



I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SESSION JOURNAL
April 24, 2017, Legislative Day 7

ALL MEASURES CONSIDERED BY THE MEMBERS ON THIS DAY ARE ON RECORD AND FILED WITH THE CLERK OF THE LEGISLATURE AND ARE AVAILABLE UPON REQUEST WITH THE LEGISLATIVE CLERKS OFFICE.

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I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
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(i) Call to Order;

SPEAKER CRUZ: *I MINA TRENTAI KUATTRO NA LIHESLATURAN GUAHAN* IS NOW CALLED TO ORDER FOR THE PRAYER CAN I PLEASE ASK SENATOR SAN NICOLAS TO LEAD US IN THE PRAYER FOR THE INIFRESI IF SENATOR TORRES WOULD PLEASE DO THE INIFRESI FOR US SENATOR MUNA IF YOU LEAD US IN THE GUAM HYM AND SENATOR ESTEVES IF YOU'D LEAD US IN THE NATIONAL ANTHEM.

(ii) Prayer;

SENATOR SAN NICOLAS: IN THE NAME OF THE FATHER, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN. HEAVENLY FATHER WE COME BEFORE YOU AS YOUR HUMBLE SERVANTS GIVEN THIS UNIQUE CHARGE TO DO THE PEOPLE'S WORK AS THEIR LAWMAKERS. THIS CHARGE IS NO SMALL TASK AND THIS JOB IS NEVER EASY OFTEN TIMES WE FIND OURSELVES WRESTLING WITH HOW WE FEEL ABOUT THINGS, AND HOW OTHERS FEEL ABOUT THEM IN LINE WITH WHAT'S GOOD FOR OUR COMMUNITY AND SOMETIMES WE HAVE OUR DIFFERENCES. BUT ALWAYS LORD LET US RISE ABOVE IT AND LET US REMEMBER THAT IT IS THE PEOPLE THAT WE SERVE AND IN SERVING THEM WE HONOR YOU. AND WITH THAT LORD WE ASK THAT YOU BLESS US AND GUIDE US AND KEEP US STRONG AND KEEP US UNITED NOT SO MUCH IN THOUGHT AND IN DEED, BUT IN PURPOSE BECAUSE IT IS IN THAT PURPOSE THAT WE FIND OUR HIGHEST CALLING IN THIS TASK THAT YOU HAVE GIVEN US. AND WE ASK LORD THAT YOU STAY WITH US THROUGHOUT THESE PROCEEDINGS AND IN THIS SESSION. AMEN. IN THE NAME OF THE FATHER, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN.

(iii) Reciting of *Inifresi*;

(iv) Singing of Guam Hymn in *Chamorro*;

(v) Singing of National Anthem;

(vi) Roll Call;

CLERK OF THE LEGISLATURE: SENATOR, ADA, SENATOR AGUON, SENATOR CASTRO, SPEAKER CRUZ, SENATOR ESPALDON, SENATOR ESTEVES, SENATOR LEE, SENATOR MORRISON, SENATOR MUÑA, SENATOR RODRIGUEZ, SENATOR SAN AGUSTIN, SENATOR SAN NICOLAS, SENATOR TORRES. MR. SPEAKER THERE IS A QUORUM.

NOTE: SENATOR NELSON AND VICE SPEAKER TERLAJE WERE NOT PRESENT DURING ROLL CALL.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAM CLERK. MR. MAJORITY LEADER YOU ARE RECOGNIZED.

(vii) Call for Approval of Legislative Journal;

SENATOR ADA: MR. SPEAKER I MOVE TO APPROVE THE LEGISLATIVE JOURNALS DATED MARCH 7, 2017, MARCH 17, 2017, AND MARCH 27, 2017 SUBJECT TO CORRECTIONS AND INCLUSIVE OF APPENDIXES.

SPEAKER CRUZ: THERE IS A MOTION TO APPROVE THE LEGISLATIVE JOURNAL DATED MARCH 7, 2017, MARCH 17, 2017, AND MARCH 27, 2017, SUBJECT TO CORRECTIONS AND THE INCLUSION OF APPENDIXES. ANY OBJECTIONS HEARING NO OBJECTIONS, MOTION CARRIES. MR. MAJORITY LEADER YOU ARE RECOGNIZED.

(viii) Communications and Petitions;

SENATOR ADA: MR. SPEAKER, THERE ARE COMMUNICATIONS AND PETITIONS. AND I MOVE THAT THEY BE APPENDED TO TODAY'S SESSION JOURNAL.

SPEAKER CRUZ: ON THE MOTION THAT COMMUNICATION AND PETITIONS BE APPENDED TO TODAY'S SESSION JOURNAL, HEARING NO OBJECTIONS, MOTION CARRIES. MR. MAJORITY LEADER.

(ix) Messages from *I Maga'låhen Guåhan*;

SENATOR ADA: MR. SPEAKER, THERE ARE MESSAGES FROM *I MAGA'LÅHEN GUÅHAN* AND I MOVE THAT THEY BE APPENDED TO TODAY'S SESSION JOURNAL.

SPEAKER CRUZ: ON THE MOTION THE MESSAGES FROM *I MAGA'LÅHEN GUÅHAN* BE APPENDED TO TODAY'S SESSION JOURNAL, HEARING NO OBJECTIONS, MOTION CARRIES. MR. MAJORITY LEADER.

(x) Reports of Standing Committees;

SENATOR ADA: MR. SPEAKER THERE ARE REPORTS OF STANDING COMMITTEES AND I MOVE THAT THEY ALSO BE APPENDED TO TODAY'S SESSION JOURNAL.

SPEAKER CRUZ: ON THE MOTION TO REPORT OF STANDING COMMITTEES BE APPENDED TO TODAY'S SESSION JOURNAL AND HEARING NO OBJECTIONS, MOTION CARRIES. MR. MAJORITY LEADER.

(xi) Reports of Select Committees;

SENATOR ADA: MR. SPEAKER, THERE ARE NO REPORTS OF SELECT COMMITTEES.

SPEAKER CRUZ: MR. MAJORITY LEADER YOU ARE RECOGNIZED.

(xii) Introduction and First Reading of Bills and Resolutions;

SENATOR ADA: I MOVE THAT THE BILLS INTRODUCED BILL NOS. BILLS NO. 36-34 (LS) THROUGH 39-34 (LS) AND BILL NOS. 40-34 (COR) THROUGH 80-34 (COR). RESOLUTIONS INTRODUCED RESOLUTIONS NO. 47-34 (LS) THROUGH 52-34 (LS) AND RESOLUTION NOS. 53-34 (COR) THROUGH 90-34 (COR). CERTIFICATES INTRODUCED CERTIFICATE NOS. 28-34 (LS) THROUGH 30-34 (LS) AND CERTIFICATES NOS. 38-34 (COR) THROUGH 41-34 (COR) BE DEEMED TO HAVE BEEN GIVEN THEIR FIRST READING.

SPEAKER CRUZ: ON THAT MOTION. ANY OBJECTIONS HEARING NO OBJECTIONS MOTION CARRIES. MR. MAJORITY LEADER.

(xiii) Motions;

SENATOR ADA: MR. SPEAKER I MOVE TO EXCUSE SENATORS NOT PRESENT FOR TODAY'S LEGISLATIVE SESSION.

SPEAKER CRUZ: ON THE MOTION HEARING NO OBJECTIONS SO ORDERED.

SENATOR ADA: MR. SPEAKER I MOVE THAT ALL CONGRATULATORY, COMMENDATORY AND CONDOLENCE RESOLUTIONS AND LEGISLATIVE CERTIFICATES INTRODUCED TODAY AND FOR THE REMAINDER OF THIS LEGISLATIVE SESSION BE CONSIDERED FIRST READ AND ADOPTED, TO ALLOW THE LEGAL COUNSEL TO MAKE TECHNICAL CORRECTIONS AND TO ADD ALL SENATORS AS CO-SPONSORS.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTIONS, SO ORDERED.

(xiv) Legislative Concurrence;

SENATOR ADA: MR. SPEAKER, I MOVE TO PLACE THE FOLLOWING NOMINATIONS ON THE SECOND READING, FROM THE COMMITTEE ON CULTURE AND JUSTICE HEREBY REPORTS OUT THE NOMINATION OF JOSEPH D. CERTEZA TO SERVE AS A MEMBER OF THE COUNCIL ON THE ARTS AND HUMANITIES AGENCY (CAHA), WITH THE RECOMMENDATION TO CONFIRM

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION, MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON CULTURE AND JUSTICE HEREBY REPORTS OUT THE NOMINATION OF JOSEPH D. FRANQUEZ TO SERVE AS A CLASSROOM TEACHER MEMBER OF THE KGTF/PBS BOARD OF TRUSTEES, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; RECOGNIZED.

SENATOR ADA: FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HEREBY REPORTS OUT THE NOMINATION OF CHRISTOPHER M. DUENAS TO SERVE AS PRESIDENT OF THE GUAM HOUSING CORPORATION, WITH THE RECOMMENDATION TO REPORT OUT ONLY

SPEAKER CRUZ: HEARING NO OBJECTION.

SENATOR ADA: FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HEREBY REPORTS OUT THE NOMINATION OF MINAKSHI V. HEMLANI TO SERVE AS MEMBER GUAM SOLID WASTE AUTHORITY BOARD OF DIRECTORS, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HEREBY REPORTS OUT THE NOMINATION OF CECILIA G. MANTANONA TO SERVE AS A MEMBER OF THE GUAM HOUSING CORPORATION BOARD OF DIRECTORS, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HEREBY REPORTS OUT THE NOMINATION OF GEORGE F. PEREDA TO SERVE AS A MEMBER OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY (GHURA) BOARD OF COMMISSIONERS, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMON EDUCATION, FINANCE AND TAXATION HEREBY REPORTS OUT THE NOMINATION OF AMANDA F. BLAS TO SERVE AS A GENERAL PUBLIC MEMBER OF THE GUAM ACADEMY CHARTER SCHOOLS COUNCIL, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON EDUCATION, FINANCE AND TAXATION HEREBY REPORTS OUT THE NOMINATION OF ROBERT A. CRISOSTOMO TO SERVE AS ELECTED MEMBER OF THE GUAM EDUCATION BOARD, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HEREBY REPORTS OUT THE NOMINATION OF PELAGIO S. SARDOMA TO SERVE AS A MEMBER OF THE GUAM BOARD OF EQUALIZATION, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: FROM THE COMMITTEE ON EDUCATION, FINANCE AND TAXATION HEREBY REPORTS OUT THE NOMINATION OF KRISHNAN SEERENGAN TO SERVE AS A MEMBER OF THE GUAM PUBLIC LIBRARY SYSTEM BOARD OF DIRECTORS, WITH THE RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THAT MOTION, HEARING NO OBJECTION; MOTION CARRIES.

SENATOR ADA: SENATOR ADA: MR. SPEAKER I MOVE TO PLACE BILL 58-34 (COR) ON THE SECOND READING OF THE SESSION AGENDA. BILL 58 THE THE COMMITTEE REPORT HAS BEEN REPORTED OUT BY THE COMMITTEE AND IT IS ON THE WEBSITE ALREADY AND IT HAS GONE THROUGH THE VETTING.

SPEAKER CRUZ: ANY OBJECTIONS HEARING NO OBJECTIONS. SENATOR AGUON YOU ARE RECOGNIZED.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER AND GOOD MORNING FELLOW COLLEAGUES. MR. SPEAKER I WOULD LIKE TO MOVE FOR THE PLACEMENT OF THE EXECUTIVE APPOINTMENT OF MS. ROSALINDA TOLON AS A MEMBER OF THE BOARD OF THE ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY. IT BE PLACED ON THE VOTING FILE ON THE CONSENT CALENDAR MR. SPEAKER.

SPEAKER CRUZ: ANY OBJECTIONS HEARING NONE, SO ORDERED.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER. MR. SPEAKER ARE WE STILL IN MOTIONS IS IT APPROPRIATE TO PROCEED.

SPEAKER CRUZ: YES WE ARE.

SENATOR AGUON: THANK YOU MR SPEAKER MR. SPEAKER I'D LIKE TO MOVE FOR THE PLACEMENT OF BILL NUMBER 4-34 COR INTO THE VOTING FILE FOR CONSIDERATION BY THE BODY ALSO MR. SPEAKER I HAVE PUBLICLY COME OUT AND MADE A STATEMENT AT ONE POINT IN TIME NOT TOO LONG AGO THAT I WILL NOT PUSH FOR ENTERTAINING THIS PARTICULAR MEASURE WHICH IS A REPEAL OF THE PAY RAISES UNLESS ALL TEN VOTES AND IN MOST CASES THE ENTIRE BODY IS PRESENT HERE IN THE LEGISLATIVE SESSION SO THAT WE CAN ACT ON THAT PROVISION IN CONVERSATIONS WITH OUR LEGAL COUNSEL AND SOME OF THE CONCERNS I WILL RAISE THE REASON WHY I HAVE MADE THAT STATEMENT BECAUSE I WAS MADE TO UNDERSTAND PREVIOUSLY NOT BY LEGAL COUNSEL BY BUT BY OTHERS THAT IF IN FACT I WERE TO MOVE AND NOT BE

SUCCESSFUL IN ACQUIRING THE TEN VOTES FOR AN OVERRIDE THEN THE LEGISLATION WOULD REVERT TO INACTIVE FILE I HAD A CONVERSATION WITH LEGAL COUNSEL REPRESENTATIVES THIS MORNING THEY ASSURED ME THAT THIS BILL IF PLACED IN THE VOTING FILE IF VOTED UPON BY ALL MEMBERS OF THIS BODY PRESENT FOR THAT SESSION DOES NOT ACQUIRE THE TEN VOTES FOR AN OVERRIDE THEN IT REVERTS BACK TO MOTIONS FOR THE LEGISLATIVE SESSION AGENDA WHICH IS THE PROCESS THAT HAS BEEN APPLIED CONSISTENTLY IN LEGISLATORS AND LEGISLATORS AND LEGISLATORS PASSED SO MR. SPEAKER WITH THAT ASSURANCE THAT SHOULD I NOT BE SUCCESSFUL IN ACQUIRING THE TEN VOTES THEN I CERTAINLY RECOGNIZE THAT THIS PARTICULAR LEGISLATION WILL REMAIN ON THE AGENDA BUT MR SPEAKER MY MOTION IS WHAT I JUST SHARED WITH YOU BUT IF I CAN DISCUSS IT MOMENTARILY PLEASE

SPEAKER CRUZ: PLEASE NOT WITHSTANDING THE GOVERNOR'S OBJECTIONS YOU MAY DISCUSS IT

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER AND FELLOW COLLEAGUES THANK YOU VERY MUCH FOR THE OPPORTUNITY TO BE ABLE TO MOVE FOR THE PLACEMENT OF BILL NUMBER 4-34 COR WHICH WAS VETOED BY THE CHIEF EXECUTIVE THE GOVERNOR OF GUAM A NUMBER OF WEEKS BACK ONE OF THE CONCERNS THAT THE GOVERNOR HAD HIGHLIGHTED AT THAT TIME WAS THAT AND HE PLACED A LOT OF EMPHASIS ON THIS ONE PARTICULAR POINT MR SPEAKER THAT SHOULD THE OVERRIDE BE SUCCESSFUL SHOULD BILL 4-34 COR BE PASSED INTO LAW THEN IT WOULD HAVE FURTHER IMPLICATIONS ON AFFECTING THE SALARIES OF HIS CABINET MEMBERS AND HIS EXECUTIVE APPOINTMENTS MR SPEAKER THERE IS A PIECE OF DOCUMENT THAT IS BEING CIRCULATED RIGHT NOW THAT WITH THE LETTER HEAD OF THE OFFICE OF THE ATTORNEY GENERAL MY OFFICE HAD SOUGHT CLARITY ON THIS PARTICULAR ISSUE AND IN THIS CASE THE QUESTION THAT WAS PRESENTED TO THE ATTORNEY GENERAL WAS SHOULD BILL NUMBER FOUR COR BE ENACTED INTO LAW WITH THE SALARIES FOR THE POSITION OF DIRECTOR OR DEPUTY DIRECTOR REMAIN AT THE LEVEL PROVIDED IN PUBLIC LAW NUMBER 32-208 OR WOULD THE SALARIES FOR THE POSITIONS OF DIRECTOR OR DEPUTY DIRECTOR HAVE TO BE ADJUSTED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION 6206.1 OF ARTICLE 2 CHAPTER 6 TITLE 4 GUAM CODE ANNOTATED THE OPINION OF THE ATTORNEY GENERAL MR. SPEAKER WELL FIRST OF ALL THE QUESTION WAS POSED ATTORNEY GENERAL PROVIDED A STATEMENT OF FACTS SHE ALSO PROVIDED SOME ADDITIONAL DISCUSSION ON THE CONSTRUCT OF LAWS AND THE EFFECTIVITY OF ANY PIECE OF LAW THAT IS PASSED SUBSEQUENT TO 32 – 208 AND HER FINAL FINDING MR. SPEAKER READS UNDER PUBLIC LAW 32-208 THE SALARIES OF ALL THE POSITIONS LISTED IN EXHIBIT A WHICH INCLUDE MOST IF NOT ALL OF THE GOVERNORS APPOINTED CABINET MEMBERS WERE SET TO THE SALARY RATES PURSUANT TO THE COMPETITIVE WAGE ACT OF 2014 FELLOW COLLEAGUES I'M READING ON THE LAST PAGE THE LAST TWO PARAGRAPHS THE SALARIES OF LINE AGENCY DIRECTORS AND DEPUTY DIRECTORS ARE SPECIFICALLY SET OUT IN LAW AND ARE NOT SUBJECT TO THE SALARY LEVEL RESTRICTIONS OF SUB SECTION 6206.1 A IN OUR OPINION THERE FOR THE ENACTMENT INTO LAW ON BILL NUMBER 4 - 34 WHICH INTER ALIA WHICH IS THE LEGAL TERMINOLOGY WHICH INTER ALIA REDUCES THE ANNUAL SALARY LEVELS OF THE GOVERNOR AND LIEUTENANT GOVERNOR WOULD NOT AFFECT THE DIRECTOR'S AND DEPUTY DIRECTOR SALARY LEVELS THAT WERE SET OUT IN PUBLIC LAW 32 - 208 SO MR. SPEAKER JUST FOR CLARIFICATION PURPOSES WHEN THE GOVERNOR HAD VETOED AND HE WAS CONSISTENT IN HIS ACTIONS HAVE VETOED BILL NUMBER 4-34 COR ONE OF HIS PRIMARY CONCERNS WAS THE IMPLICATION OF THE ENACTMENT OF BILL 4-34 INTO LAW AND THE EFFECT IT WOULD HAVE ON THE SALARY LEVELS OF HIS CABINET MEMBERS SO I WANT TO READ THAT LAST SENTENCE AGAIN FROM THE OFFICE

OF THE ATTORNEY GENERAL AND I WANT TO THANK ATTORNEY GENERAL ELIZABETH BARRET ANDERSON FOR THIS OPINION IT READS IN OUR OPINION THEREFORE THE ENACTMENT INTO LAW OF BILL NUMBER 4- 34 WHICH INTER ALIA REDUCES THE ANNUAL SALARY LEVELS OF THE GOVERNOR AND LIEUTENANT GOVERNOR WOULD NOT AFFECT DIRECTORS AND DEPUTY DIRECTOR SALARY LEVELS THAT WERE SET OUT IN PUBLIC LAW 32 - 208 SO IN THIS CASE MR SPEAKER I ASK OUR COLLEAGUES FOR YOUR SUPPORT AND YOUR CONSIDERATION I CERTAINLY HOPE THAT WITH THE CLARITY THAT THERE MAY BE OTHER MEMBERS OF THIS BODY WHO DID NOT INITIALLY SUPPORT THE PASSAGE OF BILL NUMBER 4- 34 COR THAT THEY WOULD NOW RECONSIDER THEIR POSITION AND SUPPORT THIS LEGISLATION AND I MOVE FOR ITS PLACEMENT IN THE VOTING FILE THANK YOU VERY MUCH MR. SPEAKER

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR AGUON ANY OTHER SENATOR WISH TO BE HEARD ON THE MOTION NOTWITHSTANDING THE GOVERNOR'S VETO SENATOR AGUON UHH SENATOR ADA.

SENATOR ADA: THANK YOU MR. SPEAKER WELL I CERTAINLY APPRECIATE THE THE OPINION THAT WAS RECEIVED BY THE FROM THE ATTORNEY GENERAL'S OFFICE I THINK WELL IT IS STATED IN THE OPINION HERE THAT PASSAGE OF BILL 4-34 INTO LAW WOULD NOT AFFECT DIRECTORS AND DEPUTY DIRECTOR SALARY LEVELS I THINK THAT MAYBE THE WORD THAT'S MISSING IN THERE IS THAT TECHNICALLY IT WILL NOT AFFECT THOSE THINGS BUT IN REALITY I BELIEVE THAT IT WILL BECAUSE THE GOVERNOR HAS CERTAINLY MADE IT VERY CLEAR THAT THE AND IT HAS ALWAYS BEEN THE CASE THAT THESE SUBORDINATES OF OF THE GOVERNOR CERTAINLY SHOULD NOT BE MAKING MORE THAN HE IS AND IN REALITY WHAT'S GOING TO HAPPEN IF YOU'RE PROBABLY GOING TO HAVE THIS PRESSURE THAT YOU KNOW GET BACK EVERYBODY GET BACK IN LINE AND THAT'S PROBABLY WHAT'S GOING TO HAPPEN IS THAT YOU GONNA HAVE THESE QUOTE VOLUNTARY VOLUNTEERS TO TO REDUCE THEIR SALARY BACK TO THE LEVEL THAT THEY WERE SO THAT THEY WILL NOT BE MAKING MORE THAN THEIR BOSS AND I JUST I JUST THINK THAT'S GOING TO BE THE REALITY OF WHAT'S ACTUALLY GOING TO HAPPEN DESPITE THE FACT THAT TECHNICALLY PASSAGE OF BILL 4-34 WILL NOT TECHNICALLY AFFECT THOSE SALARIES THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH ANY OTHER SENATOR WISH TO BE HEARD ANY OTHER SENATOR WISH TO BE HEARD SENATOR AGUON.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER I JUST WOULD LIKE TO MOVE FOR THE QUESTION. BUT ANY DIRECT RESPONSE TO THE STATEMENT THAT WAS JUST MADE BY THE PREVIOUS SPEAKER TECHNICALLY IS CORRECT WELL WHAT DOES THE LAW PROVIDE THE PER LAW AS PER THE OPINION OF THE ATTORNEY GENERAL IS THAT IT WOULD NOT AFFECT THE SALARY LEVELS OF THE CABINET MEMBERS THE DIRECTORS AND THE DEPUTY DIRECTORS NOW THE DISCRETION REMAINS WITH THE GOVERNOR OF GUAM WHEATHER IN FACT SHOULD THIS RECEIVE THE TEN VOTES FOR AN OVERRIDE WHETHER HE WANTS TO ADDRESS THE SALARY MEMBERS OF HIS CABINET MY UNDERSTANDING THAT WHEN HE CAME OUT WITH HIS VETO MESSAGE AND HE SO VEHEMENTLY SPOKE ABOUT THE NEED TO RECRUIT AND TO RETAIN HIS DIRECTORS AND HIS DEPUTY DIRECTORS BECAUSE THEY BRING AN INCREDIBLE LEVEL OF EXPERIENCE AND EXPERTISE THIS IS WHERE HE ULTIMATELY WILL MAKE THAT DECISION MR SPEAKER AND I LIKE TO MOVE FOR CERTAINLY THE PREVIOUS QUESTION THANK YOU.

SPEAKER CRUZ: SENATOR AGUON I UNDERSTAND THAT SOME MEMBERS WISH TO BE HEARD ARE THERE SENATORS WISH TO SPEAK ON THE MOTION SENATOR CASTRO WAS IT YOUR INTENTION TO SPEAK ON THE MOTION NOTWITHSTANDING THE GOVERNOR'S VETO THIS IS THE TIME BY ONE OF THE GUYS PIZZA THIS IS THE TIME.

SENATOR ESPALDON: JUST A CLARIFICATION MR. SPEAKER TO SPEAK ON THE MOTION WOULD IT BE IF ON THE MERITS OF THE BILL ITSELF OR ON IT IS THAT ALLOWED OR IS IT JUST THE MOTION TO MOVE THIS ON TO OR CAN WE ONLY SPEAK JUST THE MOTION TO MOVE THIS ON TO THE VOTING FILE.

SPEAKER CRUZ: THIS IS THE TIME TO EXPRESS WHY YOU WILL NOT BE VOTING FOR THE.

SENATOR ESPALDON: THANK YOU.

SPEAKER CRUZ: OR WHICHEVER WHATEVER POSITIONS.

SENATOR ESPALDON: FOR OR AGAINST.

SPEAKER CRUZ: EITHER FOR OR AGAINST.

SENATOR ESPLADON: THANK YOU MR. SPEAKER JUST A POINT OF CLARIFICATION THANK YOU.

SPEAKER CRUZ: ARE THERE ANY SENATORS WHO WISH TO BE HEARD.

SENATOR CASTRO: MR. SPEAKER.

SPEAKER CRUZ: SENATOR CASTRO YOU ARE RECOGNIZED.

SENATOR CASTRO: YOU KNOW WITH A RESPECT TO SENATORIAL SALARIES I JUST WANTED TO BE STATED AGAIN FOR THE RECORD I JUST I DON'T HAVE A PREPARED SPEECH BUT I DO HAVE TWO POINTS OF CONCERN THE ROLL BACK OF THE SALARY TYPES OF NUMEROUS MEASURES WHERE'S THE CALL FOR THE RETURN OF THE RETRO PAYMENT WHERE'S THE CALL FOR THE ADJUSTMENT OF MAYBE EVEN YOUR RETIREMENT ANNUITY MR. SPEAKER I MEAN I DON'T I REALLY JUST DON'T SEE HOW CERTAIN SENATORS CAN CHAMPION A CAUSE WITH SUCH NARROW FRAME WORK IF YOU ARE PURSUING JUSTICE IF YOUR WRITING THIS FINE LINE.

SENATOR AGUON: I'M SORRY MR. SPEAKER BUT WITH ALL DUE RESPECT TO MY COLLEAGUE POINT OF ORDER WE ARE JUST DISCUSSING THE LEGISLATION IF IT SHOULD BE PLACED IN THE VOTING FILE TRINITY PLAYS FOR CONSIDERATION BY THE BODY WE ARE NOT DISCUSSING ANY POSSIBLE AMENDMENTS IF THE GOOD SENATOR WOULD LIKE TO INTRODUCE LEGISLATION THAT WOULD ADDRESS SOME OF HIS CONCERNS SEPARATE AND APART FROM BILL 4 – 34 THEN HE CERTAINLY HAS THAT DISCRETION.

SPEAKER CRUZ: THANK YOU YOU'RE CORRECT SENATOR AGUON.

SENATOR CASTRO: THE LAST I HEARD MR. SPEAKER WAS THIS IS THE TIME WHU YOU'RE GOING TO TELL PEOPLE WHY YOU'RE NOT SUPPORTING THE MEASURE AND THAT'S WHY IT'S MISSING TWO KEY PIECES THE RETURN OF THE RETRO IN ADDITION TO THE ADJUSTMENT OF ANY RETIREMENT ANNUITIES WHERE THE LAW ALLOWS FOR IT THAT'S IT MR. SPEAKER.

SPEAKER CRUZ: THANK YOU ANY OTHER SENATOR WISH TO BE HEARD THERE BEING NONE SENATOR AGUON I WILL ALLOW YOU TO CLOSE ON THE BILL ON THE QUESTION NOTWITHSTANDING THE OBJECTION OF I MAGA'LAHEN GUAHAN ON HIS VETO OF BILL 4-34 ROLL CALL.

SENATOR AGUON: MR. SPEAKER IF I UNDERSTAND IT'S JUST PLACEMENT IN THE VOTING FILE.

SPEAKER CRUZ: OH OKAY SORRY.

SENATOR AGUON: WE WILL VOTE FOR IT SUBSEQUENT TO UPON THE COMPLETION OF THE SESSION IF THAT'S THE DESIRE OF THE BODY.

SPEAKER CRUZ: OKAY SORRY ABOUT I THOUGHT WE WOULD DO IT NOW ON THE MOTION TO PLACE BILL 4-34 NOTWITHSTANDING THE OBJECTION OF I MAGA'LAHEN GUAHAN INTO THE VOTING FILE HEARING NO OBJECTION MOTION CARRIES MR. MAJORITY LEADER. SENATOR SAN AGUSTIN.

SENATOR SAN AGUSTIN: MR. SPEAKER NOTWITHSTANDING THE HOUSE RULES CAN I ASK THE BODY THAT THE ETHICS COMMITTEE CONVENE AND DETERMINE IF THERE'S ANY ETHICS VIOLATION BY MEMBERS OF OUR BODY AND THE REASON FOR THAT IS BECAUSE IT'S ALL OVER THE NEWSPAPER AND I'D LIKE TO BE ABLE TO CLEAR OUR OUR COLLEAGUES AND PUT TO REST THE ISSUES THAT THE PEOPLE ARE ASKING OUT THERE IN THE PUBLIC.

SPEAKER CRUZ: THERE IS AN ETHICS COMMITTEE ON JANUARY JANUARY THE 10TH YOUR SPEAKER MYSELF-APPOINTED MEMBERS OF THAT ETHICS COMMITTEE AS I UNDERSTAND IT SOME OF THE MEMBERS MET IN THE PROCEDURAL MEETING AND MAYBE HAVE AN ANNOUNCEMENT FORTHCOMING YES THE LEGISLATURE ADDRESSED THIS ISSUE ON JANUARY THE 10TH AND IS ADDRESSING IT HAS BEEN ADDRESSING IT IS ADDRESSING IT AND WILL ADDRESS IT THERE IS AN ETHICS COMMITTEE IT HAS BEEN IMPANELED AND IT WILL AND IS READY TO RECEIVE ANY AND ALL COMPLAINTS.

SENATOR SAN AGUSTIN: MR. SPEAKER WHAT I'M ASKING FOR IS THAT THE ETHICS COMMITTEE CONVENE AND DETERMINE IS THERE IN FACT AN ETHICS VIOLATION OUT THERE IT'S ALL OVER THE NEWS PAPER MR. SPEAKER AND ALL I'M TRYING TO DO IS PUT THAT TO REST IF YOU CHOOSE ON THE BODY CHOOSE NOT TO CONSIDER THAT THEN AT LEAST THEY.

SPEAKER CRUZ: WE'RE IN THE MIDDLE OF SESSION THEY'RE NOT GOING TO MEET IN THE MIDDLE OF SESSION SUCH THEY MET PROCEDURALLY AND THEY WILL BE MEETING THEY HAVE TO RECEIVE A COMPLAINT TO BE ABLE TO ADDRESS THINGS AND THEY WILL ADDRESS IT IN DUE COURSE BUT IT'S NOT A MOTION FOR THE BODY TO TELL THEM TO CONVENE THE STANDING RULES HAVE SETS FORTH AND UNFORTUNATELY IT'S NOT VERY CLEAR IN THE STANDING RULES WHO CONVENES IT AND SO THE THING IS IS THAT THEY HAVE MET AND THEY WILL AS I UNDERSTAND IT WILL MAKE THEIR ANNOUNCEMENTS VERY SOON AND I THANK THEM FOR MOVING FORWARD DILIGENTLY AND I'LL JUST LEAVE IT WITH THEM MR. MAJORITY LEADER

SENATOR ADA: THANK YOU MR. SPEAKER MR. SPEAKER I MOVE TO PLACE THE FOLLOWING NOMINATIONS INTO THE VOTING FILE. FROM THE COMMITTEE ON CULTURE AND JUSTICE REPORTS OUT THE NOMINATION OF JOSEPH D. CERTEZA TO SERVE AS A MEMBER ON THE COUNCIL ON THE ARTS AND HUMANITIES AGENCY (CAHA) WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON CULTURE AND JUSTICE HERBY REPORTS OUT THE NOMINATION OF JOSEPH D. FRANQUEZ TO SERVE AS A CLASSROOM TEACHER MEMBER OF THE KGTF/PBS BOARD OF TRUSTEES WITH A RECOMMENDATION TO CONFIRM. THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HERBY REPORTS OUT THE NOMINATION OF CHRISTOPHER M. DUENAS TO SERVE AS PRESIDENT OF THE GUAM HOUSING CORPORATION WITH A RECOMMENDATION TO REPORT OUT ONLY. THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY HERBY REPORTS OUT THE NOMINATION OF MINAKSHI V. HEMLANI TO SERVE AS A MEMBER ON THE GUAM SOLID WASTE AUTHORITY BOARD OF DIRECTORS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY REPORTS OUT THE NOMINATIONS OF CECILIA G. MANTONONA TO SERVE AS A MEMBER OF THE GUAM HOUSING CORPORATION BOARD OF DIRECTORS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON HOUSING,

UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY REPORTS OUT THE NOMINATION OF GEORGE F. PEREDA TO SERVE AS A MEMBER OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY BOARD OF DIRECTORS OR BOARD OF COMMISSIONERS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON EDUCATION, FINANCE, AND TAXATION REPORTS OUT THE NOMINATION AMANDA F. BLAS TO SERVE AS A GENERAL PUBLIC MEMBER GENERAL PUBLIC MEMBER OF THE GUAM ACADEMY CHARTER SCHOOLS COUNCILS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON EDUCATION, FINANCE, AND TAXATION THE NOMINATION OF ROBERT A. CRISOSTOMO TO SERVE AS THE ELECTED MEMBER TO SIT IN THE ELECTED MEMBER OF THE GUAM EDUCATION BOARD WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMISSION FROM THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY, AND HOMELAND SECURITY REPORTS OUT THE NOMINATION OF PELAGIO S. SARDOMA TO SERVE AS A MEMBER OF THE GUAM BOARD OF EQUALIZATION WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON EDUCATION, FINANCE, AND TAXATION REPORTS OUT THE NOMINATION OF KRISHNAN SEEREN TO SERVE AS A MEMBER OF THE THE GUAM PUBLIC LIBRARY SYSTEM BOARD OF DIRECTORS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS, AND SENIOR CITIZENS REPORTS OUT THE NOMINATION OF RAY C. TAJALLE TO SERVE AS PHYSICIAN ASSISTANT REPRESENTATIVE GUAM BOARD OF ALLIED HEALTH EXAMINERS WITH A RECOMMENDATION TO CONFIRM. FROM THE COMMITTEE ON GUAM, U.S. MILITARY BUILDUP, INFRASTRUCTURE, AND TRANSPORTATION HERBY REPORTS OUT THE NOMINATION OF NATHAN T. TAIMANGLO TO SERVE AS A MEMBER OF THE GUAM PORT AUTHORITY BOARD OF DIRECTORS WITH A RECOMMENDATION TO CONFIRM.

SPEAKER CRUZ: ON THE MOTION, HEARING NO OBJECTIONS SO ORDERED. MOTION CARRIES.

(xv) Consent Calendar;

(xvi) Second Reading File;

SPEAKER CRUZ: I BELIEVE WE ARE NOW IN THE SECOND READING WE'RE NOW ON THE SECOND READING FILE THE FIRST BILL ON THE AGENDA IS BILL INTRODUCED NUMBER ONE BY SENATOR LUIS LOUISE MUNA SENATOR MUÑA YOU ARE RECOGNIZED.

SENATOR MUÑA: THANK YOU MR. SPEAKER MR. SPEAKER I MOVE TO ACCEPT BILL NUMBER 1-34 (COR) AS CORRECTED BY THE PRIME SPONSOR AND AMENDED BY THE COMMITTEE ON HEALTH TOURISM MILITARY AFFAIRS AND SENIOR CITIZENS.

SPEAKER CRUZ: HEARING NO OBJECTION SO ORDERED PLEASE PROCEED

SENATOR MUÑA: THANK YOU MR. SPEAKER I MOVE TO PLACE BILL NUMBER 1-34 (COR) AS CORRECTED BY THE PRIME SPONSOR AND AMENDED BY THE COMMITTEE ON HEALTH TOURISM MILITARY AFFAIRS AND SENIOR CITIZENS INTO THE THIRD MEETING FILE AND I'D LIKE TO SPEAK ON THE BILL.

SPEAKER CRUZ: PLEASE.

SENATOR MUÑA: THANK YOU MR. SPEAKER BILL NUMBER ONE DEALS WITH CANCER SCREENING AND HEALTH INSURANCE COVERAGE THERE'S NO NEED TO FOR ME TO SPEAK AT LENGTH ON THE RAVAGES OF CANCER WE ARE ALL AWARE OF THE DEVASTATION OF THIS DISEASE CAUSES TO THOSE AFFLICTED BY THEM AND TO THEM AND THEIR LOVED ONES OVER THE YEARS THIS BODY HAS ENACTED LEGISLATION IN THE AREAS OF CANCER PREVENTION AND TREATMENT THE LAWS MR. SPEAKER THAT YOU HAVE WRITTEN ARE AMONG SOME OF THE MORE NOTABLE OF THESE WE KNOW ALL WELL

THAT ONE OF THE BEST WAYS TO FIGHT CANCER IS THROUGH EARLY SCREENING THE FACT HAS LONG BEEN RECOGNIZED THROUGHOUT HEALTHCARE INDUSTRY IT IS FOR THIS REASON MR. SPEAKER THAT THE UNITED STATES PREVENTATIVE SERVICES TASK FORCE ALSO KNOWN AS THE USPSTF CREATED PURSUANT TO THE AFFORDABLE CARE ACT OTHERWISE KNOWN AS OBAMACARE HAS DEVELOPED CANCER SCREENING GUIDELINES FOR SERVICES THAT HEALTH INSURANCE COMPANIES MUST COVER MORE SPECIFICALLY AS IT THIS RELATES TO BILL NUMBER ONE HEALTH INSURANCE COMPANIES PROVIDE COVERAGE FOR CERTAIN PROSTATE AND CERVICAL CANCER SCREENING TEST WITHOUT ANY PATIENT COST-SHARING THE IMPORTANCE OF THIS COVERAGE CANNOT BE OVERSTATED CERVICAL CANCER AND PROSTATE CANCER ARE HIGHLY TREATABLE WITH EARLY DETECTION NOW MOST CERVICAL CANCERS CAN BE PREVENTED BY IMMUNIZATIONS AGAINST HPV HUMAN PAPILLOMAVIRUS THE MOST SUCCESSFUL DETECTION OF PROSTATE CANCER IS A PHYSICAL EXAMINATION OF PROSTATE ENLARGEMENT CAUSES BEEN A MAJOR REASON FOR PEOPLE NOT BEING SCREEN FOR CANCER PRIOR TO THE ACA CERVICAL CANCER SCREENING OR PAP SMEAR EXAM WAS DONE ON AN ANNUAL BASIS FOR A LITTLE MORE THAN 50% OF ADULT WOMAN AGE 21 AND OLDER TODAY MR. SPEAKER NEARLY 70% OF INSURED WOMEN GET ANNUAL EXAMS THE PRIMARY REASON FOR THIS INCREASE IS THAT SCREENING IS NOW COVERED UNDER THE HEALTH INSURANCE WITHOUT COST OF THEM BEYOND THEIR PREMIUMS WHAT IS THAT ISSUE MR. SPEAKER IS THAT SINCE THE INCEPTION OF ACA THERE HAVE BEEN MANY ATTEMPTS TO REPEAL IT THE REPEAL OF ACA WAS A CENTRAL ISSUE IN THE PAST ELECTION FOR THE U.S. PRESIDENCY AND ALSO FOR CONGRESS THE RESULTS OF THIS ELECTION DID NOT BODE WELL FOR ACA THIS IS A REASON THAT AMONG MY FIRST ACTS AS A NEWLY INAUGURATED MEMBER OF THIS BODY WAS TO INTRODUCE THIS BILL. I BELIEVE THAT IT IS CRITICAL THAT THE AFFORDABLE CARE ACT PROVISIONS RELATED TO CANCER SCREENINGS SURVIVE ITS REPEAL AND SUBSTANTIVE CHANGE THE AMERICAN HEALTH CARE ACT BILL TOUTED AS A VIABLE REPLACEMENT FOR ACA FAILED RECENTLY TO GARNER THE VOTES NEEDED FOR PASSAGE BY THE US HOUSE OF REPRESENTATIVES THE MOVEMENT TO REPEAL ACA IS FAR FROM DEAD HOWEVER ITS OPPONENTS HAVE INDICATED THAT THE FIGHT WILL CONTINUE GIVING THIS IT'S IMPORTANT THAT WE TAKE ACTION HERE ON GUAM TO PROTECT LIFE-SAVING BENEFITS THAT ARE HEALTH INSURANCE SUBSCRIBERS NOW ENJOY THIS IS WHAT BILL NUMBER ONE WOULD DO IF ACA OR ITS PROVISIONS RELATED TO COVERED CANCER SCREENING IS REPEALED OR SUBSTANTIALLY CHANGED THOSE TESTS WOULD REMAIN IN PLACE AS A MATTER OF GUAM LAW THE PROVISIONS OF BILL NUMBER ONE WILL BECOME EFFECTIVE ONLY UNDER THESE CONDITIONS MR. SPEAKER I'M SURE THAT YOU AND MY COLLEAGUES HAVE NOTED THAT BILL NUMBER ONE IS DIFFERENT FROM THE VERSION FIRST INTRODUCED THE ORIGINAL BILL HAD SCREENING COVERAGE BASED ON BEST PRACTICES AMONG THE 50 STATES AND THE DISTRICT OF COLUMBIA THESE VARIED FROM THE USPSTF GUIDELINES WHICH ARE REQUIRED OF ACA-COMPLIANT INSURANCE POLICIES AND HEALTH BENEFIT PLANS AFTER WE DISCUSS THIS WITH THE STAKEHOLDERS INCLUDING THE AMERICAN CANCER SOCIETY INSURANCE COMPANIES AND EVEN A FEW PHYSICIANS IT WAS DETERMINED THAT IN ORDER FOR THESE BILLS TO BE COST NEUTRAL THAT THEY SHOULD BE BASED ON THE LATEST USPSTF SCREENING GUIDELINES AS SUCH WE WORKED OUT WITH THE COMMITTEE CHAIRMAN TO AMEND THE BILL TO BE CLEAR OUR LOCAL HEALTH INSURANCE COMPANIES CURRENTLY COVER CANCER SCREENINGS AT NO COST TO THEIR SUBSCRIBERS THERE WOULD BE NO CAUSE INCREASE TO HELP INSURERS IF THE PROVISIONS OF THEIR NUMBER ONE BECOME EFFECTIVE THE HEALTH INSURANCE INSURERS ARE DOING IT NOW WE WANT THEM TO CONTINUE PROVIDING THIS LIFE-SAVING BENEFIT FOR THESE REASONS MR. SPEAKER I HUMBLY ASK FOR THE BODY'S SUPPORT FOR THIS MEASURE MR. SPEAKER THERE ARE A

COUPLE OF MINOR AMENDMENTS THOUGH THAT WE OVERLOOKED THAT SHOULD BE MADE TO THIS BILL SO IT DOESN'T REALLY NEED TO BE PUT IN WRITING ON PAGE TWO LINE TWO WE CAN DELETE THE ENTIRE LAST SENTENCE THAT BEGINS WITH THE WORDS IF A PHYSICIAN RECOMMENDS THAT A COVERED INDIVIDUAL UNDERGO PROSTATE SCREENING BY SO WE CAN ELIMINATE THAT BECAUSE IT DOESN'T APPLY NOW AFTER THE CORRECTIONS HAVE BEEN MADE.

SPEAKER CRUZ: ANY OBJECTION TO THE AMENDMENTS DELETING STARTING ON LINE TWO ALL THE WAY THROUGH LINE FIVE ANY OBJECTION TO THE MOTION TO DELETE THOSE THAT SENTENCE OKAY

SENATOR MUÑA: OKAY SO IT'S PAGE TWO LINE NUMBER TWO WE CAN DO DELETE THE ENTIRE LAST SENTENCE THAT BEGINS WITH THE WORDS IF A PHYSICIAN RECOMMENDS THAT A COVERED INDIVIDUAL UNDERGO PROSTATE CANCER SCREENING BY RECTAL EXAM THAT PART.

SPEAKER CRUZ: HAVE YOU DETERMINED WHAT EFFECT THAT WOULD HAVE.

SENATOR MUÑA: WELL RIGHT NOW BECAUSE WE'RE NOW FOLLOWING THE GUIDELINES OF USPSTF SO IF THE PHYSICIAN RECOMMENDS IT ACTUALLY WE STILL HAVE TO FOLLOW THE GUIDELINES ANYWAY AND THAT'S PART OF THE AMENDMENT FOR THE BILL.

SPEAKER CRUZ: I JUST REREAD THE POINTS OF AUTHORITIES IN THE BRIEF IN THE CHILD THE CHURCH CASE AND THEY MAKE QUITE A BIT OF COMMENT ABOUT LEGISLATIVE HISTORY OF WHEN WE MAKE THESE AMENDMENTS ON THE FLOOR AND REMOVE SENTENCES WHAT THE EFFECT THAT MIGHT HAVE ON THE LEGISLATIVE HISTORY AND THE THE INTERPRETATION OF THE LAW AFTER AFTERWARDS SO I I WOULD RECOMMEND TO EVERYBODY TO GET A COPY OF THAT AND READ HOW HOW COURTS INTERPRET WHAT WE DO IS A BODY AND HOW WE HAVE TO BE VERY CAREFUL ABOUT HOW WE WE MAKE THESE AMENDMENTS OF PUTTING THINGS INTO BILLS AND THEN TAKING THEM OUT BECAUSE THEN IT MIGHT BE INTERPRETED AS WE DIDN'T WANT TO DO THAT

SENATOR ESPALDON: MR. SPEAKER A POINT OF INFORMATION OR CLARIFICATION WITH THAT ADVICE ARE YOU IMPLYING THAT PERHAPS BEFORE WE MOVE ON THIS MOTION THAT WE SHOULD TAKE A LOOK AT THOSE POINTS THAT WERE IN OTHER WORDS IT SEEMS TO ME THAT YOU'RE GIVING US ADVICE AS A BODY TO TAKE A LOOK AT THE RAMIFICATIONS OF REMOVING SENTENCES WITHIN LEGISLATION AND WITHOUT TAKING A LOOK AT WHAT YOU HAVE SEEN. MR. SPEAKER IT SEEMS THAT THIS PARTICULAR MOTION THEN ARE YOU SUGGESTING THAT WE COME BACK TO IT BECAUSE IF THERE IS A CONCERN THAT THE REMOVAL OF THIS PARTICULAR SENTENCE WOULD AFFECT THE HISTORY OF THE LEGISLATION AND GOING FORWARD THEN WITHOUT KNOWING WHAT YOU READ THEN PERHAPS IT MIGHT BE PRUDENT FOR US AND IT SEEMS TO BE YOUR ADVICE TO TAKE A LOOK AT THOSE POINTS MADE BY THE COURTS.

SPEAKER CRUZ: IT PROBABLY WOULD BE I MEAN IT REALLY IS STATUTORY CONSTRUCTION AND LEGISLATIVE HISTORY IS VERY IMPORTANT AND THE WAY THAT THE BRIEF WAS WRITTEN BY I HAVEN'T SEEN THE RESPONSE TO IT YET BUT THE WAY THAT BRIEF WAS REPORTED I DON'T KNOW HOW WHAT THE RESPONSE WAS AND WHAT THE COURT'S ACTION GOING TO BE AFTER RECEIVING THE RESPONSE, BUT WE HAVE TO BE VERY CAREFUL ABOUT WHAT WE IN WHAT WE PUT INTO THE INITIAL DRAFT OF THE BILL AND WHAT WE TAKE OUT IF IT TAKE OUT OF IT BECAUSE IT'S LEGISLATIVE HISTORY WILL FOREVER BE WHAT THE LEGISLATURE INTENDED TO REMOVE THAT SECTION AND THIS IS A NEW SECTION HAVING THIS PART REMOVED UNLESS UNLESS WE'RE SATISFIED

WITH THE EXPLANATION BY SENATOR MUÑA THAT WE'RE GOING TO BE COMPLYING WITH THE U.S. GUIDELINES ANYWAYS SO IT'S BUT.

SENATOR MUÑA: MR. SPEAKER IF I MAY SO THE TAKING SO IF YOU NOTICE THE WHOLE LINE THERE IF A PHYSICIAN RECOMMENDS THAT A COVERED INDIVIDUAL UNDERGO PROSTATE CANCER SCREENING BY TAKING A PROSTATE ANTIGEN BLOOD TEST COVERAGE MAY NOT BE DENIED BECAUSE OF THE COVERED INDIVIDUAL HAS ALREADY HAD A DIGITAL RECTAL EXAM SO IS THAT'S JUST GOING TO INCLUDE THAT WHOLE LINE RIGHT THERE.

SPEAKER CRUZ: I UNDERSTAND SENATOR MUÑA SECTION TWO HERE ABOUT IT'S A NEW SECTION THAT YOU'RE ADDING SO THIS WAS A WHOLE NEW SECTION THAT YOU ADDED AND I'M NOT SURE WHETHER OR NOT IT WAS YOU THAT CORRECTED IT OR THE COMMITTEE THAT THE CORRECTED IT TO TAKE TO INITIALLY RECOMMENDED THAT LINE IN LINES THREE THAT WE STRIKETHROUGH THAT SECTION AND NOW YOU'RE COMING ON THE FLOOR AND MAKING THE RECOMMENDATION THAT IT IT GO COMPLETELY I MEAN THE WHOLE THING BE ELIMINATED I'M JUST SAYING I'M JUST A LITTLE CONCERNED THAT WITH THIS NEW SECTION THAT YOU'RE STRIKING THE WHOLE THING THIS IS A SMALL THING IT'S NOT GOING TO AFFECT BIG CASES.

SENATOR MUÑA: IF I MAY MR. SPEAKER CAN WE HAVE ONE-MINUTE RECESS.

SPEAKER CRUZ: SURE.

SPEAKER CRUZ: THE LEGISLATURE'S BACK IN SESSION. I'M SORRY FOR THAT INTERVENTION BUT I JUST THOUGHT AT SOME POINT WE'LL PROVIDE MEMBERS OF THE LEGISLATURE A COPY OF THE **CRAIG SMITH AUTHORITIES** AND MAYBE HAVE A ROUNDTABLE WITH OUR LEGISLATIVE COUNSEL ABOUT HOW WE SHOULD BE CAREFUL ABOUT THE WAY THAT WE DO LEGISLATION BECAUSE I THOUGHT THAT THE WAY THAT THE LEGAL COUNSEL IN THE REPRESENTING THE CHURCH DID AN EXCELLENT JOB IN GOING THROUGH AND TRYING TO EXPLAIN HOW THEY BELIEVE THAT CERTAIN THINGS HAPPEN BECAUSE OF WHAT HAPPENED IN THE IN THE LEGISLATIVE PROCESS THAT RECOGNIZING THAT THE LEGISLATURE DOES NOT JUST ACT THAT EVERYTHING HAS CON HAS MEANING AND CONSEQUENCE THAT EVERYTHING THAT WE DO WHEN WE PUT SOMETHING INTO AN INITIAL DRAFT TAKE IT OUT EVERY AMENDMENT WE MAKE TAKE IT OUT WHATEVER IT HAS A CONSEQUENCE AND SO I JUST THOUGHT WE'LL GET A COPY OF THAT AND I'LL SCHEDULE A ROUNDTABLE AND HAVE LEGISLATIVE COUNSEL EXPLAIN THAT TO US AFTER WE'VE READ IT WHY DON'T WE JUST GO AHEAD AND MOVE FORWARD WITH THIS AT THIS POINT. SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I WOULD LIKE TO IF I MAY PUT THIS BILL ASIDE SO THAT WE CAN JUST CORRECT SOME OF THE LANGUAGE BUT WE DO HAVE ARE SOME ADVICE FROM LEGAL COUNSEL TO TO JUST KIND OF WORD IT AND MAKE OUT A SEPARATE AMENDMENT SO I'D LIKE TO REVIEW THAT A LITTLE BIT MORE IS IT POSSIBLE THAT WE CAN JUST PUT THIS BILL ASIDE AND MOVE ON TO THE NEXT ONE AND COME BACK TO THIS.

SPEAKER CRUZ: ALRIGHT FINE. BILL ONE WILL BE SET ASIDE AND WE'LL GO TO BILL TWO BILL YOU ARE RECOGNIZED.

SENATOR MUÑA: THANK YOU MR. SPEAKER UNLIKE BILL NUMBER ONE MR. SPEAKER THIS BILL WAS NOT AMENDED BY THE COMMITTEE THERE'S NO NEED TO MOVE TO ACCEPT IT. MR. SPEAKER I MOVE TO PLACE BILL NUMBER 2-34 (COR) INTO THE THIRD READING FILE AND I WOULD LIKE TO BRIEFLY SPEAK ON THE BILL.

SPEAKER CRUZ: PLEASE.

SENATOR MUÑA: THANK YOU MR. SPEAKER PHONE NUMBER 2-34 (COR) IS A COMPANION TO BILL NUMBER ONE AND SIMILAR TO BILL NUMBER ONE THE MEASURE WOULD PRESERVE CANCER SCREENING COVERAGE AS A HEALTH INSURANCE BENEFIT WITHOUT COST TO THE SUBSCRIBER BEYOND THEIR INSURANCE PREMIUMS THE DIFFERENCE BETWEEN THE TWO BILLS IS IN THIS TYPE OF CANCER IT'S THE TYPES OF CANCER THAT IS ADDRESSED THE REASON FOR A SEPARATE BILL IS THE COST FACTOR ASSOCIATED WITH SCREENINGS BILL NUMBER TWO DEALS WITH COLORECTAL CANCER SCREENING FOR WHICH IS SUBSTANTIALLY MORE COSTLY THAN FOR THE TYPES OF CANCER ADDRESSED IN BILL NUMBER ONE BECAUSE OF THIS I WAS UNSURE OF THE TIME OF THE DRAFTING OF THE BILLS WHETHER OUR HEALTH INSURANCE COMPANIES WOULD BE LESS RECEPTIVE TO CONTINUING SCREENING FOR COLON CANCER LESS THAN EXCUSE ME THEN FOR THE LESS COSTLY SCREEN FOR CERVICAL AND PROSTATE CANCER AND IF SO WHY I WAS UNSURE IF THIS BODY WOULD BE LESS RECEPTIVE AS WELL THE COST OF COLON CARE CANCER SCREENING BY COLONOSCOPY OR SIGMOIDOSCOPY COST BETWEEN \$1,500 AND \$2,500 BEFORE THE ENACTMENT OF THE AFFORDABLE CARE ACT ONLY ONE-IN-TWENTY ADULTS OVER THE AGE OF 50 GOT COLONOSCOPIES THAT NUMBER HAS DOUBLED SINCE THE ACA AS IT TURNS OUT MR. SPEAKER THERE ARE NO OPPOSITION TO THE PROVISIONS OF THIS BILL FROM OUR HEALTH INSURERS IN FACT THAT WAS INFORMED BY THE MANAGEMENT OF ONE OF OUR LARGEST HEALTH INSURANCE THAT IT IS NOW IT NOW PROVIDES SERVICES RELATED TO COLORECTAL CANCER SCREENING EVEN BEYOND THE REQUIREMENTS OF THE AFFORDABLE CARE ACT AND THIS BILL I APPLAUD THIS LIFE-SAVING POLICY CHANGE FOR THE REASONS FOR PASSAGE OF THIS BILL ARE THE SAME FOR THOSE FOR BILL NUMBER ONE THE AFFORDABLE CARE ACT IS IN JEOPARDY ACCORDINGLY SO ARE THE REQUIREMENTS FOR CANCER SCREENING COVERAGE NO CAUSE CANCER SCREENING MUST CONTINUE IN THE EVENT THE AFFORDABLE CARE ACT IS REPEALED LIVES DEPEND ON IT THANK YOU MR. SPEAKER.

NOTE: VICE SPEAKER TERLAJE PRESIDED

VICE SPEAKER TERLAJE: THANK YOU ON THE ON THE BILL ARE THERE ANY OTHER SPEAKERS SPEAKER CRUZ YOU ARE RECOGNIZED.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAM SPEAKER MADAM SPEAKER I RISE IN SUPPORT OF THE BILL I LOST A MATERNAL UNCLE TO COLON CANCER AND THANKFULLY I HAVE AN UNCLE THAT SURVIVED PATERNAL UNCLE THAT SURVIVED A ABOUT WITH WITH COLON CANCER AS SUCH THE MEN IN MY FAMILY HAVE A HISTORY OF COLON CANCER AND AS A CONSEQUENCE I TRY TO BE AS RELIGIOUS IN HAVING MY COLONOSCOPIES DONE TO BE ABLE TO ADDRESS THOSE ISSUES I HAD A COLONOSCOPY A YEAR AGO AND THERE WAS A A POLYP AND WHEN I WAS IN THE STATES JUST MORE RECENT MOST RECENTLY I THOUGHT I SHOULD HAVE ANOTHER ONE AND UNFORTUNATELY THE GUIDELINES IT'S NOT SUPPOSED TO BE WITHIN 3 YEARS BUT I INSISTED AND WAS SHOCKED TO DISCOVER THAT THEY WERE WAS STILL GROWTH. THANKFULLY IT IS BENIGN. IT REALLY IS IMPERATIVE THAT THOSE OF US WITH HISTORY OF COLORECTAL CANCER IN OUR FAMILIES AND THE HISTORY OF IT CAN AND SHOULD GET EXAMS AS OFTEN AS POSSIBLE AND I KNOW THAT THE AMERICAN CANCER SOCIETY IS GOING TO LAUNCH A CAMPAIGN IN THE NEXT COUPLE OF WEEKS TO GET 80% OF US OVER THE AGE OF 50 TO HAVE COLORECTAL I MEAN TO HAVE COLONOSCOPIES AND COLORECTAL EXAMINATIONS SO THAT WE CAN DISCOVER THE POSSIBILITY OR DISCOVER THE CANCER AT THE EARLIEST POSSIBLE TIME SO THAT THEY CAN BE ADDRESSED SO I THINK THAT THIS BILL IS A GOOD STEP FORWARD WITH THE AMERICAN CANCER SOCIETY'S GUIDELINES, BUT JUST WITH WITH A CAUTION THAT IF YOU HAVE A REAL IF YOU HAVE A HISTORY IN YOUR FAMILY YOU REALLY SHOULD INSIST ON HAVING

IT A LITTLE MORE OFTEN THAN THAT AND THANKFULLY THE INSURANCE COMPANY WAS WILLING TO COVER IT BUT THIS IS AN EXCELLENT BILL AND I AGAIN I STAND IN FULL SUPPORT OF IT. THANK YOU VERY MUCH MADAM SPEAKER.

VICE-SPEAKER TERLAJE: THANK YOU. ON BILL TWO ARE THERE ANY OTHER SPEAKER SENATOR SAN NICOLAS YOU ARE RECOGNIZED.

SENATOR SAN NICOLAS: THANK YOU MADAM SPEAKER. JUST A QUESTION FOR THE AUTHOR IF THE AUTHOR WAS REFERENCING HOW BILL TWO IS COMPANION LEGISLATION TO BILL 1, AND I WAS JUST EVALUATING BOTH VERY CLOSELY AND BILL ONE IT EXCLUDES A FRATERNAL BENEFIT SOCIETY BUT IN BILL TWO IT DOES NOT EXCLUDE A FRATERNAL BENEFIT SOCIETY AND SO I WANTED TO I GUESS POSE THE QUESTION TO THE AUTHOR. WHY DID WE CHOOSE NOT TO EXCLUDE A FRATERNAL BENEFIT SOCIETY AND IN BILL TWO AND PROVIDE US WITH SOME RATIONAL BASIS AS TO WHY IT WAS EXCLUDED IN BILL ONE.

VICE-SPEAKER TERLAJE: SENATOR BORJA-MUÑA DO YOU YIELD TO THAT QUESTION.

SENATOR MUÑA: THANK YOU MR. SPEAKER WE WE ACTUALLY HAD SEVERAL MEETINGS WITH THE HEALTHCARE PROVIDERS AND WE ADJUSTED IT ACCORDINGLY I WOULD LIKE TO REVIEW A LITTLE BIT MORE ON THE SECTION THAT MY COLLEAGUE WAS TALKING ABOUT SO I'D LIKE TO REVIEW THAT IF YOU COULD JUST GIVE ME A MOMENT.

VICE-SPEAKER TERLAJE: WE'LL TAKE A ONE-MINUTE RECESS.

SENATOR MUÑA: CAN WE JUST TAKE A ONE-MINUTE RECESS.

VICE-SPEAKER TERLAJE: YES, WE'RE ON A ONE-MINUTE RECESS.

NOTE: SPEAKER CRUZ PRESIDED AND RECONVENED

SPEAKER CRUZ: SENATOR MUÑA YOU ARE RECOGNIZED.

SENATOR MUÑA: THANK YOU MR. SPEAKER ON BEHALF OF THE COMMENT FROM ONE OF MY COLLEAGUES ABOUT THE FRATERNAL BENEFIT SOCIETY AND WHY IT WASN'T INCLUDED IT WAS AN OVERSIGHT AND I'M REALIZING OF COURSE THAT THERE'S A LOT MORE SPECIFICS TO THEN JUST CARRYING OVER REALIZING WHAT A FRATERNAL BENEFIT SOCIETY IS IT'S LIKE A NONPROFIT ORGANIZATION SUCH AS AARP THAT THAT OFFERS BENEFITS TO THEIR MEMBERS ASIDE FROM EMPLOYEES SO IN REGARDS TO THAT I HAVE NO ISSUES IF SOMEONE WANTS TO INTRODUCE AN AMENDMENT TO INCLUDE THAT ALSO IN BILL NO. TWO.

SPEAKER CRUZ: SENATOR SAN NICOLAS DO YOU WISH TO MAKE THE MOTION TO ADD.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER, I GUESS JUST A FOLLOW-UP INQUIRY THEN TO THE AUTHOR SEEING HOW IT WAS DEEMED NECESSARY TO INCLUDE THAT LANGUAGE IN A SEPARATE PIECE OF LEGISLATION WOULD IT BE NECESSARY TO INCLUDE THAT LANGUAGE IN THIS PIECE FOR THE SAME REASONS OR IS THAT LANGUAGE ACTUALLY NOT NECESSARY IN OVERALL.

SPEAKER CRUZ: IT PROBABLY SHOULD SO YOU MAY MAKE THE MOTION

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER SO THAT BEING THE CASE IF IT IS A NECESSARY SECTION I WOULD LIKE TO MAKE A MOTION TO AMEND BILL 2-34 ON LINE 11 AND JUST INCLUDE AT THE BEGINNING OF LINE 11 EXCEPT FOR A FRATERNAL BENEFIT SOCIETY, EXCEPT FOR A FRATERNAL BENEFIT SOCIETY HEALTH BENEFIT PLAN,.

SPEAKER CRUZ: ON THAT AMENDMENT ANY OBJECTIONS ON THAT AMENDMENT ANY OBJECTIONS. ANY OTHER SENATOR WISH TO BE HEARD ON THE MOTION MADAM VICE-SPEAKER DO I UNDERSTAND YOU WISH TO BE HEARD.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER. I RISE IN SUPPORT OF THE THIS BILL. I AM HAPPY THAT THE LEGISLATURE IS SEEKING TO PUT IN FORMALITY ITS SUPPORT FOR EARLY SCREENING AND I COMMEND THE AUTHOR OF THIS BILL TO ENSURE THAT IF THE ACA IS REPEALED IN ANY WAY THAT WE WILL CONTINUE TO GIVE OUR EMPLOYEES AND AND THE PEOPLE OF GUAM TOOLS TO DO THIS EARLY SCREENING AND TAKE TO BE AGGRESSIVE IN THEIR OWN CARE PREVENTIVE CARE. I AM I JUST HAVE ONE QUESTION REGARDING THIS BILL AND THAT'S THE FISCAL IMPACT THE NOTE INDICATES THAT THE TOTAL POTENTIAL IMPACT FOR COLORECTAL SCREENING IT'S ESTIMATED TO BE ONE MILLION DOLLARS (\$1,000,000) AND IT'S CONFUSING BECAUSE THE BILL PROVIDES THAT THIS SCREENING IS ALREADY BEING DONE FOR THE GOVERNMENT EMPLOYEES AND THIS AMOUNT IS ESTIMATED TO ACCOUNT FOR ALL OF GOVERNMENT EMPLOYEES AND SO I JUST WONDERING IF THE COMMITTEE OR THE SPONSOR COULD ANSWER WHERE WHY ARE WE GOING TO HAVE A ONE MILLION DOLLAR (\$1,000,000) IMPACT ON THE PASSAGE OF THIS BILL.

SPEAKER CRUZ: SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER. THAT COMMITTEE REPORT TO WAS QUITE A SURPRISE TO US BECAUSE OF THE CURRENTLY THE INSURANCE COMPANIES DO COVER IT AND THEY WILL CARRY OVER AND COVER IT AS WELL TOO I'M NOT SURE WHERE THE MILLION-DOLLAR IMPACT FISCAL IMPACT CAME FROM BUT I AM NOT SURE IF I SHOULD REQUEST FOR ANOTHER COMMITTEE REPORT FROM BBMR OR I'M NOT SURE EXACTLY BUT THAT THERE WAS NO FISCAL IMPACT IT ACTUALLY SHOULD BE NET ZERO BECAUSE IT'S CURRENTLY COVERED NOW.

SPEAKER CRUZ: VICE SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU SENATOR I GUESS DOES THE COMMITTEE ON APPROPRIATIONS OR COMMITTEE ON HEALTH HAVE ANY ANY INPUT AS TO WHETHER THIS ONE MILLION HAS ACTUALLY DO WE EXPECT THAT WE WOULD HAVE TO INCUR AN ADDITIONAL \$1,000,000 TO NEGOTIATE THIS AS A COVER TO BE COVERED UNDER OUR EMPLOYEES' HEALTH INSURANCE CONTRACT.

SPEAKER CRUZ: DOES THE COMMITTEE WISH TO RESPOND.

SPEAKER CRUZ: MADAM VICE-SPEAKER YOU ARE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER THAT'S MY ONLY CONCERN ABOUT THIS BILL IT'S VERY IT'S NOT CLEAR WHAT THIS WHAT THIS PROJECTED IMPACT BY BBMR IS REALLY GOING TO BE ON THE NEGOTIATIONS AND I'M HOPING AND I'M SUPPORTING THIS BILL IN THE HOPES THAT THIS HAS A NET ZERO FISCAL IMPACT IN THE NEGOTIATIONS FOR OUR EMPLOYEES AND I THANK THE SPONSOR FOR THE BILL AND THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH. ANY OTHER SENATOR WISH TO BE HEARD ON THE MOTION. SENATOR LEE.

SENATOR LEE: THANK YOU MR. SPEAKER I ALSO RISE IN SUPPORT OF OF BILL TWO AND I JUST WANT TO REITERATE SOME OF THE SUPPORT THAT YOU HAD MENTIONED PREVIOUSLY ON THIS BILL AND ALSO JUST REITERATE THAT THIS BILL HELPS TO PROTECT THOSE NOT ONLY OVER THE AGE OF 50 BUT THOSE WHO ARE AT HIGH RISK AND IN THE BILL IT NOTES THAT HIGH RISK MEANS A PERSON WHO IS OF ASIAN, NATIVE HAWAIIAN, PACIFIC ISLANDER DESCENT OR ANY OTHER ETHNICITY WITH THE HIGHER

THAN AVERAGE RISK FOR PROSTATE CANCER OR WHO HAS A FAMILY HISTORY OF PROSTATE CANCER AND YOU HAD MENTIONED THAT A LOT OF TIMES WHEN PEOPLE THINK ABOUT PROSTATE CANCER AND COLORECTAL ISSUES THEY THINK ONLY OF MEN BUT I ALSO I HAVE A PERSONAL EXPERIENCE WITH THIS. I WAS LIVING IN THE WASHINGTON DC AREA WHEN I WAS 27 YEARS OLD I HAD JUST DELIVERED MY FIRST BABY SO IT WAS REALLY EXCITING BUT ALSO ANXIOUS TIME IN MY LIFE ON MY FIRST CHILD WAS JUST A FEW MONTHS OLD AND I JUST STARTED NOT FEELING SO WELL SO I HAD SEVERAL DISCUSSIONS WITH MY DOCTOR AND MY DOCTOR'S HAD RECOMMENDED THAT I HAVE A COLONOSCOPY. 27-YEAR-OLD FEMALE AND THEY'RE RECOMMENDING THAT I HAVE A COLONOSCOPY. SO I DID, AND THE PROCEDURE WELL LEADING UP TO THE PROCEDURE IS REALLY UNCOMFORTABLE SO I HOPE THERE'S SEVERAL MEMBERS OF THIS BODY THAT CAN ATTEST TO THAT BUT THEY DID FIND SOME SMALL AND LARGE POLYPS IT TOOK ABOUT IT MIGHT HAVE BEEN SEVERAL DAYS OR MAYBE EVEN A WEEK OR TWO FOR THEIR FINDINGS TO BE BIOPSIED BUT I CAN TELL YOU DURING THOSE FEW DAYS OR MAYBE A WEEK OR TWO WEEKS I WAS IN AGONY JUST THINKING ABOUT WHAT COULD POTENTIALLY HAPPEN TO ME WHAT COULD POTENTIALLY HAPPEN TO MY YOUNG CHILD AND TO MY HUSBAND MY FAMILY THANKFULLY THE RESULTS CAME BACK AND EVERYTHING'S OKAY. I'M IN GOOD HEALTH AND I'M HAPPY TO REPORT THAT BUT I THINK A LOT OF TIMES WHEN WE THINK ABOUT THESE KINDS OF CANCERS WE REALLY THINK ABOUT THOSE IN OUR COMMUNITY WHO ARE OLDER THOSE IN OUR COMMUNITY WHO ARE MALE AND I THINK EVERY OPPORTUNITY THAT WE HAVE TO EDUCATE OUR COMMUNITY EDUCATE OURSELVES ABOUT ALL OF THE DIFFERENT TYPES OF CANCER AND THAT WE'RE REALLY ALL AT RISK. IT'S VERY VERY IMPORTANT SO I WANT TO COMMEND THE AUTHOR OF THE BILL. I ALSO WANT TO MAKE SURE THAT EVERY OPPORTUNITY THAT WE HAVE TO TAKE A LOOK AT SOME OF THE PROTECTIONS THAT ARE IN THE AFFORDABLE CARE ACT WHERE WE CAN LOCALIZE SOME OF THOSE THINGS AND MAKE SURE THAT OUR FAMILIES ARE PROTECTED AND SUPPORTED WE SHOULD DO THAT. I ALSO WANT TO MAKE MENTION THAT A LOT OF THE MEDICAL RESEARCH THAT HAS BEEN DONE PRIOR TO THE 1970S AND 80S A LOT OF THAT MEDICAL RESEARCH WAS ONLY DONE ON MEN SO FOR THE REST OF US FOR ALL THE FEMALES IN OUR COMMUNITY WE WANT TO MAKE SURE THAT THEY'RE PROTECTED AND THAT THEIR HEALTH IS A LARGE CONSIDERATION FOR US SO AGAIN I WANT TO THANK THE AUTHOR OF THE BILL I WANT TO THANK THE CANCER ADVOCATES, THE HEALTHCARE PROFESSIONALS, THE INSURANCE PROFESSIONALS THAT WORK WITH THE AUTHOR TO THE DRAFT THIS LEGISLATION AND I JUST WANT TO MAKE SURE THAT EVERY OPPORTUNITY THAT WE HAVE TO ENSURE THE HEALTH AND WELLNESS OF OUR FAMILY'S THAT WE TAKE THAT OPPORTUNITY AND I ENCOURAGE MY COLLEAGUES TO SUPPORT THIS BILL. SI YU'OS MA'ASE.

SPEAKER CRUZ: THANK YOU VERY MUCH ANY OTHER SENATOR WISH TO BE HEARD. SENATOR RODRIGUEZ.

SENATOR RODRIGUEZ: Hafa adai good morning Mr. Speaker. Thank you for the opportunity to rise in support of Bill Two aside from what has already been said from our colleagues here Mr. Speaker. It really is very important for us to entertain and pass measures like this. I know one of the comments we commonly receive from some of our stakeholders is that well it's already being provided we don't need to mandate it through law unfortunately we do. You know with the Affordable Care Act and the threat that it's under from it being repealed it really is important for us as local policymakers to ensure that measures like this are incorporated in our local law so that if there's anything that changes in the federal law that are people

ARE STILL PROTECTED AND THAT MEASURES LIKE THIS REALLY NEED TO BE ENTERTAINED AND PASSED REGARDLESS OF THEIR KIND OF MILD RESISTANCE WE SEE FROM OUR PARTNER IN OUR INSURANCE INDUSTRY. SO AGAIN, I RISE IN SUPPORT AND ASK OUR COLLEAGUES TO PLEASE SUPPORT THIS MEASURE THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH MR. CHAIRMAN. ANY OTHER SENATOR WISH TO BE HEARD. IF NOT, SENATOR MUÑA YOU ARE ASKED YOU ARE WELCOME TO CLOSE.

SENATOR MUÑA: THANK YOU MR. SPEAKER. WITH WITH ALL THE AMENDMENTS AND IN ALL THE ADDRESS ALL THE ISSUES THAT WERE ADDRESSED DURING A THE I MOVED THANK YOU MR. SPEAKER I MOVE TO PLACE BILL NO. 2-34 (COR) WITH THE AMENDMENTS BY MY COLLEAGUES AND THE COMMITTEE ON HEALTH TO THE THIRD READING FILE.

SPEAKER CRUZ: ON THAT MOTION TO PLACE THE BILL IN THE VOTING FILE. SO ORDERED. MADAM VICE-SPEAKER CAN YOU TAKE THE CHAIR.

NOTE: VICE-SPEAKER TERLAJE PRESIDED

VICE SPEAKER-TERLAJE: MR. SPEAKER YOU ARE RECOGNIZED.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAM SPEAKER. MADAM SPEAKER I MOVE TO PLACE BILL 10-34 (COR) IN THIRD READING FILE. I'D LIKE TO ASK FOR A BRIEF OPPORTUNITY TO SPEAK.

VICE SPEAKER TERLAJE: PLEASE PROCEED.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAM SPEAKER. MADAM SPEAKER BILL NO. 10-34 IS AN ACT RELATIVE TO PROHIBITING THE WITHDRAWAL OR TRANSFER OF CASH OR FUNDS FROM THE GUAM CANCER TRUST FUND FOR ANY NON-PRESCRIBED PURPOSES AND TO MAKE SUCH ACT A MISDEMEANOR. I WANT IT VERY CLEARLY UNDERSTOOD THAT THE UNIVERSITY OF GUAM AND THE PRESIDENT OF THE UNIVERSITY OF GUAM HAVE BEEN VERY JUDICIOUS IN PROTECTING THE CANCER TRUST FUND WHICH IS WHICH IS UNDER THEM. THE REASON WHY I INTRODUCED THIS BILL WAS BECAUSE OF THE LAST SESSION THIS LEGISLATURE APPROVED TWO BILL'S TO PROTECT TO OTHER FUNDS THEY PROTECTED THE VICTIM'S COMPENSATION FUND AND THEY'VE PROTECTED THE CHILD SUPPORT TRUST FUND WHICH HAD BEEN RAIDED AT ONE POINT IN THE PAST AND I DIDN'T WANT IT ANYONE TO MISCONSTRUE THE FACT THAT WE DID NOT INCLUDE THE CANCER TRUST FUND AS BEING A GREEN LIGHT THAT THEY COULD USE THAT FUND AND SO IN THE OVERABUNDANCE OF CAUTION \ I INTRODUCE THIS BILL AND I ASK MY COLLEAGUES SUPPORT IN PASSAGE. WE JUST HEARD TWO BILLS ON CANCER AND UNFORTUNATELY OUR COMMUNITY HAS BEEN RAVAGED BY THE BY THAT DISEASE WHETHER OR NOT IT'S ALL NATURAL OR WHETHER OR NOT IT'S CAUSED BY VARIOUS OTHER UNNATURAL CAUSES AND TALKS THAT HAVE BEEN BROUGHT TO GUAM. WHATEVER IT IS OUR COMMUNITY HAS BEEN SUFFERING FROM IT. WE HAVE PREVIOUS LEGISLATURE IS VERY CORRECTLY ESTABLISHED A FUND TO A SYSTEM IN THE CARE PROVIDED TO INDIVIDUALS WHO ARE SUFFERING FROM THIS MALADY AND I WANT TO MAKE SURE THAT NO ONE THINKS THAT JUST BECAUSE IT'S NOT PROTECTED LIKE THE CANCER I MEAN LIKE A CHILD SUPPORT FUND OR THE VICTIM'S COMPENSATION FUND IT IS AVAILABLE FOR RAIDING AND SO I AM ASK THAT MY COLLEAGUES JOIN ME TO SUPPORT ME IN THE PASSAGE OF 10-34.

VICE SPEAKER TERLAJE: ON THE MOTION TO PLACE BILL 10 IN THE THIRD READING. SENATOR ESPALDON.

