

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
258-32 (COR)-VETOED	Vicente (ben) C. Pangelinan	AN ACT TO ADD A NEW SECTION 4122 TO CHAPTER 4 AND TO AMEND SECTIONS 22704(a) AND (c), CHAPTER 22 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO ADD SECTION 3(d) TO PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY AND FOR OTHER PURPOSES.	1/10/2014 1:46 p.m.	01/10/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	01/17/14 9 a.m.	1/27/14	Fiscal Note Requested 01/13/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	2/3/2014	AN ACT TO ADD A NEW § 4122 TO CHAPTER 4, AND TO AMEND SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES.	2/4/14	12:28 p.m.	2/15/14			Vetoed 2/13/14

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 13, 2014

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

32-14-1201
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 2.13.14
Time: 2:42 PM
Received by: [Signature]

2014 FEB 13 PM 4:56

Dear Madam Speaker,

Attached is Bill No. 258-32 (COR), *An act to add a new Section 4122 to Chapter 4 and to amend Sections 22704(a) and (c), Chapter 22 of Title 5 of the Guam Code Annotated and to add Section 3(d) to Public Law 30-37, relative to requiring legislative appropriation for the government of Guam purchase, lease-to-own, and/or other lease-purchase of real property and for other purposes*, which I have **vetoed**.

Bill 258-32 is inorganic because it intrudes upon the executive authority of the Governor to execute lease agreements on behalf of the government. Bill 258-32 does this by limiting the term of any such lease agreement to the remaining term of the sitting Governor. Such a limitation not only creates an absurd result, but more importantly also prevents the Government from obtaining the best value for the Territory. Government solicitations for office space always include a demand that the landlord/bidder provide certain amenities which require the landlord to engage in a substantial amount of renovation. A landlord responding to a solicitation by the government for office space facilities must be assured that the government is committed to a minimum tenancy long enough for the landlord to recover his costs. Limiting the term of lease agreements to the ever daily changing term of the sitting Governor makes such assurances impossible, and consequently drives up the cost of the lease.

Additionally, Bill 258-32 is further inorganic and unconstitutional because it requires that amendments made to existing lease agreements be entered into only after a sealed bid advertising. A lease agreement is a binding contract which the parties have the freedom and right to amend if they so choose. Regardless of the amount or term length involved, requiring that amendments to an existing contract be re-solicited as a new procurement is an impairment upon the parties' right to contract. In the case of *Pangelinan v. Gutierrez*, 2004 Guam 16, the Guam Supreme Court held that legislation aimed at impairing or preventing the performance of a government contract constitutes an illegal violation of Section 1421b(j) of the Contracts Clause

1281

of the Organic Act which provides that, “[n]o . . . law impairing the obligation of contracts shall be enacted.”

Senseramente,

A handwritten signature in black ink, consisting of several overlapping, stylized strokes that form a cursive representation of the name Eddie Baza Calvo.

EDDIE BAZA CALVO

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

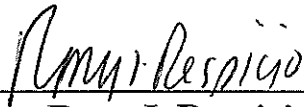
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 258-32 (COR), "AN ACT TO *ADD* A NEW § 4122 TO CHAPTER 4, AND TO *AMEND* SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO *ADD* A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES," was on the 3rd day of February, 2014, duly and regularly passed.



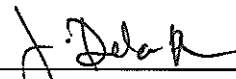
Judith T. Won Pat, Ed.D.
Speaker

Attested:



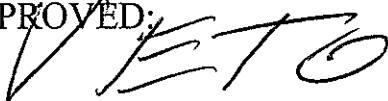
Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of Feb.,
2014, at
12:28 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: FEB 10 2014

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)

As amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreddie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW § 4122 TO CHAPTER 4, AND TO AMEND SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** A new § 4122 is hereby *added* to Chapter 4, Title 5, Guam
2 Code Annotated, to read:

3 “§ 4122. **Legislative Authorization and Appropriation**
4 **Required.**

5 No agency head, certifying officer, or department or agency of the
6 government of Guam shall contract, agree, or certify as to having funds
7 available for the purchase, lease-to-own, and/or lease-purchase of real
8 property without legislative authorization and appropriation. For the
9 purposes of this Section, real property will have the same definition as
10 defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code
11 Annotated.”

