

*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>163-32 (COR)</b>	Frank B. Aguon, Jr., T. C. Ada, Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO PROVIDING SERVICE-DISABLED VETERAN-OWNED BUSINESSES PREFERENCE IN GOVERNMENT OF GUAM CONTRACTUAL OPPORTUNITIES FOR THE PROVISION OF SERVICES OR PRODUCTS TO THE COMMUNITY; THROUGH ADDING A NEW ARTICLE 15 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; THIS ACT SHALL HERETOFORE BE REFERRED TO AS THE "GUAM SERVICE-DISABLED VETERANS BUSINESS OPPORTUNITY ACT"	08/05/13 2:27 p.m.	08/06/13	Committee on General Governmental Operations and Cultural Affairs	8/29/13 10 a.m.		<b>Fiscal Notes Requested 08/06/13 Fiscal Note Received 10/16/13</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)  
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Senator  
Rory J. Respicio  
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MAJORITY LEADER

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VICE CHAIRPERSON  
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Legislative Secretary  
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Michael F.Q. San Nicolas  
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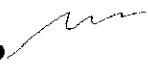
Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 16, 2013

## Memorandum

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

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

**Subject:** Fiscal Notes /Waivers

*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 NOTES:

- Bill No. 135-32(COR)
- Bill No. 151-32(COR)
- Bill No. 163-32(COR)
- Bill No. 166-32(LS)
- Bill No. 168-32(LS)

### WAIVERS:

- Bill No. 162-32(LS)
- Bill No. 175-32(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 OCT 16 AM 11:05 

**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

**SEP 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.: 135-32(COR), 151-32(COR), 166-32(LS), 168-32(LS) and Fiscal Note Waiver on the following Bill Nos.: 162-32(LS), and 175-32(COR).

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

A handwritten signature in black ink, appearing to read "John A. Rios".

**JOHN A. RIOS**  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 163-32 (COR)**

**AN ACT RELATIVE TO PROVIDING SERVICE DISABLED VETERAN-OWNED BUSINESSES PREFERENCE IN GOVERNMENT OR GUAM CONTRACTUAL OPPORTUNITIES FOR THE PROVISION OF SERVICES OR PRODUCTS TO THE COMMUNITY; THROUGH ADDING A NEW ARTICLE 15 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; THIS ACT SHALL HERETOFORE BE REFERRD TO AS THE "GUAM SERVICE-DISABLED VETERANS BUSINESS OPPORTUNITY ACT".**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Department of Revenue & Taxation		Dept./Agency Head: John P. Camacho	
Department's General Fund (GF) appropriation(s) to date:		9,164,180	
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (\$686,717) / Better Public Service Fund (\$1,390,554)		2,077,271	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>\$11,241,451</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	\$561,985,725	\$0	\$561,985,725
FY 2013 Appro. (P.L. 31-233)	(\$548,971,874)	\$0	(\$548,971,874)
Sub-total:	\$13,013,851	\$0	\$13,013,851
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$13,013,851</b>	<b>\$0</b>	<b>\$13,013,851</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
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A
- 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
- 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: /x/ Yes / / No  
/x / Requested agency comments not received as of the due date / / Other:

*9/10/13*

Analyst: <u>Michael M. Afague, B&amp;M Analyst IV</u>	Date: <u>9/5/13</u>	Director: <u>John A. Rios, Director</u>	Date: <b>SEP 11 2013</b>
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Bill 163-32 would require the Department of Revenue and Taxation and the Office of Veterans Affairs to facilitate the certification process of qualified service-disabled veterans for business purposes. It should be noted that such administrative procedures may be absorbed within department's current and future funding levels. The Bureau has contacted the Department of Revenue and Taxation; however, information has not been received as of these comments.