SENATOR ESPLADON: THANK YOU MADAM SPEAKER. MADAM SPEAKER I RAISE I RISE IN FULL SUPPORT OF THIS MEASURE. EVER SINCE MY FIRST TERM IN THE LEGISLATURE I HAVE ALWAYS BEEN VERY CONCERNED ABOUT PROTECTING SPECIAL FUNDS BUT IT

SEEMS TO ME NOW THAT THERE IS A VERY CONSCIENTIOUS EFFORT BY THIS BODY TO REALLY LOOK AT THE VARIOUS FUNCTIONS OF THE SPECIAL FUNDS AND TO REALLY PROTECT IT FROM BEING RAIDED THIS IS A GOOD MOVE ESPECIALLY WHEN IT COMES TO THE CANCER GUAM CANCER TRUST FUND. ARE WE THERE ARE SEVERAL OTHER FUNDS WITHIN GOVGUAM SPECIAL FUNDS WITHIN GOVGUAM THAT I BELIEVE ALSO NEED TO PROTECT BE PROTECTED FROM FURTHER RAIDING. ONE OF THEM AGAIN WE WOULD HAVE TO SERIOUSLY LOOK AT IN THE FUTURE IT WILL PROBABLY BE THE TERRITORIAL HIGHWAY FUNDS BUT ANYWAY THAT'S NOT THE POINT OF DISCUSSION HERE. I RAISE, I RISE IN FULL SUPPORT OF THIS MEASURE AND I HOPE THAT AS THE YEAR PROGRESSES THEY WE WILL TAKE A CLOSER LOOK AT OTHER FUNDS THAT NEED TO BE PROTECTED SO THAT THOSE MONIES THAT ARE SET ASIDE FOR SPECIAL PURPOSES ARE USED EXACTLY FOR THIS PURPOSE THAT THE FUND WAS SET UP FOR BUT I RISE IN FULL SUPPORT I ASK MY COLLEAGUES TO SUPPORT THIS AS WELL. THANK YOU MADAM SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU SENATOR ESPALDON. SENATOR AGUON ON THE MOTION TO PLACE BILL 10 ON THE THIRD READING. ARE THERE ANY OTHERS WISHING TO SPEAK. SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER. I RISE IN FULL SUPPORT OF BILL NUMBER 10 AS WELL TOO BECAUSE THE LIKE AS MY TWO BILLS PREVIOUS TO THIS IT FULLY SUPPORTS IT AND AND I FULLY SUPPORT THE BENEFICIARIES OF THE GUAM CANCER TRUST FUND AS WELL TO THE AMERICAN CANCER SOCIETY AND GUAM CANCER CARE WHICH HELP OUR PEOPLE DIRECTLY SO PROTECTING THIS THIS CANCER TRUST FUND WILL ALSO HELP PROTECT OUR PEOPLE SO I ASK MY, OUR COLLEAGUES AS WELL TO SUPPORT THIS. THANK YOU.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH. ON THE MOTION TO PLACE BILL 10 ON THE THIRD READING FILE ARE THERE ANY OTHER SPEAKERS. SENATOR AGUON YOU ARE RECOGNIZED.

SENATOR AGUON: THANK YOU VERY MUCH MADAM SPEAKER. MADAM SPEAKER I CERTAINLY WOULD LIKE TO STAND ALSO IN SUPPORT OF THE GOOD SPEAKER'S PROPOSED LEGISLATION I KNOW THAT AS THE SPONSOR OF THE TWO PIECES OF LEGISLATION THAT HE HAD HIGHLIGHTED IN THE 33RD GUAM LEGISLATURE WE HAVE TO COME FULL CIRCLE TO TRY TO ENSURE THAT THE CHILD SUPPORT FUND AS WELL AS THE VICTIM COMPENSATION FUND WAS NOT DIVERTED ANYWHERE ELSE OTHER THAN ITS INTENDED PURPOSES AND JUST FOR THE INFORMATION OF OUR MEMBERS OR IN THE COMMUNITY WHO ARE WATCHING THIS I THINK IT'S VERY IMPORTANT TO NOT ONLY UNDERSTAND THAT THIS PIECE OF LEGISLATION WOULD RESTRICT THE USE OF THIS FUND OTHER THAN WHAT IS HIGHLIGHTED IN LAW BUT I WANT TO JUST REPEAT EXACTLY WHAT THIS FUND DOES. MADAM SPEAKER THE CREATION OF THE GUAM CANCER TRUST FUND THERE IS HEREBY CREATED A GUAM CANCER TRUST FUND WHICH SHALL BE USED TO PROVIDE FINANCIAL ASSISTANCE TO ORGANIZATIONS THAT PROVIDE PATIENT DIRECTED SERVICES FOR THE PREVENTION OF CANCERS ITS TREATMENT, DIAGNOSIS, AND OTHER SERVICES THAT MAY BE REQUIRED TO ACCESS TREATMENT INCLUDING BUT NOT LIMITED TO OFF-ISLAND TRANSPORTATION AND TEMPORARY HOUSING THAT IS THE PREMISE BEHIND THE ESTABLISHMENT MR. SPEAKER THERE'S BEEN A SWITCH IT IN THE SEATS SO I DON'T PEOPLE TO MISUNDERSTAND. BUT MR. SPEAKER THAT IS REALLY THE FOCUS AND THE OBJECTIVE OF THE GUAM CANCER TRUST FUND THAT WAS INITIALLY CREATED. SO, I STAND IN SUPPORT OF THE LEGISLATION. THANK YOU VERY MUCH.

NOTE: SPEAKER CRUZ PRESIDED

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR AGUON. I BELIEVE THE VICE-SPEAKER HAS AN AMENDMENT.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER I'D LIKE TO RISE IN SUPPORT OF THIS BILL. I THINK OF COURSE THAT IT'S IMPORTANT TO PROTECT THESE TRUST FUNDS THAT THE LEGISLATURE HAS TAKEN GREAT LENGTHS TO DEDICATE THESE FUNDS AND PUT THEM TO VERY GOOD PURPOSE AND IN THEIR CANCER PREVENTION AND TREATMENT SERVICES AND I THANK YOU FOR THIS BILL TO PROTECT THIS FUND. I HAVE PASSED OUT TWO AMENDMENTS. ONE IS TO THE TITLE TO ADD THE WORD AUTHORIZATION AND THE WORD IS NOT UNDERLINED IN THE FLOOR AMENDMENT THAT I PASSED OUT BUT IT SHOULD BE THE WORD I ADDED THE WORDS AUTHORIZATION OF ANY BEFORE THE WORD WITHDRAWAL IN THE TITLE AND THIS IS TO CLARIFY THAT BECAUSE WE MAKING IT A CRIME A MISDEMEANOR FOR THE WITHDRAWAL OF THESE FUNDS FOR A PURPOSE THAT'S NOT AUTHORIZED THAT WE WILL HOLD THE PERSON WHO AUTHORIZED THE WITHDRAWAL ACCOUNTABLE INSTEAD OF THE PERSON WHO MAKES THE WITHDRAWAL WHO IS NORMALLY A DIFFERENT PERSON. SO THIS IS TO ADD THE WORDS AGAIN AUTHORIZATION OF ANY TO THE TITLE THAT'S THE FIRST AMENDMENT MR. SPEAKER.

SPEAKER CRUZ: ON THAT AMENDMENT ANY SENATOR WISH TO BE HEARD. I THINK YOU NEED TO MAKE SOME PEOPLE MAY NOT HAVE UNDERSTOOD THAT IN THE BACK YOU WANT TO MAKE THAT RESTATE THAT

VICE SPEAKER TERLAJE: SURE, OKAY WELL WHY DON'T I START WITH THE OTHER AMENDMENT MR. SPEAKER ON THE BEGINNING ON LINE 24 ON PAGE TWO OF THE BILL I'VE PASSED OUT A WRITTEN FLOOR AMENDMENT THE DOUBLE UNDERLINE ARE THE WORDS I WISH TO ADD RIGHT NOW. SO I MOVE TO ADD THE WORDS AUTHORIZATION FOR THE IN THE SENTENCE SO THAT IT WILL NOW READ NO AUTHORIZATION FOR THE WITHDRAWAL OF OR TRANSFER OF FUNDS SHALL BE MADE AND THEN I AM ALSO ADDING IN THE WORDS GUAM CANCER TRUST FUND ACCOUNT AND FOR PURPOSES OTHER THAN THOSE ENUMERATED AND THE DOUBLE UNDERLINE AGAIN I'M ADDING IN THE WORDS NOT IN ACCORDANCE WITH THE RULES AND REGULATIONS GOVERNING THE GUAM CANCER TRUST FUND. THE ORIGINAL CITATION IS REDUNDANT AND THE RULES AND REGULATIONS FURTHER SPECIFIED HOW WITHDRAWALS SHOULD BE MADE FROM THIS FUND SO I'M MOVING TO ADD THESE WORDS INTO LINE 24 ON PAGE TWO OF THE BILL MR. SPEAKER AT THE RECOMMENDATION OF LEGISLATIVE COUNSEL.

SENATOR ESPALDON: POINT OF INFORMATION MR. SPEAKER POINT OF INFORMATION I BELIEVE THAT THE LINE IS THAT THE MOVER OF THE AMENDMENT IS NOT LINE 24 BUT LINE 18

VICE SPEAKER TERLAJE: THAT'S CORRECT MR. SPEAKER, I APOLOGIZE IT'S LINE 18.

SPEAKER CRUZ: OKAY THANK YOU VERY MUCH SENATOR ESPALDON. EVERYBODY'S RECEIVED A COPY OF THE AMENDMENT. SENATOR SAN AGUSTIN DID YOU HAVE A QUESTION OR COMMENT.

SENATOR SAN AGUSTIN: YEAH I JUST HAVE A VERY SHORT COMMENT. WE'RE TALKING ABOUT THE BILL FOR CANCER AND EVERY NOW AND THEN WE TALK ABOUT MONEY BEING MOVED AND THEN YOU LIST IT AS GUILTY OF A MISDEMEANOR THAT'S ALMOST LIKE A SLAP ON THE HAND I JUST I JUST ASKED THAT MAYBE THEY NEED TO INCREASE MAYBE CHANGE IT UP TO A FELONY AND THEN ADD SOME MONETARY FINES ON IT. I JUST THOUGHT I'D BRING THAT UP.

SENATOR ESPALDON: POINT OF ORDER MR. SPEAKER. I APPRECIATE THE CONCERNS THAT THE GOOD SENATOR BRINGS BUT WE'RE ON THE MOTION TO AMEND. THANK YOU.

SPEAKER CRUZ: CORRECT. THANK YOU VERY MUCH. ON THE ON THE MOTION. PLEASE.

SENATOR ESTEVES: ACTUALLY MORE OF A POINT OF INFORMATION WITH THE ADDITION OF THIS LINE AUTHORIZATION OF ANY WITHDRAWAL JUST FOR CLARIFICATION PURPOSES THIS MAKES AND APPLIES THE OFFENSE TO THE PERSON AUTHORIZING IT AS OPPOSED TO THAT INDIVIDUAL ACTUALLY WITHDRAWING. NOW CONSIDERING THAT THIS IS IN THE TITLE WOULD I WOULD PROFFER THAT POTENTIALLY THIS MIGHT MAKE IT MATERIALLY DIFFERENT BECAUSE IT CHANGES THE SCOPE OF EITHER THE INDIVIDUAL OR INDIVIDUALS THAT IT WAS ORIGINALLY INTENDED FOR I THINK IT REALLY HONES IN AND CONSIDERING THAT IT'S IN THE TITLE I'D LIKE THAT WE REVIEW IT A LITTLE BIT FURTHER, BUT I DO SUPPORT BOTH THE BILL AND THE AMENDMENT. I WOULD JUST LIKE FURTHER CLARIFICATION BUT I THINK THAT THAT'S A BIG CHANGE.

SENATOR ESPALDON: MAY I HAVE ONE-MINUTE MR. SPEAKER RECESS.

SPEAKER CRUZ: RECESS FOR A FEW MINUTES.

SPEAKER CRUZ: OKAY, MADAM VICE SPEAKER WHY DON'T YOU GO AHEAD AND CONTINUE WITH YOUR AMENDMENT.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER SO THAT IS MY AMENDMENT ON LINE 18 IT'S IS TO SPECIFY THAT'S THAT'S THE AUTHORIZATION FOR WITHDRAWAL THAT WE MEANT IN THIS BILL AND THE OTHERS ARE JUST PRETTY MUCH TECHNICAL AMENDMENTS TO SPECIFY THE NAME OF THE FUND AND SPECIFY THE NAME OF THE RULES GOVERNING, BUT IT'S IT IS TO MAKE IT VERY CLEAR THAT WE ARE GOING TO HOLD GUILTY OF A MISDEMEANOR THE PERSON AUTHORIZING THE WITHDRAWAL. AND I BELIEVE THIS IS CONSISTENT WITH THE INTENT OF THE BILL MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH. ON THE MOTION. ANY OBJECTION TO THE MOTIONS ON THE ONE WHICH SAYS BEGINNING ON LINE 18 OR 24. ANY OBJECTIONS TO THE AMENDMENT THAT ARE ON THAT PAGE THERE BEING NONE. MADAM VICE-SPEAKER YOU HAVE A SEPARATE AMENDMENT FOR THE TITLE.

VICE SPEAKER TERLAJE: NO, MR. SPEAKER THAT'S MY ONLY AMENDMENT. THANK YOU.

SPEAKER CRUZ: YOU'RE NOT GOING TO MAKE SECOND AMENDMENT WITH THE TITLE. OKAY. SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER JUST IN READING CLOSELY TO THE LEGISLATION THERE'S I THINK A FLOW CONCERNED WITH RESPECT THE HOW THE WORDING IS WRITTEN TOGETHER IF WE COULD LOOK AT PAGE TWO STARTING ON LINE 16 ITEM FOUR IT SAYS THE AGGREGATE PRINCIPAL SUM DEPOSITED IN THE CANCER TRUST FUND SHALL BE INVESTED BY THE UNIVERSITY OF GUAM SUBJECT TO ITS INVESTMENT POLICY AS ESTABLISHED BY THE BOARD OF REGENTS. THE NEW LANGUAGE WE ADD HERE ADD NO WITHDRAWAL OR TRANSFER OF CASH OR FUNDS SHALL BE MADE FROM THE ACCOUNT CREATED PURSUANT TO SECTION 26603E1 FOR PURPOSES OTHERS THAN THOSE ENUMERATED IN 26603E2 AND E2A. NOW WHERE WE HAVE A PROBLEM MR. SPEAKER IS IN 26603E1 THAT'S WHERE WE CREATE THE GUAM CANCER TRUST FUND WHICH SHALL BE HELD IN AN ACCOUNT AT A GUAM FINANCIAL INSTITUTION SEPARATE AND APART FROM ALL OTHER ACCOUNTS AND FUNDS OF THE GOVERNMENT OF GUAM. SECTION FOUR LINE 16, PRIOR TO THE NEW LANGUAGE ADDED ON LINE 18 FURTHER AUTHORIZES THE UNIVERSITY OF GUAM TO INVEST THAT MONEY AS ESTABLISHED BY THE BOARD OF REGENTS. NOW IF THE INVESTED MR. SPEAKER IT MIGHT CAUSE THEM TO TRANSFER THE MONEY FROM THAT ACCOUNT ON PAGE ONE

LINE 10 ITEM ONE TRANSFER IT FROM THAT GUAM FINANCIAL INSTITUTION TO AN INVESTMENT FIRMS CUSTODY SO THE GUAM FINANCIAL INSTITUTION MAYBE FOR EXAMPLE THE BANK OF GUAM BUT THEY MAY BE USING AN INVESTMENT SERVICE PROVIDER THAT HOLDS THE ASSETS IN TRUSTS AND INVESTS IT YOU KNOW IN THE U.S. MARKETS IF WE DON'T BIFURCATE THE AMENDMENT WE MAY BE PREVENTING THE INVESTMENT OF THOSE MONIES AND SO I WOULD LIKE TO ADVISE THAT ON PAGE TWO LINE 18 WE CREATE A NEW SECTION FIVE WITH THAT RECOMMENDATION AMENDED LANGUAGE AND THEN WE ADD ON LINE 21 AFTER 26603E2A WE ADD TO 6603E4 AND SO BY DOING THAT WHAT WE WILL EFFECTIVELY ALLOW IS THAT THE MONEY MAY BE TRANSFERRED FROM THE ACCOUNT ON PAGE ONE LINE AND PAGE ONE LINE 10 TO WHATEVER INVESTMENT WE ALREADY AUTHORIZED ON PAGE TWO LINE 16 ITEM FOUR SO WITHOUT YOUR OBJECTION AS THE AUTHOR MR. SPEAKER I WOULD LIKE TO FIRST PROFFER THAT WE BREAK THE NEW LANGUAGE BEING PROFFERED BY LINE 18 TO 22 TO A NEW SECTION FIVE THAT WOULD BE MY FIRST AMENDMENT.

SPEAKER CRUZ: NO, THAT'S FINE. DO YOU HAVE THAT IN WRITING.

SENATOR SAN NICOLAS: RIGHT NOW IT'S JUST BASICALLY MAKING LINE 18 TO 22 A NEW SECTION FIVE AND THEN HAVING LEGAL COUNSEL SO ADJUST THE SUBSEQUENT SECTIONS TO BE PROPERLY RENUMBERED.

SPEAKER CRUZ: DOES EVERYBODY UNDERSTAND THAT AMENDMENT. EVERYBODY UNDERSTAND THE AMENDMENT. ANY OBJECTION TO THE AMENDMENT. DOES LEGAL COUNSEL UNDERSTAND. OKAY.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER. JUST SUBSEQUENT TO THAT A NEWLY CREATED SECTION FIVE.

SPEAKER CRUZ: OKAY.

SENATOR SAN NICOLAS: AFTER THE PART I WOULD THAT WOULD SAY 26603E2A OH I'M SORRY OKAY.

SPEAKER CRUZ: SHE CROSSED IT OUT.

SENATOR SAN NICOLAS: SO NOW THAT THAT'S BEEN CROSSED OUT INSTEAD AFTER THE SECTION 26603E2 PUT A COMMA, AND ADD 26603E4.

SPEAKER CRUZ: COUNSEL, DO YOU HAVE THAT AMENDMENT.

SENATOR SAN NICOLAS: AFTER 26603E2 WE ADD 26603E4.

SPEAKER CRUZ: SENATOR ESPALDON.

SENATOR ESPALDON: JUST POINT OF INFORMATION MR. SPEAKER I DON'T HAVE MY COMPUTER IN FRONT OF ME RIGHT NOW SO TO SPEAK ON IF THERE IS THE MOVER OF THE AMENDMENT WOULD JUST EXPLAIN WHERE THE 266034 IS IT WOULD DEFINITELY HELP THOSE WHO ARE NOT AWARE OF THAT PARTICULAR SUBSECTION.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER SO THE 26603E4 IS ON PAGE TWO LINE 16 NUMBER FOUR AND THAT BASICALLY READS THAT THE AGGREGATE PRINCIPAL SUM DEPOSITED IN THE GUAM CANCER TRUST FUND SHALL BE INVESTED BY THE UNIVERSITY OF GUAM SUBJECT TO ITS INVESTMENT POLICY AS ESTABLISHED BY THE BOARD OF REGENTS. NOW, THAT INVESTMENT POLICY MAY REQUIRE THEM TO WITHDRAW FUNDS AND TRANSFER IT INTO A DIFFERENT INVESTMENT ACCOUNT THAT THE UNIVERSITY HAS ESTABLISHED FOR THOSE MONIES SO IT WOULD NEED TO BE ONE OF THE FEW EXCEPTIONS THAT HAS BEEN LISTED ON THE AMENDMENT THE ONLY EXCEPTION THAT ARE LISTED IT READS THAT NO AUTHORIZATION FOR THE

WITHDRAWAL OR TRANSFER OF CASH OR FUNDS SHALL BE MADE FROM THE GUAM CANCER TRUST FUND ACCOUNT PURSUANT TO 26603E1 WHICH IS BACK ON PAGE ONE LINE 10 FOR THE PURPOSES OTHER THAN THOSE ENUMERATED IN 26603E2 WHICH IS ON PAGE ONE LINE 15 AND THIS WOULD ADD 26603E4 WHICH IS TO FOR THE PURPOSE OF INVESTING THE MONEY PURSUANT TO THEIR INVESTMENT POLICY SO THIS ONE AMENDMENT ADDING THIS 26603E4 WOULD ENSURE THE UNIVERSITY IS STILL ABLE TO INVEST THE MONEY AS THEY HAVE BEEN ORIGINALLY AUTHORIZE TO DO SO.

SPEAKER CRUZ: SO FOR THE BENEFIT OF EVERYBODY THE VICE-SPEAKER'S AMENDMENT BECOMES A NEW FIVE.

SENATOR SAN NICOLAS: CORRECT.

SPEAKER CRUZ: OKAY AND FOUR IS WHAT IS ORIGINALLY IN THIS WAS ORIGINALLY IN THIS IN THE BILL I MEAN WHAT'S IN THE BILL WITHOUT THE LINES AFTERWARDS FOUR UNDERLINED LINES AND SO THE NEW FIVE IS AMENDED TO INCLUDE FOUR.

SENATOR ESPALDON: MR. SPEAKER POINT OF INQUIRY AGAIN AND NOT THAT I HAVE AN OBJECTION TO THAT BECAUSE AS THE MOVER OF THE AMENDMENT EXPLAINED IT REALLY ALLOWS THE INVESTMENT TO BE MADE ACCORDING TO LAW I'M JUST NOT CERTAIN AND CLEAR OF THE SENTENCE STRUCTURE ITSELF BECAUSE THE WAY IT WAS READ IT SEEMED THAT IN ITSELF WAS COULD BE PROBLEMATIC SO IF THE MOVER COULD JUST READ THE ENTIRE SECTION FIVE NOW WITH THAT AMENDMENT INCLUDED AT LEAST WE WILL UNDERSTAND THE FLOW OF THOSE.

SPEAKER CRUZ: YEA, WHY DON'T YOU READ THE FOUR AS IT REMAINS WITHOUT THE AMENDMENT AND WHAT FIVE IS GOING TO READ.

SENATOR SAN NICOLAS: YES MR. SPEAKER.

SPEAKER CRUZ: THANK YOU.

SENATOR SAN NICOLAS: SO FOUR WILL READ STARTING ON LINE 16 NUMBER FOUR THE AGGREGATE PRINCIPAL SUM DEPOSITED IN THE GUAM CANCER TRUST FUND SHALL BE INVESTED BY THE UNIVERSITY OF GUAM SUBJECT TO ITS INVESTMENT POLICY AS ESTABLISHED BY THE BOARD OF REGENTS. THAT IS THE END OF FOUR. NUMBER FIVE SHALL READ AND THIS IS INCLUSIVE OF THE MOST RECENTLY ADOPTED AMENDED LANGUAGE BY THE VICE SPEAKER. NUMBER FIVE READS INCLUSIVE OF THE PROPOSED AMENDMENT OR EXCLUSIVE.

SPEAKER CRUZ: WHAT WHATEVER IT'S SUPPOSED TO READ.

SENATOR SAN NICOLAS: INCLUSIVE OF THE AMENDMENT THAT I'M PROFFERING NUMBER FIVE SHOULD READ NO AUTHORIZATION FOR THE WITHDRAWAL OR TRANSMIT CASH OR FUNDS SHALL BE MADE IN THE GUAM CANCER TRUST FUND ACCOUNT CREATED PURSUANT TO SECTION 26603E1 FOR THE PURPOSES OTHER THAN THOSE ENUMERATED IN 26603E2 THE AMENDMENT IS 26603E4 AND NOT IN ACCORDANCE WITH THE RULES AND REGULATIONS GOVERNING THE GUAM CANCER TRUST FUND. ANY PERSON IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

SENATOR ESPALDON: JUST A QUESTION THEN MR. SPEAKER WAS THERE THE WORD AND BETWEEN SECTION 226603E2 OR IS THAT JUST A COMMA.

SENATOR SAN NICOLAS: YIELD TO LEGAL COUNSEL, IT COULD BE A COMMA.

SPEAKER CRUZ: PROBABLY AN AND.

SENATOR SAN NICOLAS: AS ADVISED BY LEGAL COUNSEL. IT'S A COMMA.

SPEAKER CRUZ: GRAMMATICALLY IT WOULD PROBABLY READ EASIER WITH A COMMA, 26603E4 2, 26603E4 AND NOT IN ACCORDANCE WITH THE RULES AND REGULATIONS GOVERNING THE CANCER TRUST FUND. OKAY.

SENATOR ESPALDON: OKAY THANK YOU MR. SPEAKER.

SENATOR SAN NICOLAS: ON THE AMENDMENT.

SPEAKER CRUZ: THANK YOU ANYONE ELSE WISH TO BE HEARD ON THE MAIN MOTION. OH WAIT WE HAVEN'T FINISHED WITH ON THE SAN NICOLAS AMENDMENTS. ANYBODY WISH TO BE HEARD. ANYBODY ELSE. ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION. IS THERE STILL A ISSUE OF THE THEY'RE BEING A QUESTION RAISED ABOUT THE THERE BEING SUBSTANTIAL MATERIALLY DIFFERENT FROM THE BILL THE BILL ORIGINALLY HEARD OF THE CHAIR WILL RULE THAT THIS BILL WILL BE SENT BACK TO BE REHEARD WITH THAT NEW PROVISION OF WITHDRAWAL RATHER THAN JUST AUTHORIZATION.

VICE SPEAKER TERLAJE: MR. SPEAKER I MOVE TO OVERRULE I MEAN TO OVERRULE THAT RULING I GUESS. I DON'T BELIEVE IT'S MATERIALLY DIFFERENT. I THINK IT'S IT'S BETTER BILL VERY CONSISTENT WITH THE ORIGINAL INTENT OF THE BILL TO PROTECT THE FUND IT DOES THAT. IT KEEPS IT CONSISTENT WITH ALL EXISTING LAWS IT DOESN'T ADD ANY NEW REQUIREMENTS AND SO I JUST...

SPEAKER CRUZ: I UNDERSTAND THAT MADAM VICE SPEAKER, BUT IT WAS MY BILL IT WAS YOUR AMENDMENT THAT I REALLY DON'T WANT EVERYBODY TO THINK THAT JUST BECAUSE IT WAS MY BILL AND YOUR AMENDMENT AND I'M GOING TO PROTECT IT. I THINK IT'S BEST THAT WE SHOW THAT WITH THE NEW STANDING RULES THAT WE WILL SEND THIS BACK. I WILL SEND IT BACK. LET'S BREAK FOR LUNCH. BE BACK AT TWO O'CLOCK.

SPEAKER CRUZ: THE LEGISLATORS BACK IN SESSION I UNDERSTAND MADAME VICE SPEAKER YOU HAVE A POINT OF ORDER.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER YES I RISE TO A POINT OF ORDER BEFORE THE RECESS I HAD MADE A MOTION TO APPEAL THE DECISION OF THE PRESIDING OFFICER AND ACCORDING TO RULE SECTION 2.01 B SUBJECT TO APPEAL TO ON EVERY APPEAL THE PRESIDING OFFICER SHALL ASSIGN HIS OR HER REASON FOR THE DECISION AND PUT THE QUESTION AS SHALL THE DECISION OF THE PRESIDING OFFICER BE OVERRULED AND WE DID NOT TAKE A VOTE ON MY MOTION TO APPEAL MR SPEAKER AND I ALSO RISE TO SORRY IT'S A.

SPEAKER CRUZ: I APOLOGIZE MADAM VICE SPEAKER THERE IS YOU HAVE A RIGHT TO A VOTE AND IF THE VOTE IS IT CAN BE CHALLENGED WE WILL TAKE A VOTE.

VICE SPEAKER TERLAJE: YES I ALSO RISE TO ON SUBSECTION K WHERE IT AUTHORIZES THE PRESIDING OFFICERTO SUA SPONTE SEND A BILL BACK FOR A SECOND PUBLIC HEARING BUT I WOULD APPEAL TO THE MEMBERS THAT THIS IS INTENDED TO PROTECT THE PUBLIC AND IT IS A VERY IMPORTANT POWER OF THE SPEAKER WHEN I BELIEVE WE ARE BROADENING THE SCOPE OF A BILL BEYOND WHAT THE PUBLIC HAD THE ABILITY TO GIVE INPUT ON BUT IN THIS CASE WE HAVE JUST NARROWED THE SCOPE AND IT WAS A VERY FORESEEABLE SCOPE OF THE BILL THAT THE PUBLIC HAD THE OPPORTUNITY TO TESTIFY ON AND I JUST THINK WE HAVE TO BE VERY CAREFUL ABOUT USING THIS RULE TO BECAUSE EVERY WORD AND EVERY BILL IS MATERIAL AND WE KNOW THAT YOU KNOW OUR LAW PRACTICE TELLS US THAT SO FORSEEABLY EVERY AMENDMENT ON THIS FLOOR COULD BE A MATERIAL DIFFERENCE IN THE BILL BUT I THINK WE NEED TO BE SURE THAT WE HAVE THE ABILITY TO AMEND BILLS IN HERE AND NOT BE WORRIED

THAT THEY WILL ALL BE SENT BACK TO COMMITTEE AND THAT'S BECAUSE AMENDMENTS WE HAVE SEEN FROM EXPERIENCE THEY MAKE THE BILLS BETTER THEY NARROW THE FOCUS THEY PINPOINT IT EXACTLY TO WHERE THE ORIGINAL INTENTION WAS AND I THINK ESPECIALLY WHEN WE'RE MAKING TECHNICAL CHANGES TO A BILL CORRECTING CITATIONS ALL OF THOSE ARE THEY COULD BE DEEMED MATERIAL BUT IN THIS CASE I BELIEVE WE'VE GOT LEGISLATIVE COUNSEL THAT GIVES ONE OPINION IT'S IT'S NOT MATERIAL BUT I'M SAYING WE CAN ALWAYS MAKE AN ARGUMENT THAT IT IS MATERIAL SO WE KNOW THAT THIS IS THE POWER AVAILABLE TO US IT'S VERY BIG POWER AND I THINK THAT WE SHOULD JUST USE IT VERY CAUTIOUSLY USE IT WISELY USE IT WHEN WE ARE EXPANDING BEYOND WHAT THE PUBLIC KNEW ABOUT IN THESE BILLS BUT I THINK IN THIS CASE MR SPEAKER THERE'S NO HARM TO THE PUBLIC THE PUBLIC KNEW THERE WAS A BROAD SCOPE OF PEOPLE THAT COULD HAVE BEEN LIABLE AND WE ACTUALLY NARROWED IT SO THAT WE PINPOINT EXACTLY WHO WOULD BE LIABLE SO I BEG THE INDULGENCE OF THE BODY THANK THANK YOU MR SPEAKER.

SENATOR AGUON: THANK YOU VERY MUCH MR SPEAKER JUST ON THE MOTION FOR RECONSIDERATION I WANT TO MENTION ONE THING THAT I HAD SHARED WITH THE MOVER OF THE MOTION MR. SPEAKER A LITTLE EARLIER THERE IS A PROVISION IN THE STANDING RULES THAT AUTHORIZES THE CHAIR FACILITATING ANY PIECE OF LEGISLATION TO USE HIS OR HER DISCRETION IF IN FACT HE OR SHE DEEMS THAT THE PROPOSED AMENDMENT IS SIGNIFICANT IN NATURE THAT IT HAS TO REVERT REVERTED BACK TO THE COMMITTEE FOR FOR THE PUBLIC HEARINGS IT'S IN THE STANDING RULES MR. SPEAKER AND IN THIS PARTICULAR CASE YOU ARE MAKING A DISCRETIONARY DECISION AND YOU FEEL THAT IN FACT THE AMENDMENTS SHOULD MERIT AN ADDITIONAL PUBLIC HEARING IF THE REQUEST IS THAT PARTICULAR PROVISION IN THE STANDING RULES BE UTILIZE VERY JUDICIOUSLY THEN WE NEED TO GO TO THE SOURCE AND WHERE IS THE SOURCE IT'S IN THE STANDING RULES THEY CAN LOOK AT THE STANDING RULES THEY CAN LOOK AT THAT PROVISION AND EXPAND ON IT SO THAT WE CAN BE MORE DEFINITIVE IN TERMS OF WHAT THE ALLOWANCES WOULD BE AND THE PROHIBITIONS WOULD BE I'M STANDING AND MAKING THIS COMMENT MR. SPEAKER BECAUSE YOU HAVE MADE A DECISION CONSISTENT WITH OUR STANDING RULES THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH AND I MADE THAT DECISION BECAUSE THERE WAS A QUESTION RAISED EARLIER AND I DIDN'T WANT IT TO SEEM THAT JUST BECAUSE IT WAS MY BILL THAT I WAS GOING TO PROTECT IT BUT THE VICE SPEAKER HAS MADE A MOTION TO CHALLENGE MY RULE AND THERE IS A AND SHE DOES DESERVE A VOTE ON IT IF SHE CHALLENGES IT AND SO THERE IS A CHALLENGE TO THE RULING OF THE PRESIDING OFFICER ANYBODY ELSE WISH TO BE HEARD BEFORE I CALL THE MOTION ALL THOSE IN FAVOR OF OVERRULING THE OF RULING OF THE PRESIDING OFFICER PLEASE INDICATE BY RAISING YOUR HAND.

NOTE: ON THE MOTION TO OVERRULE THE CHAIR SENATOR ADA SENATOR CASTRO SPEAKER CRUZ SENATOR ESTEVES SENATOR LEE SENATOR MORRISON SENATOR MUÑA SENATOR RODRIGUEZ SENATOR SAN AGUSTIN VICE SPEAKER TERLAJE SENATOR TORRES.

SPEAKER CRUZ: THANK YOU THANK YOU MADAM VICE SPEAKER WITH WITH THAT RULING I JUST ASK THAT THE BILL BE SENT TO THE VOTING FILE ANY OBJECTION THANK YOU. THE NEXT BILL TO BE HEARD TO BE HEARD IS WILL GO BACK TO IS ONE I UNDERSTAND THAT TO SENATOR MUNA YOU'RE READY.

SENATOR MUÑA: THANK YOU MR. SPEAKER I WOULD LIKE TO WITHDRAW MY PREVIOUS AMENDMENT AND OFFER AN AMENDMENT THAT WAS OFFERED BY OUR LEGAL COUNSEL

AND IF I COULD REQUEST THAT ALL MY COLLEAGUES TAKE A LOOK AT THE COPY OF THE AMENDMENT SO A LINE SEVEN PAGE TWO OF THE BILL "PROSTATE CANCER SCREENING INCLUDES AN ANNUAL PROSTATE CANCER SCREENING TEST COMMA BY DIGITAL RECTAL EXAMINATION COMMA FOR A PERSON WHO IS AND IT CONTINUES ON THERE AND THE SECOND AMENDMENT THEIR LINES 16 TO 17 ON PAGE TWO OF THE BILL TO REMOVE THE "BI DIGITAL RECTAL EXAMINATION."

SPEAKER CRUZ: WHY DO WE TAKE EACH OF THEM SEPARATELY ON THE FIRST AMENDMENT ON LINE SEVEN ANY SENATOR WISH TO BE HEARD ON THAT AMENDMENT SENATOR ADA.

SENATOR ADA: MR. SPEAKER WHY DO WE HAVE TO BE SO SO SPECIFIC THAT IT BE A DIGITAL RECTAL EXAMINATION LET THE DOCTORS CHOOSE HOW HE'S GOING TO EXAMINE FOR PROSTATE CANCER SO I WOULD OBJECT TO TO TO BEING SO SPECIFIC THAT IT'S GOT TO BE A DIGITAL I GUESS THAT MEANS FINGER UP THE RECTUM CORRECT.

SPEAKER CRUZ: CORRECT.

SENATOR ADA: ALRIGHT SO I OBJECT TO THAT.

SPEAKER CRUZ: DO YOU WAS THERE A REASON FOR THAT SENATOR MUÑA WAS IT COST THE DIFFERENCE IN TESTING AND.

SENATOR MUÑA: MR. SPEAKER IT'S WHAT'S CURRENTLY COVERED UNDER THE INSURANCE NOW THE DIGITAL RECTAL EXAMINATION.

SPEAKER CRUZ: OKAY THERE HAS BEEN AN OBJECTION ANYBODY WISH TO BE HEARD ON IT SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR. SPEAKER I UNDERSTAND THE CONCERN OF OUR COLLEAGUE WHO WOULD HE SAYS YOU KNOW WHERE WE GETTING SO SPECIFIC HOWEVER IF YOU READ THE WHOLE PARAGRAPH AND ITSELF STARTING ON LINE SIX IT SAYS THE MINIMUM COVERAGE REQUIRED UNDER SUBSECTION A SO REALLY WHAT DOES IS THAT IN TERMS OF IDENTIFYING THE DIGITAL RECTAL EXAMINATION THAT IS THE MINIMUM THRESHOLD OF WHICH THE EXAMINATION REQUIRES SO IT'S NOT REALLY ONLY SPECIFIC TO WHAT THE MINIMUM BUT THE FLOOR IS BUT IT DOES NOT LIMIT WHAT AGAIN A DOCTOR MIGHT WHAT ACTIONS A DOCTOR MIGHT TAKE TO TRY TO IDENTIFY IN SCREENING THIS PATIENT AGAIN AT THE MINIMUM COVERAGE REQUIRED UNDER SUBSECTION A OF THIS SECTION FOR PROSTATE CANCER INCLUDES A MINIMAL ANNUAL CANCER SCREENING TEST BY DIGITAL RECTAL EXAMINATION SO IT'S THE MINIMUM COVERAGE IS WHAT I THINK WE SHOULD BE LOOKING AT NOT SO MUCH THE MINIMAL EXAMINATION ITSELF AND I JUST WANT TO POINT THAT OUT AND I'M NOT SURE IT MAKES A DIFFERENCE BUT I THINK IT DOES THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH ANY OTHER SENATOR WISH BE HEARD ON THE PROPOSED AMENDMENT SENATOR TERLAJE.

VICE SPEAKER TERLAJE: MR SPEAKER IF THE SPONSOR WOULD YEILD I WOULD JUR LIKE TO ASK IS THIS THIS STATE-OF-THE-ART TEST IT'S THE CURRENT ONE COVERED IS THIS OTHER ONE THE ANTIGEN BLOOD TEST NOT COVERED THEN COULD WE ALSO ASSUME THAT THAT WILL BE USED IT DOESN'T LOOK LIKE IT FROM THIS LANGUAGE IT LOOKS LIKE THIS WILL BE COVERED AND NOT THE ANTIGEN BLOOD TEST IS THAT CORRECT.

SPEAKER CRUZ: SENATOR MUÑA DO YOU YEILD.

SENATOR MUÑA: MR. SPEAKER I DON'T HAVE THE ANSWER TO THAT QUESTION RIGHT NOW BUT IF YOU GIVE ME A MINUTE MAYBE I CAN FIND OUT.

SPEAKER CRUZ: ALRIGHT WE'LL TAKE A SHORT RECESS.

SENATOR MUÑA: THANK YOU.

SPEAKER CRUZ: THE LEGISLATURE'S BACK IN SESSION. SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER SO IN REGARDS TO THE PROSTATE ANTIGEN BLOOD TEST COVERAGE OF THAT IS CURRENTLY NOT COVERED AND HAS NOT BEEN SINCE 2010 THE ONLY EXAM THE SCREENING THAT IS COVERED RIGHT NOW THE MINIMUM COVERAGE IS THE DIGITAL RECTAL EXAM.

SPEAKER CRUZ: MADAME VICE SPEAKER IS THAT SATISFACTORY OKAY ON THE FIRST AMENDMENT AND THE OTHER SENATOR WISH TO BE HEARD ANY OBJECTION TO THE FIRST AMENDMENT OR WAIT I'M SORRY THERE WAS AN OBJECTION THERE IS AN OBJECTION IT ALL THOSE IN FAVOR OF THE AMENDED PLEASE INDICATE BY RAISING YOUR RIGHT HAND THOSE IN FAVOR OF THE AMENDMENT OF SENATOR MUÑA MOTION CARRIES SENATOR MUÑA YOUR SECOND AMENDMENT.

NOTE: ON THE MOTION TO AMEND THE BILL SENATOR AGUON SENATOR CASTRO SENATOR ESPALDON SENATOR ESTEVES SENATOR LEE SENATOR MORRISON SENATOR MUÑA SENATOR SAN NICOLAS VICE SPEAKER TERLAJE.

SENATOR MUÑA: THANK YOU MR. SPEAKER YES I READ BOTH OF THE AMENDMENTS AT THE SAME TIME THE SECOND AMENDMENT IS ON LINE 16 TO 17 PAGE TWO OF THE BILL AND THAT'S JUST TO CUT OUT THE BI DIGITAL RECTAL EXAM AND THAT'S ONLY BECAUSE IT'S QUITE REPETITIVE IT ALREADY STATES IT IN SECTION B.

SPEAKER CRUZ: ON THE SECOND AMENDMENT ANY SENATOR WISH TO BE HEARD ON THE SECOND AMENDMENT ANY SENATOR WISH TO BE HEARD ANY OBJECTION SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER AND I JUST WANT TO THANK LEGAL COUNSEL AND ALL MY COLLEAGUES FOR HEARING THE AMENDMENTS TO THIS BILL AND AND HOPEFULLY THEIR SUPPORT THANK YOU VERY MUCH.

SPEAKER CRUZ: ALRIGHT ON THE MOTION ANYBODY ELSE WISH TO BE HEARD ON THE MAIN MOTION SENATOR SAN NICOLAS AND THEN SENATOR LEE SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER JUST A POINT OF CLARIFICATION I MAY JUST BE UNAWARE BUT ON PAGE TWO LINES 9 TO 13 IT SPECIFIES NOT ONLY AN AGE QUALIFICATION FOR THE SCREENING BUT ALSO AN ETHNICITY QUALIFICATION FOR THE SCREENING AND I'M I'M UNFAMILIAR WITH THE WITH THIS EXTRA HURDLE I'VE NEVER I DO NOT RECALL THAT ANY POINT IN ANY OF MY DOCTOR'S VISITS FOR EXAMPLE ON HOW THE OPPORTUNITY TO CLARIFY ANYTHING ON AN ETHNIC BASIS NOR MY FAMILIAR WITH HOW THE MEDICAL PROFESSIONALS WOULD WOULD WOULD STILL QUALIFY THE ETHNIC COMPONENT OF THIS SO OF THIS SECTION SO I GUESS I WOULD LIKE TO POSE A QUESTION TO THE AUTHOR OR EVEN PERHAPS THE CHAIR OF HEALTH ARE THERE ANY OTHER INSURANCE MANDATES THAT WOULD BE ACTIVATED BASED ON AN ETHNIC COMPONENT AND IF SO HOW DOES THAT HOW DOES IT COME TO PLAY CAUSE I'M VERY UNFAMILIAR WITH THAT.

SPEAKER CRUZ: SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I DON'T HAVE THE LITERATURE THAT THAT SUPPORTS THE THE HIGH-RISK BUT THERE IS LITERATURE IN REGARDS TO THAT BASED ON THE THE COALITION FOR THE PUBLIC HEALTH AND SOCIAL SERVICES BASED ON CANCER FINDINGS I DON'T HAVE THAT WITH ME AND I'M WILLING TO SHARE THAT WITH MY COLLEAGUES IF IF IF SO MAYBE THEN I CAN GO AHEAD AND SHARE THAT BUT THERE

THAT IS A REASON WHY IT'S IT'S PLACED IN THERE BECAUSE IT ALL WE DO HAVE A SUPPORT FOR THAT BASED ON THE COALITION FROM THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I UNDERSTAND THE ANSWER AND DON'T GET ME WRONG I DON'T DISPUTE WHAT MAY BE THE FINDING THAT PERHAPS A HIGH-RISK I'M CONCERNED I'M THINKING ABOUT OPERATIVELY LET'S SAY FOR EXAMPLE SOMEONE WHO WOULD QUALIFY UNDER THIS ETHNIC PROVISION GOES IN AND GET THE SCREENING AND THEY ARE 36 YEARS OLD THEY DON'T MEET THE FORTY-YEAR-OLD THRESHOLD BUT THEY ARE OF NATIVE HAWAIIAN DESCENT FOR EXAMPLE IF THE INSURANCE COMPANY WERE TO REJECT THE CLAIM HOW WOULD WE GO ABOUT PROVING THAT THE CLAIM WAS VALID AND DO WE HAVE THE MECHANISMS IN PLACE TO BE ABLE TO TO DO THAT ON AN ETHNIC BASIS I KNOW YOU CAN DO IT ON AN AGE BASIS IS VERY SIMPLE YOU JUST SEND IN THE PERSON'S IDENTIFICATION BUT I'M VERY I DO NOT ANY POINT WILL CALL AT ANY TIME IDENTIFYING WHAT ETHNIC BASIS WOULD BE AND IF THE CLAIM WAS REJECTED BY AN INSURANCE COMPANY HOW WOULD THAT BE PROVEN OR DISPROVEN AND THE REASON I'M ASKING IS BECAUSE IF WE'RE GOING TO MAKE THIS BE A MANDATE IT NEEDS TO BE FUNCTIONAL AND SO UNLESS WE CAN GET AN ANSWER AS TO HOW THAT FUNCTIONALITY WOULD OCCUR PERHAPS WE SHOULD JUST REDUCE THE SCREENING AUTHORIZATION TO AGE 35 AND THAT WOULD JUST COVER EVERYBODY HIGH RISK OR NOT HIGH-RISK OTHERWISE ADDING THE EXTRA HURDLE OF AN ETHNIC REQUIREMENT I THINK WE NEED TO CLEARLY UNDERSTAND HOW THAT WOULD WORK AND IF A CLAIM IS DISPUTED HOW THAT WOULD BE ADJUDICATED SO I WOULD LIKE TO GO TO POSE THOSE QUESTIONS TO THE AUTHOR MR. SPEAKER.

SPEAKER CRUZ: DO YOU WISH ADDITIONAL TIME TO TRY WHY DON'T WE SET THIS ASIDE LET'S MOVE ON TO ANOTHER BILL WHY DON'T YOU GO TRY TO GET ANSWERS GO AHEAD SENATOR ESTEVES GO AHEAD.

SENATOR ESTEVES: THANK YOU MISS YOUR SPEAKER IT'S ACTUALLY QUITE COMMON FOR DOCTORS TO TAKE INTO ACCOUNT CERTAIN DEMOGRAPHICS THIS IS OUTSIDE OF THE SCOPE OF ANY POTENTIAL RACIAL BIAS THAT MAY BE SEEN IN THE LAW WHEN YOU LOOK AT THE AGE DEMOGRAPHIC IN THE RISK FACTORS THAT SPECIFIC SECTION CITES HIGHER RISK AS BEING EITHER OF THESE ETHNIC GROUP OR HAVING A HIGH-RISK FAMILY HISTORY SO THAT CATEGORY CATEGORIZES I THINK WITHIN THE LAW ONE GROUP OF HIGH-RISK VERSUS THE STANDARD GAUGE FOR EVERYBODY ELSE WHO IS NOT HIGH RISK AS AGE 40 AND OVER SO WHEN YOU LOOK AT THE DIAGNOSIS OF PROSTATE CANCER AND THE PROGRESSION OF IT THE DIFFERENCE BETWEEN 35 AND 40 CAN BE LIFE AND DEATH FOR AN INDIVIDUAL SO DOCTORS DO TAKE INTO ACCOUNT HOW THIS COULD BE DEFENDED IN COURT IS THE NOTES THAT THE DOCTOR KEEPS IN JUSTIFYING THEIR POSITIONS FOR THE TESTING SO THESE ARE ALL THINGS THAT ARE STANDARD QUESTIONS THAT THEY ASK AS WELL AS DO YOU SMOKE AND ANY OTHER FACTORS THAT MIGHT INCREASE THE RISK I'M SO IT'S MORE OF A DEMOGRAPHIC ISSUE THAN IT IS ON A RACE BASE AND I WOULD STATE FOR THE RECORD THAT IT'S MY BELIEF THAT THIS SECTION IS CATEGORIZED AS A HIGH-RISK SECTION WHICH IS INCLUSIVE OF ANYBODY WHO IS HIGH-RISK NOT SPECIFICALLY JUST BASED ON RACE OR AGE THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU ANYONE ELSE ON THAT WHY DON'T WE JUST SET THIS ASIDE TO TRY TO BRING IN WHERE THIS COMES FROM TO EXPLAIN IT I MEAN I UNDERSTAND IT BECAUSE FOR THE AFFAIR IN JAIL WE ASIANS AND PACIFIC ISLANDERS HAVE A HIGHER BUT IT DOES COME FROM SOME KIND SO IF YOU BRING THAT IN I THINK

WE CAN WE CAN BRING SENATOR SAN NICOLAS ALONG OKAY THANK YOU LET'S JUST SET BILL ONE ASIDE AGAIN NEXT BILL ON IS SENATOR ESTEVES BILL 14.

SENATOR ESTEVES: THANK YOU MR. SPEAKER I MOTION TO MOVE BILL 14 - 304 COR TO THE THIRD READING FILE AND I WOULD LIKE TO SPEAK ON IT.

SPEAKER CRUZ: PLEASE YOU ARE RECOGNIZED.

SENATOR ESTEVES: THANK YOU MR. SPEAKER STANDARDS OF OPERATION IS THE CORE COMPONENT OF ANY ORGANIZATION WEATHER IN GOVERNMENT OR IN THE CIVILIAN SECTOR THERE'S A DIRECT CORRELATION BETWEEN OPERATIONS AND THE FISCAL HEALTH OF AN ORGANIZATION AND WE LOOK AT THE SCOPE OF GOVGUAM WE'RE COMPRISED OF MULTIPLE SMALLER ORGANIZATIONS THAT CAN FURTHER BE SUBDIVIDED WHAT BILL 14 PROPOSES TO DO IS TO INCREASE THE SCOPE OF THE PUBLIC AUDITOR TO ALSO EVALUATE AND HAVE AGENCIES MAKE AVAILABLE THEIR STANDARD OPERATING PROCEDURES WHICH IS COMMON AMONG WITHIN THE GOVERNMENT TO HAVE OPERATING PROCEDURES WHICH PROVIDE CONSISTENCY CONTINUITY AND A LONG AND AN ABILITY TO PROVIDE FOR LONG-TERM PLANNING THIS HAS A DIRECT RELATION TO THE FISCAL HEALTH OF THE GOVERNMENT AS A WHOLE GENERALLY WHAT YOU WOULD SEE IS HEALTHY OPERATOR OR OPERATIONAL PROCEDURES WITH AN ORGANIZATION USUALLY MEANS HEALTHY FISCAL AUDITS THEY TYPICALLY GO HAND-IN-HAND WHEN YOU SEE AN ORGANIZATION THAT HAS A HIGHER RISK OF AUDIT THEIR OPERATIONS ARE ONE OF THE FIRST THINGS THAT SHOULD BE CRACKED DOWN UPON OR INVESTIGATED TO SEE IF THAT MIGHT BE ONE OF THE ISSUES FOR THEIR SHORTFALLS SO AGAIN I THINK MY COLLEAGUES FOR LISTENING TO ME WE'VE KEPT IT VERY SIMPLE WITH I LEFT OUT A FEW EXCEPTIONS AND TO EXPLAIN THAT THE EXEMPTIONS WE MADE FROM THE REPORTING REQUIREMENT ONLINE IS TO PROTECT BOTH THE GOVERNMENT PERSONNEL ENGAGED IN I WAS A SENSITIVE ACTIVITIES SUCH AS THE APPREHENSION OF CRIMINALS DETAINEE MANAGEMENT AS WELL AS SECURITY OTHER SECURITY AND THEN ALSO PROTECTION OF IT SECURITY JUST TO ENSURE THAT WE DON'T MAKE OURSELVES THE CITIZENS OR GOVERNMENT PERSONNEL VULNERABLE TO ANY TYPE OF HAZARD UNDO HAZARDS THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESTEVES ANY SENATOR WISH TO BE HEARD ON THE BILL SENATOR ADA AND SENATOR LEE AFTER SENATOR LEE ANYBODY ELSE OKAY SENATOR ADA YOU ARE RECOGNIZED.

SENATOR ADA: MR. SPEAKER I CERTAINLY AM I'M IN SUPPORT OF REQUIRING THAT AGENCIES ACTUALLY SIT DOWN AND TAKE THE TIME TO DO IT TO SPELL OUT WHAT THEIR STANDARD OPERATING PROCEDURES ARE NOW WE ALSO HAVE BUT WE HAVE REQUIREMENTS IN GUAM LAW THAT REQUIRES THAT WHEN I GUESS ANOTHER TERM THAT IS USED FOR STANDARD OPERATING PROCEDURES IS RULES AND REGULATIONS AND RULES AND REGULATIONS NORMALLY REQUIRE SOME KIND OF ALL IN ALL OF THE AGENCY CONDUCT A PUBLIC HEARING GOES TO THE GOVERNOR'S OFFICE AND IT COMES OUT IN THE LEGISLATURE ACCEPT IT UNLESS WE PUT SPECIFIC LANGUAGE IN HERE THAT THOSE STANDARD OPERATING PROCEDURES ARE NOT SUBJECT TO THE TRIPLE-A PROCESS AND AND THAT YOU KNOW IT JUST REQUIRES THE DIRECTOR'S SIGNATURE BUT BUT BUT I'M JUST I DON'T SEE THAT LANGUAGE IN HERE AND WHILE WE MAY CALL IT STANDARD OPERATING PROCEDURES IS IT THE SAME AS WHAT WE WOULD CALL NORMALLY RULES AND REGULATIONS AND AND WILL IT BE SUBJECT TO THE TRIPLE A PROCESS SO I THINK WE AND THAT'S PROBABLY WHERE LEGAL COUNSEL NEEDS TO TO

ADVISE AS TO IN THIS CASE IS IT JUST YOU KNOW THE AGENCY AND THE SIGNATURE OF THE DIRECTOR WILL THAT BE SUFFICIENT THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ADA SENATOR LEE.

SENATOR LEE: THANK YOU MR. SPEAKER AND I AS WELL SUPPORT THE INTENT OF THIS BILL UM I DO HAVE A NUMBER OF QUESTIONS THOUGH I WANTED TO AND PERHAPS THE THE BILL'S AUTHOR CAN ASSIST ME AND IN JUST TRYING TO WRAP MY MIND AROUND THIS WITH NO ENACTMENT DATE ATTACH TO THE BILL AND NO REAL ACTION ON THIS I'M JUST I'M NOT SURE EXACTLY WHAT THIS WILL AIMS TO ACCOMPLISH I THINK CURRENT LAW ALREADY GIVES THE PUBLIC AUDITOR ANY KIND OF AUDIT THAT HE OR SHE WOULD FEEL NECESSARY AND SECTION 1908 OF CHAPTER 19 THE OFFICE OF PUBLIC ACCOUNTS ACCOUNTABILITY AND TITLE 1 STATES THE PUBLIC AUDITOR MAKE CONDUCT OR CAUSE TO BE CONDUCTED ANY OR SUCH OTHER AUDIT OR REVIEWS AS HE OR SHE DEEMS NECESSARY ADDITIONALLY THE OPA MUST REGULARLY CONDUCT FINANCIAL AND MANAGEMENT AUDITS SO MY QUESTION IS ARE SOPS INCORPORATED INTO THIS MANAGEMENT AUDIT AND IS THERE DO WE FIND IT NECESSARY TO INCLUDE AN ENACTMENT DATE FOR BILL 14 THANK YOU.

SPEAKER CRUZ: SENATOR ESTEVES DO YOU YIELD.

SENATOR ESTEVES: I DO YIELD MR. SPEAKER THANK YOU TO MY COLLEAGUE FOR THANK YOU FOR ALLOWING ME THE OPPORTUNITY WHEN WE PUSH THE BILL FORWARD WE THOUGHT ABOUT AN ENACTMENT DATE WE SPOKE AND WORKED WITH THE PUBLIC AUDITOR ON THIS IT WAS A REASONABLE ASSUMPTION THAT ANY OFFICIAL COULD MAKE THAT THERE ARE OPERATIONAL PROCEDURES THAT ARE IN EXISTENCE ALREADY THIS IS AN EXTENSION THAT FURTHER KIND OF SPECIFIES AND ADDS TO THE SCOPE OF THE PUBLIC AUDITOR IN SUCH INSTANCES AS THE APPLICATION OF PUTTING THEM ON THE WEBSITE WHICH IS CURRENTLY NOT COVERED UNDER THE SCOPE WHICH ALLOWS FOR INCREASED TRANSPARENCY WITHIN GOVERNMENT SO PEOPLE ARE MORE PREPARED WITH DEALING WITH AN AGENCY IN THE CHAIR THAT THEY'RE GETTING THE RIGHT INFORMATION EVERY SINGLE TIME OUT FURTHERMORE THE OTHER APPLICATION THAT THIS IS ALSO THE EXEMPTION OF CERTAIN WE LIVE IN TROUBLED TIMES OF THE OTHER APPLICATION IS THE EXEMPTION OF CERTAIN OPERATIONAL PROCEDURES AS YOU WOULD HAVE IT THAT MAY CAUSE HARM TO CIVILIANS OR GOVERNMENT EMPLOYEES SO WITH REGARDS THIS THIS ALSO EXPANDS UPON THE AUDITORS CURRENT SCOPE THANK YOU MR. SPEAKER.

SPEAKER CRUZ: ANY OTHER QUESTIONS SENATOR LEE MADAME VICE SPEAKER A CO-SPONSOR YOU WISH TO SPEAK ALSO.

VICE SPEAKER TERLAJE: YES MR. SPEAKER AND THANK YOU AND I RISE IN SUPPORT OF THIS BILL AND I THINK THIS BILL FILLS THE GAP WHERE WE HAVE LAWS AND WE HAVE RULES AND REGS WHICH ARE YOU KNOW PROMULGATED WHEN THE LEGISLATURE AUTHORIZES THEM TO PROMULGATE RULES AND REGS BUT THERE ARE SO MANY PROCEDURES THAT AN AGENCY GOES THROUGH THAT ARE REALLY NOT SUBJECT TO RULES AND REGS RIGHT NOW AND I THINK THAT THIS AND THE AUDITOR DOES REVIEWS LIKE DOES MANAGEMENT AUDITS OF THESE THINGS AND THIS WILL SHE WILL CONTINUE TO DO THOSE BUT IT WAS HER FINDINGS THAT THAT SHE SAID SHE DID MORE THAN 2500 OPA AUDITS RECOMMENDED FOR AGENCIES TO ESTABLISH OR IMPROVE SOPS AND THESE RECOMMENDATIONS INCLUDE ESTABLISHING SOPS FOR THE FOLLOWING TO MONITOR CONTRACTS SECURITY DEPOSITS FEE COLLECTIONS AND PROCUREMENT OF THE DEPARTMENT OF PARKS AND REC THE LIBERATION COMMITTEE SHOULD ESTABLISH SOPS FOR ALL LIBERATION DAY ACTIVITIES INCLUDING AUDITS AND FINANCIAL REPORTING AND THIS WAS THE BIG ONE THAT BROUGHT THIS BILL TO OUR ATTENTION

IS TO MONITOR CONTROL AND RECONCILE RETURNED CHECKS AT THE DEPARTMENT OF ADMINISTRATION NOW THEY DON'T NECESSARILY NEED RULES AND REGS TO DO THAT THAT IS PART OF WHAT THEY'RE SUPPOSED TO BE DOING BUT THEY DO NEED SOME KIND OF STANDARD OPERATING PROCEDURES SO THAT FROM YEAR TO YEAR WE WE CAN BE ASSURED THAT THE SAME PROCEDURE WILL BE IT WILL BE DONE AND HER LAST EXAMPLE WAS TO HANDLE AN ACCOUNT FOR FINANCES AT THE VETERANS AFFAIRS OFFICE AND A LOT OF THESE ARE RELATIVE TO FINANCIAL MANAGEMENT AND I THINK IT'S MY HOPE THAT THIS BILL IS GOING TO RESULT IN WHEN WE SEE THE PROCEDURES IN WRITING WHEN THEY HAVE TO GO THROUGH THAT EFFORT THAT WE WILL ACTUALLY BECOME MORE UNIFORM THROUGHOUT THE GOVERNMENT'S THAT'S WHEN WE SEE OR THE PUBLIC IS ABLE TO VIEW THE STANDARD OPERATING PROCEDURES AND WHEN THE AGENCY'S THEMSELVES ARE ABLE TO VIEW STANDARD PROCEDURES FROM OTHER AGENCIES ESPECIALLY THOSE WHERE THE AUDITOR GAVE THEM A GOOD REVIEW AND SO THESE ARE GOOD PROCEDURES THEN I THINK IT'S A QUICKER WAY FOR AGENCIES TO LEARN FROM OTHER AGENCIES WHAT IS MAYBE THE BEST WAY TO HANDLE THESE TYPES OF THINGS AND THAT WOULD MAKE IT ALL PUBLIC FOR THE PUBLIC FOR US FOR IT FOR THE AGENCIES TO LOOK AT EACH OTHER AND I THINK THAT JUST IT'S JUST HOPEFULLY INCREASE THE EFFICIENCY AND PARTICULARLY IN REGARDS TO FINANCIAL MANAGEMENT WHAT WE MIGHT NOT NEED RULES AND REGS AND WE COULD SPEND YEARS AND YEARS TRYING TO GET THESE REALLY YOU KNOW UNIFORM RULES AND REGS FOR FINANCIAL MANAGEMENT THROUGHOUT THE GOVERNMENT BUT I THINK STARTING WITH STANDARD OPERATING PROCEDURES FOR THESE TYPES OF THINGS WOULD BE SOMETHING THAT WE COULD ACHIEVE MR. SPEAKER AND SO I STAND IN SUPPORT OF THIS BILL AND THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAME VICE SPEAKER SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I APPRECIATE THE INTENT OF THE LEGISLATION BUT THE RETIRING SPEAKER BROUGHT UP SOMETHING THAT'S A VERY INTERESTING POINT AS DID THAT MY COLLEAGUE AND THAT IS THAT THE AUDITOR IS ALREADY LOOKING AT THESE ITEMS AND BASED ON WHAT WAS JUST ATTESTED TO SHE'S IDENTIFYING AREAS ACTUALLY NEED TO HAVE SOPS ESTABLISHED AND THIS BILL DOES NOT MANDATE THE ESTABLISHMENT OF SOPS IT MANDATES THE REVIEW OF THEM AND SO ABSENT SOP THE PUBLIC ABOUT IT WE'LL JUST CONTINUE TO RENDER THE SAME FINDINGS PERHAPS IT WOULD BE MORE APPROPRIATE I GUESS TO FIRST CREATE THE MANDATE THAT SOPS BE ESTABLISHED IN A RESPECTIVE AGENCY PRIOR TO US MANDATING THAT SOPS BE AUDITED BECAUSE IN THE ABSENCE OF AN SOP IT BASICALLY WOULD BE JUST THE SAME THING THAT WE'VE ALREADY BEEN GETTING FROM THE PUBLIC AUDITOR WHICH WOULD BE A STATEMENT OF SHORTCOMINGS BUT NOT NECESSARILY REVIEW OF ANY PARTICULAR STANDARD OPERATING PROCEDURE HOWEVER I WILL SAY THAT THE INTRODUCTION TO BILL 14 HAS BROUGHT THIS TO THE FOREFRONT I AGREE WITH THE MAJORITY LEADER STATEMENTS AS WELL THAT THE ADOPTION OF AN SOP PERHAPS WOULD NOT NECESSARILY REQUIRE THE SAME VETTING AS A RULES AND REGULATIONS ABOUT YOU HOWEVER I THINK THAT WE NEED TO MANDATE IN SOME FORM THAT SOPS BE BE DRAFTED AND ADOPTED PRIOR TO US ACTUALLY MANDATING THAT THEY BE AUDITED SO I GUESS I COULD POSE THAT AS A QUESTION TO THE AUTHOR WOULD THE AUTHOR PREFER THAT WE INSTEAD OF PUTTING THE CART BEFORE THE HORSE THAT WE INSTEAD OF FIRST MANDATE THE SOPS OR SHOULD WE JUST CONTINUE ON WITH MANDATING AN AUDIT OF SOMETHING THAT ISN'T CURRENTLY AN EXISTING MANDATE.

SPEAKER CRUZ: WILL THE SPONSOR OR CO-SPONSOR WISH TO YIELD.

SENATOR ESTEVES: I WISH I WISH TO YIELD MR. SPEAKER I THANK YOU AGAIN FOR THE OPPORTUNITY WE HAD ADDRESSED THAT AS BEING A PROBABLE ACTION BUT WE WERE CONCERNED AND WE WOULD BE OPEN TO CONSIDERATION AFTER THIS BY TAKING SMALL CONSIDERATION WITH LEGAL COUNSEL THERE WAS A CONCERN THAT HAVING A DIRECT MANDATE COULD BE CONSIDERED INORGANIC AS DIRECTING AN AGENCY TO DO SOMETHING SPECIFIC IT MIGHT STILL BE ABLE TO BE IT MIGHT BE ACCEPTABLE BECAUSE IT WERE TALKING ABOUT THE OPERATIONS AND HOW IT CONNECTS TO A FISCAL ISSUE BUT THE INTENT OF THE BILL IS THAT IN MANDATING THE REPORTING IMPLIES THE EXISTENCE THEREOF AND IF THERE ISN'T THEN THERE SHOULD BE I KNOW IF IT IS A BIT IT SEEMS LIKE PUTTING THE CART BEFORE THE HORSE OR CART BEFORE THE BULL BUT I THINK IT STILL ACCOMPLISHES THE SAME THING IF I COULD SHARE THE DISCUSSION TO TO MY COLLEAGUE OR TO YOU MR. SPEAKER ON THE RECORD THAT AGENCIES IN ANTICIPATION OF THIS BILL ARE ALREADY SCRAMBLING DEVELOPING THESE THINGS SO I THINK THE INTENT IS STILL BEING MADE WITH THE EXISTENCE OF THE BILL I THINK THE ENFORCEMENT POWER OF IT WITH THE PUBLIC AUDITOR AND THEN ALSO THE APPLICATION OF PUTTING IT ONLINE FOR PUBLIC SCRUTINY I THINK WILL EMPOWER BOTH THIS BODY AND THE PEOPLE TO ENSURE THESE STANDARDS ARE MET AND TO START DETERMINING THE PERFORMANCES AND EITHER ACCOLADES OR SHORTCOMINGS OF ALL OF THE AGENCIES INDIVIDUALLY SO I THINK THE INTENT CAN STILL BE MADE BUT I AM WILLING TO MAKE CONCESSIONS IN AND TALK ABOUT IT MORE MR.SPEAKER THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESTEVES MADAME VICE SPEAKER DO YOU WISH TO ADDRESS THAT ALSO.

VICE SPEAKER TERLAJE: I JUST WANT TO POINT OUT ONE LINE OF THE BILL THAT SAYS SUCH PROCEDURES STANDARD OPERATING PROCEDURE SHALL SHALL BE POSTED ON EACH AGENCY'S WEBSITE FOR PUBLIC FOR PUBLIC VIEW SO I TAKE FROM THAT THAT IF THEY DON'T HAVE ONE THEY HAVE TO COME UP WITH ONE AND PUT IT PUT IT ON THEIR WEBSITE RIGHT AWAY MR. SPEAKER BUT THANK YOU.

SPEAKER CRUZ: SENATOR SAN NICOLAS:

SENATOR SAN NICOLAS: AGAIN I JUST RAISE A QUESTION BECAUSE I'M IN LINE WITH A PIECE OF LEGISLATION I INTRODUCED THAT WE WILL BE DISCUSSING FURTHER ALONG THE SAME QUESTION WOULD BEG AND SO I DO HAVE A RECOMMENDED AMENDMENT THAT PAGE ONE LINE EIGHT STRIKE WORDS AS PUBLIC AUDITOR AND REPLACE WITH OFFICE OF PUBLIC ACCOUNTABILITY THE OFFICE OF PUBLIC ACCOUNTABILITY MAY AT ANYTIME CAUSE EACH AGENCY STANDARD OPERATING PROCEDURES TO BE REVIEWED.

SPEAKER CRUZ: ON THAT AMENDMENT ANY OBJECTION.

SENATOR SAN NICOLAS: AND THEN I JUST WANTED TO CLARIFY NORMALLY WHEN WE CREATE A MANDATE FOR REVIEW WE HAVE A SPECIFIC TARGET OR AN EXPECTATION BUT THIS SPECIFIC I FIND IT TO BE VERY BROAD LANGUAGE WE'RE BASICALLY MANDATING THAT THE AUDITOR OR IN THIS CASE THE OFFICE OF PUBLIC ACCOUNTABILITY REVIEWS THE UP THE STANDARD OPERATING PROCEDURES AND IN VERY VAGUELY SO THAT THEY'RE REVIEWING IT FOR ADEQUACY EFFECTIVENESS AND EFFICIENCY AND I JUST FIND THAT TO BE VERY SUBJECTIVE IS THERE A CERTAIN STANDARD THAT WE'RE LOOKING FOR THESE STANDARD OPERATING PROCEDURES TO BE APPLIED TO IS THERE CERTAIN EXPECTATION THAT WE'RE WANTING THE PUBLIC AUDITOR TO BE ABLE TO MAKE A RULING ON OR ARE WE JUST ASKING FOR THE PUBLIC AUDITOR TO GIVE HER OPINION AS TO WHETHER OR NOT AN AGENCY'S OPERATING PROCEDURES ARE ADEQUATE EFFECTIVE AND EFFICIENT AND IF THAT'S REALLY THE CASE THEN I GUESS THAT WOULD BE SATISFIED BUT MY INTERPRETATION OF THIS AND

MY UNDERSTANDING OF WHY WE HAVE THINGS AUDITED IS IS THAT WE'RE TRYING TO MAKE SURE THAT A CERTAIN STANDARD IS BEING MET A CERTAIN THRESHOLD IS BEING THAT AND IF THERE IS AN ABSENCE OF THAT THRESHOLD BEING MET THEN THERE NEEDS TO BE SOME KIND OF CORRECTIVE ACTION TAKEN SO WOULD WE WOULD WE FEEL THAT WE SHOULD BE MORE SPECIFIC IN TERMS OF HOW THESE STANDARD OPERATING PROCEDURES AND HOW THEY ARE REVIEWED AND WHAT WE'RE LOOKING FOR OR IS THIS INTENTIONALLY BROAD.

SPEAKER CRUZ: SENATOR ESTEVES.

SENATOR ESTEVES: THANK YOU MR. SPEAKER I YIELD TO THE QUESTION WE DID INTENTIONALLY LEAVE IT BROAD AGAIN ENSURING THAT WE KEEP THE BILL ORGANIC WITHOUT PUSHING TOO FAR IN TERMS OF MANDATING IN DETAIL NOW THE APPLICATION INITIALLY WERE STILL AS IT IS ASSUMED THAT THE ACTIVATING OR ENABLING LEGISLATION THAT CREATED THE AGENCY AND GAVE IT ITS MANDATES IS THE GUIDING PRINCIPLE THAT ALL OF THE STANDARD OPERATING PROCEDURES ARE BUILT ON NOW AS THE MY COSPONSOR HAD MENTIONED EARLIER THE DEVILS ARE IN THE DETAILS AND WHILE THE TRIPLE A PROCESS AND RULES AND REGULATIONS GUIDE CERTAIN FUNCTIONS WITHIN ORGANIZATION THE SOPS ARE GEARED TOWARDS FIGURING OUT THE DETAILS I THINK AS PART OF OUR AUTHORITY WITHIN THE LEGISLATURE TO HAVE OVERSIGHT OVER THE EXECUTIVE BRANCH THIS TYPE OF AMBIGUITY GIVES A LOT OF ROOM FOR CRITICISM AND WHILE THAT MAY SEEM LIKE A NEGATIVE THING WITH RESPECT TO IMPROVING THE EFFICIENCY OF OUR GOVERNMENT AND HAVING MULTIPLE VIEWS AS TO WHAT ARE THE BEST PRACTICES LEAVING IT WITH CERTAIN AMBIGUITY ALLOWS IT TO STAND THE TEST OF TIME WE CAN COMPARE IT OBJECTIVELY TO CURRENT INDUSTRY STANDARDS ACROSS ANY ORGANIZATION AND DRAW OTHER COMPARATIVES AND SO THAT'S WHY WE AVOIDED PUTTING SOME SPECIFICS WITHIN THE STATUTE WHICH LIMIT FLEXIBILITY IN THE FUTURE TO ADJUST OUR GOVERNMENT INTO WHAT WE FEEL AND WHAT FUTURE LEGISLATORS OR THE FUTURE PUBLIC AUDITORS FEEL ARE THE BEST OPTIONS AND MOST EFFICIENT PRACTICES BECAUSE THEY TOO CHANGE THANK YOU MR. SPEAKER.

SPEAKER CRUZ: SENATOR SAN AGUSTIN SENATOR SAN NICOLAS IS THAT SUFFICIENT.

SENATOR SAN NICOLAS: JUST SO THAT WE'RE CLEAR WE'RE BASICALLY ALLOWING THE AUDITOR BASED ON HER OWN OPINION BASICALLY GO IN AND REVIEW THESE THINGS AND STATE FOR HERSELF WHETHER OR NOT SHE FEELS THAT IT IS ADEQUATE EFFECTIVE OR EFFICIENT MAKING IT PART OF THE AUDIT SCOPE THE AGENCY'S AUDIT SCOPE HOW DOES THAT CREATE A SENSE OF GRAVITY TO THE FINDINGS OF THE PUBLIC AUDITOR THEREAFTER FOR EXPAMPLE IF YOU AUDIT THE FINANCIAL OF AN AGENCY AND THOSE FINANCIALS ARE FOUND TO BE MATERIALLY DEFICIENT THOSE FINDINGS TYPICALLY WOULD REQUIRE THAT THERE BE A CERTAIN FORM OF ACTION TAKEN AS A RESULT OF THAT HOW DOES THAT VERY SPECIFIC TYPE OF AUDIT PLAY INTO NOW THIS MORE GENERAL KIND OF AUDIT SO IF THE AUDITOR GOES IN LET'S SAY FOR EXAMPLE AUDITS REV AND TAX AND FINDS GOES THERE ARE CERTAIN TAX DEFICIENCIES OR NOT BEING ADHERED IF THOSE PARTICULAR DEFICIENCIES ARE NOT CORRECTED THERE MAY BE CAUSE OF ACTION YOU CAN ATTORNEY GENERAL OR WHAT HAVE YOU BUT WHAT ABOUT IF INCLUSIVE ALL THAT AUDIT THEY MADE GENERAL STATEMENTS ABOUT ADEQUACY EFFECTIVENESS AND EFFICIENCY ARE WE AT THAT POINT IN TIME GOING TO HOLD AGENCIES ACCOUNTABLE I'M TRYING TO FIGURE OUT WHAT THE TRIGGER IS OR ARE WE JUST GO GOING TO HAVE GENERAL STATEMENTS COMING OUT OF THE AUDITOR OF HER SAYING THIS ISN'T WORKING OR THAT'S WORKING WHAT WHAT HAPPENS IN THE NEXT AS A RESULT OF THAT.

SPEAKER CRUZ: EITHER SPONSOR WISH TO YIELD.

VICE SPEAKER TERLAJE: I THINK FOR ME PERSONALLY I WOULD SAY THAT WOULD BE THEN UP TO US AT THAT POINT IT'S AT THEN WE KNOW IT'S LIKE IT'S LIKE REVIEWING ALL THE AUDITS THAT WE SEE FROM THE AUDITS WHAT THE ISSUES ARE AND THIS IS JUST REALLY A TOOL TO HELP THE AUDITORS SEE THE STANDARD INFORMATION QUICKER AND FOR US TO AND FOR THE AGENCY SO THEY HAVE TO GO THROUGH THAT PROCESS OF WRITING IT UP PUTTING IT ON THE WEBSITE AND HOPEFULLY GETTING BEST PRACTICES DOWN WHEN THEY DO THAT AND AND IT'S FOR US IT'S WHEN WE LOOK AT IT AND WE CAN SEE STRAIGHT OUT THE REASON THAT THE DRAFT CHECK PROBLEM BECAME THE DRAFT CHECK PROBLEM IS BECAUSE OF THE WAY THEY'RE STILL STANDING STANDARD OPERATING PROCEDURES LOOK THEN THEN IT'S UP TO US WHAT TO DO AFTER THAT I WOULD I WOULD SUBMIT MR. SPEAKER THANK YOU.

SENATOR ESTEVES: MR. SPEAKER IF I MAY ADD TO THAT.

SPEAKER CRUZ: SENATOR ESTEVES.

SENATOR ESTEVES: THANK YOU AGAIN IT'S ABOUT BRINGING THE PROCESS TO THE FOREFRONT WITH RESPECT TO WHAT THE EXECUTIVE BRANCH IS AND THEIR AUTHORITY AND THEIR POWERS WITHIN GOVERNMENT WE DO WANT TO RESPECT THOSE BOUNDARIES BUT THIS AGAIN IS AN AVENUE OF TRANSPARENCY IS AS MY CO-SPONSOR HAD MENTIONED AND PART OF THAT ENFORCEMENT IS GOING TO BE THE CRITICISM AND GRADING FROM THE PUBLIC WHICH I THINK I THINK IS IMPORTANT SO WHEN IT WHEN THERE'S INTERAGENCY COOPERATION AND THEN ALSO INTERBRANCH COOPERATION WE CAN START DEVELOPING BEST PRACTICES NOW KEEP IT IT'S BEEN MADE IT WHO DID WHO DETERMINES THE BEST PRACTICES IT DOES SEEM VERY SUBJECTIVE BUT I THINK IT'S GOING TO BE THE COLLECTIVE MINDS OF EXPERTS BOTH WITHIN STUDIOUS WITHIN THE LEGISLATURE OR EXPERTS WITHIN THOSE AGENCIES WHO ARE GOING TO DEVELOP WITH COOPERATION WHAT THEY FEEL THE BEST PRACTICES NOW WHEN WE TALK ABOUT EXERCISING OUR OVERSIGHT AUTHORITY AS AS THE REPRESENTATIVE BRANCH OF GOVERNMENT WE CAN HOLD THEM TO WHATEVER STANDARDS THEY PROPOSE IF IT IS THEIR POSITION TO ASSERT THAT THEY ARE EXERCISING BEST PRACTICES I THINK AS WE'VE SEEN IN THE PAST THERE MIGHT BE AN ASSUMPTION BASED ON WHAT THE DIRECTOR TELLS US BUT OFTEN TIMES WE'RE LEFT WITHOUT ANY DOCUMENTS OR PROOF AS TO WHAT THE PRACTICES ARE SO THE PICTURE IS ALWAYS GIVEN TO US NOT COMPLETE INCOMPLETE SO WHAT THIS I THINK FURTHER DOES IS PUTTING EVERYTHING IN BLACK AND WHITE SO WE CAN DRAW COMPARATIVES I THINK FURTHERMORE FOR THE PUBLIC WHEN WE DRAW COMPARISONS AS TO OPERATIONS AND EFFICIENCY THE CONTINUITY THAT WE WOULD SEE IN THE EXECUTIVE BRANCH IN THESE DIFFERENT AGENCIES ARE HOW THE STANDARD OPERATING PROCEDURES EITHER STANDING OR AMENDED WITH RESPECT TO THE AUTHORITY OF THAT DIRECTOR OR ADMINISTRATOR CAN EITHER POSITIVELY OR NEGATIVELY IMPACT AN AGENCY AND I THINK IN THE QUEST OF HAVING A MORE STREAMLINED EFFICIENT AND JUST A BETTER GOVERNMENT OVERALL I THINK THIS IS DEFINITELY THE PATH FORWARD THANK YOU.

