



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 05 2011,

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

paid from 19 Nov. 2011  
52

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

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

**RE: Committee Report on Bill No. 222-31 (COR), As Amended**

Vice Chairman  
Committee on Education

Dear Speaker Won Pat:

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesia Affairs and  
Human & Natural  
Resources

Transmitted herewith is the Committee Report Bill No. 222-31 (COR): "An act to amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 of the Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid in bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government" sponsored by Senator Tom Ada which was referred to and amended by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Member  
Committee on  
Municipal Affairs,  
Tourism, Housing, and  
Recreation

Committee votes are as follows:

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

- 4 TO PASS
- 0 TO NOT PASS
- 1 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

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

*Si Yu'os Ma'åse'*

Vicente (ben) Cabrera Pangelinan  
Chairman

**COMMITTEE REPORT  
ON**

**Bill No. 222-31 (COR), As Amended:**

**Sponsored by Senator Tom Ada**

**“An act to amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 of the Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid in bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government”**



I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

DEC 05 2011

**MEMORANDUM**

**To: All Members**  
Committee on Appropriations, Taxation, Public Debt, Banking,  
Insurance, Retirement, and Land

**From: Senator Vicente (ben) Cabrera Pangelinan**  
Committee Chairperson

**Subject: Committee Report on Bill No. 222-31 (COR), As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 222-31 (COR): "An act to amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 of the Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid in bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government" sponsored by Senator Tom Ada and amended by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 222-31 (COR)
4. Copy of amended Bill No. 222-31 (COR)
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No. 222-31 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Notes

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

*Si Yu'os Ma'ase',*

Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

Member  
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Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

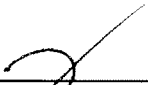
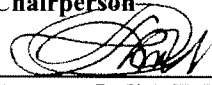
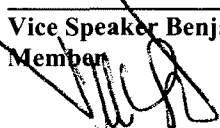

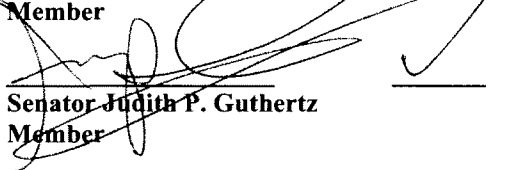

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*I MINA' TRENTAI UNU NA LIHESLATURAN GUÁHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,  
Retirement, and Land**

Bill 222-31 (COR) As Amended: An act to amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 of the Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid in bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

Committee Members	To Pass	To Not Pass	Report Out	Abstain	Inactive Files
 _____ Senator Vicente C. Pangelinan Chairperson	12/5/11 ✓	_____	_____	_____	_____
 _____ Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	✓ 12/5/11	_____	_____	_____	_____
 _____ Vice Speaker Benjamin J.F. Cruz Member	_____	_____	_____	_____	_____
 _____ Senator Tina Rose Muña-Barnes Member	✓	_____	_____	_____	_____
 _____ Senator Judith P. Guthertz Member	✓	_____	_____	_____	_____
_____ Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
 _____ Senator V. Anthony Ada Member	_____	_____	12/5/11	_____	_____
_____ Senator Christopher M. Dueñas Member	_____	_____	_____	_____	_____
_____ Senator Mana Silva Taijeron Member	_____	_____	_____	_____	_____



### Committee Report

Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
Insurance, Retirement, and  
Land

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
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Military Buildup and  
Homeland Security

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

### I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on July 11, 2011 at 2:00 pm in *I Liheslatura's* Public Hearing Room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on July 4, 2011 (5-Day Notice), and again on July 8, 2011 (48 Hour Notice).

#### (a) Committee Members and Senators Present

Senator Vicente (ben) Cabrera Pangelinan, Chairman  
Senator V. Anthony Ada, Member  
Senator Tom Ada  
Senator Ailine A. Yamashita, Ph.D.  
Senator Sam Mabini, Ph.D.

#### (b) Appearing before the Committee

Mr. Simon Sanchez, CCU - Chairman  
Mr. William J. Blair  
Attorney Phil Tydingco, Attorney General's Office

#### (c) Written Testimonies Submitted

Mr. Simon Sanchez, CCU -Chairman  
Mr. William J. Blair

## II. COMMITTEE PROCEEDINGS

**Chairman Pangelinan:** We will proceed to Bill 222-31 is An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government. We have signed up to testify, we had Mr. Phil Tydingco, Mr. Bill Blair, Mr. Simon Sanchez. We'll go ahead and ask these gentlemen to come forward. Before we get started I would like to give the opportunity to the author of the legislation Senator Tom Ada an opportunity to present the bill.

### **(a) Bill Sponsor Summary**

**Senator Ada:** Bill 222 provides a mechanism that would enable the Guam Waterworks Authority to go and borrow \$20 million to fulfill the requirements of Public Law 30-145 which basically requires Guam Waterworks Authority (GWA) to reimburse the Government of Guam for an earlier bond that was paid for from the general fund. This mechanism, similar to other mechanisms to GWA to go and borrow money to meet other requirements and that is what the bill does Mr. Chairman.

**Chairman Pangelinan:** Thank you Senator, we will now proceed with the testimonies. Mr. Blair.

### **(b) Testimony**

#### **1. Mr. William J. Blair**

**Mr. Blair:** (Read written testimony)

### **Panel Comments and Questions**

**Chairman Pangelinan:** Thank you

#### **2. Mr. Simon Sanchez, CCU – Chairman**

**Mr. Sanchez:** (Read written testimony)

On the last page we provided a brief summary of the rate increase analysis for borrowing \$18 million. A hearing is being requested for tomorrow and continues the process on how to raise rates to pay for this obligation and that hearing is tomorrow. You can take a look at the potential impact on how the rates will be if we are forced to borrow and pay for this \$20million. Thank you.

### Panel Comments and Questions

**Chairman Pangelinan:** Thank you very much Mr. Sanchez.

#### **3. Attorney Phil Tydingco, Attorney General's Office – Chief Deputy AG**

**Attorney Tydingco:** Good afternoon Mr. Chairman, Senators, Phil Tydingco Chief Deputy AG on behalf of Attorney General Rapadas. Ordinarily we don't show up for these bond ones but I just wanted to raise a couple of issues of caution, at least some of our AG's had asked that we bring to the attention of the legislature.

We believe that section 3 is the subject to litigation. And we are not sure what the impact that's going to be and how it's going to weigh out so, we're wondering if that is prudent at this time given that there is active litigation by GWA which we believe relates to section 3. We wanted to bring that to your attention without getting into what the legal issues are especially at this time. Especially since the AG's office is in a wait-and-see mode to see how that proceeds and to determine whether there are other parties that may arise or not. We wanted to bring it to the attention of the legislature. I don't know how that is going to weigh in or whether you want to proceed with that section or not.

Again, not going into whether this is the best ways to achieve the purposes of the other needs that the government needs to be satisfied. Section 4 seems to be okay on its face but again we haven't had enough time to wrap our minds around it.

We just wanted to let you know, at least preliminarily, we don't see a problem with 4 but with 3 we see a concern because of the subject of litigation.

### Panel Comments and Questions

**Chairman Pangelinan:** Thank you. Senator Ada.

**Senator Ada:** My question is directed to the Attorney General. What is the effect of the filing of the GWA in the court, does that state everything? If it does, then I don't understand why PUC is continuing the conversation about how rates are going to be raised. I thought the whole world stops until the court makes a decision.

**Attorney Tydingco:** Which issue? Which proceedings?

**Senator Ada:** I guess tomorrow the PUC will be discussing how the rates are going to be raised?

**Chairman Pangelinan:** I think the PUC is discussing whether or not rates have to be raised. The order of the PUC was not to raise the rates but order a rate study to determine whether or not at rate increase is required to support the borrowing.

**Senator Ada:** Yes, I wasn't sure what tomorrow was about.

**Mr. Sanchez:** the order for tomorrow is just the administrative law judge (ALJ) requesting GWA to appear before them, to prepare an analysis on how to pay \$18 million in anticipation for a hearing by the administrative law judge, not the PUC. We filed that a few weeks ago, we did a few scenarios, and you have a copy. We can borrow the money from Bank of Guam and we give you two different ways to borrow the money, like we did already, or they can do a straight surcharge. GPA and Navy loaned GWA \$20 million of unpaid bills, negotiated a promissory note and for the last 10 years there has been a surcharge paying off those two bills. That's another way PUC can choose to fund their order. The order is to pay \$18 million.

**Chairman Pangelinan:** Their order says pay \$18 million for the proceeds of the bond.

**Mr. Sanchez:** If you read the first order, it says GWA must pay \$18.33 million, it doesn't say for what source, it doesn't say for when, it's just the plain reading from the first sentence. I'm 99% sure, I'm just doing it from memory and I've read that thing a gazillion times and that's what the first sentence just says. So, then the ALJ, after the PUC dually ordered, he wanted to conduct a hearing on how to implement that order and he wanted GWA to prepare an analysis on how to fund the \$18 million. We have submitted that analysis and tomorrow morning at 9:30am in his office we will be conducting a hearing on the analysis we have submitted in response to his request to analyze how GWA will fund that \$18.33 million order of that PUC. So, it's not PUC action yet it's just a hearing he is conducting. What he will do with the information, we don't know but we have requested for a stay in the proceeding. We unofficially contacted them last week to counsel, and they said no, you show up next week Tuesday, so they seem to be interested in continuing to implement their order and in our filing we can request a stay but in their order they can respond. We just filed it two Fridays ago. Parties are reading it, (counsel, we requested a stay on the appeal?), we filed a stay but we need to give their chance to respond. So, it could be in the next few weeks the courts may take up our request to stay on any action on implementation on this order until it applies.

