

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-11-447

April 19, 2011

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

4/19/11
5:04 PM
Tenor

Dear Madame Speaker:

Transmitted herewith is Bill No. 79-31 (COR) "AN ACT TO REPEAL AND REENACT ARTICLE 3 OF CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRIVATIZATION, SALE OR LEASE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT", which I signed into law on April 18, 2011 as Public Law 31-35.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 79-31 (COR)**, “**AN ACT TO REPEAL AND REENACT ARTICLE 3 OF CHAPTER 10 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE PRIVATIZATION, SALE OR LEASE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT**”, was on the 4th day of April, 2011, duly and regularly passed.



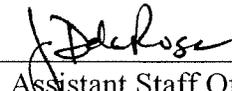
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 7th day of April, 2011, at 09:50 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: APR 18 2011

Public Law No. 31-35

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 79-31 (COR)

Introduced by:

T .C. Ada
R. J. Respicio
Judith P. Guthertz, DPA
V. Anthony Ada
T. R. Muña Barnes
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Sam Mabini, Ph.D.
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
M. Silva Tajeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *REPEAL* AND *REENACT* ARTICLE 3 OF
CHAPTER 10 OF TITLE 12, GUAM CODE
ANNOTATED, RELATIVE TO PROHIBITING THE
PRIVATIZATION, SALE OR LEASE OF THE JOSE D.
LEON GUERRERO COMMERCIAL PORT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the enactment of Public Law 27-60 and then the subsequent enactment of
4 Public Law 29-23 created an ideological conflict requiring *I Liheslaturan Guåhan*
5 to take immediate legislative action delineated herein.

1 Public Law 27-60, enacted on December 21, 2003, authorizes the Board of
2 Directors of the Jose D. Leon Guerrero Commercial Port (Port) to enter into a
3 Public-Private Partnership, Contract, Lease Agreement, and Operating Permit for
4 its terminal operations and maintenance. Meanwhile, Public Law 29-23, enacted on
5 October 24, 2007, authorizes this same Board of Directors to enter into a Public-
6 Private Partnership through a Performance Management Contract for the
7 management, operation, and maintenance of the Port Cargo Handling Equipment
8 or facilities associated with such equipment or other aspects of the Port's
9 Operations.

10 *I Liheslaturan Guåhan* asserts that while Public Law 27-60 was well
11 intentioned by mandating that the manner of privatization was to take the form of a
12 Public Private Partnership (PPP), allowing for an infusion of private capital while
13 ensuring decisions are left to the Port's management and staff. This course ensures
14 that the full control of all assets and total ownership of the Port remain with the
15 people of Guam. However, *I Liheslaturan Guåhan* believes that there have been
16 attempts, albeit unsuccessful, to move forward with the full privatization of the
17 Port beyond a PPP arrangement. This led to the subsequent enactment of Public
18 Law 29-23 mandating a Performance Management Contract (PMC), whereby the
19 Port employees provide the labor component of the business, and the new private
20 partner provides the capital, technical expertise, and supply chain to strengthen the
21 cargo handling component of Port operations, thereby ensuring operational
22 reliability and the timely discharge and loading of vessels. Although there is a
23 contract on the performance of cargo handling equipment and yard operations, the
24 Port's management and staff are *not* supplanted and control remains with the Port's
25 Board of Directors, and ultimately remains in the hands of the people of Guam.

26 Therefore, *I Liheslaturan Guåhan* believes that it is in the best interest of the
27 people of Guam, even more so during this military buildup period, to repeal and

1 reenact all of Article 3, Chapter 10 of the Title 12 of the Guam Code Annotated in
2 order to prevent the Port from being privatized, leased, or sold.

3 **Section 2.** Article 3 of Chapter 10 of Title 12, Guam Code Annotated, is
4 hereby *repealed* and *reenacted* to read:

5 **“Article 3**

6 **Prohibition on the Privatization, Lease or Sale of the Jose D. Leon**

7 **Guerrero Commercial Port**

8 **§10301.** Unless otherwise explicitly authorized by statute, the
9 Board of Directors of the Jose D. Leon Guerrero Commercial Port is hereby
10 prohibited from expending anything of value, either through cash or in-kind,
11 directly or indirectly, or executing any solicitations through the Request for
12 Proposal or Request for Information, or invitation to bid consistent with
13 Title 5 of the Guam Code Annotated, or to commission the development of a
14 master plan, either through its employees, partners, or agents, exploring the
15 sale or lease of the Port. Let it be known, therefore, to anyone contemplating
16 this notion that the Port is *not* to be privatized, leased or sold.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

VOTING SHEET

Bill No. 79-31(COR)

Resolution No. _____

Question: _____

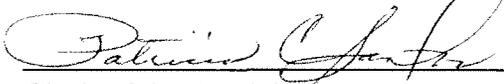
<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.					EA
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

14

1

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 16, 2011

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

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

RE: Committee Report on Bill No. 79-31 (COR)

2011 MAR 18 AM 8:14
PC

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 79-31 (COR) – “An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port (“The Port”) to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of The Port” – sponsored by Senator Thomas C. Ada, and referred to the Committee on Utilities, Transportation, Public Works and Veterans Affairs.