SPEAKER CRUZ: SENATOR SAN NICOLAS IS THAT.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER IT'S GETTING IT'S STARTING TO MAKE I'M STARTING TO LIKE WHAT I'M HEARING SO IF THE INTENT THEN TO MAKE SURE THE AUDITOR IS LOOKING AT THESE AREAS AND THE INTENT FURTHER IS TO AS A BODY ACT ON THOSE FINDINGS IF THE AS THE CO-SPONSOR THE AUDITOR HAS ALREADY BEEN MAKING THESE KIND OF ASSERTIONS AND DETERMINATIONS HOWEVER THEY COME SPORADICALLY AND THERE IS NO RECORD OF ACTION FROM OUR BRANCH OF

GOVERNMENT AND SO SOMETIMES PERHAPS OUR BRANCH OF GOVERNMENT WON'T ACT BECAUSE THOSE FINDINGS WEREN'T RENDERED AND SOMETIMES WE MAY NOT ACT BECAUSE WE FEEL THEY ARE SUBJECTIVE SO PERHAPS WHAT WE SHOULD REQUIRE THEM IS INSTEAD OF THESE SOPS BEING REVIEWED FOR ADEQUACY EFFECTIVENESS AND EFFICIENCY SUBJECTIVE TO THE PUBLIC AUDITOR IS PERHAPS INSTEAD OF SAYING THAT THEY MAY WE SHOULD SAY THAT THEY SHALL AND SO WITH EVERY AUDIT ALL THE OVERSIGHT CHAIRS CAN LOOK FORWARD TO SEEING SOME KIND OF A STATEMENT FROM THE PUBLIC AUDITOR ON THE ADEQUACY EFFECTIVENESS AND EFFICIENCY OF THE OPERATIONAL PROCEDURES OF THE RESPECTIVE AGENCY AND FROM THERE THE PUBLIC CAN THEN HOLD THIS BODY ACCOUNTABLE AND SAY HEY YOU KNOW WHAT YOU MANDATED THE AUDITOR COMMENT ON THAT THIS IS WHAT THE AUDITOR IS SAYING WHY AREN'T YOU ASKING THOSE NECESSARY QUESTIONS WHY AREN'T YOU HOLDING OVERSIGHT HEARINGS WHY AREN'T YOU INTRODUCING LEGISLATION TO CORRECT THOSE DEFICIENCIES SO RATHER THAN ALLOWING FOR THE GENERALITY OF ADEQUACY EFFECTIVENESS AND DEFICIENCY TO GET FURTHER LOST IN THE GENERALITY OF MAY VERSUS SHALL I'D LIKE TO MAKE AN AMENDMENT ON PAGE ONE LINE 8 AND STRIKE THE WORD MAY AND REPLACE IT WITH THE WORD SHALL THE OFFICE OF PUBLIC ACCOUNTABILITY SHALL AT ANY TIME CAUSE EACH AGENCY STANDARD OPERATION OPERATING PROCEDURES TO BE REVIEWED FOR ADEQUACY EFFECTIVENESS AND EFFICIENCY AS PART OF EACH AGENCY AUDIT SCOPE IN OTHER WORDS EVERY TIME YOUR AUDITED THE AUDITOR IS GOING TO LOOK AT THAT TO.

SPEAKER CRUZ: ON THE SAN NICOLAS AMENDMENT TO CHANGE TO AMEND MAY TO SHALL ANY SINGER WISH TO BE HEARD SENATOR TORRES THERE'S BEEN AN OBJECTION ANY OTHER SENATOR WISH TO BE HEARD ON THE SAN NICOLAS AMENDMENT SENATOR SAN AGUSTIN DID YOU WISH TO COMMENT OH OKAY LET'S LET'S FINISH EVERYTHING FROM SENATOR SAN NICOLAS BEFORE WE I BELIEVE AFTER SENATOR SAN NICOLAS DID I UNDERSTAND THAT SENATOR LEE YOU WANT TO BE HEARD ON THIS BILL ALSO NO THEN IT WAS SENATOR CASTRO THEN SENATOR TORRES AND SENATOR SAN AGUSTIN OKAY ON THE SAN NICOLAS AMENDMENT TO CHANGE MAY TO SHALL THERE'S BEEN AN OBJECTION ALL THOSE IN FAVOR OF THE SAN NICOLAS AMENDMENT PLEASE INDICATE BY RAISING YOUR RIGHT HAND.

NOTE: ON THE MOTION TO AMEND THE BILL SENATOR ADA, SENATOR AGUON, SENATOR CASTRO, SENATOR ESTEVES SENATOR LEE, SENATOR SAN AGUSTIN, SENATOR SAN NICOLAS.

SPEAKER CRUZ: PASSED ANYTHING ELSE SENATOR SAN NICOLAS SENATOR CASTRO.

SENATOR CASTRO: THANK YOU MR. SPEAKER I RISE IN SUPPORT BILL 4-34 AND I ALSO SHARE THE SENTIMENTS OF SENATOR SAN NICOLAS SO I WANT TO PROFFER AN AMENDMENTS SORRY BILL 14-34 SO IF I CAN PROFFER AN AMENDMENT TO LINE 10 PAGE 1 AND I THINK THEY'RE PASSING THIS OUT WHILE I CAN APPRECIATE THE NEED FOR SOPS THAT OUTLINED THE DAY-TO-DAY OPERATIONS MR. SPEAKER I THINK IT'S IMPORTANT TO CONTEXTUALIZE THOSE SOPS WITHIN THE FUNCTIONAL REQUIREMENTS OF THE RESPECTIVE AGENCY SO THAT WE CAN SEE CLEAR LINKAGES BETWEEN PLANNING ASSESSMENT AND BUDGETING THERE ARE DIFFERENT TYPES OF SOPS AS THE AS THE AUTHOR HAD MENTIONED EARLIER BUT I'M HOPING THAT WE CAN INCLUDE IN THIS AMENDMENT THE RESPECTIVE MANDATES WHETHER THEY'RE BY STATUE OR EVEN BY VIRTUE OF SOME OF THE GRANTS SO THEY MAY HAVE TO ACCEPT IT AND SO I'D LIKE TO INTRODUCE THIS AMENDMENT ON THE BILL.

SPEAKER CRUZ: ALRIGHT HAS EVERYBODY HAD THE CHANCE TO REVIEW THE AMENDMENT BY SENATOR CASTRO OH IT'S STILL BEING DISTRIBUTED I'M SORRY ON

THE CASTRO AMENDMENT ANY SENATOR WISH TO BE HEARD AND JUST FOR CLARIFICATION SENATOR CASTRO SO THIS GOES AFTER ACTIVITIES ON 12 AND BEFORE THE NEXT SENTENCE STARTS.

SENATOR ESPALDON: MR. SPEAKER MAY I REQUEST A ONE MINUTE RECESS.

SPEAKER CRUZ: OKAY.

SENATOR ESPALDON: THANK YOU.

SPEAKER CRUZ: RECESS.

SPEAKER CRUZ: THEY'RE BEING NO OBJECTION TO THE CASTRO AMENDMENT SENATOR TORRES TO I UNDERSTAND YOU WISH TO BE HEARD ON THE MAIN MOTION.

SENATOR TORRES: THANK YOU MR. SPEAKER MR. SPEAKER I'VE ATTEMPTED TO KEEP AN OPEN MIND AND TO LISTEN TO ALL THE CONCERNS AND THE COMPELLING REASONS WHY BILL 14-34 IS A GOOD PIECE OF LEGISLATION BUT I MUST SAY THAT I WOULD DREAD BEING THE HEAD OF THE GOVERNMENT AGENCY IF THIS PIECE OF LEGISLATION WERE TO PASS WE HAVE SO MANY DIFFERENT MANDATES ON OUR GOVERNMENT AGENCIES RIGHT NOW THAT LEND TO TRANSPARENCY AND EVEN WITHIN THE OPA THEY'RE CERTAIN REQUIREMENTS ALL BOARD ACTIONS MUST BE POSTED BY A CERTAIN TIME INCLUDING EXECUTIVE BOARD ACTIONS WITHIN A CERTAIN PERIOD OF TIME AFTER IT LAPSED WE HAVE NOTICES OF ALL MEETINGS THAT ARE OPEN TO THE PUBLIC NOTICES DONE IN ADVANCED PUBLIC'S ABLE TO COME IN AND LISTEN WE HAVE ALL THE DISCLOSURES THAT MUST GO INTO PLACE SO THERE'S A SERIES OF MANDATES RIGHT NOW THAT PROVIDE FOR TRANSPARENCY BUT WHAT CONCERNS ME MR. SPEAKER IS THE IDEA OF SOPS AND IF WE WERE TO CONSIDER THE COMPLEXITY OF SOME OF THE GOVERNMENT AGENCIES THERE ARE SOPS FOR VARIOUS FUNCTIONS WITHIN OUR GOVERNMENT AGENCIES AND MANY OF THEM WERE VERY BROAD AND WE ALSO KNOW THAT WITHIN THE SOP THEY'RE SOMETIMES VERY FLUID AS WELL THEY AREN'T RIGID NECESSARILY BASED ON EXTENUATING CIRCUMSTANCES SOPS CAN BE ALTERED TO ADDRESS CERTAIN NEEDS AND CERTAIN CONDITIONS WITHIN THE AGENCIES THE OPA HAS A FUNCTION NOW AND FROM WHAT I CAN SEE BASED ON MY EXPERIENCE HEADING VARIOUS GOVERNMENT AGENCIES SOME SMALL AND SOME VERY LARGE THERE IS A TOOL IN PLACE RIGHT NOW AND I UNDERSTAND THE NEED FOR EVERYBODY TO FEEL THAT WE'RE GIVING IT OUR BEST EFFORT THE HOWS AND THE WHYS AND THE HOW TO'S AND THE MEANS ARE ALL LAID OUT THAT I GET BUT THERE HAS TO COME A POINT WHERE WE ALLOW THE GOVERNMENT AGENCIES TO FUNCTION AND WE ALLOW THE DIRECTORS OF THE AGENCIES TO RUN THEIR AGENCIES IN A WAY THAT DOESN'T REQUIRE THEM TO HAVE THEIR SOPS WRITTEN OUT AND PUBLISHED ASSUMING THAT EVERYTHING IS GOING TO BE FOLLOWED AND EVERYTHING THAT CAN BE DISSECTED THERE ARE CERTAIN THINGS WITHIN CERTAIN URGENCIES THAT I THINK ARE TOO TEDIOUS FOR REASON TO BE PUT IN A WEBSITE THE OPERATIONS OF A RUNWAY AIR TRAFFIC CONTROL THE TARMAC CONTROL WITHIN THE AIRPORTS HOW TO DEAL WITH THE CRANES AT THE PORT WHAT IS THE STANDARD OPERATION PROCEDURE IF YOU WERE TO RECEIVE AN INQUIRY OR REQUEST FOR INCLUSION IN THE LANDING THERE'S SO MUCH ABOUT HOW TO LIVE IN AN AGENCY THAT I THINK REQUIRES DISCRETION AND PERHAPS SHOULD JUST BE CONTAINED WITHIN THE AGENCIES IN SO I JUST I UNDERSTAND THE INTENT OF THIS BILL AND I DON'T OBJECT TO THAT BUT I THINK THAT PUTTING THIS IS A MANDATE THIS IS A LAYER BUREAUCRACY THAT OUR GOVERNMENT AGENCIES WHO ARE SO STRETCHED AT THIS MOMENT DON'T NEED THE ADDED AGGRAVATION AND I BELIEVE IT'S A PIECE OF ADDED AGGRAVATION SO IN DEFENSE OF ALL THE GOVERNMENT EMPLOYEES WHO HAVE FAR MORE OBJECTIVES AND MANDATES TO DEAL WITH WITH VERY LIMITED RESOURCES AND MANPOWER THAT PERHAPS THIS

IS NOT IN THEIR BEST INTEREST AND I WOULD RISE IN OPPOSITION TO THIS PIECE OF LEGISLATION WITH ALL DUE RESPECT TO THE AUTHORS BUT I BELIEVE THAT THERE ARE WAYS WE CAN HELP WITH THE EFFICIENCY OF THE GOVERNMENT AND ADDING ONE LAYER OF BUREAUCRACY IN MY ESTIMATE IS NOT REASONABLE AT THIS POINT SI YU'OS MA'ÅSE.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR TORRES ANY OTHER SENATOR WISH TO BE HEARD SENATOR SAN AGUSTIN I UNDERSTAND TO SPEAK ON THE MOTION.

SENATOR SAN AGUSTIN: THANK YOU SPEAKER YOU KNOW ON THE BILL 14- 34 AS I WAS READING IT I WAS ASKING MY COLLEAGUE IS THAT I'M TRYING TO FIND IN THE LAW FIRST THAT WE HAVE A LAW THAT REQUIRES AN AGENCY TO CREATE SOPS THAT'S WHAT I WAS LOOKING FOR FIRST I HAVEN'T FOUND ONE AND MY TIME IN THE MILITARY I WAS REQUIRED TO CREATE SOPS TO HELP THE OPERATION BUT EXACTLY AS SENATOR TORRES BROUGHT UP IT'S WAS VERY FLUID IT COULD BE ONE SOP TODAY THAT SAME SOP WOULD CHANGE WITHIN THE HOUR BASED ON THE OPERATION AND WHAT WE'RE DOING AND THEN WHEN I LOOK AT THIS BILL WE'RE GOING TO ASK THE OPA YOU NEED TO CHECK REQUIRE TO CHECK THEIR SOP IS THERE A LAW REQUIRING AN SOP BECAUSE IN MY TIME REVENUE AND TAX EXACTLY WHAT SENATOR SAN NICOLAS BROUGHT UP IS THAT AS WE LOOK AT THEIR FINANCIAL AUDIT REPORT THEY SAY FOR EXAMPLE YOU'RE MISSING 30-40 MILLION DOLLARS THERE'S NO SOP. YOU KNOW WHAT SOP IS GO GET THE MONEY AND BRING IT BACK THEY BRING THOSE REPORTS BUT WHEN YOU'RE LOOKING FOR AN SOP SOME INDUSTRIES IT COULD HAPPEN TODAY AND THEN IT'S GONE TOMORROW AND THEN IT'LL JUST CHANGE SO WHERE'S THE LAW THAT GOVERNS FIRST THE SOP IS I WOULD HAVE TO FIRST ASK THAT BEFORE I COULD SUPPORT THIS BILL BECAUSE I WANT TO ASK OPA TO COME UP WITH A REASON TO TELL US THAT AN AGENCY DOESN'T HAVE AN SOP THESE ARE THE REASON WHY THEY'RE FAILING NO BECAUSE WHEN THE AUDIT IS DONE THEY SHOULD ALSO REVEAL WHEN THEY SAY AN AGENCY IS FAILING WHY BECAUSE IT'LL COME RIGHT BACK TO THIS BODY AND SAYING YOU NEED TO PROVIDE THE FUNDING TO MAKE SURE THEY DON'T THEY PASS FROM HERE FORTH THANK YOU.

SPEAKER CRUZ: THANK YOU SENATOR SAN AGUSTIN ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION IF NOT SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR.SPEAKER THIS BILL HAS GENERATED MORE CONVERSATION THAN I THOUGHT IT WOULD IT'S VERY INTERESTING AND IT REALLY GIVES SOME GOOD PERSPECTIVE OF THINGS TO THINK ABOUT IT BUT I DO YOU KNOW WANT TO ASK ONE QUESTION BECAUSE THE OPA RECOMMENDED A LEGISLATIVE FINDING AN INTENT TO BE ADDED TO THE BILL FOR GUIDANCE TO THE AGENCY'S WHO WOULD POST THEIR SOPS ON THE WEBSITE IT WAS ALSO NOTED BY THE OPA THAT THE INFORMATION FOR SUCH A SECTION HAD ALREADY BEEN DEVELOPED BY THE BILL'S AUTHOR AS PART OF THE BILLS INTRODUCTION IN THE PRESS RELEASE TYPE FORMAT THAT NEITHER THE AUTHOR KNOW THE OVERSIGHT COMMITTEE HAS SEEN FIT TO DO SO AND MY ONLY QUESTION IS AND AGAIN THE OPA WAS KIND OF LOOKING TO BE ABLE TO IN HER ASSESSMENT IF SHE DOES GO IN TO TAKE A LOOK AT SOPS TO BE ABLE TO UNDERSTAND WHAT THE INTENT AND THE FINDINGS WERE AT THE LEGISLATURE THAT WOULD HELP GUIDE HER IN PARTICULAR AND MAYBE EVEN DOWN THE ROAD MAYBE EVEN THE COURT SHOULD ANY CASE BE BROUGHT SO THAT THE REAL SIMPLE QUESTION AT THIS POINT TIME IS WHY WAS A LEGISLATIVE FINDINGS AND INTENT NOT INCLUDED AND I UNDERSTAND SOME BILLS AND SOME SOME AUTHORS OF BILLS PREFER NOT TO INCLUDE IT AND SOME DO BUT IN THIS CASE IT WAS THE OPA WHO MADE THAT RECOMMENDATION SO THE QUESTION TO THE AUTHOR OR MAYBE EVEN SOMEBODY IN

THE COMMITTEE IS WHY WHY WAS IT NOT INCLUDED EVEN THOUGH THAT'S WHAT THE OPA RECOMMENDED.

SPEAKER CRUZ: DOES THE SPONSOR OR THE CHAIRMAN WISH TO YIELD.

SENATOR ESTEVES: I WILL YIELD TO THE QUESTION MR. SPEAKER THANK YOU THE REASON VERY SOON IT WASN'T ADDED INTO THE LEGISLATIVE FINDING IS BECAUSE IF WE DIDN'T FEEL THAT IT WOULD ADD TO THE ACTUAL LEGISLATION I THINK CONSIDERING THAT IT DOES NOT ACTUALLY ADD TO THE BILL IT MIGHT JUST MAKE IT A BIT MORE CONVOLUTED FOR THE INDIVIDUAL THAT'S READING IT THE SIMPLIFICATION OF THE BILL AND AMBIGUITY WAS IMPORTANT IN TERMS OF THE APPLICATION IT'S TRUE THAT THE BILL WOULD HAVE FAR-REACHING IMPLICATIONS BUT IT WAS IN OUR VIEW THAT IT WOULD BE POSITIVE TO ALL ASPECTS OF GOVERNMENT PRIMARILY THOSE THAT HAVE OVERSIGHT AND TO THE COMMUNITY AT LARGE IN TERMS OF HOW THESE THESE ARE APPLIED NOW THE FACT SHEET DOES EXIST WITHIN THE COMMITTEE REPORT THAT DOES NOT PRECLUDE THAT IF THEY'RE AGENCIES THAT REQUEST OR THE OPA NEEDS ASSISTANCE OR GUIDANCE THAT IT IS STILL WITHIN THE RECORD WITHIN THE COMMITTEE REPORT THE FACTS SHEET DOES EXIST THAT CAN ASSIST AS WELL AS IF THIS IS PASSED INTO LAW MY OFFICE CAN ASSIST WITH ANY FUTURE ENDEAVORS TO DEVELOP THESE SOPS I WAS GOING TO SPEAK MORE BUT SINCE IT WAS JUST TOO THAT'S THAT QUESTION I'LL GO AHEAD AND AND END RIGHT NOW THANK YOU MR. SPEAKER.

SPEAKER CRUZ: VICE SPEAKER THERE WAS AN ISSUE WE'LL TAKE A SHORT RECESS. MADAME VICE SPEAKER DO YOU WISH YIELD TO THE QUESTION THAT WAS POSED BY SENATOR ESPALDON.

VICE SPEAKER TERLAJE: MR. SPEAKER SENATOR I WOULD HAVE NO OBJECTION TO THAT BE INCLUDED IN THE INTENT HOWEVER I BELIEVE THAT THE BILL GIVES THE AUDITOR YOU KNOW WHILE SHE'S IN HER ROLE TO GIVE GUIDANCE TO THE AGENCIES THAT THAT WOULD BE EXACTLY LIKE I MEAN TO GIVE THEM GUIDANCE AND SUGGESTIONS AS TO HOW TO IMPROVE AS SHE DOES IN HER AUDITS HOW TO IMPROVE THEIR STANDARD OPERATING PROCEDURES SO I DON'T THINK IT WAS ABSOLUTELY NECESSARY BUT IF I HAVE NO OBJECTION IF SOMEBODY WANTS TO PROCURE I MEAN TO MAKE THAT AMENDMENT MR. SPEAKER.

SPEAKER CRUZ: SENATOR ESPALDON.

SENATOR ESPALDON: THAT ANSWERS THE QUESTION THEN I AM NOT INFORMED ENOUGH BECAUSE THIS IS NOT PART OF MY BILL OR IT WASN'T MY BILLS TO UNDERSTAND WHAT THE NECESSARY LEGISLATIVE INTENT WOULD HAVE BEEN AND WHAT NOT BUT I KNOW THAT AGAIN AS THE PUBLIC AUDITOR STATED THAT EVEN IN THE PRESS RELEASE WHICH I BELIEVE IS PART OF THE RECORD ALREADY IT KIND OF SPELLS OUT REALLY WHAT THE INTENT WAS AND I'M NOT SURE IF A MOTION CAN BE MADE OR SHOULD BE MADE AT THIS TIME TO INCLUDE THAT AS A LEGISLATIVE INTENT BECAUSE IT'S NOT WRITTEN IN THE PROPER FORM AT THIS POINT.

SPEAKER CRUZ: OKAY.

SENATOR ESPALDON: THANK YOU.

SPEAKER CRUZ: THANK YOU ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION IF NOT SENATOR ESTEVES YOU ARE WELCOME TO CLOSE.

SENATOR ESTEVES: THANK YOU MR. SPEAKER TO ADDRESS A COUPLE OF POINTS THAT WERE BROUGHT UP WITH ADDING AN ADDITIONAL BURDEN TO THE EXECUTIVE BRANCH IT'S OUR RESPONSIBILITY TO CONTINUALLY PUSH THE ENVELOPE AND HAVE HIGHER

DEMANDS IF WE DON'T ACCEPT HIGHER STANDARDS OF PRACTICES AND JUST TRUST THAT ALL THINGS WILL FALL INTO PLACE I THINK WE'RE GOING TO BE SURPRISED AND SEE WHAT WE'VE SEEN OVER THE LAST COUPLE OF DECADES WHILE I DO ADMIT THERE ARE RESTRAINTS AND RESOURCES AND HAVING EXECUTIVE EXPERIENCE MYSELF I UNDERSTAND THERE IS A FLUIDITY AS TO GETTING THE GETTING THE MISSION ACCOMPLISHED BUT WE HAVE TO UNDERSTAND THAT BEFORE YOU ALTER PRACTICES BEFORE YOU FINAGLE THE PROCESS IN ORDER TO GET THINGS DONE THERE NEEDS TO BE A CLEAR UNDERSTANDING OF WHAT THE STANDARDS ARE THERE ALWAYS HAS TO BE A POINT OF ORIGIN AND A BASIS IN WHICH WE DEVELOP AND TRAIN AS A STANDARD AND AS A TEAM AND AS AN ORGANIZATION AND THEN FROM THAT STANDARD AS EXPERTS WE CAN MAKE DETERMINATIONS OF WHETHER OR NOT WE CAN VEER FROM THOSE NOW WHEN YOU DEVELOP SOPs THERE SHOULD BE NO REASON WHY YOU COULDN'T PRECLUDE EXCEPTIONS TO THE RULE BUT THAT'S A FAIR ASSERTION WITHOUT TAKING AWAY AUTHORITY FROM A DIRECTOR OR ADMINISTRATOR AN EXPERT WITHIN A PROFESSIONAL FIELD OR PROFESSIONAL FIELD CAN ASSERT THOSE EXCEPTIONS BECAUSE THEY HAVE A GOOD UNDERSTANDING OF STANDARDS EITHER INDUSTRY STANDARDS OR OTHER STANDARD PRACTICES BUT UNTIL WE IDENTIFY THOSE STANDARDS OPENLY PUBLICLY WITH FULL TRANSPARENCY IT'S GOING TO BE A LONG TIME BEFORE WE GROW AS A GOVERNMENT SO THE CONTINUITY OF OPERATIONS IS VERY VERY IMPORTANT AND I AND I WOULD CONTEND THAT THIS POTENTIAL ADDING AN UNDUE BURDEN I THINK IT'S ONLY A RESULT OF OUR SHORTCOMINGS OVER THE DECADES AS NOT HAVING DEVELOPED THESE PROCEDURES WITHIN OUR GOVERNMENT SO I MEAN EVENTUALLY THINGS COME TO ROOST AND AND THE TIME HAS COME THAT THIS WILL HELP US MOVE FORWARD AND MANY AND MANY OTHER AVENUES TO IMPROVE EFFICIENCY WITH OUR GOVERNMENT BUT UNTIL WE FINALLY SAY THAT THE WILD WILD WEST OF THE GOVERNMENT OF GUAM ENDS WE'RE NEVER GOING TO MOVE OR IMPROVE OUR FINANCIAL SITUATION THANK YOU.

SPEAKER CRUZ: ON THE MOTION TO SEND THE BILL TO THE VOTING FILE THERE BEING NO OBJECTION MADAME VICE SPEAKER IF YOU TAKE THE CHAIR.

NOTE VICE SPEAKER TERLAJE PRESIDED

VICE SPEAKER TERLAJE: WE ARE NOW ON BILL 15 SPEAKER CRUZE YOU ARE RECOGNIZED.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAME SPEAKER MADAME SPEAKER I MOVE THAT BILL 15-34 BE PLACED ON THE THIRD FILE AND I ASK FOR AN OPPORTUNITY TO SPEAK BRIEFLY.

VICE SPEAKER TERLAJE: PLEASE PROCEED.

SPEAKER CRUZ: I GUESS ALL OF US HAVE BEEN VERY BUSY THIS WEEK.

VICE SPEAKER TERLAJE: I'M SORRY MR. SPEAKER IS IT AS CORRECTED BY THE PRIMARY SPONSOR.

SPEAKER CRUZ: YES, I'M SORRY.

VICE SPEAKER TERLAJE: ALRIGHT THANK YOU PLEASE PROCEED.

SPEAKER CRUZ: I GUESS ALL OF US HAVE BEEN READING THE OPA REPORTS AND I WHICH I THINK YOU SHE SHOULD BE VERY PROUD OF THE FACT THAT WE ARE PAYING ATTENTION TO 'EM AND ARE INTRODUCING LEGISLATION TO ADDRESS IT THE OPA EARLIER THIS YEAR PUBLISHED A REPORT WHERE SHE REMINDED THE GOVERNMENT OF GUAM THAT SINCE 2007 SHE'S BEEN RECOMMENDING THAT A GOVERNMENT OFFICE BUILDING BE BUILT AS A POSSIBLE WAY OF SAVING RENT MONEY THE OPA REPORT

CALCULATED THAT THE GOVERNMENT OF GUAM IS CURRENTLY SPENDING ABOUT \$11.7 MILLION DOLLARS IN RENT MONEY AND IN RETRO PAYMENTS AND I DECIDED THAT I WANTED TO AT LEAST ADDRESS THE THE MISIMPRESSION AT LEAST THAT ALL THAT MONEY WAS AVAILABLE AND COULD BE USED FOR A BOND PAYMENT TO BUILD IT A NEW OFFICE EXECUTIVE OFFICE BUILDING IN AGANA SO I WENT THROUGH THE CALCULATIONS THAT SHE PROVIDED I WAS ABLE TO COME UP IN MY ANALYSIS OF THE OFFICE OF FINANCE AND BUDGET WE ONLY FOUND \$5.2 MILLION DOLLARS THAT WOULD HAVE BEEN OR SHOULD BE ATTRIBUTABLE TO AN EXECUTIVE OFFICE BUILDING WE ARE VERY FORTUNATE MADAME SPEAKER THAN WE ARE NOW IN OUR RENOVATED FACILITIES WE'RE BACK TO THE HISTORIC GUAM CONGRESS IRONICALLY 12 MONTHS AGO I WAS TRYING TO SAVE A BUILDING ACROSS THE STREET WHICH I WAS HOPING THAT WE COULD HAVE TURNED INTO THE OFFICE BUILDINGS FOR THE REMAINING 11 SENATORS THAT ARE NOT IN THIS IN THIS BUILDING I LOST THAT FIGHT AND THAT BUILDING HAS BEEN RAISED BUT NOW THERE'S TALK OF HIS EXECUTIVE OFFICE BUILDING BEING BUILT IN AGANA BILL 15-34 IS TO ADDRESS THAT I WANT IT CLEARLY UNDERSTOOD I FULLY FULLY FULLY SUPPORT THE IDEA AND THE INTENT OF BUILDING AN EXECUTIVE OFFICE BUILDING IN HAGÁTÑA IN THE HOPES THAT WE COULD INVEST THE \$5.2 MILLION DOLLARS THAT WE'RE CURRENTLY PAYING IN RENTAL IN BUILDINGS THROUGHOUT THE ISLAND INTO A BUILDING THAT'S EVENTUALLY GOING TO BE OUR OWN THAT BEING SAID I ALSO WANTED TO MAKE SURE THAT WHEN AND IF WE DECIDE THAT WE'RE GOING TO BUILD AN EXECUTIVE OFFICE BUILDING THAT WE DO IT RIGHT THE FIRST TIME AND I THOUGHT THAT THE WAY TO DO THAT WAS TO LIST THE AGENCIES THAT I HAD FOUND THAT COMPRISE THE \$5.2 MILLION DOLLARS TO HAVE SOMEONE GO IN AND DO AN ANALYSIS OF HOW MANY SQUARE FEET EACH OF THESE AGENCIES NEEDED IN ORDER TO COME INTO A EXECUTIVE OFFICE BUILDING I WANTED SOMEONE TO ANALYZE THE REVISED BUILDING CODE TO DETERMINE WITH THIS NUMBER OF GOVERNMENT OFFICES AND SQUARE FOOTAGE FOR THIS BUILDING HOW MANY PARKING SPACES WOULD BE REQUIRED EXCETERA EXCETERA WHILE I WAS DOING THAT ONE OF MY STAFFERS POINTED OUT YOU REALIZE THAT WHAT YOU'RE DOING IS EXACTLY WHAT WAS DONE BEFORE THE BUILDING OF THE GLORIA B. NELSON GPA GWA BUILDING IN FADIAN I WAS PROVIDED WITH A COPY IT WAS PROBABLY LESS THAN 200 PAGES BUT IT WAS A VERY COMPREHENSIVE STUDY IT TOOK THE SQUARE FOOTAGE AND THE NUMBER OF PEOPLE THAT WERE WORKING OUT OF THE BUILDING IN HARMON FOR GPA THE NUMBER OF PEOPLE IN SQUARE FOOTAGE THEY THOUGHT THEY NEEDED FOR THE NUMBER OF PEOPLE THAT WERE WORKING IN UPPER TUMON FOR GWA THEY DID AN ANALYSIS OF HOW MUCH SPACE THIS WAS GOING TO REQUIRE IT WAS AN ABSOLUTELY BEAUTIFUL PLAN MY INTENT MADAME SPEAKER IS THAT WHEN AND IF WE START DOING A STUDY AND IN FACT I BELIEVE THAT THIS BILL ALSO STATES THAT ALL I'M COMMITTING TO FINDING A WAY TO PUT INTO THIS YEARS I MEAN THIS COMING YEARS FY18 BUDGET THE FUNDS TO BE ABLE TO PAY FOR THIS STUDY BUT I WOULD REALLY I THINK IT'S IN THE BEST INTEREST OF THE PEOPLE OF GUAM THAT WE DON'T BUILD A BUILDING THAT'S TOO BIG A BUILDING THAT'S TOO SMALL A BUILDING AS MANY OF US KNOW HAS TOO FEW PARKING SPACES A BUILDING BUT DOESN'T FLOW CORRECTLY A BUILDING THAT DOESN'T WE DON'T WANT TO BUILD NO OFFENSE AND YOU KNOW EVERYBODY THOUGHT THAT IT WAS GREAT TO DO THESE KINDS OF BUILDINGS IN THE PAST THAT HAVE ALL BEEN ENCLOSED LIKE PUBLIC HEALTH AND SIGN THEM AND THEN FIND OUT THAT'S WHEN THERE'S NO POWER THERE'S NO AIR AND CONSEQUENTLY THE BUILDING IS UNUSABLE SO I MEAN I'M HOPING THAT THIS STUDY WHICH WE WILL TRY TO FIND IN THE FY18 BUDGET WILL BE ABLE TO PREPARE US FOR THE EVENTUAL BUILDING OF AN EXECUTIVE OFFICE BUILDING IN AGANA WHICH I'M HOPING WILL SAVE US MONEY IN THE FUTURE AND SO CONSEQUENTLY THAT'S WHAT BILL 15 IS FOR AND I'M

HOPING THAT MY COLLEAGUES WILL SUPPORT THE PASSAGE OF BILL 15 THANK YOU VERY MUCH MADAME SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER ON BILL NUMBER 15 SENATOR MORRISON YOU ARE RECOGNIZED.

SENATOR MORRISON: THANK YOU MADAME SPEAKER FOR ALLOWING ME THE OPPORTUNITY TO REGISTER MY COMMENTS IN SUPPORT OF BILL 15 I BELIEVE THAT THIS MEASURE IS A GOOD STEP FORWARD IN OUR GOVERNMENT'S EFFORTS TO END THE PRACTICE OF RENTING AND LEASING FACILITIES FOR PUBLIC OPERATIONS PARTICULARLY WHEN THEY DIDN'T AS WE KNOW BEEN INCONVENIENT FOR OUR FAMILIES AND ALSO PROVED TO BE MORE COSTLY AS THE AUTHOR HAS POINTED OUT ACTUALLY THE OPA'S REPORT \$12.5 MILLION IN RENT AND LEASES SO THROUGHOUT THE FISCAL YEAR PAST FISCAL YEARS ITC ALONE SPENDS WE SPEND APPROXIMATELY ABOUT \$3.8 TO \$4 MILLION DOLLARS IN RENT AND LEASE MADAME SPEAKER I WE ALL SAW THE SUCCESS OF OUR THE PREDECESSORS OR THE LEGISLATURE TO PASS TO WORK TO GET US HERE AND WE SAW HOW WE CONSOLIDATED THE OPERATIONS AND A NUMBER OF SENATORIAL OFFICES HAS RECEIVED WITH THE RENOVATED GUAM CONGRESS BUILDING AS THE AUTHOR MENTIONED DO IT RIGHT THE FIRST TIME I CERTAINLY AGREE AND WE MUST LEAD BY EXAMPLE MADAME SPEAKER THERE'S A BIG MISCONCEPTION OUT THERE THAT ALL THE SENATORS ARE HOUSED IN THIS BUILDING AND THERE'S ALSO A BIG MISCONCEPTION THAT WE ARE NO LONGER RENTING OR LEASING OFFICES THERE'S 11 SEVEN 11 SENATORS OR OFFICES STILL BEING RENTED OUT TO INCLUDE MYSELF AND CONTINUE TO RENT TO BEEN RENTING FOR THE PAST THREE TERMS THE COST OF THIS LEGISLATURE TO RENT OR LEASE OR AT LEAST 11 OFFICES COST APPROXIMATELY \$750,000 AT LEAST FOR THIS TERM SO I DO RESPECT THIS IS A GREAT STEP FORWARD I DO RESPECT WHAT THE AUTHOR IS INTENDING TO DO HERE AND I CERTAINLY HOPE UNDERSTANDING KNOWING THAT WE'RE COMING INTO AN EXISTING BUILDING OR RESTORING AN EXISTING BUILDING I UNDERSTAND THAT THIS IS A SPACE THAT WE HAVE TO WORK WITH AND CREATING OR ADDING ADDITIONAL SPACES THOSE THAT THAT THIS TYPE OF PROCESS WAS PUT IN PLACE PRIOR SO THERE'S A CLEAR UNDERSTANDING THAT THE WHOLE INTENT WAS TO MOVE NOT ONLY CENTRAL OPERATIONS PHOTOS OVER TO THIS BUILDING BUT CERTAINLY TO HOUSE ALL OFFICES ALL COMMITTEES ALL SENATORIAL OFFICES OFFICES AND TOO ENSURE THAT WE COMPLETELY ARE ENDING THE PRACTICE OF LEASING OR RENTING OFFICES SO YES WE DO HAVE TO DO IT RIGHT THE FIRST TIME AND I HOPE GOING FORWARD THAT BILL 15 WITH THIS COMPREHENSIVE STUDIES INCLUDE THE LEGISLATURE AND GOING FORWARD WE ARE FOCUSING ON THE EXECUTIVE OFFICES OR PARTICULARLY A LOT OF THE LINE AGENCIES MAJORITY OF THEM ARE RENTING EITHER YOU SEE THEM AT REV & TAX OR AT THE ITC BUILDING WHERE A NUMBER OF OUR AGENCIES ARE CONSOLIDATED INTO THAT ONE BIG BUILDING AND COSTING THIS GOVERNMENT A LOT OF MONEY SO I HOPE THE COMPREHENSIVE STUDY WOULD INCLUDE THIS LEGISLATURE GOING FORWARD SO WE CAN HOUSE ALL SENATORIAL OFFICES IN THIS AREA IT'S VERY INCONVENIENT MADAME SPEAKER FOR OUR FAMILIES WE ALL KNOW THAT TO GO TO FIND EACH SENATOR AT LEAST 11 SENATORS THAT ARE NOT HOUSES HERE IT'S VERY CHALLENGING FOR THOSE THAT ARE DISABLED THOSE THAT HAVE TO GO UPSTAIRWAYS OR GO INTO AN ELEVATOR TO FIND SENATORS SO CERTAINLY THAT IS A CHALLENGE AND OUR GOAL IS TO BE ACCESSIBLE TO OUR PEOPLE ANOTHER THING I LIKE TO PLAN OUT THE MADAME SPEAKER IS I HOPE THAT THIS STUDY WILL TAKE INTO CONSIDERATION THE VALUE OF REQUIRING THE CONSTRUCTION OF A UNIFIED GOVERNMENT OFFICE FACILITY AND OTHER PUBLIC FACILITIES INCLUDING SCHOOLS AND RECREATION AREAS TO INCLUDE VIDEO SECURITY SYSTEMS I THINK THIS LEGISLATURE HAS WORKED VERY HARD OR

EVEN PREVIOUS LEGISLATURES WORKED HARD AND HOW WE CAN BETTER PROTECT OUR ASSETS BY INCORPORATING INTO THE SCOPE OF FUTURE CONSTRUCTION PROJECTS VIDEO SECURITY SYSTEMS AND TYING THAT INTO PROVIDING AUTHORIZATIONS WITH FROM THE E-911 SYSTEM TO ENSURE THAT GOING FORWARD THAT THOSE THINGS WILL ALL BE TIED IN OR LINKED AND THIS IS TO ENSURE TO PROTECT OUR EMPLOYEES AND THE PROTECTION OF OUR TAXPAYER ASSETS WE'VE SEEN IN THE PAST MADAME SPEAKER CRIMINALS SUCCEEDED AT DISRUPTING VALUABLE CONSTRUCTION TIME AFTER DESTROYING COUNTLESS CLASSROOMS FOR RATEPAYERS TO COVER HUNDREDS OF THOUSANDS OF DOLLARS IN REPLACEMENT OF COPPER WIRE HAVE LEFT YOUTH AND FAMILIES WITH FEWER OPTIONS TO ENGAGE IN SAFE FUN AND SPORTS ACTIVITIES AND I'VE BE SEEING WITH THE PARKS RECREATION FACILITIES OUT THERE THAT ARE CONTINULY CONTINUOSLY A TARGET SO I HOPE IN THIS UNIFIED PLAN COMPREHENSIVE STUDY THAT WE WILL INCLUDE A SECURITY MEASURE SECURITY SYSTEMS WE LIVE IN A TIME WHERE WE'RE SEEING RIGHT BEFORE US THE TYPES OF CRIMES THAT ARE TAKING PLACE AND WITH THE HELP WITH OUR PRIVATE SECTOR ALL OVER PRIVATE CITIZENS THANKFULLY WE'RE ABLE TO CAPTURE FOOTAGE AND USE THAT AS A HARD EVIDENCE TO OR HAVING A BETTER TURN AROUND AND CAPTURING THESE OR APPREHENDING THESE INDIVIDUALS SO MADAME SPEAKER I APPLAUD THE EFFORTS OF THE AUTHOR FOR TAKING THIS STEP AND I UNDERSTAND THAT A LOT OF FOLKS ARE ARE ARE NOT SEEING THAT WE HAVE A POTENTIAL AS WE'VE DONE HERE TOO REALLY REALLY MOVE FORWARD WITH NOT ONLY THE RESTORATION EFFORTS THE REVITALIZATION EFFORTS OF THE CAPITOL OUR CAPITAL CITY HERE BUT THESE NUMBERS ARE CLEAR AND THAT THROUGH THE MODELS THAT WE'VE PROVEN TO PASS TO REPROGRAM AND MOVE FORWARD AND GET OUR GET THE HOUSE OF THE PEOPLE BACK IN ORDER I CERTAINLY KNOW WE CAN CERTAINLY GET MOST OF OUR AGENCIES BACK IN THE ORDER AND HOUSE OUR FACILITIES THAT WE OWN AND CAN MANAGE AND SAVE OVER THE LONG HAUL SO I THANK YOU MADAME SPEAKER FOR THE OPPORTUNITY TO SPEAK AND PROVIDE REMARKS ON THIS BILL THANK YOU.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH SENATOR MORRISON ON BILL 15 ARE THERE ANY OTHER SPEAKERS SENATOR ADA RECOGNIZED.

SENATOR ADA: THANK YOU MADAM SPEAKER I CERTAINLY RISE IN SUPPORT OF OF THE BILL I THINK IT'S SO IT'S VERY IMPORTANT THAT WE GET A CLEAR VISION OF WHERE WE ARE GOING AND WHAT ARE WE GOING TO DO WHEN WE GET THERE AND SO CERTAINLY BY DOING SOME KIND OF A FEASIBILITY STUDY THIS WILL MAKE SURE THAT THE THAT THE WE HAVE THAT WE BASICALLY HAVE A GOOD VISION OF WHERE WE'RE GETTING INTO I WOULD JUST SO I DON'T HAVE ANY AMENDMENTS MADE UP YET BUT I DO HAVE I THINK WE NEED TO CONSIDER THINGS FOR EXAMPLE IN SECTION TWO IT IDENTIFIES THAT THE LEGISLATURE WILL IDENTIFY FUNDING SOURCE IN THE UPCOMING BUDGET ACT AND AND THAT'S AND THAT'S GOOD THE QUESTION IS I GUESS WE KIND OF NEED TO ALSO PEG YOU KNOW HOW MUCH ARE WE WILLING TO SPEND SO WE PROBABLY PROBABLY NEED TO CONSIDER LANGUAGE IN THERE TO AUTHORIZE EXPENDITURE YOU KNOW UP TO LET'S SAY \$500,000 WHERE THAT WHERE THAT \$500,000 COME FROM IF IT'S JUST AN ARBITRARY FIGURE BUT THE THING I'M CONCERNED ABOUT IS IF WE JUST KIND OF LEAVE IT OPEN-ENDED YOU KNOW THE STUDY IF SOMEBODY FINDS A MILLION DOLLARS WELL THEN THEY'LL DO A MILLION-DOLLAR STUDY AND YOU'LL TAKE FOREVER AND EVER AND SO WE KIND OF NEED TO PLACE THAT PARAMETER IN PLACE WE ALSO REALLY KIND OF NEED TO COREL THIS FROM THE STANDPOINT OF YOU KNOW HOW HOW SOON DO WE WANT THIS WEEK WHERE THE BILL IS BASICALLY SAYING WE NEED TO DO THIS BUT WE HAVEN'T REALLY SAID WELL WE NEED TO DO IT WHEN AND WE'RE GOING TO NEED LANGUAGE IN HERE AND AGAIN LIKE I SAID I DON'T HAVE ANY

AMENDING LANGUAGE BUT I THINK THAT CONSIDERATIONS GOING TO BE VERY IMPORTANT AS TO WHEN WE WANT THIS FEASIBILITY STUDY DONE AND AND AND AND THAT IN SECTION TWO ALSO WE DO AUTHORIZE THE GOVERNOR TO TO BE ABLE TO GO AHEAD AND TRANSFER FROM UP AND TRANSFER THE MONEY WITHIN THE CURRENT BUDGET TO BE ABLE TO DO THIS AND I THINK MAYBE WE SHOULD PROBABLY ALLOW HIM TO BE A IN ADDITION TO ALLOWING HIM TO TO MAKE THAT TRANSFER WITHIN THE CURRENT BUDGET IS TO DO SO WITHOUT IT COUNTING AGAINST HIS 15% TRANSFER AUTHORITY OTHERWISE IF HE'S ALREADY YOU KNOW PUSHING UP AGAINST THAT HE'S CERTAINLY NOT GOING TO FIND IT LOOK FOR IT AND FINALLY I THINK THAT THIS STUDY THE SOLICITATION FOR THIS SORT OF STUDY WHICH WOULD BE ACTUALLY A REQUEST FOR PROPOSAL BECAUSE WE'RE GOING TO BE SOLICITING FOR PROFESSIONAL SERVICES A PROFESSIONAL PLANNER TO BE ABLE TO CONDUCT THE STUDY AND SO A REQUEST FOR PROPOSAL WOULD CERTAINLY BE MOST APPROPRIATE FOR THIS SORT OF ACTIVITY AND AND THAT IT REALLY SHOULD BE PROCURED THROUGH THE DEPARTMENT OF PUBLIC WORKS SINCE IT'S ALL RELATED ULTIMATELY THROUGH FOR CONSTRUCTION EVENTUALLY DOWN THE ROAD SO I THINK IT WOULD BE MORE APPROPRIATE TO THAT THE PROCUREMENT BE MADE THROUGH DEPARTMENT OF PUBLIC WORKS I THINK THIS IS A VERY GOOD BILL IT'S A GOOD START I THINK IT'S NEEDED BUT MAYBE IF WE CAN MAYBE IF THE SPONSOR IS WILLING TO PUT IT ASIDE SO THAT WE CAN COME UP WITH SOME AMENDING LANGUAGE TO PUT THOSE PARAMETERS ON AND THEN COME BACK TO IT I THINK THAT I THINK THAT WOULD CERTAINLY SERVE US WELL THANK YOU VERY MUCH.

VICE SPEAKER TERLAJE: THANK YOU SENATOR ADA ON BILL NUMBER 15 ARE THERE ANY OTHER SENATORS WISHING TO SPEAK SENATOR ESPALDON YOU ARE RECOGNIZED.

SENATOR ESPALDON: THANK YOU MADAME SPEAKER I THINK WE WELL I'LL SPEAK FOR MYSELF I'VE ALWAYS BELIEVED THAT YES WE WOULD NEED WE DO NEED TO BUILD OUR OWN FACILITIES BECAUSE WE ARE WASTING WE'RE NOT WASTING BUT WE'RE SPENDING A LOT OF MONEY LEASING FOR GOVERNMENT OFFICES OUTSIDE AND WHAT THIS BILL DOES IS IT BASICALLY REQUIRES THAT A COMPREHENSIVE COST-BENEFIT AND SPECIALIZATIONS STUDY BE CONDUCTED PRIOR TO THE AUTHORIZATION OF THE FUNDING THE CONSTRUCTION OF THIS OF THIS BUILDING WE'RE TALKING ABOUT SO NO DOUBT THERE IS A NEED AND THAT IS HOW I DO HAVE A QUESTION FOR THE SPONSOR AND I SAY THAT RIGHT NOT BECAUSE I SAW HIM WALKING UP AND AND IT INVOLVES A CONVERSATION I HAD WITH MEMBERS OF THE HAGÁTÑA REDEVELOPMENT REVITALIZATION AUTHORITY AND THEY DID HAVE A CONCERN IN THE IN THAT IN THEIR WORKINGS AND LOOKING AT THE REDEVELOPMENT OF THE REVITALIZATION OF HAGÁTÑA WHICH INCLUDED A BUILDING A GOVERNMENT BUILDING WHERE THE OLD ADMINISTRATION BUILDING USED TO BE THERE HAS BEEN A LOT OF STUDIES DONE AND AND THEY'RE CONCERN WAS WITH ALL THE EFFORTS AND ALL THE PLANNING THAT THEY ALONG WITH THE CONSULTANTS HAVE MADE TO DATE THEIR CONCERN WAS THAT MAYBE THIS BILL WOULD SET BACK EVERYTHING THAT IS HAS BEEN PLACED ON PAPER IT IN ITS PLANNING STAGES AND SO THE QUESTION IS WHETHER THE SPONSOR OF THIS BILL OR MAYBE EVEN THE OVERSIGHT COMMITTEE DID HE OR DID THEY HAVE SUBSEQUENT DISCUSSIONS WITH THE HAGÁTÑA REDEVELOPMENT REVITALIZATION AUTHORITY ON THIS PARTICULAR CONCERN THAT YOU KNOW WITH ALL THE INFORMATION AND STUDIES THAT HAVE ALREADY BEEN DONE THIS MIGHT ACTUALLY PUSH EVERYTHING BACK TO GROUND ZERO WHEN READY THEY'VE MADE SOME HEADWAY TO IDENTIFY PERHAPS SOME OF THE INFORMATION THAT IS GOING TO BE REQUIRED BY THIS BILL.

VICE SPEAKER TERLAJE: SPEAKER CRUZ DO YOU YIELD TO THAT QUESTION.

SPEAKER CRUZ: YES MADAME SPEAKER AND I THANK THE GOOD SENATOR FOR GIVING ME THE OPPORTUNITY TO ADDRESS THIS AND THE REASON THERE WAS A EARLIER CRITICISM ABOUT THE FACT THAT WE SHOULD HAVE LEAD BY EXAMPLE I DID MENTION IN MY OPENING STATEMENT THAT I WAS FIGHTING TO TRY TO SAVE THE MANUEL F. GUERRERO BUILDING BECAUSE I HAD VISIONS OF IT BEING THE SPACE IN WHICH WE COULD PLACE THE 11 SENATORS THAT ARE NOT IN THIS BUILDING OR IF WE FULLY DO THIS ONE THE 10 SENATORS THAT WOULDN'T BE IN THIS BUILDING UNFORTUNATELY I LOST THAT FIGHT THE BUILDING HAS BEEN RAISED ON THE QUESTION THAT'S BEEN RAISED BY THE GOOD SENATOR THAT'S POSING THE QUESTION IT WAS THE GUAM PRESERVATION TRUST AND THE HAGÁTÑA RESTORATION AND AUTHORITY SUPPORTED THE DEMOLITION OF THE MANUEL GUERRERO BUILDING I AM JUST LEARY OF WHAT THEY'RE DOING AND I WANTED SOMEONE TO DO AS HE HAD MENTIONED EARLIER DO A COST-BENEFIT ANALYSIS USING THE \$5.2 MILLION DOLLARS AS THE STARTING POINT BECAUSE ONE OF THE EARLIER SENATORS WAS CONCERNED ABOUT THE TIME PERIOD THIS BILL WAS INTRODUCED AS QUICKLY AS IT WAS BECAUSE AT THE TIME I WAS AFRAID THAT THERE WAS GOING TO BE A BILL BEFORE THIS LEGISLATURE IN JANUARY ACTUALLY IN FEBRUARY WHEN IT WAS BEING DISCUSSED THAT A BOND WAS GOING TO BE FLOATED FOR THE BUILDING OF THE OF THE EXECUTIVE OFFICE BUILDING THE PALACIO WANTS TO BE THAT WAS SUPPOSED TO BE BUILT FOR THOSE WHO KNEW THE SIZE OF IT AND KNOW HOW TO MEASURE WE'LL KNOW THAT FROM THE AZOTEA SOUTH IT WOULD HAVE BEEN 80 FEET FOR THE PALACE IT WOULD NOT HAVE TOUCHED THE WALLS OF THE MANUEL F. GUERRERO BUILDING SO THE PALACIO COULD HAVE BEEN BUILT THE MANUEL F. GUERRERO BUILDING COULD HAVE BEEN SAVED WE COULD HAVE FOUND ITS SPACE TO BUILD OFFICES OR RENOVATE OFFICES FOR THE 10 REMAINING SENATORS SINCE WE COULDN'T BUILD A 25 STORY STRUCTURE THAT WAS PLANNED FOR BEHIND THIS BUILDING BY AN EARLIER LEGISLATURE AND THE EXECUTIVE BUILDINGS COULD HAVE BEEN BUILT IN THE AREA STARTING FROM WHERE THE POLICE DEPARTMENT IS SOUTH TOWARDS THE LAND MANAGEMENT BUILDING IS I JUST WANT A COST BENEFIT ANALYSIS DONE BY SOMEONE WHO'S NOT JUST INTERESTED IN MOVING FORWARD THEIR PLAN BUT SOME SOMEONE WHO'S GOING TO MOVE FORWARD FOR THE BENEFIT OF THE PEOPLE AND UNDERSTANDING THAT THERE ISN'T \$11 MILLION DOLLARS THAT'S AVAILABLE PER YEAR TO BE ABLE TO SERVICE IT IS AT THE COST-BENEFIT IS GOING TO COST MORE THAN FIVE MILLION DOLLARS AND WE MIGHT AS WELL CONTINUE TO RENT BECAUSE WE DON'T HAVE THE ABILITY TO BE ABLE TO AFFORD THAT UNLESS THEY COULD SHOW THAT IT WAS IT WAS REALLY GOING TO BE THAT EFFICIENT THAT'S MY RESPONSE MADAME SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU SPEAKER SENATOR ESPALDON DOES THAT ANSWER YOUR QUESTION.

SENATOR ESPALDON: IT DOES ANSWER THE QUESTION.

VICE SPEAKER TERLAJER: PLEASE PROCEED.

SENATOR ESPALDON: AND I ACTUALLY HAD A LIST OF OTHER QUESTIONS ALONG THE SAME LINES HOWEVER BECAUSE OF THE ANSWER AND THE RESPONSE THAT THE AUTHOR OF THE BILL PROVIDED THERE WAS NO NEED FOR ME TO ASK ANYMORE QUESTIONS I FULLY UNDERSTAND I APPRECIATE HIS PERSPECTIVE IN ESSENCE HE'S SAYING MY UNDERSTANDING AND I'LL PARAPHRASE IN SHORT IS THAT WE WANT FOR OUR OWN BENEFIT TO MAKE SURE THAT A STUDY IS DONE THAT WE CAN RELY UPON AND REALLY HAS PERHAPS BY BY THIRD-PARTY REGARDLESS OF WHAT THE HAGÁTÑA REVITALIZATION AND REDEVELOPMENT AUTHORITY HAS COME UP WITH TO BE AND

MAYBE EVEN BE USED AS A COMPARISON TO MAKE SURE THAT WE STAY WITHIN CERTAIN PARAMETERS AND CERTAIN MEANS AND THAT IT'S DONE ACCORDING TO WHAT THIS BODY MAY DEEM APPROPRIATE TO HOUSE THE AUTHORITY SO I UNDERSTAND AND I APPRECIATE THAT THAT ANSWER THANK YOU VERY MUCH MADAME SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH ON BILL NUMBER 15 ARE THERE ANY OTHER SPEAKERS.

NOTE SENATOR LEE PRESIDED

SENATOR LEE: ON THE MOTION TO PLACE BILL NUMBER 15 - 34 IN THE THIRD READING FILE VICE SPEAKER TERLAJE YOU ARE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU MADAM SPEAKER I WOULD LIKE TO THANK THE SPONSOR OF THIS BILL FOR I SHARE HIS CONCERNS AND AND HIS INTENT IN THIS BILL THAT THAT WE THAT WE MANAGE OUR OUR OFFICE SPACES AND THAT WE DO WHAT IS THE MOST EFFICIENT THE MOST COST-SAVING METHOD OF OFFICE LEASING OR BUILDING THAT WE CAN POSSIBLY DO AND I ALSO SHARED THE CONCERNS OF PREVIOUS SPEAKERS REGARDING THE PLANS HAGÁTÑA THAT WE REALLY HAVE NOT VETTED YET THOSE ARE NOT FULLY VETTED BUT IT SEEMS TO BE WE HEAR A LOT AS IF THEY HAVE ALREADY BEEN AUTHORIZED TO BUILD THIS BUILDING BUT I DON'T SEE THAT ANYWHERE IN THE STATUTE AND SO I SHARE ALL THOSE CONCERNS BUT I ALSO SHARE WITH THIS BILL I ALSO SHARE THE CONCERNS OF ONE OF THE PREVIOUS SPEAKERS IN THAT BILL IS NOT IT'S NOT ABSOLUTELY CLEAR AND I THINK IT COULD BE MADE MUCH MORE CLEARER THINGS THAT WE THAT WE INTEND HERE FOR EXAMPLE THIS IS REALLY JUST LIMITED TO OFFICE SPACE WITHIN THE MUNICIPALITY OF HAGÁTÑA AND I'M NOT SURE THAT THAT IS NECESSARILY THE MOST COST-EFFICIENT THING TO DO FOR THE GOVERNMENT AT THIS POINT AND I GUESS I WOULD LIKE THAT TO BE A LITTLE FURTHER VETTED AND IT ALSO IS VERY CLEAR IN THIS BILL THAT THE BILL IS ONLY WELL IT SAYS FOR THE EXECUTIVE BRANCH SO THE LEGISLATURE WOULD NOT BE INCLUDED IN THIS THE OTHER LEGISLATIVE OFFICES AND AND I THINK THAT THE SPONSOR OF THE BILL HAS VERY I READ HIS LETTER TO THE OPA AND DEEP WHERE HE DETAILS AND DID A VERY EXCELLENT I THINK ANALYSIS OF THE DIFFERENT I MEAN ON TOP OF YOU KNOW HER ANALYSIS AND NOW IT'S JUST A DIFFERENT OFFICE SPACES THAT WE ARE UTILIZING AND THE MONEY THAT WE'RE SPENDING ON THOSE AND SO IN HIS LETTER HE OUTLINES AND IT'S KIND OF HINTED IN THIS BILL NOT BUT NOT ABSOLUTELY CLEAR THAT WE'RE NOT TALKING ABOUT ALL THE OFFICE SPACES IS THAT IT SAYS CERTAIN GOVERNMENT OF GUAM AGENCIES CURRENTLY LEASING OR RENTING BUT IT DOESN'T EVEN IN THIS BILL LIMITED TO THOSE AGENCIES RECOGNIZED BY THE AUTHOR OR THE \$5.2 MILLION DOLLARS OF OFFICE SPACE LEASE THAT WE ARE BUT WE FURTHER I GUESS DETERMINED THAT TO THAT IS ACCORDING TO THE AUTHOR WHAT IS THOSE ARE THE OFFICE SPACES THAT WE SHOULD BE LOOKING AT AND NOT ALL THE OFFICE SPACES OF THE GOVERNMENT BECAUSE FOR OTHER REASONS THAT HE SPECIFIED SOME ARE NOT WITHIN THE EXECUTIVE BRANCH SOME ARE JUST SOME MUST SERVE A DIFFERENT AREAS DIFFERENT VILLAGES AND THAT'S WHY THEY ARE LOCATED THERE AND SO NOT ALL OF THEM CAN BE MOVED TO HAGÁTÑA AND FOR OTHER REASONS WHY I THINK IT IS THE INTENT TO LIMIT THIS TO THE \$5.2 MILLION DOLLARS OR THE CERTAIN AGENCIES BUT I THINK THAT WE SHOULD IF THAT IS OUR INTENT SPECIFY EXACTLY WHICH AGENCIES OR YOU KNOW POINT TO THE LIST OR TO THE \$5.2 MILLION TO ADDRESS THAT \$5.2 MILLION IN OFFICE SPACE IS PARTICULARLY I'M ALSO CONCERNED THAT YES IT WE'RE ASKING FOR A COST A COMPREHENSIVE COST ANALYSIS BUT IT LOOKS TO ME FROM PAGE TWO SUBSECTION D IN SECTION ONE THAT WE ARE LOOKING TO GSA TO PROVIDE US WITH THIS COST BENEFIT ANALYSIS NOT NECESSARILY DPW NOT GEDA AND

THEN WE GIVE THEM THIS OPPORTUNITY TO ANALYZE THE VARIOUS FINANCING ALTERNATIVES AND SO SIMILAR TO WHAT A PREVIOUS SPEAKER SAID I THINK WE NEED TO BE A LITTLE BIT MORE CLEAR HERE IF WE CAN TAKE A LITTLE TIME PERHAPS I MEAN I'M WITH ALL DUE RESPECT YOU KNOW REFER THIS BACK TO COMMITTEE JUST FOR MORE DETAILS AND IT'S SIMILAR TO THE SIMON SANCHEZ PROCUREMENT THE MORE DETAILS I THINK THAT WE CAN PUT IN HERE THE CLEARER PICTURE WE'RE GOING TO GET YOU KNOW ANALYSIS OF THINGS THAT WE WON'T EVEN CONSIDER AT THIS POINT I'M ALSO CONCERNED BECAUSE OF THE JUST A LITTLE BIT I MEAN THE LACK OF PARAMETERS ON WHAT WE ARE DIRECTING GSA TO DO HERE THAT WE'VE GIVEN THEM SO MANY OPTIONS OR ALTERNATIVES TO CONSIDER THAT SO YEAH I'M JUST AFRAID WE'RE GOING TO END UP WITH TOO BROAD OF A STUDY AS OPPOSED TO WHAT GPA AND GWA WERE DOING THEIR STUDY THEY WERE THEY HAD THEIR PARAMETERS PRETTY SET ON WHAT THEY NEEDED TO PUT IN THEIR OFFICE SPACES WHAT TYPE OF SPACES THEY WOULD NEED AND THAT TYPE OF THING SO I WOULD ALSO I'M CONCERNED THAT YES WE HAVE NO CAP IN HERE AS TO THE AMOUNT OF MONEY THAT COULD BE SPENT ON THIS COST ANALYSIS THIS REPORT THAT AND SO I WOULD ASK THAT WE SHOULD PUT A CAP BECAUSE WHAT WE ARE DOING IN THIS BILL IS AUTHORIZING THE GOVERNOR TO TRANSFER TO USE THIS TRANSFER AUTHORITY TO PAY FOR THIS STUDY AND STUDIES IN THE GOVERNMENT OF GUAM ARE ONE OF THE THINGS THAT I FEEL LIKE SOMETIMES WE WASTE MONEY ON AND OF COURSE THE GPA EXAMPLE IS AN EXAMPLE OF WHERE IT WAS VERY WELL SPENT BUT I THINK THAT'S NOT ALWAYS THE CASE AND WE HAVE A LOT OF CASES IN THE GOVERNMENT OF GUAM WHERE IT'S THE STUDIES THAT HAVE COST US KNOW HALF A MILLION DOLLARS OR MORE AND WE HAVE NO PRODUCTS THAT CAME OUT OF THAT STUDY SO I JUST THINK NARROWING THE SCOPE AS MUCH AS POSSIBLE AT THIS POINT BEFORE IT GOES TO GSA SO GSA KNOWS EXACTLY WHAT IT CAN DO FOR US MORE PARTICULARLY I THINK I THINK THAT WILL HELP US ALL AND I THINK CAPPING BECAUSE WE'RE ALLOWING IN THIS BILL FOR THE GOVERNOR TO PRIORITIZE THIS STUDY OVER EVERYTHING THAT'S BEEN PUT INTO THE BUDGET FOR FY17 AND I HAVE NO IDEA WHERE THAT MIGHT COME FROM WHICH AGENCY WE'RE GOING TO BE FACED WITH AN EMERGENCY DOWN HERE BECAUSE OF THIS TRANSFER OR THIS YOU KNOW ALLOWING HIM TO TRANSFER THAT SO I WOULD LIKE TO KNOW EXACTLY HOW MUCH AND AND IF WE COULD MAYBE NARROW DOWN WHERE THAT TRANSFER CAN COME FROM BECAUSE I AM NOT SURE THAT WE REALLY WANT TO AUTHORIZE \$500,000 OR I'M NOT SURE HOW MUCH IT WILL COST BUT LET'S USE THE EXAMPLE \$500,000 IN FROM YOU KNOW GPD THIS IS WE AUTHORIZE HIM TO TAKE IT PRETTY MUCH FROM ANYWHERE AND I SO I WOULD I WOULD ASK THAT WE EITHER LIMIT THAT OR THAT WE WAIT BECAUSE THIS IS ALSO NOT GOING TO THERE'S ANOTHER OPTION AND THAT IS TO FUND IT WITH AN FY 2018 IN THE 28 IN THE FY 2018 BUDGET ACT SO I'M SUGGESTING THAT PERHAPS THEN IF WE TAKE IT THAT'S COMING UP IN THE NEXT FEW MONTHS AND WE JUST TAKE A LITTLE TIME TO BE MORE SPECIFIC WHILE WE CONTINUE TO BE CONCERNED THAT THEY DON'T ACT WITHOUT US RIGHT OR THAT THEY TAKE ANY KIND OF AUTHORITY TO BUILD SUCH A BUILDING WITHOUT ANY COST ANALYSIS BUT THAT IF WE ARE GOING TO MAKE AN APPROPRIATION FOR THIS IN THE FY 2018 BUDGET THEN PERHAPS WE CAN MORE FULLY IDENTIFY HOW MUCH WE ARE WILLING TO USE FOR THIS OVER THE APPROPRIATIONS TO THE OTHER AGENCIES THE LAST INFORMATIONAL BRIEFING I SAT THROUGH WITH THE DEPARTMENT OF ADMINISTRATION HAS ME VERY CONCERNED THAT IT SOUNDS TO ME LIKE THE GOVERNMENT NEEDS SOME WHAT IS IT A \$130,000,000 TO CATCH UP THIS YEAR OTHERWISE WE'RE STILL LOOKING AT PRIOR YEAR OBLIGATIONS THAT WE NEED TO FUND FY17 THEY SAID WE WILL BE SHORT AT THE END OF FY17 AT THE RATE THAT WE'RE GOING AND SO I'M JUST VERY CONCERNED ABOUT THAT I'D LIKE TO BE MORE MORE EXACT SO WE DON'T JUST OPEN UP A CAN OF WORMS

THAT WE'RE NOT PREPARED TO DEAL WITH AND I DON'T WANT TO BE FORCED IN FY18 YEAH TO MAKE UP FOR ANY AMOUNT THAT THEY MIGHT COME UP WITH FOR THIS I'D LIKE TO BE VERY SPECIFIC AND I UNDERSTAND THERE'S BEEN YOU KNOW IN FACT I HAVE OVERSIGHT OVER THE HAGÁTÑA RESTORATION AUTHORITY AT THIS POINT AND THAT THEY ARE AND IN ATTEMPTING TO FINALIZE THEIR PLAN AND GO OUT TO THE PUBLIC FOR THE PUBLIC'S INPUT ON THEIR PLAN HOWEVER I'M JUST NOT CONVINCED AT THIS POINT I MEAN ARE WE REALLY EXCEPT FOR YOU KNOW THAT HAGÁTÑA IS THE PLACE FOR ALL OF THESE OFFICES SOME OF THEM I'M SURE I MEAN I PERSONALLY AS A LAWYER DOING BUSINESS IN HAGÁTÑA WE HAD THE COURT HERE AND WHEN THEY MOVED SOME OF THE COURT OFFICES TO DEDEDO IT WAS REALLY HARD FOR US AS I THOUGHT AS PRACTICING LAWYERS TO HAVE TO PRACTICE IN TWO DIFFERENT VILLAGES AT DIFFERENT PLACES ON THE ISLAND AND WHEN THEY MOVED THE TREASURER OF GUAM OUT OF HAGÁTÑA THAT WAS REALLY VERY DEVASTATING TO US I THOUGHT AND TIME-WISE EFFICIENCY WISE TRYING TO DO BUSINESS WITH THE GOVERNMENT OF GUAM SO OF COURSE THERE ARE THINGS I THINK WE SHOULD LOOK TO BE PUT IN THE HAGÁTÑA BUT PERHAPS IF I DON'T KNOW I'M JUST SUGGESTING THAT IF WE COULD BE MORE SPECIFIC THAT IN ANY PROCUREMENT THAT WE ARE GOING TO DO AND THIS IS A PROCUREMENT FOR SERVICES THAT WE BE AS SPECIFIC AS POSSIBLE OTHERWISE WE ARE LEAVING GSA WITH A VERY BLANKET AUTHORIZATION AND I THINK THAT THEY WILL HAVE A HARD TIME TO DETERMINE HOW THEY SHOULD LIMIT THE SCOPE I THINK WE HAVE AN EXAMPLE HERE THE LEGISLATURE AND I WASN'T PRIVY TO ALL THE DETAILS OF THIS BUT IT'S TRUE THAT MANY OF US WERE SURPRISED THAT THIS BUILDING DID NOT INCLUDE OFFICES FOR ALL OF THE SENATOS AND THAT'S WHAT TYPE OF DISCRETION THAT I THINK WE LEAVE HERE AND THAT WE DON'T WANT TO LEAVE WE NEED TO BE VERY CLEAR WHICH ONES ARE WE MANDATING THAT THEY'RE GOING TO TAKE CARE OF AND WHICH ONES ARE WE GIVING THEM DISCRETION TO LEAVE OUT OR YOU KNOW SOMETHING LIKE THAT SO I WOULD HOPE THAT YEAH THAT TYPE OF DISCRETION IS IS NOT GIVEN THAT WOULD BE VERY VERY CLEAR WHAT WE INTEND IT BE INCLUDED HERE AND BECAUSE THERE'S A BIG DISPARITY BETWEEN THE 14 MILLION THAT I GUESS THE GOVERNMENT SOME OF THE GOVERNMENT AGENCIES ARE CITED AND THE 11 MILLION THAT THE PUBLIC AUDITOR CITED IN HER AUDIT AND THE 5.2 MILLION THAT THE AUTHOR OF THE BILL CITES THAT WE SHOULD BE SPECIFIC AS TO WHICH OF THESE OFFICE SPACES NARROW IT DOWN TO WHICH ONES WE ARE INTENDING TO COVER THE OTHER THING IS I ALSO DON'T WANT THIS TO BE AN INDIRECT TYPE OF AUTHORIZATION THAT THAT THEY ARE ALLOWED TO BUILD THESE OFFICE SPACES IN HAGÁTÑA OR TO PROCEED WITH ANY PLANS OF THAT TYPE WITHOUT VETTING THAT WITH THE LEGISLATURE SO I JUST I'M JUST A LITTLE CONCERNED ABOUT THAT BECAUSE THE BEGINNING LANGUAGE IN IT WHERE IT SAYS PRIOR TO ANY FURTHER AUTHORIZATION SO I HOPE THAT PROTECTS US BUT I'M NOT I'M NOT SUPER-CONFIDENT MADAM SPEAKER WHETHER IT DOES I THINK I'VE STATED ALL MY CONCERNS WITH THE BILL SO I WILL JUST ASK YEAH THAT WE CONSIDER WHETHER WE COULD BE MORE SPECIFIC WHETHER WE ACTUALLY DON'T ALLOW THEM TO PRIORITIZE THIS OVER THE OTHER PROJECTS THAT WE HAVE APPROPRIATED OR THE LEGISLATURE HAS APPROPRIATED FOR IN THE FY17 BUDGET AND THAT WE'VE BE VERY SPECIFIC AS TO WHAT WE ARE ALLOWING WHICH MONEY WE'RE GOING TO USE FOR THIS THANK YOU MADAM SPEAKER.

SENATOR LEE: THANK YOU VICE SPEAKER TERLAJE I JUST WANTED TO CLARIFY IF YOU HAVE A PROPOSED AMENDMENT OR IF YOU'RE JUST ASKING A QUESTION TO CLARIFY THANK YOU.

VICE SPEAKER TERLAJE: I'M SUGGESTING THAT YEAH SEVERAL AMENDMENTS BUT I DON'T HAVE THE LANGUAGE PREPARED MADAME SPEAKER I WOULD ASK IF THE AUTHOR KNOWS WHAT LANGUAGE WE CAN USE TO AT LEAST LIMIT THIS TO THE \$5.2 MILLION DOLLARS OF OFFICE SPACES PERHAPS ATTACH HIS LIST AND SAY WHEN IT SAYS TO RELOCATE CERTAIN GOVERNMENT OF GUAM AGENCIES CURRENTLY LEASING WE SAY THOSE IN EXHIBIT A OR SOMETHING LIKE THAT IF THAT'S THE INTENT OR I JUST WANT TO CLARIFY IF I'M EVEN READING THAT CORRECTLY MADAME SPEAKER THANK YOU.

SENATOR LEE: SPEAKER CRUZ WILL YOU YIELD TO THE QUESTION.

SPEAKER CRUZ: YES THANK YOU VERY MUCH AND I THANK THE GOOD SENATOR FOR THE OPPORTUNITY TO SPEAK AT THE END OF THIS I WILL ACCEDE TO THE REQUEST OF TWO OF THE SENATORS AND HAVE THE BILL SET ASIDE AND TAKEN UP TO THE END OF THE CALENDAR TO GIVE OPPORTUNITY TO SPEAK TO BOTH SENATORS AND ANY OTHER SENATORS WHO WISH TO PROVIDE SOME AMENDMENTS SO THAT WE CAN ADD TO THE BILL THE REASON FOR WHICH I WANTED A COST-BENEFIT ANALYSIS AND OF WHAT I THOUGHT CAN AND COULD BE CAN AND SHOULD BE BROUGHT BACK INTO HAGÁTÑA WAS NOT EVERYTHING SHOULD BE BUILT IN AGANA FORTUNATELY OR UNFORTUNATELY AS INCONVENIENT AS IT IS FOR SOME ATTORNEYS TO PRACTICE IN TWO PLACES FOR THOSE OF THEM AND THOSE OF US WHO HAVE GONE OVER TO THE COURTHOUSE WE KNOW THAT PARKING IS IMPOSSIBLE THANKFULLY THE NORTHERN COURTHOUSE WAS BUILT SO THAT WE CAN ADDRESS THE THREE QUARTERS OF THE POPULATION THAT LIVES AT THAT END OF THE ISLAND AND BRING THE COURT TO THEM NOT HAVE THEM COME TO THE COURT THE ONLY EXECUTIVE OFFICE THAT CAN AND NEEDS TO BE BUILT IN HAGÁTÑA IS THE EXECUTIVE OFFICE BUILDING OF THE GOVERNOR BECAUSE THE EXECUTIVE OFFICE BUILDING THE GOVERNOR'S OFFICE SHOULD BE IN HAGÁTÑA NOT IN ANIGUA OR IN ASAN AND AS WE VERY SLIGHTLY JUST KIND OF IGNORED THE FACT THAT IT'S NO LONGER IN AGANA WHERE IT'S SUPPOSED TO BE THIS ANALYSIS IS GOING TO BE ABLE TO LOOK AND SEE OF ALL THE AGENCIES THAT'S MAYBE LISTED IN THE 5.2 MAYBE WE SHOULDN'T BRING THEM DOWN INTO AGANA ONE SENATOR CAME AND SPOKE TO ME ABOUT WHY DON'T WE BRING REV AND TAX BACK INTO AGANA HAS ANYBODY SEEN THE PARKING SITUATION AT THAT BUILDING WHERE IN AGANA COULD WE POSSIBLY BUILD THANKFULLY THE POLICE ARE LOOKING AT ROUTE FOUR TO MOVE THEMSELVES OUT OF AGANA AND OPEN UP SPACE SO THAT THE EXECUTIVE OFFICE BUILDING CAN GO OVER THERE THERE ISN'T A LARGE SPACE THAT THE GOVERNMENT OWNS AND SO THE COST BENEFIT ANALYSIS WILL LOOK AT THAT SPACE HOW MUCH PARKING CAN BE PUT IN AND MAKE A DETERMINATION THAT MAYBE 10 AGENCIES THAT I LIST IN THE 5.2 ONLY FOUR OR SIX CAN BE BROUGHT BACK INTO AGANA AS THE MOVER OF THE QUESTION POSTED NOT EVERYTHING NEEDS TO BE IN AGANA EXCEPT FOR THE OFFICE OF THE GOVERNOR AND SO WITH THAT I MOVE THAT WE SET BILL 15 ASIDE FOR THE NEXT TWO DAYS AND ALLOW ALL OF YOU THAT HAVE TO PROPOSE AMENDMENTS TO MAKE TO SUBMIT TO MY OFFICE TO BE INCLUDED OR STATE YOUR CONCERNS TO MY STAFF AND WE'LL TRY TO WORK ON IT ON THE AMENDMENTS TO TRY TO ADDRESS SO THAT WE CAN ADDRESS THEN I'LL JUST SEND IT BACK AT THE END OF THE WEEK BUT RIGHT NOW WE'LL SET IT ASIDE UNTIL WE RECEIVE YOUR RECOMMENDATIONS I'M FULLY IN SUPPORT OF AND WOULD MAKE THAT MOTION AT THIS TIME.

SENATOR LEE: ON THE MOTION BY THE AUTHOR TO PULL BILL 15 FROM SESSION AGENDA ANY OBJECTIONS.

SENATOR ESPALDON: MADAME SPEAKER.

SENATOR LEE: TO SET IT ASIDE

SENATOR ESPALDON: IT'S JUST TO SET IT ASIDE.

SENATOR LEE: TO SET IT ASIDE ANY OBJECTIONS NO OBJECTIONS SO ORDERED.

SENATOR ESPALDON: MADAME SPEAKER MAY WE HAVE A ONE MINUTE RECESS PLEASE.

SENATOR LEE: LET'S CALL CALL FOR THE RECESS WE'LL TAKE A ONE MINUTE RECESS. MEMBERS WE'RE BACK IN SESSION THE NEXT BILL ON OUR AGENDA IS BILL NUMBER 16 AND THAT SEEMS TO BE A PRETTY SUBSTANTIVE BILL ACTUALLY MR. MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR ADA: YEAH MADAME SPEAKER I'D LIKE TO MOVE FOR A RECESS UNTIL TOMORROW AT 9:30.

SENATOR LEE: OKAY SO WE'RE IN RECESS UNTIL 9:30 TOMORROW MORNING.

SENATOR ADA: ALRIGHT.

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
LEGISLATIVE SESSION JOURNAL
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SPEAKER CRUZ: HÁFA ADAI AND GOOD MORNING THIS GUAM LEGISLATURE IS BACK IN SESSION WE'RE STILL IN SECOND READING WE ARE NOW ON NUMBER 6 ON THE LIST OF BILLS AND THAT'S SENATOR DENNIS RODRIGUEZ'S BILL 16-34 SENATOR RODRIGUEZ YOU ARE RECOGNIZED.

SENATOR RODRIGUEZ: HÁFA ADAI GOOD MORNING MR. SPEAKER MR. SPEAKER I MOVE TO PLACE BILL 16-34 AS AMENDED BY THE COMMITTEE ON HEALTH TOURISM MILITARY AFFAIRS AND SENIOR CITIZENS ON THE THIRD READING AND BE ABLE TO BRIEFLY DISCUSS IT.

