



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
LEGISLATIVE JOURNAL
MARCH 6, 2024

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I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session
LEGISLATIVE JOURNAL

Speaker Antonio R. Unpingco Legislative Session Hall
March 6, 2024

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: *MANANA SI YU'OS* WELCOME BACK COLLEAGUES *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN* IS CALLED TO ORDER IF THERE'S NO OBJECTION I WOULD LIKE TO GRANT PRIVILEGE OF THE FLOOR TO FORMER SENATOR SIMON SANCHEZ THANK YOU MADAM MAJORITY LEADER YOU'RE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER *HÅFA ADAI* COLLEAGUES NOTWITHSTANDING THE HOUSE RULES I MOVE TO ADOPT TODAY'S LEGISLATIVE SESSION AGENDA DATED MARCH 6, 2024.

SPEAKER TERLAJE: ON THE MOTION TO ADOPT THE AGENDA IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES. MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER I MOVED TO WAVE LEGISLATIVE SESSION AGENDA ITEMS TWO THROUGH SIX THAT IS THE PRAYER RECOGNITION OF RECIPIENT OF *I MILÅYAN MÅS TAKHILO NA SAKRAFISU* RECITING OF THE *INIFRESI* SINGING OF THE GUAM HYMN AND SINGING OF THE NATIONAL ANTHEM.

SPEAKER TERLAJE: ARE THERE ANY OBJECTIONS TO THAT MOTION TO WAVE THOSE ITEMS SEEING NO OBJECTION MOTION CARRIES WE'RE NOW ON ROLL CALL CLERKS PLEASE TAKE THE ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR BARNETT SENATOR BLAS SENATOR BROWN SENATOR DUEÑAS SENATOR FISHER SENATOR LUJAN VICE SPEAKER MUÑA BARNES SENATOR PARKINSON SENATOR PEREZ SENATOR QUINATA SENATOR SAN AGUSTIN SENATOR SAN NICOLAS SENATOR SHELTON SENATOR TAITAGUE SPEAKER TERLAJE MADAM SPEAKER THERE IS A QUOROM.

SPEAKER TERLAJE: *SI YU'OS MA'ÅSE'* CLERK MAJORITY LEADER SENATOR SHELTON YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAVE LEGISLATIVE SESSION AGENDA ITEMS EIGHT THROUGH 12 CALL FOR APPROVAL OF THE LEGISLATIVE JOURNAL COMMUNICATIONS AND PETITIONS MESSAGES FROM *I MAGA'HÅGAN GUÅHAN* REPORTS OF STANDING COMMITTEES AND REPORTS OF SELECT COMMITTEES.

SPEAKER TERLAJE: ON THAT MOTION TO WAVE ITEMS 8 THROUGH 12 ON OUR AGENDA IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER I MOVE THAT BILL'S INTRODUCED BILL NUMBERS 249-37 COR 250-37 LS THROUGH 252-37 LS AND 253-37 COR THROUGH 258-37 COR AND RESOLUTIONS INTRODUCED RESOLUTION NUMBERS 323-37 COR 324-37 LS THROUGH 327-37 LS AND 32837 COR THROUGH 340-37 COR BE DEEMED TO HAVE BEEN GIVEN THEIR FIRST READING.

SPEAKER TERLAJE: ON THAT MOTION ON THE FIRST READING AND BILLS AND RESOLUTION IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES WE'RE NOW IN MOTIONS ARE THERE ANY MOTIONS.

SENATOR SHELTON: YES.

SPEAKER TERLAJE: MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER I MOVE TO EXCUSE SENATORS NOT PRESENT FOR TODAY'S SESSION.

SPEAKER TERLAJE: IS THERE ANY OBJECTION TO THAT MOTION SEEING NO OBJECTION MOTION CARRIES SENATOR PARKINSON YOU ARE RECOGNIZED UNDER MOTIONS.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER AT THIS TIME I WOULD LIKE TO MAKE A MOTION TO ADD BILL NUMBER 206-37 LS AS AMENDED BY THE COMMITTEE ON ENVIRONMENT REVENUE AND TAXATION LABOR PROCUREMENT STATISTICS AND RESEARCH AND PLANNING INTRODUCED BY MYSELF WILLIAM A PARKINSON AN ACT TO ADD A NEW SECTION 8113.16 TO ARTICLE 1 OF CHAPTER 8 TITLE 12 GUAM CODE ANNOTATED RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY TO THE THIRD READING AND I WOULD LIKE TO DISCUSS AT THIS TIME.

SPEAKER TERLAJE: THAT IS AS AMENDED BY THE COMMITTEE.

SENATOR PARKINSON: AS AMENDED.

SPEAKER TERLAJE: ALL RIGHT SO THE MOTION WOULD BE TO ADD IT TO THE SESSION AGENDA.

SENATOR PARKINSON: YES MA'AM.

SPEAKER TERLAJE: FIRST ALL RIGHT SO ON THAT MOTION TO ADD BILL NUMBER 206-37 LS AS AMENDED BY THE COMMITTEE ONTO OUR SESSION AGENDA TODAY IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES ARE THERE ANY OTHER MOTIONS SENATOR MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: YES MADAM SPEAKER *SI YU'OS MA'ÁSE'* I MOVE THAT ALL RESOLUTIONS COMMENDATORY CONGRATULATORY AND CONDOLENCE RESOLUTIONS INTRODUCED TODAY AND FOR THE REMAINDER OF THE SESSION AUTOMATICALLY INCLUDE ALL SENATORS AS CO-SPONSORS.

SPEAKER TERLAJE: ON THAT MOTION IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES ALL RIGHT MAJORITY LEADER YOU'RE RECOGNIZED WE'RE NOW ON LEGISLATIVE CONCURRENCE.

SENATOR SHELTON: THANK YOU VERY MUCH MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAVE LEGISLATIVE SESSION AGENDA ITEM 15 LEGISLATIVE CONCURRENCE AND 16 CONSENT CALENDAR.

SPEAKER TERLAJE: ON THAT MOTION TO WAVE THOSE ITEMS IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES WE'RE NOW ON SECOND READING SO THE ONLY BILL ON SECOND READING RIGHT NOW IS BILL NUMBER 206-37 LS AS SENATOR PARKINSON YOU ARE RECOGNIZED.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER AT THIS TIME I WOULD LIKE TO MAKE A MOTION TO ADD BILL NUMBER 206-37 AS AMENDED BY THE COMMITTEE ON ENVIRONMENT REVENUE AND TAXATION LABOR PROCUREMENT STATISTICS RESEARCH AND PLANNING INTRODUCED BY MYSELF WILLIAM A PARKINSON AND ADD TO ACT A NEW SECTION 8113.16 TO ARTICLE 1 OF CHAPTER 8 TITLE 12 GUAM CODE ANNOTATED RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY TO THE THIRD READING AND I WOULD LIKE TO DISCUSS THAT THIS TIME.

SPEAKER TERLAJE: PLEASE PROCEED.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER TODAY WE ARE INTRODUCING A BILL TO PROVIDE TEMPORARY POWER GENERATION FOR THE HOT MONTHS IN THE SUMMER SO THAT WE CAN AVOID LOAD SHEDDING THAT'S WHY THIS BILL IS BEING DISCUSSED AND INTRODUCED TODAY THIS BILL IS NOT MY WORK THIS BILL WAS PUT TO ME AT THE REQUEST OF GPA BECAUSE THEY THOUGHT THAT THIS WAS THEIR LAST RESORT TO PREVENTING LOAD SHEDDING IN THE SUMMER THEY INTRODUCED TWO BILLS TO US NOT JUST THIS ONE 201 AND 206 201 DID NOT PASS THIS BODY BECAUSE THEY HAVE NOT MADE THE PROOF POSITIVE CASE TO THIS BODY OF THE FUNDAMENTAL QUESTION HAVE WE EXHAUSTED ALL OF OUR OPTIONS NOW SOME TIME HAS GONE BY THIS BILL WAS INTRODUCED IN NOVEMBER WE'RE HERE IN FEBRUARY NOW AND I BELIEVE THE CALCULUS TO THAT HAS CHANGED I BELIEVE THEY HAVE EXHAUSTED ALL OF THEIR OPTIONS AND AS WE'VE GONE THROUGH THE PUBLIC HEARING PROCESS AND THE TALKS IN THE COMMUNITY I HOPE THAT THEY WERE ABLE TO MAKE THAT CASE TO MY COLLEAGUES AS WELL SEE I COME FROM AN EMERGENCY SERVICES BACKGROUND AND I WAS ALWAYS TAUGHT THAT IN AN EMERGENCY WE SOLVE THE EMERGENCY FIRST AND THEN IN THE FINAL ANALYSIS WE DO AN AFTER ACTION REPORT AND WE SEE WHAT HAPPENS WE HAVE HEARD SOME FEEDBACK FROM THE COMMUNITY THAT MAYBE WE'RE MOVING TOO FAST ON THIS MAYBE WE COULD SLOW DOWN AND ANALYZE DIFFERENT SOLUTIONS BUT AGAIN I WANT TO REITERATE WE INTRODUCED THIS IN NOVEMBER AND WE HAVE HAD PLENTY OF TIME THEN TO EXPLORE ALTERNATIVE SOLUTIONS AND I FEAR EVEN NOW WE MIGHT BE A LITTLE BIT TOO LATE TO HIT SOME OF THE DEADLINES WE HIT BUT THAT BEING SAID WE

STILL MARCH FORWARD AND WE SHOULD STILL GET THIS DONE I BELIEVE GPA IS ACTING IN GOOD FAITH AND I DO BELIEVE THEY HAVE EXHAUSTED ALL OF THEIR OPTIONS AND THAT'S WHY THEY ARE ASKING US FOR THIS AWESOME WAIVER OF THE PROCUREMENT LAWS RECENTLY I MET A LOT OF THE ENGINEERS IN THIS VERY CONGRESS BUILDING PRESENTED THEM WITH CERTIFICATES RECOGNIZING THEIR GOOD WORK AND YOU KNOW AS A MAN GROWING UP I MUST ADMIT THAT I KIND OF GREW UP A LITTLE CYNICAL BUT STRANGELY MY TIME IN OFFICE HAS NOT MADE ME MORE CYNICAL BUT LESS WHEN I MET THESE ENGINEERS AND THESE PEOPLE WHO ARE LITERALLY WORKING TO KEEP THE LIGHTS ON IT BRINGS MY HEART LEVITY TO SEE THAT THERE ARE PEOPLE WORKING IN OUR GOVERNMENT WHO ARE TRULY HERE TRYING TO DO GOOD FOR THEIR COMMUNITY BY THEIR COMMUNITY BECAUSE YOU SEE THE THE WORK TO MAKE THIS SOCIETY WORK DOESN'T JUST HAPPEN ON LEGISLATIVE DAYS OR ELECTIONS OR STATE OF THE ISLAND ADDRESSES IT'S A DAY IN DAY OUT JOB WHERE PEOPLE POUND ON DOORS THAT REFUSE TO OPEN AND THEN THEY PUT IN THE HARD WORK TO MAKE THOSE DOORS OPEN I LOOKED INTO THESE PEOPLE'S EYES AND I LOOKED INTO THEIR HEARTS AND I DON'T THINK THEY HAVE ILL INTENT FOR THE ISLAND OR THEY'RE TRYING TO PULL A FAST ONE ON US I THINK THEY SEE THE SAME SLOW MOVING EMERGENCY THAT I SEE AND THAT THEY'VE BEEN TRYING TO SHOW US THAT IF WE DON'T GET OUR DUCKS IN A ROW IN A CERTAIN AMOUNT OF TIME WE ARE NOT GOING TO GET THESE PROJECTS UP IN TIME TO PREVENT LOAD SHEDDING SO I ASK MY COLLEAGUES TO JOIN ME IN THIS GESTURE OF WORKING WITH GPA IN GOOD FAITH TO LITERALLY KEEP THE LIGHTS ON FOR US I ASK MY COLLEAGUES TO OPEN THE DOOR FOR GPA TO DO THEIR JOBS SO WE CAN HELP THEM HELP US KEEP THE LIGHTS ON AND WITH THAT MADAM CHAIR I WOULD LIKE TO INTRODUCE A AMENDMENT IT IS CURRENTLY IN THE DRIVE RIGHT NOW IT CHANGES THE WINDOW FOR APPROVAL OF ATTORNEY GENERAL APPROVAL FROM CONTRACTS TO 48 HOURS TO FIVE CALENDAR DAYS THEN IF THE AG WITHDRAWS FROM REPRESENTING GPA OR REFUSES TO PROVIDE LEGAL SERVICES DURING THE PROCUREMENT OF TEMPORARY POWER IT ALLOWS GPA TO CONTINUE PROCUREMENT WITHOUT ASSISTANCE OR APPROVAL FOR THE FROM THE AG AND I GUESS I'D LIKE TO DISCUSS THAT AS WELL.

SPEAKER TERLAJE: YES YOU MAY PROCEED DOES EVERYONE HAVE A COPY YOU MAY PROCEED.

SENATOR PARKINSON: WELL WHEN I WAS GOING THROUGH MY 2024 BINGO CARD I DID NOT HAVE THE ATTORNEY GENERAL REFUSING TO DO HIS DUTY REGARDING LINE AGENCIES AND SO THIS AMENDMENT IS IN REFLECTION OF THE VERY UNUSUAL CIRCUMSTANCES WE FIND OURSELVES IN SO I AM PUTTING FORTH THIS AMENDMENT AS AN IDEA BEFORE THE GENERAL BODY I HOPE MY COLLEAGUES WILL SUPPORT IT BUT I AM LOOKING AT WAYS TO MAKE THIS WORK SO I AM OPEN AND WILLING TO WORK WITH ANY AND ALL AMENDMENTS TO THE AMENDMENT OR THIS BILL TO MAKE SURE IT'S RIGHT AND THAT WE DO RIGHT BY THE PEOPLE OF GUAM SO WITH THAT MADAM CHAIR I YIELD THE REST OF MY TIME AND LOOK FORWARD TO THE REST OF THE CONVERSATION.

SPEAKER TERLAJE: ON THE AMENDMENT WOULD ANYONE LIKE TO BE RECOGNIZED ON THE AMENDMENT SENATOR PEREZ YOU ARE RECOGNIZED ON THE AMENDMENT.

SENATOR PEREZ: THANK YOU MADAM SPEAKER AND GOOD MORNING TO MY COLLEAGUES SO JUST A QUESTION FOR THE AUTHOR OF THE AMENDMENT COULD THIS WITH A NOTWITHSTANDING CLAUSE IF YOU WERE TO REMOVE IT WILL IT BE ABLE TO OPERATE IN THE SAME WAY AND JUST KEEP THE FIVE CALENDAR DAYS.

SPEAKER TERLAJE: WOULD THE SPONSOR YIELD TO THAT QUESTION.

SENATOR PARKINSON: I MEAN IF WE WERE TO DO THAT WE WOULD BE OPENING OURSELVES UP TO HAVING TO HAVE THIS CONVERSATION AGAIN IN A FEW DAYS BECAUSE I BELIEVE IN OUR STATUTES THERE IS PENALTIES IF NOT PENALTIES BUT THERE ARE ACTIONS WE CAN DO IF THE ATTORNEY GENERAL WERE TO MAKE A DECISION THAT WE COULD APPEAL YOU KNOW THERE ARE ACTIONS WE COULD TAKE AND THERE ARE ACTIONS WE CAN TAKE IF THE ATTORNEY GENERAL RULES INCORRECTLY HOWEVER THERE IS NOTHING IN OUR STATUTES TO REMEDY WHAT WILL WE DO IF THE ATTORNEY GENERAL SITS THERE AND DOES NOTHING THERE IS NO REMEDY IN LAW FOR US TO MOVE FORWARD IF HE JUST DECIDES TO SIT ON HIS WORK AND SO WHILE I I SHARE YOUR AMBIVALENCE AT WAVING THE ROLE OF THE ATTORNEY GENERAL THIS IS YOU KNOW FOR THE PEOPLE WATCHING AT HOME THIS IS NOT NORMAL IN THE POLITICAL SPHERE THIS IS AN EXTRAORDINARY EVENT WHERE ONE PERSON IN AN ELECTED OFFICE ISN'T HOLDING UP THE ENTIRETY OF GOVERNMENT WE WE'RE NOT JUST TALKING BIG PROJECTS WE'RE TALKING SMALL PROJECTS TOO FOOD FOR THE ELDERS CONTRACT AND MAINTENANCE CONTRACT FOR PROJECTS BIG AND SMALL THIS IS EVERYTHING AND SO WHILE WE CAN AMEND THE AMENDMENT TO TAKE THAT LANGUAGE OUT I FEAR IN DOING SO WE ARE JUST SETTING OURSELVES UP FOR

COMING BACK HERE AGAIN IF WE FIND THAT THE ATTORNEY GENERAL DECIDES TO JUST SIT ON HIS WORK BECAUSE THERE IS NO LEGAL REMEDY FOR US TO EXERCISE IF HE JUST SITS ON IT AND SO HERE WE ARE I HOPE THAT ANSWERS YOUR QUESTION MA'AM.

SENATOR PEREZ: I GUESS MAYBE IF I CAN REPHRASE THE QUESTION SO IF YOU DIDN'T HAVE THAT NOTWITHSTANDING CLAUSE AND YOU JUST BASICALLY YOU WOULD JUST HAVE THE FIVE CALENDAR DAYS SO IT WOULD STATE THAT THE ATTORNEY GENERAL'S APPROVAL AS TO THE CONTRACT'S FORM IN LEGALITY MUST BE COMPLETED WITHIN FIVE CALENDAR DAYS A RECEIPT OF THE PROCUREMENT PACKAGE FROM GPA AND GP GPA IS HEREBY AUTHORIZED TO PROCEED WITH THE EMERGENCY PROCUREMENT SUBJECT TO THE APP APPROVAL OF THE GUAM PUBLIC UTILITIES COMMISSION SO IN EFFECT IT'S IT'S SOME WAY IT'S DUPLICATING THAT IT IT YOU KNOW THIS WITHOUT THAT NOTWITHSTANDING CLAUSE IT DOES ALLOW FOR GPA TO MOVE FORWARD SO I GUESS THAT'S MY I GUESS THAT WAS MY QUESTION THE OTHER THING IS THE IF YOU KEEP THE NOTWITHSTANDING CLAUSE I I BELIEVE IT DOESN'T STATE WHO'S IT JUST SAYS GPA CAN IMPROVE IT SO WAS THAT THE INTENT FOR THE AGENCY I WAS JUST WONDERING IF YOU KNOW THE BOARD OR PERHAPS YEAH GENERALLY SOME SORT OF BOARD APPROVAL GOVERNING BOARD MIGHT BE INCLUDED IN THIS.

SENATOR PARKINSON: YES I I DO I DO YIELD TO THAT QUESTION MA'AM YES MA'AM ABSOLUTELY THE INTENT OF THIS IS TO WORK AROUND THE ATTORNEY GENERAL LET'S BE PERFECTLY CLEAR ABOUT THIS THIS MECHANISM IS IN PLACE BECAUSE IF THE ATTORNEY GENERAL WERE TO JUST SIT ON THE BILL THERE THERE IS NOTHING WE CAN DO AND SO YOU'RE CORRECT IF THE ATTORNEY GENERAL DOES HIS DUTY AND PLAYS BALL WE COULD TAKE THAT PART OUT AND GPA WILL BE PERFECTLY ABLE TO FUNCTION HOWEVER IF THE ATTORNEY GENERAL SITS ON THE BILL AND DOES NOTHING WE HAVE NO RECOURSE EXCEPT THROUGH LEGISLATION AND SO I I WOULD CAUTION AGAINST MAKING THAT AMENDMENT BECAUSE OTHERWISE IT WOULD JUST BRING US BACK IN HERE BUT I AM LIKE I SAID I'M OPEN AND WILLING TO ALL SUGGESTIONS TO GET THIS RIGHT BUT LET'S MAKE LET'S MAKE THE SUGGESTIONS THAT DON'T JUST LEAD US BACK UP HERE IN A WEEK.

SPEAKER TERLAJE: SENATOR PEREZ YOU HAVE THE FLOOR.

SENATOR PEREZ: I DON'T THINK IT FULLY SATISFIED MY QUESTION BUT I WOULD PROBABLY TALK TO LEGAL THANK YOU.

SPEAKER TERLAJE: ALL RIGHT ON THE AMENDMENT SENATOR TAITAGUE YOU'RE RECOGNIZED ON THE AMENDMENT.

SENATOR TAITAGUE: THANK YOU MADAM SPEAKER AND GOOD MORNING AS WELL TO MY COLLEAGUES AND *BIBA MES CHAMORU* IT'S PROBABLY THE NICEST THING I'M PROBABLY GOING TO SAY MOVING FORWARD AFTER THAT BECAUSE *AI ADAI ADAI ADAI* FOR ANY ANY SENATOR STANDING UP HERE MAKING COMMENTS THAT THE ATTORNEY GENERAL IS SITTING AND DOING ABSOLUTELY NOTHING IS DECEIVING THE PUBLIC LET'S MAKE IT CLEAR THE REASON WHY THE ATTORNEY GENERAL IS HOLDING OFF IS BECAUSE HE'S BEEN RIDICULED FOR CONFLICT OF INTEREST AND THAT HIS ATTORNEYS AS WELL AS HIMSELF MAY BE BARRED BECAUSE OF IT BECAUSE IT'S SITTING IN COURT RIGHT NOW TO BE DECIDED BY A JUDGE WHETHER THERE'S A CONFLICT OF INTEREST SO LET'S GET THIS STRAIGHT THIS ATTORNEY GENERAL IS DEFINITELY NOT SITTING ON ANYTHING ON ANYTHING AT ALL LOOK AT THE BILLBOARDS OUT THERE LOOK AT THE CRIME THAT'S BEEN HAPPENING AND HOW MANY HE'S BEEN PROSECUTING AND GETTING CONVICTED NO WONDER THE PEOPLE OF GUAM HAS LOST THE TRUST IN THIS BODY BECAUSE THE COMMENTS THAT ARE BEING MADE ARE FALSE AND DECEIVING BE HONEST TELL THE PEOPLE EVERYTHING DON'T JUST GIVE ONE SIDE OF THE STORY TO THE PEOPLE OF GUAM GIVE BOTH SIDES NOT EVERYBODY HAD THE OPPORTUNITY TO READ THE LETTER FROM THE ATTORNEY GENERAL EXPLAINING EXPLAINING WHY HE HAS TO HOLD OFF ON EVERYTHING BASICALLY HE COULD LOSE HIS HIS LICENSE AS WELL AS HIS EMPLOYEES YOU THINK THAT IS NOT WORTH HOLDING OFF THAT'S WHY WE'RE HERE TODAY IT'S NOT JUST THIS BILL IT'S TO DISCUSS HOW WE CAN GET THE ATTORNEY TO MOVE FORWARD WITHOUT THE THREAT WITHOUT THE THREAT OF BEING DISBARRED FOR HIMSELF AND HIS ATTORNEYS SO LET'S GET THIS STRAIGHT BEFORE WE MOVE FORWARD THIS ATTORNEY GENERAL SITTING DOING NOTHING HAVE YOU READ THE PAPER THAT'S RIDICULOUS AND TAKING THE ATTORNEY GENERAL OUT RIGHT NOW FROM ANYTHING OH HERE COMES CORRUPTION UNUSUAL YOU SAY THIS IS VERY UNUSUAL NO IT'S NOT UNUSUAL WHEN SOMEBODY FINALLY STANDS UP TO THE CORRUPTION THAT'S GOING ON IN THIS GOVERNMENT IT'S NOT UNUSUAL FOR PEOPLE TO STRIKE BACK AND THAT'S EXACTLY WHAT'S HAPPENING MAKING EXCUSES BECAUSE THEY'RE BEING QUESTIONED ON SOME SHENANIGAN THAT'S GOING ON THE ATTORNEY GENERAL IS PUT INTO

PLACE BECAUSE WE DON'T WANT THE FOX TO OVERSEE THE HEN HOUSE DO WE THIS BODY IS SITTING HERE AND SAYING OKAY LET'S JUST WAVE EVERYTHING UNDER THE SKY TO LET GPA DO WHAT THEY WANT HAS ANYBODY EVER QUESTIONED THE FACT THAT GPA IS ACTUALLY USING GOVERNMENT FUNDS THE PEOPLE'S MONEY TO LOBBY FOR THIS COMPANY THAT WON THE BID USING MONEY FROM GPA FOR THEIR AD AGENCY TO PUT THINGS ONLINE THAT SOUNDS LIKE A PROCUREMENT ISSUE TO ME BUT NO THIS BODY WANTS TO PULL EVERYBODY AWAY SO THAT THEY CAN CONTINUE TO GO AND DO WHAT THEY WANT THE FOX WATCHING THE HEN HOUSE AND THIS BODY DOING IT WITH WITHOUT ANY CROSSING YOUR T'S AND DOTTING YOUR I'S JUST GIVE IT TO THEM BECAUSE THEY'RE THREATENING US AGAIN HOW MANY TIMES AT GPA THREATENED US THAT THEY WOULD NOT RAISE RATES AND WE HAD TO DO WHAT THEY WANTED AND NEXT THING YOU KNOW THEY STILL RAISE THE RATES ARE WE ALL BEING BLIND HERE NOW YOU TAKE THIS AMENDMENT WHO AND THIS AMENDMENT BASICALLY GIVES THEM CARD BLANCH PEOPLE IN CASE THE ATTORNEY GENERAL IS SITTING ON WELL LET'S FIX THAT FIRST LET'S MAKE SURE WE HAVE LEGISLATION TO ALLOW HIM NOT TO HAVE A CONFLICT OF INTEREST TO ALLOW WHAT THIS BODY HAS DONE WHEN IT CREATED THE ATTORNEY GENERAL'S OFFICE SO THERE'S NO QUESTION BECAUSE I TELL YOU WHAT HE'S NOT GOING TO SIT AND DO NOTHING HE WILL ADDRESS THIS BLAMING EVERYBODY BUT THIS BODY IS NEEDS TO STOP WE NEED TO GET THE PEOPLE'S TRUST AGAIN MY COLLEAGUES WE NEED TO WIN THEIR TRUST THAT WE ARE WATCHING EVERY GOVERNMENT AGENCY ESPECIALLY AND PROCUREMENT LOOK WHAT HAPPENED TO DOE WE WATCHED WHAT'S HAPPENING TO DOE DOA IS BEING IN QUESTIONED IN FACT THE LETTER THAT THE ATTORNEY GENERAL GAVE TO EVERY SINGLE ONE OF US THERE WERE ALMOST 20 OVER 20 AGENCIES IN QUESTION FOR SOME SHENANIGANS GOING ON AND NOW EVERYBODY'S UP IN ARMS WE NEED TO PLACE CAUTION WE NEED TO REMEMBER WHO WE WORK FOR WHO WE WORK FOR PEOPLE THIS AMENDMENT IS JUST ADDING ANOTHER FOX TO THE HEN HOUSE I OBJECT TO THIS AMENDMENT THANK YOU MADAM SPEAKER.

SPEAKER TERLAJE: THANK YOU SENATOR SENATOR BROWN ON THE AMENDMENT.

SENATOR BROWN: THANK YOU VERY MUCH MADAM SPEAKER YOU KNOW I HAVE TO CONCUR WITH THE STATEMENTS THAT ARE MADE BY SENATOR TELO AND YOU KNOW I APPRECIATE THE EFFORTS OF GPA COMING TO TALK TO US AND I HAVE TO TELL YOU THIS WAS NOT PART OF THE DISCUSSION THAT I WOULD AGREE TO IS REMOVAL THE ATTORNEY GENERAL YOU KNOW OUR ATTORNEY GENERAL HAS HIS OWN STYLE AND SO BE IT AS WE ALL DO I MEAN HE WAS ELECTED BY THE PEOPLE OF GUAM BUT IN ORDER TO MOVE THIS ISSUE FORWARD FOR THE GUAM POWER AUTHORITY THE ALTERNATIVE IS THAT WELL HE'S GOT FIVE DAYS TO DO IT WITH THIS AMENDMENT AND IF HE DOESN'T DO IT WELL WE'RE JUST GOING TO BYPASS HIM AND WE'RE GOING TO MOVE FORWARD AND THE HECK WITH THAT YOU KNOW I'M SURE OUR PUBLIC WHEN THEY READ THE PAPER AND THEY HEAR THE NEWS YOU KNOW ONCE AGAIN I MEAN LOOK AT LOOK AT RECENT DAYS THIS ISSUE AGAIN EVEN THOUGH WE'VE KNOWN ABOUT IT DID OVERSIGHT HEARINGS WITH THE GUAM MEMORIAL HOSPITAL THE ISSUE WITH THE PATIENT INFORMATION SYSTEM WOW \$5 MILLION I GUESS THAT'S JUST WHAT WHAT DO WE DO WITH THAT WHOSE HEAD'S GOING TO ROLL FOR THAT I DON'T HEAR ANY ACCOUNTABILITY WITH REGARDS TO MISSPENDING NOT OF JUST A FEW DOLLARS BUT MILLIONS OF DOLLARS IN THIS GOVERNMENT THEN WE HEAR ABOUT THE ACQUISITION OF THE COMPUTERS FOR DEPARTMENT OF EDUCATION THE LARGEST DEPARTMENT IN THE GOVERNMENT OF GUAM AND NOW THERE CONCERNS ABOUT THAT PARTICULAR PROCUREMENT AND MILLIONS AND MILLIONS AND MILLIONS OF DOLLARS TWENTY PLUS MILLION DOLLARS OF PEOPLE'S MONEY WAS IT PROPERLY SPENT DID IT GO THROUGH THE PROPER PROCESS OR YOU KNOW DID WE SELECT OUR FAVORITE VENDOR WHICH HAPPENS IN GOVERNMENT A LOT MORE FREQUENTLY THAN WE WOULD LIKE TO THINK AND NOW IN THIS PARTICULAR CASE I MEAN YOU KIND OF UNDERSTAND AND EMPATHIZE WITH THE GUAM POWER AUTHORITY ABOUT THEIR THEIR NEED TO CERTAINLY WANT TO FACILITATE THIS PROCESS AND AVOID ANOTHER PROTEST BECAUSE OF COURSE THERE'S SOME COMPANIES OUT THERE THAT WILL PROTEST IF THEY DON'T GET THE DEAL THEY HAVE A REPUTATION FOR IT THEY'RE KNOWN FOR NOT PROCURING OR MAKING SURE THE GOVERNMENT CAN'T PROCURE IF THEY'RE NOT PROCURING THEIR PARTICULAR COMPANY OR THEIR PARTICULAR SERVICE BUT YOU KNOW IF OUR JOB HERE IS TO SIMPLY RESPOND TO THE EMERGENCY ONCE AGAIN AND REMOVE AN ELECTED OFFICIAL FROM REVIEWING AND DOING THEIR THEIR DUE DILIGENCE AND ENSURING THE CHECK AND BALANCE IN THIS GOVERNMENT WELL I DON'T THINK WE'RE DOING THE RIGHT THING NOW WE'RE NOT TALKING ABOUT THE GUAM POWER AUTHORITY MOVING FORWARD TO GET THEIR NEEDED SUPPORT BASE TO ENSURE THAT WE DON'T HAVE LOAD SHEDDING BETWEEN NOW AND THE COMPLETION OF THE NEW UKUDU POWER PLANT I MEAN IF THAT'S THE CASE THEN WHY DON'T WE REMOVE THE GOVERNOR WHO'S AN ELECTED OFFICIAL BECAUSE SHE DOESN'T AGREE AS THE MAJORITY MEMBERS OF THIS

BODY DID ON WHERE TO LOCATE THE NEW HOSPITAL WHAT DO YOU THINK ABOUT THAT WELL I'M SURE THE GOVERNOR'S GOING TO GO WHAT THE HECK ARE YOU GUYS TALKING ABOUT BUT OH IT'S A LITTLE DIFFERENT BECAUSE WE'RE TALKING ABOUT THE ATTORNEY GENERAL GUAM RIGHT BECAUSE SOME OF US MAYBE WE DON'T LIKE THE ATTORNEY GENERAL GUAM WE DON'T LIKE HIS STYLE WE DON'T LIKE HOW HE GOES ABOUT DOING HIS JOB WELL THAT DECISION IS FOR THE PEOPLE OF GUAM TO DECIDE BUT HE'S RUFFLING A LOT OF FEATHERS AND I'M GLAD HE'S RUFFLING FEATHERS BECAUSE BOY THERE ARE FEATHERS OUT HERE IN THE GOVERNMENT OF GUAM THAT NEED TO BE RUFFLED THE AMOUNT OF CORRUPTION THAT IS HAPPENING THIS GOVERNMENT IS JUST WE SHOULD BE DISGUSTED ABOUT THAT WE SHOULD BE WANTING TO ENSURE THE GOVERNMENT OFFICIALS AT ALL LEVELS ARE PROPERLY EXECUTING THEIR JOB AND ENSURING THAT THE PURSE OF THE PEOPLE IS BEING PROPERLY SPENT BUT WHEN WE STEP OUT TO DO SOMETHING A LITTLE DIFFERENT FROM THE PROCESS WHEN WE'RE HERE ONCE AGAIN FOR ANOTHER YOU KNOW HOW MANY EMERGENCY SESSIONS DO WE HAVE WE SHOULD JUST THROW THEM IN IN BETWEEN EVERY REGULAR WHY DON'T WE EVER WHY DON'T WE JUST NEVER GET OUT OF SESSION BECAUSE ONCE AGAIN WE'RE BEING ASKED TO DO SOMETHING TO THE EXCEPTION OF THE PROCESS AGAIN REGARDLESS OF WHATEVER THE REASON IS THAT BROUGHT US TO WHY WE'RE HERE TODAY WE'RE ONCE AGAIN BEING ASKED TO CHANGE THE PROCESS AND NOW WE'RE BEING ASKED BY PASSING THIS AMENDMENT TO REMOVE THE ATTORNEY GENERAL OF GUAM WHO'S BEEN ELECTED BY THE PEOPLE OF GUAM TO PERFORM HIS JOB AND ARE WE WHENEVER WE THINK IT'S CONVENIENT FOR US OR WHEN WE THINK ANOTHER ELECTED OFFICIAL IS AN OBSTACLE WELL WE'RE GOING TO GIVE THEM A TIME LIMIT AND THEN WE'RE GOING TO TELL THEM IF YOU DON'T DO IT IN THIS TIME FRAME WELL WE'RE JUST GOING TO REMOVE YOU FROM THE PROCESS AT A TIME IN THIS GOVERNMENT WHEN WOW YOU KNOW I KNOW THE GOVERNOR DIDN'T TOUCH ALMOST AT ALL ON IT LAST NIGHT DAY AFTER DAY WE CONTINUE TO HEAR ABOUT THE MISUSE AND ABUSE IN THE GOVERNMENT OF GUAM NOW THIS IS A DISCUSSION I'M NOT HAPPY THAT WE'RE HERE HAVING TO DEAL WITH ANOTHER EXCEPTION REGARDLESS TYPHOON MAWAR WHATEVER IT IS THAT LED US TO BE HERE TODAY TO HAVE TO RESPOND ON A MATTER FOR THE GUAM POWER AUTHORITY BECAUSE MANY YEARS AGO WHEN WE WERE INVOLVED IN CREATING THE CCU WE HAD HOPED THAT MOST OF THESE ISSUES WOULD BE ADDRESSED BY THE ELECTED OFFICIALS THAT SIT ON THE BOARD OF THE CCU BUT HERE WE ARE ONCE AGAIN AND EVEN I WHO HAVE BEEN A VERY SUPPORTIVE OF GUAM POWER AUTHORITY I WAS THEIR OVERSIGHT CHAIR ONCE UPON A TIME BUT EVEN I HAVE TO SAY WELL WE'RE SEEING YOU A LITTLE MORE THAN WE'D LIKE TO BUT HERE WE ARE BUT IF THE RESPONSE TO FACILITATING ASSISTING THE GUAM POWER AUTHORITIES TO REMOVE THE ATTORNEY GENERAL OF GUAM FROM THE REVIEW PROCESS OF THIS CONTRACT YES I CONCUR WITH SENATOR TELO I HAVE A PROBLEM WITH THAT I THINK WE SHOULD ALL HAVE A PROBLEM WITH THAT SIMPLY BECAUSE WE HAVE THE ABILITY TO DO IT SHOULD WE DO IT BECAUSE WE HAVE THE POWER TO DO IT DO WE HAVE THE POWER TO ABUSE THAT AUTHORITY WE DON'T HAVE ENOUGH CHECKS AND BALANCES IN GOVERNMENT NOW WE'VE HAD MANY MANY MANY YEARS WHERE THE ATTORNEY GENERAL'S OFFICE DID NOT ADDRESS PROPER INVESTIGATIONS AND REVIEW OF THIS GOVERNMENT ACTIVITIES WE'VE HAD YEARS OF WHERE THE GOVERNMENT DIVISION DIDN'T EVEN EXIST FOR CORRUPTION IN THIS GOVERNMENT AND WE'VE GOT GOVERNMENT OFFICIALS THAT HAVE BEEN CRUISING ALONG BECAUSE OH MY GOODNESS WHO'S GOING TO CATCH UP WITH ME SO DO I THINK THIS AMENDMENT IS IN THE BEST INTEREST OF THE PUBLIC NO AM I WILLING TO SACRIFICE IT TO EXPEDITE FOR THE GUAM POWER AUTHORITY TODAY THE ANSWER IS ABSOLUTELY NO AND THAT'S THE ANSWER I GAVE TO THE OFFICIALS FROM THE GUAM POWER AUTHORITY ON FRIDAY I WOULD NOT SUPPORT REMOVING THE ATTORNEY GENERAL AT ALL I THINK THIS THIS GOES TO AN EXTENT THAT'S JUST TOTALLY UNACCEPTABLE AND ANY COLLEAGUE THAT VOTES FOR THIS WHEN THINGS GO WRONG ARE YOU GOING TO STAND UP AND TAKE CREDIT FOR IT AND TAKE RESPONSIBILITY GPA HAD A MOST RECENT AD IN THE PAPER FOR SOUL SOURCE PROCUREMENT THAT PARTICULAR ANNOUNCEMENT DOESN'T EVEN MEET THE REQUIREMENTS OF THE LAW AND THAT'S JUST A SOUL SOURCE ANNOUNCEMENT IN THE PAPER GPA NEEDS TO LOOK AT THAT SO COLLEAGUES THINK VERY CAREFULLY THIS ADDITIONAL LANGUAGE HERE TO REMOVE THE ATTORNEY GENERAL ONE THING WE'RE GIVING HIM A TIME LIMIT THE OTHER THING IS WE'RE SAYING OH WELL IF YOU DON'T AGREE ATTORNEY GENERAL MOYLAN WE'RE JUST GOING TO TOTALLY REMOVE YOU FROM THE TABLE THINK TWICE THINK SEVERAL TIMES BECAUSE REMOVING AN ELECTED OFFICIAL FROM THEIR POSITION REALLY THINK ABOUT THAT BECAUSE THAT'S NOT WHAT WE'RE HERE TO DO THAT'S NOT WHAT WE SHOULD BE HERE I DON'T THINK THE PEOPLE OF GUAM ELECTED US TO DO THAT WHEN THEY ELECTED THE ATTORNEY GENERAL OF GUAM PERFECT IMPERFECT WARTS AND ALL HOWEVER YOU MAY WANT TO LOOK AT IT THE ATTORNEY GENERAL'S OFFICE HAS A ROLE AND YOU KNOW MORE POWER TO HIM MORE POWER TO THE CURRENT ATTORNEY GENERAL LIKE WHAT YOU'RE DOING WHAT HE'S DOING OR NOT HE'S DOING SOMETHING OUT THERE AND HE'S RESPONDING TO A NEED IN THIS COMMUNITY BECAUSE THE CRIME

AND HARM THAT'S COMING TO OUR PEOPLE HAS NOT DISSIPATED IT'S NOT DISAPPEARED WE'RE NOT LIVING IN A WONDERFUL TRANQUIL TROPICAL ENVIRONMENT LOOK AT THE CRIME THINK ABOUT THAT THE NEXT TIME YOU GO INTO A RESTAURANT THINK ABOUT THAT THE NEXT TIME YOU GET OUT OF YOUR CAR AT NIGHT THINK ABOUT THAT THE NEXT TIME YOU GO HOME IF IT'S SAFE THINK ABOUT THAT THE NEXT TIME YOUR FAMILY'S OUT AT NIGHT AND YOU DON'T KNOW WHERE THEY'RE AT ARE THEY SAFE IN THIS COMMUNITY BUT NO NAI WE JUST WANT TO OH LOOK WE DID IT FOR GPA RAH RAH AND THE HELL WITH THE PEOPLE AT THE END OF THE DAY CAUSE LOOK AT US WE WE SAVED THE DAY THANK YOU GPA LOOK AT US BUT ARE WE DOING THE RIGHT THING ARE WE DOING THE RESPONSIBLE THING DID WE EVEN ASK THE GO THE ATTORNEY GENERAL WHAT HIS CONCERN WAS WITH THIS HOW DO WE KNOW HE'S NOT GOING TO ADDRESS IT BECAUSE GPA AND THE ATTORNEY GENERAL GUAM DON'T GET ALONG DID WE ASK DID WE CALL THEM UP I DON'T KNOW COLLEAGUES BE VERY VERY VERY CAREFUL BECAUSE IF YOU JUST SO EASILY CAN REMOVE AN ELECTED OFFICIAL FROM HIS RESPONSIBILITIES AND HIS LEGAL DUTIES WELL THINK ABOUT THAT MAYBE THAT'S CAN HAPPEN TO YOU AS WELL SO I STAND IN OBJECTION MADAM SPEAKER TO THIS AMENDMENT.

