



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

APR 09 1998

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	<i>[Signature]</i>
Time	<u>4:00 p.m.</u>
Date	<u>4-9-98</u>

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 515 (COR): "AN ACT TO AMEND SECTION 9104. OF CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO FISCAL NOTES", which I have signed into law today as **Public Law No. 24-162.**

§9101 of Chapter 9 of Title 2 of the Guam Code Annotated prohibited a Standing Committee of the Guam Legislature from considering a bill unless there is a fiscal note, or a waiver of a fiscal note, prepared by the Bureau of Budget and Management Research on the financial effects of the bill. This code section requires the Legislature to be aware, at the time of the public hearing, of the financial effects of bills that are considered.

The Bureau of Budget and Management Research prepares fiscal notes on all bills which have a fiscal impact. Occasionally, due to the press of many administrative duties, BBMR may not have prepared a fiscal note at the time of the public hearing. Also, there is usually very little time between the notification of a public hearing and the hearing itself.

This legislation legitimizes a practice that has been going on in the Legislature already, and that is the practice of passing bills without regard to the presence of a fiscal note, and without regard to the information contained in the fiscal note, if one is prepared.

00740

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 4-9-98
Time: 1430
Rec'd by: [Signature]
Print Name: Charlene Menas

The waiver of fiscal note that is authorized by this legislation is a statement by the Legislature that the Legislature is not interested in the financial aspects or impact of the legislation being considered. At no time will the presence or absence of a fiscal note determine the power of the Legislature to pass laws of its choosing.

Very truly yours,



Carl T. C. Gutierrez

Attachment

00740

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

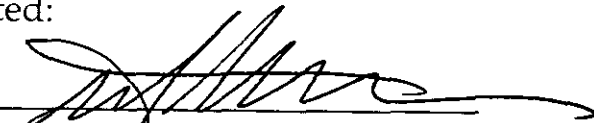
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 515 (COR), "AN ACT TO AMEND SECTION 9104 OF CHAPTER 9 OF TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO FISCAL NOTES," was on the 27TH day of March, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:



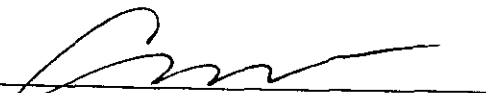
MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by the Governor this 3rd day of April, 1998, at
10:30 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 4-9-98

Public Law No. 24-162

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

Bill No. 515 (COR)

As substituted by the Author
and amended on the Floor.

Introduced by:

Mark Forbes
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO AMEND SECTION 9104 OF CHAPTER
9 OF TITLE 2 OF THE GUAM CODE ANNOTATED,
RELATIVE TO FISCAL NOTES.

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

2 **Section 1. Legislative Intent.** While the Guam Legislature remains
3 committed to the notion that fiscal notes should be required for all bills that

1 have fiscal impact, the Guam Legislature notes that an interpretation of the
2 current language of this Section implies that an Administration is capable of
3 holding a bill in limbo for an eternity simply by refusing to issue a fiscal note.
4 As this was never the intent of the Guam Legislature, an amendment is
5 required to make it clear that the purpose of the Sections in Title 2 of the
6 Guam Code Annotated regarding fiscal notes is to allow for review of all
7 fiscally meaningful legislation by the Bureau of Budget and Management
8 Research, but that it is not the intention of the Guam Legislature to surrender
9 its ability to move Legislation altogether.

10 **Section 2.** Section 9104 of Chapter 9 of Title 2 of the Guam Code
11 Annotated is hereby amended to read as follows:

12 **“Section 9104. Time Period for Submission of Fiscal Note.** A
13 fiscal note, or waiver of fiscal note, shall be prepared and returned to the
14 appropriate committee within fourteen (14) days of receipt of the bill by
15 the Bureau, or three (3) days prior to hearing date fixed by the
16 committee responsible for the bill, whichever is later. Failure of the
17 fiscal note, or waiver thereof, to be returned by the expiration of the
18 time periods detailed in this Section shall not preclude the placement of
19 a bill in the Second Reading File or other legislative action. Should no
20 fiscal note be provided by such time as the bill is placed in the Third
21 Reading File, the requirement for the fiscal note shall be waived. The
22 chairman of the oversight committee shall make good faith efforts to
23 obtain fiscal notes.”

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L

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MAR 18 1998

Speaker Antonio R. Unpingco
Twenty-fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 515 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 515** "An act to amend section 9104. of 2GCA relative to fiscal notes."

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MEMORANDUM

TO: Committee Members
FR: Chairman
SUBJECT: Committee Report- Bill No. 515 "An act to amend section 9104. of 2GCA relative to fiscal notes."