**Attorney Tydingco:** As of today, there is on stay.

**Mr. Sanchez:** There is no stay, we're still waiting on a judge to be assigned, you know the process is just starting.

**Senator Ada:** I just raised that issue because you raised a concern about section 3 and in view of the fact that a filing has been made to the court and it just seems that, in my layman's view, that if it's been filed there for the courts to deliberate on that it's rather presumptuous on the part of the PUC to continue the dialogue on how we are going to raise the rates and all that stuff. That's the only reason why I raise that is because of that concern.

**Attorney Tydingco:** I don't know that, when you have an administrative body handling it, adjudicating it unless a higher tribunal orders a stay (generally speaking) then everything precedes. I know it sounds like it's in the interest of parity of GWA from the administrative body itself but presumably they may have requested a stay or seek another similar relief, from a higher tribunal like the courts. As of today, I have not heard that anyone has issued either



administratively or court wise a stay or other similar relief. That stops things, like injunctive relief. I have not heard that.

**Senator Ada:** Mr. Blair, if this was to go through and then GWA turns around and adds a surcharge your bill, would you have standing as a rate payer to go to court with that?

**Mr. Blair:** I think under Ada vs. GTA I would. I would like to reflect that Georgetown is not represented on any of these proceedings or this possible rate increase.

**Chairman Pangelinan:** I would like to state some things for the record too. It appears that GWA continues to affirm that a rate increase is required and again, that was not part of the order of the PUC. PUC ordered to determine whether or not a rate increase was required to satisfy the order of the PUC. While the order of the PUC did not, in the June 2nd order did not spell out where the \$18 million came from. In the order it states in the docket in the April 2011 AGA report, in the May 4' 2001 AGA report, and the May 31, 2011 status report and for good cause shown on a motion dually made, seconded and carried by the affirmative vote on the undersign commissioners. The commission hereby orders GWA to pay in the amount of \$18.333 million. While this does not say that this comes from the proceeds of this bond, all of the reports referenced here, in those reports did say that the \$18 million would be taken out of the bond proceeds. In his earlier status reports that you reference to underlying this order, those reports said that the proceeds will come out of the bond proceeds. I just want to state that if you trace it then technically, you are correct by saying, "this order does not say from the proceeds of the bonds" all the other reports say, when that payment is due that portions of that bond proceeds shall be used under the conditions of that law. I don't think that's for debate, that's just for the record. I think that's just technically on how the order is intended.

**Mr. Blair:** I think that's important and the fact of the matter is that GWA went out and borrowed money from bond holders to use for X, Y, and Z and now you are saying, No to spite that you are going to use it for A, B, and C that means they have to make up that money some how. I would imagine that you would have to go and replace those funds by forcing them to borrow more money. You don't borrow \$20 million extra and don't expect it to be free.

**Chairman Pangelinan:** that is what Senator Ada is going to do in this proposal. To take that money to replace the \$18 million proceeds from the bond. Now, to debate again whether or not the P.L. 30-145 is illegal or not or whether GWA is breaking the bond covenant, when it floated the bond in 2005 it structured that issue, that first series of issues with these conditions and that you will not transfer these costs with out rate release.

**Mr. Sanchez:** It relates to all future issues. Same indenture.

**Chairman Pangelinan:** Right, under that same indenture. But what you guys did was restructure this second series of issue. In other words you had the authority to borrow the additional amount of money and you, knew you had this additional money, and the question is could you have structured the issue differently to comply with the law? Could GWA had gone out and said since this original issue and this authorization we can't do this. Do we need to restructure this new series of borrowing to comply with this new law and again that is the

question. That is the question that is presented to the PUC by all affected parties, both bond counsel, GEDA, GWA, presented those issues and the ADJ issued a decision. That's all I'm saying.

**Mr. Blair:** I think it's important to recognize that the ALJ did not say, they are careful not to rule if those are valid or not. Because the PUC is not authorized to make such rulings. So, his presumption is that it is lawful and he is very careful to say whether Mr. Dirks is right or wrong. The whole issue what the PUC is just following orders made by this legislature. But it has nothing to do whether the legal issues are valid or not.

**Mr. Sanchez:** The bottom line is, if you intend for us to take the \$20 million out of last years \$118 million bond, which took us to the \$220 million originally authorized in 2005, then why did you increase the amount of borrowing by another \$20 million? If you yourself didn't contemplate another borrowing. If you really wanted the \$20 million to come out of the \$118 million from last year then you didn't have to increase it from \$220 to \$240 million, and you could have said you wanted it coming out of there, we could have had a public hearing and collaboration and we could have talked to some people rather than using it as a rider on the floor maybe we could have crafted a structure, kind of like we are doing now,. When we needed the \$30 million from BOG, we came to this body. Now we may need \$20 million, we are coming to this body. We are having a collaborative attempted to look at it a legal way. We didn't get that last year. You didn't talk to Stan Dirks.

**Chairman Pangelinan:** yes, you did. You were on the floor when the amendment was made and you had the opportunity to comment, and you commented.

**Mr. Sanchez:** Here is what we interpreted. He said he's giving us another \$20 million, so let's borrow the \$118 and finish the \$220. Because we had originally contemplated, when we walked into the legislature last summer, not for an increase in borrowing it was just to fix borrowing terms. You decided to add \$20 million in borrowing so we said; Senator wants us to borrow another \$20 million. Not the \$20 million from the \$118, but another \$20 million. And the law says in a series of borrowing. Well, we've borrowed two loans of \$220 and you said we could borrow a third loan of \$220. So we interpreted P.L. 30-145 the best we could. You can't borrow it as an infrastructure loan and since the \$118 is an infrastructure loan, we can't borrow the money but as we told you we'll try to legally borrow and that is what Bill 222 is. The whole reason why we are in this room is P.L. 30-145.

As you wrestle with the difficult issues this summer, I know you all mean well, you mean well, I hope you revisit the whole logic of P.L. 30-145. If you take the \$10 million in savings and you use it to borrow to pay the COLA recipients it saved money, no tax increase is needed, it's already in your cost stream. Pay it off and you don't need P.L. 30-145 and repeal it as Bill and I are saying, just get rid of it so if you are going to tax the people of Guam then tax them. If you want to tax GWA, make it clear, make it obvious, ask the public if they want to be taxed but I think when it came down, it's unfortunate we are now in a legal situation debating all the time what's the right thing to do it doesn't solve COLA taking from GWA. So I hope as colleagues when you sit down and do the budget that what you decide to do with this borrowing that the governor and some of you are proposing that you got \$10 million in debt service, freed up that

you can use. That's going to be a more comprehensive solution leveraging that \$10 million to pay the COLA recipients. Please pay the COLA recipients. Get it them, they need it and what ever is paid out on the tax refunds are better than they are today. And you already have used \$10 million that you already have in your budget. You don't need GWA to borrow the money.

**Chairman Pangelinan:** We understand. At that time when that was being discussed the legislature was looking for some relief and some assistance on meeting the obligations of the general fund and one of those obligations was to pay for the debt service that was a bond issue that benefits GWA predecessor and that's...

**Mr. Sanchez:** It didn't benefit GWA. It benefited all the citizens of Guam that paid for it as taxes. PUAG was a line agency when this money was borrowed, the projects were from Yigo to Malesso, GWA never got a check out of this. They paid for the infrastructure. Bill said it well, as a tax payer, the general fund has paid out its loan, we as tax payers have paid out this loan, why are we gong to pay for the infrastructure again?

**Chairman Pangelinan:** We understand that. Thank you very much. Any other comments or questions? If not, thank you very much for your presence this afternoon and Si yu'os ma'ase.

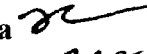

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 222-31 (COR), as amended, by the committee with the recommendation to report out only.

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

Bill No. 202-31 (COR)

Introduced by:

T.C. Ada   
R.J. Respicio 

2011 MAY 31 PM 5:05

**AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 28-71 AND §§14229 AND 14235 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE AUTHORIZATION OF GUAM WATER-WORKS AUTHORITY TO ISSUE DEBT FOR THE PURPOSE OF REIMBURSING THE GENERAL FUND FOR DEBT SERVICE PAID OR TO BE PAID ON BONDS ISSUED BY THE GOVERNMENT TO PAY CAPITAL COSTS OF THE ISLAND WATER AND WASTEWATER SYSTEMS, AND RELATIVE TO A GUARANTEE OF SUCH DEBT BY THE GOVERNMENT**

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

1           **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that Section 4 of  
2 Public Law 28-71, as amended by Section 2 of Public Law 30-145, was intended to  
3 approve the issuance of Twenty Million Dollars (\$20,000,000) principal amount of Guam  
4 Waterworks Authority (“Authority”) revenue bonds for the purpose of paying the balance  
5 of the Government of Guam Limited Obligation (Section 30) Bonds, Series 2001A. *I*  
6 *Liheslaturan Guåhan* further finds that the Authority has not issued such bonds because  
7 the issuance thereof on a parity with the Authority’s outstanding Guam Waterworks  
8 Authority Water and Wastewater System Revenue Bonds would have been inconsistent  
9 with the general bond indenture pursuant to which all such revenue bonds have been and  
10 are to be issued. To provide an alternative to achieve the same purpose, *I Liheslaturan*  
11 *Guåhan* intends by this Act to approve the issuance by the Authority of, and require the

1 Authority to use reasonable efforts to issue, subordinate debt in a principal amount not  
2 exceeding Twenty Million Dollars (\$20,000,000) for the purpose of reimbursing the  
3 General Fund for debt service paid or to be paid by the Government on the portion of the  
4 Government of Guam Limited Obligation (Section 30) Bonds, Series 2001A allocable to  
5 capital costs of the island water and wastewater systems.

