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	FISCAL NOTES
86-32 (COR)	T.C. Ada	AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZETHE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN	4/9/13 4:46 p.m.	4/9/13	Committee on Public Safety, Infrastructure, & Maritime Transportation	4/17/13, 6:00pm		**Fiscal Note Requested 04/12/13 Fiscal Notes Received 5/6/13**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	6/24/2013	AN ACT TO *ADD* A NEW §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A TEN MILLION DOLLARS ($10,000,000) COMMERCIAL LOAN.	6/26/13	3:00pm	7/8/13			As substituted by the Committee on Public Safety, Infrastructure and Maritime Transportation.

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 86-32 (COR), "AN ACT TO *ADD* A NEW §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A TEN MILLION DOLLARS ($10,000,000) COMMERCIAL LOAN",** was on the 24th day of June, 2013, duly and regularly passed.

Benjamin J.F. Cruz
Acting Speaker

Attested:

Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26th day of June, 2013, at 3:00 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 86-32(COR)
As substituted by the Committee on
Public Safety, Infrastructure and
Maritime Transportation.

Introduced by: T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A TEN MILLION DOLLARS ($10,000,000) COMMERCIAL LOAN.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on June 28, 2012, the Port Board of Directors approved the issuance of RFP

No. 12-014, soliciting the services of a commercial lending institution for the financing of the Port's Service Life Extension (SLE) repairs on the Port's wharf, and the procurement of a financial management system and a container top lifter, with the total amount *not* to exceed Ten Million Dollars ($10,000,000).

I Liheslatura further finds that on September 14, 2012, GEDA issued RFP No. 12-014 and received three responses to the proposal. The Bank of Guam was given the highest rating amongst the bidders. On October 26, 2012, the negotiation team initially met with the Bank of Guam for the negotiation of terms and conditions. On November 6, 2012, GEDA awarded the Bank of Guam as the financial institution to provide the services.

I Liheslatura further finds that on January 22, 2013, the Bank of Guam informed the Port that a prerequisite for the closing of the loan was for the Port to waive its immunity from any suit or action in contract on any indebtedness authorized by Article 2 of Chapter 10, Title 12 of the Guam Code Annotated.

I Liheslatura finds that the Port's Board of Directors approved Resolution No. 2013-02 to waive the Port's immunity as a condition of the SLE loan, and accepted the commitment terms by the Bank of Guam, dated February 15, 2013.

I Liheslatura finds that the Port's General Manager transmitted a memorandum to the Chairperson of the Committee on Public Safety, Infrastructure and Maritime Transportation, requesting consideration for proposed legislation as found in Section 2 of this Act, relative to waiving sovereign immunity as a condition of the SLE Loan, dated April 5, 2013.

Section 2. A new §10238 is *added* to Article 2 of Chapter 10, Title 12 of the Guam Code Annotated, to read as follows:

"**§ 10238. Sovereign Immunity Waived.**

Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5, Guam Code Annotated, the Authority *shall not*

be entitled to immunity from any suit or action in contract on any indebtedness authorized by this Article. For the purposes of this Article only, immunity is waived as to the award of attorney fees in connection with any suit brought to enforce any right or obligation given under this Article, or in connection with the enforcement of the terms of any agreement or indenture that arises directly from the issuance of bonds or indebtedness authorized under this Article.

Should any suit or action arise or be initiated to enforce any of the terms of any agreement, indenture, or pledge of revenues, concerning the indebtedness authorized under this Article, any judgment therein *shall* be paid solely from the revenues of the Authority, and at no time shall any other property be subject to foreclosure or recourse to satisfy any suit or action authorized by this Article or judgment therein."

Section 3. Severability. If any of the provisions of this law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this law which can be given effect without the invalid provisions or application, and to this end the provisions of this law are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

Bill No: 86-32 (COR)

As amended by the Committee.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ		✓			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓ I			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS		✓			
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	12	3			
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

June 21, 2013

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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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 6, 2013

Memorandum

2013 MAY -6 PM 4:00

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:
Bill Nos.: 86-32(COR), 88-32(COR), 92-32(COR)

WAIVERS:
Bill No. 82-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

MAY 06 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **86-32(COR), 88-32(COR), 92-32(COR), and** Fiscal Note Waiver on the following Bill Nos.: **82-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 86-32 (COR)

AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZE THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN.

Department/Agency Appropriation Information	
Dept./Agency Affected: Port Authority of Guam	Dept./Agency Head: Pedro A. Leon Guerrero, Jr.
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund & Environmental Health Fund	-
Total Department/Agency Appropriation(s) to date:	$0

Fund Source Information of Proposed Appropriation	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance[1]		$0	$0
FY 2013 Adopted Revenues	$0	$0	$0
FY 2013 Appro. (P.L. 31-233)	$0	$0	$0
Sub-total:	$0	$0	$0
Less appropriation in Bill	$0	$0	$0
Total:	$0	$0	$0

Estimated Fiscal Impact of Bill	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	$0	$0	$0	$0	$0	$0
(Specify Special Fund)	$0	$0	$0	$0	$0	$0
Total	$0	$0	$0	$0	$0	$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? $ _____ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No
/ / Requested agency comments not received as of the due date */ x / Other:
* Due to impending deadline and other budgetary priorities.

Analyst: _____ Date: 5.1.13 Director: _____ Date: 5/2/13
Dina P. Rivera John A. Rios, Director

Footnotes:
See attached Comments.

COMMENTS TO BILL 86-32(COR)

BILL NO. 86-32 IS AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZE THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN.