# COMMITTEE ON RULES

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Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aino Yamashita  
Member

August 6, 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 Notes—Bill Nos.161-32(LS), 162-32(LS), and 163-32(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,

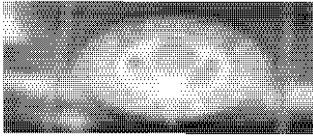
Senator Thomas C. Ada  
*Acting Chairperson of the Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 AUG - 6 AM 11:17

Bill Nos.	Sponsor	Title
161-32 (LS)	Frank B. Aguon, Jr. B.J.F. Cruz Aline A. Yamashita, Ph.D. R.J. Respicio V. Anthony Ada Brant T. McCreddie Tommy Morrison	AN ACT RELATIVE TO THE ESTABLISHMENT OF A GUAM VETERANS COURT WITHIN THE JUDICIARY OF GUAM; THROUGH ADDING A NEW SUBSECTION "D" TO §2101 OF CHAPTER 2, DIVISION 1, TITLE 7, GUAM CODE ANNOTATED; THIS ACT SHALL HENCEFORTH BE REFERRED TO AS THE "JUSTICE FOR VETERANS ACT OF 2013".
162-32 (LS)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTION 162102 OF CHAPTER 162, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO THE COLLECTIVE INVESTMENT FUNDS ACT.
163-32 (COR)	Frank B. Aguon, Jr. Thomas C. Ada Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO PROVIDING SERVICE- DISABLED VETERAN-OWNED BUSINESSES PREFERENCE IN GOVERNMENT OF GUAM CONTRACTUAL OPPORTUNITIES FOR THE PROVISION OF SERVICES OR PRODUCTS TO THE COMMUNITY; THROUGH ADDING A NEW ARTICLE 15 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; THIS ACT SHALL HERETOFORE BE REFERRED TO AS THE "GUAM SERVICE-DISABLED VETERANS BUSINESS OPPORTUNITY ACT"



Re: R. Respicio <cor@guamlegislature.org>

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**Request for Fiscal Notes - Bill Nos. 161-32(LS), 162-32(LS), and 163-32(COR)**

---

**Analyn Eustaquio** <analyn.eustaquio@bbmr.guam.gov>  
To: "Senator Rory J. Respicio" <cor@guamlegislature.org>

Tue, Aug 6, 2013 at 11:12 AM

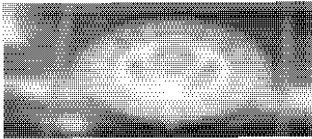
Printed & Forwarded to the assigned analyst

[Quoted text hidden]

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*Thank You & Have A Wonderful Day!*

*Analyn Eustaquio  
Bureau of Budget & Management Research  
Tel. No. 475-9450/429  
Fax No. 472-2825*



Rory Respcio <cor@guamlegislature.org>

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## Request for Fiscal Notes - Bill Nos. 161-32(LS), 162-32(LS), and 163-32(COR)

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Senator Rory J. Respcio <cor@guamlegislature.org>

Tue, Aug 6, 2013 at 11:10 AM

To: john.rios@bbmr.guam.gov

Cc: admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov

Bcc: will@senatorada.org, Mary Maravilla <marymaravilla19@gmail.com>

August 6, 2013

VIA E-MAIL

*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 Notes-Bill Nos.161-32(LS), 162-32(LS), and 163-32(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.


Senator Thomas C. Ada



Acting Chairperson of the Committee on Rules

—  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;  
Human & Natural Resources; and Election Reform  
*I Mina'Trentai Dos na Liheslaturan Guáhan*  
155 Hesler Place, Ste. 302  
Hagåtña, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

August 6, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER


### MEMORANDUM

Senator  
Vicente (Ben) C. Pangelinan  
Member

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From: Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject: Referral of Bill No. 163-32(COR)**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 163-32(COR)**.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

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*.

Senator  
Frank Blas Aguon, Jr.  
Member

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

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os Ma'åse!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachment

Senator  
Aline Yamashita  
Member


*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
2013 (First) Regular Session

Bill No. 163-32 (COR)

Introduced by:

FRANK B. AGUON, JR.   
T. C. ADA   
A. A. YAMASHITA, Ph.D. 

AN ACT RELATIVE TO PROVIDING SERVICE-DISABLED VETERAN-OWNED BUSINESSES PREFERENCE IN GOVERNMENT OF GUAM CONTRACTUAL OPPORTUNITIES FOR THE PROVISION OF SERVICES OR PRODUCTS TO THE COMMUNITY; THROUGH ADDING A NEW ARTICLE 15 TO CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; THIS ACT SHALL HERETOFORE BE REFERRD TO AS THE "GUAM SERVICE-DISABLED VETERANS BUSINESS OPPORTUNITY ACT".

