

EDDIE BAZA CALVO  
Governor



*Office of the Governor of Guam*

RAY TENORIO  
Lieutenant Governor

2012 FEB 7  
MI 9-23  
3/11/12  
KAW

February 6, 2012

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Unu Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Office of the Speaker  
**Judith T. Won Pat, Ed. D.**  
Date 02/7/12  
Time 4:19 PM  
Received by [Signature]

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 327-31 (COR) "AN ACT TO AMEND §40135, AND TO ADD NEW §§40137, 40138, 40139, 40140, 40141 AND 40142, ALL OF CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES", which I signed into law on February 3, 2012 as **Public Law 31-178**.

*Senseramente,*

  
EDDIE BAZA CALVO

Attachment: copy of Bill

1326

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session

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

This is to certify that Bill No. 327-31 (COR), "AN ACT TO AMEND §40135, AND TO ADD NEW §§40137, 40138, 40139, 40140, 40141 AND 40142, ALL OF CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES", was on the 20<sup>th</sup> day of January, 2012, duly and regularly passed.



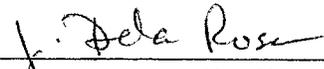
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



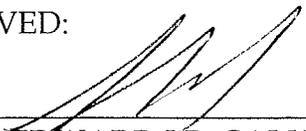
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23<sup>rd</sup> day of Jan., 2012, at 12:45 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date:

FEB 03 2012

Public Law No. 31-178

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
**2011 (FIRST) Regular Session**

**Bill No. 327-31 (COR)**

As amended by the Committee on Appropriations,  
Taxation, Public Debt, Banking, Insurance,  
Retirement and Land; and further amended on the Floor.

Introduced by:

M. Silva Taijeron  
T. R. Muña Barnes  
T. C. Ada  
V. Anthony Ada  
F. F. Blas, Jr.  
B. J.F. Cruz  
Chris M. Dueñas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
Dennis G. Rodriguez, Jr.  
R. J. Respicio  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §40135, AND TO *ADD* NEW §§40137, 40138, 40139, 40140, 40141 AND 40142, ALL OF CHAPTER 40, DIVISION 4 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Public Law 23-45 established village Gymnasium Revolving Funds for the  
4 municipalities of *Agana Heights* and *Tamuning*. These sections of Guam law

1 authorized the municipal planning councils of the respective villages to establish,  
2 charge, collect, and approve money for the use of their village's gymnasium. The  
3 monies collected would be deposited into the revolving fund and would be used  
4 for personnel, operations, and maintenance of the gymnasium.

5 *I Liheslaturan Guåhan* further finds that since the passage of P.L. 23-45,  
6 subsequent gymnasiums have been constructed in other villages throughout Guam.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish Gymnasium  
8 Revolving Funds in the municipalities of *Agat, Dededo, Talofoyo, Yigo* and *Yona*.

9 **Section 2.** §40135 of Chapter 40, Division 4 of Title 5, Guam Code  
10 Annotated, is hereby *amended* to read:

11 **“§ 40135. Creation of the Municipal Planning Council**  
12 **Revolving Fund.**

13 There is hereby established nineteen (19) Municipal Planning Council  
14 Revolving Funds under the control and custody of the respective village  
15 Municipal Planning Councils. Each village shall establish their own fund  
16 that will be separate and apart from other funds, including the General Fund.  
17 The Mayors Council of Guam is hereby authorized to set charges for the use  
18 of community centers and all sports facilities, *except* village gymnasiums.  
19 These proposed fees *shall* be submitted to *I Liheslaturan Guåhan* (the  
20 Guam Legislature) for approval. The Mayor and the Municipal Planning  
21 Councils of each village are hereby authorized to raise funds through  
22 charging commercial enterprises to advertise on the walls of their sports  
23 facilities, raise funds through fund-raising efforts to include approving  
24 concessionaire activities within each municipality as approved by its  
25 Municipal Planning Council, solicit corporate sponsorship, and to accept  
26 contributions that are solely beneficial to the sports facilities or village.

1 These revenues *shall* be deposited into the Municipal Planning Council  
2 Funds of each village, and *shall* be used for the operation and maintenance  
3 of these facilities, and to fund special projects identified by the Municipal  
4 Planning Councils.

5 The Mayors *shall* take all action to ensure that the Revolving Funds  
6 are operating in conformity with all existing statutes, rules and regulations,  
7 codes, executive orders and any other authority, which is applicable to the  
8 operations of the Revolving Funds. Any balance remaining in the funds at  
9 the end of the fiscal year *shall* carry over into the next fiscal year or until  
10 expended.

11 All disbursement transactions on the Revolving Funds *shall* be as  
12 stipulated herein:

13 (a) the Municipal Planning Council of each village *shall*  
14 approve all expenditures for that particular village;

15 (b) the minutes of the meetings must verify the authorization  
16 given by the Municipal Planning Council;

17 (c) there must be two (2) authorized signatures; authorized  
18 signatures *shall* be determined by the Mayor and the Chairperson of  
19 the Municipal Planning Council, *or* a member designee;

20 (d) the Mayor *shall* be responsible for receipts and other  
21 substantiation as determined by the Municipal Planning Council for  
22 all checks issued; and

23 (e) each Mayor *shall* submit a financial statement at the end  
24 of each fiscal year to the Mayors Council of Guam.”

25 **Section 3.** A new §40137 is hereby *added* to Chapter 40, Division 4, Title  
26 5 of the Guam Code Annotated, to read:

1           **“§ 40137. Establishment and Use of the *Agat* Gymnasium**  
2 **Revolving Fund.**

3           There is established, separate and apart from any other government  
4 fund, an *Agat* Gymnasium Revolving Fund. The *Agat* Municipal Planning  
5 Council is authorized to establish, charge, collect, and approve money for  
6 the use of the *Agat* village gymnasium. The Fund *shall* be used for  
7 personnel, operations, and maintenance of the *Agat* Gymnasium. The *Agat*  
8 Mayor *shall* be the custodian and certifying officer of the Fund.”

9           **Section 4.** A new §40138 is hereby *added* to Chapter 40, Division 4, Title 5  
10 of the Guam Code Annotated, to read:

11           **“§ 40138. Establishment and Use of the *Dededo* Gymnasium**  
12 **Revolving Fund.**

13           There is established, separate and apart from any other government  
14 fund, a *Dededo* Gymnasium Revolving Fund. The *Dededo* Municipal  
15 Planning Council is authorized to establish, charge, collect, and approve  
16 money for the use of the *Dededo* village gymnasium. The Fund *shall* be  
17 used for personnel, operations, and maintenance of the *Dededo* Gymnasium.  
18 The *Dededo* Mayor *shall* be the custodian and certifying officer of the  
19 Fund.”