SPEAKER TERLAJE: THANK YOU SENATOR BROWN ON THE AMENDMENT SENATOR DUENAS YOU ARE RECOGNIZED ON THE AMENDMENT.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM SPEAKER GOOD MORNING AND I JOIN MY COLLEAGUES IN SAYING *BIBA MES CHAMORU* IT'S BEEN AN EXCITING EVENING AND IT'S GOING TO BE AN EXCITING DAY TODAY A LOT HAS BEEN SAID BUT MADAM SPEAKER I RISE TO MAYBE PUT AN OFFER FORWARD AS YOU AND I HAD BEEN DISCUSSING PRIOR TO ENTERTAINING THIS BILL AND THAT IS THAT I HAVE ANOTHER BILL ACTUALLY THAT I'VE INTRODUCED THAT MY GOOD FRIEND SENATOR JOE WILL BE ENTERTAINING SOON THAT HAS A IN THE TITLE THE CART BEFORE THE HORSE AND I THINK THAT THAT IS APPROPRIATE IN THIS SITUATION BECAUSE BETWEEN THE GOVERNOR'S DISCUSSION LAST NIGHT AND THIS SECTION OF THE BILL AS AN AMENDMENT THAT'S BEING INTRODUCED WE MAY BE ARGUING OVER SOMETHING THAT ACTUALLY HAS A SOLUTION I'VE TAKEN THE TIME TO READ THE ATTORNEY GENERAL'S LETTER PENNED MARCH 5TH 2024 AND DELIVERED TO THE LEGISLATURE AT 3:35 ON MARCH 5 2024 AND IN MY SIMPLE READING OF THE ATTORNEY GENERAL'S PROPOSAL IT STATES VERY CLEARLY WHY THE CONFLICT EXISTS AND I DON'T WANT TO GET OVER MY SKIS BECAUSE I KNOW THAT WE HAVE AN INVITATION FOR THE ATTORNEY GENERAL TO COME BEFORE US AND MAKE THAT PRESENTATION BUT I BELIEVE IF WE ANSWER THIS QUESTION IT MAY EVEN BE PRUDENT FOR US TO HAVE THE COMMITTEE INTRODUCE THIS LEGISLATION WHILE WE'RE IN THIS EMERGENCY SESSION BECAUSE AS THE GOVERNOR STATED LAST NIGHT AND WE'LL HEAR FROM THE ATTORNEY GENERAL AND AS WE'RE CONTEMPLATING WE'RE NOT TALKING ABOUT THE MERITS OF THIS BILL YET WE'VE TALKED A LITTLE BIT ABOUT IT WITH REGARD TO THE AMENDMENT BUT IT SEEMS TO ME SINCE WE'RE NOT IN THE COMMITTEE OF THE WHOLE I THINK IT WOULD BE PRUDENT FOR US IF THE AUTHOR AND THE THE BODY WOULD SO BE COMPELLED TO SET ASIDE THIS AMENDMENT AND SET ASIDE THE BILL AND ENTERTAIN THE ATTORNEY GENERAL SO THAT WE CAN CLEAR UP THIS POINT I ALSO DID TAKE THE TIME TO SIT WITH GPA OFFICIALS AS WELL AS A MEMBER OF THE CCU AND GO OVER EVERYTHING THAT EXIST WHICH HAS PROMPTED THIS EMERGENCY LEGISLATION I'M LOOKING FORWARD TO DEBATING THE MERITS OF THAT BUT I ALSO DID NOT AGREE WITH THE ELIMINATION OF THE ATTORNEY GENERAL ORIGINAL ORIGINALLY THIS BILL CONTEMPLATED 48 HOURS I THOUGHT ANY TIME TYPE OF TIMELINE YOU KNOW GIVEN THE CURRENT CLIMATE AND WHAT SITUATIONS EXIST WOULD BE PROBLEMATIC THERE WAS SOME TALK ABOUT THE POSSIBILITY OF THE FIVE DAYS I ACTUALLY WILL SAY AND ADMIT THAT I I SAID YOU KNOW YOU MAY WANT TO DO THIS BECAUSE THAT SEEMS REASONABLE GIVEN THE CIRCUMSTANCES BUT NOW GIVEN THE CIRCUMSTANCES OF THE WAY IT'S WRITTEN AND THE LETTER THAT'S BEFORE US I REALLY THINK THIS BODY WILL BE OPERATING MUCH BETTER TO SUSPEND THIS DISCUSSION ON THIS AND BRING IN THE ATTORNEY GENERAL BECAUSE I'M SURE YOU'VE READ IT AS WELL MADAM CHAIR THE ATTORNEY GENERAL SEEMS TO HAVE A VERY STRAIGHTFORWARD PRAGMATIC SOLUTION TO FIRST OF ALL DESCRIBING THE PROBLEM THAT EXISTS AND BIFURCATING THIS ISSUE OF HIS LEGAL AND FIDUCIARY RESPONSIBILITY I THINK IF THAT SOLUTION COMES FORWARD THERE IS REVIEW AND I BELIEVE REVIEW HAS DUE PROCESS WHETHER THIS BILL PASSES OR NOT OUTSIDE OF THAT MADAM SPEAKER AND I KNOW THAT YOU ARE AN OFFICER OF THE COURT WE HAVE OUR LEGAL COUNSEL HERE WE'VE GOT OTHER IN THIS BODY THAT ARE OFFICERS OF THE COURT THE STEAM JURIST AND AND I DON'T EVEN KNOW HOW TO IN MY COMMENTARY AND I'M NOT TRYING TO DELVE INTO BUT IT'S IT'S RELATED I DON'T EVEN KNOW HOW TO TAKE THE GOVERNOR'S PRESENTATION LAST NIGHT IN TERMS OF WHAT'S PENDING AND REQUIRES REVIEW AND WILL COME TO A HALT SO IF WE HAVE THAT EXPLANATION CAUSE I THINK THE PUBLIC AND I KNOW FOR SURE OUR AGENCIES AND INSTRUMENTALITIES ARE

UNDER A GREAT DEAL OF DURESS RIGHT NOW AND I THINK THESE MEASURES OF TALKING ABOUT AN EMERGENCY MEASURE FOR GPA AND KNOWING THAT IT ALSO HAS A COMPELLING ISSUE NOW WITH PROCUREMENT I I DON'T I DON'T KNOW HOW TO BETTER MAKE THIS CASE MADAM CHAIR AND I HOPE THIS MOTION WILL PASS BECAUSE I DON'T THINK WE CAN EVEN DISPENSE OF THE MOTION ON THE AMENDMENT OR REALLY EVEN WHAT WOULD BE THE VERACITY OF THE BILL IF IT SHOULD PASS BECAUSE I'M THINKING RIGHT NOW THERE'S I DON'T KNOW THE APPETITE BUT I I DON'T KNOW THAT THIS AMENDMENT WOULD PASS AND I DON'T AND IF IT DID IF IT WAS IN THE BILL I DON'T KNOW IF IT WOULD POISON IT IF IT'S EVEN GOING TO PASS AT ALL EITHER SO MADAM CHAIR AT THIS POINT I MAKE THAT MOTION I THINK IT'S THE RESPONSIBLE THING FOR THIS BODY TO DO AND I THINK WE CAN GET A CLARIFICATION AND WE MIGHT DECIDE THAT THE 13 OR 14 LINES THAT ARE IN THAT THE ATTORNEY GENERAL HAS REPRESENTED AS A AS A BILL TO CORRECT THE ERROR AND THE LAW AS THEY SEE IT AND THE INABILITY TO MOVE FORWARD ON CRIMINAL MATTERS VERSUS CIVIL DISCUSSIONS WITHIN PROCUREMENT AND OPERATIONS DO NOT HINDER ONE ANOTHER AND THAT THE CHIEF LEGAL OFFICER OF THE GOVERNMENT OF GUAM WANTS FINAL CLARIFICATION ON THIS BECAUSE I DON'T THINK HE WANTS TO STOP ALL THE ACTION GOING FORWARD I THINK WHAT HE WANTS TO DO IS MAKE SURE MY SIMPLE READING OF HIS PRESENTATION TO US THAT HE'S NOT CONFLICTED SO MADAM SPEAKER I MAKE A MOTION THIS POINT WE SUSPEND DISCUSSION ON THIS AMENDMENT AND ON THE BILL AND MOVE TO ENTERTAINING THE ATTORNEY GENERAL AND THE LETTER THAT HE'S PENNED TO US AND THE PRESENTATION SO THAT WE MAY CONSIDER THESE THINGS TOGETHER IN CLOSING MADAM SPEAKER I ALSO THINK THAT EVEN IN THE EVENT THAT WE CONTINUE TO DISPUTE DEBATE THIS BILL IF THERE IS A CONCURRENT SOLUTION THAT COMES FORWARD THIS AMENDMENT MAY BE MOVED AND WE CAN DEAL WITH THE MOTION AS IT STANDS BECAUSE IT WOULD MEAN THAT THE ATTORNEY GENERAL IS STILL GOING TO REVIEW THIS PROCESS EVEN THOUGH ONE OR TWO OF THE ENTITIES THAT ARE DISCUSSED AS HAVING PROBLEMS WITH INVESTIGATIONS WOULD PREVENT HIM POSSIBLY FROM GOING FORWARD I THINK THAT IS SUCH A COMPELLING QUESTION AND I MAKE THAT MOTION AT THIS TIME MADAM CHAIR.

SPEAKER TERLAJE: ALL RIGHT WE'RE GOING TO TAKE A ONE MINUTE RECESS.

RECESS

SPEAKER TERLAJE: WE'RE BACK FROM RECESS WHEN WE LEFT OFF SENATOR DUENAS HAD MADE A MOTION SENATOR DUENAS YOU'RE RECOGNIZED.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM SPEAKER AFTER CONCURRING WITH OUR COLLEAGUES I THINK WE HAVE CONSENSUS SO I'D LIKE TO REM TO WITHDRAW MY ORIGINAL MOTION FOR THE BILL AND THE AMENDMENT TO BE SET ASIDE AND I'D LIKE TO MAKE A NEW MOTION.

SPEAKER TERLAJE: PLEASE PROCEED IS THERE ANY OBJECTION TO WITHDRAWING THE MOTION SEEING NO OBJECTION MOTION CARRIES.

SENATOR DUEÑAS: SO MADAM CHAIR AT THIS TIME THE CONSENSUS I BELIEVE THAT THE BODY HAS COME TO IS THAT THIS AMENDMENT WHICH HAS A LOT OF IMPLICATIONS ACTUALLY MAY BE SATISFIED BY THE FURTHER DISCUSSION WE'RE GOING TO HAVE LATER ON WITH THE ATTORNEY GENERAL BUT THE GENERAL CONSENSUS OF THE BODY IF THEY WANT TO CONTINUE TO DEBATE THIS BILL THE MAIN THE MAIN MOTION SO I I THINK WE'LL BE SUSPENDING ANY AMENDMENTS THAT ARE PENDING BUT THIS ONE IS THE FIRST ONE AND THEN MOVE FORWARD ON DEBATING THE BILL AND THEN AND THEN MOVE FORWARD TO SEE WHAT WE HAVE TO DO IN TERMS OF SETTLING THE THE LEGAL IMPACT SO AT THIS TIME I I JUST MOTIONED TO SET ASIDE THIS AMENDMENT AND POSSIBLY OTHER AMENDMENTS AND JUST DEBATE THE MO MAIN MOTION THAT'S BEEN INTRODUCED AND ACCEPTED AND THEN THE BODY PROCEEDS AFTER THAT.

SPEAKER TERLAJE: ALL RIGHT IF I COULD GET THE SPONSOR OF THE AMENDMENTS IS IS THERE ANY OBJECTION HE'S MAKING A MOTION TO SET ASIDE YOUR AMENDMENT OR WOULD YOU LIKE TO WITHDRAW IT.

SENATOR PARKINSON: SET ASIDE.

SPEAKER TERLAJE: ALL RIGHT SO IS THERE ANY OBJECTION TO THE MOTION TO SET ASIDE THAT AMENDMENT SEEING NO OBJECTION THAT THAT MOTION THAT AMENDMENT IS SET ASIDE WITH THE UNDERSTANDING THAT THE SENATOR CAN MAKE THAT AMENDMENT LATER ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM CHAIR I I DON'T WANT TO DEBATE THE THE AMENDMENTS THANK YOU FOR ONCE AGAIN RECOGNIZING ME AGAIN I DON'T WANT TO DEBATE THE MERITS OF THE AMENDMENT AS AS BECAUSE IT PROBABLY MAY NOT COME FORWARD OR WE'LL SEE WHAT HAPPENS WITH IT SO AT THIS TIME I'M I'M DONE SPEAKING ON THE AMENDMENT AND I MAYBE SPEAK LATER ON THE MAIN MOTION *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: ALL RIGHT *SI YU'OS MA'ÁSE'* ALL RIGHT NOW WE ARE ON THE BACK ON THE MAIN MOTION WHICH IS TO MOVE THE BILL TO THE THIRD READING SO ON THE BILL IS THERE ANYONE WHO'D LIKE TO SPEAK SENATOR FISHER YOU ARE RECOGNIZED.

SENATOR FISHER: THANK YOU VERY MUCH MADAM SPEAKER I HEARD SOME DISCUSSION ON THE FLOOR EARLIER THAT THERE WAS A RELUCTANCE OR FEAR THAT THE ATTORNEY GENERAL'S OFFICE WAS BEING CUT OUT OF THE PROCESS FOR THE PROCUREMENT OF THIS TEMPORARY EMERGENCY POWER CAPACITY I'VE READ THE BILL AND I DON'T SEE THAT LANGUAGE IN THERE SO I WOULD LIKE TO PUT A QUESTION OR ABSENCE OF LANGUAGE I'D LIKE TO PUT A QUESTION TO THE AUTHOR OF THE BILL THE QUESTION BEING SIR DO YOU AGREE THAT THE ATTORNEY GENERAL DOES IN FACT HAVE A ROLE IN THIS PROCUREMENT AND THAT HE MERELY HAS A TIME PERIOD DURING WHICH HE MUST ACT.

SPEAKER TERLAJE: WILL THE SPONSOR YIELD.

SENATOR PARKINSON: YEAH ABSOLUTELY THANK YOU FOR THAT QUESTION I DO AGREE WITH YOU THIS PROPOSED LEGISLATION ABSOLUTELY DOES NOT CUT OUT THE ATTORNEY GENERAL FROM THE PROCESS IT PUTS A A TIMELINE FOR THE ATTORNEY GENERAL TO OPINE HIS OPINION AND THEN AFTER THAT TIMELINE WHEN WE WERE SPEAKING OF THE AMENDMENT ALLOW ALLOW US TO MOVE BEYOND THEM FOR WHATEVER REASON HE COULD NOT MOVE FORWARD ON HIS OPINION AND SO NO AT NO POINT DID WE TRY TO CUT OUT THE ATTORNEY GENERAL FROM THE PROCESS WE JUST TRIED TO FIND UNIQUE AND CREATIVE WORKAROUNDS TO STOP THE TO PREVENT THE THE BUSINESS OF THE GOVERNMENT FROM STOPPING.

SENATOR FISHER: THANK YOU MA'AM IF I MAY ASK A FOLLOW-UP THE FOLLOW-UP QUESTION WOULD BE DOES MY FRIEND AGREE THAT IT IS INACCURATE TO SAY THAT THE ATTORNEY GENERAL HAS NO ROLE.

SENATOR PARKINSON: ABSOLUTELY IT IS ABSOLUTELY ACCURATE INACCURATE TO SAY THAT THE ATTORNEY GENERAL HAS NO ROLE IN THIS THAT IS JUST MISINFORMATION AT BEST FALSEHOODS AT WORST BUT NO THE ATTORNEY GENERAL IS INVOLVED EVERY STEP IN THE WAY BUT BECAUSE THIS IS AN EMERGENCY AND WE HAVE THE ELEMENT OF TIME WORKING AGAINST US THERE WAS A TIME COMPONENT INSTALLED WITH THE AMENDMENT AS WELL.

SENATOR FISHER: THANK YOU MADAM SPEAKER THAT ANSWERS MY QUESTIONS THANK YOU.

SPEAKER TERLAJE: THANK YOU SENATOR ON ON THE BILL IS THERE ANYONE ELSE WHO'D LIKE TO BE RECOGNIZED ON THE BILL.

NOTE VICE SPEAKER MUÑA BARNES PRESIDES

VICE SPEAKER MUÑA BARNES: ON THE MAIN MOTION SPEAKER THERESE TERLAJE YOU'RE RECOGNIZED ON THE MAIN MOTION.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* THE BILL HAS SEVERAL COMPONENTS AND OF COURSE I DON'T THINK ANYONE IN HERE IS OBJECTING TO THE GOVERNMENT OF GUAM OR GPA PROCURING TEMPORARY EMERGENCY POWER CAPACITY AND FOR ALL THE REASONS THAT THEY STATED I'M I'M SORRY MADAM SPEAKER CAN WE JUST TAKE A SEC SECOND RECESS.

RECESS

SPEAKER TERLAJE: SORRY IT KEEPS FALLING ALL RIGHT YES SO I I DON'T BELIEVE ANYONE IN THIS BODY OR IN GUAM HAS ANY OBJECTION TO GPA PROCURING TEMPORARY POWER CAPACITY IN AN EMERGENCY FASHION BASED ON WHAT THEY'VE STATED I DO HAVE SOME CONCERNS THAT I JUST LIKE TO PUT ON THE RECORD SO WHAT THE BILL DOES IS NOT ONLY ALLOW WELL GPA IS ALLOWED TO DO ITS EMERGENCY PROCUREMENT HOWEVER IT WISHES AND WITHOUT OUR NEED TO BE INVOLVED THE ISSUE HERE IN THIS BILL IS THAT GPA WANTS TO EXTEND WHAT IS NORMALLY A 90 DAY EMERGENCY PROCUREMENT TO TWO YEARS AND THEY WANT

IT TO BE APPROVED BY THE LEGISLATURE SO THAT THERE WILL BE NO CHALLENGES AS TO THE DURATION OF THAT EMERGENCY SO THAT I I WOULDN'T I DON'T NECESSARILY HAVE ANY OBJECTION TO EXTENDING FROM 90 DAYS TO 2 YEARS FOR THIS PARTICULAR PROCUREMENT THAT POWER I GUESS YOU KNOW THAT SAME EXACT CONTRACT I WANT IT TO BE LIMITED THOUGH TO THAT CONTRACT NOT FOR ANY ADDITIONAL MEASURES ON ON TOP OF THAT OR ANY SIDE CONTRACTS THAT COME UP BECAUSE OF THIS AND SO YOU KNOW IT MAY BE TECHNICAL BUT I I AM I JUST WANT TO ENSURE THAT IT SAYS THAT GP THAT WITH THE CONSENT OF THE PUC GPA SHALL PROCEED WITH THE EMERGENCY PROCUREMENT FOR A VENDOR TO PROVIDE AND INSTALL AND OPERATE THESE 20 MEGAWATTS ON A 2-YEAR BASED CONTRACT SO FOR THAT CONTRACT I WOULD AGREE TO EXTEND THAT TO TWO YEARS I DO NOT WANT TO EXTEND GPA'S EMERGENCY POWER IN GENERAL FROM 90 DAYS TO TWO YEARS FOR EVERYTHING THE OTHER ISSUE THAT THE BILL RAISES IS THAT THEY ARE ASKING FOR THE LEGISLATURE TO REMOVE THE AUTOMATIC STAY IF THERE IS A PROTEST IN THIS PROCUREMENT REMOVING THE STAY THE STAY MEANS THAT EVERYTHING STOPS AND THEY DON'T BUILD THE TEMPORARY EMERGENCY POWER CAPACITY SO I FULLY UNDERSTAND WHY GPA WANTS US TO HELP THEM REMOVE THAT STATE THAT AUTOMATIC YOU KNOW HOLD ON ON THE CONSTRUCTION OF OR THE PROCUREMENT OF THESE SERVICES IF THERE'S A PROTEST BECAUSE THIS IS AN EMERGENCY AND WE WANT TO GO FORWARD NO MATTER WHAT NO MATTER WHAT MEANS EVEN IF THERE IS A PROTEST MEANING SOMEBODY IS ALLEGING THAT GPA IS DOING SOMETHING WRONG IN THIS PROCUREMENT AND I BELIEVE WE HAVE RECEIVED LETTERS YESTERDAY THAT KIND OF RAISES THAT QUESTION FOR US SO IT'S A VERY REAL POSSIBILITY THAT BY WAVING THE STAY NOW ON ANY PRO YOU KNOW IF THERE'S A PROTEST THAT WE ARE REALLY WAVING POTENTIAL REMEDIES FOR THOSE WHO ARE GOING WHO MAY PROTEST SO ONE ONE OF THE LETTERS WE RECEIVED WAS FROM SOMEONE WHO DID NOT BID ON THIS PROCESS OR IN THIS PROCUREMENT NECESSARILY HOWEVER HE'S RAISING THE CONCERN THAT THE NOTICE THAT GPA SENDS OUT IS NOR NORMALLY SUPPOSED TO GO TO THOSE WHO HAVE PARTICIPATED IN PAST PROCUREMENTS WITH GPA IN SIMILAR MATTERS SO THERE'S A DISPUTE WHETHER WELL GPA DIDN'T GIVE THIS THIS COMPANY NOTICE AND THE DISPUTE SEEMS TO BE THAT WHETHER HE WAS A PARTICIPANT IN SIMILAR MATTERS OR NOT THOSE TYPES OF ISSUES NORMALLY ARE DECIDED BY THE OPA AND THEY MAY VERY WELL BE IN THIS CASE AS WELL HOWEVER YEAH SO US LIFTING THIS DAY WILL REALLY IMPACT THAT PARTICULAR COMPANY AND I DON'T KNOW WHO ELSE MIGHT HAVE ANY OTHER PROCUREMENT PROTESTS RIGHT IN REGARDS TO THIS THERE WAS ALSO AN ALLEGATION THAT GPA SHOULD HAVE KNOWN SOME OF THE THINGS THAT THEY ARE CLAIMING ARE EMERGENCY NOW THAT AGAIN WILL BE A MATTER FOR THE OPA TO DECIDE BUT WE ARE BEING ASKED TODAY AS A LEGISLATURE TO KIND OF RULE IN FAVOR OF GPA AND SAY NO MATTER WHAT YOU KNOW GO FORWARD BECAUSE OF THE STAKES THAT WE HAVE AND THIS IS BEEN DESCRIBED TO US BY GPA AS PRETTY MUCH THE ONLY REMEDY TO THE LACK OF POWER CAPACITY AT THIS POINT SO THAT'S ANOTHER THING I WANT TO PUT ON THE RECORD AND MAYBE I'M GOING TO ASK THE SPONSOR IF HE WOULD YIELD IS THAT A FAIR STATEMENT THAT GPA IS TELLING US THAT THIS IS THE ONLY REMEDY FOR TEMPORARY POWER CAPACITY AT THIS POINT.

VICE SPEAKER MUÑA BARNES: I'M GOING TO ASK THE AUTHOR WOULD YOU LIKE TO YIELD SENATOR PARKINSON.

SENATOR PARKINSON: YES MA'AM I WOULD LIKE TO YIELD NO THAT IS A VERY FAIR STATEMENT AND IN FACT IT IS THE NUMBER ONE QUESTION BEFORE THIS BODY HAS GPA EXHAUSTED ALL THEIR REMEDIES BEFORE WE GRANT THEM THIS AWESOME POWER FOR ME I BELIEVE THEY HAVE AND THAT IS THE QUESTION WE HAVE TO ANSWER BEFORE THE BODY TODAY HAVE THEY EXHAUSTED ALL THEIR REMEDIES AND BECAUSE THEY HAVE COME TO ME AND ASKED ME FOR THIS I THINK THEY HAVE MADAM MADAM CHAIR.

SPEAKER TERLAJE: ALL RIGHT SO GPA'S LINE IS THAT BECAUSE OF THE DAMAGE THAT HAPPENED TO THE TYPHOON AND THE SETBACKS IN THE NEW UKUDU POWER PLANT THEY WERE COUNTING ON THAT TO BE COMPLETED AT A CERTAIN TIME THAT WILL NOT BE COMPLETED WITHIN THAT ORIGINAL TIME FRAME SO SO THIS IS NOW THEIR SOLUTION FOR TEMPORARY POWER I DO NOT BELIEVE THAT GPA HAS TOLD US BECAUSE THEY TOLD US THE OPPOSITE IN ANOTHER HEARING THAT THIS IS NOT NECESSARILY THE SOLUTION TO LOAD SHEDDING SO I JUST WANT THE PUBLIC WHO'S LISTENING TO BE CLEAR IS THAT MAYBE I'M GOING TO ASK THE SPONSOR TO TO CHIME IN ON THAT AS WELL IS THAT CORRECT BECAUSE THEY HAD GPA HAD TOLD US IN PRIOR HEARINGS THAT THERE IS NO SOLUTION TO LOAD SHEDDING FOR THE NEXT SIX MONTHS THIS WILL OF COURSE HELP IN GENERATING POWER BUT WILL THIS WILL THIS MEAN IF BY WE US PASSING THIS BILL DOES THAT MEAN THERE WILL BE NO LOAD SHEDDING.

VICE SPEAKER MUÑA BARNES: SENATOR PARKINSON WOULD YOU LIKE TO YIELD TO THAT QUESTION YES MA'AM.

SENATOR PARKINSON: THIS IS A QUESTION I'D LIKE TO YIELD TO I THINK THIS IS ONE THAT NEEDS TO BE ANSWERED WITH A BIT OF NUANCE BECAUSE RIGHT NOW WE CURRENTLY HAVE A MATH PROBLEM WE JUST AREN'T GOING TO HAVE ENOUGH GENERATION FOR THE SUMMER IF WE DO NOT PASS THAT BILL OF THIS BILL AND SO IN THAT LIGHT THIS IS NECESSARY TO STOP LOAD SHEDDING WHERE THE NUANCE COMES IN IS IF WE HAVE ANY OTHER PROBLEMS BETWEEN NOW AND THEN THIS BILL MIGHT NOT SOLVE LOAD SHEDDING BECAUSE WE HAVE ANOTHER PROBLEM THAT CAUSES LOAD SHEDDING SO WHILE THIS SOLVES A CURRENT PROBLEM IN FRONT OF US THERE'S NO GUARANTEE WE WON'T HAVE OTHER PROBLEMS THAT MAY CAUSE US TO BE BACK IN THE SAME PLACE TOMORROW UNFORTUNATELY WE WERE DEALING WITH INFRASTRUCTURE THAT HAS FRANKLY BEEN HERE SINCE MOSES AND THE ONLY SOLUTION THE LONG-TERM SOLUTION IS WE HAVE TO BUILD THE NEW POWER PLANT AND UNTIL THEN WE ARE PUTTING DUCT TAPE OVER GUNSHOT WOUNDS FRANKLY.

SPEAKER TERLAJE: THANK YOU THANK YOU TO THE SPONSOR FOR YIELDING IT WAS MY UNDERSTANDING THAT OUR LOAD SHEDDING PROBLEMS WERE YOU KNOW THEY'RE DIFFERENT PARTS OF THE SYSTEM THAT ARE THAT ARE IN FLUX AND KIND OF A DIFFERENT REASON FOR THE LOAD SHEDDING AT EVERY TIME IT HAPPENS BUT ANYWAYS MY MY BIGGEST CONCERN WITH THE BILL IS IS SIMILAR TO SOME OF THE PREVIOUS SPEAKERS IT'S A BIG THING FOR THE LEGISLATURE TO WAVE THIS STAY BECAUSE WITHOUT A STAY IF IF IF THE OPA IS ABLE TO PUT THE PROCUREMENT ON HOLD THEN THE PROTESTING VENDOR WINS THEN THAT MEANS THEY MIGHT HAVE TO REDO THE PROCUREMENT AND THE PROTESTING VENDOR MIGHT GET THAT CONTRACT IF WE REMOVE THIS POSSIBILITY OF A STAY THEN THIS CONTRACT IS GOING TO GO FORWARD NO MATTER WHAT EVEN IF THE OPA FINDS THAT THERE WAS SOMETHING WRONG IN THE PROCESS THE CONTRACT GOES FORWARD OF COURSE ANY PROTESTOR WHO WINS HIS PROTEST WITH THE OPA IS STILL NOT GOING TO BE ABLE TO GET THAT CONTRACT AND THE REMEDIES THAT THEY THEY WILL BE ABLE TO GET AFTERWARD I THINK REMAIN TO BE SEEN THIS IS VERY IMPORTANT TO US I THINK BECAUSE WE'VE SEEN RECENTLY THE OPA JUST ISSUED A DECISION OR SORRY IT WAS THE COURT ISSUING A DECISION AFTER 10 YEARS OF LITIGATION OVER A PROTEST BETWEEN DUTY FREE AND THE AIRPORT AND YOU KNOW INVOLVING THAT LOTTE CONTRACT AND THE VENDOR THE BIG VENDOR FOR THE AIRPORT 10 YEARS SO IT WENT THROUGH THE PROCUREMENT PROTEST STAGE IT WENT THROUGH THE COURT STAGE AND I BELIEVE IT'S BEEN 10 YEARS AND THIS IS THE POWER OF US LIFTING A STAY SO IN THAT CASE WE CAN SEE THE CONTRACT WENT FORWARD AND THE LOSING VENDOR WILL NEVER GET THAT CONTRACT BACK IT'S OR OR HAVE AN ABILITY TO BID ON IT SO IT'S IT'S JUST A MATTER I JUST WANT TO PUT THOSE ON THE RECORD BECAUSE WE HAVE TO TAKE IT VERY VERY SERIOUSLY AND WHILE I HEARD SOME PEOPLE AND LEADERS SAY WE SHOULD WAVE STAYS ALL THE TIME I COMPLETELY DISAGREE BECAUSE SOME OF THESE PROTESTS HAVE MERIT IN FACT IT LOOKS TO ME LIKE THE PERSON WHO IS A POTENTIAL PROTESTER IN THIS HAD MERIT IN THE MOST RECENT CASE BEFORE THE OPA THAT WAS DISMISSED OR WITH SORRY I TAKE IT BACK IT WASN'T DISMISSED IT WAS GPA WITHDREW THE WHOLE PROJECT CANCELED THE PROJECT INSTEAD OF ADDRESSING THE PROTEST SO I THINK THESE THINGS ARE VERY REAL AND I DO NOT WANT TO CONDONE GPA NOT FOLLOWING THE PROCUREMENT PROCESS THE PUC HAS PROMISED THEY WILL LOOK AT IT ALSO AND MAKE SURE THAT THE THE PROCUREMENT PROCESS IS FOLLOWED BUT THE PUC ALWAYS LOOKS AT THESE THINGS AND THEY STILL GET TO THE OPA AND THE OPA STILL IS MAKING FINDINGS THAT ARE YOU KNOW THAT NOT NOT ALL OF OUR AGENCIES ARE ARE COMPLYING WITH PROCUREMENT LAW WE JUST HEARD ABOUT THE DOE WE HEARD ABOUT THE THE HOSPITAL THE MAJOR CONTRACT THAT THE HOSPITAL PROCURED FOR I THINK IT WAS COLLECTION SERVICES OR HOW TO FIX THEIR COLLECTION SYSTEMS AND THEIR BILLING SYSTEMS AND THERE WERE SEVERAL FINDINGS I THINK TOTALING OVER \$4 MILLION THAT THE OPA MADE SO THESE ARE SIGNIFICANT AND THE WHOLE POINT OF THE PROCUREMENT PROCESS IS TO BRING VALUE TO THE GOVERNMENT OF GUAM SO IF WE COULD HAVE GOT THOSE SERVICES FOR A BETTER VALUE IF WE I COULD IN THE GMH CASE IF WE ACTUALLY HAD RECEIVED THE SERVICES THAT THE OPA ALLEGES HAD NOT BEEN MADE THOSE TYPES OF THINGS THAT'S THAT'S WHY I'M VERY HESITANT TO TO WAVE THE STAY AND TO YOU KNOW MAKE SPECIAL ARRANGEMENTS IN THESE FOR IN THESE PROTEST MATTERS THIS IS ANYWAYS THERE'S SO MANY EXAMPLES BUT THOSE ARE A COUPLE AND I JUST I JUST WANT TO CAUTION MY COLLEAGUES TO TAKE THIS VERY SERIOUSLY AND I'M VERY CONCERNED BECAUSE OF THE LETTER THAT WE RECEIVED YESTERDAY I'M CONS GPA HAS MADE A RESPONSE TO IT BUT IT'S VERY SIMILAR TO THE CASE THAT I READ FROM THE OPA RECENTLY WHERE GPA DID NOT AGREE WITH THE OPA AT ALL NEVER ALL THE WAY TILL THE END THEY SAID THE OPA THEY DID NOT AGREE WITH THEM AND SO BUT THAT'S HOW OUR SYSTEM IS SET SO IF OPA IS SUPPOSED

TO HAVE THE LAST WORD AND IF THAT'S NOT GOOD ENOUGH FOR THEM THEN THEY GO TO THE COURTS AND NOW WE'RE SEEING THE COURTS HAVE DIFFERENT RULINGS AS WELL SO I'M JUST SAYING SOME OF THESE PROTESTS ARE LEGITIMATE WE WANT GPA TO FOLLOW THE RULES THIS IS A CONTRACT THAT IS ALREADY MADE FOR ME THAT'S EVEN WORSE THAT WE'RE IN THE MIDDLE OF A CONTRACT THAT THAT THEY'VE ALREADY WELL THEY HAVEN'T SIGNED A CONTRACT THEY KEEP CLAIMING OH NO BUT REALLY THEY'VE ALREADY DECIDED WHO'S GETTING THE AWARD AND THEY JUST NEED TO DO THE PAPERWORK AND THAT'S WHY WE'RE HERE TO GIVE THEM FROM INSTEAD OF 90 DAYS TO TWO YEARS AND TO TO SAY THAT THE STAY WILL BE LIFTED WE HEARD THE OPA TESTIFY ON A BILL FOR CRITICAL PROCUREMENTS WHERE ONE OF MY COLLEAGUES WAS LIFTING CRITICAL LIFTING STAGE FOR CRITICAL PROCUREMENT FOR FEDERAL FUNDS THAT HAD SAT TOO LONG AND WERE AT RISK OF BEING TOTALLY LOST AND SO FOR THOSE CONTRACTS THE LEGISLATURE ASKED WAS ASKED TO LIFT THE STAY AND THE OPA SAID IF WE'RE GOING TO DO THINGS LIKE THAT HE WANTS US TO DO IT UPFRONT BEFORE THE THE PERSON IS SELECTED AND I THINK THAT'S FAIR TOO SO ANYWAYS I GUESS THE POINT IS THAT IN THIS CASE THERE ARE SOME VERY SERIOUS CONCERNS BUT WE ARE WEIGHING THIS IS WHAT WE'RE BEING FORCED TO WEIGH ALL OF THESE CONCERNS POTENTIAL YOU KNOW ERRORS IN PROCUREMENT PROCESS UNFAIRNESS NOT GOOD VALUE WITH THIS IS OUR ONLY SOLUTION FOR TEMPORARY POWER CAPACITY TODAY THIS IS THE ONLY SOLUTION THAT GPA IS GIVING US SO JUST WANT TO PUT THAT ON THE FLOOR *SI YU'OS MA'ÁSE'* MADAM SPEAKER.

VICE SPEAKER MUÑA BARNES: *BUEN PRUBECHU* SPEAKER TERLAJE SENATOR DUEÑAS I'LL RECOGNIZE YOU ON THE MAIN MOTION.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM SPEAKER JUST HAVE A FEW COMMENTS ON THIS PROPOSAL 206-37 I CONCUR WITH THE COMMENTS OF THE RETIRING SPEAKER AND IT IS EXTREMELY UNFORTUNATE THAT WE ARE IN THIS POSITION BUT AS THE PREVIOUS SPEAKER MENTIONED I WANT TO JUST DO MY DUE DILIGENCE AS WELL IN TERMS OF FULL DISCLOSURE IN THE MEETING THAT I HAD WITH THE GPA GENERAL MANAGER AND THE CHAIRMAN OF THE CCU EXCUSE ME A MEMBER FORMER CHAIRMAN FORMER SENATOR I BELIEVE WHO'S HAD PRIVILEGE OF THE FLOOR TODAY I ARRIVE AT THE CONCLUSION THAT THE RETIRING SPEAKER MADE AND THE QUESTIONS THAT SHE HAD FOR THE AUTHOR OF THE BILL FOR TWO FUNDAMENTAL REASONS IN THE DESCRIPTION OF THE ONLY SOLUTION AND YOU CAN SEE THE LETTER THAT'S BEEN PLACED ON OUR DESK IN TERMS OF THE MAINTENANCE CONTRACT OF THE AGGREKO POWER SUPPLY THAT HAS BEEN PROBLEMATIC TO SAY THE LEAST BUT IN THIS CURRENT PROCUREMENT WHAT WAS DESCRIBED TO ME AS THE REASON WHY THIS IS NOT ONLY THE ONLY SOLUTION BUT THE FASTEST SOLUTION BECAUSE THERE ARE OTHER SOLUTIONS THEY'RE GOING TO RATION THEY'RE GOING TO FIGURE OUT HOW TO DO THAT THAT'S GOING TO BE A VERY VERY UNCOMFORTABLE SOLUTION THEY'LL DO WHAT THEY GOT TO DO THEY KNOW HOW TO MANAGE THE GRID BUT IT'S GOING TO BE PAINFUL FOR WHILE THERE IS NO GUARANTEE MY UNDERSTANDING IN THE PRESENTATION THAT I SAW WAS THAT THERE WOULD BE ALMOST IMMEDIATELY SEVERAL OTHER UNITS TO COME BACK ONLINE TO ADD UP TO PERHAPS AROUND 12 MEGAWATTS WITH THE CURRENT STRUCTURE THAT EXISTS AND WITH THE ADDED POWER IT WOULD BE ANOTHER FULL 20 MEGAWATT TO COME IN TO ALMOST ARRIVE AT THE 40 MEG SHORTFALL THAT THEY CURRENTLY CONTINUES TO PLAGUE OUR SYSTEM DUE TO THE REASONS THAT THEY'VE GIVEN US TYPHOON RELATED AND OTHERS NOT TO MENTION THE DELAY OF UKUDU BUT I'M SURE THEIR PR PEOPLE ARE GOING TO HANDLE THAT I'M PAINFULLY ARRIVING AT THIS DECISION BECAUSE OF THAT SITUATION THAT EXISTS I ALSO LIKE THE FACT THAT WHAT THE RETIRING SPEAKER SAID AND I CONCUR THE OPA SAYS YOU'RE GOING TO DO SOMETHING LIKE THIS DO IT IN THE FULL LIGHT OF DAY PUT YOUR ARGUMENTS ON THE FLOOR EXPLAIN TO THE PEOPLE OF GUAM WHY YOU'RE DOING SOMETHING THAT HOPEFULLY NEVER BECOMES A PRECEDENCE BECAUSE IT'S NOT THE WAY WE SHOULD BE OPERATING BUT THAT WE DO RISE TO THE OCCASION AS NEEDED BUT I YOU KNOW I THINK WE ALL ARE GOING TO CONCUR WHETHER WHATEVER WAY THIS GOES DOWN THAT THIS CANNOT AND WILL NOT BE ACCEPTED AS A REGULAR WAY OF DOING BUSINESS BUT THE OTHER THING MADAM CHAIR AS I SAID AND I'M LOOKING FORWARD TO SOME OF THE OTHER DELIBERATIONS THAT WE'LL BE DOING IN THIS BODY TODAY IS REALLY SETTling ANOTHER ISSUE AND THAT IS YOU KNOW WE DO HAVE TO ANSWER ONCE AND FOR ALL THE REVIEW PROCESS AND WHAT'S GOING ON WITH OUR CHIEF LEGAL OFFICER AND EVERYTHING ELSE CONTAINED IN ALL OF THESE DISCUSSIONS SO YES THE PEOPLE OF GUAM ARE GETTING ONCE AGAIN A FRONT ROW SEAT AT THE SAUSAGE MAKING FACTORY BUT THAT'S OUR JOB HOPEFULLY NEXT TIME IT WON'T BE *CHORIZO PAKPAK* THAT WE'RE MAKING AS MY GOOD FRIEND SENATOR BARNETT LIKES TO REMARK A LOT OF TIMES ABOUT OUR VARIOUS FUNNY CHAMORU CULTURES THAT WE ENJOY SO MUCH AND IT WOULD ACTUALLY BE SHORT RIBS AND BARBECUE *MANNOK* AND *KELAGUEN* YOU KNOW DOING THINGS THAT

WE WE NORMALLY DO AND NOT AND AND NOT DO SAUSAGE ONLY SO THAT IS MY COMMENTS MADAM SPEAKER I WANTED TO LET THE PEOPLE OF GUAM KNOW THAT YOU KNOW I TOOK EVERYTHING IN DURING THAT MEETING I LOOKED IN THE WHITES OF THEIR EYES AND MADE SURE THAT I ASKED EVERY SINGLE QUESTION THAT I COULD AND ARRIVED AT THE DECISION ONCE AGAIN THAT THEY MADE BECAUSE THIS IS A SYSTEM THAT'S IN PLACE THAT IS MORE THAN LIKELY FAILED BECAUSE OF YOU KNOW NOT ONLY THE STORM BUT BUT BUT PROBLEMATIC ISSUES WITH REGARD TO THE MAINTENANCE OF THESE MACHINES BUT ALSO THE FACT THAT THE FACTORY THAT HAS ALREADY DONE THIS PROCUREMENT ON GUAM AND HAS THESE THIS EQUIPMENT ON GUAM THEY'RE NOT SITTING THERE YOU KNOW ABLE TO JUST PUT THOSE 20 MEGS OVER IN THE CORNER AND GO DON'T TOUCH THAT THAT'S FOR GUAM YOU KNOW THERE IS FROM WHAT WE UNDERSTAND YOU KNOW COME EXTREME COMPETITION WORLDWIDE FOR GENERATION AND I I I WOULD HOPE THAT YOU KNOW WE WOULDN'T END UP WITHOUT THIS PROCUREMENT BECAUSE THEY'VE JUST SAID WE CAN'T WAIT FOR YOU ANYMORE GUAM AND WE'LL TRY AGAIN MAYBE IN THE FUTURE THAT'S WHERE WE'RE AT FROM WHAT I UNDERSTAND AND I WANT TO PUT THAT ON THE RECORD SO THAT PEOPLE ARE COMPLETELY AWARE WHEN I MAKE A FINAL DECISION AFTER WHAT AMENDMENTS MAY PASS OR NOT PASS IN THIS BILL AND WHAT IT LOOKS LIKE WHEN IT'S PACKAGED UP AND SENT TO THE STORE WE'LL SEE WHAT THAT LOOKS LIKE BUT BUT I WANTED TO LET THE PEOPLE OF GUAM KNOW WHY I'M THINKING THE WAY I'M THINKING AND HOW DREADED I FEEL YOU KNOW THAT THE SUMMER MONTHS COME AND LIKE I SAID THERE'S NO GUARANTEE BUT IF WE DO ROLL INTO THAT SCENARIO THAT WE ALL ARE FAMILIAR WITH FROM TIME TIME AGO IT IT'S GOING TO BE EQUALLY AS ROUGH SO WITH THAT MADAM CHAIR I JUST WANTED TO SHARE THOSE THOUGHTS AND LIKE I SAID I THINK WE'VE HAD VERY GOOD DELIBERATION ON THE ACCOUNTABILITY OF WHAT WE'RE TRYING TO DO HERE MAY OR MAY NOT DO AND THOSE ARE MY COMMENTS ON BILL 206-37 *SI YU'OS MA'ÁSE'* MADAM CHAIR.

