

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
89-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO <i>ADD A NEW</i> ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND.	04/12/13, 2:45pm	4/15/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Park, Recreation, Historic Preservation, and Land	5/14/13 2:00 p.m.	05/28/13	Fiscal Notes Requested 04/15/13




I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

MAY 28 2013

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

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

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

RE: Committee Report on Bill No. 89-32 (COR)

Member
Committee on Education,
Public Libraries
and Women's Affairs

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 89-32 (COR): "An act to *add a new* Article 17 to Chapter 22, Title 5, Guam Code Annotated, relative to the responsible reserve fund," which was referred to by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Member
Committee on General
Government Operations and
Cultural Affairs

Committee votes are as follows:

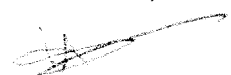
Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

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


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

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

Si Yu'os Ma'åse',



Vicente (ben) Cabrera Pangelinan
Chairman

2013 MAY 28 PM 2:52 

**COMMITTEE REPORT
ON**

Bill No. 89-32 (COR)

Sponsored by Senator M.F.Q San Nicolas

**“An act to *add a new* Article 17 to
Chapter 22, Title 5, Guam Code
Annotated, relative to the responsible
reserve fund.”**



MAY 28 2013

MEMORANDUM

To: All Members

Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation and
Land

From: Senator Vicente (Ben) Cabrera Pangelinan
Chairman

Subject: Committee Report on Bill No. 89-32 (COR)


Transmitted herewith for your consideration is the
Committee Report on Bill No. 89-32 (COR): "An act
to *add a new* Article 17 to Chapter 22, Title 5, Guam Code
Annotated, relative to the responsible reserve fund,"
sponsored by Senator M.F.Q. San Nicolas.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 89-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Fiscal Note
7. Copy of COR referral
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

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,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

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Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

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Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens


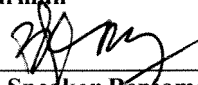


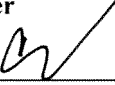
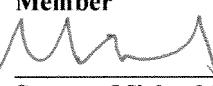


Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Bill 89-32 (COR): An act to *add a new* Article 17 to Chapter 22, Title 5, Guam Code Annotated, relative to the responsible reserve fund.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
 Vice Speaker Benjamin J. F. Cruz Vice Chairman	✓				
 Speaker Judith T. Won Pat, Ed.D Member			✓		
 Senator Tina Rose Muña-Barnes Member			✓		
 Senator Dennis Rodriguez, Jr. Member			✓		
 Senator Michael San Nicolas Member					
 Senator Michael Limtiaco Member			5/20/13		
 Senator Tommy Morrison Member			5/21/13		



Committee Report

Bill No. 89-32 (COR): An act to *add a new* Article 17 to Chapter 22, Title 5, Guam Code Annotated, relative to the responsible reserve fund.” sponsored by Senator M.F.Q. San Nicolas.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on May 14, 2013 at 2:00 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 May 7, 2013 (5-Day Notice), and again on May 10, 2013 and May 12, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Senator BJ Cruz, Vice Chairman
Speaker Judith Won Pat, Member
Senator Tina Muna Barnes, Member
Senator Dennis Rodriguez, Member
Senator Michael San Nicolas, Member
Senator Tommy Morrison, Member
Senator Michael Limtiaco, Member
Senator Tom Ada
Senator Frank Aguon, Jr.
Senator Tony Ada
Senator Aline Yamashita
Senator Chris Dueñas

(b) Appearing before the Committee

Mr. Anthony Blaz, Deputy Director, Department of Administration
Mr. John Camacho, Director, Department of Revenue and Taxation

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
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Member
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Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

(c) Written Testimonies Submitted

Ms. Benita A. Manglona, Director, Department of Administration

II. COMMITTEE PROCEEDINGS

Chairman Pangelinan: I'm going to go ahead and just take the prerogative as the Chair at the request of one of our members who has to take his son to an appointment. And so, I would like to go ahead and just rearrange the agenda and skip Bill 55-32 and Bill 104-32 at this time, and go to Bill 89-32 and we'll come back to these bills. On Bill 89, is an act introduced by Senator San Nicolas is an act to add a new article 17 to chapter 22 title 5 of the Guam Code Annotated relative to the Responsible Reserve Fund. I have Anthony Blaz from the Department of Administration submitting testimony on this. So if you're going to submit oral testimony, please come forward. We'll give Senator San Nicolas an opportunity to just please give a short synopsis of the Bill. Senator San Nicolas?

(a) Bill Sponsor Summary

Senator San Nicolas: Mr. Chairman, my sincerest gratitude for your accommodations in moving this Bill upward in the agenda and I apologize to everybody who is made to wait. I do have an appointment for my son at 4:45 and so I humbly asked the Chair to graciously allow Bill 89 to be moved up on the agenda. I'm very, very appreciative for his accommodation. Bill 89 was drafted as a result of oversight hearings that we've been having with the Department of Revenue and Taxation that has revealed that over the last ten years the balance in our accounts receivables owed to this government has reached \$179 million. Now what that basically means is that there is \$179 million out there that is owed to the government, owed to our people; it's the people's money and that money is going to be coming in as our Department of Revenue and Taxation is able to collect on this money. Now, as we were evaluating the collections and as I was working with the Chair, I asked to myself, so when this money comes in, where does it go? And how is it factored into our budget and long story short, the budget of the government of Guam is based on projected revenues, it's based on what we anticipate is going to be coming in over the fiscal year. So, when we have accounts receivables, old money, that is expected to come in this government, we don't budget the operations of this government based on that old money because we don't know when it's going to come in. That \$179 million can all come in tomorrow, or it has ten years because of this statute of limitations. So when we have this old money coming in to our government that we didn't budget for, how do we account for where it's supposed to go? And is this old money supplementing what our new money is supposed to be paying for because our fiscal year budget is based on anticipated revenue. Is this old money coming in and covering the current operations of the government when our budgets and our projections are what's actually supposed to be covering the current operations of this government. And so when we discovered that and made these determinations, we understood that it's important for us to differentiate between new money and old money and it's important because if old monies coming in to subsidize current operations that means that we're having budget flaws. It also means that we're using old money that could be used for other purposes to pay for things that new money is supposed to be paying for and that new money is supposed to be there based on

our budgets. So I wanted to introduce this bill so that it would keep old money and new money separate so that we can focus the old money on things that are priorities for our people. And so this bill will create a separate fund that will put the old money, the accounts receivables into that separate fund so we can appropriate it at a later time for later purposes. But we've also taken the next step by identifying what that old money can be appropriated for because when we have old money coming in, and if we are going to be separating it out, we also wanted to make sure that it is going to the priorities that are expressed by our people. So, this bill also identifies the areas that can be appropriated from this separate fund using this old money and the first item is for court ordered amounts owed by the government of Guam. Now we included that as one of the items because a court order amount is usually not anticipated, we don't budget for court orders and so when a court order comes down on this government, we don't want to be using our new money, the money we need to operate today, to be paying for something that we didn't anticipate that's going to create a shortfall in our current budget process. So we want to instead use old money to pay for court orders and those court orders will go to things like the Layon Landfill owners, it can go to things like the money that's owed to the teachers who were furloughed that never got their back pay, it'll go to whatever it is the courts determine are owed by this government that we didn't budget for. That's one item the bill will specify money goes to.

