



SENATOR DENNIS G. RODRIGUEZ, JR.

OCT 24 2013

Honorable Benjamin J.F. Cruz
Acting Speaker
I Mina'Trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 193-32 (COR), as substituted

Dear Speaker Cruz:

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 193-32 (COR)-An act to amend Section 4 of Public Law 31-235 to delete the provision requiring the “Printed Materials and the “Checklist Certification” to undergo the rule making process pursuant to the Administrative Adjudication Law;** Introduced by Sen. Dennis G. Rodriguez, Jr., and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens. Bill No. 193-32 (COR) was publicly heard on October 4, 2013.

Committee votes are as follows:

 7 TO PASS
 0 NOT TO PASS
 0 ABSTAIN
 2 TO REPORT OUT ONLY
 0 TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

2013 OCT 28 AM 10:44

**COMMITTEE REPORT
ON**

BILL NO. 193-32 (COR), as substituted
Sponsored by Senator Dennis G. Rodriguez, Jr.

BILL 193-32 (COR)-An act to amend Section 4 of Public Law 31-235 to delete the provision requiring the “Printed Materials and the “Checklist Certification” to undergo the rule making process pursuant to the Administrative Adjudication Law; Introduced by Sen. Dennis G. Rodriguez, Jr.




SENATOR DENNIS G. RODRIGUEZ, JR.

October 23, 2013

MEMORANDUM

To: **ALL MEMBERS**
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

From: **Senator Dennis G. Rodriguez, Jr.** 
Committee Chairperson

Subject: **Committee Report on Bill no. 193-32 (COR), as substituted.**

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 193-32 (COR)-An act to amend Section 4 of Public Law 31-235 to delete the provision requiring the “Printed Materials and the “Checklist Certification” to undergo the rule making process pursuant to the Administrative Adjudication Law;** Introduced by Sen. Dennis G. Rodriguez, Jr. and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 193-32 (COR)
- Copy of Bill No. 193-32 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 193-32 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

BILL 193-32 (COR)-as substituted- An act to amend Section 4 of Public Law 31-235 to delete the provision requiring the “Printed Materials and the “Checklist Certification” to undergo the rule making process pursuant to the Administrative Adjudication Law; Introduced by Sen. Dennis G. Rodriguez, Jr.

| | SIGNATURE | TO PASS | NOT TO PASS | ABSTAIN | REPORT OUT ONLY | PLACE IN INACTIVE FILE |
|--|-----------|---------------|-------------|---------|-----------------|------------------------|
| DENNIS G. RODRIGUEZ, Jr. Chairman | | ✓ 10/24 | | | | |
| V. ANTHONY ADA Vice Chairman | | ✓ 12/23 | | | | |
| BENJAMIN J. F. CRUZ Vice-Speaker | | | | | | |
| TINA ROSE MUNA-BARNES Legislative Secretary | | | | | | |
| FRANK B. AGUON, Jr. 12/23/12 | | ✓ | | | | |
| VICENTE C. PANGELINAN | | | | | | |
| RORY J. RESPICIO | | ✓ 10/24/13 | | | | |
| ALINE A. YAMASHITA, Ph.D. | | | | | ✓ 10/23 | |
| THOMAS MORRISON | | | | | | |
| MICHAEL LIMTIACO | | | | | ✓ 10/23 | |
| BRANT T. MCCREADIE | | ✓ | | | | |
| CHRISTOPHER M. DUENAS | | ✓ 10/23 | | | | |



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 193-32 (COR)

I. OVERVIEW: The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on **October 4, 2013**. The hearing convened at 9:04AM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL 193-32 (COR)- An act to amend Section 4 of Public Law 31-235 to delete the provision requiring the "Printed Materials and the "Checklist Certification" to undergo the rule making process pursuant to the Administrative Adjudication Law;** Introduced by Sen. Dennis G. Rodriguez, Jr.

II. Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on September 27, 2013 (5-day notice), and again on October 2, 2013 (48-hour notice).

Senators Present

| | |
|-----------------------------------|------------------|
| Senator Dennis G. Rodriguez, Jr. | Chairman |
| Senator V. Anthony Ada | Vice-Chairman |
| Senator Benjamin JF Cruz | Committee Member |
| Senator Aline A. Yamashita, Ph.D. | Committee Member |
| Senator Frank Aguon, Jr. | Committee Member |
| Senator Brant McCreadie | Committee Member |
| Senator Christopher M. Duenas | Committee Member |
| Senator Tommy Morrison | Committee Member |
| Senator Michael San Nicolas | |

The public hearing on agenda item Bill No. 193-32 (COR) was called to order at 9:04AM.

III. SUMMARY OF TESTIMONY & DISCUSSION.

Chairman Rodriguez: I would now like to call those to testify on these bills. Mr. James Gillan, I would like to ask you to please come forward. Good morning.

