

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

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

Member Committee on General Government Operations and Cultural Affairs

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

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

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

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APR 1 9 2013

The Honorable Judith T. Won Pat, Ed.D.

Speaker I Mina'trentai Dos Na Liheslaturan Guåhan 155 Hesler Place Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 18-32 (COR), As Introduced

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 18-32 (COR), as introduced, "An Act to Appropriate the sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) from anticipated General Fund Revenues for Fiscal Year 2013 for the outstanding debt balance owed, including principal and interest, for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN, including Change Order No. 1 and Change Order No. 2, sponsored by Senator Rory Respicio, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

O TO PASS

NOT TO PASS

5 TO REPORT OUT ONLY

O TO ABSTAIN

TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan

Chairman

Website: http://senbenp.com

COMMITTEE REPORT ON

Bill No. 18-32 (COR), As Introduced Sponsored by Rory Respicio

An Act to Appropriate the sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) from anticipated General Fund Revenues for Fiscal Year 2013 for the outstanding debt balance owed, including principal and interest, for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN, including Change Order No. 1 and Change Order No. 2.



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

APT 9 2013 MEMORANDUM

To:

From:

All Members

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,

Public Parks, Recreation, Historic Preservation and Land.

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

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

Member Committee on General Government Operations and Cultural Affairs

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

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

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

Senator Vicente (ben) Cabrera Pangelinan Committee Chairperson

Subject: Committee Report on Bill No. 18-32 (COR), As Introduced

Transmitted herewith for your consideration is the Committee Report on Bill No. 18-32 (COR), as introduced, "An Act to Appropriate the sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) from anticipated General Fund Revenues for Fiscal Year 2013 for the outstanding debt balance owed, including principal and interest, for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN, including Change Order No. 1 and Change Order No. 2.", sponsored by Senator Rory Respicio.

This report includes the following:

- 1. Committee Voting Sheet
- 2. Committee Report Narrative
- 3. Copy of Bill No.18-32 (COR), As Introduced
- 4. Public Hearing Sign-in Sheet
- 5. Copies of Written Testimony
- 6. Copy of COR referral Bill No. 18-32 (COR)
- 7. Copy of Fiscal Note
- 8. Notices of Public Hearing
- 9. Copy of the Public Hearing Agenda

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

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan

Chairman

Website: http://senbenp.com

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

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

Bill No. 18-32 (COR), as introduced, "An Act to Appropriate the sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) from anticipated General Fund Revenues for Fiscal Year 2013 for the outstanding debt balance owed, including principal and interest, for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN, including Change Order No. 1 and Change Order No. 2.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
Senator Vicente (ben) Cabrer	ra Pangelinan	***************************************	No. of the Control of	***	***************************************
Chairman	J				
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Vice Speaker BJ Cruz					
Vice Chairman					
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Speaker Judith T. Won Pat	-	-			
Member 1					
Senator Tina Rose Muña-Bar	rnes				
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Senator Michael San Nicolas					
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Senator Tommy Morrison	*****************	***************************************	***************************************	***************************************	
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Member					



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

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

Member Committee on General Government Operations and Cultural Affairs

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

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

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

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill 18-32 (LS): An Act to Appropriate the sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) from anticipated General Fund Revenues for Fiscal Year 2013 for the outstanding debt balance owed, including principal and interest, for the completion of the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN, including Change Order No. 1 and Change Order No. 2.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on February 1, 2013 at 9:00am in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were published in the newspaper of general circulation as required by the Open Government Law and disseminated via hand-delivery and e-mail to all senators and broadcasting outlets on January 25, 2013 (5-Day Notice), and again on January 30, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman Vice Speaker BJ Cruz, Vice Chairman Speaker Judith Won Pat, Member Senator Dennis Rodriguez, Member Senator Mike San Nicolas, Member Senator Tommy Morrison, Member Senator Tom Ada Senator Rory Respicio Senator Tony Ada Senator Chris Duenas Senator Brant McCreadie Senator Aline Yamashita

(b) Appearing before the Committee

Mr. Young Hyun Jang, General Manager of Hanjin Heavy Industries & Construction Co., Ltd.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Website: http://senbenp.com

Ms. Renata Zeller, Representative of Hanjin Heavy Industries & Construction Co., Ltd. Mr. Phil Tydingco, Chief Deputy Attorney General of Guam

(c) Written Testimonies Submitted

Mr. Young Hyun Jang, General Manager of Hanjin Heavy Industries & Construction Co., Ltd.

