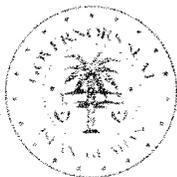


fr



Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 366-30 (COR) "AN ACT TO *AMEND* SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA)", which I signed into law on May 17, 2010 as Public Law 30-146.

Sins eru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0464
5/19/10
125

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 366-30 (COR), "AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA)", was on the 3rd day of May, 2010, duly and regularly passed.



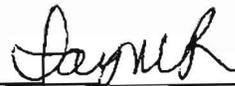
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of May, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

MAY 17 2010

Public Law No. P.L. 30-146

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 366-30 (COR)

As substituted by the Committee on Economic Development,
Health & Human Services and Judiciary, and amended on the Floor.

Introduced by:

T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SECTION 29 OF PUBLIC LAW 30-101, RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY (GWA).

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Intent.** It is the intent of *I Liheslaturan Guåhan* to
3 waive immunity from suit relative to GWA's Thirty Million Dollar (\$30,000,000)
4 loan for funding reserve accounts, the moratorium project, and other purposes
5 approved by the Guam Public Utilities Commission and the Guam Consolidated

1 Commission on Utilities, and to waive immunity from suit relative to the guaranty
2 for said loan provided by the Government of Guam.

3 **Section 2.** Section 29 of Public Law 30-101 is *amended* to read as
4 follows:

5 **“Section 29. General Fund Guarantee for the Guam**
6 **Waterworks Authority Loan.** The government of Guam hereby
7 guarantees all payments due for a maximum ten (10) year term that would be
8 due under the Thirty Million Dollar (\$30,000,000) credit facility issued by
9 the Guam Economic Development Authority on behalf of the Guam
10 Waterworks Authority (GWA) authorized under §14235 of Article 2 of
11 Chapter 14 of Title 12, Guam Code Annotated, for the purpose of securing a
12 Thirty Million Dollar (\$30,000,000) loan to provide funds for the
13 Moratorium Project, fund certain reserve accounts and other purposes
14 approved by the Consolidated Commission on Utilities. This Guarantee is a
15 general obligation of the government of Guam, subject to the full faith and
16 credit of the government of Guam. The Guarantor consents to any and all
17 extension of time and waiver or modification of obligations guaranteed
18 hereunder. Notwithstanding the provision of Chapter 6 of Title 5 of the
19 Guam Code Annotated, the government of Guam hereby waives immunity
20 from any suit or action in contract upon the loan and guaranty but does not
21 waive sovereign immunity as to the personal liability of elected or
22 appointed officials and employees of the government of Guam.”

23 **Section 3. Severability.** *If* any of the provisions of this law or its
24 application to any person or circumstance is found to be invalid or contrary to law,
25 such invalidity shall *not* affect other provisions or applications of this law which

- 1 can be given effect without the invalid provisions or application, and to this end
- 2 the provisions of this law are severable.



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

April 19, 2010

Honorable Judith T. Won Pat
Speaker
I Mina' Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

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

**RE: Committee Report - Bill No. 366-30 (COR), as Substituted by the
Committee**

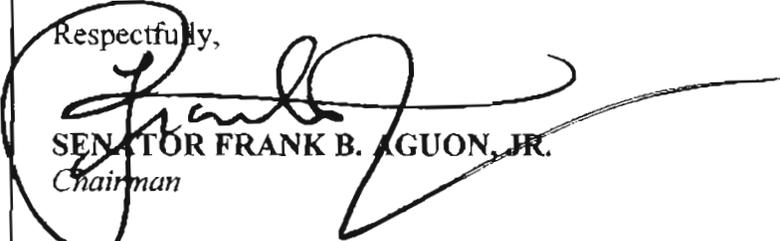
Dear Speaker Won Pat:

Transmitted herewith is the **Committee Report** on **BILL NO. 366-30 (COR)** —
“**AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101 RELATIVE
TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY
MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED
BY THE GUAM WATERWORKS AUTHORITY.**,” sponsored by Senator
Thomas C. Ada., and referred to the Committee on Economic Development,
Health & Human Services, and Judiciary. Bill No. 366-30 (COR) was publicly
heard on April 14, 2010.

Committee votes are as follows:

<u> 3 </u>	TO PASS
<u> </u>	NOT TO PASS
<u> </u>	ABSTAIN
<u> 4 </u>	TO REPORT OUT ONLY
<u> </u>	TO PLACE IN INACTIVE FILE

Respectfully,


SENATOR FRANK B. AGUON, JR.
Chairman

Attachment

2010 APR 27 PM 4:57

lww

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**
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COMMITTEE REPORT ON

**BILL NO. 366-30 (COR), as Substituted by the
Committee — sponsored by Senator Thomas C. Ada.**

**“AN ACT TO AMEND SECTION 29 OF
PUBLIC LAW 30-101 RELATIVE TO
INCLUDING A WAIVER OF IMMUNITY FOR
THE THIRTY MILLION DOLLAR
(\$30,000,000) SHORT TERM NOTE TO BE
ISSUED BY THE GUAM WATERWORKS
AUTHORITY.”**



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH & HUMAN SERVICES, AND JUDICIARY**

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

238 Archbishop F.C. flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

FRANK B. AGUON, JR.
SENATOR, CHAIRMAN

ADOLPHO B. PALACIOS, SR.
SENATOR, VICE CHAIRMAN

JUDITH T. WON PAT
SPEAKER
EX-OFFICIO MEMBER

BENJAMIN J.F. CRUZ
VICE SPEAKER

TINA ROSE MUÑA BARNES
LEGISLATIVE SECRETARY

THOMAS C. ADA
SENATOR

JUDITH P. GUTHERTZ
SENATOR

RORY J. RESPICIO
SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

April 15, 2010

MEMORANDUM

TO: All Members
Committee on Economic Development,
Health & Human Services, and Judiciary

FROM: Senator Frank B. Aguon, Jr.
Committee Chairman

SUBJECT: Committee Report on Bill No. 366-30 (COR), as Substituted

Transmitted herewith is the Committee Report on Bill No. 366-30 (COR) – “AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101 RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY.” – sponsored by Senator Thomas C. Ada, and referred to the Committee on Economic Development, Health & Human Services, and Judiciary.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 366-30 (COR)
- Copy of Bill No. 366-30 (COR), as introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 366-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Articles

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 me.

Un dangkulo' na Si Yu'us Ma'ase'.