Committee votes are as follows:

- 8 TO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

COMMITTEE REPORT ON

BILL NO. 79-31 (COR)

“AN ACT TO REPEAL ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT (“THE PORT”) TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP CONTRACT, LEASE AGREEMENT, AND OPERATING PERMIT FOR TERMINAL OPERATIONS AND MAINTENANCE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT; AND ADD A NEW ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION OF THE PRIVATIZATION, SALE OR LEASE OF THE PORT.”

(T.C. Ada/R.J. Respicio/J.P. Guthertz, DPA)



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 16, 2011

MEMORANDUM

To: **All Members**
Committee on Utilities, Public Works, Transportation and Veterans Affairs

From: **Senator Thomas C. Ada** 
Committee Chairperson

Subject: **Committee Report on Bill No. 79-31 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 79-31 (COR) – “An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port (“The Port”) to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of The Port,” sponsored by Senator Thomas C. Ada.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 79-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 79-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Reports

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

Si Yu'os ma'ãse'!



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
 31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

COMMITTEE VOTING SHEET

Bill 79-31 (COR) - "An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of The Port."

COMMITTEE MEMBERS	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Senator Thomas C. Ada Chairperson		✓ 3/16/11				
Senator Adolpho B. Palacios, Sr. Vice-Chairperson		✓ 3/16				
Vice-Speaker Benjamin J.F. Cruz Member						
Senator Rory J. Respicio Member						
Senator Tina Rose Muña-Barnes Member		✓				
Senator V. Anthony Ada Member		3/16/11				
Senator Aline Yamashita, Ph.D. Member		3/16/11 ✓				
Senator Mana Silva-Taijeron Member		✓ 3/16/11				
Senator Christopher Dueñas Member		3/16/11 ✓				
Senator Dennis G. Rodriguez, Jr. Member		3/16/11 ✓				



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Utilities, Transportation, Public Works and Veterans Affairs convened a public hearing on Monday, March 14, 2011 at 2:00PM in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 79-31 (COR) – “An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port (“The Port”) to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of The Port,” sponsored by Senator Thomas C. Ada.

Public Notice Requirements

Notices were disseminated via email to all senators and all media on March 2, 2011 (5-Day Notice) and again on March 10, 2011 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada	Committee Chairperson
Senator Adolpho B. Palacios, Sr.	Committee Vice-Chairperson
Senator V. Anthony Ada	Committee Member
Senator Mana Silva Taijeron	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator Frank F. Blas, Jr.	
Senator Judith P. Guthertz, DPA	

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 2:00 pm.

Daniel J. Tydingco

Provided oral and written testimony on behalf of the Port Authority of Guam Board of Directors.

Mr. Tydingco provides testimony in support of Bill 79-31 and recommended the following legislation:

1. Authorization for similar procurement authority granted to the Guam Power Authority and Guam Waterworks Authority;
2. Expansion of the Port Authority Board of Directors from 5 to 7 members;
3. Clear and unambiguous statutes granting the Port Authority of Guam authority over all civilian and commercial cargo passing in, out and through Guam; and
4. Authorization to engage in lease and improvements greater than 5 years.

Felix Pangelinan

Provided oral and written testimony on behalf of the Port Authority of Guam General Manager.

Mr. Pangelinan states that the Port Authority of Guam supports Bill 79-31, and that it “is of the utmost importance as it relates directly to Guam’s only commercial seaport and the employees who sustain its operations”. Mr. Pangelinan further states that the Port is a critical infrastructure that island residents rely on for commodities, and emphasizes that 90% of the goods and supplies consumed in Guam are handled and processed by the Port. Lastly, Mr. Pangelinan states that the enactment of this bill will ensure that the developments made thus far go uninterrupted, and that the Port continues in the same path of progress.

The public hearing was adjourned at 4:25 pm.

III. FINDINGS AND RECOMMENDATIONS

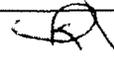
The Committee on Utilities, Transportation, Public Works and Veterans Affairs hereby reports out Bill 79-31 (COR), with the recommendation **TO PASS**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 79 - 31 (COR)

Introduced by:

T.C. Ada 
R.J. Respicio 
J.P. Guthertz, DPA 

V.A. Ada 
T.R. Muña Barnes 

AN ACT TO REPREAL ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT (“THE PORT”) TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP CONTRACT, LEASE AGREEMENT, AND OPERATING PERMIT FOR TERMINAL OPERATIONS AND MAINTENANCE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT; AND TO ADD A NEW ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION OF THE PRIVATIZATION, SALE OR LEASE OF THE PORT.

2011 FEB 16 PM 1:42 

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the enactment of P.L. 27-60 and then the subsequent enactment of P.L. 29-23
4 created an ideological conflict requiring *I Liheslaturan Guåhan* to take immediate
5 legislative action delineated herein.