SPEAKER CRUZ: THERE BEING NO OBJECTION.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER MR. SPEAKER BILL 16 IS PART OF AN OVERALL EFFORT BY THE COMMITTEE ON HEALTH TO EXPAND THE SERVICES FOR TREATMENT AND THERAPY OF OUR FAMILIES ON GUAM WHO HAVE WHO HAVE AUTISM LAST TERM WE MOVED TO TO START A PROCESS WHERE WE'RE MOVING TO ESTABLISH GUAM'S FIRST AUTISM CENTER WE'RE WORKING VERY CLOSELY WITH STAKEHOLDERS IN THE COMMUNITY DIFFERENT ORGANIZATIONS TO NAME A FEW HUNTER SPEAKS ORGANIZATION THE AUTISM AUTISM TOGETHER I KNEW IF I STARTED MENTIONING I WILL FORGET THE EXACT NAMES BUT A WHOLE GROUP OF INDIVIDUALS THAT ARE REALLY ARE ARE WORKING TO EXPAND THE SERVICES OF OF AUTISM LAST WEEK FRIDAY THE GUAM MEDICAL SOCIETY HELD A SYMPOSIUM OVER THE GUAM MUSEUM AND NOW WE WERE THERE AND IT WAS REALLY IT'S REALLY NICE TO SEE THAT A LOT OF DIFFERENT ORGANIZATION STAKEHOLDERS START TO COME OUT AND SEE THE IMPORTANCE OF US SOME BEING ABLE TO BRING SERVICES ON ISLAND FOR FAMILIES REALLY THAT DON'T HAVE THE THE MEANS TO TAKE THEIR CHILDREN OFF ISLAND TO SEEK SPECIALIZED CARE WE KNOW THAT WITH THE SERVICE PROVIDERS WE HAVE ON ISLAND TODAY THAT THEY'RE DOING THE BEST THEY COULD WITH WITH WITH WHAT THEY COULD IN BEING ABLE TO SERVICE OUR FAMILIES AND SO WHAT THIS BILL DOES MR. SPEAKER IS SET ONE OF THOSE GROUNDWORKS IN ENSURING THAT PRIVATE HEALTH INSURANCE STARTS TO COVER AUTISM SPECTRUM DISORDERS AND I KNOW THAT AS WE AS WE'RE DISCUSSING A PREVIOUS BILL YESTERDAY ON ENSURING THAT THE CANCER SCREENING CERTAIN CANCER SCREENINGS ARE ALSO COVERED IN INSURANCE THAT THEM YOU KNOW WE HAVE SOME RESISTANCE FROM OUR PARTNERS IN IN THE INDUSTRY HOWEVER THESE ARE ONE OF THOSE THINGS MR. SPEAKER THAT WE KNOW WE AS POLICYMAKERS MUST ENSURE THAT OUR PEOPLE HAVE HAVE ACCESS TO AND THAT THEM IF THEY DO HAVE THEM PRIVATE HEALTH INSURANCE THAT THIS TYPE OF DISORDER IS ALSO COVERED I KNOW THAT WE'RE WORKING TO ENSURE THAT OUR GOVGUAM INSURANCE ALSO TAKES THE LEAD IN BEING ABLE TO COVER AND ALSO PUBLIC PROGRAMS THAT WE HAVE ALSO PROVIDE COVERAGE FOR FROM ASD AND SO I'M ASKING MY COLLEAGUES TO PLEASE SUPPORT THIS MEASURE AND START TO AND IN THAT PROCESS THAT WE HAVE ALREADY LAID LAST TERM AND ENSURING THAT WE EXPAND SERVICES FOR OUR AUTISTIC FAMILIES THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR RODRIGUEZ ANY OTHER MEMBER OF THE LEGISLATURE WISH TO BE HEARD SENATOR SAN NICOLAS AFTER SENATOR SAN NICOLAS ANYBODY ELSE SENATOR SAN NICOLAS YOU ARE RECOGNIZED.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I'D LIKE TO BEGIN BY THANKING THE AUTHOR FOR PUTTING IN THE WORK TO BE ABLE TO CRAFT THIS PIECE OF LEGISLATION IT IS A VERY SERIOUS ATTEMPT TO BE ABLE TO PROVIDE COVERAGE FOR INDIVIDUALS WHO ARE ON THE AUTISM SPECTRUM AND HAVING A FAMILY MEMBER WHO IS ON THE AUTISM SPECTRUM THIS IS NEAR AND DEAR TO MY HEART IN GOING THROUGH THE MEASURE THERE IS A NUMBER OF ITEMS MR. SPEAKER THAT I THINK NEED TO BE TWEAKED JUST A LITTLE BIT IN ORDER TO BE ABLE TO ACCOMPLISH THE GOAL OF THE LEGISLATION FIRST AND FOREMOST THIS BILL IS INTENDING TO ALLOW FOR AUTISM SPECTRUM DISORDER AND THE TREATMENTS ASSOCIATED TO BE COVERED BY HEALTH INSURANCE WITHIN THE TERRITORY OF GUAM THERE IS A SECTION HERE IN THE BILL THAT SPEAKS OUTSIDE OF HEALTH INSURANCE IN PARTICULAR AND THAT SECTION BEGINS ON PAGE I'M SORRY IT BEGINS ON PAGE EIGHT LINE EIGHT AND IF I CAN HAVE MY COLLEAGUES REFERENCE THAT SECTION FROM PAGE EIGHT LINE EIGHT ALL THE WAY TO PAGE NINE LINE 15 THE BILL SPEAKS ABOUT A TASK FORCE AN AUTISM SPECTRUM DISORDER TASK FORCE AND WHEN I WAS INITIALLY EVALUATING THE BILL I FOUND THAT THE DUTIES ASSIGNED TO THIS TASK FORCE AND THE FINDINGS OF THIS TASK FORCE MAY RENDER ARE POTENTIALLY DIFFERENT FROM WHAT THE ACTUAL INSURANCE MANDATES ARE IN THE REMAINING PROVISIONS THROUGHOUT THE BILL AND SO IN CONSULTATION WITH THE AUTHOR I ADVISED THAT PERHAPS WE CAN CREATE THIS TASK FORCE AS A SEPARATE PIECE OF LEGISLATION ONLY TO ENSURE THAT THERE WOULDN'T BE ANY KIND OF CONFLICT IN TERMS OF WHAT THIS TASK FORCE DOES WHAT IT FINDS AND HOW THOSE FINDINGS MAY OR MAY NOT JIVE WITH WHAT THE INSURANCE MANDATES ARE AND THE OTHER PROVISIONS THROUGHOUT THIS BILL AND SO IN CONSULTATION OF THE AUTHOR ABSENT ANY OBJECTIONS I WOULD LIKE TO PROPOSE AN AMENDMENT TO STRIKE STARTING ON PAGE EIGHT LINE EIGHT ALL THE WAY TO PAGE NINE LINE 15.

SPEAKER CRUZ: THANK YOU VERY MUCH ON THAT AMENDMENT ANY SENATOR WISH TO BE HEARD ON THE SAN NICOLAS AMENDMENT IS THERE AN OBJECTION TO THE SAN NICOLAS AMENDMENT THERE BEING NONE SO.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER NOW JUST KIND OF I'M GOING TO TRY AND KEEP THIS JUST COHERENT AS POSSIBLE BECAUSE THERE ARE A NUMBER OF AREAS I WANT TO TOUCH THE FIRST AREA I WANT TO TOUCH IS RELATIVE TO SOME DISCUSSION WE HAD EARLIER MR. SPEAKER ABOUT FRATERNAL BENEFIT SOCIETIES AND WHAT WE ARE MANDATING IN OTHER MEASURES EARLIER TODAY THAT ULTIMATELY RESULTED IN US INCLUDING AMENDMENTS TO EXCLUDE FRATERNAL BENEFIT SOCIETIES IF WE GO TO PAGE STARTING ON PAGE SIX LINE 19 AT THE END OF LINE 19 THERE IS A MENTION OF FRATERNAL BENEFIT SOCIETIES ON PAGE SEVEN LINE FIVE THE BEGINNING OF LINE FIVE THERE'S ALSO ANOTHER MENTION OF FRATERNAL BENEFIT SOCIETIES THERE MAY BE OTHER AREAS BEFORE I MAKE A BLANKET AMENDMENT I'M REQUESTING THAT LEGAL COUNSEL PERHAPS EXCLUDE FRATERNAL BENEFIT SOCIETIES I WOULD AT THIS TIME BE WILLING TO YIELD EITHER TO THE AUTHOR OR TO ANY OTHER MEMBER IF THEY WANT TO PROVIDE ANY KIND OF CLARIFICATION AS TO WHY WE WOULD BE INCLUDING FRATERNAL BENEFIT SOCIETIES IN THIS MANDATE BUT EXCLUDING IT FOR EXAMPLE IN OTHER MANDATES.

SPEAKER CRUZ: SENATOR RODRIGUEZ DO YOU YIELD.

SENATOR SAN NICOLAS: AS INDICATED BY THE AUTHOR I BELIEVE WE'RE OKAY TO MAKE THE AMENDMENT.

SPEAKER CRUZ: OKAY.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: PLEASE.

SENATOR SAN NICOLAS: SO WITH THAT I WOULD LIKE TO MAKE AN AMENDMENT TO HAVE LEGAL COUNSEL AS NECESSARY THROUGHOUT THE MEASURE EXCLUDE FRATERNAL BENEFIT SOCIETIES.

SPEAKER CRUZ: ANY OBJECTION OR ANY OF OTHER SENATOR WISH TO BE HEARD ON THE AMENDMENT NO SENATOR WISHING TO BE HEARD AND SEEING OR HEARING NO OBJECTION.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: YOU STILL HAVE THE FLOOR.

SENATOR SAN NICOLAS: I GUESS I'LL JUST TAKE IT FROM THE BEGINNING NOW STARTING ON PAGE THREE LINE 20 LINE 20 SUBSECTION A IS REFERENCING SUB-SECTION THREE AND IT LIST CRITERIA FOR TREATMENT TO BE PROVIDED AND ON THE FIRST LINE OF THE LINE 20 LINE A IT SAYS A TREATMENT AS PRESCRIBED BY A PHYSICIAN AND SURGEON DULY LICENSED TO PRACTICE ON GUAM I BELIEVE WE SHOULD PERHAPS STRIKE AND REPLACE IT OR.

SPEAKER CRUZ: PROBABLY CORRECT THE AUTHOR DO ALRIGHT THERE BEING NO OBJECTION AND IS STRUCK AND OR IS SET IN ITS PLACE.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER ON PAGE FOUR SUBSECTION B IT GOES INTO SPECIFYING WHO MAY PROVIDE SERVICES OR ADMINISTER THE SERVICES AND ITEMS ONE AND TWO TO QUALIFY ASD THE PROVIDER AND TO QUALIFY ASD SERVICE PROFESSIONAL THOSE ARE BOTH FURTHER DEFINED ON PAGE FIVE SUBSECTIONS A AND B ON LINE 14 AND 20 HOWEVER ITEM THREE ON PAGE FOUR LINE EIGHT DOES NOT DEFINE A QUALIFIED PARAPROFESSIONAL AND SO IN READING THAT ITEM THREE AND IN CONSULTATION WITH THE AUTHOR I BELIEVE THE INTENT IS TO JUST ALLOW FOR A PARAPROFESSIONAL TO BE ABLE TO ADMINISTER WHILE BEING SUPERVISED AND EMPLOYED BY A QUALIFIED PROVIDER AND THAT IS NOT OUTSIDE THE NORM MR. SPEAKER IT'S LIKE HIRING A AN ASSISTANT TO BE ABLE TO ADMINISTER A PARTICULAR THERAPY PARTICULAR TEST AND SO LONG AS THEY'RE BEING SUPERVISED AND EMPLOYED BY SOMEONE WHO IS QUALIFIED I DON'T THINK THAT WE NECESSARILY NEED TO SPELL OUT AT LEAST NOT AT THIS JUNCTURE WHAT A QUALIFIED PARAPROFESSIONAL WOULD BE AND SO ABSENT ANY OBJECTIONS MR. SPEAKER I'D LIKE TO PROFFER THAT WE STRIKE THE WORD QUALIFIED ON PAGE FOUR LINE EIGHT SUBITEM THREE SO IT WOULD READ ON AN ASD SERVICE PARAPROFESSIONAL SUPERVISED AND EMPLOYED BY QUALIFIED IS THE SERVICE PROVIDER ONLINE STRIKING THE WORD QUALIFIED SO THE SENTENCE WILL READ A QUALIFIED ASD SERVICE PREPARE PROFESSIONAL SUPERVISING EMPLOYED BY A QUALIFIED ASD SERVICE PROVIDER.

SPEAKER CRUZ: SENATOR ESTEVES YOU WISH TO BE HEARD ON THIS TURN ON YOUR MIC PLEASE.

SENATOR ESTEVES: CAN YOU SAY THAT AGAIN.

SPEAKER CRUZ: ON LINE EIGHT HE'S JUST STRIKING THE WORD QUALIFIED SO THE SENTENCE WILL READ A QUALIFIED ASD SERVICE PARAPROFESSIONAL PROFESSIONAL SUPERVISING EMPLOYED BY A QUALIFIED ASD SERVICE PROVIDER JUST A ONE WORD STRIKE DOES ANY OTHER SENTAOR WISH TO BE HEARD ON THIS ARE THERE BEING NO OBJECTION AND NO ONE ELSE WANTING TO SPEAK SO ORDERED YOU MAY CONTINUE SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER ON PAGE SIX LINE ONE THAT IS A CONTINUATION FROM ON PAGE FIVE AND IT TALKS ABOUT QUALIFIED AUTISM SPECTRUM DISORDER SERVICE PROVIDERS AND IT LIMITED TO THESE INDIVIDUALS STARTING ON PAGE FIVE GOING INTO PAGE SIX THESE INDIVIDUALS THAT PROVIDE TREATMENT NOW SOME OF THESE INDIVIDUALS NOT NECESSAIRLY PROVIDE TREATMENT THEY MAY PROVIDE SERVICES FOR EXAMPLE AN AUDIOLOGIST MAY PERFORM A HEARING TEST AND THAT ISN'T NECESSARILY A TREATMENT IT'S IT'S IT'S AN ASSESSMENT IT'S A SERVICE SO AFTER THE WORD TREATMENT ON PAGE SIX LINE ONE I WANTED TO ADD THE WORDS OR SERVICES OR WE COULD EVEN PUT OR RELATED SERVICES BUT I WOULD JUST PUT OR SERVICES FOR SIMPLICITY.

SPEAKER CRUZ: ON THE AMENDMENT ANY SENATOR WISH TO BE HEARD ANY OBJECTION TO THE AMENDMENT OH SENATOR ESTEVES.

SENATOR ESTEVES: YES MR. SPEAKER I THINK AS A MATTER OF OF LEGALITY ESPECIALLY WHEN WE'RE TALKING ABOUT INSURANCE I THINK THE VERBAGE IS VERY IMPORTANT TO KEEP IT AS TREATMENT AS PER THE PURVIEW OF THE INSURANCE COMPANY AND WHAT THEY PROVIDE ALTHOUGH AUDIOLOGY IS NOT DIRECTLY TREATED IT'S PART OF A TREATMENT PLAN I THINK AS SPECIFIED IN THE BILL SO THE HEARING TEST AND ANYTHING PRESCRIBED OR RECOMMENDED BY THE DOCTOR FALLS UNDER THE SCOPE OF A TREATMENT PLAN I THINK THE SUBSTITUTION FOR THE VERBAGE SERVICES COULD BE PROBLEMATIC WITH REGARDS TO THE COVERAGE THAT THE INSURANCE COMPANY IS SUPPOSED TO PROVIDE AS A HEALTH INSURANCE COMPANY SO I THINK THAT WE WE NEED TO BE VERY CAREFUL WITH THE VERBAGE THERE AS OF RIGHT NOW I WOULD OBJECT TO THAT SPECIFIC VERBAGE BEING CHANGED AND I THINK IT WOULD STILL MEET THE INTENT IF WE KEEP IT AS TREATMENT.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESTEVES ANY OTHER SENATOR SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: DO YOU WISH TO RESPOND.

SENATOR SAN NICOLAS: I WOULD I WOULD LIKE TO BEING A PARENT OF AN INDIVIDUAL MY SON HAS AUTISM AND SO WHEN WE GO IN TO HIS MEETINGS WE TALK ABOUT HIS RELATED SERVICES NOT NECESSAIRLY HIS RELATED TREATMENT THESE SERVICES THAT ARE PROVIDED AREN'T NECESSAIRLY TREATMENTS FOR EXAMPLE THE OCCUPATIONAL THERAPIST WILL COME INTO HIS CLASSROOM AND WILL HELP HIM DEVELOP STRATEGIES FOR COPING STAYING CONCENTRATED ON HIS WORK NOT BEING DISTRACTED BY HIS SENSORY NEEDS HIS AND THOSE ARE NOT TREATMENTS THOSE ARE SERVICES BECAUSE THEY'RE HELPING HIM IN HIS LEARNING ENVIRONMENT TO HELP HIM UNDERSTAND WHAT HE NEEDS TO DO IN ORDER TO BE ABLE TO FUNCTION SO IF THE I'M NOT QUITE SURE IF THE INDIVIDUAL I'M NOT QUITE SURE THERE IS AN OBJECTION BUT JUST BASED ON EXPERIENCE MR. SPEAKER NOT EVERYTHING IS A TREATMENT WHEN IT COMES TO PROVIDING SERVICES FOR THESE INDIVIDUALS WHO NEED THAT KIND OF CARE SO UNLESS WE'D LIKE TO YIELD TO LEGAL COUNSEL THE REASON I'M MAKING THE AMENDMENT BECAUSE I'M FAMILIAR WITH THE FACT THAT NOT

EVERYTHING IS DEFINES A TREATMENT IN THE REALM OF THE SERVICES THAT ARE PROVIDED.

SPEAKER CRUZ: I THINK THE CONCERN THAT WAS RAISED WHETHER OR NOT THE DIFFERENCE BETWEEN SERVICES AND TREATMENT IS A DISTINCTION THAT MIGHT CAUSE THE INSURANCE COMPANY NOT TO PROVIDE COVERAGE OR IS IT A DISTINCTION ABOUT THE DIFFERENCE THAT THEY ARE PROVIDING IT AS PART OF THE TREATMENT PLAN ANY SENATOR WISH TO SENATOR RODRIGUEZ.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH MR. SPEAKER MR. SPEAKER I HEAR BOTH OF THE THE TWO ARGUMENTS AND THEY'RE REALLY BOTH CORRECT BUT I THINK YOU SAID IT RIGHT TO BE ABLE TO DISTINGUISH THIS IS THAT WHATEVER TREATMENT IF A TREATMENT CALLS FOR EITHER A MEDICAL TREATMENT OR THERAPY OR SERVICE IF IT A TREATMENT PRESCRIBED BY THE PROVIDER THEN THAT IS SOMETHING THAT MUST BE COVERED BY THE INSURANCE UNLESS LEGAL HAS A DIFFERENT PERSPECTIVE I REALLY DON'T SEE YOU KNOW BOTH ARGUMENTS ARE PROBABLY CORRECT HERE.

SPEAKER CRUZ: LET'S JUST TAKE A QUICK RECESS AND HAVE LEGAL COUNSEL ASSIST US IN THIS ONE.

SENATOR ESTEVES: YES MR. SPEAKER I'M GOING TO WITHDRAW MY OBJECTION. TO THE AMENDMENT.

SPEAKER CRUZ: THE LEGISLATURE'S BACK IN SESSION SENATOR ESTEVES.

SENATOR ESTEVES: THANK YOU MR. SPEAKER I'M GOING TO WITHDRAW MY OBJECTION TO THE SAN NICOLAS AMENDMENT WITH REGARDS ADDING OR SERVICES THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH OBJECTION HAVING BEEN WITHDRAWN ANY OTHER SENATOR WISH TO BE HEARD ON THE AMENDMENT THERE BEING NO OBJECTION SENATOR SAN NICOLAS YOU MAY CONTINUE.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER THE RETIRING SPEAKER DURING THE RECESS ALSO POINTED OUT ON PAGE THREE LINE 20 WE AGAIN HAVE A SENTENCE HERE THAT SAYS A TREATMENT PRESCRIBES BY A PHYSICIAN AND SURGEON AND AMEND THAT TO SAY PHYSICIAN OR SURGEON MR. SPEAKER.

SPEAKER CRUZ: YES, I THOUGHT WE.

SENATOR SAN NICOLAS: I'M SORRY I'M SORRY PAGE FIVE LINE 21 MY APOLOGIES PAGE FIVE LINE 21.

SPEAKER CRUZ: ANY SENATOR WISH TO BE HEARD ON THE STRIKING OF AND INSERTING AN OR ON LINE 21 PAGE FIVE THERE BEING NONE.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER MR. SPEAKER I WANTED TO IMPLORE THE WISDOM OF THE BODY PARTICULARLY ON THIS ONE SECTION HERE THAT I'M HAVING A DIFFICULT TIME RECONCILING IF YOU SO THE ENTIRE ON PAGE SEVEN STARTING ON LINE ONE THIS ENTIRE SECTION FROM FROM PAGE SEVEN LINE ONE PAGE EIGHT LINE 7 IT KIND OF SPELLS OUT THE LIMITATIONS AND THE PARAMETERS OF WHAT CAN AND CANNOT BE COVERED OR DENIED AND WHEN I READ PARTICULARLY SUBSECTION ONE ON LINES EIGHT TO 11 IT SAYS TRANSITIONING IN FROM THE PREVIOUS SECTION IT BASICALLY SAYS THAT NO HEALTH INSURANCE PLAN CAN EXCLUDE OR DENY COVERAGE FOR A TREATMENT OR IMPOSE DOLLAR LIMITS DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF AUTISM SPECTRUM DISORDER FOR THE PURPOSE OF THIS PARAGRAPH TREATMENT INCLUDES DIAGNOSIS ASSESSMENT AND SERVICES NOW IF WE GO TO SUBSECTION C AND I READ SUBSECTION

C IT KIND OF I DON'T FEEL LIKE IT DOESN'T FEEL LIKE IT ALMOST SAYS THE OPPOSITE OF SUBSECTION ONE SUBSECTION C SAYS THE COVERAGE REQUIRED BY THIS CONTRACT IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF A SUBSCRIPTION CONTRACT AND THEN IT READS NOTHING IN THIS CHAPTER PREVENTS A CORPORATION FROM IMPOSING DEDUCTIBLES CO-INSURANCE OR OTHER COST-SHARING IN RELATION TO THE COVERAGE REQUIRED BY THIS CHAPTER SO THAT SENTENCE WHEN I READ THAT IT SAYS THAT NOTHING CAN PREVENT THEM FROM IMPOSING DEDUCTIBLES AND COINSURANCE WITH RESPECT TO AUTISM SPECTRUM DISORDER BUT THEN WHEN YOU READ LINES EIGHT TO 10 THEY SHALL NOT EXCLUDE OR DENY COVERAGE FOR TREATMENT OR IMPOSE DOLLAR LIMITS DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF AUTISM SPECTRUM DISORDER SO I'M TRYING TO AND PERHAPS LEGAL COUNSEL CAN HELP ME TO UNDERSTAND OR I CAN YIELD TO THE AUTHOR.

SPEAKER CRUZ: OKAY WHY DON'T WE TAKE OH SENATOR RODRIGUEZ YOU WISH TO ADDRESS IT.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER I'LL TRY THE BEST THAT I COULD AND THEN MAYBE WE CAN GET LEGAL COUNSEL'S GUIDANCE AFTERWARDS BUT MR. SPEAKER IT LOOKS ON THE SURFACE THAT IT DOES CONTRADICT EACH OTHER HOWEVER IF YOU LOOK AT LINE EIGHT ON PAGE SEVEN TO EXCLUDE OR DENY COVERAGE FOR TREATMENT OR IMPOSE DOLLAR LIMITS DEDUCTIBLES AND COINSURANCE PROVISIONS BASED SOLELY ON THE DIAGNOSIS OF AUTISM SPECTRUM DISORDER SO WHAT WE'RE SAYING HERE IN THIS SECTION IS THAT BECAUSE OF THAT SPECIFIC DIAGNOSIS YOU'RE NOT ABLE TO EXCLUDE OR DENY ANY COVERAGE OR IMPOSE ANY DOLLAR LIMITS BASED SOLELY JUST ON THAT ON ON HAVING A AS BEING DIAGNOSED WITH ASD SO IT'S LIKE A PRE-EXISTING YOU KNOW BUT JUST BECAUSE YOU HAVE A PRE-EXISTING CONDITION YOU CANNOT DENY COVERAGE FOR THAT INDIVIDUAL BASED SOLEY BECAUSE OF THAT SO THAT'S THE EXPLANATION FOR THAT AND SO AS WE GO ON LINE OR PAGE SEVEN IT SAYS THE COVERAGE LINE 21 THE COVERAGE REQUIRED BY THIS CHAPTER IS SUBJECT TO ALL TERMS AND CONDITIONS OF A SUBSCRIPTION CONTRACT NOTHING IN THIS CHAPTER PREVENTS A CORPORATION FROM IMPOSING DEDUCTIBLES CO-INSURANCE OTHER COST SHARING IN RELATION TO THE COVERAGE REQUIRED BY THIS CHAPTER AND THIS MEANS MR. SPEAKER WHICH IS SIMPLY WHAT WE HAVE LIKE IN OUR GOVGUAM PLAN WE HAVE WE HAVE A DEDUCTABLE WHETHER IT'S A 1500 OR 2000 AND WE HAVE CO-PAYS THAT WERE REQUIRED TO LET THAT WILL REQUIRE TO TO TO BE RESPONSIBLE AND SO WE'RE SAYING YOU CAN STILL DO THAT AND IT IN A REGULAR PLAN THAT'S WHAT THIS SECTION IS SAYING AND SO ON THE STREET IT LOOKS LIKE YOU KIND OF CONTRADICTS BUT IT DOESN'T BECAUSE WE'RE SAYING HERE IS THAT YOU HAVE A PRE-EXISTING CONDITION WHICH IS ASD THEN YOU CAN'T BASED ON THAT DENY COVERAGE FOR THAT INDIVIDUAL OR THAT FAMILY SO THAT'S THE THAT'S THE BEST EXPLANATION I COULD PROVIDE PERHAPS IF LEGAL COUNSEL CAN LOOK AT THAT EVEN FURTHER.

SPEAKER CRUZ: OKAY WHY DON'T WE TAKE A REAL SHORT RECESS AND THE THREE OF YOU CAN DISCUSS THIS WITH LEGAL COUNSEL. THE LEGISLATURE'S BACK IN SESSION THANK YOU VERY MUCH FOR WORKING THIS OUT SENATORS GO HEAD SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER IN CONSULTATION WITH LEGAL COUNSEL WE'RE GOING TO GO AHEAD AND ALLOW THE LANGUAGE TO RETAIN SO WE'RE NOT I WILL NOT BE MAKING ANY AMENDMENT AT THIS TIME WITH RESPECT TO THAT JUST SOME OTHER ITEMS ON PAGE 10 JUST TO EARMARK IT FOR LEGAL COUNSEL'S SAKE

PAGE 10 LINES THREE TO SIX THERE SHOULD HAVE BE THERE SHOULD BE A REFERENCE TO A FRATERNAL BENEFIT SOCIETY AN EXCLUSION OF SOME SORT PERHAPS IN THAT LANGUAGE IF THAT'S GOING TO BE CONSISTENT THROUGHOUT THE MEASURE SO THE AN AMENDMENT I'M NOT QUITE SURE THAT WOULD BE INCLUSIVE OF THE TECHNICAL AMEDNMENT I REQUESTED EARLIER ON LINES THREE TO SIX INCLUDING EXCLUDING FRATERNAL BENEFIT SOCIETIES.

SPEAKER CRUZ: DOES COUNSEL UNDERSTAND THAT.

SENATOR SAN NICOLAS: PAGE 10 LINES THREE TO SIX SUMMATION THAT ALSO THAT YOU'RE NOT TO EXCLUDE FRATERNAL BENEFIT SOCIEIES AND THEN JUST A GENERAL JUST SOME GENERAL COMMENT MR. SPEAKER FIRST OF ALL MUCH APPRECIATION TO THE AUTHOR FOR DOING THE WORK NECESSARY TO BE ABLE TO GET THIS MEASURE ONTO THE FLOOR THERE IS A PARTICULAR REFERENCE IN HERE THAT JUST HAS ME YOU KNOW WONDERING AND THAT IS THAT FOR EXAMPLE ON PAGE EIGHT LINES FOUR TO SEVEN THE COVERAGE CHANGES DEPENDING ON THE AGE OF THE CHILD AND THE COVERAGE CHANGES FROM ONE AMOUNT TO ANOTHER AFTER THE CHILD REACHES THE AGE OF NINE AND CALEB TURNED NINE THIS YEAR AND I CAN TELL YOU RIGHT NOW MR. SPEAKER THAT THE NEEDS OF AN INDIVIDUAL WHO HAS AUTISM DOESN'T GET REDUCED BY 50% WHEN THEY TURN NINE YEARS OLD AND I CAN TELL YOU THAT THERE NEEDS CONSTANTLY CHANGE SO I JUST WANTED TO REGISTER ON THE RECORD THAT WHILE I UNDERSTAND THAT THIS OVERALL LEGISLATION WAS MODELED AFTER VARIOUS JURISDICTIONS I'M NOT ENTIRELY SOLD ON THE IDEA THAT COVERAGE SHOULD BE NECESSARILY AGE BASED I THINK THAT AS OF ANYTHING THAT IS INSURANCE RELATED COVERAGE SHOULD BE NEED BASED ON BUT I JUST WANTED TO REGISTER THAT FOR THE RECORD AND AGAIN EXTEND MY THANKS TO THE AUTHOR FOR THE MEASURE I ALSO WANTED TO OFFICIALLY REGISTER MR. SPEAKER IN LIGHT OF THE CURRENT ENVIRONMENT UNDER NORMAL CIRCUMSTANCES I WOULD BE COMFORTABLE VOTING ON THIS MEASURE BUT I WOULD LIKE TO REQUEST FROM LEGAL COUNSEL OR FROM THE BODY WHETHER OR NOT IT MAY BE NECESSARY FOR ME TO RECUSE MYSELF FROM PARTICIPATING IN VOTING ON THIS MEASURE FOR CONFLICT CONCERNS.

SPEAKER CRUZ: THANK YOU VERY MUCH.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: AT THIS POINT WHAT WE WILL DO IS LEGAL COUNSEL WILL LOOK AT IT AND WE WILL ADDRESS IT WHEN WE START TO GET INTO THE VOTING FILE BECAUSE AT THAT POINT YOU WILL BE MAKING YOUR REQUEST AND WE'LL DEPEND ON LEGAL COUNSEL GUIDANCE TO ASSIST US IN MAKING THAT DECISION THANK YOU VERY MUCH.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: I UNDERSTAND SENATOR LEE WISHES TO BE HEARD ON THIS BILL AND AFTER SENATOR LEE ANY OTHER SENATOR.

SENATOR LEE: THANK YOU MR. SPEAKER. PINKY I RISE IN SUPPORT OF THIS BILL AS WAS MADE MENTIONED BY SEVERAL OF MY COLLEAGUES AUTISM AFFECTS SO MANY IN OUR COMMUNITY AND IT'S REALLY CRITICAL THAT WE PURSUE AS MANY SOLUTIONS AS WE CAN TO HELP THOSE IMPACTED BY ASD AUTISM SPECTRUM DISORDER I BELIEVE THE BILL PROPOSED BY SENATOR RODRIGUEZ WILL HELP PUSH OUR COMMUNITY FORWARD IN ADDRESSING THIS ISSUE AND THEN PROVIDING THE SERVICES AND THE CARE THAT THE LIZAMA FAMILY THE DUENAS FAMILY THE SAN NICHOS FAMILY AND SO MANY FAMILIES REALLY NEED WE HEARD TESTIMONY FROM COMMUNITY LEADERS AND FAMILY MEMBERS ABOUT THE NEED TO PROVIDE BETTER COVERAGE AND HEALTH IN HEALTH INSURANCE ON GUAM I LOOK FORWARD TO THE AUTISM CENTER SERVICES

THAT ARE BEING DEVELOPED AND PARTICULARLY IN THIS BILL THE ESTABLISHMENT I KNOW WE'RE GOING TO CONSIDER IT IN A SEPARATE PIECE OF LEGISLATION BUT I LOOK FORWARD TO MORE DISCUSSION ON THE AUTISM SPECTRUM DISORDER TASK FORCE TO PROVIDE RECOMMENDATIONS ON FUTURE NEEDS OF OUR CHILDREN AND OUR COMMUNITY MEMBERS ONE SUCH COMMUNITY MEMBER WAS CAMILLE PAULINO AND SHE SAID IN HER TESTIMONY FROM HUNTER SPEAKS THAT THESE CHILDREN ARE SURE TO BE ONE DAY OUR FUTURE TEACHERS ENGINEERS ARTIST WITH A KEEN EYE FOR DETAIL AND AN HONESTY AND DEDICATION TO TASKS THAT ARE EXEMPLARY ASD IS SUCH A DIVERSE DISORDER THAT PRESENTS ITSELF IN THIS SUCH A SPECTRUM OF WAYS TRULY NO TWO CHILDREN WITH ASD ARE THE SAME END QUOTE AND I ASK THAT MY COLLEAGUES VOTE YES ON BILL 16-34 TO MANDATE HEALTH INSURANCE COVERAGE FOR THERAPIES INCLUDING APPLIED BEHAVIORAL ANALYSIS THERAPY THAT WILL SUPPORT OUR CHILDREN WITH ASD SO THAT THEY CAN CONTINUE TO THRIVE AND OUR ISLAND ALONG WITH THEM THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR LEE ANY OTHER SENATOR WISH TO BE HEARD IF ANY OTHER SENATOR WISH TO BE HEARD IF NOT OH WAIT SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR. SPEAKER I SUPPORT THIS BILL I MEAN WE KNOW THE CHALLENGES OF NOT ONLY THOSE WHO SUFFER FROM AUTISM BUT ALSO THE CHALLENGES OF THEIR FAMILIES AND THE PARENTS ESPECIALLY IN ALL THE EXTRA THINGS THAT THE FAMILY HAS TO GO THROUGH IT YOU KNOW AND LOVE AND CARE FOR THE CHILD BUT I DO HAVE A QUESTION OR TWO AND AND IT'S NOT REALLY POSED IN A WAY TO TRY TO FIGURE OUT HOW TO CORRECT IT CORRECT SOME OF THE THINGS BUT I DO HAVE SOME ISSUES ONE IS DURING THE PUBLIC HEARING DOCTOR DUENAS STATED THAT THERE ARE NO KNOWN AUTISM SPECTRUM DISORDER PROVIDERS ON THIS ISLAND OR CURRENTLY PRACTING ON THIS ISLAND AND SO IT SEEMS TO ME THAT THIS IS ONE OF THOSE CHICKEN AND THE EGG TYPE SITUATIONS THAT WE'RE GOING TO PROVIDE A BENEFIT WE'RE GOING TO REQUIRE INSURANCE COVERAGE FOR TREATMENT THAT REQUIRE PROVIDERS FROM PROVIDERS BUT THERE'S NO PROVIDERS ON THIS ISLAND AT THIS POINT AND SO I GUESS THE QUESTION AND THE THOUGHT IN MY MIND IS YOU KNOW RIGHT NOW THE EFFECTIVE DATE WOULD I THINK IT IS STATED I THINK AROUND OCTOBER IT MANDATES OCTOBER 1ST FOR THE EFFECTIVE DATE OF THE COVERAGE BECAUSE I GUESS THAT WOULD BE THE EFFECTIVE DATE OF THE GOVGUAM HEALTH INSURANCE SO WHEN IT WHEN WHEN IT BECOMES EFFECTIVE AND SO I'M JUST WONDERING IF MAYBE THE AUTHOR WOULD ANSWER MAYBE WHETHER OR NOT WE SHOULD PERHAPS INCLUDE SOME KIND OF LANGUAGE THAT CHANGES THE EFFECTIVE DATE TO PERHAPS WHEN THE FIRST CERTIFIED PROVIDER IS CERTIFIED YOU KNOW IN OTHER WORDS OTHERWISE WE'LL BE PAYING FOR COVERAGE THAT REALLY HAS NO PROVIDERS AND MAYBE I'M OFF BASE AND I AM WILLING TO BE CORRECTED BUT I'M JUST AGAIN DRAWING FROM THE CONVERSATION AT THE PUBLIC HEARING ON THIS DR. DUENAS DID STATE THAT THERE WERE NO CERTIFIED PROVIDERS ON THIS ISLAND.

SPEAKER CRUZ: ON THAT FIRST QUESTION SENATOR RODRIGUEZ ANY OTHER SENATOR WISH TO ADDRESS IT.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH MR. SPEAKER THANK YOU FOR OUR COLLEAGUES CONCERN BUT REALLY IF THIS PASSES WE HAVE COVERAGE THAT'S GRANTED TO FAMILIES THAT CAN'T STOP THEM NOW FROM BEING ABLE TO SEEK SERVICES OFF-ISLAND BECAUSE HE'S RIGHT THERE'S NO CURRENT CERTIFIED PROVIDERS HERE BUT THE WORK AS I MENTIONED IN MY OPENING WE'RE LAYING THE GROUNDWORK TO ENSURE THAT WE HAVE THESE SERVICES HERE WE'RE NEXT TO THIS PIECE OF LEGISLATION MR. SPEAKER IS WHAT WE'RE WORKING ON NOW TO ENSURE

THAT WE GET THESE CERTIFIED PROVIDERS TO COME TO ISLAND TO COME TO ISLAND AND BE ABLE TO TRAIN OUR PEOPLE AND SO THE WORK IS ONGOING BUT AS WE WORKED TO BUILD OUR CAPACITY HERE THIS SHOULD NOT STOP US FROM BEING ABLE TO PROVIDE THE SERVICES FOR FAMILIES THAT NOW CAN TAKE THEIR CHILDREN AND THEIR FAMILIES OFF-ISLAND TO SEEK SOME OF THESE CARES AND THESE TREATMENTS.

SPEAKER CRUZ: THANK YOU VERY MUCH DOES THAT ADDRESS YOUR CONCERN SENATOR ESPALDON.

SENATOR ESPALDON: IT DOES AND LIKE I SAID I'M NOT TRYING TO POKE HOLES AND ANYTHING BECAUSE I THINK THIS IS AN IMPORTANT ISSUE TO THE FAMILIES AND TO THE END OF THOSE WHO SUFFER FROM AUTISM BUT I DO KNOW THAT EVEN THAT IN TERMS OF THE TREATMENT AND SERVICES THAT SOMEBODY IS SOMEBODY IS AFFECTED WITH AUTISM RIGHT EVEN THOSE TREATMENTS AREN'T JUST LET'S GO OFF-ISLAND AND GET IT TREATED AND COME BACK HOME BUT IT'S KIND OF IT'S CONTINUING TYPE OF A BASIS AND AGAIN I RAISE NO OBJECTION TO WHAT'S IN THE BILL BUT IT'S AN ISSUE THAT AGAIN WE BE PAYING FOR SOMETHING THAT MAYBE WE DON'T REALLY HAVE ANY SERVICE PROVIDERS TO COVER OR IT WOULD GIVE THEM A FALSE SENSE THAT OKAY NOW THAT WE'RE COVERING THE OTHER STATES JUST TO FIND OUT THAT REALLY THIS IS NOT ONE OF THOSE SITUATIONS WHERE YOU PROVOKE PERFORM AN OPERATION AND THE ISSUE IS TAKEN CARE OF BUT I RAISED NO OBJECTIONS REALLY REALLY ON ON THIS BILL HOWEVER I DO HAVE ANOTHER QUESTION AND THAT REALLY RELATES TO THE COST THE BILL LISTS AS YOU KNOW I GUESS AS WAS DETERMINED IT'S BASICALLY A 1% INCREASE IN PREMIUMS AS A LIKELY COST FOR PROVIDING THE ENVISIONED COVERAGE AND USING THAT NUMBER FOR THE USING THE NUMBERS FOR THE CURRENT GOVGUAM HEALTH INSURANCE CONTRACT OF 95,000,000 THAT WOULD EQUATE TO ABOUT 1 MILLION DOLLARS IN ADDITIONAL PREMIUMS FOR GOVGUAM ONLY I AND I GUESS THE QUESTION WAS WAS THIS NUMBER USED TO DETERMINE THE COVERAGE CAPS OF THE \$50,000 FOR THE THREE AND NINE YEAR OLDS AND \$25,000 YOU KNOW THE COVERAGE FOR NINE TO 21 YEAR OLDS AND AGAIN I'M JUST BUILDING UPON THE SENTIMENT OF THE PREVIOUS SPEAKER WHO WAS SAYING THAT HIS CHILD IS NOW AT THAT NINE YEAR OLD STAGE AND YET THE YOU KNOW THE NEEDS ARE CONTINUING AND SO I AM JUST TRYING TO GET A BETTER GRASP THAT WITH \$1,000,000 WAS THAT IS THAT HOW WE DETERMINED IT BASICALLY TAKING THAT 1% PUTTING IT AGAINST THE 95 MILLION THAT THE GOVGUAM CONTRACT NOW THAT WE NOW SPEND FOR THE GOV GOVGUAM HEALTH INSURANCE CONTRACT AND THEN BREAKING DOWN THE PREMIUMS THAT WAY OR THE BENEFITS THAT WAY.

SPEAKER CRUZ: SENATOR RODRIGUEZ.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER MR. SPEAKER IF THE OUR GOOD COLLEAGUE COULD RESTATE THE QUESTION AND STATE I HEARD \$1,000,000 IMPACT IF HE CAN JUST CLARIFY THAT.

SENATOR ESPALDON: YEAH AND I THINK IT WAS I THINK IT WAS ON PAGE TWO ON LINE 12 IT BASICALLY STATES AN OVERALL INCREASE IN THE COST OF 1% IS ESTIMATED BY THE COUNCIL OF AFFORDABLE HEALTH INSURANCE OF COURSE IT DOES SAY THAT THE COST FOR GUAM MAY VARY DEPENDING UPON THE NUMBER OF CHILDREN WITH A DISORDER AND THE SEVERITY OF THE DISABILITY AND THE QUESTION REALLY IS ACTUALLY WAS WAS THAT OF THE NUMBER IF WE'RE TAKING 1% IN THIS CASE OF THE GOVGUAM HEALTH INSURANCE CONTRACT WHICH IS AROUND \$95,000,000 A YEAR AND THEN THAT MEANS THAT'LL EQUATE TO ROUGHLY ABOUT \$1,000,000 IS THAT HOW WE

CAME UP WITH THE COVERAGE OF 50,000 FOR THOSE UNDER NINE AND THEN \$25,000 FOR THOSE OVER NINE.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER AND NO THAT'S NOT WHERE WE WE CAME UP WITH THE MAXIMUM COST BENEFITS BUT IF YOU DO LOOK AT THE FISCAL NOTE THAT WAS PROVIDED MR. SPEAKER BY BBMR THE TOTAL FINANCIAL IMPACT IS ESTIMATED AT LEAST FOR THE FIRST YEAR WOULD BE ABOUT THEM ABOUT 59,000 \$59,000 AND FOR THE SECOND YEAR WOULD BE ABOUT THE 121,000 AND NO IMPACT WAS FORESEEN FOR FISCAL YEAR 2017 AND SO YOU KNOW THE FISCAL NOTE I BELIEVE DID A GOOD JOB IN IN INDICATING WHAT THE POTENTIAL FISCAL IMPACTS WOULD BE SO I WOULD ASK MY COLLEAGUES TO TO PERHAPS REVIEW THAT IF THEY HAVEN'T YET MR. SPEAKER.

SPEAKER CRUZ: SENATOR ESPALDON.

SENATOR ESPALDON: AND AND I'M DEFINITELY VERY SATISFIED WITH THAT ANSWER. AND AGAIN MORE THAN ANYTHING ONE LAST ITEM THOUGH AND MAYBE IF THE AUTHOR COULD POINT IT YOU KNOW THIS BILL IS AS AMENDED BY THE COMMITTEE AND YET I WAS TRYING TO LOOK FOR WHERE THE AMENDMENTS WERE IF MAYBE HE JUST KIND OF POINT OUT WHERE THE AMENDMENTS WERE OR THE AMENDMENT WAS DIFFERENT FROM WHAT THE BILL WAS AS INTRODUCED THEN PERHAPS WE CAN YOU KNOW TAKE A CLOSER LOOK AT ALL I WAS JUST WONDERING IF THERE IS A MAJOR ISSUE OR MAJOR AMENDMENT THAT WAS MADE.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR RODRIGUEZ DO YOU WISH TO POINT WERE SOME OF THE MAJOR.

SENATOR RODRIGUEZ: SURE THANK YOU VERY MUCH MR. SPEAKER AFTER THE PUBLIC. WE DID HAVE A MARK UP MEETING AND SOME STAKEHOLDERS INCLUDING MEMBERS REPRESENTATIVES FROM THE INSURANCE INDUSTRY WERE PRESENT AND SO I CAN DETAIL EACH WHERE THESE AMENDMENTS WERE MADE TO START OFF FROM PAGE PAGE EIGHT THERE WAS AMENDMENTS MADE TO THE AUTISM SPECTRUM DISORDER TASKFORCE HOWEVER THAT IS NOW MOOT BECAUSE WHEN WE HAD A PREVIOUS AMENDMENT THAT STRUCK OUT THE ENTIRE SECTION ON THE TASK FORCE ANOTHER AMENDMENT THAT WAS MADE MR. SPEAKER WAS ON PAGE NINE SECTIONS 29A 10585 WAS AMENDED TO INCLUDE ASSESSING THE AVAILABLE NETWORK.

SENATOR ESPALDON: I'M SORRY WHAT PAGE WAS THAT.

SENATOR RODRIGURZ: PAGE 9 SECTION 29A 10585 AND IT WAS AMENDED TO INCLUDE ASSESSING THE AVAILABLE NETWORK AND AGAIN ON PAGE 9 MR. SPEAKER SECTIONS 29A 105C WAS AMENDED WELL THAT DEALS WITH THE TASKFORCE TO SO THAT'S MOOT NOW BECAUSE THAT WAS STRICKEN AND ALSO ON PAGE EIGHT SECTION 29A 104 P3 ITEM TREE WAS DELETED IN ITS ENTIRETY SO THOSE WERE THE ONLY CHANGES THAT WERE MADE AFTER THE HEARING BASED ON THE MARK UP MEETING.

SPEAKER CRUZ: THANK YOU VERY MUCH THE QUESTION THAT WAS RAISED BY SENATOR ESPALDON RAISES SOMETHING THAT WE PROBABLY CAN AND SHOULD DISCUSS ABOUT WHEN WE BRING TO THE FLOOR A BILL WITH THE SUBSTITUTIONS OR THE AMENDMENTS MADE WITH GUIDANCE FROM LEGAL COUNSEL AND THE COMMITTEE ON RULES WE MIGHT BE ABLE TO HAVE THAT AS A SINGLE UNDERLINE OR THE DOUBLE UNDERLINE WHATEVER THOSE THINGS ARE TO MAKE SURE THAT ALL THE MEMBERS UNDERSTAND WHAT THE CHANGES FROM THE ORIGINAL BILL WERE SO THAT SO AS WE DISCUSSED WE KNOW WHAT THOSE CHANGES WERE OKAY BUT THAT'S FOR A DISCUSSION OFF THE FLOOR WITH LEGAL COUNSEL ABOUT HOW BEST TO DEAL WITH THIS AND AND COMMITTEE ON RULES I'M NOT I THINK WE HAVE SOMETHING IN THE

RULES ABOUT THAT BUT WE'LL JUST HAVE TO CHECK TO MAKE SURE WE ENFORCE IT OKAY.

SENATOR SAN NICOLAS: JUST TO CLARIFY MR. SPEAKER IF I MAY PART OF OUR PRACTICE NOW WITH THE WAY BILLS ARE HANDLED THROUGH COR WHEN A BILL IS INTRODUCED IT BECOMES AVAILABLE ON THE WEBSITE WHEN IT BECOMES CORRECTED BY THE PRIME SPONSOR THAT NEW CORRECTED VERSION ALSO BECOMES AVAILABLE ON THE WEBSITE WHEN IT COMES AMENDED BY THE COMMITTEE THAT ALSO BECOMES AVAILABLE ON THE WEBSITE AND SO WHAT WE BRING TO THE FLOOR IS WHAT ULTIMATELY WAS FILED IN A COMMITTEE REPORT BUT IF ANY MEMBER WISHES AND I ACTUALLY DID THIS WITH RESPECT TO THIS PARTICULAR BILL IF ANY MEMBER WISHES TO PULL UP THE EVOLUTION OF THE MEASURE PRIOR TO IT ACTUALLY BEING BLOCKED FOR OFFICIAL CONSIDERATION THEY CAN LOOK AT EVERY SINGLE ITERATION ONLINE AND THEN JUST LAYER THEM OVER A PAGE BY PAGE COMPARE THEM.

SPEAKER CRUZ: I UNDERSTAND BUT THE QUESTION THAT WAS RAISED POSES A GOOD QUESTION ABOUT WHY WE DON'T HAVE THE CORRECTIONS WITH THE COLOR BOXES ON THE SIDE THAT THIS THING WAS TAKEN OUT BY THE COMMITTEE IT IT WOULDN'T DETRACT BUT IT WOULD ASSIST PEOPLE IN UNDERSTANDING THE EVOLUTION WITHOUT PULLING UP FOUR BECAUSE SOME OF US DON'T HAVE FOUR SCREENS TO BE ABLE TO LOOK AT THE SAME TIME IT WOULD SEEM TO ME THAT IF WE COULD DECIDE AMONGST OURSELVES AS IT COMES TO THE FLOOR THOUGH IT'S STILL NOTED AS SUBSTITUTED BY THE COMMITTEE ALL THE SUBSTITUTIONS SHOULD BE IN THERE SO THAT WE'RE NOT BLIND SIGHTED WE WE KNOW WHAT WAS TAKEN OUT SO WE KNOW WHAT THE WHAT WE'RE DEALING WITH BUT THAT'S THAT'S JUST A COMMENT THAT I'M MAKING AT THIS POINT BUT IF WE WILL DISCUSS IT MORE OFF LINE.

SENATOR SAN NICOLAS: SURE AND JUST TO CLOSEOUT THE CONVERSATION MR. SPEAKER WE HAVE HAD SOME MEASURES THAT WERE INTRODUCED THAT REQUIRED DRAMATIC CORRECTIONS BY THE SPONSORS IF WE WERE TO INCLUDE ALL THE NOTATIONS FROM INCEPTION TO FLOOR FLOOR VERSION I'M NOT QUITE SURE WE WOULD HAVE ENOUGH SPACE IN THE PAPER SOMETIMES SO JUST JUST A FUNCTIONAL ISSUE BUT WE CAN DISCUSS IT AS A BODY AT A LATER TIME.

SPEAKER CRUZ: THANK YOU ANY OTHER SENATOR WISH DO YOU HAVE ANYTHING FURTHER ON THE MEASURE.

SENATOR ESPALDON: NO BUT ON THAT POINT AGAIN I TRUST THAT WE CAN WORK THIS OUT WITH RULES BECAUSE FOR SOME OF US OR NOT AS FAMILIAR WITH CERTAIN SUBJECTS AND WHEN WE SEE THE INTRODUCED VERSIONS AND WE MAKE WE DO OUR ANALYSIS BASED ON THAT AND NOT REALLY KNOWING REALLY WHEN IT COMES THEN WE MAY AGREE OR DISAGREE AND THEN IT COMES TO THE FLOOR AND IT SAYS AMENDED WE DON'T KNOW WHERE IT IS THEN AGAIN WE WOULDN'T BE ABLE TO ARGUE IN FAVOR THAT MAYBE THE ORIGINAL VERSION MAY HAVE BEEN THE BETTER VERSION BUT THAT'LL BE ANOTHER SUBJECT BUT I DO WANT TO THANK THE SPONSOR OF THIS BILL FOR ALL THE WORK HE'S DONE I KNOW THAT THE FAMILIES IN THE CHILDREN WHO SUFFER WITH OR ARE CHALLENGED WITH THE AUTISM REALLY COULD USE AS MUCH HELP AS THAT THEY CAN GET AND I FULLY SUPPORT THIS MEASURE THANK YOU MR. CHAIRMAN MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ANY OTHER SENATOR WISH TO BE HEARD IF NOT OH SENATOR ESTEVES DO YOU WISH TO BE HEARD ANY OTHER SENATOR WISH TO BE HEARD SENATOR MUÑA YOU LOOK LIKE YOU WANTED TO SAY SOMETHING AND I'D BE WILLING TO RECOGNIZE YOU OTHERWISE WE'RE GOING TO CLOSE OKAY OKAY GO AHEAD.

SENATOR MUÑA: THANK YOU MR. SPEAKER I RISE IN SUPPORT OF THIS BILL AND I THANK THE AUTHOR FOR FOR FOR PUTTING IT FORTH I HAD AN OPPORTUNITY TO TO HOST A FEW AUTISM EVENTS AND REALIZE THAT EVERYONE HERE ON GUAM IS CONNECTED TO THE DISORDER WHETHER IT BE A FAMILY MEMBER OR FRIEND A CHILD OF A FRIEND AND SO AT FIRST MY INITIAL CONCERN WAS THE FISCAL IMPACT IT WOULD HAVE THIS BEING A STANDARD PRACTICE FOR INSURANCE COMPANIES BUT TAKING A LOOK AT THE FISCAL NOTES I SEE THAT THE IMPACT IS VERY MINIMUM AT \$0.15 PER MEMBER PER MONTH FOR FY 2017 AND THEN THE FOLLOWING YEAR FY 2018 AT 30 \$0.31 PER MEMBER PER MONTH SO REALIZE THAT IT'S SUCH A SMALL CONTRIBUTION ACROSS THE BOARD FOR THE GOVERNMENT AND FOR US TO HELP THE COMMUNITY AND THE PARENTS WHO ARE ALREADY STRUGGLING PHYSICALLY WITH THIS DISORDER THEIR CHILDREN'S DISORDER AND HELPING THEM FINANCIALLY SO I RISE IN SUPPORT OF THIS THANK YOU VERY MUCH.

SPEAKER CRUZ: THANK YOU VERY MUCH ANY OTHER WISH TO BE HEARD IF NOT SENATOR RODRIGUEZ YOU'RE INVITED TO CLOSE.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH MR. SPEAKER I WANT TO THANK MY COLLEAGUES FOR THEIR PARTICIPATION IN THIS MEASURE BEFORE I DO CLOSE MR. SPEAKER I DO HAVE ONE AMENDMENT THAT I'D LIKE TO MAKE WHICH WAS SOMETHING THAT WE KIND OF HAD AN OVERSIGHT ON AND IT'S PAGE THREE AND LINE NINE WHAT THIS SECTION DOES THE DEFINITIONS AND WE'RE STAYING HERE THAT AUTISM SPECTRUM DISORDER MEANS ONE OF THE FOLLOWING THREE FOLLOWING DISORDERS AS DEFINED IN THE MOST RECENT ADDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC ASSOCIATION AND A IS AUTISTIC DISORDER BE ASPERGER SYNDROME AND C THIS IS WHERE I LIKE TO MAKE THE AMENDMENT TO STRIKE OUT THE EXISTING LANGUAGE AND TO REPLACE IT WITH PERVASIVE DEVELOPMENTAL DISORDER COMMA NOT OTHERWISE SPECIFIED.

SPEAKER CRUZ: DOES EVERYBODY UNDERSTAND THAT AMENDMENT.

SENATOR RODRIGUEZ: AND THIS IS.

SPEAKER CRUZ: IT'S REPLACING C AUTISM SPECTRUM DISORDER WITH PERVASIVE.

SENATOR RODRIGUEZ: DEVELOPMENTAL DISORDER COMMA.

SPEAKER CRUZ: DEVELOPMENTAL DISORDER.

SENATOR RODRIGUEZ: NOT OTHERWISE SPECIFIED AND THIS IS THE LANGUAGE THAT IS FROM THE MANUAL OF MENTAL DISORDERS OF AMERICAN PSYCHIATRIC ASSOCIATION.

SPEAKER CRUZ: THEY'RE ON SR FOUR OR FIVE BY NOW.

SENATOR RODRIGUEZ: YES.

SPEAKER CRUZ: OKAY ANYBODY WISH TO BE HEARD ON THE AMENDMENT PROPOSED SENATOR TORRES.

SENATOR TORRES: JUST A POINT OF CLARIFICATION IF THE MOVER OF THE AMENDMENT WILL SO YIELD I JUST WANT TO ENSURE THAT THE NEW TERMINOLOGY THAT YOU'RE PROPOSING THAT IS SPECIFIC TO AUTISM OR DOES THAT BROADEN THE RANGE OF COVERAGE TO OTHER TYPES OF MENTAL DISORDERS.

SPEAKER CRUZ: DO YOU YIELD.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH IT IS SPECIFIC TO TO AUTISM THAT'S THAT'S WHAT THE PURPOSE IS.

SPEAKER CRUZ: OKAY SATISFIED THANK YOU VERY MUCH YOUR SENATOR MADAME VICE SPEAKER.

VICE SPEAKER TERLAJE: IF THE SENATOR CAN CLARIFY WHO DEFINES THIS TERM.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER AND AS IT'S STATED HERE IT'S DEFINED AS THE MOST RECENT ADDITION OF A DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS OF THE AMERICAN PSYCHIATRIC ASSOCIATION AND WE'VE TAKEN THIS WE'VE LOOKED AT THE STATE OF ARIZONA THE STATE OF CALIFORNIA MODEL ON DEVELOPING THIS PIECE OF LEGISLATION AND THIS IS THE LANGUAGE THAT WE'RE ABLE TO OBTAIN FROM THOSE MODELS.

SPEAKER CRUZ: THE TITLE OF THE MANUAL OR I DON'T KNOW WHY IT'S NOT CAPITALIZED BUT UNLESS I'M MISTAKEN IT WOULD HAVE COME FROM THE DSMR WHATEVER THE MOST RECENT ADDITION WHEN I WAS IN FAMILY COURT IT WAS THREE BUT I'M NOT SURE BY NOW ITS 10.

VICE SPEAKER TERLAJE: OKAY I SEE THANK YOU THANK YOU.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH MR. SPEAKER AND THANK YOU AGAIN TO OUR COLLEAGUES FOR THEIR PARTICIPATION.

SENATOR SAN NICOLAS: POINT OF ORDER MR. SPEAKER ON THE AMENDMENT.

SENATOR RODRIGUEZ: OH SORRY SORRY.

SPEAKER CRUZ: ON THE AMENDMENT ON C ANY OBEJECTION IF NOT YOU MAY CLOSE.

SENATOR RODRIGUEZ: THANK YOU AND SO MR. SPEAKER AS AS I INDICATED IN THE OPENING THAT THIS REALLY NOW ON SETS THAT THE GROUND WORK TO ENSURE THAT THE SERVICES AND THE TREATMENTS FOR ASD IS IS SOMETHING WE CAN REALLY MAKE A REALITY HERE ON ON GUAM AND I GOT TO REALLY GIVE SPECIAL RECOGNITION MR. SPEAKER TO DR. VINNY DUENAS HE'S A PHYSICIAN IN OUR COMMUNITY HE AND HIS WIFE HAVE A SON HUNTER AND IT WAS EARLY LAST YEAR THAT HE CAME TO VISIT ME AND SPOKE TO ME ABOUT ABOUT ABOUT AUTISM BECAUSE TO BE HONEST WITH YOU MR. SPEAKER WE'VE I'VE ALWAYS HEARD ABOUT IT DIDN'T KNOW MUCH ABOUT THE CHALLENGES THAT OUR FAMILIES FACE BUT WHEN HE BROUGHT YOU KNOW HIS CONCERNS FORWARD TO ME AND DISCUSSED THIS NON-PROFIT THAT HE CREATED HUNTER'S SPEAKS ORGANIZATION REALLY BROUGHT IN MY MY MIND AND MADE ME UNDERSTAND AND APPRECIATE WHAT THE FAMILIES FEEL THE CHALLENGES THEY FACE I CAN NEVER FEEL IT PERSONALLY MYSELF BUT I CAN ONLY IMAGINE THE CHALLENGES THEY FACE AND YOU KNOW I SPOKE TO FAMILIES THAT GO THROUGH THAT THOSE HARDSHIPS AND I SPOKE TO FAMILIES ON GUAM TO LOCAL FAMILIES THAT ARE FORTUNATE BLESSED TO BE ABLE TO AFFORD TO TAKE THEIR CHILDREN OFF ISLAND AND I'VE SEEN MR. SPEAKER THE NIGHT AND DAY OF A FAMILY WHO HAS TAKEN HIS SON OFF ISLAND TO BE TREATED AND FAMILIES HERE ON GUAM THAT DON'T HAVE THE MEANS TO DO IT AND I KNOW THAT EARLY INTERVENTION AND BEING ABLE TO TREAT OUR OUR CHILDREN EARLY ON IS REALLY GOING TO MATTER AND IT'S WHAT'S GOING TO HELP IN IN PROVIDING SOME SOME RELIEF AND HEALING FOR A LOT OF THESE FAMILIES THIS FAMILY THAT I AM I'VE I'VE TALKED ABOUT THAT NOT DR. DUENAS BUT ANOTHER FAMILY A LOCAL FAMILY HERE THERE SON IS A BRIGHT YOUNG MAN NOW HE WAS DIAGNOSED WHEN HE WAS EARLY WHEN I BELIEVE HE WAS TWO YEARS OLD NOW HE'S HE'S MUCH OLDER AND YOU SAW THE DIFFERENCE BUT THE FAMILY IT TOOK A LOT FOR THE FAMILY TO RELOCATE THEY HAD A SUCCESSFUL BUSINESS HERE AND BEING ABLE TO JUGGLE LIFE IN THE STATES AND HERE ON GUAM JUST TO BE ABLE TO PROVIDE THAT SERVICE AND SO WHAT WE'RE DOING HERE MR. SPEAKER IS SMALL STEPS TO

ENSURE THAT WE HAVE THE SERVICES AVAILABLE HERE WHILE WE'RE WAITING TO ESTABLISH THE CAPACITY HERE THIS IS PROVIDING THAT AVENUE FOR OUR FAMILIES TO BE ABLE TO START TO GET THE TREATMENT AND SERVICES THEY THINK THEY NEED AND DESERVE OFF ISLAND SO IN RECOGNITION OF HUNTER DUENAS THIS THIS BILL ONCE IT'S ENACTED IF IT'S ENACTED INTO LAW WILL BE CALLED THE HUNTERS LAW OF 2017 REALLY IN RECOGNITION OF DOCTOR DUENAS AND HIS SON AND HIS WIFE TANYA BRING THIS ISSUE TO THE FOREFRONT AND BEING MY DRIVING FORCE IN MAKING THIS HAPPEN SO THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: ON THE MOTION TO SEND IT TO THE VOTING FILE THERE BEING NO OBJECTION SENATOR RODRIGUEZ YOU'RE RECOGNIZE ON BILL 17-34.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER MR. SPEAKER I MOVE TO PLAY BILL 17-34 AS INTRODUCED ON THE THIRD READING BE ASKED TO BE ALLOWED TO BRIEFLY SPEAK ON IT.

SPEAKER CRUZ: ANY OBJECTION HEARING NONE.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER MR. SPEAKER THE PEOPLE OF GUAM HAVE A LONG RELATIONSHIP WITH DOGS SO MUCH THAT THAT WE OFTEN TAKE IT FOR GRANTED DOGS ARE COMMONPLACE IN OUR EVERYDAY LIFE WE EVEN HAVE A MEMORIAL TO THE WAR DOGS THAT SERVED IN WORLD WAR II AND HELPED LIBERATE OUR ISLAND HOW MANY TIMES HAVE YOU HAD TO STOP BECAUSE OF BOONIE DOG DECIDED TO TAKE A NAP IN THE MIDDLE OF THE ROAD AND YES WE DO HAVE AN ABUNDANCE OF THESE DOGS ON ISLAND WE HAVE STRUGGLED WITH CONTROLLING THIS POPULATIONS AND YES THESE DOGS BRINGS A LOT OF CHALLENGES TO OUR COMMUNITY MAYBE IT'S TIME THAT WE LOOK AT THIS PROBLEM IN A DIFFERENT WAY MR. SPEAKER THE PURPOSE OF THE 17-34 IS TO TAKE A LOOK AT A DOG'S IN A DIFFERENT WAY SOMETIMES THE ANSWER TO SOME OF OUR PROBLEM IS LAYING AT OUR FEET OR YES LAYING IN THE MIDDLE OF THE ROAD THIS BILL INTENDS TO TAKE ADVANTAGE OF THE VOLUMES OF RESEARCH AND HOW DOGS CAN IMPROVE THE HUMAN CONDITION A QUICK THEM SEARCH ON GOOGLE MR.SPEAKER WILL PRODUCE THOUSANDS OF RESULTS ON HOW DOGS ARE USED TO HELP US FROM HELPING YOUNG CHILDREN TO READ TO ASSISTING AND REHABILITATING PRISON INMATES THE LIST IS EXTENSIVE AND ONLY LIMITED BY OUR IMAGINATION ON A PERSONAL NOTE ON MY FAMILY I RECENTLY ADOPTED A DOG FROM FROM GAIN WE HAVE A FOUR YEAR OLD AND A 10 YEAR OLD OF COURSE OUR 21 YEAR OLD AND OUR FOUR YEAR OLD HE HAS A BUNCH OF YOU KNOW MEDICAL CONDITIONS THAT HE HAS AND A LOT OF TIMES YOU KNOW WHEN HE ACTS UP WE WE WE WE KIND OF GIVEN WE TELL OUR 10 YEAR OLD WE GIVE THEM A LOT OF LEEWAY SO YOU KNOW WHAT HE'S GOING THROUGH AND SO YOU GOT TO JUST GIVE IN TO YOUR BROTHER YOU KNOW AND SO BUT WE FOUND THAT HAVING A DOG AT HOME BECAUSE WE HAVEN'T HAD AN ANIMAL OR A DOG ONLY WHEN OUR OUR CAR GIRL WHO'S 21 NOW WAS MUCH YOUNGER, BUT SINCE THEN WE HAVEN'T HAD UP AN ANIMAL BUT HAVING THIS DOG WHICH WE ADOPTED HE WAS CALLED T-BONE FROM GAIN HE WAS A JACK RUSSELL TERRIER FOR \$100 YOU KNOW THAT WAS THE ADOPTION FEE AND SO JUST HAVING THAT DOG AROUND AND SEEING WHAT IT HAS DONE FOR OUR FOUR YEAR OLD AND HOW IT HELPS HIM COPE WITH YOU KNOW SOME OF THE THINGS THAT HE GOES THROUGH I KNOW IT WORKS AND SO CAN YOU IMAGINE WHAT HE COULD DO FOR FOR OTHER CHILDREN FOR THE FAMILIES THAT EXPERIENCE WORSE THAN THAN WHAT MY CHILD IS EXPERIENCINGBILL 17 MR. SPEAKER MAY SEEM LIKE ONE OF THOSE FEEL-GOOD BILLS AND AND YES I HOPE YOU FEEL I HOPE WE ALL FEEL GOOD ABOUT THIS BUT WHAT IS FOR DOES IT START A COMMUNITY TO LOOK AT HOW THEY CAN MAKE DOGS A MEANINGFUL ASSET TO OUR ISLAND THIS BILL ESTABLISHES IS A COMMON LANGUAGE SO WE CAN AGREE ON THE VARIOUS WAYS DOGS CAN BE USED IT

ENCOURAGES GOVERNMENT AGENCIES TO TAKE A LOOK AT HOW THEY CAN INCORPORATE DOGS INTO THEIR OPERATIONS WHETHER IT BE IN THE COURTS ALLOWING CHILDREN TO TESTIFY IN TRAUMATIC CASES OR TO BRING SMILES AND COMFORT TO CHILDREN IN THE HOSPITAL THIS BILL TAKE STEPS TO MAKE THOSE THINGS HAPPEN GUAM IS BLESSED BY HAVING AN ACTIVE NOT-FOR-PROFIT COMMUNITY TALKS ARE BEGINNING ABOUT COLLABORATING WITH THE STRONG NONPROFIT GROUPS AND OUR DEPARTMENT OF CORRECTIONS WITH THE GOAL OF PUTTING IN A PRISON DOG PROGRAM ONCE AGAIN I CHALLENGE ALL OF US TO TAKE A QUICK GOOGLE SEARCH AND SEE HOW THESE PRISON DOG PROGRAMS HAVE MADE STRIDES IN NOT ONLY MAKING DOGS MORE ADOPTABLE BUT ALSO HELPING OUR PRISON INMATES MOVE BACK INTO OUR COMMUNITY IN CLOSING MR. SPEAKER ALL OF GOD'S CREATURES ON EARTH THE DOG IS THE CLOSEST TO HUMANKIND IF YOU KNOW THE STORY OF SAN ROQUE IT WAS A DOG THAT BROUGHT HIM FOOD TO STAY ALIVE IT IS TIME WE TAKE PAUSE AND CONSIDER FOR A MOMENT HOW THIS RELATIONSHIP CAN GROW AND FLOURISH TO HELP US IN SO MANY SO MANY MORE AND DIFFERENT WAYS AND AS I I I ZONE IN AND SPEAK A LOT ABOUT DOGS BEING USED IN AN ANIMAL INTERVENTIONS WE KNOW THAT THERE ARE OTHER ANIMALS THE HORSES WE HAD A LAST TERM WE HAD A ROUND TABLE AND WE HAD DR. SAM MABINI WHO WHO I BELIEVE WAS IT IS A TRAINER ALSO FOR ANIMALS I FORGET WHAT TYPE OF ANIMAL BUT IT WASN'T DOGS BUT WE KNOW THAT THERE'S A LOT OF ANIMALS THAT COULD BE USED TO BE USED IN TERMS OF AAI AND SO WE'RE HOPING THAT WITH THIS PIECE OF LEGISLATION MR. SPEAKER THAT WE START THE PROCESS IN IN SEEING THE VALUE OF USING A ANIMAL-ASSISTED INTERVENTIONS IN A LOT OF THE CHALLENGES WE FACE IN OUR COMMUNITY AND BEFORE CLOSING MR. SPEAKER FOR THOSE OF YOU WHO WERE AT THE PUBLIC HEARING WE HAD AN INDIVIDUAL INDIVIDUAL WHO TESTIFIED SHANNON CELINE SHE'S A SPECIAL ED TEACHER OVER AT DOE WE AND SHE HAD A VERY DIFFICULT TIME WITH YOU FIRST CAME TO GUAM SEVERAL YEARS AGO AND GETTING HER SERVICE DOG ALLOWED INTO HER INTO HER SCHOOL AND HER CLASSROOM SHE THOUGHT IT SHE WON THE THE CASE AND WAS ABLE TO HAVE HER DOG BE WITH HER BUT SHE TALKED ABOUT THE IMPORTANCE OF HAVING THESE SOME OF THESE SERVICE DOGS AVAILABLE FOR HER SHE TALKED ABOUT HOW HER THE CHILDREN IN HER CLASSROOM BENEFITED AS WELL SHE HAVE KIDS THAT DIDN'T READ TO HER DIDN'T SPEAK TO HER BUT WHEN LEFT WITH A DOG SAW THESE KIDS READING TO THE DOG TALKING TO THE DOG AND SO IN IN IN MEMORY OF THAT DOG THAT SINCE PASSED AWAY IS IT WAS A GERMAN SHEPHERD NAMED WAS SEAVA I'D LIKE TO MAKE AN AMENDMENT MR. SPEAKER AND ON PAGE ONE LINE TWO SECTION ONE THE SHORT TITLE THAT THIS ACT BE CITED AS THE SEAVA AS SEAVA'S ANIMAL-ASSISTED INTERVENTION ACT OF 2017.

SPEAKER CRUZ: ON THAT AMENDMENT BY SENATOR RODRIGUEZ ANY SENATOR WISH TO BE HEARD OR ANY SENATOR WISH TO OBJECT SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I JUST WANT TO CLARIFY THE SPELLING OF SEAVA.

SENATOR RODRIGUEZ: THANK YOU IT'S S E A V A SEAVA.

SPEAKER CRUZ: OKAY ANY OTHER QUESTIONS COMMENTS OR OBJECTIONS HEARING NONE.

SENATOR RODRIGUEZ: THANK YOU.

SPEAKER CRUZ: ANY SENATOR WISH TO BE HEARD ON THE MAIN MOTION ON THE MAIN MOTION ANY SENATOR WISH TO BE HEARD SEEING NO HANDS SENATOR OH WAIT SENATOR VICE SPEAKER TERLAJE.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER I ATTENDED THE PUBLIC HEARING ON THIS BILL AND I JUST WANTED TO FIND OUT FROM THE SPONSOR THERE WERE SEVERAL SUGGESTIONS MADE BY THE FORMER OWNER OF SEAVA AND BUT I DON'T SEE THAT THOSE SUGGESTIONS WERE INCORPORATED INTO THIS BILL AND I'M JUST CURIOUS IF DID YOU WHY NOT I GUESS.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH JUST BECAUSE THERE WERE SOME SUGGESTIONS AND THERE WAS TESTIMONY BUT AFTER REVIEWING THOSE TESTIMONY AND IN SPEAKING WITH THE WITH THE THE CONSTITUENTS WE WERE FINE IN IN LEAVING THE BILL AS IS AND THAT THEY REALLY DIDN'T MAKE ANY IMPACT ON ON THE BILL RIGHT AWAY AND SO THAT'S WHY WE'VE DECIDED TO JUST MOVE FORWARD AND REPORT IT OUT THAT AS IS.

SPEAKER CRUZ: THANK YOU VERY MUCH DOES THAT SATISFY VICE SPEAKER ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR. SPEAKER I THINK THIS IS AN EXCELLENT BILL I HAVE SEVERAL ANIMALS MYSELF AT ONE POINT I HAD FIVE DOGS AND YEAH IT'S CALMED ME DOWN MAJORLY BUT REALLY I HAVE ONE QUESTION THAT I'D LIKE TO ASK IF YOU WOULD YIELD AND THAT IS ON PAGE 18 UNDER ON LINE 20 ITEM NUMBER 18 BASICALLY THIS DOC DYA GPD LOCKUP AND IN OTHER PRIVATE CLUB IS NOT WITHIN THE DEFINITION OF A PUBLIC ACCOMMODATION IN THE CASE OF A GOVERNMENT OF THE GOVERNMENT AGENCIES NOW IF THE PERSON IF A PERSON WITH A SERVICE DOG IS ARRESTED AND DETAINED WHAT HAPPENS TO THE SERVICE DOG AND DOES THE GOVERNMENT HAVE TO MAKE ANY OTHER ACCOMMODATIONS FOR THE DETAINED INDIVIDUAL IT'S JUST ONE OF THOSE THINGS BECAUSE WE ARE FOCUSING ON THE ABILITY OF THESE ANIMALS TO BE ABLE TO REALLY HELP ITS OWNER BUT IF THEY THEN BECOME IF THEY'VE ARE THEN ARE ARRESTED OR ARE HELD IN LOCKUP DO WE NEED TO MAKE ANY SPECIAL ACCOMMODATIONS FOR THESE PEOPLE OR THESE ANIMALS.

SPEAKER CRUZ: DO YOU YIELD.

SENATOR RODRIGUEZ: THANK YOU MR. SPEAKER AND THANK YOU FOR THAT THAT QUESTION AND THAT'S A VALID QUESTION AND THAT'S WHY WHAT THIS BILL DOES MR. SPEAKER IS GETS OUR DEPARTMENTS AND AGENCIES TO TO START TO PUT RULES IN PLACE AND GUIDELINES IN PLACE AND SO ISSUES LIKE THIS AND I WOULD EXPECT THAT DEPARTMENT OF CORRECTIONS IN DEVELOPING THEIR THEIR GUIDELINES ON THIS AND AS I SPOKE ABOUT IN MY OPENING YOU KNOW WE HAVE NONPROFITS GAIN SPECIFICALLY THAT'S WORKING WITH THEM NOW I'M IN DEVELOPING A PROGRAM THAT ISSUES LIKE THIS WOULD BE ADDRESSED IN THOSE IN PROMULGATING THOSE THOSE GUIDELINES.

SPEAKER CRUZ: SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR. SPEAKER NO YEAH THAT WAS A GOOD ANSWER AND YES IT HAS TO START SOMEWHERE I SUPPOSE AND THIS IS A GOOD START AND I DO SUPPORT THIS MEASURE AND AGAIN I THANK THE AUTHOR FOR ITS INTRODUCTION THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH VERY MUCH ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION ON THE MAIN MOTION IF NOT SENATOR RODRIGUEZ YOU'RE WELCOME TO CLOSE ON THE MOTION TO SEND THE BILL DOWN THERE BEING NO OBJECTION SO ORDERED SENATOR SAN NICOLAS YOU ARE RECOGNIZED ON BILL 23.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I'D LIKE TO MAKE A MOTION TO PLACE BILL NUMBER 23 ON THE THIRD READING FILE AND BE AFFORDED AN OPPORTUNITY TO SPEAK ON THE MEASURE.