The second item is for prior fiscal year contractual obligations outstanding and payable. If we have money that's owed to a vendor, we want to make sure that vendor's going to get paid. And if that vendor should have paid last year with last year's money and we didn't pay him, and then that old money actually does come into this government, we want to make sure that that vendor is going to get paid. When we don't pay our vendors on time, it makes prices go up in this government, it makes our reputation with vendors go down, and causes vendors to be more hesitant to either give us the best price they have to offer or makes them more hesitant to give us a price at all because they're hesitant to do business with our government. So we want to make sure as old money comes in, we are able to make good in our prior year obligations that are contractually owed or payable.

The third item that we prioritized is prior fiscal year wages accrued and unpaid and this is speaking specifically to our law enforcement personnel. Many of whom are owed pay adjustments that have not been realized. And those pay adjustments should have been paid over the past fiscal years. So if we're bringing in old money from those years that should have been collected, surely that money should go to paying for those people's salaries that have not been adjusted, who should have been adjusted in those prior years. The other item that we identified was prior fiscal year merit pay bonuses that are accrued and unpaid. We've paid merit bonuses to a large numbers of employees but we haven't paid them out to all of our employees. And those merit bonuses are accrued and accumulated over the prior fiscal years but they're going to be unpaid unless we pay them out of our current resources. But we can't be using new money current operational money, to pay for prior fiscal year merit bonuses without hurting current operations. So we want to use old money, the accounts receivables that we bring in to pay these merit bonuses to these people have not received them. We also want to make sure that we prioritize procurement of medical supplies for Guam Memorial Hospital because nobody is going to want to go the hospital and have lack of supplies be a reason why they are not going to be getting the optimum care they deserve. Also being able to use old money to pay for these outstanding obligations to our hospital will help us to catch up with our vendors who are long

overdue in payments from our hospital and catching up with our vendors who supply our hospital will help to bring the price of the goods that are provided to our hospital down. And bringing those prices down would translate into saving to our people and a better operational environment for our hospital. The other item we want to prioritize is education expenses to comply with the adequate education act. The adequate education sets certain parameters in our schools that need to be followed in order to make sure our students are in the best learning environments and getting the best kind of support. But oftentimes, the mandates of adequate education aren't at the question whether or not there is any money. We want to make sure the money is there and oftentimes the provision for adequate education is an issue that is carried over fiscal year into fiscal year so should we pay for adequate education with new money? Or should we pay for it with old money, certainly in the current fiscal year we should pay with it for current fiscal year budgets. But this is a long standing adequate education problem that we still have not addressed, we must be taking our old money to pay for those important expenses. Aside from that, we wanted to prioritize using old money to make long term investments in our community. We don't want to be taking the old money, the accounts receivables, and using it to subsidize current operations which are supposed to have been paid with our current budget. Instead, when we get this new money in, with some projected revenue in, when we comes in when we are finally able to collect on it, we want to put it to good use and we want to make it last. So priority item number 7 is for it to go to capital improvement projects with an estimated useful life of five or more years for agencies dealing with education, health, public safety, or services for the individuals with disabilities. It focuses the money on projects that should last five years or more in health, education, public safety, and people with disabilities. So the money will come in and it will have a lasting impact on those key areas. The other item, item 8, is for the procurement of durable goods with an estimated useful life of 5 years or more. So when this old money comes in, we don't want to spend it on something that's only going to be good for a year or two, we want to make sure we are able to buy long lasting durable goods for health, education, and public safety and what will last five years or more. We're talking about police cars, we're talking about ambulances, we're talking about fire trucks, we're talking about the necessary busses to get our people with disabilities around the island. Those would definitely last five years or more, we have \$179 million of the people's money out there to collect to pay for those long standing procurement items. And lastly, we wanted to use old money to pay for our outstanding debt obligations. We have over a billion dollars in debt that the government of Guam has to pay through the General Fund. Our debt service is going to go up by \$15 million in 2015, we have some balloon payments that are due on these debt items. From what I could recollect, I believe we have an \$8 million balloon payment in 2015 from the Guam memorial hospital loan. So we want to use this old money to make sure we are able to make those payments, because come 2015, when we have a \$15 million debt service bill that gets tacked onto all of our other bills already, where are we going to get that money. That money is there. That money is there in the accounts receivables that we have outstanding, it's the people's money that the Department of Revenue and Taxation is going to continue to work hard to collect. And it's important for us to segregate this money, this old money, from our new money and use it for our old obligations, our long standing priorities, for capital improvements and for durable goods that will last our people for a long time, and to pay down our debt obligations that are going to be coming due and that are going to have to be paid with some money one way or the other. So we introduced this bill to make sure we separate the two and to make sure we prioritize where this money is going to go. Thank you, Mr. Chair.

Chairman Pangelinan: Thank you very much Senator San Nicolas. We'll go ahead then and receive testimony. Please identify for the record and then begin your testimony.

(b) Testimony

Mr. Blaz: Si Yu'os Ma'ase, Mr. Speaker and the rest of the Guam Legislature, Senator San Nicolas, Speaker Won Pat, Senators. Again, thank you for the opportunity. I guess the Director of Administration won't be here today as she had an appointment, but she asked me to speak to provide this testimony on her behalf. This testimony was made on behalf of our Department of Administration in conjunction with our independent auditors, Deloitte and Touche.

[read testimony verbatim on behalf of Ms. Benita Manglona, Director, DOA – see attached]

Chairman Vicente Pangelinan. Thank you and Si Yu'os Ma'ase, Mr. Blaz. Mr. Camacho?

Mr. John Camacho: Thank you Senators, members of the Committee, and Senator San Nicolas, our oversight chair. I have no written testimony but, like Deputy Director Tony Blaz, we are not in support of this bill. I will be submitting a written testimony in the near future, and if there are any questions I would be happy to answer them.

Chairman Vicente Pangelinan: Thank you very and Si yu'os ma'ase. Senator San Nicolas did you have any questions?

Senator San Nicolas: Senator Blaz, I appreciate the position of the Department of Administration. I need some clarification, are we or are we not including accounts receivables in our current fiscal year budget?

Mr. Blaz: Director Manglona can speak to that issue. I can ask my staff to provide some responses on that. I was also taking care of three other bills. Accounts receivables are, of course, included in our financial statements and all our records at DOA.