20           **Section 5.** A new §40139 is hereby *added* to Chapter 40, Division 4, Title  
21 5 of the Guam Code Annotated to read:

22           **“§ 40139. Establishment and Use of the *Talofof* Gymnasium**  
23 **Revolving Fund.**

24           There is established, separate and apart from any other government  
25 fund, a *Talofof* Gymnasium Revolving Fund. The *Talofof* Municipal  
26 Planning Council is authorized to establish, charge, collect, and approve

1 money for the use of the *Talofofo* village gymnasium. The Fund *shall* be  
2 used for personnel, operations, and maintenance of the *Talofofo*  
3 Gymnasium. The *Talofofo* Mayor *shall* be the custodian and certifying  
4 officer of the Fund.”

5 **Section 6.** A new §40140 is hereby *added* to Chapter 40, Division 4, Title  
6 5 of the Guam Code Annotated, to read:

7 **“§ 40140. Establishment and Use of the *Yigo* Gymnasium**  
8 **Revolving Fund.**

9 There is established, separate and apart from any other  
10 government fund, a *Yigo* Gymnasium Revolving Fund. The *Yigo*  
11 Municipal Planning Council is authorized to establish, charge,  
12 collect, and approve money for the use of the *Yigo* village  
13 gymnasium. The Fund *shall* be used for personnel, operations, and  
14 maintenance of the *Yigo* Gymnasium. The *Yigo* Mayor *shall* be the  
15 custodian and certifying officer of the Fund.”

16 **Section 7.** A new §40141 is hereby *added* to Chapter 40, Division 4, Title  
17 5 of the Guam Code Annotated, to read:

18 **“§ 40141. Establishment and Use of the *Yona* Gymnasium**  
19 **Revolving Fund.**

20 There is established, separate and apart from any other government  
21 fund, a *Yona* Gymnasium Revolving Fund. The *Yona* Municipal Planning  
22 Council is authorized to establish, charge, collect, and approve money for  
23 the use of the *Yona* village gymnasium. The Fund *shall* be used for  
24 personnel, operations, and maintenance of the *Yona* Gymnasium. The *Yona*  
25 Mayor *shall* be the custodian and certifying officer of the Fund.”

1           **Section 8.** A new §40142 is hereby *added* to Chapter 40, Division 4, Title  
2 5 of the Guam Code Annotated, to read:

3           **“§ 40142. Gymnasium Revolving Fund.**

4           (a) There are hereby established Gymnasium Revolving  
5 Funds for eligible municipalities, in accordance with this Chapter,  
6 which will be separate and apart from other funds, including the  
7 General Fund. The Mayors Council of Guam is hereby authorized to  
8 set charges for the use of village gymnasiums. These proposed fees  
9 *shall* be submitted to *I Liheslaturan Guåhan* (the Guam Legislature)  
10 for approval. The Mayor and the Municipal Planning Councils of  
11 each village are hereby authorized to raise funds through charging  
12 commercial enterprises to advertise on the walls of their gymnasium,  
13 raise funds through fund-raising efforts, to include approving  
14 concessionaire activities within each municipality’s gymnasium as  
15 approved by its Municipal Planning Council, and to accept  
16 contributions that are solely beneficial to the gymnasium. These  
17 revenues *shall* be deposited into the Gymnasium Revolving Fund of  
18 each eligible municipality and *shall* be expended in accordance with  
19 the provisions of this Chapter.

20           The Mayors *shall* take all action to ensure that the Gymnasium  
21 Revolving Fund is operating in conformity with all existing statutes,  
22 rules and regulations, codes, executive orders and any other authority,  
23 which is applicable to the operations of the Gymnasium Revolving  
24 Funds. Any balance remaining in the funds at the end of the fiscal  
25 year *shall* carry over into the next fiscal year or until expended.

1 All disbursement transactions on the Gymnasium Revolving  
2 Fund *shall* be as stipulated herein:

3 (1) the Municipal Planning Council of each village  
4 *shall* approve all expenditures for that particular village;

5 (2) the minutes of the meetings must verify the  
6 authorization given by the Municipal Planning Council;

7 (3) there must be two (2) authorized signatures;  
8 authorized signatures *shall* be determined by the Mayor and the  
9 Chairperson of the Municipal Planning Council, *or* a member  
10 designee;

11 (4) the Mayor *shall* be responsible for receipts and  
12 other substantiation as determined by the Municipal Planning  
13 Council for all checks issued; and

14 (5) each Mayor *shall* submit a financial statement at  
15 the end of each fiscal year to the Mayors Council of Guam.

16 (b) This Section *shall* be applicable to municipalities which  
17 have established a Gymnasium Revolving Fund in accordance with  
18 the provisions this Chapter.”

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

*6*

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

## 2012 (SECOND) Regular Session

Date: 1/20/12

### VOTING SHEET

ABill No. 327-31(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14    0    0    0    1

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Office of

the People

# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 09 2012

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
I Mina'trentai Unu na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

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

**RE: Committee Report on Bill No. 327-31 (COR), As Amended**

Vice Chairman  
Committee on Education

Dear Speaker Won Pat:

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Transmitted herewith is the Committee Report Bill No. 327-31 (COR): "An act to amend §40135 and to add new Sections 40137, 40138, 40139, 40140, 40141 and 40142, all of Chapter 40, Division 4, Title 5 of the Guam Code Annotated relative to gymnasium revolving funds within various island municipalities." sponsored by Senator Mana Silva Taijeron which was referred to and amended by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

2012 JAN 11 11:23  
M...  
23

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Committee votes are as follows:

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*Si Yu`os Ma`åse`*,

Vicente (ben) Cabrera Pangelinan  
Chairman

**COMMITTEE REPORT  
ON**

**Bill No. 327-31 (COR), As Amended:**

**“An act to amend §40135 and to add new Sections 40137, 40138, 40139, 40140, 40141 and 40142, all of Chapter 40, Division 4, Title 5 of the Guam Code Annotated relative to gymnasium revolving funds within various island municipalities.”**



the People

# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

~~JAN 09 2012~~ JAN 06 2012

## MEMORANDUM

**To: All Members**  
Committee on Appropriations, Taxation, Public Debt, Banking,  
Insurance, Retirement, and Land

**From: Senator Vicente (ben) Cabrera Pangelinan**  
Committee Chairperson

**Subject: Committee Report on Bill No. 327-31 (COR), As Amended**

Transmitted herewith is the Committee Report Bill No. 327-31 (COR):  
"An act to amend §40135 and to add new Sections 40137, 40138, 40139,  
40140, 40141 and 40142, all of Chapter 40, Division 4, Title 5 of the  
Guam Code Annotated relative to gymnasium revolving funds within  
various island municipalities." sponsored by Senator Mana Silva Taijeron  
which was referred to and amended by the Committee on Appropriations,  
Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 327-31 (COR)
4. Copy of Bill No. 327-31 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No. 327-31 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Notes

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

*Si Yu`os Ma`åse`*

Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

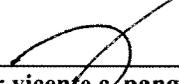
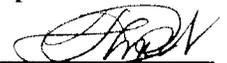
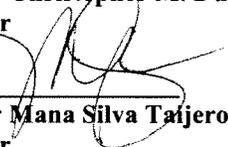
Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*IMINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
Retirement, and Land**

**Bill No. 327-31 (COR), As Amended:** An act to amend §40135 and to add new Sections 40137, 40138, 40139, 40140, 40141 and 40142, all of Chapter 40, Division 4, Title 5 of the Guam Code Annotated relative to gymnasium revolving funds within various island municipalities.

