I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
342-38 (LS) As amended on the Floor.	V. Anthony Ada Sabrina Salas Matanane Shelly V. Calvo Eulogio Shawn Gumataotao Joe S. San Agustin Chris Barnett Frank F. Blas, Jr. Telo T. Taitague Therese M. Terlaje	AN ACT TO *ADD* A NEW § 80126 TO CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED AND A NEW § 26812 TO CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, AS ENACTED BY PUBLIC LAW 38-115, RELATIVE TO ESTABLISHING THE GMH CAPITAL PRESERVATION FUND AND DEDICATING CERTAIN REVENUES COLLECTED PURSUANT TO PUBLIC LAW 38-115 FOR PERMANENT CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY.	7/14/26 1:19 p.m. ^7/22/26 4:16 p.m.	7/27/26	Committee on Finance and Government Operations.	Request: 7/27/26 8/7/26	8/27/26 9:00 a.m.	9/9/26	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED	NOTES
9/28/26	AN ACT TO *ADD* A NEW § 80126 TO CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED AND A NEW § 26812 TO CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, AS ENACTED BY PUBLIC LAW 38-115, RELATIVE TO ESTABLISHING THE *GMH CAPITAL PRESERVATION FUND* AND DEDICATING CERTAIN REVENUES COLLECTED PURSUANT TO PUBLIC LAW 38-115 FOR PERMANENT CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY.	10/16/26	10/19/26	10/30/26	10/30/26	Received: 10/30/26 Mess and Comm. Doc. No. 38GL-26-3140

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-26-3140

OFFICE OF THE SPEAKER
FRANK F. BLAS JR.
OCT 30 2026
Time: 4:30pm
Received:

Transmitted via Email to: speakerblas@guamlegislature.org

October 30, 2026

THE HON. FRANK BLAS, JR., *Speaker*
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 342-38 (LS), "AN ACT TO *ADD* A NEW § 80126 TO CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 26812 TO ARTICLE 8 OF CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, AS ENACTED BY PUBLIC LAW 38-115, RELATIVE TO ESTABLISHING THE GMH CAPITAL PRESERVATION FUND AND DEDICATING CERTAIN REVENUES COLLECTED PURSUANT TO PUBLIC LAW 38-115 FOR PERMANENT CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY."

Håfa Adai Mr. Speaker,

While I support establishing a capital improvement fund for Guam Memorial Hospital (GMH), I have serious concerns about the language of Bill No. 342-38 (LS). Specifically, Section 2(b) could conflict with the Government of Guam's existing bond obligations and could interfere with the Department of Revenue and Taxation's (DRT) allocation for administering the tax amnesty program established by Public Law 38-115. For these reasons, I am vetoing the bill.

Section 2(b) requires that all delinquent taxes collected under Public Law 38-115, except income and real property taxes, be deposited into the GMH Capital Preservation Fund (Fund). Public Law 38-115 established a tax amnesty program that includes the Business Privilege Tax (BPT).

Under the Government of Guam's existing bond covenants, BPT revenues attributable to the first three percent (3%) of the tax are pledged to secure outstanding bonds. By directing all delinquent BPT collections into the Fund, Section 2(b) could conflict with those existing obligations. To avoid that conflict, transfers to the Fund should be limited to delinquent BPT revenues attributable to the portion of the tax rate exceeding three percent (3%). As written, the bill could put the Government of Guam in violation of its bond obligations and jeopardize future bond financing.

I am also concerned that Section 2(b) could interfere with DRT's allocation of ten percent (10%) of collections to administer the tax amnesty program.

Contrary to the conclusion reached in the committee report, Section 2(b) appears to affect this allocation. It states:

> "Notwithstanding any other provision of law, rule or regulation, all revenues collected … pursuant to … Public Law 38-115, … shall be deposited into the Fund immediately upon collection."

The phrase "notwithstanding any other provision of law" gives this requirement priority over conflicting laws, including Public Law 38-115. By requiring all qualifying revenues to be deposited into the Fund immediately upon collection, Section 2(b) leaves no allowance for DRT's ten percent (10%) administrative allocation. This could conflict with the funding mechanism established to administer the tax amnesty program.

GMH needs reliable funding to maintain and improve its facilities, and I support that goal. However, legislation addressing the hospital's infrastructure needs should also protect the Government of Guam's existing financial obligations and preserve the resources necessary to administer the tax amnesty program. A revised bill should address these concerns while continuing to support GMH's capital needs.

For these reasons, I am **vetoing** Bill No. 342-38 (LS).

Senseramente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 342-38 (LS) - **VETO**
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

38GL-26-3140
Messages and Communications
RECEIVED
COMMITTEE ON RULES
October 31, 2026
1:51 p.m.
Marie Crisostomo

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 342-38 (LS), "AN ACT TO *ADD* A NEW § 80126 TO CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 26812 TO ARTICLE 8 OF CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, AS ENACTED BY PUBLIC LAW 38-115, RELATIVE TO ESTABLISHING THE *GMH CAPITAL PRESERVATION FUND* AND DEDICATING CERTAIN REVENUES COLLECTED PURSUANT TO PUBLIC LAW 38-115 FOR PERMANENT CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY,"** was on the 16th day of October 2026, duly and regularly passed.

Frank F. Blas, Jr.
Speaker

Attested:

Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 19Th day of October 2026, at 4:53 o'clock P .M.

Jomichael C. Quinata
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:_____

Public Law No._____

2026-26661
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Jomichael C. Quinata
Date: 10-19-26 Time: 4:50 PM

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 342-38 (LS)
As amended on the Floor.