6 The amendment made by Section 3 of this Act to § 14229 of Title 12  
7 Guam Code Annotated is intended to clarify that such reimbursement is consistent with  
8 the original intent of the pledge of the Government of Guam as provided in § 14229 and  
9 therefore does not constitute the transfer to the Authority of a non-system operating  
10 responsibility or an unfunded mandate within the meaning of the Authority's revenue  
11 bond indenture.

12 **Section 2.** Section 4 of Public Law 28-71 is hereby *amended* to read as follows:

13 **“Section 4. Approval of Guam Waterworks Authority Revenue**  
14 **Bonds.** The Guam Legislature, *I Liheslaturan Guåhan*, pursuant to §50103 of  
15 Title 12 of the Guam Code Annotated, hereby approves the issuance and sale by  
16 the Authority of revenue bonds pursuant to Article 2, Chapter 14, Title 12, Guam  
17 Code Annotated (~~the ‘Act’~~) in one or more series or issues; provided that the  
18 issuance, terms and conditions of the bonds *shall* have been approved by the  
19 Guam Public Utilities Commission, and further provided that such bonds *shall*  
20 have a principal amount not to exceed Two Hundred Twenty Million Dollars  
21 (~~\$240,000,000~~ \$220,000,000), *shall* have a final maturity not later than 2055,  
22 *shall* bear interest at such rate or rates and shall be sold for such price or prices as  
23 shall result in a net yield to the bondholders *not exceeding* seven and one-half  
24 percent (7.5%) per annum, *shall* be issued and sold in the manner, for the

1 purposes and subject to the requirements and limitations provided in Article 2,  
2 Chapter 14, Title 12, Guam Code Annotated, and *shall* be issued pursuant to an  
3 Indenture in substantially the form as attached to this Act as Exhibit A. ~~Twenty~~  
4 ~~Million Dollars (\$20,000,000) principal amount shall be used to pay the balance~~  
5 ~~of the government of Guam Limited Obligation (Section 30) Series 2001A bond~~  
6 ~~and any other portions of Bonds or Loans paid for by General Fund revenues for~~  
7 ~~which the Guam Waterworks Authority has received proceeds.~~ In order to be able  
8 to take advantage of Build America Bonds, or other federally subsidized bond  
9 program, net yield to the bondholders shall be calculated by subtracting any  
10 interest subsidy amounts to be received from the United States in connection with  
11 such bonds from the amount of interest to be paid to bondholders.”

12 **Section 3.** §14229 of Title 12 Guam Code Annotated is hereby *amended* to read  
13 as follows:

14 **“§ 14229. Pledge by the Government of Guam.**

15 The government of Guam is fully committed to ensuring that the  
16 Authority has the ability to implement the capital improvements authorized to be  
17 paid by this legislation in order to meet the needs of Guam ratepayers for reliable  
18 and affordable services. The government also is fully committed to ensuring that  
19 bondholders are protected to ensure full and timely repayments of their loans. In  
20 order to mirror the previous pledge that allowed Guam Power Authority to  
21 successfully reenter the financial markets as found in 12 GCA § 8113.3, and to  
22 model similar language found in laws authorizing debt for the A.B. Won Pat  
23 International Airport Authority, Guam, the government of Guam hereby pledges  
24 that while any bonds of the Authority issued under this Article remain outstanding

1 and not fully performed or discharged (a) to maintain the rights, powers and  
2 duties of the Board and the Guam Public Utilities Commission, or their respective  
3 successors in accordance with law, to fulfill the terms of any agreements made  
4 with bondholders in accordance with this Article, (b) to maintain the rights and  
5 remedies of bondholders provided in this Article and any indenture, (c) to protect  
6 the exclusive right of the Authority to operate or maintain within Guam any water  
7 or wastewater system operated by the government or its designees by preventing  
8 the acquisition, operation, maintenance or permitting of any instrumentality of the  
9 Government or any other public or private agency, entity or person to operate a  
10 separate and competitive water and/or wastewater system, and (d) not to transfer  
11 any additional non-system operating responsibilities or other unfunded mandates  
12 to the Authority without providing for the payment of the costs of such additional  
13 responsibilities, with the exception of annual supplemental annuity and COLA  
14 contributions paid by the Authority on behalf of retired employees of the  
15 Authority (or its lawful predecessors) as may be required by the laws of Guam.  
16 The reimbursement of debt service paid or to be paid by the General Fund on debt  
17 previously issued by the Government to pay capital costs of the island water and  
18 wastewater systems shall not be considered to be a non-system operating  
19 responsibility or an unfunded mandate within the meaning of this section.”

20 **Section 4.** §14235 of Title 12 Guam Code Annotated is hereby amended to read  
21 as follows:

22 **“§ 14235. Short Term Borrowing.**

23 (1) Pursuant to the agency of GEDA, the Board may at any time or from  
24 time to time, by resolution adopted by a majority of the members of the Board,

1 authorize the Authority to incur indebtedness, including lines-of-credit, with the  
2 approval of *I Maga'lahi* (the Governor), for any lawful purpose for any period not  
3 exceeding ten (10) years evidenced by contract with any person. Any such  
4 indebtedness *shall* be incurred subject and subordinate to any contractual  
5 obligation of the Authority to the holders of any bonds and the principal thereof  
6 and interest thereon may be repaid:

7 (a) from revenues; *or*

8 (b) if incurred for a purpose for which bonds may be issued, from  
9 revenues or from the proceeds of sale of bonds.

10 The total cumulative amount borrowed pursuant to this Section *shall not* exceed  
11 ~~Thirty~~ Fifty Million Dollars (~~\$30,000,000~~ \$50,000,000.00). Notwithstanding any  
12 other provision of law, the indebtedness specified herein *shall not* be subject to  
13 taxation by the government of Guam.

14 (2) **Approval of Guam Waterworks Authority Short Term**  
15 **Indebtedness.**

16 (a) *I Liheslaturan Guåhan*, pursuant to § 50103 of Chapter 50,  
17 Title 12, Guam Code Annotated, hereby approves the terms and conditions  
18 of short term debt to be issued by the Guam Waterworks Authority  
19 (GWA) pursuant to § 14235, Article 2, Chapter 14, Title 12, Guam Code  
20 Annotated, in one (1) or more series or issues (together with any related  
21 reimbursement obligations); provided that the issuance, terms and  
22 conditions of the debt, the indenture *or* loan agreement pursuant to which  
23 the bonds are to be issued, and any reimbursement agreement *shall* have  
24 been approved by the Guam Public Utilities Commission, and *further*



1           *provided* that such debt may be issued in the principal amount necessary to  
2           fund GWA's required operating account and operating reserve account  
3           balances, to pay past due operating expenses incurred by GWA, to provide  
4           interim financing for a portion of the costs of the moratorium project as  
5           defined in § 14241(g), Article 2, Chapter 14, Title 12, Guam Code  
6           Annotated, and to pay expenses incurred in connection with the issuance  
7           of such debt *not* already included in an existing appropriation for *or* in the  
8           regular budget of any government agency *or* instrumentality *or* public  
9           corporation providing any service in connection with the issuance of such  
10          bonds, but *not to exceed* an aggregate principal amount of Thirty Million  
11          Dollars (\$30,000,000). Such debt *shall* have a final maturity *not later than*  
12          ten (10) years after its date of issuance, *shall* bear interest at such rate *or*  
13          rates and be sold for such price *or* prices as may be approved by the Guam  
14          Public Utilities Commission, and *shall* have such other terms and  
15          conditions as are consistent with the requirements and limitations provided  
16          in ~~said~~ this § 14235.

17                   (b) In addition to the approval provided in subsection (2)(a) of this  
18                   Section 14235, I Liheslaturan Guåhan, pursuant to §50103 of Title 12,  
19                   Guam Code Annotated, hereby approves the issuance and sale by the  
20                   Authority of debt pursuant to subsection (1) of this Section in one *or more*  
21                   series or issues; provided that (i) the issuance, terms and conditions of the  
22                   debt *shall* have been approved by the Guam Public Utilities Commission,  
23                   (ii) such debt *shall* have a principal amount not to exceed Twenty Million  
24                   Dollars (\$20,000,000), *shall* have a final maturity not later than ten years

1           from its date of issuance, shall bear interest at a rate not exceeding eight  
2           percent (8%) per annum, and shall be issued and sold in the manner, for  
3           the purposes and subject to the requirements and limitations provided in  
4           subsection (1) of this Section, and (iii) the proceeds of such debt shall be  
5           used solely for the purposes of reimbursing the General Fund of the  
6           Government for debt service paid or to be paid by the Government on the  
7           portion of the Government of Guam Limited Obligation (Section 30)  
8           Bonds, Series 2001A allocable to the payment of capital costs of the island  
9           water and wastewater systems, paying expenses incurred in connection  
10           with the issuance of such debt not already included in an existing  
11           appropriation for or in the regular budget of any government agency or  
12           instrumentality or public corporation providing any service in connection  
13           with the issuance of such bonds, and funding any related debt service  
14           reserves. The Authority shall, with the assistance of Guam Economic  
15           Development Authority, use reasonable efforts to issue such debt and  
16           make such reimbursement to the General Fund, subject in all respects to  
17           the applicable provisions of this Section.