Committee Members	To Pass	To Not Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	✓				
 Vice Speaker Benjamin J.F. Cruz Member	1/6/12 ✓				
 Senator Tina Rose Muña-Barnes Member					
 Senator Judith P. Guthertz Member	u				
 Senator Dennis Rodriguez, Jr. Member					
 Senator V. Anthony Ada Member					
 Senator Christopher M. Dueñas Member					
 Senator Mana Silva Tajeron Member	✓				



the People

# I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

**Bill No. 327-31 (COR):** An act to amend §40135 and to add new Sections 40137, 40138, 40139, 40140, 40141, all of Chapter 40, Division 4, Title 5 of the Guam Code Annotated relative to gymnasium revolving funds within various island municipalities.

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
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Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

### I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on November 17, 2011 at 1:00 pm in *I Liheslatura's* Public Hearing Room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on November 10, 2011 (5-Day Notice), and again on November 15, 2011 (48 Hour Notice).

#### (a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman  
Senator Judith P. Guthertz, DPA, Member  
Senator V. Anthony Ada, Member  
Senator Mana Silva Tajeron, Member  
Senator Adolpho Palacios  
Senator Frank Blas, Jr.  
Senator Aline Yamashita

#### (b) Appearing before the Committee

None

#### (c) Written Testimonies Submitted

Ms. Melissa B. Savares, Dededo Mayor & MCOG President  
Mr. Vicente S. Taitague, Talofof Mayor

### II. COMMITTEE PROCEEDINGS

#### (a) Bill Sponsor Summary

**Senator Silva-Tajeron:** Current law created the municipal planning council revolving funds in each of our nineteen (19) municipalities. It allows our mayors and vice mayors to create charges for the various facilities

including community centers, gymnasiums, and sporting venues. However, public law 23-45 established revolving funds for the villages of Agana Heights and Tamuning, which is made up of the money collected from the use of the gyms and which is separate from the municipal funds.

Since P.L. 23-45, five (5) more gyms have been built in the villages of Agat, Dededo, Talofofo, Yigo, and Yona. Bill 327-31 would do two things. First of all it would add any money collected from the use of the gymnasiums to the respective village gymnasium revolving fund instead of the municipal revolving fund this, of course, would apply to the seven villages already with gyms. Secondly, as already the case in the Agana Heights and Tamuning gyms, the gym creates the revolving fund in the five other villages that have gymnasiums built. A few weeks ago I met with the Mayors Council of Guam and they aired their concerns and they did support this legislation and I am currently working on an amended version of the bill that after consultation with the Mayors council will be submitted to the committee.

Now what the amendment would do, as suggested by the Mayors, would add some accountability on how the funds will be spent and transparency. All for the good of how the funds would be spent.

Thank you Mr. Chair for hearing this bill today.

### **Panel Comments and Questions**

**Senator Guthertz:** I would like to commend the sponsor of the bill. I think that anything we can do to empower of municipalities and our mayors we should support and we should start thinking about more devolution of the government to the smallest units of our community and that would be our village, village councils and our mayors. That way they can get done the work that needs to get done in their communities and not to depend, as much as they do, on the central government for their resources and for approvals and clearances before they can do their work. This is an excellent bill and I commend the author.

**Chairman Pangelinan:** This concludes the testimony on Bill No. 327-31. There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at [senbenp@guam.net](mailto:senbenp@guam.net) or through our website at [senbenp.com](http://senbenp.com)

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 327-31 (COR), As Introduced, by the committee with the recommendation To Pass.

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

2011 OCT -11 PM 1:14  
M. Silva

Bill No. 327-31 (COR)

Introduced by:

M. Silva Tajjeron 

---

**AN ACT TO AMEND §40135 AND TO ADD NEW SECTIONS 40137, 40138, 40139, 40140, 40141, ALL OF CHAPTER 40, DIVISION 4, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES.**

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

2           **Section 1.** *I Liheslaturan Guåhan* finds that Public Law 23-45 established  
3 village Gymnasium Revolving Funds for the municipalities of Agana Heights and  
4 Tamuning. These sections of Guam law authorized the municipal planning councils  
5 of the respective villages to establish, charge, collect, and approve money for the use  
6 of their village's gymnasium. The monies collected would be deposited into the  
7 revolving fund and would be used for personnel, operations, and maintenance of the  
8 gymnasium.

9           *I Liheslaturan Guåhan* finds that, since the passage of P.L. 23-45, subsequent  
10 gymnasiums have been constructed in other villages throughout Guam. Therefore, it  
11 is the intent of *I Liheslaturan Guåhan* to establish Gymnasium Revolving Funds in  
12 the municipalities of Agat, Dededo, Talofofo, Yigo, and Yona.

13           **Section 2.** §40135, Chapter 40, Division 4, Title 5 of the Guam Code  
14 Annotated is hereby *amended* to read:

1                   **“§ 40135. Creation of the Municipal Planning Council Revolving**  
2                   **Fund.**

3                   There is hereby established nineteen (19) Municipal  
4                   Planning Council Revolving Funds under the control and custody  
5                   of the respective village Municipal Planning Councils. Each  
6                   village shall establish their own fund that will be separate and  
7                   apart from other funds, including the General Fund. The Mayors’  
8                   Council of Guam is hereby authorized to set charges for the use of  
9                   community centers, ~~gymnasiums~~ and all sports facilities, except  
10                  village gymnasiums. These proposed fees shall be submitted to the  
11                  Guam Legislature for approval. The Mayor and the Municipal  
12                  Planning Councils of each village are hereby authorized to raise  
13                  funds through charging commercial enterprises to advertise on the  
14                  walls of their sports facilities, raise funds through fund-raising  
15                  efforts, to include approving concessionaire activities within each  
16                  Municipality as approved by its Municipal Planning Council,  
17                  solicit corporate sponsorship and to accept contributions that are  
18                  solely beneficial to the sports facilities or village. These revenues  
19                  shall be deposited into the Municipal Planning Council Funds of  
20                  each village and will be used for the operation and maintenance of  
21                  these facilities and to fund special projects identified by the  
22                  Municipal Planning Councils.