VICE SPEAKER MUÑA BARNES: THANK YOU SENATOR DUEÑAS ANYBODY ELSE ON THE MAIN MOTION ANYBODY ELSE ON THE MAIN MOTION COLLEAGUES WE'RE GOING TO TAKE A MOMENT'S RECESS.

RECESS

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: WE'RE BACK FROM RECESS SENATOR PARKINSON IS THERE ANYONE ELSE WHO'D LIKE TO SPEAK ON THE BILL IF NOT THEN SPONSOR MAY CLOSE ON THE BILL.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER AT THIS TIME I WOULD LIKE BEFORE I CONTINUE ON MY CLOSING I WOULD LIKE TO INTRODUCE AN AMENDMENT TO CHANGE BASED ON YOUR TESTIMONY MADAM SPEAKER TO CHANGE IT FROM 48 HOURS TO FIVE CALENDAR LATER DAYS OF RECEIPT OF THE PROCUREMENT PACKAGE FROM GPA THAT THAT AMENDMENT IS CURRENTLY IN THE DRIVE RIGHT NOW.

SPEAKER TERLAJE: ON THE AMENDMENT IS THERE ANYONE WHO' LIKE TO SPEAK YOU MAY CLOSE ON THE AMENDMENT.

SENATOR PARKINSON: WAIVE ON CLOSE.

SPEAKER TERLAJE: IS THERE ANY OBJECTION TO THIS AMENDMENT SEEING NO YEAH TO THE FIVE DAYS SEEING NO OBJECTION MO AMENDMENT PASSES SENATOR PARKINSON YOU'RE RECOGNIZED.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER I'D ALSO LIKE TO INTRODUCE AN AMENDMENT BASED ON YOUR PREVIOUS TESTIMONY TO EXTEND THE LIMITATION FROM 90 DAYS OF THE EMERGENCY IN 5GCA 5215 TO TWO TWO YEARS FOR THIS PROCUREMENT ONLY.

SPEAKER TERLAJE: ON THAT AMENDMENT IS THERE ANY SENATOR TAITAGUE YOU'RE RECOGNIZED.

SENATOR TAITAGUE: THANK YOU MADAM SPEAKER I A QUESTION TO THE AUTHOR OF THE AMENDMENT YOU KNOW TO EXPLAIN EXACTLY WHAT'S THE DIFFERENCE YOU KNOW ON THIS TWO YEARS AND WHAT DOES IT REALLY YOU KNOW OVER YOU KNOW SEE THE ON WHICH PROCUREMENT ARE YOU TALKING ABOUT IS THIS SOMETHING THAT YOU KNOW WHY TWO YEARS INSTEAD OF THE 90 DAYS CHANGE IF THEY CAN EXPLAIN.

SENATOR PARKINSON: YEAH FOR FOR THE MOST PART IT'S BECAUSE THIS THIS EMERGENCY IS GOING TO BE GOING ON UNTIL WE GET THE NEW UKUDU POWER PLANT UP AND RUNNING AND SO THIS TWO-YEAR TIMELINE

IS TO REFLECT THAT EMERGENCY AND TO ALLOW THIS LEGISLATION TO BE EFFECTIVE IN ADDRESSING THAT CONCERN UNTIL UKUDU POWER PLANT IS BUILT.

SENATOR TAITAGUE: THANK YOU TO THE AUTHOR OF THAT AMENDMENT BUT IS THIS FOR JUST THIS PARTICULAR GENERATORS AND NOTHING ELSE NO SCREWS BOLTS OR ANYTHING OR PAPERWORK OR ANYTHING LIKE THAT IS THIS JUST SPECIFICALLY FOR THESE GENERATORS.

SENATOR PARKINSON: YES THE WAY IS WRITTEN IT'S JUST FOR THIS PROCUREMENT EXPLICITLY WRITTEN ON THE AMENDMENT JUST FOR THIS PROCUREMENT.

SENATOR TAITAGUE: OKAY I THANK THE AUTHOR FOR ANSWERING MY QUESTIONS AND THANK YOU MADAM SPEAKER FOR THE OPPORTUNITY.

SPEAKER TERLAJE: THANK YOU SENATOR ON THE AMENDMENT IS THERE ANYONE ELSE WHO'D LIKE TO BE RECOGNIZED IF NOT SPONSOR MAY CLOSE ON THE AMENDMENT.

SENATOR PARKINSON: SO I HEARD THE CONCERNS OF PEOPLE REGARDING THIS BILL THE FACT THAT THERE'S NO GUARANTEES AND THAT'S TRUE.

SPEAKER TERLAJE: SORRY SENATOR ON THE AMENDMENT CLOSING ON THE AMENDMENT ALL RIGHT IS THERE ANY OBJECTION TO THE AMENDMENT IF NOT THE AMENDMENT PASSES YOU MAY CLOSE ON THE BILL.

SENATOR PARKINSON: YEAH I'LL I'LL YEAH SO AS I WAS SAYING ON THIS THERE ARE NO GUARANTEES LIKE THIS IS SOLVING THE PARTICULAR MATH GENERATION PROBLEM IN FRONT OF US BUT THERE'S NO GUARANTEE THAT WE WON'T HAVE OTHER PROBLEMS IN THE FUTURE THAT MAY LEAD US TO OTHER EMERGENCIES YOU KNOW SOMETIMES THAT PHRASE IS APP THAT THE ONLY GUARANTEES ARE LIFE ARE DEATH AND TAXES SO I SHARE THE CONCERN OF BOTH THE SPEAKER AND ALL THE PEOPLE THAT BROUGHT UP PROBLEMS WITH THE WAY WE'RE GOING ABOUT THIS AND EVERYONE IS ABSOLUTELY RIGHT THIS IS THIS FEELS UNFAIR NOT JUST TO THE PEOPLE BUT TO US AND WE NEVER SHOULD HAVE BEEN PUT IN THIS POSITION BUT THE PAST IS PROLOGUE WE ARE HERE TO DEAL WITH THE EMERGENCY BEFORE US AND WE CAN ARGUE AND QUIBBLE ABOUT WHAT WE SHOULD HAVE DONE IN THE PAST AND HOW THINGS SHOULD HAVE BEEN DONE PROPERLY THE FIRST TIME AROUND AND YEAH WE COULD DEFINITELY ADDRESS THOSE THINGS BUT WE HAVE TO FOCUS ON THE PLIGHT BEFORE US NOW WE HAVE TO ANSWER THE QUESTION HAS GPA EXHAUSTED ALL OF THEIR REMEDIES BEFORE WE GRANT THEM THIS VERY VERY EXCEPTIONAL WAIVER I REQUESTED THIS EMERGENCY SESSION BUT THIS REQUEST DID NOT COME FROM ME THIS IS FROM GPA I KNOW THERE ARE SOME COMPLAINTS THAT IT FEELS LIKE WE ARE AN EMERGENCY SESSION ALL THE TIME BUT THAT'S THAT'S NOT FOR US TO DECIDE THAT'S FOR THE TIMES THE SPEAKER DIDN'T ASK FOR ALL THESE EMERGENCIES I DIDN'T ASK FOR A TYPHOON GPA DIDN'T ASK TO BE HAVING TO WORK AROUND THE LEGAL SYSTEM THAT IS JUST FUNDAMENTALLY BROKEN BUT I DON'T THINK THE ANSWER ANSWER IS WE DON'T HAVE THE EMERGENCY SESSIONS WHEN GPA ASKED WHEN WE ASKED GPA IF THEY COLLEAGUES TO SUPPORT ME AND SUPPORTING GPA HELP KEEP THE LIGHTS ON FOR ALL OF US YOU KNOW AND AS SOMEBODY WHO'S BEEN VERY CRITICAL OF GPA THIS THIS DOESN'T MEAN WE DON'T GET TO HOLD THEM ACCOUNTABLE IF WE FIND IN THE ASSESSMENT AND ALL THIS BECAUSE I'VE BEEN TRAINED AS AN EMERGENCY WORKER AND WE WERE ALWAYS TRAINED TO HANDLE THE EMERGENCY FIRST AND THEN HAVE AN ACTOR AFTER AFTER ACTION REVIEW AND SEE WHAT WAS PLANNED WHAT WAS DONE WHAT WAS NECESSARY DID WE EVEN HAVE TO HAVE THIS EMERGENCY AND WHEN WE DO THE ASSESSMENT AFTER ALL IS SAID AND DONE AND WE FIND THAT GPA LED US ASTRAY AND LED US WRONG MY COLLEAGUES I WILL BE WITH YOU EVERY STEP OF THE WAY TO HELP NAIL THESE PEOPLE TO THE CROSS IF THEY HAVE DOING US WRONG I WILL BE EVERY STEP IN THE WAY TO HELP DISBAND THE CCU IF THEY ARE DOING US WRONG HERE SO I AM WILLING TO GRANT THESE EXTRAORDINARY POWERS TO GPA IN THE IN THE SPIRIT OF COOPERATION AND TRUST THAT THEY ARE NOT LEADING US ASTRAY SO WHILE WE ARE HELPING GPA AND CCU WE ARE ALSO WATCHING SO AT THIS TIME MADAM SPEAKER I WOULD LIKE TO SET ASIDE THIS BILL WHILE WE DISCUSS OTHER LEGISLATIVE MATTERS AND THEN WE COULD COME BACK TO THIS DURING MOTIONS AND POTENTIALLY ADDED TO THE THIRD READING THEN.

SPEAKER TERLAJE: ALL RIGHT ON THAT MOTION TO TEMPORARILY SET ASIDE AND COME BACK TO THIS BILL AFTER DISCUSSION FURTHER DISCUSSIONS AND OTHER MATTERS IS THERE ANY OBJECTION SEEING NO OBJECTION THAT MOTION CARRIES.

SENATOR PARKINSON: MADAM SPEAKER AT THIS TIME I'D LIKE TO RECESS UNTIL 2 O'CLOCK SO WE ALL HAVE TIME TO REFLECT AND PRAY ON THIS MATTER.

SPEAKER TERLAJE: ALL RIGHT BEFORE WE DO THAT I WOULD LIKE TO JUST ANNOUNCE SO IF YOU CHECK MESSAGES AND COMMS SOME OF THE PROPOSALS ARE IN THERE SOME OF THEM ARE BEEN INTRODUCED AS BILLS AND THERE IS AN ADDITIONAL LETTER FROM THE GOVERNOR'S COUNSEL THAT I WILL ALSO SEND BY EMAIL TO YOU THAT YOU CAN REVIEW ALL RIGHT SO AND I THINK THE ATTORNEY GENERAL'S OFFICE IS ALSO HERE AND YOU MAY DISCUSS WITH THEM OF COURSE ANY PROPOSALS THAT THEY ARE COMING UP WITH THEY HAVE ADDITIONAL ONES ALL RIGHT WITH THAT SENATOR PARKINSON SORRY FISHER SENATOR FISHER DID YOU HAVE A MOTION.

SENATOR FISHER: MA'AM NO MOTION BUT A POINT OF INQUIRY TO THE SPEAKER BY WHAT RULE YOU'VE NOTICED US FOR AN EMERGENCY SESSION TO COME IN AND SPEAK ABOUT MY FRIEND'S BILL ON THE POWER AUTHORITY THE SESSION THEN IS QUITE LIMITED IN THE SCOPE I THINK RULE STANDING RULE 1.02 IS I THINK IT'S 1.02 B MAYBE OUR LEGAL COUNSEL CAN LOOK AT IT TRUNCATES THIS BODY'S ABILITY IN AN EMERGENCY SESSION TO LISTEN TO MATTERS TO ONLY WHAT WAS APPENDED TO THE NOTICE WHICH WAS MY FRIEND'S BILL ON ON ON ON THE EMERGENCY PROCUREMENT AND MA'AM THAT'S AT STANDING RULE 1.02.

SPEAKER TERLAJE: YES AS YOU KNOW IN MY I'M JUST ONE MORE ONE MINUTE I'M GOING TO FIND MY BETTER YEAH.

SENATOR FISHER: IT'S A FOR THE ENLIGHTENMENT OF THE BODY IT'S A RULE 1.02 B SUB ONE SUB TWO.

SPEAKER TERLAJE: I DON'T HAVE A COPY IN FRONT OF ME AND NEITHER DOES THE CLERK BUT IN MY CALL TO SESSION SENATOR FISHER WE DID ANNOUNCE THAT THE SESSION WOULD ALSO ACCOMMODATE THE EMERGENCY THAT HAS BEEN CAUSED BY THE ATTORNEY GENERAL'S ACTIONS AND YOU'RE CORRECT THERE WAS NO BILL ATTACHED BECAUSE THERE WAS NO BILL INTRODUCED AT THAT POINT BUT WE HAVE I'M GOING TO ALLOW A MOTION BUT NOT WITHSTANDING THE RULES AFTER WE COME BACK TO SEE IF ANY OF THESE BILLS WILL BE OKAY PUT INTO THIS SESSION.

SENATOR FISHER: OKAY BUT JUST ON THAT ONE IN ORDER TO AMEND OR SUSPEND THE RULES YOU NEED EIGHT VOTES.

SPEAKER TERLAJE: YES OF COURSE.

SENATOR FISHER: YEAH AND YEAH.

SPEAKER TERLAJE: THANK YOU SENATOR FISHER.

SENATOR FISHER: YOU'RE VERY WELCOME MA'AM AND IT'S IN THE IMPERATIVE IT SHALL BE APPENDED A REFERENCE TO ANOTHER DOCUMENT WHICH IS NOT APPENDED.

SPEAKER TERLAJE: THAT'S CORRECT SENATOR FISHER AND AS I I EXPLAINED IN MY LETTER THERE WERE NO BILLS INTRODUCED AT THAT TIME AND SO WE WILL ADDRESS ANY MOTIONS THAT ARE MADE AND WE WILL REQUIRE THE REQUISITE NUMBER OF VOTES JUST AS WE DID TO PUT THIS BILL ONTO THE AGENDA AS WELL.

SENATOR FISHER: MA'AM I JUST SUBMIT THAT WOULD BE IN VIOLATION OF THE STANDING RULES THANK YOU.

SPEAKER TERLAJE: WELL I DISAGREE AND I THINK THAT THAT'S MISLEADING THE PUBLIC AS WELL SENATOR.

SENATOR FISHER: NO IT'S NOT MISLEADING THE PUBLIC SPEAKER.

SPEAKER TERLAJE: THANK YOU YOU'VE BEEN OVERRULED SENATOR FISHER.

SENATOR FISHER: MA'AM YOU'RE OUT OF ORDER.

SPEAKER TERLAJE: ON THE MOTION TO RECESS WE ARE RECESS UNTIL 2 P.M.

RECESS

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: WE'RE BACK FROM RECESS MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÁSE'* MADAM SPEAKER NOTWITHSTANDING THE RULES I MOVE THAT WE GO INTO THE COMMITTEE OF THE WHOLE ON THE URGENT MATTER OF THE ATTORNEY GENERAL'S WITHDRAWAL FROM LEGAL REPRESENTATION OF GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES IN WHICH THE OAG HAS ACTIVE CRIMINAL OR CIVIL INVESTIGATIONS WHICH HAS RESULTED IN A THREAT TO THE WELFARE OF THE PEOPLE OF GUAM AND TO CALL IN THE ATTORNEY GENERAL TO ANSWER QUESTIONS IN THE COMMITTEE OF THE WHOLE.

SPEAKER TERLAJE: ON THAT MOTION SENATOR TAITAGUE.

SENATOR TAITAGUE: THANK YOU MADAM SPEAKER MADAM SPEAKER I'D LIKE TO MAKE A SLIGHT CHANGE TO THAT MOTION AND JUST TO THAT THE DISCUSSION BE.

SPEAKER TERLAJE: ON THE AMENDMENT TO THE A MOTION TO THE MOTION TO LIMIT THE DISCUSSION TO BILL 206 IS THERE ANY OBJECTION.

SENATOR SAN AGUSTIN: MADAM SPEAKER I JUST HAVE A QUESTION.

SPEAKER TERLAJE: SENATOR SAN AGUSTIN YOU'RE RECOGNIZED.

SENATOR SAN AGUSTIN: JUST A SIMPLE QUESTION.

SPEAKER TERLAJE: STATE YOUR POINT OF INQUIRY.

SENATOR SAN AGUSTIN: THE INQUIRY IS THAT WE'RE GOING TO CALL THE AG ABOUT 206 BUT ARE WE NOT CALLING GPA IN ALSO ON 206 IT'S IT'S IT'S REFERENCE TO GPA I'M JUST TRYING TO MAKE SURE THERE'S BALANCE I UNDERSTAND WHY WE'RE CALLING THE AG BUT I'M JUST SAYING WE CALL THE AG AND IT'S ON 206 THEN WE CALL GPA IN REFERENCE TO THE SAME BILL THAT'S ALL I'M ASKING.

SPEAKER TERLAJE: THANK YOU SENATOR ON ON ON THE MOTION IS THERE AN OBJECTION.

VICE SPEAKER MUÑA BARNES: ON A POINT OF INFORMATION MADAM SPEAKER IF I MAY.

SPEAKER TERLAJE: POINT OF INFORMATION YES.

VICE SPEAKER MUÑA BARNES: THE THE THE MOTION WAS MADE TO BRING THE ATTORNEY GENERAL'S OFFICE THEN AN AMENDED MOTION TO THAT WAS TO ONLY DEAL WITH BILL 206 THE LAST TIME WE WERE HERE BEFORE LUNCH THE MO THE BILL WAS SET ASIDE AND YOU NEED TO BRING IT BACK SO THERE NEEDS TO BE A NOTWITHSTANDING MOTION TO BRING IT BACK TO THE SECOND READING IF IT'S SET ASIDE.

SPEAKER TERLAJE: IT'S STILL THERE.

VICE SPEAKER MUÑA BARNES: I KNOW BUT THE MOTION NEEDS TO BE UP TO FURTHER DISCUSS BECAUSE WE SET IT ASIDE.

SPEAKER TERLAJE: IT'S STILL THERE SENATOR SO ON THE MOTION IS THERE AN OBJECTION AS AMENDED THERE'S A AN OBJECTION AS AMENDED ALL IN FAVOR OF BRINGING IN THE AG ONLY ON BILL 206 PLEASE RAISE YOUR HAND MOTION FAILS ON THE MOTION TO BRING THE AG IN ON THE EMERGENCY CONDITIONS IS THERE ANY OBJECTION THERE'S ONE OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND.

VICE SPEAKER MUÑA BARNES: M MADAM SPEAKER.

SPEAKER TERLAJE: YES.

VICE SPEAKER MUÑA BARNES: THE MOTION TO BRING IN THE ATTORNEY GENERAL OF GUAM TO SPEAK ON WHAT ISSUE ON THE MI ISSUE BEFORE US ARE THERE ANY BILLS TO THAT THAT THE ATTORNEY GENERAL CAN SPEAK ON BASED ON THE LETTER THAT YOU SUBMITTED ON THE WAIVERS ON THREE BILLS THAT WERE SUBMITTED TODAY FOR WAIVERS ARE THOSE THE REASON WHY THE ATTORNEY GENERAL'S OFFICE IS GOING TO COME IN THAT IS MY QUESTION.

SPEAKER TERLAJE: WE WOULD THAT IS THE MOTION IS TO BRING THE ATTORNEY GENERAL AND MAYBE THE PROFFER CAN RE RESTATE THE MOTION BUT THERE ARE NO BILLS ON SECOND READING EXCEPT FOR 206 RIGHT NOW AND THIS IS TO HELP US TO DETERMINE WHICH BILL TO BRING IN.

SENATOR SHELTON: YES AGAIN MADAM SPEAKER THE PROVISION THE MOTION IS NOTWITHSTANDING THE RULES TO BRING IN THE ATTORNEY GENERAL TO ANSWER QUESTIONS REGARDING THE URGENT MATTER OF THE ATTORNEY GENERAL'S WITHDRAWAL FROM LEGAL REPRESENTATION OF GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES IN WHICH THE OAG HAS ACTIVE CRIMINAL OR CIVIL INVESTIGATIONS WHICH HAVE RESULTED IN A THREAT TO THE WELFARE OF THE PEOPLE OF GUAM SO AGAIN NOTWITHSTANDING THE RULE.

SPEAKER TERLAJE: *SI YU'OS MA'ÅSE'* ON THAT MOTION.

SENATOR BLAS: POINT OF ORDER POINT OF ORDER.

SPEAKER TERLAJE: YES STATE YOUR POINT OF ORDER.

SENATOR BLAS: THANK YOU MADAM SPEAKER MADAM SPEAKER I APPRECIATE AND I RECOGNIZE IT'S A NOTWITHSTANDING BUT THERE'S A BIG DIFFERENCE THERE A STARK CONTRAST BETWEEN EMERGENCY SESSION AND EMERGENCY MEETING EMERGENCY SESSIONS MADAM SPEAKER THIS THAT WHOLE PROCESS IS SET TO BE ABLE TO DISCUSS A BILL THAT IS BEFORE US THERE IS NO BILL BEFORE US THERE'S THERE WAS BILLS THAT WERE WAVED BUT THERE WAS NO BILL ON THE AGENDA BEFORE US OTHER THAN 206 SO THE ONLY WAY IT CAN HAPPEN IS IF IT IS IF THE INDIVIDUAL DISCUSSION IS LIMITED TO MATTERS THAT ARE ON THE SESSION AGENDA OTHER THAN THAT IT VIOLATES EVERY FACET AND EVERY RULE WITHIN EMERGENCY SESSION.

SPEAKER TERLAJE: THERE'S AN OBJECTION ALL IN FAVOR OF THE MOTION PLEASE RAISE YOUR HAND MOTION FAILS MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER.

SPEAKER TERLAJE: MAJORITY LEADER YOU'RE RECOGNIZED.

SENATOR SHELTON: OKAY I'LL YIELD TO SENATOR PARKINSON.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER AT THIS TIME I'D LIKE.

SPEAKER TERLAJE: SENATOR PARKINSON YES YOU HAVE A MOTION.

SENATOR PARKINSON: YES MA'AM AT THIS TIME I WOULD LIKE TO M MAKE A MOTION TO MOVE BILL NUMBER 206-37 LS AS AMENDED ON THE AS AMENDED ON THE FLOOR OR AS I'M I'M SORRY LS TO THE THIRD READING AND VOTE ON IT TODAY MA'AM AND PUT IT TO THE VOTING FILE.

SPEAKER TERLAJE: THIRD READING ON THAT MOTION IS THERE AN OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION CARRIES SENATOR BARNETT YOU'RE RECOGNIZED.

SENATOR BARNETT: MA'AM I'D LIKE TO MAKE A MOTION NOTWITHSTANDING FOR A RECONSIDERATION OF THE MOTION TO BRING THE ATTORNEY GENERAL IN HERE IT'S TRUE WE DON'T HAVE A BILL IN FRONT OF US WE ACTUALLY HAVE SEVERAL BILLS IN FRONT OF US THAT I DON'T THINK WE CAN MAKE A RESPONSIBLE DECISION ABOUT HOW TO DISPENSE WITH THIS ISSUE THAT HAS ARISEN WITH THE ATTORNEY GENERAL'S OFFICE UNTIL WE HEAR FROM THE ATTORNEY GENERAL HIMSELF UNIMPEDED AND UN UNFETTERED BY INTERRUPTIONS MA'AM SO AGAIN I WOULD ASK THE BODY TO RECONSIDER THE MOTION AND I JUST WANTED TO ADD THAT LITTLE EXPLANATION ON THERE I THINK THAT THE PEOPLE OF GUAM WANT TO KNOW AND WE DESERVE TO HAVE THE ATTORNEY GENERAL HERE IN FRONT OF US TO ANSWER ALL OF OUR QUESTIONS ABOUT THIS SITUATION SO THAT WE CAN MAKE AN INFORMED DECISION ABOUT WHICH BILL OR HOW TO PROCEED FORWARD THANK YOU MADAM SPEAKER.

SPEAKER TERLAJE: ON THAT MOTION TO RECONSIDER IS THERE ANY OBJECTION THERE'S AN OBJECTION ALL ALL IN FAVOR OF RECONSIDERING THE MOTION PLEASE RAISE YOUR HAND MOTION CARRIES ON THE MOTION TO BRING IN THE ATTORNEY GENERAL AND THE COMMITTEE OF THE WHOLE IS THERE ANY OBJECTION.

VICE SPEAKER MUÑA BARNES: THERE'S AN OBJECTION.

SPEAKER TERLAJE: THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION CARRIES WE WILL NOW GO INTO THE COMMITTEE OF THE WHOLE.

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session
COMMITTEE OF THE WHOLE

Speaker Antonio R. Unpingco Legislative Session Hall

March 6, 2024

NOTE SPEAKER TERLAJE PRESIDES OVER THE COMMITTEE OF THE WHOLE

SPEAKER TERLAJE: HELLO WE'RE NOW CONVENED IN THE COMMITTEE OF THE WHOLE WE'RE GOING TO HAVE THE SERGEANT OF ARMS SWEAR IN THE PANEL SENATOR FISHER YOU HAVE A.

SENATOR FISHER: THANK YOU VERY MUCH SPEAKER I HAVE A MOTION TO MAKE I'M.

SPEAKER TERLAJE: ALL RIGHT IF WE CAN PUT THAT ON HOLD WE'LL HAVE THE PANEL SWORN IN AND I WILL ANNOUNCE THE RULES YES.

SERGEANT OF ARMS: PLEASE RISE AND RAISE YOUR RIGHT HAND UNDER PENALTY AND PERJURY DO YOU ALL AFFIRM THAT ANY AND ALL INFORMATION YOU PROVIDE TODAY WHETHER IT BE VERBALLY ELECTRONICALLY AND IN WRITING BE THE TRUTH THE WHOLE TRUTH AND NOTHING BUT THE TRUTH MADAM CHAIR UNDER OATH YOU MAY PROCEED THANK YOU.

SPEAKER TERLAJE: THANK YOU SERGEANT OF ARMS ALL RIGHT SENATOR FISHER I.

SENATOR FISHER: YES THANK YOU VERY MUCH SPEAKER MA'AM I MOVED TO ALLOW AGENCY COUNSEL IN THIS CASE MR. JORDAN PAULUHN OF THE GUAM MEMORIAL HOSPITAL.

SENATOR BARNETT: OBJECTION.

SENATOR FISHER: GUAM MEMORIAL HOSPITAL AUTHORITY AS WELL AS MARIANNE WOLOSCHUK WHO IS THE ATTORNEY FOR THE DIRECTLY AFFECTED AGENCY IN THIS CASE WHICH IS THE GUAM POWER AUTHORITY.

SPEAKER TERLAJE: ON THAT MOTION IS THERE AN OBJECTION THERE'S BEEN AN OBJECTION.

SENATOR FISHER: I'M NOT DONE I'M WAITING FOR ORDER UP THERE ADDITIONALLY JACKIE TERLAJE WHO'S A PRESIDENT OF THE GUAM BAR ASSOCIATION WOULD LIKE TO TESTIFY AS WELL AS JAY ARRIOLA WHO IS THE LITIGANT RESPONSIBLE FOR THE CONFLICT THAT THE ATTORNEY GENERAL IS ALLEGING THAT'S MY MOTION.

SPEAKER TERLAJE: ON THAT MOTION THERE'S BEEN AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION FAILS ALL RIGHT WE'LL NOW PROCEED WE'RE GOING TO ALLOW I'M GOING TO READ THE PART THE RELEVANT PART OF THE DECLARATION OR OUR CALL TO SESSION AND THAT'S WITHOUT BORING YOU AND READING EVERYTHING I'M JUST GOING TO READ THE FIRST PARAGRAPH THAT SAYS WHEREAS THE DEVASTATION AND DESTRUCTION FROM THE TYPHOON'S PASSAGE INCLUDING THE INTERRUPTION OF POWER AND CONTINUED RISK OF LOADSHEDDING STILL POSE A THREAT TO THE WELFARE OF THE PEOPLE OF GUAM ADDITIONALLY THE URGENT MATTER OF THE ATTORNEY GENERAL'S WITHDRAWAL FROM LEGAL REPRESENTATION OF GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES IN WHICH THE OAG HAS ACTIVE CRIMINAL OR CIVIL INVESTIGATIONS HAS RESULTED IN A THREAT TO THE WELFARE OF THE PEOPLE OF GUAM AND IN LIGHT OF THAT OF THE ABOVE SPEAKER I CERTIFY EMERGENCY CONDITIONS EXIST WHICH JUSTIFY AN EMERGENCY SESSION ATTACHED WAS BILL 206 AND ACCOMPANYING DOCUMENTS FROM FROM THE SPONSOR OF THE BILL SUBMITTED TO THE SPEAKER ALSO SUBMITTED WAS A FEBRUARY 28 2024 LETTER FROM THE ATTORNEY GENERAL TO THE HONORABLE LOURDES A LEON GUERRERO GOVERNOR OF GUAM AND IN THERE

CITING A CONFLICT OR OR HIS IMMEDIATE TEMPORARILY WITHDRAW FROM REPRESENTING DEPARTMENTS AND AGENCIES IN WHICH WE HAVE ACTIVE CRIMINAL AND OR CIVIL INVESTIGATIONS EFFECTIVE IMMEDIATELY UNTIL SUCH TIME AS BE THE BEFORE MENTIONED CRIMINAL CASES AUTHORIZE OUR OFFICE TO PROVIDE LEGAL REPRESENTATION IN BOTH PROSECUTING GOVERNMENT OFFICIALS ACCUSED OF CORRUPTION AND ALSO PROVIDING LEGAL ADVICE TO WHAT SAY TO TO THAT SAME DEPARTMENT OR INSTRUMENTALITY THAT THE GOVERNMENT OFFICIALS WORK FOR WE WILL BE TEMPORARILY WITHDRAWING FROM PROVIDING CERTAIN GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES ANY LEGAL SERVICES TO AVOID ANY ETHICAL VIOLATIONS UNTIL THE COURTS RESOLVE THE ISSUE WE URGE YOU TO SECURE INDEPENDENT LEGAL COUNSEL TO PROVIDE FOR YOUR LEGAL NEEDS UNTIL SUCH TIME AS THE JUDICIARY INCLUDING THE SUPREME COURT OF GUAM CAN PROVIDE A CLEAR STATEMENT ON OUR ABILITY TO PROSECUTE GOVERNMENT OFFICIALS AND SIMULTANEOUSLY PROVIDE LEGAL SERVICES TO GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES WHOSE OFFICIALS ARE BEING PROSECUTED OR UNDER INVESTIGATION BY THE SAME ELECTED ATTORNEY GENERAL ALL UNDER THE GUAM RULES OF PROFESSIONAL CONDUCT FOR ANY DOCUMENT THAT REQUIRES THE AG'S OFFICE SIGNATURE WE WILL SIMPLY INSERT ON THE SIGNATURE LINE QUOTE POTENTIAL CONFLICT CANNOT SIGN UNQUOTE WE DO NOT PROVIDE TO YOU A LEGAL OPINION ON WHETHER GUAM ALLOWS FOR PROCESSING THE DOCUMENT WITHOUT THE AG'S OFFICE SIGNATURE AND RECOMMEND THAT YOU SEEK THE ASSISTANCE OF AN INDEPENDENT COUNSEL THE FULL LETTERS HAVE BEEN DISTRIBUTED TO ALL THE SENATORS AND HAVE BEEN PLACED ON MESSAGES AND COMMS AGAIN THIS WAS A LETTER FEBRUARY 28 2024 TO THE GOVERNOR OF GUAM FROM DOUGLAS B MOYLAN ATTORNEY GENERAL ATTACHED TO THAT IS A LIST OF 21 AGENCIES TITLED GOVERNMENT OF GUAM INSTRUMENTALITIES UNDER INVESTIGATION BY OFFICE OF THE ATTORNEY GENERAL THERE WERE ADDITIONAL DOCUMENTS SENT TO US BY THE ATTORNEY GENERAL OF GUAM ALL OF THOSE ARE UP IN MESSAGES AND COMM AS WELL AT THIS POINT I'M GOING TO ASK THE ATTORNEY GENERAL TO WELL I'LL STATE THE RULES FIRST I'M GOING TO ASK THE ATTORNEY GENERAL TO BRIEF US ON ON THIS LETTER AND THIS ISSUE AND THEN I'M GOING TO OPEN IT UP FOR TWO ROUNDS OF QUESTIONING FOR ALL SENATORS ATTORNEY GENERAL.