18           **(3) Guarantee and Waiver of Immunity With Respect to Short**  
19           **Term Indebtedness for Reimbursement of General Fund.** The government of  
20           Guam hereby guarantees all payments due for a maximum ten (10) year term  
21           under the Twenty Million Dollar (\$20,000,000) subordinate debt issued by the  
22           Authority pursuant to subsection (2)(b) of this Section. This guarantee is a general  
23           obligation of the government of Guam, and constitutes a pledge of the full faith  
24           and credit of the government of Guam. Subject to the requirements of this

1 subsection (3), the government of Guam consents to any and all extensions of  
2 time and waivers or modifications of obligations guaranteed hereunder.  
3 Notwithstanding the provisions of Chapter 6 of Title 5 of the Guam Code  
4 Annotated, the government of Guam hereby waives immunity from any suit or  
5 action in contract upon the loan and guaranty but does *not* waive sovereign  
6 immunity as to the personal liability of elected or appointed officials and  
7 employees of the government of Guam.”

8 **Section 5. Legislative Appropriations.** Funds received by the Government  
9 pursuant to Section 4, §14235(2)(b), of this Act shall be subject to legislative  
10 appropriation.

11 **Section 6. Use of Proceeds of the 2005 and 2010 Guam Waterworks**  
12 **Authority Revenue Bonds.** All of the proceeds from the Guam Waterworks Authority  
13 Water and Wastewater System Revenue Bonds issued in 2005 and 2010 that have been  
14 deposited in the Construction Accounts established under the Authority’s bond indenture  
15 shall be used to pay capital costs of additions, enlargements, betterments, extensions and  
16 other improvements to or related to, and the equipping of, the island water and  
17 wastewater systems in accordance with the Authority’s bond indenture.

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

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

**Bill No. 222-31 (COR) As Amended  
by the Committee on Appropriations,  
Taxation, Public Debt, Banking, Insurance,  
Retirement and Land**

**Introduced by:**

**T.C. Ada  
R.J. Respicio**  

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**AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 28-71 AND §§14229 AND 14235 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE AUTHORIZATION OF GUAM WATER-WORKS AUTHORITY TO ISSUE DEBT FOR THE PURPOSE OF REIMBURSING THE GENERAL FUND FOR DEBT SERVICE PAID OR TO BE PAID ON BONDS ISSUED BY THE GOVERNMENT TO PAY CAPITAL COSTS OF THE ISLAND WATER AND WASTEWATER SYSTEMS, AND RELATIVE TO A GUARANTEE OF SUCH DEBT BY THE GOVERNMENT**

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

1           **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that Section 4 of  
2 Public Law 28-71, as amended by Section 2 of Public Law 30-145, was intended to  
3 approve the issuance of Twenty Million Dollars (\$20,000,000) principal amount of Guam  
4 Waterworks Authority (“Authority”) revenue bonds for the purpose of paying the balance  
5 of the Government of Guam Limited Obligation (Section 30) Bonds, Series 2001A. *I*  
6 *Liheslaturan Guåhan* further finds that the Authority chose not to issue such bonds  
7 because the issuance thereof on a parity with the Authority’s outstanding Guam  
8 Waterworks Authority Water and Wastewater System Revenue Bonds would have been  
9 inconsistent with the general bond indenture pursuant to which all such revenue bonds  
10 have been and are to be issued. Notwithstanding the Authority’s choice not to issue such

1 bonds, it acknowledges the requirement of the law, its obligation pursuant to the law, and  
2 its intent and desire to comply with the law. *I Liheslaturan Guåhan* recognizes the  
3 Authority's intent to reimburse the government of Guam. To provide an alternative to  
4 achieve the same purpose, *I Liheslaturan Guåhan* intends by this Act to approve the  
5 issuance by the Authority of, and require the Authority to use reasonable efforts to issue,  
6 subordinate debt in a principal amount not exceeding Twenty Million Dollars  
7 (\$20,000,000) for the purpose of reimbursing the General Fund for debt service paid or to  
8 be paid by the Government on the portion of the Government of Guam Limited  
9 Obligation (Section 30) Bonds, Series 2001A allocable to capital costs of the island water  
10 and wastewater systems. If the Authority is unable to fulfill its intent to reimburse the  
11 government of Guam via the issuance of bonds or other form of debt financing, it is *I*  
12 *Liheslaturan Guåhan's* intent to offset the amount owed to the government of Guam by  
13 the Authority with the amount the government of Guam education agencies would have  
14 been paid to the Authority for the services it will render, as appropriated and authorized  
15 by *I Liheslaturan Guåhan*.

16 *I Liheslaturan Guåhan* further finds that the Public Utilities Commission (PUC)  
17 Administrative Law Judge (ALJ) in collaboration with the Authority and the  
18 Consolidated Commission on Utilities (CCU) are in discussions regarding a potential  
19 eighteen percent (18%) rate increase as a result of the June 2, 2011 PUC Order, which  
20 ordered the Authority to pay Eighteen Million Three Hundred Thirty Three Thousand  
21 Three Hundred Thirty Three Dollars (\$18,333,333). This payment was a result of the  
22 Authority choosing not to include an additional Twenty Million Dollars (\$20,000,000) in  
23 its last bond issuance in accordance with Public Law 28-71 as amended by Public Law  
24 30-145 for the reasons previously stated.

1            *I Liheslaturan Guåhan* states and affirms that the original intent of the  
2 amendment to Public Law 28-71 through Public Law 30-145 was that the additional  
3 Twenty Million Dollars (\$20,000,000) be included in the borrowing that has a final  
4 maturity not later than 2055, resulting in minimal impact to the rates. A rate increase that  
5 was collaborated between the Authority, the CCU, and the ALJ that seeks to  
6 unnecessarily burden the ratepayers of Guam by *only* spreading the cost of the amount  
7 owed by the Authority to the government of Guam, over eighteen (18) months rather than  
8 the original intent of borrowing over a thirty (30) to thirty five (35) year period, is  
9 contrary to the original intent of the amendment to Public Law 28-71 through Public Law  
10 30-145.

11            *I Liheslaturan Guåhan* intends on providing the Authority the ability and  
12 authority to act on its intent to reimburse the General Fund the amount of Twenty Million  
13 Dollars (\$20,000,000) through the amendments made herein. Furthermore, the  
14 amendment made by Section 3 of this Act to § 14229 of Title 12 Guam Code Annotated  
15 is intended to clarify that such reimbursement is consistent with the original intent of the  
16 pledge of the Government of Guam as provided in § 14229 and therefore does not  
17 constitute the transfer to the Authority of a non-system operating responsibility or an  
18 unfunded mandate within the meaning of the Authority’s revenue bond indenture.

19            **Section 2.** Section 4 of Public Law 28-71 is hereby *amended* to read as follows:

20            **“Section 4. Approval of Guam Waterworks Authority Revenue Bonds.**

21            The Guam Legislature, *I Liheslaturan Guåhan*, pursuant to §50103 of Title 12 of  
22 the Guam Code Annotated, hereby approves the issuance and sale by the  
23 Authority of revenue bonds pursuant to Article 2, Chapter 14, Title 12, Guam  
24 Code Annotated (~~the ‘Act’~~) in one or more series or issues; provided that the

1 issuance, terms and conditions of the bonds *shall* have been approved by the  
2 Guam Public Utilities Commission, and further provided that such bonds *shall*  
3 have a principal amount not to exceed Two Hundred Twenty Million Dollars  
4 (~~\$240,000,000~~ \$220,000,000), *shall* have a final maturity not later than 2055,  
5 *shall* bear interest at such rate or rates and shall be sold for such price or prices as  
6 shall result in a net yield to the bondholders *not exceeding* seven and one-half  
7 percent (7.5%) per annum, *shall* be issued and sold in the manner, for the  
8 purposes and subject to the requirements and limitations provided in Article 2,  
9 Chapter 14, Title 12, Guam Code Annotated, and *shall* be issued pursuant to an  
10 Indenture in substantially the form as attached to this Act as Exhibit A. ~~Twenty~~  
11 ~~Million Dollars (\$20,000,000) principal amount shall be used to pay the balance~~  
12 ~~of the government of Guam Limited Obligation (Section 30) Series 2001A bond~~  
13 ~~and any other portions of Bonds or Loans paid for by General Fund revenues for~~  
14 ~~which the Guam Waterworks Authority has received proceeds.~~ In order to be able  
15 to take advantage of Build America Bonds, or other federally subsidized bond  
16 program, net yield to the bondholders shall be calculated by subtracting any  
17 interest subsidy amounts to be received from the United States in connection with  
18 such bonds from the amount of interest to be paid to bondholders.”