23                  All disbursement transactions on the revolving funds shall  
24                  be as stipulated herein:

1 (a) the Municipal Planning Council of each village  
2 shall approve all expenditures for that particular village;

3 (b) the minutes of the meetings must verify the  
4 authorization given by the Municipal Planning Council;

5 (c) there must be two (2) authorized signatures;  
6 authorized signatures shall be determined by the Mayor and  
7 the Chairperson of the Municipal Planning Council or a  
8 member designee;

9 (d) the Mayor shall be responsible for receipts and  
10 other substantiation as determined by the Municipal  
11 Planning Council for all checks issued; and

12 (e) each Mayor shall submit a financial statement at  
13 the end of each fiscal year to the Mayors' Council of Guam.

14 The Mayors shall take all action to ensure that the revolving  
15 funds are operating in the conformity with all existing statutes,  
16 rules and regulations, codes, executive orders and any other  
17 authority which is applicable to the operations of the Revolving  
18 Funds. Any balance remaining in the funds at the end of the fiscal  
19 year shall carry over into the next fiscal year or until expended.”

20 **Section 2.** A new §40137 is hereby *added* to Chapter 40, Division 4, Title 5 of  
21 the Guam Code Annotated to read:

22 **“§ 40137. Establishment and Use of the Agat Gymnasium Fund.**

23 There is established, separate and apart from any other  
24 government fund, an Agat Gymnasium Revolving Fund. The Agat  
25 Municipal Planning Council is authorized to establish, charge, collect,

1 and approve money for the use of the Agat village gymnasium. The  
2 Fund shall be used for personnel, operations, and maintenance of the  
3 Agat Gymnasium. The Agat Mayor shall be the custodian and certifying  
4 officer of the Fund.”

5 **Section 3.** A new §40138 is hereby *added* to Chapter 40, Division 4, Title 5 of  
6 the Guam Code Annotated to read:

7 **“§ 40138. Establishment and Use of the Dededo Gymnasium Fund.**

8 There is established, separate and apart from any other  
9 government fund, a Dededo Gymnasium Revolving Fund. The Dededo  
10 Municipal Planning Council is authorized to establish, charge, collect,  
11 and approve money for the use of the Dededo village gymnasium. The  
12 Fund shall be used for personnel, operations, and maintenance of the  
13 Dededo Gymnasium. The Dededo Mayor shall be the custodian and  
14 certifying officer of the Fund.”

15 **Section 4.** A new §40139 is hereby *added* to Chapter 40, Division 4, Title 5 of  
16 the Guam Code Annotated to read:

17 **“§ 40139. Establishment and Use of the Talofoto Gymnasium Fund.**

18 There is established, separate and apart from any other  
19 government fund, a Talofoto Gymnasium Revolving Fund. The  
20 Talofoto Municipal Planning Council is authorized to establish, charge,  
21 collect, and approve money for the use of the Talofoto village  
22 gymnasium. The Fund shall be used for personnel, operations, and  
23 maintenance of the Talofoto Gymnasium. The Talofoto Mayor shall be  
24 the custodian and certifying officer of the Fund.”

1           **Section 5.** A new §40140 is hereby *added* to Chapter 40, Division 4, Title 5 of  
2 the Guam Code Annotated to read:

3           **“§ 40140. Establishment and Use of the Yigo Gymnasium Fund.**

4           There is established, separate and apart from any other  
5 government fund, a Yigo Gymnasium Revolving Fund. The Yigo  
6 Municipal Planning Council is authorized to establish, charge, collect,  
7 and approve money for the use of the Yigo village gymnasium. The  
8 Fund shall be used for personnel, operations, and maintenance of the  
9 Yigo Gymnasium. The Yigo Mayor shall be the custodian and certifying  
10 officer of the Fund.”

11           **Section 6.** A new §40141 is hereby *added* to Chapter 40, Division 4, Title 5 of  
12 the Guam Code Annotated to read:

13           **“§ 40141. Establishment and Use of the Yona Gymnasium Fund.**

14           There is established, separate and apart from any other  
15 government fund, a Yona Gymnasium Revolving Fund. The Yona  
16 Municipal Planning Council is authorized to establish, charge, collect,  
17 and approve money for the use of the Yona village gymnasium. The  
18 Fund shall be used for personnel, operations, and maintenance of the  
19 Yona Gymnasium. The Yona Mayor shall be the custodian and  
20 certifying officer of the Fund.”

21           **Section 7. Enactment.** The provisions of this Act shall become effective upon  
22 enactment.

23           **Section 3. Severability.** *If* any provision of this Law or its application to any  
24 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
25 *not* affect other provisions or applications of this Law which can be given effect

- 1 without the invalid provisions or application, and to this end the provisions of this
- 2 Law are severable.

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
**2011 (FIRST) Regular Session**

**Bill No. 327-31 (COR)**

As Amended by the Committee on  
Appropriations, Taxation, Public Debt,  
Banking, Insurance, Retirement and Land

Introduced by:

M. Silva Taijeron

---

**AN ACT TO AMEND §40135 AND TO ADD NEW SECTIONS  
40137, 40138, 40139, 40140, 40141 AND 40142, ALL OF  
CHAPTER 40, DIVISION 4, TITLE 5 OF THE GUAM CODE  
ANNOTATED RELATIVE TO GYMNASIUM REVOLVING  
FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES.**

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

2           **Section 1.** *I Liheslaturan Guåhan* finds that Public Law 23-45 established  
3 village Gymnasium Revolving Funds for the municipalities of Agana Heights and  
4 Tamuning. These sections of Guam law authorized the municipal planning  
5 councils of the respective villages to establish, charge, collect, and approve money  
6 for the use of their village's gymnasium. The monies collected would be deposited  
7 into the revolving fund and would be used for personnel, operations, and  
8 maintenance of the gymnasium.

9           *I Liheslaturan Guåhan* finds that, since the passage of P.L. 23-45,  
10 subsequent gymnasiums have been constructed in other villages throughout Guam.  
11 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish Gymnasium  
12 Revolving Funds in the municipalities of Agat, Dededo, Talofofu, Yigo, and Yona.

1           **Section 2.** §40135, Chapter 40, Division 4, Title 5 of the Guam Code  
2 Annotated is hereby *amended* to read:

3           “§ **40135. Creation of the Municipal Planning Council**  
4           **Revolving Fund.**

5           There is hereby established nineteen (19) Municipal  
6 Planning Council Revolving Funds under the control and  
7 custody of the respective village Municipal Planning Councils.  
8 Each village shall establish their own fund that will be separate  
9 and apart from other funds, including the General Fund. The  
10 Mayors’ Council of Guam is hereby authorized to set charges  
11 for the use of community centers, ~~gymnasiums~~ and all sports  
12 facilities, except village gymnasiums. These proposed fees shall  
13 be submitted to the Guam Legislature for approval. The Mayor  
14 and the Municipal Planning Councils of each village are hereby  
15 authorized to raise funds through charging commercial  
16 enterprises to advertise on the walls of their sports facilities,  
17 raise funds through fund-raising efforts, to include approving  
18 concessionaire activities within each Municipality as approved  
19 by its Municipal Planning Council, solicit corporate sponsorship  
20 and to accept contributions that are solely beneficial to the  
21 sports facilities or village. These revenues shall be deposited  
22 into the Municipal Planning Council Funds of each village and  
23 will be used for the operation and maintenance of these facilities  
24 and to fund special projects identified by the Municipal  
25 Planning Councils.