Bill 193 is an act to amend Section 4 of Public Law 31-235 to delete the provisions requiring the printed materials and the checklist certification to undergo the rule making process pursuant to the Administrative Adjudication Law. What this basically is, ladies and gentlemen, is to amend existing law, to allow for these checklists and printed materials to be provided to patients and not have to go



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through the Administrative Adjudication process. We received a memo from the Attorney General's office through the department indicating that these materials that the department intends to pursue are not considered any rule or regulation. Therefore, it's been an impediment for the law to move forward. And so what we are doing now is clearing those impediments and making sure that we move forward with the law. And so now we have the director, would you like to present your testimony.

Mr. James Gillan: Thank you very much. I am James Gillan, I am the Director of the Department of Public Health and Social Services. I am here to testify on 2 very closely related bills- 191 and 193. If there is only one version of the bill that I would support would be the one, I'm faced with choosing to support, your bill Mr. Chairman but thank you Senator Aguon, but the reason I don't support Sen. Aguon's bill is really technical is because it does away with the entire section because it means that effective on enactment, I would be required to publish it and distribute the materials.

We still have some considerations with the artist who's done the graphic work on licensing for those drawings and we also wanted to make these things available through electronic media and there is a license pending for that also, and so if I had to do this immediately upon enactment, I have some difficulty following the law, and I do want to follow the law. So, your version, Mr. Chairman, allows me to have some discretion of when this material will be printed and distributed and its just basically that. Thank you.

Chairman Rodriguez: Thank you very much Mr. Gillan. And we have been in communication with the author of Bill 191, Senator Aguon, and so you know, we have both on the agenda today to have it heard eventually we will have these two merge because it has the same intent in wanting to move forward with the public law.

Senator Aguon: Mr. Gillan, thank you very much for your testimony this morning and for sharing your perspective, I think its critical that we get this particular law enacted and carried out. You know, within reasonable time frame. First and foremost, both legislation were introduced on the same day. And so in this particular case it makes an amendment to a previous law that was sponsored by the Chairman. So that's a direct acknowledgement, here is a situation that needed to be addressed and being able to delete that entire section, would have allowed the department to move in the direction of implementing it and I understand your concern about the timeline. The only issue Mr. Chairman then, is if we were to proceed with his legislation because it is an amendment, and the amendment would be to add Director of Public Health and Social Services and to delete the reference to the rule making, its not every enactment so we have to be specific on our part where Section 4 would be hereby reenacted to read as follows so they provide you that additional timeline. Because based on an amendment that the timeline, although the verbage is here, it still would be effective the date the signature into law which is November 1st, 2012. So if, it sounds like semantics, but from a legal perspective, that's my understanding of what it needs to, the language that needs to be used, Mr. Chairman, is that it has to be reenacted to read as follows, so that it provides that 60-day timeline and that I understand is what you're requesting.

Mr. James Gillan: That's right.



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Senator Aguon: Okay. The other question is, I understand that you alluded to the fact that there are certain, I guess, copyright authorizations that you need to be able to acquire. Where are you in that process and the reason I ask that is because the law was signed on November 1st 2012? We are nine months into this law, of which 60 days thereafter, so that would have been January 1st that the materials should have been completed and within reason, that's why I am asking you if you can explain where you are in this process because if 60 days is not sufficient for you to acquire the authorizations, then we need to know, because we certainly want to make sure that we give you the flexibility, but within a constricted timeframe to bring the (inaudible) and get the authorizations that you need and then to implement the law, and so if you can explain where you are with that entire process, please?

Mr. James Gillan: Now, I don't want to (inaudible) the fine points because I am not an attorney,

Senator Aguon: That's our side, so don't worry about it.

Mr. James Gillan: I think I have 60 days from the time we determine that the materials are appropriate or the materials need to be put together, so that kind of leaves it open ended but I don't want to waste much more time with this, I think that the intent of the legislation is what it is. I'm going to follow the law as it's written. I think that the license now that there is this promulgation through the Administrative Adjudication Act could be resolved by this amendment, there'll be no need to publish it on our website, because there is this other issue whether or not the artist would allow to have it on the license to have it on electronic media, okay, that was another license issue, so I think we are pretty much almost finished with the license issue on the ability to print the high resolution copies that have to be done to do the printing. And I think that we would be within 60 days from enactment.

Senator Aguon: And so the language here, should we insert the word, rather than amendment, should reenacted then that 60 day allowance prescribed here in the proposal would be upon approval the Director of Public Health which is yourself or whose yourself. With that being the case you're saying right now that conceivably within the next 60 days, aside from the electronic version printing, that you'd be able to complete that authorization that you require?

Mr. James Gillan: Yes.

Senator Aguon: Okay, because you are absolutely right that it provides an open ended option, by chance it extends to 90 days it could extend to 120 days and it is not the intent of either legislation. The intent is to work with you to what can be done to get this law implemented.

Mr. James Gillan: Yes Sir.

Senator Aguon: Thank you very much Mr. Gillan, thank you Mr. Chair.



SENATOR DENNIS G. RODRIGUEZ, JR.

Chairman Rodriguez: Thank you Senator. Are there any other questions or comments? Thank you very much Mr. Gillan, and just before, since both bills are very similar, we'll hear both bills now, Bill 191, so if there's any other individual who wishes to testify, I would ask you to please come forward, on either 193 or 191.

