

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

<b>BILL NO.</b>	<b>SPONSOR</b>	<b>TITLE</b>	<b>DATE INTRODUCED</b>	<b>DATE REFERRED</b>	<b>CMTE REFERRED</b>	<b>PUBLIC HEARING DATE</b>	<b>DATE COMMITTEE REPORT FILED</b>	<b>FISCAL NOTES</b>
<b>86-32 (COR)</b>	T.C. Ada	AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZETHE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A \$10,000,000 COMMERCIAL LOAN	4/9/13 4:46 p.m.	4/9/13	Committee on Public Safety, Infrastructure, & Maritime Transportation	4/17/13, 6:00pm		<b>Fiscal Note Requested 04/12/13</b> <b>Fiscal Notes Received 5/6/13</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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MAJORITY LEADER

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VICE CHAIRPERSON  
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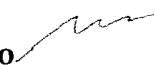
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V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

May 6, 2013

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio   
*Majority Leader & Rules Chair*

**Subject:** Fiscal Notes

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

### FISCAL NOTES:

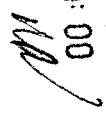
Bill Nos.: 86-32(COR), 88-32(COR), 92-32(COR)

### WAIVERS:

Bill No. 82-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'ãse'!*

2013 MAY - 6 PM 4:00  


**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

MAY 06 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 86-32(COR), 88-32(COR), 92-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 82-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 86-32 (COR)**

**AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZE THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A \$10,000,000 COMMERCIAL LOAN.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Port Authority of Guam	Dept./Agency Head: Pedro A. Leon Guerrero, Jr.
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund & Environmental Health Fund	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$0</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

Analyst: Dina P. Rivera Date: 5/1/13 Director: John A. Rios, Director Date: 5/2/13

Footnotes:  
See attached Comments.

**COMMENTS TO BILL 86-32(COR)**

BILL NO. 86-32 IS AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10, TITLE 12, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZE THE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A \$10,000,000 COMMERCIAL LOAN.

Based on this proposal, the Port would be obligated to pay for any attorney fees in connection with “any suit brought to enforce any right or obligation given under this Article or in connection with the enforcement of the terms of any agreement or indenture that arises directly from the issuance of bonds or indebtedness authorized under this Article.”



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Aline Yamashita  
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April 12, 2013

VIA FACSIMILE  
(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 79-32(COR), 81-32(COR), 82-32(COR), 83-32(COR), 84-32(COR), 85-32(COR), 86-32(COR), and 87-32(COR)

*Håfa Adai* Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 APR 12 PM 4:16  
*FRANK*

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>79-32 (COR)</b>	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND S106911(k) OF CHAPTER 106, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE TRANSFER OF DORMANT AND UNCLAIMED BANK ACCOUNT FUNDS FROM THE TREASURER OF GUAM TO THE GUAM HOUSING CORPORATIONS'S HOUSING TRUST FUND.
<b>80-32 (COR)</b>	WITHDRAWN	
<b>81-32 (COR)</b>	Vicente (ben) Pangelinan	AN ACT TO PROVIDE HEALTH INSURANCE TO GOVERNMENT OF GUAM EMPLOYEES AND RETIREES FOR FISCAL YEAR 2014
<b>82-32 (COR)</b>	Frank B. Aguon, Jr.	AN ACT TO REPEAL CHAPTER 25 OF TITLE 8 GUAM CODE ANNOTATED
<b>83-32 (COR)</b>	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND §77403, §77404, §77405 AND §77407 OF CHAPTER 77, ARTICLE 4, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION, DEVELOPMENT, UPGRADING, REPAIR OR MAINTENANCE OF PUBLIC SCHOOL SPORTS FACILITIES.
<b>84-32 (COR)</b>	Vicente (ben) Pangelinan Tina Rose Muña Barnes	AN ACT TO ADD A NEW SUBSECTION (f) to SECTION 2, PART III, CHAPTER II OF PUBLIC LAW 31-233, RELATIVE TO THE APPROPRIATION TO THE GUAM COMMUNITY COLLEGE APPRENTICESHIP PROGRAM
<b>85-32 (COR)</b>	Vicente (ben) Pangelinan	AN ACT TO PROHIBIT THE USE OF GOVERNMENT FUNDS FOR THE APPEAL OF CIVIL CASE 1:11-CV-00008, REA MIALIZA O. PAESTE ET AL V. GOVERNMENT OF GUAM AND EDDIE BAZA CALVO, BENITA MANGLONA, AND JOHN CAMACHO, IN THEIR OFFICIAL CAPACITIES AND TO ADD A NEW SUBSECTION (i) TO SECTION 30109, CHAPTER 30 OF TITLE 5 GUAM CODE ANNOTATED.
<b>86-32 (COR)</b>	T.C. Ada	AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZETHE JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM (PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A PREREQUISITE FOR APPROVAL OF A \$10,000,000 COMMERCIAL LOAN
<b>87-32 (COR)</b>	T. A. Morrison, M. F. Q. San Nicolas, C. M. Duenas, B. J. F. Cruz, T. R. Muna Barnes	AN ACT TO AMEND §§3305 AND 3305.1 CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.