2013 AUG - 5 PM 2:27 

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

2 **Section 1. Provision of Preference for Service-Disabled Veteran-Owned**  
3 **Businesses.**

4 A new Article 15 is hereby added to Chapter 5, Title 5, Guam Code  
5 Annotated, relative to providing Guam Service-Disabled Veterans preference in  
6 government contractual opportunities, which shall read as follows:

7 **"ARTICLE 15**

8 **GUAM SERVICE-DISABLED VETERANS**  
9 **BUSINESS OPPORTUNITY ACT**

10 **§5910. Guam Service-Disabled Veterans Business Opportunity Act.**

11 **A. Legislative Intent.**

12 It is the intent of I Liheslaturan Guahan to address any economic

1 disadvantages of service-disabled veterans, who are statistically the least likely to  
2 be self-employed when compared to the general population as a whole and who  
3 have made extraordinary sacrifices on behalf of the island of Guam and the nation,  
4 by providing business opportunities for service-disabled veteran businesses as set  
5 forth in this section.

6 **B. Definitions.**

7 For the purpose of this section, the following terms shall be defined as  
8 provided herein:

9 (a) “Certified service-disabled veteran business” means a business that has  
10 been certified by the Department of Revenue and Taxation or the Office of  
11 Veterans Affairs to be a service-disabled veteran business as defined within this  
12 Act.

13 (b) “Service-disabled veteran” means a veteran who is a permanent Guam  
14 resident with a service-connected disability as determined by the United States  
15 Department of Veterans Affairs or who has been terminated from military service  
16 by reason of disability by the United States Department of Defense.

17 (c) “Service-disabled Veteran business” means an independently owned and  
18 operated business that:

- 19 1. Is duly licensed and registered to conduct business on Guam;
- 20 2. Employ permanent full-time employees;
- 21 3. Has a net worth of \$2 million or less or, if a sole proprietorship, has  
22 a net worth of \$2 million or less including both personal and business investments;
- 23 4. Is organized to engage in commercial transactions;
- 24 5. Is physically domiciled in Guam;
- 25 6. Is at least 51 percent owned by one or more service-disabled  
26 veteran; and
- 27 7. The management and daily business operations of which are being

1 administered by one or more service-disabled veterans or, for a service-disabled  
2 veteran with a permanent and total disability, by the spouse or permanent caregiver  
3 of the veteran.

4 **C. Vendor Preference.**

5 (a) Any and all departments, agencies, or instrumentalities of the  
6 Government of Guam when considering two or more bids, proposals, or replies for  
7 the procurement of commodities or contractual services, at least one of which is  
8 from a certified service-disabled veteran business enterprise, which are equal with  
9 respect to all relevant considerations, including price, quality, and service, shall  
10 award such procurement or contract to the certified service-disabled veteran  
11 business.

12 (b) Notwithstanding subsection “a” of this paragraph, if a service-disabled  
13 veteran business entitled to the vendor preference under this section and one or  
14 more businesses entitled to this preference or another vendor preference provided  
15 by law submit bids, proposals, or replies for procurement of commodities or  
16 contractual services which are equal with respect to all relevant considerations,  
17 including price, quality, and service, then the Government of Guam department,  
18 agency or instrumentality shall award the procurement or contract to the service-  
19 disabled veteran business having the smallest net worth.

20 **D. Certification Procedure.**

21 (a) The application for certification as a service-disabled veteran business  
22 enterprise must, at a minimum, include:

23 1. The name of the business enterprise applying for certification and  
24 the name of the service-disabled veteran submitting the application on behalf of  
25 the business enterprise.

1           2. The names of all owners of the business enterprise, including  
2 owners who are service-disabled veterans, and owners who are not service-  
3 disabled veterans, and the percentage of ownership interest held by each owner.

4           3. The names of all persons involved in both the management and  
5 daily operations of the business, including the spouse or permanent caregiver of a  
6 veteran who has a permanent and total disability.

7           4. The service-connected disability rating of all persons listed under  
8 the preceding subparagraphs 1, 2, and 3, as applicable, with supporting  
9 documentation from the United States Department of Veterans Affairs or the  
10 United States Department of Defense.

11           5. The number of permanent full-time employees.

12           6. The location of the business headquarters.

13           7. The total net worth of the business enterprise and its affiliates. In  
14 the case of a sole proprietorship, the net worth includes personal and business  
15 investments.