19 **Section 3.** §14229 of Title 12 Guam Code Annotated is hereby *amended* to read  
20 as follows:

21 **“§ 14229. Pledge by the Government of Guam.**

22 The government of Guam is fully committed to ensuring that the  
23 Authority has the ability to implement the capital improvements authorized to be  
24 paid by this legislation in order to meet the needs of Guam ratepayers for reliable

1 and affordable services. The government also is fully committed to ensuring that  
2 bondholders are protected to ensure full and timely repayments of their loans. In  
3 order to mirror the previous pledge that allowed Guam Power Authority to  
4 successfully reenter the financial markets as found in 12 GCA § 8113.3, and to  
5 model similar language found in laws authorizing debt for the A.B. Won Pat  
6 International Airport Authority, Guam, the government of Guam hereby pledges  
7 that while any bonds of the Authority issued under this Article remain outstanding  
8 and not fully performed or discharged (a) to maintain the rights, powers and  
9 duties of the Board and the Guam Public Utilities Commission, or their respective  
10 successors in accordance with law, to fulfill the terms of any agreements made  
11 with bondholders in accordance with this Article, (b) to maintain the rights and  
12 remedies of bondholders provided in this Article and any indenture, (c) to protect  
13 the exclusive right of the Authority to operate or maintain within Guam any water  
14 or wastewater system operated by the government or its designees by preventing  
15 the acquisition, operation, maintenance or permitting of any instrumentality of the  
16 Government or any other public or private agency, entity or person to operate a  
17 separate and competitive water and/or wastewater system, and (d) not to transfer  
18 any additional non-system operating responsibilities or other unfunded mandates  
19 to the Authority without providing for the payment of the costs of such additional  
20 responsibilities, with the exception of annual supplemental annuity and COLA  
21 contributions paid by the Authority on behalf of retired employees of the  
22 Authority (or its lawful predecessors) as may be required by the laws of Guam.  
23 The reimbursement of debt service paid or to be paid by the General Fund on debt  
24 previously issued by the Government to pay capital costs of the island water and



1 wastewater systems shall not be considered to be a non-system operating  
2 responsibility or an unfunded mandate within the meaning of this section.”

3 **Section 4.** §14235 of Title 12 Guam Code Annotated is hereby amended to read  
4 as follows:

5 **“§ 14235. Short Term Borrowing and Long Term Borrowing for the**  
6 **Purposes of Repaying the Government of Guam.**

7 (1) (a) Pursuant to the agency of GEDA, the Board may at any time or  
8 from time to time, by resolution adopted by a majority of the members of the  
9 Board, authorize the Authority to incur indebtedness, including lines-of-credit,  
10 with the approval of *I Maga'lahi* (the Governor), for any lawful purpose for any  
11 period not exceeding ten (10) years evidenced by contract with any person.

12 (b) Pursuant to the agency of GEDA, the Board may at any time or from  
13 time to time, by resolution adopted by a majority of the members of the Board,  
14 authorize the Authority to incur indebtedness with the approval of *I Maga'lâhi*  
15 (the Governor), *only* for the purposes of reimbursing the General Fund of the  
16 government of Guam for debt service paid or to be paid by the General Fund on  
17 debt previously issued by the Government to pay capital costs of the island water  
18 and wastewater systems, for any period not less than ten (10) years but not more  
19 than thirty (30) years evidenced by contract with any person.

20 (c) Any such indebtedness *shall* be incurred subject and subordinate to any  
21 contractual obligation of the Authority to the holders of any bonds and the  
22 principal thereof and interest thereon may be repaid:

23 (a~~1~~) from revenues; *or*

1                   (b2) if incurred for a purpose for which bonds may be issued, from  
2                   revenues or from the proceeds of sale of bonds.

3                   The total cumulative amount borrowed pursuant to this Section *shall not* exceed  
4                   ~~Thirty~~ Fifty Million Dollars (~~\$30,000,000~~ \$50,000,000.00). Notwithstanding any  
5                   other provision of law, the indebtedness specified herein *shall not* be subject to  
6                   taxation by the government of Guam.

7                   **(2) Approval of Guam Waterworks Authority Short Term and Long**  
8                   **Term Indebtedness.**

9                   (a) *I Liheslaturan Guåhan*, pursuant to § 50103 of Chapter 50,  
10                  Title 12, Guam Code Annotated, hereby approves the terms and conditions  
11                  of short term debt to be issued by the Guam Waterworks Authority  
12                  (GWA) pursuant to § 14235, Article 2, Chapter 14, Title 12, Guam Code  
13                  Annotated, in one (1) or more series or issues (together with any related  
14                  reimbursement obligations); provided that the issuance, terms and  
15                  conditions of the debt, the indenture *or* loan agreement pursuant to which  
16                  the bonds are to be issued, and any reimbursement agreement *shall* have  
17                  been approved by the Guam Public Utilities Commission, and *further*  
18                  *provided* that such debt may be issued in the principal amount necessary to  
19                  fund GWA's required operating account and operating reserve account  
20                  balances, to pay past due operating expenses incurred by GWA, to provide  
21                  interim financing for a portion of the costs of the moratorium project as  
22                  defined in § 14241(g), Article 2, Chapter 14, Title 12, Guam Code  
23                  Annotated, and to pay expenses incurred in connection with the issuance  
24                  of such debt *not* already included in an existing appropriation for *or* in the

1 regular budget of any government agency *or* instrumentality *or* public  
2 corporation providing any service in connection with the issuance of such  
3 bonds, but *not to exceed* an aggregate principal amount of Thirty Million  
4 Dollars (\$30,000,000). Such debt *shall* have a final maturity *not later than*  
5 ten (10) years after its date of issuance, *shall* bear interest at such rate *or*  
6 rates and be sold for such price *or* prices as may be approved by the Guam  
7 Public Utilities Commission, and *shall* have such other terms and  
8 conditions as are consistent with the requirements and limitations provided  
9 in ~~said~~ this § 14235.

10 (b) In addition to the approval provided in subsection (2)(a) of this  
11 Section 14235, *I Liheslaturan Guåhan*, pursuant to §50103 of Title 12,  
12 Guam Code Annotated, hereby approves the issuance and sale by the  
13 Authority of debt pursuant to subsection (1) of this Section in one *or more*  
14 series or issues; provided that (i) the issuance, terms and conditions of the  
15 debt *shall* have been approved by the Guam Public Utilities Commission,  
16 (ii) such debt *shall* have a principal amount not to exceed Twenty Million  
17 Dollars (\$20,000,000), *shall* have a final maturity of not less than ten (10)  
18 years but not later than thirty (30) years from its date of issuance, *shall*  
19 bear interest at a rate not exceeding eight percent (8%) per annum, and  
20 *shall* be issued and sold in the manner, for the purposes and subject to the  
21 requirements and limitations provided in subsection (1)(b) and (1)(c) of  
22 this Section, and (iii) the proceeds of such debt *shall* be used *solely* for the  
23 purposes of reimbursing the General Fund of the Government for debt  
24 service paid or to be paid by the Government on the portion of the

1           Government of Guam Limited Obligation (Section 30) Bonds, Series  
2           2001A allocable to the payment of capital costs of the island water and  
3           wastewater systems, paying expenses incurred in connection with the  
4           issuance of such debt not already included in an existing appropriation for  
5           or in the regular budget of any government agency or instrumentality or  
6           public corporation providing any service in connection with the issuance  
7           of such bonds, and funding any related debt service reserves. The  
8           Authority shall, with the assistance of the Guam Economic Development  
9           Authority, use reasonable efforts to issue such debt and make such  
10           reimbursement to the General Fund, subject in all respects to the  
11           applicable provisions of this Section.

12           **(3) Guarantee and Waiver of Immunity With Respect to Short**  
13           **Term Indebtedness for Reimbursement of General Fund.** The government of  
14           Guam hereby guarantees all payments due for a minimum ten (10) year term and  
15           a maximum thirty (30) year term under the Twenty Million Dollar (\$20,000,000)  
16           subordinate debt issued by the Authority pursuant to subsection (2)(b) of this  
17           Section. This guarantee is a general obligation of the government of Guam, and  
18           constitutes a pledge of the full faith and credit of the government of Guam.  
19           Subject to the requirements of this subsection (3), the government of Guam  
20           consents to any and all extensions of time and waivers or modifications of  
21           obligations guaranteed hereunder. Notwithstanding the provisions of Chapter 6 of  
22           Title 5 of the Guam Code Annotated, the government of Guam hereby waives  
23           immunity from any suit or action in contract upon the loan and guaranty but does

1 not waive sovereign immunity as to the personal liability of elected or appointed  
2 officials and employees of the government of Guam.”