Senator San Nicolas: I understand it's included in the financial statements; we're definitely keeping a running account of it. The reason we introduced the bill, and the underlying thing that I'm trying to correct is are we or are we are not including it in our current fiscal year budget. I appreciate if you're unable to answer the question. I'm sure you can get back to us on that. But if we're not including it in our current fiscal year budget, why are we using old money to subsidize our current fiscal year budget? That is, for me, the real question. The testimony creates a picture that we're going to make money out of thin air. The budget of the Government of Guam, to my understanding, and I'm still learning, is based on projected revenue which means that it is money that we already anticipate coming in, period. So if we are not including accounts receivables in that anticipated money, which we shouldn't be, because we have no idea when it's coming in. It would be very irresponsible from an accounting standpoint if we're budgeting for

money that we don't know is going to actually come in because we haven't collected it timely. If it's not being included in what we are going to be using then how are we accounting for it. The biggest concern for me, as a senator, is that the primary function of a legislative branch is to appropriate money and to appropriate money based on the priorities of the community and if this old money is coming in and is not part of what was originally accounted for when developing this projection based budget then why are we using it to subsidize projected income when we should be using that actual projected income's realized cash to pay for the current operations. It would be better if we could separate the two because it's bad policy to mix money because you don't know if your budgets were adequate or if your true cash position is reflective of sound spending practices. My biggest concern and the reason for introducing the bill is that it creates a very dangerous environment because if we take accounts receivables and lump it into the current budget and if the Department of Revenue and Taxation is able to wave interest and penalties, it creates a dangerous environment where a chief executive, and I'm not referring to this one, but any chief executive can tell people don't pay your taxes this year, we'll collect on it next year and it will just get added in to all the other projected money and I'll have even more money next year than I'd be able to have this year because when we appropriate based on a current fiscal year and that money comes in after that fiscal year that appropriation has been voided with the new budget bill so we have unallocated cash resources coming into the government that could be spent without any appropriation. Is that incorrect? Am I wrong in seeing that?

Mr. Blaz: Depending on what allocated cash resources you're talking about, specifically. I know that everything that has been appropriated by the legislature and approved by the governor becomes a budget that we rely upon, and we do our part to provide the operations of the entire government. Allocated cash resources—usually these are projected during the budgetary process, and things of the sort. Anything specifically we can respond at your request.

Senator San Nicolas: I'm just trying to understand. Let's say hypothetically that we project \$100 million, which does not include accounts receivables because a sound budget should not include ARs, and we actually bring in \$100 million in projected revenue, but we also bring in \$50 million in accounts receivables, which means that the total cash position of the government would have been \$150 million but we only appropriated \$100 million. So where does that \$50 million go? It becomes unallocated cash resources that can be expended without appropriation because it's just gotten mixed in with the entire general fund.

Mr. Camacho: Currently, the budget law states that whatever taxes we collect whether it's prior year, any fiscal year, or current year it's basically put into the general fund about 25-26% of that is put into efficiency fund for refunds and then later on rolled over to the income tax reserve funds. If you're asking where it goes, it's appropriated by law already. It is basically whatever we collect, DOA takes that money, puts it into the efficiency income tax refund on all taxes collected, later then rolled onto the income tax refund for payment of income tax refunds. This has been a practice for many years.

Senator San Nicolas: I'm not a big fan of 'because it's been happening we're going to keep doing it.' Basic question: In a current fiscal year, we're mixing current fiscal year money with money that we've collected that was due in prior fiscal years. We're mixing it all together.

Mr. Camacho: I believe that's been the practice for so many years. Like you said, you never know when that receivables going to be collected and when the revenues are projected they look at the last five years, and they look at those receivables at the same time. It's been a practice that is included in the income tax that goes directly to the general fund.

Chairman Vicente Pangelinan. Thank you very much. This concludes the testimony on Bill No. 89-32. 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 office@senben.com or through our website at senbenp.com

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 89-32 (COR) with the recommendation Report out only.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 89-32 (COR)

Introduced by:

Michael F.O. San Nicolas

2013 APR 12 PM 2:45

AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER
22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO THE RESPONSIBLE RESERVE FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act *shall* be cited as the "Responsible
3 Reserve Fund Act."

4 Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan*
5 finds that the annual budgets of the government of Guam are based upon
6 projected revenues.

7 *I Liheslaturan Guåhan* further finds that revenues from prior fiscal
8 years' accounts receivable and interest and penalties from collections items
9 of the Department of Revenue and Taxation are unallocated cash resources.

10 *I Liheslatura* further finds that these unallocated cash resources
11 become discretionary spending resources that make up for budget
12 shortfalls, subsidizing the practice of poor spending practices, poor
13 collections, or both.

1 **§ 221702. Separate Fund and Bank Account.**

2 The Responsible Reserve Fund *shall* not be commingled with the
3 General Fund or any other funds of the government of Guam and *shall* be
4 maintained in a separate bank account, administered by the Director of the
5 Department of Administration in accordance with this Article.

6 **§ 221703. Administration of the Responsible Reserve Fund.**

7 Unless otherwise provided by law or prevented by contract, the
8 following *shall* be deposited or transferred into the Responsible Reserve
9 Fund:

10 (a) *all* collections by the Department of Revenue and Taxation of prior
11 fiscal years' accounts receivable; and

12 (b) *all* interest and penalties from collections items of the Department
13 of Revenue and Taxation.

14 **§ 21704. Expenditures from the Responsible Reserve Fund.**

15 (a) Expenditure from the Responsible Reserve Fund *may* be
16 authorized by legislative appropriation *only* when an *equal or greater*
17 amount of money *is* held in the Fund. Expenditures from the Responsible
18 Reserve Fund *shall* be limited to payments toward:

19 (1) court-ordered amounts owed by the government of Guam;

20 (2) prior fiscal years' contractual obligations outstanding and
21 payable;

22 (3) prior fiscal years' accrued and unpaid wages due to
23 government of Guam employees;

1 (4) prior fiscal years' merit pay bonuses accrued and unpaid;

2 (5) the procurement of medical supplies for the Guam
3 Memorial Hospital Authority;

4 (6) education expenses to comply with the Adequate Education
5 Act;

6 (7) capital improvement projects with an estimated useful life
7 of five (5) or more years, for agencies dealing with education, health,
8 public safety or services for individuals with disabilities;

9 (8) procurement of durable goods with an estimated useful life
10 of five (5) or more years, for agencies dealing with education, health,
11 public safety or services for individuals with disabilities; and/or

12 (9) advanced prepayment of existing debt obligations of the
13 government of Guam as defined by bond covenants, municipal lease
14 agreements, or financial institution loan provisions."

15 (b) The Responsible Reserve Fund *shall* not be subject to *I Maga'lathen*
16 *Guåhan's* transfer authority or any other law allowing use or transfer of
17 special funds. Revenues to and expenditures from the Responsible Reserve
18 Fund are restricted to only those authorized by *I Liheslaturan Guåhan* in
19 subsequent Acts. *All* interest and investment earnings of the Responsible
20 Reserve Fund *shall* remain in the Fund until appropriated and expended
21 pursuant to subsection (b) of this Section.

22 **§ 221705. Annual Audit.**

1 The Office of Public Accountability *shall* perform an annual audit of
2 the Responsible Reserve Fund and the compliance of the Director of the
3 Department of Administration with the expenditure of such funds within
4 the Responsible Reserve Fund in accordance with the administration and
5 exclusive purposes of this Article. Said audit *shall* include, but is not
6 limited to, the revenues to the Responsible Reserve Fund and the
7 expenditures from the Responsible Reserve Fund. The OPA shall prepare
8 and provide a written report of compliance no later than seventy-five (75)
9 days after the end of the fiscal year to *I Måga'laken Guáhan* and to the
10 Speaker of *I Liheslaturan Guáhan*."



Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

Tuesday May 14, 2013
Bill No. 89
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Anthony BLAZ	DOA	4751234		✓			
John Cancho	Rev-TAX						



Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

Tuesday May 14, 2013

Bill No. 89

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
John Camacho	DRT				✓		

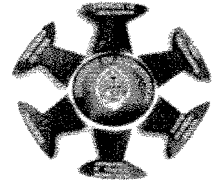
324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
DIRECTOR'S OFFICE
(UFISINAN DIREKTOT)

Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1101/1250 - Fax: (671) 477-6788



Benita A. Manglona
Director
Anthony C. Blaz
Deputy Director

May 14, 2013

The Honorable Vicente C. Pangelinan
Chairman, Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation and Land
I Mina' Trentai Dos Na Liheslaturan Guåhan
324 W. Soledad Ave.
Hagatña, Guam 96910

RE: Bill 89-32

Buenas yan Håfa Adai Senator Pangelinan:

Thank you for the opportunity to comment on Bill 89-32.

AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND.

I understand the intent of Bill 89-32 and I applaud Senator San Nicolas for looking for ways to identify revenue sources. However, I strongly disagree with its purpose and feel that the passing of Bill 89-32 will produce more harm than good. This bill serves to limit the ability to manage the finances of the government of Guam. For many years our local government has been plagued with shortfalls in expected revenue collections and inappropriate expenses (such as court orders, inappropriate power shortfalls, Oracle retirement payments (the Oracle payments that DOA has remitting are the retirement contribution differences between what was payable in the DOA Oracle FSM System and what was reflected as a receivable in the Retirement Fund's system. Retirement Fund would not allow any employee to retire unless DOA settles all outstanding remittances including the Oracle differences. These differences are verified and approved by the Chief Payroll Officer before payments are made.), etc) which draw from the same revenue pool. This bill restricts the financial management team's ability to provide basic services to the island's community. This may have damaging effects on credit ratings and existing bond indentures.

These are the reasons this bill will not work:

Section 2. Legislative Findings and Intent

In paragraph 2 of this section, it notes that the interest and penalties from collections are unallocated cash resources. I do not believe this to be correct. These revenues are included in Income Taxes under the section Interest & Penalties in the Monthly Revenue report submitted to the legislature. It would be incorrect to say that these revenues are unallocated when they are and have been for many years. Likewise, I must disagree with paragraph 4 of this section based on the above.

§221703. Administration of the Responsible Reserve Fund

As written, the Bill requires that *all* collections made by DRT's collection branch for accounts receivables, interest, and penalties will be deposited or transferred into the new fund. From an accounting standpoint, this would be an accounting nightmare to implement. We will have to simultaneously be running two systems to account for these transactions. The receivables at DRT and the receivables per the financial statements are totally different. The receivables reported on the financial statements are per GASB33 and the receivables at DRT are outstanding receivables based on their tax assessment. Those numbers are always substantially higher because they are measured under different parameters. GASB 33 is based on actual subsequent cash collected within 90 days of the fiscal year end. Thus, cash collected for the first 90 days of the new fiscal year are treated as revenues for the preceding year. With this in mind, it will be very difficult to reconcile the accounting receivable and the DRT receivable as required in subsection (a) and (b) of this section.

When revenue is projected, it is based on actual collections from the last three years and adjusted for organic growth. We found this to be a very conservative approach.

These alleged unallocated revenues are already factored and accounted for in our projection of revenues. If you are going to take this revenue stream away from the general fund, then we suggest that you also reduce the projected tax revenues from the FY2013 appropriation bill. All this legislation is doing is restricting funds that are already used as the bases for the general fund expenditures. In essence, you are using the one source of funds to pay for two different expenditures. This bill does the following: If you collect 10 dollars in "accounts receivables" you are spending \$20 in expenditures. The impact of this would be deficit spending, thus creating an unbalanced budget.

§21704 Expenditures from Responsible Reserve Fund

These items are already incorporated in the existing laws. This whole bill presumes that we will collect more revenues than projected by the Legislature. The current law requires that any funds above the projections are to be used for these items, thus, this provision is duplicating current laws.


In General:

An important point to remember is that unallocated cash resources are only realized at the end of the fiscal year and at the same time realize and recognize all liabilities and reallocate available funding accordingly. Restricting the financial management team's ability to address these

liabilities can translate to the shutdown of operations. This Administration has held the line on spending in an effort to reduce our long-term and unpaid liabilities such as those identified in §21704. Let us do our job. In tough times people need to be given the flexibility to address challenges. Further restricting the ability to meet these needs raises the probability of failure. It is the people of Guam who will suffer the most.

For these reasons, we are not in support of this bill as it will ultimately not accomplish what its intended for. I want to thank Senator San Nicolas for his efforts.

Senseramente,



BENITA A. MANGLONA



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of

Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 89-32(COR) - "AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND."** – on April 15, 2013. COR hereby certifies that BBMR confirmed receipt of this request on April 15, 2013 at 11:23 A.M.

COR further certifies that a response to this request was not received. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 89-32 (COR) to be included in the committee report on said bill, is hereby waived.

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

May 28, 2013

Date



COMMITTEE ON RULES

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Member

April 15, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 89-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. 89-32(COR).

Please ensure that the subject bill is 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 Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
89-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO <i>ADD A NEW</i> ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND.	04/12/13, 2:45pm	04/15/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Park, Recreation, Historic Preservation, and Land			Fiscal Notes Requested 4/15/13



COMMITTEE ON RULES

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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 15, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 88-32(COR), and 89-32(COR)

Håfa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 APR 15 AM 11:24

Bill Nos.	Sponsor	Title
88-32 (COR)	M.F.Q. San Nicolas	AN ACT TO AMEND §§ 3207 AND 3309 AND TO ADD A NEW §§ 3207.1 AND 3207.2 OF CHAPTER 3 TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REGULATION OF ALCOHOLIC BEVERAGE LICENSURE.
89-32 (COR)	M.F.Q. San Nicolas	AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND.



Mary Maravilla <marymaravilla19@gmail.com>

Public Hearing - First Notice

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Tue, May 7, 2013 at 3:47 PM

See corrected date.

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Tuesday, May **14**, 2013 beginning at 2:00 pm in the Guam Legislature Public Hearing room. To review the bills, on the attached agenda please move your cursor over the bill number. The following is on the agenda.

Para Komfitmasion:

(Confirmation Hearing)

Mr. John Z. Arroyo, Member, Guam Land Use Commission

Priniponi Siha:

(Bills)

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Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Senadot ben pangelinan gi 473- Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi www.guamlegislature.com Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagâtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagâtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@senbenp.com

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Office of

the People


I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

May 7, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – FIRST NOTICE

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

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

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **2:00m** on **Tuesday, May 14, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

Para Konfirmasion:
(Confirmation Hearing)

Mr. John Z. Arroyo, Member, Guam Land Use Commission

Priniponi Siha:
(Bills)

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Memo to Senators
May 14, 2013
Page 2

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - First Notice

Lisa Dames <cipo@guamlegislature.org>

Tue, May 7, 2013 at 3:22 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, Jon Anderson <editor@mvguam.com>, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Tuesday, May 7, 2013 beginning at 2:00 pm in the Guam Legislature Public Hearing room. To review the bill number, please move your cursor over the bill number. The following is on the agenda.