6 P.L. 27-60, enacted on December 21, 2003, authorizes the Board of
7 Directors for the Jose D. Leon Guerrero Commercial Port (“Port”) to enter into a
8 Public-Private Partnership, Contract, Lease Agreement, and Operating Permit for
9 its terminal operations and maintenance. Meanwhile, P.L. 29-23, enacted on

1 October 24, 2007 authorizes this same Board of Directors to enter into a Public-
2 Private Partnership through a Performance Management Contract for the
3 management, operation, and maintenance of the Port Cargo Handling Equipment
4 or facilities associated with such equipment or other aspects of the Port's
5 Operations.

6 *I Liheslaturan Guåhan* asserts that while P.L. 27-60 was well intentioned by
7 mandating that the manner of privatization was to take the form of a Public Private
8 Partnership ("PPP"), allowing for an infusion of private capital while ensuring
9 decisions are left to the Port's management and staff. This course ensures that the
10 full control of all assets and total ownership of the Port remain with the people of
11 Guam. However, *I Liheslaturan Guåhan* believes that there have been attempts,
12 albeit unsuccessful, to move forward with the full privatization of the Port beyond
13 a PPP arrangement. This led to the subsequent enactment of P.L. 29-23 mandating
14 a Performance Management Contract ("PMC") whereby the Port employees
15 provide the labor component of the business, and the new private partner provides
16 the capital, technical expertise, and supply chain to strengthen the cargo handling
17 component of Port operations thereby ensuring operational reliability and the
18 timely discharge and loading of vessels. Although there is a contract on the
19 performance of cargo handling equipment and yard operations, the Port's
20 management and staff are not supplanted and control remains with the Port's
21 Board of Directors, and ultimately remains in the hands of the people of Guam.

22 Therefore, *I Liheslaturan Guåhan* believes that it is in the best interest of the
23 people of Guam, even more so during this Military Buildup period, to repeal all of
24 Article 3, Chapter 10 of the Title 12 of the Guam Code Annotated, in order to
25 prevent the Port from being privatized, leased, or sold.



Eddie Baza Calvo
Governor of Guam

PORT AUTHORITY OF GUAM

ATURIDAT / 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



Ray Tenorio
Lieutenant Governor

March 1, 2011

The Honorable Thomas C. Ada
Chairman, Committee on Utilities, Transportation Public Works & Veterans Affairs
Thirty-First Guam Legislature
Suite 207 Ada Plaza Center
173 Aspinall Avenue
Hagåtña, Guam 96910

Re: Testimony on Bill No. 79-31 (COR), An Act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a Public-Private Partnership Contract, Lease Agreement, and Operating Permit for Terminal Operations and Maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated Relative to the Prohibition of the Privatization, Sale or Lease of the Port.

Hafa Adai Mr. Chairman, Members of the Committee, Senators:

I want to thank you for this opportunity to provide testimony on behalf of the Jose D. Leon Guerrero Commercial Port in support of Bill No. 79-31, an Act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a Public-Private Partnership Contract, Lease Agreement, and Operating Permit for Terminal Operations and Maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated Relative to the Prohibition of the Privatization, Sale or Lease of the Port. For the record, my name is Pedro A. Leon Guerrero, Jr. and I am the General Manager of the Port Authority of Guam.

This matter is of utmost importance as it relates directly to Guam's only commercial seaport and the employees who sustain its operations.

As it's been emphasized on numerous occasions, the Port Authority is the gateway to maritime commerce for the entire Micronesian Region, handling more than 90% of the goods and supplies consumed in the region. It is a critical infrastructure that island residents rely on for commodities that are essential in our daily lives.

With your support and assistance, the Port has embarked on an aggressive effort to modernize our Port Authority to bring this critical agency into the 21st century. Nearly \$200 Million will be infused into the agency to upgrade its facility and operations. Through the extraordinary efforts of the port employees and our stake holders we have successfully passed many milestones in this modernization plan.

Components of the plan have already commenced: the Port officially launched its Modernization Program in October 2010 and we now have \$104 Million available in the Port of Guam Improvement Enterprise Program for the execution of Phase 1A - 50 Million from DOD as authorized by President Obama under HR 4899 and \$54 Million through a guaranteed loan from US Department of Agriculture; MARAD has selected EA Science & Technology as their Program Management Team and we have been working aggressively with our new partners to kick off our first construction project; in line with the passage of PL 30-52 which places the Port under the oversight of the Public Utilities Commission, the tariff study conducted by Cornell Management Group is now complete and provides sound fiscal policy recommendations to ensure that the Port generates enough cash flow to adequately cover the cost of capital improvement projects and earn an adequate return on investment; and passage of PL 29-23 which authorizes the Port to enter into a Public-Private Partnership through a Performance Management Contract.

Enactment of this bill will ensure that the developments we've made thus far goes uninterrupted and that the Port continues in the same path of progress.

As we have demonstrated, all key players – Port Authority of Guam, Parsons Brinckerhoff Americas-OAE, MARAD, and EA Engineering, Sciences and Technology-PMT, are working collaboratively to ensure the successful implementation of the Port Modernization and Expansion Program. Furthermore, the Board of Directors, Management and the employees remain committed and steadfast to take on the enormous challenge of updating its facility in anticipation of the military buildup and the island's normal economic growth.

