


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 

**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.