Attachments



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature
 238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
 Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

COMMITTEE VOTING SHEET

BILL NO. 366-30 (COR) — “AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101 RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY.” sponsored by Senator Thomas C. Ada, and As Substituted by the Committee.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman	4/19/10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADOLPHO B. PALACIOS, SR. Vice Chairman	4/19/10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BENJAMIN J.F. CRUZ Vice Speaker		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TINA ROSE MUÑA BARNES Legislative Secretary		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
THOMAS C. ADA		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JUDITH P. GUTHERTZ		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RORY J. RESPICIO		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRANK F. BLAS, JR.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TELO TAITAGUE	4/20/10	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAY TENORIO		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**COMMITTEE ON ECONOMIC DEVELOPMENT,
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COMMITTEE REPORT DIGEST

**BILL NO. 366-30 (COR),
As Substituted by the Committee**

I. OVERVIEW

The Committee on Economic Development, Health & Human Services, & Judiciary, convened a public hearing on Wednesday, April 14, 2010 at 10:00 AM in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **BILL NO. 366-30 (COR) — "AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101 RELATIVE TO INCLUDING A WAIVER OF IMMUNITY FOR THE THIRTY MILLION DOLLAR (\$30,000,000) SHORT TERM NOTE TO BE ISSUED BY THE GUAM WATERWORKS AUTHORITY."** sponsored by Senator Thomas C. Ada.

Public Notice Requirements

Notices were disseminated via hand-delivery / fax / email to all senators and all main media broadcasting outlets, and was published on April 08, 2010 (5-Day Notice) in the Marianas Variety, and again on April 12, 2010 (48-Hour Notice) in the Marianas Variety. The Public Hearing was called to order at 10:14 A.M.

Senators Present (as of the time of discussion of agenda item: Bill No. 366-30 (COR)):

Senator Frank B. Aguon, Jr., Chairperson
Senator Adolpho B. Palacios, Vice-Chairperson
Senator Thomas C. Ada, Committee Member
Senator Telo Taitague, Committee Member

The public hearing on Bill No. 366-30 (COR) was Called-to-Order at 12:38 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION

CHAIRMAN FRANK B. AGUON, Jr., convened the public hearing and discussion on Agenda item **Bill No. 366-30 (COR)** at 12:38 P.M.

CHAIRMAN: invited Senator Thomas C. Ada, author of Bill No. 366-30 (COR), to explain the purpose of the Bill.

SENATOR ADA: Basically, what the bill does is - that in the process of finalizing the \$30 million dollar loan that Guam Waterworks is getting is from a local bank, the counsel for the lending institution found that language was needed authorizing that the immunity from being sued in the case of a default needs to be waived in order for them to complete the transaction. Senator Ada then stated that the representatives should address the matter from this point.

CHAIRMAN: Invited the panel to testify:

Leonard Olive, General Manager, Guam Waterworks Authority; submitted written testimony, and provided oral testimony, **IN SUPPORT** of passage of Bill No. 366-30 (COR).

Ironically, every time we think we have things on track, something else comes up, we have another little impediment. Hopefully this is the last one. This is the last step in cleaning our house - getting ready for our next major bond which we are projecting to be about \$118 million dollars. We had originally thought that we would have had that bond issuance by now; hopefully if we can get this little house-keeping matter cleaned up, we should be able to go to the market, hopefully, in late August or September. Basically, we need this money to back-fill some reserve accounts that are not up to full par at this point, and a portion of this is also going to be used to springboard what we call the 'Moratorium Project' originally, and now we are referring to it as the 'Central Guam Wastewater Project'.

The language in the bill was crafted by our Bond Counsel, Mr. Stanley Dirks, who is with Boric Law Firm of San Francisco. And with that, rather than have me say much more, let me just field questions - and I'd like to point out that we have GWA Counsel, Mr. Sam Taylor here, as well as GWA's CFO, Mr. Greg Cruz.

CHAIRMAN: Thanked Mr. Olive, and inquired if either of the other two gentlemen wished to testify.

Mr. Sam Taylor, GWA Legal Counsel: The Title to the bill needs to be amended. Perhaps instead of just saying "BONDS ISSUED BY THE GUAM WATERWORKS AUTHORITY", it should say the "THIRTY MILLION DOLLAR SHORT TERM BORROWING", because that's what this is really for. This is also, I'd like to point out, that it's not necessarily a waiver from immunity from suit, as the Government Claims Act has already waived immunity from suit - rather, what this is, is a waiver of immunity from the Government Claims Act. Because there was a recent Supreme Court case that requires that under contracts with the government - I believe it was a DOE case - where you basically have to go through the Government Procurement Code, and the administrative processes now that you have the Public Auditor involved. And then, you go through the Government Claims Act after the Public Auditor has basically exhausted those administrative remedies, then you go to court. So what you need to do in order to obtain a borrowing, is to make sure the lender has the ability to initiate suit immediately. In other words, nobody is going to lend you money if they have to wait eighteen months in order to recover the amount that they've lent you from default.

CHAIRMAN: I'm noticing the language that says "shall not exempt or provide sovereign immunity to appointing officials and employees of the government of Guam." So I guess that component would remain intact, outside of the private financing company. Now, is this the same language that has been used, traditionally, for locally financed borrowing?

Mr. Sam Taylor: Yes, it's exactly the same.

CHAIRMAN: Fine. We just want to be consistent, because, obviously, we don't have any representatives from the local financial market here today.

Mr. Sam Taylor: Yeah, this has been used pretty much in every financing undertaken by the government of Guam, from my understanding, for the last 20 years or so.

CHAIRMAN: Okay, and also, thank you also for the clarification on the Title; because I think you're absolutely right - waiver of immunity for bonds - and that this is in reference to the short-term capital financing.

Mr. Sam Taylor: Yes, the thirty million dollar note authorized under 12 GCA, 14235.

CHAIRMAN: I had about two pages and a half pages of questions - lines of question in terms of your finances, your capital capabilities, your reserve funds, what anticipated rate increases, but I'll refrain from asking these Mr. Olive. I'll yield to the sponsor of the legislation, Senator Ada.

SENATOR ADA: No questions.

SENATOR TAITAGUE: No questions.

SENATOR PALACIOS: No questions.

CHAIRMAN: Just one follow-up question. Obviously, this is going to allow you to go out and acquire up to a \$30 Million financing, short-term financing. Has GWA - I'm looking at the macro-component - outside of going to the bond market and possibly borrowing up to \$118M dollars - outside of short-term capital financing up to \$130M dollars which is presently authorized by law - has GWA looked at entering into, even informal discussions with USDA representatives about possible financing mechanisms that may be available, i.e., rather than going to the bond market for \$118M dollars, could USDA participate support us, or rather support GWA, in acquiring that \$118M dollars?

