

EDDIE BAZA CALVO
Governor



2011 APR -6 AM 8:28 RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-11-377

Office of the Speaker
Judith T. Won Pat, Ed.D.

4/5/11
3:45 pm

April 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Madam Speaker:

Transmitted herewith is Bill No. 127-31 (LS), entitled: "**AN ACT RELATIVE TO REPEALING INORGANIC PROVISIONS IN CONFLICT WITH 48 U.S.C. §1421G(A) – THE ORGANIC ACT OF GUAM, BY REPEALING §§ 80105.5 AND 80107 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE GUAM MEMORIAL HOSPITAL AUTHORITY BOARD OF TRUSTEES**", which I signed into law on April 4, 2011 as **Public Law 31-14**.

I am pleased to sign this bill into law for a couple reasons. First, this bill is noteworthy for *I Liheslaturan Guåhan* acting upon one of many welcome and much-needed opportunities to reform Guam law where necessary, be it to conform to the Organic Act of Guam or to correct local laws which may be antiquated, confusing, superfluous, or contradictory to other local statutes.

Second, this bill demonstrates that, when the Executive and Legislative branches work together to craft solutions, the result can successfully propel our government forward. In this respect, I wish to thank the Chairman of the Committee on Health & Human Services, Senior Citizens, Economic Development & Election Reform for stepping up to this task in quick fashion. The Chairman did well to swiftly introduce this bill as a positive measure to address Guam's only public hospital serving the medical needs of our island.

The Organic Act of Guam places the exclusive and vastly important duty upon the Governor that he "shall establish, maintain, and operate public health services in Guam, including hospitals, dispensaries, and quarantine stations." [48 U.S.C. §1421g(a)]. Furthermore, the Ninth Circuit Court of Appeals holds *I Liheslaturan Guåhan* "may not negate the command of the Organic Act that the ultimate responsibility for the governance of the Hospital be in the Governor ... [nor] take[] over the entire power to establish, maintain and operate the Hospital by dictating who the governing trustees shall be." (624 F.2d at 934).

Accordingly, *I Liheslaturan Guåhan* has now taken the first step toward removing impediments to the Governor's ability to perform his Organic Act duty to reasonably govern Guam Memorial Hospital ("GMH") through a Board of Trustees. I previously submitted my appointees to the

GMH Board of Trustees to *I Liheslaturan Guåhan* for confirmation in an attempt to involve the Legislative branch and collaborate towards improving Guam's health care system. With the passage of this law, I hope my continued attempt to enlist the assistance of *I Liheslaturan Guåhan* in addressing Guam's health care needs is not in vain. Again, the law of our land mandates that *I Liheslaturan Guåhan* not dictate who the governing trustees of GMH shall be, and that this is the sole responsibility of the Governor. Nonetheless, I am resubmitting my appointees to *I Liheslaturan Guåhan* for its endorsement in the spirit of governmental community and with the sincere hope that we can advance our island's interests together. It is my personal philosophy that Guam can only prosper when the Executive and Legislative branches cooperate toward advancing their common goal of an effective government which truly serves its people. In that regard, I sign this bill into law and will continue to govern according to this principle.

Senseramente,

A handwritten signature in black ink, appearing to read 'Eddie Baza Calvo', with a stylized, flowing script.

EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

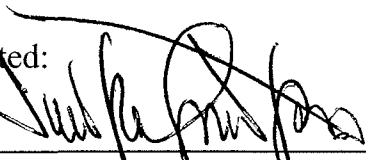
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that Bill No. 127-31 (LS), "AN ACT RELATIVE TO REPEALING INORGANIC PROVISIONS IN CONFLICT WITH 48 U.S.C. §1421G(A) - THE ORGANIC ACT OF GUAM, BY REPEALING §§80105.5 AND 80107 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE GUAM MEMORIAL HOSPITAL AUTHORITY BOARD OF TRUSTEES", was on the 1st day of April, 2011, duly and regularly passed.