SPEAKER CRUZ: HEARING NO OBJECTION.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER BILL NUMBER 23 IS ACTUALLY AND BY THE WAY I JUST WANT TO COMMENT HOW INTERESTING IT IS AT OUR SESSION HAS A LOT OF ALIGNMENT IN THE MEASURES THAT WE HAVE ON TODAY'S DOC ON THE DOCKET FOR THIS LEGISLATIVE SESSION BILL 23 IS RELATED TO SOME PREVIOUS LEGISLATION IN TERMS OF ITS NEED FOR US TO BE ABLE TO GET THE NECESSARY PLANNING DONE IN THIS GOVERNMENT THAT WE HAVE A CLEAR UNDERSTANDING OF WHAT IS IT THAT WE'RE SUPPOSED TO DO IN CASE THINGS GO WRONG BILL 23 IS AN ACT TO ADD A NEW SECTION 31 32 TO ARTICLE ONE CHAPTER THREE TITLE FIVE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM I FIRST ENCOUNTERED THE IDEA MR. SPEAKER OF HAVING THESE OPERATION CONTINUITY PLANS WHEN I WAS WORKING AT A LOCAL FINANCIAL INSTITUTION AND PART OF THE REQUIREMENTS OF THE FDIC IS AT EVERY SINGLE INDIVIDUAL FINANCIAL INSTITUTION HAS TO HAVE A BUSINESS CONTINUITY PLAN NOW THE FDIC IN GENERAL THE FEDERAL DEPOSIT INSURANCE CORPORATION PROVIDES AUDITING AND INSURANCE SERVICES AND GENERAL A BACKUP FOR THE OVERALL FINANCIAL INSTITUTIONS THAT ARE UNDER THE FDIC HOWEVER EVEN THE FDIC SEES VALUE AND EACH INDIVIDUAL FINANCIAL INSTITUTION HAVING ITS OWN BUSINESS CONTINUITY PLAN IN THE EVENT THAT SOMETHING WERE TO DISRUPT THEIR SERVICES PART OF THESE BUSINESS CONTINUITY PLANS IN THE PRIVATE SECTOR MR. SPEAKER ARE INTENDED TO MAKE SURE THAT IN CASE SOMETHING HAPPENS THE CUSTOMERS WHO ARE AFFECTED ARE STILL GOING TO BE ABLE TO ACCESS THE SERVICES THAT THEY NEEDED IN THE CASE OF BANKINGS BEING ABLE TO ACCESS YOUR MONEY BEING ABLE TO MOVE IT AROUND BEING ABLE TO PAY YOUR BILLS IN THIS INSTANCE WITH THESE OPERATION CONTINUITY PLANS IN OUR GOVERNMENT WHAT WE ARE SEEKING TO DO IS TO ENSURE THAT EACH INDIVIDUAL AGENCY HAS THE NECESSARY PLANS IN PLACE ON AN INDIVIDUAL BASIS TO BE ABLE TO ADDRESS THE NEEDS OF THE COMMUNITY IN THE EVENT THAT UNFORSEEN CIRCUMSTANCES WORK TO CAUSE A DISRUPTION AND THESE DISRUPTIONS ARE ACTUALLY ENUMERATED IN THIS LEGISLATION MR. SPEAKER AND THERE ARE THINGS THAT WE ARE SOMETIMES FAMILIAR WITH STARTING ON PAGE THREE THE ENTIRE SECTION HERE THAT WE'RE ADDING ADDRESSES SOME OF THESE PROBLEMS STARTING ON LINE 17 EVENTS WHICH WOULD DISRUPT THE ABILITY OF THE AGENCY TO OPERATE SUCH AS LOSS OF PERSONNEL BY RETIREMENT WHETHER KNOWN OR UNKNOWN IN ADVANCE NATIONAL GUARD DEPLOYMENT MILITARY RESERVE DEPLOYMENT SICKNESS DEATH OR OTHER CONTINGENCIES THAT'S JUST ONE ITEM AND WHAT WE KNOW MR. SPEAKER THAT WE HAVE A LOT OF INSTITUTIONAL KNOWLEDGE IN THIS GOVERNMENT ALL OF US WITH RESPECT TO OUR OVERSIGHT ARE OFTEN TIMES REFERRED TO AS PARTICULAR INDIVIDUAL WHEN WE HAVE A SPECIFIC QUESTION RESPECTIVE TO THE AGENCY THAT WE OVERSEE SUCH AS THE CASE NOT ONLY OUR BRANCH OF GOVERNMENT WITH THE COMMUNITY AT LARGE IF THERE'S A PARTICULAR ISSUE THAT NEEDS TO BE ADDRESSED OFTEN TIMES WE WERE VERY VERY HEAVILY ON INSTITUTIONAL KNOWLEDGE AND THE ISSUE BECOMES WHAT WERE TO HAPPEN IF WE WERE TO LOSE SOME OF THAT KNOWLEDGE SO THIS SINGLE ITEM HERE IS INTENDED TO ENSURE THAT IF YOU WERE TO LOSE ANY PERSONNEL WHETHER BY RETIREMENT OR DEPLOYMENT OR UNFORTUNATE CIRCUMSTANCES WOULD WE STILL HAVE ACCESS TO THE KIND OF SERVICES THAT WE WOULD HAVE HAD ACCESS TO IT IF THAT INSTITUTIONAL KNOWLEDGE WAS IN PLACE

ANOTHER ITEM NUMBER TWO IS THE LOST MALFUNCTION OR BREAKDOWN OF EQUIPMENT NECESSARY FOR THE EFFICIENT PROVISION OF SERVICES A CLASSIC EXAMPLE MR. SPEAKER ARE THE VERY CAMERAS THAT WE HAVE IN THIS ROOM AND THE BROADCAST THAT WE PRESENT TO OUR COMMUNITY IF WE WERE TO LOSE THESE RESOURCES HOW WOULD WE GO ABOUT MAKING SURE THAT OUR PEOPLE ARE STILL ABLE TO ACCESS OUR CHANNEL AND WATCH OUR BUSINESS ANOTHER ITEM HERE IS A LOSS OF PHYSICAL OR ELECTRONIC RECORDS AS NECESSARY FOR THE OFFICIAL PROVISION OF SERVICES THIS WAS ACTUALLY A REAL TIME PROBLEM MR. SPEAKER THAT HAPPENED SEVERAL YEARS AGO WHERE DATA IN THE OFFICE OF VITAL STATISTICS STATISTICS WAS LOST AND IT WAS DIFFICULT FOR INDIVIDUALS TO BE ABLE TO ACCESS CRITICAL INFORMATION LIKE BIRTH CERTIFICATES AND THE LIKE BECAUSE OF THE LOST INFORMATION WE HAVE VITAL INFORMATION THROUGHOUT THIS GOVERNMENT MR. SPEAKER WHETHER IT'S MEDICAL RECORDS WHETHER IT'S VITAL STATISTICS WHETHER IT'S TAX RECORDS THE LOSS OF ANY OF THESE CRITICAL RECORDS COULD BE CRIPPLING NOT ONLY TO AN INDIVIDUAL AND THEIR PARTICULAR CIRCUMSTANCES BUT THIS GOVERNMENT AT LARGE ANOTHER ITEM MR. SPEAKER UN AVAILABILITY OF THE FACILITY WHICH IS NECESSARY FOR THE EFFICIENT PROVISION OF SERVICES IF THERE WERE TO BE A MASSIVE STORM AND IT WERE TO WIPE OUT DEPARTMENT OF REVENUE AND TAXATION OUR HOSPITAL WHAT HAVE YOU HOW WOULD WE GO ABOUT BEING ABLE TO CONTINUE TO PROVIDE THE SERVICES TO OUR PEOPLE ABSENT THE FACILITIES NECESSARY TO DO SO ANOTHER ITEM MR. SPEAKER THIS IS SOMETHING THAT IS THAT WE'VE ENCOUNTERED THROUGHOUT OUR HISTORY IS THE UNANTICIPATED REDUCED FUNDING LEVELS DURING A FISCAL YEAR IT'S POSSIBLE MR. SPEAKER AT ANY GIVEN TIME BECAUSE THINGS HAPPEN THAT WE'RE NOT ONE TO BE RECEIVING THE REVENUE THAT WE THOUGHT SOME OF OUR AGENCIES CURRENTLY ARE CONTINUING TO OPERATE ABSENT SOME OF THAT REVENUE AND WHILE THEY'RE ALL COPING WITH IT IN THEIR OWN WAY AND THEIR MANAGEMENT IS TRYING TO MAKE THE BEST OF THEIR CIRCUMSTANCES THE REALITY IS THAT PLANNING NECESSARY TO BE ABLE TO DO SO WITH THE LEAST POSSIBLE IMPACT ON THE PEOPLE THAT WE SERVE IS NOT NECESSARILY IN PLACE OFTEN TIMES WE YOU KNOW SIT BACK SOMETIMES WE DIP INTO RESERVES BUT I THINK HAVING THIS ISSUE ADDRESSED WOULD GREATLY ENSURE THAT THE COMMUNITY IS PROPERLY PROTECTED AGAINST ANY POSSIBLE LOSSES OF REVENUE WE ALSO REQUIRE THAT ANY COMBINATION OF THE ABOVE BE REASONABLY ANTICIPATED AND IF THERE ANY OTHER ITEMS THAT ARE SO IDENTIFIED BY THE GOVERNING BOARD OR IN THE ABSENCE OF A GOVERNING BOARD BY *I MAGA'LÁHEN GUÁHAN* THEY CAN ALSO AT THEIR DISCRETION CAN INCLUDE ADDRESSING THOSE CONCERNS OVERALL MR. SPEAKER ALL WE'RE TRYING TO DO IS MAKE SURE THAT EVERY SINGLE AGENCY HAS AN OPERATIONAL CONTINUITY PLAN IN PLACE IN CASE SOMETHING WERE TO HAPPEN THAT WOULD DISRUPT THEIR ABILITY TO PROVISION SERVICES IT'S A HEALTHY THING TO HAVE IT WILL BE REALLY GOOD TO HAVE FOR OUR COMMUNITY IN THE EVENT SOMETHING WERE TO HAPPEN WE CAN TAKE COMFORT IN KNOWING THAT WE HAVE A VERY SPECIFIC PLAN IN PLACE TO BE ABLE TO ENSURE THAT OPERATIONS CONTINUE AND FOR THE RECORD MR. SPEAKER IN LIGHT OF INTRODUCING THIS BILL I'VE ALSO DIRECTED OUR EXECUTIVE DIRECTOR AND OUR CENTRAL OFFICES TO DEVELOP THEIR OWN OPERATIONAL CONTINUITY PLAN WHICH IS IN ITS SEMI DRAFT FORM AND AVAILABLE TO MEMBERS UPON REQUEST AT THE VERY LEAST *I LIHESLATURA* WILL DO IT BUT I BELIEVE IT IS ALSO VERY GOOD PRACTICE TO BE DONE TO OUR GOVERNMENT IT'LL BE SOMETHING HEALTHY ONE OF THE THINGS THAT WE'VE NOTICED IN THE DEVELOPMENT OF OUR OPERATION CONTINUITY PLAN IS WHEN YOU ACTUALLY TAKE THE TIME TO SIT BACK AND ASK YOURSELF HOW WOULD WE CONTINUE DOING THIS IF CIRCUMSTANCES WERE TO CHANGE THE STATUS QUO IT GIVES

YOU AN EVEN GREATER AWARENESS OF WHAT IT IS THAT YOU DO ON A REGULAR BASIS AND ALLOWS YOU TO EVALUATE HOW TO MAKE IT AS AS EFFICIENT AS POSSIBLE BECAUSE IF YOU EVER HAVE TO TURN SOMETHING OFF ON ONE SIDE AND TURN IT OFF ON ANOTHER UNDER A DIFFERENT SET OF CIRCUMSTANCES YOU'RE GOING TO WANT TO MAKE IT AS EFFICIENT AS POSSIBLE AND SO IT ACTUALLY GIVES YOU A SECOND LOOK AN OUTSIDER PERSPECTIVE ALMOST ON HOW YOU DO BUSINESS AND THAT'S SOMETHING THAT WOULD BE VERY GOOD FOR OUR GOVERNMENT TO DO AS WELL SO I ASK MY COLLEAGUES TO KINDLY CONSIDER BILL 23-34 I THINK THAT HAVING THESE PLANS IN PLACE WOULD BE A VERY GOOD THING FOR OUR PEOPLE AND A VERY HEALTHY THING FOR OUR GOVERNMENT THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR SAN NICOLAS ANY SENATOR WISH TO BE HEARD ON THE MAIN MOTION SENATOR ESTEVES.

SENATOR ESTEVES: THANK YOU MR. SPEAKER I RISE IN SUPPORT OF THIS THIS BILL AGAIN I THINK IT ADDRESSES SOME LONG-STANDING ISSUES THAT WE'VE HAD IN GOVERNMENT WITH RESPECT TO THE EXECUTIVE BRANCH DIRECTORS AND ADMINISTRATORS TO HAVE AUTONOMY TO EXERCISE OR GO OFF BASE OR OUT OUTSIDE OF THE PLAN IN ORDER TO GET THE JOB DONE I STILL THINK IT'S ALWAYS ESSENTIAL THAT WE DO HAVE STANDARDS IN PLACE SO AGAIN I SUPPORT THIS BILL AS IT AS IT IS READ AND THANK YOU THANK YOU TO THE SPONSOR AS WELL.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESTEVES ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION ON THE MAIN MOTION ANY SENATOR WISH TO BE HEARD IF NOT SENATOR SAN NICOLAS YOU ARE WELCOME TO CLOSE.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I'D JUST LIKE TO ADD AS A COURTESY SENATOR ESTEVES AS A CO SPONSOR.

SPEAKER CRUZ: THERE BEING NO OBJECTION.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: ON THE MOTION TO SEND THE BILL DOWN TO THE VOTING FILE THERE BEING NO OBJECTION NEXT ON THE AGENDA IS RESOLUTION 25-34 MADAME VICE SPEAKER OH WAIT DID I MISS SOMETHING OH I'M SORRY I'M SORRY SENATOR ADA ARE YOU READY ON BILL 58 OKAY OR WOULD YOU RATHER DO THAT AFTER LUNCH WELL I'M JUST WONDERING HOW LONG WOULD IT TAKE IF YOU THINK WE SHOULD DO IT AFTER LUNCH ALL RIGHT LET'S BREAK FOR LUNCH TWO O'CLOCK BE READY AS SOON AS THAT HE'S DONE SENATOR MUÑA IF YOU'RE READY WITH ONE WE CAN FINALLY FINISH THAT AND I'LL TRY TO SEE IF I'M READY ADDRESS THE SET ASIDE IN MY BILL 15 SO WE'LL START WITH THE SENATOR ADA CLOSE THE TWO OF US AND THEN WE'LL START THE RESOLUTIONS TOMORROW OR TODAY IF WE CAN MOVE FAST ENOUGH THANK YOU VERY MUCH WE'RE IN RECESS UNTIL TWO O' CLOCK THIS AFTERNOON THANK YOU VERY MUCH SENATORS.

SPEAKER CRUZ: Hafa A Dai the Guam Legislature is back in session before the lunch break we were on bill 58 senator tom ada you are recognized as the main sponsor.

SENATOR ADA: THANK YOU MR. SPEAKER MR. SPEAKER I MOVE TO SUBSTITUTE BILL NUMBER 58-34 COR WITH A SUBSTITUTE VERSION THAT HAS BEEN DISTRIBUTED TO ALL MEMBERS TITLED BILL NUMBER 58-34 COR AS AMENDED BY THE COMMITTEE ON ENVIRONMENT LAND AGRICULTURE AND PROCUREMENT REFORM AND SUBSTITUTED ON THE FLOOR SO THAT VERSION HAS BEEN DISTRIBUTED TO ALL THE MEMBERS.

SPEAKER CRUZ: ON THE MOTION TO SUBSTITUTE BILL 58-34 COR WITH A SUBSTITUTE VERSION THAT HAS BEEN DISTRIBUTED TO ALL MEMBERS TITLED BILL 58-34 COR AS AMENDED BY THE COMMITTEE ON ENVIRONMENTAL LAND ENVIRONMENT AND PROCUREMENT REFORM SUBSTITUTED ON THE FLOOR IS THERE ANY OBJECTION HEARING NO OBJECTION MOTION CARRIES.

SENATOR ADA: THANK YOU MR. SPEAKER I MOVE TO PLACE BILL 58-34 COR AS AMENDED BY THE COMMITTEE ON ENVIRONMENT LAND AGRICULTURE AND PROCUREMENT REFORM AND SUBSTITUTED ON THE FLOOR INTO THE THIRD READING FILE AND I WOULD LIKE TO DISCUSS IT.

SPEAKER CRUZ: HEARING NO OBJECTION.

SENATOR ADA: THANK YOU MR. SPEAKER THE INTENT OF BILL 58-34 THAT WE ARE DISCUSSING HAD IS TWOFOLD ONE IT REDIRECTS EFFORTS TO CONSTRUCT A NEW SIMON SANCHEZ HIGH SCHOOL BASED ON THE EXPERIENCE WITH THE PROJECT OVER THE PAST 36 MONTHS AND I WILL OUTLINE THAT EXPERIENCE AS WE GO ALONG HERE AND THE SECOND INTENT OF BILL 58 IS TO CONSTRUCT A NEW SIMON SANCHEZ HIGH SCHOOL AT MINIMAL COST NOW I WOULD LIKE TO GET JUST A LITTLE BIT OF BACKGROUND ON THIS PROJECT TO CONSTRUCT A NEW SIMON SANCHEZ HIGH SCHOOL TO PUT THINGS INTO THE PROPER CONTEXT SO IT ALL GOES BACK THE CONSTRUCTION THE PROJECT TO CONSTRUCT A NEW SIMON SANCHEZ HIGH SCHOOL FACILITY GOES BACK TO THE ENACTMENT OF PUBLIC LAW 32 - 120 WHICH WAS ENACTED IN FEBRUARY 10TH OF 2014 IN THAT PARTICULAR LAW THE FINDINGS THAT WAS POINTED OUT IN PUBLIC LAW 32 - 120 IT ACKNOWLEDGES THAT THE COMBINED DEFICIENCIES AT SIMON SANCHEZ HIGH SCHOOL IMPAIR THE QUALITY OF TEACHING AND LEARNING AND CONTRIBUTE TO HEALTH AND SAFETY PROBLEMS FOR STAFF AND STUDENTS SO THIS PARTICULAR FINDING I WOULD SAY CERTAINLY POINTS TO THE ELEMENT OF URGENCY WE'VE GOT TO GET IT DONE AND DONE SOON NOW THE PUBLIC LAW 32 - 120 REQUIRED THAT REQUEST FOR PROPOSAL AN RFP IS TO BE ISSUED WITHIN 30 DAYS FROM ENACTMENT SO SINCE FEBRUARY OF 2014 THREE VERSIONS OF REQUESTS FOR PROPOSALS HAVE BEEN ISSUED RFP VERSION ONE WAS ISSUED ON JUNE 2014 THAT GOT CANCELED RFP VERSION 2 WAS ISSUED IN JUNE 2015 THAT GOT PROTESTED AND IT GOT CANCELED RFP VERSION 3.0 WAS ISSUED IN JANUARY OF 2017 IT HAS BEEN PROTESTED AND IT IS CURRENTLY UNDER APPEAL AT THE OPA NOW JUST LAST WEEK THEY HAD A HEARING AT THE OPA AND THE OPA RIGHT NOW IS CONSIDERING WHETHER TO DISMISS THE APPEAL OR WHETHER TO GO FORWARD WITH A FULL-BLOWN HEARING WHICH COULD TAKE UP TO 30 POSSIBLY 60 DAYS SO THAT'S GOING TO BE FURTHER DELAYS WITH THIS PROJECT NOW SOME OF THE PARTICULARS OF THE BILL OF THE PUBLIC LAW WHICH AUTHORIZED THE CONSTRUCTION OF THE SIMON SANCHEZ HIGH SCHOOL ARE AS FOLLOWS ONE THE CONTRACTOR IS EXPECTED TO DELIVER A FINISHED SIMON SANCHEZ HIGH SCHOOL WITHIN TWO YEARS FROM AWARD OF THE CONTRACT AND THAT HIGH SCHOOL IN ADDITION TO A NEW STRUCTURE IS ALSO TO BE PROVIDED AND OUTFITTED WITH THE NECESSARY EQUIPMENT AND FURNITURE IN IT IT AUTHORIZES THE GOVERNMENT TO ENTER INTO A 30-YEAR LEASE BACK OF THE FACILITY IN OTHER WORDS THE GOV GUAM GUARANTEES TO BE A TENANT FOR UP TO 30 YEARS THIS FACILITY OF COURSE HAS IN MIND THAT IT WILL BE A FINANCE DESIGN BUILD AND MAINTAIN ARRANGEMENT SO ANOTHER WORDS A BITTER WHO SUBMITS AN OFFER MUST BE ABLE TO GO OUT THERE AND GET THE FINANCING FOR THE SCHOOL DESIGN THE SCHOOL BUILD IT AND THEN OVER THE NEXT 30 YEARS PROVIDE THE CAPITAL MAINTENANCE TO IT THE PUBLIC LAW ALSO PRESCRIBES THE USE OF THE REQUEST-FOR-PROPOSAL SOLICITATION METHOD THAT'S THE REQUEST FOR PROPOSAL VERSUS THE INVITATION FOR BID VERSUS ANY OTHER KIND OF SOLICITATION METHOD THE DEPARTMENT OF PUBLIC WORKS IS TO BE

IN CHARGE OF THE PROCUREMENT AND THE SUPERINTENDENT FOR THE GUAM DEPARTMENT OF EDUCATION WILL BE THE CHAIRMAN FOR THE SELECTION COMMITTEE SO DEPARTMENT OF PUBLIC WORKS WILL PUT TOGETHER THE SOLICITATION PACKAGE ISSUE IT AND THEN WHEN IT RECEIVES IT IT WILL PROVIDE THAT THE PACKAGE TO THE SELECTION COMMITTEE THAT IT'S MADE UP WITH FROM HEADS OF SEVERAL DIFFERENT DEPARTMENTS AND THEY WILL EVALUATE IT FOR THE MOST QUALIFIED OFFEROR THE PROJECT VALUE THAT'S ENVISIONED IT WILL BE LIMITED TO ABOUT \$95,000,000 THAT \$95,000,000 IS BASED ON A GIVEN THE FACT THAT THERE'S ONLY GOING TO BE APPROXIMATELY \$6,000,000 A FRIEND THAT'S GOING TO BE SET ASIDE TO PAY FOR THE ANNUAL RENTAL RATES ONE CAN GO OUT AND BASICALLY WITH THAT AMOUNT GO OUT AND BE ABLE TO GET A LOAN FOR ABOUT \$95,000,000 SO SO IT'S IT'S IT'S WE KNOW HOW MUCH WE'RE WILLING TO PAY ANNUALLY TO THE CONTRACTOR TO THE LANDLORD AND SO THE CONTRACTOR THE LANDLORD HAS TO BASICALLY GAUGE HIMSELF ON HOW BIG OR HOW EXPENSIVE A FACILITY HE WILL PROVIDE NOW IT'S IMPORTANT THAT I ALSO SPEAK A LITTLE BIT ABOUT A BILL THAT WAS INTRODUCED IN THE 33RD LEGISLATURE WHICH ATTEMPTED TO CHANGE THE SOLICITATION METHOD AND UNFORTUNATELY IT GOT VETOED SO IN DECEMBER 14TH 2016 BILL 411 - 33 WAS INTRODUCED AND WITH THAT BILL IT REQUIRED THE USE OF THE MULTI-STEP BID UNDER THE INFORMATION UNDER THE INVITATION FOR BID METHOD INSTEAD OF THE REQUEST FOR PROPOSAL AND ALSO BILL 411 CLARIFIED THE BASIS FOR THE AWARD OF THE CONTRACT THE LEGISLATURE PASSED THE BILL BY A VOTE OF 12 TO 2 ON DECEMBER 30TH 2016 AND ON JANUARY 6TH 2017 THE GOVERNOR VETOED THE BILL WHICH OF COURSE BY THAT TIME THERE WAS NO RECOURSE FOR AN OVERRIDE NOW THE FOLLOWING ARE THE OBJECTIONS TO THAT BILL TO THAT ATTEMPT TO CHANGE THE SOLICITATION METHOD AND I THINK THAT IDENTIFY SPEAKING BRIEFLY ON WHAT THESE OBJECTIONS WERE IT'S IMPORTANT SO FIRST OF ALL IN THE GOVERNOR'S VETO MESSAGE HE I WILL HIGHLIGHT THE TWO MAJOR REASONS THAT HE POINTED OUT HE SAID THE REQUEST-FOR-PROPOSAL METHOD IS THE PROPER IS A PROPER METHOD SOLICITATION METHOD FOR THIS PROJECT AND HE JUSTIFIED THAT STATEMENT BY SAYING OPA MADE NO FINDING THAT THE RFP WAS NOT A PROPER PROCUREMENT VEHICLE WELL PROPER OR NOT PUBLIC LAW 32 - 120 DIRECTED PRESCRIBED MANDATED THAT THE RFP SOLICITATION METHOD WILL BE USED THE OTHER OBJECTION THAT THE GOVERNOR HAD WAS THAT IN BILL 411 BILL 411 MANDATED OR PROPOSED THAT THE THAT THE MULTI-STEP BID WILL BE UTILIZED AS OPPOSED TO THE RFP METHOD THE GOVERNOR CAME BACK AND HIS OBJECTION WAS THAT THAT IS A VIOLATION OF THE SEPARATION OF POWERS DOCTRINE HE STATES SPECIFICALLY BILL 411 VIOLATES THE SEPARATION OF POWERS DOCTRINE AND IS THEREFORE INORGANIC AND UNCONSTITUTIONAL SO IF WE'RE GOING TO TAKE THAT KIND OF LOGIC THEN IN THAT CASE PUBLIC LAW 32 132 - 32 - 120 WILL THEN ALSO BE IN ORGANIC AND UNCONSTITUTIONAL BECAUSE IT MANDATES A SPECIFIC SOLICITATION METHOD THE REQUEST FOR PROPOSAL AND I WILL SHOW HOW IN BILL 58 WE WILL ADDRESS THAT DILEMMA SO HE SAYS DON'T TELL ME THAT I HAVE TO USE THE MULTI-STEP DID BUT IT'S OKAY TO DO IT IN PUBLIC LAW 132 - 32 - 120 HE GOES ON TO SAY BILL 411 USURPS THE DPW DIRECTORS DPW DIRECTORS DUTY AS THE CENTRAL PROCUREMENT OFFICER OF THE TERRITORY WITH RESPECT TO CONSTRUCTION AND HIS EXECUTIVE DISCRETION TO SELECT THE METHOD OF CONSTRUCTION CONTRACTING BY ORDERING DPW AND GDOE TO USE ONLY A MULTI-STEP COMPETITIVE SEALED BID METHOD AND NO OTHER WELL IF ONE GOES TO THE PROCUREMENT LAW GUAM PROCUREMENT LAW SECTION 5210 STATES SPECIFICALLY UNLESS AUTHORIZED BY LAW ALL TERRITORIAL CONTRACTS SHALL BE AWARDED BY COMPETITIVE SEAL BIDDING NOW IT'S IMPORTANT THAT WE ALSO NOTE WHAT DOE'S OBJECTIONS WERE AND ACCORDING TO THE GOVERNOR'S VETO MESSAGE HIS VETO OF THE BILL WAS ALSO

PROMPTED BY THE OBJECTIONS RAISED BY GDOE SO GDOE'S REASONS FOR ASKING THE GOVERNOR TO VETO THE BILL WERE AS FOLLOWS ONE COST SHOULD NOT BE THE SOLE DETERMINING FACTOR THAT WAS A REASON CITED BY GDOE AS TO WHY THE GOVERNOR SHOULD VETO THE BILL WELL COST SHOULD NOT BE THE SOLE DETERMINING FACTOR WELL I SUGGEST THAT AT A TIME WHEN GOV GUAM HAS LIMITED FINANCIAL RESOURCES COST NEEDS TO BE AN IMPORTANT FACTOR WHEN A DIFFERENCE OF AS MUCH AS \$25,000,000 BETWEEN THE THE THE TOP TWO OFFERORS INVOLVED A CLOSER LOOK IS THAN WARRANTED AND THIS IS A GOOD EXAMPLE OF WHERE THE SOLICITATION METHOD USED MAKES A DIFFERENCE MAKING SURE THAT WE WE ACCOMPLISH THE CONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL IS VERY IMPORTANT SO I WILL SUBMIT TO YOU THAT THE THAT CERTAINLY TO MAKE THE STATEMENT THAT COST SHOULD NOT BE THE SOLE DETERMINING FACTOR ESPECIALLY WHEN WE KNOW THAT FIVE YEARS AGO IT WAS ESTIMATED THAT THE CLASS JUST TO REHABILITATE THE 35 SCHOOLS THAT WE HAVE IS GOING TO COST APPROXIMATELY \$139,000,000 TODAY THAT AMOUNT IS PROBABLY IN THE UPWARD TO THE HIGH HUNDREDS AND SO COST IS VERY IMPORTANT THE SECOND REASON THAT THE GDOE CITED AS TO WHY THE GOVERNOR SHOULD VETO THE BILL THEY STATE GDOE SHOULD BE AFFORDED THE OPPORTUNITY TO NEGOTIATE WITH A VENDOR ONCE IT IS AWARDED SO THAT WE CAN CLARIFY AND CONFIRM WITH THEM EXACTLY WHAT IS BEST FOR OUR STUDENTS NOW THAT SEEMS TO BE A LITTLE BACKWARDS BECAUSE IT WOULD SEEM THAT CLARIFICATIONS AND CONFIRMATIONS SHOULD BE COMPLETED BEFORE AN AWARD IS MADE IF WE DO IT THE OTHER WAY AROUND FOR SURE PROCUREMENT PROTEST WILL BE FILED AND FURTHER DELAYS WILL OCCUR A THIRD REASON THAT DOE MADE IS THAT THE PROCUREMENT TEAM HAS GONE THROUGH THE ENTIRE RFP PROCESS ALREADY AND IT IS BETTER POSITIONED AND READY TO MOVE FORWARD WITH THE PROCESS THIS SECOND TIME AROUND THE EXPERIENCE FROM THE FIRST GO-ROUND WITH ENSURE THAT GDOE COMPLETES THE PROCUREMENT IN AN EXPEDITED MANNER SO I GUESS AND SO MANY WORDS TO ME WHAT THAT SAYS IS PRACTICE MAKES PERFECT SO MAYBE WE SHOULD CONTINUE USING WHATEVER METHOD WE'RE USING NOW AND EVENTUALLY ONE OF THESE DAYS WE'RE GOING TO GET IT RIGHT WELL THIS PROCUREMENT HAS BEEN PROTESTED A NUMBER OF TIMES IT IS NOW BEFORE THE OPA A SECOND TIME I SAY ENOUGH IS ENOUGH LET'S CHANGE OUR COURSE DIRECTION HERE FINALLY GDOE SAYS THE INVITATION FOR BID AND SPECIFICALLY THE MULTI-STEP BID IS A NEW PROCUREMENT METHOD AND IT REQUIRES A NEW METHOD AND REQUIRING A NEW METHOD WOULD REQUIRE A SUBSTANTIAL LEARNING CURVE FOR EVERYONE INVOLVED WELL FIRST OF ALL THE METHOD IS WELL ESTABLISHED IN GUAM LAW AND IN THE ADMINISTRATIVE REGULATIONS AND SECONDLY THIS INVITATION FOR BID METHOD CERTAINLY AFFORDS GREATER PARTICIPATION BY THE OFFERORS UP TO THE END SO THIS DOCUMENT HERE REPRESENTS WHAT THE REQUEST FOR PROPOSAL IS THAT WAS DISTRIBUTED OUT BY THE BY THE DEPARTMENT OF PUBLIC WORKS SO LET ME BREAK IT DOWN FOR YOU A LITTLE BIT THIS PART OF THE RFP CONTAINS NOTHING MORE THAN BASICALLY COPIES OF PUBLIC LAW 32 132 - 32 - 120 AND AND ANOTHER LAW AND AND IT PROVIDES A COPY OF THE DEPARTMENT OF INTERIOR'S ASSESSMENT OF OUR PUBLIC SCHOOLS WHETHER YOU USE AN RFP OR AN IFB DOESN'T MATTER THIS DOESN'T CHANGE SO NOW WE'RE DOWN TO THIS THIS PART OF THE RFP IS BASICALLY ADMINISTRATIVE STUFF IT'S AFFIDAVITS PRINTED PRE-PRINTED FORMS OF WHAT HAS TO BE FILLED OUT THAT THERE'S NO COLLUSION THERE'S AND ALL THAT STUFF AND THEN IT LISTS BASICALLY WHAT THE THE WAGES ARE THAT ARE NORMALLY PAID TO THE VARIOUS WORKERS IN THE CONSTRUCTION INDUSTRY SO THIS DOESN'T CHANGE EITHER WHETHER IT'S AN IFB OR AN RFP SO NOW WE'RE LEFT WITH THIS THIS PART OF THE IFB THE RFP IS EXHIBIT A EXHIBIT A WAS PASSED OUT TO THE MEMBERS AS PART

OF THIS AND WHAT DOES THIS IS ACTUALLY THE SPECIFICATIONS OF WHAT DOE IDENTIFIED IT NEEDED FOR ITS SCHOOLS NOW OF COURSE THIS IS WHERE SOME OF THE CONTROVERSY HAS BEEN SAYS YOU KNOW DPW SAYS WELL THESE AREN'T REALLY SPECIFICATIONS THESE ARE CONSIDERATIONS WELL SO WHEN YOU READ THROUGH IT IT SAYS THE FACILITY MUST BE ALL ADA COMPLIANT REGULATIONS AND APPLICABLE LOCAL AND FEDERAL CODES AND REGULATIONS THAT IS NOT A CONSIDERATION THAT IS A SPECIFICATION THAT IS A REQUIREMENT THAT OUR FACILITIES BE ADA COMPLIANT IT SAYS YOU NEED TO HAVE A CAPACITY OF FOR 2,300 STUDENTS THAT'S NOT A CONSIDERATION THAT'S A SPECIFICATION AND THEN IT GOES ON TO TELL YOU IN EXHIBIT A HOW MANY CLASSROOMS ARE NEEDED HOW MANY LABORATORIES ARE NEEDED THE SQUARE FOOTAGE WHAT KIND OF FURNITURE HAS TO BE IN IT AND THAT THE FURNITURE HAS TO BE COMPLIANT WITH THERE'S A CERTAIN STANDARD THAT IS FOLLOWED FOR SCHOOL FURNITURE SO THIS IS NOT GOING TO CHANGE EITHER REGARDLESS OF WHETHER IT'S AN IFB OR AN RFP ALRIGHT REGARDLESS OF WHICH WAY YOU GO YOU NEED TO BUILD A SCHOOL TO BE ABLE TO HOUSE 2,300 STUDENTS I NEED A 122 CLASSROOMS IT'S GOT TO BE ADA COMPLIANT IT'S GOT TO HAVE A COURTYARD ETCETERA SO REALLY WHAT'S LEFT OUT OF THAT TWO INCH THICK RFP REALLY IS JUST A SMALL PIECE HERE A LOT OF THE PAGES ARE PAGES RIGHT OUT OF THE ADMINISTRATIVE REGULATIONS AND OUR LAW BOOKS THAT SAYS YOU GOT TO HAVE THIS PROVISION THAT PROVISION ETCETERA ETCETERA AND THE ONLY THING IT REALLY COMES DOWN TO IS MAYBE FIVE PAGES AT THE MOST WHICH OUTLINES THE RULES OF ENGAGEMENT UNDER THE IFB SO SO THAT'S THAT'S THAT'S THE THAT'S THE RFP AND I I POINT THIS ALL SIMPLY BECAUSE ONE OF THE OBJECTIONS IS THAT OH WE HAVE TO START ALL OVER AGAIN YOU KNOW BACK TO SQUARE ONE NO WE DON'T WE'RE GOING TO DELAY IT FOR MONTHS NO WE DON'T CAUSE A LOT OF THE THINGS DON'T CHANGE REGARDLESS OF THE SOLICITATION METHOD WHAT CHANGES IS THAT UNDER THE RFP METHOD ASSUMING THAT EVERYBODY IS HAS BEEN DETERMINED TO BE RESPONSIBLE THAT IN FACT THEY RESPONSIBLE THAT THEY HAVE THE CAPACITY TO DO THE WORK THEY CAN GET THE FINANCING THEY HAVE THE EXPERTISE ETCETERA AND THAT THEY HAVE BEEN DETERMINED TO BE RESPONSIVE THAT IN THEIR PROPOSAL YES WE WILL PROVIDE YOU 122 CLASSROOMS WE WILL PROVIDE AND DESIGN A SCHOOL THAT HAS THE CAPACITY FOR 2,300 STUDENTS ASSUMING THAT ALL THE OFFERORS CAN MEET THAT WITH AN RFP THE OFFERORS ARE RANKED BASED ON CERTAIN CRITERIA WHICH AGAIN IS PROVIDED TO YOU AND BASICALLY WHAT THAT CRITERIA IS IS THE FINANCING CAPABILITY PROJECT EXPERTISE AND EXPERIENCE PROJECT APPROACH AND INNOVATION AND COMPREHENSIVE COUNSELING PROGRAM PLAN AND THE WAY IT WORKS IS THAT AFTER THEY DO THE EVALUATION OF THE EACH OF THE PROPOSALS THAT HAVE BEEN RECEIVED THEY RANK THEM AS NUMBER ONE TWO OR THREE AND THEN UNDER THE RFP WE INVITE IN THE OFFEROR WITH A PROPOSAL THAT'S RANKED THAT'S RANKED AS NUMBER ONE NEVERMIND ALL THE OTHER OFFERS WE DON'T EVEN KNOW WHAT THEY WHAT YOU KNOW WHAT THEY MIGHT BE ABLE TO OFFER SO WE SIT DOWN WITH A GUY THAT'S RANKED NUMBER ONE AND BASICALLY IN REALITY WHAT IT WORKS IS THE GUY COMES IN AND HE SAYS I KNOW HOW MUCH YOU GOT IN YOUR POCKET I'LL BUILD YOU A SCHOOL FOR WHAT YOU GOT IN YOUR POCKET THEN THAT'S WHEN WE SIT DOWN AND NEGOTIATE AND SAY NO WHAT WOULD IT COST SO HOW MUCH WOULD YOU REDUCE THE PRICE IF WE ELIMINATE THIS FEATURE OR WHATEVER OKAY AND THEN IF THEY ARE NOT ABLE TO NEGOTIATE SUCCESSFULLY WE SAY THANK YOU GOODBYE AND WE CALL IN NUMBER TWO AND AND THAT BASICALLY IN THE CASE OF THE SIMON SANCHEZ HIGH SCHOOL WE NEVER GOT TO NUMBER TWO OR NUMBER THREE WE JUST BROUGHT IN NUMBER ONE AND WE SAT DOWN AND THEY CAME UP SAYS OUR PRICE IS \$85,000,000 NOW IF WE WENT THE INVITATION FOR BID METHOD THE SAME

THINGS HAPPEN THEY SUBMIT THEIR PROPOSALS THEY'RE DETERMINED TO BE RESPONSIVE AND RESPONSIBLE AND AND THEY THEY THEY EACH DAY EACH SPECIFY THAT THERE HOW THEY'RE GOING TO GET THE FINANCING THEY THEY SPECIFY WEATHER APPROACH IS TO THE DESIGN AND ALL THAT AND PROVIDED THAT THEY ALL PROVIDE OFFERS THAT ARE PRETTY MUCH THE SAME THEN THEY ALSO GET RATED SO LET'S YOU GOT 10 10 SUBMITTALS SO DPW COULD SAY OKAY THE TOP THREE YOU TOP THREE THAT HAVE SUBMITTED YOUR OFFERS SUBMIT A SECOND ENVELOPE THAT HAS YOUR PRICE OF HOW MUCH IT'S GOING TO COST YOU TO BUILD AND PROVIDE THE FACILITY THAT WE WANT AND THEN WE OPEN THAT SECOND ENVELOPE AND IT'S THE OFFEROR THAT PROVIDES THE LOWEST PRICE WILL THEN GET AWARDED AND THAT'S AND THAT'S WHERE COMPETITION COMES IN BECAUSE EACH OFFEROR IS GOING TO SUBMIT A PRICE THAT'S AS LOW AS HE CAN GET IT TO BE ABLE TO PAY FOR HIS COST AND STILL BE ABLE PROVIDE HIMSELF A PROFIT MARGIN COURSE NOW THE GUY WHO CAN'T GO OUT AND GET A GOOD INTEREST RATE ON HIS LOAN THE GUY WHO WANTS A 25% PROFIT MARGIN THE GUY WHO WANTS YOU KNOW AS MUCH AS HE GET HE'S PROBABLY NOT GOING TO PREVAIL SO WHAT DOES BILL 58 DO IT DOES FIVE THINGS VERY SIMPLY ONE IF YOU LOOK THROUGH THE BILL IT REMOVES ANY REFERENCE TO THE REQUEST-FOR-PROPOSAL METHOD IN FACT IT DOES NOT EVEN MAKE A REFERENCE TO THE REQUEST FOR PROPOSAL OR THE INVITATION FOR BID IT SIMPLY SAYS ON PAGE PAGE THREE SECTION TWO IT SIMPLY SAYS ON LINE 25 THE GOVERNMENT OF GUAM OR AN EDUCATION AGENCY SHALL SOLICIT THROUGH THE DEPARTMENT OF PUBLIC WORKS BECAUSE THEY ARE THE ONES WHO ARE RESPONSIBLE WHEN IT COMES TO CONSTRUCTION IN COMPLIANCE WITH A GUAM PROCUREMENT LAW FOR THE RENOVATION OR CONSTRUCTION OF THE EDUCATION FACILITY UNDER A 30-YEAR LEASEBACK ARRANGEMENT SO IT REMOVES ANY REFERENCE TO A SPECIFIC METHOD OF SOLICITATION SIMPLY REQUIRES THAT THE PROCUREMENT LAW BE FOLLOWED AND THE PROCUREMENT LAW SAYS THAT UNLESS AUTHORIZED BY LAW WHICH ALREADY IN THE GOVERNOR'S VETO MESSAGE SAID DON'T TELL ME WHAT METHOD TO USE DON'T TELL ME TO USE THE MULTI STEP BID DON'T TELL ME THEN IN THAT CASE WE SHOULDN'T TELL YOU TO USE THE REQUEST FOR PROPOSAL SO WE'LL DELETE THAT AND YOU FOLLOW THE LAW AND IT SAYS FOR CONSTRUCTION YOU HAVE TO USE THE INVITATION FOR BID NOW ARE WE GOING TO DECLARE THE GUAM PROCUREMENT LAW AS BEING INORGANIC OR UNCONSTITUTIONAL BECAUSE IT TELLS YOU TO DO THAT I DON'T THINK SO THE SECOND THING THAT BILL 58 DOES IS IT CLARIFIES IT MAKES IT MORE CLEAR WHAT IS BEING SOLICITED AND IS THE BASIS FOR AN AWARD ONE WE ARE SOLICITING FOR A HIGH SCHOOL FACILITY THAT ACCORDING TO SPECIFICATIONS PROVIDED BY DOE WITH THOSE SPECIFICATIONS IS PROVIDED IN IN EXHIBIT A THAT IS MADE A PART OF THE SOLICITATION PACKAGE AND IT SAYS THAT THERE WILL BE A LEASE BACK PERIOD NOW IN ALL THAT ALL WE'RE SAYING IS I DON'T CARE WHERE YOU BORROW THE MONEY FROM YOU CAN PUT 30 PROFESSIONAL ENGINEER LICENSE DESIGNERS AND WHAT NOT TO DESIGN THE SCHOOL HOW YOU DO THAT PROVIDE ME A SCHOOL FACILITY THAT IS COMPLIANT WITH GUAM'S BUILDING CODES AND THAT COMPLIES WITH FEDERAL REGULATIONS WITH RESPECT TO THE AMERICAN DISABILITIES ACT AND ALL THAT SO ONE PROVIDE ME THAT FACILITY TWO I WILL GUARANTEE YOU THAT I WILL BE YOUR TENNANT FOR THE NEXT 30 YEARS THE THIRD THING THAT BILL 58 DOES IS THAT IT STATES SPECIFICALLY THAT AN AWARD WILL BE MADE TO THE OFFEROR WHICH PROVIDES FOR THE LOWEST ANNUAL LEASE-BACK RATE IT'S NOT GOING TO BE GIVEN TO THE GUY WHO CAN GET THE LOWEST INTEREST RATE ON A LOAN IT'S GOING TO PROVIDE THE GUY WE'RE GOING TO AWARD IT TO THE GUY TO THE CONTRACTOR THAT WILL CHARGE THE LOWEST ANNUAL LEASE BACK RATE THE FOURTH THING THAT THE BILL DOES SO ON PAGE FOUR FIRST OF ALL ON PAGE FOUR LINE 20 IT STATES

SPECIFICALLY THE AWARD OF THE CONTRACT SHALL BE BASED UPON THE OFFER SUBMITTED BY A RESPONSIBLE OFFEROR THAT IS RESPONSIVE TO THE SOLICITATION AND OFFERS THE LOWEST ANNUAL LEASE-BACK RATE INCLUSIVE OF INSURANCE AND MAINTENANCE COST TO THE GOVERNMENT FOR A FIXED 30-YEAR TERM THE FOURTH THING THAT BILL 58 DOES AND WHAT'S BEEN REALLY COMPLICATING THIS SOLICITATION IS THAT WE'RE TRYING TO IN ONE SHOT SOLVE THE PROBLEMS OF ALL THE SCHOOL FACILITIES HERE ON GUAM SO WE WANT TO BUILD SIMON SANCHEZ HIGH SCHOOL AND AT THE TIME WE WANT ALSO REHABILITATE 34 OTHER SCHOOL FACILITIES AND PRETTY SOON WE DON'T KNOW WHAT ARE WE CHASING AFTER AND SO WHAT BILL 58 DOES IS IT SAYS THAT THE REHABILITATION OF 34 OTHER SCHOOLS WILL NOT BE A PART OF THE SIMON SANCHEZ HIGH SCHOOL SOLICITATION AND THAT IS COMPLIANT WITH PUBLIC LAW ONE 32 - 121 AND IF YOU TAKE A LOOK AT THAT LAW IT STATES SPECIFICALLY AND IT DEALS WITH THE 34 OTHER SCHOOLS THAT NEED TO BE REHABILITATED BUT NO IN THE RUSH TO TRY AND BE AS EFFICIENT AS POSSIBLE WE'RE TRYING TO MERGE EVERYTHING TOGETHER AND IT'S JUST CONVOLUTING EVERYTHING AND AS A RESULT HERE WE ARE THREE AND A HALF THREE YEARS LATER AND WE HAVEN'T GOTTEN ANYWHERE FINALLY BILL 58 SAYS THERE WILL BE NO RENTAL PAYMENTS MADE UNTIL FULL OCCUPANCY PERMIT HAS BEEN RECEIVED AND GDOE HAS ACCEPTED THE FACILITY SO IN OTHER WORDS YOU KNOW YOU MAY HAVE A HUNDRED AND TWENTY ONE OF THE HUNDRED AND TWENTY TWO CLASSROOMS THAT WE NEED YOU CAN HAVE IT ALL COMPLETED YOU CAN HAVE THE OCCUPANCY PERMIT ISSUE FOR THEM BUT IF I DON'T GET THAT LAST ONE THE HUNDRED AND TWENTY SECOND CLASSROOM THEN NO RENT IS TO BE PAID UNTIL THAT IS MADE AVAILABLE SO THAT IS WHAT BILL 58-34 DOES AND I ASK MY COLLEAGUES TO TO CAREFULLY CONSIDER THIS AND AND AND TO SUPPORT IT BECAUSE WE'VE GOT TO MOVE THIS EFFORT FORWARD AND WE'RE JUST NOT GETTING CLOSE TO IT THANK YOU VERY MUCH.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ADA FOR THAT VERY COMPREHENSIVE EXPLANATION OF BILL 58 ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION SENATOR TORRES ANY OTHER SENATOR AFTER SENATOR TORRES SENATOR SAN AGUSTIN NO YOU'RE NOT OKAY SENATOR TORRES YOU'RE RECOGNIZED.

SENATOR TORRES: THANK YOU MR. SPEAKER MR. SPEAKER I COMMEND THE AUTHOR OF THIS PIECE OF LEGISLATION I COMMEND HIM FOR HIS EFFORTS BOTH IN THIS LEGISLATIVE TERM AND IN LEGISLATIVE TERMS PASSED AND HIS EFFORTS TO WORK ON PROCUREMENT REFORM TO WORK ON LONG-STANDING AND PRESSING ISSUES THAT HAVE COME IN THE WAY OF GETTING SOUND PROCUREMENT AWARDED IN OUR GOVERNMENT PROCESS WE ARE ALL VERY CONCERNED ABOUT THE STATE OF SIMON SANCHEZ HIGH SCHOOL AND THE LACK OF ANY IMPROVEMENTS ON THE FACILITY IN FOUR YEARS IN LOOKING AT THE COMMITTEE REPORT THIS EFFORT WAS STARTED WITH A PUBLIC LAW AROUND 2014 AN AWARD OF AN RFP IN 2015 WHICH WAS SUBSEQUENTLY PROTESTED AND CANCELLED A SECOND AWARD THAT WAS RFP WAS ISSUED IN 2016 2017 AND AGAIN PROTESTED IN 2017 FEBRUARY I DO NOT OBJECT TO THE EFFORTS OF THIS BILL I COMMEND THE AUTHOR FOR TRYING TO FIND A SOLUTION TO WHAT HAS JUST BEEN ONE OF THE MOST FRUSTRATING PROCESSES FOR THE STUDENTS AFFECTED AND ALSO FOR THE CONTRACTORS WHO HAVE BEEN BIDDING ON THIS PROCESS THOSE WHO WERE AWARDED IT PROSPECTIVELY AND THOSE WHO LOST THE THE REST REQUEST FOR PROPOSAL BUT WHAT CONCERNS ME AND I WANT TO POSE THIS QUESTION TO THE AUTHOR AS I CONTEMPLATE THE STATEMENT MADE THAT WE ARE CURRENTLY THERE'S A PROTEST CURRENTLY WITH I'M SORRY THE AWARD OF THIS IS IS UNDER PROTEST RIGHT NOW WITH THE APPEAL WITH THE OFFICE OF THE PUBLIC ACCOUNTABILITY AND THERE WAS A HEARING JUST LAST WEEK IF I RECALL THE STATEMENT SO THE QUESTION

THAT I WOULD LIKE TO POSE TO THE AUTHOR IS GIVEN THAT THIS IS AN OPEN MATTER THAT IS UNDER APPEAL WOULD THE INTRODUCTION OF A BILL AT THIS TIME WHILE IT THERE IS AN ONGOING APPEAL PROCESS WOULD PASSING SUCH LEGISLATION AT THIS TIME OPEN THE GOVERNMENT OF GUAM UP TO ANY SORT OF LIABILITY IN SO FAR AS INTERFERING WITH ONGOING PROCESSES IN THE PROCUREMENT PROCESS OR IN IMPAIRING AN OBLIGATION OF CONTRACTS THAT ARE CURRENTLY IN PLACE WE WE SOMETIMES WONDER WITH LEGISLATIVE INTENT WHEN WE START TO ENACT LEGISLATION IF IT CAN BE PERCEIVED AS A WAY OF THWARTING THE PROCESS THAT IS LAWFULLY IN PLACE AND THAT IS JUST MY ONE CONCERN I'M SORRY ONE CONCERN THAT I'D LIKE TO POSE TO THE AUTHOR IF I MAY.

SPEAKER CRUZ: SENATOR ADA DO YOU YIELD TO THAT QUESTION.

SENATOR ADA: YES MR. SPEAKER NOW THE QUESTION IS WILL THE INTRODUCTION OF THIS BILL OR THE PASSAGE OF IT AFFECT A SOLICITATION THAT IS CURRENTLY IN PROCESS IN PROGRESS AND THE ANSWER TO THAT IS NO ONE IN THE PROCUREMENT LAW IT SAYS THAT DEPARTMENT OF PUBLIC WORKS CAN CANCEL IN WHOLE OR IN PART A SOLICITATION AT ANY TIME FOR ITS CONVENIENCE OR FOR IT STATES ABOUT THREE DIFFERENT REASONS SO YOU FIND THAT IN THE GUAM PROCUREMENT LAW THEY ALSO DPW ALSO CITES THAT IN ITS REQUEST FOR PROPOSAL SAYING THAT IF CAN IT CAN CANCEL THIS PROPOSAL AT ANY TIME THAT IT DEEMS IN THE BEST TO BE IN THE BEST INTEREST OF THE TERRITORY AND THIRDLY IT HAS DEMONSTRATED THAT IT CAN DO THAT WHEN IT CANCELLED THE RFP VERSION TWO WHEN IT GOT PROTESTED WHEN VERSION TWO GOT PROTESTED IT GOT APPEALED AND AND THE OPA BASICALLY SAID DEPARTMENT OF PUBLIC WORKS YOU HAVE TWO CHOICES EITHER YOU GO AND YOU MAKE ALL THESE CHANGES TO CORRECT THE PROBLEMS OR YOU CAN JUST CANCEL IT AND START ALL OVER THEY CANCELLED IT AND THAT'S HOW WE CAME UP WITH THE RFP VERSION THREE SO I HOPE THAT THAT'S SATISFACTORLY ANSWERS THE QUESTION.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR SENATOR TORRES IS THAT SATISFACTORY OR DO YOU HAVE ANY FUTHER CONCERNS.

SENATOR TORRES: IF I MIGHT BE ABLE TO CONSULT WITH LEGAL COUNSEL BECAUSE THEY I THINK THE DIFFERENCE BETWEEN THAT EXPLANATION AND MY CONCERN HAS TO DO WITH THE LEGISLATORS THE LEGISLATURE'S IMPOSITION INTO THE PROCESS AT THIS POINT AND THAT'S MY CONCERN IS WHERE THE DPW DOES HAVE DISCRETION THERE'S IT'S A LITTLE BIT OF A DIFFERENT SCENARIO NOW HERE BECAUSE NOW WE'RE INTERJECTING SOMETHING THAT WOULD CAUSE THEM TO PULL IT BACK AS OPPOSED TO THEM JUST DOING IT ON THEIR OWN ACCORD AND IT'S THE INFLUENCE OF THE BODY THAT I'M JUST CAUTIOUS I'M JUST CONFUSED ABOUT STILL SO IF I MAY PERHAPS.

SPEAKER CRUZ: I'D BE WILLING TO CALL A SHORT RECESS FOR YOU TO HAVE THE ABILITY TO BE ABLE TO SPEAK TO LEGAL COUNSEL.

SENATOR TORRES: I APPRECIATE THAT MR. SPEAKER.

SPEAKER CRUZ: WE'LL TAKE A SHORT RECESS.

SPEAKER CRUZ: THE LEGISLATURE'S BACK IN SESSION BEFORE WE BROKE I BELIEVE WE WERE WITH SENATOR TORRES SENATOR TORRES DO YOU STILL WISH DO YOU NEED ADDITIONAL TIME OR ARE YOU SATISFIED WITH THE ADVICE THAT YOU'VE BEEN PROVIDED.

SENATOR TORRES: THANK YOU MR. SPEAKER I DO NOT REQUIRE ADDITIONAL TIME I DID HAVE THE OPPORTUNITY TO CONFER WITH MY COLLEAGUES AS WELL AS WITH

LEGAL COUNSEL AND BASED ON OUR DISCUSSIONS I DO NOT HAVE ANY OBJECTIONS OR ANY FURTHER CONCERNS WITH REGARD TO THE TIMING OF THIS BILL THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH ANY OTHER SENATOR WISH TO BE HEARD ON THIS SENATOR SAN NICOLAS AND THEN SENATOR SAN AGUSTIN.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER MR. SPEAKER I'D LIKE TO COMMEND THE AUTHOR HE'S MADE MULTIPLE EFFORTS TO TRY AND IMPROVE THIS PROCESS THOSE EFFORTS HAVE BEEN VETOED ON SEVERAL OCCASIONS AND THIS PROCESS HAS NOT MOVED FORWARD I SIT BACK AND I WONDER IF HIS WORK WAS JUST ALLOWED TO PROCEED WHEN IT WAS INITIATED WOULD WE EVEN BE HERE TODAY BUT HERE WE ARE AND IN HIS OPENING STATEMENT HE ELABORATED VERY VERY CLEARLY HIS FULL UNDERSTANDING OF NOT ONLY THE CIRCUMSTANCES SURROUNDING THE INTRODUCTION OF THIS BILL BUT THE PROBLEMS THAT ARE STYMING IT AND ONCE AGAIN HE HAS MADE QUITE AN EFFORT TO MOVE THIS PROJECT FORWARD IN CONSULTATION WITH THE AUTHOR I JUST WANT TO PERHAPS LEGAL COUNSEL SOMETHING THAT I JUST WANTED TO MAKE SURE WAS TIGHTENED ON PAGE FOUR LINES 20 EXTENDING TO PAGE FIVE TO LINE TWO SO WHEN I'M READING THIS PARTICULAR PARAGRAPH IT STARTS OUT BY SAYING THE FIRST SENTENCE THE AWARD OF THE CONTRACT SHOULD BE BASED UPON THE OFFER SUBMITTED BY A RESPONSIBLE OFFEROR THAT IT THAT IS RESPONSIVE TO THE SOLICITATION AND OFFERS THE LOWEST ANNUAL LEASE BACK RATE INCLUSIVE OF INSURANCE AND MAINTENANCE COSTS TO THE GOVERNMENT OF GUAM FOR A FIXED 30-YEAR TERM PERIOD NOW THAT FIRST SENTENCE BASICALLY SPELLS OUT WHAT THE AWARD OF THE CONTRACT CAN BE BASED ON AND THE WAY THAT I INTERPRET THAT IS THAT IT CAN BE BASED ON THE LOWEST LEASE BACK RATE WITH THAT LEASE BACK RATE BEING FACTORED ACCORDING TO AN ANALYSIS OF JUST THE INSURANCE AND MAINTENANCE COST OF THE PROJECT NOW ON THE SECOND SENTENCE IT DOES CREATE A REQUIREMENT FOR THE OFFER TO SUBMIT A COMPLETE BREAKDOWN OF ITS PROJECT COST BUT THAT SECOND SENTENCE IS JUST A REQUIREMENT TO SUBMIT A BREAKDOWN IT ISN'T NECESSARILY THE THRESHOLD BY WHICH THE CONTRACT IS TO BE OFFERED THAT THRESHOLD IS SPECIFICALLY STATED IN THAT FIRST SENTENCE WHICH IS ONE THE LOWEST LEASEBACK RATE INCLUSIVE OF ONLY THE INSURANCE AND MAINTENANCE COST AND SO I'M WONDERING AND PERHAPS LEGAL COUNSEL CAN PROVIDE THE GUIDANCE DO WE NEED TO RESTRUCTURE THAT FIRST SENTENCE SO THAT THE AWARD OF THE CONTRACT SHALL BE BASED UPON THE OFFER SUBMITTED BY A RESPONSIBLE OFFEROR THAT IS RESPONSIVE TO THE SOLICITATION AND OFFERS THE LOWEST ANNUAL PROJECT COST PERHAPS WITH PROJECT COST TO INCLUDE AT A MINIMUM ONE CONSTRUCTION COSTS TWO SOFT COSTS INCLUDING MANAGEMENT DEVELOPMENT AND OTHER RELATED PROJECT FEES AND THREE THE ANNUAL LEASE PAYMENT SCHEDULE IDENTIFYING ANY FINANCING INSURANCE AND MAINTENANCE COSTS IN TERMS.

SPEAKER CRUZ: SENATOR ADA DO YOU YIELD TO THE QUESTION DO YOU UNDERSTAND THE QUESTION AND ARE YOU WILLING TO YIELD.

SENATOR ADA: WELL ACTUALLY WHAT WAS INTENDED WAS THAT THE AWARD IS GOING TO BE BASED ON PROVIDING A FACILITY THAT MEETS SPECS AND TWO OFFER THE LOWEST ANNUAL LEASE BACK RATE NOT PROJECT COST SO HOW MUCH HOW MUCH IT COST YOU TO BUILD IS IS REALLY IRRELEVANT IN MY MIND CAUSE ALL I WANT IS A BUILDING WHICH MEETS CERTAIN SPECIFICATIONS AND IN RETURN I WILL PAY YOU BACK THE REQUIRED RENTAL RATE ANNUALLY AND THAT RENTAL RATE SHOULD INCLUDE THAT RENTAL RATE WHEN YOU BREAK IT DOWN INCLUDES THE INSURANCE COST THE PROJECTED CAPITAL MAINTENANCE COST AND THE WELL I GUESS I GUESS YOU COULD PUT FINANCING BUT REALLY WHAT'S THE VARIABLE THERE THAT THE

BENEFIT THAT I'M LOOKING FOR IS THE INSURANCE AND THE MAINTENANCE SO SO IT'S GOT TO BE REFLECTING AND OFFERS THE LOWEST ANNUAL LEASE-BACK RATE OR THE LOWEST ANNUAL RENT.

SPEAKER CRUZ: IS THAT SATISFACTORY SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: SO LET ME JUST LET ME EXPLAIN HOW THIS POTENTIAL SCENARIO CAN PLAY OUT THEN GIVEN IF WE'RE TO MAINTAIN THE STATUS QUO LANGUAGE WHICH IN MY INTERPRETATION AND I'M JUST ONE GUY IN HERE MY INTERPRETATION WOULD BE THE AWARD THE CONTRACT MUST BE SUBMITTED BY RESPONSIBLE OFFER AND AS RESPONSIVE TO THE SOLICITATION SO THAT DOESN'T INCLUDE THE PROJECT AND OFFERS THE LOWEST ANNUAL LEASE BACK RATE INCLUSIVE OF INSURANCE AND MAINTENANCE COSTS SO LET'S SAY THAT THEY PROVIDE A PROPOSAL OR A BID AND THE BID INCLUDES THE INSURANCE AND MAINTENANCE COSTS BUT SEPARATELY THEY HAVE A SEPARATE CHARGE FOR THE FINANCING BECAUSE WE DIDN'T FOR EXPAMPLE PUT FINANCING IN HERE WOULD THEY BE ABLE TO AWARD JUST BECAUSE THE INSURANCE AND MAINTENANCE COSTS COMPONENT OF THAT LEASEBACK RATE WAS THE LOWEST AND THE FINANCING COST COMES IN AS A SEPARATE ITEM I'M JUST BEING VERY THOROUGH BECAUSE IT'S THE ABSENCE I MEAN THAT'S WHAT KIND OF CAUSED OUR ISSUES TODAY SO I JUST WANTED TO TO RAISE THE QUESTION MR. SPEAKER.

NOTE VICE SPEAKER TERLAJE PRESIDED

VICE SPEAKER TERLAJE: SENATOR SAN NICOLAS IS THAT A QUESTION YOU'RE POSING TO THE AUTHOR.

SENATOR SAN NICOLAS: IT'S A QUESTION I'D LIKE TO POSE TO THE BODY THE AUTHOR HAS PROVIDED ANSWERS I'M JUST SEEKING THE BODY'S GUIDANCE.

VICE SPEAKER TERLAJE: SENATOR ADA DO YOU YIELD TO SENATOR ADA DO YOU YIELD TO THAT QUESTION.

SENATOR ADA: I DIDN'T HEAR THE QUESTION.

SENATOR SAN NICOLAS: MADAME SPEAKER I'D LIKE TO REQUEST A FIVE MINUTE RECESS.

VICE SPEAKER TERLAJE: ALRIGHT FIVE MINUTE RECESS.

NOTE SPEAKER CRUZ PRESIDED

SPEAKER CRUZ: DID YOU GUYS BEFORE THE RECESS SENATOR SAN NICOLAS HAD THE FLOOR SENATOR SAN NICOLAS YOU ARE RECOGNIZED.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER IN CONSULTATION WITH AGAIN WITH THE BODY AND WITH LEGAL COUNSEL I DO HAVE A RECOMMENDED AMENDMENT I'D LIKE TO PROFFER ON PAGE FOUR THIS WILL INVOLVE PAGE FOUR LINES 20 TO PAGE FIVE LINE TWO.

SPEAKER CRUZ: OKAY.

SENATOR SAN NICOLAS: FIRST I GUESS WE WILL I'LL JUST TAKE IT ONE STEP AT A TIME ON LINE 21 STRIKE THE WORD THE REPLACE IT WITH A AND ADD THE WORD RESPONSIVE BEFORE THE WORD OFFER AND THE REASON I'M MAKING THAT AMENDMENT MR. SPEAKER IS BECAUSE THAT WOULD MATCH THE DEFINITION ON PAGE THREE LINE SEVEN TO 13 SO STRIKE THE WORD THE REPLACE IT WITH THE WORD WITH THE WORD A AND BEFORE THE WORD OFFER PUT THE WORD RESPONSIVE SO IT WILL READ THE AWARD OF THE CONTRACT SHOULD BE BASED UPON A RESPONSIVE OFFER.

SPEAKER CRUZ: ON THAT AMENDMENT ON THE SAN NICOLAS AMENDMENT PAGE SENATOR ESPALDON.

SENATOR ESPALDON: I'M SORRY MR. SPEAKER IF THE IF THE MOVER OF THE AMEDNMENT COULD JUST RESTATE THE PAGE AND THE LINE.

SENATOR SAN NICOLAS: AMENDMENT IS BEING PROFFERED ON PAGE FOUR LINE 21.

SENATOR ESPALDON: 21.

SENATOR SAN NICOLAS: AND TO ADD THE WORD RESPONSIVE BEFORE THE WORD OFFER AND THE REASON WHY IS BECAUSE RESPONSIVE OFFER IS SPECIFICALLY DEFINED IN THE BILL ON PAGE THREE LINE SEVEN.

SENATOR ESPALDON: REPLACE THE WORD.

SPEAKER CRUZ: NO INSERT THE WORD RESPONSIVE AND DELETE THE WORD A OR DELETE THE WORD THE I BELIEVE BUT PUT RESPONSIVE.

SENATOR ESPALDON: I MUST BE LOOKING AT A DIFFERENT BILL.

SENATOR SAN NICOLAS: PAGE FOUR LINE 20 TO 21 THE AWARD OF THE CONTRACT SHALL BE BASED ON A RESPONSIVE OFFER.

SENATOR ESPALDON: OH OKAY THANK YOU.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESPALDON YOU STILL HAVE THE FLOOR.

SENATOR SAN NICOLAS: ON THAT FIRST AMENDMENT MR. SPEAKER.

SPEAKER CRUZ: ON THAT AMENDMENT ANY OBJECTION YOU MAY CONTINUE.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER NOW BECAUSE WE MADE IT VERY CLEAR THAT THE AWARD OF THE CONTRACT SHALL BE BASED ON A RESPONSIVE OFFER AND THAT A RESPONSIVE OFFER IS DEFINED ON PAGE THREE LINE SEVEN TO 13 I WOULD LIKE TO MAKE TO PROFFER AN AMENDMENT AN AMENDMENT ON PAGE THREE LINE SEVEN TO 13.

SPEAKER CRUZ: PLEASE.

SENATOR SAN NICOLAS: THE AMENDMENT THAT I'D LIKE TO PROFFER MR. SPEAKER AND PERHAPS LEGAL COUNSEL CAN CAN ASSIST IN THE STRUCTURING OF THE LANGUAGE BUT I'M LOOKING TO INCLUDE UNDER THE RESPONSIVE OFFER THE REQUIREMENT THAT A RESPONSIVE OFFER IS INCLUSIVE OF THE LIST OF ITEMS ON PAGE FOUR STARTING ON LINE 26 THROUGH PAGE FIVE ENDING ON LINE TWO SO RESPONSIVE OFFER IS ONE THAT INCLUDES HARD ONE HARD CONSTRUCTION COST TWO SOFT COST INCLUDING MANAGEMENT DEVELOPMENT AND OTHER RELATED PROJECTS FEES AND THREE THE ANNUAL LEASE PAYMENT SCHEDULE IDENTIFYING ANY FINANCE AND INSURANCE AND MAINTENANCE COSTS AND TERMS THAT WILL BE ADDED AT THE END OF LINE 13 ON PAGE THREE.

SPEAKER CRUZ: ON THAT SAN NICOLAS AMENDMENT ANY SENATOR WISH TO BE HEARD ANY SENATOR WISH TO HAVE ANY OBJECTIONS TO IT SEEING NO HANDS GO UP TO SPEAK OR NO ONE INDICATING ANY OBJECTION.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER SO NOW THE AWARD OF THE CONTRACT SHALL BE BASED UPON A RESPONSIVE OFFER A RESPONSIVE OFFER MUST INCLUDE HARD CONSTRUCTION COSTS SOFT COSTS INCLUDING MANAGEMENT DEVELOPMENT AND OTHER RELATED PROJECTS THREE FEES AND THREE THE ANNUAL

LEASE PAYMENT SCHEDULE AT IDENTIFYING ANY FINANCE INSURANCE AND MAINTENANCE COSTS AND TERMS SO WITH THAT MR. SPEAKER I WOULD LIKE TO MAKE A MOTION TO STRIKE ON PAGE FOUR LINE 23 STARTING WITH THE WORD INCLUSIVE AND ENDING ON LINE 24 THAT WORD COST BECAUSE NOW THAT'S BEEN PART OF THE DEFINITION SO IT WOULD READ AND OFFERS THE LOWEST ANNUAL LEASEBACK RATE TO THE GOVERNMENT OF GUAM FOR A FIXED 30-YEAR TERM SO STRIKE INCLUSIVE OF INSURANCE AND MAINTENANCE COSTS.

SPEAKER CRUZ: ON THAT SAN NICOLAS AMENDMENT ANY SENATOR WISH TO BE HEARD ANY OBJECTION TO THE AMENDMENT MADAME VICE SPEAKER DO YOU HAVE ANY OBJECTIONS NO THERE BEING NO OBJECTIONS ANY OBJECTIONS HEARING OR SEEING.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER AND LASTLY AFTER LINE 25 AFTER THE WORD TERM STARTING WITH THE WORD EACH WE CAN GO AHEAD AND STRIKE THAT LANGUAGE NOW GOING ALL THE WAY TO PAGE FIVE LINE TWO BECAUSE THAT'S BEEN ADDED TO THE DEFINITION NOW OF RESPONSIVE OFFER PAGE FOUR LINE 25 STARTING WITH THE WORD EACH OFFER WE CAN STRIKE ALL OF THAT ALL THE WAY TO PAGE FIVE LINE TWO.

SPEAKER CRUZ: DOES EVERYBODY FOLLOW THE PROPOSED AMENDMENT STARTING ON LINE 25 TO LINE TWO TO STRIKE ANY SENATOR WISH TO BE HEARD ON THAT AMENDMENT ANY OBJECTION TO THE AMENDMENT IF NOT.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER AND SO JUST TO NOW READ THE NEW PARAGRAPH STARTING ON LINE 20 SHOULD READ THE AWARD OF THE CONTRACT SHALL BE BASED UPON A RESPONSIVE OFFER SUBMITTED BY A RESPONSIBLE OFFEROR THAT IS RESPONSIVE TO THE SOLICITATION AND OFFERS THE LOWEST ANNUAL LEASEBACK RATE TO THE GOVERNMENT OF GUAM AND FOR A FIXED 30-YEAR TERM.

SPEAKER CRUZ: IS EVERYBODY CLEAR ON THAT ALL RIGHT THANK YOU ANYTHING FURTHER.

SENATOR SAN NICOLAS: I GUESS NOT MR. SPEAKER THANK YOU VERY MUCH.

SPEAKER CRUZ: YOU CAN NO SENATOR SAN AGUSTIN.

SENATOR SAN AGUSTIN: THANK YOU MR. SPEAKER I'D LIKE TO THANK THE OFFER FOR HIS HIS BILL THE ONLY THING I HAVE IS REQUEST AN AMENDMENT WELL ACTUALLY TO ASK THE AUTHOR WHERE'S THE \$95,000,000 THAT HE STATED EARLIER FOR THE COST OF THE BILL AND THE ONLY REASON I ASK THAT IS BECAUSE DURING THE HEARING IT DIDN'T REACH THAT MUCH \$95,000,000 IN THE PACKET AND I DID INTRODUCE A BILL 19 THAT WAS HEARD IN HIS COMMITTEE ON MARCH 31ST THAT IDENTIFIED \$75,000,000 AS A LIMIT FOR SIMON SANCHEZ AND THAT WOULD BE MY MOTION BUT I'D LIKE TO FIRST ASK WAS THE \$95,000,000 BILL ON THE SIMON SANCHEZ ON THIS BILL SENATOR ADA.

SPEAKER CRUZ: DO YOU YIELD.

SENATOR ADA: MR. SPEAKER THE \$95,000,000 FIGURE THAT I REPORTED IT CAME FROM INFORMATION THAT WAS PROVIDED IN THE RFP VERSION THREE THE ONE THAT'S CURRENTLY IN PLAY AND IN THAT RFP IT DID MENTION THAT THE SUM THEY WERE TALKING ABOUT BASICALLY WHERE THE SOURCES OF FUNDING ARE COMING FROM SO IN THE RFP IF YOU WANT TO GET A COPY OF THE RFP IT'S ON PAGE 27 PARAGRAPH 4.5.2 PARAGRAPH TWO IT SAYS THE SUM OF \$1,200,000 FROM REVENUE RECEIVE PURSUANT TO SECTION WHATEVER SECTION 22425 Q5 ETCETERA WILL BE AVAILABLE ANNUALLY BEGINNING FISCAL YEAR 2016 THIS STATUE IS AVAILABLE ON THE WORLD WIDE WEB THEN IT ALSO SAYS THAT'S 1.2 THEN IT SAYS THE SUM OF FOUR \$4,800,000 WILL BE AVAILABLE BEGINNING IN FY 2019 UPON THE MATURITY OF THE BOND SERIES 2013 C SO

WHATEVER THAT ANNUAL DEBT SERVICE IS ONCE THAT BOND IS PAID OFF THEN THEY'RE GOING TO TAKE EARMARK 4.8 MILLION SO THOSE TWO THEN COMES UP TO \$6,000,000 SO YOU JUST KIND OF WORK BACKWARDS AND AGAIN IT'S IT'S NOT PRECISE BUT I THINK IT'S AN ACCURATE ENOUGH FIGURE THAT IF YOU HAVE AN ANNUAL AMOUNT OF \$6,000,000 TO SERVICE A DEBT THEN THAT'S GOING TO BE PAYABLE FOR OVER A 30-YEAR PERIOD AT ASSUMING A FOUR AND A HALF PERCENT INTEREST RATE YOU COULD PROBABLY BORROW UP TO \$95,000,000 OF COURSE IF THE INTEREST RATE IS HIGHER THEN IT'S GOING TO BE LESS SO THAT'S ONE SOURCE I KNOW THAT IN THE RFP THAT THAT DPW THE CURRENT RFP IN PLAY IF THEY MAKE MENTION TO A \$100,000,000 BOND \$100,000,000 COST OF A CEILING ON ON ANY KIND OF FINANCING IN FACT ON SECTION 4 – A OF THE CURRENT RFP IT SAYS THE SCOPE OF WORK FOR THIS RFP INCLUDES FINANCING AND LEASE FINANCING FOR REHABILITATION CONSTRUCTION ETCETRA OF 35 SCHOOLS WITH A TOTAL OF COST UP TO \$100,000,000 SO YOU KNOW WE'RE IN THE RANGE OF ABOUT 90 TO 100 MILLION DOLLARS OF WHAT'S BEING LOOKED AT FOR YOU KNOW TO BUILD SIMON SANCHEZ AND REHABILITATE 34 OTHER SCHOOLS SO THAT'S THAT'S THAT'S WHERE THE FIGURE COMES FROM.

SENATOR SAN AGUSTIN: OKAY SO.

SPEAKER CRUZ: DOES THAT ANSWER THE QUESTION SENATOR SAN AGUSTIN.

SENATOR SAN AGUSTIN: WELL YOU KNOW AS I MENTIONED THE \$95,000,000 IN IN THE SPIRIT OF PUBLIC LAW 32 - 120 IT TALKS ABOUT A HUNDRED MILLION TO TAKE CARE OF SIMON SANCHEZ AND 34 OTHER SCHOOLS WHEN I INTRODUCED BILL 19 BACK THEN IT TALK ABOUT PUTTING THE CAP WITH THIS BILL I'M ASKING TO MAKE A MOTION THAT WE INTRODUCE A CAP OF \$75,000,000 FOR THE BUILDING OF SIMON SANCHEZ SO THAT THERE WILL BE HOPEFULLY SOME MONEY LEFT OVER TO TAKE CARE OF THE OTHER SCHOOLS.

SPEAKER CRUZ: OKAY.

SENATOR ADA: AND I GUESS I WOULD HAVE TO I WOULD HAVE TO OBJECT TO THAT FOR THE FOR THESE REASONS ONE IF WE PUT A CAP LET'S SAY \$75,000,000 BECAUSE WE'RE THINKING THAT WE HAVE TO HAVE SOME MONEY AVAILABLE LEFT FOR THE:34 OTHER SCHOOLS NOW AND THEN WHEN WE GO OUT TO THE MARKET RIGHT OR OR WHEN THE PROSPECTIVE BIDDERS START YOU KNOW COMPUTING HOW MUCH IS GOING TO COST LET'S FACE IT WITH THE SITUATION THAT WE HAVE RIGHT NOW WITH H2 LABOR THE COST OF LABOR IS PROBABLY INCREASED BY 25 TO 30% WITH WHAT'S GOING ON SO I'M AFRAID THAT IF WE'RE GOING TO SAY YOU'RE ONLY GOING TO HAVE \$75,000,000 TO BUILD THE SCHOOL WELL WE REALLY DON'T KNOW IF 75 WHAT WOULD IF IT COMES UP TO \$80,000,000 SO NOW WE'RE GOING TO HAVE TO COME BACK IN HERE AND YOU KNOW GO THROUGH ALL THIS GYRATION TO NOW REAUTHORIZE A NEW CEILING AS OPPOSED TO SIMPLY SAYING AND AND KEEPING THE OUR EYE ON THE BALL RIGHT NOW THE OBJECTIVE SHOULD BE REBUILD SIMON SANCHEZ HIGH SCHOOL JUST YOU KNOW DISSOCIATE FROM ANYTHING ELSE BUILD ME A HIGH SCHOOL AND YOU ONLY HAVE AVAILABLE \$6,000,000 A YEAR FOR RENTAL PAYMENT OF THAT FACILITY BUT YOU KNOW THAT'S THAT'S THAT'S WHAT'S KIND OF CONVOLUTING EVERYTHING RIGHT NOW IS WE'RE TRYING TO BUILD A SCHOOL WE'RE TRYING TO REHABILITATE 34 SCHOOLS IN THE END IT JUST GETS SO CONVOLUTED CAN'T THEY HAD WE HAVEN'T THREE YEARS WE HAVEN'T DONE IT MOVED.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR SAN AGUSTIN ARE YOU GOING TO MAKE YOUR MOTION TO MAKE THE AMENDMENT OR HAS SENATOR ADA ADDRESSED.

SENATOR SAN AGUSTING: WELL YOU KNOW MR. SPEAKER I THANK THE AUTHOR FOR THE BILL CAUSE I'M FROM YIGO I WOULD LOVE TO SEE SIMON SANCHEZ BUT THERE'S 34 OTHER SCHOOLS SO I STILL MAKE THAT MOTION I LIKE TO BE HEARD ON THE FLOOR IF THEY WANT TO VOTE ON IT.