DOUGLAS MOYLAN – ATTORNEY GENERAL OF GUAM (OAG): *HAFĀ ADAI* AND THANK YOU MADAM SPEAKER AND THANK YOU SENATORS FOR THIS OPPORTUNITY TO EXPLAIN A SITUATION THAT IS FACING THE OFFICE OF THE ATTORNEY GENERAL AND OUR ABILITY TO PERFORM THE LEGAL SERVICES AS REQUIRED BY THE ORGANIC ACT FOR CLARIFICATION ON THE RECORD THE FIRST DOCUMENT THAT WAS SENT WAS ON FEBRUARY 28TH TO 22 ACTUALLY 22 GOVERNMENT DEPARTMENTS AND AGENCIES THAT RESULTED FROM CRIMINAL AND CIVIL INVESTIGATIONS THAT ARE GOING ON WITH THE OFFICE OF THE PUBLIC AUDITOR AS WELL AS INVESTIGATIONS THAT HAD BEEN ENGAGED IN FOR ABOUT THE PAST 12 13 MONTHS BY THE OFFICE OF THE ATTORNEY GENERAL BASED ON DIFFERENT REPORTS THAT WE HAD BEEN RECEIVING THE THERE IS A FEBRUARY 29TH LETTER THAT YOU SHOULD HAVE IN FRONT OF YOU AS WELL THAT IDENTIFIES THE THE 22 DEPARTMENTS AND AGENCIES THE 22ND ONE IS THE AIRPORT AUTHORITY AND IN THAT TWO-PAGE LETTER WE SPECIFICALLY IDENTIFY A PROCESS IN WHICH THESE CONTRACTS AND PROCUREMENTS CAN GO THROUGH OUR OFFICE BASICALLY A DISCLOSURE LETTER THAT PROVIDES THE DEPARTMENT OF THE AGENCY HEAD CAN SIGN OFF ON IT UNDERSTANDING THAT UNDER GUAM LAW WE WEAR THE HAT OF THE A CHECK AND BALANCE IN THE SYSTEM SO THAT WE'RE NOT THEIR LAWYERS BY EFFECTUATING 310 3104 OF TITLE 5 GUAM CODE ANNOTATED WHICH REQUIRES THE ATTORNEY GENERAL TO BE THE PUBLIC PROSECUTOR AND TO INVESTIGATE PUBLIC OFFICIALS SPECIFICALLY UNDER 3109 IT ALSO PROVIDES THAT IN ADDITION TO BEING THE PUBLIC PROSECUTOR THE ATTORNEY GENERAL IS TO PROVIDE LEGAL SERVICES FOR THE AGENTS OF THE GOVERNMENT OF GUAM WHICH ARE THE PEOPLE OF GUAM AND THEY'RE SYNONYMOUS IT DOES NOT SAY THAT WE ARE THE ATTORNEYS FOR ANY INDIVIDUAL GOVERNMENT OFFICIAL HOWEVER THIS ISSUE IS CURRENTLY BEFORE THE COURT BASED UPON TWO GOVERNMENT CORRUPTION CASES THAT WE HAD INITIATED LAST YEAR AND IS PENDING DECISIONS BY TWO JUDGES I I WILL MAKE IT VERY CLEAR RIGHT NOW THAT IT IS MY OPINION MY POSITION AND THE AG'S OFFICE POSITION THAT WE WANT TO WAIT FOR THE JUDGES TO ACT WE HAVE THREE VERSIONS OF WHAT HAS OCCURRED THE SECOND ONE IS THE FEBRUARY 29TH TWO-PAGE LETTER THAT I JUST IDENTIFIED WHERE THE AGENCY OFFICIAL CAN SIGN OFF ON IT I MET WITH THE GOVERNOR AND GOT THE FEELING FROM OUR GOVERNOR THAT SHE WAS NOT GOING TO LET ANY OF HER CABINET AND AGENCIES SIGN OFF ON OUR DISCLOSURE LETTER I HAVE WORKED WITH MY OFFICE AND WE ARE GOING TO BE PROCESSING EVERY DOCUMENT THAT IS SUBMITTED TO US BUT WITH A STAMP ESSENTIALLY DISCLOSING THAT WE ARE NOT REPRESENTING THE GOVERNMENT OFFICIALS BUT ARE DOING OUR DUTY UNDER THE REQUIREMENTS OF THE GUAM LEGISLATURE TO ENSURE THAT THESE CONTRACTS ARE REVIEWED FOR LEGALITY AND THAT ANY

IMPROPRIETY IN THEM IS ALSO REVIEWED BY OUR OFFICE THIS IS OUT OF AN ABUNDANCE OF CAUTION AND IN RECOGNITION OF THE GUAM RULES OF PROFESSIONAL CONDUCT SO MADAM SPEAKER SENATORS THE SITUATION IN MY OPINION DOES NOT REQUIRE THE ACTION OF THE LEGISLATURE AND I THANK YOU FOR CALLING AN EMERGENCY SESSION BUT I DO NOT BELIEVE THAT IT'S ACTUALLY NECESSARY AT THIS POINT BUT I'M PREPARED TO ADDRESS ANY QUESTIONS YOU MIGHT HAVE WE WILL BE PROCESSING EVERY DOCUMENT AS LONG AS THEY'RE AS USUAL MAKING SURE THAT THEY'RE LEGAL AND ARE IN THE PROPER FORMATS AND I THINK WE'VE PROCESSED WELL I GUESS THE FOCUS IS THE 22 DEPARTMENTS AND AGENCIES THOSE WILL BE PROCESSED AND THEY WILL HAVE A STAMP ON IT BASICALLY GETTING OUR APPROVAL THE ATTORNEY GENERAL'S APPROVAL THAT THE THE CONTRACTS CAN GO FORWARD OR THE PROCUREMENTS CAN GO FORWARD THIS EMERGENCY LEGISLATION THAT YOU HAVE IN FRONT OF YOU I WILL COMMENT THAT HAVING BEEN AN ATTORNEY GENERAL BEFORE AND 20 YEARS HAVE GONE BY THE PEOPLE OF GUAM THROUGH YOUR AGUSTE BODY HAVE BUILT IN ADDITIONAL SAFEGUARDS INTO THE SYSTEM SO THAT GOVERNMENT CORRUPTION INVESTIGATIONS AREN'T AT THE TAIL END OF WHERE THE MONEY AND THE EXPENDITURES HAVE ALREADY OCCURRED AND HAVE BEEN UPFRONT INVESTIGATED SO THE AG'S OFFICE REVIEWS IT THE 500,000 THE OVER 500,000 FOR AGENCY CONTRACTS NORMALLY IN THE PAST WOULD NOT REQUIRE THE ATTORNEY GENERAL'S REVIEW AND APPROVAL A LEGISLATURE BETWEEN THE LAST TIME I SERVED AND NOW HAS INCLUDED IT THE LAST AG WAS SIGNING AWAY THE AUTHORIZATION TO WHAT THEY CALL THE PRIVATE ATTORNEYS THROUGH SAGS WHEN I CAME IN I WITHDREW ALL OF THEM THE SAGS THE PRIVATE ATTORNEYS DO NOT HAVE THE SAME TYPE OF PURVIEW THAT AN ELECTED ATTORNEY GENERAL HAS THE ELECTED ATTORNEY GENERAL HAS THE ABILITY TO PROSECUTE AND TO UNCOVER CORRUPTION AND TO ENFORCE THE LAWS PRIVATE ATTORNEYS ARE NOT HELD TO THAT STANDARD THEY DO WHAT THEIR CLIENT TELLS THEM WHICH IS THE PERSON THAT SIGNS THEIR CHECK THEY GIVE THE LEGAL ADVICE AND LET THE CLIENT DECIDE THE ATTORNEY GENERAL'S OFFICE DOES WHAT YOU SENATORS HAVE TOLD ME TO DO WHICH IS TO LOOK FOR ANY IMPROPRIETY AND TO STOP IT IT'S THE IT'S THE CHECK AND BALANCE IT'S THE WATCHDOG IT'S ALL THOSE THINGS THAT WE WANT TO DO AS A COMMUNITY TO PREVENT THE MONEY FROM HAVING BEEN SPENT AND THE LOW LIKELIHOOD THAT WE'RE GOING TO GET BACK THE MONEY SO THAT'S THE IDEA THAT THE PROCESS THAT THAT YOU ARE SPEAKING TO THE GENERATION EQUIPMENT THAT YOU'RE TALKING ABOUT I HAVE DEPUTY GRAHAM BOTHA HERE THAT CAN EXPLAIN THE POTENTIAL PROBLEMS OF NOT HAVING THE AG'S OFFICE LOOK OVER THIS PROCUREMENT RUSHING TO PROCURE THIS AMOUNT OF EQUIPMENT IT JUST REEKS OF THE POSSIBILITY OF ERRORS AND POSSIBLE SWEETHEART DEALS THAT ARE BUILT INTO THESE TYPE OF EMERGENCY PROCUREMENTS BUT IT IS YOUR DECISION TO MAKE I JUST SAY THAT WE'RE READY TO REVIEW IT IF YOU WANT US TO REVIEW IT I'VE HEARD THESE COMPLAINTS ABOUT 5 DAYS 10 DAYS I CAN TELL YOU RIGHT NOW WITH MY STAFF HERE WHENEVER ANYBODY CALLS US CALLS ME UP CALLS ANY OF OUR STAFF UP INCLUDING THE CIVIL DIVISION SAYS THAT THEY NEED TO EXPEDITE A CONTRACT IT'S OUT AND A FEW OF YOU SENATORS HAVE ACTUALLY CALLED ME WE'VE KICKED IT OUT YOU KNOW WE'RE ABOUT CUSTOMER SERVICE IN THIS DEPARTMENT WE'RE MAKING SURE THAT THE RECIPIENTS THAT BENEFIT FROM THE CONTRACTS GET OUT SO I'VE GOT A GOOD TEAM BEHIND ME THEY'RE HERE TODAY TO ANSWER THE THE BROAD SPECTRUM OF WHAT YOU MAY HAVE IN TERMS OF QUESTIONS AND THANK YOU.

SPEAKER TERLAJE: THANK YOU COULD YOU PLEASE INTRODUCE YOUR TEAM.

AG MOYLAN – OAG: THANK YOU TO MY FAR LEFT IS FRED NISHIHARA ONE OF OUR DEPUTIES HANDLING THE DEPARTMENT OF EDUCATION I HAVE GRAHAM BOTHA WHO'S ALSO A DEPUTY OF THE CIVIL DIVISION WE HAVE OUR CHIEF PROSECUTOR GLORIA RUDOLPH I HAVE NATHAN TENNYSON OUR DEPUTY OF THE APPLT AND WRITING DIVISION WHICH IS IS DEALING WITH THIS GOVERNMENT CORRUPTION CASES AND THE APPLT AT WRITING THAT'S GOING TO HAVE TO BE EXPECTED ON IT I HAVE JOE GUTHRIE MY CHIEF DEPUTY TO THE LEFT AS WELL AS LEE MILLER HE IS ONE OF OUR ATTORNEYS IN THE CIVIL DIVISION WE HAVE ALSO TIFFANY BROWNING A NEW ATTORNEY IN OUR CIVIL DIVISION AS WELL AS ANOTHER ATTORNEY FROM OUR APPLT AND WRITING DIVISION DANNY MORRIS THANK YOU.

SPEAKER TERLAJE: ALL RIGHT WE'LL BEGIN QUESTIONS WOULD ANYONE LIKE TO GO FIRST VICE SPEAKER YOU WANT TO GO FIRST VICE SPEAKER.

VICE SPEAKER MUÑA BARNES: WELL THANK YOU TO THE PANEL BEING HERE ATTORNEY GENERAL THANK YOU AND IN LIGHT OF THE PRESENTATION JUST PROVIDED BY THE ATTORNEY GENERAL I I I THINK THAT THERE SHOULD BE A MOTION IN ORDER TO EXCUSE AND IF THIS IS NOT NECESSARY AT THIS TIME THAT WE EXCUSE

THE PANEL AND AND MOVE ON MOVE FORWARD WITH WITH WHATEVER ELSE IS IN THE AGENDA SO I JUST WANT TO THANK THE ATTORNEY GENERAL FOR THE PRESENTATION BUT IF IT'S THE MATTERS FOR THE THE JUDICIAL BRANCH TO LOOK AT AND AND FURTHER GIVE GIVE THEIR DECISIONS BASED ON WHAT'S BE PRESENTED AND BEFORE THEM THEN I THINK THAT WE SHOULD RESPECT THAT PROCESS AND THANK YOU VERY MUCH AND ASK THEY BE EXCUSED THAT'S A MOTION MADAM SPEAKER.

SPEAKER TERLAJE: THANK YOU ON THE MOTION IS THERE ANY OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION FAILS SENATOR TAITAGUE YOU ARE RECOGNIZED.

SENATOR TAITAGUE: THANK YOU MADAM SPEAKER AND I THANK THE ATTORNEY GENERAL'S OFFICE FOR ALL YOUR HARD WORK IT DEFINITELY SHOWS TO THE PEOPLE OF GUAM THE WORK YOU'RE DOING WE GREATLY APPRECIATE IT AND I KNOW YOU'RE VERY UNDERSTAFFED TOO SO I ALSO GREATLY APPRECIATE THE TIME THAT YOU TAKE AWAY FROM YOUR FAMILY TO ADDRESS THE ISSUES HERE ON GUAM KNOWING THAT YOU ARE SHORT STAFFED GREATLY APPRECIATE IT I DO UNDERSTAND THAT RECEIVED LETTERS FROM THE ATTORNEY GENERAL THANK YOU SO MUCH FOR ALERTING US TO THAT YOU KNOW THE CONCERNS AND AND WE DO HAVE THE OPPORTUNITY AGAIN I'M HOPING YOU KNOW AFTER WE GET MORE INFORMATION PUT FORWARD BUT THERE ARE A COUPLE QUESTIONS I HAVE BECAUSE AS YOU KNOW WE WANT TO ADDRESS ANY CONCERNS THAT THE ATTORNEY GENERAL HAS WITH REGARDS TO A CONFLICT OF INTEREST IT'S ONE OF MY BIGGEST CONCERNS SECONDLY ON BILL 206 THAT WE HAD IN FRONT OF US THAT YOU MENTIONED THAT YOU WILL BE LOOKING AT THIS EXPEDITIOUSLY TO ENSURE THAT WELL THE ONLY PROBLEM IS YOU KNOW AND IF YOU CAN JUST CURSE YOUR VIEW AND YOU HAVE I'VE NEVER SEEN SO MANY ATTORNEYS IN FRONT OF ME BEFORE IS THERE AND I'M SURE SINCE YOU HAD A LOT OF TIME IN THE PUBLIC HEARING ROOM WAITING TO TO BE FOR US TO SPEAK TO YOU COULD YOU TELL ME ATTORNEY GENERAL DO YOU SEE ANYTHING IN FRONT OF YOU ON BILL 206 THAT WOULD ALERT YOU TO ANY YOU KNOW I CALL SHENANIGANS OR ANYTHING THAT THAT WOULD AVOID THE ATTORNEY GENERAL TO STOP OR PUT YOU KNOW PUT A STAY ON THIS PROCUREMENT.

AG MOYLAN – OAG: SENATOR TAITAGUE IN REGARDS TO WHAT I HAVE IN FRONT OF ME THE THE TWO-PAGE PROPOSED LEGISLATION BY SENATOR PARKINSON.

SPEAKER TERLAJE: SORRY WE'RE GOING TO TAKE A ONE MINUTE RECESS THE BILL WAS AMENDED BY COMMITTEE SO YOU NEED TO REVIEW THAT.

AG MOYLAN – OAG: THANK YOU.

SPEAKER TERLAJE: OKAY.

RECESS

SPEAKER TERLAJE: WE'RE BACK FROM RECESS SENATOR TAITAGUE WE HAD ASKED A QUESTION REGARDING BILL 206 AS AMENDED THERE WAS ALSO ANOTHER AMENDMENT OR MADE ON THE FLOOR TO CHANGE 48 HOURS TO FIVE WORKING DAYS NO FIVE CALENDAR DAYS AND AN AMENDMENT ON LINE 14 AFTER 5215E TO ADD IS EXTENDED FOR TWO YEARS FOR THIS PROCUREMENT ONLY.

AG MOYLAN – OAG: THANK YOU MADAM SPEAKER I'VE CONSULTED WITH OUR STAFF AND I BELIEVE THAT THE TWO AMENDMENTS ARE APPROPRIATE AND CAN BE COMPLIED WITH MY UNDERSTANDING IS THAT OUR OFFICE WILL BE CAPABLE OF REVIEWING IT WITHIN A 5-DAY PERIOD AND BE ABLE TO COMMUNICATE WITH THE CCU GPA REGARDING ANY PROBLEMS WITH THE PROCUREMENT AM I CORRECT GRAHAM.

DARLOW GRAHAM BOTHA – OFFICE OF THE ATTORNEY GENERAL (OAG): YES JUST TO NOTE THAT BASICALLY WHAT WE BE WE'D BE REVIEWING IS THE CONTRACT FOR THIS APPROACH THAT LAST FIVE CALENDAR DAYS BECAUSE THEY'RE READY FOR AWARD SO BASICALLY THE NORMAL REVIEW JUST SENATORS ARE AWARE YOU KNOW PHASES ONE THROUGH FOUR FOR A REGULAR.

SPEAKER TERLAJE: COULD YOU PULL THE MIC CLOSE PLEASE.

GRAHAM BOTHA – (OAG): I'M SORRY I'M SORRY AS THE SENATORS MAY NOT MAY BE AWARE FOR NORMAL REVIEW IF IT'S ANYTHING OVER 500,000 WE'RE REQUIRED TO REVIEW ALL PHASES OF THE CONTRACT BUT SINCE THIS CONTRACT IS NOW READY FOR AWARD IS AS WE'VE HEARD FROM GPA WE'D BE REVIEWING THE FINAL CONTRACT WITHIN THE FIVE CALENDAR DAYS IF THAT'S ACCEPTABLE SENATORS.

SPEAKER TERLAJE: SENATOR TAITAGUE YOU HAVE THE FLOOR.

SENATOR TAITAGUE: THANK YOU CAN YOU ALSO MAKE A COMMENT ON THE TWO-YEAR AMENDMENT THAT WAS INCORPORATED INTO THIS BILL TOO.

GRAHAM BOTHA – (OAG): WELL THE TWO-YEAR PROVISION AS I UNDERSTAND IT IS IS THE THE CONTRACT PROPOSED CONTRACT WITH THE AGGREKO INTERNATIONAL IS FOR TWO YEARS OF TEMPORARY POWER NOW UNDER EMERGENCY PROCUREMENT EMERGENCY PROCUREMENT IS CLEARLY LIMITED TO 90 DAYS AND WITH PERHAPS AFTER A LEGISLATIVE HEARING MAYBE YOU COULD GET ONE ADDITIONAL TERM SO IT HAS TO BE EXTENDED OTHERWISE IT SHOULD HAVE BEEN DONE UNDER NORMAL PROCUREMENT BUT IT WAS DONE AT AN EMERGENCY PROCUREMENT WHICH IS ONLY GOOD FOR 90 DAYS WORTH OF GOODS OR SERVICES.

SENATOR TAITAGUE: SO THAT OKAY THEN IT'S BASICALLY NORMAL BUT BECAUSE IT'S A EMERGENCY PROCUREMENT OKAY AND IT IT IS THE LENGTH THE CONTRACT IS THAT HOW YOU READ IT.

GRAHAM BOTHA – (OAG): THAT THAT'S CORRECT BUT NORMALLY IF YOU WERE GOING AFTER PROCUREMENT YOU WOULD NOT PROCURE YOU WOULD USE A DIFFERENT FORM OF PROCUREMENT IF YOU NEEDED SERVICES FOR TWO YEARS YOU WOULD GENERALLY USE THE EMERGENCY PROCUREMENT FOR SOMETHING THAT'S NEEDED RIGHT AWAY SAY AFTER TYPHOON MAWAR AND IT WOULD BE ONLY FOR A PERIOD OF 90 DAYS AND AND THE PROCUREMENT CODE CITES THAT WITHIN THAT 90 DAYS YOU WOULD LOOK TO PROCURE THE GOODS AND SERVICES THROUGH ANY OTHER METHOD OF PROCUREMENT BUT NOT AN ADDITIONAL EMERGENCY PROCUREMENT SO THAT'S WHY THAT'S WHY THE BILL NEEDS THE WAIVER TO TO INCREASE IT TO THE 2-YEAR PERIOD AS THE CONTRACT PROPOSES FOR THE TEMPORARY EMERGENCY POWER WITH AGGREKO INTERNATIONAL.

SENATOR TAITAGUE: THANK YOU THANK YOU SO MUCH FOR THAT SO ATTORNEY GENERAL IN THE EVENT WITHIN THAT 5-DAY PERIOD YOU HAVE A CHANCE TO REVIEW THE FINAL CONTRACT AND IF THERE IS SOMETHING THAT IS NOT IN GOOD STANDING OR THE BEST INTEREST OF THE PEOPLE OF GUAM CAN YOU STOP IT.

AG MOYLAN – OAG: YES IT WOULD BE A LETTER WOULD PROBABLY COME OUT FROM OUR CIVIL DIVISION INDICATING THE PROBLEMS WITH IT THIS IS AN IMPORTANT PROCUREMENT FOR THE THE PEOPLE AS YOU SENATORS HAVE IDENTIFIED SO MR BOTHA BEING PRESENT RIGHT NOW WE'LL MAKE SURE THAT ANY ANOMALIES ARE PUT INTO LETTER FORM AND SENT BACK TO THE INDIVIDUALS THAT HAVE SENT IT TO US GPA.

SENATOR TAITAGUE: AND WOULD THERE BE LIKE A STAY THAT THE ATTORNEY GENERAL CAN PUT HIM INTO PLACE IF IF YOU FIND SOMETHING ANY ANYTHING WRONG.

AG MOYLAN – OAG: THAT IS CORRECT OKAY SENATOR.

SENATOR TAITAGUE: OKAY THANK YOU DOES THE CCU I'M SORRY THE THE PUC HAVE ANYTHING TO DO WITH THAT TO THAT YOU ALERT THEM AS WELL BECAUSE THEY HAVE TO GO THROUGH THE PUC I BELIEVE WHENEVER THEY ARE PROVING ANYTHING RIGHT.

AG MOYLAN – OAG: THANK YOU I WILL REQUEST THAT DEPUTY BOTHA ALSO COPY IT TO THE PUC ANY COMMUNICATIONS OF ANY PROBLEMS WITH THE PROCUREMENT.

SENATOR TAITAGUE: THANK YOU THANK YOU MR ATTORNEY GENERAL THANK YOU IT'S A LITTLE BIT MORE COMFORTING TO KNOW THE OTHER QUESTION WELL ACTUALLY YOU KNOW WHEN THE ORGANIC ACT PROVISION FOR THE ELECTED AG WAS WAS PASSED IT WAS SPECIFICALLY TO TAKE AWAY ALL THE LEGAL FUNCTIONS FOR THE GOVERNOR BECAUSE THE GOVERNOR HAS HISTORICALLY MEDDLED YOU KNOW IN IN THE AG'S FUNCTIONS AND THE US CONGRESS HIS HISTORY HAS SHOWN THAT THIS AND HAS BEEN RECOGNIZED BY THE GUAM SUPERIOR COURT TOO AS WELL SUPREME COURT AS WELL WHEN THE LEGISLATURE PROVIDED FOR THE CLO AND FOR THOSE WHO DON'T KNOW WHAT CLO IS IT'S THE CASE LEGAL OFFICER AND THE PP WHICH IS PUBLIC PROSECUTOR TO COMBINE IN THE ATTORNEY GENERAL THEY UNDERSTOOD THE TENSION IN THAT THE THE AG AND THE CLO MIGHT RENDER ADVICE AND AS A PP MIGHT PROSECUTE AN OFFICIAL THAT BEING SAID CAN YOU EXPLAIN IN THE GUAM CODE ANNOTATED TITLE 5 CHAPTER 30 SECTION 30180 PLEASE.

AG MOYLAN – OAG: THANK YOU SENATOR ARE YOU REFERRING TO THE.

SENATOR TAITAGUE: OR 30108.

AG MOYLAN – OAG: CORRECT THE DEFENSE OF JUDGES OFFICERS AND EMPLOYEES.

SENATOR TAITAGUE: YEAH THIS IS ON ON YEAH YES 30108.

AG MOYLAN – OAG: CORRECT THIS HAS THIS IS IS AN A STATEMENT FROM THE GUAM LEGISLATURE AND THIS WAS PASSED MY UNDERSTANDING IS BACK IN 1975 BEFORE THE SUPREME COURT BECAME AN ORGANIC ACT SUPREME COURT OF GUAM AND WHEN I I BELIEVE THE GOVERNOR HAD JUST BECOME THE GOVERNOR ELECTED GOVERNOR IN 1970 30108 TALKS ABOUT ESSENTIALLY THERE'S IT GIVES THE LEGISLATURE'S STAMP OF APPROVAL THAT THE ATTORNEY GENERAL IS TO PROTECT THE INTEREST OF THE GOVERNMENT AND IF GOVERNMENT EMPLOYEES ARE SOMEHOW WORTHY OF OF HAVING THE SERVICES LEGAL SERVICES OF THE PEOPLE THROUGH THE ATTORNEY GENERAL'S OFFICE THAT IT CAN BE PROVIDED UNDER THESE TERMS AND CONDITIONS IT ALSO RECOGNIZES THAT IF A GOVERNMENT OFFICIAL IS SUPPOSED TO BE PROSECUTED OR HOW IS IT PUT THE ATTORNEY GENERAL TO DECLINE THE DEFENSE OF ANY OF THE ABOVE OFFICERS OR EMPLOYEES ON THE GROUNDS THAT THE CRIMINAL PROSECUTION OR DISCIPLINARY ACTION REQUIRING ACTION OF THE ATTORNEY GENERAL THIS THESE ARE THE TYPES OF OF MANDATES THAT WILL BE ARGUED AND HAVE BEEN ARGUED BEFORE OUR SUPERIOR COURT OF GUAM AND MAY GO TO THE SUPREME COURT OF GUAM THAT THIS IS PART OF THE SEPARATION OF POWERS THIS IS WHAT THE EXISTED IN GUAM LAW THIS IS A REFLECTION ALSO OF THE FEDERAL U.S. ATTORNEY GENERAL WHICH IS MERRICK GARLAND AND AT LEAST THREE STATES IN THE UNITED STATES THAT HAVE SMALL POPULATIONS LIKE GUAM WHERE YOU MIX THE DUTIES OF THE ATTORNEY GENERAL WITH CRIMINAL PROSECUTION AND ALSO PROVIDING CIVIL LEGAL ADVICE SO THIS SECTION YOU'VE CITED EMBODIES SOME OF THE ETHICAL ISSUES THAT WE'RE NOW DISCUSSING IN THE THE COURTS THANK YOU.

SENATOR TAITAGUE: THANK YOU SO MUCH FOR THAT FOR THAT CLARIFICATION ATTORNEY GENERAL I'M MY TIME ALMOST IS UP SO I'M GOING TO ASK FOR THIS LETTER THAT WAS SENT TO US FROM THE SUPREME COURT OF GUAM IF YOU CAN EXPLAIN THAT PLEASE.

AG MOYLAN – OAG: YES THE SUPREME COURT OF GUAM AND THIS IS PART OF THAT LEGAL ANALYSIS THAT WE'VE BEEN DOING IN THE AG'S OFFICE THE ATTORNEY FOR THE SUPREME COURT OF GUAM IS NOTING THE ORGANIC ACT SIGNIFICANCE THAT THE JUDICIARY CONTROLS THE LICENSING OF ATTORNEYS HOWEVER THE ATTORNEY GENERAL AND I'M NOT TALKING ABOUT THIS ATTORNEY GENERAL ALL ATTORNEY GENERALS ARE A CREATURE OF THE EXECUTIVE BRANCH THE LEGISLATURE HAS MANDATED IN ALMOST EVERY STATE EVERY STATE QUITE FRANKLY THAT AN ATTORNEY GENERAL SHALL BE REPRESENTING THE PEOPLE OF THAT JURISDICTION AND WHAT WE CALL IT IS PROTECTING THE PUBLIC INTEREST THAT IS THE DUTY OF THE ATTORNEY GENERAL IT'S NOT REPRESENTING AN INDIVIDUAL PERSON THE SUPREME COURT OF GUAM WHEN IT BECAME IN INTO EXISTENCE THE THE SECOND TIME AROUND WHERE THE CONGRESS ACTUALLY ALLOWED IT WAS I BELIEVE 1998 IF I'M NOT MISTAKEN IN 2003 THE SUPREME COURT OF GUAM PASSED THE RULES THE ETHICS RULES FOR WE ATTORNEYS IN THAT DOCUMENT AND I HAVE A COPY HERE THIS IS THE RULES FOR ATTORNEYS TO OPERATE UNDER THE PROFESSIONAL RULES THAT ARE REFERENCED IN OUR LETTERS NO WHERE IS IT REFERENCED THE STATUTORY REQUIREMENTS IN THE STATUTE AND THE UNIQUE NATURE OF AN ATTORNEY GENERAL AN ATTORNEY GENERAL IS IS A PUBLIC ATTORNEY IT'S NOT EQUIVALENT TO A PRIVATE ATTORNEY AND THAT'S BEEN RECOGNIZED THROUGH CASES AND DIFFERENT JURISDICTIONS AND OBVIOUSLY THEY COME DOWN IN DIFFERENT AREAS GUAM HAS SPECIFICALLY TALKED ABOUT IT BY CREATION OF THE ENABLING LAW IN 1975 FOR OUR ATTORNEY GENERAL WHICH IS PUBLIC PROSECUTOR AND A CIVIL ATTORNEY SO IN A 2000 I BELIEVE IT'S 2005 CASE THERE'S ACTUALLY TWO 2005 CASES FROM THE SUPREME COURT OF GUAM THE AIRPORT DECISION THAT WE CALL IT AND ALSO THE BROOKS DECISION THE SUPREME COURT OF GUAM RECOGNIZED THAT THERE'S CERTAIN AREAS THAT IT'S ADOPTING FROM THE THE STATUTES THAT WERE IN EXISTENCE WHEN THE 2003 MODEL RULES WERE ADOPTED AND THE BROOKS DECISION TALKED ABOUT THAT SO I FEEL CONFIDENT THAT THE SUPREME COURT OF GUAM IS GOING TO MAKE A A POSITIVE DECISION FOR US ON THIS THEY HAVE AT LEAST ONE 2018 CASE AS WELL THAT WAS WITH GENERAL BARRETT ANDERSON AGAINST THE DEPARTMENT OF REVENUE AND TAXATION AND THEY CAME DOWN IN FAVOR OF THE ATTORNEY GENERAL HAVING A UNIQUE POSITION IN OUR SYSTEM OF GOVERNMENT AGAIN NOTE THAT A PRIVATE ATTORNEY WHEN THEY PROVIDE ADVICE TO IN A A GOVERNMENT OFFICIAL THEY'RE PROVIDING ADVICE TO THE GOVERNMENT OFFICIAL WHEN AN ATTORNEY GENERAL IS INVOLVED LIKE THE ASSISTANT AGS OR THE DEPUTIES THAT ARE SITTING AT A TABLE WITH OTHER GOVERNMENT OFFICIALS THEY ARE A WATCHDOG TO PROTECT THE PUBLIC INTEREST BECAUSE THAT GOVERNMENT OFFICIAL AND WE REPRESENT THE PEOPLE OF GUAM AND WE DO NOT REPRESENT

THE GOVERNMENT OFFICIAL HENCE THE REASON WHY WE CAN PROSECUTE THEM AND BRING THEM BEFORE GRAND JURY AND SO FORTH SO THAT SCHEME AGAIN IS NOT REFERENCED IN OUR MODEL RULES OF PROFESSIONAL CONDUCT AND WHAT THEY CALL IS AN IMPUTED DISQUALIFICATION A NORMAL ATTORNEY WHEN THEY HAVE ONE OF THEIR ASSOCIATES THAT HAS A CONFLICT IT WOULD NORMALLY TRANSFER TO THE PRINCIPAL OF THE LAW FIRM SO THE WHOLE LAW FIRM WOULD BE DISQUALIFIED IN THIS CASE THE AND THAT THE THEY CALL IT THE BARRETT ANDERSON VERSUS CAMACHO DECISION 2018 BY THE SUPREME COURT THEY DIDN'T FIND THE IMPUTED DISQUALIFICATION THAT JUST BECAUSE THEN ASSISTANT OR DEPUTY MASON HAD A CONFLICT THAT THAT CONFLICT DIDN'T TRANSFER INTO THE THEN AATTORNEY GGENERAL BARRETT ANDERSON SO YES THAT THAT IS OUR OUR KIND OF RESPONSE TO YOUR QUESTION THERE I BELIEVE THAT THE CASE AUTHORITY EXISTS BUT QUITE FRANKLY I BELIEVE AT SOME POINT THE SUPREME COURT OF GUAM MAY BE INCORPORATING SOME OF ITS DECISIONS INTO AN UPDATED VERSION OF THE GUAM RULES OF PROFESSIONAL CONDUCT THANK YOU SENATOR TAITAGUE.

SENATOR TAITAGUE: THANK YOU SO MUCH FOR THAT THERE'S ALSO YOU KNOW THE THE LETTER THAT WAS SENT TO US I BELIEVE OR YOU KNOW A LETTER THAT I HAD RECEIVED UNDER ON THE FEBRUARY 28TH REGARDING YOU KNOW CONFLICT OF INTEREST.

AG MOYLAN – OAG: YES AND THAT'S WHY THE ATTORNEY FOR THE COURTS AND THIS WOULD NORMALLY GO BEFORE THE JUSTICES OR THE JUDGES IN THE SUPERIOR COURT THIS IS AN ATTORNEY'S REMINDER THAT THE THE JUDICIARY OF GUAM THE SUPREME COURT OF GUAM IS OF A CONSTITUTIONAL LEVEL AS YOU SENATORS ARE WELL AWARE THE THE ENABLING LEGISLATION BY CONGRESS ALSO AT THAT ORGANIC ACT LEVEL PASSED IN 1999 AND THEN IT GAVE THE OPTION TO THE SENATORS TO MAKE IT AN ELECTED OFFICE WHICH THE SENATORS DID DO BECAUSE THEY FELT THAT THE GOVERNOR SHOULD NOT BE THE ONE THAT APPOINTS AND REMOVES AN ATTORNEY GENERAL THERE'S SOME REMNANTS IN IT IF THE AG LEAVES EARLY IN OFFICE THE GOVERNOR MIGHT OR LATER IN OFFICE THE GOVERNOR MAY BE ABLE TO APPOINT FOR THAT DURATION I THINK IT'S HAPPENED ONE TIME IN THE HISTORY OF THE ATTORNEY GENERALS BUT CLEARLY THERE'S A STATEMENT IN GUAM LAW THAT AN ATTORNEY GENERAL NEEDS TO BE DIRECTLY ACCOUNTABLE TO THE PEOPLE NOT ACCOUNTABLE TO THE GOVERNOR FOR THE LAST 22 YEARS THE ATTORNEY GENERAL HAS BEEN ALWAYS ELECTED THE LEGISLATURES IN THE PAST HAVE NEVER BROKEN THE OFFICE UP AND ONE OF THE BILLS THAT I'VE SEEN THAT I THINK IT'S 254 THAT IS A MIDNIGHT MASSACRE OF THE ATTORNEY GENERAL YOU'RE GOING TO CREATE THREE DIFFERENT ATTORNEY GENERALS ON GUAM AND YOU DO NOT WANT MORE LAWYERS ON ON GUAM CONTROLLING THESE TYPE OF ISSUES ONE PERSON THAT'S ANSWERABLE DIRECTLY TO THE PEOPLE AND NOT TO THE GOVERNOR HAS BEEN A A SYSTEM OF GOVERNMENT THAT HAS WORKED FOR MOST EVERY STATE IN THE UNITED STATES HAS ELECTED ATTORNEY GENERALS THEY DO NOT FOLLOW THE FEDERAL MODEL WHICH WAS THE ORIGINAL APPOINTED ATTORNEY GENERALS THEY'VE MOVED AWAY FROM THAT BECAUSE THERE'S A CLEANSING EFFECT THAT OCCURS WHEN YOU HAVE AN ELECTED ATTORNEY GENERAL THAT'S WILLING TO QUESTION AND SCRUTINIZE AND BE THE CHECK IN THE SYSTEM AGAINST GOVERNMENT OFFICIALS SO THANK YOU.

SENATOR TAITAGUE: ALSO CAN YOU EXPLAIN THE JUDGE MAGISTRATE JOAQUIN MANIBUSAN'S COMMENT PREVIOUSLY HELD AT THE ATTORNEY GENERAL OF GUAM IT'S FACED WITH THE POTENTIAL YEAH CAN YOU ALSO EXPLAIN THAT SCENARIO.

AG MOYLAN – OAG: IN THE SANTOS DECISION WHICH IS ANOTHER 2005 DECISION THE FEDERAL MAGISTRATE JUDGE JOAQUIN MANIBUSAN RETIRED NOW HAD A CONFLICT SITUATION IN FRONT OF THE JUDGE THAT CASE WAS UNIQUE THOUGH BECAUSE THE GOVERNOR UNDER THE ORGANIC ACT CONTROLS TAXATION AND IN THAT CASE WE THE QUESTION BEFORE THE COURT WAS WHETHER OR NOT THE ATTORNEY GENERAL HAD A ROLE IN THE TAXATION AND THE COURT FOUND THAT THE ATTORNEY GENERAL DID NOT BECAUSE THE ORGANIC ACT SPECIFICALLY CARVED OUT TAXATION UNDER THE CONTROL OF THE GOVERNOR SO THE I BELIEVE AS THE GOVERNOR'S COUNSEL S AT THE TIME WANTED TO DISQUALIFY THE ATTORNEY GENERAL AND THE COURT JUDGE JOAQUIN MANIBUSAN CAME DOWN AND SAID HE MEMORIALIZED WHAT I SAY ALL THE TIME AND WHAT OTHER AGS SAY AND WHAT ALL JURISDICTIONS RECOGNIZE THE ATTORNEY GENERAL PROTECTS THE PUBLIC INTEREST THEY PROTECT THE PEOPLE ABOVE ALL OTHER INTERESTS IF FACED WITH A CONFLICT SITUATION THAT THE AG MUST CHOOSE BETWEEN DEFENDING A GOVERNMENT OFFICIAL IF THEIR CONFLICT EXISTS WHICH BY THE WAY WE DON'T BELIEVE A CONFLICT EXISTS BUT IF YOU'RE IN THAT SITUATION AND THAT AGAIN THAT CASE THE GOV THE CLIENT WAS THE TAXATION WHICH WAS THE GOVERNOR'S CONTROL THE AG MUST ALWAYS

PROTECT THE PEOPLE PROTECT THE PUBLIC INTEREST THAT IS WHAT JUDGE JOAQUIN MANIBUSAN I BELIEVE CORRECTLY DECIDED AND CONSISTENT WITH MANY ELECTED ATTORNEY GENERALS IN OUR NATION AND APPOINTED ATTORNEY GENERALS THE ONLY PROBLEM WITH AN APPOINTED ATTORNEY GENERAL THE POWER TO APPOINT IS THE POWER TO REMOVE SO IF THE AG DOESN'T DO WHAT GOVERNOR APPOINTING AUTHORITY WANTS THEY LITERALLY COULD BE REMOVED THANK YOU.

SENATOR TAITAGUE: THANK YOU THANK YOU SO MUCH FOR THAT AND THANK YOU MADAM SPEAKER I'LL WAIT FOR ROUND TWO FOR MY NEXT SET OF QUESTIONS THANK YOU.

SPEAKER TERLAJE: THANK YOU SENATOR FISHER DID YOU HAVE QUESTIONS.

SENATOR FISHER: YES THANK YOU VERY MUCH SPEAKER I'D LIKE FIRST QUESTION I GUESS WOULD BE TO MR. BOTHA I KNOW THAT YOU WERE THE ATTORNEY I GUESS FOR GUAM POWER AUTHORITY OR WAS IT CUC FOR A NUMBER OF YEARS IS THAT CORRECT.

GRAHAM BOTHA – (OAG): YES YES FOR GPA.

SENATOR FISHER: FOR GPA OKAY IS IT FAIR TO SAY THAT IN THE COURSE OF YOUR DUTIES WITH GPA YOU HAVE REVIEWED PROCUREMENTS THAT THE GUAM POWER AUTHORITY MIGHT HAVE WANTED TO CARRY OUT.

GRAHAM BOTHA – (OAG): THAT'S CORRECT.

SENATOR FISHER: I'M SORRY.

GRAHAM BOTHA – (OAG): THAT'S CORRECT.

SENATOR FISHER: OKAY HAVE YOU EVER ASSISTED IN A TEMPORARY PROCUREMENT OF A THING BY GPA.

GRAHAM BOTHA – (OAG): WELL AS A MATTER OF FACT IN 2015 I DID ASSIST GPA IN PROCURING TEMPORARY POWER HOWEVER IT WAS NOT DONE THROUGH AN EMERGENCY PROCUREMENT IT WAS DONE THROUGH A REGULAR INVITATION FOR BID THE INVITATION FOR IT WAS A MULTI-STEP BID IT WAS PUT OUT IN AN EXPEDITED FASHION BUT NOT THROUGH EMERGENCY PROCUREMENT AND IT WAS PASSED AND I THINK THE GENERATORS IN FACT THE SAME COMPANIES THAT THAT'S AN ISSUE HERE AGGREKO INTERNATIONAL THE GENERATORS LANDED ON ISLAND WITHIN FOUR MONTHS OF THE BID.

SENATOR FISHER: ALL RIGHT THANK YOU I WAS JUST ACTUALLY I JUST WAS KIND OF DRILLING DOWN TO FIND OUT YOU HAD SAID I THINK YOUR OFFICE SAYS THAT YOU WILL BE ABLE TO ACCOMPLISH THE REVIEW OF THIS PROCUREMENT WITHIN 5 DAYS IS THAT CORRECT.

GRAHAM BOTHA – (OAG): WELL NO I THINK WHAT IT WAS IS WE'LL BE ABLE TO REVIEW THE FINAL CONTRACT THE PROCUREMENTS ALREADY BEEN DONE THIS EMERGENCY PROCUREMENT AS MY UNDERSTANDING IS THEY'RE READY TO AWARD GIVEN IF IF THE GOVERNOR SIGNS OFF ON THE EMERGENCY DECLARATION THEN GPA IS READY TO AWARD THE BID TO AGGREKO INTERNATIONAL SO THERE'S NO PROCUREMENT REVIEW TO BE DONE THAT THAT'S ALREADY BEEN DONE.

SENATOR FISHER: OKAY SO THE PROCUREMENT REVIEW HAS BEEN DONE BY WAS IT BY YOUR OFFICE.

GRAHAM BOTHA – (OAG): NO NO IT HAS NOT BEEN DONE BY OUR OFFICE IT'S BASICALLY BEEN DONE I'M SORRY AM I NOT SPEAKING LOUD ENOUGH THE THE PROCUREMENT HAS ALREADY BEEN DONE BY GPA.

SENATOR FISHER: OKAY SIR WHEN THIS IN THE EVENT THAT THIS COMES COMES BEFORE YOU WILL YOU ALSO PERFORM A SECONDARY REVIEW OF THE ENTIRE PROCUREMENT INCLUDING THE YOU KNOW THE INVITATIONS ETC.

GRAHAM BOTHA – (OAG): WELL GIVEN GIVEN ALL THE WAIVERS THAT ARE HERE I MEAN BASICALLY MOST OF THE PROVISIONS HAVE BEEN WAVED OR PROPOSED TO BE WAVED BY YOU KNOW BILL 206.

SENATOR FISHER: OKAY YEAH THE REASON I'M ASKING THESE QUESTIONS SIR IS BECAUSE BILL 206 IS DESIGNED TO ALLEVIATE A HARDSHIP WHICH THE PEOPLE OF GUAM HAVE BEEN GOING THROUGH FOR SOME TIME WHICH ARE YOU KNOW THE ROLLING BLACKOUTS AND WE ARE VERY MOST OF US ARE VERY ENTHUSIASTIC TO GET THIS GOING BECAUSE YOU KNOW IF EVERYTHING GOES ACCORDING TO HOIL HERE WE'LL BE ABLE TO PUT AN

END TO THE ROLLING ROLLING BLACKOUTS SO I GUESS I'M JUST GOING TO ASK YOU CAN YOU GET THIS REVIEW DONE IN FIVE DAYS.

GRAHAM BOTHA – (OAG): WE CAN CERTAINLY REVIEW THE CONTRACT IN FIVE DAYS.

SENATOR FISHER: OKAY ALL RIGHT YOU IS THERE ANYTHING YOU'RE GOING TO NEED TO REVIEW BE BESIDE THE CONTRACT.