Mr. Olive: Absolutely Senator. Not only have we talked to USDA, but we have a weekly meeting with them currently. We have a very robust program right now where we are putting together all of the shovel ready, or near shovel ready projects that we have, in our capital improvement plan. We anticipate, that in the next several weeks, we will have an aggregate of as many as \$77M dollars worth of projects that we will be applying for funding. Now, is this necessarily an either/or - USDA or bonding? Maybe not. Maybe they can work together. But what we're doing is we're going down several parallel paths right now. And absolutely, if there is another path that becomes more attractive or beneficial to ratepayers, then that's the path we will put more emphasis on. So right now we don't have any path that would exclusively take out the band. But we are looking at things that could enhance, or maybe partner with the bond financing.

CHAIRMAN: The reason why I bring this up, is primarily, as we venture into entertaining the other measure, which would also affect the Guam Waterworks Authority, I think there are some serious points that will be raised at that point in time; in terms of what the impact will be with regards to ratepayers - in terms of going out and borrowing those resources. Also in conjunction with that, if in fact those options have been explored - and I'll share this with you, having had the opportunity to sit down with a key USDA official in the region. One of the comments that were shared with me was that in April, the entire federal government would go back and reevaluate the ARRA funds and the resources. Those that have yet to be committed, will be put into a separate pool, whereby it's up for grabs. So even if they're looking at \$5B dollars, or \$1B dollars, that may be readily available at the beginning of May, while venturing into the latter part of the FY, that could conceivably be there to support GWA efforts, and perhaps keep any rate adjustment to a minimum. Because, obviously, going out to the bond market, that's going to be an issue in terms of what the impact's going to be to the ratepayers. And then, another component would be - what, if any - that if you're going to borrow or acquire \$118M dollars in the bond market, what part or parcel of those projects are going to be

implemented to accommodate the military buildup? Because that's another question that will be posed at that point in time, because I would hate to see us initiate some of these military projects without getting serious commitment, financial commitment from the federal government, in terms of them supporting the local community – helping to upgrade the infrastructure for GWA - our water and wastewater. So that's going to be another – I'm just giving you a precursor of some of the questions – the easy questions – that will be posed to you during any of the subsequent discussions on borrowing authority, should that come before the Committee. But, other than that, thank you gentlemen.

SENATOR ADA: In your explanation you said that, I was just reading the language here and you said that, *what this bill is doing, is in essence, will allow lets say the lender, in case gov-Guam default or in case GWA defaults, to go directly to court to file its law suit, as opposed to going to all those baby steps that could take as long as eighteen months.* And in reading this, although you say that it was bond counsel that drafted this – in reading this, that's not what it says. All it says is that government of Guam hereby waives immunity from any suit. My interpretation of that, is that we are waiving, as I originally interpret it, that now it's saying that if GWA or go-Guam defaults, the lender can go after the government in the form of a law suit. But it doesn't say anything about being able to skirt all those intermediate steps.

Mr. Sam Taylor: The reason you have the language relating to Chapter 6 of Title 5, that is the Government Claims Act, and there are questions that existed previously as to, specifically, autonomous agencies and also the government of Guam as a specific entity. As to whether or not suit could be initiated against it for this type of transaction – and what they're doing is they're clearing the deck and what they're saying *notwithstanding any language in the Government Claims Act*, we have the ability to initiate suit. So what they're saying is, get rid of the Government Claims Act, we have the ability for a direct cause of action. So it does do that, it's just sort of a legal, technical way of doing it, but that's what it does.

SENATOR ADA: I just want to make sure we don't come back again a third time.

Mr. Taylor: If we come back it's going to about something I've never known about or heard of, to date. It will be something new.

CHAIRMAN: Thank you gentlemen. I anticipate that the good sponsor of this legislation would like to have this entertained in April. So, if there is any other testimony or comments, we would need to receive it in the next several days.

There being no other questions, the Public Hearing on Bill No. 366-30 (COR) was ADJOURNED at 12:50 P.M.

III. FINDINGS & RECOMMENDATIONS

Amendments At the recommendation of the Consolidated Commission on Utilities' Legal Counsel, Sam Taylor, a technical amendment was made to the Title of Bill No. 366-30.

This Committee notes that a request for a fiscal note on Bill No. 366-30 (COR) was made by the Committee on Rules to the Bureau of Budget and Management Research on April 8, 2010. There being no response received by Friday, April 23, 2010, the fourteen day deadline, the fiscal note requirement for this bill is hereby waived, pursuant to 2 GCA §9105.

No substantive amendments, other than the technical correction to the Title, were made to the Bill 366-30 (COR).

The Committee on Economic Development, Health & Human Services, and Judiciary hereby **reports out Bill No. 366-30 (COR), as Substituted by the Committee**, for consideration by the Legislature, with the recommendation **TO REPORT OUT ONLY**.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 107-6 111 9:29 De

Bill No. 366-30 (cor)

Introduced by:

T.C. Ada 

**AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101
RELATIVE TO INCLUDING A WAIVER OF IMMUNITY
FOR BONDS ISSUED BY THE GUAM WATERWORKS
AUTHORITY**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** It is the intention of *I Liheslaturan Guåhan*
3 to waive immunity from suit relative to GWA's \$30 million loan for funding reserve
4 accounts, the moratorium project and other purposes approved by the Guam Public
5 Utilities Commission and the Guam Consolidated Commission on Utilities, as well as the
6 guarantee for said loan provided by the Government of Guam.

7 **Section 2.** Section 29 of Public Law 30-101 is amended to read as follows:

8 "Section 29. The government of Guam hereby guarantees all payments due for a
9 maximum ten (10) year term that would be due under the Thirty Million Dollar
10 (\$30,000,000) credit facility issued by the Guam Economic Development Authority on
11 behalf of the Guam Waterworks Authority (GWA) authorized under §14235 of Article 2
12 of Chapter 14 of Title 12, Guam Code Annotated, for the purpose of securing a Thirty
13 Million Dollar (\$30,000,000) loan to provide funds for the Moratorium Project, fund
14 certain reserve accounts and other purposes approved by the Consolidated Commission
15 on Utilities. This Guarantee is a general obligation of the government of Guam, subject
16 to the full faith and credit of the government of Guam. The Guarantor consents to any

1 and all extension of time and waiver or modification of obligations guaranteed hereunder.
2 Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5 of the
3 Guam Code Annotated, the government of Guam hereby waives immunity from any suit
4 or action in contract upon the loan and guaranty but does not waive sovereign immunity
5 as to the personal liability of elected or appointed officials and employees of the
6 Government of Guam."