SPEAKER CRUZ: ALRIGHT I GUESS I'LL HAVE LEGAL COUNSEL FIND A PLACE FOR IT THERE IS A MOTION BY SENATOR SAN AGUSTIN TO PUT A CAP OF \$75,000,000 ON THIS PROJECT ON THE SAN AGUSTIN AMENDMENT ANY SENATOR WISH TO BE HEARD WE'VE ALREADY HEARD UNLESS YOU WANT TO SPEAK AGAIN COMPLETELY ON THE AMENDMENT SENATOR ADA MADAME VICE SPEAKER YOU'RE NEXT ANY OTHER SENATOR WISH TO BE HEARD ON THE SAN AGUSTIN AMENDMENT PLACING A \$75,000,000 CAP ON THIS SIMON SANCHEZ PROJECT MADAME VICE SPEAKER DID YOUR HAND GO UP OH YOU'RE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU ON THE 75,000,000 I DIDN'T HEAR IS IT AVAILABLE WHERE DOES THAT NUMBER COME FROM.

SENATOR SAN AGUSTIN: MR. SPEAKER THE 75,000,000 WAS WHEN I FIRST INTRODUCED BILL 19 BUT ALSO WHEN YOU LOOK AT ALL THE BIDS FROM THE PREVIOUS BIDS THAT WAS AWARDED IT WAS AS LOW AS 63 AND AS HIGH AS 89 OR \$83,000,000 WE'RE USING 75 BECAUSE THAT'S WHAT THE INTENT WAS IN THE SPIRIT OF PUBLIC LAW 32 – 120 THAT THERE WILL BE APPROXIMATELY \$25,000,000 AVAILABLE AND I'VE GOT THAT INFORMATION FROM THE GEDA THEMSELVES.

SPEAKER CRUZ: MADAME VICE SPEAKER IS THAT SUFFICIENT DO YOU HAVE ANY FURTHER COMMENT ON THE.

VICE SPEAKER TERLAJE: I'M TRYING TO RECALL THE TESTIMONY ON THAT BILL WHERE WE THAT DESCRIBES SETTING A CAP AT 75 AND IF THERE'S ANY OBJECTION TO THAT AS THE CAP.

SPEAKER CRUZ: I BELIEVE.

VICE SPEAKER TERLAJE: I CAN'T REMEMBER DPW'S TESTIMONY ON THAT I'M TRYING TO.

SPEAKER CRUZ: THERE WAS NEVER A HEARING ON HIS 19 IT WAS THERE.

SENATOR SAN AGUSTIN: MR. SPEAKER THE HEARING WAS ON MARCH 31ST AT 2 P.M.

SPEAKER CRUZ: OH OKAY I'M SORRY.

SENATOR SAN AGUSTIN: AND THOSE ISSUES THAT IDENTIFY THE 75,000,000 AND ALSO ADDRESS THE IDIQ AND ALSO THE BEST VALUE OF THE LOWEST PRICE THAT WAS WHERE THE DISCUSSION AND I REALLY DIDN'T HEAR MANY OBJECTIONS OTHER THAN FROM PUBLIC WORKS THAT 75,000,000 AND I BEG YOUR PARDON.

SPEAKER CRUZ: OKAY.

VICE SPEAKER TERLAJE: MAY I ASK DPW'S OBJECTION TO THE 75 MILLION THEN.

SENATOR SAN AGUSTIN: IT'S MORE THE RESTRICTION BECAUSE OF THE ABILITY TO GO UP HIGHER IF THE OFFER WAS OFFER EXACTLY WHAT SENATOR ADA BROUGHT UP.

VICE SPEAKER TERLAJE: OKAY THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU ANY OTHER SENATOR WISH TO BE HEARD ANY OTHER SENATOR WISH TO BE HEARD SENATOR ESPALDON.

SENATOR ESPALDON: THIS MOTION IS COMING OUT AT THIS TIME AND AGAIN I'M TRYING TO DO THE ANALYSIS IN MY HEAD BUT THEN I GUESS THE FIRST THING THAT POPS IN MY MIND DOES THIS MAKE IF WE INCLUDE THAT AMENDMENT INTO THIS BILL DOES THAT MAKE THIS AMENDMENT DOES IT RENDER THE BILL MATERIALLY DIFFERENT FROM WHAT IT IS RIGHT NOW.

SPEAKER CRUZ: I DON'T BELIEVE SO I MEAN THEY DID PLACE A CAP IT'S BEEN DISCUSSED BUT I'D BE WILLING TO BE OVER CHALLENGED IF ANYBODY WANTS TO THERE WAS AN OBJECTION AND SO IT WILL TAKE EIGHT VOTES TO TO INCLUDE THE AMENDMENT.

SENATOR ESPALDON: OKAY.

SPEAKER CRUZ: IT WOULD HAVE TO BE PASSED BEFORE YOU CAN MAKE THE MOTION THAT IT WAS MATERIALLY DIFFERENT AND ASK THAT IT BE SENT BACK.

SENATOR ESPALDON: I GUESS IS IT I APPRECIATE THE MOVER OF THE AMENDMENT'S POINT RIGHT BUT I ALSO APPRECIATE THE AUTHOR OF THIS BILL'S PERSPECTIVE AND I GUESS IN MY MIND IN MY MY MY MIGHT WORK A LITTLE SLOWER THAN MOST BUT TO BE ABLE TO REALLY TRY TO FATHOM IT PERHAPS IF I COULD CALL UP AND ASK FOR AT LEAST ONE OR TWO MINUTES TO REALLY THINK THIS ONE THROUGH IF IT'S NOT NECESSARY.

SPEAKER CRUZ: NO NO NO WE'LL TAKE A SHORT RECESS AND YOU CAN DISCUSS IT WITH OTHERS.

SENATOR ESPALDON: THANK YOU.

SPEAKER CRUZ: THE LEGISLATURE'S BACK IN SESSION WHEN WE BROKE SENATOR ESPALDON YOU HAD THE FLOOR YOU'RE RECOGNIZED.

SENATOR ESPALDON: NO I JUST WANT TO THANK THAT LITTLE BIT OF TIME TO DISCUSS WITH MY COLLEAGUES THE RAMIFICATIONS OF THAT MOTION BUT THANK YOU MR. SPEAKER.

SPEAKER CRUZ: OKAY THANK YOU ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION WELL YEAH OKAY WAS THERE AN AMENDMENT OH I'M SORRY SENATOR SAN AGUSTIN'S CAP I APOLOGIZE ON THE ON THE SAN AGUSTIN AMENDMENT FOR A \$75,000,000 CAP ANYONE WISH TO BE HEARD SENATOR RODRIGUEZ.

SENATOR RODRIGUEZ: MR. SPEAKER I RISE IN SUPPORT OF THE AMENDMENT OF SENATOR SAN AGUSTIN ON ON PUTTING A CAP ON WHAT WE NEED TO SPEND FOR SIMON SANCHEZ IF I HAD IT MY WAY I WOULD ACTUALLY EVEN LOWER DOWN THAT AMOUNT BECAUSE IF YOU LOOK AT WHAT THE PROPOSAL'S THAT CAME IN THERE'S AS LOW AS 63,000,000 AS HIGH AS 89 AND IT SHOULD BE US DRIVING WHAT THE COST WOULD BE ON ON WHAT IT'S GOING TO TAKE TO REBUILD SIMON SANCHEZ FINALLY I THINK WHAT WE'RE SEEING HERE IS A SYSTEM THAT IS IT'S NOT IN OUR FAVOR IS NOT IN THE BEST INTEREST OF OUR KIDS THE STUDENTS AT SIMON SANCHEZ AND THAT'S WHY WE'RE SEEING THIS CONTINUED DELAY AND SO I JUST RISE IN SUPPORT IT'S A GOOD EFFORT TO ENSURE THAT WE DRIVE WHAT IT'S GOING TO COST TO BUILD SIMON SANCHEZ SO I RISE IN SUPPORT OF THIS AMENDMENT.

SPEAKER CRUZ: THANK YOU VERY MUCH ON THE SAN AGUSTIN AMENDMENT ANY OTHER SENATOR WISH TO BE HEARD ANY OTHER SENATOR WISH TO BE HEARD ON THE SAN AGUSTIN AMENDMENT IF NOT SENATOR SAN AGUSTIN YOU MAY CLOSE ON YOUR AMENDMENT.

SENATOR SAN AGUSTIN: I YOU KNOW MR. SPEAKER HOW MUCH MORE THERE IS TO SAY BUT 75,000,000 I THINK WILL WORK FOR SIMON SANCHEZ AND WE'LL BE ABLE TO ADDRESS THE OTHER SCHOOLS THANK YOU.

SPEAKER CRUZ: THANK YOU ON DID I UNDERSTAND SENATOR ADA THAT YOU INTIALLY INDICATED AN OBJECTION TO THE AMENDMENT THERE BEING AN OBJECTION TO THE AMENDMENT ALL THOSE IN FAVOR OF THE SAN AGUSTIN AMENDMENT PLEASE INDICATE BY RAISING YOUR RIGHT HAND.

NOTE ON THE SAN AGUSTIN AMENDMENT SENATOR AGUON, SENATOR CASTRO, SENATOR ESPALDON, SENATOR MUÑA, SENATOR RODRIGUEZ, SENATOR SAN AGUSTIN, VICE SPEAKER TERLAJE.

SPEAKER CRUZ: MOTION FAILS ON THE MAIN MOTION ANY OTHER SENATOR WISH TO BE HEARD SENATOR RODRIGUEZ.

SENATOR RODRIGUEZ: THANK YOU VERY MUCH MR. SPEAKER YOU KNOW FIRST OF ALL I WANT TO ECHO THE SENTIMENTS OF OUR COLLEAGUES WHO HAVE ROSE AND COMMENDED THE AUTHOR AND I I TO COMMEND THE AUTHOR FOR DOING ALL THAT WE COULD TO KIND OF CORRECT THROUGH THIS PROCUREMENT PROCESS I I JUST DON'T HAVE FAITH MR. SPEAKER I HAVE FAITH IN THE AUTHOR AND HIS EFFORTS TO TRY TO RESOLVE SOME OF THE THINGS WE THINK ARE THE PROBLEMS I JUST DON'T HAVE FAITH IN THE PROCESS THE PROCUREMENT PROCESS THAT WE HAVE AND I KNOW THAT'S A VERY STRONG STATEMENT COMING FROM THIS BODY BUT WHEN WE'VE WAITED YEAR AFTER YEAR AFTER YEAR TO FINALLY GET THE FACILITY UP AT SIMON SANCHEZ REBUILT AND WE CAN'T DO IT BECAUSE OF THE PROTEST THAT ARE BEING FILED I I DON'T HAVE FAITH IN THAT PROCESS PERHAPS IT'S TIME THAT WE LOOK AT ALTERNATIVE SOMETHING TO THINK OUTSIDE THE BOX IN GETTING THAT SCHOOL FINALLY BUILT FOR THE SAKE OF OUR STUDENTS MR. SPEAKER I WANT TO READ THE A PARAGRAPH HERE FROM A TESTIMONY FROM DPW FROM THE DPW DEPUTY DIRECTOR ON BILL 58 AND THIS I'LL READ IT SAYS THE DELAYS HAVE BEEN THE RESULT OF PROCUREMENT PROTESTS FILED THESE PROTESTS ARE LEGALLY ALLOWED BY THE GUAM PROCUREMENT LAW WE REMIND THAT THE SINGLE PROCUREMENT IS ONE OF THE LARGEST EVER IN GUAM HISTORY AND INTENSE SCRUTINY IS RIGHTFULLY EXPECTED THERE ARE VERY HIGH STAKES FOR ALL PARTICIPANTS AND BENEFICIARIES AMENDING PUBLIC LAW 32 – 120 WITH BILL 58-34 OR ANY OF THE PAST PENDING AND FUTURE ATTEMPTS TO AMEND IT DOES NOT ASSURE THE LEGISLATURE THE STUDENTS STAFF AND FACULTY OF SIMON SANCHEZ HIGH SCHOOL AND THE PUBLIC THAT PROTEST WILL NOT BE FILED AS IS THE RIGHT OF THE UNSUCCESSFUL OFFEROR THAT STATEMENT MR. SPEAKER DRIVES ME TO FEEL THE WAY I FEEL ABOUT I JUST DON'T HAVE FAITH IN THE WHOLE PROCESS AND THE DEPUTY DIRECTOR'S RIGHT THERE ARE HIGH STAKES HERE DEPENDING ON WHO YOU TALK TO MR. SPEAKER WHO ARE THE HIGH STAKES WHAT ARE THESE HIGH STAKES IS IT HIGH STAKES FOR THE PARTIES THAT ARE INVOLVED HERE THAT STAND TO BENEFIT GREATLY IN PROFITS FROM THE BUILDING OF SIMON SANCHEZ OR SHOULD IT BE THE HIGH STAKES FOR OUR STUDENTS AT SIMON SANCHEZ THAT NEED AND DESERVE THE FACILITY THAT'S CONDUCIVE TO LEARNING THAT IS SAFE THAT THE ENVIRONMENT IS SAFE FOR THEM FOR THE TEACHERS AT SIMON SANCHEZ SO YOU KNOW I I YOU KNOW I'M NOT SURE MR. SPEAKER IF IF SUPPORTING THIS MEASURE IS GOING TO SOLVE THIS PROBLEM WE HAVE WITH THE PROTEST I'M I'M A REALLY I'M NOT DECIDED ON HOW WILL I VOTE ON THIS LEGISLATION BUT I JUST WANT OUR BODY TO BE ABLE TO START TO LOOK AT PERHAPS OTHER ALTERNATIVES TO GET THIS GOVERNMENT TO GET US OUT OF THIS PROCUREMENT THIS PROCUREMENT MESS AND REALLY IS A MESS I MEAN WE'VE LOOKED AT THE NUMBERS THAT CAME IN FROM THE THREE BIDDERS FROM A HIGH OF 89,000,000 TO A LOW OF 63,000,000 THERE'S SOMETHING

WRONG WITH THAT PICTURE FOR ME MR. SPEAKER ESPECIALLY WHEN THE GOVERNMENT GOES OUT AND AWARDS IT TO THE HIGHEST BIDDER THERE'S SOMETHING CLEARLY WRONG WITH THAT PICTURE AND BASED ON THE OBJECTIONS OF PUBLIC WORKS WITH THIS MEASURE BASED ON THE OBJECTIONS OF THIRD PARTIES THAT HAVE STATED IN THE MEDIA THAT THEY OPPOSE THIS MEASURE WE'RE SETTING OURSELVES UP TO END UP IN THE SAME PLACE WE ARE TODAY WITH ANOTHER PROTEST BEING FILED AND SO I I'M FRUSTRATED MR. SPEAKER AND THAT'S WHY I STRUGGLED TO BE ABLE TO ARTICULATE WHAT YOU KNOW I BELIEVE SHOULD BE ON THIS BILL I'M JUST FRUSTRATED THAT IT'S TAKING THIS LONG AND THE CENTER OF ALL THIS IS NOT THE STUDENTS THAT THE PROCUREMENT THAT THE PROTEST THAT WE'VE BEEN THAT WE'VE BEEN SEEING IS NOT CENTERED ON WHAT'S BEST FOR THE STUDENTS AND SO I JUST WISH TO TO BE ABLE TO STATE MY POSITION ON THE RECORD AND ASK MY COLLEAGUES TO START LOOKING AT ALTERNATIVES TO GETTING SIMON SANCHEZ BUILT THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR RODRIGUEZ ON THE MAIN MOTION ANY OTHER SENATOR WISH TO BE HEARD MADAME VICE SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER I RISE IN SUPPORT OF THIS BILL AND I COMMEND THE AUTHOR ALSO FOR HIS EFFORTS AND ALL THE EFFORTS OF THIS BODY REALLY TO GET THE SIMON SANCHEZ COMPLETED AND AT THE BEST VALUE I THINK WHAT THIS BILL DOES IT MAKES IT ADDS MORE SPECIFICS TO THE PROJECT AS OPPOSED TO THE SO MANY VARIABLES THAT WERE ALLOWED IN PAST PROCUREMENT AND I'M HOPING THAT THAT IS GOING DECREASE THE TIME AND TAKE US TO GET THE QUOTES OR THE OFFERS RATHER AND IT ALSO MAKES VERY SPECIFIC ON PAGE FOUR IT SPECIFIES THAT THE SOLICITATION SHALL SPECIFICALLY STATE THE MINIMUM SPECIFICATIONS THAT WILL BE REQUIRED FOR A SUBMITTED PROPOSAL TO BE CONSIDERED THIS IS A HUGE DIFFERENCE IT'S ONE LINE COMPARED TO ALL THE OTHER WELL ALL THE OTHER PROCESSES THAT WE WERE USING THE OTHER PROCESSES WE WERE REQUESTING PROPOSALS AND THEY DIFFER IN SO MANY WAYS IN DESIGN IN PRICE WHAT'S INCLUDED WHAT'S NOT INCLUDED AND SO I'M HOPING THAT ESPECIALLY THIS LANGUAGE IS REALLY GOING TO BRING US BRING US A LONG WAYS IN GETTING THE SCHOOL COMPLETED AS SOON AS POSSIBLE THE DECREASE IN VARIABLES ALSO SHOULD HELP US I MEAN WE DON'T NEED TO NEGOTIATE AND I THINK IT'S GOING TO BRING MORE FAIRNESS AND MORE COMPETITION BECAUSE BY TELLING THEM EXACTLY WHAT WE WANT THEY WILL BE ABLE TO COMPETE EXACTLY ON THOSE TERMS AND THE GOVERNMENT CAN GET EXACTLY WHAT IT WANTS AND THIS ANOTHER ONE OF MY CONCERNS AND I'M NOT EVEN SURE IF THIS BILL COMPLETELY ADDRESSES IT THAT WE'VE SEEN OUR SCHOOLS BUILT AND OKKODO IS AN EXAMPLE IT WAS BUILT IT WAS BEAUTIFUL BRAND NEW IT'S BEAUTIFUL BUT I REMEMBER ONE WE COULDN'T USE THE TRACK THE TRACK WAS NOT BUILT CORRECTLY OR TO SPECS OR THE SPECS DID NOT INCLUDE THAT YOU KNOW IT HAS TO BE REGULATION OR SOMETHING AND SO MY CONCERN IN THIS WHOLE PROCESS IS THAT I REALLY WANT IT TO BE A SCHOOL THAT DOE AND AS THE PRECEEDING SPEAKER SAID THAT THE STUDENTS CAN USE AND THAT DOE REALLY SIGNS OFF ON THESE SPECIFICATIONS NOW WE DON'T ATTACH THESE SPECIFICATIONS AND I KNOW THAT THEY HAVE ATTACHED EXHIBIT A WELL EXHIBIT A IS ATTACHED TO THIS BILL BUT IT'S REALLY NOT REFERRED TO IN THIS BILL AND MAYBE THAT'S A QUESTION THAT I HAVE IS ARE WE PASSING A BILL WITH AN ATTACHMENT WITH THE ATTACHMENTS NOT BEING REFERRED TO IN THIS BILL AT ALL AND BUT I WOULD ASK THAT I HOPE THAT DOE WILL REQUIRE I'M SORRY DPW WILL REQUIRE DOE TO SIGN OFF ON THESE SPECIFICATIONS SO THAT THEY CAN'T LATER TELL US THIS IS NOT THE SCHOOL THEY WANTED OR WE WASTED OUR MONEY BECAUSE IT'S NOT THAT

USUABLE FOR THEM THAT TYPE OF THING I MEAN OBVIOUSLY WE WANT THE SCHOOLS TO BE WHAT DOE WANTS BUT FOR SOME REASON THAT'S NOT ALWAYS WHAT WE SEEM TO BE GETTING SO I JUST WANT IF WE ARE GOING TO USE EXHIBIT A AS THE MINIMUM SPECS OR SOME VERSION OF EXHIBIT A THAT IT BE SOMETHING THAT DOE ABSOLUTELY SIGNS OFF ON AND I KNOW THAT THERE HAS TO BE A LITTLE BIT OF BACK AND FORTH BETWEEN DOE AND DPW BECAUSE DOE MIGHT YOU KNOW MIGHT ASK FOR SOMETHING THAT EXCEEDS EVEN THE 100,000,000 PRICE TAG AND SO DPW GEDA THE REST OF THESE MEMBERS OF THE SELECTION COMMITTEE HOPEFULLY IT DOESN'T REQUIRE IT HERE BUT I'M HOPING THEY CAN HAVE SOME INPUT TO DEVELOPING THE MINIMUM SPECIFICATIONS THEY CAN ADVISE AS TO EPA IS A MEMBER OF THIS GEDA IS A MEMBER OF THIS DPW AND DOE ARE MEMBERS OF THIS AND THEY CAN ALL ADVISE THE MINIMUM SPECIFICATIONS THAT WE ARE HOPING FOR HERE I THINK THAT VERY CLEAR LANGUAGE THAT SAYS WE ARE GOING TO AWARD THIS CONTRACT TO THE RESPONSIBLE OFFEROR WHO OFFERS THE LOWEST ANNUAL LEASEBACK RATE IS ALSO IT'S CRUCIAL TO TYPE OF PROCUREMENT AND IT HOPEFULLY IS GOING TO GIVE US THE BEST VALUE FOR THE GOVERNMENT OF GUAM OUR PROCUREMENT CODE WAS DESIGNED AND IT'S RULES OR I MEAN BY ITS CONSTRUCTION ITS PURPOSES ARE STATED TO READ TO BE ABLE TO PROVIDE FOR INCREASED PUBLIC CONFIDENCE AND I KNOW THE PREVIOUS SPEAKER SAID THE PUBLIC HAS LACKED I MEAN HAS LOST CONFIDENCE AND BECAUSE OF THE REPEATED THE NEED TO KEEP REPEATING THIS PROCESS FOR SIMON SANCHEZ THE LENGTH OF TIME IT HAS TAKEN ANOTHER ONE OF THE POLICIES IN THE PROCUREMENT CODE IS TO ENSURE THE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO DEAL WITH THE PROCUREMENT SYSTEM OF GUAM AND I THINK THAT REDUCING THE VARIABLES REQUIRING THE MINIMUM SPECIFICATIONS IS ALSO GOING TO MAKE IT MUCH FAIRER AND MUCH MORE EQUITABLE FOR THOSE WHO ARE BIDDING ON THE PROJECT AND IT SHOULD I MEAN THE ULTIMATE GOAL IS TO BRING THE FULLEST I MEAN TO MAXIMIZE TO THE FULLEST EXTENT PRACTICABLE THE PURCHASING VALUE OF THE PUBLIC FUNDS OF GUAM AND BY ENCOURAGING COMPETITION BY SPECIFYING WHAT WE WANT WE CAN ENCOURAGE COMPETITION EXACTLY ON THOSE TERMS AND I'M HOPING THAT THAT'S GOING TO BRING US THE BEST VALUE FOR THE GOVERNMENT SO I SUPPORT THIS BILL AND I THANK THE AUTHOR FOR HIS EFFORTS IN CLARIFYING ALL OF THESE I GUESS I WOULD JUST ASK IF WE COULD CLARIFY THE PURPOSE OF EXHIBIT A IT WAS ATTACHED TO MY BILL IT'S SUPPOSED TO BE ATTACHED WILL EXHIBIT A BE ATTACHED TO THIS BILL WHEN WE PASS IT.

SENATOR ADA: MR. SPEAKER EXHIBIT A WAS PROVIDED JUST AS INFORMATION TO CLARIFY THIS ISSUE OF IS WHAT DOE PROVIDED CONSIDERATIONS OR SPECIFICATIONS AND SO IT'S REALLY FOR INFORMATION PURPOSES ONLY BECAUSE THE LAW PUBLIC LAW ONE 32 - 120 SPECIFICALLY SAYS FOR AN EDUCATION FACILITY THAT MEETS DOE'S SPECIFICATIONS I WOULD HAVE SOME RESERVATIONS ABOUT ATTACHING THIS HERE BECAUSE IF THINGS SHOULD CHANGE AND THEY WANT TO PAIR IT DOWN THE LAW SAYS YOU'RE GOING TO HAVE THESE THINGS AND SUBSEQUENT DISCUSSIONS MAY FIND THAT WELL OKAY AS MUCH AS WE WOULD LIKE TO HAVE WE'LL HAVE TO LIVE WITH SOMETHING LESS AND SO.

VICE SPEAKER TERLAJE: THANK YOU THANK YOU SENATOR AND THANK YOU MR. SPEAKER SO YES I SO I GUESS IT'S A GUIDE RIGHT NOW BUT WE'RE PUTTING FAITH IN DPW AND DOE TO WORK TOGETHER QUICKLY AND TO COME UP WITH SPECIFICATIONS NOW I CAN SEE THAT TO BE THE ONLY REALLY REASON FOR THE DELAY AFTER THIS IS THAT AMOUNT OF TIME THAT IT MIGHT TAKE TO PUT SPECS TOGETHER AND I THINK DPW DID SAY IN TESTIMONY ON ONE OF THESE BILLS THAT YEAH FOR THEM TO PUT SPECS TOGETHER WILL TAKE SO MUCH TIME AND THAT'S WHY THEY YOU KNOW JUST PUT IT

AS GUIDELINES BUT SO I'M HOPING THAT THAT PROCESS WON'T TAKE TOO LONG I'M HOPING THAT THEY'VE GONE THROUGH IT ENOUGH WE'VE BUILT SO MANY SCHOOLS RECENTLY THAT THEY CAN BE VERY FIRM ABOUT WHAT THEY WANT I'M ALSO COMMEND THE SPONSOR THAT SEPARATING THE PROJECTS AND I TOTALLY UNDERSTAND THAT WE NEED TO YOU KNOW ENSURE THAT WE'RE ABLE TO REPAIR THE OTHER SCHOOLS BUT I THINK THAT IT IS THE BEST THING TO DO RIGHT NOW TO SEPARATE THOSE OTHER PROJECTS WITH JUST THE ONE SCHOOL TO GET IT DONE FASTEST CHEAPEST AND IN TIME FOR THE STUDENTS SO I THANK THANK YOU MR. SPEAKER I THANK THE SPONSOR SI YU'OS MA'ÅSE.

SPEAKER CRUZ: THANK YOU VERY MUCH VICE SPEAKER ANYBODY ELSE WISH TO BE HEARD ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION HAVE YOU HAD SPECIAL TIME NO NOTHING ELSE TO ADD ON ON THE MAIN MOTION IF NOT SENATOR ADA YOU ARE WELCOME TO CLOSE OH WAIT SENATOR ESPALDON.

SENATOR ESPALDON: THANK YOU MR. SPEAKER MR. SPEAKER I WASN'T GOING TO SPEAK ON IT HOWEVER BASED UPON SOME OF THE COMMENTS THAT I THINK SOME OF THE THINGS THAT MY COLLEAGUES ARE THINKING IS THAT THIS IF WE PASS IT THIS LEGISLATION IF WE PASS IT WILL REPLACE WHAT IS RIGHT NOW BEING HEARD BEFORE THE OPA AND IN MY CONVERSATION WITH THE AUTHOR OF THIS BILL THAT'S NOT THE CASE IN ESSENCE WITH THE PROCUREMENT LAW WHEN YOU HAVE SOMETHING LIKE THIS AND THERE IS A PROTEST THAT IS FILED EVERYTHING IS STAYED AND IF OTHER WORDS EVERYTHING STOPS UNTIL CERTAIN DECISIONS ARE MADE BY THE OPA AND THEN AFTER THAT ONCE THAT PROTEST IS FILED BEING HEARD BY OPA DEPENDING ON HER DECISION THERE IS A POSSIBILITY ALSO THAT THE PARTIES COULD THEN FILE OR THOSE WHO PROBABLY DID NOT WIN ON THE OPA'S DECISION THEN BRING IT TO THE SUPERIOR COURT SO THERE IS STILL A WHOLE PROCESS TO GO THROUGH ON THIS PARTICULAR RFP THAT IS IN EXISTENCE RIGHT NOW AND IS BEING CHALLENGED IN FRON OF THE OPA THIS BILL DOES NOT REPLACE IT IT DOES NOT REPLACE THE RFP IN MY CONVERSATION WITH THE AUTHOR WHILE WE WERE OFF YOU KNOW WHILE WE'RE IN RECESS TO DISCUSS SOME OF THESE ISSUES HE EVEN SAID THIS BILL IS MORE OF WHAT HE TERMED AN ANTICIPATORY BILL IN ANTICIPATION THAT THE EXISITING RFP COULD POSSIBLY BE CANCELLED OR PULLED BACK BY DPW THEN THIS HAS THE POTENTIAL TO THEN BE USED AND THE REASON I'M TRYING TO EXPLAIN THAT IS SO THAT THERE ARE NO FALSE HOPE OR THERE'S NO FALSE EXPECTATIONS OUT THERE THAT ONCE WE PASS THIS BILL THAT ALL OF A SUDDEN THIS IS WHAT REPLACES THE CURRENT RFP OUT THERE IT DOESN'T IT DOESN'T THIS IS ANOTHER MECHANISM SHOULD THE EXISTING RFP THAT IS OUT THERE BE WITHDRAWN THEN THIS BECOMES IN EFFECT BUT UNTIL THAT POINT THE PRESENT AND CURRENT RFP THAT IS BEING CHALLENGED RIGHT NOW WITH THE OPA IS WHAT IS ON THE TABLE AND THAT COULD STILL TAKE TIME BECAUSE THE PARTIES THEN IF THEY ARE NOT SATISFIED WITH THE RULING OF THE OPA THEN HAVE ANOTHER AVENUE TO GO TO THE COURT AND ONCE THEY GO TO THE COURT DEPENDING ON WHAT THE COURT DECIDES THE LOWER COURT THERE IS THAT POSSIBILITY OF AN APPEAL TO A HIGHER COURT AND SO BY VOTING ON THIS BILL IT DOES NOT EXPEDITE ANYTHING AT THIS POINT THIS IS LIKE THE AUTHOR SHARED WITH ME AN ANTICIPATORY PIECE OF LEGISLATION THAT SHOULD THE CURRENT RFP BE PULLED BACK RIGHT THIS IS WHAT WOULD REPLACE IT SO I JUST WANT TO MAKE THAT CLEAR SO THAT THERE IS NO MISUNDERATANDING THAT ONCE WE IF WE PASS THIS BILL THIS IS WHAT IS GOING TO GOVERN STARTING SHOULD THE GOVERNOR SIGN IT AND SO AGAIN THIS IS NOT THE MAGIC BULLET THAT WILL THIS PROCESS ALONG WHERE IT'S STALLED RIGHT NOW THIS IS SOMETHING IN ANTICIPATION THAT SHOULD DPW WITHDRAW THE CURRENT RFP THIS IS WHAT WILL THEN REPLACE IT AND I JUST NEED

TO MAKE THAT STATEMENT TO MAKE SURE WE ALL UNDERSTAND WHAT THIS BILL DOES
THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR ESPALDON ON THE MAIN MOTION
ANBODY ELSE WISH TO BE HEARD.

VICE SPEAKER TERLAJE: MR. SPEAKER MAY I ASK FOR A ONE MINUTE RECESS PLEASE.

SPEAKER CRUZ: WE'RE IN RECESS WE'RE BACK ON THE RECORD I MEAN IN SESSION
MADAME VICE SPEAKER HAVE YOU HAD SUFFICIENT TIME NOTHING ELSE TO ADD ON
THE MAIN MOTION ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION IF
NOT THE SPONSOR IS INVITED TO CLOSE.

SENATOR ADA: THANK YOU MR. SPEAKER I FIRST OF ALL I WANT TO THANK MY
COLLEAGUES FOR THEIR INPUT I THINK IT WAS VERY GOOD INPUT AND AND AND IT WAS
VERY IMPORTANT FOR THE GENTLEMAN FROM TAMUNING WAS VERY VERY ON POINT
WHEN HE INDICATED THAT BILL 58-34 IS REALLY ANTICIPATORY IN NATURE
ANTICIPATORY FROM THE STANDPOINT THAT THE LET'S SEE HOW WOULD YOU PUT IT
ANTICIPATORY FROM THE STANDPOINT THAT WE DON'T KNOW WHAT DPW IS GOING TO
DO IF IT'S GOING TO CANCEL THIS RFP AND IF IT DOES CERTAINLY THIS TOOL WOULD BE
AVAILABLE TO THEM WE DON'T KNOW WHAT ADELUP HOW ADELUP IS GOING TO
RECEIVE THIS BUT WE CANNOT JUST SIT HERE AND WAIT UNTIL YOU KNOW THE WINDS
HAVE CHANGED OUT THERE AROUND US AND THEN WE CAN SAY OKAY THIS IS WHAT
WE'RE GOING TO DO I MEAN I THINK WE HAVE A PRETTY CLEAR PICTURE OF WHERE WE
WANT TO GO NOW WHAT I ANTICIPATE DOING IS IF WE DO PASS THIS BILL IS THAT I'M
HOPING THAT THE OPA WILL TAKE A CLOSE LOOK AT THIS AND DPW WOULD TAKE A
CLOSE LOOK AT IT AND THEY SAY WELL YOU KNOW THAT'S AN OPTION THAT YOU MAY
HAVE SO YOU CAN EITHER CANCEL IT OR WE CAN GO AND SORT THIS THING THROUGH
THERE'S ALSO THAT SCENARIO WHERE IF A BIDDER DOES NOT PREVAIL THEY'RE GOING
TO TAKE THIS THING FOR JUDICIAL REVIEW AND THAT'S GOING TO DELAY IT FURTHER
WE DON'T KNOW WHETHER THE GOVERNOR IS GOING TO VETO THIS BILL BUT I THINK
WHAT'S IMPORTANT THE BOTTOM LINE IS IS THAT WE'VE GOT TO DO OUR PART HERE
AND PASS THIS BILL AND SEND IT FORWARD AND IF THE GOVERNOR DECIDES TO VETO
IT WELL WE'LL DECIDE ON WHAT TO DO WITH THAT VETO AT THE RIGHT TIME IF HE
DECIDES TO SIGN IT INTO LAW ALONG WITH THAT COMES THAT I PRESUME HE'LL PICK
UP THE PHONE AND HE'LL TELL DPW CANCEL THAT RFP WE'RE GOING TO REDO THIS
WHOLE THING AND SO AND SO WE'VE GOT TO DO OUR PART AND WE GOT TO BE
ANTICIPATING THESE THINGS AND SO YOU KNOW AND THAT'S THAT'S PROBABLY THE
BEST WE CAN DO FOR NOW FOR SURE BY PASSING THIS BILL UNTIL CERTAIN OTHER
THINGS HAPPEN IT REALLY DOESN'T I CAN'T DO ANYTHING THE QUESTION WAS RAISED
ABOUT FAITH IN THE PROCESS AND I STILL HAVE A LOT OF FAITH IN OUR IN OUR
AGENCIES THAT ARE TRYING TO PUT THIS THIS PROCESS TOGETHER IN THE
PROCUREMENT LAW BUT YOU KNOW THE FACT THAT THE PROTESTS HAVE BEEN FILED
THROUGHOUT THIS PAST THREE YEARS YOU KNOW THAT'S UNFORTUNATELY THAT'S
THE PROTEST FEATURES A SELF-POLICING FEATURE IN OUR PROCUREMENT ACT AND
AND WE CANNOT SAY THAT THESE PROTESTS HAVE BEEN FRIVOLOUS SO YOU KNOW FOR
EXAMPLE THE LATEST PROTESTS IS THAT THE RFP IS INCLUDING THE REHABILITATION
OF 34 OTHER SCHOOLS IN THIS CURRENT SOLICITATION AND THE AND THE PUBLIC LAW
THAT AUTHORIZED THAT CLEARLY SAYS THAT UNTIL YOU HAVE DONE A CAPITAL
IMPROVEMENT PLAN YOU CANNOT THEN YOU GO AND ISSUE AN RFP FOR THE
REHABILITATION OF THE 34 SCHOOLS BUT THAT'S NOT WHAT'S BEING DONE PRIOR TO
THAT EVEN BEING DONE THAT'S GOING TO BE INCLUDED IN THE IN THIS IN THIS
SOLICITATION SO YOU KNOW IF IF EVERYBODY JUST READS THE LAW CLEARLY
CLOSELY AND FOLLOWS IT I THINK WE CAN PROBABLY MOVE FORWARD SO I THINK

WE'VE CERTAINLY GIVEN IT A LOT OF DISCUSSION I BELIEVE THAT BILL 58-34 DOES PROVIDE THAT OPTION THAT WILL IN FACT MOVE THE CONSTRUCTION OF SIMON SANCHEZ OFF OF DEAD CENTER AND MOVE IT FORWARD TO WHERE IT SHOULD BE AND THAT IS TO START REBUILDING THAT SCHOOL THAT DOESN'T THAT DOESN'T ELIMINATE THE FACT THAT YOU STILL HAVE 34 OTHER SCHOOLS THAT ARE NECESSARY TO BE REHABILITATED BUT THEN IF WE START DOING THE PÁTTEN TI'AO (TO SHARE THE WEALTH) A LITTLE BIT FOR SIMON SANCHEZ A LITTLE BIT FOR THERE WE'RE GOING TO END UP WITH A SITUATION WHERE THERE'S NOT ENOUGH FOR EITHER OF THE TWO SO LET'S JUST KIND OF FIX OUR FOCUS RIGHT NOW ON SIMON SANCHEZ GET THAT DONE AND THEN WE'LL HAVE TO THEN ADDRESS THE OTHER 34 SCHOOLS AS BEST AS WE CAN DOWN THE ROAD SO I ASK MY COLLEAGUES TO TO CONSIDER BILL 58 AND SUPPORT IT THANK YOU VERY MUCH.

SPEAKER CRUZ: ON THE MOTION TO SEND THE BILL DOWN TO THE VOTING FILE IS THERE ANY OBJECTION HEARING NO OBJECTION SO ORDERED I'M GOING TO BE CALLING A RECESS UNTIL TOMORROW MORNING I WANT TO REMIND ALL OF THE MEMBERS THAT WE HAVE ALL BEEN INVITED BY UNITED TO A PRESENTATION AT THEIR OFFICES AT 8 O'CLOCK TOMORROW MORNING AND WE'RE SCHEDULED TO RESUME SESSION AT 10:30 TOMORROW MORNING AT WHICH TIME WE WILL ADDRESS THE TWO SET ASIDE BILLS ONE FROM SENATOR MUÑA AND ONE FOR MYSELF AND HOPEFULLY AFTER LUNCH WE'LL BE ABLE TO ADDRESS THE FOUR RESOLUTIONS AND BE FINISHED WITH ALL THE BILLS TOMORROW SO THAT'S THE CLERKS AND LEGAL COUNSEL CAN ENGROSS THE BILLS FOR US TO BE ABLE TO VOTE SOMETIME ON LATE THURSDAY AFTERNOON AT LEAST THAT'S WHAT I'M HOPING WE'VE ALSO BEEN INVITED BY THE NONPROFIT CONGRESS PAYUTA TO

A FORUM IN THE COMMITTEE ROOM AT 8 O'CLOCK FRIDAY MORNING WHERE THEY WILL PRE SENT TO US AND WE WILL DISCUSS WITH THEM SOME OF THEIR RECOMMENDATIONS WE WILL HAVE TO BE FINISHED WITH THAT BY 8:45 BECAUSE THE GOVERNOR'S CALLED US INTO SPECIAL SESSION IN 9 IN THE MORNING SO THAT'S THE SCHEDULE THAT I'M PROPOSING THAT WE HAVE FOR THE NEXT COUPLE OF DAYS I THINK IT'S IT'S MANAGEABLE AND I THANK ALL OF YOU FOR ALL THE DELIBERATION AND OF THE DISCUSSION OF THE LAST COUPLE OF DAYS BUT I THINK IT'S WE'VE HAD WE'VE HAD A GOOD SESSION SO FAR OKAY SO WITH THAT UNLESS THERE'S ANY OBJECTIONS I WILL CALL THE RECESS UNTIL 10:30 TOMORROW MORNING.

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
LEGISLATIVE SESSION JOURNAL
April 26, 2017, Legislative Day 7

SENATOR LEE: THE LEGISLATURE IS BACK IN SESSION SPEAKER CRUZ YOU ARE RECOGNIZED.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAME SPEAKER MADAME SPEAKER I MOVE TO HAVE THE BODY ACCEPT BILL 15-34 SUBSTITUTED THAT'S THE THE ONE THAT LOOKS LIKE A REGULAR BILL AND I'VE ALSO CIRCULATED A COPY OF THE BILL WITH THE AMENDMENTS ON THE ON THE SIDE SO THAT EVERYBODY UNDERSTANDS THAT THIS BILL AS SUBSTITUTED ADDRESSES THE CONCERNS THAT WERE RAISED EARLIER ON BY BY A COUPLE OF OUR COLLEAGUES WE I'VE ALSO INCLUDED A FUNDING AND A FUNDING SOURCE IN MORE SPECIFICALLY SO THAT THERE IS A CAP THERE WAS A CONCERN ABOUT HAVING A CAP AND AN AMOUNT AND LIMITING THE GOVERNOR'S ABILITY TO MOVE ANYTHING NOW TRANSFERRING AT THIS POINT SO I'M HOPING THAT WITH THE AMENDMENTS ON PAGE THREE AND PAGE ONE THAT THE BILL IS ACCEPTABLE TO EVERYBODY AND THAT WE WE CAN MOVE IT DOWN BUT I WANTED TO GIVE THE TWO THE NEW SENATORS THAT HAVE CONCERNS ABOUT THE BILL IF THIS IS STILL NOT SATISFACTORY I CAN ANY QUESTIONS AS TO WHY THE BILL WAS REWRITTEN THE WAY THAT IT WAS REWRITTEN I'VE INCLUDED THE COPY OF THE AMENDED I MEAN WITH THE AMENDMENTS ON THE SIDE AND THE COMMENTS IN THE LITTLE BOXES TO MAKE SURE THAT EVERYBODY UNDERSTANDS WHY WHAT WAS WHAT WAS AMENDED AND WHY IT WAS AMENDED THANK YOU MADAME SPEAKER.

SENATOR LEE: THANK YOU ON THE MOTION TO ACCEPT BILL NUMBER 15 - 34 COR WITH A SUBSTITUTE VERSION THAT HAS BEEN DISTRIBUTED TO ALL MEMBERS TITLED BILL NUMBER 15-34 AS SUBSTITUTED ON THE FLOOR HEARING NO OBJECTIONS VICE SPEAKER YOU'RE RECOGNIZED HEARING NO OBJECTIONS MOTION CARRIES SPEAKER CRUZ YOU'RE RECOGNIZED.

SPEAKER CRUZ: ON THE MOTION TO MOVE IT DOWN TO VOTING FILE I'D LIKE TO MAKE A MOTION TO SEND IT DOWN TO THE VOTING FILE AND I HOPE I HAVE THE SUPPORT OF MY COLLEAGUES AND NO OBJECTION THANK YOU VERY MUCH.

SENATOR LEE: ON THE MOTION TO PLACE BILL 15 AS SUBSTITUTED ON THE FLOOR INTO THE THIRD READING FILE HEARING NO OBJECTION VICE SPEAKER YOU'RE RECOGNIZED VICE SPEAKER TERLAJE YOU ARE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU MADAME SPEAKER I WOULD JUST LIKE TO ENSURE THAT AUTHORIZING IN ADVANCE OF THE FY18 BUDGET THAT WE'RE GOING TO APPROPRIATE \$300,000 OR WE'RE GOING TO IDENTIFY AND A FUNDING SOURCE FOR THIS \$300,000 FOR THE STUDY THAT BY DOING THAT I DON'T KNOW THAT I'M CONCERNED ABOUT THIS LANGUAGE PAGE THREE LINE BEGINNING ON THE END OF LINE SEVEN IT SAYS NO CONSTRUCTION OF ANY EXECUTIVE BRANCH DEPARTMENT AND AGENCY OFFICE SPACE IN HAGÁTNA EXCEPT FOR THOSE ENUMERATED IN SECTION THREE SHALL COMMENCE UNTIL 90 DAYS AFTER THE SUBMISSION OF THE STUDY I JUST WANT TO MAKE SURE THAT THIS BILL DOES NOT UNINTENTIONALLY AUTHORIZE THAT CONSTRUCTION BECAUSE AS FAR AS I'M I AM NOT AWARE OF MAYBE THE AUTHOR CAN ALSO ANSWER WHETHER THERE IS ANY AUTHORIZATION FOR SAID CONSTRUCTION AND

I SO I WOULD AND IF NOT THEN I'M HOPING THAT WE DON'T INADVERTENTLY AUTHORIZE THAT CONSTRUCTION BY THIS LANGUAGE AND I JUST LIKE TO ADD A SENTENCE THAT SAYS NOTHING HEREIN SHALL AUTHORIZE THE CONSTRUCTION SO PERHAPS AFTER THAT THE LINE THAT ENDS WITH A 90 DAYS AFTER THE SUBMISSION OF THE STUDY TO THE SPEAKER *I LIHESLATURAN GUÁHAN* AFTER THAT ADD ANOTHER SENTENCE THAT SAYS NOTHING IN THIS ACT SHALL AUTHORIZE THE CONSTRUCTION OF ANY EXECUTIVE BRANCH DEPARTMENT AGENCY OFFICE IN HAGÁTNA IS THAT CONSISTENT WITH THE INTENT OF THIS BILL OR ARE YOU AWARE I MEAN IS THE AUTHOR AWARE OF ANY ANY OTHER INDEPENDENT AUTHORIZATION FOR CONSTRUCTION OF THIS BUILDING.

SPEAKER CRUZ: I'M NOT.

SENATOR LEE: SPEAKER CRUZ DO YOU YIELD.

SPEAKER CRUZ: I YIELD THANK YOU VERY MUCH FOR THE QUESTION I AM NOT SURE BUT WITH THE EXCITEMENT THAT THEY HAD ABOUT THE THE OPA AUDIT AND HER RECOMMENDATION I WAS AFRAID IN EARLIER THIS YEAR THAT THEY WOULD RUN AWAY WITH THE IDEA THAT MAYBE THEY COULD GET HRRA TO TO MOVE IT FORWARD I THOUGHT THAT HAVING A SHALL NOT COMMENCE BEFORE WE'VE HAD 90 DAYS TO REVIEW IT AND ACT ON IT WOULD BE SUFFICIENT BUT IF THE VICE SPEAKER FEELS THAT IT'S NECESSARY TO INCLUDE THE ADDITIONAL LANGUAGE I HAVE NO PROBLEM WITH IT.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH SO YES I WOULD MAKE THAT MOTION MADAME SPEAKER TO ADD ONE MORE SENTENCE AT THE END OF LINE 11 THAT SAYS OR AFTER LINE AFTER *GUÁHAN* ON LINE 11 TO ADD A NEW SENTENCE THAT SAYS NOTHING HEREIN SHALL AUTHORIZE THE CONSTRUCTION OF ANY EXECUTIVE BRANCH DEPARTMENT AND AGENCY OFFICE SPACE IN HAGÁTNA.

SENATOR LEE: ON THE TERLAJE AMENDMENT TO ADD ON PAGE THREE LINE 11 THIS LANGUAGE WOULD ANY MEMBER LIKE TO SPEAK SENATOR ESTEVES YOU'RE RECOGNIZED.

SENATOR ESTEVES: THANK YOU MADAME SPEAKER I WOULD JUST LIKE TO REQUEST A SHORT RECESS TO DISCUSS WITH LEGAL COUNSEL ON THE AMENDMENT AND THE VICE SPEAKER.

SENATOR LEE: WE'LL TAKE A SHORT RECESS.

RECESS

SENATOR LEE: MEMBERS WE ARE BACK IN SESSION SENATOR ESTEVES YOU ARE RECOGNIZED.

SENATOR ESTEVES: THANK YOU MADAME SPEAKER AFTER CONFERRING WITH LEGAL COUNSEL AT THIS TIME I'LL I DO RISE IN SUPPORT OF THE AMENDMENT THANK YOU.

SENATOR LEE: OKAY VICE SPEAKER TERLAJE WOULD ANY OTHER MEMBER LIKE TO SPEAK ON THE TERLAJE AMENDMENT VICE SPEAKER YOU ARE RECOGNIZED

VICE SPEAKER TERLAJE: THANK YOU MADAME SPEAKER SO JUST TO REITERATE AND MAYBE FINESSE THE LANGUAGE I'M ADDING THE SENTENCE AT THE END OF SECTION TWO TO READ NOTHING IN THIS ACT SHALL BE CONSTRUED SO AS TO AUTHORIZE THE

CONSTRUCTION OF ANY EXECUTIVE BRANCH DEPARTMENT AND AGENCY OFFICE SPACE IN HAGÁTNA THANK YOU MADAME SPEAKER.

SENATOR LEE: ON THE TERLAJE AMENDMENT ANY OBJECTION SENATOR ESPLADON YOU ARE RECOGNIZED.

SENATOR ESPALDON: I'M SORRY WAS THAT A CLOSING CLOSING ON HER AMENDMENT.

SENATOR LEE: YES ON THE TERLAJE AMENDMENT ANY OTHER MEMBER WISH TO SPEAK ON THE TERLAJE AMENDMENT HEARING NO OBJECTION MOTION CARRIES WOULD ANY OTHER MEMBER WISH TO SPEAK ON THE BILL VICE SPEAKER YOU ARE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU I WOULD JUST LIKE TO CONTINUE WITH ONE ONE JUST ONE MORE POINT AND I JUST WANT TO PUT ON THE RECORD THAT I WANT TO THANK THE SPONSOR FOR THE CHANGES I THINK THAT CHANGES REALLY ADD BENEFIT TO THE GOVERNMENT OF GUAM AND THIS BILL AND PAGE ONE ON LINE 10 IT STILL SAYS ALL OR THEY'RE GOING TO DO A COST-BENEFICIAL SHALL DETERMINE IF IT IS COST BENEFICIAL TO THE GOVERNMENT OF GUAM TO RELOCATE ALL OR SOME OF THE EXECUTIVE BRANCH DEPARTMENT AND AGENCY OFFICE SPACES SO JUST TO POINT OUT THAT THIS STILL DOES NOT INCLUDE LEGISLATIVE OFFICE SPACES OR ANY OTHER BRANCH AND THIS ALL OR SOME OF MY I I I THINK THAT IT'S IT'S GOING TO GIVE THEM A HARD TIME NARROWING THE SCOPE OF THIS COST BENEFIT ANALYSIS BUT IF IT'S POSSIBLE I GUESS WE'LL SEE THAT BUT I'M NOT SURE MYSELF HOW TO NARROW THAT SO BUT I JUST WANT TO PUT THAT ON THE RECORD SO WE'RE GIVING THEM THE OPPORTUNITY I GUESS TO REALLY ONLY ANALYZE SOME AND SO I HOPE THAT THAT WILL BE SUFFICIENT FOR OUR PURPOSES AFTERWARD AND THANK YOU AND THANK YOU AGAIN TO THE SPONSOR THIS BILL SPEAKER I THINK THE CHANGES ARE VERY GOOD THANK YOU VERY MUCH.

SENATOR LEE: THANK YOU VICE SPEAKER ON THE MOTION TO PLACE BILL 15 TO THE THIRD READING FILE ANY OTHER MEMBER WISH TO SPEAK ON THE MOTION TO PLACE BILL 15 - 34 IN THE THIRD READING FILE SPEAKER YOUR'RE RECOGNIZED.

SPEAKER CRUZ: THANK YOU VERY MUCH I WANT TO THANK MY COLLEAGUES FOR ALL THE AMENDMENTS THAT THEY PROPOSED I WANT TO REMIND EVERYBODY THAT WHAT WE WERE TRYING TO BUILD WHAT THIS BILL IS ADDRESSING ARE EXECUTIVE OFFICE BUILDINGS UNFORTUNATELY I LOST MY FIGHT LAST YEAR FOR TO SAVE MANUEL F. LEON GUERRERO BUILDING TO DO THE LEGISLATIVE BUILDING AND WE DON'T HAVE THE MONEY FOR A 25 FOOT STRUCTURE BEHIND US SO WE'LL HAVE TO FIND OTHER WAYS TO BE ABLE TO BUILD A LEGISLATIVE OFFICE BUILDING AND THE JUDICIARY IS GOING ITS OWN CONSTRUCTION THIS IS FOR FOR EXECUTIVE AGENCIES THE REASON WHY IT STILL READS THAT IT DOESN'T LIMIT IS THAT'S THE REASON WHY WE'RE PAYING HOPING TO PAY THE \$300,000 TO HAVE A STUDY TO DETERMINE WHAT WE CAN MOVE AND WHAT WOULD BE BEST TO MOVE AND WITH THAT MADAME SPEAKER I ASK THAT THE BILL BE SENT TO THE VOTING FILE AND.

SENATOR LEE: ON THE MOTION TO PLACE BILL 15 THE THIRD READING FILE HEARING NO OBJECTIONS MOTION CARRIES NOW WE'LL MOVE ON TO RESOLUTION NUMBER 25-34 AND I'D LIKE TO RECOGNIZE VICE SPEAKER TERLAJE.

VICE SPEAKER TERLAJE: THANK YOU MADAME SPEAKER RESOLUTION NUMBER OH I WOULD LIKE TO MOVE THE PLACEMENT OF RESOLUTION NUMBER 25-34 ON THE THIRD READING FILE RESOLUTION 25 IS EXPRESSING THE SUPPORT OF THE LEGISLATURE FOR BILLS THAT HAVE BEEN INTRODUCED IN CONGRESS THAT WOULD INCLUDE GUAM AS

ONE OF THE REGION'S EXPOSED TO AGENT ORANGE AND THEREBY ALLOW VETERANS OF GUAM WHO SERVED AT LEAST OR WHO WERE EXPOSED TO RECEIVE COMPENSATION FROM THE VETERANS AFFAIRS BENEFITS SHALL I CONTINUE MR SPEAKER.

NOTE SPEAKER CRUZ PRESIDED

SPEAKER CRUZ: 25 WAS THE AGENT ORANGE ONE.

VICE SPEAKER TERLAJE: YES YES MR SPEAKER.

SPEAKER CRUZ: OH OKAY ANY OTHER SENATOR WISH TO BE HEARD ON THE ON THE IT'S HEARING NO OBJECTION.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER THIS RESOLUTION SUPPORTS HR 809 THE FIGHTING FOR ORANGE STRICKEN TERRITORIES IN EASTERN REGIONS ALSO NICKNAMED THE FOSTER ACT IN U.S. CONGRESS THAT SEEKS JUSTICE FOR VETERANS EXPOSED TO AGENT ORANGE ON GUAM THE US CONGRESS HAS RECOGNIZED A CORRELATION BETWEEN AGENT ORANGE EXPOSURE AND DISEASES CONTRACTED BY VETERANS OF THE VIETNAM WAR CONGRESS HAS NOT YET ALLOWED COMPENSATION FOR AGENT ORANGE EXPOSURE ON GUAM AND. DOD HAS DENIED THAT AGENT ORANGE WAS ON GUAM THERE HAVE BEEN SEVERAL CASES RECOGNIZED BY THE DEPARTMENT OF VETERANS AFFAIRS THAT HAVE ACKNOWLEDGED DISEASES RESULTING FROM THE EXPOSURE TO AGENT ORANGE ON GUAM AND SERVICE MEN THAT WERE FORCED TO SPRAY AGENT ORANGE ON THE MILITARY FACILITIES ON GUAM OR WERE EXPOSED TO THAT SPRAYING AGENT ORANGE IS CONTAINED IN AN HERBICIDE FORMULA USED IN THESE PLACES CONGRESSMAN ROSS FROM FLORIDA HAS INTRODUCED HR 809 AND IT WOULD IT WOULD INCLUDE GUAM CNMI AMERICAN SAMOA AND TERRITORIAL SEAS OF VIETNAM AS ADDITIONAL LOCATIONS WERE VETERANS EXPOSED TO AGENT ORANGE AND INCLUDE THEM AS ELIGIBLE TO RECEIVE THE US DEPARTMENT OF VETERANS AFFAIRS BENEFITS AND THIS RESOLUTION IS MEANT TO SUPPORT THIS SO THAT THE VETERANS OF GUAM AFFECTED BY AGENT ORANGE ORANGE CAN RECEIVE THOSE BENEFITS THAT ARE OWED TO THEM I WOULD LIKE TO INTRODUCE A FLOOR AMENDMENT TO CLARIFY THE LISTING OF DISEASES AND THIS WAS BROUGHT UP AND IN THE PUBLIC HEARING THE VETERANS HEALTH ADMINISTRATION IS THEY THEY BY RULES AND REGS DECIDE THE DISEASES THAT WILL BE COVERED UNDER THE THE AGENT ORANGE PROVISIONS AND SO THE ONES THAT WERE LISTED ORIGINALLY ARE TOO NARROW SO I WOULD LIKE TO JUST BROADEN THAT AND I THINK I'VE PASSED THAT RESOLUTION OUT I MEAN I'M SORRY THE AMENDMENT OUT A FLOOR AMENDMENT AND THAT IS JUST TO EXPAND THE LIST TO ALSO INCLUDE THOSE THAT THE VETERANS HEALTH ADMINISTRATION DECIDES SO I'M REPLACING THE WHEREAS CLAUSE STARTING ON PAGE SIX LINE 23 I'M STRIKING OUT THE PERIOD AFTER MESOTHELIOMA PARENTHESIS AND ADDING AND ALL OTHER DISEASES LISTED IN TITLE 38 CFR AND THE REST WILL REMAIN INTACT SO I AM ONLY ADDING IN THE WORDS AND ALL OTHER DISEASES LISTED IN THAT TITLE.

SPEAKER CRUZ: ANY OBJECTIONS TO THE AMENDMENT HEARING NONE ANYBODY WISH TO SPEAK ON THE AMENDMENT.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER.

SPEAKER CRUZ: ON THE MAIN MOTION ANYONE WISH TO SPEAK ON THE RESOLUTION SENATOR AGUON AFTER SENATOR AGUON ANYBODY ELSE.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER MR. SPEAKER I JUST WOULD LIKE TO STAND VERY BRIEFLY IN SUPPORT OF THIS RESOLUTION AND I ALSO WANT TO

RECOGNIZE THE EFFORTS ONGOING EFFORTS OF OUR CONGRESSIONAL REPRESENTATIVE CONGRESSWOMAN MADELEINE BORDALLO IN TERMS OF TRYING TO ACQUIRE AS MUCH INFORMATION AS YOU POSSIBLY CAN I KNOW THAT WHEN THE CLAIMS OR THE ALLEGED CLAIMS THAT AGENT ORANGE HAD AFFECTED A NUMBER OF VETERANS ON ISLAND WHAT TRANSPIRED IS CONGRESSWOMAN BORDALLO IMMEDIATELY CONVENE A MEETING WITH REPRESENTATIVES FROM THE DEPARTMENT OF DEFENSE IN D.C. AND TO HER FINDINGS BASED ON THE CONVERSATION AND THIS IS ALL BASED ON HER PRESS RELEASE MR. SPEAKER THAT SHE WAS INSTRUCTED THAT IN FACT AGENT ORANGE WAS NOT UTILIZED SHE NOT ONLY TOOK THE RESPONSE OF DOD AT THAT TIME AND LEFT IT AT THAT SHE WENT A STEP FURTHER AND SHE HAS NOW REQUESTED THAT THE GAO OR THE ENTITY THE INDEPENDENT BODY THAT WOULD CONDUCT INVESTIGATION OF RESEARCH ON CERTAIN ISSUES FROM CONGRESSIONAL REPRESENTATIVES SHE DID REQUEST THAT THE GAO OFFICE CONDUCT AND REQUEST TO DO SOME RESEARCH IN REGARDS TO WHETHER IN FACT AGENT ORANGE HAS BEEN UTILIZED ON GUAM AND HOW IT HAS IMPACTED A NUMBER OF VETERANS SO MR. SPEAKER I CERTAINLY COMMEND AND THANK THE CONGRESSWOMAN FOR HER ONGOING EFFORTS I THANK THE SPONSOR OF THIS RESOLUTION FOR RECOGNIZING THAT CERTAINLY THIS BODY ALSO NEEDS TO RENDER ITS STATEMENT ABOUT THE NEED TO PUT CLOSURE TO THIS PARTICULAR ISSUE I WANT TO FURTHER HIGHLIGHT MR. SPEAKER THAT SHOULD THE CONGRESSWOMAN AND THE GAO OFFICE FIND THAT IN FACT AGENT ORANGE WAS UTILIZED HERE ON ISLAND THAT CERTAINLY THERE ARE EVEN FOUGHT MORE FAR-REACHING IMPLICATIONS IN ADDITION TO OUR VETERANS BECAUSE I'VE HEARD FROM A NUMBER OF OUR CIVIL SERVICE EMPLOYEES WHO WORKED AT AT EITHER BASES ON ISLAND AT THAT POINT IN TIME WHO CLAIMED THAT IN FACT THEY MAY HAVE ALSO BEEN AFFECTED SO CERTAINLY WE WOULD LIKE TO SEE THE RESULTS OF SO NOT ONLY THE GAO WE WOULD LIKE TO SEE THE RESULTS OF THIS PARTICULAR RESOLUTION EXPRESSING THE INTENT OF THIS LEGISLATIVE BODY ON BEHALF OF OUR VETERANS COMMUNITY AND SHOULD THERE BE ANY AFFIRMATIVE INFORMATION ON WHETHER AGENT ORANGE WAS USED ON GUAM THEN CERTAINLY WE NEED TO AT THAT TIME TAKE IT EVEN FURTHER AND IT SURE THAT ANY OF OUR CIVILIAN POPULATION THAT WAS WORKING NEAR OR WITHIN THE BASES THAT THEY ALSO BE CONSIDERED FOR ANY JUSTICE TO BE PROVIDED TO THEM SO MR. SPEAKER I STAND IN SUPPORT OF THIS RESOLUTION AND I THANK THE SPONSOR FOR THE OPPORTUNITY TO SPEAK ON IT.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR AGUON ANY OTHER SENATOR WISH TO BE HEARD ON THIS SENATOR LEE.

SENATOR LEE: THANK YOU MR. SPEAKER THE PEOPLE OF GUAM HAVE A LONG HISTORY OF SERVING OUR COUNTRY WE HAVE SACRIFICED OUR LAND OUR HEALTH AND IN SOME CASES OUR LIVES IN SUPPORT OF THE US MILITARY OPERATIONS BOTH ON OUR ISLAND AND AROUND THE WORLD DESPITE MANY CONTRIBUTIONS GUAM'S PEOPLE HAVE NOT RECEIVED THE RECOGNITION THAT WE DESERVE OR BEEN AFFORDED SERVICES THAT ARE AVAILABLE TO OTHERS WHO HAVE PERFORMED THESE SIMILAR DUTIES AGENT ORANGE IS A KNOWN ENVIRONMENTAL TOXIN THAT HAS CAUSED SIGNIFICANT DAMAGE TO THE HEALTH OF VETERANS WHO SERVED IN VIETNAM I HAVE THE PRIVILEGE OF GROWING UP IN A HOUSEHOLD WITH ONE OF THEM MY STEP FATHER SERVED IN VIETNAM AND IS SUFFERING SOME VERY SERIOUS PHYSICAL AND HEALTH RELATED ISSUES BECAUSE OF HIS EXPOSURE WE KNOW THAT THE US MILITARY HAS CONTINUED TO DENY THE STORAGE AND USE OF AGENT ORANGE ON GUAM DESPITE MULTIPLE TESTIMONIES ASSERTING OTHERWISE AS MY COLLEAGUE HAD PREVIOUSLY MENTIONED AND AS A CONSEQUENCE WHILE OTHER VETERANS HAVE RECEIVED BENEFITS RELATED TO AGENT ORANGE EXPOSURE THOSE LIVING ON GUAM HAVE NOT

RECEIVED SIMILAR SUPPORT FOR THEIR HEALTH ISSUES BY PASSING RESOLUTION 25-34 THE GUAM LEGISLATURE SENDS A MESSAGE TO OUR VETERANS THAT WE HAVE NOT FORGOTTEN THEM AND IT ALSO ASSERTS THE RIGHTS OF THE PEOPLE OF GUAM TO BE TREATED EQUALLY AND TO BE RECOGNIZED BY THE US GOVERNMENT FOR THEIR SUBSTANTIAL AND CONTINUED SERVICE AS THE WIFE OF A VETERAN I KNOW HOW MUCH OUR SERVICE MEMBERS SACRIFICE TO SUPPORT OUR COMMUNITY THEY SHOULD NOT BE LEFT BEHIND AND WE AS A BODY CANNOT STAND BY WHILE THOSE WHO SACRIFICE ON OUR BEHALF SUFFER SO I SO I THANK VICE SPEAKER TERLAJE FOR LEADING THE WAY IN THIS EFFORT I THINK OTHER OF MY COLLEAGUES WHO ARE ALSO VERY MUCH ENGAGED AND I URGE MY COLLEAGUES TO STAND WITH VETERANS TO STAND WITH THEIR FAMILIES AND I URGE THEM TO SUPPORT RESOLUTION 25 SI YU'US MA'ÅSE.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR LEE ANY OTHER SENATOR WISH TO BE HEARD IF NOT YOU'RE WELCOME TO CLOSE MADAME VICE SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH MR. SPEAKER AND AND TO MY COLLEAGUES WHO STOOD IN SUPPORT OF THIS RESOLUTION YES I ALSO WOULD LIKE TO RECOGNIZE THE EFFORTS OF OUR CONGRESSWOMAN WHO HAS REQUESTED A GOVERNMENT ACCOUNTABILITY OFFICE STUDY A GAO STUDY OF THE USE OF AGENT ORANGE ON GUAM ON THAT WILL BE VERY HELPFUL AND I'VE HAD DISCUSSIONS WITH THE ATTORNEY GENERAL REGARDING THE CERCLA CASE THAT SHE IS BRINGING REGARDING ORDOT THE ORDOT LANDFILL AND THE ATTORNEYS IN THAT CASE ARE ACTUALLY EXPERIENCE DOING AGENT ORANGE CASES IN NEW JERSEY OR WHERE THEY FOUND THAT AGENT OR A FACTORY THAT PRODUCED AGENT ORANGE THEY REPRESENTED THE STATE OF NEW JERSEY AGAINST THOSE COMPANIES AND AND WERE ABLE TO PROVE THE EXISTENCE OF AGENT ORANGE IN THE RIVERS AND SO THEY PRETTY MUCH COMMITTED TO TO FINDING OUT WHETHER ANY AGENT ORANGE WAS DUMPED AT THE ORDOT LANDFILL AND THEY'VE SEEM TO HINT THAT IF WE KNOW THE PLACES WHERE THE MILITARY DUMPED OR OR YOU KNOW THROUGH THINGS OFF CLIFFS OR THINGS LIKE THAT IF THEY WOULD THEY WOULD LOOK FOR RECORDS ON THOSE THINGS SO I AM VERY HOPEFUL THAT THE EVIDENCE AS TO WHETHER AGENT ORANGE IS ON GUAM IS ACTUALLY GOING TO BECOME ABUNDANT AND WHEN CONGRESSMAN ROSS'S CHIEF OF STAFF WAS HERE VISITING NOT TOO LONG AGO OR HERE ON THAT STAFF DEL THAT DELEGATION HE SAID HE GAVE US HIS ASSURANCE THAT ACCORDING TO CONGRESSMAN ROSS THIS IS NOT A PARTISAN OR A BIPARTISAN EFFORT BUT IT WAS IT'S GOING TO BE A NATIONWIDE EFFORT TO ENSURE THAT THOSE WHO ARE EXPOSED TO AGENT ORANGE ARE GOING TO BE YOU KNOW TAKEN CARE OF AND I WOULD LIKE TO THANK MAS MASTER SERGEANT LEROY GLENN FOSTER THE ONE WHO THE BILL IN CONGRESS IS NAMED AFTER HE SUBMITTED SWORN TESTIMONY OF THE HIS ACTIVITIES HIS ACTIVITIES WHILE ON GUAM AT ANDERSEN HE TALKS ABOUT THE OFF BASE HE SAYS WHICH EXPOSURE TO AGENT ORANGE HERBICIDE WHICH I PREPARED MIXED AND SPRAYED ON ANDERSEN AIR FORCE BASE GUAM AND ALL OF THE OFF-BASE FUELS FACILITIES CROSS-COUNTRY PIPELINES THAT SPANNED THE ISLAND TO THE NAVAL FUEL SUPPLY DEPOT UNDERGROUND STORAGE TANKS I SPRAY THESE HERBICIDES IN ON AND AROUND ALL THE PLACES SERGEANT STANTON HAD TO WORK I PREPARED MIX AND SPRAY THESE HERBICIDES TO INCLUDE AGENT ORANGE AND AGENT BLUE HERBICIDES WHICH WERE PACKAGED IN 55 GALLON DRUM CONTAINERS IDENTIFIED WITH COLORED BANDS AND 50 LB DRY CHEMICAL BAGS WITH MONSANTO ON THE BAG I WAS IN A I T AND A SERGEANT DURING THE TIME FRAME FOR 1969 AND 1970 AND 1971 I WORKED IN THE 40 40 43 1 SUPPLY SQUADRON FUELS DIVISION AND WAS ASSIGNED TO ON AND OFF BASE FUELS FACILITY OPERATIONS I USED A 5-TON BLUE TRACTOR TRUCK TRACTOR

TRUCK AND A YELLOW 750 GALLON TANK TRAILER WHICH WAS AN OLD MK1 OIL AND ADDIE TRAILER TO SERVICE C-124 GLOBEMASTER AIRCRAFT WHICH WAS CONVERTED INTO A HERBICIDE SPRAYING TRAILER WOULD HAVE TO SPRAY THE ENTIRE PIPELINES HYDRANT PUMP STATIONS ON THE FLIGHTLINE THE QUONSET HUT STORE IN THE PACKAGED OIL FOR THE B-52 BOMBERS THE FUEL VALVE PITS THE SECURITY FENCES SURROUNDING THE FLIGHT LINE THE FUEL STORAGE FACILITIES AT ANDY ONE ANDY TWO THE LIQUID OXYGEN BUILDING THE FUEL OPERATIONS OFFICE THE TRUCK REFUELING HEART STANDS THE REFUELING FLEET CHECK OUT AREA ALL OF THE OFF-BASE FUEL STORAGE FACILITIES AT POTTS TANK FARM NAVAL AIR STATION FUEL BOOSTER PUMP STATION TUMON TANK FARM AND THE ENTIRE CROSS-COUNTRY PIPELINE I ALSO SPRAYED AT THE YIGO AND DEDEDO PACKAGE OIL WAREHOUSE QUONSET HUT WHERE OPERATED FORKLIFT TO LOAD AND UNLOAD PACKAGE OIL FOR THE B-52 BOMBERS JET ENGINE OIL AND I'M THANKING HIM BECAUSE IT'S IT'S PEOPLE LIKE HIM THAT HAVE REALLY COME OUT TO SUPPORT THE VETERANS OF WHO WORKED IN GUAM AND THE PEOPLE OF GUAM AND HE MAKES IT A POINT IN HIS WHENEVER HE'S INTERVIEWED TO SAY THAT HE WANTS TO SEE THIS BENEFIT THE PEOPLE OF GUAM THE CITIZENS OF GUAM WHO HE KNOWS BECAUSE OF THE NATURE OF AGENT ORANGE WILL STILL BE IMPACTED BY WHAT WHAT ACTIVITY TOOK PLACE HERE YEARS AGO AND SO I WANT TO THANK HIM AND OTHER PEOPLE LIKE HIM WHO HAVE CONTRIBUTING SWORN TESTIMONY ABOUT THEIR ACTIVITIES CONTRIBUTING EVIDENCE THAT THEY HAVE A FACEBOOK PAGE TO SOME OF THESE VETERANS AND THEY PUT ON PICTURES OF WHAT THEY DID HERE AND AND THINGS LIKE THAT AND I THINK REPRESENTATIVE CONGRESSMAN FLOSS I MEAN ROSS IS ALSO COLLECTING THAT TYPE OF INFORMATION AND SO I JUST WANT TO THANK THEM ALSO FOR THEIR TESTIMONY AND THEIR INDEPENDENT RESEARCH AND I THINK YOU ARE MY COLLEAGUES FOR YOUR SUPPORT AND THANK YOU MADAME I MEAN MR. SPEAKER.

SPEAKER CRUZ: ON THE MOTION TO SEND THE RESOLUTION 25 TO THE VOTING FILE ANY OBJECTION IT'S NOW FIVE MINUTES TO 12 WHY DON'T WE BREAK UNTIL 2 O' CLOCK OR DO YOU WANT TO CONTINUE I'M WILLING TO CONTINUE THE ONLY REASON OKAY NO THERE ARE THREE RESOLUTIONS AND ONE BILL WE HAVE 20 39 40 AND 62 OKAY SO BREAK FOR LUNCH UNTIL 2 O'CLOCK.

SPEAKER CRUZ: THE LEGISLATURE IS BACK IN SESSION LET'S STAY ON THE RESOLUTIONS FOR RIGHT NOW MADAME VICE SPEAKER RESOLUTION NUMBER 39 IS YOURS YOU'RE RECOGNIZED.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH MR. SPEAKER I RISE TO MAKE A MOTION TO PLACE RESOLUTION NUMBER 39-34 INTO THE THIRD READING FILE I'D LIKE TO DISCUSS THE MOTION.

SPEAKER CRUZ: HEARING NO OBJECTIONS.

VICE SPEAKER TERLAJE: THIS RESOLUTION IS MEANT TO EXPRESS SUPPORT FOR THE LEGISLATION IN U.S. CONGRESS THAT SEEKS TO EXPAND COMPENSATION TO RESIDENTS OF GUAM WHO MAY HAVE BEEN EXPOSED TO IONIZING RADIATION AND CONTRACTED CANCER AND OTHER ILLNESSES THROUGH THE RADIATION EXPOSURE COMPENSATION ACT OTHERWISE KNOWN AS RECA THE RECA PROGRAM CAN BE A RESOURCE THAT PROVIDES JUSTICE AND COMPENSATION FOR PEOPLE OF GUAM WHO ARE SUFFERING FROM CANCER AND OTHER ILLNESSES THE PASSAGE OF THIS BILL IN CONGRESS WOULD ALLOW THOSE WHO RESIDED ON GUAM BETWEEN BETWEEN THE YEARS 1945 AND 1960 OR ROUGHLY 50 TO 60 THOUSAND PEOPLE WHO SUFFER FROM CANCER OR OTHER LISTED RADIATION RELATED ILLNESSES TO APPLY FOR COMPENSATION UP TO \$150,000 FROM

THE REMAINING FUNDS AND THE RECA TRUST FUND AND THIS IS A TRUST FUND THAT IS ALREADY FUNDED THERE'S A SENATE BILL S 197 AND IT WOULD AMEND THE RADIATION EXPOSURE COMPENSATION ACT OF 1990 TO EXPAND THE LIST OF ELIGIBLE DOWNWIND AREAS TO INCLUDE GUAM FOR THE NUCLEAR WEAPONS TESTING CONDUCTED ON MARSHALL ISLANDS FROM 45 TO 1962 AFTER THIS RESOLUTION WAS INTRODUCED HERE ON GUAM THERE WAS A HOUSE BILL THAT WAS ALSO INTRODUCED HR 2049 ALSO TITLED THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2017 LIKE LIKE THE SENATE BILL 197 THE LANGUAGE OF HR 2049 MIRRORS S197 AND THE ONLY DIFFERENCE IS THAT IN THE HOUSE THEY GO FURTHER AND THEY ADD THAT THE VETERANS WHO DID NUCLEAR CLEAN UP AT THE ENEWETAK ATOLL TO THE LIST OF THEY ADD THEM TO THE LIST OF ELIGIBLE PEOPLE ELIGIBLE FOR COMPENSATION AND AS YOU KNOW I ALSO SPONSORED A RESOLUTION THAT WE WILL WE WILL MOVE AFTER THIS THAT WILL THAT IS IN SUPPORT OF THOSE VETERANS AS WELL THE GUAM LEGISLATURE HAS CHAMPIONED THIS EFFORT TO INCLUDE GUAM AS A DOWN WINDER AREA A DOWN WIND AREA UNDER THE RECA STATUTE FOR FOR MANY MANY YEARS AS FAR AS I CAN REMEMBER AND I KNOW THAT SPEAKER AND MANY OTHERS AND MANY WHO HAVE PASSED HAVE REALLY SOUGHT FOR THIS TYPE OF JUSTICE AND SO I'D LIKE TO THANK THEM AND I'D ALSO LIKE TO THANK THE PACIFIC ASSOCIATION OF RADIATION SURVIVORS IT'S A NONPROFIT GROUP AND THEY HAVE BEEN DILIGENT ADVOCATES FOR THIS EFFORT ALSO AND OF COURSE I WOULD LIKE TO THANK MR. ROBERT CELESTIAL HE IS A HE IS REALLY THE REASON WE HAVE THIS INFORMATION IN FRONT OF US BECAUSE THIS INFORMATION ABOUT THE RADIATION EXPOSURE ON GUAM WAS CLASSIFIED FOR MANY MANY YEARS AND WHEN IT BECAME UNCLASSIFIED ROBERT TOOK IT UPON HIMSELF HE SEARCHED THROUGH THE DOCUMENTS HE GOT THE EVIDENCE HE WENT AND THEY FOUND THE PERSON WHO WHO WAS MONITORING THE THE METER THAT THAT DAY AND GOT HIS WRITTEN TESTIMONY AND ALL OF THESE EFFORTS THAT HE WENT AND TESTIFIED TO CONGRESS TESTIFIED TO DEPARTMENT OF ENERGY AND IN MANY PLACES TO ENSURE THAT CONGRESS WOULD INCLUDE YOU KNOW GET THE EVIDENCE THAT IT NEEDED TO INCLUDE GUAM AND CONGRESS DID AND THERE IS THERE ARE FINDINGS IN THE SUBCOMMITTEE THAT CONGRESS AUTHORIZE TO STUDY THIS THERE ARE FINDINGS THAT THE EXPOSURE DID OCCUR ON GUAM AND SO THERE MANY MANY EFFORTS THAT THAT BROUGHT US TO WHERE WE ARE TODAY I WOULD LIKE TO INTRODUCE A YES I WOULD LIKE TO INTRODUCE TWO FLOOR AMENDMENTS AND THEN THEY'VE BEEN PASSED OUT ONE IS JUST TO THE TITLE AND THAT IS TO INCLUDE AFTER S197 THE WORDS AND HR 2049 TO INCLUDE THE THE BILL THAT WAS INTRODUCED IN THE HOUSE OF REPRESENTATIVES AS WELL AND TO ALSO INCLUDE THE DATE SO WHERE WE TALKED ABOUT THE DATE OF INTRODUCTION FOR THE SENATE BILL JANUARY 2014 24 THAT WE ALSO ADD AND THE WORDS AND APRIL 6TH 2017 TO REFLECT THE DATE THAT HR 2049 WAS INTRODUCED IN THE HOUSE OF REPRESENTATIVES.