GRAHAM BOTHA – (OAG): WELL WE NEED ALL THE REST OF THE WHATEVER PROCUREMENT DOCUMENTS HAVE BEEN DONE OKAY WE NEED TO SEE THOSE AS WELL OBVIOUSLY TO MAKE SURE THAT THE CONTRACT USUALLY FOR MOST PROCUREMENTS THERE IS A SAMPLE CONTRACT ATTACHED TO IT YOU KNOW AS PART OF THE BID SO WE YOU'D WANT TO MAKE SURE THAT THE THE THE FINAL CONTRACT DOES NOT DEVIATE TOO MUCH FROM WHAT THE BIDERS WERE ACTUALLY SUPPOSED TO BE BIDDING ON SO SO THAT WOULD CERTAINLY BE NECESSARY.

SENATOR FISHER: OKAY SO CAN YOU DO THAT WITHIN 5 DAYS.

GRAHAM BOTHA – (OAG): WE'LL CERTAINLY GIVE IT OUR BEST EFFORT TO TO WE'LL CERTAINLY REVIEW THE CONTRACT AND WE'LL DO OUR BEST TO REVIEW ALL THE REST OF IT.

SENATOR FISHER: OKAY FAIR ENOUGH WELL I UNDERSTAND YOUR RESPONSE IF FOR WHATEVER REASON THINGS HAPPEN THE REVIEW GOES BEYOND FIVE DAYS DO YOU THINK THE AGENCY HAS ANY RECOURSE IN OTHER WORDS BASICALLY TO MAKE YOU GUYS DO IT OR IF YOU DON'T DO IT JUST GO AHEAD WITH THE PROCUREMENT.

AG MOYLAN – OAG: SENATOR FISHER IF I CAN COMMENT ON THAT A BIT.

SENATOR FISHER: PLEASE.

AG MOYLAN – OAG: ON THIS SPECIFIC ONE MR BOTHA WAS BROUGHT HERE SPECIFICALLY TO ADDRESS THE YOUR CONCERNS AND WE WILL GET IT OUT WITHIN FIVE DAYS BUT WHEN WE SAY GET IT OUT IT MAY HAVE TO BE KICKED BACK BECAUSE OF SOME ISSUE SOME PARAGRAPH OR SOMETHING THAT NEEDS TO BE REWORDED OR OR CLARIFIED.

SENATOR FISHER: OKAY AND I THINK THAT THAT WOULD SATISFY THE AGENCY SIR BECAUSE THEY JUST NEED TO HAVE AN OPINION I JUST I WORRY ABOUT A SITUATION IN WHICH THE PROCUREMENT NO NO DECISION IS MADE BY THE ATTORNEY GENERAL'S OFFICE FOR YEARS OR YEARS WEEKS AND WEEKS AND WEEKS AND WE'RE STILL GOING THROUGH THE ROLLING BLACKOUTS ETC SO IN THIS SENSE IT IS AN EMERGENCY AND WE RELY ON THE ATTORNEY GENERAL'S WHAT YOU'VE STATED YOUR WORD YOU'LL GET IT DONE IN FIVE DAYS.

AG MOYLAN – OAG: YES SIR SENATOR FISHER THAT IS MY COMMITMENT THIS IS SUCH A A CURRENT MATTER IT'S SENT TO ME I'LL BE HELD TO MY WORD AND OUR TEAM WILL WE'LL GET IT DONE.

SENATOR FISHER: OKAY WHAT.

SENATOR BARNETT: MADAM SPEAKER MAY I JUST MAKE A POINT OF INFORMATION JUST THE POINT OF INFORMATION IS THAT AT NO TIME DURING DISCUSSION ON THIS BILL WHAT DID WE RECEIVE A YES OR NO ANSWER ABOUT WHETHER OR NOT THE MEASURE WOULD END LOAD SHEDDING AND I JUST WANTED TO REITERATE THAT ON THE RECORD *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: SENATOR FISHER YOU HAVE THE FLOOR.

SENATOR FISHER: OKAY THANK YOU VERY MUCH MA'AM WELL I THINK THAT IT IS OUR GOAL IT CERTAINLY IS MY GOAL TO TO DO EVERYTHING WE CAN TO STOP THE LOAD SHEDDING IT'S A MAJOR INCONVENIENCE YOU KNOW THERE ARE PEOPLE WHO ARE OBVIOUSLY YOU KNOW DEPENDING ON ELECTRICITY TO RUN MEDICAL EQUIPMENT SO LOAD SHEDDING IS NO NO GOOD AND I HOPE THAT WE CAN GET IT DONE AND THANK YOU VERY MUCH MR ATTORNEY GENERAL THANK YOU FOR THAT COMMITMENT I'D LIKE TO FOLLOW UP ON THE SUPREME COURT'S LETTER THE SUPREME COURT IS OBVIOUSLY AND I HAVE TO TAKE A BIT OF AN EXCEPTION THIS WAS NOT A STAFF ATTORNEY'S OPINION THIS IS ON ATTORNEY THIS IS ON SUPREME COURT LETTERHEAD DID YOU

ALL REVIEW THE ORGANIC ACT BEFORE YOU SUBMITTED A BILL WAVING CONFLICTS AND ATTORNEY CLIENT PRIVILEGES.

AG MOYLAN – OAG: YES WE HAVE THAT WAS THE DISSERTATION THAT I JUST GAVE ABOUT THE 2005 AIRPORT DECISION THE 2005 BROOKS DECISION BY THE GUAM SUPREME COURT THEY TALKED ABOUT THE OLD LAWS THAT DEALT WITH THE ETHICS RULES AND HOW THEY WOULD STILL CONTINUE AND THEN THEY TALKED ABOUT HOW THEY HAVE THE ORGANIC ACT AUTHORITY TO CONTROL YOU KNOW PRACTICE AND SO FORTH THE LAWS THAT I'VE JUST CITED AND THAT SENATOR TAITAGUE HAD MENTIONED THOSE ARE THE OLD LAWS THAT'S PART OF THE 1975 SCHEME OF DUTIES RESPONSIBILITIES AND STATEMENTS AS TO WHAT WE LAWYERS WOULD CONSIDER A POTENTIAL CONFLICT AND THE THE GUAM LEGISLATURES OF THE PAST HAVE SAID THAT THIS YOU SHALL BE ONE ATTORNEY GENERAL YOU SHALL PROVIDE THE LEGAL SERVICES TO THESE STEWARDS OF THE PUBLIC TRUST THE GOVERNMENT OF GUAM AND IF THEY VIOLATE THE PUBLIC TRUST YOU SHALL HAVE THE RESPONSIBILITY TO TAKE THEM BEFORE A GRAND JURY OR TAKE THEM INTO THE COURT SYSTEM AND ENFORCE THE LAW.

SENATOR FISHER: YES SIR BUT MY I GUESS MY QUESTION THOUGH IS WHY DID YOU REVIEW THE ORGANIC ACT THE ORGANIC ACT IS FUNCTIONALLY OUR CONSTITUTION AND IT SPECIFICALLY AWARDS TO THE SUPREME COURT OF GUAM THE ABILITY TO GOVERN ATTORNEY AND JUDICIAL ETHICS AND THE PRACTICE OF LAW I DON'T THINK ANYBODY IN THIS BODY THINKS THAT WE HAVE THE POWER TO DO WHAT YOU REQUESTED WHICH IS JUST BY LEGISLATIVE FIAT SAY THERE IS NO CONFLICT OF INTEREST OR THERE IS NO ATTORNEY CLIENT PRIVILEGE THIS SEEMS TO BE THE SUPREME COURT'S I MEAN THEY'VE SHUT THE DOOR SIR THERE'S JUST.

AG MOYLAN – OAG: WELL THIS IS NOT THE SUPREME COURT SENATOR FISHER AS YOU KNOW THIS IS AN ATTORNEY THAT IS ON THAT'S PROVIDING A REMINDER TO THE SENATORS THAT THIS IS THE ORGANIC ACT JUST LIKE THE ATTORNEY GENERAL IS THE ORGANIC ACT WHAT DOES CHIEF LEGAL OFFICER OF THE GOVERNMENT OF GUAM MEAN.

SENATOR FISHER: DO YOU THINK WE DO YOU THINK WE SHOULD FEEL FREE TO IGNORE THIS.

AG MOYLAN – OAG: OF COURSE NOT IT'S A VERY IMPORTANT DOCUMENT BUT AT THE SAME TIME I'M HOLDING AND I'LL PROVIDE COPIES TO YOU IF YOU WISH JAMES INR JAMES BROOKS ADC 03002 THIS WAS AN OPINION ISSUED BY THE SUPRE THAT SAME SUPREME COURT THAT THE LETTER CAME FROM AND ALL THREE JUSTICES BENSON TORRES AND FRANCIS GATEWOOD ON JULY 19TH 2005 SAID THAT SOME LAWS THAT ARE PASSED BY THE LEGISLATURE DEALING WITH ETHICAL RULES WILL CONTINUE TO EXIST AND THAT'S WHY I SAY THAT IN THAT ONE PAGE YOU KNOW A RECITATION OF THE ORGANIC ACT IT HAS MEANING THROUGH THE SUPREME COURT OF GUAM AND ALSO THE AIRPORT DECISION THE AIRPORT DECISION IS CRITICAL BECAUSE IT SAYS SPECIFICALLY THE GUAM LEGISLATURE ESTABLISHES THE DUTIES OF THE ATTORNEY GENERAL IN THAT STATEMENT THE ATTORNEY GENERAL SHALL BE PUBLIC PROSECUTOR AND THAT SAME PERSON SHALL BE THE CIVIL ATTORNEY FOR THE GOVERNMENT OF GUAM SO YOU KNOW IT'S JUST IT'S GOING TO BE SUBJECT TO INTERPRETATION AND THAT'S WHY I OPENED UP BY SAYING THAT I'M GOING TO RESPECTFULLY DEFER TO OUR COURT SYSTEM ON INTERPRETING ALL THESE BUT WE WERE JUST CALLED IN TO ADDRESS AN IMPORTANT ISSUE AND YOU KNOW WE GAVE A PROPOSAL AND IF YOU LOOK AT THE BILL AS WE PRESENTED IT IT'S JUST CLARIFYING EXISTING LAW.

SENATOR FISHER: DID THE COURTS THE CASES YOU'VE CITED DID THEY SPECIFICALLY ADDRESS THE ORGANIC ACT POWERS OF THE OUR SUPREME COURT TO REGULATE THE BAR.

AG MOYLAN – OAG: I'M SORRY SENATOR.

SENATOR FISHER: YES I'LL REPEAT SIR DID THE CASES THAT YOU HAVE BEEN CITING DID THEY SPECIFICALLY ADDRESS 48 US CODE 1424-1 A6 AND 7.

AG MOYLAN – OAG: NO THEY THEY DON'T PROVIDE ANY CASE AUTHORITY JUST A RECITATION OF THE OKAY THE ORGANIC ACT BUT IT HAS MEANING BEHIND THOSE WORDS AND OBVIOUSLY YOU KNOW THAT IT'S CASE AUTHORITY THAT DEFINES THINGS.

SENATOR FISHER: WELL I I DON'T KNOW IF IT WAS DICT OR WHAT BUT SURE OKAY.

SPEAKER TERLAJE: SORRY SENATOR YOU'RE ASKING ABOUT IN THE DECISIONS RIGHT NOT IN NOT IN THIS SUPERIOR COURT LETTER.

SENATOR FISHER: NO I NO I'M NOT ASKING ABOUT THE DECISION I'M ASKING WELL I JUST I'LL JUST REAL QUICKLY I SIR WITH RESPECT TO WHAT YOU'VE SAID I JUST THIS IMPEDIMENT THIS BARRIER IF YOU WISH OF THE ORGANIC ACT I JUST DON'T THINK WE CAN TRANSVERSE IT YOU WE CANNOT AWARD YOU A LACK OF A CONFLICT OF INTEREST THAT BELONGS ACROSS THE STREET SO THAT THAT WAS MY POINT WITH THAT THAT'S WHAT I WAS ASKING.

SENATOR QUINATA: MADAM CHAIR I YIELD MY TIME TO SENATOR FISHER.

SPEAKER TERLAJE: ALL RIGHT THANK YOU SENATOR FISHER.

SENATOR FISHER: THANK YOU VERY MUCH AND I APPRECIATE THAT MY FRIEND ROY SO MY ONLY POINT SIR IS THE ORGANIC ACT TRUMPS AND THE SUPREME COURT I THINK HAS MADE IT VERY CLEAR THAT THEY WANT US TO STAY IN OUR OWN LANE THAT'S WHY I READ IT.

AG MOYLAN – OAG: WELL AGAIN THIS ISN'T THESE AREN'T THE JUSTICES OF THE SUPREME COURT THIS IS AN ATTORNEY LIKE YOU AND I THAT IS MAKING A STATEMENT A REMINDER THAT WHAT THE SUPREME WHAT THE ORGANIC ACT STATES AND I AGREE THIS IS WHAT THE ORGANIC ACT STATES BUT IT REQUIRES THE INTERPRETATION OF THE JUSTICES AND THE JUDGES OF THE SUPERIOR COURT AND THE SUPREME COURT THAT IS LACKING HERE THEY HAVE THE ATTORNEY HAS NOT PROVIDED THE CASE ON POINT THAT'S TALKING ABOUT THE ATTORNEY GENERAL HAS A CONFLICT OF INTEREST WHEN HE CHARGES A PUBLIC OFFICIAL THAT HAS BEEN PROVIDED LEGAL SERVICES BY THAT OFFICE SO THAT THAT IS WHAT WE'RE WORKING TOWARDS IN THE COURT SYSTEM RIGHT NOW.

SENATOR FISHER: THANK YOU I WOULDN'T JUST A CAUTIONARY NOTE I SUPPOSE IS I WOULDN'T BE I WOULDN'T IGNORE LETTERS THAT COME ON SUPREME COURT LETTERHEAD.

AG MOYLAN – OAG: ABSOLUTELY.

SENATOR FISHER: QUITE SO READILY I ASSUME THAT THIS INDIVIDUAL GOT THE GREEN LIGHT FROM SOMEBODY.

AG MOYLAN – OAG: I'M NOT GOING TO READ INTO IT SENATOR FISHER BUT I I DO TAKE THIS VERY SERIOUSLY JUST LIKE I TOOK THE LICENSES THAT WE PRACTICE BEFORE THAT SUPREME COURT VERY SERIOUSLY WE ALL KNOW WHAT THE SUPREME COURT AND THE RESPECT THAT THEY'RE DUE TO FOLLOW OUR LI THE REQUIREMENTS OF OUR LICENSE.

SENATOR FISHER: OKAY SIR THAT LETTER THAT YOU SENT OUT FEBRUARY 29TH IS THAT STILL OPERABLE IS IT STILL IN FORCE.

AG MOYLAN – OAG: IT IS AN OFFER TO AS THE EVERY DEPARTMENT THAT'S ON THAT 22 OR AGENCY ON THAT 22 LIST TO SIGN OFF ON IT AND TO HAVE IT PROCESSED AGAIN I HAD A CONVERSATION WITH THE GOVERNOR SHE SEEMED VERY RELUCTANT TO ALLOW HER ADMINISTRATION TO SIGN OFF ON THESE DISCLOSURE LETTERS SO WE'RE JUST GOING TO STAMP OUR STATEMENT ON IT WITH OUR SIGNATURE IF IT PASSES MUSTER.

SENATOR FISHER: OKAY WE'VE BEEN WE'VE BEEN TALKING A LOT ABOUT A CONFLICT OF INTEREST I LET ME FRAME THE CONFLICT I'M SURE THERE ARE OTHER POSSIBILITIES BUT THE CONFLICT I UNDERSTAND THAT WE ARE TALKING ABOUT IS THE OFFICE OF THE ATTORNEY GENERAL HAS BEEN OFFERING CIVIL DEVICE OR ADVICE TO THE AGENCIES AND IN SOME CIRCUMSTANCES THEN TURNING AROUND AND ALLEGING CRIMINAL ACTIVITY BASED UPON WHAT YOU MAY OR MAY NOT HAVE HEARD IS THAT IN THE COURSE OF YOUR CIVIL ACTION IS THAT THE NATURE OF THE CONFLICT.

AG MOYLAN – OAG: THE N SORRY THE NATURE OF THE CONFLICT AS IS BEING ALLEGED WHICH WE DISAGREE WITH IS THAT OUR OFFICE PROVIDED LEGAL ADVICE TO A GOVERNMENT OFFICIAL THAT IS NOW BEEN CHARGED BY THE GRAND JURY OF VIOLATING A LAW SO WE DISAGREED AND THAT IS WHAT WE'RE BEFORE THE COURTS SHOWING THAT FIRST OF ALL NO ATTORNEY CLIENT RELATIONSHIP EXISTED BETWEEN THAT GOVERNMENT OFFICIAL AND ANY ATTORNEY IN OUR OFFICE THE THE STATUTORY CONFLICT THE STATUTORY CLIENT IS THE

PEOPLE OF GUAM THESE ARE STEWARDS OF THE PEOPLE OF GUAM THAT'S THE WHOLE SCHEME THAT'S SET UP IN 310 I THINK 3104 AND 3109 THEY TALK ABOUT THE CIVIL AND THE CRIMINAL DUTIES OF THE ATTORNEY GENERAL.

SENATOR FISHER: OKAY SO LET ME ASK YOU TO PROJECT YOURSELF INTO THE POSITION OF AN AGENCY HEAD ANY AGENCY THAT THE THE ATTORNEY GENERAL CAME TO THEM AND SAID I'D LIKE TO I'M GOING TO BEGIN ASKING QUESTIONS IN A CIVIL MATTER I'M GOING TO BE LOOKING ASKING FOR DOCUMENTS IN A POTENTIAL CIVIL MATTER YOU KNOW TRANSFER OF LAND OR WHAT HAVE YOU AND THEN THE AGENCY HAD DISCOVERED YOU WERE USING THE SELF-SAME DOCUMENTS TO PROSECUTE THEM OR A MEMBER OF THE STAFF IF AGAIN YOU'RE PROJECTING YOURSELF AS AN AGENCY HEAD AS AN AGENCY HEAD WOULD YOU TELL YOUR CLIENTS TO STOP COOPERATING WITH THE ATTORNEY GENERAL.

AG MOYLAN – OAG: IF YOU HAVE NOTHING TO HIDE AND BELIEVE YOU ARE FOLLOWING THE LAW THERE SHOULD BE NOTHING STOPPING THESE GOVERNMENT OFFICIALS FROM FULLY COOPERATING WITH THE PEOPLE'S ATTORNEY THE PEOPLE'S LAW FIRM IF YOU HAVE VIOLATED THE LAW AND IN SEVERAL OF OUR LETTERS WE'VE RECOMMENDED THAT YOU SEEK PRIVATE COUNSEL WHICH IS THE NORMAL PROCEDURE SO THE QUESTION IS WHETHER OR NOT THAT GOVERNMENT OFFICIAL ENJOYS THE PROTECTION AGAINST BEING CHARGED BY THE ATTORNEY GENERAL BECAUSE SIMPLY THE ATTORNEY GENERAL PROVIDED LEGAL SERVICES TO THAT GOVERNMENT OFFICIAL THEY ARE NOT THE CLIENT THE CLIENT IS THE PEOPLE OF GUAM AND THAT IS STATUTORILY SO IT'S A PERSPECTIVE THAT THE CRIMINAL DEFENDANTS FEEL THAT THEY CAN EXPAND UPON AND NOW OUR COURT SYSTEM IS GOING TO HAVE TO DEFINE THAT THIS IS NOT A NEW QUESTION THIS IS A QUESTION THAT OTHER JURISDICTIONS HAVE ADDRESSED AND AGAIN I I JUST CITE THAT OUR OUR OLD RULES OF PROFESSIONAL RESPONSIBILITY PASSED IN 2003 DIDN'T CATCH THIS THEY DIDN'T TALK ABOUT IT SO AS ATTORNEYS WE'RE BEING VERY CAUTIOUS HOW WE APPROACH IT BECAUSE WE HAVE TO WAIT TILL THE FINAL SUPREME COURT OF GUAM GIVES US THE PROPER DIRECTION.

SENATOR FISHER: YES SIR AND THANK YOU FOR THAT ANSWER BUT IT WASN'T THE QUESTION I ASKED THE QUESTION WAS THE QUESTION WAS IF I'M ASKING YOU TO PROJECT YOURSELF AS AN AN AGENCY HEAD UNDER THE FACTS AS I OUTLINED THEM THE A AG'S COME IN PICKED UP SOME DOCUMENTS ON A CIVIL MATTER AND THEN TURNED AROUND AND INDICTED SOMEBODY WITH THAT POSSIBILITY AS AN AGENCY HEAD WOULD YOU ADVISE YOUR AGENCY TO COOPERATE WITH THE ATTORNEY GENERAL.

AG MOYLAN – OAG: ABSOLUTELY THE ATTORNEY GENERAL LIKE THE GUAM LEGISLATURE REPRESENTS THE PEOPLE OF GUAM WHEN YOU CALL PEOPLE BEFORE YOU GOVERNMENT OFFICIALS BEFORE YOU YOU DON'T WANT THAT GOVERNMENT OFFICIAL TELLING HIS STAFF DON'T APPEAR BEFORE THE GUAM LEGISLATURE SAME THING WITH THE ATTORNEY GENERAL WE ARE TAKING THOSE DOCUMENTS BEFORE GRAND JURIES WHICH ARE THE PEOPLE OF GUAM THAT ARE GOING TO PROCESS IT AND THEN DECIDE WHETHER A CASE SHOULD GO FORWARD OR NOT AT LEAST WHEN YOU'RE TALKING ABOUT THE CRIMINAL SIDE BUT REMEMBER THERE'S ALSO THE CIVIL SIDE IF THE ATTORNEY GENERAL IS DOING A CIVIL.

SENATOR FISHER: I'M SORRY SIR THERE'S JUST TOO MUCH GOING ON HERE THIS GENTLEMAN'S TRYING TO TURN HIS PHONE OFF OKAY GO AHEAD.

AG MOYLAN – OAG: THANK YOU THE THE IDEA IS THAT THE ATTORNEY GENERAL CAN CONDUCT CRIMINAL INVESTIGATIONS AND CIVIL INVESTIGATIONS SO IN EITHER CASE IF A GOVERNMENT OFFICIAL RECEIVES A REQUEST FOR INFORMATION WHETHER IT'S VIA A SUBPOENA OR JUST VIA A LETTER FROM THE ATTORNEY GENERAL ASKING CAN YOU PLEASE PROVIDE US THESE DOCUMENTS IF THE GOVERNMENT OFFICIAL ASSESSES THEMSELVES BELIEVES THAT THEY MAY HAVE CRIMINAL EXPOSURE THAT THEY VIOLATED THE LAW THEY SHOULD SEEK THEIR OWN ATTORNEY TO TALK ABOUT IF THEY'VE BROKEN THE BUT JUST BECAUSE THE AG ASKS FOR SOMETHING OR GRAND JURY ASKS FOR SOMETHING THEY SHOULDN'T BE PUT IN A POSITION THAT WE CAN'T GET THE DOCUMENTS BECAUSE OF A POTENTIAL LIABILITY YOU KNOW IT'S ONE OF THOSE DO INTROSPECTIVE.

SENATOR FISHER: OKAY I HAVE TO QUIBBLE WITH THAT WORD YOU SAID LIABILITY YOU'RE ACTUALLY TALKING ABOUT A POTENTIAL CRIMINAL CHARGE.

AG MOYLAN – OAG: WELL NO NO THERE'S CIVIL INVESTIGATIONS WHICH HAVE LIABILITY AND THERE'S CRIMINAL INVESTIGATIONS WHICH HAVE POSSIBLE GUILT EXPOSURE SO I THAT'S THAT'S MY CONTEXT.

SENATOR FISHER: OKAY AND I DO APPRECIATE THAT I WANT TO ASK YOU THIS QUESTION AND I DON'T WANT YOU TO THINK THAT I'M BEING WISE OR OR SMART I KNOW THAT YOU HAVE YOU ARE A VERY EXPERIENCED DEFENSE COUNSEL AND I'M TRYING TO EXPLORE YOUR THINKING ON THIS ISSUE AS A DEFENSE COUNSEL DID YOU WOULD YOU ADVISE A CLIENT TO GO AHEAD AND COOPERATE WITH THE POLICE SIMPLY BECAUSE THEY BELIEVE THEY DID NOTHING WRONG.

AG MOYLAN – OAG: IN MANY WAYS I MIGHT DEPENDING UPON THE FACTS AND CIRCUMSTANCES AND THIS IS LIKE THE THAT IS WHY WE WOULD RECOMMEND IF A GOVERNMENT OFFICIAL BELIEVES THAT THERE MIGHT BE WRONGDOING THAT THEY CALL UP THEIR LAWYER I BELIEVE IN DPW'S CASE WE HAD THE DIRECTOR ARRIOLA HAD HIS BROTHER JAY ARRIOLA SEND US A LETTER HE CHOSE TO CONTACT PRIVATE COUNSEL BECAUSE OF WHATEVER POTENTIAL LIABILITY HE HE HE MIGHT OR MIGHT NOT HAVE HAD I CAME BACK WITH THE LETTER SAYING THAT YOU ARE NOT THE TARGET OF ANY INVESTIGATION BUT WE HAVE A DUTY TO ASK QUESTIONS GET DOCUMENTS AND THAT SORT OF THING SO YOU KNOW THAT PLAYS OUT EVERY DAY IN THE AG'S OFFICE WE GET TIPS FROM THE PUBLIC THE PUBLIC AUDITOR IS VERY ACTIVE ON ISSUING AUDITS SO THAT'S JUST WHAT WE DO.

SENATOR FISHER: OKAY A LETTER WAS WRITTEN BY THE GUAM POWER AUTHORITY I DON'T KNOW THAT YOU'VE RECEIVED IT IT WAS DATED MARCH 3RD WHICH I GUESS WAS 3 DAYS AGO AND I'LL JUST I'LL JUST READ A SECTION OF IT AND THIS IS FROM TO MISS HEIGHTON YESTERDAY THE ATTORNEY GENERAL SENT A SECOND LETTER STATING THAT HE WOULD NOT REVIEW ANY OF GPA'S PROCUREMENT DOCUMENTS UNLESS GPA MANAGEMENT AND LEGAL COUNSEL SIGNED A WAIVER OF LEGAL RIGHTS AND NOW THIS IS WHAT GPA IS SAYING AND IT'S VERY CONCERNING AS A RESULT GPA MANAGEMENT FACES THE PROSPECT OF EITHER RELINQUISHING IMPORTANT RIGHTS IN THE FACE OF CRIMINAL PROSECUTION OR FOREGOING THE ATTORNEY GENERAL'S REVIEW AND APPROVAL OF THE TEMPORARY POWER PROJECT THEREBY HALTING ITS PROGRESS AND PLUNGING THE ISLAND INTO AND THIS WILL PERHAPS SOLVE SENATOR BARNETT'S CONCERN AND PLUNGING THE ISLAND INTO A SUMMER OF LOAD SHEDDING IS THERE ANYTHING THAT YOU THINK IS INACCURATE IN THAT.

AG MOYLAN – OAG: YES ABSOLUTELY YOU CHARACTERIZED IT I HAVE NOT SEEN THAT LETTER BUT YOU CHARACTERIZED IT AS A WAIVER OF RIGHTS NOWHERE IN THE DOCUMENTS THAT IT'S AN NOW IN THE LEGISLATIVE RECORD IS THIS A WAIVER OF RIGHTS THIS IS AND IT HAS SEVERAL PROVISIONS IT SAYS WE WILL NOT SERVE AS YOU NOR YOUR DEPARTMENT'S ATTORNEY IN PROCESSING ANY DOCUMENTS THAT'S NOT A WAIVER OF RIGHTS THAT'S A DISCLOSURE THAT WHEN YOU SEND A DOCUMENT TO BE RECEIVED BY US WE'RE NOT GOING TO PROTECT YOU IF WE FIND CORRUPTION IN IT AND THAT AND I BELIEVE THAT REFLECTS THE EXACT STATE OF OF THE LAW RIGHT NOW WE'RE NOT THEIR LAWYERS BY REVIEWING OUR DOCUMENTS YOU TRANSMIT TO THE DEPARTMENT WE DO WE ARE DOING SO TO PROTECT THE PUBLIC INTEREST YOU ACKNOWLEDGE THAT YOUR DEPARTMENT MAY BE UNDER INVESTIGATION AND THAT YOU'RE SENDING US THE DOCUMENT FOR REVIEW AND APPROVAL AND THAT WE ARE NOT YOUR ATTORNEY IN THIS MATTER AND IN DOING SO YOUR DOCUMENT YOU SENT TO US MIGHT BE CONSIDERED EVIDENCE AGAINST YOU IF THERE'S WRONGDOING THAT OCCURS I SPECIFICALLY REFERENCE THE PUBLIC AUDITOR REPORT ABOUT GMHA THE GUAM MEMORAL HOSPITAL COLLECTIONS MILLIONS OF DOLLARS WERE PAID THE AG WAS NOT THE ATTORNEY FOR THOSE PEOPLE THAT WERE TRANSMITTING THE DOCUMENTS OVER I BELIEVE FORMER GENERAL LEEVIN CAMACHO SIGNED OFF ON THE CONTRACT BUT DID NOT WAS NOT INVOLVED IN THE ACTUAL PROCUREMENT THE THE NEXT DISCLOSURE WE MAKE WE RESERVE OUR RIGHT TO CRIMINALLY OR CIVIL INVESTIGATE AND PROSECUTE GOVERNMENT OFFICIALS IN THEIR PERSONAL OR OFFICIAL CAPACITIES FOR ANY WRONGDOINGS THAT'S JUST A DISCLOSURE IF YOU BELIEVE THAT YOU HAVE ANY CIVIL OR CRIMINAL EXPOSURE THAT WE ENCOURAGE YOU TO GET INDEPENDENT LEGAL COUNSEL THESE ARE ALL DISCLOSURES THERE'S NO WAIVER OF RIGHTS IN THIS.

SENATOR FISHER: WELL OKAY SIR AND I DON'T WANT TO QUIBBLE WITH YOU BUT I'M LOOKING AT THE LETTER OF FEBRUARY 29TH IN WHICH YOU SAY YOU'RE GOING TO YOU'RE REQUIRED TO ACKNOWLEDGE CONSENT AND AGREE TO THE FOLLOWING WE WILL NOT SERVE AS YOU OR YOUR DEPARTMENT'S ATTORNEY BY OUR REVIEWING DOCUMENTS THAT YOU TRANSMIT TO YOUR DEPARTMENT OR THE ENTITY THE AG'S OFFICE DOES SO TO PROTECT THE PUBLIC INTEREST ETC NOT YOURS OR YOUR DEPARTMENT AND YOU ARE REQUIRING THEM THE AGENCIES TO AGREE TO THESE PROVISIONS AND IF THEY DON'T ACCORDING TO THE LETTER THE

SIGNATURE LINE WILL BE FILLED IN POTENTIAL CONFLICT CANNOT SIGN IS THAT IS THAT THE STATUS OF THINGS TODAY.

AG MOYLAN – OAG: AS I OPENED UP THE FEBRUARY 28TH LETTER WAS SENT FIRST THE FEBRUARY 29TH DISCLOSURE WAS SENT AND THEN THE GOVERNOR CALLED ME TO HER CHAMBERS IN WHICH JEFF MOOTS MYSELF AND ONE OF MY DEPUTIES WAS PRESENT WE DISCUSSED IT THE GOVERNOR HAD HER RESERVATIONS WHICH I RESPECTED AND THEN WE CAME OUT WITH THE DECISION WE WILL BE PROCESSING THEM WITH THE THE STAMP DISCLOSURE AND IT'S GOING TO INDICATE APPROVED NOT REPRESENTING ANY PUBLIC OFFICIAL.

SENATOR FISHER: OKAY ALL RIGHT SIR I DON'T REALLY HAVE TOO MANY MORE QUESTIONS EXCEPT FOR I GUESS ONE WHICH IS THIS YOU KNOW THE DEPARTMENT OF JUSTICE HAS BEEN DOING THIS FUNCTION CIVIL AND CRIMINAL FOR 200 YEARS MOST EVERY OTHER JURISDICTION DOES THE SAME WHY CAN'T YOU SET UP A CONFLICT WALL BETWEEN THE CIVIL SIDE OF THE HOUSE AND THE CRIMINAL SIDE OF THE HOUSE AND NOT EXCHANGE DOCUMENTS TO A COMPLETE AND UTTER DIVORCE SO YOU CAN COMPLETE BOTH FUNCTIONS AND THEN WE WOULDN'T BE HERE IN THIS MESS WITH THE AGENCIES NOT KNOWING WHETHER OR NOT THEY CAN FUNCTION IF WITH NOT KNOWING WHETHER OR NOT WE CAN GET A CONTRACT SIGNED TO FEED THE *MANAM'KO* NOT KNOWING WHETHER OR NOT WE CAN KEEP THE FOSTER HOMES OPEN WHY CAN'T YOU JUST SET UP A WALL.

AG MOYLAN – OAG: EXCELLENT QUESTION SENATOR BECAUSE THE RULES DON'T PROVIDE FOR IT AND THIS WAS THROWN IN OUR FACE AT RECENT HEARINGS BEFORE THE THOSE TWO GOVERNMENT CORRUPTION CASES THE GUAM RULES OF PROFESSIONAL CONDUCT DO NOT ALLOW A PRINCIPAL LAWYER TO SET UP THE CONFLICT WALL THAT YOU'RE TALKING ABOUT THAT'S NUMBER ONE NUMBER TWO IS THE PEOPLE ELECTED THE ATTORNEY GENERAL TO HIMSELF IN THIS CASE PROVIDE PUBLIC PROSECUTION AND TO ALSO PROVIDE LEGAL SERVICES TO THE GOVERNMENT IN ONE PERSON IF YOU'RE ASKING AN ATTORNEY GENERAL TO SAY THAT I WILL ONLY HANDLE CIVIL AND THEN FIND ANOTHER PERSON TO ONLY HANDLE CRIMINAL OR I HANDLE CRIMINAL AND THEN YOU HANDLE CIVIL THE ATTORNEY GENERAL IS NO LONGER IN CONTROL YOU HAVE NOW APPOINTED A PERSON THAT NO LONGER IS UNDER THE DIRECTION OF THE ATTORNEY GENERAL BECAUSE YOU CREATED A CONFLICT WALL THE CONFLICT WALLS THAT YOU TALK ABOUT IN PRIVATE PRACTICE ARE DIFFERENT THAN THAT IT'S WHEN AN ASSOCIATE COMES IN HAS A POTENTIAL CLIENT FORMER CLIENT THAT THEY WANT TO PREVENT THAT ATTORNEY CLIENT RELATIONSHIP DEVELOPING WITH THE PRINCIPAL SO THEY BUILD THEIR CONFLICT WALL WE DO NOT HAVE THAT SITUATION HERE THERE'S A WHOLE CATEGORY OF HUNDREDS OF CASES THAT DEAL WITH PUBLIC PROSECUTION AND PROSECUTION AND THEN THOUSANDS OF CASES THAT DEAL WITH PROVIDING BASIC LEGAL ADVICE TO ALL THE DEPARTMENTS AND AGENCIES THROUGHOUT THE GOVERNMENT THE MODEL RULES OF PROFESSIONAL CONDUCT DO NOT SPECIFY THE ATTORNEY GENERAL CAN BUILD THAT CONFLICT WALL.

SENATOR FISHER: WHICH WHICH WHICH RULE WHICH RULE SIR.

AG MOYLAN – OAG: THE GUAM RULES OF PROFESSIONAL CONDUCT.

SENATOR FISHER: YEAH WHICH RULE.

AG MOYLAN – OAG: WHICH RULE.

SENATOR FISHER: YEAH.

AG MOYLAN – OAG: WELL THAT'S WHAT I'M SAYING THERE IS NO RULE FOR THE WHAT YOU JUST SUGGESTED THERE IS NO RULE THAT SAYS THE ATTORNEY GENERAL IN A SITUATION WHERE YOU'RE PROSECUTING A GOVERNMENT OFFICIAL YOU SHOULD NOT YOU SHOULD BUILD A CONFLICT WALL FOR ALL THIS THE CIVIL WORK THAT YOU'RE GOING TO BE AT THE SAME TIME DOING THE REASON WHY THAT THEY DON'T DO STUFF LIKE THAT IN OTHER JURISDICTIONS BECAUSE THE GOVERNMENT OFFICIAL ISN'T THE CLIENT THE GOVERNMENT OFFICIAL IS A STEWARD OF OUR CLIENT WHICH IS ALL OF YOU THE PEOPLE OF GUAM THAT IS WHERE THE DEFENDANTS ARE TRYING TO USE THE PEOPLE OF GUAM AS A SHIELD TO PREVENT US FROM PROSECUTING THEM THEY SEEK TO DISQUALIFY ME FROM PROSECUTING THEM SO THEY CAN GET ANOTHER ATTORNEY IN AND PROBABLY DUMP THE CASE OR SETTLE IT OR DO SOMETHING BUT THAT PERSON IS NOT ACCOUNTABLE TO THE PEOPLE WAS NOT ELECTED BY THE PEOPLE SO YOU LOSE THE LEGAL POLICY WHEN YOU SET UP A CONFLICT WALL AND PREVENT THE ATTORNEY GENERAL BASED ON THE CAMPAIGN AND ALL THE REPRESENTATIONS

MADE DURING THAT CAMPAIGN NOT BEING ABLE TO PROMISE AND FULFILL THAT PROMISE BY COMMITTING BY CREATING THAT CONFLICT WALL.

SENATOR FISHER: THE YES YES SIR THANK YOU VERY MUCH FOR THAT ANSWER AND THE ANSWER TO MY OTHER QUESTIONS I WOULD JUST SUGGEST IF YOU ARE CONFUSED OR UNCLEAR HOW TO SET UP THE CONFLICT WALL CALL MERRICK GARLAND THANK YOU.

SPEAKER TERLAJE: THANK YOU SENATOR SAN AGUSTIN SORRY OH.

SENATOR SAN AGUSTIN: ME OR WHO.

SPEAKER TERLAJE: SORRY I GUESS DID YOU WANT TO GO NEXT OR THERE ARE PEOPLE RAISING THEIR HANDS I GUESS TO GO.

SENATOR SAN AGUSTIN: NO I I I UNDERSTAND.

SPEAKER TERLAJE: SENATOR ROY WAIVED HIS TIME.

SENATOR SAN AGUSTIN: NO BUT WE GO AROUND IN A CIRCLE UNLESS WE'RE GOING TO GO WHOEVER RAISED THEIR HAND.

SPEAKER TERLAJE: YEAH WELL I'M GOING AROUND UNLESS.

SENATOR SAN AGUSTIN: OKAY SO I'M NEXT OKAY THANK YOU ATTORNEY GENERAL MOYLAN NUMBER ONE THANK YOU FOR YOUR PROSECUTION OKAY AND WHAT YOU DO.

AG MOYLAN – OAG: THANK YOU SENATOR.

SENATOR SAN AGUSTIN: OKEY I'M NOT GOING TO FAULT YOU FOR PROSECUTION I LIKE WHAT YOU'RE DOING BUT ARE ANY OF THESE ATTORNEYS WITH YOU PROSECUT PROSECUTORS OR THEY ALL CIVIL.

AG MOYLAN – OAG: THEY'RE PROSECUTORS YOU SEE THIS IS ONE OF THE ARGUMENTS WE BROUGHT BEFORE.

SENATOR SAN AGUSTIN: I I JUST NEED TO KNOW.

AG MOYLAN – OAG: YES WE HAVE OUR CHIEF PROSECUTORS TO MY RIGHT I HAVE MR MORRIS THAT SERVED ON SOME CRIMINAL PROSECUTION CASES HE'S ALSO HANDLING CRIMINAL APPELLATE WORK.

SENATOR SAN AGUSTIN: OKAY I JUST NEED TO KNOW IF THEY'RE IF THEY'RE ALL CIVIL OR THEY'RE ALL PROSECUTORS THAT'S THAT'S THE KEY OKAY.

AG MOYLAN – OAG: OKEY THEY'RE BOTH.

SENATOR SAN AGUSTIN: THEY'RE BOTH OKAY.

AG MOYLAN – OAG: EVERY ATTORNEY GENERAL UNDER THE LAW THERE IS NO DESIGNATION UNDER OUR STATUTES THAT SAYS THAT A PARTICULAR ATTORNEY IS ONLY A CIVIL ATTORNEY OR A PARTICULAR ATTORNEY IS ONLY A PROSECUTOR EVERY ASSISTANT ATTORNEY GENERAL IMBUES THE AUTHORITY THAT YOU'VE GIVEN TO THE ATTORNEY GENERAL AS BEING A PROSECUTOR AND A CIVIL ATTORNEY IF A CIVIL ATTORNEY IS SITTING THERE AS A GOVERNMENT OFFICIAL BREAKS THE OPEN GOVERNMENT LAW THAT ATTORNEY CAN TURN INTO A PROSECUTOR AND HANDLE THAT CUZ HE'S ALSO A PROSECUTOR SHE'S ALSO A PROSECUTOR BECAUSE THEY ARE REPRESENTATIVE OF THE ATTORNEY GENERAL.