On behalf of the Port Authority of Guam, I thank you for this opportunity to provide testimony regarding Bill No. 79-31 (COR).

Sincerely,



PEDRO A. LEON GUERRERO, JR.

General Manager



Eddie Baza Calvo
Governor of Guam

PORT AUTHORITY 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



Ray Tenorio
Lieutenant Governor

March 14, 2011

The Honorable Thomas C. Ada
Chairman, Committee on Utilities, Transportation,
Public Works & Veterans Affairs
Thirty-First Guam Legislature
Suite 207 Ada Plaza Center
173 Aspinall Avenue
Hagatna, Guam 96910

RE: Testimony on Bill No. 79-31 (COR): An Act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a Public-Private Partnership Contract, Lease Agreement, and Operating Permit for Terminal Operations and Maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated Relative to the Prohibition of the Privatization, Sale or Lease of the Port.

Hafa Adai yan Buenas Todos Hamyo:

On behalf of the Port Authority of Guam Board of Directors, I am here to testify on Bill 79-31 today.

A few weeks back, I, along with a couple of colleagues, sat before your committee, as part of the advice and consent process, to testify and hear comments on our nominations to the Port Authority of Guam Board of Directors. Then, we were queried and probed on our views regarding privatization of the island's only civilian commercial port. Then, as now, nothing much has changed with respect to our publicly stated positions on privatization of the port facility, its operations, or components.

What is a bit curious, at least to me, after having received your votes of confidence to serve as Directors for the Port Authority of Board, is the introduction of the measure that we are hearing testimony on today.

I am not sure if this bill germanated because of ambiguity in the viewpoints we had expressed individually and collectively as nominees. If it is intended to underscore or punctuate what we had stated, then, please know that your policy statement is appreciated. It appears we have mutual views.

Given that, I would like to offer a few suggestions for your favorable consideration and possible incorporation into the measure to strengthen it for the benefit of the community.

As an entity in the midst of a massive modernization plan, the Port Authority's General Manager has submitted separate comments on this measure, by outlining what has been rolled out for the Port since October of last year.

To ensure we stay on track with the modernization plan that has been embraced by all sectors of the community, the Port Board of Directors wants to take this opportunity to smith this bill as a tool.

We believe that if the Legislature fully advocates true and unfettered public ownership of the Port, such ownership necessitates authority and responsibility be properly vested in the people overseeing and operating the Port. Such vestiture will render greater efficiency that is solely aimed at public benefit.

A few items which we respectfully request your favorable consideration are as follows:

- Authorization for similar procurement authority granted to the Guam Power Authority and Guam Waterworks Authority;
- Expansion of the Port Authority Board of Directors from 5 to 7 members;
- Clear and unambiguous statutes granting the Port Authority of Guam authority over all civilian and commercial cargo passing in, out, and through Guam;
- Authorization to engage in lease and improvements greater than 5 years.

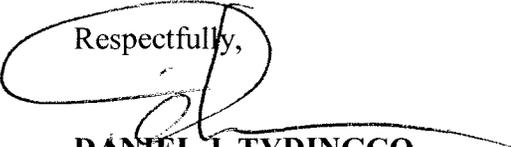
We believe that we have made great strides thus far; but, we believe that we can do even better and get even farther along for the benefit of the community if any or all of the aforementioned are incorporated into an amended version of this bill.

As I, as well as my new fellow Board Directors immerse even more in our duties at the Port Authority, we look forward to working alongside all of you.

We hope for your favorable consideration and continued support.

Thank you.

Respectfully,



DANIEL J. TYDINGCO
Chairman, Board of Directors



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 FEB 17 PM 3:28
mm

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 17, 2011

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

VIA FACSIMILE
(671) 472-2825

MAJORITY
MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Ms. Benita Manglona
Acting Director
Bureau of Budget & management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 76-31(COR) through 79-31(COR)

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Hafa Adai Ms. Manglona:

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Transmitted herewith is a listing of *I Mina'trentai Unu 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.

Senator
Thomas C. Ada

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

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

Very Truly Yours,

Rory J. Respicio

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

Attachments

Cc: Clerk of the Legislature

MESSAGE CONFIRMATION

FEB-17-2011 03:02 PM THU

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 5
START TIME : FEB-17-2011 03:01PM THU
ELAPSED TIME : 01'10"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guahan • The 31st Guam Legislature
155 Helder Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: rmrfor Guam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 17, 2011

Senator
Judith P. Guhertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

VIA FACSIMILE
(671) 472-2825

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Ms. Benita Manglona
Acting Director
Bureau of Budget & management Research
P.O. Box 2950
Hagåtña, Guam 96910

Vice Speaker
Benjamin J. F. Cruz

RE: Request for Fiscal Note -
Bill Nos. 76-31(COR) through 79-31(COR)

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Hafa Adu Ms. Manglona:

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

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

Senator
Thomas C. Ada

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

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangolinan

Very Truly Yours,

Rory J. Respicio

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Attachments

Senator
Christopher M. Duenas

Cc: Clerk of the Legislature

— Rec'd by BBLRP
on: 2/17/11
by: Annalyu
time: 3:24pm

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

February 16, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
79-31 (COR)	T. C. Ada; R. J. Respicio J. P. Guthertz, DPA; V. A. Ada; T. R. Muña Barnes	AN ACT TO REPEAL ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT ("THE PORT") TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP CONTRACT, LEASE AGREEMENT, AND OPERATING PERMIT FOR TERMINAL OPERATIONS AND MAINTENANCE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT; AND TO ADD A NEW ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION OF THE PRIVATIZATION, SALE OR LEASE OF THE PORT.	2/16/11 1:42 p.m.	2/17/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 FEB 17 PM 12:49
[Handwritten signature]

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

February 17, 2011

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MEMORANDUM

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

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 Bill No. 79-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 79-31 (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'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachments

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

February 16, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
79-31 (COR)	T. C. Ada; R. J. Respicio J. P. Guthertz, DPA; V. A. Ada; T. R. Muña Barnes	AN ACT TO REPEAL ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT ("THE PORT") TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP CONTRACT, LEASE AGREEMENT, AND OPERATING PERMIT FOR TERMINAL OPERATIONS AND MAINTENANCE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT; AND TO ADD A NEW ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION OF THE PRIVATIZATION, SALE OR LEASE OF THE PORT.	2/16/11 1:42 p.m.	2/17/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 2, 2011

MEMORANDUM

To: All Senators

Subject: **Public Hearing Notice: March 14, 2011**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on **March 14, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

2:00pm

- **Bill 79-31 (COR):** An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of the port.

- **Bill 62-31 (COR):** An act relative to further ensuring the safety of Guam's public roads and highways through requiring that contractors, who open and excavate these roads, adequately repair and restore them to their original condition, by providing for a deposit fee prior to being granted a permit, and assessing a penalty for insufficient repair of such roadways; through amending §53105 of Chapter 53, Title 5, Guam Code Annotated.

- **Bill 85-31 (COR):** An act to add a new Subsection 54106 and items 54106(A)(B) to Article 1 of Chapter 54, Title 5, Guam Code Annotated relative to ensuring that efficient traffic flow continues in alternate routes during all periods of highway and road construction projects.

- **Bill 84-31 (COR):** An act to *amend* 7120.2 (b)(1), Chapter 7 of Title 16 of the Guam Code Annotated, relative to extending benefits for veterans.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 16, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

First Notice: Public Hearing March 14, 2011

Jimmy Camacho <jcamacho@senatorada.org>

Wed, Mar 2, 2011 at 5:10 PM

To: "Public Hearing notice (to Legislature)" <ph.notice.leg@senatorada.org>

Hafa adai,

Please find the attached public hearing notice scheduled for March 14, 2011.

Should you have any difficulty viewing the document, please contact me.

con paz,

--

Jimmy Taitano Camacho

Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature

(Office) 473 - 3301 (Cell) 486 - 9494

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alife4families@gmail.com	alife4families@gmail.com	Member
audrey@judwonpat.com	audrey@judwonpat.com	Member
berlenerena@hotmail.com	berlenerena@hotmail.com	Member
bruce.loyd.media@gmail.com	bruce.loyd.media@gmail.com	Member
carlo@tinamunabarnes.com	carlo@tinamunabarnes.com	Member
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chelsa@tinamunabarnes.com	chelsa@tinamunabarnes.com	Member
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clerkoffice@guamlegislature.com	clerkoffice@guamlegislature.com	Member
cor@guamlegislature.org	cor@guamlegislature.org	Member
darry@guamlegislature.org	darry@guamlegislature.org	Member
doc.wytenbachsantos@gmail.com	doc.wytenbachsantos@gmail.com	Member
duenasenator@gmail.com	duenasenator@gmail.com	Member
edleonguerrero@gmail.com	edleonguerrero@gmail.com	Member
edwardglee671@yahoo.com	edwardglee671@yahoo.com	Member
edleonguerrero@gmail.com	edleonguerrero@gmail.com	Member
edwardglee671@yahoo.com	edwardglee671@yahoo.com	Member
elaine@tinamunabarnes.com	elaine@tinamunabarnes.com	Member
etajala@guamlegislature.org	etajala@guamlegislature.org	Member
evelyn4families@gmail.com	evelyn4families@gmail.com	Member
fbtomes@judwonpat.com	fbtomes@judwonpat.com	Member
frank.blasjr@gmail.com	frank.blasjr@gmail.com	Member
gavin@tinamunabarnes.com	gavin@tinamunabarnes.com	Member
guamathivesun@yahoo.com	guamathivesun@yahoo.com	Member
jamescastro@gmail.com	jamescastro@gmail.com	Member
jane@tinamunabarnes.com	jane@tinamunabarnes.com	Member
jmesngon.senatorodriguez@gmail.com	jmesngon.senatorodriguez@gmail.com	Member
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leonguerrero.angela@gmail.com	leonguerrero.angela@gmail.com	Member
leslie.g@senatorabini.com	leslie.g@senatorabini.com	Member
lou4families@gmail.com	lou4families@gmail.com	Member
louse_atalig@yahoo.com	louse_atalig@yahoo.com	Member
markafague@gmail.com	markafague@gmail.com	Member
marksayama@gmail.com	marksayama@gmail.com	Member
maryfejeran@gmail.com	maryfejeran@gmail.com	Member
mrtorres.senatorodriguez@gmail.com	mrtorres.senatorodriguez@gmail.com	Member
olviampalacios@gmail.com	olviampalacios@gmail.com	Member
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pfcruz@yahoo.com	pfcruz@yahoo.com	Member
psantos@guamlegislature.org	psantos@guamlegislature.org	Member
rhea@tinamunabarnes.com	rhea@tinamunabarnes.com	Member
rob.tupaz@gmail.com	rob.tupaz@gmail.com	Member
ronyforguam@gmail.com	ronyforguam@gmail.com	Member
sem@guamlegislature.org	sem@guamlegislature.org	Member
senabpalacios@gmail.com	senabpalacios@gmail.com	Member
senator@senatorbcruz.com	senator@senatorbcruz.com	Member
senator@tinamunabarnes.com	senator@tinamunabarnes.com	Member
senatorodriguez@gmail.com	senatorodriguez@gmail.com	Member
senatormana@gmail.com	senatormana@gmail.com	Member
senatorsam@senatorabini.com	senatorsam@senatorabini.com	Member
senatoronyada@guamlegislature.org	senatoronyada@guamlegislature.org	Member
senbenp@guam.net	senbenp@guam.net	Member
sgarms@guamlegislature.org	sgarms@guamlegislature.org	Member
speaker@judwonpat.com	speaker@judwonpat.com	Member
steve@judwonpat.com	steve@judwonpat.com	Member
tanya4families@gmail.com	tanya4families@gmail.com	Member
young@guamlegislature.org	young@guamlegislature.org	Member