12 **Section 2.** Subsections (a) and (c) of § 22704 of Article 7, Chapter 22 of
13 Title 5, Guam Code Annotated, are hereby *amended* to read:

14 “(a) *I Maga’lahi* (the Governor) is authorized to acquire on behalf of
15 the government of Guam, by lease, office space and other facilities for the
16 purpose of providing office and other space for the departments and agencies
17 of the executive branch of the government of Guam. Such lease agreements
18 may be negotiated and entered into by *I Maga’lahi* with any person,
19 partnership, corporation, or public or private entity, provided, that no such
20 lease agreement shall exceed the term of the sitting Governor, without
21 specific legislative approval and authorization, and that such lease
22 agreement annual payments *shall only* be made pursuant to an appropriation
23 and/or authorization by *I Liheslaturan Guåhan* in each fiscal year
24 appropriation act. No annual lease payments with tax credits shall be made
25 without authorization from *I Liheslaturan Guåhan* in each fiscal year
26 appropriation act.”

1 “(c) All lease agreements or amendments to such lease agreements
2 that are proposed to be entered into pursuant to Subsection (a) hereof, where
3 the total sum of money to be paid or sum of tax credits authorized to the
4 same lessor shall exceed Ten Thousand Dollars (\$10,000), or the total
5 number of years involved shall exceed the remaining years of the term of the
6 sitting governor, may be entered into only after advertising for sealed bids in
7 a newspaper of general circulation within Guam, fourteen (14) days prior to
8 the formal bid opening, and then only to the lowest responsible bidder.”

9 **Section 3.** A new Subsection (d) is hereby *added* to Section 3 of Public
10 Law 30-37 to read:

11 “(d) **Conflicts Prohibited.** Notwithstanding the provisions in this
12 Act, no covered person, as such term is defined below, shall be eligible to be
13 assigned or transferred, in whole or in part, any tax credit authorized in this
14 Act by the Lessor nor shall any covered person be authorized to utilize tax
15 credits granted in this Act. For purposes of this Section, the term *covered*
16 *person shall* mean any:

17 (1) official of the government of Guam that executed or
18 participated in the execution of the lease or any amendments to the
19 lease on or after June 1, 2011; and

20 (2) person or spouse of such person related by consanguinity
21 of the third degree, which for the purposes of this Act *shall* include
22 spouses, all children, parents, grandchildren, siblings, grandparents,
23 great-grandchildren, nieces, nephews, uncles, aunts, and great-
24 grandparents, to any person described in Subsection (1) of this
25 Section.”

26 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

1 **Section 5. Severability.** *If* any provisions of this Act or the application
2 thereof to any person or circumstance is held invalid, such invalidity *shall not*
3 affect any other provision or application of this Act which can be given effect
4 without the invalid provision or application, and to this end the provisions of this
5 Act are severable.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

February 3, 2014

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

12:28
g=
Dale K
2/4/14

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 228-32(COR), 234-32(COR), 241-32(COR), 257-32(COR) and 258-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 3, 2014.

Sincerely,


Rory J. Respicio
Acting Legislative Secretary

Enclosure (5)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 258-32 (COR), "AN ACT TO ADD A NEW § 4122 TO CHAPTER 4, AND TO AMEND SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES," was on the 3rd day of February, 2014, duly and regularly passed.



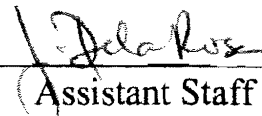
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 4th day of Feb,
2014, at
12:28 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)

As amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW § 4122 TO CHAPTER 4, AND TO AMEND SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** A new § 4122 is hereby *added* to Chapter 4, Title 5, Guam
2 Code Annotated, to read:

3 “§ 4122. **Legislative Authorization and Appropriation**
4 **Required.**

5 No agency head, certifying officer, or department or agency of the
6 government of Guam shall contract, agree, or certify as to having funds
7 available for the purchase, lease-to-own, and/or lease-purchase of real
8 property without legislative authorization and appropriation. For the
9 purposes of this Section, real property will have the same definition as
10 defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code
11 Annotated.”

