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. 289-32 (COR), "AN ACT TO *AMEND* § 5121(e) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND,"** was on the 15th day of April, 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 16 day of April, 2014, at 1:10 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

FILE

Bill No. 289-32 (COR)
As amended on the Floor.

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

AN ACT TO *AMEND* § 5121(e) OF PART C, ARTICLE 2, CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ALTERNATIVE DISPUTE RESOLUTION IN CONTRACTS APPROVED BY THE GOVERNMENT OF GUAM RETIREMENT FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that Public Law No. 28-188 added a new § 5121(e) to Guam's procurement statute to permit the Board of Trustees of the Government of Guam Retirement Fund to retain a certain level of autonomy with respect to procurement matters involving its retention of professional service providers. *I Liheslaturan Guåhan* further finds

that it also is in the best interests of the Government of Guam Retirement Fund to ensure an orderly and efficient process for the prompt resolution of disputes and controversies that may occur between the Government of Guam Retirement Fund and its personal service providers. *I Liheslaturan Guåhan* further finds that alternative dispute resolution provides opportunities:

(a) for the parties to resolve controversies before experienced fact-finders knowledgeable in the subject matter of the dispute;

(b) to reduce some of the litigation costs typically arising from protracted administrative and judicial proceedings;

(c) to reduce duplicative review, decision, and appeal; and

(d) to provide the parties with greater certainty as to jurisdiction, venue, finality, and procedural time frames; all of which are more likely to enhance competition and potentially reduce fees and costs in connection with the solicitation and retention of professional services.

Section 2. Legislative Intent. *I Liheslaturan Guåhan* intends to authorize the Board of Trustees of the Government of Guam Retirement Fund to determine if it is in the best interests of the Government of Guam Retirement Fund to solicit and enter into contracts for professional services under which controversies may be resolved by mediation, arbitration, or other alternative dispute resolution.

Section 3. § 5121(e) of Part C, Article 2, Chapter 5, Title 5, Guam Code Annotated, as *added* by Public Law No. 28-188, is hereby further *amended* to read:

"(e) Approval of Contracts by the Government of Guam Retirement Fund. Notwithstanding any other provision of law, the Board of Trustees of the Government of Guam Retirement Fund *shall* have exclusive authority to approve and execute all contracts for the procurement of professional services associated with the operation of the Fund. The Board may enter into contracts providing for alternative dispute resolution (including mediation

and arbitration) of controversies arising between the Government of Guam Retirement Fund and its professional service contractors, if, in the Board's discretion, alternative dispute resolution is determined to be in the best interests of the Government of Guam Retirement Fund."

Section 4. Effective Date. This Act *shall* be effective upon enactment.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 289-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall
April 15, 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.	✓				
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	✓				
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	15				
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

1 = Pass