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(Confirmation Hearing)

Mr. John Z. Arroyo, Member, Guam Land Use Commission

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan


Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

(671) 473-4236 (office)

(671) 473-4238 (fax)

senbenp.com

www.guamlegislature.org

 **Agenda_051413-2.pdf**
161K



I Mina'brekita' Dena na Liberdadahan Guåhan
12th GUAM LEGISLATURE
Senate Vacante (Sen) Catherine Panglossan
Committee on Appropriations, Public Debt, Legal Affairs,
Government, Public Parks, Recreation, Historic
Preservation, and Land

BIKUNDA PUBLIKO
PUBLIC HEARING

gi Milla, gi Milla 14 gi Milla, 2013
Tuesday, May 14, 2013

Kabtan Brikungak Publiko gi I Liberdadahan Guåhan
(Guam Legislature Public Hearing Board)

sin sin gi Milla 14 gi Milla
(5:00 PM)

GUAM
(GUAM)

Pala Kabilangan:
(Confidential Hearing)

By John Z. Araya, Member, Guam Land Use Commission

Programa: Milla
(Milla)

88 No. 15-22 (2013) - Introduced by Senator Tina Ware Barron. An Act to Amend Act No. 1, Title 19C, in the Municipality of San Roque from Single-Family Dwelling (S-1) to Multiple-Family Dwelling (M-2).

89 No. 16-22 (2013) - Introduced by Senator Michael Carlucci. An Act to Add a New Sub-section (C) to 21 GCR 947103, Relative to Tinting a Red and Brackish, to Amend 21 GCR 947106, 21 GCR 947108, and 21 GCR 947107, Relative to Adding a Red and Brackish to the List of Uses Permitted and Conditional Uses Allowed in an R-1, R-2 and Commercial Zone.

90 No. 17-22 (2013) - Introduced by Senator Wanda Panglossan. An Act Relative to Transfer of the Title of Ownership of Lot No. 1620-A, Block No. 2, Unit 1427 located in the Municipality of San Roque and Details from the Guam International Airport Authority to the Overseas Land Trust Commission.

91 No. 18-22 (2013) - Introduced by Senator Wanda Panglossan. An Act Relative to Transfer of the Title of Ownership of Lot No. 7, NEA, Block No. 3, Unit 1427 located in the Municipality of San Roque, from the Guam International Airport Authority to the Overseas Land Trust Commission.

92 No. 19-22 (2013) - Introduced by Speaker Michael San Nicolas. An Act to Add a New Article 17 to Chapter 22, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

93 No. 20-22 (2013) - Introduced by Speaker Judith M. Neri. An Act to Add a New Item (a) to 27-118 of Chapter 29, Division 2, Title 5, Guam Code Annotated, Relative to Requiring the Deposit of Unclaimed or Unpaid Tax Refund Checks into the Income Tax Refund Reserve Fund.

94 No. 21-22 (2013) - Introduced by Speaker Judith M. Neri. An Act to appropriate the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00) Encumbered to the General Fund pursuant to 27-118 of Chapter 29, Division 2, Title 5 Guam Code Annotated, for the Purpose of Supporting Unfunded Government of Guam Obligations.

95 No. 22-22 (2013) - Introduced by Senator Dennis Rodriguez. An Act to appropriate Available Funds from the Guam-SanJuan Highway Fund to SanJuan and Ponce de Leon Capital Improvement Projects, Provide Means Equipment Needed by the Department of Public Works for Road Widening and Fund the Department of Revenue and Taxation's Transaction Processing System.

96 No. 23-22 (2013) - Introduced by Speaker Judith M. Neri. An Act to Amend 27-118(2)(B), of Chapter 29, Title 5, Guam Code Annotated, Relative to Authorizing the Transfer of Investment and Encumbered Cash Account Funds from the Investment of Guam to the Guam Housing Corporation's Housing Trust Fund.

Respectfully, I hereby request to witness and hear any matter that may be presented to the hearing. I am available to answer any questions and to provide any information that may be needed. I am available to answer any questions and to provide any information that may be needed. I am available to answer any questions and to provide any information that may be needed.

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I Muna'trentar Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Måttes, gi diha 14 gi Mäyu, 2013
Tuesday, May 14, 2013

**Kuåtton Inekungok Pubbleko gi i Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)**

alas dos gi despues di talo'ani
(2:00 PM)

**TAREHA
(AGENDA)**

**Para Komitmasion:
(Confirmation Hearing)**

Mr. John Z. Arroyo, Member, Guam Land Use Commission

**Priniponi Siha:
(Bills)**

Bill No. 15-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 3, Tract 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2).

Bill No. 92-32 (COR) – Introduced by Senator Michael Limtiaco: An Act to Add a New Sub-Item (1) to 21 GCA §61103(q), Relative to Defining a Bed and Breakfast; to Amend 21 GCA §61305, 21 GCA §61306, and 21 GCA §61307, Relative to Adding a Bed and Breakfast to the list of Uses Permitted and Conditional Uses allowed in an R1, R2 and Commercial Zone.

Bill No. 55-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No. 1NEW-1, Block No. 2, Tract 1427 located in the Municipalities of Barrigada and Dededo from the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 194-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No 7, NEW, Block No. 1, Tract 1427 Located in the Municipalities of Tamuning, Tiyan from the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 89-32 (COR) – Introduced by Speaker Michael San Nicolas: An Act to Add a New Article 17 to Chapter 22, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

Bill No. 100-32 (LS) – Introduced by Speaker Judith Won Pat: An Act to Add a New Item (e) to §21116 of Chapter 21, Division 2, Title 5, Guam Code Annotated, Relative to Requiring the Deposit of Unclaimed or Unpaid Tax Refund Checks into the Income Tax Refund Reserve Fund.

Bill No. 95-32 (COR) – Introduced by Speaker Judith T. Won Pat: An Act to Appropriate the sum of Three Million One Hundred Thousand Dollars (\$3,1000,000.00) Escheated to the General Fund, pursuant to §21116 of Chapter 21, Division 2, Title 5 Guam Code Annotated, for the Purpose of Supporting Unfunded Government of Guam obligations.

Bill No. 97-32 (LS) – Introduced by Senator Dennis Rodriguez: An Act to Appropriate Available Funds from the Guam/Territorial Highway Fund to Designate and Prioritize Certain Capital Improvement Projects, Purchase Heavy Equipment Needed by the Department of Public Works for Flood Mitigation and Fund the Department of Revenue and Taxation's Transaction Processing System.

Bill No. 79-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend §106119(K) of Chapter 106, Title 11, Guam Code Annotated, Relative to Authorizing the Transfer of Dormant and Unclaimed Bank Account Funds from the Treasurer of Guam to the Guam Housing Corporation's Housing Trust Fund.

Yanggen un nisisita espesiát na setbisio put fabot ágang i Ifsinan Senadot ben pangelinan gi 473- Yanggen un nisisita espesiát na setbisio, put fabot ágang 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 Guåhan gi www.guamlegislature.com Yanggen para un na'hálom testigu-mu, chule' para i ifsinan-mámi 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. Este na nutisii inapási nu i fendon gubetnamento.