12 **Section 2.** Subsections (a) and (c) of § 22704 of Article 7, Chapter 22 of
13 Title 5, Guam Code Annotated, are hereby *amended* to read:

14 “(a) *I Maga’lahi* (the Governor) is authorized to acquire on behalf of
15 the government of Guam, by lease, office space and other facilities for the
16 purpose of providing office and other space for the departments and agencies
17 of the executive branch of the government of Guam. Such lease agreements
18 may be negotiated and entered into by *I Maga’lahi* with any person,
19 partnership, corporation, or public or private entity, provided, that no such
20 lease agreement shall exceed the term of the sitting Governor, without
21 specific legislative approval and authorization, and that such lease
22 agreement annual payments *shall only* be made pursuant to an appropriation
23 and/or authorization by *I Liheslaturan Guåhan* in each fiscal year
24 appropriation act. No annual lease payments with tax credits shall be made
25 without authorization from *I Liheslaturan Guåhan* in each fiscal year
26 appropriation act.”

1 “(c) All lease agreements or amendments to such lease agreements
2 that are proposed to be entered into pursuant to Subsection (a) hereof, where
3 the total sum of money to be paid or sum of tax credits authorized to the
4 same lessor shall exceed Ten Thousand Dollars (\$10,000), or the total
5 number of years involved shall exceed the remaining years of the term of the
6 sitting governor, may be entered into only after advertising for sealed bids in
7 a newspaper of general circulation within Guam, fourteen (14) days prior to
8 the formal bid opening, and then only to the lowest responsible bidder.”

9 **Section 3.** A new Subsection (d) is hereby *added* to Section 3 of Public
10 Law 30-37 to read:

11 “(d) **Conflicts Prohibited.** Notwithstanding the provisions in this
12 Act, no covered person, as such term is defined below, shall be eligible to be
13 assigned or transferred, in whole or in part, any tax credit authorized in this
14 Act by the Lessor nor shall any covered person be authorized to utilize tax
15 credits granted in this Act. For purposes of this Section, the term *covered*
16 *person shall* mean any:

17 (1) official of the government of Guam that executed or
18 participated in the execution of the lease or any amendments to the
19 lease on or after June 1, 2011; and

20 (2) person or spouse of such person related by consanguinity
21 of the third degree, which for the purposes of this Act *shall* include
22 spouses, all children, parents, grandchildren, siblings, grandparents,
23 great-grandchildren, nieces, nephews, uncles, aunts, and great-
24 grandparents, to any person described in Subsection (1) of this
25 Section.”

26 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

1 **Section 5. Severability.** *If* any provisions of this Act or the application
2 thereof to any person or circumstance is held invalid, such invalidity *shall not*
3 affect any other provision or application of this Act which can be given effect
4 without the invalid provision or application, and to this end the provisions of this
5 Act are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingo Legislative Session Hall

February 3, 2014

Bill No. 258-32 (COR)

As amended on the Floor

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA		✓			
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS		✓			
Senator Michael LIMTIACO		✓			
Senator Brant McCREADIE					✓ Ex.
Senator Thomas "Tommy" MORRISON		✓			
Senator Tina Rose MUÑA BARNES					✓ Ex.
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.		✓			

TOTAL

8

5

1 Ex.

Yea

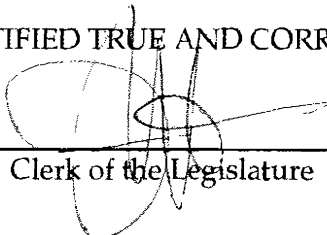
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

I = Pass



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, 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 13, 2014