3 **Section 5. Re-financing of the Reimbursement of Debt Service Paid or to be**  
4 **Paid by the General Fund on Debt Previously Issued by the Government to Pay**  
5 **Capital Costs of the Island Water and Wastewater Systems.** If the Guam Waterworks  
6 Authority is unable to borrow the funds with the authority granted to it pursuant to  
7 §14235 of Title 12 of the Guam Code Annotated within one hundred twenty (120) days  
8 after the enactment of this Act, the Guam Waterworks Authority *shall* offset the amounts  
9 paid to it by the government of Guam education agencies, which include the Guam  
10 Department of Education, the University of Guam, and the Guam Community College,  
11 up to One Million Five Hundred Thousand Dollars (\$1,500,000) in each fiscal year after  
12 fiscal year 2011, until the amount of Twenty Million Dollars (\$20,000,000) has been  
13 fully offset with the amounts that would have been paid to the Authority by the  
14 government of Guam education agencies as appropriated in each Annual Appropriations  
15 Act of each fiscal year by *I Liheslaturan Guåhan*. A Memorandum of Understanding  
16 (MOU) between *I Maga'låhen Guåhan* and the Authority *shall* be required no later than  
17 one hundred eighty (180) days after the enactment of this Act and the terms and  
18 conditions of such offsetting of amounts paid to the Authority by the government of  
19 Guam for services rendered *shall* be included in such MOU. If the Authority seeks a rate  
20 change as a result of the MOU and the said offset, the Authority *shall* separately identify  
21 the surcharge on the monthly bills of each of the Authority's customers and *shall* name  
22 said surcharge, "Investment Recapture for Education Surcharge."

23 **Section 6. Use of Proceeds of the 2005 and 2010 Guam Waterworks**  
24 **Authority Revenue Bonds.** All of the proceeds from the Guam Waterworks Authority

1 Water and Wastewater System Revenue Bonds issued in 2005 and 2010 that have been  
2 deposited in the Construction Accounts established under the Authority's bond indenture  
3 shall be used to pay capital costs of additions, enlargements, betterments, extensions and  
4 other improvements to or related to, and the equipping of, the island water and  
5 wastewater systems in accordance with the Authority's bond indenture.

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



**Mina'trentai Unu Na Liheslaturan Guahan**  
**THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan**

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,  
INSURANCE, RETIREMENT AND LAND**

**Monday, July 11, 2011**

**Bill No. 222-31 (COR)**

**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Put Tydingco	AGE						
WILLIAM J. BLAIR	P.O. BOX AB HAGATNA	477-7857		✓	✓		NO
SIMON SANCHEZ	CCU			✓	✓		YES



**GUAM WATERWORKS AUTHORITY**  
**ATURIDAT KINALAMTEN HANOM GUAHAN**  
578 North Marine Corps Drive, Tamuning, GU 96913  
Phone: (671) 647-2603 Fax: (671) 646-2335

July 12, 2011

**VIA HAND DELIVERY:**

Honorable Vicente C. Pangelinan  
Senator, 31<sup>st</sup> Guam Legislature  
Chairman, Committee on Appropriations  
Taxation, Public Debt, Banking,  
Insurance, Retirement and Land  
Suite 207, Ada Plaza Center  
173 Aspinall Avenue  
Hagåtña, Guam 96910

Good afternoon Mr. Chairman and committee members.

Thank you for the opportunity to testify on Bill 222.

As you know, last May, Chairman Pangelinan introduced a \$20 million rider to our original request to improve interest rates by amending the terms of our original 2005 borrowing law, P.L. 28-71. Senator Pangelinan's rider increased GWA's borrowing authority by \$20 million in order for GWA to borrow more money to pay the General Fund. He introduced this \$20 million rider without a public hearing or meaningful consultation with GWA or long time and respected GovGuam and GWA bond counsel Stan Dirks.

This \$20 million General Fund tax on GWA rate payers became P.L. 30-145.

We now know that the tax on GWA ratepayers will be used to pay \$18 million of the over \$300 million owed for COLA and refunds, a band aid piece-meal solution that still doesn't fully pay off the COLA obligation nor hardly pays longstanding refunds owed to taxpayers.

Public law 30-145 is now being challenged in Court by GWA.

GWA contends that the only legal way to borrow the \$20 Million tax on GWA ratepayers required by P.L. 30-145 is to pass Bill 222. As we told Senators earlier this spring, GWA is prepared to borrow the additional \$20 million Senator Pangelinan introduced and got passed last year. However we cannot borrow the money under the terms of P.L. 30-145.

As promised, GWA sought alternative borrowing legislation and we are grateful to Senators Ada and Respicio for introducing Bill 222. They recognize that the issues surrounding this entire controversy deserve a public hearing.



Whether to tax GWA ratepayers \$20 million deserved a public hearing last year.

Bill 222 carries all the appropriate and legal authorization for GWA to borrow \$20 million. It is modeled after prior public laws (Public Laws 29-130, 30-55 and 30-101) that allowed GWA to successfully and legally borrow \$30 million from the Bank of Guam in 2010.

If Bill 222 is passed into law, GWA could legally borrow and pay the \$20 million tax on GWA ratepayers required by P.L. 30-145.

But we hope Bill 222 sparks a far more important conversation in the legislature about whether PL 30-145 is really good for our people.

As you know, this coming December, Guam's taxpayers will finally pay off a \$50 million infrastructure loan from the 1988/2001 General Fund bonds. The annual debt service savings to the General Fund is about \$10 million... \$10 million policymakers can use to solve longstanding problems.

The Governor and Senators have all said they want to pay COLA and refunds. Due to the size of the obligation, long term borrowing has been proposed.

\$10 million in saved debt service can be used to re-borrow about \$140 million.

This \$140 million re-financing will create enough money to completely pay off all the remaining COLA obligations and substantially pay down refunds due to Guam families.

There also would be no need to burden GWA ratepayers with a \$20 million tax that barely pays off anything.

There will be no need for water rate increases to pay the Gen Fund \$20 million tax.

This approach is better for the people of Guam than P.L. 30-145.

As you deliberate on difficult financial decisions this summer, I hope you will see use Bill 222 to openly discuss better financial solutions for our people.

We respectfully ask if Bill 222 could include one amendment. The amendment would be to repeal P.L. 30-145 and remove the rider language added last year to P.L. 28-71.

The court case we have pursued is to make sure P.L. 30-145 is not forcing GWA to illegally violate the 2005 bond covenant. In 2005, GWA and the government of Guam executed a contract with bondholders that said no future loans would have parity (the highest level of loan security) with this 2005 loan, except for future infrastructure only loans.

P.L. 30-145 tries to give the \$20 million General Fund tax loan the same parity as an infrastructure loan, a violation of the 2005 bond covenant.

Public law 30-145 has created a legal cloud and uncertainty which will adversely affect GWA's ability to obtain long term bond financing to rebuild the people's water and wastewater infrastructure.

We are so concerned that we have taken the law to court.

Repealing P.L. 30-145 will remove this uncertainty and end the litigation needed to insure that GWA can still borrow money in the future.

Earlier this year, Senators made it very clear with 11 votes that they didn't want to take any badly needed infrastructure money from the recent 2010 bond issuance. By repealing P.L. 30-145, you implement this wise decision.

Because P.L. 30-145 will force a rate increase on GWA ratepayers to either pay the Gen Fund or a bank \$20 million, it should be repealed. An analysis of the required rate increase is attached. The rate increases can range from 3.77% to 37.7%, depending on how fast and in what way the PUC wants to pay the \$20 million

Because it provides only a piecemeal \$20 million band aid to a \$300 million plus problem, P.L. 30-145 should be repealed.

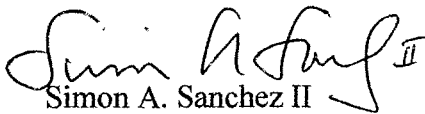
While Bill 222 only makes up for the legal failings of PL 30-145, the real question is whether P.L. 30-145 really makes our people's lives better or worse by unnecessarily taxing GWA ratepayers \$20 million.

It's clear to us that P.L. 30-145 makes it worse for our people.

There are better ideas to implement. The wise use of \$10 million per year in General Fund debt service savings will be a big step in the right direction.

Thank you for the opportunity to present our testimony.

Senseramente'



Simon A. Sanchez II

Chairman

Consolidated Commission on Utilities

## **RATE INCREASE ANALYSIS FOR BORROWING \$20 MILLION**

GWA recently filed a rate increase analysis with the Guam Public Utilities Commission (PUC) to calculate what the \$20M debt will cost GWA ratepayers. The rate increase scenarios put together by GWA are as follows:

### **Scenario 1 – GWA borrows \$20M over 5 years with a 10 year amortization.**

Years 1-4 – 10.26% rate increase.

Year 5 35.26% rate increase for one year to pay off the balloon payment due on the unpaid principal and interest.

### **Scenario 2 – GWA borrows \$20M with a straight line 5 year amortization.**

Years 1-5 18.19% rate increase in all 5 years.

### **Scenario 3 – GWA simply pays \$20M in the form of a “surcharge.”**

Repayment of the loan through a surcharge can be undertaken in a number of ways depending on how long the surcharge stays in place. For example, the quicker option repays the entire \$18.3M in one year, but the resultant rate impact is a one year rate increase of 37.75%. Another example is a level 3.77% surcharge throughout a 10 year period.

GWA will appear before the PUC Administrative Law Judge tomorrow morning so the PUC can begin to calculate the required rate increase.

TESTIMONY OF WILLIAM J. BLAIR  
RE BILL 222-30  
July 11, 2011

Senator ben c. pangelinan,  
Chairman  
Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement  
and Land  
31<sup>st</sup> Guam Legislature

Chairman pangelinan:

Thank you for the opportunity to testify on Bill 222-30.

I am a citizen and resident of Guam. I am a taxpayer *and* a ratepayer of the Guam Waterworks Authority. I have been in the active practice of law in Guam for more than 34 years. For more than 22 of those years, I have acted as legal counsel to Georgetown Consulting Group, which provides independent ratemaking advice to the Guam Public Utilities Commission. I emphasize, however that this testimony is submitted solely in my personal capacities, not on GCG's or anyone else's behalf.

