

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

2019 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 5-35 (LS) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building November 18, 2019				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓	I				
Vice Speaker Telen Cruz NELSON					✓	✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedro" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES					✓	✓

TOTAL: 13

Aye

Nay

Not Voting/
Abstained

Out During
Roll Call

2

Absent

2

Excused

CERTIFIED TRUE AND CORRECT:


RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 5-35 (LS)

As amended by the Committee on General
Government Operations, Appropriations,
and Housing; and further amended on the Floor.

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Introduced by:

Telo T. Taitague

**AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 77
OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED,
RELATIVE TO DEVELOPING A NEW PUBLIC
HOSPITAL FACILITY THROUGH THE
ESTABLISHMENT OF THE “*ESPETÅT-TA. LINA’LÅ-TA.*
– *OUR HOSPITAL. OUR LIFE.* PLANNING TASK
FORCE.”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 9 is hereby *added* to Chapter 77 of Division 2,
Title 12, Guam Code Annotated, to read:

“ARTICLE 9

ESPETÅT-TA. LINA’LÅ-TA. – OUR HOSPITAL. OUR LIFE.

PLANNING TASK FORCE ACT OF 2019

§ 77901. Title.

§ 77902. Legislative Statement.

§ 77903. Creation and Membership.

§ 77904. Administrative Support for the Task Force.

§ 77905. Adoption of Rules.

§ 77906. Meetings.

1 § 77907. General Powers and Responsibilities of the Task Force.

2 § 77908. Development of a New Public Hospital Facility;
3 Recommendations Required.

4 § 77909. Reporting.

5 **§ 77901. Title.**

6 This Act *shall* be known and may be cited as the “*Espetåt-ta. Lina’lå-ta. –*
7 Our Hospital. Our Life. Planning Task Force Act of 2019.”

8 **§ 77902. Legislative Statement.**

9 *I Liheslaturan Guåhan* recognizes the urgency of improving safety conditions
10 and the quality of care provided to the people of Guam by the island’s only public
11 hospital, the Guam Memorial Hospital Authority (GMHA). Although task force
12 groups were established and community conversations have occurred during the past
13 several years regarding the rehabilitation and modernization of GMHA facilities and
14 services, a clear path forward that will guide the development of a new public
15 hospital facility has yet to materialize.

16 It is, therefore, the position of *I Liheslaturan Guåhan* that a task force be
17 established to coordinate efforts by the government of Guam to develop a new public
18 hospital facility, including rehabilitation and/or replacement plans involving the
19 current Guam Memorial Hospital Authority facility. *I Liheslatura* acknowledges the
20 development of a new public hospital facility as a critical planning initiative of the
21 government of Guam through the support of the Guam Economic Development
22 Authority (GEDA). Included within the enabling statute of GEDA is 12 GCA §
23 50103(a), which recognizes that “...*there exists an acute shortage of adequate,*
24 *modern and efficient hospital facilities in Guam and that unless measures are*
25 *adopted to alleviate such conditions, the need for such facilities will become*
26 *increasingly more urgent and serious. It is hereby declared that the safety, health*
27 *and welfare of the people of Guam requires the provision of adequate, modern and*

1 *efficient hospital facilities in the various parts of the Territory, and that it is the*
2 *policy of the Territory and a purpose of this Division to provide the means necessary*
3 *for the acquisition, construction and provision of hospital facilities to serve the*
4 *general public and to make reasonably accessible to all the people of Guam modern*
5 *and efficient hospital facilities.”*

6 **§ 77903. Creation and Membership.**

7 The *Espetåt-ta. Lina'lå-ta.* – Our Hospital. Our Life. Planning Task Force
8 (Task Force) is hereby created and *shall* consist of nine (9) members.

9 (a) Task Force members *shall* serve for a term of eighteen (18)
10 months.

11 (b) The following nine (9) individuals *shall* serve as appointed
12 members of the Task Force:

13 (1) the Administrator of the Guam Economic Development
14 Authority or his/her designee;

15 (2) the Administrator of the Guam Memorial Hospital
16 Authority or his/her designee;

17 (3) the Speaker of *I Liheslaturan Guåhan* or his/her designee
18 who *shall* be a member of *I Liheslaturan Guåhan*;

19 (4) a member of *I Liheslaturan Guåhan* appointed by the
20 Speaker of *I Liheslaturan Guåhan*;

21 (5) a member of the general public with a background in
22 business and/or finance or experience in developing a public or private
23 hospital facility who *shall* be appointed by *I Maga'hågan Guåhan*;

24 (6) a member of the Department of Land Management’s
25 Application Review Committee who *shall* be appointed by *I*
26 *Maga'hågan Guåhan*;

1 (7) a member of the general public who *shall* be appointed by
2 the Speaker of *I Liheslaturan Guåhan*.

