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
252-32 (COR)	Dennis G. Rodriguez, Jr. R. J. Respicio Chris M. Dueñas	AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.	1/3/2014 2:33 p.m.	01/06/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	01/17/14 9 a.m.	11:59 a.m	**Fiscal Note Requested 01/03/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	1/28/2014	AN ACT TO AMEND §10238 OF ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, AS ADDED BY PUBLIC LAW 32-42, RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.	01/28/14	4:52 p.m.	2/8/2014			

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

January 28, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 251-32(COR) and 252-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on January 28, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (2)

4:49p 1/28/14

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 252-32 (COR), " AN ACT TO *AMEND* §10238 OF ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, AS *ADDED* BY PUBLIC LAW 32-42, RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM, "** was on the 28th day of January, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 28th day of Jan, 2014, at 4:52 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 NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 252-32 (COR)
As amended on the Floor.

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

AN ACT TO *AMEND* §10238 OF ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, AS *ADDED* BY PUBLIC LAW 32-42, RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §10238 of Article 2, Chapter 10 of Title 12, Guam Code Annotated, as *added* by Public Law 32-042, is hereby *amended* 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 also waived as to the award of attorney fees and related costs in connection with any suit brought to enforce any right or obligation given under this Article, in connection with the enforcement of the terms of any agreement of indenture that arises directly from the issuance of bonds or indebtedness authorized by the 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 judgement 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 2. Severability. If any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 252-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall
January 28, 2014

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.					✓ EX.
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		III			
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	13	1			1
	Yea	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 252-32 (COR)
As amended on the Floor.
*

Introduced by: Dennis G. Rodriguez, Jr.
R. J. Respicio
Chris M. Duenas

AN ACT TO *AMEND* §10238 OF ARTICLE 2, CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, AS *ADDED* BY PUBLIC LAW 32-42, RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §10238 of Article 2, Chapter 10 of Title 12, Guam Code Annotated, as *added* by Public Law 32-042, is hereby *amended* 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 also waived as to the award of attorney fees and related costs in connection with any suit brought to enforce any right or obligation given under this Article, in connection with the enforcement of the terms of any agreement of indenture that arises directly from the issuance of bonds or indebtedness authorized by the 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 judgement 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 2. Severability. If any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 23 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No.252-32 (COR), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 252-32 (COR), As Introduced: "An Act to Amend Article 2, Chapter 10 Title 12 Guam Code Annotated §10238 Relative to the Waiver of Sovereign Immunity on a loan previously authorized for the Jose D. Leon Guerrero Port Authority of Guam."

2014 JAN 23 PM 11:59

Committee votes are as follows:

2 TO PASS
0 TO NOT PASS
3 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (Ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910
Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net
Website: http://senbenp.com

COMMITTEE REPORT
ON

Bill No. 252-32 (COR), As Introduced

Sponsored by Senator Dennis Rodriguez

"An Act to Amend Article 2, Chapter 10 Title 12 Guam Code Annotated §10238 Relative to the Waiver of Sovereign Immunity on a loan previously authorized for the Jose D. Leon Guerrero Port Authority of Guam."

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 2 3 2014

MEMORANDUM

To: All Members
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

From: Senator Vicente (Ben) Cabrera Pangelinan
Chairman

Subject: Committee Report on Bill No. 252-32 (COR), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 252-32 (COR), "An Act to Amend Article 2, Chapter 10 Title 12 Guam Code Annotated §10238 Relative to the Waiver of Sovereign Immunity on a loan previously authorized for the Jose D. Leon Guerrero Port Authority of Guam." Introduced by Senator Dennis Rodriguez.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 252-32 (COR), As Introduced
4. Public Hearing Sign-in Sheet
5. Copies of Written Testimonies
6. Copy of Letter to Request Fiscal Note Waiver
7. Copy of COR referral Bill No. 252-32 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',

Vicente (Ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910
Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net
Website: http://senbenp.com

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

---

Bill 252-32 (COR), as introduced, "An Act to Amend Article 2, Chapter 10 Title 12 Guam Code Annotated §10238 Relative to the Waiver of Sovereign Immunity on a loan previously authorized for the Jose D. Leon Guerrero Port Authority of Guam."