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 2, 2011

MEMORANDUM

To: All MEDIA

Subject: **Public Hearing Notice: March 14, 2011**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on **March 14, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

2:00pm

- **Bill 79-31 (COR):** An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of the port.

- **Bill 62-31 (COR):** An act relative to further ensuring the safety of Guam's public roads and highways through requiring that contractors, who open and excavate these roads, adequately repair and restore them to their original condition, by providing for a deposit fee prior to being granted a permit, and assessing a penalty for insufficient repair of such roadways; through amending §53105 of Chapter 53, Title 5, Guam Code Annotated.

- **Bill 85-31 (COR):** An act to add a new Subsection 54106 and items 54106(A)(B) to Article 1 of Chapter 54, Title 5, Guam Code Annotated relative to ensuring that efficient traffic flow continues in alternate routes during all periods of highway and road construction projects.

- **Bill 84-31 (COR):** An act to *amend* 7120.2 (b)(1), Chapter 7 of Title 16 of the Guam Code Annotated, relative to extending benefits for veterans.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 16, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

First Notice: Public Hearing March 14, 2011

Jimmy Camacho <jcamacho@senatorada.org>

Wed, Mar 2, 2011 at 5:12 PM

To: media@senatorada.org

Hafa adai,

Please find the attached public hearing notice schedule for March 14, 2011.

Should you have any difficulty viewing the document, please contact me.

--

Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494

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<input type="checkbox"/> janela@mvguam.com	janela@mvguam.com	Member
<input type="checkbox"/> kevin@spbgum.com	kevin@spbgum.com	Member
<input type="checkbox"/> lmatthews@guampdn.com	lmatthews@guampdn.com	Member
<input type="checkbox"/> michele@kuam.com	michele@kuam.com	Member
<input type="checkbox"/> mindy@kuam.com	mindy@kuam.com	Member

<input type="checkbox"/> news@guampdn.com	news@guampdn.com	Member
<input type="checkbox"/> news@spbgum.com	news@spbgum.com	Member
<input type="checkbox"/> news@k57.com	news@k57.com	Member
<input type="checkbox"/> nick.delgado@kuam.com	nick.delgado@kuam.com	Member
<input type="checkbox"/> rgbson@k57.com	rgbson@k57.com	Member
<input type="checkbox"/> sabrina@kuam.com	sabrina@kuam.com	Member
<input type="checkbox"/> scoop@guamnewswatch.com	scoop@guamnewswatch.com	Member
<input type="checkbox"/> thebigshow@k57.com	thebigshow@k57.com	Member
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<input type="checkbox"/> therese.hart.writer@gmail.com	therese.hart.writer@gmail.com	Member
<input type="checkbox"/> therese@mvguam.com	therese@mvguam.com	Member
<input type="checkbox"/> tina@marianasmedia.com	tina@marianasmedia.com	Member
<input type="checkbox"/> zita@mvguam.com	zita@mvguam.com	Member

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1 - 28



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

1st Public Hearing Notice (March 14, 2011)

Jimmy Camacho <jcamacho@senatorada.org>

Mon, Mar 7, 2011 at 10:41 AM

To: Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Senator Sam Mabini" <senatormabini@gmail.com>, "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Judith T. Won Pat, Ed.D." <info@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, vicente 'ben' pangelinan <senbenp@guam.net>, "Rory J. Respicio" <roryforguam@gmail.com>
Cc: mis@guamlegislature.org, clerks@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>, Therese Terlaje <tterlaje@guam.net>

