



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

04 APR 2008

2008 APR -7 PM 1:25

Honorable Judith T. Won Pat
Speaker
I Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill. No 72 (EC) entitled "AN ACT TO DISSOLVE THE INTERIM TRANSITION COORDINATING COMMITTEE AND TRANSFER ADMINISTRATIVE AND ENFORCEMENT AUTHORITY OF POST GTA PRIVATIZATION MATTERS TO THE ATTORNEY GENERAL OF GUAM BY REPEALING AND REENACTING RULE 15, PUBLIC LAW 26-70:2," which I have vetoed.

The Interim Transition Coordinating Committee ["ITCC"] was created to administer the Privatization Agreements (including indemnification claims) and any assets and liabilities of GTA retained by the government of Guam after closing of the privatization transaction. The ITCC comprises the Attorney General, the Director of Administration, the Director of the Bureau of Budget and Management Research, the Director of the Department of Public Works and the Director of the Department of Land Management.

While I agree that there no longer exists the need for the transition office, the committee should remain intact with each committee member being held responsible for their own requirements and thereby reducing the cost to remain in place. The Asset Purchase Agreement is complex and affects multiple sectors of the government. While the responsibilities of the privatization agreements have been divided and assigned to different agencies, there should remain a central committee to ensure consistency and eliminate redundancy.

As mentioned, the Bill assigns post-privatization contract enforcement to the Attorney General, rights of way and permits to Public Works and personnel to Administration and does not provide for property management. Part of the post privatization agreement is the administration of leases of property retained by the government. After 10 years, these properties could be leased at fair market value and yet the Bill does not assign the appropriate entity to manage and execute these matters.

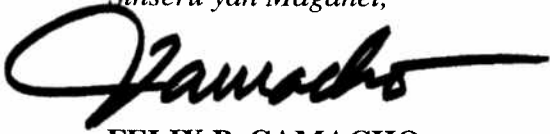
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Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 4/04/08
Time 4:15
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Finally, Bill No. 72 does not provide a transition period to effectuate the intent of the Bill. Adequate time is necessary to close out the administrative support, existing contracts for services and office space which require advance termination notices. There are post-privatization claims ongoing against the government that are currently in arbitration or litigation. A transition period is necessary to preserve the integrity of these claims and protect the interests of the government. A transition period is also necessary to transfer files and government property to appropriate entities.

Therefore, I respectfully request that *I Liheslaturan Guahan* reconsider Bill No. 72 to continue the ITCC and to establish an effective date for the closure of the administrative office 30 days from the date of enactment.

*Sinseru yan Magåhet,*



**FELIX P. CAMACHO**

*I Maga'låhen Guåhan*

Governor of Guam

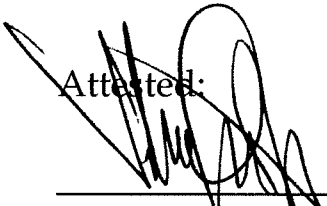
cc: Honorable Tina Rose Muna Barnes,  
Senator & Legislative Secretary

Attachment

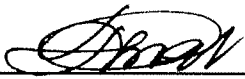
**I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2008 (SECOND) Regular Session**

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

This is to certify that **Bill No. 72 (EC), " AN ACT TO DISSOLVE THE INTERIM TRANSITION COORDINATING COMMITTEE AND TRANSFER ADMINISTRATIVE AND ENFORCEMENT AUTHORITY OF POST GTA PRIVATIZATION MATTERS TO THE ATTORNEY GENERAL OF GUAM BY REPEALING AND REENACTING RULE 15, PUBLIC LAW 26-70:2,"** was on the 21<sup>st</sup> day of March, 2008, duly and regularly passed.