1 All disbursement transactions on the revolving funds  
2 shall be as stipulated herein:

3 (a) the Municipal Planning Council of each village  
4 shall approve all expenditures for that particular  
5 village;

6 (b) the minutes of the meetings must verify the  
7 authorization given by the Municipal Planning  
8 Council;

9 (c) there must be two (2) authorized signatures;  
10 authorized signatures shall be determined by the  
11 Mayor and the Chairperson of the Municipal  
12 Planning Council or a member designee;

13 (d) the Mayor shall be responsible for receipts and  
14 other substantiation as determined by the  
15 Municipal Planning Council for all checks issued;  
16 and

17 (e) each Mayor shall submit a financial statement at  
18 the end of each fiscal year to the Mayors' Council  
19 of Guam.

20 The Mayors shall take all action to ensure that the  
21 revolving funds are operating in the conformity with all existing  
22 statutes, rules and regulations, codes, executive orders and any  
23 other authority, which is applicable to the operations of the  
24 Revolving Funds. Any balance remaining in the funds at the end

1 of the fiscal year shall carry over into the next fiscal year or  
2 until expended.”

3 **Section 3.** A new §40137 is hereby *added* to Chapter 40, Division 4, Title 5  
4 of the Guam Code Annotated to read:

5 **“§ 40137. Establishment and Use of the Agat Gymnasium**  
6 **Fund.**

7 There is established, separate and apart from any other  
8 government fund, an Agat Gymnasium Revolving Fund. The  
9 Agat Municipal Planning Council is authorized to establish,  
10 charge, collect, and approve money for the use of the Agat  
11 village gymnasium. The Fund shall be used for personnel,  
12 operations, and maintenance of the Agat Gymnasium. The Agat  
13 Mayor shall be the custodian and certifying officer of the Fund.”

14 **Section 4.** A new §40138 is hereby *added* to Chapter 40, Division 4, Title 5  
15 of the Guam Code Annotated to read:

16 **“§ 40138. Establishment and Use of the Dededo Gymnasium**  
17 **Fund.**

18 There is established, separate and apart from any other  
19 government fund, a Dededo Gymnasium Revolving Fund. The  
20 Dededo Municipal Planning Council is authorized to establish,  
21 charge, collect, and approve money for the use of the Dededo  
22 village gymnasium. The Fund shall be used for personnel,  
23 operations, and maintenance of the Dededo Gymnasium. The  
24 Dededo Mayor shall be the custodian and certifying officer of  
25 the Fund.”

1           **Section 5.** A new §40139 is hereby *added* to Chapter 40, Division 4, Title 5  
2 of the Guam Code Annotated to read:

3                   “§ 40139.     **Establishment and Use of the Talofofu**  
4                   **Gymnasium Fund.**

5                   There is established, separate and apart from any other  
6 government fund, a Talofofu Gymnasium Revolving Fund. The  
7 Talofofu Municipal Planning Council is authorized to establish,  
8 charge, collect, and approve money for the use of the Talofofu  
9 village gymnasium. The Fund shall be used for personnel,  
10 operations, and maintenance of the Talofofu Gymnasium. The  
11 Talofofu Mayor shall be the custodian and certifying officer of  
12 the Fund.”

13           **Section 6.** A new §40140 is hereby *added* to Chapter 40, Division 4, Title 5  
14 of the Guam Code Annotated to read:

15                   “§ 40140.     **Establishment and Use of the Yigo Gymnasium**  
16                   **Fund.**

17                   There is established, separate and apart from any other  
18 government fund, a Yigo Gymnasium Revolving Fund. The  
19 Yigo Municipal Planning Council is authorized to establish,  
20 charge, collect, and approve money for the use of the Yigo  
21 village gymnasium. The Fund shall be used for personnel,  
22 operations, and maintenance of the Yigo Gymnasium. The Yigo  
23 Mayor shall be the custodian and certifying officer of the Fund.”

24           **Section 7.** A new §40141 is hereby *added* to Chapter 40, Division 4, Title 5  
25 of the Guam Code Annotated to read:

1                   **“§ 40141. Establishment and Use of the Yona Gymnasium**  
2                   **Fund.**

3                   There is established, separate and apart from any other  
4                   government fund, a Yona Gymnasium Revolving Fund. The  
5                   Yona Municipal Planning Council is authorized to establish,  
6                   charge, collect, and approve money for the use of the Yona  
7                   village gymnasium. The Fund shall be used for personnel,  
8                   operations, and maintenance of the Yona Gymnasium. The  
9                   Yona Mayor shall be the custodian and certifying officer of the  
10                  Fund.”

11               **Section 8.** A new §40142 is hereby *added* to Chapter 40, Division 4, Title 5  
12 of the Guam Code Annotated to read:

13                   **“§ 40142. Gymnasium Revolving Fund.**

14                   (1) There are hereby established Gymnasium Revolving  
15                   Funds for eligible municipalities, in accordance with this  
16                   chapter, which will be separate and apart from other funds,  
17                   including the General Fund. The Mayors’ Council of Guam is  
18                   hereby authorized to set charges for the use of village  
19                   gymnasiums. These proposed fees shall be submitted to the  
20                   Guam Legislature for approval. The Mayor and the Municipal  
21                   Planning Councils of each village are hereby authorized to raise  
22                   funds through charging commercial enterprises to advertise on  
23                   the walls of their gymnasium, raise funds through fund-raising  
24                   efforts, to include approving concessionaire activities within  
25                   each municipality’s gymnasium as approved by its Municipal

1 Planning Council, and to accept contributions that are solely  
2 beneficial to the gymnasium. These revenues shall be deposited  
3 into the Gymnasium Revolving Fund of each eligible  
4 municipality and shall be expended in accordance with the  
5 provisions of this Chapter.

6 All disbursement transactions on the Gymnasium  
7 Revolving Fund shall be as stipulated herein:

8 (a) the Municipal Planning Council of each village  
9 shall approve all expenditures for that particular  
10 village;

11 (b) the minutes of the meetings must verify the  
12 authorization given by the Municipal Planning  
13 Council;

14 (c) there must be two (2) authorized signatures;  
15 authorized signatures shall be determined by the  
16 Mayor and the Chairperson of the Municipal  
17 Planning Council or a member designee;

18 (d) the Mayor shall be responsible for receipts and  
19 other substantiation as determined by the  
20 Municipal Planning Council for all checks issued;  
21 and

22 (e) each Mayor shall submit a financial statement at  
23 the end of each fiscal year to the Mayors' Council  
24 of Guam.