Mr. Tim Rohr: Good morning, Tim Rohr, citizen. Just a couple of points relative to that, what Mr. Gillan said, the Esperanza Project is undertaken the responsibility to procure the copyright and to assemble the printed materials as per the provisions of the law and to pay for them. There's no requirement for it to be electronically published, we'd like to see that at one point and if the department would like to see that, they are welcome to purchase the copyright and that would allow that, but the copyright that we have allows us to go forward with the printed materials and we quickly assumed that responsibility. We support Bill 193 simply because we still believe it is right and good for the department, the director of the department to have control over the printed materials to prove them. Whereas Bill 191 would eliminate that requirement. We want the public to have confidence and assurance that the Department of Public Health which is responsible over the implementation of all rules, matters related to public health are the ones who give the final approval. So just relative to that copyright situation, you're Bill 193 would eliminate the whole rule making process which would require electronic publication, so that's no longer an issue, and I hope I clarified that. So I speak in support of Bill 193, and urge you to pass it promptly.

Chairman Rodriguez: Thank you very much Mr. Rohr. The committee has received numerous testimonies which were provided by email, so we will continue to do that with both bills.

Senator Aguon: Mr. Rohr, just a quick question. I take it that the Esperanza Project is working in conjunction with the Department of Public Health and Social Services to acquire the copyright, is that what you are saying?

Mr. Tim Rohr: The Esperanza Project acquired the copyright independently.

Senator Aguon: So you are not going to share that copyright authorization, they still have to pursue theirs?

Mr. Tim Rohr: Once we give the printed materials to the Department of Public Health with all the information about the copyrights and everything, they have basically the license, we turn it over to the Department of Public Health and they can print to their hearts content. After, we are going to the original printing of 5,000 but essentially we owe the copyright, we procured it, we paid for it. But if the department actually wants to sign, if they actually want control in the future, its fine with us. At this point we just want to get the 5,000 copies printed immediately, and what we want is to work with the Department of Public Health after that.

Senator Aguon: I just want to make sure, I don't know, the Vice Speaker is here knows of the legal perspective or approach to this and now having a non-profit organization who has collectively (inaudible) issue like this that is extremely sensitive. I just want to make sure that this relationship and extending your copyright authority to a public entity would keep within the confines of what is authorized by law, because we certainly don't want to come into a situation where we are



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questioned. And that's the only concern I have, and I'll leave it to legal counsel from the legislature, and vice speaker Cruz...

Mr. Tim Rohr: That's why we did that because the last time we tried to pass this bill and we presented, I think the budget, I think it was going to cost \$7,000, we were told by you guys that we don't have the money. We'll give you the copyright...

Senator Aguon: It's extremely commendable on your part...

Mr. Tim Rohr: We are not looking for any kudos, we did what we needed to do, and I understand your part. Whatever we need to do with the Department of Public Health we'll provide it.

Senator Aguon: I just want to make sure that legally, there are not potential challenges along the road.

Chairman Rodriguez: Thank you Senator. Are there any other individuals who wish to testify?

Rev. Mr. Frank Tenorio: Senators, manelu-hu, my brothers and sister. Every time we come to this session, we have one objective, we have to understand that we are here to serve the community. And to be able to serve our community, we must identify also that there is God and his commandments for all of us. I also, all the time that (inaudible) of this understanding of the commandment of God, love God, love your neighbor. You're here because of your neighbors, because of the poor, the rich, the handsome, the sick people, we're all here for that. I am blessed because today we're celebrating St. Francis of Assisi. I guess most of us, I can say, can identify who St. Francis of Assisi is. He was one person and continued to exist that his name all over the world and a lover of God and a lover of mankind. And this is why God brought us into this world so that we can have harmony with one accord, directed by God to fulfill his wishes and his desire and his will in loving one another. Life is the ultimate, the greatest, there is no other greater than any other created beings, human life is the greatest of all. Jesus came into this world suffered and died for you and me. He is telling us to love him and follow his commandments and everything will come forward with his blessings. I want to share with you, I hope you don't mind, but I have a very special prayer. It is a very special prayer because it is St. Francis of Assisi's feastday. Brother and sisters, I beg you through the mercy of God to offer your bodies as a living sacrifice wholly and acceptable to God. Your spiritual worship, do not conform yourself to this age but be transformed in mind, so that you may judge with what is God's will, what is good, pleasing and perfect to almighty God. I thank you for allowing me to speak for our Lord, Jesus Christ. I never look at each of you as little less than a human being, because we are all human beings. No matter how sinful you may be, you are all human beings, and for a fact, Jesus came not for righteous people but for sinful people. He goes and tells us to sin no more. Abortion is a sin against humanity against society. Same sex marriage is no difference in that it contradicts the law of God, the law of nature. May St. Francis intercede for each and every one of us. May St. Francis help to direct your decision in bringing justice, truth and love of God for humanity. Humanity is essential to understand first that we don't have description to say that he is less because he is a very sinful man, no, that person may be a very sinful man, but that he may be one day the greatest of all man like St. Augustine. I can say there were many saints that were very sinful people, but they changed because of the grace of God, and that's



SENATOR DENNIS G. RODRIGUEZ, JR.

my prayer for all of you, for all of us. And I can say that I served for more than 20 years, the poor and the babies in the womb and all of those. Thank you for allowing me to talk to you, Si Yu'os Ma'ase' Senators.