16           (b) To maintain certification, a service-disabled veteran business shall renew  
17 its certification biennially.

18           (c) A certified service-disabled veteran business must provide written  
19 notification to the Department of Revenue and Taxation or the Office of Veterans  
20 Affairs within 30 business days after any event that may significantly affect the  
21 certification of the business, including, but not limited to, a change in ownership or  
22 change in management and daily business operations.

23           (d) The certification of a service-disabled veteran business shall be revoked  
24 for 12 months if the Department of Revenue and Taxation or the Office of  
25 Veterans Affairs determines that the business is in violation of Section D of this  
26 Act. An owner of a certified service-disabled veteran business whose certification

1 is revoked is not permitted to reapply for certification under this section as an  
2 owner of any business during the 12-month revocation period.

3 i. During the 12-month revocation period, a service-disabled  
4 veteran business whose certification has been revoked may bid on state contracts  
5 but is not eligible for any preference available under this section.

6 ii. A service-disabled veteran business whose certification has  
7 been revoked may apply for certification at the conclusion of the 12-month  
8 revocation period by complying with requirements applicable to initial  
9 certifications.

10 **E. Office of Veterans Affairs Responsibilities.**

11 The Office of Veterans Affairs shall be responsible for the following:

12 (a) Assist the Department of Revenue and Taxation in establishing a  
13 certification procedure, which shall be reviewed biennially and updated as  
14 necessary.

15 (b) Identify eligible service-disabled veteran businesses by any electronic  
16 means, including electronic mail or Internet website, or by any other reasonable  
17 means.

18 (c) Encourage and assist eligible service-disabled veteran businesses to  
19 apply for certification under this section.

20 (d) Provide information regarding services that are available from the Office  
21 of Veterans' Affairs or the Guam Small Business Development Center to service-  
22 disabled veteran businesses.

23 **F. Department of Revenue and Taxation Responsibilities.**

24 The Department of Revenue and Taxation shall be responsible for the  
25 following:

1 (a) With assistance from the Office of Veterans Affairs, establish a  
2 certification procedure, which shall be reviewed biennially and updated as  
3 necessary.

4 (b) Grant, deny, or revoke the certification of a service-disabled veteran  
5 business under this section.

6 (c) Maintain an electronic directory of certified service-disabled veteran  
7 businesses for use by the departments, agencies or instrumentalities of the  
8 Government of Guam.

9 **G. Responsibilities of departments, agencies or instrumentalities of the**  
10 **Government of Guam.**

11 All Directors, Administrators or heads of Government of Guam  
12 Departments, agencies or instrumentalities shall be responsible for the timely  
13 dissemination of the information contained within this Act to their respective  
14 procurement or contracting personnel, and shall further be responsible for the  
15 implementation and proper compliance of the provisions contained within this Act.

16 Any time a Service-Disabled Veteran Business benefits directly from the  
17 provisions of this Act, the respective heads of the Government of Guam  
18 Departments, agencies or instrumentalities, shall provide such notification to the  
19 Department of Revenue and Taxation and the Office of Veterans Affairs in writing  
20 within Sixty (60) days of such benefits being extended to the Service-Disabled  
21 Veteran Business.

22 The Department of Revenue and Taxation and the Office of Veterans Affairs  
23 collaboratively shall provide an annual written report to I Maga'lahen Guahan and  
24 the Speaker of I Liheslaturan Guahan no later than January 30 of each year on the  
25 application of the provisions contained herein. Such report shall include the names  
26 of the Service-Disabled Veteran Businesses, the nature of the service or product



1 being provided to the applicable Government of Guam entity, the duration of the  
2 contractual term, and the sum of the contractual arrangement.

3 **H. Promulgation of Rules and Regulations.**

4 The Department of Revenue and Taxation, in collaboration with the Office  
5 of Veterans Affairs, shall promulgate rules and regulations, as deemed necessary,  
6 for the proper administration of the provisions contained in this Act. “

7 **Section 2. Severability Clause.**

8 If any provision of this Act or its application to any person or circumstance  
9 is held invalid, the invalidity shall not affect other provisions or applications of this  
10 Act which can be given effect without the invalid provision or application.

11 **Section 3. Effective Date.**

12 The provisions contained herein shall be effective One Hundred and Twenty  
13 (120) days upon enactment of this Act.