SPEAKER CRUZ: ON THIS FIRST AMENDMENT OFFERED BY THE VICE SPEAKER ANY OBJECTIONS ANY SENATOR WISH TO BE HEARD THEY'RE BEING NONE.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH MR. SPEAKER AND MY SECOND AMENDMENT IS JUST BECAUSE OF THE OTHER BILL THAT'S BEEN INTRODUCED IN CONGRESS I'M AMENDING ON LINE 11 ON PAGE FOUR SO PAGE FOUR LINE 11 AND THIS ALSO HAS BEEN PASSED OUT I'M ADDING I'M ADDING THE WORDS AFTER I'M CHANGING THE WORD BILL TO BILLS AND I'M ADDING AFTER THE SENATE BILL 197 AND HR 2049 CITED AS THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2017 AND I'M DELETING THE SPONSORS OF S197 IN THIS BY THIS AMENDMENT SO IT SHOULD READ WHEREAS THE BILLS S197 AND HR 29 2049 CITED AS THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2017 WE'RE INTRODUCED IN THE SENATE AND

THE HOUSE OF REPRESENTATIVES BY REPUBLICANS AND DEMOCRATS AND THEN THE REST OF THE PARAGRAPH WILL CONTINUE.

SPEAKER CRUZ: ON THE SECOND AMENDMENT ON THIS SECOND AMENDMENT OF THE VICE SPEAKER ANY OBJECTION ANYONE WISH TO BE HEARD MADAME VICE SPEAKER.

VICE SPEAKER TERLAJE: I HAVE NO FURTHER OBJECTIONS I MEAN AMENDMENTS MR. SPEAKER AND I THANK YOU VERY MUCH FOR MY COLLEAGUES FOR THE SUPPORT OF THIS RESOLUTION THANK YOU VERY MUCH.

SPEAKER CRUZ: ON THE MAIN MOTION THE RESOLUTION INTRODUCED BY THE BY THE VICE SPEAKER ANY SENATOR WISH TO BE HEARD SENATOR FRANK AGUON.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER GOOD AFTERNOON TO YOU AND OUR FELLOW COLLEAGUES MR. SPEAKER I'LL MAKE THIS VERY SHORT AND QUITE BRIEF I JUST WANT TO STAND AND RECOGNIZE AN INDIVIDUAL THAT THE SPONSOR OF THE RESOLUTION CERTAINLY HIGHLIGHTED IT IS MR. CELESTIAL WHO'S THE PRESIDENT IF NOT CHAIRMAN OF THE PACIFIC ASSOCIATION OF RADIATION SURVIVORS AND YOU KNOW MR. SPEAKER THIS IS AN ISSUE THAT HE HAS BEEN ADVOCATING FOR OVER IF I CAN RECALL CORRECTLY AN EXCESS OF 10 YEARS HE HAS NOT ONLY PAID USED HIS PERSONAL FUNDS TO VISIT WASHINGTON DC TO DO SOME RESEARCH HE SOUGHT OUT SOME ADDITIONAL PROFESSIONAL ADVICE IN TERMS OF HOW TO GO ABOUT THIS ENTIRE PROCESS AND THE MOST RECENT PRESENTATION THAT HE GAVE HE SHARED THAT IN FACT THE WINDOW OF OPPORTUNITY FOR ANY OF THE DOWNWINDERS WHO WHO MAY HAVE BEEN AFFECTED BY THIS SITUATION IS CLOSING THAT BEING THE CASE I CERTAINLY STAND IN SUPPORT OF THIS PARTICULAR RESOLUTION I THINK THE SPONSOR FOR INTRODUCING IT ON BEHALF OF THE MEMBERS OF THE 34TH GUAM LEGISLATURE BUT MOST ESPECIALLY ON BEHALF OF THE PEOPLE GUAM AND IN PARTICULAR IN ON BEHALF OF ALL THOSE WHO MAY HAVE BEEN AFFECTED BY THE DOWNWIND EFFECTS OF THE EXPOSURE TO RADIATION AND TO SOME OF THESE CHEMICALS SO MR. SPEAKER I CERTAINLY HOPE THAT ONCE THIS IS PASSED BY THIS BODY THAT WE WILL BE ABLE TO COLLECTIVELY SHOW FOR SO TO SPEAK IN TERMS OF TRYING TO GET GUAM INVOLVED IN THIS PROCESS RECOGNIZE THAT SOME OF OUR PEOPLE MAY HAVE BEEN EXPOSED AND APPROPRIATELY WORK TOWARDS IF NOT COMPENSATION THEN AT LEAST ADDRESSING THOSE PARTICULAR ISSUES THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR AGUON SENATOR CASTRO YOU ARE RECOGNIZED.

SENATOR CASTRO: THANK YOU MR. SPEAKER JUST SOME WORDS OF COMMENDATION AGAIN FOR THE AUTHOR FOR HAVING BUILT UPON A SOLID FOUNDATION I ALSO WANT TO ACKNOWLEDGE THE HARD WORK OF ROBERT CELESTIAL I CAN REMEMBER THE DAY HE WALKED INTO THE LATE SENATOR ANGEL SANTO'S HIS OFFICE WITH TWO TWO FULL SUITCASES OF EMPIRICAL DATA AND OTHER PRINTED TYPES OF EVIDENCE AND I ALSO LIKE TO ACKNOWLEDGE THE WORK OF THE FOUNDATION FOUNDATIONAL PIECES DONE BY FORMER SPEAKER MARK FORBES WHO EMPANELLED THE SPECIAL INVESTIGATIVE COMMITTEE OF THE GUAM LEGISLATURE AND ASSIGNED SENATOR ANGEL SANTOS TO LEAD THAT INVESTIGATION AND AGAIN THANK YOU TO THE AUTHOR AND THE SUPPORTERS SPONSORS OF THE RESOLUTION TO MR. CELESTIAL THE LATE ANOTHER ANGEL SANTOS AND ALSO THE LATE DR. WALTER CHRIS PEREZ FOR HAVING WORKED WITH MR. CELESTIAL ON ESTABLISHING A SOLID CASE FOR GUAM.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR CASTRO FOR REMINDING OF THE EFFORTS OF THOSE PIONEERS WHO HAVE PUSHED THIS THROUGH BEFORE US ANY OTHER SENATOR WISH TO BE HEARD ON THE RESOLUTION SENATOR LEE.

SENATOR LEE: THANK YOU MR. SPEAKER IT GIVES ME GREAT PRIDE TO JUST MENTION IN THIS IN THIS ESTEEMED HALL THAT WE ARE MEMBERS OF THE OCEANIC FAMILY THE PEOPLES OF THE PACIFIC HAVE A RICH CULTURE THAT GOES BACK CENTURIES WE'VE LIVED AND DIED ON ISLANDS GOT SCATTERED ACROSS THOUSANDS OF MILES WE MADE OUR WAY FROM ISLAND TO ISLAND ATOLL TO ATOLL AN EFFORT TO EXPLORE OUR WORLD EXPAND OUR COMMUNITY IN AND ENRICH OUR DIVERSE CULTURES IT WOULD SEEM THAT THE U.S. GOVERNMENT HOWEVER CONSIDERED OUR OCEAN OUR LAND OUR CULTURES SOMEBODY EXPENDABLE AND AFTER WORLD WAR II A WAR THAT DISRUPTED THE TRADITIONAL CULTURES ACROSS THE PACIFIC AND MADE SIGNIFICANT IMPACT TO OUR OWN ISLAND THE MILITARY CONDUCTED DOZENS OF NUCLEAR TESTS THE EXTENT OF THESE TESTS IS SOMETHING THAT HISTORY EVEN AT THE CLOSEST TO THESE EXPLOSIONS HAS NOT TRULY RECKONED WITH I WAS SHOCKED TO READ THAT THE ATOMIC ENERGY COMMISSION DETONATED 67 NUCLEAR DEVICES IN OR AROUND THE MARSHALL ISLANDS THAT IS A MASSIVE AMOUNT OF DESTRUCTION DONE WITHOUT THE CONSENT OR IN MANY CASES EVEN THE KNOWLEDGE OF THE PEOPLE WHO LIVED IN THOSE AREAS BEING DOWNWIND OF NUCLEAR TESTING AREAS GUAM ALSO FELT THE EFFECTS OF THESE TESTS FOLLOWING THE DETONATIONS WE WERE EXPOSED TO NUCLEAR TEST PARTICLES WE HAVE NEVER BEEN FULLY COMPENSATED FOR THE LONG-LASTING DAMAGE TO OUR HEALTH AND OUR ENVIRONMENT CAUSED BY THESE TESTS I'M IN STRONG SUPPORT OF RESOLUTION 39-34 TO INCLUDE GUAM AS A DOWNWIND AREA WHICH COULD POTENTIALLY GIVE GUAM RESIDENTS THE OPPORTUNITY TO RECEIVE COMPENSATION FOR THE DAMAGE DONE TO OUR ISLANDS ENVIRONMENT AND OUR PEOPLE I ALSO WANT TO COMMEND THE WORK OF MR. ROBERTS CELESTIAL HAVING HAD THE OPPORTUNITY TO WORK WITH HIM AND LEARN A LITTLE BIT MORE ABOUT THIS ISSUE IN CONGRESSWOMAN BORDALLO'S OFFICE I WOULD ALSO LIKE TO COMMEND THE EFFORTS OF ALL OF THEIR STAKEHOLDERS ALL OF OUR ADVOCATES ON THESE ISSUES ON THIS ISSUE OVER THE YEARS AND I THINK THE VICE SPEAKER FOR HER LEADERSHIP IN AND I ENCOURAGE ALL OUR COLLEAGUES TO SUPPORT THIS RESOLUTION THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR LEE ANY OTHER SENATOR WISH TO BE HEARD ON THE RESOLUTION SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I STAND HERE IN IN SUPPORT OF THE RESOLUTION AND MY SENTIMENTS ARE PRETTY MUCH THE SAME AS ALL THE PREVIOUS SPEAKERS BEFORE ALL MY COLLEAGUES BEFORE ME AND I REALLY JUST WANT TO ACKNOWLEDGE THE AUTHOR OF THE RESOLUTION AND UNCLE ROBERT CELESTIAL FOR REALLY ADVOCATING FOR CANCER NOW IT MAY NOT MAY NOT CURE CANCER MAY NOT BRING BACK SOME OF OUR LOVED ONES WHO HAVE PASSED BECAUSE OF CANCER BUT AT LEAST IT'LL MOVE US ONE STEP FORWARD AND ANY STEP FORWARD IS IS A GOOD STEP ESPECIALLY IN REGARDS TO OUR FAMILIES AND PROTECTING THEM SO THANK YOU SO MUCH AND IT ALSO GIVE US SOME PEACE OF MIND SO I RISE IN SUPPORT OF THIS THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR MUÑA ANY OTHER SENATOR WISH TO BE HEARD IF NOT MADAME VICE SPEAKER YOU ARE RECOGNIZED TO CLOSE.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER AND I WOULD JUST LIKE TO TAKE THIS TIME TO THANK ALL MY COLLEAGUES ONCE AGAIN FOR THEIR SUPPORT FOR THEIR

SUPPORT FOR THEIR SUPPORT FOR SEEKING JUSTICE FOR GUAM AND TO ALL OF THOSE WHO CAME BEFORE US WHO WHO PUT IN MUCH TIME AND EFFORT AND IT SOMETIMES LOOKED CRAZY TO OTHERS I HAVE TO SAY WHEN YOU'RE THE FIRST PERSON TO SAY THAT THERE'S SUCH A THING THAT HAPPENED TO GUAM IT WAS NOT WELL-RECEIVED SO BUT THEY THROUGH VERY VERY DILIGENT EFFORTS PERSEVERED AND AND PROVED IT AND SO I'M VERY PROUD OF THE PEOPLE OF GUAM AND ON IN THEIR EFFORTS MR. CELESTIAL OF COURSE AND I'M VERY GRATEFUL TO THE MEMBERS OF THE ALL THE LEGISLATURE'S BEFORE US AND TO MY COLLEAGUES SO THANK YOU MR. SPEAKER.

SPEAKER CRUZ: ON THE MOTION TO PLACE BILL 39-34 IN THE VOTING FILE ANY OBJECTION HEARING NONE MADAME VICE SPEAKER YOU'RE RECOGNIZED ON YOUR NEXT RESOLUTION 40.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER I MOVE TO PLACE RESOLUTION NUMBER 40-34 IN THE THIRD READING FILE IT'S THE.

SPEAKER CRUZ: ANY OBJECTION HEARING NONE.

VICE SPEAKER TERLAJE: THERE ARE CURRENTLY TWO BILLS ONE IN THE HOUSE OF REPRESENTATIVES HR 632 AND ONE IN THE SENATE S283 THAT WOULD EXTEND MEDICAL CARE AND PAY COMPENSATION BENEFITS TO THE CLEANUP VETERANS OF THE ENEWETAK ATOLL AND THEIR DEPENDENTS TO THE RADIATION EXPOSED VETERANS COMPENSATION ACT THIS RESOLUTION AND THE BILLS IN CONGRESS SEEK JUSTICE IN THE FORM OF MEDICAL CARE AND COMPENSATION FOR THOSE VETERANS AND THEIR DEPENDENTS WHO SUFFER FROM CANCER AND OTHER OTHER MEDICAL CONDITIONS THERE ARE VETERANS ON GUAM WHO PARTICIPATED IN THE CLEANUP OF NUCLEAR TEST SITES WITHOUT BEING TOLD OF THE DANGER THEY WERE IN FROM EXPOSURE TO RADIATION IN 1988 THE RADIATION EXPOSED VETERANS COMPENSATION ACT LISTED 21 CANCER'S AS AS RADIOGENIC LEUKEMIA MULTIPLE MYELOMA LYMPHOMA PRIMARY LIVER CANCER ALVEOLAR CARCINOMA CANCER OF THE THYROID BREAST PHARYNX ESOPHAGUS STOMACH SMALL INTESTINE PANCREAS BILE DUCT GALLBLADDER SALIVARY GLAND URINARY TRACT BONE BRAIN COLON LUNG AND OVARY WHEN I READ THIS LIST I CAN'T HELP BUT THINK I FEEL LIKE I KNOW SOMEONE IN EACH OF THESE CATEGORIES UNFORTUNATELY I MEAN THAT'S OUR EXPERIENCE HERE ON GUAM BUT IT IS ESTIMATED THAT 35% OF THOSE WHO HANDLED THE NUCLEAR WASTE NOW SUFFER FROM SOME FORM OF CANCER ROBERT CELESTIAL IS ACTUALLY ONE OF THE PEOPLE WHO WAS SENT TO ENEWETAK TO CLEAN UP THIS AS PART OF THE ARMY SERVICE TO THE ARMY AND YEAH I JUST SEEN PICTURES OF HIM STANDING ON TOP OF THE DOME THAT THEY BUILT FIRST THEY HAVE TO CLEAR THE WATER OUT AND THEN THEY YOU KNOW PUT ALL THE DEBRIS IN FROM THE DETONATIONS AND THEN THEY COVERED THE DOME WITH CEMENT AND THEY WERE STANDING ON TOP OF THAT DOME IN THEIR SHORTS AND NO SHIRTS SO YOU KNOW CELEBRATING THAT THEIR WORK WAS DONE BUT OR A HARD DAY'S WORK BUT YEAH AT THE TIME THEY WERE NOT INFORMED OF WHAT THEY WERE REALLY BEING EXPOSED TO SO THE PEOPLE WHO WERE THE MILITARY MEMBERS WHO WERE IN THE MARSHALL ISLANDS ARE ON SHIPS NEXT TO THE MARSHALL ISLANDS DURING THE DETONATIONS THEY THEY HAVE BEEN INCLUDED IN THESE ACTS TO COMPENSATE THEM FOR THEIR EXPOSURE TO RADIATION BUT THOSE WHO WENT TO CLEAN UP THEY THEY STILL HAVE NOT SO IF THE BILLS IN THE U.S., CONGRESS MANDATE THAT THESE RADIATION EXPOSED VETERANS OF GUAM WOULD BE ENTITLED TO THE PRESUMPTION THAT A VETERANS DISEASE WAS CAUSED BY RADIATION IF THE VETERAN WAS INVOLVED IN THE CLEANUP AND DEVELOPED ONE OF THE PRESUMPTIVE DISEASES SO AGAIN I ASK MY COLLEAGUES FOR THEIR SUPPORT I

THANK THEM FOR THEIR THEIR SUPPORT ALONG THE WAY AND I URGE THEM TO PASS THIS RESOLUTION THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH MADAME VICE SPEAKER SENATOR AGUON SENATOR LEE ANY OTHER SENATOR AFTER SENATOR LEE SENATOR AGUON YOU ARE RECOGNIZED.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER MR. SPEAKER I WANT TO I ONCE AGAIN WOULD LIKE TO STAND IN SUPPORT OF THIS PARTICULAR RESOLUTION AND IN ADDITION TO EVERYTHING THAT THE SPONSOR HAS HIGHLIGHTED AND IN TERMS OF THE EXPOSURE AND THE POSSIBLE ILLNESS THAT MAY HAVE RESULTED AS A RESULT OF EXPOSURE TO THIS PARTICULAR SITUATION THE UNDERLYING PURPOSE BEHIND THIS RESOLUTION IS TO ENSURE AND THIS IS PART OF THE RESOLUTION ONE PAGE THREE LINE 13 TO 16 THE REGULATIONS AUTHORIZE THE VA TO PROVIDE MEDICAL CARE AND PAY COMPENSATION BENEFITS TO CONFIRM ON SITE PARTICIPANTS AND DEPENDENTS OF ON SITE PARTICIPATE IN A TEST INVOLVING THE ATMOSPHERIC DECLARATION OF A NUCLEAR DEVICE AND INDEMNITY COMPENSATION TO CERTAIN SURVIVORS SO MR. SPEAKER WE'RE JUST ASKING IN THIS CASE THAT ANY OF OUR VETERANS WHO MAY HAVE BEEN EXPOSED THAT THEY CAN AVAIL THEMSELVES OF EITHER PROPER MEDICAL CARE OR APPROPRIATE COMPENSATION SO I STAND IN SUPPORT OF THIS AMENDMENT I THANK THE GOOD VICE SPEAKER FOR HER ADVOCACY ON BEHALF OF THE VETERAN COMMUNITY AS IT APPLIES TO THIS SITUATION AND I CERTAINLY SUPPORT THE RESOLUTION THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR AGUON SENATOR LEE.

SENATOR LEE: THANK YOU MR. SPEAKER AS WE NOTED IN DISCUSSIONS OF RESOLUTION 39-34 THE PACIFIC HAS LONG BEEN A TESTING GROUND FOR SOME OF THE WORLD'S MOST DESTRUCTIVE AND HARMFUL WEAPONS AT ENEWETAK ATOLL AN ENTIRE ISLAND WAS DESTROYED BY A THERMONUCLEAR HYDROGEN BOMB IN 1952 WHAT WAS LEFT BEHIND WAS 164 FOOT DEEP CRATER AND TOXIC RADIATION UNDER FEDERAL LAW WHICH WAS PASSED IN RESPONSE TO THE MANY REPORTED CASES OF CANCER AND ILLNESS RELATED TO RADIATION EXPOSURE SERVICE MEMBERS WHO WERE PRESENT AT NUCLEAR TESTS AND WHO HAVE BEEN DIAGNOSED WITH CERTAIN ILLNESSES QUALIFY FOR BENEFITS AND COMPENSATION CLEAN UP ENEWETAK WHICH WERE CARRIED OUT IN PART BY GUAM SERVICE NUMBERS WERE NOT INCLUDED IN THIS LEGISLATION MR. SPEAKER SO ONCE AGAIN GUAM SOLDIERS WERE LEFT BEHIND DESPITE THEIR EFFORTS DESPITE THEIR DEVOTED SERVICE AND DESPITE SO MANY MAKING THE ULTIMATE SACRIFICE GUAM'S VETERANS STRUGGLE TO RECEIVE THE SAME ACCESS TO CARE AS THE VETERANS ELSEWHERE I'M ENCOURAGED ALSO THAT HR 632 AND SENATE BILL 283 HAVE BEEN NAMED THE MARK TAKAI ATOMIC VETERANS HEALTHCARE PARITY ACT IN HONOR OF IF CONGRESSMAN MARK TAKAI WHO WHO RECENTLY PASSED AWAY I BELIEVE LAST YEAR BY ADVOCATING FOR THE INCLUSION OF GUAM SERVICE MEMBERS IN THE RADIATION EXPOSED VETERANS COMPENSATION ACT RESOLUTION 40 IS A STEP IN THE DECADES-LONG PROCESS TO ATONE FOR THE DAMAGE DONE TO THE GUAM VETERANS WHO PUT THEIR LIVES AND THEIR HEALTH AT RISK AS THEY DUTIFULLY SERVE THEIR COUNTRY WE ARE ASKING FOR PARODY WE ARE MERELY ASKING TO BE TREATED THE SAME I RISE IN SUPPORT OF THIS RESOLUTION AND WITH THE HOPE THAT OUR LEADERS IN WASHINGTON WILL LISTEN TO THE VOICE TO THE VOICES OF OUR PEOPLE WHO ONLY SEEK THE CARE AND SUPPORT FOR OUR VETERANS AFFORDED TO OTHERS WHO HAVE SERVED SO AGAIN I STAND IN SUPPORT OF THIS RESOLUTION AND I THINK THE VICE SPEAKER FOR HER LEADERSHIP AND I ENCOURAGE MY COLLEAGUES TO DO THE SAME SI YU'OS MA'ÅSE.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR LEE ANY OTHER SENATOR SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I RISE AGAIN IN SUPPORT OF RESOLUTION 40-34 THERE'S REALLY NOT VERY MANY PLACES THAT I GO TO WHERE A VETERAN WON'T COME UP TO ME AND AND EXPLAIN WHERE THEY WERE AND WHAT THEY DID AND HOW IT'S AFFECTING THEIR LIVES TODAY AND NOT JUST THEM BUT EVEN THEIR FAMILIES TO AS WELL MR. SPEAKER THERE A LOT OF DIFFERENT TYPES OF CANCER IN THE WORLD AND MAYBE WE CAN'T PINPOINT WHERE IT CAME FROM BUT FOR SOME REASON THE VETERANS KNOW THEY KNOW WHERE IT CAME FROM IN AND WE'RE HERE TO A TO SUPPORT THEM AND THANK THEM FOR THE FIGHT SO THANK YOU VERY MUCH TO THE VICE SPEAKER FOR THIS RESOLUTION NUMBER 40-34 I RISE IN SUPPORT OF IT.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR MUÑA ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION IF NOT MADAME VICE SPEAKER YOU'RE WELCOME TO CLOSE.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER AND THANK YOU TO ALL MY COLLEAGUES AND I JUST WANT TO SAY THAT I KNOW THAT I KNOW YOU KNOW SOMETIMES IT SEEMS LIKE THESE RESOLUTIONS ARE INTRODUCED YEAR AFTER YEAR AND BUT I AM WE HAVE SEEN A LOT OF CHANGE HERE ON GUAM THE LAST FEW YEARS AND I'M VERY HOPEFUL AND I'M DEDICATED AND I FEEL LIKE MY COLLEAGUES ARE AS WELL THAT TO SEE JUSTICE FOR GUAM TO AS IN ANY WAY THAT WE CAN SUPPORT THAT I KNOW THAT THEY WILL ALL BE THERE AND SO I WANT TO THANK THEM AND AND TELL THE VETERANS THAT YEAH WE'RE GOING TO DO OUR BEST AND YEAH WE ARE NOT DOING THIS IS A FUTAL ATTEMPT JUST TO MAKE SOME NOISE AND I REALLY ACTUALLY HOPE WITH ALL THE CRAZINESS SOMETIMES THAT IT FEELS LIKE IT'S GOING ON IN WASHINGTON THAT WE ARE ACTUALLY GOING TO GET SOME CHANGE AND SO THANK YOU AGAIN TO ALL MY COLLEAGUES THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU ON THE MOTION TO SEND THE RESOLUTION 40-34 TO THE VOTING FILE HEARING NO OBJECTION SENATOR FRANK AGUON YOU ARE RECOGNIZED ON RESOLUTION 62-34.

SENATOR AGUON: BUEÑAS NOCHES MR. SPEAKER AND GOOD AFTERNOON I LIKE TO MOVE FOR THE PLACEMENT OF RESOLUTION NUMBER 62-34 COR IN TO THE THIRD READING FOR CONSIDERATION BY THE BODY MR. SPEAKER.

SPEAKER CRUZ: HEARING NO OBJECTION.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER FIRST OF ALL I WANT TO TAKE THIS OPPORTUNITY TO THANK THE LEADERSHIP OF THE PORT AUTHORITY OF GUAM FOR HAVING BRIEFED ME AND GIVING ME A REALLY AN UP-TO-DATE SYNOPSIS OF WHAT'S BEEN TRANSPIRING WITH THE PORT AUTHORITY GUAM VERSUS THE GUAM THE Y2K GUAM SITUATION AND YOU KNOW MR. SPEAKER WHEN THE SITUATION WAS PRESENTED I HAD THE OPPORTUNITY TO SIT INTO SOME OF THE DISCUSSIONS DURING THE COURT HEARINGS AND TO LISTEN INTENTLY TO THE NATURE OF HOW A PARTICULAR JUDGEMENT WAS RENDERED RAISES A SERIOUS CONCERN FROM MY PERSPECTIVE AND MR. SPEAKER THE ONE OF THE JUDGMENT THAT WAS RENDERED IS THE PAYMENT OF UP TO APPROXIMATELY \$15,000,000 OUT OF THE PORT AUTHORITY TO GUAM Y2K CORPORATION AND IF YOU TAKE A LOOK AT THE RESOLUTION IT HIGHLIGHTS FOR A NUMBER OF YEARS THE TRACKING OF A LOT OF THE ACTIVITIES THAT HAVE TAKEN PLACE WITH REGARDS TO THIS SITUATION SO THERE'S NO NEED FOR ME TO ENUMERATE THAT BUT MR. SPEAKER THERE'S A FEW THINGS THAT I WANT TO MENTION ONE IS ON

PAGE TWO LINES EIGHT TO 15 IT HIGHLIGHTS ONE OF THE COURT DECISION THAT WAS RENDERED AND THEN MOVING ON TO PAGE THREE WITH REGARDS TO THE ARBITRATION AWARD IT MENTIONS THE AWARD AWARDED AMOUNT BY VIRTUE OF THE ARBITRATION AND MOVING ON THROUGH THE REST OF THE RESOLUTION I WANTED TO HIGHLIGHT THAT MR. SPEAKER BECAUSE YOU TAKE A LOOK AT THE RESOLUTION IT REALLY PROVIDES A HISTORY OF WHAT HAS TRANSPIRED IN THIS CASE WE ARE LOOKING AT A SITUATION WHERE AN ARBITRATION PANEL RENDERED AND ARBITRATION AWARD INDIVIDUALS ARBITRATION PANEL MR. SPEAKER AND PERHAPS YOU WOULD BE IN A MUCH BETTER POSITION TO BE ABLE TO DESCRIBE IT BUT AN ARBITRATION PANEL IS A REPRESENTATIVE CHOSEN BY A PARTY A AND A REPRESENTATIVE CHOSEN BY PARTY B WHO HAVE A DISPUTE AND THEN THERE'S A NEUTRAL THIRD INDIVIDUAL THAT IS SELECTED TO SIT ON THAT ARBITRATION PANEL AND THEIR DECISION IS TO RENDER AN AWARD BY VIRTUE OF THE DISPUTE AND MR. SPEAKER I AM GOING INTO THIS BECAUSE I LOOK AT THIS AND I ASK MYSELF THE QUESTION OTHER THAN THE GOVERNOR OF GUAM ON BEHALF OF THE GOVERNMENT OF GUAM AND THIS BODY I LOOK AT IT AS THESE ARE THE ONLY TWO ENTITIES THAT CAN LITERALLY OUTSIDE OF THE GOVERNMENT CLAIMS ACT RENDER IT AN AWARD IN EXCESS AND OUTSIDE OF THE GOVERNMENT CAN TAX PLACE ON LEGISLATION THAT'S PASSED BY THIS BODY I LOOK AT THIS AND TO ME THAT IS ONE OF THE UNDERLYING CONCERNS THAT I HAVE WITH REGARDS TO THE INTRODUCTION OF THIS RESOLUTION IS TO EVEN IMAGINE THAT OUTSIDE OF THIS BODY THAT ANY INDIVIDUAL NEITHER APPOINTED I MEAN ELECTED BY THE PEOPLE OF GUAM CAN HAVE THAT DISCRETION AND THAT AUTHORITY TO OBLIGATE THE GOVERNMENT OF GUAM AND THE PEOPLE OF GUAM IN EXCESS OF THE GOVERNMENT CLAIMS ACT SO LET ME COME BACK FULL CIRCLE MR. SPEAKER TO THE RESOLUTION THIS RESOLUTION ASK THAT IN FACT OUR LEGAL COUNSEL OR A LEGAL COUNSEL TO BE ASSIGNED RENDER AN AMICUS CURIAE BRIEF TO THE SUPERIOR COURT AND THE SUPREME COURT THAT WOULD HIGHLIGHT TWO ASPECTS ONE IS THE AUTHORITY FOR SOVEREIGN IMMUNITY TO ME AND BASED ON LEGAL REVIEW SOVEREIGN IMMUNITY UNLESS ITS WAIVED BY THIS BODY IT'S AN ORGANIC ACT AUTHORITY AND NO ONE OTHER THAN MEMBERS OF THIS BODY CAN WAIVE THAT PARTICULAR PROVISION AND YOU AND I KNOW THAT WE HAVE A FEW INSTANCES BY VIRTUE OF SOME LOANS THAT HAVE BEEN TAKEN OUT ON BEHALF OF THE GOVERNMENT OF GUAM THE SECOND ASPECT MR. SPEAKER THAT THIS RESOLUTION WOULD PROVIDE IN TERMS OF THE LEGISLATIVE POSITION IS IT WOULD CLARIFY THE APPLICATION A PUBLIC LAW 26-28 WHICH SPECIFICALLY READS THAT TO ENTER INTO A COMMERCIAL LEASE OR ISSUE A PERMIT OR LICENSE FOR THE USE OF HIS REAL PROPERTY AND OTHER RELATED FACILITIES THE PORT AUTHORITY I ADDED THAT SHALL NOT EXCEED FIVE YEARS SO THIS RESOLUTION IS ASKING FOR THIS BODY'S AUTHORIZATION TO BE ABLE TO PROVIDE THE POSITION OF THE LEGISLATURE ON SOVEREIGN IMMUNITY WHO HAS THE AUTHORITY AND WHERE IT IS PROVIDED AND THEN ON THE APPLICATION OF PUBLIC LAW 26-28 IN TERMS OF ANY RESTRICTION PROVIDED BY THIS THIS LEGISLATIVE BODY AND ANY REQUIREMENT THAT LEASES IN EXCESS OF FIVE YEARS SHALL BE CONSIDERED BY THIS BODY MR. SPEAKER I WANT TO READ THE WHEREAS CLAUSE ON PAGE THREE FROM LINE 13 TO 17 AND IT READS WHEREAS ON DECEMBER 29TH 2016 THE COURT DID NOT FIND SECTION TWO OF THE GUAM PUBLIC LAW 26-28 TO BE WELL DEFINED EXPLICIT AND CLEARLY APPLICABLE UNDER THE MANIFEST DISREGARD OF THE LAW STANDARD FOR VACATING AND ARBITRATION AWARD CONCLUDING THAT THE GUAM LEGISLATURE HAS NOT PROVIDED FURTHER CLARITY AS TO THE POLICY BEHIND THE STATUE AND THAT IS WHERE THIS AMICUS CURIAE BRIEF SHOULD THE AUTHORIZATION BE PROVIDED BY THIS BODY WOULD PROVIDE THAT PARTICULAR CLARITY IN REGARDS TO THE POSITION OF THE

LEGISLATIVE BODY IT ALSO READS THE LEGISLATURE FINDS IT NECESSARY TO REGISTER THIS POSITION REGARDING PUBLIC LAW 26-28 THROUGH AN AMICUS CURIAE BRIEF TO PROVIDE ITS POSITION AND POLICY BEHIND THE STATUE AND FURTHER READS THE OTHER PROVISIONS MR. SPEAKER MR. SPEAKER I LIKE TO CLOSE WITH THIS AND JUST VERY BRIEFLY BECAUSE I KNOW WE'VE HAD EXTENSIVE CONVERSATIONS WITH THIS THIS SITUATION AND I LOOK AT IT AS DEFENDING THE INTERESTS OF THIS BODY ON BEHALF OF THE PEOPLE OF GUAM DEFENDING THE POSITION OF THIS BODY AS IT APPLIES TO SOVEREIGN IMMUNITY AS WELL AS THE APPLICATION OF PUBLIC LAW 26-28 AND THE LAST TWO CLAUSES READ WHEREAS BY APPLYING FOR AND FILING AN AMICUS CURIAE BRIEF BEFORE THE SUPERIOR SUPREME COURT SO GUAM REGARDING THE SPECIFIC RULING OF PUBLIC LAW 26-28 AND THE COURT'S FINDINGS THAT THE GUAM LEGISLATURE WAIVE SOVEREIGN IMMUNITY TO AN EXTENT GREATER THAN IS CONTAINED IN THE GOVERNMENT CLAIMS IT IS THE INTENT OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* THAT THE COURTS OF GUAM AND ALL APPLICABLE GOVERNMENT AGENCIES INTERPRET THE RELEVANT STATUTE IN LINE WITH *I LIHESLATURAN GUÁHAN* CLEAR MANDATES CONTAIN THEREIN AND THAT THE 34TH GUAM LEGISLATURE DOES HEREBY ON BEHALF OF WITH *I LIHESLATURAN GUÁHAN* AND THE PEOPLE OF GUAM AUTHORIZE THE LEGISLATIVE LEGAL COUNSEL OR OTHER RETAINED COUNSEL TO APPLY FOR AND FILE AN AMICUS CURIAE BRIEF BEFORE THE SUPERIOR AND SUPREME COURT'S OF GUAM AFFIRMING THE GUAM LEGISLATURE'S POSITION RELATIVE TO SOVEREIGN IMMUNITY AND THE UPHOLDING OF GUAM LAW MR. SPEAKER THIS RESOLUTION IS ASKING FOR THAT AUTHORITY TO BE ABLE TO FILE AN AMICUS CURIAE BRIEF AND I KNOW THAT ONE OF THE QUESTIONS THAT WAS ASKED DURING THE COURSE OF THE PUBLIC HEARING OF THIS RESOLUTION WAS WHO WOULD ASSUME THE COST AND THE COST BY VIRTUE OF THE RESOLUTION THE PEOPLE OF GUAM WOULD ASSUME THAT CAUSE OUT OF MY OFFICE MR. SPEAKER BECAUSE I BELIEVE VERY STRONGLY AND VERY FIRMLY THAT WE AS AN INSTITUTION AS A CO EQUAL BRANCH OF GOVERNMENT HAVE GOT TO RELAY THE POSITION OF THE GUAM LEGISLATURE AS IT APPLIES TO SOVEREIGN IMMUNITY AS WELL AS THE APPLICATION OF PUBLIC LAW 26-28 MR. SPEAKER I THANK ALL THE EMPLOYEES THE MANAGEMENT FOR THEIR EFFORTS AND THEIR ONGOING WORK AT THE PORT AUTHORITY OF GUAM I KNOW THAT A NUMBER OF THEM HAVE EXTREME INTEREST ON THE EVENTUAK ACTION BY THIS BODY ON THIS RESOLUTION HAVE JOINED US THEY ARE EITHER IN THE GALLERY OR THEY ARE IN THE PUBLIC HEARING ROOM AND I THANK THEM VERY MUCH FOR ALL THE ONGOING EFFORTS ON THE DAILY BASIS TO ENSURE THAT THE PORT AUTHORITY OF GUAM OPERATES EFFECTIVELY AND EFFICIENTLY THANK YOU VERY MUCH MR. SPEAKER.

SPEAKER CRUZ: THANK YOU SENATOR AGUON ARE THERE SENATORS WHO WISH TO BE HEARD ON THE MOTION ANY SENATOR WISH TO BE HEARD SENATOR VICE SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU MR. SPEAKER I RISE IN SUPPORT OF THIS RESOLUTION THERE ARE TWO QUESTIONS BEFORE THE COURT AND ONE IS WHEN THE LEGISLATURE PASSED A LAW THAT SAYS THERE SHALL BE A MAXIMUM OF FIVE YEARS ON A LEASE SHOULD THERE IS THE COURT GOING TO RECOGNIZE THAT THERE IS A MAXIMUM OF FIVE YEARS ON THE LEASE ARE OUR AGENCIES GOING TO RECOGNIZE THAT ARE PEOPLE CONTRACTING WITH THE GOVERNMENT GOING TO RECOGNIZE THAT OR ARE THERE WAYS TO GET AROUND THAT AND THE OTHER QUESTION THAT'S BEFORE THE COURT IS WHETHER THE LEGISLATURE WAIVES SOVEREIGN IMMUNITY AND I BELIEVE THAT THE THE LEGISLATURE TAKING A POSITION IN THIS CASE IS IT'S IMPORTANT FOR US AS THE THIRD BRANCH OF GOVERNMENT AS THE BRANCH THAT ACTUALLY PASSED THESE THIS LAW AND IS THE THE HOLDER OF SOVEREIGN IMMUNITY

THE THE BODY THAT GETS TO WAIVE SOVEREIGN IMMUNITY THAT MAKES THAT DECISION OF WHETHER SOVEREIGN IMMUNITY WILL BE WAIVED OR NOT I BELIEVE IT'S IMPORTANT FOR US TO BE IN FRONT OF THE COURT AND MAKE THAT POSITION OURSELF AND I WANT TO NOTE FOR THE RECORD THAT THIS IS A POSITION THAT THE ATTORNEY GENERAL HAS TAKEN IN THIS CASE THAT THE PORT OF AUTHORITY OF GUAM HAS TAKEN AND SO IT IS A POSITION CONSISTENT RIGHT NOW WITH THE REST OF THE GOVERNMENT OF GUAM AND SO I I THINK I THINK IT IS IMPORTANT I HAVE HAD THE HONOR OF REPRESENTING THE LEGISLATURE IN THE GUAM SUPREME COURT AND I THINK IT IS IMPORTANT THAT THE LEGISLATURE BE THERE PARTICULARLY FOR THESE ISSUES BECAUSE THESE ISSUES ARE THEY ARE OUR ISSUES MAYBE WE HAVE MORE TO LOSE THAN THE PORT DOES THEY LOSE MONEY BUT WE LOSE AUTHORITY OVER SOVEREIGN IMMUNITY WE LOSE AUTHORITY I MEAN WE LOSE THE ABILITY TO PASS LAWS TO LIMIT LEASES OR NOT AND THE REASON THAT I BELIEVE I SUPPORT THIS RESOLUTION AND I ASK MY COLLEAGUES TO DO THE SAME AND I THANK THE SPONSOR FOR THIS RESOLUTION AND THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU MADAME VICE SPEAKER ANY OTHER SENATOR SENATOR TORRES SENATOR MORRISON WAS YOUR HAND UP NO SENATOR TORRES.

SENATOR TORRES: SI YU'OS MA'ÅSE MR. SPEAKER I JUST HAD A A POINT OF INQUIRY TO THE SPONSOR OF THE RESOLUTION IF HE WOULD YIELD TO MY QUESTION THERE WAS A STATEMENT MADE ABOUT THE FUNDING OF THE OF LEGAL COUNSEL AND I BELIEVE I HEARD THAT THE FUNDING WOULD COME OUT OF THE SENATOR'S OFFICE BUDGET WHICH I JUST WANT TO CLARIFY BUT THE SUB THE SUB QUESTION ALSO IS IS THERE SUFFICIENT LANGUAGE IN THE LEGISLATION THAT WOULD ALSO A PROVIDE FOR THE RETENTION IS NOT OUR LEGISLATIVE COUNSEL FOR THE RETENTION IF NOT OUR LEGISLATIVE COUNSEL FOR THE RETENTION OF OUTSIDE COUNSEL AND IS IT NECESSARY TO PUT SUCH LANGUAGE IN THERE THE FUNDING SOURCE PERHAPS AN AMOUNT AND THE MECHANISM IF WE WERE TO RETAIN AN OUTSIDE COUNSEL.

SPEAKER CRUZ: SENATOR AGUON DO YOU YIELD.

SENATOR AGUON: THANK YOU VERY MUCH SENATOR FOR THAT QUESTION TWO EXCELLENT QUESTIONS ONE FIRST AND FOREMOST YES THE FUNDING WOULD ORIGINATE FROM MY OFFICE BUDGET AND IF IT'S NECESSARY TO RETAIN OUTSIDE COUNSEL OBVIOUSLY THERE ARE BUDGETARY LIMITATIONS BUT THE IDEA IS TO ENSURE THAT THE AMICUS CURIAE REFLECTS THE POSITION OF THE LEGISLATURE ON THESE TWO ISSUES WE ARE NOT NECESSARILY INSERTING OURSELVES INTO THE BODY OF THE ARGUMENTS BUT PRESENTING THE POSITION OF THE LEGISLATURE SO THAT IN FACT THERE'S CLARITY.

SPEAKER CRUZ: IS THAT RESPONSE SUFFICIENT SENATOR TORRES.

SENATOR TORRES: I'M JUST I JUST WANT TO ENSURE THAT IF WE NEED TO RETAIN OUTSIDE COUNSEL THAT IS PROVIDED FOR BECAUSE I BELIEVE THAT THERE IS A CONTRACTUAL REMEDY OR CONTRACTUAL PROCESS BY WHICH WE ENGAGE SO THAT'S ALL I'M BRINGING UP IS IF WE'RE GOING TO GO THIS WAY YOU STILL NEED TO IT AND CAN BE OR IS IT NECESSARY TO PUT AN AMENDMENT TO THAT EFFECT.

SENATOR AGUON: THANK YOU AGAIN SENATOR MR. SPEAKER IF I CAN YIELD TO OUR LEGAL COUNSEL TO SEE IF IN FACT SUFFICIENT LANGUAGE TO ENSURE THAT THERE'S THAT AUTHORIZATION THE GOOD SENATOR IS ASKING IF THE LANGUAGE CONTAINED IN THIS RESOLUTION IS SUFFICIENT TO ALLOW FOR OUTSIDE COUNSEL TO BE ACQUIRED AND THE WAY I READ IT TO ME IN SIMPLE TERMS OR OTHER RETAINING COUNSEL TO ME

THAT'S OFFICIAL LANGUAGE BUT I WOULD LEAVE IT TO OUR LEGAL COUNSEL IF IN FACT HE FEELS OR SHE FEELS THAT THAT'S SUFFICIENT LANGUAGE TO ALLOW FOR THE ATTAINMENT OF OUTSIDE LEGAL COUNSEL.

SPEAKER CRUZ: LET'S TAKE A SHORT RECESS.

SPEAKER CRUZ: THE LEGISLATURE IS BACK IN SESSION WHEN WE BROKE I THOUGHT WE WERE WITH SENATOR TORRES ASKING ABOUT AN ISSUE BUT DO WE HAVE A RESOLUTION.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER AND THE GOOD SENATOR IF BY ANY CHANCE THE VERBIAGE PROVIDES FOR THE CLARITY THAT YOU'RE LOOKING FOR SIR IT'S ON LINE I LIKE TO MOVE FOR AN AMENDMENT BEGINNING ON LINE 21 ON PAGE FOUR OF THE RESOLUTION AT THE END OF THE WORD LAW INSERT MANAGEMENT AND COST OF SAID LEGAL SERVICES SHALL BE THE RESPONSIBILITY OF THE SENATORIAL OFFICE OF THE PRIMARY SPONSOR OF THIS RESOLUTION AND THEN IT GOES ON TO READ AND BE IT FURTHER.

SPEAKER CRUZ: THANK YOU VERY MUCH FOR THE AMENDMENT SENATOR ADA ON THE AMENDMENT.

SENATOR ADA: I CERTAINLY APPRECIATE THE FACT THAT THE SPONSOR OF THE RESOLUTION IS VOLUNTEERING TO USE HIS BUDGET FUNDS TO BE ABLE TO TO TO PAY FOR THE LEGAL FEES THAT THEY MAY BE REQUIRED I'M JUST I'M JUST CONCERNED I DON'T KNOW DO WE HAVE ANY IDEA OF WHAT THE COST MIGHT BE AND THEN IF WE FIND OUT THAT YOU KNOW IT'S JUST GOING TO IS GOING TO BE TOO MUCH FOR THAT SENATORIAL OFFICE'S BUDGET WE'RE GOING TO HAVE TO COME BACK HERE AGAIN TO DO THAT AS OPPOSED TO SAYING YOU KNOW LET THE LEGISLATURE FUND THIS OR EITHER THAT OR OR LET THE LEGISLATURE FUND IT BUT BUT NOT NOT KNOWING HOW MUCH IT'S GOING TO COST I'M AFRAID THAT WE'RE GOING TO END UP BACK IN HERE AGAIN BECAUSE THE PRICE TAG IS TOO HIGH FOR HIS BUDGET TO AFFORD SO THAT'S MY ONLY CONCERN BUT YOU KNOW IF THE SPONSOR BELIEVES THAT HIS BUDGET CAN CAN FUND IT THEN THEN HAVE AT IT I JUST HOPE THAT YOU KNOW THAT THE AMOUNT DOESN'T IMPEDE IT.

SPEAKER CRUZ: OF THE AMENDMENT HAS BEEN OFFERED SENATOR AGUON DO YOU WISH TO RESPOND.

SENATOR AGUON: THANK YOU VERY MUCH MR. SPEAKER AND TO THE SENATOR FROM MANGILAO THANK YOU FOR EXPRESSING THAT CONCERN WE HAVE BUDGETED UP TO \$5,000 SPECIFICALLY FOR THOSE WHO DID REACH OUT TO OUR LEGAL COUNSEL TO GET A GOOD ESTIMATE AS TO HOW MUCH THIS COULD CONCEIVABLY COST AND THAT APPEARS TO BE WITHIN RANGE IN TERMS OF THE FILING OF AN AMICUS CURIAE BRIEF.

SPEAKER CRUZ: ANY OTHER SENATOR WISH TO BE HEARD ON THE MAIN MOTION BACK TO SENATOR TORRES YOU HAD THE FLOOR BEFORE WE WHEN YOU RAISED THAT QUESTION.

SENATOR TORRES: THANK YOU MR. SPEAKER I JUST WANT TO POINT OUT THAT IN THE IN THE IN THE LEGISLATIVE SECTION UNDER PAGE THREE UNDER WHEREAS THERE WAS I BELIEVE ONE OF THE UNDERLYING REASONS THE SPONSOR MOVED IN THIS DIRECTION IS BECAUSE IN QUOTING HERE AROUND PAGE THREE LINE 14 PUBLIC LAW 26-28 THE COURT DID NOT FIND TO BE WELL DEFINED EXPLICIT AND CLEARLY APPLICABLE UNDER THE MANIFEST DISREGARD OF THE LAW STANDARD FOR VACATING AN ARBITRATION AWARD CONCLUDING THAT THE GUAM LEGISLATURE HAS NOT PROVIDED FURTHER

CLARITY AS TO THE POLICY BEHIND THE STATUE AND I'M JUST BRINGING AN ISSUE OF CONCERN TO ME AS I READ THAT AND AS I CONTEMPLATE THE POINT AT WHICH WE ARE IN THE COURT PROCEEDINGS THE TIMING OF THIS RESOLUTION IN LIGHT OF THE POINT AT WHICH WE ARE IN THE COURT PROCEEDINGS GIVE ME SOME PAUSE TO RECONSIDER WHETHER IN FACT THIS RESOLUTION IS TIMELY WHETHER THIS RESOLUTION WILL ACTUALLY BE WELL RECEIVED BY THE COURTS AND THE REASON I BRING THAT UP IS IF YOU IN LOOKING AT THAT PAGE THREE WHAT I HAD JUST TALKED ABOUT IT APPEARS THAT WE ARE ATTEMPTING NOW AND I WOULD ASK THE AUTHOR OF THE RESOLUTION TO PLEASE IF HE WOULD YEILD TO MY MY QUESTION MY QUESTION TO HIM WOULD BE IN PASSING THIS RESOLUTION ARE WE AS A BODY IN THE 34TH GUAM LEGISLATURE ASCERTAINING LEGISLATIVE INTENT FROM A PRIOR BODY THAT PASSED PUBLIC LAW 32 - I LOST MY PLACE 26-28 BECAUSE IF THAT BE THE CASE WHERE A LATTER BODY IS ASCERTAINING THE LEGISLATIVE INTENT OF A PRIOR BODY IT DOES SEEM IF ANYTHING VERY UNUSUAL AND RATHER EXTRAORDINARY AND IN CONSIDERING THAT TYPE OF AN ACTION AND HOW THE COURT WOULD ACTUALLY ENTERTAIN THAT TYPE OF A AMICUS CURIAE BRIEF I JUST WONDER AS TO THE VALIDITY OF IT AT THIS POINT IN TIME CLEARLY STATING OUR POSITION IS ONE THING BUT I JUST WANT TO ASK THE QUESTION OF WHETHER THE NATURE OF THIS BRIEF IS TO ASCERTAIN THE INTENT OF A BODY PRIOR TO THIS BODY BECAUSE I BELIEVE THAT THIS PRIOR BODY THAT THIS BODY HAS NO POSITION TRYING TO ASCERTAIN WHAT ANOTHER BODY MEANT WHEN THEY PASS LEGISLATION GENERALLY THAT IS IN THE LEGISLATIVE INTENT AND THAT IS WHAT I BELIEVE COURTS GENERALLY LOOK TO AND IF THERE'S NO CLARITY THEN THEY HAVE A MECHANISM BY WHICH TO ASCERTAIN WHAT LEGISLATIVE INTENT MUST HAVE BEEN BUT THE IF THE GOOD AUTHOR OF RESOLUTION 62-34 WOULD SO YIELD I WOULD GREATLY APPRECIATE IT THANK YOU.

SPEAKER CRUZ: DO YOU YIELD SENATOR AGUON I BELIEVE THE QUESTION IS IS THIS RESOLUTION PORTENDING TO ASCERTAIN WHAT THE WHAT THE INTENT WAS OF THE 26TH GUAM LEGISLATURE WHEN IT PASSED 26-28.

SENATOR AGUON: THANK YOU VERY MUCH.

SPEAKER CRUZ: YOU'RE TALKING ABOUT WHAT SHOULD HAVE BEEN THE STANDARD.

SENATOR AGUON: THANK YOU FOR CLARIFYING THAT POSITION I THINK THAT IF THERE'S ANY INDIVIDUAL OR ENTITY THAT'S GOING TO BE ABLE TO REPRESENT THIS BODY BRANCH OF GOVERNMENT IT WOULD HAVE TO ORIGINATE FROM HERE MR. SPEAKER AND I THINK THAT IN TERMS OF RESPONDING TO THE QUESTIONS IT'S AND IT'S A VERY APPROPRIATE QUESTION ARE WE ENTERING THIS ENTIRE PROCESS TOWARDS THE IS IT EVEN GOING TO HAVE AN IMPACT MR. SPEAKER I AM NOT GOING TO INVEST THE PEOPLE'S MONEY INTO A QUESTION WITH REGARDS TO HOW SOVEREIGN IMMUNITY IS PROVIDED AND THE APPLICATION OF 26-28 I AM NOT GOING TO INVEST THE PEOPLE'S BODY JUST FRIVOUSLY I BELIEVE THAT THERE IS SOME SUBSTANCE TO THIS THE BOARD PORT AUTHORITY OF GUAM BOARD HAS ALREADY AUTHORIZED ON AN APPEAL OF THE CASE AND YOU AND I KNOW THAT THE FILING THAT OFF AN AMICUS CURIAE BRIEF IN THAT PROCESS WOULD ADD TO THAT CONSIDERATION NOW IT'S UP TO THE COURTS IF THEY WOULD PUT ADDED EMPHASIS ON IT BUT I BELIEVE THAT IT'S A RESPONSIBILITY OF THIS BRANCH OF GOVERNMENT TO BE ABLE TO RENDER INTERPRETATION OR THE INTENT OF THIS BODY AS IT APPLIES TO SOVEREIGN IMMUNITY AS WELL AS THE APPLICATION THE PUBLIC LAW 26-28 TO FOR ME MR. SPEAKER TO SAY TO STAND THERE AND GO BACK TO ONE OF MY INITIAL PRESENTATIONS IF AN ARBITRATION PANEL CAN GO AND NEGOTIATE ON BEHALF OF THEIR PARTY AND THE GOVERNMENT OF GUAM AND COME UP WITH A \$15,000,000 JUDGEMENT OR AWARD WITHOUT THE CONSENT OF THIS

BODY THAT IS REALLY WHERE THE CONCERN COMES IN MR. SPEAKER DO WE RETAIN THE AUTHORITY FOR SOVEREIGN IMMUNITY OR IS IT SOMETHING THAT ALREADY IN THE LAW IS AUTHORIZED IF IN FACT THE JUDICIAL DECISION IS THAT SOVEREIGN IMMUNITY DOES NOT APPLY IN THIS CASE THEN THAT IS WHERE WE AS MEMBERS OF THIS BODY ON BEHALF OF THE PEOPLE GUAM NEED TO CLARIFY THE LAW AND ENSURE THAT WE PROTECT THE INTERESTS OF THE PEOPLE AND IN THIS CASE AS IT APPLIES PORT AUTHORITY OF GUAM SO MR. SPEAKER FORMER CHIEF JUSTICE YOU KNOW AND UNDERSTAND THE JUDICIAL SYSTEM MUCH BETTER THAN I COULD EVER EXPLAIN IT BUT I BELIEVE VERY STRONGLY THAT IT'S GOTTA BE THIS BRANCH OF GOVERNMENT GRANTED THE ATTORNEY GENERAL RENDERED A DECISION LOOKING AT THE LAW AND FILED AN AMICUS CURIAE BUT IT'S ALWAYS BENEFICIAL THAT THIS BODY REPRESENTS ITSELF AND ENSURERS THAT THERE'S CLARITY AS IT APPLIES TO THESE TWO PARTICULAR POSITIONS OR SITUATIONS BEFORE THE COURT THANK YOU VERY MUCH BECAUSE OF THE CHANGE IN SEAT MADAME SPEAKER.

NOTE VICE SPEAKER TERLAJE PRESIDED

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH SENATOR AGUON DOES THAT ANSWER YOUR QUESTION SENATOR TORRES YOU HAVE THE FLOOR.

SENATOR TORRES: THANK YOU MADAME SPEAKER SO FROM WHAT I UNDERSTAND FROM THE ANSWER AND CORRECT ME IF I'M WRONG THIS WE ARE WE ARE GOING TO BE FILING AN AMICUS CURIAE BRIEF TO STATE AND TO REEMPHASIZE THE POSITION OF THE LEGISLATURE AS A 34TH GUAM LEGISLATURE WITH REGARD TO SOVEREIGN IMMUNITY CORRECT WE'RE NOT WE'RE NOT FILING A BRIEF TO ASCERTAIN THE INTENT OF THE 26TH LEGISLATURE WHAT THEY WHAT THEY MEANT TO DO WHEN THEY I JUST WANT TO BE CLEAR BECAUSE THEY A YES OR NO ANSWER WOULD BE SUFFICIENT THANK YOU.

VICE SPEAKER TERLAJE: SENATOR AGUON DO YOU YIELD TO THAT QUESTION.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH SENATOR FOR THAT QUESTION I THINK IT REALLY COMES DOWN BOILS DOWN TO FILING AS A FRIEND OF THE COURT AND PROTECTING AND REPRESENTING THIS BODY THE LEGISLATIVE BRANCH I REALLY DON'T SEE HOW HOW ELSE I CAN EXPLAIN IT OTHER THAN ENSURING THE SOVEREIGN IMMUNITY WHICH IS AN ORGANIC ACT AUTHORITY PROVIDED TO THIS BODY THAT THAT IS A PROVISION THAT UNLESS IT'S WAIVED THAT SPECIFIC LEGISLATION REMAINS WITH THIS BODY AND THE APPLICATION OF PUBLIC LAW 26-28 CERTAINLY BY VIRTUE OF THE LANGUAGE THAT THE LEGAL AMICUS CURIAE BRIEFS WILL BE REFLECTIVE OF WHAT THE INTENT OF THAT LEGISLATURE IS AND MADAME SENATOR YOU HAVE CERTAINLY SOME VERY GOOD QUESTIONS AND I'M JUST TRYING TO FIGURE OUT TO UNDERSTAND THAT IF IN FACT THERE ARE TWO MAJOR QUESTIONS AT HAND BEFORE THE COURTS IN A CASE PROVIDING THE COURTS WITH A LEGAL POSITION AS IT APPLIES TO SOVEREIGN IMMUNITY AND THE APPLICATION OF THE LAW THAT WAS PASSED BY THIS BODY SHOULD CERTAINLY CLARIFY THE POSITION OF THIS BODY WHETHER IT'S THE 26TH GUAM LEGISLATURE OR THE 34TH GUAM LEGISLATURE THANK YOU MADAME SPEAKER.

SENATOR TORRES: THANK YOU AND I UNDERSTAND YOUR POSITION THANK YOU VERY MUCH TO THE AUTHOR.

VICE SPEAKER TERLAJE: THANK YOU IS ON THE AMENDMENT BY SENATOR AGUON SPEAKER CRUZ YOU ARE RECOGNIZED DID YOU WISH TO SPEAK ON THE AMENDMENT.

SPEAKER CRUZ: JUST ON THE AMENDMENT I'M NOT SURE IF BUDGETING 5,000 IS SUFFICIENT I KNOW WHEN MY OFFICE DECIDED TO CHALLENGE AN ISSUE IN THE

DISTRICT COURT ON THE LAYON CASE MY OFFICE SPENT JUST AS JUST FOR THE RETAINER 10,000 AND WERE IT NOT FOR THE FACT THAT WE WERE BOTH FACED WITH POSSIBLE CONTEMPT FOR CHALLENGING THE COURT WE PROBABLY WOULD HAVE SPENT MORE MONEY THAN THAT BUT I DON'T KNOW IF A BUDGET OF 5000 IS SUFFICIENT AND I'M NOT SURE WHETHER OR NOT THIS LEGISLATURE CAN AFFORD THE COST OF TAKING IT FROM THE SUPERIOR COURT TO THE SUPREME COURT AND IF NEED BE ANY FURTHER THAN THAT I KNOW ONE MARITIME CASE FOR THE PORT COST 12,000,000 IN APPEALS THE EQUALITY CASE LAST YEAR WAS \$90,000 FOR THAT SHORT PRESENTATION BY THE SAME COUNSEL THAT IS COUNSEL FOR THE PORT AT THIS TIME SO I DON'T KNOW WHERE THE MONEY'S COMING FROM BUT 5,000 JUST ISN'T GOING TO CUT IT.

VICE SPEAKER TERLAJE: ON THE AMENDMENT BY SENATOR AGUON ARE THERE ANY OTHER SPEAKERS SENATOR SAN AGUSTIN YOU ARE RECOGNIZED.

SENATOR SAN AGUSTIN: MADAME SPEAKER WITH THAT NOTE OF WHAT SPEAKER CRUZ BROUGHT UP THEN I'D LIKE TO MAKE AN AMENDMENT TO THE AMENDMENT THAT THE LEGISLATURE FUNDS THE LEGAL COUNSEL AND IF NOT AND IF THAT'S NOT THAT CAN BE SUPPORTED BY THE BODY THAN I'M WILLING TO CONTRIBUTE TO SUPPORT SENATOR AGUON'S RESOLUTION AND WE'LL SEE WHERE IT GOES FROM THERE BECAUSE YOU KNOW I WAS READING PUBLIC LAW 26-28 IT TALKS ABOUT A FIVE-YEAR PLAN AND THERE'S SUPPOSED TO COME BACK TO THE GUAM LEGISLATURE THEY DIDN'T COME BACK TO THE GUAM LEGISLATURE AND FOR A COURT TO SAY THAT YOU CAN KEEP GOING AS MANY YEARS AS YOU WANT AND NOT COME BACK TO THE LEGISLATURE FOR APPROVAL IT'S NOT RIGHT.

VICE SPEAKER TERLAJE: THANK YOU SENATOR SAN AGUSTIN ON THE SENATOR AGUON'S AMENDMENT ARE THERE ANY OTHER SPEAKERS ON THE AMENDMENT IF NOT THEN SENATOR AGUON YOU MAY CLOSE ON THE AMENDMENT.

SENATOR AGUON: THANK YOU MADAME SPEAKER I JUST NEED TO TO ONCE AGAIN CLARIFY THAT THIS IS FILING THE POSITION OF THIS BRANCH OF GOVERNMENT AS IT APPLIES TO THOSE TWO POINTS AND IT'S NOT DIRECTLY ASSERTING THE LEGISLATIVE BRANCH IN THE LITIGATION ASPECT IT'S PROVIDING CLARITY THAT AS IT APPLIES TO SOVEREIGN IMMUNITY THE LEGISLATURE RECOGNIZES THE AUTHORITY THAT LIES WITHIN THIS BODY ALONE AND UNLESS IT'S WAVED THEN IT REMAINS WITH THIS BODY AND THEN THE APPLICATION OF 26-28 PUBLIC LAW THAT'S IT RENDERING OUR POSITION FOR CLARITY PURPOSES AND THEN THE LITIGATION WOULD BE UP TO THE PORT AUTHORITY OF GUAM AND THE OTHER PARTY THANK YOU VERY MUCH MADAME SPEAKER.

SENATOR ESPALDON: POINT OF ORDER MADAME SPEAKER MADAME SPEAKER.

VICE SPEAKER TERLAJE: STATE YOUR POINT OF ORDER.

SENATOR ESPALDON: THE PREVIOUS SPEAKER I JUST WANT TO FIND OUT WHETHER THERE WAS HE HE SAID HE'D LIKE TO MAKE AN AMENDMENT TO THE AMENDMENT AND SO I'M JUST WONDERING WHETHER THAT WAS REALLY HE WAS PROFERRING AN AMENDMENT TO THE AMENDMENT BECAUSE IF IT IS SUCH THEN WE NEED TO DO WITH THAT AMENDMENT FIRST THE AMENDMENT TO THE AMENDMENT.

VICE SPEAKER TERLAJE: THAT'S CORRECT SENATOR I DIDN'T TAKE IT AS A FORMAL AMENDMENT SENATOR SAN AUGUSTIN DID YOU WISH TO OFFER WAS YOUR WERE YOU OFFERING A FORMAL AMENDMENT TO THE AMENDMENT.

SENATOR SAN AGUSTIN: MADAME SPEAKER I WAS OFFERING YES AN AMENDMENT TO HIS AMENDMENT THAT THE BODY FUNDS IT.

VICE SPEAKER TERLAJE: OKAY.

SENATOR SAN AGUSTIN: IF THE BODY DOES NOT ACCEPT THAT THEN THE HIS AMENDMENT WOULD BE TO SUPPORT BY PROVIDING FINANCIAL SUPPORT TO THAT TO THAT CHALLENGE IN COURT.

VICE SPEAKER TERLAJE: OKAY SO WE WILL CONSIDER YOUR AMENDMENT WHICH IS SENATOR SAN AUGUSTIN'S AMENDMENT IS TO CHANGE THE WORDS RESPONSIBILITY OF THE SENATORIAL OFFICE OF THE PRIMARY SPONSOR OF THIS RESOLUTION TO TO THE.

SENATOR ESPALDON: MADAME SPEAKER.

VICE SPEAKER TERLAJE: THE RESPONSIBILITY OF THE LEGISLATURE.

SENATOR ESPALDON: IF I MAY MADAME SPEAKER IN THIS PARTICULAR SITUATION JUST TO BE CLEAR IT WOULD BE GOOD TO HAVE THAT AMENDMENT AND WRITING AS OPPOSED TO HAVING IT INTERPRETED OR PARAPHRASED FROM THE FROM THE PODIUM BUT IF THERE IS AN AMENDMENT TO THE AMENDMENT BEING MADE.

VICE SPEAKER TERLAJE: I THOUGHT THIS WAS PASSED OUT SENATOR IF IT'S NOT THEN OKAY WE'LL TAKE A ONE-MINUTE RECESS AND PASS THIS AMENDMENT OUT.

SENATOR ESPALDON: THANK YOU.

VICE SPEAKER TERLAJE: OKAY WE'RE BACK IN SESSION SENATOR SAN AGUSTIN YOU ARE RECOGNIZED.

SENATOR SAN AGUSTIN: MADAME MADAME SPEAKER AFTER SPEAKING WITH THE SPONSOR OF THE RESOLUTION I'M GOING TO WITHDRAW MY AMENDMENT AND THEN WE'RE GOING TO DISCUSS THIS LATER THANK YOU.

VICE SPEAKER TERLAJE: THANK YOU SENATOR SAN AUGUSTIN SO THE FRANK SENATOR FRANK AGUON'S AMENDMENT HAS BEEN PASSED OUT IT'S HAS EVERYONE RECEIVED A COPY SO IS THERE ANY OTHER DISCUSSION ON THE AMENDMENT ON THE SENATOR FRANK AGUON'S AMENDMENT IF NOT THEN SENATOR AGUON YOU MAY CLOSE ALRIGHT HE'S WAIVING THE CLOSING SO ON THE AMENDMENT ALL IN FAVOR PLEASE RAISE YOUR HAND ALL IN FAVOR OF SENATOR AGUON'S AMENDMENT PLEASE RAISE YOUR HAND.

NOTE TO AMEND SENATOR AGUON, SENATOR CASTRO, SENATOR ESTEVES, SENATOR LEE, SENATOR MORRISON, SENATOR SAN AGUSTIN.

VICE SPEAKER TERLAJE: OH I'M SORRY IS THERE ANY OBJECTION TO THIS AMENDMENT IF NO OBJECTION SO ORDERED ON THE BILL ARE THERE ANY OTHER SPEAKERS ON THE BILLS SPEAKER CRUZ YOU ARE RECOGNIZED.

SPEAKER CRUZ: MADAME SPEAKER I WASN'T GOING TO SPEAK ON THIS RESOLUTION BUT I WAS A LITTLE CONCERNED BY SOME OF THE COMMENTS THAT WERE BEING MADE I'M AT LOSS AS TO WHAT SOVEREIGN IMMUNITY OR WHOSE SOVEREIGN IMMUNITY IS BEING QUESTIONED ABOUT FORTY YEARS AGO I BELIEVE THIS LEGISLATURE CREATED THE PORT AUTHORITY OF GUAM AND IN CREATING THE PORT AUTHORITY OF GUAM GAVE THE PORT AUTHORITY OF GUAM THE AUTHORITY TO SUE AND BE SUED I BELIEVE THIS LEGISLATURE HAS WAIVED THE SOVEREIGN IMMUNITY THAT WOULD HAVE OR COULD HAVE BEEN CLAIMED BY THE PORT HAD IT REMAINED A GOVERNMENT AGENCY

IT'S ONE OF THE FEW PLACES WHERE THEY'D BEEN GIVEN THE AUTHORITY TO SUE AND BE SUED AS OPPOSED TO SOME OF THE EXECUTIVE BRANCH AGENCIES SO I GUESS MAYBE THAT'S MY FIRST QUESTION WHAT SOVEREIGN IMMUNITY ARE WE TALKING ABOUT IF IT'S THE ISSUE OF WHETHER OR NOT TO THIS LEGISLATURE CAN AND SHOULD HAVE SPOKEN UP SOONER ABOUT THE FACT THAT IN 26-28 WE HAD A FIVE-YEAR REQUIREMENT I MEAN FIVE-YEAR MAXIMUM LEASE PROVISION WE PROBABLY SHOULD HAVE SPOKEN UP A LOT SOONER I KNOW FOR A FACT BECAUSE I WAS AT A COUPLE OF BOARD MEETINGS WHEN A CURRENT MEMBER OF OUR LEGISLATURE WAS THE EXECUTIVE MANAGER AT THE TIME AND THE ISSUE WAS RAISED ABOUT THE LEASE AND HAD THEY WANTED THE LEGISLATURE TO SUBMIT SOMETHING WE SHOULD HAVE JUST SUBMITTED IT A GOOD EIGHT OR TEN YEARS AGO BUT THE REASON WHY I REALLY HAD TO STAND UP TODAY IS BECAUSE I'M A LITTLE CONCERNED ABOUT INSINUATION ABOUT AN ARBITRATION PANEL I'D LIKE TO REMIND THIS BODY THAT THE COURT DID NOT I WANT REPEAT THAT THE COURT DID NOT BY ITS OWN RULES AUTHORIZE ARBITRATION AS A MEANS OF RESOLVING CASES THIS LEGISLATURE YEARS BEFORE I CAME AND I CAME HERE 12 YEARS AGO YEARS BEFORE I CAME HAD THE PROGRESSIVE THOUGHT OF SUGGESTING THAT ARBITRATION BE A FORM OF RESOLUTION OF CIVIL CASES ADMITTEDLY IT'S ONLY BEEN RECENT THAT THE SUPREME COURT HAS ISSUED AN OPINION ON HOW IT'S GOING TO VIEW ARBITRATION AWARDS AND IN THERE IN THEIR OPINION THEY DECIDED TO TAKE THE STRICTEST READING AND ANNOUNCED THAT ABSENT FRAUD AN ARBITRATION AWARD IS FINAL IS NOT REVIEWABLE I BELIEVE THE SUPERIOR COURT REAFFIRMED THAT IN ITS INITIAL AFTER THE IF IT'S AFTER IT WAS QUESTION IT'S NOW TRYING TO ADDRESS IT AGAIN BUT THAT IT HAS BEEN IT HAS BEEN RESOLVED I KNOW ARBITRATION IS SO I MEAN THIS LEGISLATURE PASSED ARBITRATION SO LONG AGO THAT I CAN REMEMBER AS A SUPERIOR COURT JUDGE HANDLING WHAT WE'RE TALKING ABOUT NOW CHALLENGING THE FINDINGS AND AWARD OF AN ARBITRATION PANEL AND IN MY RULING I FOUND A VERY TANGENTIAL RELATIONSHIP OR CONFLICT BY ONE OF THE PANEL MEMBERS AND TRIED TO SET THE ARBITRATION ASIDE IT WENT UP TO THE DISTRICT COURT APPELLATE DIVISION IT WAS THAT FAR BACK AND I WENT UP TO NINTH CIRCUIT I GOT SLAPPED DOWN ROYALLY UNLESS THERE IS EVIDENCE THAT THE THREE MEMBERS OF THE PANEL WERE COLLUDING AND INVOLVED IN SOME FRAUDULENT ACTIVITY THE SUPREME COURT OF GUAM IS SAID IT'S FINDING IS FINAL THE COMMENTS MADE FROM THIS FLOOR OF THE SHOCKED THAT THREE INDIVIDUALS WHO DIDN'T COME UP FOR CONFIRMATION COULD BE MAKING THIS DECISION IN AN AMOUNT MORE THAN THE THEN THE GOVERNMENT CLAIMS ACT THIS LEGISLATURE WAS THE ONE THAT PASSED THE ARBITRATION STATUTE AND RECOMMENDED TO THE COURT THAT ARBITRATION BE USED AND IT WAS THE SUPREME COURT OF GUAM THAT IN LOOKING AT THE CASE THAT THE CONTRACT SAYS IF THERE IS A DISPUTE IT'LL BE RESOLVED BY ARBITRATION PANEL AND IN FACT IT SAID EVERY ISSUE IF THERE IS AN ISSUE IS TO BE RESOLVED BY THE ARBITRATION PANEL I'M NOT HAPPY WITH THE WAY THAT THE ARBITRATION PANEL CAME DOWN I MAY BELIEVE IN MY HEART OF HEARTS THAT IT WAS WRONG IN ITS CALCULATIONS BUT A PREVIOUS LEGISLATURE ADOPTED THE IDEA OF ARBITRATION AND IT'S BEEN GOING ON FOR OVER 20 YEARS BECAUSE I KNOW WAS I KNOW IT WAS 20 YEARS AGO THAT I HANDLED THAT CASE BECAUSE SENATOR FRANK SANTOS WAS STILL ALIVE SO WE'RE NOW GOING TO UNLESS OF COURSE THERE IS SOME TALK OR THOUGHT IT WAS LEGISLATURE TO REPEAL THE ARBITRATION STATUTE GOOD LUCK BECAUSE IF WE THINK WE HAVE A BACKLOG AT THE JUDICIARY RIGHT NOW WERE IT NOT FOR THE FACT THAT THE PREVIOUS LEGISLATURE HAD THE PROGRESSIVE FORESIGHT TO ENCOURAGE RESOLUTION BY ARBITRATION WE WOULD NEED TO APPOINT 30 JUDGES EVERY SINGLE DAY THERE ARE CASES I IN THE PLURAL THAT ARE BEING ARBITRATED AS WE SPEAK ONE OF THE

FORMER JUDGES OF THE DISTRICT COURT HAD AN ARBITRATION OFFICE IN SINAJANA 10 YEARS AGO THE TRIPLE AAA ARBITRATION FROM SAN FRANCISCO AND JIMA HAVE BEEN COMING OUT HERE FOR DECADES HELPING US RESOLVE CIVIL CASES AND IF THIS BODY IS NOW SAYING THAT PEOPLE THAT WEREN'T CONFIRMED AND FACED A BOARD I MEAN OR A CONFIRMATION HEARING CAN'T MAKE DECISIONS I'M A LITTLE CONCERNED WITH THAT KIND OF TALK I JUST WANTED TO PLACE THOSE ISSUES ON THE FLOOR.

VICE SPEAKER TERLAJE: THANK YOU VERY MUCH SPEAKER CRUZ ON THE BILL ON THE MAIN MOTION ARE THERE ANY OTHER SPEAKERS IF NO OTHER SPEAKERS SENATOR ESTEVES YOU ARE RECOGNIZED.

SENATOR ESTEVES: THANK YOU MADAME SPEAKER THIS IS A MESS THERE'S NO OTHER WAY TO SAY IT I THINK WHEN YOU LOOK AT THE HISTORY AS AS OUTLINED IN THIS RESOLUTION AND THEN ALSO ON MY INDIVIDUAL RESEARCH IT'S A MESS AND IT'S COME FULL CIRCLE WE LOOK BACK TO THE LEGISLATURE THAT PASSED THE LAW 26-28 WE LOOK AT THE EXECUTIVE ARM IMPROPERLY ISSUING A BAD CONTRACT ISSING OUT A STRAW DEAL STRAW PURCHASE AND THEN NOW TO THE COURTS THAT I DO BELIEVE ARE INFRINGING ON THE SOVEREIGN IMMUNITY OF THE LEGISLATURE WHEN WE LOOK LIKE TO REFER TO LINE 13 THROUGH 17 ON PAGE THREE WHEREAS ON DECEMBER 29TH THE COURT DID NOT FIND SECTION 2 OF GUAM PUBLIC LAW 26-28 TO BE WELL DEFINED EXPLICIT AND CLEARLY AQUALAB APPLICABLE IT'S SIMPLE MADAME SPEAKERS WE LOOKED THROUGH DIFFERENT LENSES THE COURT'S OPINION IS ONE THING IN AND IT'S NOT IT'S REALLY NOT OUR PROBLEM WHETHER OR NOT THEY UNDERSTAND IT OR DETERMINE WHETHER OR NOT IT'S CLEAR FURTHER TO STATE THAT THE GUAM LEGISLATURE HAS NOT PROVIDED FOR THE CLARITY SO WHEN WE LOOK AT THE PROCESS AND THE EXECUTION FROM THE COURTSIDE IS THERE THEY'RE JUST MOVING ALONG FORWARD MUDDLING BLIND ON THE WAY OF THE INTENT AND IT'S BEEN BROUGHT UP DO WE HAS A BODY HAVE THE ABILITY THE ABILITY TO DETERMINE THE INTENT OF PREVIOUS LEGISLATURE'S I WANT TO SAY IT IN SIMPLE TERMS WE DO IT'S THE SAME INTENT THAT EVERY SINGLE LEGISLATURE HAS WITHIN THE GOVERNMENT OF GUAM IS THE FIDUCIARY RESPONSIBILITY OF THE PEOPLE'S MONEY AND TO PASS LAWS FOR THE PEOPLE OF GUAM THAT INTENT HAS NOT CHANGE AND NOT THAT IT DOESN'T MATTER ANYBODY WHO'S ELECTED THAT IS OUR RESPONSIBILITY THE FIDUCIARY RESPONSIBILITY SO WHAT IT COMES DOWN TO IN THIS WHOLE MESS INVOLVING ALL THREE BRANCHES OF GOVERNMENT IS EVERYBODY LOOKING AT IT WITH A DIFFERENT LENS BUT WHAT I BELIEVE IT COMES DOWN TO IS FOR ME UNTIL MAYBE I'M A SIMPLE MAN I DON'T HAVE A LAW DEGREE BUT WHEN I LOOK AT 26-28 WITH EITHER A LENS OF A SIMPLE MAN OR THE LENS OF A SENATOR IS IT'S NOT TO EXCEED FIVE YEARS THE TERM THE LEASE WAS NOT TO EXCEED FIVE YEARS WITHOUT APPROVAL FROM THE LEGISLATURE I DON'T KNOW I DON'T KNOW HOW SIMPLE WE CAN MAKE IT I DON'T KNOW I CAN FIND A FIFTH GRADER WHO COULD UNDERSTAND THAT TERMINOLOGY I TELL THEM DON'T GO THERE THEY DON'T GO THERE BUT AGAIN AGAIN YOU'RE NOT I'M NOT A JUDGE ALL I HAVE IS THE RESPONSIBILITY AS A DULY ELECTED OFFICIAL TO HAVE THE FIDUCIARY RESPONSIBILITY OF THE PEOPLE'S MONEY AND WHEN WE LOOK AT HOW THIS ALL CAME ABOUT AND I SAY IT WENT FULL CIRCLE BECAUSE I THINK THEY'RE THERE WERE FAULTS AND ALL THREE BRANCHES OF GOVERNMENT IN THIS IS THAT IT COMES DOWN TO A STRAW DEAL THE CONTRACT AT LEAST WAS EXECUTED WITHOUT THE PROPER AUTHORITY TO EXECUTE THAT AND I SUPPORT THIS RESOLUTION AND I SUPPORT MY COLLEAGUE IN HIS STATEMENT THAT IN SUPPORTING THIS IS SAYING THAT WE ARE GIVING UP OUR AUTHORITY AS A BODY BECAUSE WHEN WE SAY WELL EVEN THOUGH THE LAW STATED THIS THAT THEY HAVE TO COME BACK TO US AND SOMEBODY IGNORED THE LAW THEN WE FURTHER ALLOW ANOTHER

BRANCH TO IGNORE THE LAW AND WE LET EVERYBODY WALK OVER THIS BODY THIS BODY OF 15 DULY ELECTED REPRESENTATIVES OF THE PEOPLE WHO HAVE THE FIDUCIARY RESPONSIBILITY OF THE PEOPLE'S MONEY AND SO MAYBE I'M OVER SIMPLIFYING IT BUT I THINK WE DO NEED TO TAKE A SIMPLE APPROACH TO THIS I THINK THE LAW IS VERY CLEAR AND WITH THAT AGAIN I WOULD JUST LIKE TO HIGHLIGHT I AM IN FULL SUPPORT OF THIS RESOLUTION I AM FULL SUPPORT OF THIS BODY EXERCISING AND TAKING SERIOUS OUR FIDUCIARY RESPONSIBILITY AND MAINTAINING OUR SOVEREIGN IMMUNITY AND MAINTAINING OUR RIGHT AS A BODY TO SAY WHETHER OR NOT WE WANT IT TO APPLY HERE OR WE WANT IT TO APPLY THERE I THINK THAT SHOULD APPLY TO THIS BODY IT IS OUR RIGHT AS THIS BRANCH OF GOVERNMENT IT IS RIGHT FOR THIS BODY TO DO IT AND AGAIN WE CAN'T CHANGE THINGS IN THE PAST BUT WE DO NEED TO STAND UP FOR WHAT THE RIGHT THING IS THANK YOU.