Chairman Rodriguez: Thank you very much, God bless you. That will conclude the public hearing on Bills 191 and 193.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 205-32 (COR).

Fiscal Note: Request attached.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, hereby reports out Bill No. 193-32 (COR), as substituted, with the recommendation to Report out only.

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session**

Bill No. *193-32 (cor)*

Introduced by:

Dennis G. Rodriguez, Jr. *DR*

2013 SEP 23 PM 1:59
W

**AN ACT TO AMEND SECTION 4 OF PUBLIC
LAW 31-235 TO DELETE THE PROVISION
REQUIRING THE “PRINTED MATERIALS” AND
THE “CHECKLIST CERTIFICATION” TO
UNDERGO THE RULE MAKING PROCESS
PURSUANT TO THE ADMINISTRATIVE
ADJUDICATION LAW.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
2 that the provision contained in Section 4 of Public Law 31-235 which requires the
3 “printed materials” and “checklist certification” to undergo the rulemaking process
4 as set forth in Title 5, Chapter 9, Article 3 of the Guam Code Annotated should be
5 deleted. This determination is based upon the fact that neither the “printed
6 materials” nor the “checklist certification” are rules; and, but for the requirements
7 of Section 4, would not have to undergo – and, therefore, should not undergo – the
8 rule making process. These findings are supported by a memorandum from the
9 Office of the Attorney General, Guam which states that “the printed materials and

1 checklist do not meet the definition of a rule.” AG Memo -Ref: DPHSS 13-
2 0276(citing 5 G.C.A. § 9107, which defines rules and regulations under pertinent
3 Guam law).

4 *I Liheslaturan Guåhan* further finds that it would serve no purpose and that
5 it would constitute a waste of government resources to require the Department of
6 Health and Social Services to undertake the significant effort necessary to
7 promulgate the “printed materials” and “checklist certification” as if they were
8 rules or regulations when all are in agreement that they are not.

9 The purpose of this act (the “Act”), therefore, is to amend Section 4 of
10 Public Law 31-235 to delete the provision contained therein which requires the
11 “printed materials” and “checklist certification” to undergo the rulemaking
12 process.

13 **Section 2. Amendment of Section 4 of Public Law 31-235.** Section 4 of
14 Public Law 31-235 is hereby *amended* to read:

15 **“Section 4. Effective Date.** This Act *shall* take effect sixty (60)
16 days after the “printed materials” described in proposed § 3218.1(c)
17 and the “checklist certification” described in proposed § 3218.1(c)(5)
18 have been approved by the Director of the Department of Public
19 Health and Social Services. ~~Department and, pursuant to the rule~~

1 ~~making process set forth in Title 5, Chapter 9, Article 3 of the Guam~~
2 ~~Code Annotated.”~~

3 **Section 3. Effective Date.** This Act *shall* be effective immediately upon
4 enactment.

5

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 193-32 (COR)

As Substituted by the Committee on Health and Human Services,
Health Insurance Reform, Economic Development and Senior Citizens.

Introduced by:

Dennis G. Rodriguez, Jr.
Frank B. Aguon, Jr.
Christopher M. Duenas

**AN ACT TO AMEND SECTION 4 OF PUBLIC
LAW 31-235 TO DELETE THE PROVISION
REQUIRING THE “PRINTED MATERIALS” AND
THE “CHECKLIST CERTIFICATION” TO
UNDERGO THE RULE MAKING PROCESS
PURSUANT TO THE ADMINISTRATIVE
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SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH & HUMAN SERVICES, HEALTH INSURANCE REFORM,
ECONOMIC DEVELOPMENT AND SENIOR CITIZENS
Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

PUBLIC HEARING DATE / TIME: Friday, October 4, 2013 9am

- **Bill No. 193-32 (COR)** An Act to amend Section 4 of Public Law 31-235 to delete the provision requiring the “Printed Materials” and the “Checklist Certification” to undergo the rule making process pursuant to the Administrative Adjudication Law. Introduced by D.G. Rodriguez, Jr.

| PRINT NAME | SIGNATURE | AGENCY | ORAL TESTIMONY | WRITTEN TESTIMONY | IN FAVOR | OPPOSE | CONTACT NUMBERS | EMAIL ADDRESS |
|--------------|-----------|--------|----------------|-------------------|----------|--------|-----------------|---------------|
| JAMES GILLON | | DPHS | | ✓ | ✓ | | 7387101 | |
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GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

October 4, 2013

Honorable Dennis G Rodriguez, Jr.
Chairman, Committee on Health and
Human Services, Health Insurance Reform, Economic
Development and Senior Citizens

RE: Bills 191 and 193 which seek to amend and/or eliminate certain requirements of PL 31-235.

“THE WOMEN’S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012”

Dear Mr. Chairman:

My name is James W. Gillan and I am the Director of Public Health and Social Services. I am here to testify on two very closely related bills, 191 and 193.