II. COMMITTEE PROCEEDINGS

Chairman Vicente Pangelinan. The next bill on the agenda, Bill Number 18-32, "An act to appropriate the sum of \$392,162.17 from the anticipated General Fund revenues for Fiscal Year 13 for the outstanding debt balance owed--including principal and interest--for the completion of the Guam Public Market Redevelopment Project and including project Number 3320-5108LAGN including change order number 1, change order number 2", introduced by Senator Respicio. I'd like to give him an opportunity to provide us a short synopsis of the bill. I'd like to go ahead and call up Mr. Jong, Ms. Zeller, and Mr. Tydingco to the witness table.

(a) Bill Sponsor Summary

Senator Rory Respicio. Thank you, Mr. Chairman. Thank you for hearing Bill Number 18. The legislature, through your chairmanship of the Committee on Appropriations, has done what the administration has done by way of recognizing this as a legitimate obligation of the government of Guam. Mr. Chairman, you were able to put this in Public Works' budget. The Director of Public Works, at that time, recognized this as an obligation; the President of the Chamorro Affairs who has oversight over the Chamorro Village has recognized this as an obligation. Section 14 of Public Law 21-03, which provided the \$5.4 million dollars to construct the Guam Public Market also recognized this as an obligation.

This is 18 years and counting, and what concerns me, Mr. Chairman, is that the administration throughout the years has been telling this company to get an appropriation--to get the government to provide for an appropriation and once an appropriation is there, they don't follow through and make the payment.

Originally, they were asking for just the principal. After about 15 years of waiting and waiting and waiting, they've been willing to just settle this with the principal payment, alone. They've gotten to the point--and rightfully so--where they're demanding payment in full which includes the principal plus interest. This is amounting to \$392,162 dollars. What this bill would do is provide for an appropriation in the upcoming budget process.

Every time we hear that there's no money, we're surprised when the Governor finds, for example, \$4.5 million dollars to pay for a meritorious bonus claim which stems back all the way to 1991. What's the difference with this issue? This issue, again, Mr. Chairman, is a legitimate obligation of the government of Guam."

I know the Attorney General's position is that this is a big company with big resources; they should go out and hire an attorney. If that's the position of the Attorney General, to encourage litigation, I continue to say that's unfortunate. I hope your [referring to AG Tydingco] position has changed--I hope you recognize--so go and litigate it, 'cause that's the solution... go and hire an attorney; go and file a claim against the government... as opposed to recognizing that this is a legitimate obligation. I think that's where the discussion should continue, and I thank you for hearing this bill.

Chairman Vicente Pangelinan. Thank you very much, and Si Yu'os Ma'ase'. Mr. Jong?

(b) Testimonies

1) Mr. Young Hyun Jang, General Manager of Hanjin Heavy Industries & Construction Co., LTD.

Mr. Young Hyun Jong. [Read testimony verbatim. See attached]

Chairman Vicente Pangelinan. Thank you very much. Mr. Attorney General?

Mr. Phil Tydingco. Thank you, good morning, Chairman and good senators of the 32nd Guam Legislature. Phil Tydingco on behalf of the Office of the Attorney General. I believe this is about the 3rd time or attempt to pass a bill to pay these folks for sitting on their rights. They filed the claim--the law is all set up: you file your claim... if you're not satisfied with the response, then you file the lawsuit. These are not--my testimony is on the record--these are not unsophisticated parties. This is a multi-million--multi-billion dollar corporation. These folks litigated back in the big airport litigation. I find it very difficult to be sympathetic to them. I'm not encouraging litigation. The opportunity for them to litigate came and went.

It's statute of limitations. You'll set a terrible, terrible precedent if you pass this law. I think I'm on record as saying that it's unfair to everybody else who gets claims denied under the statute of limitations. Then they should all come down here to the legislature and ask you to pass private bills to remedy the past obligations for sitting on their rights. I've been very clear on our position on that the last three years--I don't understand why. The difficulty with this is you have different administrations coming in with different agendas, different influences.

I don't know why Larry Perez agreed to renew this obligation after it came and passed. I don't think this administration wants to do it, but you're going to have to ask them... I'm not encouraging litigation. The law provides that litigation--in fact, if they had done it right and they had all those things in line, they would have prevailed, but they didn't.

Now, they're trying to use the legislature, politically, to get a debt paid on a \$100,000 plus principal, plus an extra \$200,000 dollars in interest for sitting on their rights. Again, they're not unsophisticated so it's very difficult to be sympathetic to them.

