

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>290-32 (COR)</b>	Tommy Morrison Brant T. McCreddie Aline A. Yamashita, Ph.D.	AN ACT TO AMEND §§77114 & 77116 RELATIVE TO DEDICATING THE RECREATION SERVICES FUND OF THE DEPARTMENT OF PARKS AND RECREATION EXCLUSIVELY FOR RECREATIONAL ACTIVITIES AND TO AUTHORIZE THE DEPARTMENT TO SOLICIT AND ACCEPT DONATIONS.	03/11/14 10:57 a.m.	03/12/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	5/23/14 8:30 a.m.		<b>5/29/14 4:04 p.m.</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 29, 2014

## 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 fiscal notes and waivers 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. 290-32(COR)
- Bill No. 309-32(COR)
- Bill No. 327-32(COR)
- Bill No. 334-32(LS)
- Bill No. 274-32(COR)

### WAIVERS:

- Bill No. 329-32(COR)
- Bill No. 330-32(LS)

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'!*

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Vicente (Ben) C. Pangelinan  
Member

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Judith T.P. Won Pat, Ed.D.  
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Michael F.Q. San Nicolas  
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V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

2014 MAY 29 PM 4:04

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOSE S. CALVO  
ACTING DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

MAY 28 2014

JOHN AB PANGELINAN  
ACTING DEPUTY DIRECTOR

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: ~~290-32(COR)~~, 309-32(COR), 327-32(COR), 334-32(LS) and Fiscal Note Waiver on the following Bill Nos.: 329-32(COR) and 330-32(LS).

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 "J. S. Calvo".  
JOSE S. CALVO

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 290-32 (COR)**

**AN ACT TO AMEND §§77114 & 77116 RELATIVE TO DEDICATING THE RECREATION SERVICES FUND OF THE DEPARTMENT OF PARKS AND RECREATION EXCLUSIVELY FOR RECREATIONAL ACTIVITIES AND TO AUTHORIZE THE DEPARTMENT TO SOLICIT AND ACCEPT DONATIONS.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Parks and Recreation	Dept./Agency Head: Raymond Y. Blas, Director
Department's General Fund (GF) appropriation(s) to date:	2,918,842
Department's Other Fund (Specify) appropriation(s) to date: Public Recreation Services Fund (\$187,028); Tourist Attraction Fund (\$749,377)	936,405
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$3,855,247</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Public Recreation Services Fund	1/	\$0	1/	1/	1/	1/
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</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? /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? // 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 by due date    /X/ Other: Time constraints

Analyst: <u>John A. Pangeliman</u> John A. Pangeliman, BMR Supervisor	Date: <u>5/27/14</u>	Director: <u>Jose S. Calvo</u> Jose S. Calvo, Acting Director	Date: <u>5/27/14</u> 2014
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Footnotes:  
1/ See attached comments.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 290-32 (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
Public Recreation Services Fund	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>
<b>Total</b>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>

**Comments:**

1/ Bill 290 amends §77116 of Chapter 77 of 21 GCA which provides for the solicitation and acceptance of donations. The Department of Parks and Recreation is authorized to solicit or accept donations of money, supplies, equipment and services that are consistent with the mission of the Department. Such donations are to be used in a manner consistent with the purposes for which they were donated or with the policies of the Commission. The amount of money, supplies, equipment and services are undetermined at this time.

### **Comments on Bill 290-32**

This proposed legislative bill is seeking to revise the enabling legislation of the Public Recreation Services Fund (PRSF). The goal of this bill is to provide the flexibility of using the revenues of this Special Revenue Fund for sport and recreational activities throughout the island by:

1. Restricting the use of the cash revenues generated by recreational and sport activity fees for only sport and recreational activities;
2. Keeping cash revenues generated free from the annual appropriation so the Department of Parks and Recreations (DPR) would have immediate access to the funding source as a revolving fund;
3. Paying stipends to coaches and instructors of sport/recreational activities; and
4. Authorizing DPR to solicit and accept donation of cash, equipment, supplies and services.

The above proposed revisions are designed to provide flexibility to DPR in the department's development of sports activities throughout the island. This flexibility is needed in order for DPR to purchase much needed sporting goods and supplies in a timely manner. As noted above, this bill is proposing to provide stipends to coaches and instructors as an impetus to re-develop the various recreational sports activities that were once available throughout the various island villages in the nineties.