I want to express my thanks to you and to Senator Aguon for addressing the matter of the Administrative Adjudication Act requirements as stipulated in Section 4. of PL 31-235.

If there were only one version of the bill I would have supported it. I am faced with choosing from the two and I support your Bill Mr. Chairman. It has somewhat the same effect as Senator Aguon’s bill, but I feel that by deleting the whole of Section 4 of PL 31-325, my reading of it, or my understanding of it would then make the Law effective immediately. The Department is still awaiting the licensing permission from the graphic artist whose drawings are contained in the information booklet. When we obtain that permission, we will have deemed the printed materials and checklist approved. We would then have them printed and distributed as required. Your bill allows for my approval discretion which is important at this time. Eliminating the entire Section 4 would in effect require me to print and distribute materials for which there is currently no license to do so. For that reason alone, I support Bill 193-32.

Thank you for allowing me to submit my testimony.

A handwritten signature in cursive script, appearing to read "James W. Gillan".

James W. Gillan

Kathy Calvo Sgro
116 Chalan Santo Papa, Hagatna, Guam 96932
(W) 477-9266/ Fax (671) 477-8308
ksgro@paylessmarkets.com

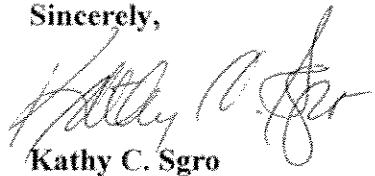
October 2, 2013

Senator Dennis Rodriguez, Jr.
Chairman, Committee on Health & Human Services
176 Serenu Ave., Suite 107
Tamuning, Guam
96931

Hafa Senator Rodriguez,

I fully support Bill 193-32 as it is written. I commend your efforts to provide information to women who are contemplating having an abortion. I believe it is a woman's right to be fully informed of the process and potential repercussions of the abortion procedure.

Sincerely,



Kathy C. Sgro



Senator Rodriguez <senatorrodriguez@gmail.com>

"I support Bill 193-32 and urge you to pass it promptly."

message

DonaMila Taitano <donamila@gmail.com>
To: senatorrodriguez@gmail.com

Wed, Oct 2, 2013 at 9:44 AM

"I support Bill 193-32 and urge you to pass it promptly."

in Christ's mercy and love,
DonaMila Inta Taitano
"Build the Kingdom"



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Support for Bill 193-32

1 message

Dave Hicks - ABE <dave@abemart.com>
To: senatordrodriguez@gmail.com

Wed, Oct 2, 2013 at 9:48 AM

I support Bill 193-32 and urge you to pass it promptly.

Regards,

Dave Hicks

Guam Voter



Dennis Rodríguez, Jr. <senatordrodriguez@gmail.com>

Support for Bill 193-32

1 message

M. L. Garcia-Pereda <mlgarciapered@gmail.com>

Wed, Oct 2, 2013 at 10:19 AM

To: "Honorable Dennis G. Rodríguez, Jr." <senatordrodriguez@gmail.com>

02 October 2013

Dear Senator Rodríguez:

I am unable to appear in person at the public hearing scheduled for Friday 04 October; therefore I am writing to express my **support** for Bill 193-32 and to urge the prompt passage of the bill.

Thank you once again for all you have done – and continue to do! – to protect life.

Sincerely,
Mary Lou Garcia-Pereda
Registered Voter

Law Office of
ARRIOLA COWAN & ARRIOLA

JOAQUIN C. ARRIOLA MARK E. COWAN
ANITA P. ARRIOLA JOAQUIN C. ARRIOLA, JR.

Calvo-Arriola Bldg., Suite 201
Hagatna, Guam
Mailing Address:
P.O. Box X Hagatna, Guam 96912

Telephone: 671-477-9730/33
Facsimile: 671-477-9734
E-Mail: acalaw@teleguam.net

October 7, 2013

VIA HAND DELIVERY

Honorable Judith T. Won Pat, Ed. D.
Speaker
32nd Guam Legislature
155 Hesler St.
Hagatna, Guam 96910

RE: **Bills 191-32 and 193-32**

Dear Senator:

I write to oppose Bills 191-32 and 193-32.

P.L. 31-235 was passed by the Guam Legislature to provide for women's informed consent in order to obtain an abortion. Section 4 of the law requires the Department of Public Health and Social Services (DPHSS) to follow the rule-making process of the Administrative Adjudication Law (AAL) for the information pamphlets ("printed materials") and "checklist certification" before the law can take effect. Bills 191-32 and 193-32, which would delete section 4, undermine the purpose and intent of the law.

