

*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
<b>119-32 (COR)</b>	V. Anthony Ada Chris M. Dueñas	AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.	5/16/13 10:30 A.M.	5/16/13	Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	6/5/13, 9:00am		<b>Fiscal Note Requested 5/21/13 Fiscal Notes Received 6/11/13 12:03 p.m.</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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MINORITY LEADER

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Aline Yamashita  
Member

June 11, 2013

## Memorandum

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

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

**Subject:** **Fiscal Notes**

*Hafa Adai!*

Attached please find the waiver for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTE:

Bill No. 20-32(COR) as Substituted  
Bill No. 119-32(COR)  
Bill No. 128-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 JUN 11 PM 12:03  
*[Signature]*

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO  
GOVERNOR

JOHN A. RIOS  
DIRECTOR

RAY TENORIO  
LIEUTENANT GOVERNOR

JUN 11 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **20-32(COR) as Substituted, and 119-32 (COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 20-32 (COR), as Substituted**

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND FOR THE SPECIFIC PURPOSE OF PAYING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND ESTABLISH AND FUNDING A GMHA URGENT HEALTHCARE CENTER ON THE HOSPITAL PREMISES FOR NON-EMERGENT PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013.

**Department/Agency Appropriation Information**

Dept./Agency Affected: <b>Guam Memorial Hospital Authority (GMHA)</b>	Dept./Agency Head: <b>Joseph P. Verga</b>
Department's General Fund (GF) appropriation(s) to date:	2,225,415
Department's Other Fund (Specify) appropriation(s) to date: <b>Healthy Futures Fund &amp; GMHA Pharmaceuticals Fund</b>	11,607,693
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$13,833,108</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$4,000,000	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$4,000,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? /x/ Yes    // No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? // N/A    // Yes    /x/ No  
If no, what is the additional amount required? Appropriations shall continue to be deemed appropriated, annually until revoked or amended pursuant to law.
- Does the Bill establish a new program/agency? Either a Primary Care Ctr or Urgent Care Ctr /x/ Yes    // No  
If yes, will the program duplicate existing programs/agencies? // N/A    // Yes    /x/ No  
Is there a federal mandate to establish the program/agency? // Yes    /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes    /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes    /x/ No  
// Requested agency comments not received as of the due date /x/ Other: Insufficient time

Analyst: <i>Nancy L. Mesa</i> Nancy L. Mesa	Date: <i>5/24/13</i>	Director: <i>John A. Rios</i> John A. Rios, Director	<b>JUN 11 2013</b>
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Footnotes:  
See attached comments.

### Comments on Bill No. 20-32 (COR), as Substituted

Bill No. 20-32, as Substituted, also known as “The GMHA Healthcare Trust and Development Act of 2013, adds a new Chapter 97 to Title 10 of the Guam Code Annotated. If enacted into law, said Bill creates the GMHA Healthcare Trust and Development Fund (“Fund”) and proposes that licensing fees, GRT, and income tax collected from the companies involved in gaming as provided by 3 GAR §7001 et seq, be deposited into the Fund. Specifically, this includes those electronic gaming devices referred to in §7114(a)(5) and licensed per 11 GCA, Chapter 22, Article 2. These devices shall be known as the Liberty, Symbolix, and Match Play electronic gaming devices and only those registered with the Department of Taxation prior to August 1, 2001, pursuant to 3 GAR §7114(a)(5). In addition, the Bill proposes the collection of a special four percent (%) assessment fee on income on all gaming devices authorized to be licensed pursuant to 11 GCA §22202 (f) and 3 GAR §7114(a)(5), to be known as the “GMHA Trust Fund Fee”. This bill has the potential to annually generate approximately \$4,000,000 in revenues for the GMHA Healthcare Trust and Development Fund. Section 97103 of the new Chapter 97 stipulates that funds deposited into the GMHA Healthcare Trust and Development Fund shall be allocated and expended as follows:

