

*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
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.	04/08/14 4:33 p.m.	04/09/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			<b>Fiscal Note Request 04/15/14</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

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

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

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

April 15, 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. 309-32 (COR), 310-32(LS), 311-32(LS), 312-32(LS), 313-32(LS), 314-32(LS), 315-32(LS), 316-32(LS), 317-32(LS), 318-32(LS), 319-32(LS), and 320-32(LS)**

*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

Bill Nos.	Sponsors	Title
309-32 (COR)	V.C.Pangelinan B. J.F. Cruz	AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.
310-32 (LS)	FRANK B. AGUON, JR.	AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE “FIT TO SERVE AND PROTECT ACT OF 2014”.
311-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS AVAILABLE IN THE LIMITED GAMING FUND IN FISCAL YEAR 2013-2014 IN ACCORDANCE WITH PUBLIC LAW 32-060.
312-32 (LS)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO APPROPRIATING THE FUNDS IN THE GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY PURSUANT TO PUBLIC LAW 32-060; BY AMENDING SUBSECTION “(B)” OF §97103, CHAPTER 97, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.
313-32 (LS)	Brant T. McCreddie V. Anthony Ada Chris M. Dueñas Michael T. Limtiaco Tommy Morrison Aline A. Yamashita, Ph.D. FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO CREATE A NEW ARTICLE 6 TO CHAPTER 90 TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS “THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2014”.
314-32 (LS)	Aline A. Yamashita, Ph.D	AN ACT TO ADD A NEW CHAPTER 81 TO TITLE 21, GUAM CODE ANNOTATED RELATIVE TO CREATING A STREAMLINED AND EXPEDITED PROCESS FOR REZONING REAL PROPERTY FOR CONSTRUCTING SMALL PROJECTS BY PARTIALLY PRIVATIZING THE PROCESS.
315-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO APPROPRIATE TWO HUNDRED NINETY-TWO THOUSAND EIGHT HUNDRED DOLLARS (\$292,800) TO FUND PROGRAMS FOR DRUG AND ALCOHOL TREATMENT SERVICES AND EMERGENCY YOUTH SHELTER FOR HOMELESS, RUNAWAY, AND ABUSED YOUTH, BY ADDING A NEW §11 TO CHAPTER XI OF PUBLIC LAW 32-068.

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>316-32(LS)</b>	Benjamin J.F. Cruz	AN ACT TO REPEAL AND REENACT §3105, CHAPTER 3 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE.
<b>317-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 46 OF 9GCA RELATIVE TO THE CRIME OF PHISHING.
<b>318-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER PROTECTION ACT,”
<b>319-32 (LS)</b>	T.A. Morrison	AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 46, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO CREATING THE “COMPUTER SPYWARE PROTECTION ACT,”
<b>320-32 (LS)</b>	V.C. Pangelinan	AN ACT TO ADD A NEW CHAPTER 53 TO DIVISION 2, AND TO ADD A NEW SECTION 70134 TO CHAPTER 70, DIVISION 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE THE CREATION OF THE GUAM QUALIFIED RETIREMENT PLAN AND TRUST ACT.



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Member

April 9, 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. 309-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 309-32(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!*

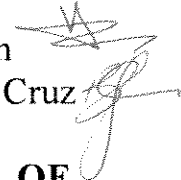
Attachment

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

Bill No. 309 -32 (COR)

Introduced by:

V.C.Pangelinan  
Benjamin J. F. Cruz



**AN ACT TO ADD A NEW SECTION 7 TO CHAPTER I OF PUBLIC LAW 32-068 AND TO REPEAL AND RE-ENACT SECTION 13109(a)(5), CHAPTER 13, TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO PRIORITIZING THE USES OF ADDITIONAL SECTION 30 REVENUES AND TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN THE REPORTING OF SECTION 30 REVENUES TO BE RECEIVED BY THE GOVERNMENT OF GUAM.**