As I understand it, the primary purpose of Bill 222 is to amend Section 4 of P.L. 28-71, as that provision was amended by Section 2 of P.L. 30-145. Section 2 of P.L. 30-145 was amended by a floor amendment which mandated that the Guam Waterworks Authority borrow an additional \$20 million purportedly to pay off the balance of certain general obligation bonds the Government of Guam had issued prior to the creation of GWA, some of the proceeds of which had been used to fund water and wastewater infrastructure improvements made by the Public Utility Agency of Guam, the line agency that was the predecessor to GWA. The floor amendment received no public hearing. Thus, this is the first opportunity, as far as I know, that anyone in the public will have had to testify as to the wisdom and lawfulness of the floor amendment.

The unabashed purpose of the floor amendment was to provide the General Fund \$20 million of additional revenues which could be used to pay income tax refunds and other obligations of the Government of Guam. Although GWA's ratepayers, like me, would be saddled with the obligation to pay back this borrowing, however, neither GWA nor its ratepayers would receive any benefit whatsoever.

GWA did not borrow the \$20 million as provided by the floor amendment. It seems this was due, in part at least, to concerns expressed by its bond counsel as to whether such borrowing would violate provisions of GWA's bond indenture and the statutory assurances this Legislature and the Government of Guam had previously given to the financial community and GWA's bondholders that the GovGuam would not "transfer any additional non-system operating responsibilities or other unfunded mandates to [GWA] without providing for the payment of the costs of such additional responsibilities." See 12 GCA 14229. By passing the floor amendment the 30<sup>th</sup> Guam Legislature reneged on GovGuam's statutory pledge. Bill 222 is intended, I believe, to address and resolve those violations and concerns.

Notwithstanding the fact that Bill 222 would perhaps resolve the violations of the bondholders' rights and moot the concerns of bond counsel, I cannot support the bill. The bill would ensure that the rights GWA's bondholders are respected, but it would nonetheless require GWA to borrow \$20 million for a purpose unrelated to the cost of providing services and pass the debt service on to its ratepayers, like me.

As a ratepayer of GWA, I pay rates which are supposed to be set by the PUC to cover the costs of operating GWA, including paying debts incurred by it to provide needed infrastructure and other improvements. Bill 222, like the floor amendment to

P.L. 30-145, would shift obligations of the General Fund to GWA and its ratepayers.

The PUC would be obligated to recognize those obligations in rates. The result would be that when I was paying for water or sewer services provided by GWA I would also be paying for tax refunds and other obligations of the General Fund. To that extent, the unavoidable increase in my water rates to cover the debt service of the \$20 million would be, from a legal perspective, a TAX on me, not a rate or fee charged for services rendered.

This Legislature surely has the power to impose taxes on citizens of Guam. If you want to tax water supplied by GWA in order to raise funds to pay tax refunds or other obligations, you can do so. However, if you are going to do so, do it in an honest and straightforward manner. Do not pretend that by shifting the burden of paying tax refunds from taxpayers to GWA's ratepayers you are not imposing a TAX. You would be requiring ratepayers to subsidize the General Fund when they consume water.

If a GWA rate increase was viewed correctly as a tax, there are other legal issues that would have to be dealt with. The Organic Act requires, for example, that taxes be uniform. Would this water tax satisfy that uniformity requirement? I will not dwell on those issues, as my objections to Bill 222 are much more fundamental—ratepayers should not be asked to shoulder the burdens that are rightfully those of taxpayers.

This brings up another concern I have. As I understand it, the mandate to borrow an additional \$20 million that the floor amendment to P.L. 30-145 imposed on GWA was supposedly to be used to pay off the balance of a prior GovGuam general obligation bond. That bond was nearly paid off. Thus, as a taxpayer, I have already contributed to paying back what was previously borrowed or most of it. Now, you want GWA to

borrow another \$20 million and have me pay that amount again wearing my ratepayer hat? This would be completely unfair and highly deceptive. It would be a hidden, surreptitious tax.

In summary, I oppose Bill 222. What should happen is that Section 2 of P.L. 30-145 should be amended to remove the floor amendment. If the 31<sup>st</sup> Guam Legislature feels that it would be appropriate to require consumers of water and wastewater services to pay for tax refunds, then you should enact a bill imposing a tax on water. You should not disguise such a tax under a dishonest subterfuge, as the floor amendment to P.L. 30-145 did and as would Bill 222.



# COMMITTEE ON RULES

*I Mina'trentai Unu na Libeslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
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E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
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ASST. MAJORITY LEADER

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Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

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Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duena

## Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on Bill No. 222-31 (COR) – “AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 28-71 AND §§14229 AND 14235 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE AUTHORIZATION OF GUAM WATER-WORKS AUTHORITY TO ISSUE DEBT FOR THE PURPOSE OF REIMBURSING THE GENERAL FUND FOR DEBT SERVICE PAID OR TO BE PAID ON BONDS ISSUED BY THE GOVERNMENT TO PAY CAPITAL COSTS OF THE ISLAND WATER AND WASTEWATER SYSTEMS, AND RELATIVE TO A GUARANTEE OF SUCH DEBT BY THE GOVERNMENT– on June 1, 2011. COR hereby certifies that BBMR confirmed receipt of this request on June 1, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on December 16, 2011, the fourteenth day after the request was received by BBMR. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 222 to be included in the committee report on said bill, is hereby waived.

Certified by:

  
\_\_\_\_\_  
Judith P. Guthertz, DPA  
Chairperson, Committee on Rules

  
\_\_\_\_\_  
Date





# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guahan* • The 31<sup>st</sup> Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

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2011 JUN -2 PM 3:13

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

June 1, 2011

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

VIA FACSIMILE  
(671) 472-2825

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Judith T. Won Pat

Ms. Benita Manglona  
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. 218-31 (COR through 222-31 (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 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'åse'* for your attention to this matter.

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

Very Truly Yours,

MINORITY  
MEMBERS:

Rory J. Respicio

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

Attachments

Cc: Clerk of the Legislature

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**May 31, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
222-31 (COR)	T. C. Ada, R. J. Respicio	AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 28-71 AND §§14229 AND 14235 OF TITLE 12 OF THE GUAM CODE ANNOTATED RELATIVE TO THE AUTHORIZATION OF GUAM WATER-WORKS AUTHORITY TO ISSUE DEBT FOR THE PURPOSE OF REIMBURSING THE GENERAL FUND FOR DEBT SERVICE PAID OR TO BE PAID ON BONDS ISSUED BY THE GOVERNMENT TO PAY CAPITAL COSTS OF THE ISLAND WATER AND WASTEWATER SYSTEMS, AND RELATIVE TO A GUARANTEE OF SUCH DEBT BY THE GOVERNMENT	5/31/11 5:05 p.m.	6/1/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



**COMMITTEE ON RULES**

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2011 SEP 29 PM 4:09  
*Mur*

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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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

September 29, 2011

**MEMORANDUM**

**To:** Pat Santos  
Clerk of the Legislature

Attorney Therese M. Terlaje  
Legislative Legal Counsel

**From:** Senator Rory J. Respicio *[Signature]*

**Subject:** Referral of Bill Nos. 320-31(COR) through 322-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 320-31 (COR) through 322-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

(3) Attachment

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**September 27, 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	S ( Passe V Ove Pub
322-31 (COR)	V. A. Ada, C. M. Duenas, R. J. Respicio	AN ACT TO AMEND §§1103.1 AND 1103.3 OF CHAPTER 1 OF 4GCA RELATIVE TO EXEMPTING CERTAIN GOVERNMENT VEHICLES FROM LOGO REQUIREMENTS.	09/28/11 3:22 p.m.	9/29/11		Committee on Public Safety, Law Enforcemen & Judiciary			



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Public Hearing - 1st Notice



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Drafts (1)

Subject: Public Hearing - 1st Notice

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Budget FY2012 (10)

Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

Calvo (10)

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

campaign 2010 (3)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

CMTF (1)

Kuátton Inekungok Pupleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)

DC-Conf Trip

Alas ocho i media gi egga'an (8:30 AM)

Democrat Speech

TAREHA (AGENDA)

Dos Amantes

Priniponi Siha (Bills)

Farmer's Coop

Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.

Faxes

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Faxes 31GL

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Fundraiser 2010

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

FY11 Comm Rpts

Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

GEDA

Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §59103 and §59110 of this Chapter.

Grants (242)

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

Messages Comm

Bill No. 182-31 (COR): An Act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80 relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagatna to operate a small mobile food establishment.

Messages Comm 3...

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

Military Buildup (2)

Alas dos gidespues di talo'ani (2:00pm)

NCSL Fall Seminar...

TAREHA (AGENDA)

PA Docs

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

PR

2:30pm-3:00pm - Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

Referrals

Referrals 2011

Retirement Fund

Scan Documents

Sen Travel

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Shinseki

Solutions to...

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Chat

Lisa Cipollone

Set status here

Scott Mendiola

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Elaine Tajalle

Artemio Hernandez

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Tanya M.C. Mendiola

tanya4families@gmail.com

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About these links

3:00pm-3:30pm - Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm - Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

4:00pm-4:30pm - Bill No. 255-31 (COR): An Act to Appropriate Five Hundred Twenty-Five Thousand Dollars (\$525,000) to the Guam Department of Education for air-conditioning equipment and maintenance and collateral equipment for George Washington High School, Simon Sanchez High School, Southern High School and Agueda Johnston Middle School.

