the approval of a resolution by the
14 Board of Directors of the Guam Visitors Bureau containing: 1) a statement of facts that a natural or
15 man-made disaster has occurred on Guam, or certain external economic conditions have been
16 experienced; 2) a recitation of the activities to be undertaken to mitigate the potential harm to
17 Guam's tourism industry; and, 3) insufficient funds are available for such activities within the
18 current fiscal year's operating budget; up to fifty percent (50%) of the Fund's balance may be made
19 available to the Guam Visitors Bureau for each such occurrence. If the activities to be undertaken
20 require funding greater than the amount available, the Guam Visitors Bureau shall immediately
21 notify *I Liheslaturan Guåhan* of their need for additional funding assistance, and seek the approval
22 of legislation to expend more than the fifty percent (50%) authorized herein.

23 **§ 9305. Initial deposit, identified.** Notwithstanding the general provisions of 11 GCA
24 §30107.1, and for the purposes of the initial deposit only, the funds contained in the Guam Visitors
25 Bureau's Citibank Certificate of Deposit shall constitute the deposits for Fiscal Year 2009 and Fiscal
26 Year 2010.

27 **§ 9306. Annual Audit, required.** The Guam Visitors Bureau shall conduct an annual
28 audit of the Fund to ensure compliance with all statutory regulations governing its deposits and
29 expenditures.”