A review of the past would show that much of the youth activities revolved around the village mayors in FY 1998 and FY 1999. During this period there were two recreational funds. One fund was established by the Governor' Executive Order no. 76-30 and was known as the Recreational Revolving Fund. The second fund was established by Public Law 16-44 and was known as the Parks and Recreational Revolving Fund. The combined total of both funds for FY 1998 and FY 1999 were \$270,297 and \$242,460 respectively. These two funds were later merged together under the Public Recreational Services Fund. In FY 2000, the only sport revenues identified in the FY 2000 Government of Guam Audited Report was only \$75,824 for the Park and Recreational Revolving Fund. In FY 2012, revenues earned by the Public Recreational Services Fund reached \$186,025 which represents approximately 69% of the revenues received in FY 1999. By reintroducing sports activities in the island villages, the fiscal expectation as the result of these revision is that such increase in sport activities would generate additional revenues due to increased participation, which would hopefully generate the same revenue levels that were once received in FY 1998 and FY 1999.

There are two fiscal concerns that may impact the operational mandates of DPR with respect to existing maintenance programs funded by PRSF. For FY 2014 the total appropriation of \$187,028 was appropriated to DPR of which \$150,000 is committed to the maintenance of recreational facilities and \$37,028 for recreational supplies. There are no stipends included in the FY 2014 budget breakdown. For FY 2015, a total of \$199,546 is budgeted to cover maintenance repair to the Sports Complex, Paseo Stadium, and tennis court facilities of \$137,028, purchase of recreational supplies and materials of \$50,000, and maintenance equipment of \$12,518. There are no stipends included in the FY 2015 budget

of DPR as well. The inclusion of stipends to coaches and instructors for sport and recreational activities island-wide may be quite substantial that could impact the mandatory operations of DPR in FY 2015. The second fiscal concern is the management of donated monies, materials, equipment and supplies. There is the potential of mishandling of donated items that may impact the integrity of the PSRF. To avoid or minimize these two concerns, administrative protocol, covering stipend payments and donations, approved by the Park and Recreational Commission should be in place prior to the implementation of stipend payments and the solicitation and acceptance of donated items.



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March 19, 2014

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. 290-32 (COR) through 292-32(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 Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature



<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>290-32 (COR)</b>	Tommy Morrison Brant T. McCreadie Aline A. Yamashita, Ph.D.	AN ACT TO AMEND §§77114 & 77116 RELATIVE TO DEDICATING THE RECREATION SERVICES FUND OF THE DEPARTMENT OF PARKS AND RECREATION EXCLUSIVELY FOR RECREATIONAL ACTIVITIES AND TO AUTHORIZE THE DEPARTMENT TO SOLICIT AND ACCEPT DONATIONS.
<b>291-32 (COR)</b>	FRANK B. AGUON, JR.	AN ACT TO APPROPRIATE THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) FROM THE GENERAL FUND TO THE OFFICE OF THE MAYOR OF YONA FOR THE DEMOLITION AND DISPOSAL OF THE TAGA'CHANG BEACH PARK MAIN PAVILION DUE TO ITS ADVANCED STATE OF DISREPAIR AS TO ENDANGER THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE COMMUNITY.
<b>292-32 (COR)</b>	FRANK B. AGUON, JR	AN ACT TO ADD A NEW SUBSECTION §4104.2 TO §4104 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED RELATIVE TO THE PROOF OF ELIGIBILITY FOR VETERANS PREFERENCE CREDIT.



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Senator  
Aline Yamashita  
Member

March 12, 2014

### MEMORANDUM

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

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

**From: Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 290-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 290-32(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.


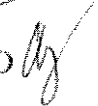
*Si Yu'os Ma'åse!*

Attachment

**I MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN**  
**2014 (SECOND) Regular Session**

Bill No. 290-32 (WP)

Introduced by:

T.A. Morrison   
B.T. McCreadie  
A.A. Yamashita, Ph.D. 

