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I MINA 'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (Second) REGULAR SESSION

366 (LS)
Bill No. (~~EE~~)

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".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Establishment of Guam Visitors Bureau "Rainy Day Fund". a) Statement of Intent. There is a need to establish a Guam Visitors Bureau "Rainy Day Fund" as a safeguard against unforeseen circumstances which endanger one of Guam's economic mainstays -- tourism. 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 Visitors Bureau, and shall be kept in a separate bank account. The bank account shall be established

1 and maintained by the Guam Visitors Bureau, and its funds shall only be available for use as
2 stipulated herein.

3 **§ 9302. Annual Deposit.** An amount equal to one and one-half percent (1½%) of the
4 adopted revenue projection for each fiscal year, or a minimum of Two Hundred Thousand Dollars
5 (\$200,000.00), shall be set aside and allocated by the Department of Administration to the Guam
6 Visitors Bureau for deposit into the fund established by this Section. Each annual deposit shall be
7 made over the course of the fiscal year as collections are received.

8 **§ 9303. Use of Funds.** The funds may be used to support identified activities to meet
9 unforeseen or unanticipated challenges resulting from either a natural or man-made disaster that has
10 occurred on Guam, or from external economic conditions that have severely affected Guam's ability
11 to attract visitors.

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

22 **§ 9305. Initial deposit, identified.** Notwithstanding the general provisions of 11 GCA
23 §30107.1, and for the purposes of the initial deposit only, the funds contained in the Guam Visitors
24 Bureau's Citibank Certificate of Deposit shall constitute the deposits for Fiscal Year 2008 and Fiscal
25 Year 2009.

26 **§ 9306. Annual Audit, required.** The Guam Visitors Bureau shall conduct an annual
27 audit of the Fund to ensure compliance with all statutory regulations governing its deposits and
28 expenditures.”