Transmitted herewith for your information and action is the report on Bill No. 515 from the Committee on Rules, Government Reform and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 515
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

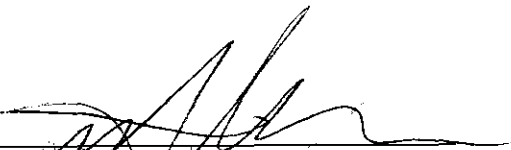
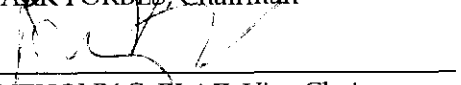

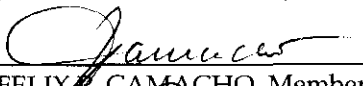
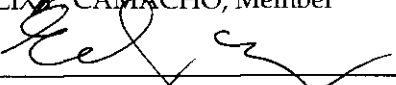

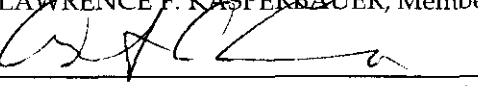

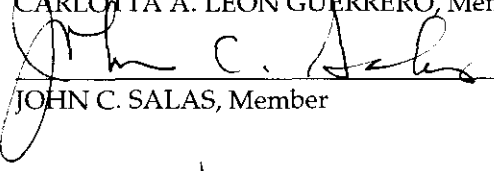
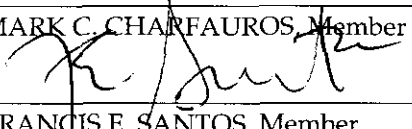
MARK FORBES

Attachments

Committee on Rules, Government Reform and Federal Affairs
Twenty Fourth Guam Legislature

Voting Record

Bill No. 515 "An act to amend section 9104. of 2GCA relative to fiscal notes."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓	_____	_____	_____
 ANTHONY C. BLAZ, Vice-Chairman	✓	_____	_____	_____
 ELIZABETH BARRETT-ANDERSON, Member	✓	_____	_____	_____
JOANNE M. S. BROWN, Member	_____	_____	_____	_____
 FELIX CAMACHO, Member	✓	_____	_____	_____
 EDUARDO J. CRUZ, M.D., Member	✓	_____	_____	_____
 LAWRENCE F. KASPERBAUER, Member	+	_____	_____	_____
 ALBERTO A. C. LAMORENA V., Member	✓	_____	_____	_____
 CARLOTTA A. LEON GUERRERO, Member	✓	_____	_____	_____
 JOHN C. SALAS, Member	✓	_____	_____	_____
MARK C. CHARFAUROS, Member	_____	_____	_____	_____
 FRANCIS E. SANTOS, Member	✓	_____	_____	_____
ANTONIO R. UNPINGCO, Member	_____	_____	_____	_____

Twenty-Fourth Guam Legislature

**Committee On Rules,
Government Reform & Federal Affairs
Senator Mark Forbes, Chairman**

Committee Report

on

Bill No. 515

“An act to amend section 9104. of 2GCA relative to fiscal notes.”

I. OVERVIEW

The Committee on Rules, Government Reform and Federal Affairs held a public hearing on Tuesday, March 10, 1998 at 10:35 a.m. in the conference room of the Chairman of the Committee on Rules, Government Reform and Federal Affairs. Public Notice of the hearing was announced in the March 5th, 6th, 8th, and 10th, 1998 issues of the Pacific Daily News.

Senators in attendance were:

Senator Mark Forbes, Chairman
Senator Edwardo J. Cruz, Member
Senator Frank Blas Aguon Jr.

There being no individuals present to testify on the bill, , the Chairman declared the bill formally heard. The Chairman indicated that the Committee would accept any written testimony on this bill during the next few days. No written testimony was submitted after the public hearing.

II. FINDINGS AND RECOMMENDATION

The Committee on Rules, Government Reform and Federal Affairs finds that Bill 515 would allow the Legislature to still act on legislation in the event that the Bureau of Budget and Management Research fails to provide a fiscal note or waiver within the time period for submission, as established in §9104 of 2GCA. Under the current language in the aforementioned statute, it is possible for an Administration to delay or impede altogether further legislative action on a bill by simply delaying the issuance of its fiscal note. The Committee finds that Bill 515 would prevent such delays.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 515 was referred does hereby submit its findings and recommendations to the Twenty-fourth Guam Legislature **TO DO PASS BILL NO 515** "An act to amend section 9104. of 2GCA relative to fiscal notes."



24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman

FEB 23 1998

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform and Federal Affairs

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

SUBJECT: Referral- Bill No. 515

RECEIVED
FEB 23 1998
[Handwritten signature]

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR
Post Office Box 2560, Agaña, Guam 96910

JOSEPH E. RIVERA
DIRECTOR

FRANCIS J. BALAJADIA
DEPUTY DIRECTOR

CARL T.C. GUTIERREZ
GOVERNOR

MADDELINE Z. BORDALLO
LT. GOVERNOR

MAR 10 1998

The Bureau requests that Bill No(s), 515 (COR) be granted a waiver pursuant to Public Law 12-229 for the following reasons:

The proposed measure does not entail a fiscal impact and is administrative in nature. The intent of Bill No. 515 (COR) which will amend §9104, of 2 GCA, is to provide for an automatic waiver of the requirement for a fiscal note on legislative bills failing to meet the time period specified for the submission of a fiscal note or waiver.