Attested: 

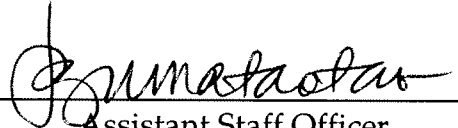
\_\_\_\_\_  
**TINA ROSE MUÑA BARNES**  
Senator and Secretary of the Legislature



\_\_\_\_\_  
**JUDITH T. WON PAT, Ed.D**  
Speaker

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This Act was received by *I Maga'lahaen Guåhan* this 25 day of March, 2008, at 10:50 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



\_\_\_\_\_  
**FELIX P. CAMACHO**  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 72 (EC)**

As amended by the Author.

Introduced by:

v. c. pangelinan  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith Paulette Guthertz  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
R. J. Respicio  
David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed.D

**AN ACT TO DISSOLVE THE INTERIM TRANSITION  
COORDINATING COMMITTEE AND TRANSFER  
ADMINISTRATIVE AND ENFORCEMENT AUTHORITY OF  
POST GTA PRIVATIZATION MATTERS TO THE  
ATTORNEY GENERAL OF GUAM BY *REPEALING* AND  
*REENACTING* RULE 15, PUBLIC LAW 26-70:2.**

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

2        **Section 1. Legislative Findings and Intent.**    *I Liheslaturan Guåhan*  
3        finds that the Interim Transition Coordinating Committee was created to facilitate  
4        the privatization and subsequent sale of the Guam Telephone Authority.  
5        According to its enabling legislation, most recently amended in P.L. 27-109, the  
6        Interim Transition Coordinating Committee was primarily tasked to oversee and

1 administer the privatization agreements and any assets and liabilities of GTA  
2 retained by the government of Guam after closing of the privatization transaction.  
3 The Law also allowed for the establishment of a permanent office to oversee such  
4 duties of the Interim Transition Coordinating Committee provided that *I Maga'lahi*  
5 submits to *I Liheslatura* a detailed budget for such office.

6 *I Liheslaturan Guåhan* also finds that because the privatization agreements  
7 and other associated transactions have already been effectuated, there no longer is  
8 a pressing need for the existence of such a committee. Most of the post-  
9 privatization matters are of a legal and *not* administrative nature and more  
10 appropriately administered by the Attorney General of Guam.

11 *I Liheslaturan Guåhan* further finds that in the midst of austere economic  
12 times and an ostensible problem of identifying funds for services operated by the  
13 government of Guam, the government must continue to find ways of saving  
14 taxpayer dollars in order to ensure that other critical areas are uninterrupted.

15 Therefore, it is the intent of *I Liheslaturan Guåhan* to dissolve the Interim  
16 Transition Coordinating Committee and the permanent office which was  
17 established and transfer all authority relative to the enforcement and compliance  
18 with the terms of the contract and sale to the Office of the Attorney General of  
19 Guam.

20 **Section 2.** Rule 15 of Section 2 of Public Law 26-70, as amended by  
21 Section 9 of Public Law 27-109, is hereby *repealed* and *re-enacted* to read:

22 **“Authorization and Enforcement of Agreements.** *Except* for such  
23 oversight and enforcement powers that *I Liheslaturan Guåhan* may grant the Guam  
24 Public Utilities Commission, the power and authority to administer post-  
25 privatization matters for GTA and the power and authority to enforce the  
26 Privatization Agreements *shall* rest with the Attorney General of Guam for all

1 legal, contract interpretation and enforcement matters; the Department of Public  
2 Works for rights of way use and permit issues; and the Department of  
3 Administration for all matters concerning the rights and benefits granted the  
4 employees of the privatized GTA regarding continued government employment  
5 and benefits.”

6 **Section 3. Interim Transition Coordinating Committee Fund.**

7 Notwithstanding any other provision of law, the remaining balance of the Interim  
8 Transition Coordinating Committee Fund *shall* be transferred to the Rainy Day  
9 Fund as established by Title 5 GCA §22901.

10 **Section 4. Severability.** *If* any of the provisions of this Act or the  
11 application thereof to any person or circumstance is held invalid, such invalidity  
12 shall *not* affect any other provision or application of this Act which can be given  
13 effect without the invalid provision or application, and to this end the provisions of  
14 this Act are severable.