Hafa adai,

Please find the attached (1st) Public Hearing Notice. Should you have any difficulty viewing the document, please contact me at:

--

Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494

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Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing Notice (March 14, 2011)

Jimmy Camacho <jcamacho@senatorada.org>

Mon, Mar 7, 2011 at 10:44 AM

Bcc: tina@marianasmedia.com, breakfastshowk57@gmail.com, news@k57.com, editor@mvguam.com, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbg Guam.com, news@guampdn.com, gdumat-ol@guampdn.com, dmacaluso@spbg Guam.com, jac.cherry@gmail.com, bmkelman@guampdn.com, thebigshow@spbg Guam.com, michele@kuam.com, therese@mvguam.com, lmatthews@guampdn.com, zita@mvguam.com, janela@mvguam.com, dtamondong@guampdn.com

Hafa adai,

Please find the attached (1st) Public Hearing Notice. Should you have any difficulty viewing the document, please contact me at:

--

Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494

--

Jimmy Taitano Camacho
Policy Analyst
Office of Senator Thomas C. Ada
I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature
(Office) 473 - 3301 (Cell) 486 - 9494

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 10, 2011

MEMORANDUM

To: All Senators
Fr: Senator Thomas C. Ada 
Subject: **Public Hearing Notice: March 14, 2011**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on **March 14, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

2:00pm

- **Bill 79-31 (COR):** An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of the port. **(Sponsors: T.C. Ada, R.K. Respicio, and J.P. Guthertz, DPA)**

- **Bill 62-31 (COR):** An act relative to further ensuring the safety of Guam's public roads and highways through requiring that contractors, who open and excavate these roads, adequately repair and restore them to their original condition, by providing for a deposit fee prior to being granted a permit, and assessing a penalty for insufficient repair of such roadways; through amending §53105 of Chapter 53, Title 5, Guam Code Annotated. **(Sponsor: A.B. Palacios, Sr.)**

- **Bill 85-31 (COR):** An act to add a new Subsection 54106 and items 54106(A)(B) to Article 1 of Chapter 54, Title 5, Guam Code Annotated relative to ensuring that efficient traffic flow continues in alternate routes during all periods of highway and road construction projects. **(Sponsor: J.P. Guthertz, DPA)**

- **Bill 84-31 (COR):** An act to *amend* 7120.2 (b)(1), Chapter 7 of Title 16 of the Guam Code Annotated, relative to extending benefits for veterans. **(Sponsors: F.F. Blas, Jr., T.C. Ada, and V.A. Ada)**

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 16, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing Notice (2nd Notice)

Jimmy Camacho <jcamacho@senatorada.org>

Thu, Mar 10, 2011 at 10:22 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Tom@senatorada.org, senatortonyada@guamlegislature.org, frank.blasjr@gmail.com, duenasenator@gmail.com, senatorjudiguthertz@gmail.com, senatorsam@senatormabini.com, senator@tinamunabarnes.com, senabpalacios@gmail.com, senbenp@guam.net, roryforguam@gmail.com, senatorrodriguez@gmail.com, manasilva@hotmail.com, Aline4families@gmail.com, "Public Hearing notice (to Legislature)" <ph.notice.leg@senatorada.org>

Cc: Nicole Santos <nsantos@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

Hafa adai,

Please find the attached Public Hearing Notice from Senator Thomas C. Ada, Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs. Should you have any difficulty viewing the document, please contact me at:

--

Jimmy Taitano Camacho

Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature

(Office) 473 - 3301 (Cell) 486 - 9494



MARCH14 - ALL SENATORS.pdf

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guahan

March 10, 2011

MEMORANDUM

To: ALL MEDIA

From: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: March 14, 2011**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on **March 14, 2011**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

2:00pm

- **Bill 79-31 (COR):** An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of the port. **(Sponsors: T.C. Ada, R.K. Respicio, and J.P. Guthertz, DPA)**

- **Bill 62-31 (COR):** An act relative to further ensuring the safety of Guam's public roads and highways through requiring that contractors, who open and excavate these roads, adequately repair and restore them to their original condition, by providing for a deposit fee prior to being granted a permit, and assessing a penalty for insufficient repair of such roadways; through amending §53105 of Chapter 53, Title 5, Guam Code Annotated. **(Sponsor: A.B. Palacios, Sr.)**

- **Bill 85-31 (COR):** An act to add a new Subsection 54106 and items 54106(A)(B) to Article 1 of Chapter 54, Title 5, Guam Code Annotated relative to ensuring that efficient traffic flow continues in alternate routes during all periods of highway and road construction projects. **(Sponsor: J.P. Guthertz, DPA)**

- **Bill 84-31 (COR):** An act to *amend* 7120.2 (b)(1), Chapter 7 of Title 16 of the Guam Code Annotated, relative to extending benefits for veterans. **(Sponsors: F.F. Blas, Jr., T.C. Ada, and V.A. Ada)**

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 16, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing Notice (2nd) March 14th Public Hearing