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

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular

1 **Bill No. 366-30 (COR)**, As Substituted
2 by the Committee On Economic Development,
3 Health & Human Services and Judiciary

Introduced by:

T.C. Ada

**AN ACT TO AMEND SECTION 29 OF PUBLIC
LAW 30-101 RELATIVE TO INCLUDING A
WAIVER OF IMMUNITY FOR THE THIRTY
MILLION DOLLAR (\$30,000,000) SHORT TERM
NOTE TO BE ISSUED BY THE GUAM
WATERWORKS AUTHORITY.**

4 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

5 **Section 1. Legislative Findings and Intent.** It is the intention of *I*
6 *Liheslaturan Guahan* to waive immunity from suit relative to GW A's \$30
7 million loan for funding reserve accounts, the moratorium project and
8 other purposes approved by the Guam Public Utilities Commission and the
9 Guam Consolidated Commission on Utilities, as well as the guarantee for
10 said loan provided by the Government of Guam.

11 **Section 2.** Section 29 of Public Law 30-101 is amended to read as
12 follows:

1 **"Section 29.** The government of Guam hereby guarantees all
2 payments due for a maximum ten (10) year term that would be due under
3 the Thirty Million Dollar (\$30,000,000) credit facility issued by the Guam
4 Economic Development Authority on behalf of the Guam Waterworks
5 Authority (GWA) authorized under §14235 of Article 2 of Chapter 14 of
6 Title 12, Guam Code Annotated, for the purpose of securing a Thirty
7 Million Dollar (\$30,000,000) loan to provide funds for the Moratorium
8 Project, fund certain reserve accounts and other purposes approved by the
9 Consolidated Commission on Utilities. This Guarantee is a general
10 obligation of the government of Guam, subject to the full faith and credit of
11 the government of Guam. The Guarantor consents to any and all extension
12 of time and waiver or modification of obligations guaranteed hereunder.
13 Notwithstanding any substantive or procedural provision of Chapter 6 of
14 Title 5 of the Guam Code Annotated, the government of Guam hereby
15 waives immunity from any suit or action in contract upon the loan and
16 guaranty but does not waive sovereign immunity as to the personal
17 liability of elected or appointed officials and employees of the Government
18 of Guam."

19 **Section 3. Severability.** If any of the provisions of this law or its
20 application to any person or circumstance is found to be invalid or contrary
21 to law, such invalidity shall not affect other provisions or applications of

- 1 this law which can be given effect without the invalid provisions or
- 2 application, and to this end the provisions of this law are severable.



GUAM WATERWORKS AUTHORITY
ATURIDAT KINALAMTEN HANOM GUAHAN
Post Office Box 3010, Hagatna, Guam 96932
Phone: (671) 647-7847 Fax: (671) 649-0369

April 14, 2010

Senator Frank B. Aguon, Jr.
Chairman, Committee on Economic Development,
Health and Human Services and the Judiciary
30th Guam Legislature
255 Hesler Street
Hagåtña, GU 96932

RE: Testimony From The Guam Waterworks Authority Regarding Bill 366.

Hafa Adai,

The Guam Waterworks Authority ("GWA") thanks for the opportunity to present testimony on Bill 366 relative to providing a waiver of immunity for GWA's short-term \$30 million loan as authorized under 12 G.C.A. § 14235. GWA is in support of this bill since it is a condition of the lending institution that responded to GWA's RFP for a \$30 million short-term loan that was issued through the Guam Economic Development Authority. If this bill passes GWA will be able to fund its reserve accounts under the 2005 Series Bond Indenture, provide funds for GWA's Moratorium Project and for other purposes approved by Guam law. This bill is especially important because once the \$30 M loan proceeds have been obtain GWA will then be able to issue \$118 million in bonds which will be used to make much needed improvements to its system to improve service to all of Guam's residents. The language included in this proposed bill has been drafted by GWA's Bond Counsel, Mr. Stanley Dirks and is the final hurdle to making this loan a reality. We humbly ask this body to approve this bill so that GWA can move forward and improve the lives of everyone on Guam.

Sincerely,

Leonard Olive
General Manager,
Guam Waterworks Authority



COMMITTEE ON RULES

I Mina'Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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**James V. Espaldon
SENATOR**

April 8, 2010

VIA FACSIMILE
(671) 472-2825

Ms. Bertha Duenas
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 366-30 - 368-30

Hafa Adai Ms. Duenas:

Transmitted herewith is a listing of *I Mina' Trenta 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

Attachments (4 pages)

**note: no response on 366.*



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

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SENATOR**

**James V. Espaldon
SENATOR**

April 6, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 365-30(COR) and 366-30(COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 365-30(COR) and 366-30(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

APR 14 2010
EPTM

I Mina 'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B365-30 (COR)	T. C. Ada	An act to amend Section 4 of Public Law 28-71 relative to approving the terms and conditions of the issuance of Guam Waterworks Authority Revenue Bonds	4/06/10 9:28 a.m.	4/6/10	Committee on Economic Development, Health and Human Services, and Judiciary			
B366-30 (COR)	T. C. Ada	An act to amend Section 29 of Public Law 30-101 relative to including a waiver of immunity for bonds issued by the Guam Waterworks Authority	4/06/10 9:29 a.m.	4/6/10	Committee on Economic Development, Health and Human Services, and Judiciary			



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April 6, 2010

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RAY TENORIO
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MR. ANTHONY C. BLAZ
Administrator
Guam Economic Development Authority
GITC Bldg, Ste 511
Tamuning, Guam 96913

SUBJECT: NOTICE OF PUBLIC HEARING – Wednesday, April 14, 2010

Dear Mr. Blaz,

Buenas yan Hafa Adai!

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Wednesday, April 14, 2010 at 10am** in the Legislature's Public Hearing Room.

On the agenda is the following:

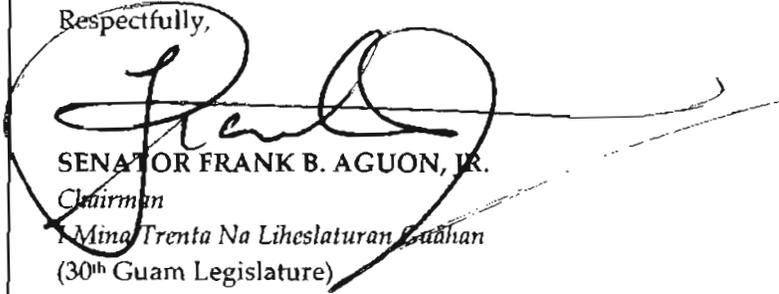
BILL NO. 366-30 (COR) – An act to amend Section 29 of Public Law 30-101 relative to including a waiver of immunity for bonds issued by the Guam Waterworks Authority.