The intent of P.L. 31-235 is clearly stated in the preamble in section 1: The Guam legislature finds "it is essential to the psychological and physical well-being of a woman considering an abortion that she receives *complete and accurate information* material to her decision of whether to undergo an abortion including information concerning abortion alternatives." (Emphasis added) Further, the law requires that DPHSS shall produce the printed materials and present them "in an *objective, unbiased manner* designed to convey only accurate scientific information." P.L. 31-235, section 2(b) (emphasis added). By deleting section 4 of P.L. 31-235, Bills 191-32 and 193-32 eliminate the submission of full and accurate information, particularly by doctors and other medical professionals who will be subject to liability under the law, to be considered by DPHSS in producing the printed materials and checklist certification. Instead, as was clear at the public hearing on these bills on October 4, 2013, only one side of the issue - the materials produced by Tim Rohr - will be considered and utilized. Whatever happened to democracy and a full and fair hearing on this issue? How can women receive "complete and accurate information" "in an objective, unbiased manner" when they are given only a one-sided view of information and are not provided information by doctors and medical professionals trained to know the type of information they should receive? Most important, since when does the Guam Legislature delegate the determination of public policy to a private individual, Tim Rohr, who has a well-known religious bias on the issue of informed consent?

32-13-850
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Received by
2013 OCT -9 PM 11:24

October 7, 2013

Re: Bills 191-32 & 193-32

Page

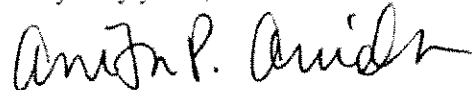
Bills 191-32 and 193-32 were ostensibly introduced because they would save DPHSS some money. Yet no information was provided at the public hearing to show that the costs of complying with the AAL would be so prohibitive that DPHSS could not effectively produce the printed materials and checklist certification. The AAL, (5 G.C.A. § 9301(a)), provides that at least 10 days before the date set for hearing, notice is to be published in a newspaper scheduling a hearing. At the hearing parties are afforded an adequate opportunity to participate in the formulation of the proposed rules through argument or submission of writing. 5 G.C.A. § 9301(b). The DPHSS director is then tasked with producing a report of the proposed rules. The AAA process is straightforward and would not be costly. By contrast, the detriment to women who are not given complete and accurate information in an objective, unbiased manner, is incalculable.

I enclose a draft checklist certification as an alternative to the one produced by Rohr. If the Legislature is concerned about cost, it should be concerned about the 17 pages produced by Rohr which must be made available to all physicians in Guam and must also be translated in other languages as required by P.L. 31-235, Section 2(c) (at a minimum, Chamorro, Japanese and Korean).

It was clearly the intent of the Legislature in enacting P.L. 31-235 to allow for public participation in the development of printed materials and the checklist certification required to provide informed consent for women. Bills 191-32 and 193-32 undermine that intent and allow a one-sided, biased version of materials to be forced upon the women of Guam.

I urge you to vote against Bills 191-32 and 193-32.

Very truly yours,



ANITA P. ARRIOLA

Enclosure

GUAM INFORMED CONSENT

- Bring this document with you to your appointment.
- Please read and initial each section and sign your name at the bottom.
- DO NOT mail to (NAME OF CLINIC)

To comply with Guam Law effective _____, 2013, you must receive this Informed Consent at least 24 hours prior to your procedure.

1. Your abortion procedure will be performed by (NAME OF PHYSICIAN). You will have the opportunity to meet with the doctor before your procedure. 10 G.C.A. § 3218.1(b)(1)(i).

2. Estimated Gestation of Pregnancy: Until you have a sonogram to determine how far along the pregnancy is, the best way to estimate the gestation is by the date of your last normal menstrual period. 10 G.C.A. § 3218.1(b)(1)(iii).

| If you believe your last normal menstrual period started: | Then you are probably about: |
|---|------------------------------|
| 4 weeks ago | 4 weeks pregnant |
| 5 weeks ago | 5 weeks pregnant |
| 6 weeks ago | 6 weeks pregnant |
| 7 weeks ago | 7 weeks pregnant |
| 8 weeks ago | 8 weeks pregnant |
| 9 weeks ago | 9 weeks pregnant |
| 10 weeks ago | 10 weeks pregnant |
| 11 weeks ago | 11 weeks pregnant |
| 12 weeks ago | 12 weeks pregnant |
| 13 weeks ago | 13 weeks pregnant |
| 14 weeks ago | 14 weeks pregnant |
| 15 weeks ago | 15 weeks pregnant |
| 16 weeks ago | 16 weeks pregnant |
| 17 weeks ago | 17 weeks pregnant |
| 18 weeks ago | 18 weeks pregnant |
| 19 weeks ago | 19 weeks pregnant |
| 20 weeks ago | 20 weeks pregnant |
| 21 weeks ago | 21 weeks pregnant |
| 22 weeks ago | 22 weeks pregnant |

The final determination will be made by the doctor upon ultrasound examination. If you are between 4 - 14 weeks, the common procedure is Vacuum Aspiration. Medication Abortion is available for pregnancy termination between 4 - 9 weeks. If you are between 15 - 22 weeks the most common procedure is Dilation and Evacuation.

3. Types of Abortion Procedures (10 G.C.A. § 3218.1(b)(1)(ii)(a)):

First Trimester (4-13 wks LMP) Vacuum Aspiration- This abortion procedure begins with a local anesthetic given to numb the cervix. The cervix is then widened using dilators, which are tapered rods that gradually increase in size. The physician inserts a small tube (cannula), which is attached to an aspiration device. The device's suction empties the contents of the uterus through the tube. The physician may check the walls of the uterus with a curette. The entire procedure takes less than 10 minutes. Sensations will vary, but they are mostly described as cramping or discomfort, which generally subsides within a few minutes after the procedure is over.