VICE SPEAKER TERLAJE: THANK YOU SENATOR ESTEVES ON THE MAIN MOTION ARE THERE ANY OTHER SPEAKERS SENATOR SAN NICOLAS YOU ARE RECOGNIZED.

SENATOR SAN NICOLAS: THANK YOU MADAME SPEAKER I TOO RISE IN SUPPORT THIS RESOLUTION IN LARGE PART BECAUSE OF WHAT IT REPRESENTS IN TERMS OF THE IMPLICATIONS NOT JUST WITH RESPECT TO THIS ONE CASE THAT IS PROVEN TO BE A VERY CONVOLUTED BUT WITH RESPECT TO OTHER PIECES OF LEGISLATION THAT COULD FIND ITS WAY INTO THE SAME CONVOLUTION YOU KNOW WHEN I JUST READ THE RESOLUTION ITSELF IT ALREADY CONTAINS ELEMENTS HERE THAT MADE ME KIND OF STEP BACK AND WONDER HOW DID EVEN GET THIS FAR. FOR EXAMPLE ON PAGE TWO LINES ONE TWO IT READS WHEREAS PORT COUNCIL IN 2011 ADVISED THE PORT OF THE LEASE AGREEMENT WAS EXPIRED AND TERMINATED AS A MATTER OF LAW AND WAS VOID HOW DO YOU DETERMINE THAT A LEASE IS EXPIRED IF THAT LEASE WAS INVALID TO BEGIN WITH I THINK THE PROBLEM INTIATED AGAIN WE SAID SOMETHING WAS EXPIRED THAT ACTUALLY WAS NOT PROPER TO BEGIN WITH ON PAGE ONE LINES 14 AND 15 WHEREAS THE LEASE AGREEMENT WITH THE PORT EXCEEDED THE FIVE-YEAR MAXIMUM THE LEGISLATOR LEGISLATURE IN PUBLIC LAW NOW THE WHOLE IDEA OF ARBITRATION AND THE RULING OF THE PANEL THE AMOUNT I MEAN ALL THAT MAKES FOR VERY SENSATIONAL STORY BUT THE ORIGINAL QUESTION IS SHOULD IT HAVE EVEN GONE TO ARBITRATION IF ARBITRATION WAS AN ORIGINAL COMPONENT OF THE LEASE THEN YES YOU SHOULD GO TO ARBITRATION IF THE LEASE IS VALID IF THE LEASE FROM THE BEGINNING IS INVALID THEN ARBITRATION HAS NO BEARING SO AS YOU FOLLOW THE STORY AND IT WAS VERY WELL-ARTICULATED HERE IN THE RESOLUTION THE ORIGINAL RULING OF THE SUPERIOR COURT WAS THAT ARBITRATION HAD NO BASIS BECAUSE THE LEASE IN AND OF ITSELF AT THE ONSET IT WAS INVALID THE SUPREME COURT TOOK A LOOK AT IT AND SAID THE MOTION THAT WAS FILED WAS WITH RESPECT TO ARBITRATION YOU NEED TO RULE ON ARBITRATION AND THEN THAT'S WHEN THIS WHOLE THING TURNED INTO A BIG MESS BECAUSE IF ARBITRATION WAS A COMPONENT OF A LEASE IT WASN'T VALID THEN WHY ARE WE COMPELLING THEM TO CONTINUE TO THE PROCESS IN DIVISION WHAT IS AN IMPORTANT QUESTION TO ASK MADAME SPEAKER BECAUSE FOR EXAMPLE IF WE PASS A LAW THAT SAYS THAT WE'RE AUTHORIZING \$100,000,000 IN BORROWING TO GO AND BUILD SIMON SANCHEZ AND IF IN AUTHORIZING THE HUNDRED MILLION IN BORROWING WE REQUIRE THAT CERTAIN PROCUREMENT PROCESSES ARE FOLLOWED AND WE REQUIRE THE PROJECT MEET CERTAIN STANDARDS AND WE REQUIRE MORE IMPORTANTLY THAT THE INTEREST RATE OF THE BORROWING IS LET'S SAY 5% AND WE PASSED THAT LAW AND THEN EVERYTHING GETS INTIATED AND THE POWERS-THAT-BE GO AND AUTHORIZE A FINANCING FOR 10% AND THEY SIGN A CONTRACT THAT COMPELS ARBITRATION IF ANY OF THE PARTIES INVOLVED ARE DISSATISFIED NOW IF THE LAW ORIGINALLY LIMITED TO THE BORROWING AT 5% AND

THE ONE THEY SIGNED A CONTRACT THAT COMPELLED THE BORROWING AT 10% AND ARBITRATION DO WE THEN GO AND ARBITRATE WHETHER OR NOT THERE SHOULD BE SOME KIND OF A SETTLEMENT ABSOLUTELY NOT THE LAW ONLY AUTHORIZED 5% YOU WENT AND DID 10 YOU ALREADY WENT BEYOND WHAT THE LAW AUTHORIZED THAT'S EXACTLY THE PROBLEM THAT WE HAVE HERE IN THIS CASE WHAT THE LAW ORIGINALLY AUTHORIZED WAS A 5 YEAR LEASE NOT A FIVE-YEAR WITH AN OPTION TO RENEW 245 SO THE ORIGINAL LEASE IN AND OF ITSELF WAS INVALID THE SAME WAY THAT A BOND AUTHORIZATION EXCEEDS THE ORIGINAL MANDATED INTEREST RATE WOULD BE INVALID REGARDLESS OF WHETHER OR NOT THE PARTIES AGREED TO ARBITRATE ANY DIFFERENCES SO IT'S VERY IMPORTANT THAT WE CLARIFY THIS QUESTION BECAUSE OTHERWISE IF WE DON'T THE PRECEDENT MAY VERY WELL BE THAT REGARDLESS OF WHAT WE MANDATE IN PUBLIC LAW SO LONG AS THE PARTIES HAVE AN ARBITRATION CLAUSE THEY CAN VIOLATE THE STIPULATIONS OF THE MANDATE AT LEAST THEY CAN VALIDATE IT WITHIN THE SCOPE OF WHATEVER THE ARBITRATION FINALLY DETERMINES AND THAT BASICALLY ALLOWS ANY PANEL OF THREE OR HOWEVER MANY THE ARBITRATION PANEL WILL BE IN THAT PARTICULAR CIRCUMSTANCE BUT ALLOWS IT IN PANEL TO AT ANYTIME CIRCUMVENT GUAM LAW IT ALLOWS FOR CONTRACTS TO BE ILLEGALLY ENTERED INTO AND FOR A PANEL TO SO DECIDE WHETHER OR NOT GUAM LAW SHOULD BE APPLICABLE AND THE BIGGER QUESTION THAT NEEDS TO BE ANSWERED IS DO THE LAWS OF THIS LAND RULE OR DO THE CONTRACTS THAT ARE IN VIOLATION OF THOSE LAWS RULE VERY CLEARLY THE LAW RULES AND IF WE NEED TO GET THAT VERY ELEMENTARY ASSUMPTION VALIDATED BY THE COURT TO AN ACTION LIKE THIS THEN SO BE IT BECAUSE THE RISK OF NOT DOING SO IS THE RISK OF US ALLOWING EVERY FUTURE LAW THAT WE PASSED TO GET CIRCUMVENTED BY A CONTRACT AN ARBITRATION PANEL THAT WILL COMPLETELY DISREGARD THE LIMITATIONS THAT WE SET IN OUR MANDATES SO I RISE IN FULL SUPPORT OF THIS RESOLUTION AND I REALLY HOPE OUR COURTS LOOK AT THIS VERY CAREFULLY THANK YOU MADAME SPEAKER.

VICE SPEAKER TERLAJE: THANK YOU SENATOR SAN NICOLAS ON THE MAIN MOTION TO PUT THE BILL IN THE THIRD READING ARE THERE ANY OTHER SPEAKERS SENATOR ESPALDON YOU ARE RECOGNIZED.

SENATOR ESPALDON: THANK YOU MADAME SPEAKER I GUESS I NEED TO UNDERSTAND WHAT THE AUTHOR OF THIS RESOLUTION WHAT HIS UNDERSTANDING MIGHT BE OF WHAT THE ISSUE IS BEFORE THE COURT AT THIS JUNCTURE THERE HAVE BEEN ARGUMENTS ALREADY MADE THAT THIS WHOLE PROCESS HAS GONE THROUGH SEVERAL TRIALS AND AND AND COURT PROCEEDINGS AND IN MY UNDERSTANDING RIGHT NOW THE ISSUE IS REALLY CENTERED ON THE ARBITRATION AWARD ITSELF AND SO I JUST WANT TO CLARIFY EXACTLY WHAT THE AUTHOR'S UNDERSTANDING OF THE ISSUE OF WHAT THE ISSUE IS BEFORE THE COURT BEFORE WE FILE AN AMICUS BRIEF AND I WOULD HAVE TO AT LEAST COUCH THAT IN TERMS I'M NOT REALLY SURE THAT ISSUE BEFORE THE COURT RIGHT NOW AS ONE OF OUR COLLEAGUES STATED IS WHETHER OR NOT WHETHER OR NOT THE 5 YEAR RULE ON ANY GOVERNMENT LEASES WAS SO CIRCUMVENTED OR WHETHER OR NOT THERE WAS A SOVEREIGN IMMUNITY ISSUE MY UNDERSTANDING IS THE CHALLENGE RIGHT NOW IS HOW DO YOU OVERTURN THE ARBITRATION AWARD AND I COULD BE MISTAKEN BUT I NEED TO HEAR FROM THE AUTHOR WHAT HIS VIEW IS ON THIS IN PROPOSING THIS RESOLUTION.

VICE SPEAKER TERLAJE: SENATOR AGUON DO YOU YIELD TO THE TO THAT QUESTION HE'S ASKING THAT YOU REPEAT THE QUESTION.

SENATOR ESPALDON: THE QUESTION IS BOTTOM LINE WHAT WOULD BE THE AUTHOR'S UNDERSTANDING OF THE REAL ISSUE BEFORE THE COURT AT THIS TIME BECAUSE MY UNDERSTANDING IS THE ISSUE IS THE AMOUNT AND THE AWARDED OF THE ARBITRATION AWARD AND NOTHING ELSE BUT I COULD BE MISTAKEN.

VICE SPEAKER TERLAJE: SENATOR AGUON.

SENATOR AGUON: THANK YOU VERY MUCH MADAME SPEAKER THANK YOU SENATOR FOR THAT QUESTION FIRST AND FOREMOST I THINK THE PREVIOUS SPEAKERS AND OTHER SPEAKERS HAVE REALLY ALLUDED TO THE ISSUE THE FIRST IS THE APPLICATION OF PUBLIC LAW 26-28 ANYTHING IN EXCESS OF FIVE YEARS NEEDS THE CONCURRENCE AND THE APPROVAL OF THE LEGISLATURE A VALID LEASE SO IN THIS PARTICULAR CASE IT WENT TO AN ARBITRATION THE ISSUE HERE IS OUTSIDE OF THE GOVERNMENT CLAIMS ACT THE WAY IT'S BEEN THE AWARD WAS PROVIDED EXCEEDS THE ALLOWABLE AMOUNT UNDER THE GOVERNMENT CLAIMS ACT SO THE QUESTION IS DOES IN THIS CASE WAS SOVEREIGN IMMUNITY WAIVED BY VIRTUE OF THE ARBITRATION PROCESS.

SENATOR ESPALDON: AND THAT IS THE CASE BEFORE THE COURT RIGHT NOW OR IS IT.

SENATOR AGUON: I'M NOT EVEN GOING TO SPEAK ABOUT THE LITIGATION I KNOW THERE ARE SENATOR THERE ARE TWO ISSUES THAT THIS LEGISLATIVE BODY BY VIRTUE OF THE RESOLUTION SHOULD PROVIDE CLARIFICATION TO THE COURTS OF GUAM AND THAT IS ON SOVEREIGN IMMUNITY AND WHERE THE AUTHORITY LIES THE SECOND COMPONENT IS THE APPLICATION OF PUBLIC LAW 26-28 WHETHER A LEASE AGREEMENT THAT NEVER THAT SPAN OF TIMEFRAME I BELIEVE OF 45 YEARS ANYTHING IN EXCESS OF FIVE YEARS NEEDED THAT THE APPROVAL OF THE LEGISLATIVE BODY SO IN THIS PARTICULAR CASE WE'RE PROVIDING SHOULD THIS RESOLUTION PASS WE WILL PROVIDE THE POSITION OF THE LEGISLATIVE BODY AS IT APPLIES TO SOVEREIGN IMMUNITY AND PUBLIC LAW 26-28 WITH REGARDS TO THE LITIGATION I'M NOT GOING TO COMMENT ON THE ACTUAL LITIGATION ITSELF AND WHERE THIS IN THE PROCESS

SENATOR ESPALDON: AND I APPRECIATE THAT BUT AGAIN I'M STILL A LITTLE PERHAPS DISTURBED RIGHT BECAUSE EVEN ONE OF OUR COLLEAGUES WHO WAS WITH THE COURT DID MENTION THOSE ARGUMENT PROBABLY SHOULD HAVE BEEN PROFFERED AT A MUCH EARLIER TIME IF AT THIS POINT IN TIME WE'RE TRYING TO ATTACK THE AWARD THAT THE ARBITRATION PANEL AWARDED RIGHT THAT COMES UNDER A WHOLE DIFFERENT SET OF ARGUMENTS THAT WE MADE AND REALLY TO OVERTURN AN ARBITRATION AWARD REALLY AND I THINK THE I BELIEVE READING IN THE PAPER IN PREVIOUS MONTHS RIGHT THAT EVEN THE ATTORNEY GENERAL SAID IT'S A VERY NARROW OPENING RIGHT IN WHICH YOU CAN ATTACK THE ARBITRATION AWARD AND REALLY HAS MORE TO DO WITH ISSUES LIKE COLLUSION OR FRAUD OR OTHER THINGS THAT MAY HAVE HAPPENED IN THE AWARDED PROCESS WHETHER OR NOT THESE ARGUMENTS OF SOVEREIGN IMMUNITY AND THE LEASE ISSUED THE FIVE-YEAR LEASE ISSUE WILL BE OR CAN'T EVEN BE ENTERTAINED IN THIS PROCEEDING TO TRY TO OVERTURN THE ARBITRATION AWARD IS IN QUESTION AT LEAST IN MY MIND BECAUSE THAT ARGUMENT HAS COME AND GONE RIGHT REGARDLESS OF HOW WE FEEL I THINK ALL OF US HERE IN FACT EVEN THE ATTORNEY GENERAL BACK IN THE DAY WHEN SHE FOUND OUT ABOUT THE AWARD EVEN TRIED TO INTERVENE AT THAT POINT BUT IT WAS TOO LATE AND SO I'M JUST WONDERING IF BY GOING DOWN THIS ROAD NOT THAT I OPPOSE HAVING A SAY BUT I HAVE TO AT LEAST QUESTION WHETHER WE GO THROUGH THIS PROCESS AND STATE OUR POSITION ON THAT BUT IT HAS REAL NO EFFECT ON WHAT REALLY IS THE RESOLUTION THAT WE'RE TRYING TO SEEK AND THAT RESOLUTION THAT WE'RE TRYING TO SEEK IS THE OVERTURNING OF THE ARBITRATION AWARD AND SO I

HAVE TO AT LEAST QUESTION THAT THAT BEING SAID MADAME SPEAKER I THANK YOU FOR THE OPPORTUNITY.

VICE SPEAKER TERLAJE: THANK YOU SENATOR ESPALDON ON THE MAIN MOTION TO SEND THE BILL TO THIRD READING ARE THERE ANY OTHER SPEAKERS SENATOR AGUON YOU MAY CLOSE.

SENATOR AGUON: MADAME SPEAKER THERE WERE A FEW FIRST OF ALL I WANT TO THANK OUR COLLEGES FOR THEIR COMMENTS AND THEIR QUESTIONS AND CERTAINLY THEIR CONSIDERATION OF THIS RESOLUTION I UNDERSTAND THAT IT'S BEEN RELATIVELY CONTENTIOUS AND IT'S BEEN THE MEDIA HAS CERTAINLY COVERED IT QUITE WELL BUT I LOOK AT THIS AND I LOOK AT THE QUESTION OF SOVEREIGN IMMUNITY AND THE APPLICATION OF PUBLIC LAW 26-28 WE NEED THE COURTS TO RENDER A DECISION BASED ON SHOULD THIS RESOLUTION PASS AND THE AUTHORIZATION PROVIDED BASED ON SOVEREIGN IMMUNITY AND 26-28 IF THE ULTIMATE DECISION OF THE COURT IS THAT THE ARBITRATION AWARD REMAINS THEN THAT IS WHERE WE AS MEMBERS OF THIS BODY WILL BE OBLIGATED TO VISIT AND TO REVISIT THE ARBITRATION THE SOLID THE SOVEREIGN IMMUNITY PROVISION AND THE APPLICATION OF PUBLIC LAW 26-28 IF BY VIRTUE OF PROVIDING CLARITY OF THE POSITION OF THE LEGISLATIVE BODY AND THOSE TWO POINTS THE COURTS RENDERS A DECISION OTHERWISE THEN CERTAINLY IT WOULD PROVIDE US WITH SOME LEGAL GUIDANCE THROUGH THE JUDICIAL SYSTEM IN TERMS OF WHAT'S STEP WE NEED TO TAKE NEXT TO ME IT'S ABOUT PROTECTING THE INTERESTS OF THE PEOPLE OF GUAM ALBEIT WHETHER IT'S THROUGH THE PORT AUTHORITY OF GUAM BECAUSE THEY ARE PRESENTLY IN LITIGATION I THINK I SEE IT AS A RESPONSIBILITY OF THIS BODY TO BE ABLE TO PROVIDE ITS POSITION ON THOSE TWO ISSUES THAT IS PART AND PARCEL OF THE QUESTION BEFORE THE COURTS UPON THE CONCLUSION OF THEIR ACTION ON ANY APPEALS AND WE WILL KNOW WHAT STEPS TO TAKE IF ANY MOVING FORWARD BUT WE NEED THIS QUESTION RESOLVED BECAUSE EVERY TIME THAT WE CAN HAVE A THIRD GROUP RENDER A DECISION OR AN AWARD IN EXCESS OF WHAT'S AUTHORIZED BEYOND THE GOVERNMENT CLAIMS ACT THEN I BELIEVE THAT THIS LEGISLATURE CERTAINLY NEEDS TO VISIT REVISIT SOME OF THESE PROVISIONS IN THE BEST INTEREST OF THE PEOPLE FROM TO THANK YOU VERY MUCH I ASK OUR COLLEAGUES FOR YOUR CONSIDERATION THANK YOU.

SPEAKER CRUZ: THANK YOU SENATOR AGUON ON THE MOTION TO SEND RESOLUTION 62-34 TO THE VOTING FILE ANY OBJECTIONS HEARING NONE WE ONLY HAVE ONE MORE MATTER BEFORE US SENATOR MUÑA BILL NUMBER ONE.

SENATOR MUÑA: THANK YOU MR. SPEAKER AND I THINK WHERE WE LEFT OFF I WANT TO THANK ONE OF MY COLLEAGUES FOR BRINGING UP OF THE FOCAL POINT ON THE HIGH-RISK TERM THANK YOU SO MUCH FOR DIRECTING OUR ATTENTION TO THAT BEFORE I OFFERED AND PROPOSE MY AMENDMENT I DO WANT TO TALK A LITTLE BIT ABOUT HIGH RISK AND JUST JUST TO ALLOW MY COLLEAGUES TO TO MAYBE DIRECT SOME OF THEIR ATTENTION IF THEY WILL TO THE GUAM COMPREHENSIVE CANCER CONTROL COALITION UNDER THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES THEY HAVE A WEBSITE THAT DEVELOPS A FIVE-YEAR PLAN AND IN THIS FIVE-YEAR PLAN THEY GATHERED FACTS AND FIGURES AND THEY PUT THIS ALL TOGETHER CURRENTLY THE FIVE-YEAR PLAN IS FROM 2008 TO 2012 THEY ARE CURRENTLY WORKING ON A MORE RECENT 2013 TO 2017 RIGHT NOW BUT IN THEIR WEBSITE IF YOU GO TO THIS YOU WILL SEE VERY SPECIFIC FACTS ABOUT AGE AND GENDER AND ETHNIC GROUPS AND THERE YOU MAY GET A LITTLE BIT BETTER UNDERSTANDING ABOUT WHAT IS CONSIDERED HIGH RISK AT THIS POINT THOUGH GENERALLY SPEAKING CANCER

REALLY DOESN'T DISCRIMINATE TO ANYBODY NO MATTER WHAT YOUR AGE AND YOUR GENDER AND YOUR YOUR ETHNIC BACKGROUND IS SO WHAT I OFFER MR. SPEAKER IS SO IF IF THEY CAN AND THEY LIKE TO MAYBE NOT SPECIFICALLY FOR THEIR FOR THIS BILL BUT MAYBE TO GO TO THAT WEBSITE AND TAKE A LOOK AT IT AND JUST SEE HOW CANCER IS AFFECTING GUAM ON THE ISLAND TODAY AND SO WHAT I'D LIKE TO DO UPON CAREFUL REVIEW FROM MY COLLEAGUES FOCUS ON HIGH-RISK IS OFFER AN AMENDMENT PROPOSE AN AMENDMENT BECAUSE I DETERMINE THAT THE BILL CONTAINED LANGUAGE THAT WAS RELEVANT TO PSA TEST AND SINCE PSA TESTS ARE NO LONGER A COVERED SCREENING TEST IT WAS REMOVED FROM THE ORIGINAL VERSION OF THE BILL THE LANGUAGE RELATED TO THE PSA TEST WAS NOT REMOVED THAT WAS AN OVERSIGHT ON MY PART WHICH IS THE ANTIGEN THE PROSTATE SPECIFIC ANTIGEN TEST THAT WAS AN OVERSIGHT ON MY PART SO THE AMENDMENT THAT I'M NOW PROPOSING CLEANS IT UP AND CONTAINS ONLY WHAT IS NECESSARY AND THAT IS TO MAINTAIN COVERED PROSTATE CANCER SCREENING SO IF I WILL THERE WAS A PROPOSED AMENDMENT PASSED OUT TO ALL OF MY COLLEAGUES IF I CAN JUST DIRECT THEIR ATTENTION TO THAT AND I WILL OFFER THIS AMENDMENT.

SPEAKER CRUZ: HAS EVERYBODY RECEIVED A COPY OF THE AMENDMENT ANY SENATOR WISH TO BE HEARD ON THE AMENDMENT PROPOSED BY SENATOR MUÑA SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I APPRECIATE THE AMENDMENT THAT'S PROFERRED MY INTENT IN MY INITIAL QUESTIONING OF THIS PARTICULAR SECTION WAS MORE SO WITH RESPECT TO THE ETHNIC LIMITATION AS OPPOSED TO THE AGE ISSUE AND IDEALLY I WOULD PREFER THAT WE JUST MAKE IT BE A BLANKET 35 YEARS OF AGE THAT GETS COVERED AS OPPOSED TO MAKE ME BEFORE 40 YEARS OF AGE WITHOUT ANY KIND OF ETHNIC CONSIDERATION SO I GUESS SO I PROSE TO THE AUTHOR WOULD SHE BE OPPOSED TO US HAVING THE AGE INSTEAD OF BEING 40 YEARS OF AGE AS SHE'S PROPOSING IN HER AMENDMENT MAKING IT BE 35 YEARS OF AGE.

SPEAKER CRUZ: SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER I DID DO SOME RESEARCH ON THAT AS WELL AS FAR AS THE THE DRE DIGITAL RECTAL EXAM IT DOESN'T YIELD VERY MUCH A PHYSICAL AND VISIBLE FINDINGS AT AGE 35 IT DOES THOUGH IN FACT BE COVERED UNDER BY 40 SO THE INFORMATION THAT I HAVE IS DRE SCREEING IS RECOMMENDED AT LEAST FOR MEN AGE 50 WITH HIGH-RISK INDIVIDUALS AT AGE 45 AND VERY HIGH-RISK INDIVIDUALS AT AGE 40 WHICH IS THE REASON WHY THE THE INSURANCE COMPANY'S NOW CAP IT OFF AT 40.

SPEAKER CRUZ: SENATOR SAN NICOLAS IS THAT SUFFICIENT.

SENATOR SAN NICOLAS: OKAY SO JUST TO CLARIFY A 35 YEAR-OLD HERE WAS BECAUSE IT WAS A VERY HIGH RISK BUT CLARIFICATION FROM THE AUTHOR DRE'S ARE EFFECTIVE FOR VERY HIGH RISK AT 40 YEARS OLD SO I APPRECIATE THE CLARIFICATION.

SPEAKER CRUZ: SO ON THE AMENDMENT ANY SENATOR WISH TO BE HEARD ON THE MUÑA AMENDMENT.

SENATOR LEE: THANK YOU MR. SPEAKER I'D ALSO JUST LIKE SOME MAYBE ADDITIONAL FURTHER CLARIFICATION IN THE ORIGINAL LANGUAGE OF THE BILL IT STATED AT LEAST 35 YEARS OF AGE BUT LESS THAN 40 AND IN THIS SUBSECTION OR I'M SORRY AT LEAST 35 YEARS OF AGE LESS THAN 40 AND IS IN A HIGH RISK GROUP AND I BELIEVE THE HIGH-RISK MEANING A PERSON WHO IS OF ASIAN NATIVE HAWAIIAN PACIFIC ISLANDER

DESCENT THAT COVERS EVERYONE IN THIS ROOM WE'D ALL BE CONSIDERED HIGH RISK SO YEAH I AGREE WITH SENATOR SAN NICOLAS AND IF MAYBE WE COULD GET FURTHER CLARIFICATION ON WHY IT COULDN'T JUST BE PROSTATE CANCER SCREENING TEST FOR A PERSON WHO IS 35 YEARS OF AGE AT LEAST 35 YEARS OF AGE IF THE IF THE AUTHOR WOULD YIELD TO THAT QUESTION.

SPEAKER CRUZ: SENATOR MUÑA.

SENATOR MUÑA: THANK YOU MR. SPEAKER LET ME JUST GO AHEAD AND I'LL CLARIFY A LITTLE BIT MORE THE AMENDMENT REMOVES THE PROVISION FOR HIGH RISK SCREENING FOR PERSONS AGE 35 TO 39 THE REASON FOR THE REMOVAL IS BECAUSE WE ELIMINATED THE PSA EXAM AS AN OPTION FOR SCREENING WHEN YOU IF YOU MAY RECALL THE USPSTF GAVE THE PSA A D RATING AND THAT RATING MEANS INSURANCE COMPANIES WILL NOT COVER THE EXAM BECAUSE WITHOUT ADEQUATE COUNSELING IT MAY CAUSE A PATIENT TO SEEK A POTENTIAL OR SURGICAL PROCEDURES AND TESTS SURGICAL PROCEDURES AND TESTS WE DETERMINED THAT WE KEEP IT STANDARD FROM THE USPSTF GUIDELINES AT AGE 40.

SPEAKER CRUZ: IS THAT SATISFACTORY THANK YOU ON THE MAIN MOTION WELL I THINK WE'RE STILL ON THE AMENDMENT AREN'T WE ANYTHING FURTHER ON THE AMENDMENT ANY OBJECTION TO THE AMENDMENT ON THE MAIN MOTION ON THE MAIN MOTION SENATOR MUÑA YOU'RE RECOGNIZED TO CLOSE SENATOR LEE YOU HAD A YOU WANT TO SPEAK ON THE MAIN MOTION.

SENATOR LEE: THANK YOU MR. SPEAKER I RISE TO REITERATE MY SUPPORT FOR BILL 1-34 I BELIEVE THAT SECURING PREVENTIVE SCREENING THROUGH LOCAL STATUTE IS CRITICAL TO PROVIDING PROSTATE AND CERVICAL CANCER CARE WE ALL KNOW THAT GUAM SUFFERS DISPROPORTIONATELY WHEN IT COMES TO CANCER AND I LOOK FORWARD TO CONTINUING TO WORKING WITH THIS BODY TO EXPAND CRITICAL COVERAGE THROUGH THIS BILL AND SIMILAR POLICIES INCLUDING PREVENTIVE MEASURES LIKE THE HPV VACCINE COVERAGE I ALSO WANT TO RISE TO HONOR THE LEGACY OF MISS HENRIETTA LACKS WHO DIED OF CERVICAL CANCER IN BALTIMORE MARYLAND IN THE 1950S AND IS JUST NOW GETTING RIGHTFUL ACKNOWLEDGEMENT FOR CONTRIBUTIONS TO CANCER TREATMENT POLIO VACCINES AGE TREATMENT AND MANY OTHERS EVERY SINGLE HUMAN BEING WHO BENEFITS FROM MODERN MEDICAL ADVANCEMENT HAS BENEFITED FROM HELA CELLS OF WHICH OF MISS HENRIETTA LACKS IS NAMED SO I SHOULD TAKE KNOW THEY WERE TAKEN FROM MISS LOCKS WITHOUT HER CONSENT SO FOR MS. LACKS FOR MY GRANDPARENTS MY FAMILY MEMBERS AND ALL OF OUR LOVED ONES WHO FACE CANCER AND ALL OF THOSE WHO WORK TO FIND A CURE I ASK THIS BODY TO JOIN ME IN SUPPORT OF BILL 1-34 SI YU'OS MA'ÅSE.

SPEAKER CRUZ: THANK YOU VERY MUCH SENATOR LEE ANY OTHER SENATOR ON THE MAIN MOTION IF NOT SENATOR MUÑA YOU ARE AGAIN INVITED TO CLOSE.

SENATOR MUÑA: THANK YOU MR. SPEAKER I FEEL LIKE WE'RE COMING FULL CIRCLE WITH THIS BILL I DON'T AT FIRST I WANT TO THANK ALL OF MY COLLEAGUES FOR THEIR INPUT IN THEIR SUPPORT I DEFINITELY FOR MY FIRST BILL WAS A VERY LEARNING AND ENLIGHTENING EXPERIENCE AND AND ALSO I WANT TO THANK ALL OF THE PEOPLE WHO HELPED ME DEVELOP TO BILL LEGAL COUNSEL AND ALL OF THE STAKEHOLDERS INCLUDING THE INSURANCE COMPANIES THAT GAVE ME GUIDANCE IN DEVELOPING THIS BILL I DON'T THINK IT'S ANY SECRET IN MY JOURNEY UP TO THIS POINT THAT CANCER WAS MY MAIN FOCUS ON YOU KNOW TO GET HERE TO TODAY AND IT WILL ALWAYS BE BECAUSE THIS BILL ACTUALLY MEANS A LOT MORE TO ME BECAUSE MY

MOM WAS DIAGNOSED WITH CERVICAL CANCER FOUR YEARS AGO SO IT REALLY DOES MEAN A LOT TO ME THAT EVERYBODY'S GIVING THE INPUT TO MAKE THIS THE BEST BILL POSSIBLE BECAUSE REALLY WHEN YOU LOOK AT IT THE BEST CURE AGAINST CANCER IS SCREENINGS AND TEST AND WHAT I'M AFRAID OF IF THE REPEAL OF ACA IF THERE IS THE AFFORDABLE CARE ACT IS REPEALED THAT WE'RE GOING TO TAKE A STEP BACKWARDS AND REALLY THAT'S NOT WHAT WE'RE TRYING TO DO WE'RE TRYING TO TAKE A STEP FORWARD AND REDUCE THOSE NUMBERS OF DEATHS UP WITH CANCER RIGHT NOW WITH THE STUDY FROM THE GUAM CANCER FACTS AND FIGURES EVERY TWO TO THREE DAYS SOMEONE DIES OF CANCER AND WHAT WE'RE TRYING TO DO IS WERE TRYING TO REDUCE THAT AND THE WAY WE CAN REDUCE THAT IS BY OFFERING SCREENINGS AND TEST MAKING IT AVAILABLE AND MORE EASY FOR THEM TO GET IT SO THAT WE CAN REDUCE THE NUMBER OF DEATHS FOR OUR FAMILY AND FRIENDS AND SO THIS REALLY MEANS A WHOLE LOT TO ME AND AND THE INSURANCE COMPANIES ARE IN SUPPORT OF CONTINUING THIS COVERAGE AND I HOPE THAT THE BODY HERE AND MY COLLEAGUES TO ALSO CONTINUE THIS SUPPORT IT IN THIS FIGHT AGAINST CANCER THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU VERY MUCH ON THE MOTION TO SEND THE BILL ONE TO THE VOTING FILE THERE BEING NO OBJECTIONS MR. ASSISTANT MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SAN AGUSTIN: MR. SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO GO BACK TO MOTIONS.

SPEAKER CRUZ: ANY OBJECTION TO MOVING BACK TO MOTIONS HEARING NONE.

SENATOR SAN AGUSTIN: MR. SPEAKER I MOVE TO PLACE FROM THE COMMITTEE ON EDUCATION FINANCE AND TAXATION THE FOLLOWING NOMINATIONS JEROLD W. FILUSH TO SERVE AS A MEMBER OF UNIVERSITY OF GUAM BOARD OF REGENTS WITH A RECOMMENDATION TO CONFIRM MARK BENAVENTE C. MENDIOLA TO SERVE AS THE PARENT OF STUDENT ENROLLED WITHIN GDOE REPRESENTATIVE OF THE GUAM EDUCATION BOARD WITH A RECOMMENDATION TO CONFIRM EDWARD B PALACIOS TO SERVE AS A MEMBER OF THE COCKPIT LICENSE BOARD WITH A RECOMMENDATION TO CONFIRM ON THE LEGISLATIVE CONCURRENCE.

SPEAKER CRUZ: ON THE MOTION TO PLACE HEARING NO OBJECTION SENATOR SAN AGUSTIN YOU ARE RECOGNIZED.

SENATOR SAN AGUSTIN: MR. SPEAKER I MOVED TO PLACE THE SAME ON THE VOTING FILE.

SPEAKER CRUZ: ANY OBJECTIONS TO PLACING THESE NOMINATIONS ON THE VOTING FILE HEARING NONE WE'VE EXHAUSTED THE CALENDAR AND IT'S NOW ALMOST IT'S 4:20 I'D LIKE TO RECESS UNTIL THREE TOMORROW AFTERNOON TO ALLOW LEGAL COUNSEL AND THE CLERK'S OFFICE TO ENGROSS ALL THE BILLS AND WE'LL COME BACK TOMORROW AFTERNOON AT THREE THERE'S BEEN A REQUEST TO MAKE IT LATER IT'S A SHORT VOTING IT'S EIGHT BILLS AND FOUR RESOLUTIONS IF WE MEET AT 4 O'CLOCK AND GIVE THEM EVERY ALL THE TIME ALRIGHT 4 O'CLOCK WE'LL RECESS AND WE'LL BE VOTING AT 4 O'CLOCK TOMORROW AFTERNOON.

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
LEGISLATIVE SESSION JOURNAL
April 27, 2017, Legislative Day 7

(xvii) Consideration of Daily File:

(1) Third Reading File; and

SPEAKER CRUZ: Hafa adai and good afternoon we are now on the third reading file I believe the first bill on the third reading file for voting today is bill number two would the clerks please read the title.

CLERKS: Bill No. 2-34 (COR) as corrected by the prime sponsor; and amended on the floor introduced by Louise B. Muña an act to add a new article 10 to chapter 18 of title 22, Guam Code Annotated, and to add a new § 181002 to the same, relative to health insurance coverage for colorectal cancer examinations and laboratory tests.

SPEAKER CRUZ: Roll call

CLERK OF THE LEGISLATURE: Senator Ada Senator Ada Aye Senator Aguon Senator Aguon Aye Senator Castro Senator Castro Aye Speaker Cruz Speaker Cruz Aye Senator Espaldon Senator Espaldon Aye Senator Esteves Senator Esteves Aye Senator Lee Senator Lee Aye Senator Morrison Senator Morrison Aye Senator Muña Senator Muña Aye Senator Nelson Senator Nelson Excused Senator Rodriguez Senator Rodriguez Aye Senator San Agustin Senator San Agustin Aye Senator San Nicolas Senator San Nicolas Aye Vice Speaker Terlaje Vice Speaker Terlaje Aye Senator Torres Senator Torres Aye.

SPEAKER CRUZ: Bill No. 2 received 14 ayes zero nays one excused absence zero Bill No. 2 is hereby passed by *I Mina'trentai Kuáttro na Liheslaturan Guáhan* congratulations Senator Muna on your first bill.

SPEAKER CRUZ: Bill No. 10-34 please read the title.

CLERKS: Bill No. 10-34 (COR) as amended on the floor. B. J.F. Cruz an act to amend § 26603(E) of article 6, chapter 26, title 11, Guam Code Annotated, relative to prohibiting the authorization or any withdrawal or transfer of cash or funds from the Guam Cancer Trust Fund for any non-prescribed purpose, and to making such act a misdemeanor.

SPEAKER CRUZ: Roll call

CLERK OF THE LEGISLATURE: Senator Ada Senator Ada Aye Senator Aguon Senator Aguon Aye Senator Castro Senator Castro Aye Speaker Cruz Speaker Cruz Aye Senator Espaldon Senator Espaldon Aye Senator Esteves Senator Esteves Aye Senator Lee Senator Lee Aye Senator Morrison Senator Morrison Aye Senator Muña Senator Muña Aye Senator Nelson Senator Nelson Excused Senator Rodriguez Senator Rodriguez Aye Senator San Agustin Senator San Agustin Aye Senator San Nicolas Senator San Nicolas

AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: BILL NO. 10-34 (COR) RECEIVED 14 AYES ZERO NAYS ONE EXCUSED ABSENCE BILL 10-34 IS HEREBY PASSED BY THE BODY.

SPEAKER CRUZ: BILL NO. 14-34 (COR) CLERKS PLEASE READ THE TITLE.

CLERKS: BILL NO. 14-34 (COR) AS AMENDED ON THE FLOOR. INTRODUCED BY FERNANDO BARCINAS ESTEVES THERESE M. TERLAJE AN ACT TO ADD A NEW § 1923 TO CHAPTER 19, OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE PERIODIC AUDIT OF EACH GOVERNMENT OF GUAM AGENCY'S STANDARD OPERATING PROCEDURES AND REQUIRING SUCH PROCEDURES TO BE POSTED ON EACH AGENCY'S WEBSITE.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES NAY.

SPEAKER CRUZ: BILL 14-34 (COR) RECEIVED 13 AYES ONE NAY ONE EXCUSED BILL NO. 14-34 IS HEREBY PASSED BY THE BODY.

SPEAKER CRUZ: BILL NO. 16-34 CLERKS PLEASE READ THE TITLE.

CLERKS: BILL NO. 16.

SPEAKER CRUZ: OH, WAIT I'M SORRY CONGRATULATIONS SENATOR ESTEVES ON YOUR FIRST BILL PLEASE READ THE TITLE I'M SORRY.

CLERKS: BILL NO. 16-34 (COR) AS AMENDED BY THE COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS AND SENIOR CITIZENS; AND FURTHER AMENDED ON THE FLOOR. INTRODUCED BY DENNIS G. RODRIGUEZ, JR. AN ACT TO ADD A NEW CHAPTER 29A AND A NEW §29102 (D) TO CHAPTER 29 BOTH OF DIVISION 2 TITLE 22 GUAM CODE ANNOTATED, AND TO ADD A NEW SECTION 2912 (P) OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS TO BE KNOWN AND CITED AS HUNTER'S LAW OF 2017.

SPEAKER CRUZ: ROLL CALL.

SENATOR SAN NICOLAS: POINT OF ORDER MR. SPEAKER.

SPEAKER CRUZ: SENATOR SANICOLAS YOU ARE RECOGNIZED.

SENATOR SAN NICOLAS: THANK-YOU MR. SPEAKER MR. SPEAKER AS I STATED ON THE FLOOR AND ON THE DISCUSSION OF THIS BILL IT WOULD MATERIALLY BENEFIT MY FAMILY. IF THIS MEASURE WERE TO BECOME PUBLIC LAW IS IT NECESSARY THAT I RECUSE MYSELF FROM THIS VOTE

SPEAKER CRUZ: MY OWN PERSONAL OPINION IS THAT THIS WAS NAMED CALEB'S BILL LAW FOR 2016 I WOULD SAY YES BUT I BELIEVE IT'S THE BODY THAT WILL DECIDE ALTHOUGH IS THERE ANY OBJECTION TO SENATOR SAN NICOLAS EXCUSING HIMSELF OR DO YOU BELIEVE HE.

SENATOR ESPALDON. MR. SPEAKER WOULD YOU PLEASE RESTATE THE QUESTION.

SPEAKER CRUZ: IM TRYING TO GET THE QUESTION CORRECT TO.

SENATOR ESPALDON: THANK YOU.

SPEAKER CRUZ: LET ME SEE IF I CAN GET THIS PROPERLY EVEN BETTER HAVING RULED THAT IT WAS NOT NECESSARY UNDER 102-GC6B IT IS A POINT OF ORDER AND IT IS THE RULING OF THE CHAIR THAT IT'S NOT NECESSARY FOR SENATOR SAN NICOLAS TO RECUSE HIMSELF BUT IF ANYONE WISHES TO OVERRULE THE RULING OF THE CHAIR I WOULD ENTERTAIN A MOTION THERE BEING NONE. THANK YOU FOR RAISING THE QUESTION SENATOR SAN NICOLAS AND WE WOULD BE RECEIVING YOUR VOTE THANK CLERK ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA.

SENATOR SAN NICOLAS: MR. SPEAKER MY APOLOGIES IN REVIEWING THE BILL THERE WAS ONE POTENTIAL OVERSIGHT THAT I WANTED TO RAISE THE BODY'S ATTENTION IN NOT QUITE SURE IF IT IS NECESSARY WE MAKE THESE AMENDMENTS BUT ON PAGE SIX ON LINES FIVE LINES 11 AND LINES 18 I BELIEVE THAT WE HAD INTENDED TO NOT ONLY STRIKE THE REFERENCE OF FRATERNAL BENEFIT SOCIETIES IN THESE PARTICULAR SECTIONS BUT TO ALSO INCLUDE LANGUAGE THAT WOULD SPECIFY THAT THEY ARE THE EXCEPTION SO LIKE FOR EXAMPLE IF YOU WERE TO TURN TO PAGE EIGHT LINE FIVE IT WAS INCLUDED THERE EXCEPT THOSE OFFERED BY A FRATERNAL BENEFIT SOCIETY BUT ON PAGE SIX LINE FIVE LINE 11 LINE 18 I BELIEVE WE HAD INTENDED TO INCLUDE SIMILAR LANGUAGE AT THE BEGINNING OF THOSE SECTIONS SO PAGE SIX LINE FIVE EXCEPT FOR THOSE OFFERED BY A FRATERNAL BENEFITS SOCIETY COMMA EVERY HEALTH INSURANCE SERVICE OR HEALTH MAINTENANCE ORGANIZATION PLAN AND THEN LIKEWISE FOR 11 B EXCEPT THOSE OFFERED BY A FRATERNAL BENEFIT SOCIETY EVERY INSURER AND THEN LIKEWISE ON PAGE SIX LINE 18 EXCEPT THOSE OFFERED BY A FRATERNAL BENEFIT SOCIETY HEALTH CARE INSURANCE PLANS ISSUED BY SO I GUESS JUST CLARIFICATION FROM LEGAL COUNSEL.

SPEAKER CRUZ: OKAY LET'S TAKE A SHORT RECESS WE'LL HAVE TO MOVE ON TO THE NEXT BILL AND IT WILL BE RE ENGROSSED AND RE CIRCULATED OKAY NEXT BILL ON THE AGENDA IS BILL 17-34 PLEASE READ THE TITLE CLERKS.

CLERKS: BILL.

SPEAKER CRUZ: 17-34.

CLERKS: BILL NO. 17-34 (COR) AS AMENDED ON THE FLOOR INTRODUCED BY DENNIS G. RODRIGUEZ, JR. JOE S. SAN AGUSTIN AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 34 OF DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING GUIDELINES FOR ANIMAL ASSISTED INTERVENTIONS TO BE KNOWN AND CITED AS "SEAVA'S ANIMAL ASSISTED INTERVENTION ACT OF 2017."

SPEAKER CRUZ: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR TOM ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ

SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: BILL 17-34 RECEIVED 4 AYES ZERO NAYS ONE EXCUSED ABSENCE BILL NO. 17-34 IS HEREBY PASSED BY THIS BODY BILL 23-34 CLERKS PLEASE READ THE TITLE.

CLERKS: BILL NO. 23-34 (COR) AS AMENDED ON THE FLOOR. INTRODUCED BY MICHAEL F.Q. SAN NICOLAS FERNANDO BARCINAS ESTEVES AN ACT TO ADD A NEW § 3132 TO ARTICLE 1 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF OPERATIONAL CONTINUITY PLANS FOR EACH AGENCY OF THE GOVERNMENT OF GUAM.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON PASS SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ PASS SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN PASS SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES NAY SENATOR ESPALDON SENATOR ESPALDON PASS SENATOR RODRIGUEZ SENATOR RODRIGUEZ NAY SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN PASS SENATOR ESPALDON SENATOR ESPALDON NAY.

SPEAKER CRUZ: BILL 23-34 RECEIVED 11 AYES I THOUGHT SO.

CLERK OF THE LEGISLATURE: SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE.

SPEAKER CRUZ: BILL 23-34 RECEIVED 11 AYES THREE NAYS ONE EXCUSED ABSENCE BILL 23-34 IS HEREBY PASSED BY THE BODY BILL 58-34 CLERK PLEASE READ THE TITLE

CLERK: BILL NO. 58-34 (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 SUBSECTIONS (C) AND (D) AND ADD NEW SUBSECTIONS (K), (L), AND (M) TO § 58D103, AND TO AMEND §§ 58D105, 58D106, AND 58D108, ALL OF CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO SOLICITING FOR THE CONSTRUCTION OF SIMON SANCHEZ HIGH SCHOOL UNDER A LONGTERM LEASE-BACK. PURSUANT TO 5GCA AND §5120 OF 2GAR §3108.

SPEAKER CRUZ: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON NAY SENATOR CASTRO SENATOR CASTRO PASS SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON PASS SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ NAY SENATOR SAN

AGUSTIN SENATOR SAN AGUSTIN NAY SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE SENATOR CASTRO SENATOR CASTRO NAY SENATOR ESPALDON SENATOR ESPALDON NAY.

SPEAKER CRUZ: BILL 58-34 RECEIVED NINE AYES FIVE NAYS ONE EXCUSED ABSENCE BILL 58-34 IS HERE DULY PASSED BY THE BODY BILL 15-34 CLERKS PELASE READ THE TITLE.

CLERKS: BILL NO. 15-34 (COR) AS CORRECTED BY THE PRIMARY SPONSOR; AND SUBSTITUTED AND AMENDED ON THE FLOOR INTRODUCED BY B. J.F. CRUZ AN ACT TO REQUIRE THAT A COMPREHENSIVE COST-BENEFIT AND SPACE UTILIZATION STUDY BE CONDUCTED BY THE GOVERNMENT OF GUAM PRIOR TO THE AUTHORIZATION, FUNDING, OR CONSTRUCTION OF A UNIFIED GOVERNMENT OFFICE FACILITY.

SPEAKER CRUZ: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO PASS SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON PASS SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA PASS SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE SENATOR CASTRO SENATOR CASTRO AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR MUÑA SENATOR MUÑA AYE.

SPEAKER CRUZ: BILL 15-34 RECEIVED 14 AYES ZERO NAYS ONE EXCUSED BILL 15-34 IS DULY PASSED BY THIS BODY RESOLUTION 25-34 CLERKS PELASE READ THE TITLE.

CLERKS: RESOLUTION NO. 25-34 (COR) AS AMENDED ON THE FLOOR. INTRODUCED BY THERESE M. TERLAJE DENNIS G. RODRIGUEZ, JR. B. J.F. CRUZ JOE S. SAN AGUSTIN FERNANDO BARCINAS ESTEVES TELENA CRUZ NELSON RELATIVE TO EXPRESSING THE SUPPORT OF *I MINA'TRENTA KUÁTTRO NA LIHESLATURAN GUÁHAN* THE 34TH GUAM LEGISLATURE FOR THE PASSAGE OF H.R. 809, THE FIGHTING FOR ORANGE-STRICKEN TERRITORIES IN EAST EASTERN REGIONS (FOSTER) ACT, INTRODUCED BY THE HONORABLE CONGRESSMAN DENNIS ROSS, R-FLORIDA, ON FEBRUARY 1, 2017, WHICH WOULD PROVIDE PRESUMPTIVE AGENT ORANGE EXPOSURE STATUS TO VIETNAM WARRERA VETERANS WHO SERVED IN SPECIFIC AREAS, INCLUDING GUAM, AND SHOW SYMPTOMS OF MEDICAL CONDITIONS CURRENTLY ASSOCIATED WITH EXPOSURE TO AGENT ORANGE IN ORDER TO RECEIVE U.S. DEPARTMENT OF VETERANS AFFAIRS BENEFITS; TO SEEKING JUSTICE FOR VETERANS AND CIVILIANS EX EXPOSED TO AGENT ORANGE ON GUAM.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS

AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: RESOLUTION 25-34 RECEIVED 14 AYES ONE EXCUSED RESOLUTION NO. 25-34 IS DULY ADOPTED BY THE BODY RESOLUTION 39-34 CLERKS PELASE READ THE TITLE.

CLERKS: RESOLUTION NO. 39-34 (COR) AS AMENDED ON THE FLOOR. INTRODUCED BY THERESE M. TERLAJE B. J.F. CRUZ THOMAS C. ADA DENNIS G. RODRIGUEZ, JR. FRANK AGUON, JR. FRANK MICHAEL F.Q. SAN NICOLAS TELENA CRUZ NELSON JOE S. SAN AGUSTIN RÉGINE BISCOE LEE RELATIVE TO SEEKING COMP COMPENSATION FOR CANCER AND OTHER ILLNESSES CAUSED BY EXPOSURE TO IONIZING RADIATION, AND EXPRESSING THE SUPPORT OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* THE 34TH GUAM LEGISLATURE FOR THE PASSAGE OF S. 197, AND H.R. 2049, "THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2017," INTRODUCED IN THE UNITED STATES CONGRESS ON JANUARY 24, 2017 AND APRIL 6, 2017, WHICH WOULD AMEND THE "RADIATION EXPOSURE COMPENSATION ACT" TO INCLUDE GUAM AS A DOWNWIND AREA.

SPEAKER CRUZ: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: RESOLUTION 39-34 RECEIVED 14 AYES ZERO NAYS ONE EXCUSED RESOLUTION 39-34 IS DULY ADOPTED BY THE BODY RESOLUTION 40-34 (COR) CLERKS PELASE READ THE TITLE.

CLERKS: RESOLUTION NO. 40-34 (COR) INTRODUCED BY THERESE M. TERLAJE B. J.F. CRUZ THOMAS C. ADA DENNIS G. RODRIGUEZ, JR. FRANK B. AGUON, JR. MICHAEL F.Q. SAN NICOLAS TELENA C. NELSON JOE S. SAN AGUSTIN RÉGINE BISCOE LEE RELATIVE TO PETITIONING THE UNITED STATES CONGRESS TO EXPAND THE "RADIATION-EXPOSED VETERANS COMPENSATION ACT" TO PROVIDE FOR THE INCLUSION OF VETERANS WHO PARTICIPATED IN THE CLEANUP OF ENEWETAK ATOLL AS RADIATION-EXPOSED VETERANS FOR PURPOSES OF THE PRESUMPTION OF SERVICE-CONNECTION OF CERTAIN DISABILITIES BY THE U.S. SECRETARY OF VETERANS AFFAIRS; AND TO FURTHER EXPRESSING THE SUPPORT OF *I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN* THE 34TH GUAM LEGISLATURE FOR THE PASSAGE OF H.R. 632 AND S. 283, "THE MARK TAKAI ATOMIC VETERANS HEALTHCARE PARITY ACT," INTRODUCED IN THE UNITED STATES CONGRESS.

SPEAKER CRUZ: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR

MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: RESOLUTION 40-34 RECEIVED 14 AYES ZERO NAYS ONE EXCUSED RESOLUTION 40-34 IS DULY ADOPTED BY THIS BODY RESOLUTION 62-34 CLERKS PELASE READ THE TITLE.

CLERKS: RESOLUTION NO. 62-34 (COR) AS AMENDED ON THE FLOOR INTRODUCED BY FRANK B. AGUON, JR., THOMAS C. ADA INTRODUCED BY FRANK B. AGUON, JR. RELATIVE TO AUTHORIZING THE LEGISLATIVE COUNSEL, OR OTHER RETAINED COUNSEL, TO APPLY FOR AND FILE AN AMICUS CURIAE BRIEF BEFORE THE SUPERIOR AND SUPREME COURTS OF GUAM AFFIRMING THE GUAM LEGISLATURE'S POSITION RELATIVE TO SOVEREIGN IMMUNITY AND THE UPHOLDING OF GUAM LAW.

SPEAKER CRUZ: IM SURE SOME OF YOU ARE CONCERNED ABOUT THE ENGROSSED ONE THAT'S IN FRONT OF YOU LISTING ALL OF US UPON TRANS IT'LL BE CORRECTED ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA NAY SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO PASS SPEAKER CRUZ SPEAKER CRUZ NAY SENATOR ESPALDON SENATOR ESPALDON PASS SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE PASS SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES NAY SENATOR CASTRO SENATOR CASTRO AYE SENATOR ESPALDON SENATOR ESPALDON NAY SENATOR LEE SENATOR LEE AYE.

SPEAKER CRUZ: RESOLUTION 62-34 RECEIVED 10 AYES FOUR NAYS ONE EXCUSED ABSENCE RESOLUTION 62-34 IS DULY PASSED BY THE BODY BILL 1-34 CLERKS PELASE READ THE TITLE.

CLERKS: BILL NO. 1-34 (COR) AS CORRECTED BY THE PRIME SPONSOR; AMENDED BY THE COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS AND SENIOR CITIZENS; AND FURTHER AMENDED ON THE FLOOR INTRODUCED BY LOUISE B. MUÑA AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 18 OF TITLE 22, GUAM CODE ANNOTATED, AND TO ADD A NEW § 181001 TO THE SAME, RELATIVE TO HEALTH INSURANCE COVERAGE FOR PROSTATE AND CERVICAL CANCER SCREENING.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: BILL 1-34 RECEIVED 14 AYES ZERO NAYS ONE EXCUSED ABSENCE BILL 1-34 IS DULY PASSED BY THIS BODY I BELIEVE EVERYBODY'S RECEIVED THE CORRECTED RE-ENGROSSED VERSION OF 16-34 ARE WE PREPARED TO VOTE AT THIS TIME OKAY 16-34 CLERKS PLEASE READ THE TITLE.

CLERKS: BILL NO. 16-34 (COR) AS AMENDED BY THE COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS AND SENIOR CITIZENS; AND FURTHER AMENDED ON THE FLOOR. INTRODUCED BY DENNIS G. RODRIGUEZ, JR. AN ACT TO ADD A NEW CHAPTER 29A AND A NEW §29102 (D) TO CHAPTER 29 BOTH OF DIVISION 2 TITLE 22 GUAM CODE ANNOTATED, AND TO ADD A NEW SECTION 2912 (P) OF ARTICLE 9, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE PROVISION OF HEALTH CARE INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS BY INSURERS TO BE KNOWN AND CITED AS HUNTER'S LAW OF 2017.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: BILL 16-34 RECEIVED 14 AYES ZERO NAYS ONE EXCUSED ABSENCE BILL 16-34 IS DULY PASSED BY THIS BODY.

(2) Voting File;

SPEAKER CRUZ: ON THE NOMINATION OF ROSALINDA A. TOLAN TO SERVE AS MEMBER OF THE A.B. INTERNATIONAL AIRPORT AUTHORITY BOARD OF DIRECTORS ALL IN FAVOR PLEASE RAISE YOUR HAND. NOMINEE ROSALINDA A. TOLAN IS DULY CONFIRMED BY THIS BODY

SPEAKER CRUZ: NOTWITHSTANDING THE VETO OF *I MAGA'LÁHEN GUÁHAN*, SHOULD BILL 4-34 (COR) BE OVERRIDDEN DO WE READ THE TITLE JUST ROLL CALL ON THE OVERRIDE.

CLERK OF THE LEGISLATURE: SENATOR ADA.

SPEAKER CRUZ: ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA NAY SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO NAY SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES NAY SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON NAY SENATOR MUÑA SENATOR MUÑA NAY SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: VETOED BILL 4-34 RECEIVED NINE AYES FIVE NAYS ONE EXCUSED ABSENCE BILL 4-34 DID NOT GARNER SUFFICIENT VOTES TO OVERRIDE THE VETO OF / *MAGA'LÁHI*.

SPEAKER CRUZ: ON THE NOMINATION OF JOSEPH D. CERTEZA TO SERVE AS MEMBER OF THE COUNCIL ON THE ARTS AND HUMANITIES ALL IN FAVOR PLEASE RAISE YOUR HAND THE NOMINATION OF THE NOMINEE JOSEPH D. CERTEZA IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF JOSEPH D. FRANQUEZ TO SERVE AS A CLASSROOM TEACHER MEMBER OF THE KGTF/PBS BOARD OF TRUSTEES ALL IN FAVOR PLEASE RAISE YOUR HAND THE NOMINEE JOSEPH D. FRANQUEZ IS HEREBY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION CHRISTOPHER M. DUENAS TO SERVE AS PRESIDENT OF THE GUAM HOUSING CORPORATION ROLL CALL

CLERK OF THE LEGISLATURE: SENATOR ADA SENATOR ADA AYE SENATOR AGUON SENATOR AGUON AYE SENATOR CASTRO SENATOR CASTRO AYE SPEAKER CRUZ SPEAKER CRUZ AYE SENATOR ESPALDON SENATOR ESPALDON AYE SENATOR ESTEVES SENATOR ESTEVES AYE SENATOR LEE SENATOR LEE AYE SENATOR MORRISON SENATOR MORRISON AYE SENATOR MUÑA SENATOR MUÑA AYE SENATOR NELSON SENATOR NELSON EXCUSED SENATOR RODRIGUEZ SENATOR RODRIGUEZ AYE SENATOR SAN AGUSTIN SENATOR SAN AGUSTIN AYE SENATOR SAN NICOLAS SENATOR SAN NICOLAS AYE VICE SPEAKER TERLAJE VICE SPEAKER TERLAJE AYE SENATOR TORRES SENATOR TORRES AYE.

SPEAKER CRUZ: THE NOMINATION OF CHRISTOPHER M. DUENAS TO SERVE AS PRESIDENT OF THE GUAM HOUSING CORPORATION RECEIVED 14 AYE VOTES ZERO NAY VOTES ONE EXCUSED ABSENCE CHRISTOPHER M. DUENAS IS ON THE NOM IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF MINAKSHI HEMLANI TO SERVE AS A MEMBER OF THE GUAM SOLID WASTE BOARD OF DIRECTORS PLEASE RAISE YOUR HAND MR. HEMLANI HAS BEEN DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF CECILIA G. MANTANONA TO SERVE AS A MEMBER OF THE GUAM HOUSING CORPORATION BOARD OF DIRECTORS ALL IN FAVOR PLEASE RAISE YOUR HAND THE NOMINATION OF CECILIA G. MANTANONA AS A MEMBER OF THE GUAM HOUSING CORPORATION IS DULY CONFIRMED BY THIS BODY,

SPEAKER CRUZ: ON THE NOMINATION OF GEORGE F. PEREDA TO SERVE AS A MEMBER OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY BOARD OF DIRECTORS BOARD OF COMMISSIONERS ALL IN FAVOR PLEASE RAISE YOUR HAND

SENATOR SAN NICOLAS: POINT OF ORDER MR. SPEAKER.

SPEAKER CRUZ: YES.

SENATOR SAN NICOLAS: ON THIS PARTICULAR NOMINEE I INQUIRE IF IT IS NECESSARY TO RECUSE MYSELF.

SPEAKER CRUZ: I IT'S TO THE GHURA BOARD UNLESS THERE IS AN OBJECTION I BELIEVE THAT SENATOR SAN NICOLAS'S REQUEST SHOULD BE GRANTED BUT I WAS CORRECTED AND THIS WAS NOT A POINT OF ORDER AND THIS IS A DECLINE TO VOTE AND UNDER THE

RULES THE MEMBER WOULD STATE THE REASON FOR WHICH HE'S DECLINING AND I WILL POSE THE QUESTION TO THE BODY SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: MR. SPEAKER I JUST REQUEST WHETHER IT IS NECESSARY FOR ME TO RECUSE MYSELF BECAUSE OF THE FACT THAT THERE MAY OR MAY NOT BE A CONFLICT OF INTEREST.

SPEAKER CRUZ: AND UNDER THE RULES I AM ASKED TO QUESTION TO THE BODY SHALL THE SENATOR FOR THE REASONS ASSIGNED BY THE MEMBER BE EXCUSED FROM VOTING BY SHOW OF HANDS.

SENATOR ESPALDON: I'M SORRY MR. SPEAKER IT WASN'T VERY CLEAR CAN YOU JUST REPEAT THAT PLEASE.

SPEAKER CRUZ: OKAY SHALL THE SENATOR FOR THE REASONS ASSIGNED BY THE MEMBER BE EXCUSED FROM VOTING IT WILL TAKE EIGHT TO EXCUSE HIM AND SO THOSE WHO HE FEEL THAT HE STATED A SUFFICIENT REASON TO BE EXCUSED FROM VOTING PLEASE INDICATE BY RAISING YOUR HAND MEMBER IS EXCUSED.

SPEAKER CRUZ: ON THE NOMINATION OF GEORGE F. PEREDA TO SERVE AS A MEMBER OF THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS ALL IN FAVOR PLEASE RAISE YOUR HAND THE NOMINATION OF GEORGE F. PEREDA GUAM HOUSING AND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS IS CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF AMANDA F. BLAS TO SERVE AS A GENERAL PUBLIC MEMBER OF THE GUAM ACADEMY CHARTER SCHOOLS COUNCILS ALL IN FAVOR PLEASE RAISE YOUR HAND YES THE NOMINEE OF AMANDA F. BLAS IS DULY CONFIRMED BY THIS BODY ON THE NOMINATION OF ROBERT A. CRISOSTOMO TO SERVE AS THE ELECTED MEMBER OF THE GUAM EDUCATION BOARD ALL IN FAVOR PLEASE RAISE YOUR HAND.

SENATOR SAN NICOLAS: POINT OF ORDER MR. SPEAKER I'D JUST LIKE TO REQUEST THAT I RECUSE MYSELF MY WIFE IS AN EMPLOYEE OF THE GUAM PUBLIC SYSTEM AND THIS IS A NOMINATION FOR A BOARD MEMBER FOR THE GUAM PUBLIC SCHOOL SYSTEM.

SPEAKER CRUZ: SHALL THE MEMBER SHALL THE SENATOR FOR THE REASONS ASSIGNED BY THE MEMBER BE EXCUSED FROM VOTING ALL THOSE IN FAVOR RAISE YOUR HAND MEMBER IS NOT EXCUSED.

SPEAKER CRUZ: ON THE NOMINATION OF ROBERT A. CRISOSTOMO TO SERVE AS ELECTED MEMBER OF THE GUAM EDUCATION BOARD ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE ROBERT A. CRISOSTOMO IS DULY CONFIRMED BY THE BODY.

SPEAKER CRUZ: ON THE NOMINATION OF PELAGIO S. SARDOMA TO SERVE AS A MEMBER OF THE GUAM BOARD OF EQUALIZATION ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE PELAGIO SARDOMA IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF KRISHNAN SEERENGAN TO SERVE AS A MEMBER OF THE GUAM PUBLIC LIBRARY SYSTEM BOARD OF DIRECTORS ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE KRISHNAN SEERENGAN IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF RAY C. TAJALLE TO SERVE AS PHYSICIAN ASSISTANT REPRESENTATIVE, GUAM BOARD OF ALLIED HEALTH PROFESSIONALS

HEALTH EXAMINERS ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE RAY C. TAJALLE IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF NATHAN T. TAIMANGLO TO SERVE AS A MEMBER OF THE GUAM PORT AUTHORITY BOARD OF DIRECTORS ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE NATHAN T TAIMANGLO IS DULY PASSED CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF JEROLD JEROLD W. FILUSH TO SERVE AS AS A MEMBER OF THE UNIVERSITY OF GUAM BOARD OF REGENTS ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE JEROLD W. FILUSH IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF MARK BENNY C. MENDIOLA TO SERVE AS THE PARENT OF STUDENT ENROLLED WITHIN GDOE REPRESENTATIVE OF THE GUAM EDUCATION BOARD.ALL IN FAVOR.

SENATOR SAN NICOLAS: POINT OF ORDER MR. SPEAKER JUST FOR THE SAKE OF CONSISTENCY SAKE I JUST TO NEED ONCE AGAIN RAISE THAT THERE THEY MAY OR MAY NOT BE A CONFLICT OF INTEREST BECAUSE MY WIFE IS AN EMPLOYEE OF DOE AND SEEING HOW IT WAS A VOTE OF THE BODY FOR THE LAST BOARD MEMBER AND NOT A RULING I'D LIKE TO ONCE AGAIN RAISE THE QUESTION IF NECESSARY THAT I RECUSE MYSELF.

SPEAKER CRUZ: SHALL THE SENATOR FOR THE REASONS STATED BY THE SENATOR BE EXCUSED FROM VOTING ALL THOSE IN FAVOR SENATOR IS NOT EXCUSED.

SPEAKER CRUZ: ON THE NOMINATION OF MARK BENNY C. MENDIOLA TO SERVE AS THE PARENT OF STUDENT ENROLLED WITHIN GDOE REPRESENTATIVE OF THE BOARD OF GUAM EDUCATION BOARD. ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE MARK BENNY C. MENDIOLA IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: ON THE NOMINATION OF EDWARD B. PALACIOS TO SERVE AS A MEMBER OF THE COCKPIT LICENSE BOARD. ALL IN FAVOR PLEASE RAISE YOUR HAND NOMINEE EDWARD B. PALACIOS IS DULY CONFIRMED BY THIS BODY.

SPEAKER CRUZ: I BELIEVE WE HAVE EXHAUSTED THE THIRD READING VOTING FILE MR. MAJORITY LEADER YOU ARE RECOGNIZED DID YOU WANT WISH TO MAKE A STATEMENT SENATOR MORRISON FOR EXTENSION PLEASE.

(xviii) Brief Extension of Remarks;

SENATOR MORRISON: THANK YOU MA MR. SPEAKER I WANT TO USE A LITTLE TIME HERE TO PROVIDE SOME BRIEF REMARKS WITH THIS LATEST EFFORTS TO ADDRESS PUBLIC SECTOR COMPENSATION WITH RESPECT TO BILL 4 MR. SPEAKER WE'VE BEEN DOWN THIS ROAD OVER AND OVER AGAIN WE SPENT WELL I IN THE 33RD GUAM LEGISLATURE WITH SOME MEMBERS PRESENT WE IN THAT TERM WE PRACTICALLY SPENT THE WHOLE TERM ADDRESSING PUBLIC SECTOR COMPENSATION MR. SPEAKER THERE IS CONFLICTING ACTIONS AS A RESULT OF THOSE WHO SUPPORT IT OR THOSE WHO VOTED FOR BILL 4 THE SAME POSITIONS THAT WE ARE TRYING TO ADDRESS OR REPEAL ARE THE SAME POSITIONS THAT I'M NOT SURE IF OUR MEMBERS KNOW FUNDED OR PURSUANT TO THE COMPETITIVE WAGE ACT THE SAME POSITIONS WITH THE COMPETITIVE WAGE ACT MY POINT MR SPEAKER IS I BROUGHT THIS UP BEFORE WITH FY 2016 AT LEAST THE TWO PREVIOUS BUDGETS THE COMPETITIVE WAGE ACT WAS EMBEDDED IN THOSE BUDGET I THINK WE ARE ALL AWARE OF THAT AND BOTH BUDGETS RECEIVED PRACTICALLY UNANIMOUS SUPPORT OR AT LEAST IN EACH ONE OF

THOSE MEASURES WE THE MEMBERS THAT WERE A PART OF THAT PROCESS OR DEALING WITH FY 2016 AND THE FY 2017 BUDGET I THINK WE CAN ALL SAY THAT WE SUPPORTED THOSE MEASURES MR. SPEAKER EVERY POSITION WAS BUILT INTO BOTH BUDGETS AND I THINK WE CAN ALL LOOK BACK AT OUR RECORDS AND SAY THAT WE SUPPORTED THAT I JUST SOMETIMES DON'T KNOW HOW TO EXPLAIN IT TO SOME FOLKS OUT THERE THAT HOW WE CAN GO FROM ADDRESSING ONE OF THE MOST IMPORTANT TASK OF THE LEGISLATURE AND THAT IS BALANCING THE BUDGET AND KNOWING FULL WELL WHAT OUR OBLIGATIONS ARE FOR IN THIS GOVERNMENT AND WHAT WE ARE FUNDING KNOWING FULL WELL THE PUBLIC SECTOR COMPENSATION OR THE COMPETITIVE WAGE ACT IS IN THESE MEASURES AND SUPPORT AND WHAT THE FUNDING OBLIGATIONS AND TURN AROUND IN WEEKS OR MONTHS LATER AND CONTRADICT OURSELVES OR CONFLICT WITH OURSELVES IN WHAT WE JUST DID SPENDING MONTHS AND MONTHS ON ADDRESSING HOW WE CAN TAKE CARE OF THESE OBLIGATIONS I'M NOT SURE MR. SPEAKER IF WE ARE BASING THIS ON FACT THAT MAYBE OUR PEOPLE ARE NOT FOLLOWING THIS STUFF OR NOT PAYING ATTENTION TO THE BUDGET PROCESS OR ARE NOT SEEING THE INCONSISTENCIES OR THE INCONSISTENCIES OF OUR ACTIONS OUR ACTIONS DON'T MATCH OR OUR WORDS DON'T MATCH OUR ACTIONS I DON'T KNOW WHAT TO SAY ANYMORE BUT I POINTED THIS OUT THAT IF WE ARE VOTING TO REPEAL THESE POSITIONS AND ON THE OTHER HAND WE ARE FUNDING IT IT'S CLEARLY CONFLICTING ACTIONS BY THIS BODY SO FOR THE SAKE OF THIS LEGISLATURE MADAME MR. SPEAKER OR THIS INSTITUTIONS CREDIBILITY OR WHATEVER IT HAS LEFT WITH THE RESPECT TO THIS ISSUE I ASK THAT THIS ISSUE BE PUT TO REST AND WE DO HAVE SOME PROPOSALS BEFORE US THAT I BELIEVE CAN NOT ONLY HELP ADDRESS PUBLIC SECTOR COMPENSATION WITH RESPECT TO THIS BODY OF THIS LEGISLATURE BUT THE REFORMATION OF HOW OUR OUR LEGISLATURE OPERATES SO I HOPE WE CAN MOVE FORWARD WITH THE PROPOSALS THAT ARE BEFORE US THAT THIS ISSUE BE PUT TO REST I CERTAINLY DON'T WANT THE 34TH OR THIS LEGISLATURE DEALING WITH THIS SAME ISSUE. A SENIOR COLLEAGUE OF OURS AT LEAST IN THE 33RD GUAM LEGISLATURE MADE IT VERY CLEAR THAT THERE HAS TO COME A TIME WHERE WE RESEPECT THE WILL OF THIS BODY AND I CAN UNDERSTAND AT SEVERAL ATTEMPTS AT MEASURES THAT ARE MAKING WHATEVER ADJUSTMENTS BUT WE'VE SEEN THE ORIGINAL INTENT IS REALLY PUBLIC SECTOR COMPENSATION AND THESE POSTIONS GO ON AND FROM EXTRACTING ALMOST EVERYTHING OUT OF IT JUST TO TRY TO APPEASE SOME MEMBERS OF THIS BODY AND TRY TO WIN THEIR VOTE. AND I MADE IT CLEAR I HAVE NOTHING TO HIDE I VOTED FOR THE COMPETITIVE WAGE ACT FROM DAY ONE AND I ALSO VOTED FOR ALL THE BUDGETS THAT FUNDED EVERY SINGLE POSITIONS IN THOSE BUDGETS AND I WISH NOT TO CONFLICT MY POSITIONS OR CONTRADICT MY POSITION SO I HOPE MR SPEAKER WE CAN MOVE FORWARD ADDRES SOME PROPOSAL BEFORE US THAT WILL HELP ADDRESS NOT ONLY PUBLIC SECTOR COMPENSATION IN RESPECT TO THIS LEGISLATION BUT COMPLETELY REFORMING THIS LEGISLATURE AS WE SEE FIT THANK YOU.

SPEAKER CRUZ: THANK YOU SENATOR MORRISON ANY OTHER SENATOR WISH TO BE MAKE EXTENSIONS SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: THANK YOU MR. SPEAKER I WANTED TO EXTEND SOME REMARKS ON BUDGETING AND SPENDING BECAUSE IT'S THE PRIMARY FUNCTION OF THIS BODY. AND IT IS VERY CLEAR FOR US IT NEEDS TO BE CLEAR FOR US TO KNOW EXACTLY HOW THAT PROCESS WORKS IF AN EXPENSE IS MANDATED IF IT'S THE LAW PARTICULARLY A WAGE WE MUST BUDGET FOR IT WHETHER WE LIKE IT OR NOT WE MUST BUDGET FOR IT NOW WE CAN INTRODUCE MEASURE TO TRY AND ALTER THE WAGE OR TRY TO REPEAL A WAGE BUT IF WE ARE UNSUCEESSFUL IN DOING THAT WE MUST BUDGET FOR IT FAILURE TO DO SO WOULD PUT US LIABLE TO WAGE AND HOUR

LAWS THAT ARE FEDERALLY GOVERNED SO I REALLY HOPE THAT WE CAN COME TO THE UNDERTANING THAT WE MAY HAVE DIFFENCES IN POLICY WHEN WE HAVE MANDATES TO FUND THINGS WE MUST FUND THEM PART OF THOSE MANDATES ALSO INCLUDE SOMETHING AS IMPORTANT AS TAX REFUNDS MR SPEAKER AND WHEN WE HAVE A PROVISION FOR TAX REFUNDS IN OUR BUDGET WE NEED TO MAKE SURE THAT THAT MONEY IS ACTUALLY GOING IN THERE AND IT WOULD BEHOOVES US TO ENSURE THAT ACCOUNTABILITY IS THERE FOR FOR THAT MONEY TO BE THERE FOR OUR PEOPLE WE HAVE INCLUDED A PROVISION FOR TAX REFUNDS FOR MANY MANY MANY BUDGETS BEFORE ME AND UNFORTUNATELY IT CONTINUES TO BE A STRUGGLE AND THAT IS AN EXAMPLE OF WHAT HAPPENS WHEN YOU HAVE A MANDATE TO PAY SOMETHING YOU DON'T PUT THE MONEY ASIDE FOR SO GOING FORWARD MR. SPEAKER I ASK THAT WE REPEAL THOSE MANDATES THAT WE CAN'T AFFORD LIKE PAY RAISES SO THAT WE CAN HAVE THE MONEY THAT IS BY LAW COMMITTED TO PAY FOR THOSE THINGS ACTUALLY GO TO THE COMMITMENTS THAT WE HAVE ALREADY MADE IT'S IMPORTANT FOR US MR. SPEAKER TO BE VERY CLEAR WITH OUR PEOPLE ABOUT THE BUDGET PROCESS AND TO NOT CREATE THE IMPRESSION THAT JUST BECAUSE YOU VOTE TO FUND SOMETHING YOU AUTOMATICALLY SUPPORT IT IF IT IS THE LAW WE HAVE TO PAY FOR IT WHETHER WE LIKE IT OR NOT AND IT BEHOOVES US TO GO OUT AND REPEAL THAT LAW SO AS WE ENTER THE BUDGET SEASON MR. SPEAKER IF WE ARE UNABLE TO REPEAL PAY RAISES WE'RE GOING TO CONTINUE BUDGETING FOR IT BUT IT DOESN'T MEAN WE SUPPORT IT IT MEANS WE UNDERSTAND HOW BUDGETS WORK THANK YOU MR. SPEAKER.

SPEAKER CRUZ: THANK YOU SENATOR SAN NICOLAS ANY OTHER SENATOR WISH TO HAVE TIME FOR EXTENSION OF REMARKS IF NOT MR. MAJORITY LEADER YOU ARE RECOGNIZED.

(xix) Announcements; and

(xx) Adjournment.

SENATOR ADA: THANK YOU SPEAKER. I MOVE TO ADJOURN THIS SESSION SUBJECT TO CALL OF THE SPEAKER.

SPEAKER CRUZ: ON THE MOTION TO ADJOURN THIS SESSION SUBJECT TO CALL OF THE SPEAKER HEARING NO OBJECTION.