For a copy of the bill for your purview, please visit the Guam Legislature's website at www.guamlegislature.com; go to "BILLS"; "INTRODUCED"; and "30TH".

I invite the participation of you and/or your staff at this public hearing as you deem necessary. Written testimony may be delivered to my office, faxed to 969-1497, or emailed to aguon4guam@gmail.com no later than Monday, April 12, 2010. Should you have any questions or comments, you may contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
Chairman
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NOTICE OF PUBLIC HEARING - B.366-30 Inbox X

Frances Lizama Hafa Adai Tony: Please find attached Notice of Public Hearing on Bill No. 366... 12:07 PM (23 min)

Ellie Lujan to me, Tony [show details](#) 12:09 PM (22 minutes ago)

Confirming receipt of notice.

Thank you

On 4/7/10 12:07 PM, "Frances Lizama" <lizama.frances@gmail.com> wrote:

Hafa Adai Tony:

Please find attached Notice of Public Hearing on Bill No. 366. This is the recent addition to the agenda. Please confirm receipt of this notice via email to lizama.frances@gmail.com.

Thank you so much.

Eleonor Lujan
Executive Assistant to the Administrator
Guam Economic Development Authority
ITC Bldg - Suite 511
590 South Marine Corps Drive
Tamuning, Guam 96913
Tel: (671) 647-4332
Fax: (671) 649-4146

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April 6, 2010

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MR. LEONARD J. OLIVE, GM
Guam Waterworks Authority
578 N. Marine Corps Drive
Tamuning, Guam 96913

SUBJECT: NOTICE OF PUBLIC HEARING – Wednesday, April 14, 2010

Dear Mr. Olive,

Buenas yan Hafa Adai!

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Wednesday, April 14, 2010 at 10am** in the Legislature's Public Hearing Room.

On the agenda is the following:

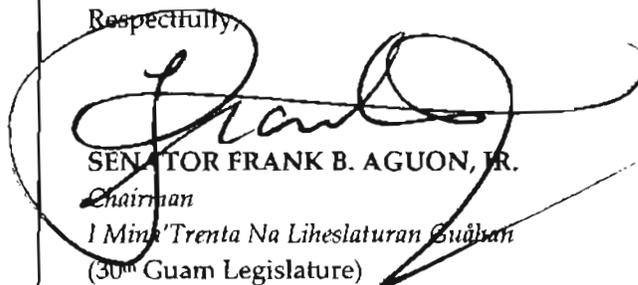
BILL NO. 366-30 (COR) – An act to amend Section 29 of Public Law 30-101 relative to including a waiver of immunity for bonds issued by the Guam Waterworks Authority.

For a copy of the bill for your purview, please visit the Guam Legislature's website at www.guamlegislature.com; go to "BILLS"; "INTRODUCED"; and "30TH".

I invite the participation of you and/or your staff at this public hearing as you deem necessary. Written testimony may be delivered to my office, faxed to 969-1497, or emailed to aguon4guam@gmail.com no later than Monday, April 12, 2010. Should you have any questions or comments, you may contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
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Frances,
Acknowledged and calendared.
Len Olive, GM

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Subject: NOTICE OF PUBLIC HEARING - Bill 366
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MR. SIMON A. SANCHEZ II, Chairman
Commission on Consolidated Utilities
GCIC Bldg, Suite 207
414 West Soledad Ave.
Hagatna, Guam 96910

SUBJECT: NOTICE OF PUBLIC HEARING – Wednesday, April 14, 2010

Dear Mr. Sanchez,

Buenas yan Hafa Adai!

Please be advised the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a Public Hearing on **Wednesday, April 14, 2010 at 10am** in the Legislature's Public Hearing Room.

On the agenda is the following:

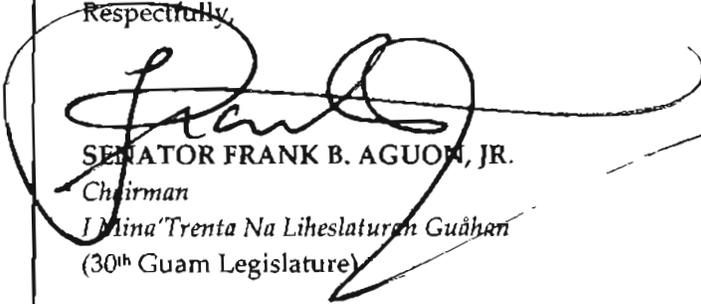
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I invite the participation of you and/or your staff at this public hearing as you deem necessary. Written testimony may be delivered to my office, faxed to 969-1497, or emailed to aguon4guam@gmail.com no later than Monday, April 12, 2010. Should you have any questions or comments, you may contact Mr. Ron Teehan from my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.
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Lou Sablan to me [show details](#) 3:31 PM (1 hour ago)

Hi Frank,

Thank you for the information - I've copied the entire CCU body.

Regards,

Lou

//signed//

Ms. B. Lou Sablan

Board Secretary

CCU/GPA/GWA

P.O. Box 2977

Hagatna, GU 96932

Tel: (671) 648-3002

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SENATOR

April 6, 2010

MEMORANDUM

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: FIRST NOTICE – Notice of Public Hearing
Wednesday, April 14, 2010 – 10:00 am

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, April 14, 2010**, beginning at 10:00 am in the Guam Legislature Public Hearing Room.