I'm sure they're good corporate citizens, but I don't know why they're pursuing this through the legislature--it just reeks of something else, and I don't understand it. This is the third attempt. Thank you.

Chairman Vicente Pangelinan. Thank you very much, Mr. Tydingco. Senator Respicio, questions or comments?

Senator Rory Respicio. Yes. Mr. Attorney General, I'll tell you what this reeks of-this reeks of the government turning its back on good corporate citizens and people for that matter. On June 9, 2000, as they testified, the Attorney General's office recognized that this is a rightful debt of the government of Guam. It wasn't only Larry Perez--it was also Director Joanne Brown who upheld the government's obligation to pay.

They were told, over and over, "Be patient. We'll pay--be patient, we'll pay." So this is the reward they get for being patient--for being good corporate citizens as you recognized and for not filing a claim of the government of Guam at that time. They were told, over and over--you look at their file, and their effort and the attempt that they made over the last 18 years to get the government of Guam to pay this. It's exhausting, and it's frustrating. And the reason why they're here today is because I'm a member of the legislature who won't turn its back on anyone.

This legislature also, Mr. Attorney General, put this authorization in a budget act through the chairman and his efforts and recognized the sole payment for principal, only. At that time, the administration said, and I know Ms. Zeller will testify on record, that the Department of Administration has told them, "You get us an appropriation, we'll find the cash, we'll make the payment."

It's kind of like our attempt was to use this as a place for--last night we had a hearing on another congressional attempt in some kind of legislative maneuvering to get this thing paid. She was told by the Department of Administration, same administration--you get us an appropriation, we'll find a way to get this paid. We were able to put this in the Department of Public Works' budget. The Governor has transfer authority--he could have transferred into the Department of Public Works' budget in order to make this payment.

I appreciate your position, Mr. Attorney General that this may be opening up Pandora's Box, but how many vendors out there are owed for 18 years?

We just can't say, "You passed up your right--I'm sorry, the statute of limitations expired." What was your position when the administration paid meritorious bonus awards as far back as 1991? Didn't we pass the statute of limitations at that point?

Mr. Phil Tydingco. They didn't ask.

Senator Rory Respicio. But what are you doing? Are you just being passive about their action and saying, "They didn't ask so Oh well?" Because we asked you to come and testify at this hearing, that's why you're involved?

Mr. Phil Tydingco. That is a different circumstance--you're just mixing apples and oranges. You're opening up the precedent--you want to do this--I'm just telling you what you're doing, and it's completely unfair. You want to do that? Fine. I'm just giving you that position. We can agree to disagree.

Senator Respicio. Yeah, I respect that, but I also ask that you not say that there are ulterior motives here or that there's anything smelling or snagging on some kind of politics here. I'm just trying to provide justice and redress for this company that's been asking this government to recognize--I could see if the obligation was questioned--I could see if their work was faulty. How many payments have this government made to vendors for shoddy work, yet what have we done at that point? I'm asking you to be sympathetic, to be compassionate, and to recognize what this is.

This is about making good on a claim that's 18-years-old. Thank you, Mr. Chairman, I hope you won't be dissuaded or deterred by the good guidance of the Attorney General.

Chairman Pangelinan. Thank you very much. Senator San Nicolas?

Senator Michael San Nicolas. Thank you, Mr. Chairman. Perhaps it was unintentional, Mr. Attorney General, but I'm a new senator, and this is the first time that I'm hearing about this. For it to be brought to my attention, I do have a lot of concerns in just reviewing the information here. Every time we have a topic brought before the legislature--especially when there are new eyes and ears to look at it--I think it's important for us to make sure that we take a step back and remember that we have an obligation to following through on everything it is that we're supposed to follow through--regardless of how many times it comes back to the table.

I just want to start out with saying that I also want to talk about statutes of limitations in that--not only does it work against us if we pay out and we perhaps pass some statute and re-open Pandora's Box, but we are already in Pandora's Box when it comes to the statute of limitations on our collections and money that we're supposed to be collecting that is also past the statute of limitations that we have recently discovered in our close workings with the Department of Revenue and Taxation which has been very, very helpful in bringing that subject to light for us.

Statute of limitations are there for a purpose, but it's not for us to neglect our obligations. My biggest concern with this whole thing is in the statement provided by the company that they filed their claim on June 9, 2000, and the claim was upheld by the Attorney General. If we filed a claim in 2000, and it was upheld by the Attorney General, and we don't do anything about it, and it passes the statute of limitations, and we want to go to court to try to prove who is right or wrong on that, we're just compounding the cost to this government and the additional cost to this government.