2014 APR -8 PM 4:33  


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

2 **Section 1. Legislative Statement and Intent.** *I Liheslaturan Guåhan*  
3 finds that it is imperative for the proper planning and prioritization of uses for  
4 unexpected General Fund revenues received by the government of Guam. Over the  
5 previous two fiscal years, *I Liheslaturan Guåhan* has not been provided all the  
6 proper updates relative to the prior, current, and future fiscal year estimates,  
7 reconciliations, receipts, overpayments, underpayments, advanced requests for  
8 subsequent fiscal years, receipt of United States Department of Treasury warrants  
9 or notices of garnishments, and/or discussions related to Section 30 revenues  
10 received or to be received by the government of Guam. *I Liheslaturan Guåhan*  
11 relies on the Executive Branch to provide such updates and correspondences as it is  
12 the Executive Branch that carries out the administrative and executory nature of  
13 receiving Section 30 revenues.

1           As a result of *I Liheslaturan Guåhan* not receiving adequate updates as to  
2 the receipt of Section 30 revenues, *I Liheslaturan Guåhan* further finds that in  
3 Section 2(I)(B), Chapter I, of Public Law 31-77 (General Appropriations Act of  
4 Fiscal Year 2013) included an estimate of General Fund revenues from Federal  
5 Sources of Fifty Three Million Four Hundred Fifty One Thousand Five Hundred  
6 Nineteen Dollars (**\$53,451,519**) whereas the actual receipt of Section 30 revenues  
7 subsequent to the enactment of Public Law 31-77 was Fifty Eight Million Four  
8 Hundred Seventy Eight Thousand Seven Hundred Nine Dollars (**\$58,478,709**), a  
9 difference of Five Million Twenty Seven Thousand One Hundred Ninety Dollars  
10 (**\$5,027,190**) that was hidden and thus heretofore not known by *I Liheslaturan*  
11 *Guåhan* to be available to appropriate for education, public safety, and public  
12 health related services.

13           *I Liheslaturan Guåhan* further finds that the receipt of funds for Section 30  
14 revenues for Fiscal Year 2014 included an additional Fifteen Million Three  
15 Hundred Thirty Three Thousand Six Hundred Thirty Dollars (**\$15,333,630**) that  
16 was unexpected by *I Liheslaturan Guåhan* and was not included in budget  
17 deliberations in legislative session and was further made not known by *I*  
18 *Liheslaturan Guåhan* to be available to appropriate for education, public safety,  
19 and public health related services as a result of the lack of notice or update by the  
20 Executive Branch of such additional Section 30 revenues.

21           Such additional Section 30 revenues received at the same time Section 30  
22 revenues were received for Fiscal Year 2014 were included in the Bureau of  
23 Budget and Management Research's (BBMR's) Consolidated Revenue and  
24 Expenditure Report (Report) for the twelve months ending September 30, 2013  
25 and were not included in *any* of BBMR's Reports for each month in Fiscal Year  
26 2014 through February 28, 2014.

1            *I Liheslaturan Guåhan* further finds that *I Maga'låhen Guåhan* expended  
2 such additional Section 30 revenues for the payment of unpaid income tax refunds  
3 *only* after members of *I Liheslaturan Guåhan* urged such action and utilization of  
4 such funds.

5            Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the  
6 legislative responsibility and authority granted to it pursuant to the Organic Act of  
7 Guam is preserved through prioritizing any excess or additional Section 30  
8 revenues received during Fiscal Year 2014 for specific purposes as well as  
9 increasing transparency and accountability of the Executive Branch in providing  
10 *any* and *all* correspondences relative to Section 30 revenues to and from the  
11 Executive Branch.