VIA E-MAIL

john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes– Bill Nos. 257-32 (COR) through 261-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
257-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND § 4107, CHAPTER 4, TITLE 5 OF THE GUAM CODE ANNOTATED, TO AMEND SECTIONS 5 AND 6 OF PUBLIC LAW 30-37, TO AMEND SECTION 7 OF PUBLIC LAW 31-76 AND TO AMEND SECTION 1107(g), CHAPTER 1, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO ENHANCING I MAGA'LAHEN GUÅHAN'S COMPREHENSIVE PROGRAM AND FINANCIAL PLAN THROUGH IDENTIFYING THE GUAM DEPARTMENT OF EDUCATION, THE UNIVERSITY OF GUAM, AND THE GUAM COMMUNITY COLLEGE APPROPRIATIONS AND TO INCREASE TRANSPARENCY, ACCOUNTABILITY, AND PLANNING IN THE BUDGET REPORTING OF TAX CREDITS.
258-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO ADD A NEW SECTION 4122 TO CHAPTER 4 AND TO AMEND SECTIONS 22704(a) AND (c), CHAPTER 22 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO ADD SECTION 3(d) TO PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY AND FOR OTHER PURPOSES.
259-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHAN TO EXCHANGE ON A VALUE FOR VALUE BASIS PRIVATELY OWNED PROPERTY LOCATED IN THE MUNICIPALITY OF BARRIGADA UPON CERTIFICATION BY THE DEPARTMENT OF PUBLIC WORKS FOR USE OF A PONDING BASIN FOR FLOOD MITIGATION FOR GOVERNMENT OF GUAM OWNED PROPERTY LOCATED IN THE MUNICIPALITY OF DEDEDO.
260-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW SUBSECTION (f) TO § 13104 OF CHAPTER 13 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO REQUIRING A TAX CLEARANCE FROM THE DEPARTMENT OF REVENUE AND TAXATION WITHIN THE FINANCIAL DISCLOSURE OF ALL CANDIDATES FOR PUBLIC OFFICE AND ALL OFFICIALS APPOINTED BY I MAGA'LAHI WHOSE APPOINTMENT IS SUBJECT TO THE CONSENT OF I LIHESLATURAN GUÅHAN.
261-32 (COR)	B. J.F. Cruz	AN ACT TO ADD A NEW § 76405 TO ARTICLE 4 OF CHAPTER 76 OF TITLE 11 OF THE GUAM CODE ANNOTATED; RELATIVE TO REQUIRING A TAX CLEARANCE FOR PROFESSIONAL LICENCES.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, 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
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Speaker
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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

January 10, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill Nos. 258-32(COR) and 259-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 258-32(COR) and 259-32(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 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 GUÁHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)

Introduced by:

V.C. Pangelinan 

AN ACT TO *ADD* A NEW SECTION 4122 TO CHAPTER 4 AND TO *AMEND* SECTIONS 22704(a) AND (c), CHAPTER 22 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO *ADD* SECTION 3(d) TO PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 4122 is hereby *added* to Chapter 4, Title 5 of the Guam
2 Code Annotated to read:

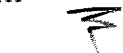
3 “§ 4122. **Legislative Authorization and Appropriation Required.**

4 No agency head, certifying officer, or department or agency of the
5 government of Guam *shall* contract, agree, or certify as to having funds
6 available for the purchase, lease-to-own, and/or lease-purchase of real
7 property without legislative authorization and appropriation. For the
8 purposes of this Section, real property will have the same definition as
9 defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code
10 Annotated.”

11 **Section 2.** Sections 22704(a) and (c), Chapter 22, Title 5 of the Guam
12 Code Annotated is hereby *amended* to read:

13 “(a) The Governor is authorized to acquire on behalf of the government of
14 Guam, by ~~lease or lease-purchase agreement~~, office space and other facilities for

2014 JAN 10 PM 1:46



1 the purpose of providing office and other space for the departments and agencies of
2 the ~~Judicial and~~ Executive Branches of the government of Guam. Such leases ~~and~~
3 ~~lease-purchase~~ agreements may be negotiated and entered into by the Governor
4 with any person, partnership, corporation, or public or private entity, provided that
5 no such lease ~~or lease-purchase~~ agreement shall exceed ~~50 years~~ the term of the
6 sitting governor, without specific legislative approval and authorization, and that
7 such lease agreement annual payments *shall* only be made pursuant to an
8 appropriation and/or authorization by *I Liheslaturan Guåhan* in each fiscal year
9 appropriation act. *No* annual lease payments with tax credits *shall* be made without
10 authorization from *I Liheslaturan Guåhan* in each fiscal year appropriation act.”

