I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Special Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 34-34 (COR) As amended by the Committee on Environment, Land, Agriculture and Procurement Reform; and substituted and further amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **May 1, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**	√					
Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker Benjamin J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**					√	√
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**	√					
Senator Dennis G. **RODRIGUEZ, JR.**	√					
Senator Joe S. **SAN AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**	√					
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					

TOTAL:	**14**				**1**	**1**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 34-34 (COR)
As amended by the Committee on Environment, Land, Agriculture and Procurement Reform; and substituted and further amended on the Floor.

*

Introduced by: Thomas C. Ada

AN ACT TO *AMEND* § 5127 OF SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO LIMITING THE PERIOD OF VALIDITY OF DETERMINATION OF NEED AND THE REQUIREMENT FOR LEGISLATIVE APPROVAL OF EXCEPTIONAL TERM CONTRACTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 5127 of Subarticle C, Article 2, Chapter 5, Title 5, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 5127. Commercial Leasing of Public Real Property and Related Facilities.**

(a) Public Real Property and Related Facilities. From the effective date of this law, and notwithstanding any other provision of this Chapter, no commercial contract, lease, permit, or license for use of public real property, and related facilities by any non-governmental person or entity, shall be solicited, negotiated, entered into, or made for a term in excess of five (5) years, inclusive of any extension, option, or renewal. Any contract, lease, permit or license made, renewed or extended in violation of this law *shall* become void upon the fifth (5th) anniversary of the making of such contract,

lease, permit, or license. This limitation *shall not* apply to residential and agricultural leases to beneficiaries under the *Chamorro* Land Trust. Any such contract, lease, permit, or license *shall* mean a "lease of real property" and not the lease of supplies as that term is used in § 5030(u) of this Chapter.

(b) Exceptional Term Contracts. The Chief Procurement Officer, the Director of Public Works, or the head of a purchasing agency, as authority may exist therefore, may solicit a contract for a term longer than otherwise allowed by this Section (an "Exceptional Term Contract"). Prior to soliciting any Exceptional Term Contract, *I Maga'låhi* (the Governor) or, in the case of an autonomous agency, the Board of Directors, *shall* make a written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guåhan.* No Exceptional Term Contract shall be solicited *unless* a Determination of Need is obtained from *I Maga'låhi* (the Governor) or, in the case of an autonomous agency, the Board of Directors. A written Determination of Need *shall* be valid for two (2) years or until an Exceptional Term Contract is executed to fill the stated need, whichever comes first.

(c) Subsequent to transmitting a Determination of Need to the Speaker of *I Liheslaturan Guåhan,* a notice of solicitation *shall* be published as provided in § 5211(c) of Subarticle B of Article 3 of this Chapter, such notice to conspicuously note the solicitation is for an Exceptional Term Contract, and specifying the term thereof, as well as the date of the proper Determination of Need. Any Exceptional Term Contract made in violation of this Section *shall* be void.

(d) Legislative Approval Required for Exceptional Term Contracts.

Subsequent to satisfying the requirements of this § 5127, the commercial contract, lease, permit, or license for use of public real property and related facilities *shall* be transmitted to *I Liheslaturan Guåhan* for approval or disapproval, in whole. *I Liheslaturan Guåhan shall* take action to approve or disapprove the commercial contract, lease, permit, or license within sixty (60) calendar days from the date of filing with the Speaker. A public hearing *shall* be conducted by the Chairperson of the Legislative Committee having oversight jurisdiction during the sixty (60)-day review period, and said Committee *shall* report its findings and recommendations to *I Liheslaturan Guåhan*. The sixty (60) day period allowed for *I Liheslaturan Guåhan* to approve or disapprove the contract, lease, permit, or license *shall* be tolled from the time that a public hearing is noticed and until a Committee Report is completed. Legislative approval *shall* be by enactment into law.

(e) The solicitation and award of any such contract, lease, permit, or license *shall* be conducted as provided in this Chapter, and the Determination of Need *shall* be a part of such record and subject to § 5251 of this Chapter, along with any modification, amendment, exercise of option or renewal, or extension of such contract, lease, permit, or license."

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Special Session

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Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker Benjamin J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**					√	√
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**	√					
Senator Dennis G. **RODRIGUEZ, JR.**	√					
Senator Joe S. **SAN AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**	√					
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					

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