

*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
86-32 (COR)	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.	4/9/2013	Committee on Public Safety, Infrastructure, & Maritime Transportation			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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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 GUÅHAN***  
**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.