1                   The Mayors shall take all action to ensure  
2                   that the Gymnasium Revolving Fund is operating  
3                   in the conformity with all existing statutes, rules  
4                   and regulations, codes, executive orders and any  
5                   other authority, which is applicable to the  
6                   operations of the Gymnasium Revolving Funds.  
7                   Any balance remaining in the funds at the end of  
8                   the fiscal year shall carry over into the next fiscal  
9                   year or until expended.”

10                   (2) This section shall be applicable to municipalities  
11                   which have established a Gymnasium Revolving Fund in  
12                   accordance with the provisions this Chapter.”

13                   **Section 9. Enactment.** The provisions of this Act shall become effective  
14                   upon enactment.

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



**Mina'trentai Unu Na Liheslaturan Guahan**  
**THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan**

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,  
 INSURANCE, RETIREMENT AND LAND**  
 Thursday, November 17, 2011

**BILL NO. 327**

**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
				el			



# Office of the Mayor

MUNICIPALITY OF DEDEDO

*Melissa B. Savares*  
Mayor

*Andrew Peter A. Benavente*  
Vice Mayor

November 16, 2011

Honorable Vicente "Ben" Pangelinan  
Senator & Chairman, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
Retirement & Land  
31<sup>st</sup> Guam Legislature  
Hagatna, Guam 96910

Dear Chairman Pangelinan and members of the 31<sup>st</sup> Guam Legislature,

Buenas yan Hafa Adai! I am in support of Bill No. 327-31, which will add sections to Chapter 40, Division 4, Title 5 of the Guam Code Annotated relative to Non-Appropriated Funds – Revolving Funds within various island municipalities. The Dededo Municipal Planning Council Revolving Fund was created since the mid-1990's upon the creation of the Dededo Flea Market. Since 2005, this NAF – Revolving Fund account has been audited by the Office of the Public Auditor on two occasions. A recommendation given in 2005 following the audit was to consolidate all sub-accounts into one bank account. Sub-ledgers are in existence for the various activities that are on-going in the municipality.

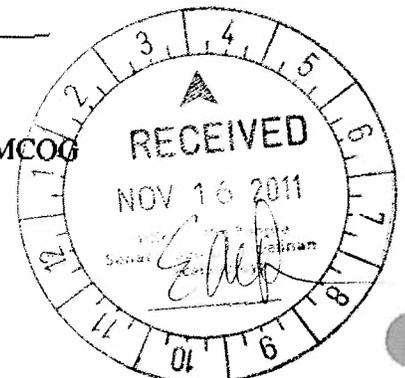
All current projects and expenses are approved by members of the Dededo Municipal Planning Council during regularly scheduled monthly meetings. Minutes of each meeting are attached to the account ledgers for justification of approvals. Quarterly reports are submitted to the OPA, Speaker of the Guam Legislature and the Executive Director of the Mayors' Council of Guam.

I support that fees from adult leagues and tournaments be assessed to help with the cost of maintenance and supplies for the gymnasiums. These fees will be deposited to the Revolving Fund account for expenses relating to the use of the gymnasium.

I look forward to the passing of Bill No. 327-31 by the members of the 31<sup>st</sup> Guam Legislature. Si Yu'os Ma'ase for your continued support to the Mayors' Council of Guam.

  
MELISSA B. SAVARES  
Mayor of Dededo & President, MCOG

cc: All Senators, 31<sup>st</sup> Guam Legislature  
All Mayors & Vice Mayors, MCOG



GOVERNMENT OF GUAM • P. O. Box 786, Hagatna, Guam 96932  
Office: (671) 632-5203 / 5019 • Fax: (671) 637-1129



**Talofofomayor's Office**  
**The Honorable Mayor Vicente S. Taitague**

Tel. 789-1421/3262 Fax. 789-5251  
**Email: talofofomayor@gmail.com**  
184 N. San Miguel St. Talofofomayor, GU 96915



November 18, 2011

To: Senator Vicente (ben) Cabrera Pangelinan

From: Talofofomayor

Subject: Testimony for Bill No. 327-31 (COR)

For the record, my name is Vicente S. Taitague, Talofofomayor.

The residents of God's Country fully support the intent of bill No. 327-31 (COR). Thanks for the support you have rendered to our community.

Si Yuus Ma'ase

**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 327-31 (COR)**

**AN ACT TO AMEND §40135 AND TO ADD NEW SECTIONS 40137, 40138, 40139, 40140, 40141, ALL OF CHAPTER 40, DEIVISION 4, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS ISLAND MUNICIPALITIES.**

Department/Agency Appropriation Information	
Dept./Agency Affected: <b>Mayors Council of Guam</b>	Dept./Agency Head: <b>Various</b>
Department's General Fund (GF) appropriation(s) to date:	<b>8,592,313</b>
Department's Other Fund (Specify) appropriation(s) to date:	<b>2,272,960</b>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$10,865,273</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance <sup>1</sup>	\$0	\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appro. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions?  
 If Yes, see attachment / x / Yes      // No
- Is amount appropriated adequate to fund the intent of the appropriation?  
 If no, what is the additional amount required? \$ \_\_\_\_\_ / x / N/A      // Yes      // No
- Does the Bill establish a new program/agency?  
 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      // 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:  
 // Requested agency comments not received by due date      // Other: \_\_\_\_\_ // Yes      / x / No\*

\*Due to other budgetary priorities and overdue deadline, the Bureau is unable to coordinate with affected agency.

*10/2/11*

Analyst: <u>Dina P. Rivera</u>	Date: <u>12/2/11</u>	Director: <u>John A. Rios, Acting Director</u>	Date: <u>10/2/11</u>
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**Footnotes:**  
 The Bill has a potential to generate additional revenues by the establishment of Gymnasium Revolving Funds for the villages of Agat, Dededo, Talofofo, Yigo, and Yona under the Municipal Planning Council of that village. However, in its present form, that impact cannot be determined at this time.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

2011 OCT -5  
MUNY  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

October 5, 2011

**MEMORANDUM**

**To:** Pat Santos  
Clerk of the Legislature

Attorney Therese M. Terlaje  
Legislative Legal Counsel

**From:** Senator Rory J. Respicio

**Subject:** Referral of Bill Nos. 326-31(COR) through 336-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 326-31 (COR) through 336-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

(6) Attachment

*I Mina 'Trentai Unu Na Liheslaturan Guåhan*  
**Bill Log Sheet**  
**October 04, 2011**  
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
326-31 (COR)	M. Silva Tajeron	AN ACT TO ADD A NEW SECTION 10313 TO ARTICLE 3, CHAPTER 10, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO REQUIRING ALL GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES TO ACCEPT APPLICATIONS, FILINGS AND FORMS FOR SERVICES VIA THE INTERNET.	10/04/11 1:44 p.m.	10/5/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			
327-31 (COR)	M. Silva Tajeron	AN ACT TO AMEND §40135 AND TO ADD NEW SECTIONS 40137, 40138, 40139, 40140, 40141, ALL OF CHAPTER 40, DIVISION 4, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN VARIOUS MUNICIPALITIES	10/04/11 1:44 p.m	10/5/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