Something that's not talked about a lot, and something that I've found in the private sector is that when we are not good payers to our vendors, what happens is our vendors begin putting in their estimates risk-based pricing that rises up the cost of everything to this government. They'll price things 30%, 60%, 120% higher, because they don't know when they're going to get paid. This is not just about whether or not it's past the statute of limitations; this is about best practices. If this

government is going to be following best practices to be good payers to our vendors, we're going to be able to getting fair prices from our vendors.

This is, for me, very very concerning. I'm very grateful for Senator Respicio to introduce this bill; I would have never known about this if he hadn't. I would respect the request that the Attorney General take a step back and look at the notice that was sent out on June 9, 2000... determine whether or not that was a legitimate notice that we should honor, because that was a claim filed 13 years ago. Put closure to this and begin rebuilding our credibility with our vendors rather than using our laws to force them into court and to pay for. On the back-end, the risk-based pricing is really eating up the costs that we're paying right now for many of the goods and services that we have to procure from our vendors. Thank you, Mr. Chairman.

Chairman Pangelinan. Thank you very much. Any other comments or questions?

Mr. Phil Tydingco. If you want to respond to the good senator's concerns, Sir... you have the power to do this. You want to redress this, then redress it. I'm just giving you an opinion that's based on the law--based on the fair application of it to all claimants that come before the government. That's the fact that I'm putting before you. If you feel that the statute of limitations is an issue in the bar, you have the power--that is your duty and responsibility. You can change the statute of limitations--you can change the procedures by which the Claims Act is run. I'm just simply trying to say that the fair application of the law is to interpret the law with what it says; it was there for them to present their claims. They're not strangers. I have been involved in litigation with this corporation--they know how to hire lawyers.

It would have been a quick summary judgment; it would have been over. I don't know why they sat on their rights--it's difficult to be sympathetic when you fairly apply the law. When you think of statute of limitations under the Claims Act, with regard to the sixth month and the 18 months--it's too short, it doesn't provide enough notice to the vendors with respect to getting this paid, or you want to address it there, that's within your purview to do it. You can do that today--you could redress them without.

Despite the position of the Attorney General, you don't need our position to make that decision. We're just raising and bringing these facts before you. We believe that there's a fundamental fairness issue, especially given the many small claimants and vendors who haven't been able to come to the legislature and seek private redress which, I suppose, you could change the law and add a provision saying that the Statute of Limitations Bar come to the legislature, and then everybody can do that.

Chairman Vicente Pangelinan. Would the Attorney General have a record of where claims have run the statute of limitations and have never been paid that were legitimately brought before this government and recognized as legitimate?

Mr. Phil Tydingco. I think we can check our records on that.

Chairman Vicente Pangelinan. That would be good. Thank you very much. Si Yu'os Ma'åse'.

This concludes the testimony on Bill No. 18-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com

This hearing is adjourned.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 18-32 (COR) with the recommendation Year Own Own Own

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN 2013 (FIRST) REGULAR SESSION

Bill No. 16 -32 (COR) Introduced by:

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R.J. RESPICION

AN ACT TO APPROPRIATE THE SUM OF THREE HUNDRED NINETY-TWO THOUSAND ONE HUNDRED SIXTY-TWO DOLLARS AND SEVENTEEN CENTS (\$392,162.17) FROM ANTICIPATED GENERAL FUND REVENUES FOR FISCAL YEAR 2013 FOR THE OUTSTANDING DEBT BALANCE OWED, INCLUDING PRINCIPAL AND INTEREST, FOR THE COMPLETION OF THE GUAM PUBLIC MARKET REDEVELOPMENT PROJECT, PHASE II-DEPARTMENT OF COMMERCE PROJECT NO. 320-5-1008-L-AGN, INCLUDING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. I Liheslaturan Guåhan finds that then-Governor Joseph F. Ada, on April 17, 1991, provided funding for the Guam Public Market Redevelopment Project by signing into law P.L. 21-03, in which Section 14 of Chapter III states the following:

"SECTION 14. Five Million Four Hundred Forty Five Thousand Dollars (\$5,445,000) are appropriated from Fiscal Year 1992 revenues of the General Fund to the Department of Commerce for the Guam Public Market Redevelopment Project."