SENATOR SAN AGUSTIN: OKAY THE NEXT ONE IS THAT MY UNDERSTANDING IF IF ANY OF YOUR ATTORNEYS GOES OUT TO AN AGENCY AND IS GIVING LEGAL ADVICE I NEED TO UNDERSTAND THAT NUMBER ONE WHEN THEY GO OUT TO GIVE LEGAL ADVICE BECAUSE THEY COULD BE PROSECUTORS THEY COULD FIGURE IT OUT ALREADY WHEN THEY NEED TO STOP AND SAY WE CAN'T GO ON ANY FURTHER.

AG MOYLAN – OAG: YES.

SENATOR SAN AGUSTIN: OKAY NOT LATER ON THE REASON WHY I SAY THAT IS ONE OF YOUR ATTORNEYS GIVES IF I'M AN AGENCY DIRECTOR AND I'M GOING THROUGH A PROCUREMENT OR WHATEVER PROCESS I'M

GOING THROUGH IF THEY GIVE ME ADVICE ON WHAT DIRECTION I NEED TO GO AND I'M GOING DOWN THAT DIRECTION.

AG MOYLAN – OAG: YES.

SENATOR SAN AGUSTIN: I CAN'T SEE HOW YOU CAN TURN AROUND SAYS WELL I'M GOING TO PROSECUTE YOU FOR DOING THIS WAIT A MINUTE YOU GAVE ME LEGAL ADVICE AND THAT'S WHAT I'M GETTING AT ATTORNEY.

AG MOYLAN – OAG: 100 PERCENT YOUR YOUR EXAMPLE IS EXACTLY WHY A CASE WOULDN'T BE PROSECUTED BECAUSE AN ASSISTANT AG PROVIDED THE EXACT LEGAL ADVICE TO DO SOMETHING WRONG SO THE AG HAS TO USE THE THE REALITY OF LIFE AND FIGURE OUT WHETHER OR NOT THIS PERSON WAS RELYING UPON THE ADVICE OF ONE OF THE THE ASSISTANT ATTORNEY GENERALS AND WAS MISLED WE DO NOT HAVE THAT SITUATION HERE ONE OF THE CASES IN THE GOVERNMENT CORRUPTION AREA ALLEGED THAT ACTUALLY BOTH OF THEM TRIED TO ALLEGE IT WE DON'T BELIEVE THE FACTS SUPPORT IT SO BUT IN YOUR SITUATION THAT IS CORRECT I I WOULD DEFER IN THAT FACT PATTERN THEY WOULD HAVE A PROBLEM WE WOULD HAVE A PROBLEM PROSECUTING IT.

SENATOR SAN AGUSTIN: MA MAJOR PROBLEM NOW AS I YOU KNOW I'M TRYING TO FOLLOW ALONG WITH ALL THE LETTERS YOU'RE IDENTIFYING FEBRUARY 29 BUT I'M LOOKING AT ALL THESE LETTERS AND I'M SAYING TO MYSELF THERE'S A PORTION HERE THAT KIND OF BOTHERS ME THEY'RE GOING TO GIVE YOU'RE GOING TO GIVE LEGAL ADVICE AND THEN YOU'RE GOING TO REACH A POINT WHERE YOU'RE GOING TO SAY I'M GOING TO STAMP I'M NOT GOING TO SIGN BECAUSE THE POTENTIAL CONFLICT CANNOT SIGN I'M TRYING TO UNDERSTAND THAT IF THEY IF YOUR IF YOUR ATTORNEYS ARE GIVEN LEGAL ADVICE TO GET THIS FAR IF THEY DIDN'T STOP AND SAY TO YOU ATTORNEY GENERAL WE GOT A PROBLEM I STOP GIVING LEGAL ADVICE BECAUSE WHY I FOUND THAT THERE IS REASON TO BELIEVE REASONABLE REASONABLE DOUBT THAT THERE IS CRIMINAL INTENT I CAN SEE THAT BUT TO SAY TO SOMEBODY TO ANY OF MY CLIENTS IF I WAS AN ATTORNEY WELL I'M NOT GOING TO SIGN UNTIL YOU YOU SIGN THE YOU WAVE YOUR LEGAL RIGHTS AND AND ALL THAT OTHER STUFF I'M I'M SEEING HERE AND I'M LIKE WAIT A MINUTE IF YOU'RE GIVEN LEGAL ADVICE AND YOU'RE GOING DOWN THIS ROAD AND EVERYTHING IS GOOD WHERE DO YOU COME IN AND SAY GIVE UP YOUR RIGHTS BECAUSE WE COULD POTENTIALLY WAIT A MINUTE YOU SHOULD HAVE STOPPED ALREADY TO BEGIN WITH AND YOU SAID THAT READY IF YOU ALREADY KNOW THAT THERE'S YOU'RE GOING DOWN THE ROAD WHERE THEY COULD YOU COULD TAKE THEM TO COURT AND PROSECUTE THEM THAT'S WHERE THE LINE DRAWS AND YOU SAY OKAY WE GOT TO STOP NOW BECAUSE AND YOU'RE RIGHT YOU REPRESENT THE PEOPLE OF GUAM IT'S NOT THE INDIVIDUAL THAT'S IN THE AGENCY IT'S THE PEOPLE OF GUAM TO MAKE SURE THAT THE AGENCY DOES WHAT THEY'RE SUPPOSED TO DO BUT I I IT JUST BOTHERS ME THAT I I READ THIS AND I'M LIKE OKAY I'M GOING TO GIVE YOU ADVICE BUT AT ANY GIVEN TIME I HAVE TO TELL YOU THAT I COULD PROSECUTE YOU UNLESS YOU GIVE UP YOUR YOUR INDIVIDUAL RIGHTS AND THAT'S NOT I'M NOT COMFORTABLE WITH THAT.

AG MOYLAN – OAG: SENATOR.

SENATOR SAN AGUSTIN: I'M TRYING TO UNDERSTAND YOUR LETTERS.

AG MOYLAN – OAG: THANK YOU THAT IS NOT THE FACT PATTERN THAT IS NOT THE SITUATION AND I APOLOGIZE IF YOU'RE IF IT'S NOT CLEAR TO YOU ON THAT FIRST OF ALL IN YOUR FACT AS YOU'RE RECITING IT YOU SAY THAT MY ATTORNEY GAVE ME THIS ADVICE THAT'S THE FIRST PROBLEM IS THAT THE AG IS NOT YOUR ATTORNEY ON THAT AND THAT'S WHY WE SAY GET YOUR OWN ATTORNEY.

SENATOR SAN AGUSTIN: NO I SAID THE AGENCY YOUR ATTORNEY GAVE THE AGENCY WHICH I HAPPEN TO BE THE DIRECTOR OKAY REMEMBER I REPRESENT THE AGENCY LIKE YOU REPRESENT THE GOVERNMENT AND I SIT THERE AND I SAY LIKE FRED MR NISHIHARA GIVE ME THE LEGAL ADVICE ON THE DIRECTION WE NEED TO GO BECAUSE THAT'S WHERE WE NEED TO GO BECAUSE WHY I DON'T WANT TO GO TO COURT RIGHT I WANT TO MAKE SURE WE'RE SETTLED WHEN WE MOVE ON.

AG MOYLAN – OAG: YOUR SITU YOUR SITUATION YOUR FIRST BACK PATTERN THAT I SAYS CLEARLY THERE WOULD BE A PROBLEM IF ONE OF MY ASSISTANTS MADE A MISTAKE ON THE INTERPRETATIONS AND GAVE THE ADVICE AND IT MOVED FORWARD I KNOW MOST ALL OF OUR PROCUREMENTS THAT ARE NOT IN THAT FACT PATTERN THEIR IN-HOUSE PROCUREMENT OR DOA'S GSA PREPARES EVERYTHING ON THEIR OWN THEN THEY SEND IT OVER TO THE CIVIL DIVISION WHICH STARTS LOOKING AT THE PROCUREMENT RECORDS AND SO FORTH

SO THERE'S NO REAL LEGAL ADVICE OTHER THAN CIRCLING THINGS SENDING IT BACK YOU NEED TO DO THIS YOU DIDN'T FOLLOW WHATEVER THE REQUIREMENTS WERE THAT'S HOW IT NORMALLY GOES IN OUR OFFICE IF THE INDIVIDUAL WAS GIVEN ADVICE BY AN ATTORNEY SPECIFICALLY ON THAT ALLEGATION THAT WRONGDOING WAS MADE CIVIL OR CRIMINAL THAT WOULD BE LOOKED AT AT THE AG'S OFFICE FOR CONTEXT THE FACT PATTERN WHAT HAPPENED AND I DEFINITELY I WOULD NOT AUTHORIZE ANY PROSECUTION AGAINST AN INDIVIDUAL THAT WAS GIVEN THE WRONG LEGAL ADVICE THAT PUT HIM PERSONALLY IN JEOPARDY OF PROSECUTION THAT IS NOT WHAT WE'RE SEEING IN IN CASES THAT WE INVESTIGATE AND MOVE FORWARD TOWARDS THE GRAND JURY BUT YOU KNOW YOU'RE GOING TO LOSE BEFORE THE THE JURY THEY HEAR THAT YOU KNOW WE'RE ALL REASONABLE YOU LISTEN TO A INNOCENT PERSON THAT GETS TOLD THE WRONG ADVICE THEY'RE NOT GOING TO CONVICT YOU KNOW I HAVE VERY STRONG CONFIDENCE IN OUR JURIES THEY HEAR THAT IT ISN'T GOING TO HAPPEN THAT'S NOT WHAT WE'RE DEALING WITH SO THERE'S ALLEGATIONS BUT THERE'S FROM MY PERSPECTIVE I HAVEN'T SEEN ANY PROOF IN CASES THAT WE'VE BEEN INVESTIGATING AND TAKING FORWARD.

SENATOR SAN AGUSTIN: OKAY NOW MOVING ALONG EARLIER YOU MENTIONED IN THE VERY BEGINNING THAT OF THE CONFLICT OF THE LETTER OR THE LIST OF CONFLICT OF POSSIBLE CONFLICT OF INTEREST I GUESS THAT YOU CAN STILL SETTLE QUITE A FEW OF THE ITEMS GET PROCUREMENT GOING GET GIVE LEGAL ADVICE.

AG MOYLAN – OAG: WE WE'RE GOING TO GET THE WE'RE GOING TO GET THOSE PROCUR PROCUREMENTS MOVING THERE WAS 22 DEPARTMENTS AND AGENCIES THAT WERE IDENTIFIED SO ONLY 22 OF THEM RECEIVED THAT TYPE OF THE TWO LETTERS AND WHERE WE COME WITH IT IS BASICALLY WE'RE STILL GOING TO BE APPROVING IT BUT THERE'S GOING TO BE A DISCLOSURE ON IT THAT YOU KNOW WE'RE NOT BY REVIEWING THE DOCUMENT WE'RE NOT SERVING AS YOUR LAWYER ON IT WHICH IS THE WATCHDOG FUNCTION OF THE AG'S OFFICE.

SENATOR SAN AGUSTIN: AND AND I I CAN AGREE WITH THAT AND YOU SHOULDN'T BE BUT I JUST DON'T I JUST DON'T WANT TO SEE ANY PROCUREMENT HALTED BECAUSE YOU KNOW WE COULD PROSECUTE YOU YOU CAN SIGN OFF ON ANYTHING AND IF YOU FIND OUT LATER THAT THEY DECEIVED YOU RUN THEM TO COURT I CAN AGREE WITH THAT 100%.

AG MOYLAN – OAG: THANK YOU SENATOR.

SENATOR SAN AGUSTIN: BUT I'M ONLY SAYING IS THAT BECAUSE YOU'RE CALLED HERE BECAUSE OF THIS REASON IT'S ALMOST LIKE WE'RE WE'RE WE'RE IN A POSITION WHERE YOU KNOW YOU GUYS DON'T NEED TO BE HERE IT'S DONE AND I LIKE TO ACT GO BACK TO THE MOTION PRESENT IT EARLIER THAT WE WE END THE DISCUSSION AND YOU ALL HAVE A NICE DAY AND THAT'S MY MOTION AT THIS POINT MADAM SPEAKER MADAM CHAIR THAT WE GO BACK AND WE JUST END THE DISCUSSION THE ATTORNEY GENERAL ALREADY SAID HE'S GOING TO DO WHAT HE NEEDS TO DO AND LET'S GET THE GOVERNMENT BACK ON RUNNING THEN THAT'S MY MOTIONS THAT WE END THE DISCUSSION THANK YOU.

SPEAKER TERLAJE: THERE'S A MOTION TO END DISCUSSION IS THERE AN OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION FAILS ALL RIGHT SENATOR SAN AGUSTIN YOU YOU HAVE 9 SECONDS LEFT SENATOR SAN AGUSTIN.

SENATOR SAN AGUSTIN: THANK YOU ATTORNEY GENERAL SEE SOME SOME MY COLLEAGUES LIKE TO JUST TALK EVEN THOUGH IT'S NOT THEIR TIME BUT THANK YOU.

AG MOYLAN – OAG: THANK YOU SENATOR.

SENATOR SAN AGUSTIN: AND THANK YOU ATTORNEY FOR BEING HERE JUST DO YOUR JOB THAT'S ALL WE WE HOPE YOU CAN DO THANK YOU.

SPEAKER TERLAJE: THANK YOU SENATOR SENATOR SAN NICOLAS.

SENATOR SAN NICOLAS: OH I'M NOT A LAWYER BUT LET ME GIVE THIS A GO THANK YOU FOR BEING HERE PANEL I REALLY LIKE WHAT YOU DO AG MOYLAN LOVE THOSE SIGNS.

AG MOYLAN – OAG: THANK YOU SENATOR I WAS INSPIRED BY YOU.

SENATOR SAN NICOLAS: I JUST WANTED TO JUST JUST FOR CLARIFICATION SAKE JUST JUST FROM FROM SO WHAT YOU DID WAS YOU WITHDREW A REPRESENTATION OR COUNSEL OR LEGAL ADVICE TO THESE AGENCIES IS IS IS THAT WHAT YOU DID.

AG MOYLAN – OAG: WHAT WE DID WAS IN RECOGNITION THAT TWO GOVERNMENT CORRUPTION CASES ARE ALLEGING AND TRYING TO DISQUALIFY ME AS AN ATTORNEY GENERAL WE DID THIS AS SOMEWHAT OF A A PROTECTION SO THAT WE CAN CONTINUE INVESTIGATING AND PROSECUTING GOVERNMENT CORRUPTION CASES UNTIL SUCH TIME AS THE COURTS MAKE CLEARER WHAT ARE THE ETHICAL RULES THAT THE ATTORNEY GENERAL'S OFFICE IS OPERATING UNDER OBVIOUSLY I'VE JUST STATED HERE THAT I BELIEVE THE LEGISLATURES STATUTES SINCE 1975 HAD MADE IT VERY CLEAR WE DID THIS BACK IN 2002 ERA 2003 WHEN I SERVED AS A FIRST AG I THINK THERE WAS 35 CONVICTIONS ON GOVERNMENT CORRUPTION MATTERS BUT THESE WEREN'T THIS IS NOT THIS WAS THE FIRST TIME IT WAS EVER BROUGHT UP SO YOU KNOW JUST WE ARE PROTECTING OUR LICENSES BEING ABLE TO GO AFTER TO PROTECT THE PUBLIC INTEREST AS FORMER JUDGE RETIRED MAGISTRATE JUDGE JOAQUIN MANIBUSAN PUT IN HIS DECISION SERVE THE PUBLIC THE PEOPLE PRIMARILY AND THEN JUST TRY TO GET PAST THIS YOU KNOW LET'S JUST MOVE ON GET THESE CONTRACTS SIGNED BUT MAKE THE PROPER DISCLOSURE PENDING THE OUTCOME OF THOSE TWO COURT DECISIONS AND MAYBE AN APPEAL AT A RULING THAT MIGHT BE NEEDED.

SENATOR SAN NICOLAS: THANK YOU SIR I JUST WANTED TO YOU KNOW BECAUSE I I DON'T I DON'T THINK I REMEMBER YOU KNOW IN MY LIFETIME EVER AN ATTORNEY GENERAL STEPPING BACK FROM HIS DUTY TO REPRESENT THE GOVERNMENT AGENCIES I I I DON'T THINK I COULD EVER RECALL THAT BUT I THINK YOU CAN CONTINUE TO BE A REPRESENTATIVE OF OR YOU KNOW REPRESENT THE AGENCIES AND IF YOU DID HAD YOU KNOW A CRIMINAL BECAUSE IF THAT INDIVIDUAL WERE TO COMMIT A CRIME THEY WOULD HAVE TO TAKE UP PROVIDE COUNSEL FOR THEMSELVES SO I DON'T REALLY SEE THERE'S A PROBLEM HERE.

AG MOYLAN – OAG: WHAT'S HAPPENING IS THAT THOSE PEOPLE THAT WERE A GRAND JURY FOUND THAT THERE'S A PROBABLE CAUSE FOR A CRIME BEING COMMITTED ARE SAYING THAT THE ATTORNEY GENERAL VIOLATED THE ETHICS RULES BECAUSE HEY YOU PROVIDED LEGAL ADVICE TO MY DEPARTMENT WE DISAGREE BUT THE COURTS ARE GOING FORWARD WITH EVIDENTIARY HEARINGS THEY'RE DRAGGING MY STAFF IN TO HAVE TO ANSWER QUESTIONS ABOUT WHAT WE INTERNALLY ARE DOING AS AN AG'S OFFICE SO WE DID THIS OUT OF AN ABUNDANCE OF CAUTION SO THAT WE DON'T LOSE OUR LICENSES TO PRACTICE LAW BEFORE THE SUPREME POTENTIALLY THE SUPREME COURT OF GUAM AS THIS LETTER KIND OF SAID THAT THE SUPREME COURT OF GUAM REGULATES ETHICS IN RECOGNITION THAT THE RULES THAT THE SUPREME COURT OF GUAM HAS ISSUED DON'T TALK ABOUT THE AG'S OFFICE ABOUT CONFLICT WALLS OR ANYTHING THEY TREAT US LIKE A A PRIVATE LAW FIRM SO INSTEAD OF GETTING AN IMPUTED DISQUALIFICATION PROBLEM WE JUST SAYS OKAY WE'RE WE'RE NOT GOING TO REPRESENT YOU TEMPORARILY IN ORDER SO THAT WE CAN SERVE THE PUBLIC THE PEOPLE THE VOTERS WHOEVER YOU WANT TO CALL THE WHO IS THE PEOPLE OF GUAM SO THAT THAT IS THE REASON I DON'T LIKE DOING IT I DIDN'T HAVE TO DO IT BEFORE WHEN I FIRST SERVED BECAUSE NOBODY EVER RAISED THIS ISSUE UP BUT WE WE LOOKED AT IT WE'RE RESPECTFUL OF THE SUPREME COURT'S RULES AND ABUNDANCE OF CAUTION THANK YOU SENATOR.

SENATOR SAN NICOLAS: ALL RIGHT THANK YOU YEAH THANK YOU FOR THE ABUNDANCE OF CAUTION I I STILL I LIKE WHAT YOU'RE DOING YOU KNOW PEOPLE DID ELECT YOU AND AND I JUST YOU KNOW I JUST WANTED YOU TO KEEP UP THE GOOD WORK WITH THOSE SIGNS AND YOU KNOW CRIME IS CRIME IS ON THE RISE HERE AND IT'S RIDICULOUS AND YOU KNOW ANY ANY ANY WAY WE CAN WORK TOGETHER TO TRY TO PUT YOU KNOW.

AG MOYLAN – OAG: THANK YOU SENATOR.

SENATOR SAN NICOLAS: DIMINISH THAT YOU KNOW THAT'S THAT'S THE THAT'S THE KIND OF PLACE WHERE I WANT TO BE YOU KNOW SO I APPLAUD YOUR EFFORTS IN THAT REGARD.

AG MOYLAN – OAG: WE LOOK FORWARD WITH WORKING WITH YOU THANK YOU.

SENATOR SAN NICOLAS: YEAH THANK YOU SIR THANK YOU NOTHING FURTHER MADAM.

SPEAKER TERLAJE: THANK YOU SENATOR SENATOR BARNETT.

SENATOR BARNETT: THANK YOU MADAM CHAIR *BUENAS YAN HAFĀ ADAI* THANK YOU FOR JOINING US.

AG MOYLAN – OAG: BUENAS THANK YOU SENATOR.

SENATOR BARNETT: YEAH IF WE IF WE COULD I JUST WANT TO READ BECAUSE I KNOW YOU WERE HERE IN ATTENDANCE LAST NIGHT AND I THINK YOU WERE THE ONLY INDIVIDUAL WHO GOT MORE SHOUTOUTS IN THE STATE OF THE ISLAND SPEECH THAN ME BUT I JUST WANTED TO READ THIS SECTION OF THE STATE OF THE ISLAND ADDRESS THAT WAS CENTERED ON YOU AND YOUR OFFICE I KNOW THAT SOMETIMES GOVERNMENT CAN BE ADVERSARIAL IN THE SYSTEM OF CHECKS AND BALANCES BY WHICH WE OPERATE CAN MAKE US FEEL LIKE WE'RE GOVERNED MORE BY JUNGLE RULES THAN THE RULE OF LAW LAST WEEK WAS ONE OF THOSE TIMES WITH NO WARNING TO THE IMPACT OF AGENCIES VENDORS OR TAXPAYERS THE ATTORNEY GENERAL PENDING GUIDANCE BY THE COURTS WITHDREW FROM HIS ORGANIC ACT RESPONSIBILITY TO REPRESENT NEARLY TWO DOZEN GOV GUAM AGENCIES LEFT UNRESOLVED CRITICAL DEPARTMENTS WILL LACK THE BASIC LEGAL GUIDANCE THEY NEED TO OPERATE NO LEGAL HELP FOR THE HOME OF THE SHARKS TO WAIT ON CONSTRUCTION MANAGEMENT CONTRACT FOR A NEW SIMON SANCHEZ HIGH SCHOOL NO LEGAL ADVICE ON THE ISSUANCE OF COMPLEX DEVELOPMENT PERMITS POTENTIALLY NO CONTRACTS ISSUED FOR LIFE-SAVING EQUIPMENT DRUGS ADULT DAYCARE AND LET'S MOVE AHEAD HERE PEOPLE WILL SUFFER FROM YOUR ACTIONS MR AG SENATORS I WANT YOU TO KNOW THAT MY FIRST CALL AFTER RECEIVING THE AG'S LETTER LAST WEEK WAS TO SPEAKER TERLAJE WE BOTH AGREED THAT THIS PARALYZING MOVE BY THE OFFICE OF THE ATTORNEY GENERAL WOULD BE DISASTROUS FOR OUR PEOPLE HOWEVER IN YOUR OPEN TODAY YOU CONTRADICTED WHAT THE GOVERNOR SAID LAST NIGHT CORRECT.

AG MOYLAN – OAG: THAT'S CORRECT YOU KNOW I'M ALWAYS TRYING TO WORK WITH THE GOVERNOR OF GUAM BECAUSE SHE IS THE REPRESENTATIVE THE CHIEF EXECUTIVE OFFICER OF OUR GOVERNMENT I TRY TO KEEP THE LINES OF COMMUNICATION OPEN I HAD TO RESPECTFULLY ADDRESS THE THE GOVERNOR AND AND SAY TO HER LIKE THIS SUPREME COURT OF GUAM LETTER WAS SENT TO THE SPEAKER THAT WITH ALL DUE RESPECT GOVERNOR YOU'RE NOT A LAWYER WE LAWYERS DO A DIFFERENT FUNCTION THAN THE CHIEF EXECUTIVE OFFICER WE DO OPERATE WITHIN ETHICAL RULES AND BECAUSE OF THESE QUESTIONS BEFORE THE COURTS HAD NOTHING TO DO WITH THE GOVERNOR THAT WE NEED TO TAKE THIS ACTION OUT OF AN ABUNDANCE OF CAUTION TO PROTECT OURSELVES BUT AT THE SAME TIME TO LOOK AT CASE AUTHORITY WHICH SAYS THAT IF FACED WITH A POTENTIAL CONFLICT THE ATTORNEY GENERAL MUST ALWAYS PROTECT THE PEOPLE PROTECT THE CRIME VICTIMS PROTECT THE PEOPLE THAT ARE SUFFERING FROM THE CIVIL SIDE OF GOVERNMENT AGENCIES NOT MISSPENDING THINGS LIKE THAT BECAUSE THAT IS WHAT THAT IS WHAT STOPS THAT THAT'S WHAT CREATES THE DETERRENCE THAT THE ATTORNEY GENERAL MUST DO BY HOLDING THEM ACCOUNTABLE MAKING THEM FOLLOW THE LAW THE ATTORNEY GENERAL IS THE CHIEF LAW ENFORCEMENT OFFICER IT'S TWO HATS THAT THE LEGISLATURE SAYS THAT THE ATTORNEY GENERAL MUST HOLD SO I DIS I I UNDERSTOOD WHERE THE GOVERNOR WAS COMING FROM IT'S VERY FRUSTRATING FROM HER POINT OF VIEW BECAUSE SHE NEEDS THOSE CONTRACTS TO GET OUT SHE NEEDS THOSE THOSE PROCUREMENTS TO BE PROCESSED THAT'S WHY I MET WITH MY STAFF AND WE CAME UP WITH ANOTHER WORKAROUND ON HOW TO DEAL WITH THE SITUATION STILL BE IN COMPLIANCE AND PREPARING FOR WHAT THE SUPERIOR COURT MIGHT RULE ON THOSE TWO CASES READY TO GO TO THE APPEAL COURTS AND PLEAD OUR CASE SHOW AS MUCH AS WE CAN THAT THE LEGISLATURE HAS A HAS A SAY IN HOW THE ATTORNEY GENERAL EXECUTIVE BRANCH OFFICER OPERATES WITHIN THE EXECUTIVE BRANCH AND THEN TO GO FROM THERE SO YEAH SHE WAS PRETTY ANGRY.

SENATOR BARNETT: OBVIOUSLY I'M NOT AN ATTORNEY THERE ARE PLENTY IN THIS ROOM BUT BUT SOMEONE ASKED ME LAST NIGHT WHY THIS NEVER CAME UP WITH ANY OTHER ELECTED ATTORNEY GENERAL AND I'M GOING TO GIVE MY VERSION OF EVENTS YOU KNOW YOU INDICTED SOME PEOPLE AND THE CRIMINAL DEFENSE ATTORNEYS ARE MAKING WHAT I BELIEVE TO BE A DESPERATE MOVE BY USING THIS ARGUMENT WHICH I FEEL LIKE WE'VE NEVER BROUGHT UP BEFORE BECAUSE IT'S KIND OF A NONISSUE BUT WHAT'S YOUR ESTIMATION.

AG MOYLAN – OAG: THE REASON WHY YOU HAVEN'T SEEN THIS BEFORE IS BECAUSE THE ONLY TWO TIMES WHEN THE ATTORNEY GENERAL'S OFFICE HAD AN ACTUAL GOVERNMENT CORRUPTION DIVISION WAS BACK IN 2003 TO 2006 WHEN I FIRST SERVED AND WHEN WE RESTARTED IT IN 2003 SO THERE'S A TEAM OF LAWYERS THAT ARE ASSIGNED FOR INVESTIGATIONS WITH THE INVESTIGATORS WE WORKED CLOSELY WITH THE PUBLIC AUDITOR BACK THEN IT WAS DORIS BROOKS NOW IT'S BJ CRUZ SO THAT CAN BE ONE REASON WHY ANOTHER REASON WHY YOU'VE GOT A VERY CREATIVE DEFENSE ATTORNEYS THAT ARE THROWING IT INTO THE THE

COURT'S PURVIEW AND AS OFFICERS OF THE COURT I UNDERSTAND RESPECT AND WE ARE PROVIDING OUR LEGAL AUTHORITY TO OPPOSE IT SO YEAH THAT'S.

SENATOR BARNETT: IT'S A VERY GRACIOUS WAY FOR YOU TO PUT IT YEAH AGAIN I'M NOT AN ATTORNEY BUT BUT IN MY SHORT TIME HERE IN THE LEGISLATURE WHAT WHAT I HAVE SEEN IS THIS AND I'M NOT COMFORTABLE WITH IT I'VE SEEN THIS ALIGNMENT OF DEFENSE ATTORNEYS AND EVEN SOME OF MY COLLEAGUES HERE IN IN THIS BODY ALIGNING WITH THE ADMINISTRATION TO KIND OF REALLY CUT THE LEGS OFF THE AG'S OFFICE AND UNDERMINE YOUR ABILITY AND YOUR AUTHORITY TO DO WHAT THE PEOPLE OF GUAM ELECTED YOU TO DO WHICH IS YOU KNOW DO THE PROCUREMENTS BUT TO ME MORE IMPORTANTLY PROSECUTE THE CORRUPTION SO I WAS JUST A LITTLE UNCOMFORTABLE WITH THE CONTENT OF THE SPEECH AND AND SOME OF THE THINGS THAT WE'VE HEARD FROM A LOT OF THESE DEFENSE ATTORNEYS BECAUSE I FEEL LIKE THEY HAVE A BIG CONFLICT YOU KNOW WHEN IT COMES TO UNDERMINING YOUR AUTHORITY AND YOUR ABILITY TO INVESTIGATE CORRUPTION ON BEHALF OF THE PEOPLE OF GUAM SO I'M JUST I'M JUST NOT COMFORTABLE WITH THAT.

AG MOYLAN – OAG: I AND FIRST OF ALL THANK YOU SENATOR BARNETT I KNOW YOU'VE BEEN VERY SUPPORTIVE OF OUR OFFICE PROVIDING THE FUNDING SO THAT WE CAN PROTECT OUR PEOPLE THE I WAS DISAPPOINTED IN THE GOVERNOR'S PERSPECTIVE NOT RECOGNIZING HAVING RESPECT FOR THE FACT THAT THE ATTORNEY GENERAL EXISTS FOR A REASON AND IT'S NOT THIS ATTORNEY GENERAL IT'S ALL ATTORNEY GENERALS IN EVERY JURISDICTION IN THE UNITED STATES LET ALONE OUR FEDERAL GOVERNMENT THE ATTORNEY GENERAL IS THERE TO PROTECT THE PEOPLE TO ENFORCE THE TO CAUSE WHEN YOU GUYS PASS YOUR LAWS YOU NEED AN ENFORCER THAT IS WHAT THE ATTORNEY GENERAL'S DUTY IS TO DO AND THE DISTINGUISHING FEATURE BETWEEN A PRIVATE ATTORNEY AND ANY ATTORNEY GENERAL IS THAT A PRIVATE ATTORNEY DOES NOT ENFORCE THE LAW CANNOT PROSECUTE CORRUPT OFFICIALS AND THE PRIVATE ATTORNEYS FOR A FEE WHICH IS A FINANCIAL BIAS WILL PROVIDE THE ADVICE TO THEIR CLIENT AND LEGAL SERVICES THIS IS NOT THE UNIQUE NATURE OF EVERY ATTORNEY GENERAL IN AND THEY CALL THEM DISTRICT ATTORNEYS ALSO THE BIGGER STATES BREAK IT BETWEEN A DISTRICT ATTORNEY AND ATTORNEY GENERAL AND THE ATTORNEY GENERAL MAY HAVE CERTAIN AUTHORITIES TO PROSECUTE OR AT HIGHER LEVELS FOR THE APPELLATE LEVEL BUT AS I SAID EARLIER THERE'S ONLY A FEW THAT ARE SMALL STATES LIKE GUAM IS JURISDICTIONS AND THAT HAVE MIXED IT THE FEDERAL GOVERNMENT AGAIN IS IS THE PRIME EXAMPLE OF WHAT THE ATTORNEY GENERAL HAVING PROSECUTION AND CIVIL PURVIEW BUT IT'S A HUGE DEPARTMENT IT'S NOT LIKE THE AG IS LOOKING OVER OR THE MERRICK GARLAND IS LOOKING OVER THE SHOULDER OF THE ATTORNEYS AND SO FORTH BUT IN ESSENCE THE ATTORNEY GENERAL OF THE UNITED STATES HAS CONTROL OF HIS DEPARTMENT IF HE HAS A CONFLICT THAT'S WHEN THEY BRING IN THE SPECIAL PROSECUTORS AND THEN THEY CUT THE CONTROL THE SPECIAL PROSECUTOR HAS THEIR OWN ABILITIES WHICH IS STILL VALID IN IN OUR AG'S OFFICE WHEN THERE IS A CONFLICT THAT I NEED TO DISQUALIFY THE ENTIRE OFFICE BUT WHAT THE OPPONENTS WOULD HAVE US DO IS BREAK THE OFFICE INTO TWO ATTORNEY GENERALS THAT'S NOT WHAT THE LAW REQUIRES THAT'S NOT WHAT THE LEGISLATURE REQUIRED BACK IN 1975 AND WE CAN OPERATE EFFECTIVELY WE JUST WANT TO WAIT FOR THE COURT'S RULINGS ON IT THANK YOU.

SENATOR BARNETT: THANK THANK YOU FOR THAT AG YEAH AND AND I THINK IT'S INTERESTING THAT YOU'RE YOU KNOW INVESTIGATING WAS IT 21 AGENCIES.

AG MOYLAN – OAG: RIGHT AND A LOT OF THESE CAME AND WE IF YOU LOOK AT THE LETTER IT WAS THE OFFICE OF THE PUBLIC AUDITOR THAT PROVIDED TWO PAGES OF ALL HIS REPORTS THAT HE WAS IDENTIFYING YES MOST OF THEM CAME FROM THEM BUT WE HAVE INDEPENDENT INVESTIGATIONS COMING FROM THE PUBLIC AND FROM OUR OWN SOURCES BUT YES AND YOU KNOW UNFORTUNATELY THE GOVERNOR IS ONE OF THE DEPARTMENTS OR AGENCY'S OFFICES THAT ARE UNDER.

SENATOR BARNETT: IS THAT RELATIVE TO THE BANK OF GUAM INVESTIGATION THAT YOU'RE CONDUCTING.

AG MOYLAN – OAG: THAT'S ONE THAT MADE I GUESS PUBLIC CONSUMPTION BUT THERE WERE OTHER ONES YOU KNOW THERE WAS THE THE K WHAT IS IT THE PNC ALLEGATIONS ABOUT HER OFFICE MISUSING GOVERNMENT FUNDS FOR.

SENATOR BARNETT: THE TYPHOON RADIO SHOW.

AG MOYLAN – OAG: CORRECT THOSE SORTS OF INVESTIGATIONS THEY'RE COMING TO OUR OFFICE AND IT'S CREATING THIS SITUATION.

SENATOR FISHER: A POINT OF INQUIRY MA'AM MAY WE MAY WE CONSIDER THAT ALL OF THOSE AGENCIES THAT WERE NAMED ARE PRESUMED TO BE INNOCENT MR. ATTORNEY GENERAL.

AG MOYLAN – OAG: OF COURSE AND THAT'S WHY I SAY INVESTIGATION.

SENATOR FISHER: YEAH YOU SHOULD HAVE AN OBLIGATION TO SAY THAT.

SENATOR TAITAGUE: POINT OF INFORMATION POINT OF ORDER POINT OF ORDER.

SPEAKER TERLAJE: I CAN'T HEAR YOU.

SENATOR BARNETT: I THOUGHT I HAD THE FLOOR.

SPEAKER TERLAJE: YOU DO PLEASE PROCEED.

SENATOR BARNETT: THANK YOU MADAM CHAIR YEAH SO THERE IT SOUNDS TO ME LIKE THERE IS A LOT AT STAKE HERE AND SO YOU KNOW WHEN I READ THE ROOM AND I SEE YOU KNOW WHO'S UPSET THAT WE CALLED YOU IN HERE I THINK IT'S VERY TELLING AND WHEN I TALK ABOUT THE ALIGNMENT OF DEFENSE LAWYERS AND THE ADMINISTRATION AND AND I MEAN I GET IT YOU KNOW COURTROOMS WHERE YOU GUYS FIGHT BUT WHEN I WHEN I SEE THEM USING THESE LIKE INSTRUMENTALITIES OF GOVERNMENTS AND LOBBYING SENATORS TO WEAKEN THE OFFICE OF THE ATTORNEY GENERAL I'M JUST NOT AGAIN NOT COMFORTABLE WITH IT BUT NOW I WANT TO PUT ON MY EDUCATION CHAIR HAT BECAUSE I'M GLAD YOU FOUND A SOLUTION RIGHT AND AND I HAVE TO AGREE WHATEVER PAPER YOU'RE TRYING TO MAKE THEM SIGN SO THAT THEY COULD REVIEW THE PROCUREMENTS I THINK I'D DISCUSSED WITH YOU THAT OBVIOUSLY RIGHT THE GOVERNOR WAS GOING TO ADVISE HER DIRECTORS TO NOT SIGN ANYTHING AND I'M GLAD YOU FOUND A NEW WAY TO ADDRESS THAT BECAUSE I WANTED TO ASK YOU SPECIFICALLY ABOUT PROCUREMENT THAT WAS SENT TO YOUR OFFICE LAST WEEK AND THIS IS RELATIVE TO THE HEAD START PROGRAM AND THEY HAD SENT YOUR OFFICE A PROCUREMENT I THINK IT'S UPWARDS OF A MILLION DOLLARS AND IT'S FOR AGE APPROPRIATE PLAYGROUND EQUIPMENT TO BE USED AT THESE HEAD START CENTERS ALL THROUGHOUT THE ISLAND AND AS YOU KNOW THE PROGRAM IS IN JEOPARDY OF BEING LOST BECAUSE WE DON'T HAVE THIS PLAYGROUND EQUIPMENT AND I DO BELIEVE THAT WE'RE ABLE TO GET A WAIVER NOW THAT WE PUT IT OUT TO PROCUREMENT SO I WOULD JUST ASK ARE YOU GOING TO BE ABLE TO LOOK THAT OVER AND APPROVE IT IF IT YOU KNOW MEETS ALL THE STANDARDS OF YOUR REVIEW.

AG MOYLAN – OAG: ABSOLUTELY SENATOR BARNETT AND WITH MR. BOTHA PRESENT I HAVE OUR HEAD OF CIVIL THE SUPERVISORS THIS IS WHAT WE DO EVERYDAY WHEN A SENATOR LIKE YOURSELF CALLS UP AND SAYS THAT A CONSTITUENT HAS A CONTRACT THAT THEY BELIEVE NEEDS TO BE PROCESSED QUICKER WE DO THAT IN THE AG'S OFFICE OUR NORMAL TURNAROUND TIME THE STANDARD THAT I'VE SET WITH MR. BOTHA AND HIS TEAM IS 30 DAYS THAT WE GET IT IN AND OUT BUT IF PEOPLE NEED IT FASTER I THINK MAYOR HOFFMAN HAD A CONCERN YESTERDAY VOICED IT TO ME I HAD THEM WORK ON THIS MORNING WE CONFIRMED THAT IT HAD ALREADY BEEN PROCESSED OUT OF OUR OFFICE AND I WAS BACK AT THAT DEPARTMENT I THINK IT WAS GUAM BEHAVIORAL THAT WAS BEING CONCERNED ABOUT BUT I MEAN THIS IS WHAT WE'RE GOING TO DO WE'RE DOING RIGHT NOW AND IN THAT CASE MR. BOTHA WILL MARK THAT DOWN AND MAKE SURE THAT THAT IS PROCESSED OUT OF OUR OFFICE QUICKLY BECAUSE IT'S A TIME SENSITIVE MATTER THANK YOU.

SENATOR BARNETT: THANK YOU VERY MUCH AG THAT DOESN'T SOUND AT ALL LIKE JUNGLE RULES TO ME I APPRECIATE YOUR TIME HERE THANK YOU MADAM CHAIR.

AG MOYLAN – OAG: THANK YOU SENATOR.

SPEAKER TERLAJE: THANK YOU SENATOR PARKINSON.

SENATOR PARKINSON: THANK YOU MADAM CHAIR MADAM SPEAKER JUST GOT SOME QUESTIONS JUST TRYING TO BE CLEAR ON THE FACTS HERE SO TRUE OR FALSE YOUR OFFICE GAVE YOUR CLIENT LEGAL ADVICE CORRECT AND THEN YOU TURNED ONE OF THE AGENCIES AND YOU TURNED AROUND AND INDICTED THEM AFTER THEY FOLLOWED YOUR LEGAL ADVICE DO I HAVE THAT CORRECT.