November 9, 2011

Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – FIRST NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesia Affairs and  
Human & Natural  
Resources

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Thursday, November 17, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

**Bill No. 232-31 (COR)**  
**An Act to Amend Public Law 30-83; Relative to creating the Festival of Pacific Arts Revolving Fund.**

**Bill No 263-31 (COR)**  
**An Act to amend §61103(D), repeal §61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations.**

**Bill No. 287-31 (COR)**  
**An Act to Amend §§26203 (K)(9), (28), (29), (30), (31), and (32) of Article II, Chapter 26, Title 11, Guam Code Annotated, Relative to Increasing the Business Privilege Tax Exemptions from Forty Thousand Dollars (\$40,000) to One Hundred Thousand Dollars (\$100,000) and Limitations of Fifty Thousand Dollars (\$50,000) to One Hundred Twenty-Five Thousand Dollars (\$125,000).**

**Bill No. 327-31 (COR)**  
**An Act to Amend §40135 and to add New Sections 40137, 40138, 40139, 40140, 40141, All of Chapter 40, Division 4, Title 5 Guam Code Annotated relative to Gymnasium Revolving Funds within various island municipalities.**

**Bill No. 340-31 (COR)**  
**An Act to Amend §§2101 and 2101.1 and to add a New §2106 to Chapter 2 of title 5 of the Guam Code Annotated Relative to the Jurisdiction of the Guam State Clearinghouse.**

Memo to Senators  
November 9, 2011  
Page 2

Yanggen un nisisita spesiát na setbision, put fabot ágang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para un na'háлом testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)



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**Hafa Adai,**  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 17 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for details.

**Saina Ma'ase.**

---  
 Lisa Cipollone  
 Chief of Staff  
 Office of Senator ben c. pangelinan  
 (671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

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Hafa Adai,
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 17 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Huebes, gi diha 17 gi Nubembre 2011 (Thursday, November 17, 2011)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)

TAREHA (AGENDA)

alas nuebi gi egga'an (9:00 AM)

Priniponi Siha (Bills)

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Bill No. 327-31 (COR)

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**Saina Ma'ase.**

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c pangelinan  
(671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

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Senator Vicente (ben) Cabrera Pangelinan (D)

November 15, 2011

Memorandum

To: Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Thursday, November 17, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Memo to Senators  
November 15, 2011  
Page 2

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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 17, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. Please see attached memo for details of the public hearing.

Thank you.

...  
 Lisa Cipollone  
 Chief of Staff  
 Office of Senator ben c. pangelinan  
 (671) 473-4236  
[cipo@guamlegislature.org](mailto:cipo@guamlegislature.org)

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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Thursday, November 18, 2011 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda

**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**

*gi Huebas, gi diha 17 gi Nubembre 2011*  
 (Thursday, November 17, 2011)

**Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan**  
 (Guam Legislature Public Hearing Room)

**TAREHA (AGENDA)**

*alas nuebi gi egga'an*  
 (9:00 AM)

**Priniponi Siha (Bills)**

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**An Act to Amend §§26203 (K)(9), (28), (29), (30), (31), and (32) of Article II, Chapter 26, Title 11, Guam Code Annotated, Relative to increasing the Business Privilege Tax Exemptions from Forty Thousand Dollars (\$40,000) to One Hundred Thousand Dollars (\$100,000) and Limitations of Fifty Thousand Dollars (\$50,000) to One Hundred Twenty-Five Thousand Dollars (\$125,000).**
- Bill No. 327-31 (COR)**  
**An Act to Amend §40135 and to add New Sections 40137, 40138, 40139, 40140, 40141, All of Chapter 40, Division 4, Title 5 Guam Code Annotated relative to Gymnasium Revolving Funds within various Island municipalities.**
- Bill No. 340-31 (COR)**  
**An Act to Amend §§2101 and 2101.1 and to add a New §2106 to Chapter 2 of title 5 of the Guam Code Annotated Relative to the Jurisdiction of the Guam State Clearinghouse.**

Yanggen un nisisita spesiát na setbision, put fabot ángan i Ifsinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para





**I Mina'trentai Unu Na  
Lihselaturan Guahan  
THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan  
Office of the People  
Website: [www.senbenp.com](http://www.senbenp.com)**

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Huebes, gi diha 17 gi Nubembre 2011  
(Thursday, November 17, 2011)***

***Kuátton Inekungok Pupbleko gi I Lihselaturan Guáhan  
(Guam Legislature Public Hearing Room)***

**TAREHA  
(AGENDA)**

***alas nuebi gi egga'an  
(9:00 AM)***

**Priniponi Siha  
(Bills)**

**Bill No. 232-31 (COR)**

**An Act to Amend Public Law 30-83; Relative to creating the Festival of Pacific Arts Revolving Fund.**

**Bill No 263-31 (COR)**

**An Act to amend §61103(D), repeal §61531.1, and amend §61532 all of Part 4, Chapter 61, Title 21, Guam Code Annotated relative to parking regulations.**

**Bill No. 287-31 (COR)**

**An Act to Amend §§26203 (K)(9), (28), (29), (30), (31), and (32) of Article II, Chapter 26, Title 11, Guam Code Annotated, Relative to Increasing the Business Privilege Tax Exemptions from Forty Thousand Dollars (\$40,000) to One Hundred Thousand Dollars (\$100,000) and Limitations of Fifty Thousand Dollars (\$50,000) to One Hundred Twenty-Five Thousand Dollars (\$125,000).**

**Bill No. 327-31 (COR)**

**An Act to Amend §40135 and to add New Sections 40137, 40138, 40139, 40140, 40141, All of Chapter 40, Division 4, Title 5 Guam Code Annotated relative to Gymnasium Revolving Funds within various island municipalities.**

**Bill No. 340-31 (COR)**

**An Act to Amend §§2101 and 2101.1 and to add a New §2106 to Chapter 2 of title 5 of the Guam Code Annotated Relative to the Jurisdiction of the Guam State Clearinghouse.**

Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com). Yanggen para un na'hálom testigu-mu, chule' para i ifisinan-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapåsi nu i fendon gubetnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)

*I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN*  
2011 (FIRST) Regular Session

2011 OCT -11 PM 1:14  
M. Silva

Bill No. 327-31 (COR)

Introduced by:

M. Silva Taijeron 

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**AN ACT TO AMEND §40135 AND TO ADD NEW SECTIONS  
40137, 40138, 40139, 40140, 40141, ALL OF CHAPTER 40,  
DIVISION 4, TITLE 5 OF THE GUAM CODE ANNOTATED  
RELATIVE TO GYMNASIUM REVOLVING FUNDS WITHIN  
VARIOUS ISLAND MUNICIPALITIES.**

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

2           **Section 1.** *I Liheslaturan Guåhan* finds that Public Law 23-45 established  
3 village Gymnasium Revolving Funds for the municipalities of Agana Heights and  
4 Tamuning. These sections of Guam law authorized the municipal planning councils  
5 of the respective villages to establish, charge, collect, and approve money for the use  
6 of their village's gymnasium. The monies collected would be deposited into the  
7 revolving fund and would be used for personnel, operations, and maintenance of the  
8 gymnasium.