This project, which began on October 14, 1992, was completed on

August 14, 1995, in full accordance with all Project Contract requirements, however a large sum is overdue by some eighteen (18) years to the contractor for the Guam Public Market Redevelopment Project, including Change Orders #1 and #2, in the amount of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars (\$392,162), including principal and interest, for Phase II-Department of Commerce Project No. 320-5-1008-L-AGN.

Despite numerous attempts by *I Liheslatura*, including the introduction of several bills to pay the overdue amount, the latest attempt being Bill No. 471-31, introduced in *I Mina'trentai Unu Na Liheslaturan Guåhan*, this debt has not been satisfied.

It is the intent of *I Liheslatura* to satisfy this debt through an appropriation from revenues anticipated to be collected in Fiscal Year 2013.

Section 2. Appropriation for principal and interest from anticipated revenues. The sum of Three Hundred Ninety-Two Thousand One Hundred Sixty-Two Dollars and Seventeen Cents (\$392,162.17) is appropriated from anticipated General Fund revenues for Fiscal Year 2013, to satisfy the outstanding debt balance, including principal and interest, owed for the completion of the Guam Public Market Redevelopment Project, including Change Orders #1 and #2, for Phase II-Department of Commerce Project No. 320-5-1008-L-AGN,

- 1 which was completed in 1995 in full accordance with all Project
- 2 contract requirements.





Mina'trentai Dos na Liheslaturan Guahan 32nd GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

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

Friday, February 1, 2013

Bill No. 18-32 (COR) SIGN UP SHEET

	NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
	Young Hyun Jang	PO BOX 3458 Heapth2	WAU-4196	myvision@ han;insc.com			Yes
V	Docto Zeller	,		LOSESIE REMODICOM	V		Yes
	Phi Tuliogie	AU					MO
				·			

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

HANJIN HEAVY INDUSTRIES & CONSTRUCTION CO., LTD.

Guam Branch Office P. O. Box 3458 Hagatna, Guam 96932 241 Farenholt Avenue Oka Building Suite 103 Tamuning, Guam 96913 T) 671-646-4196/7 F) 671-649-4194 www.hanjinsc.com

January 28, 2013

The Honorable Vicente (Ben) Cabrera Pangelinan

Chairman, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land I Mina trentai Unu Na Liheslaturan Guahan 155 Hesler Place Hagatna, Guam 96910

Re: Support for Bill No. 18-32 (COR)

Dear Honorable Chairman Senator Pangelinan,

Thank you for bringing Bill No. 18-32 (COR) forward for a public hearing and thank you for this opportunity to provide our testimony in support of this measure. We would also like to humbly thank Senator Rory Respicio for the introduction of Bill No. 18-32 (COR) AN ACT TO APPROPRIATE THE SUM OF THREE HUNDRED NINTY TWO THOUSAND ONE HUNDRED SIXTY TWO DOLLARS AND SEVENTEEN CENTS (\$392,162.17) FROM ANTICIPATED GENERAL FUND REVENUES FOR FISCAL YEAR 2013 FOR THE OUTSTANDING DEBT BALANCE OWED, INCLUDING PRINCIPAL AND INTEREST, FOR THE COMPLETION OF THE GUAM PUBLIC MARKET REDEVELOPMENT PROJECT, PHASE II-DEPARTMENT OF COMMERCE PROJECT NO. 320-5-1008-L-AGN, INCLUDING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2.

* * * T E S T I M O N Y * * *

As testified on the previous Public Hearing on August 6th 2012. The Guam Public Market Redevelopment Project was successfully completed on August 14, 1995 and invoiced shortly there after. In the beginning of 1997, after numerous collection efforts, the then Department of Commerce requested the Department of Public Works to release the final payment to our company. Nevertheless, the balance on the project remains unpaid to-date. It is our understanding that the delayed payment was due to the transfer of funds out of the project account in 1996. For the past 18 years, the Department of Public Works has continuously stated that it has been operating with an insufficient

HANJIN HEAVY INDUSTRIES & CONSTRUCTION CO., LTD.

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budget and has yet to locate a funding source for this debt. We then filed a government claim on June 09, 2000 we received notice from the Attorney General's Office who upheld our claim, indicating that this is a valid debt of the government of Guam. We have exercised great patience inconsideration of the financial constraints of the government of Guam, however, we feel 18 years is far beyond a reasonable time frame. We have exhausted a vast amount of collection efforts since, In further on November 17, 2011 we proposed to reduce interest dues in exchange for immediate payment of the principal amount, again, however, this remains un-answered.