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
Senator Vicente (ben) Cabrera Pangelinan **Chairman**			✓		
Vice Speaker Benjamin J. F. Cruz **Vice Chairperson**					
Speaker Judith T. Won Pat, Ed.D **Member**	✓				
Senator Tina Rose Muña-Barnes **Member**	✓				
Senator Dennis Rodriguez, Jr. **Member**					
Senator Michael San Nicolas **Member**			✓		
Senator Michael Limtiaco **Member**					
Senator Tommy Morrison **Member**			✓		

Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 252-32 (COR)–Introduced by Senator Dennis G. Rodriguez, Jr.–"An Act to Amend Article 2, Chapter 10 Title 12 Guam Code Annotated §10238 Relative to the Waiver of Sovereign Immunity on a loan previously authorized for the Jose D. Leon Guerrero Port Authority of Guam."

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

Member
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

Member
Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on Friday, January 17, 2014, at 9:00am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on Friday, January 10, 2014 (5-Day Notice), and again on Wednesday, January 15, 2014 (48 Hour Notice).

(a) Committee Members and Senators Present

Vice Speaker BJ Cruz, Vice-Chairman
Senator Mike San Nicolas, Committee Member
Senator Dennis Rodriguez, Committee Member
Senator Chris Duenas
Senator Aline Yamashita
Senator Tony Ada
Senator Rory Respicio

(b) Appearing before the Committee

Felix Pangelinan, Deputy General Manager, Port Authority of Guam

Written Testimonies Submitted

Felix Pangelinan, Deputy General Manager, Port Authority of Guam

II. COMMITTEE PROCEEDINGS

Vice Chair BJ Cruz: We have five bills on the agenda today and unfortunately the Chairman is not present this morning and so I, as Vice Chairman has been asked to conduct this hearing. We will begin this morning with Bill 252, introduced by Senator Dennis Rodriguez and I will ask Senator Rodriguez to make a sponsor statement.

Sponsor Statement

Senator Dennis Rodriguez: Thank you Mr. Vice Chairman. This bill is similar to the bill we just heard for the Guam Legislature (referencing Bill 251-32). This bill deals with the Port Authority of Guam. The difference here is the PUC tariff increase; the proposal is still with the PUC. The Attorney General has not signed off on these loan documents that the Legislature previously authorize. But once all the procedures are done and it goes to the Attorney General's Office this language would also satisfy the requirements of the banks/lenders as well as the interpretation of the Attorney General with regard to Sovereign Immunity. Now it would also cover attorney's costs and related costs related to any suit that is brought against the Port for the enforcement of the loan. Thank you Very much Mr. Vice Chair.

Vice Chair BJ Cruz: Thank you Senator Rodriguez. I note that I have signed up Mr. Pangelinan to testify.

Testimonies

Mr. Felix Pangelinan: Thank you very much Mr. vice Chair and members of the committee. I believe Director Arriola and Mr.Quinata (referencing Bill 251-32) has made our point because we are in the same boat.

[Read from his written testimony verbatim.]

Vice Chair BJ Cruz: Thank you very much. Any questions? Senator Duenas?

Senator Chris Duenas: Thank you Felix - just a real quick question because I want to put something on the record here. Did you receive any outside testimony from any attorney, any entities or any financial institution with regard to this proposal?

Mr. Felix Pangelinan: They are all in agreement, in writing "no". We have gotten calls for support of the bill.

Senator Chris Duenas: Mr. Chairman, first of all, I want to thank the main sponsor of this legislation for including me as a co-sponsor. We had a very spirited session a few days ago and that was the anticipation of many spirited conversations. This would be a standard and uniform agreement with regard to this requirement (that the bank put forward). I just wanted to include that as part of the public hearing, realizing and recognizing while there was a lot of back and forth, and a very spirited discussion, it really was more of a procedural matter the financial institution were requiring. Banks had required this and I believe that many financing schemes would require this going forward. Thank you for the opportunity to have these measures move forward. I think Mr. Pangelinan you are probably in the same position as the Hospital needing this money almost immediately to move forward with your improvements. Correct?