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April 12, 2013

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**Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Attachments

Cc: Clerk of the Legislature

2013 APR 12 AM 10:14



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April 9, 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. 86-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **86-32(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 LIHESLATURAN GUÁHAN**  
**2013 (First) Regular Session**

Bill No. 26-32 (COR)

Introduced by:

T.C. Ada 

**AN ACT TO ADD §10238 TO ARTICLE 2, CHAPTER 10 OF  
TITLE 12 GUAM CODE ANNOTATED TO AUTHORIZE THE  
JOSE D. LEON GUERRERO PORT AUTHORITY OF GUAM  
(PORT) TO WAIVE SOVEREIGN IMMUNITY TO SATISFY A  
PREREQUISITE FOR APPROVAL OF A \$10,000,000  
COMMERCIAL LOAN.**

2013 APR -9 PM 4:46



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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that on  
3 June 28, 2012, the Port Board of Directors approved the issuance of RFP No. 12-014,  
4 soliciting the services of a commercial lending institution for the financing of the Port's  
5 service life extension (SLE) repairs on the Port's wharf, and procurement of a financial  
6 management system and a container top lifter with the total amount, not to exceed Ten  
7 Million Dollars (\$10,000,000)

8 *I Liheslatura* further finds that on September 14, 2012 GEDA issued RFP No.  
9 12-014 and received three responses to the proposal. The Bank of Guam was given the  
10 highest rating amongst the bidders. On October 26, 2012, the Negotiation Team initially  
11 met with Bank of Guam for the negotiation of terms and conditions. On November 6,  
12 2012, GEDA awarded the Bank of Guam as the financial institution to provide the  
13 services.

14 *I Liheslatura* further finds that on January 22, 2013, the Bank of Guam informed  
15 the Port that a prerequisite for the closing of the loan was for the Port to waive its

1 immunity from any suit or action in contract on any indebtedness authorized by Article 2  
2 of Chapter 10, Title 12 of the Guam Code Annotated.

3 *I Liheslatura finds* that the Port’s Board of Directors approved Resolution No.  
4 2013-02 to waive the Port’s immunity as a condition to of the SLE loan, and accepted the  
5 commitment terms by Bank of Guam, dated February 15, 2013.

6 *I Liheslatura finds* that the Port’s General Manager transmitted a memorandum to  
7 the Chairperson of the Committee on Public Safety, Infrastructure and Maritime  
8 Transportation, requesting consideration for proposed legislation as found in Section 2 of  
9 this Act, relative to waiving sovereign immunity as a condition of the SLE Loan, dated  
10 April 5, 2013.

11 **Section 2.** A new §10238 is *added* to Article 2 of Chapter 10, Title 12 of the  
12 Guam Code Annotated to read as follows:

13 “Notwithstanding any substantive or procedural provision of Chapter 6 of  
14 Title 5, Guam Code Annotated, the Authority shall not be entitled to immunity  
15 from any suit or action in contract on any indebtedness authorized by this Article.  
16 For the purposes of this Article only, immunity is waived as to the award of  
17 attorney fees in connection with any suit brought to enforce any right or  
18 obligation given under this Article or in connection with the enforcement of the  
19 terms of any agreement or indenture that arises directly from the issuance of  
20 bonds or indebtedness authorized under this Article.”

21 **Section 3. Severability.** If any of the provisions of this law or its application to  
22 any person or circumstance is found to be invalid or contrary to law, such invalidity shall  
23 not affect other provisions or applications of this law which can be given effect without

1 the invalid provisions or application, and to this end the provisions of this law are  
2 severable.

3 **Section 4. Effective Date.** This Act shall become effective upon its enactment.