Introduced by:

V. Anthony Ada
Sabrina Salas Matanane
Shelly V. Calvo
Eulogio Shawn Gumataotao
Joe S. San Agustin
Chris Barnett
Frank F. Blas, Jr.
Telo T. Taitague
Therese M. Terlaje
Vincent A.V. Borja
Christopher M. Dueñas
Jesse A. Lujan
Tina Rose Muña-Barnes
William A. Parkinson

AN ACT TO *ADD* A NEW § 80126 TO CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 26812 TO ARTICLE 8 OF CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, AS ENACTED BY PUBLIC LAW 38-115, RELATIVE TO ESTABLISHING THE *GMH CAPITAL PRESERVATION FUND* AND DEDICATING CERTAIN REVENUES COLLECTED PURSUANT TO PUBLIC LAW 38-115 FOR PERMANENT CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE GUAM MEMORIAL HOSPITAL AUTHORITY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent and Findings. *I Liheslaturan Guåhan* finds that the Guam Memorial Hospital Authority ("GMHA") serves as Guam's only

public civilian hospital and remains an essential component of Guam's healthcare system, emergency response capabilities, and disaster preparedness. *I Liheslaturan Guåhan* further finds that years of deferred capital investment have resulted in the deterioration of critical building infrastructure and life-safety systems necessary to ensure the continued delivery of safe, reliable, and accredited healthcare services.

I Liheslatura further recognizes that, while Guam continues to pursue the long-term planning, financing, and construction of a new public hospital, the existing Guam Memorial Hospital will remain the island's primary public healthcare facility for the foreseeable future. Accordingly, preserving and modernizing the hospital's critical infrastructure is essential to protecting public health, patient safety, continuity of healthcare services, and emergency preparedness.

I Liheslaturan Guåhan further finds that the Tax Amnesty Program established by Public Law 38-115 provides an opportunity to recover delinquent tax revenues that might otherwise remain uncollected. Because revenues generated through the program are uncertain and represent a one-time recovery of delinquent tax obligations, it is the public policy of Guam that such revenues should be dedicated to permanent capital improvements that provide lasting public benefit rather than recurring operational expenditures.

I Liheslaturan Guåhan further finds that although Public Law 38-115 includes Individual and Corporation income taxes, the administration and collection of Income Taxes is subject to 48 USCA § 1421i. and not *I Liheslaturan Guåhan* and therefore cannot be bound by the provisions of PL 38-115. See also *Bank of America v. Chaco*, 539 F .2d 1129 (C.A. Guam 1976) ("the Government of Guam is powerless to vary the terms of the Internal Revenue Code as applied to Guam, *except as permitted by Congress*,"

It is therefore the intent of this Act to dedicate all revenues collected pursuant to the Tax Amnesty Program established by Public Law 38-115, excluding delinquent real property taxes collected under the program, to a dedicated, non-lapsing account for the preservation, rehabilitation, modernization, and replacement of critical capital infrastructure and life-safety systems at the Guam Memorial Hospital Authority. By dedicating these one-time revenues to one-time capital investments, this Act seeks to preserve the operational integrity of Guam Memorial Hospital while the government continues its efforts to develop and construct a replacement public hospital for the people of Guam.

Section 2. A new § 80126 is hereby *added* to Chapter 80, Title 10, Guam Code Annotated to read as follows:

"(a) There is hereby created, separate and apart from all other funds of the government of Guam, a non-lapsing account to be known as the "*GMH Capital Preservation Fund*" (the "Fund").

(b) Notwithstanding any other provision of law, rule, or regulation, all revenues collected pursuant to the Tax Amnesty Program established by Public Law 38-115, excluding delinquent income and real property taxes collected under the program, shall be deposited into the Fund immediately upon receipt.

(c) Monies deposited into the Fund shall be used solely for the planning, design, engineering, acquisition, construction, rehabilitation, replacement, modernization, and repair of permanent capital infrastructure, utility systems, building systems, and life-safety systems at the Guam Memorial Hospital Authority.

(d) Monies deposited into the Fund shall not be expended for recurring operational expenditures, including salaries, employee benefits, pharmaceuticals, medical supplies, administrative expenses, routine

maintenance, accounts payable, or any purpose other than permanent capital improvements authorized pursuant to this Section.

(e) Monies from the Fund shall be expended only for capital infrastructure improvement projects approved by resolution of the Board of Trustees of the Guam Memorial Hospital Authority. In approving such projects, the Board shall prioritize improvements necessary to preserve patient safety, maintain critical hospital operations, protect life-safety systems, support regulatory and accreditation requirements, and preserve the long-term operational integrity of the hospital.

(f) Monies within the Fund shall remain available until expended and *shall* not lapse at the close of any fiscal year.

(g) The Hospital Administrator shall submit quarterly reports to *I Liheslaturan Guåhan* identifying:

(1) revenues deposited into the Fund;

(2) projects approved by the Board of Trustees;

(3) expenditures, including the purposes and payees made;

(4) project completion status; and

(5) anticipated project schedules."

Section 3. A new § 26812 is *added* to Article 8 of Chapter 26, Title 11, Guam Code Annotated, as enacted by Public Law 38-115, to read as follows:

"**§ 26812 Allocation to the GMH Capital Preservation Fund.**

All revenues collected pursuant to the Tax Amnesty Program, except delinquent income and real property taxes are continually appropriated to and shall be deposited into the GMH Capital Preservation Fund."