AG MOYLAN – OAG: THAT IS INCORRECT NO THE CLIENT FIRST OF ALL YOU YOU'VE GOT THAT MISTAKEN THE ORGANIC ACT SAYS THAT THE CLIENT OF THE ATTORNEY GENERAL IS THE GOVERNMENT OF GUAM.

SENATOR PARKINSON: THERE THAT'S NOT WHAT I'M ASKING.

AG MOYLAN – OAG: THIS IS THE NUANCE THAT YOU LAWYERS.

SENATOR PARKINSON: YOU YOU YOU YOU GAVE LEGAL ADVICE TO THE AGENCIES AM I CORRECT DID YOU GIVE LEGAL ADVICE TO THE AGENCIES THAT COOPERATE.

AG MOYLAN – OAG: LEGAL ADVICE WAS GIVEN TO.

SENATOR PARKINSON: WAS THE WAS THE WAS THE ADVICE TO COOPERATE WITH THE ATTORNEY GENERAL.

AG MOYLAN – OAG: OF COURSE.

SENATOR PARKINSON: AND DID THEY DID THEY COOPERATE.

AG MOYLAN – OAG: I'M NOT SURE I'M NOT SURE WHAT YOU'RE TALKING ABOUT SENATOR.

SENATOR PARKINSON: DID THEY COOPERATE DID THE AGENCIES COOPERATE.

AG MOYLAN – OAG: I'M SORRY SENATOR ARE YOU TALKING ABOUT SPECIFIC CASE OR ARE YOU TALKING ABOUT IN GENERAL.

SENATOR PARKINSON: YEAH THESE CORRUPTION CASES THESE DID THESE CORRUPTION DID THESE AGENCIES THAT YOU'RE INDITING FOR CORRUPTION DID THEY COOPERATE WITH YOU BEFORE YOU COR INDICTED THEM.

AG MOYLAN – OAG: WELL FIRST OF ALL SENATOR I'M NOT GOING TO GET INTO THE INTRICACIES OF THESE CRIMINAL CASES BECAUSE THEY'RE ONGOING IN OUR IN OUR COURT SYSTEMS SO I WILL TELL YOU IN GENERAL YOU'RE INCORRECT BY SAYING THAT WE REPRESENT THE GOVERNMENT OF GUAM THE DEPARTMENT OF EDUCATION THE DEPARTMENT OF WHATEVER AGRICULTURE THEY ARE RELEVANT.

SENATOR PARKINSON: BUT YOU GAVE THEM LEGAL ADVICE AND THEN YOU INDICTED THEM IS THAT CORRECT.

AG MOYLAN – OAG: NO ABSOLUTELY NOT.

SENATOR PARKINSON: YOU TOLD THEM TO COOPERATE WITH THE ATTORNEY GENERAL AND THEN INDICTED THEM TRUE OR FALSE.

AG MOYLAN – OAG: SENATOR FIRST OF ALL I'M NOT GOING TO TALK TO A SPECIFIC CASE BUT YOUR REF.

SENATOR PARKINSON: I'M JUST TALKING THAT'S THIS IS ALL PUBLIC RECORD SIR THIS IS ALL STATEMENT OF FACT.

AG MOYLAN – OAG: NO IT'S NOT NOT IT'S NOT.

SENATOR PARKINSON: DID YOU NOT GIVE THESE PEOPLE LEGAL ADVICE.

AG MOYLAN – OAG: THE ONLY STATEMENT IS FACT.

AG MOYLAN – OAG: DID YOU TELL THEM TO COOPERATE WITH THE ATTORNEY GENERAL'S OFFICE.

SPEAKER TERLAJE: ALLOW HIM TO ANSWER IF YOU'RE GOING TO ASK QUESTION.

AG MOYLAN – OAG: THANK YOU THANK YOU MADAM SPEAKER I'M NOT GOING TO TALK ABOUT THE SPECIFIC FACTS ON ONGOING GOVERNMENT CORRUPTION CASES THE JUDGES THAT ARE ASSIGNED TO THEM WILL MAKE THAT DETERMINATION OF WHAT THE FACTS ARE AND THAT'S THE EVIDENTIARY HEARINGS THAT WERE REFERENCED SENATOR I REPRESENT THE GOVERNMENT OF GUAM PER THE CONGRESSIONAL MANDATE AND THE LEGISLATURE 30104 AND 30109 SPECIFICALLY IDENTIFY WHAT ARE MY DUTIES.

SENATOR PARKINSON: OKAY.

AG MOYLAN – OAG: THE GOVERNMENT OFFICIALS ARE NOT MY CLIENT.

SENATOR PARKINSON: I TAKE I TAKE BACK MY TIME SIR YOU'VE ANSWERED MY QUESTION IS IT CONSISTENT WITH JUDICIAL ETHICAL STANDARDS TO ADVISE A CLIENT ON A COURSE OF ACTION AND THEN INDICT THEM AFTER THEY FOLLOW IT IS THAT IS THAT CONSISTENT WITH JUDICIAL THIS IS A HYPOTHETICAL IS THAT CONSISTENT WITH THE JUDICIAL ETHICAL CODE.

AG MOYLAN – OAG: A HYPOTHETICAL QUESTION THAT YOU GIVE A GOVERNMENT OFFICIAL ADVICE THAT'S GOING TO HAVE THEM BREAK A LAW IS NOT WHAT WE DO AT THE AG'S OFFICE WE PROVIDE ADVICE CONSISTENT WITH OUR INTERPRETATION OF THE STATUTES AS PASSED BY YOURSELF AND THE GUAM LEGISLATURE SO YOUR YOUR QUESTION IS INHERENTLY BIASED BY YOU'RE SAYING THAT WE ARE PROVIDING ADVICE THAT BREAKS THE LAW TO GOVERNMENT OFFICIALS I DISAGREE WITH THAT NOT UNDER MY ADMINISTRATION AND IF I FIND OUT THAT.

SENATOR PARKINSON: BUT IT IS TRUE YOU ADVISED THEM AND THEN INDICTED THEM IS THAT CORRECT.

AG MOYLAN – OAG: NO IT'S NOT I KNOW OF NO SITUATION ESPECIALLY UNDER MY ADMINISTRATION WHERE ANY ONE OF MY LAWYERS OR DEPUTIES HAS EVER ADVISED A PERSON AND WE'VE INDICTED THEM I CAN'T SPEAK TO FORMER AGS BUT I CAN TELL YOU WITH MY ADMINISTRATION AND MY UNDERSTANDING OF THE RULE.

SENATOR PARKINSON: SO YOU DID NOT.

AG MOYLAN – OAG: EXCUSE ME MY UNDERSTANDING OF THE RULES FOR ATTORNEY GENERALS ATTORNEY GENERALS DON'T GIVE ADVICE THAT BREAKS THE LAW YOU'VE GOT A BAD ATTORNEY GENERAL IF YOU HAVE THAT OKAY.

SENATOR PARKINSON: THAT'S VERY VERY SUCCINCT OKAY WHAT IS THE REPERCUSSIONS FOR A LAWYER THAT VIOLATES ATTORNEY CLIENT PRIVILEGE.

AG MOYLAN – OAG: THE REPERCUSSIONS IS YOU WILL BE QUESTIONED AND THEN THE SUPREME COURT OF GUAM ULTIMATELY WILL DECIDE WHETHER YOU'VE BROKEN THE RULES.

SENATOR PARKINSON: AND IF YOU'VE BROKEN THE RULES WHAT IS THE CONSEQUENCES.

AG MOYLAN – OAG: IT VARIES IT COULD BE JUST A WARNING IT COULD BE A SUSPENSION IT COULD BE A PUBLIC REPRIMAND IT COULD BE A PRIVATE REPRIMAND.

SENATOR PARKINSON: IS THAT IS DISBARMENT ONE OF THE POSSIBLE OPTIONS.

AG MOYLAN – OAG: ABSOLUTELY.

SENATOR PARKINSON: CUZ YOU SAID SOMETHING THAT I THOUGHT WAS VERY INTERESTING THAT YOU WANTED TO PASS THIS LAW INTRODUCE THIS LAW TO KEEP YOUR LICENSE IN AN ABUNDANCE OF CAUTION ARE THE ACTIONS THAT YOUR OFFICE TAKEN HAVE PUT IN YOUR LEGAL LICENSES AT RISK.

AG MOYLAN – OAG: I DON'T BELIEVE SO THAT'S NOT OUR LEGAL POSITION WE.

SENATOR PARKINSON: IS THERE IS THERE CURRENTLY AN ETHICS AND COMPLAINT OR INVESTIGATION OPENED UP AGAINST YOU SIR.

AG MOYLAN – OAG: I'M NOT AWARE OF ANY ARE YOU AWARE OF SOMETHING.

SENATOR PARKINSON: I'M ASKING YOU SIR.

AG MOYLAN – OAG: I'M SORRY I'M NOT AWARE OF ANYTHING.

SENATOR PARKINSON: YOU'RE NOT AWARE OF ANYTHING.

AG MOYLAN – OAG: NO.

SENATOR PARKINSON: OKAY.

SENATOR FISHER: SHOULD BE ATTORNEY GENERAL MA'AM IF I MAY THERE IS NO QUORUM.

SENATOR TAITAGUE: POINT OF ORDER POINT OF ORDER MADAM MADAM SPEAKER QUORUM IS NOT NEEDED UNLESS THERE IS A VOTING SO THE CONTINUATION OF THIS DISCUSSION CAN CONTINUE ON AND IF YOU NEED ATTORNEY OUR ATTORNEY TO SCHOOL YOU ON THAT SENATOR FISHER YOU CAN ASK HER.

SPEAKER TERLAJE: I WOULD ASK THE SERGEANT OF ARMS TO THEIR ASCERTAIN WHETHER THE OTHER SENATORS ARE IN THE BUILDING OR NOT AND TO LET ME KNOW PLEASE.

SENATOR PARKINSON: SO WHY IS THERE AN ABUNDANCE OF CAUTION AND A RUSH TO INTRODUCE THIS LEGISLATION TO PROTECT YOUR LICENSES IF THERE'S NO INVESTIGATION OR ETHICS COMPLAINTS AGAINST YOU FOLKS.

AG MOYLAN – OAG: SENATOR PARKINSON I DID NOT ASK TO BE HERE I DID NOT INTRODUCE THIS BILL WHOLEHEARTEDLY WE HAVE TAKEN MEASURES IN THE AG'S OFFICE TO DEAL WITH OUR INTERNAL CONFLICT CHECKS OUR COURT CASES THAT ARE OUT THERE THE PROPOSED LEGISLATION WAS BECAUSE AN EMERGENCY SITUATION WAS STATED TO US SO WE GAVE SOMETHING OUT THAT WE ASKED YOU TO CONSIDER AS BUT AS YOU KNOW BILLS THAT ARE INTRODUCED OFTENTIMES NEVER MAKE THE FLOOR THAT WAS THE REASON AND THE REASON WHY IS CUZ I DON'T WANT MY LICENSE TO BE TO BE SUSPENDED DINGED OR WHATEVER ELSE THAT'S THE REASON WHY WE WE CAME OUT WITH.

SENATOR PARKINSON: AND YOU THINK YOUR ACTIONS MAY HAVE COMPROMISED YOUR LICENSE.

AG MOYLAN – OAG: WHAT ACTIONS.

SENATOR PARKINSON: WHY WHY ARE WE INTRODUCING THIS WHAT IS WHAT IS THE ABUNDANCE OF CAUTION WE'RE WORRIED ABOUT IS THERE IS THERE A CONCERN FOR YOUR LEGAL LICENSES OVER THE ACTIONS OF THE AG RECENTLY.

AG MOYLAN – OAG: I THINK WHEN YOU SEE THE THE DECEMBER 28TH LETTER AND ACTUALLY READ IT AND THE DECEMBER 29TH LETTER YOU'LL SEE THERE IS A CONCERN AND OUT OF AN ABUNDANCE OF CAUTION I WOULD RATHER NOT VIOLATE THE ETHICAL RULES THEN VIOLATE IT THAT'S WHAT ABUNDANCE OF CAUTION MEANS.

SENATOR PARKINSON: IS THERE ANY OTHER JURISDICTIONS IN THE COUNTRY THAT ALLOW ATTORNEY GENERALS TO VIOLATE ATTORNEY CLIENT PRIVILEGE BY STATUTE.

AG MOYLAN – OAG: WELL YOUR QUESTION AGAIN IS LOADED.

SENATOR PARKINSON: SO I'LL TAKE IT THAT THERE'S NO OTHER JURISDICTION THAT'S DONE THIS.

AG MOYLAN – OAG: WELL I I I CAN'T UNDERSTAND YOUR QUESTION SIR.

SENATOR PARKINSON: HAS ANY OTHER JURISDICTION DONE ANYTHING LIKE THE LEGISLATION YOU'RE PROPOSING.

AG MOYLAN – OAG: I THINK IN SOME WAYS THEY DO.

SENATOR PARKINSON: IN SOME WAYS BUT THERE'S NO LEGIS THERE'S NO THERE'S NO PRECEDENT FOR WHAT YOU'RE DOING YOU'RE SAYING.

AG MOYLAN – OAG: THAT'S NOT WHAT I'M SAYING I'M SAYING.

SENATOR PARKINSON: WHAT IS THE PRECEDENT FOR WHAT YOU'RE DOING HERE.

AG MOYLAN – OAG: WE HAVE OUR OFFICE HAS ALREADY IDENTIFIED AT LEAST THREE STATES THAT HAVE STATUTES SIMILAR TO GUAM'S WHERE THE ATTORNEY GENERAL HAS THE PROSECUTION AND THE CIVIL AUTHORITIES WE HAVEN'T GONE AS FAR AS BEING ABLE TO ANSWER YOUR QUESTION ON OTHER JURISDICTIONS BUT BY FACT IF YOU READ THE 1975 ENABLING LAW IT CLEARLY HAS THE ATTORNEY GENERAL AS A PUBLIC PROSECUTOR AND PROVIDING LEGAL SERVICES AND AGAIN YOU YOU CONFUSE YOURSELF WHEN YOU SAY MY CLIENT IS A GOVERNMENT OFFICIAL THEY ARE NOT MY CLIENT MY CLIENT IS THE PEOPLE OF GUAM GOVERNMENT OF GUAM THAT'S WHERE YOUR YOUR YOUR ERRORS ARE OCCURRING.

SENATOR PARKINSON: I HAVE A QUESTION FOR YOU THEN YOU SAY YOU DON'T KNOW ABOUT ANY.

SPEAKER TERLAJE: I'M SORRY SENATOR WE'RE GOING TO TAKE A ONE MINUTE RECESS I HAVEN'T GOT WORD BACK FROM SERGE ONE MINUTE RECESS.

SENATOR BROWN: RECESS UNTIL TOMORROW.

SPEAKER TERLAJE: ON THAT MOTION WE WILL RECESS TILL TOMORROW AT 9:30 RECESS TILL TOMORROW 9:30.

RECESS

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2024 (SECOND) Regular Session
COMMITTEE OF THE WHOLE

Speaker Antonio R. Unpingco Legislative Session Hall

March 6, 7, 2024

NOTE SPEAKER TERLAJE PRESIDES OVER THE COMMITTEE OF THE WHOLE

SPEAKER TERLAJE: WE'RE BACK FROM RECESS *MANANA SI YU'OS* COLLEAGUES CLERK COULD YOU PLEASE TAKE THE ROLE TO DETERMINE WHETHER WE HAVE A QUORUM OUR SESSION WAS CALLED FOR 9:30.

CLERK OF THE LEGISLATURE: SENATOR BARNETT SENATOR BLAS SENATOR BROWN SENATOR DUEÑAS SENATOR FISHER SENATOR LUJAN VICE SPEAKER MUÑA BARNES SENATOR PARKINSON SENATOR PEREZ SENATOR QUINATA SENATOR SAN AGUSTIN SENATOR SAN NICOLAS SENATOR SHELTON SENATOR TAITAGUE SPEAKER TERLAJE MADAM SPEAKER THERE IS NO QUORUM.

SPEAKER TERLAJE: THERE IS NO QUORUM SO WE WILL REMAIN IN RECESS UNTIL AT LEAST ONE MORE MEMBER SHOWS UP BUT THANK YOU TO THOSE WHO ARE HERE THIS MORNING AND THANK YOU TO THE AG'S OFFICE WHO IS HERE SINCE 9:30 OR EARLIER THANK YOU RECESS.

RECESS

SPEAKER TERLAJE: JUST JUST REPORTING THAT IT'S 10:10 WE'RE STILL WAITING FOR A QUORUM APPARENTLY THERE ARE EIGHT SENATORS IN AND OUT OF THE SESSION HALL BUT NOT CONTINUOUSLY IN THE SESSION HALL WE NEED EIGHT TO CONTINUE WE HAVE SEVEN RIGHT NOW SO WE'RE JUST GOING TO REMAIN ON RECESS TILL WE HAVE EIGHT SO THAT WE CAN RESUME WHERE WE LEFT OFF YESTERDAY WHICH WAS WITH SENATOR PARKINSON'S QUESTIONING.

RECESS

SPEAKER TERLAJE: ALL RIGHT IT'S 10:20 WE'RE BACK FROM RECESS WE FINALLY HAVE A QUORUM THANK YOU SENATORS FOR BEING HERE THIS MORNING AH I'M JUST GOING TO HAVE THE CLERK PLEASE CALL THE ROLL.

CLERK OF THE LEGISLATURE: SENATOR BARNETT SENATOR BLAS SENATOR BROWN SENATOR DUEÑAS SENATOR FISHER SENATOR LUJAN VICE SPEAKER MUÑA BARNES SENATOR PARKINSON SENATOR PEREZ SENATOR QUINATA SENATOR SAN AGUSTIN SENATOR SAN NICOLAS SENATOR SHELTON SENATOR TAITAGUE SPEAKER TERLAJE MADAM SPEAKER THERE IS A QUORUM.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* CLERKS ALL RIGHT WE'RE GOING TO CONTINUE WHERE WE LEFT OFF WE ARE IN COMMITTEE OF THE WHOLE TO GO THROUGH TWO ROUNDS OF QUESTIONS FOR THE AG'S THE SENATORS HAVE FIVE MINUTES ON EACH ROUND FOR QUESTIONS UNLESS TIME IS OTHER SENATORS TIME IS WAVED TO THEM THANK YOU AGAIN TO THE ATTORNEY GENERAL'S OFFICE FOR BEING HERE THIS MORNING WE LEFT OFF WITH SENATOR PARKINSON YOU STILL HAD MORE TIME ON ON YOUR TURN.

SENATOR PARKINSON: WOULD YOU SAY THAT A GOVERNMENT EMPLOYEE COOPERATING WITH THE ATTORNEY GENERAL IS ACTING IN GOOD FAITH WHEN THEY LEGAL AH FOLLOW YOUR LEGAL ADVICE.

AG MOYLAN – OAG: GOOD MORNING SENATOR PARKINSON I'M NOT GOING TO ANSWER YOUR LINE OF QUESTIONING THEY'RE RELEVANT TO TWO ONGOING CRIMINAL CASES BEFORE JUDGE TALENTINO AND JUDGE TERLAJE AS I SAID EARLIER IT WOULD NOT BE APPROPRIATE FOR ME TO BE MAKING ARGUMENTS OR GIVING TESTIMONY THAT PROBABLY IS GOING TO END UP IN THE SUPERIOR COURT.

SENATOR PARKINSON: I'M I'M NOT ASK I'M NOT ASKING ABOUT ANY SPECIFIC CASE HERE I'M JUST ASKING AS A GENERAL PRINCIPAL IF A CLIENT A GOVERNMENT AGENCY FOLLOWS THE ADVICE OF THE ATTORNEY GENERAL WOULD YOU SAY THEY WERE ACTING IN GOOD FAITH.

AG MOYLAN – OAG: THE ASSISTANT ATTORNEY GENERALS THAT GIVE ADVICE TO NOT THE CLIENT THE GOVERNMENT OFFICIAL IS NOT THE CLIENT LIKE I POINTED OUT YESTERDAY THE GOVERNMENT OFFICIAL ACTING AS A STEWARD AND HAZING A FIDUCIARY DUTY TO THE GOVERNMENT OF GUAM THE PEOPLE OF GUAM IF THAT ATTORNEY GENERAL GIVES ADVICE IT IS CONSIDERED TO BE PRESUMPTIVELY LEGAL ADVICE THAT IS IN COMPLIANCE WITH THE LAW IF THEY GIVE THE WRONG LEGAL ADVICE THEN THE ATTORNEY GENERAL WILL HAVE TO REVIEW IT ON THE THE CIRCUMSTANCES REGARDING IT AS I SAID MY ASSISTANT AG’S UNDER MY ADMINISTRATION DO NOT GIVE ILLEGAL ADVICE THAT BREAKS OUR LAWS AND IF THEY DO THE ATTORNEY GENERAL WILL BE REVIEWING IT.

SENATOR PARKINSON: SO I GOT A QUESTION THEN WITH GRITA DID TOM DID TOM KEELER NOT GIVE THEM ADVICE THAT IT WAS OKAY TO HIRE RICHIE IBANEZ.

AG MOYLAN – OAG: I WITH RESPECT SENATOR PARKINSON WILL NOT ANSWER THE QUESTION BECAUSE IT'S DEALING WITH AN ONGOING LITIGATION BEFORE CRIMINAL COURTS.

SENATOR PARKINSON: BUT I MEAN THIS KIND OF STRIKES TO THE HEART OF THIS LEGISLATION RIGHT IS SOMEBODY THAT COOPERATES WITH THE ATTORNEY GENERAL ACTING IN GOOD FAITH.

AG MOYLAN – OAG: RESPECTFULLY SENATOR PARKINSON I WILL NOT ENGAGE IN THAT LINE OF QUESTIONING.

SENATOR PARKINSON: I JUST WANT TO READ A RELEVANT SECTION 30108 DEFENSE OF JUDGES OFFICERS AND EMPLOYEES WHENEVER ANY ACTION FOR DAMAGES IN INSTITUTE AGAINST ANY OF OFFICER OR EMPLOYEE OF THE GOVERNMENT OF GUAM IN HIS INDIVIDUAL CAPACITY FOR THE PERFORMANCE OF AN AUTHORIZED OFFICIAL ACT THE OFFICER OR EMPLOYEE MAY REQUEST THE ATTORNEY GENERAL TO UNDERTAKE THE DEFENSE OF SUCH ACTION IF THE ATTORNEY GENERAL FINDS THAT THE OFFICER EMPLOYEE ACTED IN GOOD FAITH THEN SUBJECT TO THE APPROVAL OF THE GOVERNOR HE SHALL APPEAR AND DEFEND THE OFFICER OR EMPLOYEE THESE PEOPLE ARE FOLLOWING YOUR LEGAL ADVICE AND THEN YOU ARE PROSECUTING THEM FOR IT.

AG MOYLAN – OAG: I WILL GO FURTHER TO ADD TO YOUR RECITATION OF GUAM LAW UNDER 30108B NOR TO PROHIBIT THE ATTORNEY GENERAL TO DECLINE THE DEFENSE OF ANY OF THE ABOVE OFFICERS OR EMPLOYEES ON THE GROUNDS THAT THE CRIMINAL PROSECUTION OR DISCIPLINARY ACTION REQUIRING THE ACTION BY THE ATTORNEY GENERAL MAY PROCEED FROM THE ACTS WHICH ARE ALSO THE SUBJECT OF CIVIL ACTION FOR DAMAGES THEREIN REFERRED THE LEGISLATOR'S PASSED ALREADY ANTICIPATED.

SENATOR PARKINSON: SO WHY DIDN'T YOU SET UP A CONFLICT WALL.

AG MOYLAN – OAG: MAY I FINISH.

SENATOR PARKINSON: NO WHY DIDN'T YOU SET UP A CONFLICT WALL.

SPEAKER TERLAJE: SENATOR PLEASE ALLOW HIM TO FINISH THE ANSWER AND THEN.

SENATOR PARKINSON: I'M YIELDING BACK MY TIME WHY DIDN'T YOU FINISH THE CONFLICT WALL WHY DIDN'T YOU ESTABLISH A CONFLICT WALL SIR.

AG MOYLAN – OAG: AS I SAID I WILL NOT TALK ON ANY SPECIFIC CASE.

SENATOR PARKINSON: THAT'S NOT ABOUT A SPECIFIC CASE WHY DIDN'T YOU JUST DO ANY CONFLICT WALL THAT SEEMS LIKE A PRETTY STANDARD PRACTICE.

AG MOYLAN – OAG: IN GENERAL IT IS NOT BECAUSE SECTION 30104 AND 30109 DO NOT REQUIRE ANY ATTORNEY GENERAL TO COM TO CONSTRUCT A CONFLICT WALL WHEN THEY'RE EXECUTING THEIR DUTIES TO PROSECUTE PUBLIC OFFICIALS FOR THE PEOPLE OF GUAM SENATOR PARKINSON AND PROVIDE LEGAL ADVICE TO THOSE GOVERNMENT OFFICIALS WHO ARE NOT THE CLIENT THE GOVERNMENT OFFICIALS ARE A STEWARD LIKE YOU ARE FOR THE PEOPLE LIKE I AM FOR THE PEOPLE THAT IS THE PERSPECTIVE IN WHICH THESE STATUTES MUST BE REVIEWED SO YOU KNOW I'VE I'M WE'RE GOING IN A CIRCLE RIGHT NOW I'M NOT GOING TO TALK ABOUT EXISTING COURT CASES I'VE ALREADY SAID THAT THE LEGISLATURES PASSED SINCE 1975 HAVE CREATED A SCHEME CONSISTENT WITH OTHER STATES OF THE UNITED STATES INCLUDING THE FEDERAL GOVERNMENT THAT THE ATTORNEY GENERAL HAS DUAL DUTIES DUAL HATS AND YOU ARE NOT THE ATTORNEY GENERAL'S

CLIENT THE GOVERNMENT OFFICIAL IS NOT THE ATTORNEY GENERAL'S CLIENT THEY ARE A REPRESENTATIVE OF THE ATTORNEY GENERAL'S CLIENT WHICH THE CONGRESS HAS STATED IS THE GOVERNMENT OF GUAM NO PERSON IN THIS GOVERNMENT IS THE GOVERNMENT OF GUAM THEY ARE REPRESENTATIVES THEY HOLD A FIDUCIARY DUTY TO THE PEOPLE OF GUAM.

SENATOR PARKINSON: SIR YOU HAVE ABDICATED YOUR DUTY AND YOU SHOULD BE ASHAMED I YIELD THE REST OF MY TIME.

AG MOYLAN – OAG: RESPECTFULLY SENATOR THAT IS YOUR OPINION.

SPEAKER TERLAJE: THANK YOU THANK YOU SENATOR SENATOR DUEÑAS.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM CHAIR THANK YOU TO GENERAL MOYLAN AND THE TEAM FOR BEING HERE I'LL GO DIRECTLY INTO A QUICK STATEMENT AND THEN ASK SOME QUESTIONS GENERAL MOYLAN AS YOU AWARE I CALLED FOR THIS TO TAKE PLACE FOR TWO REASONS ONE IS WE WERE DEBATING A BILL THAT'S CURRENTLY IN THE THIRD READING FILE THAT CONTEMPLATED REMOVING YOU AFTER 5 DAYS HAVING NOT TAKEN ACTION ON THAT BILL THANKFULLY THAT AMENDMENT IS SET ASIDE I WANT TO RECAP THE FACT THAT YOU HAVE MADE THE STATEMENT ON THE RECORD YESTERDAY THAT YOU'RE PERFECTLY WILLING CAPABLE AND AND AND GOING TO EXECUTE THIS LEGISLATION SHOULD WE PASS IT AND HONOR THE FIVE DAYS AT LEAST TO MEET THE REVIEW REQUIREMENT AS WELL AS ANY FINDINGS THAT YOU MAY HAVE TO CLARIFY WITH THE PROCUREMENT THAT GPA IS PUTTING FORWARD IN ORDER TO SATISFY THIS THE THE THE SPIRIT AND LETTER OF THIS LAW SHOULD BE PASSED INTO LAW.

AG MOYLAN – OAG: YOU HAVE MY PERSONAL COMMITMENT AS THE ATTORNEY GENERAL OF GUAM THAT MY OFFICE INCLUDING MR BOTHA WHO'S MADE HIS STATEMENTS UNDER OATH WILL HAVE THESE DOCUMENTS REVIEWED UNDER THE THESE EMERGENCY PROCUREMENT DOCUMENTS REVIEWED UNDER THE HOSPICE OF AN EMERGENCY DECLARATION AND NEED TO HAVE THESE THINGS PROCESSED OUT OF THE AG'S OFFICE WITHIN THE TIME FRAME THAT THE LEGISLATURE REQUIRES FIVE DAYS IS FINE.

SENATOR DUEÑAS: SO YOUR YOUR OFFICE WILL NOT BE AN IMPEDIMENT TO THIS PROCUREMENT.

AG MOYLAN – OAG: TO THE EXTENT THAT WE ARE A CHECK AND BALANCE IN THE SYSTEM IF THERE IS AN IRREGULARITY IN THE DOCUMENTS OUR MY UNDERSTANDING OF REVIEW IS TO MAKE SURE THAT THEY FOLLOW THE LEGAL FORM ARE NOT VIOLATING GUAM LAW AND FOLLOW THE LEGISLATURE'S MANDATE.

SENATOR DUEÑAS: WHICH WOULD BE THE NORMAL COURSE OF YOUR REVIEW WHETHER IT WAS AN EMERGENCY OR A GENERAL PROCUREMENT.

AG MOYLAN – OAG: THAT'S CORRECT.

SENATOR DUEÑAS: GENERAL MOYLAN I ALSO WANTED TO MAKE SURE THE TEAM WAS HERE BECAUSE I'M VERY CONCERNED THE DIALOGUE AS FAR AS I'M CONCERNED BETWEEN THE STATE OF THE TERRITORY ADDRESSED BY THE GOVERNOR AND THE ANXIETY THAT EXISTS NOW WITHIN OUR COMMUNITY IN TERMS OF LEGAL REVIEW I BELIEVE NEEDS TO BE ADDRESSED AND THAT'S ANOTHER REASON WHY I WANTED THIS TO TAKE PLACE I AM AWARE THAT YOU'VE SENT A LETTER TO US RECOGNIZING AND AND ASKING US TO CONSIDER LEGISLATION BUT I WANTED TO START FROM THE BEGINNING YOU MENTIONED YESTERDAY AND I WANT THIS TO BE CLEAR ON THE RECORD THAT YOU HAVE GIVEN THE GOVERNOR AN AVENUE IN YOUR FINDINGS OF HAVING TO MAKE SURE THAT YOU'RE NOT CONFLICTED PRIOR TO THIS CURRENT IMPASSE CAN YOU EXPLAIN THAT.

AG MOYLAN – OAG: I'M SORRY YOU INDICATED I'M NOT CONVICTED WHAT WAS THE.

SENATOR DUEÑAS: NO YOU HAD GIVEN THE GOVERNOR A A AVENUE TO ADDRESS WHAT YOU'RE TRYING TO ENSURE THAT WILL ELIMINATE ANY POSSIBLE CONFLICTS AND WHY YOU ADDRESS THIS ISSUE WITH THE GOVERNOR'S OFFICE AND THE PROCUREMENT AND THE 21 AGENCIES THAT YOU LISTED THAT THAT THAT THEY'RE BECAUSE OF ONGOING INVESTIGATIONS YOU NEED THIS CLARITY TO ENSURE THAT YOUR REVIEW AND YOUR OPERATIONS OF YOU KNOW MAKING SURE THAT YOU YOU CARRY OUT YOUR DUTIES AGAINST GOVERNMENT CORRUPTION ARE CLEAR ON BOTH SIDES AND YOU AVOID THE CONFLICT IS THAT CORRECT.

AG MOYLAN – OAG: THAT IS CORRECT THE SITUATION THAT WAS CREATED BECAUSE OF THE PROSECUTION OF MANAGEMENT OFFICIALS THAT ARE HELD TO THESE DEPARTMENTS HAS CREATED A SITUATION AND WE WISH TO OPERATE IN THE AG'S OFFICE ETHICALLY THERE IS A QUESTION ABOUT THIS SCHEME THAT WAS SET UP BY THE LEGISLATURE 1975 THAT ARE NOT ADDRESSED BY THE SUPREME COURT'S 2003 MODEL RULES OF PROFESSIONAL CONDUCT SO IN ORDER TO ACT ETHICALLY WE WITHDREW TEMPORARILY GAVE NOTICE TO THESE OFFICIALS WITHIN THE GOVERNMENT GOVERNOR THEN WE HAD A WORKAROUND WHICH WAS BASICALLY JUST UNDERSTAND THAT THERE'S A DISCLOSURE THAT WE'RE NOT REPRESENTING YOU PERSONALLY WHICH I BELIEVE REFLECTS WHAT GUAM LAW IS AND THEN HAD A MEETING WITH THE GOVERNOR GOVERNOR SEEMED TO NOT WANT TO ACKNOWLEDGE THE DISCLOSURE SO WE'RE JUST GOING TO APPROVE THESE DOCUMENTS REVIEW THE DOCUMENTS AND THEN STAMP IT AND THEN SIGN OFF ON IT.

SENATOR DUEÑAS: I'M SURE THE MEDIA WILL COVER THIS AND I WANT THIS TO BE CLEAR THAT THE IMPASSE IS SUCH THAT IT SEEMS AS THOUGH THE GOVERNOR HAS MADE A DECISION TO NOT AGREE WITH YOUR WORKAROUND WHICH WOULD PREVENT ANY OF THIS SCENARIO OF THESE PROCUREMENTS BEING HELD UP AND THEY COULD GO FORWARD WITH THE OPTION THAT YOU'VE GIVEN THE GOVERNOR.

AG MOYLAN – OAG: I BELIEVE THAT THE GOVERNOR'S DECLARATION OF A EMERGENCY WAS UNNECESSARY I SAT DOWN WITH THE GOVERNOR EXPLAIN TO THE GOVERNOR AND HER COUNSEL THE SITUATION I BELIEVE THAT AND THE GOVERNOR IS NOT AN ATTORNEY AND I'LL GIVE HER THAT THAT THAT SHADOW THE THE DISCRETION ON THAT BUT WE AS ATTORNEYS AND THEN THAT'S THE WHOLE FOCUS OF THE AG'S OFFICE TO BE ATTORNEYS TO PROVIDE LEGAL REPRESENTATION BELIEVE THAT THERE IS A HOLE THAT NEEDS TO BE CLARIFIED BY THE COURTS SO THERE IS NO PROBLEM WE ARE PROCESSING ANY DOCUMENTS THAT NEED TO BE PROCESSED RETURNING DOCUMENTS THAT DO NOT FULFILL THE LEGAL REQUIREMENTS TO HAVE IT CORRECTED AND THEN PROCESSING IT LIKE WE DID LAST MONTH TWO MONTHS AGO AND LIKE WE'VE ALWAYS DONE.

SENATOR DUEÑAS: SO YOU'RE CURRENTLY REVIEWING AND DOING YOUR FIDUCIARY RESPONSIBILITY OF ALL PROCUREMENTS THAT COME TO THE ATTORNEY GENERAL'S OFFICE AND YOU WILL CONTINUE THAT WORK THAT IS THAT IS YOUR DUTY AND RESPONSIBILITY BUT YOU WILL ALSO CONTINUE TO SAY THAT YOU NEED THIS WORKAROUND IN ORDER TO BASICALLY COMMENSURATE THE CONTRACTS AS THEY COME TO YOU OTHERWISE WE WOULD NEED TO PASS LEGISLATION TO ADDRESS THE CONCERNS.

AG MOYLAN – OAG: THAT IS CORRECT THE GOVERNOR'S STATEMENT THAT I'M NOT FULFILLING MY ORGANIC ACT DUTIES IS INCORRECT WE'RE FULFILLING OUR ETHICAL DUTIES AND WE'RE FULFILLING THE ORGANIC ACT DUTIES AND DOING EVERYTHING WE CAN TO PROTECT THE PEOPLE.

SENATOR DUEÑAS: GENERAL I WOULD SAY IT'S SOME GREAT IMPORTANCE WITH THE PROGRAMS THAT HAVE BEEN PUT ON THE RECORD IN TERMS OF THEIR POTENTIAL JEOPARDY THAT THE PEOPLE OF GUAM UNDERSTAND COMPLETELY THAT OUR HIGHEST LEVEL GOVERNMENT OFFICIALS ARE ENGAGING AND AND WOULD WOULD FORGO ANY ANXIETY OR ANY LOSS OF FEDERAL FUNDS OR PROGRAMS THAT ARE EFFECTIVELY TO BE DELIVERED TO OUR PEOPLE BECAUSE OF OUR LEADERSHIP NOT BEING ABLE TO SIT DOWN AND COME TO A CONCLUSION THAT THAT YOU'VE PRESENTED OPTIONS OPPORTUNITIES IN ORDER TO BE ABLE TO HANDLE THESE SITUATIONS I THINK PEOPLE OF GUAM NEED TO HEAR THAT.

AG MOYLAN – OAG: NOT PROCESSING CONTRACTS AND PROCUREMENTS THAT ARE IN THE BEST INTEREST OF OUR PEOPLE OF GUAM IS NOT AN OPTION FOR THE ATTORNEY GENERAL'S OFFICE.

SENATOR DUEÑAS: GENERAL I WILL BASICALLY GIVE YOU MY LAST QUESTION SO THAT PEOPLE CAN UNDERSTAND FULLY ONCE AGAIN THE PROPOSED AMENDMENT THAT YOU'VE SENT TO US IN ORDER TO ADDRESS THIS ISSUE AND I WILL MAKE IT CLEAR ON THE RECORD BECAUSE I KNOW THERE'S BEEN LEGAL CONCERNS THAT HAVE BROUGHT BEEN BROUGHT FORWARD BY THE LEGAL COMMUNITY WHICH I COMPLETELY RESPECT AND ADMIRE BECAUSE ALL OFFICERS IN THE COURT SHOULD BE ENGAGED IN THIS ISSUE BUT I WANT TO BE CLEAR ONCE AGAIN THAT SHOULD WE MOVE ON THIS AND YOU'VE NEVER ASKED US TO ACT NOT TO ACT AND MOVE WITHOUT A PUBLIC HEARING I THINK IT WOULD BE PRUDENT TO MOVE TO A PUBLIC HEARING SO THAT YOU CAN DEFEND YOUR ARGUMENTS AND ARGUMENTS CAN BE BROUGHT FORWARD BUT IN THE INTERIM SINCE YOU'RE HERE SINCE WE CAN UNDERSTAND THE OTHER OPTION THAT YOU'VE GIVEN BESIDES THE

WORKAROUND PLEASE ONCE AGAIN THOROUGHLY DISCUSS THE PRESENTATION THAT YOU'VE GIVEN TO US IN ORDER TO BE ABLE TO ENACT THIS IN LAW AND CLEAR THIS UP ONCE AND FOR ALL.

AG MOYLAN – OAG: THANK YOU SENATOR DUEÑAS THIS DRAFT THAT WE SENT OVER TO THE LEGISLATURE WAS IN REACTION RESPONSE TO WHAT THE GOVERNOR WAS CHARACTERIZING AS AN EMERGENCY WE DO NOT BELIEVE THAT IT WAS AN EMERGENCY THAT THE WORKAROUNDS COULD HAVE GOTTEN AROUND THE SITUATION WITHOUT HAVING TO CALL THE LEGISLATURE INTO SESSION BUT RESPECTING THE FACT THAT THE LEGISLATURE IS CONCERNED RIGHTFULLY SO ABOUT THE SITUATION WE DRAFTED A A LEGISLATION BUT AT THIS TIME I DON'T THINK IT'S NECESSARY I THINK THAT BECAUSE OF SENATOR SHELTON'S BILL THE SPEAKER SENATOR BARNETT AND WHO I'VE BEEN SPEAKING WITH THERE ARE SUFFICIENT BILLS BEFORE THE LEGISLATURE TO JUST DEAL WITH THE PROCUREMENT OF THE GENERATORS WHICH I BELIEVE WAS THE PURPOSE OF THIS SPECIAL SESSION I WANT TO REITERATE AGAIN THAT I BELIEVE THAT OUR COURT SYSTEM SHOULD BE ALLOWED TO CONTINUE IN IN ITS ADJUDICATION OF THESE IMPORTANT ETHICAL CONCERNS I DID NOT THINK THAT WE NEEDED AN EMERGENCY SESSION OR ANY BILL REQUIRED FOR IT SO AS YOU CAN SEE THE SECOND PART OF THE BILL WAS DEALING WITH THE PROCUREMENT THAT THAT'S BEEN INCORPORATED INTO SENATOR SHELTON'S AND THE CURRENT BILL I THINK IT'S 2 240 THAT'S ON THE AGENDA RIGHT NOW 2 254 EXCUSE ME THAT'S ON THE AGENDA RIGHT NOW THE OTHERS AGAIN IT WE'RE NOT TRYING TO CHANGE WHAT IS EXISTING IN GUAM LAW WE BELIEVE THAT IN 1975 THE LEGISLATURE ALREADY SET THE RULES FOR THE ATTORNEY GENERAL BE IT THE PROSECUTOR AND ALSO PROVIDE LEGAL ADVICE TO THE GOVERNMENT'S STEWARDS WHICH IS ALL OF US SO TO CREATE THE ATTORNEY CLIENT RELATIONSHIP WILL CREATE A PROBLEM FOR THE ATTORNEY GENERAL DURING THE LEGISLATIVE MANDATE AND OTHER AG'S ARE ARE IN THE SAME SITUATION THE FEDERAL GOVERNMENT FEDERAL UNITED STATES ATTORNEYS IS IN THAT SITUATION ALSO SO I RESPECTFULLY THANK YOU FOR YOUR QUESTION I THINK WHAT'S WHAT THE SENATORS WHAT YOU ARE DEALING WITH RIGHT NOW WILL RESOLVE THE ISSUE WITHOUT EVEN HAVING TO ADDRESS THIS PROPOSED BILL THAT WE WE KIND OF DRAFTED UP.