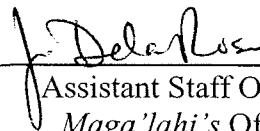
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 1st day of April, 2011, at 10:20 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO

I Maga'lahren Guåhan

Date:

April 4, 2011

Public Law No. 31-14

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 127-31 (LS)

As amended on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Sam Mabini, Ph.D.
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT RELATIVE TO *REPEALING* INORGANIC PROVISIONS IN CONFLICT WITH 48 U.S.C. §1421G(A) - THE ORGANIC ACT OF GUAM, BY *REPEALING* §§80105.5 AND 80107 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE GUAM MEMORIAL HOSPITAL AUTHORITY BOARD OF TRUSTEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. *I Mina'Trenta Na Liheslaturan Guåhan* (the Thirtieth Guam Legislature) passed Bill No. 386-30 (COR), which was enacted into law as Public Law 30-190, in an effort to further enhance the autonomy of the Guam Memorial Hospital Authority. *I Liheslaturan*

1 *Guåhan* now finds that certain provisions of Public Law 30-190 are deemed by the
2 Attorney General of Guam to be inorganic, as stated in his Opinion LEG 11-0199,
3 of March 28, 2011. Specifically, §80105.5 [Trustees Nominating Council;
4 Establishment] and §80107 [Removal From Office] of Chapter 80, Division 4,
5 Title 10, Guam Code Annotated, contain provisions which would limit the
6 authority of *I Maga'lahen Guåhan* (the Governor of Guam) to appoint and remove
7 members of the Guam Memorial Hospital Authority Board of Trustees.

8 The Attorney General has opined that this infringement of *I Maga'lahi's* (the
9 Governor's) plenary authority over GMHA is clearly contrary to the authority
10 conveyed by 48 U.S.C. § 1421g(a) - the Organic Act of Guam.

11 It is the intent of *I Liheslaturan Guåhan* to remedy this inorganic conflict, as
12 cited by the Attorney General's Opinion LEG 11-0199, by repealing in its entirety,
13 §§80105.5 and 80107 of Chapter 80, Division 4, Title 10, Guam Code Annotated.

14 **Section 2.** §80105.5 [Trustees Nominating Council; Establishment] of
15 Chapter 80 of Division 4, Title 10, Guam Code Annotated, is hereby *repealed* in its
16 entirety.

17 **Section 3.** §80107 [Removal From Office] of Chapter 80 of Division 4,
18 Title 10, Guam Code Annotated, is hereby *repealed* in its entirety.

19 **Section 4.** Subsection (f) of §80105.1 of Chapter 80 of Division 4, Title
20 10, Guam Code Annotated, is hereby *repealed*.



SENATOR DENNIS G. RODRIGUEZ, JR.

March 30, 2011

Honorable Judith T. Won Pat
Speaker
I Mina'Trentai Una na Liheslaturan Guåhan
155 Hesler Place
Hagatña, Guam 96910

RE: Request for Speaker's Emergency Declaration Relative to Bill No. 127-31 (LS).

Dear Speaker Won Pat:

I wish to respectfully request your consideration of an emergency declaration relative to Bill No. 127-31 (LS), for the purpose of its expeditious consideration by *I Liheslaturan Guahan* during the current legislative session.

As you are aware, the Attorney General of Guam has issued a legal opinion (LEG 11-0199) relative to certain provisions of P.L. 30-190, and their inorganic mandates relative to the appointment and removal of members of the Guam Memorial Hospital Authority Board of Trustees (attached). Specifically, §80105.5 and §80107 of Chapter 80, Title 10, Guam Code Annotated. This request is made with due consideration of:

§ 2103. Public Hearings Mandatory. (a) No bill may be passed by *I Liheslatura* unless it has received a public hearing, except that when the presiding officer of *I Liheslatura* certifies that emergency conditions exist, involving danger to the public health or safety, the requirement for a public hearing may be waived and in the event the bill is identical to a bill introduced earlier, which later bill received a public hearing, then a public hearing for the identical bill may be waived.