JOSEPH E. RIVERA
Acting





PUBLIC NOTICE

The Guam Election Commission will be conducting a prospective Candidate's Seminar for those interested in seeking nomination for the following Public Offices in the September 5, 1998 Primary Election:

1. GOVERNOR/LT. GOVERNOR
2. LEGISLATURE
3. WASHINGTON DELEGATE

To include the District Board of Education at the General Election.

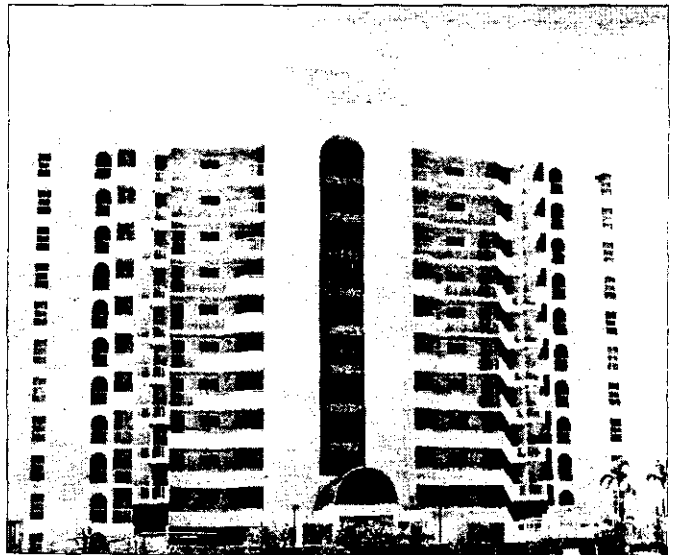
The seminar is scheduled for today, March 5th at 6:00 P.M. at the Guam Election Commission Office located on the 2nd floor of the GCIC Building, in Agana.



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Palmer, Julie Prigioni, Edna Takasaki



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Notice of Public Hearing

Senator Mark Forbes, Chairman
Committee on Rules, Government Reform and Federal Affairs

- March 10, 1998 10:00 a.m.
- Bill No. 294 "An act to require that the month and the year an individual turns eighteen (18) years of age be prominently displayed on all identification cards issued by the government of Guam to minors."
 - Bill No. 357 "An act to name one of the streets in the area more commonly known as the Harmon Cliffline after Maria S. Lujan, an original landowner of ancestral property in the area."
 - Bill No. 499 "An act to add a new section §2108 to Title 2, Guam Code Annotated, relative to prohibiting the attachment of nongermane matters or 'riders' to a bill."
 - Bill No. 503 "An act to authorize the Guam Memorial Hospital Authority to negotiate with the Secretary of Defense, other federal departments and agencies and other governments of the Freely Associated States of Micronesia for the implementation of section 105 (k) of the Compact of Free Association Act of 1985 for providing health care services."
 - Bill No. 509 "An act relative to creating the Chamorro Village Corporation, a public corporate entity, which shall be responsible for the administration and management of the Chamorro Village Facility, through adding a new chapter 77, to division 2, Title 12, Guam Code Annotated."
 - Bill No. 514 "An act to amend sections 2101, and 2102, of 2 GCA, changing the enactment clause of Guam laws and the resolved clause of legislative resolutions."
 - Bill No. 515 "An act to amend section 9104, of 2 GCA relative to fiscal notes."
 - Bill No. 516 "An act to amend section 1101, of 2 GCA to change the official name of the Guam Legislature to its name in Chamorro language, '1 Liheslaturan Guahan.'"
 - Bill No. 521 "An act to add a new §1510 to article 5, Chapter 1, Title 5 GCA to change the official name of the Governor of Guam to the name in the Chamorro language, '1 Maga'lahin Guahan' and to change the official name of the Lieutenant Governor of Guam to the name in the Chamorro language, '1 Segundu Na Maga'lahin Guahan.'"
 - Bill No. 522 "An act to amend §403(b) of Chapter 4, Title 1 GCA to change the official name of the municipality of Agaña to its name in the Chamorro language, 'Hagåtña.'"
 - Bill No. 532 "An act to add a new Chapter 12 to 2 GCA to create the Voter Introduction Program (VIP) and increase the access of the People of Guam to the process of making laws."

Hearing will take place in the Conference Room,
Office of Senator Mark Forbes
Guam Legislature Temporary Building, Agana, Guam
The Public is Invited to Participate