

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	STATUS
52-32 (LS)	T.C. Ada	AN ACT TO REPEAL §22421 OF CHAPTER 22, 5 GCA, RELATIVE TO THE TRANSFER OF AUTONOMOUS AGENCY REVENUES TO THE AUTONOMOUS AGENCY COLLECTIONS FUND	2/22/13 1:49 P.M.	2/28/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land			Fiscal Note Request 2/26/13



COMMITTEE ON RULES

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

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Rory J. Respicio
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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 28, 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. 52-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 52-32(LS).

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) Session

Bill No. 52-32(45)

Introduced by:

T.C. Ada 
R.J. Respicio 

2013 FEB 22 PM 1:49

**AN ACT TO REPEAL §22421 OF CHAPTER 22, 5 GCA,
RELATIVE TO THE TRANSFER OF AUTONOMOUS AGENCY
REVENUES TO THE AUTONOMOUS AGENCY COLLECTIONS
FUND**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Liheslaturan Guåhan* finds that §22421 (Transfer of Autonomous Agency Revenues to Autonomous Agency Collections Fund) of Chapter 22, Title 5, GCA, initially established in 1985, mandates the A. B. Won Pat International Airport Authority of Guam (GIAA), Jose D. Leon Guerrero Commercial Port of Guam (PAG), and the Guam Power Authority (GPA) each pay into the General Fund an annual amount of \$875,000 for “... *the risk assumed by Guam’s taxpayers in operating the power, water, sewer, and air and sea port operations...*,” and for ‘... *the benefits received by these autonomous agencies from services provided by the General Fund, such as police and fire protection, road systems...*’

I Liheslatura also finds that the mandate directs the three autonomous agencies to “*transfer in the aggregate the sum of \$3,500,000 from operating surpluses generated by these agencies...*” annually.

I Liheslatura further finds that the PAG, GIAA, and GPA do not have “operating surpluses” from which to transfer funds to the General Fund. Notwithstanding, until the mandate is repealed this requirement remains as a potential liability. And although enacted in 1985, enforcement by the Executive branch did not occur until 2011 when a 14-year back-billing of \$12.3M from the Department of Administration was given to each agency (PAG, GIAA, and GPA).

I Liheslatura further finds that the autonomous agencies treat the PILOT assessment as part of its total operating expenses, and these expenses must be offset

1 through rate increases that get passed onto rate payers. This is evidenced by the Petition
2 submitted by GPA to the Public Utilities Commission in June of 2011 (see Docket No.
3 11-08). These rate payers are also tax payers and are therefore being double taxed.

4 *I Liheslaturan Guåhan* finds that the rising cost of services provided by these
5 autonomous agencies are a burden to the community, and that P.L. 18-15 must be
6 repealed to provide relief.

7 **Section 2.** §22421 of Title 5, Chapter 22, of the Guam Code Annotated is hereby
8 repealed.

9 **Section 3. Prior Uncollected PILOT Assessments Null and Void.** To the
10 extent the Government of Guam pursuant to §22421 of Title 5, Chapter 22, GCA has
11 assessed this tax on the affected autonomous agencies, consisting of the Guam Power
12 Authority (GPA), the Jose D. Leon Guerrero Commercial Port of Guam PAG) and the
13 A.B. Won Pat International Airport Authority (GIAA), any such prior assessment of this
14 tax which has not been paid by GPA, PAG, and GIAA *shall* be null and void as of the
15 effective date of this legislation, and *shall* be uncollectable from the affected autonomous
16 agencies.

17 **Section 4. Severability.** *If* any provision of this Law or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity *shall not*
19 affect other provisions or applications of this Law which can be given effect without the
20 invalid provisions or application, and to this end the provisions of this Law are severable.



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February 26, 2013

VIA FACSIMILE

(671) 472-2825

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

**RE: Request for Fiscal Note – Bill Nos. 52-32 (COR), 53-32 (COR), 54-32 (COR),
55-32 (COR) and 56-32 (COR)**

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 26 AM 11:26

Bill No. 52-32 (LS) - T.C. Ada - AN ACT TO REPEAL §22421 OF CHAPTER 22, 5 GCA, RELATIVE TO THE TRANSFER OF AUTONOMOUS AGENCY REVENUES TO THE AUTONOMOUS AGENCY COLLECTIONS FUND

Bill No. 53-32 (COR) - B.J.F. Cruz - AN ACT TO REPEAL 17 GCA § 33105 AND TO AMEND 17 GCA § 31109; RELATIVE TO THE PROCUREMENT AUTHORITY OF THE GUAM COMMUNITY COLLEGE.

Bill No. 54-32 - V.C. Pangelinan, M.F.Q. San Nicolas - AN ACT AMEND § 511005 AND § 511006 AND TO ADD § 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS.

Bill No. 55-32 (COR) - V.C. Pangelinan - AN ACT RELATIVE TO TRANSFER OF THE TITLE OF OWNERSHIP OF LOT NO. 1NEW-1, BLOCK NO. 2, TRACT 1427 LOCATED IN THE MUNICIPALITIES OF BARRIGADA AND DEDEDO FROM THE GUAM INTERNATIONAL AIRPORT AUTHORITY TO THE CHAMORRO LAND TRUST COMMISSION.

Bill No. 56-32 (COR) - B.J.F. Cruz, T.C. Ada - AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.

MESSAGE CONFIRMATION

FEB-26-2013 11:10 AM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : FEB-26-2013 11:09AM TUE
ELAPSED TIME : 00' 32"
MODE : STD ECM
RESULTS : [O.K]



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Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Confirmed fax received by:
Jackie Panet 2/26/13 11:23 am
Jes*