

I Mina Trentai Tres Na Liheslaturan Guåhan
Resolutions Log Sheet

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Referred	Committee / Ofc Referred	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Date Adopted
277-33 (COR)	Committee on Rules	Relative to expressing the support from the Committee on Rules to convene a legislative session to reconsider Bill 204-33 (COR), AN ACT TO ADD A NEW §1106(a) TO 2 GCA AND AMEND §40109(a) of 5 GCA; RELATIVE TO AFFECTING ELECTED AND APPOINTED OFFICIAL COMPENSATION.	01/28/16 1:07 p.m.						01/29/16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2016 (SECOND) Regular Session

Resolution No. 277-33 (COR)

Introduced by:

Committee on Rules

Relative to expressing the support from the Committee on Rules to convene a legislative session to reconsider Bill 204-33 (COR), AN ACT TO ADD A NEW §1106(a) TO 2 GCA AND AMEND §40109(a) of 5 GCA; RELATIVE TO AFFECTING ELECTED AND APPOINTED OFFICIAL COMPENSATION

1 **BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I***
2 ***MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN:***

3 **WHEREAS**, the Guam Legislature's Committee on Appropriation and
4 Adjudication and Committee on Finance and Taxation held a Joint Budget Oversight
5 Hearing on Monday, January 25, 2016 with the Director of the Bureau of Budget and
6 Management Research, Director of Revenue and Taxation together with the Acting
7 Director of the Department of Administration to review the state of the Government of
8 Guam finances; and

9 **WHEREAS**, financial information obtained at this Joint Budget Oversight
10 Hearing confirmed that by using the Calvo Administration's cash flow reports there
11 may only be a surplus of Two Hundred Thousand Dollars (\$200,000) above the Fiscal
12 Year 2016 (FY'16) revenue projection adopted by the Legislature.

1 **WHEREAS**, had the Legislature not decreased the revenue projections for
2 FY'16 by \$37.1 million from the FY'16 spending plan originally proposed by
3 Governor Calvo, the Government of Guam expenditure for FY'16 would likely result
4 in an over expenditure of \$36.9 million, thus adding further financial stress to the
5 Government of Guam's overall debt burden; and

6 **WHEREAS**, at this Joint Budget Oversight Hearing, the Acting Director of the
7 Department of Administration admitted under oath that the Government of Guam is
8 experiencing a "cash crunch" which has negatively affected the Government of
9 Guam's ability to remit statutorily mandated deposits into the Income Tax Refund
10 Efficient Payment Trust Fund for the payment of Income Tax Refunds; and

11 **WHEREAS**, § 51102, Chapter 51, Title 11 GCA requires the cash deposit of a
12 certain percentage of actual income tax collections to be deposited into the Income
13 Tax Refund Efficient Payment Trust Fund each fiscal year and that such percentage
14 for FY'16 is twenty five and sixth tenths percent (**25.6%**) of actual income tax
15 collections which is calculated by dividing the Provision for Income Tax Refunds by
16 the total projected Income Taxes in Public Law 33-66 (General Appropriations Act of
17 FY'16); and

18 **WHEREAS**, according to the BBMR's most recent December 2015
19 Consolidated Revenue and Expenditure Report, actual income tax collections as of the
20 end of December 2015 were One Hundred Ten Million Seven Hundred Twenty Three
21 Thousand Nine Hundred Eighty Eight Dollars (**\$110,723,988**); and

22 **WHEREAS**, in accordance with § 51102, Chapter 51, Title 11 GCA, the
23 amount of Twenty Eight Million Three Hundred Forty Five Thousand Three Hundred
24 Forty Dollars (**\$28,345,340**) is the amount that should have been deposited into the
25 Income Tax Refund Efficient Payment Trust Fund during the months of October
26 through December 2015; and

1 **WHEREAS**, according to Monthly Cash Balance Reports submitted to *I*
2 *Liheslaturan Guåhan* by the Director of Administration for the months of October,
3 November, and December 2015, *only* Fourteen Million Two Hundred Forty Seven
4 Thousand Three Hundred Seventy Nine Dollars (**\$14,247,379**) has been deposited into
5 the Income Tax Refund Efficient Payment Trust Fund during the months of October
6 through December 2015 which confirms the statements made by the Acting DOA
7 Director concerning cash flow challenges in the Government of Guam; and

8 **WHEREAS**, Bill 204-33 (COR) was introduced on October 30, 2015,
9 was publicly heard on November 10, 2015, and debated in a legislative session on
10 November 16, 2015, but did not pass; and

11 **WHEREAS**, members of the Committee on Rules, through the passage of this
12 resolution, does recognize and respect the decision of those senators who voted “nay”
13 on Bill 204-33 (COR), and through the passage of this resolution herein further
14 acknowledges another effort, which, if passed and signed into law, would
15 have provided for salary reductions for senators only; and

