

**10 GCA HEALTH AND SAFETY  
CH. 97 GMHA HEALTHCARE TRUST AND DEVELOPMENT FUND**

**CHAPTER 97  
GMHA HEALTHCARE TRUST  
AND DEVELOPMENT FUND**

**SOURCE:** This chapter was added by P.L. 32-060:4 (July 9, 2013).

- § 97101. Short Title.
- § 97102. Guam Healthcare Trust and Development Fund.
- § 97103. Use of Funds for the Development and Support of Health Care Services Programs and Facilities.
- § 97104. Submission of Detailed Report of Expenditures on a Quarterly Bases.

**§ 97101. Short Title.**

This Act may be cited as “The GMHA Healthcare Trust and Development Act of 2013.”

**§ 97102. Guam Healthcare Trust and Development Fund.**

(a) Notwithstanding any other law, there is hereby created, separate and apart from other funds and accounts of the government of Guam, a fund known as the GMHA Healthcare Trust and Development Fund (Fund). The Fund shall not be commingled with the General Fund or any other fund or account of the government of Guam, and shall be kept in a separate bank account, subject to legislative appropriation as provided pursuant to this Chapter, to be used by the designated public healthcare agencies of the government of Guam for the purposes authorized. The Fund, to include any monies in the Fund dedicated and dispersed for purposes specified in this Act, shall not be subject to the transfer authority of *I Maga’lahen Guåhan*.

(b) The Fund shall be financed by:

(1) licensing fees, business privilege tax, and income tax collected from the companies involved in gaming as provided by 3 GAR § 7001 et seq. This includes those electronic gaming devices referred to in § 7114(a)(5) and licensed per Title 11 GCA, Chapter 22, Article 2. These devices shall be known as the Liberty, Symbolix, and Match Play electronic gaming devices, and only those registered with the Department of Revenue of Taxation prior to August 1, 2001, pursuant to 3 GAR § 7114 (a)(5).

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(2) Notwithstanding any other provision of law, the collection of a special four percent (4%) assessment fee on income on all gaming devices authorized to be licensed pursuant to 11 Guam Code Annotated § 22202 (f) and 3 GAR § 7114(a)(5), to be known as the “GMHA Trust Fund Fee”.

(c) The Department of Revenue and Taxation (hereinafter the Department) shall collect such fees and transmit them to the Treasurer of Guam for deposit into the Fund. The Department shall:

(1) develop the necessary forms and instructions for the licensing of persons and companies as set forth in 3 GAR § 7001 and § 97102 (b)(1)(2) and of this Act;

(2) act as the repository for the Fund for use as authorized pursuant to this Article in carrying out the purpose of the Fund.

(d) The Department of Administration shall be the disbursing and certifying officer for the Fund, and shall comply with the provisions of Chapter 14 of Title 46, Guam Code Annotated. The Director of Administration shall maintain appropriate records of the Fund and shall provide accounting and auditing services for the Fund.

(e) The Department of Administration shall disperse funds in a manner compliant with § 97105 of this Chapter.

**§ 97103. Allocations and Use of Funds; Authorized.**

(a) Up to sixty percent, of the funds in the GMHA Healthcare Trust and Development Fund, shall be allocated to the Guam Memorial Hospital Authority for the purpose of subsidizing the establishment and operation, in whole or part, including as seed or start-up money, of an Urgent Healthcare Center within the Guam Memorial Hospital Authority facility and grounds. The fees collected pursuant to this Article shall be annually allocated and is hereby appropriated, and shall continue to be deemed appropriated, annually, to the Guam Memorial Hospital Authority for the sole and specific purpose of subsidizing the establishment and operation, in whole or part, including as seed or start-up money, of an Urgent Healthcare Medical Center within the Guam Memorial Hospital Authority facility and grounds. This shall continue and shall remain in full force and effect until specifically revoked or amended pursuant to law.

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(b) Up to forty percent of the funds in the GMHA Healthcare Trust and Development Fund *shall* be allocated to the Guam Memorial Hospital Authority for the purpose of subsidizing its delivery of healthcare services. The fees collected pursuant to this Subsection (b) *shall* be annually allocated and is hereby appropriated, and *shall* continue to be deemed appropriated, annually, to the Guam Memorial Hospital Authority for the sole and specific purposes outlined below:

(1) local matching funds for the Medicaid program, specifically for patients seen and treated at the Guam Memorial Hospital Authority;

(2) in an effort to free up cash flow for other expenses of the Authority, funds from this Subsection (b) may be used as additional debt service payments for any existing borrowing by the Authority;

(3) funding for the establishment of new revenue generating medical services; and

(4) funding for medication, supplies, and medical equipment.

(c) Fees received, pursuant to this § 97103, shall not be subject to the transfer authority of *I Maga'lahen Guåhan*, nor may they be expended for purposes not specifically provided for pursuant to this Chapter.

**SOURCE:** Added by P.L. 32-060:4 (July 9, 2013). Subsection (b) amended by P.L. 32-172:1 (July 9 2014).

**§ 97104. Submission of Detailed Report of Expenditures on a Quarterly Basis.**

The Administrator of the Guam Memorial Hospital Authority shall submit to *I Liheslaturan Guåhan* and *I Maga'lahen Guåhan* a detailed report of the expenditures of the GMHA Healthcare Trust and Development Fund on a quarterly basis.

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