1. Subsection (a) of Section 97103 - Not less than seventy-five percent (75%) or approximately \$3,000,000 of the funds deposited into the GMHA Healthcare Trust and Development Fund shall first be utilized by the Guam Memorial Hospital Authority (GMHA) to obtain a line of credit, a revolving loan fund, and/or a direct loan agreement to retire outstanding prior years debt as per Exhibit “A” append to this Act. It should be noted that the fees collected pursuant to this Article shall continue to be APPROPRIATED, AND SHALL CONTINUE TO BE DEEMED APPROPRIATED, ANNUALLY to GMHA for the sole and specific purpose noted and shall continue and shall remain in full force and effect until specifically revoked or amended pursuant to law.
2. Subsection (c) of Section 97103 - Up to twenty-percent (20%) of the funds or approximately \$800,000 in the GMHA Healthcare Trust and Development Fund, shall be allocated to GMHA for the purpose of subsidizing the establishment and operation, in whole or part, including as seed or start-up money, of an Urgent Healthcare Medical Center within GMHA facility and grounds. The fees collected pursuant to this Article shall be annually allocated and are hereby APPROPRIATED, AND SHALL CONTINUE TO BE DEEMED APPROPRIATED, ANNUALLY, to GMHA for the sole and specific purpose noted and shall continue and shall remain in full force and effect until specifically revoked or amended pursuant to law.

After the final payment is made and GMHA retires its outstanding prior years debt of approximately \$18,000,000, all fees received pursuant to §97102 (b)(i)(ii) of this Act shall continue in full force and effect and be used for the operations of the GMHA pursuant to §97103(c).

Bill No. 20-32, as Substituted, if enacted into law, will provide GMHA with additional revenues to pay off its outstanding prior years debt and assist the Hospital in providing medical care services for the people of Guam, regardless of a patient’s ability to pay or availability of medical insurance coverage.

Bureau of Budget & Management Research
Fiscal Note of Bill No. 119-32 (COR)

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.

Department/Agency Appropriation Information
Dept./Agency Affected: Office of the Attorney General
Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date: 10,888,363
Department's Other Fund (Specify) appropriation(s) to date: -
Total Department/Agency Appropriation(s) to date: \$10,888,363

Fund Source Information of Proposed Appropriation
Table with columns: General Fund, (Specify Special Fund), Total
Rows: FY 2012 Unreserved Fund Balance, FY 2013 Adopted Revenues, FY 2013 Appro. (P.L. 31-233), Sub-total, Less appropriation in Bill, Total

Estimated Fiscal Impact of Bill
Table with columns: One Full Fiscal Year, For Remainder of FY 2013 (if applicable), FY 2014, FY 2015, FY 2016, FY 2017
Rows: General Fund, (Specify Special Fund), Total

- 1. Does the bill contain "revenue generating" provisions? // Yes /x/ No
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
3. Does the Bill establish a new program/agency? // Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? // Yes /x/ No

Analyst: M. Quinata Date: 5/28/13 Director: John A. Rios, BBMR Director Date: JUN 11 2013

Footnotes:
The bill proposes to add a new article to Title 9 GCA to include Home Invasion as an offense. The bill categorizes Home Invasion as a first degree felony and any person guilty shall be sentenced to at least ten (10) years which may not be suspended or reduced by the court.

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 128-32 (COR)**

**THE CUSTOMS AND QUARANTINE AGENCY ENACTS THE FOLLOWING RULES AND REGULATIONS TO AMEND TITLE 4, GOVERNMENT ADMINISTRATIVE RULES AND REGULATIONS, CHAPTER 2, ARTICLE 5 §2505(a)(2) OF THE CUSTOMS, AGRICULTURE, AND QUARANTINE INSPECTION SERVICE CHARGE PURSUANT TO 5GCA73, §73151.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Customs and Quarantine Agency	Dept./Agency Head: Pedro A. Leon Guerrero, Jr., Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund & Environmental Health Fund	<u>5,891,803</u>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$5,891,803</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund - CAQISC	1/	\$0 1/	1/	1/	1/	1/
<b>Total</b>	1/	\$0 1/	1/	1/	1/	1/

- 1. Does the bill contain "revenue generating" provisions? / x / Yes      // No  
If Yes, see attachment
- 2. Is amount appropriated adequate to fund the intent of the appropriation? // N/A      / x / Yes      // No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / x / N/A
- 3. Does the Bill establish a new program/agency? // Yes      / x / No  
If yes, will the program duplicate existing programs/agencies? / x / N/A      // Yes      // No  
Is there a federal mandate to establish the program/agency? // Yes      / x / No
- 4. Will the enactment of this Bill require new physical facilities? // Yes      / x / No
- 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes      // No  
/ x / Requested agency comments not received as of the due date      / / Other:

Analyst: Diana L. Pabe Date: 6/10/13 Director: [Signature] Date: JUN 11 2013  
John A. Rios, Director