12            **Section 2.** Section 7 is hereby *added* to Chapter I of Public Law 32-068 to  
13 read:

14            **“Section 7. Excess Section 30 Fund Revenues.** Notwithstanding any other  
15 provision of law, *any* Section 30 Funds received by the government of Guam in  
16 Fiscal Year 2014 above the adopted revenues for Section 30 Funds in Section  
17 2(I)(B) of this Chapter *shall* be transferred to the Supplemental Appropriations  
18 Revenue (SAR) Fund and is hereby appropriated from the SAR Fund for the  
19 following purposes, in the following order of priority:

20            (a) such sums as are necessary to pay the full balance of the unpaid  
21 fifty percent (50%) owed to the Guam Department of Education, Unified  
22 Judiciary of Guam, University of Guam, Guam Community College,  
23 Mayors' Council of Guam, Office of Public Accountability, Office of the  
24 Attorney General, Public Defender Service Corporation, Guam Memorial  
25 Hospital Authority, and Executive Branch Line Agency employees under the  
26 General Pay Plan pursuant to the Competitive Wage Act of 2014 for Fiscal  
27 Year 2014 beginning on the date of the enactment of this Act;



1           (b) the sum of Ten Million Dollars (**\$10,000,000**) to the Guam  
2 Department of Education (GDOE) to expand the George Washington High  
3 School (GWHS) campus to accommodate a student population of *at least*  
4 two thousand seven hundred (2,700) students. *All* students, teachers,  
5 administrators, staff, and government of Guam employees transferred to the  
6 Tiyan High School *shall* be transferred out of the Tiyan High School to other  
7 schools or GDOE offices upon completion of the expansion of the GWHS  
8 campus. Notwithstanding any other provision of law, the GDOE *shall not*  
9 transfer *any* students from any school, into the Tiyan facilities for use as a  
10 school subsequent to the transfer of students out of the Tiyan High School  
11 upon the completion of the expansion of the GWHS campus.  
12 Notwithstanding any other provision of law, *no* tax credits *shall* be  
13 authorized to construct a new GDOE gymnasium, GDOE office, GDOE  
14 warehouses or mezzanines for such warehouses within the Tiyan facilities in  
15 Fiscal Years 2014 and beyond;

16           (c) such sums as are necessary to recruit twenty (20) full-time  
17 Police Officer I positions at the Guam Police Department for Fiscal Year  
18 2014;

19           (d) such sums as are necessary to recruit for the Prosecution  
20 Division and Victim Witness *Ayuda* Services within the Office of the  
21 Attorney General which *shall* include two (2) Assistant Attorneys General,  
22 two (2) Paralegals I, two (2) Legal Secretaries I, one (1) Investigator I, and  
23 two (2) Victim Advocate positions;

24           (e) such sums as are necessary for the payment of required  
25 retroactive salary increments to law enforcement officers pursuant to Public  
26 Law 29-105 owed to Unified Judiciary of Guam, Office of the Attorney

1 General, Public Defender Service Corporation, and Executive Branch Line  
2 Agency employees owed such retroactive salary increments.

3 **Section 3.** Section 13109(a)(5), Chapter 13, Title 2 are hereby *repealed*  
4 and *re-enacted* to read:

5 ~~“(5) (A) No later than fifteen (15) days after the end of the third~~  
6 ~~quarter of each fiscal year, I Maga’lahen Guåhan (the Governor of Guam)~~  
7 ~~shall make available in a report to the Speaker of I Liheslaturan Guåhan and~~  
8 ~~the Office of Finance and Budget all correspondence between the United~~  
9 ~~States Department of the Treasury, the Department of Interior, the Office of~~  
10 ~~Insular Affairs, or its successor, and any other entities of the United States~~  
11 ~~Government related to prior and future fiscal year estimates and~~  
12 ~~reconciliations of duties, fees and taxes (also referred to as Section 30 funds)~~  
13 ~~remitted prior to the commencement of the forthcoming fiscal year.~~

14 ~~(B) The report shall also contain the Section 30 Cash Advance~~  
15 ~~Request to the Secretary of the United States Department of the Treasury or~~  
16 ~~his representative for the immediate forthcoming fiscal year.~~