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I Manterran Don sa Libensidaran Guddhan
 12th GUAM LEGISLATURE
 Senador Vicente (Ben) Calvoza Pangelinan
 Committee on Appropriations, Public Debt, Legal Affairs,
 Recreation, Public Parks, Recreation, History
 Preservation, and Land

HIRUNGAN PUPULADO
 (PUBLIC HEARING)

gi Mienes, gi dha 14 gi Mays, 2013
 Tuesday, May 14, 2013

Kalihan Irakungok Pusthika gi Libensidaran Guddhan
 (Guam Legislature Public Hearing Room)

simas dha gi desayon di tala'ha
 (2:00 PM)

TERMINO
 (LUNCHEON)

Paga Kamaliansion
 (Confirmation Hearing)

Mh. John Z. Arroyo, Member, Guam Land Use Commission

Proposed Bills
 (Bills)

SB No. 15-12 (CR) - Introduced by Senator Tina Marie Torres. An Act to Amend Lot No. 1, Tract 1962, in the Municipality of Barrigada from Single Family Dwelling (R-1) to Multiple Family Dwelling (R-2).

SB No. 12-12 (CR) - Introduced by Senator Michael J. Williams. An Act to Add a New Sub-section (b) to 29 GCR 901211b, Relative to Defining a Bar and Breakfast, to Amend 29 GCR 901212, 29 GCR 901216, and 29 GCR 901217, Relative to Adding a Bar and Breakfast to the list of Uses Permitted and Conditional Uses Allowed in an R-1, R-2 and Commercial Zone.

SB No. 11-12 (CR) - Introduced by Senator Vicente Pangelinan. An Act Relative to Transfer of the Title of Ownership of Lot No. 1929-1, Block No. 1, Tract 1427 located in the Municipality of Barrigada and Details from the Guam International Airport Authority to the Chamorro Land Trust Commission.

SB No. 104-12 (CR) - Introduced by Senator Vicente Pangelinan. An Act Relative to Transfer of the Title of Ownership of Lot No. 1, Block No. 1, Tract 1427 located in the Municipality of Barrigada, Operated by the Guam International Airport Authority to the Chamorro Land Trust Commission.

SB No. 88-12 (CR) - Introduced by Speaker Michael Lee Muelan. An Act to Add a New Article 17 to Chapter 25, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

SB No. 100-12 (CR) - Introduced by Speaker Judith New Pal. An Act to Add a New Item (a) to Section 21, Division 2, Title 5, Guam Code Annotated, Relative to Reporting the Deposit of Enclosed or Deposit for Refund Checks into the Reserve for Unsettled Reserve Fund.

SB No. 80-12 (CR) - Introduced by Speaker Judith T. New Pal. An Act to Appropriates the sum of Three Million One Hundred Thousand Dollars (\$3,000,000.00) Subsidized to the General Fund, pursuant to Section 21, Division 2, Title 5, Guam Code Annotated, for the Purpose of Supporting Unsettled Government of Guam obligations.

SB No. 10-12 (CR) - Introduced by Senator Dennis Rodriguez. An Act to Appropriates Available Funds from the Guam Territorial Highway Fund to Complete and Prioritize Certain Capital Improvement Projects, Purchase Heavy Equipment Needed by the Department of Public Works for Road Rehabilitation and Fund the Department of Revenue and Taxation's Transaction Processing System.

SB No. 79-12 (CR) - Introduced by Speaker Judith New Pal. An Act to Amend Section 21, Division 2, Title 5, Guam Code Annotated, Relative to Authorizing the Transfer of Dormant and Unclaimed Cash Account Funds from the Treasurer of Guam to the Guam Housing Corporation's Housing Trust Fund.

Manterran di Mienes Irakungok di tala'ha di tala'ha - Manterran Irakungok di tala'ha di tala'ha
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1. The hearing is open to all interested parties and the public and may be further information
 please call the Office of Senate Records and Legislative Services at (777) 424-7777 for copies of any of the bills
 listed on this agenda, call (777) 424-7777 for the Legislative Services website at www.guamlegis.gov/guam
 Information may be searched from the office of the Senate Records and Legislative Services at the 22nd
 floor of the Guam Legislature, on the 4th floor of the Capitol Building, or via email at senate@guamlegis.gov



Lisa Dames <cipo@guamlegislature.org>

PUBLIC HEARING - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>
 To: PHrg Notice <phnotice@guamlegislature.org>

Fri, May 10, 2013 at 2:12 PM

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Tuesday, May 7, 2013 beginning at 2:00 pm in the Guam Legislature Public Hearing room. To review the bill number, please move your cursor over the bill number. The following is on the agenda.

Para Komfitmasion:

(Confirmation Hearing)

Mr. John Z. Arroyo, Member, Guam Land Use Commission

Priniponi Siha:

(Bills)

Bill No. 15-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 3, Tract 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2).

Bill No. 92-32 (COR) – Introduced by Senator Michael Limtiaco: An Act to Add a New Sub-Item (1) to 21 GCA §61103(q), Relative to Defining a Bed and Breakfast; to Amend 21 GCA §61305, 21 GCA §61306, and 21 GCA §61307, Relative to Adding a Bed and Breakfast to the list of Uses Permitted and Conditional Uses allowed in an R1, R2 and Commercial Zone.

Bill No. 55-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No. 1NEW-1, Block No. 2, Tract 1427 located in the Municipalities of Barrigada and Dededo from the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 104-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No 7, NEW, Block No. 1, Tract 1427 Located in the Municipalities of Tamuning, Tiyan From the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 89-32 (COR) – Introduced by Senator Michael San Nicolas: An Act to Add a New Article 17 to Chapter 22, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

Bill No. 100-32 (LS) – Introduced by Speaker Judith Won Pat: An Act to Add a New Item (e) to §21116 of Chapter 21, Division 2, Title 5, Guam Code Annotated, Relative to Requiring the Deposit of Unclaimed or Unpaid Tax Refund Checks into the Income Tax Refund Reserve Fund.

Bill No. 95-32 (COR) – Introduced by Speaker Judith T. Won Pat: An Act to Appropriate the sum of Three Million One Hundred Thousand Dollars (\$3,1000,000.00) Escheated to the General Fund, pursuant to §21116 of Chapter 21, Division 2, Title 5 Guam Code Annotated, for the Purpose of Supporting Unfunded Government of Guam obligations.

Bill No. 97-32 (LS) – Introduced by Senator Dennis Rodriguez: An Act to Appropriate Available Funds from the


Guam/Territorial Highway Fund to Designate and Prioritize Certain Capital Improvement Projects, Purchase Heavy Equipment Needed by the Department of Public Works for Flood Mitigation and Fund the Department of Revenue and Taxation's Transaction Processing System.

Bill No. 79-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend §106119(K) of Chapter 106, Title 11, Guam Code Annotated, Relative to Authorizing the Transfer of Dormant and Unclaimed Bank Account Funds from the Treasurer of Guam to the Guam Housing Corporation's Housing Trust Fund.

Yanggen un nisisita espesiât na setbisio put fabot âgang i ifisinin Senadot ben pangelinan gi 473- Yanggen un nisisita espesiât na setbision, put fabot âgang i ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi www.guamlegislature.com Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagâtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapâsi nu i fendon gubetnamento.