Footnotes: 1/ See attachment.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 128-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Other Fund: CAQISC	<u>\$2,447,277</u>	<u>\$2,447,277</u>	<u>\$2,447,277</u>	<u>\$2,447,277</u>	<u>\$2,447,277</u>
<b>Total</b>	<b>\$2,447,277</b>	<b>\$2,447,277</b>	<b>\$2,447,277</b>	<b>\$2,447,277</b>	<b>\$2,447,277</b>

**Comments:**

**Footnotes: 1/**

The bill has a potential for additional funding impact based on the adjusted Customs, Agriculture, and Quarantine Inspection Service Charges (CAQISC) passengers fee from \$6.36 to \$8.29, an increase of \$1.93. Based on the average number of arriving passengers anticipated for this fiscal year is approximately 1,268,019 passengers, estimated funding increase is \$2,447,276.67. For FY2013 CQA estimates that the anticipated costs for providing, maintaining, and operating the service charge facilities as they relate to air carrier operations is approximately \$9.1 million. Over the last three (3) years, the passenger inspection fees recovered an average of approximately \$8.1 million annually and this equates to a potential under-collection of the fee by approximately \$1 million for the period of October 1, 2012 through September 30, 2013. This increase is needed in order to achieve program objectives and demand. It is expected to result in positive financial outcomes and provides CQA a vehicle to effectively recover the costs of its operations in providing air passenger clearance services and will have the ability to effectively plan for undertaking capital improvement programs and projects.





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MINORITY LEADER

Senator  
Aline Yamashita  
Member

May 21, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

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

RE: Request for Fiscal Note– Bill Nos. 117- 119 (COR)

*Hafa Adai* Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 MAY 21 PM 2:02

Bill Nos.	Sponsor	Title
<b>117-32 (COR)</b>	T.R. Muña Barnes, J.T. Won Pat, Ed.D., Brant T. McCreadie	AN ACT TO AMEND §§3705 AND 3707 OF ARTICLE 7, CHAPTER 3, TITLE 16 GCA, RELATIVE TO EXPANDING THE DUTIES OF THE GUAM POLICE DEPARTMENT COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS TO INCLUDE ENFORCEMENT OF THE HANDBILLING ACT, AND FOR OTHER PURPOSES
<b>118-32 (COR)</b>	D.G. Rodriguez,Jr. B.J.F. Cruz V. Anthony Ada Michael F.Q. San Nicolas J.T. Won Pat, Ed.D Rory J. Respicio Brant McCredie Thomas Morrison Tina Muna-Barnes	AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL, TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD].
<b>119-32 (COR)</b>	V. Anthony Ada Chris M.Duenas	AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9 GCA RELATIVE TO HOME INVASION.



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May 16, 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. 119-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 119-32(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. 119-32 (COR)

Introduced by:

V. Anthony Ada  
Chris M. Duenas



**AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA  
RELATIVE TO HOME INVASION.**

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

2

3 **Section 1.** The Title of Chapter 37 of 9GCA is *amended* to read as follows:

4

5

**"Chapter 37**

6

**BURGLARY AND HOME INVASION"**

7

8 **Section 2.** A new Article 2 is added to Chapter 37 of 9GCA to read:

9

10

**Article 2**

11

**Home Invasion**

12

13 **§37.201. Home Invasion.** A person is guilty of home invasion when such person  
14 enters or remains unlawfully in a dwelling, while a person other than a participant in  
15 the crime is actually present in such dwelling, with intent to commit a crime therein,  
16 and, in the course of committing the offense: (1) Acting either alone or with one or  
17 more persons, such person or another participant in the crime commits or attempts to  
18 commit a felony against the person of another person other than a participant in the

2013 MAY 16 AM 10:30



1 crime who is actually present in such dwelling, or (2) such person is armed with  
2 explosives or a deadly weapon or dangerous instrument.

3

4 **§37.202. In the Course of Committing Home Invasion.** An act shall be deemed "in  
5 the course of committing" the offense if it occurs in an attempt to commit the offense  
6 or flight after the attempt or commission.

7

8 **§37.203. Knowledge of occupancy is not a defense.** It is no defense the defendant  
9 reasonably believed that the dwelling was unoccupied, by a person who was not a  
10 participant in the crime, at the time the home invasion occurred.

11

12 **§37.204. Home Invasion Punished.** (a) Home invasion is a first degree felony and  
13 any person found guilty under this section shall be sentenced to a term of  
14 imprisonment of which at least ten (10) years may not be suspended or reduced by the  
15 court.

16 (b) The sentence imposed for home invasion shall run consecutively to any sentence  
17 for other crimes committed in conjunction with the home invasion.