Jimmy Camacho <jcamacho@senatorada.org>

Thu, Mar 10, 2011 at 10:24 AM

To: media@senatorada.org

Hafa adai,

Please find the attached Public Hearing Notice. Should you have any difficulty viewing the document, please contact me at:

--

Jimmy Taitano Camacho

Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature

(Office) 473 - 3301 (Cell) 486 - 9494



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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina' Trentai Unu Liheslaturan Guåhan

AGENDA

PUBLIC HEARING

Monday, March 14, 2011

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

2:00pm

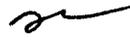
- **Bill 79-31 (COR):** An act to repeal Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to authorizing the Board of Directors of the Jose D. Leon Guerrero Commercial Port ("The Port") to enter into a public-private partnership contract, lease agreement, and operating permit for terminal operations and maintenance of the Jose D. Leon Guerrero Commercial Port; and to add a new Article 3, Chapter 10, Title 12 of the Guam Code Annotated relative to the prohibition of the privatization, sale or lease of the port. **(Sponsors: T.C. Ada, R.K. Respicio, and J.P. Guthertz, DPA)**
- **Bill 62-31 (COR):** An act relative to further ensuring the safety of Guam's public roads and highways through requiring that contractors, who open and excavate these roads, adequately repair and restore them to their original condition, by providing for a deposit fee prior to being granted a permit, and assessing a penalty for insufficient repair of such roadways; through amending §53105 of Chapter 53, Title 5, Guam Code Annotated. **(Sponsor: A.B. Palacios, Sr.)**
- **Bill 85-31 (COR):** An act to add a new Subsection 54106 and items 54106(A)(B) to Article 1 of Chapter 54, Title 5, Guam Code Annotated relative to ensuring that efficient traffic flow continues in alternate routes during all periods of highway and road construction projects. **(Sponsor: J.P. Guthertz, DPA)**
- **Bill 84-31 (COR):** An act to *amend* 7120.2 (b)(1), Chapter 7 of Title 16 of the Guam Code Annotated, relative to extending benefits for veterans. **(Sponsors: F.F. Blas, Jr., T.C. Ada, and V.A. Ada)**

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until 5:00pm, March 18, 2011. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Jimmy Camacho at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 79 - 31 (COR)

Introduced by:

T.C. Ada 
R.J. Respicio 
J.P. Guthertz, DPA 

V.A. Ada 
T.R. Muña Barnes 

AN ACT TO REPREAL ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT (“THE PORT”) TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP CONTRACT, LEASE AGREEMENT, AND OPERATING PERMIT FOR TERMINAL OPERATIONS AND MAINTENANCE OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT; AND TO ADD A NEW ARTICLE 3, CHAPTER 10, TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROHIBITION OF THE PRIVATIZATION, SALE OR LEASE OF THE PORT.

2011 FEB 16 PM 1:42 

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the enactment of P.L. 27-60 and then the subsequent enactment of P.L. 29-23
4 created an ideological conflict requiring *I Liheslaturan Guåhan* to take immediate
5 legislative action delineated herein.

6 P.L. 27-60, enacted on December 21, 2003, authorizes the Board of
7 Directors for the Jose D. Leon Guerrero Commercial Port (“Port”) to enter into a
8 Public-Private Partnership, Contract, Lease Agreement, and Operating Permit for
9 its terminal operations and maintenance. Meanwhile, P.L. 29-23, enacted on

1 October 24, 2007 authorizes this same Board of Directors to enter into a Public-
2 Private Partnership through a Performance Management Contract for the
3 management, operation, and maintenance of the Port Cargo Handling Equipment
4 or facilities associated with such equipment or other aspects of the Port's
5 Operations.

6 *I Liheslaturan Guåhan* asserts that while P.L. 27-60 was well intentioned by
7 mandating that the manner of privatization was to take the form of a Public Private
8 Partnership (“PPP”), allowing for an infusion of private capital while ensuring
9 decisions are left to the Port’s management and staff. This course ensures that the
10 full control of all assets and total ownership of the Port remain with the people of
11 Guam. However, *I Liheslaturan Guåhan* believes that there have been attempts,
12 albeit unsuccessful, to move forward with the full privatization of the Port beyond
13 a PPP arrangement. This led to the subsequent enactment of P.L. 29-23 mandating
14 a Performance Management Contract (“PMC”) whereby the Port employees
15 provide the labor component of the business, and the new private partner provides
16 the capital, technical expertise, and supply chain to strengthen the cargo handling
17 component of Port operations thereby ensuring operational reliability and the
18 timely discharge and loading of vessels. Although there is a contract on the
19 performance of cargo handling equipment and yard operations, the Port’s
20 management and staff are not supplanted and control remains with the Port’s
21 Board of Directors, and ultimately remains in the hands of the people of Guam.

22 Therefore, *I Liheslaturan Guåhan* believes that it is in the best interest of the
23 people of Guam, even more so during this Military Buildup period, to repeal all of
24 Article 3, Chapter 10 of the Title 12 of the Guam Code Annotated, in order to
25 prevent the Port from being privatized, leased, or sold.