**AN ACT TO AMEND §§77114 & 77116 RELATIVE TO  
DEDICATING THE RECREATION SERVICES FUND  
OF THE DEPARTMENT OF PARKS AND  
RECREATION EXCLUSIVELY FOR RECREATIONAL  
ACTIVITIES AND TO AUTHORIZE THE  
DEPARTMENT TO SOLICIT AND ACCEPT  
DONATIONS.**

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

**Section 1.** Section 77114 of Chapter 77 of 21GCA is *amended* to read as follows:

**§77114. Public Recreation Services Fund.**

(a) Notwithstanding any other provision of law, there is hereby created, within the Department of Parks and Recreation, the 'Public Recreation Services Fund', which shall be a fund separate and apart from the General Fund and from any other special funds of the government of Guam. Any and all funds generated through department fees, fines and assessments by the Department of Parks and Recreation shall be deposited into the Public Recreation Services Fund. The Director of the Department shall administer said funds independently from the General Fund, with a minimum requirement of dual signatures for the expenditure of any funds within the authorized guidelines.

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Expenditures of the Public Recreation Services Fund shall be restricted to expenditures in the following areas, and for the following purposes:

(1) the maintenance, upgrade and upkeep of all ~~parks and~~ sports/recreational facilities within the jurisdiction of the Department;

(2) the purchase of supplies, materials and equipment to support the activities outlined in Subsection (i) ~~(1) above~~ supra; and

(3) the creation or continuance of existing community related programs and activities for the benefit of the island.

(4) to pay for stipends for coaches/instructors of sports/recreational competitive activities exclusively under the jurisdiction of the Department of Parks and Recreation.

Funds from the Public Recreation Services Fund shall *not* be expended for personnel services, but used *solely* for operations as highlighted above. ~~The expenditure of all funds in the Public Recreation Services Fund shall be subject to legislative appropriation.~~ Beginning in fiscal year 2015, all revenues of the Public Recreation Services Fund are continually appropriated to Department of Parks and Recreation and shall remain in the fund until the Commission authorizes its expenditure consistent with this Section. Department of Parks and Recreation The Director of the Department of Parks and Recreation shall provide a monthly financial report on the funds generated each month, within ~~ten (10)~~ twenty (20) days following the preceding month.

(b) The establishment of the Public Recreation Services Fund shall replace all funds previously identified in Chapter 77 of Title 21, Guam Code Annotated, including the 'Parks Fund', 'Parks and Recreation Revolving Fund', and the 'Recreation Revolving Fund', with said funds to be closed immediately. The balances of all the funds following reconciliation of the respective accounts

shall be included in a written report to be provided to the Speaker of *Liheslaturan Guåhan*, no later than ten (10) days after such transaction.

(c) Notwithstanding any other provision of law, the Parks and Recreation Services Fund is exempt any transfer authority unless expressly authorized by *Liheslatura*. Notwithstanding any other provision of law, the Parks and Recreation Services Fund shall not be comingled with any other funds of the Government of Guam and shall not be used for any other purposes other than those authorized by this Chapter.

**Section 2.** Section 77116 of Chapter 77 of 21GCA is *amended* to read as follows:

**§77116. ~~Same: Donations: Provide~~ Solicitation and acceptance.**

~~Money or the proceeds of any property donated, granted or bequeathed generally for the benefit of the Guam Territorial Park System shall be deposited in the Parks Fund; provided, however, that money or property donated, granted or bequeathed for specific purposes, concerning the System or any part thereof shall be held in trust by the Director, and may be used for such purposes only upon authorization by the Legislature. The Department is authorized to solicit for donations of money, supplies, equipment and services that are consistent with the mission of the Department. Such donations has be used in a manner consistent with the purposes for which they were solicited. The Department is authorized to accept donations of money, supplies, equipment and services that are consistent with the mission of the Department. Such donations has be used in a manner consistent with the purposes for which they were donated. Absent any expressed intentions by a donor, the Department shall use such donations consistent with the policies of the Commission.~~

The Department is authorized to solicit for donations of money, supplies, equipment and services that are consistent with the mission of the Department. Such donations has be used in a manner consistent with the purposes for which they were solicited. The Department is authorized to accept donations of money, supplies, equipment and services that are consistent with the mission of the Department. Such donations has be used in a manner consistent with the purposes for which they were donated. Absent any expressed intentions by a donor, the Department shall use such donations consistent with the policies of the Commission.