In addition to previous Public Hearing of Bill No. 406-31 (COR) Department of Public Works concede that the debt was in truth due, the build completed to satisfaction and that there were no issues outside of the departments deficient funding source. However, the Attorney General's representative made mention and sole concern was that our company should have filed suit and taken legal proceedings with the Government of Guam. We urge you to take into consideration that promises and re-assurances were given by past and subsequent administrations, leaders and department heads. We find ourselves here today in dire need of legislation to save face of our Government and not to penalize our business good standing by non-payment due our trust and understanding in securing continued good relations with local government.

Respectfully,

Young Hyun Jang

General Manager

Bureau of Budget & Management Research Fiscal Note of Bill No. 18-32 (COR)

AN ACT TO APPROPRIATE THE SUM OF THREE HUNDERED NINETY TWO THOUSAND ONE HUNDRED SIXTY-TWO DOLLARS AND SEVENTEEN CENTS (\$392,162.17) FROM ANTICIPATED GENERAL FUND REVENUES FOR FISCAL YEAR 2013 FOR THE OUTSTANDING DEBT BALANCE OWED, INCLUDING PRINCIPAL AND INTEREST, FOR THE COMPLETION OF THE GUAM PUBLIC MARKET REDEVELOPMENT PROJECT, PHASE 11-DEPARTMENT OF COMMERCE PROJECT NO. 320-5-1008-L-AGN, INCLUDING CHANGE ORDER NO. 1 AND CHANGE ORDER NO.2.

Department/A	genty Appropriation Information
Dept./Agency Affected: Administration	Dept/Agency Head: Benita A. Mangiona
Department's General Fund (GF) appropriation(s) to date:	27,958,63
Department's Other Fund (Specify) appropriation(s) to date	e: GF, ICRF, GHF, RTF, and TAF
Total Department/Agency Appropriation(s) to date:	\$36,482,34

Fand Source Information of Proposed Appropriation						
	General Fund:	(Specify Special Fund):	Total:			
FY 2012 Unreserved Fund Balance ¹		SO	\$0			
FY 2013 Adopted Revenues	547,985,224	\$0	\$547,985,224			
FY 2013 Appro. <u>(P.L. 31-233)</u>	(\$548,971,874)	\$0	(\$548,971,874)			
Sub-total:	(\$986,650)	\$0	(\$986,650)			
Less appropriation in Bill	(\$392,162)	\$0	(\$392,162)			
Total:	(\$1,378,812)	\$0	(\$1,378,812)			

	Estimated Fiscal Impact of Bill								
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017			
General Fund	\$0	\$392,162	\$0	\$0	\$0	S0			
(Specify Special Fund)	\$0	\$0	\$0	\$0	so	\$0			
Total	\$ 0	\$392 <u>,162</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>			

1. Does the bill contain "revenue generating" provisions?			11	Yes	/x/	No
If Yes, see attachment						
2. Is amount appropriated adequate to fund the intent of the appropriation?	/ x /	N/A	11	Yes	11	No
If no, what is the additional amount required? \$	/x /	N/A				
3. Does the Bill establish a new program/agency?			1.1	Yes	11	No
If yes, will the program duplicate existing programs/agencies?	/x /	N/A	11	Yes	11	No
Is there a federal mandate to establish the program/agency?			11	Yes	/x /	No
4. Will the enactment of this Bill require new physical facilities?	11	Yes	/x /	No		
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate	e reason:		/ x /	Yes	11	No
/ Requested agency comments not received as of the due date	1	/ Other:				

Analyst:	16 113 121	Date: 1/1 2/13 Director: Dat AN 1 7 2013	
	John AB Pangelinan	John A. Rios, Director UAN 1 / 2013	
	7 00000 100 000000000000000000000000000		
	T	7	

1.

Footnotes: See attached coment sheet

671 4722825

10:29:38 a.m. 01-18-2013

Comment s on Bill No. 18-32

Bill No. 18-32 proposes to appropriate from the anticipated FY 2013 revenues of the General Fund the sum of \$392,162.17 to pay for an outstanding vendor obligation for work performed on the Guam Public Market Redevelopment Project, Phase II-Department of Commerce Project No. 320-5-1008-L-AGN. This project was completed in August 1995.

The Department of Administration (DOA) was contacted regarding this outstanding vendor obligation noted in the bill and was advised that no such obligation or payable is recorded in its financial system. This alleged obligation is supposedly since August 1995, but such obligation was never recorded. Given this time frame, it is difficult to ascertain whether or not such recording did take place.