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 Lisa Dames
 Chief of Staff
 I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
 Senator Vicente (ben) Cabrera Pangelinan
 Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
 Parks, Recreation, Historic Preservation, and Land.
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Lisa Dames <cipo@guamlegislature.org>

PUBLIC HEARING - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>

Fri, May 10, 2013 at 2:10 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, gerry@mvguam.com, joy@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Hafa Adai,

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will hold a public hearing on Tuesday, May 7, 2013 beginning at 2:00 pm in the Guam Legislature Public Hearing room. To review the bill number, please move your cursor over the bill number. The following is on the agenda.

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(Confirmation Hearing)

Mr. John Z. Arroyo, Member, Guam Land Use Commission

Priniponi Siha:

(Bills)

Bill No. 15-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 3, Tract 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2).

Bill No. 92-32 (COR) – Introduced by Senator Michael Limtiaco: An Act to Add a New Sub-Item (1) to 21 GCA §61103(q), Relative to Defining a Bed and Breakfast; to Amend 21 GCA §61305, 21 GCA §61306, and 21 GCA §61307, Relative to Adding a Bed and Breakfast to the list of Uses Permitted and Conditional Uses allowed in an R1, R2 and Commercial Zone.

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Bill No. 89-32 (COR) – Introduced by Senator Michael San Nicolas: An Act to Add a New Article 17 to Chapter 22, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**gi Måttes, gi diha 14 gi Mäyu, 2013
Tuesday, May 14, 2013**

**Kuatton Inekungok Pubbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)**

alas dos gi despues di talo'ani

(2:00 PM)

TAREHA

(AGENDA)

**Para Komfirmasion:
(Confirmation Hearing)**

Mr. John Z. Arroyo, Member, Guam Land Use Commission

**Priniponi Siha:
(Bills)**

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13th Legislature
3295 GUAM LEGISLATURE
Senate Vacante (Res) Cabrera Fangelinas
Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Finance,
Preservation, and Land

MEMORANDUM FOR THE SENATE
DATE: May 14, 2013

TO: SENATE, GUAM LEGISLATURE
DATE: May 14, 2013

FROM: SENATOR VACANTE (RES) CABRERA FANGELINAS
(Chair, Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Finance,
Preservation, and Land)

SUBJECT: SENATE BILL NO. 10-01
(S.B. 10-01)

Area Coordinator
(Information Meeting)

Re: S.B. 10-01, Senate Bill No. 10-01

Proposed Title:

None

S.B. No. 10-01 (S.B. 10-01) - Introduced by Senator Tony White Garcia. An Act to Amend L.O. No. 3, Year 1982, of the Municipality of San Roque from Single-Family Dwelling (S.F.D.) to Multiple-Family Dwelling (M.F.D.).

S.B. No. 10-02 (S.B. 10-02) - Introduced by Senator Michael Luciano. An Act to Add a New Section to the 21 G.C.A. §11-10111, Section to Define a Short and Sweetness to Amend 21 G.C.A. §11-10111, 21 G.C.A. §11-10112, and 21 G.C.A. §11-10113. Section to Amend a Short and Sweetness to the Act of Urban Planning and Conditional Use Allowance to an M.F.D. and Conditional Zone.

S.B. No. 10-03 (S.B. 10-03) - Introduced by Senator Vacante Fangelinas. An Act Relative to Transfer of the Title of Ownership of Lot No. 1982-1, Block No. 2, Year 1982 located in the Municipality of San Roque and District from the Guam International Airport Authority to the Chamorro Land Trust Commission.

S.B. No. 10-04 (S.B. 10-04) - Introduced by Senator Vacante Fangelinas. An Act Relative to Transfer of the Title of Ownership of Lot No. 7, Block No. 1, Year 1987

located in the Municipality of Tapano, Title from the Guam International Airport Authority to the Chamorro Land Trust Commission.

S.B. No. 10-05 (S.B. 10-05) - Introduced by Senator Michael Tony Nicolas. An Act to Add a New Article 17 to Chapter 22, Title 2, Guam Code Annotated, Relative to the Suspension of License Fees.

S.B. No. 10-06 (S.B. 10-06) - Introduced by Senator Judith T. Wren-Pei. An Act to Add a New Item (d) to §21-111 of Chapter 21, Division 1, Title 2, Guam Code Annotated, Relative to Suspending the Deposit of Unclaimed or Unpaid Tax Refund Checks into the Unclaimed Tax Refund Reserve Fund.

S.B. No. 10-07 (S.B. 10-07) - Introduced by Senator Judith T. Wren-Pei. An Act to appropriate the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00) contained in the General Fund, pursuant to §21-111 of Chapter 21, Division 1, Title 2, Guam Code Annotated, for the Purpose of Supporting Unfunded Government of Guam obligations.

S.B. No. 10-08 (S.B. 10-08) - Introduced by Senator Vacante Fangelinas. An Act to appropriate Revenue Funds from the Guam Territorial Highway Fund to San Roque and Pitiacion Capital Equipment Improvement Projects, Purchase Heavy Equipment Requested by the Department of Public Works for Road Mitigation and Fund the Department of Tourism and Recreation's Treatment Processing System.

S.B. No. 10-09 (S.B. 10-09) - Introduced by Senator Judith Wren-Pei. An Act to Amend §110-1101 of Chapter 110, Title 11, Guam Code Annotated, Relative to Authorizing the Transfer of Tourism and Recreation's Heavy Equipment from the Treasurer of Guam to the Guam Housing Corporation's Housing Trust Fund.

Summary of Senate Bill No. 10-01: This bill amends L.O. No. 3, Year 1982, of the Municipality of San Roque from Single-Family Dwelling (S.F.D.) to Multiple-Family Dwelling (M.F.D.). The bill also amends the definition of "Single-Family Dwelling" in the same ordinance. The bill also amends the definition of "Multiple-Family Dwelling" in the same ordinance. The bill also amends the definition of "Single-Family Dwelling" in the same ordinance. The bill also amends the definition of "Multiple-Family Dwelling" in the same ordinance.

For more information, please contact the Senate Office at (671) 472-1111. The Senate Office is located at the Senate Building, 3295 Legislature Building, San Roque, Guam. The Senate Office is open from 8:00 AM to 5:00 PM, Monday through Friday.

The Act Fund with Government Funds

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As of April 23, 2013**

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I Mina'trentai Dos na Liheslaturan Guahan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**gi Máttes, gi diha 14 gi Máyu, 2013
Tuesday, May 14, 2013**

**Kuátton Inekungok Pubbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)**

**alas dos gi despues di talo'ani
(2:00 PM)**

**TAREHA
(AGENDA)**

**Para Komfitmasion:
(Confirmation Hearing)**

Mr. John Z. Arroyo, Member, Guam Land Use Commission

**Priniponi Siha:
(Bills)**

Bill No. 15-32 (COR) – Introduced by Senator Tina Muna Barnes: An Act to Rezone Lot No. 3, Tract 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2).

Bill No. 92-32 (COR) – Introduced by Senator Michael Limtiaco: An Act to Add a New Sub-Item (1) to 21 GCA §61103(q), Relative to Defining a Bed and Breakfast; to Amend 21 GCA §61305, 21 GCA §61306, and 21 GCA §61307, Relative to Adding a Bed and Breakfast to the list of Uses Permitted and Conditional Uses allowed in an R1, R2 and Commercial Zone.