4:30pm-5:30pm - Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

5:30pm-6:30pm - Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §26203, Chapter 26, Title 11 Guam Code Annotated.

Yanggen un nisisita espesiat na setbision, put fabot agang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i primiponi siha ginenc este na tareha, halom gi i uepsait i Liheslaturan Guahan gi www.guamlegislature.com. Yanggen para un na halom testigu-mu, chule' para i ifisinan-mami gi 324 West Soledad Avenue gi iya Hagatna, pat guatio gi i Kuarton Katta gi i Liheslatura, pat faks gi 473-4238, patsino incl gi senbenp@guam.net. Este na nutisio inapasi nu i fondon gubnamento.

If you require any special accommodations, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills or Resolutions listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagatna or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net.

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
cipo@guamlegislature.org

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Tanya M.C. Mendiola

← Lisa Cipollone to Tanya

Jul 5 (3 days ago) Reply

no, not this time. next hearing. we had too many bills this time.

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Tanya M.C. Mendiola to me

Jul 5 (3 days ago) Reply

thanks, lisa. :)

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Mon, Jul 4, 2011 at 2:54 PM
Public Hearing
guamlegislature.org
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

- Bill No. 164-31 (COR): An Act to rezone Lot No.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10129-1, all in the Municipality of Dededo from Agricultural "A" to Commercial "C" Zone.
Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-1NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.
Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.
Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.
Bill No. 241-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.
Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and 59111.1 through 59111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §59103 and §59110 of this Chapter.
Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3702.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated; Relative to the prohibition of caffeinated malt beverages.

- Chat
Lisa Cipollone
Scott Mendiola
Stephanie Mendiola
Anjelica Kulani Okada
Elaine Tajalle
Artemio Hernandez
Chelsa Muna-Brecht
Chris Budasi
Edison Manaloto
olivia
Selina Onedera-Salas



Bill No. 182-31 (COR): An Act to amend and add §80128, Title 5 Guam Code Annotated, Chapter 80 relative to authorizing to the Guam Public Library System to contract for lease of a portion of frontage property at the Nieves M. Flores Public Library in Hagatna to operate a small mobile food establishment.

Bill No. 190-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

*Alas dos gidespues di talo'ani*  
(2:00pm)

**TAREHA**  
(AGENDA)

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 11GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm - Bill No. 199-31 (COR): An Act to Amend §2103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

3:00pm-3:30pm - Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm - Bill No. 231-31 (COR): An Act to Repeal and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Mileage Bank Account.

4:00pm-4:30pm - Bill No. 255-31 (COR): An Act to Appropriate Five Hundred Twenty-Five Thousand Dollars (\$525,000) to the Guam Department of Education for air-conditioning equipment and maintenance and collateral equipment for George Washington High School, Simon Sanchez High School, Southern High School and Agueda Johnston Middle School.


4:30pm-5:30pm - Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 28-71 and §§14229 and 14235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the island water and wastewater systems, and relative to a guarantee of such debt by the government.

5:30pm-6:30pm - Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §26203, Chapter 26, Title 11 Guam Code Annotated.

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Chief of Staff  
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**INAKUNGOK PUPBLEKO**  
**(PUBLIC HEARING)**

gi Lunes, gi *lha* 11 gi *hula*, 2011 (Monday, July 11, 2011)

**Kuáttan Inakungok Pupbleko gi I Liheslaturan Guáhan**  
 (Guam Legislature Public Hearing Room)

**Alas ucho i media gi ega'an (8:30 AM)**

**TAREHA (AGENDA)**

**Priniponi Síha (Bills)**

Bill No. 164-31 (COR): An Act to rezone Lot Nos.'s 10060-REM-R6-NEW, 10060-REM-1-R2 and 10029-1, all in the Municipality of Dededa from Agricultural "A" to Commercial "C" Zone.

Bill No. 215-31 (COR): An Act to rezone Lot No. 1068-1-NEW-A-R1 in the Municipality of Barrigada from "C" Commercial to "M-1" Light Industrial Zone.

Bill No. 218-31 (COR): An Act to Rezone Lot No. 3, Track 1942, in the Municipality of Barrigada from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

Bill No. 243-31 (COR): An Act to re-zone Lot 6, Block 2, Track 148 in the Municipality of Barrigada from "A" to "M-1" Light Industrial.

Bill No. 244-31 (COR): An Act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of the Guam Code Annotated, relative to subdivision and recordation procedures.

Bill No. 134-31 (COR): An Act to Renumber §59111 and to add new §§59111 and §9111 through §9111.9 to Chapter 59 of Title 5 Guam Code Annotated, Relative to establishing the Guam Police Department Headquarters Building Fund, and to identifying sources of revenue required to pay obligations authorized through §§9103 and §9110 of this Chapter.

Bill No. 178-31 (COR): An Act to add a new §3106.1 to Article 1 and a new §3752.1 to Article 7 of Chapter 3, Title 11 Guam Code Annotated, Relative to the prohibition of caffeinated malt beverages.

Bill No. 162-31 (COR): An Act to amend and add §00128, Title 5 Guam Code Annotated, Chapter 60 relative to authorizing to the Guam Public Library System to contract for lease of a portion of heritage property at the News M. Flores Public Library in Hagåtña to operate a small mobile food establishment.

Bill No. 160-31 (COR): An Act to amend §31A05(a) of Article 1A of Chapter 3 of Title 16, Guam Code Annotated relative to Driver's Licenses Road Testing.

**Alas aas gi daspuas ul tala'ni (2:00pm)**

**TAREHA (AGENDA)**

2:00pm-2:30pm - Bill No. 72-31 (COR): An Act to add a new Chapter 8 to 19GCA relative to quantifying and reporting the affects of the Earned Income Tax Credit (EITC) as it relates to the Compact of Free Association.

2:30pm-3:00pm - Bill No. 199-31 (COR): An Act to Amend §42103.5 of Chapter 2 of Title 4 of the Guam Code Annotated Relative to requiring a tax clearance report from the Department of Revenue & Taxation for submission for legislative advice and consent.

3:00pm-3:30pm - Bill No. 211-31 (COR): An Act to Amend §3102.1, Chapter 3, Title 16 Guam Code Annotated, Relative to facilitating the procedure for obtaining waiver of driver license fees for Veterans.

3:30pm-4:00pm - Bill No. 231-31 (COR): An Act to Repair and Reenact §23111 of Chapter 23, 5 Guam Code Annotated relative to the Medical Referral Benefits Bank Act and name it the Senator Edward J. Cruz Medical Referral Meege Bank Account.

4:00pm-4:30pm - Bill No. 255-31 (COR): An Act to Appropriate Five Hundred Twenty-Five Thousand Dollars (\$255,000) to the Guam Department of Education for air-conditioning equipment and maintenance and colateral equipment for George Washington High School, Simon Sanchez High School, Southern High School and Agueda Johnston Middle School.

4:30pm-5:30pm - Bill No. 222-31 (COR): An Act to Amend Section 4 of Public Law 26-71 and §§4228 and 44235 of Title 12 Guam Code Annotated relative to the authorization of Guam Water-Works Authority to issue debt for the purpose of reimbursing the General Fund for debt service paid or to be paid on bonds issued by the government to pay capital costs of the Island Water and wastewater systems, and relative to a guarantee of such debt by the government.

5:30pm-6:30pm - Bill No. 141-31 (COR): An Act to promote Early Childhood Learning and Development opportunities through the promotion of Modern Child Care Facilities by providing a Business Privilege Tax Exemption for Child Care Centers and Group Child Care Homes by adding a new Part (3&) to Subsection (k) of §423203, Chapter 26, Title 11 Guam Code Annotated.

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Monday, July 4, 2011 [guampdn.com](http://guampdn.com)



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**THIRTY-FIRST GUAM LEGISLATURE**

Senator Vicente "ben" Cabrera Pangelinan  
Office of the People  
Website: www.senben.com

**INEKUNGOK PUPBLEKO**  
**(PUBLIC HEARING)**

gi Lunes, gi diha 11 gi Hulio, 2011  
(Monday, July 11, 2011)

Kuáttion Inekungok Pubbleko gi I Liheslaturan Guahan  
(Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an  
(8:30 AM)

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Hafa Adai,  
 Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**

*gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)*

**Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)**

*Alas ocho i media gi egga'an (8:30 AM)*

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Lisa Cipollone  
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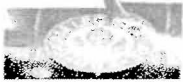
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Hafa Adai,
Senator Vicente (ben) Cabrera Pangelinan and the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, July 11, 2011 at the Guam Legislature Public Hearing Room beginning at 8:30 am and again at 2:00pm. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 11 gi Hulio, 2011 (Monday, July 11, 2011)

Kuátton Inekungok Pupbleko gi l Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas ocho i media gi egga'an (8:30 AM)

TAREHA (AGENDA)

Priniponi Siha (Bills)

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

***gi Lunes, gi diha 11 gi Hulio, 2011  
(Monday, July 11, 2011)***

***Kuåtton Inekungok Pupbleko gi I Lihselaturan Guahan  
(Guam Legislature Public Hearing Room)***

***Alas ocho i media gi egga'an  
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