In regards to FY 2013 General Fund revenues, currently the estimated official revenue level is \$547,985,224. The Government of Guam is into its 4th month of the fiscal year, making any yearend FY 2013 GF revenue projection, beyond the FY 2013 official projection level, premature.

The total appropriation as of January 17, 2013 is \$548,971,874 which is higher than the official GF revenue level of \$547,985,224, a difference of \$986,650. This difference represents a deficit amount for the current fiscal year. This proposed legislation would increase the current deficit to from \$986,650 to \$1,378,812.

The Bureau of Budget and Management Research is unable to support this proposed legislation given the circumstances note above.

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature 155 Hesler Place, Hagatña, Guam 96910 • www.guamlegislature.com E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator Rory J. Respicio CHAIRPERSON MAJORITY LEADER

Senator

Thomas C. Ada
Vice Chairperson

Assistant Majority Leader

Senator

Vicente (Ben) C. Pangelinan Member

Speaker

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

Member

Senator

Dennis G. Rodriguez, Jr. Member

Vice-Speaker

Benjamin J.F. Cruz Member

Legislative Secretary Tina Rose Muña Barnes Member

Senator

Frank Blas Aguon, Jr. Member

Senator

Michael F.Q. San Nicolas Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator Aline Yamashita Member January 17, 2013

MEMORANDUM

To: Rennae Meno

Clerk of the Legislature

Attorney Therese M. Terlaje

Legislative Legal Counsel

From: Senator Rory J. Respicio

Majority Leader & Rules Chair

Subject: Referral of Bill No. 18-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. **18-32(COR)**.

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

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
18-32 (COR)	RJ. Respicio	AN ACT TO APPROPRIATE THE SUM OF THREE HUNDRED NINETY-TWO THOUSAND ONE HUNDRED SIXTY-TWO DOLLARS AND SEVENTEEN CENTS (\$392,162.17) FROM ANTICIPATED GENERAL FUND REVENUES FOR FISCAL YEAR 2013 FOR THE OUTSTANDING DEBT BALANCE OWED, INCLUDING PRINCIPAL AND INTEREST, FOR THE COMPLETION OF THE GUAM PUBLIC MARKET REDEVELOPMENT PROJECT, PHASE H-DEPARTMENT OF COMMERCE PROJECT NO. 320-5-1008-L-AGN, INCLUDING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2.		1/17/13		Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

1 message

Lisa Dames <cipo@guamlegislature.org>

Fri, Jan 25, 2013 at 11:01 AM

To: Speaker Won Pat <speaker@judiwonpat.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, BJ Cruz <senadotbjcruz@aol.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, "Thomas C. Ada" <office@senatorada.org>, Aline Yamashita <aline4families@gmail.com>, V Anthony Ada <senatortonyada@guamlegislature.org>, "Christopher M. Duenas" <duenasenator@gmail.com>, Brant McCreadie
brantforguam@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Michael Limtiaco <mlimtiaco671@gmail.com>, Tommy Morrison <tommy@senatormorrison.com> Cc: Senator ben pangelinan <senbenp@guam.net>

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Betnes, gi diha 1 gi Fibreru, 2013) Friday, February 1, 2013

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

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

TAREHA(AGENDA)

Priniponi Siha:

(Bills)

Bill No. 1-32 (LS): An Act Relative to Authorizing the Guam Economic Development Authority

to Procure the Installation and Maintenance of Electronic Security Systems throughout Guam Public Schools also known as the Secure Our Schools Act of 2013, and for other purposes.

Bill No. 7-32 (COR): An Act to Add a new §80105(i) to Chapter 80 of Title 21, Guam Code Annotated, Relative to the transfer of property under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

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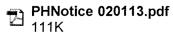
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Lisa Dames Chief of Staff Office of Senator ben c. pangelinan (671) 473-4236

cipo@guamlegislature.org





I Mina'trentai Dos na Liheslaturan Guåhan 32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

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

January 25, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at 9:00am, on Friday, February 1, 2013 at the Guam Legislature's Public Hearing Room.

The following is the agenda:

Bill No. 1-32 (LS): An Act Relative to Authorizing the Guam Economic Development Authority to Procure the Installation and Maintenance of Electronic Security Systems throughout Guam Public Schools also known as the Secure Our Schools Act of 2013, and for other purposes.