Early Non-surgical/Medication Abortion (4-9 weeks LMP or up to 63 days) – While in the clinic, a drug, Mifepristone, is given to stop the development of the pregnancy. One to two days later, at home, a second drug (Misoprostol) is taken, causing the uterus to contract and expel the embryo and placenta. During this process cramping and bleeding will occur.

Second Trimester (14-22 wks LMP) Dilation and Evacuation- During the initial appointment, the osmotic dilators are inserted into the patient's cervix to begin the process of slow and gentle dilation of the cervix. The abortion procedure occurs several hours later, or in some cases one or two days later and involves removal of the pregnancy with forceps. A suction instrument is used to clean the uterus, and a curette is used to check the uterine walls. Patients are then monitored in recovery for at least 2 hours following the procedure.

Complications of Abortion- Possible complications include: blood clots accumulating in the uterus, requiring another suction procedure; infections, most of which are easily identified and treated if the woman carefully observes follow-up instructions; a tear in the cervix, which may be repaired with stitches; perforation of the wall of the uterus and/or other organs, which may heal themselves or may require surgical repair or, rarely, hysterectomy; and abortion that is not complete or that does not end the pregnancy may require the procedure to be repeated; excessive bleeding due to failure of the uterus to contract, which may require a blood transfusion; death. In the second trimester, risks increase with every week of gestation. 10 G.C.A. § 3218.1(b)(1)(ii)(b), 3218.1(c)(4).

4. Risks with terminating a pregnancy vs. carrying a pregnancy to term- Health risks are low with either decision. There is approximately 1 death for every 167,000 women who have legal abortions and these rare deaths are usually of adverse reactions to anesthesia, heart attacks, or uncontrollable bleeding. The death rate for a woman carrying to term is about 10 times greater. 10 G.C.A. § 3218.1(b)(1)(ii)(a), 3218.1(b)(1)(v).

5. Your blood type will be determined the day of your appointment. Approximately 15% of the population is Rh negative. All Rh-negative women will receive an injection of Rhogam to prevent problems with future pregnancies such as miscarriage, severe fetal anemia or permanent fetal damage. The cost of the Rhogam is \$75 - \$125 depending upon fetal age. 10 G.C.A. § 3218.1(b)(1)(vi).

6. As required by Guam Law, the following information is provided to you:

- Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care. Public assistance may be available to provide medical insurance and other support for her child while he or she is a dependent. To learn more about the medical care and support that you may qualify for, visit <http://www.dphss.guam.gov> or call (671) 735-7270. 10 G.C.A. § 3218.1(b)(2)(i) and (ii).
- Alternatives to abortion include adoption. The law permits adoptive parents to pay costs of prenatal care, childbirth, and neonatal care. To learn more about adoption services available at Child Protective Services, visit <http://www.dphss.guam.gov/content/child-protective-services-section> or call (671) 475-2653. 10 G.C.A. § 3218.1(b)(2)(iii), 3218.1(c)(1).
- The father of a child is liable to assist in the child's support, including child support payments and health insurance, even in instances where he has offered to pay for the abortion. Paternity may be established by written declaration of paternity or by court action. To learn more about child support services and paternity, contact the Office of the Attorney General of Guam, Child Support Enforcement Division at (671) 475-3360 or visit www.guamcse.net. 10 G.C.A. § 3218.1(b)(v).
- You are free to withhold or withdraw your consent to the abortion at any time without affecting your right to future care or treatment and without the loss of any locally or federally funded benefits to which you might otherwise be entitled. 10 G.C.A. § 3218.1(b)(vi).

7. It is unlawful for any individual to coerce a woman to undergo an abortion. Any physician who performs an abortion upon a woman without her informed consent may be liable to her for damages in a civil action. 10 G.C.A. § 3218.1(c)(1).

8. The Territory of Guam strongly urges you to contact the resources provided in this booklet before making a final decision about abortion. The law requires that your physician or his or her agent give you the opportunity to call agencies and service providers like these before you undergo an abortion. 10 G.C.A. § 3218.1(c)(1).

9. I received this information at least twenty-four (24) hours prior to my procedure.

Signature of Patient

Time and Date Received



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 193-32 (COR)** – “AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE “PRINTED MATERIALS” AND THE “CHECKLIST CERTIFICATION” TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.” – October 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on September 24, 2013 at 12:57 P.M.