16 **WHEREAS**, this legislative effort is memorialized in Bill 201-33 (COR), an
17 act to add a *new* Section 1106.2 to Chapter 1, Title 2 Guam Code Annotated relative
18 to repayment of retroactive Senatorial salaries disbursed under Public Law 32-208;
19 and to *amend* Section 5 of Public Law 32-208 for similar purposes; and

20 **WHEREAS**, Bill 201-33 (COR) was also publicly heard on November 10,
21 2015, and debated alongside Bill 204-33 (COR), in the same November 16, 2015
22 legislative session, also failing to gain passage; and


23 **WHEREAS**, members of the Committee on Rules, through the passage of this
24 resolution, also recognizes and respects the decision of those senators who voted no
25 on Bill 201-33 (COR); and now therefore be it

1 **RESOLVED**, that members of the Committee on Rules, on behalf of the 33rd
2 Guam Legislature, express support to convene a legislative session to reconsider Bill
3 204-33 (COR), which is AN ACT TO ADD A NEW §1106(a) TO 2 GCA AND
4 AMEND §40109(a) of 5 GCA; RELATIVE TO AFFECTING ELECTED AND
5 APPOINTED OFFICIAL COMPENSATION; and be it further

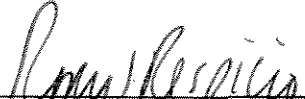
6 **RESOLVED**, that the Committee on Rules does hereby respectfully request the
7 Speaker to call the Legislature into session in an urgent manner to reflect the urgent
8 situation with the government’s finances and tax refunds and that the Majority
9 Leader during that legislative session offer a notwithstanding motion to consider the
10 actions of the body on the vote on Bill 204-33 (COR), thereby allowing a revote on
11 Bill 204-33 (COR); be it further

12 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
13 certify, and the Secretary of the Legislature attest to, the adoption hereof, and that
14 copies of the same be thereafter transmitted to the Members of *I Mina'Trentai Tres Na*
15 *Liheslaturan Guåhan* and to the Honorable Edward J.B. Calvo, *I Maga'lahen*
16 *Guåhan*.


**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN ON THE 29TH DAY
OF JANUARY 2016.**



JUDITH T. WON PAT, Ed.D.
Speaker



RORY J. RESPICIO
Chairperson, Committee on Rules



TINA ROSE MUÑA BARNES
Legislative Secretary



COMMITTEE ON RULES

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COMMITTEE VOTING SHEET

Resolution No. 277-33 (COR) – Committee on Rules, - Relative to expressing the support from the Committee on Rules to convene a legislative session to reconsider Bill 204-33 (COR), AN ACT TO ADD A NEW §1106(a) TO 2 GCA AND AMEND §40109(a) of 5 GCA; RELATIVE TO AFFECTING ELECTED AND APPOINTED OFFICIAL COMPENSATION.”

	SIGNATURE	DATE	TO ADOPT	TO NOT ADOPT	TO ABSTAIN
Senator Rory J. Respicio Chairperson	<i>Rory Respicio</i>	1-28-16	<input checked="" type="checkbox"/>		
Senator Thomas C. Ada Vice-Chairperson	<i>TC Ada</i>	1-28-16	<input checked="" type="checkbox"/>		
Speaker Judith T. Won Pat, Ed.D. Member	<i>JT Won Pat</i>	1-28-16	<input checked="" type="checkbox"/>		
Vice-Speaker Benjamin J.F. Cruz Member	<i>B Cruz</i>	1-28-16	<input checked="" type="checkbox"/>		
Legislative Secretary Tina Rose Muña Barnes Member					2016 JAN 29 AM 8:55 <i>TR</i>
Senator Frank B. Aguon, Jr. Member					
Senator Dennis G. Rodriguez, Jr. Member					
Senator Michael F.Q. San Nicolas Member	<i>M San Nicolas</i>	1-28-16	<input checked="" type="checkbox"/>		
Senator Nerissa B. Underwood, Ph.D. Member	<i>N Underwood</i>	1-28-16	<input checked="" type="checkbox"/>		
Senator V. Anthony Ada Minority Leader	<i>V Anthony Ada</i>	1-28-16		<input checked="" type="checkbox"/>	
Senator Mary Camacho Torres Minority Member	<i>M Camacho Torres</i>	1/28/16	<input checked="" type="checkbox"/>		

For Sponsor's Office Use Only

Sponsor Signature: _____ *Rory Respicio*

Staff Contact Person: _____ *Jennifer Dula*

For COR/Clerk's Office Use Only

7/6 Certified _____ Returned _____

Name: RENYATEV O MENDO

Date: 1/29/16

Notes: _____