Bill No. 55-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No. 1NEW-1, Block No. 2, Tract 1427 located in the Municipalities of Barrigada and Dededo from the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 104-32 (COR) – Introduced by Senator Vicente Pangelinan: An Act Relative to Transfer of the Title of Ownership of Lot No 7, NEW, Block No. 1, Tract 1427

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I Mina'trentai Dos na Liheslaturan Guåhan

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Located in the Municipalities of Tamuning, Tiyan From the Guam International Airport Authority to the Chamorro Land Trust Commission.

Bill No. 89-32 (COR) – Introduced by Senator Michael San Nicolas: An Act to Add a New Article 17 to Chapter 22, Title 5, Guam Code Annotated, Relative to the Responsible Reserve Fund.

Bill No. 100-32 (LS) – Introduced by Speaker Judith Won Pat: An Act to Add a New Item (e) to §21116 of Chapter 21, Division 2, Title 5, Guam Code Annotated, Relative to Requiring the Deposit of Unclaimed or Unpaid Tax Refund Checks into the Income Tax Refund Reserve Fund.

Bill No. 95-32 (COR) – Introduced by Speaker Judith T. Won Pat: An Act to Appropriate the sum of Three Million One Hundred Thousand Dollars (\$3,100,000.00) Escheated to the General Fund, pursuant to §21116 of Chapter 21, Division 2, Title 5 Guam Code Annotated, for the Purpose of Supporting Unfunded Government of Guam obligations.

Bill No. 97-32 (LS) – Introduced by Senator Dennis Rodriguez: An Act to Appropriate Available Funds from the Guam/Territorial Highway Fund to Designate and Prioritize Certain Capital Improvement Projects, Purchase Heavy Equipment Needed by the Department of Public Works for Flood Mitigation and Fund the Department of Revenue and Taxation's Transaction Processing System.

Bill No. 79-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Amend §106119(K) of Chapter 106, Title 11, Guam Code Annotated, Relative to Authorizing the Transfer of Dormant and Unclaimed Bank Account Funds from the Treasurer of Guam to the Guam Housing Corporation's Housing Trust Fund.

Yanggen un nisisita spesiåt na setbision, put fabot ågang i Ifisinan Senadot ben pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hålom gi i uepsait i Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para un na'hålom 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 office@senbenp.com Este na nutisiu inapåsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at 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 office@senbenp.com

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Senator
Michael F.Q. San Nicolas
Member

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V. Anthony Ada
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April 15, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 88-32(COR), and 89-32(COR)

Håfa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 APR 15 AM 11:24

Bill Nos.	Sponsor	Title
88-32 (COR)	M.F.Q. San Nicolas	AN ACT TO AMEND §§ 3207 AND 3309 AND TO ADD A NEW §§ 3207.1 AND 3207.2 OF CHAPTER 3 TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REGULATION OF ALCOHOLIC BEVERAGE LICENSURE.
89-32 (COR)	M.F.Q. San Nicolas	AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER 22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE RESPONSIBLE RESERVE FUND.



COMMITTEE ON RULES

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Member

April 15, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Majority Leader & Rules Chair

Subject: Referral of Bill No. 89-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **89-32(COR)**.

Please ensure that the subject bill is 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 Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 89-32 (COR)

Introduced by:

Michael F.O. San Nicolas

2013 APR 12 PM 2:45

AN ACT TO ADD A NEW ARTICLE 17 TO CHAPTER
22, TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO THE RESPONSIBLE RESERVE FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act *shall* be cited as the "Responsible
3 Reserve Fund Act."

4 Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan*
5 finds that the annual budgets of the government of Guam are based upon
6 projected revenues.

7 *I Liheslaturan Guåhan* further finds that revenues from prior fiscal
8 years' accounts receivable and interest and penalties from collections items
9 of the Department of Revenue and Taxation are unallocated cash resources.

10 *I Liheslatura* further finds that these unallocated cash resources
11 become discretionary spending resources that make up for budget
12 shortfalls, subsidizing the practice of poor spending practices, poor
13 collections, or both.

1 **§ 221702. Separate Fund and Bank Account.**

2 The Responsible Reserve Fund *shall* not be commingled with the
3 General Fund or any other funds of the government of Guam and *shall* be
4 maintained in a separate bank account, administered by the Director of the
5 Department of Administration in accordance with this Article.

6 **§ 221703. Administration of the Responsible Reserve Fund.**

7 Unless otherwise provided by law or prevented by contract, the
8 following *shall* be deposited or transferred into the Responsible Reserve
9 Fund:

10 (a) *all* collections by the Department of Revenue and Taxation of prior
11 fiscal years' accounts receivable; and

12 (b) *all* interest and penalties from collections items of the Department
13 of Revenue and Taxation.

14 **§ 21704. Expenditures from the Responsible Reserve Fund.**

15 (a) Expenditure from the Responsible Reserve Fund *may* be
16 authorized by legislative appropriation *only* when an *equal or greater*
17 amount of money *is* held in the Fund. Expenditures from the Responsible
18 Reserve Fund *shall* be limited to payments toward:

19 (1) court-ordered amounts owed by the government of Guam;

20 (2) prior fiscal years' contractual obligations outstanding and
21 payable;

22 (3) prior fiscal years' accrued and unpaid wages due to
23 government of Guam employees;

1 (4) prior fiscal years' merit pay bonuses accrued and unpaid;

2 (5) the procurement of medical supplies for the Guam
3 Memorial Hospital Authority;

4 (6) education expenses to comply with the Adequate Education
5 Act;

6 (7) capital improvement projects with an estimated useful life
7 of five (5) or more years, for agencies dealing with education, health,
8 public safety or services for individuals with disabilities;

9 (8) procurement of durable goods with an estimated useful life
10 of five (5) or more years, for agencies dealing with education, health,
11 public safety or services for individuals with disabilities; and/or

12 (9) advanced prepayment of existing debt obligations of the
13 government of Guam as defined by bond covenants, municipal lease
14 agreements, or financial institution loan provisions.”

15 (b) The Responsible Reserve Fund *shall* not be subject to *I Maga'laha*
16 *Guåhan's* transfer authority or any other law allowing use or transfer of
17 special funds. Revenues to and expenditures from the Responsible Reserve
18 Fund are restricted to only those authorized by *I Liheslaturan Guåhan* in
19 subsequent Acts. *All* interest and investment earnings of the Responsible
20 Reserve Fund *shall* remain in the Fund until appropriated and expended
21 pursuant to subsection (b) of this Section.

22 **§ 221705. Annual Audit.**

1 The Office of Public Accountability *shall* perform an annual audit of
2 the Responsible Reserve Fund and the compliance of the Director of the
3 Department of Administration with the expenditure of such funds within
4 the Responsible Reserve Fund in accordance with the administration and
5 exclusive purposes of this Article. Said audit *shall* include, but is not
6 limited to, the revenues to the Responsible Reserve Fund and the
7 expenditures from the Responsible Reserve Fund. The OPA shall prepare
8 and provide a written report of compliance no later than seventy-five (75)
9 days after the end of the fiscal year to *I Måga'lahen Guåhan* and to the
10 Speaker of *I Liheslaturan Guåhan*."