The urgency lies in the conflict between the cited inorganic provisions remaining in statute, and our legislative inability to receive and confirm appointees to the GMHA Board of Trustees, which is statutorily mandated in a manner in conflict with the A.G.'s opinion on the respective sections. This dangerously impedes the proper administration and provision of critical health services provided by Guam's only civilian hospital. The sooner the conflict is resolved, the Committee on Health and Human Services can expeditiously move forward in the confirmation process, and subsequent consideration by *I Liheslaturan Guåhan*.

Your consideration of this matter is urgently requested.

Si Yu'os ma'ase.

Senseramente,


DENNIS G. RODRIGUEZ, JR.

Attachment: Bill No. 127-31 (LS)

Chairman,
Committee on
Health & Human
Services,
Senior Citizens,
Economic
Development,
& Election Reform

Member,
Committee on
Public Safety, Law
Enforcement,
& Judiciary

Member,
Committee on
Youth, Cultural Affairs,
Procurement, General
Government
Operations, & Public
Broadcasting

Member,
Committee on
Municipal Affairs,
Tourism,
Housing & Recreation

Member,
Committee on Rules,
Federal, Foreign &
Micronesian
Affairs, & Human &
Natural Resources

Member,
Committee on the
Guam Military Buildup
& Homeland Security

Member,
Committee on
Appropriations,
Taxation,
Public Debt, Banking,
Insurance,
Retirement, & Land

Member,
Committee on Utilities,
Transportation, Public
Works,
& Veterans Affairs

Assistant Majority Whip



OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

March 30, 2011

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

To: Honorable Rory Respicio
Chairperson, Committee on Rules

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

Subject: Waiver of Public Hearing Request on Bill No. 127 – 31 (LS)

GUAM FIRST
COMMISSION

After careful evaluation for a request to waive the requirements for a public hearing on Bill No. 127 – 31 (LS).

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

Bill No. 127 -31 (LS) AN ACT RELATIVE TO REPEALING INORGANIC PROVISIONS IN CONFLICT WITH 48 U.S.C. § 1421G(A) - THE ORGANIC ACT OF GUAM, BY REPEALING §80105.5 AND §80107 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE GUAM MEMORIAL HOSPITAL AUTHORITY BOARD OF TRUSTEES.

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

I certify that Bill No.127-31 (LS) meets a condition set forth in 2 GCA §2103(a), and that the requirements for a public hearing on Bill No. 127-31 (LS).

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

Senseramente,

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

Judith T. Won Pat, Ed.D.
Speaker

cc: Clerk of the Legislature

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/1/11

VOTING SHEET

A Bill No. 127-31 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.					1
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam 11	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T. 111		✓			
YAMASHITA, Aline A.	✓				

TOTAL

12 2 _____ _____ 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence


I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 127-31(65)

Introduced by:

DENNIS G. RODRIGUEZ, JR. 

AN ACT RELATIVE TO REPEALING
INORGANIC PROVISIONS IN CONFLICT
WITH 48 U.S.C. § 1421G(A) - THE ORGANIC
ACT OF GUAM, BY REPEALING §80105.5 AND
§80107 OF CHAPTER 80, TITLE 10, GUAM CODE
ANNOTATED, PERTAINING TO THE GUAM
MEMORIAL HOSPITAL AUTHORITY BOARD
OF TRUSTEES.

2011 MAR 30 AM 9:20 - 

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1 would limit the authority of the Governor of Guam to appoint and remove
2 members of the Guam Memorial Hospital Authority Board of Trustees.

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4 Governor's plenary authority over GMHA is clearly contrary to the
5 authority conveyed by 48 U.S.C. § 1421g(a) - the Organic Act of Guam.

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10 **Section 2.** Section 80105.5 [Trustees Nominating Council;
11 Establishment] of Chapter 80 of Division 4, Title 10, Guam Code
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