9           *I Liheslaturan Guåhan* finds that, since the passage of P.L. 23-45, subsequent  
10 gymnasiums have been constructed in other villages throughout Guam. Therefore, it  
11 is the intent of *I Liheslaturan Guåhan* to establish Gymnasium Revolving Funds in  
12 the municipalities of Agat, Dededo, Talofofu, Yigo, and Yona.

13           **Section 2.** §40135, Chapter 40, Division 4, Title 5 of the Guam Code  
14 Annotated is hereby *amended* to read:

1           **“§ 40135. Creation of the Municipal Planning Council Revolving**  
2           **Fund.**

3           There is hereby established nineteen (19) Municipal  
4           Planning Council Revolving Funds under the control and custody  
5           of the respective village Municipal Planning Councils. Each  
6           village shall establish their own fund that will be separate and  
7           apart from other funds, including the General Fund. The Mayors’  
8           Council of Guam is hereby authorized to set charges for the use of  
9           community centers, ~~gymnasiums~~ and all sports facilities, except  
10          village gymnasiums. These proposed fees shall be submitted to the  
11          Guam Legislature for approval. The Mayor and the Municipal  
12          Planning Councils of each village are hereby authorized to raise  
13          funds through charging commercial enterprises to advertise on the  
14          walls of their sports facilities, raise funds through fund-raising  
15          efforts, to include approving concessionaire activities within each  
16          Municipality as approved by its Municipal Planning Council,  
17          solicit corporate sponsorship and to accept contributions that are  
18          solely beneficial to the sports facilities or village. These revenues  
19          shall be deposited into the Municipal Planning Council Funds of  
20          each village and will be used for the operation and maintenance of  
21          these facilities and to fund special projects identified by the  
22          Municipal Planning Councils.

23                  All disbursement transactions on the revolving funds shall  
24                  be as stipulated herein:

1 (a) the Municipal Planning Council of each village  
2 shall approve all expenditures for that particular village;

3 (b) the minutes of the meetings must verify the  
4 authorization given by the Municipal Planning Council;

5 (c) there must be two (2) authorized signatures;  
6 authorized signatures shall be determined by the Mayor and  
7 the Chairperson of the Municipal Planning Council or a  
8 member designee;

9 (d) the Mayor shall be responsible for receipts and  
10 other substantiation as determined by the Municipal  
11 Planning Council for all checks issued; and

12 (e) each Mayor shall submit a financial statement at  
13 the end of each fiscal year to the Mayors' Council of Guam.

14 The Mayors shall take all action to ensure that the revolving  
15 funds are operating in the conformity with all existing statutes,  
16 rules and regulations, codes, executive orders and any other  
17 authority which is applicable to the operations of the Revolving  
18 Funds. Any balance remaining in the funds at the end of the fiscal  
19 year shall carry over into the next fiscal year or until expended.”

20 **Section 2.** A new §40137 is hereby *added* to Chapter 40, Division 4, Title 5 of  
21 the Guam Code Annotated to read:

22 **“§ 40137. Establishment and Use of the Agat Gymnasium Fund.**

23 There is established, separate and apart from any other  
24 government fund, an Agat Gymnasium Revolving Fund. The Agat  
25 Municipal Planning Council is authorized to establish, charge, collect,

1 and approve money for the use of the Agat village gymnasium. The  
2 Fund shall be used for personnel, operations, and maintenance of the  
3 Agat Gymnasium. The Agat Mayor shall be the custodian and certifying  
4 officer of the Fund.”

5 **Section 3.** A new §40138 is hereby *added* to Chapter 40, Division 4, Title 5 of  
6 the Guam Code Annotated to read:

7 **“§ 40138. Establishment and Use of the Dededo Gymnasium Fund.**

8 There is established, separate and apart from any other  
9 government fund, a Dededo Gymnasium Revolving Fund. The Dededo  
10 Municipal Planning Council is authorized to establish, charge, collect,  
11 and approve money for the use of the Dededo village gymnasium. The  
12 Fund shall be used for personnel, operations, and maintenance of the  
13 Dededo Gymnasium. The Dededo Mayor shall be the custodian and  
14 certifying officer of the Fund.”

15 **Section 4.** A new §40139 is hereby *added* to Chapter 40, Division 4, Title 5 of  
16 the Guam Code Annotated to read:

17 **“§ 40139. Establishment and Use of the Talofofu Gymnasium Fund.**

18 There is established, separate and apart from any other  
19 government fund, a Talofofu Gymnasium Revolving Fund. The  
20 Talofofu Municipal Planning Council is authorized to establish, charge,  
21 collect, and approve money for the use of the Talofofu village  
22 gymnasium. The Fund shall be used for personnel, operations, and  
23 maintenance of the Talofofu Gymnasium. The Talofofu Mayor shall be  
24 the custodian and certifying officer of the Fund.”

1           **Section 5.** A new §40140 is hereby *added* to Chapter 40, Division 4, Title 5 of  
2 the Guam Code Annotated to read:

3           **“§ 40140. Establishment and Use of the Yigo Gymnasium Fund.**

4           There is established, separate and apart from any other  
5 government fund, a Yigo Gymnasium Revolving Fund. The Yigo  
6 Municipal Planning Council is authorized to establish, charge, collect,  
7 and approve money for the use of the Yigo village gymnasium. The  
8 Fund shall be used for personnel, operations, and maintenance of the  
9 Yigo Gymnasium. The Yigo Mayor shall be the custodian and certifying  
10 officer of the Fund.”

11           **Section 6.** A new §40141 is hereby *added* to Chapter 40, Division 4, Title 5 of  
12 the Guam Code Annotated to read:

13           **“§ 40141. Establishment and Use of the Yona Gymnasium Fund.**

14           There is established, separate and apart from any other  
15 government fund, a Yona Gymnasium Revolving Fund. The Yona  
16 Municipal Planning Council is authorized to establish, charge, collect,  
17 and approve money for the use of the Yona village gymnasium. The  
18 Fund shall be used for personnel, operations, and maintenance of the  
19 Yona Gymnasium. The Yona Mayor shall be the custodian and  
20 certifying officer of the Fund.”

21           **Section 7. Enactment.** The provisions of this Act shall become effective upon  
22 enactment.

23           **Section 3. Severability.** *If* any provision of this Law or its application to any  
24 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
25 *not* affect other provisions or applications of this Law which can be given effect

- 1 without the invalid provisions or application, and to this end the provisions of this
- 2 Law are severable.