Mr. Felix Pangelinan: Yes sir.

Vice Chair BJ Cruz: Thank you very much Senator Duenas and Mr. Pangelinan.

This concludes the testimony on Bill No. 252-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on 324 W. Soledad Avenue, Hagatna, as well as the Guam Legislature at 155 Hesler St., Hagatna or email at office@guam.net.

The public hearing was adjourned at 5:06 pm.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 252-32 (COR) with the recommendation TO REPORT OUT ONLY.

I MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session

Bill No. 252-32 (cor)

Introduced by: Dennis G. Rodriguez, Jr.
Rory J. Respicio
Christopher M. Duenas

AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §10238 of Article 2, Chapter 10, Title 12 Guam Code Annotated, as amended by Public Law 32-042 is hereby amended to read as follows:

"§10238. Sovereign Immunity Waived. Notwithstanding any substative 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 also waived as to the award of attorney fees and related costs 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 of indenture that arises directly from the issuance of bonds or indebtedness authorized by ths 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 judgement 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 2. Severability. If any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT, PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Friday, January 17, 2014
Bill No. ~~351~~ 252
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT (Yes) No
Felix Pangelinan	Port Auth.	477-5931	fvpangelinan@portguam	✓	✓	Yes

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

PORT OF GUAM
ATURIDAT I PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201, Piti, Guam 96925
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445
Website: www.portguam.com

Eddie Baza Calvo
Governor of Guam
Ray Tenorio
Lieutenant Governor

January 16, 2014

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 1/16/14
Time: 3:20 PM
Received by:

Vicente C. Pangelinan, Chair
Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation
and Land

Re: Testimony in Support of Bill 252-32 (COR)

Hafa Adai Senator Pangelinan!

Please accept the Jose D. Leon Guerrero Port Authority of Guam's testimony in support of Bill 252-32 (COR), relative to an additional waiver of sovereign immunity on the approved Port Authority of Guam (PAG) - Bank of Guam (BOG) loan. PAG is grateful for the Legislature's previous approval of PAG's request to waive sovereign immunity allowing for the Ten Million Dollar ($10,000,000) loan in question to proceed (currently before the Public Utilities Commission).

The loan documents PAG and BOG executed and the Legislature approved contained the following language:

> 15. Fees and Expenses. The Authority shall pay on demand the reasonable fees and out-of-pocket expenses of outside legal counsel for the Lender incurred in connection with the making of the Loans and the preparation, execution, delivery, filing and recording of this agreement and other documents to be made, executed and delivered in connection with the Loans. The Authority shall pay all other expenses of the Lender, including reasonable attorney's fees, in connection with the administration of the Loans, and all costs and expenses, if any, in connection with the enforcement of this Loan Agreement, the Notes, or the Pledges, including reasonable attorney's fees.

Subsequent to the Legislature's waiver of sovereign immunity in suit for the applicable indebtedness and award of attorneys fees, the Attorney General of Guam opined that such waiver would not cover language similar to that agreed to between PAG and BOG and approved by the Legislature. In furtherance of PAG's pledge above and in good

faith, PAG supports the proposal to include the award of costs in the Legislature's earlier waiver of sovereign immunity. BOG has informed PAG that BOG does not intend to back out of the current PAG-BOG agreement and therefore the inclusion of the additional waiver of sovereign immunity should not affect the status of the loan approval before the Public Utilities Commission (PUC).