17 ~~(C) Prior to the issuance of the report outlined in subsection (A), the~~  
18 ~~Bureau of Budget and Management Research and the Department of~~  
19 ~~Revenue and Taxation shall present to the Special Accounting Service all~~  
20 ~~data and information used to develop the request outlined in subsection (B).~~  
21 ~~The Special Accounting Service shall evaluate and certify by a majority of~~  
22 ~~members, concurrence of the Section 30 Cash Advance Request by I~~  
23 ~~Maga’lahi (the Governor) or provide a revised recommendation.~~

24 **(5) Section 30 Transparency and Accountability Reporting.**

25 (A) *No later than fifteen (15) days after the end of each month of*  
26 *each fiscal year, I Maga’låhen Guåhan shall submit a written report to the*  
27 *Speaker of I Liheslaturan Guåhan and the Office of Finance and Budget that*

1 provides a list of *any* and *all* correspondences sent by the government of  
2 Guam to and/or received by the government of Guam from the United States  
3 Department of the Treasury, the Department of the Interior and/or its Office  
4 of Insular Affairs, or its successor, and any other entities of the United States  
5 government related to prior, current, and future fiscal year estimates,  
6 reconciliations, receipts, overpayments, underpayments, advanced requests  
7 for subsequent fiscal years, receipt of United States Department of Treasury  
8 warrants or notices of garnishments, and/or discussions related thereto of  
9 duties, fees, and taxes (also referred to as Section 30 funds) during the  
10 previous month. Such report submitted *shall* include a copy of each  
11 correspondence as specified above.

12 (B) If during such month of each fiscal year, there are *no*  
13 correspondence sent by the government of Guam to and/or received by the  
14 government of Guam from the United States Department of the Treasury,  
15 the Department of the Interior and/or its Office of Insular Affairs, or its  
16 successor, and any other entities of the United States government related to  
17 prior, current, and future fiscal year estimates, reconciliations, receipts,  
18 overpayments, underpayments, advanced requests for subsequent fiscal  
19 years, and/or discussions related thereto of duties, fees, and taxes (also  
20 referred to as Section 30 funds) during the previous month, *I Maga'låhen*  
21 *Guåhan shall* submit a letter to the Speaker of *I Liheslaturan Guåhan* and  
22 the Office of Finance and Budget stating no correspondence having been  
23 sent and/or received.

24 (C) If any correspondence required to be submitted pursuant to this  
25 Section is deemed confidential and prevents submission to the Speaker of *I*  
26 *Liheslaturan Guåhan* and the Office of Finance and Budget, *I Maga'låhen*  
27 *Guåhan shall* state such confidentiality inclusive of a citation of local or

1 federal law preventing such submission and a written opinion by the  
2 Attorney General of Guam supporting such non-submission that *shall*  
3 accompany such written report.”

4 **Section 4. Section 30 Transparency and Accountability Reporting.** *I*

5 *Maga'låhen Guåhan shall* submit a report pursuant to the detailed reporting  
6 requirements in Section 13109(a)(5), Chapter 13, Title 2 of the Guam Code  
7 Annotated inclusive of all correspondences thereto related to each of the months  
8 during the previous three (3) fiscal years prior to Fiscal Year 2014 and for the  
9 months during Fiscal Year 2014 prior to the enactment of this Act. Such report  
10 *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and the Office of  
11 Finance and Budget *not later than* twenty (20) days after the enactment of this Act.

12 **Section 5. Effective Date.** This Act *shall* take effect upon its enactment  
13 and apply prospectively.

14 **Section 6. Severability.** *If* any provision of this Act or its application to  
15 any person or circumstance is held invalid, the invalidity *shall not* affect other  
16 provisions or applications of this Act which can be given effect without the invalid  
17 provision or application and to this end the provisions of this Act is severable.