3 (8) the Legislative committee chairperson with jurisdiction on
4 health matters or his/her designee; and

5 (9) the Minority Leader of *I Liheslaturan Guåhan* or his/her
6 designee.

7 (c) Five (5) members of the Task Force *shall* constitute a quorum for
8 the exercise of the authority conferred upon the Task Force, and a concurrence
9 of at least five (5) members is necessary to render a choice or a decision by
10 the Task Force.

11 (d) A Chairperson *shall* be elected from among the appointed
12 members and *shall* serve in such capacity for a term of eighteen (18) months.

13 (e) The members of the Task Force *shall* serve without
14 compensation.

15 **§ 77904. Administrative Support for the Task Force.**

16 (a) The Task Force *shall* be established within GEDA for administrative
17 purposes. The Administrator of GEDA *shall* ensure that the administrative
18 provisions contained in this Article are properly adhered to; and *shall* further ensure
19 that GEDA provides all the necessary administrative and clerical support, and
20 anything else deemed necessary for the efficient operation of the Task Force.

21 (b) The Chairperson of the Task Force, in cooperation with the GEDA
22 Administrator, may request for budgetary support from *I Liheslaturan Guåhan*.

23 (c) Nothing in this Article shall require that GEDA funds be utilized to
24 cover any costs that are the direct result of the Task Force carrying out its defined
25 duties and responsibilities pursuant to this Article.

26 **§ 77905. Adoption of Rules.**

27 The Task Force may adopt rules as necessary for its own procedures.

1 **§ 77906. Meetings.**

2 The Task Force *shall* meet as often as it deems appropriate and necessary to
3 accomplish its powers, responsibilities and duties.

4 (a) The first meeting of the Task Force *shall* be held *no later than*
5 twenty (20) days after the enactment of this Article.

6 (b) All meetings of the Task Force *shall* be subject to the Open
7 Government Law found in Chapter 8 of Title 5, Guam Code Annotated.

8 **§ 77907. General Powers and Responsibilities of the Task Force.**

9 The Task Force *shall*:

10 (a) coordinate and oversee any and all efforts by the government of
11 Guam concerning the development of a new public hospital facility or other
12 health care facility models, including rehabilitation and/or replacement plans
13 involving the current Guam Memorial Hospital Authority facility;

14 (b) identify the preferable location(s) for a new public hospital
15 facility;

16 (c) identify possible funding sources for a new public hospital
17 facility;

18 (d) work with all pertinent stakeholders necessary to establish an
19 organized approach by the government of Guam in developing a new public
20 hospital facility;

21 (e) obtain a feasibility study with regards to the building,
22 maintenance, and economic impact of a new public hospital facility;

23 (f) review previous Guam Memorial Hospital Task Force Reports,
24 Advisory Council Reports, Expansion or Modernization Plans, and GMH
25 Facilities Masterplans; and report to *I Liheslaturan Guåhan* about all the areas
26 or recommendations still feasible, requiring additional information, or ruled
27 out at this point.

1 **§ 77908. Development of a New Public Hospital Facility;**
2 **Recommendations-Required.**

3 The Task Force *shall* develop recommendations summarizing the best path
4 forward in developing a new public hospital facility through a purchase agreement,
5 municipal lease program, public-private partnership, or other financing option
6 determined to be most beneficial to the taxpayers of Guam. The recommendations
7 *shall* include, but *not* be limited to, recommended funding sources and maintenance
8 plans. The Task Force *shall* provide an oral presentation to *I Liheslaturan Guåhan*
9 through the Committee on Health within the timeframe required under § 77909(c)
10 of this Article.

11 **§ 77909. Reporting.**

12 (a) The Task Force *shall* file quarterly reports with *I Liheslaturan Guåhan*
13 detailing the progress of the development of the recommendations.

14 (b) The Task Force *shall* file a complete and detailed written report
15 quarterly with *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan*, in
16 the form and within the time provided by the General Appropriations Act,
17 accounting for all funds received and disbursed by the Task Force during the
18 preceding fiscal year.

19 (c) No later than eighteen (18) months after its first duly convened meeting,
20 the Task Force *shall* submit to *I Maga'hågan Guåhan* and *I Liheslaturan Guåhan*
21 the recommendations as required in § 77908 of this Article.”

22 **Section 2. Effective Date.** This Act *shall* be effective upon enactment.

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