Please see attached agenda for this public hearing. Should you have any questions, please call my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV
Stephanie Mendiola, COR
Clerk of the Legislature
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"SEN TENORIO, Ray" <ray@raytenorio.com>,
"SPKR WON PAT, Judi" <speaker@judwonpat.com>,
"VICE SPKR CRUZ, Benjamin J.F." <senadotbjcruz@gmail.com>
cc: "BLAS, Roland - Spkr Won Pat" <roland@judwonpat.com>,
"CASTRO, James P. - Sen. Blas CoS" <jamespcastro@gmail.com>,
"CEPEDA, Patrick - Sen. Palacios CoS" <patrickcepeda@hotmail.com>,
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"CRUZ, Jose Jr. - Vice Spkr Cruz" <josecruzjr17@yahoo.com>,
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"DIAZ, Jonathan - Sen. Palacios" <jonbdiaz@gmail.com>,
"DUARTE, Mark - Spkr Won Pat" <mark@judwonpat.com>,
"DUENAS, Mona - Sen. Espaldon" <mona.duenas@gmail.com>,
"EVARISTO, Jessica - Sen. Tenorio" <jessica@raytenorio.com>,
"FEJERAN, Mary - Sen. Blas" <maryfejeran@gmail.com>,
"HILLS, Derick - Sen. Pangelinan" <denckhills@live.com>,
"KOMIYAMA, Velma - Sen. Barnes" <vel.komiyama@yahoo.com>,
"LG, Ed - Sen. Guthertz" <edg@guamlegislature.org>,
"LG, Philip - Sen. Tenorio CoS" <phil@raytenorio.com>,
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Please find attached Notice of Public Hearing scheduled for Wednesday, April 14, 2010, 10am in the Public Hearing Room

FRANCES S. LIZAMA
Office of Senator Frank B. Aguon, Jr
30th Guam Legislature
Committee on Economic Development,
Health & Human Services, and Judiciary
238 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
Hagana, Guam 96910
Tel: 671.969.1495#
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Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

April 06, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 5 days notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Wednesday, April 14, 2010
TIME: 10:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

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 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
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Please see attached AMENDED AGENDA for Public Hearing scheduled for Wednesday, April 14, 2010 at 10am which Notice was sent out earlier this morning.

Un dangkulo' na Si Yu'us Ma'asa'

FRANCES S. LIZAMA
Office of Senator Frank B. Aguan, Jr.
30th Guam Legislature
Committee on Economic Development,
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236 Archbishop F.C. Flores St.
DNA Bldg (old PDN), Suite 701A
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The majority of the funding Barrigada Mayor **Jessie Patican**, who represents the council at the Consolidated Commission on Utilities, on issues related to village streetlights. *(Zita Taitano)*

Sunken boats

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SENATOR FRANK B. AGUIÓN, JR., Chairman
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 238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatna, Guam 96910
 *Tel: (671) 969-1495/6 • Fax: (671) 969-1497 Email: aguion-frank@guam7.com

NOTICE OF PUBLIC HEARING
 WEDNESDAY, APRIL 14, 2010, 10 am
 GUAM LEGISLATURE PUBLIC HEARING ROOM

APPOINTMENT OF MR. ANGEL MENDOZA to serve as a Member of the Guam Economic Development Authority (GEDA) Board of Directors for a term of four (4) years.

BILL NO. 336-30 (COR) - An act to amend §§ 5004, 5008, 5030, 5121, 5122, 5215, 5216, 5233, 5425, 5480, 5481, 5601, and 5707 of Title 5, Guam Code Annotated and to add new §§ 5126, 5425 I, and 5634 to Title 5, Guam Code Annotated, relative to government of Guam procurement.

BILL NO. 340-30 (COR) - An act to amend § 5601 (g), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated, to further define and expand its definition.

BILL NO. 346-30 (LS) - An act to amend §§ 8107 and 8108, Chapter 8, Title 7 Guam Code Annotated, relative to including School Attendance Officers under the provisions of special deputy appointments.

BILL NO. 358-30 (COR) - An act to amend § 18114 of Chapter 18 of Title 10, Guam Code Annotated relative to the eligibility and qualification for reciprocity under the Barbering and Cosmetology Act of 2000.

To view full text of Bills, visit www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to **OFFICE OF SEN. FRANK B. AGUIÓN, JR., 238 ARCHBISHOP F.C. FLORES ST., DNA BLDG., STE. 701A, HAGATNA, GU 96910**, email aguionfrank@gmail.com, or fax to 969-1497. Individuals requiring special accommodations/services, or for more information, please contact **Ron Teehan** at 969-1495/6.

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TAX PAYER
 Your Real Property Taxes are divided equally between the Real Property Tax and the Real Property Tax OR BEFORE FEBRUARY 20, 2010. If you do not pay your taxes by this date, you will be liable for penalties and interest.

Felix P. Camacho, Governor
Lourdes M. Pérez, Director

GSA GENERAL SERVICES AGENCY
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 Department of Administration
 Government of Guam
 148 Route 1 Marine Corps Drive, Piti, Guam 96915
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COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY
I Minu' Trenta Na Liheshaturan Gudhan 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatña, Guam 96910
• Tel. (671) 969-1495/6 • Fax: (671) 969-1497 Email: aguonfrank@gmail.com

NOTICE OF PUBLIC HEARING

WEDNESDAY, APRIL 14, 2010, 10 am

GUAM LEGISLATURE PUBLIC HEARING ROOM

APPOINTMENT OF MR. ANGEL MENDOZA to serve as a Member of the Guam Economic Development Authority (GEDA) Board of Directors for a term of Four (4) years.

BILL NO. 336-30 (COR) - An act to amend §§ 5004, 5008, 5030, 5121, 5122, 5215, 5216, 5233, 5425, 5480, 5481, 5601, and 5707 of Title 5, Guam Code Annotated and to add new §§ 5126, 5425.1, and 5634 to Title 5, Guam Code Annotated, relative to government of Guam procurement.

BILL NO. 340-30 (COR) - An act to amend § 5601 (g), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated, to further define and expand its definition.

BILL NO. 346-30 (LS) - An act to amend §§ 8107 and § 8108, Chapter 8, Title 7 Guam Code Annotated, relative to including School Attendance Officers under the provisions of special deputy appointments.

BILL NO. 358-30 (COR) - An act to amend § 18H4 of Chapter 18 of Title 10, Guam Code Annotated relative to the eligibility and qualification for reciprocity under the Barbering and Cosmetology Act of 2000.

BILL NO. 366-30 (COR) - An act to amend Section 29 of Public Law 30-101 relative to including a waiver of immunity for bonds issued by the Guam Waterworks Authority.

To view full text of Bills, visit www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to **OFFICE OF SEN. FRANK B. AGUON, JR., 238 ARCHBISHOP F.C. FLORES ST., DNA BLDG., STE 701A, HAGATNA, GU 96910**, email: aguonfrank@gmail.com or fax to 969-1497. Individuals requiring special accommodations/services, or for more information, please contact Ron Teehan at 969-1495/6.

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FRANK B. AGUON, JR.
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SENATOR

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SENATOR

FRANK F. BLAS, JR.
SENATOR

TELO TAITAGUE
SENATOR

RAY TENORIO
SENATOR

April 12, 2010

MEMORANDUM

TO: Honorable Senators/Committee Members
*Committee on Economic Development,
Health & Human Services, and Judiciary*

FROM: SENATOR FRANK B. AGUON, JR.
Chairman

SUBJECT: SECOND NOTICE – Notice of Public Hearing
Wednesday, April 14, 2010 – 10:00 am

Buenas yan Hafa Adai!