11 (c) All lease agreements ~~or lease-purchase~~ amendments to such lease
12 agreements that are proposed to be entered into pursuant to (a) hereof, where the
13 total sum of money to be paid or sum of tax credits authorized to the same lessor
14 shall exceed \$10,000 or the total number of years involved shall exceed ~~five~~ the
15 remaining years of the term of the sitting governor, may be entered into only after
16 advertising for sealed bids in a newspaper of general circulation within the
17 territory, 14 days prior to the formal bid opening, and then only to the lowest
18 responsible bidder.”

19 **Section 3.** Section 3(d) is hereby *added to* Public Law 30-37 to read:

20 “(d) **Conflicts Prohibited.** Notwithstanding the provisions in this Act, no
21 Covered Person, as such term is defined below, *shall* be eligible to be assigned or
22 transferred, in whole or in part, any tax credit authorized in this Act by the Lessor
23 nor *shall* any Covered Person be authorized to utilize tax credits granted in this
24 Act. For purposes of this Section, the term “Covered Person” *shall* mean any:

25 (1) elected or appointed official of the government of Guam that
26 executed the Lease or any amendments to the Lease on or after June 1, 2011.

1 (2) person or spouse of such person related by consanguinity of the
2 third degree, which for the purposes of this Act *shall* include spouses, all
3 children, parents, grandchildren, siblings, grandparents, great-grandchildren,
4 nieces, nephews, uncles, aunts, and great-grandparents, to any person
5 described in subsection (1) of this Section.”

6 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

7 **Section 5. Severability.** If any provisions of this Act or the application
8 thereof to any person or circumstance is held invalid, such invalidity *shall* not
9 affect any other provision or application of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)

Introduced by:

V.C. Pangelinan 

AN ACT TO *ADD* A NEW SECTION 4122 TO CHAPTER 4 AND TO *AMEND* SECTIONS 22704(a) AND (c), CHAPTER 22 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO *ADD* SECTION 3(d) TO PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 4122 is hereby *added* to Chapter 4, Title 5 of the Guam
2 Code Annotated to read:

3 “§ 4122. **Legislative Authorization and Appropriation Required.**

4 No agency head, certifying officer, or department or agency of the
5 government of Guam *shall* contract, agree, or certify as to having funds
6 available for the purchase, lease-to-own, and/or lease-purchase of real
7 property without legislative authorization and appropriation. For the
8 purposes of this Section, real property will have the same definition as
9 defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code
10 Annotated.”

11 **Section 2.** Sections 22704(a) and (c), Chapter 22, Title 5 of the Guam
12 Code Annotated is hereby *amended* to read:

13 “(a) The Governor is authorized to acquire on behalf of the government of
14 Guam, by ~~lease or lease-purchase agreement~~, office space and other facilities for

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1 the purpose of providing office and other space for the departments and agencies of
2 the ~~Judicial and~~ Executive Branches of the government of Guam. Such leases ~~and~~
3 ~~lease-purchase~~ agreements may be negotiated and entered into by the Governor
4 with any person, partnership, corporation, or public or private entity, provided that
5 no such lease ~~or lease-purchase~~ agreement shall exceed ~~50 years~~ the term of the
6 sitting governor, without specific legislative approval and authorization, and that
7 such lease agreement annual payments *shall* only be made pursuant to an
8 appropriation and/or authorization by *I Liheslaturan Guåhan* in each fiscal year
9 appropriation act. *No* annual lease payments with tax credits *shall* be made without
10 authorization from *I Liheslaturan Guåhan* in each fiscal year appropriation act.”

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12 agreements that are proposed to be entered into pursuant to (a) hereof, where the
13 total sum of money to be paid or sum of tax credits authorized to the same lessor
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26 executed the Lease or any amendments to the Lease on or after June 1, 2011.

1 (2) person or spouse of such person related by consanguinity of the
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5 described in subsection (1) of this Section.”

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