Si Yu'os Ma'ase',

Felix R. Pangelinan
Deputy General Manager

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of

Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 252-32 (COR)** – "AN ACT TO AMEND ARTICLE 2, CHAPTER 10TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM." – on January 3, 2014. COR hereby certifies that BBMR confirmed receipt of this request on January 6, 2014 at 8:16 AM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 252-32 to be included in the committee report on said bill, is hereby waived.**

Certified by:

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

January 27, 2014
Date

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: *rory4guam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 3, 2014

VIA E-MAIL
john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes– Bill Nos. 246-32 (COR) through 252-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
246-32 (COR)	T C. Ada, R. J. Respicio	AN ACT TO AMEND SECTIONS OF ARTICLE 3 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO SOURCE SELECTION AND CONTRACT FORMATION IN GUAM PROCUREMENT LAW.
247-32 (COR)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO EXPANDING THE GUAM SLAYER'S STATUTE THAT WOULD PROHIBIT INHERITANCE BY A PERSON WHO MURDERS SOMEONE FROM WHOM HE OR SHE STANDS TO INHERIT; THROUGH THE REPEAL AND REENACTMENT OF §819 OF CHAPTER 8, TITLE 15, GUAM CODE ANNOTATED.
248-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS ($25,000) FROM THE GENERAL FUND TO ALLOW THE GOVERNMENT OF GUAM TO PAY FOR AN INVERSE CONDEMNATION SETTLEMENT PURSUANT TO SUPERIOR COURT OF GUAM CIVIL CASE NO. CV1158-12.
249-32 (COR)	V. Anthony Ada Chris M. Dueñas Aline A. Yamashita, Ph.D. R .J. Respicio T. R. Muña Barnes Tommy. Morrison FRANK B. AGUON, JR. Michael T. Limtiaco	AN ACT TO REPROGRAM THE SUM OF THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS ($375,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSION RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.
250-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND DIVISION 4 OF 10 GUAM CODE ANNOTATED §80109(s)(9) RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE GUAM MEMORIAL HOSPITAL AUTHORITY.
251-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND PUBLIC LAW 32-67 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE GUAM LEGISLATURE.
252-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

January 6, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson of the Committee on Rules

Subject: **Referral of Bill Nos. 250-32(COR) through 252-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 250-32(COR) through 252-32(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 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
252-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.	1/3/2014 2:33 p.m.	01/06/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			**Fiscal Note Requested 01/03/14**

Lisa Dames <cipo@guamlegislature.org>

Public Hearing FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Fri, Jan 10, 2014 at 4:35 PM
To: PHrg Notice <phnotice@guamlegislature.org>

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00 am** on **Friday, January 17, 2014** at the Guam Legislature's Public Hearing Room.

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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(671) 473-4238 (fax)
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2 attachments

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Office of
the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 10, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

Member
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Development Authority

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Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens

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324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910
Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net
Website: http://senbenp.com

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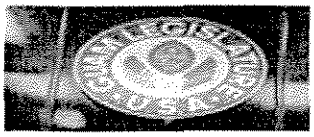

Lisa Dames <cipo@guamlegislature.org>

Public Hearing FIRST NOTICE

Llsa Dames <cipo@guamlegislature.org> Fri, Jan 10, 2014 at 4:31 PM
To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, Ken Quintanilla <kenq@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles_PDN <life@guampdn.com>

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 15, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Member
Committee on Education, Public Libraries and Women's Affairs

Member
Committee on General Government Operations and Cultural Affairs

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing SECOND Notice

Lisa Dames <cipo@guamlegislature.org> Wed, Jan 15, 2014 at 8:26 AM
To: PHrg Notice <phnotice@guamlegislature.org>

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Lisa Dames
Chief of Staff
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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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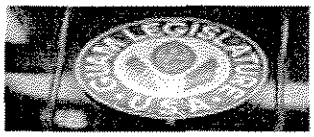

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.
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tinamunabarnes@gmail.com
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tom@senatorada.org
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trittent@pstripes.osd.mil
tterlaje@guam.net
val@tonyada.com
vincent@tinamunabarnes.com
wil@judiwonpat.com
will@senatorada.org
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I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO
(*PUBLIC* HEARING)

***gi Betnes, gi diha 17 gi Ineru*, 2014**
Friday, January 17, 2014

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas nuebi gi egga'an
(9:00 AM)

TAREHA
(AGENDA)

Priniponi Siha:
(Bills)

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32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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37, Relative to requiring Legislative Appropriation for the Government of Guam Purchase, Lease-to-Own, and/or Lease-Purchase of Real Property and for other purposes.