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, April 14, 2010**, beginning at **10:00 am** in the Guam Legislature Public Hearing Room.

Please see attached agenda for this public hearing. Should you have any questions, please call my office.

Un dangkulo' na Si Yu'us Ma'ase'.

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV
Stephanie Mendiola, COR
Clerk of the Legislature
MIS

2ND NOTICE - PUBLIC HEARING 04.12.2010 Inbox X[hide details](#) 1:50 PM (3 minutes ago)[Reply](#)

from **Frances Lizama** <lizama.frances@gmail.com>
 to "SEN. ADA, Thomas C." <tom@senatorada.org>,
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 "CEPEDA, Patrick - Sen. Palacios" <patrickcepeda@hotmail.com>,
 "CRUZ, Priscilla - Sen. Palacios" <pjtcruz@yahoo.com>,
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 "FEJERAN, Mary - Sen. Blas" <maryfejeran@gmail.com>,
 "HILLS, Derick - Sen. Pangelinan" <derickhills@live.com>,
 "KOMIYAMA, Velma - Sen. Barnes" <vel.komiyama@yahoo.com>,
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 "SANTOS, Pat" <psantos@guamlegislature.org>

date Mon, Apr 12, 2010 at 1:50 PM
 subject 2ND NOTICE - PUBLIC HEARING 04.12.2010
 mailed-by gmail.com

HAFA ADAI ALL:

Please find attached Second Notice of Public Hearing scheduled for Wednesday, April 14, 2010, 10am in the Public Hearing Room. Also attached is the agenda for this public hearing.

Un dangkulo' na Si Yu'us Ma'ase'.

—
 FRANCES S. LIZAMA
 Office of Senator Frank B. Aguon, Jr.
 30th Guam Legislature
 Committee on Economic Development,
 Health & Human Services, and Judiciary
 238 Archbishop F.C. Flores St.
 DNA Bldg (old PDN), Suite 701A
 Hagatna, Guam 96910
 Tel: 671.969.1495/6
 Fax: 671.969.1497



SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina' Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



PRESS RELEASE

FOR IMMEDIATE RELEASE

April 12, 2010

NOTICE OF PUBLIC HEARING

In accordance with the Open Government Law 24-109, relative to notice for public meetings, please let this serve as 48 hours notice for a Public Hearing by the Committee on Economic Development, Health & Human Services, and Judiciary, scheduled for

DATE: Wednesday, April 14, 2010
TIME: 10:00 am
PLACE: Guam Legislature Public Hearing Room

Please see attached Agenda for listing of Bills that will be heard on this day. Persons with disabilities needing special accommodations/services, or for more information, please contact Mr. Ron Teehan, Committee Director at 969-1495/6.

#####

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KUAM TV/Radio	637-9870
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Marianas Media / Guam News Factor	477-2240
Hit Radio 100	472-7663
K-Stereo / KISH	477-6411
KPRG News	734-2958
KGTF	734-3476
Adventist Radio	565-2983
Harvest Radio	477-7136
Joy 92FM	477-4678

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Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Apr 7	1:12PM	Fax Sent	4727951	2:27	1	OK
Apr 7	1:16PM	Fax Sent	4776788	0:28	1	OK
Apr 7	1:38PM	Fax Sent	6332643	0:19	0	Cancel
Apr 7	1:39PM	Fax Sent	6332643	1:23	2	OK
Apr 7	3:02PM	Received	671 472 5022 6714725022	1:13	3	OK
Apr 8	7:26AM	Received	6490145 6716490145	0:38	1	OK
Apr 8	9:05AM	Fax Sent	6494146	3:25	9	OK
Apr 8	9:36AM	Fax Sent	6494146	3:26	9	OK
Apr 9	10:44AM	Received	671-735-7416 6717357416	0:36	2	OK
Apr 12	7:06AM	Received	7023695593	0:27	1	OK
Apr 12	9:09AM	Fax Sent	4733528	0:17	0	Cancel
Apr 12	9:28AM	Received	6716321041	0:45	0	No fax
Apr 12	10:01AM	Received	4723510 6714723589	0:20	1	OK
Apr 12	10:51AM	Fax Sent	4790900	0:40	1	OK
Apr 12	11:26AM	Received	6714752000	0:18	1	OK
Apr 12	11:36AM	Received	6714795925	0:45	0	No fax
Apr 12	12:17PM	Fax Sent	6379870 - KUAM	1:01	2	OK
Apr 12	12:23PM	Fax Sent	4773982 - K57 / POWER98	0:50	2	OK
Apr 12	12:28PM	Fax Sent	4773079 - PDN	1:09	2	OK
Apr 12	12:31PM	Fax Sent	4770793 - PNC NEWS	0:57	2	OK
Apr 12	12:33PM	Fax Sent	6482007 - MARIANAS VARIETY	0:51	2	OK
Apr 12	12:35PM	Fax Sent	4772240	2:33	1	Error 326
Apr 12	12:38PM	Fax Sent	4772240 - MARIANAS MEDIA	3:35	2	OK
Apr 12	12:42PM	Fax Sent	4727663 - HIT RADIO 100	0:50	2	OK
Apr 12	12:44PM	Fax Sent	4776411 - K-STEREO / KISH	1:15	2	OK
Apr 12	12:46PM	Fax Sent	7342958 - KPRG NEWS	0:50	2	OK
Apr 12	12:48PM	Fax Sent	7343476 - KGTF	1:09	2	OK
Apr 12	12:50PM	Fax Sent	5652983 - ADVENTIST RADIO	1:04	2	OK
Apr 12	12:52PM	Fax Sent	4777136 - HARVEST RADIO	0:55	2	OK
Apr 12	12:54PM	Fax Sent	4774678 - JOY 92FM	0:52	2	OK

2ND NOTICE OF PUBLIC HEARING - 04.14.2010[hide details](#) 1:53 PM (16 m)

from **Frances Lizama** <lizama.frances@gmail.com>
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 "TYQUIENGCO, Josh - SPB" <jtyquiengco@spbguam.com>,
 "WATANABE, Masako - Guam Gannett" <mwatanabe@guam.gannett.com>

date Mon, Apr 12, 2010 at 1:53 PM

subject 2ND NOTICE OF PUBLIC HEARING - 04.14.2010

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HAFA ADAI ALL:

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Un dangkulo' na Si Yu'us Ma'ase'.