Bill No. 7-32 (COR): An Act to Add a new §80105(i) to Chapter 80 of Title 21, Guam Code Annotated, Relative to the transfer of property under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

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I Mina'trentai Dos na Liheslaturan Guåhan 32nd GUAM LEGISLATURE

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

Memo to Senators January 25, 2013 Page 2

Bill No. 19-32 (COR): An Act to Amend Chapter 7, Title 3, Guam Administrative Rules and Regulations, relative to capturing License Fees and Taxes from Gaming Operators.

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

1 message

Lisa Dames <cipo@guamlegislature.org>
To: phnotice@guamlegislature.org

Fri, Jan 25, 2013 at 10:56 AM

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Betnes, gi diha 1 gi Fibreru, 2013) Friday, February 1, 2013

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

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

TAREHA (AGENDA)

Priniponi Siha:

(Bills)

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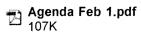
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Lisa Dames
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org





Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

1 message

Lisa Dames <cipo@guamlegislature.org>
Fri, Jan 25, 2013 at 10:58 AM
To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>,
Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco
<jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown
betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>,
gerry@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez
<perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com,
bmkelman@guampdn.com, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Betnes, gi diha 1 gi Fibreru, 2013) Friday, February 1, 2013

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

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

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





I Mina'trentai Dos na Liheslaturan Guåhan 32nd GUAM LEGISLATURE

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

January 30, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – SECOND NOTICE

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at 9:00am, on Friday, February 1, 2013 at the Guam Legislature's Public Hearing Room.

The following is the agenda:

Bill No. 1-32 (LS): An Act Relative to Authorizing the Guam Economic Development Authority to Procure the Installation and Maintenance of Electronic Security Systems throughout Guam Public Schools also known as the Secure Our Schools Act of 2013, and for other purposes.

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I Mina'trentai Dos na Liheslaturan Guåhan 32nd GUAM LEGISLATURE

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

Memo to Senators January 30, 2013 Page 2

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

1 message

Lisa Dames <cipo@guamlegislature.org>

Wed, Jan 30, 2013 at 10:23 AM

To: Speaker Won Pat <speaker@judiwonpat.com>, Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>, BJ Cruz <senadotbjcruz@aol.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, "Thomas C. Ada" <office@senatorada.org>, Aline Yamashita <aline4families@gmail.com>, V Anthony Ada <senatortonyada@guamlegislature.org>, "Christopher M. Duenas" <duenasenator@gmail.com>, Brant McCreadie
brantforguam@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Senator Michael San Nicolas <senatorsannicolas@gmail.com>, Senator Michael Limtiaco <mike@mikelimtiaco.com>, Tommy Morrison <tommy@senatormorrison.com> Cc: Senator ben pangelinan <senbenp@guam.net>

Hafa Adai,

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Lisa Dames
Chief of Staff
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PHNotice020113.pdf



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

2 messages

Lisa Dames <cipo@guamlegislature.org>
To: phnotice@guamlegislature.org

Wed, Jan 30, 2013 at 10:17 AM

Hafa Adai.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land will conduct a public hearing on Friday, February 1, 2013 beginning at 9:00am at the Guam Legislature Public Hearing Room. The following is on the agenda:

Bill No. 1-32 (LS): An Act Relative to Authorizing the Guam Economic Development Authority to Procure the Installation and Maintenance of Electronic Security Systems throughout Guam Public Schools also known as the Secure Our Schools Act of 2013, and for other purposes.

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

Agenda Feb 1.pdf 107K

Adam Bearce <adam@guamlegislature.org>

Wed, Jan 30, 2013 at 10:19 AM

To: Lisa Dames <cipo@guamlegislature.org>, Yong Pak <yong@guamlegislature.org>

Hi. confirmed posted.

[Quoted text hidden]



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND NOTICE

1 message

Lisa Dames <cipo@guamlegislature.org>

Wed, Jan 30, 2013 at 10:16 AM

To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

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WEDNESDAY, JANUARY 30, 2013



I Mina'Trenta Na Liheslaturan Guåhan THIRTY-FIRST GUAM LEGISLATURE

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

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Betnes, gi diha 1 gi Fibreru, 2013 (Friday, February 1, 2013)

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

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

TAREHA (AGENDA)

Priniponi Siha: (Bills)

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

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Betnes, gi diha 1 gi Fibreru, 2013) Friday, February 1, 2013

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324 West Soledad Avenue Suite 101, Hagåtña, GU 96910 Tel: (671) 473-4236 / 473-4237 Fax: (671) 473-4238 E-mail: senbenp@guam.net www.senbenp.com



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Senator Vicente (ben) Cabrera Pangelinan

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