Based on this proposal, the Port would be obligated to pay for any attorney fees in connection with "any suit brought to enforce any right or obligation given under this Article or in connection with the enforcement of the terms of any agreement or indenture that arises directly from the issuance of bonds or indebtedness authorized under this Article."

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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MINORITY LEADER

Senator
Aline Yamashita
Member

April 12, 2013

2013 APR 12 PM 4:16

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. 79-32(COR), 81-32(COR), 82-32(COR), 83-32(COR), 84-32(COR), 85-32(COR), 86-32(COR), and 87-32(COR)

Håfa 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,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
79-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND S106911(k) OF CHAPTER 106, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE TRANSFER OF DORMANT AND UNCLAIMED BANK ACCOUNT FUNDS FROM THE TREASURER OF GUAM TO THE GUAM HOUSING CORPORATIONS'S HOUSING TRUST FUND.
80-32 (COR)	WITHDRAWN	
81-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO PROVIDE HEALTH INSURANCE TO GOVERNMENT OF GUAM EMPLOYEES AND RETIREES FOR FISCAL YEAR 2014
82-32 (COR)	Frank B. Aguon, Jr.	AN ACT TO REPEAL CHAPTER 25 OF TITLE 8 GUAM CODE ANNOTATED
83□32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND §77403, §77404, §77405 AND §77407 OF CHAPTER 77, ARTICLE 4, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION, DEVELOPMENT, UPGRADING, REPAIR OR MAINTENANCE OF PUBLIC SCHOOL SPORTS FACILITIES.
84-32 (COR)	Vicente (ben) Pangelinan Tina Rose Muña Barnes	AN ACT TO ADD A NEW SUBSECTION (f) to SECTION 2, PART III, CHAPTER II OF PUBLIC LAW 31-233, RELATIVE TO THE APPROPRIATION TO THE GUAM COMMUNITY COLLEGE APPRENTICESHIP PROGRAM
85-32 (COR)	Vicente (ben) Pangelinan	AN ACT TO PROHIBIT THE USE OF GOVERNMENT FUNDS FOR THE APPEAL OF CIVIL CASE 1:11-CV-00008, REA MIALIZA O. PAESTE ET AL V. GOVERNMENT OF GUAM AND EDDIE BAZA CALVO, BENITA MANGLONA, AND JOHN CAMACHO, IN THEIR OFFICIAL CAPACITIES AND TO ADD A NEW SUBSECTION (i) TO SECTION 30109, CHAPTER 30 OF TITLE 5 GUAM CODE ANNOTATED.
86□32 (COR)	T.C. Ada	AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZETHE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN
87□32 (COR)	T. A. Morrison, M. F. Q. San Nicolas, C. M. Duenas, B. J. F. Cruz, T. R. Muna Barnes	AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.

COMMITTEE ON RULES

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MINORITY LEADER

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Aline Yamashita
Member

April 12, 2013

VIA FACSIMILE
(671) 472-2825

2013 APR 12 AM 10:14

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

RE: Request for Fiscal Note – Bill Nos. 79-32(COR), 80-32(COR), 81-32(COR), 82-32(COR), 83-32(COR), 84-32(COR), 85-32(COR), 86-32(COR), and 87-32(COR)

Håfa 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,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

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MINORITY LEADER

Senator
Aline Yamashita
Member

April 9, 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. 86-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **86-32(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 LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 86-32 (COR)

Introduced by: T.C. Ada

AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZE THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A $10,000,000 COMMERCIAL LOAN.

2013 APR -9 PM 4:46

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that on June 28, 2012, the Port Board of Directors approved the issuance of RFP No. 12-014, soliciting the services of a commercial lending institution for the financing of the Port's service life extension (SLE) repairs on the Port's wharf, and procurement of a financial management system and a container top lifter with the total amount, not to exceed Ten Million Dollars ($10,000,000)

I Liheslatura further finds that on September 14, 2012 GEDA issued RFP No. 12-014 and received three responses to the proposal. The Bank of Guam was given the highest rating amongst the bidders. On October 26, 2012, the Negotiation Team initially met with Bank of Guam for the negotiation of terms and conditions. On November 6, 2012, GEDA awarded the Bank of Guam as the financial institution to provide the services.

I Liheslatura further finds that on January 22, 2013, the Bank of Guam informed the Port that a prerequisite for the closing of the loan was for the Port to waive its

immunity from any suit or action in contract on any indebtedness authorized by Article 2 of Chapter 10, Title 12 of the Guam Code Annotated.

I Liheslatura finds that the Port's Board of Directors approved Resolution No. 2013-02 to waive the Port's immunity as a condition to of the SLE loan, and accepted the commitment terms by Bank of Guam, dated February 15, 2013.

I Liheslatura finds that the Port's General Manager transmitted a memorandum to the Chairperson of the Committee on Public Safety, Infrastructure and Maritime Transportation, requesting consideration for proposed legislation as found in Section 2 of this Act, relative to waiving sovereign immunity as a condition of the SLE Loan, dated April 5, 2013.

Section 2. A new §10238 is *added* to Article 2 of Chapter 10, Title 12 of the Guam Code Annotated to read as follows:

"Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5, Guam Code Annotated, the Authority shall not be entitled to immunity from any suit or action in contract on any indebtedness authorized by this Article. For the purposes of this Article only, immunity is waived as to the award of attorney fees in connection with any suit brought to enforce any right or obligation given under this Article or in connection with the enforcement of the terms of any agreement or indenture that arises directly from the issuance of bonds or indebtedness authorized under this Article."

Section 3. Severability. If any of the provisions of this law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this law which can be given effect without

the invalid provisions or application, and to this end the provisions of this law are severable.

Section 4. Effective Date. This Act shall become effective upon its enactment.