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 30th Guam Legislature
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AGENDA

TUESDAY, APRIL 14, 2010, 10AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

APPOINTMENT

Mr. Angel Mendoza to serve as a Member of the Guam Economic Development Authority Board of Directors for a term of four (4) years.

BILL NO. 336-30 (COR)

An act to amend §§ 5504, 5008, 5030, 5121, 5122, 5215, 5216, 5233, 5425, 5480, 5481, 5601, and 5707 of Title 5, Guam Code Annotated and to add new §§ 5126, 5425.1, and 5634 to Title 5, Guam Code Annotated; relative to government of Guam Procurement.

BILL NO. 340-30 (COR)

An act to amend § 5601(g), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition.

BILL NO. 346-30 (LS)

An act to amend §8107 and §8108, Chapter 8, Title 7 Guam Code Annotated; relative to including School Attendance Officers under the provisions of special deputy appointments.

BILL NO. 358-30 (COR)

An act to *amend* §18114 of Chapter 18 of Title 10, Guam Code Annotated relative to the eligibility and qualification for reciprocity under the Barbering and Cosmetology Act of 2000.



SENATOR FRANK B. AGUON, JR., *Chairman*
**COMMITTEE ON ECONOMIC DEVELOPMENT,
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An act to amend Section 29 of Public Law 30-101 relative to including a waiver of immunity for bonds issued by the Guam Waterworks Authority.

Chamorro language and "Chamorrized" words. We wanted to make it more Chamorro language and to include the Spanish language. We wanted to try bring out just the Chamorro language itself before the Spanish came (here). That's a challenge but we're trying to do that through this project," said.

word is actually "ga'da." "But it's only used for young fruit," Balajadia said. The word "tak," which means "distance," has limited use in the modern language, but can be found in other Chamorro terms such as "Umatac." "Our language has always been in existence. It never went away," he said.

Guahan' mural unveiled



Senator Ben Pangelinan helps lift the cover to unveil this Barrigada "We are Guahan" mural on Sunday.

and the Barrigada office. The paint was created by Benson Hardware. Dimalanta said that although he could have just painted a huge mural, he decided to write out the village name and within the letters, depicting the culture and traditions in the village. "Each letter represents the traditions and the culture of the people of

about four or five different schools," Dimalanta said. The next letter, "A," depicts community and sports activities in the village. The rest of the letters carry images of the village's two patron saints, San Roque and San Vicente, as well as the church, the village fiesta. The "We Are Guahan" mural

DOTC founder honored

Regents from 1974-1982, to be able to witness this dedication ceremony.

SENATOR FRANK B. AGUON, JR., Chairman
COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY
I Mina Trenta Na Liheslaturan Guahan 30th Guam Legislature
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To view full text of Bills, visit www.guamlegislature.com. If written testimonies are to be presented, the Committee requests copies be submitted 1 day prior to hearing date to **OFFICE OF SEN. FRANK B. AGUON, JR., 238 ARCHBISHOP F.C. FLORES ST., DINA BLDG., STE. 701A, HAGATNA, GU 96910**, email aguon4guam@gmail.com, or fax to 969-1497. Individuals requiring special accommodations/services, or for more information, please contact Ron Teehan at 969-1495/6.

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185/70R14	\$ 58.00	\$114.00	225/70R15	\$ 92.00	\$182.00
195/70R14	\$ 66.00	\$130.00	235/75R14	\$100.00	\$198.00
205/70R14	\$ 73.00	\$144.00	LT31-1050R15	\$134.00	\$266.00
195/75R14	\$ 71.00	\$140.00	205/55R16	\$ 90.00	\$178.00
185/60R14	\$ 56.00	\$110.00	215/60R16	\$ 84.00	\$166.00
195/60R14	\$ 60.00	\$128.00	225/60R16	\$ 86.00	\$170.00
175/65R14	\$ 52.00	\$102.00	235/60R16	\$ 98.00	\$194.00
185/65R14	\$ 58.00	\$114.00	215/70R16	\$ 99.00	\$196.00
195/50R15	\$ 68.00	\$134.00	225/70R16	\$106.00	\$210.00
195/60R15	\$ 65.00	\$128.00	235/70R16	\$108.00	\$214.00
205/60R15	\$ 68.00	\$134.00	245/70R16	\$120.00	\$238.00
185/65R15	\$ 64.00	\$126.00	265/70R16	\$138.00	\$274.00
195/65R15	\$ 65.00	\$128.00	LT245/75R16	\$140.00	\$278.00
205/65R15	\$ 70.00	\$138.00	265/65R17	\$144.00	\$286.00

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

SBill No. 366-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

3000 152 - 6 14 9: 29 - De

Bill No. 366-30(cor)

Introduced by:

T.C. Ada 

**AN ACT TO AMEND SECTION 29 OF PUBLIC LAW 30-101
RELATIVE TO INCLUDING A WAIVER OF IMMUNITY
FOR BONDS ISSUED BY THE GUAM WATERWORKS
AUTHORITY**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** It is the intention of *I Liheslaturan Guåhan*
3 to waive immunity from suit relative to GWA's \$30 million loan for funding reserve
4 accounts, the moratorium project and other purposes approved by the Guam Public
5 Utilities Commission and the Guam Consolidated Commission on Utilities, as well as the
6 guarantee for said loan provided by the Government of Guam.

7 **Section 2.** Section 29 of Public Law 30-101 is amended to read as follows:

8 "Section 29. The government of Guam hereby guarantees all payments due for a
9 maximum ten (10) year term that would be due under the Thirty Million Dollar
10 (\$30,000,000) credit facility issued by the Guam Economic Development Authority on
11 behalf of the Guam Waterworks Authority (GWA) authorized under §14235 of Article 2
12 of Chapter 14 of Title 12, Guam Code Annotated, for the purpose of securing a Thirty
13 Million Dollar (\$30,000,000) loan to provide funds for the Moratorium Project, fund
14 certain reserve accounts and other purposes approved by the Consolidated Commission
15 on Utilities. This Guarantee is a general obligation of the government of Guam, subject
16 to the full faith and credit of the government of Guam. The Guarantor consents to any

1 and all extension of time and waiver or modification of obligations guaranteed hereunder.
2 Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5 of the
3 Guam Code Annotated, the government of Guam hereby waives immunity from any suit
4 or action in contract upon the loan and guaranty but does not waive sovereign immunity
5 as to the personal liability of elected or appointed officials and employees of the
6 Government of Guam."

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