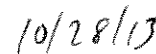
COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 195-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

Date





COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Member

September 24, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

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

RE: Request for Fiscal Notes-- Bill Nos. 177-32(COR) through 180-32(COR);
184-32(COR) through 186-32(COR); and 188-
32(COR) through 193-32(COR)

Hafa Adai Mr. Rios:

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

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

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 AM 10:15



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Aline Yamashita
Member

September 24, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: Referral of Bill No. 193-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 193-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|-----------------|--------------------------|--|-----------------------|---------------|--|---------------------|-----------------------------|--------------|
| 193-32 (COR) | Dennis G. Rodriguez, Jr. | AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW. | 09/23/13 1:59 p.m. | 09/24/13 | Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens | | | |



FIRST NOTICE OF PUBLIC HEAR-October 4, 2013

Amanda Shelton <amanda@toduguan.com>
To: phnotice@guamlegislature.org

Fri, Sep 27, 2013 at 5:09 PM

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE OF CONFIRMATION AND PUBLIC HEARING-October 4, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a public hearing for **Friday, October 4, 2013** The items on the agenda are as follows:

9:00 a.m.

Confirmation Hearing:

- The Executive Appointment of Ms. Vera Wu as Member of the Guam Economic Development Authority Board of Directors.

Public Hearing:

- Bill No. 193-32 (COR) An Act to amend Section 4 of Public Law 31-235 to delete the provision requiring the "Printed Materials" and the "Checklist Certification" to undergo the rule making process pursuant to the Administrative Adjudication Law. Introduced by D.G. Rodriguez, Jr.
- Bill No. 191-32 (COR) An act to amend Public Law 31-235, relative to the Women's Reproductive Health Information Act of 2012. Introduced by F.B. Aguon, Jr.

I look forward to your presence and participation.

--
Si Yu'os Ma'ase'
Amanda L. Shelton
Chief of Staff
Office of Senator Rodriguez

649-8638
www.toduguan.com



FIRST NOTICE OF HEARING-October 4, 2013

Amanda Shelton <amanda@toduguan.com>

Fri, Sep 27, 2013 at 5:06 PM

Bcc: Clynt Ridgell <clynt@spbguam.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbguam.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbguam.com, nick.delgado@kuam.com, parroyo@k57.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jesse Lujan <jesselujan27@yahoo.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbguam.com>, Kevin Kerrigan <news@k57.com>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>

Hafa Adai,

Please see attached notice of confirmation and public hearing for October 4, 2013. Please contact the Office of Senator Rodriguez if you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

September 27, 2013

PRESS RELEASE

FIRST NOTICE OF CONFIRMATION & PUBLIC HEARING

Friday, October 4, 2013, 9:00 a.m.

In accordance with the Open Government Law, Public Law 24-I09, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing **Friday, October 4, 2013, 9:00 a.m.** at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

9:00 a.m.

Confirmation Hearing:

- The Executive Appointment of Ms. Vera Wu as Member of the Guam Economic Development Authority Board of Directors.

Public Hearing:

- Bill No. 193-32 (COR) An Act to amend Section 4 of Public Law 31-235 to delete the provision



SECOND NOTICE OF PUBLIC HEARING- October 4, 2013

Joseph Anthony Mesngon <jmesngon.senatorrodriguez@gmail.com>
To: phnotice@guamlegislature.org

Tue, Oct 1, 2013 at 4:47 PM

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE OF CONFIRMATION AND PUBLIC HEARING - October 4, 2013.

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a public hearing for **Friday, October 4, 2013**. The items on the agenda are as follows:

9:00 a.m.

Confirmation Hearing:

- The Executive Appointment of Ms. Vera Wu as Member of the Guam Economic Development Authority Board of Directors.

Public Hearing:

- Bill No. 193-32 (COR) An Act to amend Section 4 of Public Law 31-235 to delete the provision requiring the "Printed Materials" and the "Checklist Certification" to undergo the rule making process pursuant to the Administrative Adjudication Law. Introduced by D.G. Rodriguez, Jr.
- Bill No. 191-32 (COR) An act to amend Public Law 31-235, relative to the Women's Reproductive Health Information Act of 2012. Introduced by F.B. Aguon, Jr.

I look forward to your presence and participation.

Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr., and sent to 176 Serenu Avenue Suite 107 Tamuning, Guam or email to senatorrodriguez@gmail.com or delivered to the Legislature's mailroom at 155 Hesler Place, Hagatna, Guam 96910.

Individuals requiring special assistance, please contact our office no later than 48 hours prior to the scheduled hearing at 649-8638/0511.

Thank you!



SENATOR DENNIS G. RODRIGUEZ, JR.

Friday, October 4, 2013

AGENDA

9am

Public Hearing Room, *I Liheslatura*

I. Call to Order

II. Items public consideration:

- Confirmation Hearing on the Executive Appointment of Ms. Vera Wu as a Member of the Guam Economic Development Authority Board of Directors.
- **Bill No. 193-32 (COR)** An Act to amend Section 4 of Public Law 31-235 to delete the provision requiring the "Printed Materials" and the "Checklist Certification" to undergo the rule making process pursuant to the Administrative Adjudication Law. Introduced by D.G. Rodriguez, Jr.
- **Bill No. 191-32 (COR)** An act to amend Public Law 31-235, relative to the Women's Reproductive Health Information Act of 2012. Introduced by F.B. Aguon, Jr.

III. Adjournment

Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr. and sent or to 155 Hesler St. Hagatna, Guam, the Guam Legislature's Mailroom, or via email at senatordrodriguez@gmail.com.

Si Yu'os Ma'ãse' for your participation in today's hearings and discussions!