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32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

NEKUNGOK PUPBLEKO
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gi Betnes, gi diha 17 gi Ineru, 2014
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E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

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MAJORITY LEADER

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January 6, 2014

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson of the Committee on Rules

Subject: **Referral of Bill Nos. 250-32(COR) through 252-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 250-32(COR) through 252-32(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

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January 3, 2014

VIA E-MAIL
john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes– Bill Nos. 246-32 (COR) through 252-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
246-32 (COR)	T C. Ada, R. J. Respicio	AN ACT TO AMEND SECTIONS OF ARTICLE 3 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO SOURCE SELECTION AND CONTRACT FORMATION IN GUAM PROCUREMENT LAW.
247-32 (COR)	FRANK B. AGUON, JR.	AN ACT RELATIVE TO EXPANDING THE GUAM SLAYER'S STATUTE THAT WOULD PROHIBIT INHERITANCE BY A PERSON WHO MURDERS SOMEONE FROM WHOM HE OR SHE STANDS TO INHERIT; THROUGH THE REPEAL AND REENACTMENT OF §819 OF CHAPTER 8, TITLE 15, GUAM CODE ANNOTATED.
248-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO APPROPRIATE TWENTY-FIVE THOUSAND DOLLARS ($25,000) FROM THE GENERAL FUND TO ALLOW THE GOVERNMENT OF GUAM TO PAY FOR AN INVERSE CONDEMNATION SETTLEMENT PURSUANT TO SUPERIOR COURT OF GUAM CIVIL CASE NO. CV1158-12.
249-32 (COR)	V. Anthony Ada Chris M. Dueñas Aline A. Yamashita, Ph.D. R .J. Respicio T. R. Muña Barnes Tommy. Morrison FRANK B. AGUON, JR. Michael T. Limtiaco	AN ACT TO REPROGRAM THE SUM OF THREE HUNDRED SEVENTY FIVE THOUSAND DOLLARS ($375,000.00) TO THE DEPARTMENT OF PUBLIC WORKS FOR THE PAVING OF VILLAGE STREETS AND THE REPAIR OF DAMAGES TO VILLAGE STREETS AS A RESULT OF TRAFFIC DIVERSION RELATED TO ONGOING ROAD CONSTRUCTION PROJECTS.
250-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND DIVISION 4 OF 10 GUAM CODE ANNOTATED §80109(s)(9) RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE GUAM MEMORIAL HOSPITAL AUTHORITY.
251-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND PUBLIC LAW 32-67 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE GUAM LEGISLATURE.
252-32 (COR)	Dennis G. Rodriguez, Jr. Rory J. Respicio Christopher M. Duenas	AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

I MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session

Bill No. 252**-32** (COR)

Introduced by: Dennis G. Rodriguez, Jr.
Rory J. Respicio
Christopher M. Duenas

AN ACT TO AMEND ARTICLE 2, CHAPTER 10 TITLE 12 GUAM CODE ANNOTATED §10238 RELATIVE TO THE WAIVER OF SOVEREIGN IMMUNITY ON A LOAN PREVIOUSLY AUTHORIZED FOR THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM.

2014 JUN -3 PM 2:38

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §10238 of Article 2, Chapter 10, Title 12 Guam Code Annotated, as amended by Public Law 32-042 is hereby amended to read as follows:

"§10238. Sovereign Immunity Waived. Notwithstanding any substative 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 also waived as to the award of attorney fees and related costs 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 of indenture that arises directly from the issuance of bonds or indebtedness authorized by ths 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 judgement 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 2. Severability. If any provision of this Act 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 Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.