SENATOR DUEÑAS: SO YOU REALIZE GENERAL BASICALLY WITH THE PENDING NATURE OF THE LEGISLATION THAT'S BEFORE US WE I BELIEVE WE'RE STILL ACTING RESPONSIBLY BY TRYING TO PASS THIS EMERGENCY MEASURE JUST TO ADD AN EXTRA LAYER OF CONFIDENCE THAT THE LEGISLATURE HAS ACTED YOU HAVE COMMITTED TO THIS REVIEW AND THAT WE CAN ALL MOVE FORWARD BECAUSE I BELIEVE NONE OF US WANTS TO STAND IN THE WAY OF POSSIBLY BEING ABLE TO ALLEVIATE LOAD SHEDDING AND HARDSHIP TO OUR PEOPLE.

AG MOYLAN – OAG: EXACTLY AND ON THE PARTICULARS THE POLICY WHETHER THIS IS A PROPER PROCUREMENT AND SO FORTH THAT IS WITHIN YOUR DISCRETION I UNDERSTAND YOU'RE GOING TO BE DISCUSSING IT WITH GPA DIRECTLY WE WILL BE REVIEWING IT FOR LEGAL FORM AND COMPLYING WITH THE STATUTE AND THE THE WATCHDOG FUNCTION OF THE ATTORNEY GENERAL'S OFFICE TO ENSURE THE PEOPLE'S INTEREST LEGAL INTERESTS ARE BEING PROTECTED THANK YOU.

SENATOR DUEÑAS: SO I GUESS I JUST WANT TO TO CLEAR ONE MORE THING UP THERE'S BEEN A MENTION THAT THE ISSUE IS OVER WHETHER OR NOT IN INDIVIDUAL CAPACITIES ATTORNEYS EITHER YOURSELF OR WITHIN THE GENERAL'S OFFICE ARE ATTEMPTING TO PROVIDE A SHIELD FOR THEMSELVES IN TERMS OF WHAT THEY DO WHEREAS WHAT I'VE HEARD YOU IN ACTION OF THEIR DUTIES OTHERWISE WHAT I'VE HEARD FROM YOU IS WHAT YOU ARE DOING IS ENSURING THAT THE LAW IS CLEAR IN TERMS OF HOW YOU'RE ACTING WHETHER OR NOT YOU ARE PROSECUTING GOVERNMENT CORRUPTION OR YOU ARE DOING CIVIL WORK TO REVIEW CONTRACTS FOR THE CONTINUATION OF PROCUREMENT AND OTHER ITEMS THAT WILL BE PASSED TO YOUR OFFICE THAT THE GOVERNMENT OF GUAM HAS HAS IN ITS MANDATE FOR YOUR APPROVAL.

AG MOYLAN – OAG: CORRECT WE ARE OPERATING WITHIN THE CONGRESSIONAL MANDATE AS AN ORGANIC ACT OFFICER WE ARE OPERATING WITHIN THE LEGISLATIVE MANDATE BY THE LOCAL STATUTES PASSED IN 1975 AND WE ARE ACTING WITHIN THE SUPREME COURT OF GUAM'S REGULATION OF WE LAWYERS ALL THREE ARE TRYING TO BE RECONCILED RIGHT NOW THROUGH THE COURTS AND WE'RE JUST TRYING TO DO OUR JOB.

SENATOR DUEÑAS: MY CONCERN GENERAL MOYLAN I WANT TO SEE IF YOU CONCUR I'M A LITTLE BIT UNEASY ABOUT THE FACT THAT WE'RE COURT MATTERS SHOULD BE HANDLED IN THE COURTS IF THERE ARE LEGAL ARGUMENTS FIGHT THEM OUT IN THE COURTS I HOPE THAT WE ARE SIMPLY PASSING LEGISLATION TO ASSIST

GOING FORWARD BUT I LOOK FORWARD TO PUBLIC HEARINGS WHERE OTHERS CAN OPINE AND COMMENT ON IT BUT DO YOU SHARE MY CONCERN.

AG MOYLAN – OAG: I SHARE YOUR CONCERN AND THAT'S WHY ONE OF MY STATEMENTS TO SENATOR PARKINSON ON HIS BILL WAS THAT IT WAS UNDEMOCRATIC IT WAS A MIDNIGHT MASSACRE THEY WERE WIPING OUT THE ATTORNEY GENERAL THROUGH AN UNVETTED PUBLIC HEARING BILL AND I BELIEVE HIS I DON'T HAVE THE BILL NUMBER IN FRONT OF ME BUT WHAT I WAS WHAT I'VE SEEN INTRODUCED BY SENATOR PARKINSON WAS TAKING AWAY THE WILL OF THE PEOPLE FOR AN ELECTED ATTORNEY GENERAL TO PROTECT THEIR INTERESTS AND CREATING THREE ATTORNEY GENERALS ONE OF WHICH WAS A GOVERNMENT CORRUPTION APPOINTED BY THE GOVERNOR WHICH IS GOING BACK 20 YEARS TO WHAT WE DID BY AS A PEOPLE MAKING THE ATTORNEY GENERAL DIRECTLY ACCOUNTABLE TO THE THE PEOPLE OF GUAM NOT THE GOVERNOR OF GUAM SO YEAH THAT'S PUBLIC HEARINGS ARE VERY IMPORTANT AND ESPECIALLY WITH AFFECTING THE DUTIES OF THE ATTORNEY GENERAL'S OFFICE AND RIPPING AWAY THAT RIGHT TO ELECT AN ATTORNEY GENERAL FROM THE PEOPLE IT'S ELECTION INTERFERENCE.

SENATOR DUEÑAS: MADAM CHAIR I KNOW MY TIME IS UP BUT I WANT TO MAKE IT CLEAR THAT I PUT THIS ON THE RECORD I TAKE NO POSITION ON WHAT THE LEGAL MATTER IS I TAKE A POSITION THAT OUR DUTY IS TO PASS LAW THAT CAN PASS MUSTER AS PER THE ORGANIC ACT AND THE CONSTITUTION AND THE ABILITY FOR US AND OUR GOVERNMENT TO OPERATE AS A TRIPART GOVERNMENT WITHIN THEIR OWN CAPACITIES SO I WANT TO BE CLEAR I'M NOT TAKING A SIDE HERE I'M MERELY SAYING THAT I AM UNCOMFORTABLE AND WILL REMAIN UNCOMFORTABLE DEBATING ISSUES THAT APPEAR IF THERE'S A DIFFERENCE SHOULD BE RESOLVED AS CONFLICT IN THE COURTS THANK YOU MADAM CHAIR.

SPEAKER TERLAJE: THANK YOU SENATOR SENATOR BLAS AND THEN WE'LL GO TO SENATOR BROWN.

SENATOR BLAS: THANK YOU MADAM SPEAKER AND TO THE PANEL THANK YOU VERY MUCH FOR BEING HERE I KNOW IT GETS KIND OF BORING ESPECIALLY WHEN WE DON'T ASK YOU QUESTIONS OKAY GENERAL MOYLAN AND I GUESS I KNOW YOU'VE REPEATED THIS TIME AND TIME AGAIN AND I JUST FOR YOU KNOW JUST TO MAKE SURE THAT IT IS CLEAR WITH RESPECT TO BILL 206-37 OKAY AND THAT'S WHERE I'M MY MY MY FOCUS IS GOING TO REMAIN ON YOU KNOW THE THE THE FIVE DAYS ONCE YOU RECEIVE THE THE THE DOCUMENTS FOR YOUR FOR YOUR REVIEW IT IS YOUR TESTIMONY THAT YOUR FIVE DAYS IS MORE THAN SUFFICIENT TIME TO BE ABLE TO MAKE THOSE NECESSARY REVIEWS AND PROVIDE IT BACK TO GPA.

AG MOYLAN – OAG: GOOD MORNING SENATOR BLAS YES THAT IS OUR TESTIMONY AND I HAVE THE DEPUTY THAT HAS DIRECT RESPONSIBILITY FOR THAT THAT IS ALSO PUT ON THE RECORD WE WILL GET IT OUT WITHIN FIVE DAYS OR PROBABLY SOONER.

SENATOR BLAS: OKAY OKAY AND I THE QUESTION NEEDS TO BE ASKED OKAY WHAT ARE THE CONSEQUENCES IF IT DOESN'T COME OUT WITHIN 5 DAYS.

AG MOYLAN – OAG: WELL THAT'S THE SAME TYPE OF SITUATION WE WE FACE EVERY DAY WE ARE YOU'VE GOT THE COMMITMENT THIS IS A FOCUSED COMMITTEE THE WHOLE MEETING ON IT AND WE WILL GET IT OUT WITHIN 5 DAYS THE CONSEQUENCES YOU KNOW IT'S IT'S LIKE SLAPPING THE HAND AND SAYING DO IT DO IT DO IT UNDERLINING IT IS THAT HOW WE RUN THE GOVERNMENT THAT'S NOT HOW WE RUN OUR AG'S OFFICE WE WORK CLOSELY WITH THE LEGISLATURE TO MAKE SURE THAT YOUR LAWS ARE ENFORCED AND AS THE CHIEF LAW ENFORCEMENT OFFICER IT WOULD BE A A BLOCK MARK ON ME AS A ATTORNEY NOT TO LIVE UP TO MY COMMITMENT AND TO FOLLOW THE LAW VERY CLEAR FIVE DAYS IT'S GOT TO GET OUT.

SENATOR BLAS: OKAY ACTUALLY THAT'S JUST ALL THE QUESTIONS I HAVE I WANTED TO KEEP SPECIFIC TO THE BILL SO THAT WE CAN MOVE THIS BILL ALONG THANK YOU FOR YOUR FOR YOUR TESTIMONY AND HOPE WE SO THAT WE DON'T HAVE TO THE LOAD SHEDDING THANK YOU VERY MUCH THANK YOU MADAM.

SPEAKER TERLAJE: THANK YOU SENATOR BLAS SENATOR BROWN.

SENATOR BROWN: THANK YOU VERY MUCH MADAM SPEAKER CERTAINLY AND THANK YOU TO THE ATTORNEY GENERAL AND YOUR YOUR TEAM HERE FOR PATIENTLY WAITING FOR US THIS MORNING TO SHOW UP I I JUST WANT TO FOLLOW UP BECAUSE CERTAINLY I KNOW MY COLLEAGUES HAVE ALREADY ASKED THE QUESTION BUT THERE WAS A REPRESENTATION BY THE GUAM POWER AUTHORITY THAT SOMEHOW YOUR OFFICE WAS

UNCOOPERATIVE IT RESPONDING TO THEM AND I ASSUME THAT'S THE REASON THEY'VE CHOSEN THIS LEGISLATIVE ROUTE TO BRING THIS LEGISLATION FORTH THAT YOU CAN SEE THERE WERE SOME MEMBERS OF THIS BODY THAT OBVIOUSLY ARE WILLING TO REMOVE YOU FROM YOUR DUTIES I THINK THE LANDSCAPE'S VERY CLEAR WITH REGARDS TO THAT AND THIS PROCESS HERE WITH THIS EMERGENCY SESSION HAS VERY MUCH BROUGHT THAT TO LIGHT SO I JUST WANTED TO AGAIN ALLOW YOU THE OPPORTUNITY TO REITERATE YOUR POSITION BECAUSE THAT'S THE REPRESENTATION THAT'S BEEN MADE TO US I SEE THE GPA COUNSEL ALSO PROVIDED AN EXTENSIVE LETTER TO OUR LEGAL COUNSEL I DON'T KNOW WHY I DON'T KNOW THE PURPOSE OF THIS PARTICULAR LETTER OTHER THAN IT'S A BIT IRRITATING BECAUSE I DON'T FEEL THE NEED MOVES ALONG THE ISSUE THAT GPA HAS DESIRED HERE BUT I WANT TO GET YOUR FEEDBACK ON THAT FOR THE RECORD OFFICIALLY ATTORNEY GENERAL MOYLAN.

AG MOYLAN – OAG: GOOD MORNING SENATOR BROWN AND THANK YOU FOR YOUR COMMENTS I KNOW THAT YOU ARE A STRONG ADVOCATE OF GOOD GOVERNMENT AND ENSURING THAT OUR TAXPAYER DOLLARS ARE SPENT APPROPRIATELY I HAVE OUR EXPERT IN THIS AREA ESPECIALLY ON THE UTILITIES GRAHAM BOTHA DEPUTY GRAHAM BOTHA THAT HAS CONSULTED WITH ME DURING ALL THESE PROCUREMENTS WITH THE GUAM POWER AUTHORITY I'VE SEEN THE CORRESPONDENCES GOING FROM THE GUAM POWER AUTHORITY TO MR. BOTHA AND MR. BOTHA'S RESPONSES THEY TRIED TO GET US TO WAVE A PROCUREMENT AUTHORIZATION THAT WAS GOING THROUGH BJ CRUZ'S PUBLIC AUDITOR WE REFUSED TO DO SO IT WOULD HAVE BEEN THE FIRST TIME THE AG WOULD TAKE AWAY A CHECK AND BALANCE IN THE SYSTEM MR. BOTHA ADVISED ME THAT THIS IS NOT IN THE BEST INTEREST OF THE PEOPLE OF GUAM TO BE WAVING PROCUREMENT APPEALS BECAUSE THERE'S A PURPOSE FOR THE APPEAL IN ORDER TO ENSURE THAT THE TAXPAYERS AND THE RATE PAYERS ARE GETTING RELIABLE POWER AT AN AFFORDABLE COST SO IF THEY'RE GRIPING ABOUT THAT TYPE OF ISSUE I'M SORRY THAT IS THE DUTY OF THE ATTORNEY GENERAL'S OFFICE IS TO ENSURE THE LAWS ARE BEING PROPERLY EFFECTUATED ARE BEING ENFORCED THAT WE ARE THE WATCHDOG FOR THE TAXPAYERS AND YOUR LAWS THAT YOU PASS AND MR. BOTHA HAS BEEN INSTRUMENTAL IN COMMUNICATING AND WE HAVE BEEN COMMUNICATING THEIR ATTORNEY WHO USED TO BE AN ATTORNEY WITH OUR OFFICE MARIANNE WOLOSCHUK HAS COMMUNICATIONS WITH MR. BOTHA AND I'VE OBSERVED THEM AND SEEN THEM SO IT'S WITHIN THE DISCRETION OF THE ATTORNEY GENERAL TO WAVE A A PART OF THE PROCUREMENT APPEAL PROCESS WE DISCUSSED IT AND CHOSE NOT TO DO THAT WE'RE TALKING MILLIONS OF DOLLARS AND AFFORDABLE POWER IS PART OF GETTING POWER IF YOU CAN'T AFFORD THAT POWER IT'S GOING TO HURT THE LOWER CLASS MIDDLE CLASS CONSUMERS THAT ARE ALREADY BEING HURT BY THE INFLATION WE'RE EXPERIENCING SO YOU KNOW THIS IS IT'S PART OF PROTECTING THE PUBLIC INTEREST AND WE COMMIT TO YOU THAT ANYTHING THAT YOU PASSED TODAY WILL BE FOLLOWED BY OUR OFFICE I PRESUME THEY'RE CONSTITUTIONAL AND OF COURSE THE ATTORNEY GENERAL ALSO HAS TO LOOK AT THINGS IN TERMS OF THE BIGGER PICTURE AND STATUTES BUT EVERYTHING I'VE SEEN TODAY IS FULLY WITHIN YOUR DISCRETION TO DO THE FACT THAT THAT THE LEGISLATOR IS AGAIN ONCE AGAIN LOOKING AT AN EMERGENCY PROCUREMENT WHICH MEANS THAT OTHER POSSIBLE BIDDERS TO PROVIDE THAT RATEPAYERS ARE LOWER COST OF POWER BETTER SERVICES AND SO FORTH ARE BEING OBIATED AND THAT'S THE FIRST RED FLAG THAT COMES UP IS THIS REALLY IN THE BEST INTEREST OF POWER OR IS THERE A BACK DEAL DOOR THAT'S BEEN DONE WITH A PARTICULAR VENDOR AND I'VE ALREADY BEEN INDICATED BY MR. BOTHA THAT THERE MIGHT BE BUT WE'VE BEEN COMMUNICATING WITH CERTAIN SENATORS HERE TO POSSIBLY BRING THAT UP TO GPA IMPORTANT QUESTIONS THAT MUST BE ASKED THAT'S NOT MY JOB HERE AT THIS POINT SO WE'RE WHATEVER COMES TO US WE WILL LOOK AT FOR LEGALITY AND FOLLOWING THE LAW YOU PASS.

SENATOR BROWN: WELL AND I THINK AS EXPECTED I MEAN WE WE HAVE TO ENSURE THAT THAT CHECK AND BALANCE IS IN PLACE AND I I I THINK YOU'RE YOU'VE UNFORTUNATELY GOTTEN A VERY UNFAIR PRESENTATION HERE FROM SOME OF OUR COLLEAGUES BECAUSE I I DON'T KNOW WHAT THEIR AGENDA IS BUT I I I ALSO BELIEVE THAT THERE'S A NEED AND CERTAINLY A NEED THAT'S BEEN THERE FOR A VERY VERY LONG TIME I'M SURE YOU'RE FINDING OUT IN THE COURSE OF YOUR WORK YOU KNOW WHAT WE USED TO THINK WAS THE EXCEPTION IS PRETTY STANDARD IN TERMS OF ABUSE IN THIS GOVERNMENT AND CORRUPTION IN THIS GOVERNMENT THAT YOU KNOW WE SAY WE SERVE OUR PEOPLE BUT A LOT OF PEOPLE ARE PROFITING INSTEAD OF ENSURING THAT THAT MONEY IS GOING TO THE INTEREST OF OUR OF OUR PUBLIC YOU DID COMMIT ALSO THAT YOU WOULD FACILITATE REVIEWING THIS PARTICULAR BILL AND I I I'M NOT TOO CRAZY AT ALL ABOUT THE TIMELINES I MEAN YOU ORIGINALLY THEY ORIGINALLY PROVIDE YOU 48 HOURS TO DO SO AND I THINK THE EXPECTATION IS UNREASONABLE AND WE UNDERSTAND GPA'S CONCERN WE ALSO UNDERSTAND AND IT'S BEEN

THROWN AROUND THAT IF AS AS THE MAIN SPONSOR TOLD US A FEW MONTHS AGO THAT IF WE DIDN'T PASS THIS BILL THAT WE WOULD BE RESPONSIBLE FOR LOAD SHEDDING SO I GUESS NOW THAT HAS BEEN TRANSFERRED TO YOU THAT IF YOU DON'T PROPERLY REVIEW THIS LEGISLATION YOU'RE RESPONSIBLE FOR LOAD SHEDDING EVEN THOUGH AT THE END OF THE DAY THAT THAT RESPONSIBILITY FALLS SQUARELY ON THE SHOULDERS OF THE GUAM POWER AUTHORITY SO I THINK IT'S IMPORTANT THAT WE WE RELAY THAT AND YOU'VE ALREADY MADE YOUR COMMITMENT THAT YOU WILL PROPERLY REVIEW THIS BILL AND THE TIMELINE THAT'S BEEN PROVIDED SO THE PROCESS CAN MOVE FORWARD WITH REGARDS TO THE ACQUISITION OF ADDITIONAL POWER RESERVES BUT YOU KNOW EVEN THOUGH INITIALLY OUR COLLEAGUES YESTERDAY DELAY THAT HAPPENED I GUESS WAS THE BACK AND FORTH DEBATE AS TO WHETHER OR NOT WE SHOULD HAVE YOU ON THE FLOOR AND IF WE SHOULD PERHAPS WE SHOULD HAVE OTHER PARTIES HERE TO COUNTER WHATEVER YOU SAY OR DO AND AT LEAST A NUMBER OF REASONABLE MINDS HERE DECIDED THAT WE DIDN'T WANT TO SEE A CIRCUS AND WE SIMPLY WANTED THE ELECTED ATTORNEY GENERAL TO PROPERLY RESPOND TO THE QUESTIONS THAT WE HAVE HERE IN THE LEGISLATURE CONCERNING THE LEGISLATION BEFORE US AND YES I CONCUR I MEAN THIS THIS PARTICULAR BILL THE SECOND BILL THAT'S BEEN PROVIDED BY SENATOR SHELTON SHOULD GO TO PUBLIC HEARING SO THAT IT WOULD ALLOW THE OPPORTUNITY FOR YOU AND ANYONE ELSE IN THE GENERAL PUBLIC WHO WANTS TO TESTIFY TO DO SO AND THEN WE CAN TAKE THAT INFORMATION AND DETERMINE HOW TO PROCEED YOU HAVE A TOUGH JOB MR ATTORNEY GENERAL YOU HAVE A LOT OF PEOPLE WORKING AGAINST YOU A LOT OF PEOPLE THAT HAVE VESTED INTEREST IN PROTECTING THEIR INTERESTS THAT YOU DON'T THEY CERTAINLY DON'T WANT YOU OR ANYONE ELSE DIGGING IN THEIR BACKYARD BUT I'M SURE YOU WILL DO WHAT YOU HAVE TO DO I THINK WE HAVE AN EXPECTATION OF THAT.

AG MOYLAN – OAG: FOLLOW THE MONEY SENATOR.

SENATOR BROWN: FOLLOW THE MONEY YES YES.

AG MOYLAN – OAG: THE PRIVATE ATTORNEYS THE THE FINANCIAL INCENTIVE FOR MY DETRACTORS MUST ALWAYS BE QUESTIONED ARE THEY GETTING PAID BY A PARTY THAT IS NOT THE PEOPLE OF GUAM AND SHOULD THEY BE IN THAT POSITION TO BE SPEAKING TO YOU SENATORS WITHOUT DISCLOSING THAT FACT WE HAVE ATTORNEY ARRIOLA'S CONTRACT THAT WE'VE INDICATED HE HAS A CONTRACT WITH THE GUAM AIRPORT AUTHORITY HE'S ONE OF THE INDIVIDUALS THAT WANTED TO SPEAK OUT ON THIS THOSE THINGS HAVE TO BE ASKED HOW MUCH ARE YOU GETTING PAID BY THE GOVERNOR'S GUAM AIRPORT AUTHORITY SO YOU KNOW I'M SORRY THAT'S JUST WHEN YOU DO WHITE COLLAR CRIME WHEN YOU DO TESTIMONY BEFORE THE LEGISLATURE CONFLICTS OF INTEREST SHOULD ALWAYS BE PUT ON THE TABLE FIRST SO THAT THE PEOPLE OF GUAM CAN EVALUATE THE THE MERIT AND THE GENUINE ARGUMENTS THAT ARE BEING MADE OR NOT BEING MADE BECAUSE YOU'RE GETTING PAID ON THE SIDE THAT'S THE WHOLE WHITE COLLAR CRIME INVESTIGATION AND SENATOR YOU KNOW THAT 22 OF THESE GOVERNMENT DEPARTMENTS AND AGENCIES CAME FROM MANY OF THEM THE PUBLIC AUDITOR WE PROVIDED IN THE DOCUMENTS IT'S NOT ABOUT DOUG MOYLAN OR THIS PARTICULAR ATTORNEY GENERAL IT'S ABOUT THE PROTECTING THE PEOPLE'S INTEREST AND WHEN YOU'VE GOT ANOTHER ELECTED OFFICIAL ACCOUNTABLE TO THE PUBLIC THAT'S SAYING THAT THERE'S RED FLAGS IT'S THE MONEY IT'S THE AMOUNT OF MONEY THAT THE TAXPAYERS ARE HAVING TO PAY THAT THEY SHOULDN'T PAY AND THE CORRUPTION IN THE GOVERNMENT THAT'S THE TYPE OF ALLEGATIONS THE INVESTIGATIONS THANK YOU SENATOR.

SENATOR BROWN: WELL AND WE UNDERSTAND THAT AND WE CERTAINLY I CERTAINLY HOPE YOU KNOW ATTORNEY GENERAL MOYLAN THAT YOU CONTINUE AND YOUR TEAM CONTINUES TO DO WHAT YOU'RE DOING I KNOW YOU'RE UP AGAINST A BIG CHALLENGE BUT YOU'RE RIGHT THERE'S A LOT OF MONEY A LOT OF POWER AND A LOT OF VESTED INTEREST AND INCLUDING MEMBERS OF THIS BODY THERE'S CONNECTIONS TO THE FRONT OFFICE AS WELL AND BENEFITS THAT THEY RECEIVE THAT THEY DON'T PUBLICLY ANNOUNCE EVERY TIME THEY SPEAK TO SUPPORT THE ADMINISTRATION HOW UNFORTUNATE BECAUSE WE RUN TO SAY THAT WE'RE HERE TO SERVE THE PEOPLE OF GUAM BUT REALLY SOMETIMES WE'RE SERVING OUR OWN INTERESTS AND THERE ARE PEOPLE THAT ARE BENEFITING FROM THE FACT THAT OUR GOVERNMENT IS NOT RUNNING THE WAY IT SHOULD SO I APPRECIATE YOUR TIME THE TIME OF YOUR TEAM AND AND AS I MENTIONED IN SPITE OF THE DETRACTORS INCLUDING SOME THAT ARE HERE I THINK YOU'LL FIND THERE ARE A LOT OF PEOPLE OUT IN THIS COMMUNITY THAT WANT YOU AND EXPECT YOU TO DO THE JOB THAT YOU'RE DOING THERE'S A NEED FOR IT I MEAN WE SEE THE CRIMES AT ALL LEVELS IN THIS COMMUNITY I THINK WE AGREE IT'S UNACCEPTABLE AND THERE HAS TO BE A COUNTER TO THAT THERE HAS TO BE CONSEQUENCE FOR ABUSING THE PEOPLE'S TRUST

AND SO CONTINUED SUCCESS TO YOU IN YOUR WORK AND WE'RE CERTAINLY THOSE OF US THAT ARE HERE TO SUPPORT YOU WILL CONTINUE TO DO SO THANK YOU FOR YOUR TIME THANK YOU VERY MUCH MADAM SPEAKER.

AG MOYLAN – OAG: THANK YOU.

SPEAKER TERLAJE: THANK YOU SENATOR BROWN SENATOR PEREZ.

SENATOR PEREZ: THANK YOU MADAM SPEAKER GOOD MORNING TO ATTORNEY GENERAL AND THE ATTORNEY GENERAL'S OFFICE SO A LOT OF THE QUESTIONS WERE ASKED AND FOR ME YOU KNOW MY FOCUS HAS ALWAYS HAS BEEN PRIMARILY ABOUT PROCUREMENT PROCUREMENT AND HOW DO WE STREAMLINE PROCUREMENT AND OF COURSE WE ARE IN THE SITUATION WHERE PROCUREMENT IS THERE'S DEFINITELY AN IMPEDIMENT AT THIS POINT AND I GUESS MY QUESTION IS GOING TO BASICALLY REVOLVE REVOLVE AROUND A RESOLUTION OF THE CONFLICT OF INTEREST QUESTION AS WELL AS YOU KNOW HOW DO WE MOVE FORWARD AND HOW DO WE YOU KNOW BUILD BACK BETTER SO TO SPEAK SO IN REGARDS TO RESOLVING THE CONFLICT OF INTEREST QUESTION SO WHAT ARE THE IS THERE A DECLARATORY JUDGMENT THAT NEEDS TO BE DONE OR HOW DO WE PROCEED TO EXPEDITE THE THE RESOLUTION OF THIS QUESTION.

AG MOYLAN – OAG: I THANK YOU AND GOOD MORNING SENATOR PEREZ I I AM NOT AN ADVOCATE AT THIS POINT OF CHANGING ANYTHING THAT'S GOING ON IN THE JUDICIARY RIGHT NOW WHEN WE ISSUED OUR 20 FEBRUARY 28TH AND FEBRUARY 29TH CORRESPONDENCES TO 22 DEPARTMENTS AND AGENCIES THAT WERE UNDER INVESTIGATION CIVIL AND CRIMINAL INVESTIGATION BY THE PUBLIC AUDITOR AG'S OFFICE THIS WAS INTENDED TO ENSURE THAT WE OPERATE ETHICALLY IN THE AG'S OFFICE THE PROCUREMENT SYSTEM IS STILL GOING TO WORK WE HAD THE WORKAROUNDS FOR IT IT WASN'T NECESSARY TO BE NECESSARILY CHANGING ANYTHING THAT WAS ALREADY EXISTING AND AS AN ATTORNEY IT WOULD BE BETTER TO NOT CREATE AN ETHICAL CONFLICT THAN TO CREATE ONE OR TO CONTINUE IN ONE WHEN IT'S UNDER JUDICIAL REVIEW SO THE PROCUREMENT PROCESS RIGHT NOW IS HAS BEEN WORKING THE GPA IS ATTEMPTING TO USE THE EMERGENCY PROCUREMENT PROCESS WHICH HAS NOTHING TO DO WITH THE AG'S OFFICE WE'RE GOING TO PROCESS IT OUT QUICKLY WE HAVE I THINK UPWARDS OF A 100 CONTRACTS THAT ARE ON 30-DAY TYPE OF REVIEWS BY THE AG'S OFFICE AND WILL CONTINUE TO BE UNDER REVIEW IF A CONTRACT HAS A ILLEGALITY OR SOME PROBLEM WITH IT IT'S OUR JOB AS THE PUBLIC WATCHDOG THE CHECK AND BALANCE IN THE SYSTEM TO SEND IT BACK TO THE GOVERNMENT OFFICIAL THE SITUATION THAT WE HAVE IN THE COURTS THOUGH IS THAT WHEN A ACT OF A GOVERNMENT OFFICIAL ESPECIALLY THE MANAGEMENT OFFICIALS BECOME PROSECUTABLE AND SHOULD BE PROSECUTED WHICH BY THE WAY THE GRAND JURIES ARE THE ONES THAT ARE BRINGING THESE CASES TO THE COURT SYSTEM AG CANNOT JUST FILE A CASE WITHOUT THE GRAND JURY BEING INVOLVED FOR THE FELONIES OR ON A MISDEMEANOR WOULD BE THE THE JUDGE THAT WOULD HAVE TO REVIEW THE PROBABLE CAUSE THAT CRIMINAL JUSTICE SYSTEM IS INTENDED TO I GUESS ENFORCE GUAM LAW TO PROVIDE THE PENALTIES ASSOCIATED WITH GUAM LAW AND THESE MANAGEMENT OFFICIALS ARE TRYING TO USE THAT POSITION THAT THEY'RE HOLDING AS MANAGEMENT OFFICIALS AS A SHIELD SAYING THAT OH YOU CAN'T PROSECUTE US BECAUSE YOU GAVE LEGAL ADVICE WHEN A DOCUMENT COMES OVER TO US OUR PRIMARY JOB IS TO PROTECT THE GOVERNMENT OF GUAM THAT IS OUR OUR CLIENT SO SENATOR PARKINSON'S LINE OF OF QUESTIONING IF YOU LOOK CAREFULLY AT IT WAS TRYING TO COAX THE GOVERNMENT OFFICIAL AS THE CLIENT AND AGAIN CONGRESS SAYS THAT THAT IS NOT OUR CLIENT SO EVERYTHING THAT'S ON THE TABLE RIGHT NOW WE'RE LOOKING VERY CAREFULLY AT WE'RE LOOKING AT OUR ETHICAL OBLIGATIONS WE'RE LOOKING AT YOUR MANDATE TO US INCLUDING THE 1975 AND WHAT YOU'RE CONSIDERING RIGHT NOW AND JUST MAKE THE SYSTEM WORK PROPERLY TO THE BENEFIT OF THE PUBLIC WE DON'T WANT TO DELAY ANYTHING THAT'S THAT'S OUR WHOLE PURPOSE THAT'S WHY BEFORE I CAME IN THERE WAS NO 30-DAY REQUIREMENT THAT CONTRACTS BE ISSUED OUT OF THE AG'S OFFICE MR. BOTHA WILL TESTIFY THAT THERE IS FOR SEVERAL MONTHS NOW IF NOT 6 MONTHS OR MORE A 30-DAY REQUIREMENT THAT CONTRACTS THAT COME IN MUST BE PROCESSED OUT IN SOME FORM EITHER SIGNATURE OR SENT BACK TO THE DEPARTMENT WITH THE ANOMALY THAT NEEDS TO BE CORRECTED BUT WE CAN'T HAVE GOVERNMENT OFFICIALS SAYING THAT YOU CAN'T PROSECUTE US BECAUSE WE ARE YOUR CLIENT THAT'S JUST GOING TO WIPE OUT ONE HALF OF THE THE STATUTES PASSED BY THE LEGISLATURE THANK YOU.

SENATOR PEREZ: THANK YOU YEAH SO I THINK THERE DEFINITELY IS A NEED TO ADDRESS I MEAN OBVIOUSLY THERE THIS SOMETHING'S LACKING IN THE SYSTEM TO KIND OF PREVENT THIS I GUESS A CONFLICT OF INTEREST SHOULD IT SHOULD IT BE AH ADJUDICATED AS SUCH YOU KNOW HOW DO WE MOVE FORWARD AND YOU KNOW

IN A IN A IN A EXPEDITIOUS FASHION BUT CORRECT FASHION AS WELL SO I THINK YOU WERE YOU'RE MENTIONING BACK WHEN YOU WERE AG P IN THE PAST THERE WAS A CORRUPTION DIVISION CORRECT WHAT EXTENT WAS THE AG'S OFFICE INVOLVED IN PROCUREMENT AT THAT TIME SAME THING NOBODY EVER RAISED THIS TYPE OF CONCERN BECAUSE IT'S COMMON KNOWLEDGE THE AG HAS THE PROSECUTION HAT AS WELL AS THE PROVIDE LEGAL SERVICES HAT SO THIS IS A A NOT NECESSARILY A NOVEL ARGUMENT BUT I MEAN YOU GO TO THE DC THEY'RE MAKING THE SAME TYPE OF ARGUMENTS AND I HEARD FROM ONE OF OUR ATTORNEYS HERE IN OKLAHOMA SAME SITUATIONS BEING OCCURRED WHERE DEF A CRIMINAL DEFENDANT IS TRYING TO SAY THAT AG CAN'T PROSECUTE THEM BECAUSE THEY ARE THEIR ATTORNEY SO THE COURTS HAVE CASES THAT THEY CAN LOOK TO AND OUR SUPREME COURT OF GUAM AS I MENTIONED WITH THE BROOKS CASE THE AIRPORT DECISION AND MOST RECENTLY THE BARRETT ANDERSON VERSUS CAMACHO CASE THEY ARE ACKNOWLEDGING THE UNIQUE ROLE OF THE ATTORNEY GENERAL ON THE COMMON LAW POWERS OF AN ATTORNEY GENERAL WE ARE NOT A PRIVATE LAW FIRM THERE'S NO WAY YOU CAN PUT AS CLOSE TO A PRIVATE LAW FIRM BECAUSE PRIVATE LAW FIRMS DON'T ENFORCE GUAM LAW THEY DON'T HAVE THE PEOPLE OF GUAM AS THEIR CLIENT AND THEY DON'T PROSECUTE PUTTING PEOPLE IN JAIL THEY JUST GIVE LEGAL ADVICE TO THEIR CLIENT SO HOW CAN WE MOVE THIS FASTER I DO NOT RECOMMEND ANYTHING OTHER THAN JUST RELY UPON HAVE FAITH IN OUR JUDICIARY I HAVE FAITH IN OUR JUDICIARY AND IT'LL BE WORKED OUT THESE ARE JUST TEMPORARY MEASURES.

SENATOR PEREZ: SO YEAH I KNOW YOU YOU DID SUBMIT A PROPOSED LEGISLATION AND SO WITH THIS I MEAN MAYBE IF YOU CAN TALK US THROUGH THE THE DIFFERENT PARTS OF THIS BILL.

AG MOYLAN – OAG: WELL IT IT'S A BILL THAT I ACTUALLY IT WAS ONLY PREPARED FOR PURPOSES OF THIS PROCEEDING WE DID NOT INTRODUCE IT AND WE DON'T NECESSARILY WANT IT INTRODUCED GIVEN WHAT I'VE SEEN TO DATE THE SECOND PART OF IT SECTION TWO DEALS WITH WHAT SENATOR SHELTON'S BILL IS DEALING WITH AND THE FIRST PART WAS ESSENTIALLY A RECITATION OF WHAT THE GUAM LAW ALREADY IS BUT THAT'S WHY I SAY THE COURTS ALREADY HAVE IT IN FRONT OF THEM WE'RE NOT TRYING TO CHANGE WHAT WE BELIEVE ALREADY EXISTS IN THE LAW THE 1970 LAW ADDRESSES THE ETHICAL QUESTION IF YOU TAKE THE PRIVATE ATTORNEY'S PERSPECTIVE THIS IS WHAT SENATOR PARKINSON'S BILL 257-37 IS TRYING TO DO RIP THE AG'S OFFICE APART THAT IS NOT THE SCHEME THAT THAT IS CURRENTLY IN EFFECT I'VE NEVER SEEN ANY JURISDICTION ANY STATE DO WHAT SENATOR PARKINSON'S TRYING TO DO HAVE THREE ATTORNEY GENERALS AND TO HAVE THE GOVERNMENT CORRUPTION PEOPLE BE DIRECTLY UNDER THE CONTROL OF THE GOVERNOR THAT SPEAKS VOLUMES ABOUT THE INTENT OF THIS BILL IT'S TO STOP THE CORRUPTION INVESTIGATIONS WHY WOULD A GOVERNOR WANT TO APPOINT ANY ATTORNEY GENERAL THAT'S INVESTIGATING HER CABINET THAT'S WHY THEY PASSED THE 1999 AMENDMENT TO THE THE LAW AND MADE IT A CONGRESSIONAL STATUTE SO THE LEGISLATURE CAN'T REMOVE THE ATTORNEY GENERAL SAME THING WITH THE PUBLIC AUDITOR THE PUBLIC AUDITOR WAS PUT INTO THE ORGANIC ACT SO THAT THAT WATCHDOG COULDN'T BE REMOVED BY FIAT OF A LEGISLATURE AND A GOVERNOR.

SENATOR PEREZ: OKAY THANK YOU SO THE OTHER THING IS THE 5150 RIGHT SO I GUESS IT WAS MY UNDERSTANDING THAT THE THE SAGS WERE ACTUAL WERE HIGHER CLASSIFIED EMPLOYEES BUT IN PRACTICE IT WASN'T IT WAS MOSTLY CONTRACT.

AG MOYLAN – OAG: PRIVATE YEAH THEY WERE PRIVATE LAW FIRMS YOU SEE THE THE DANGER OF WHAT THE PRIOR AG HAD DONE YOU TOOK AWAY THE ABILITY FORFEITED THE ABILITY TO A PRIVATE LAW FIRM THAT WOULD TAKE PAYMENT AND ORDERS DIRECTLY FROM THE GOVERNMENT OFFICIAL THEY DO NOT RECOGNIZE AND THEY HAVE NO PROSECUTION AUTHORITY EITHER THAT'S WHY HAVING A ASSISTANT ATTORNEY GENERAL DESIGNATED WOULD HAVE THAT AUTHORITY YOU'RE YOU'RE RELINQUISHING CONTROL OF THE ASSISTANT AGS OR THE SAGS UNDER THE FORMER AG THIS ONE WE WE VOKED ALL OF THEM FOR THE WATCHDOG FUNCTION BECAUSE YOU WANT THE SAG TO FULFILL THE DUTIES OF THE AG WE'VE APPOINTED SAGS WHAT DO THEY CALLED THEY'RE CALLED US SPECIAL ASSISTANT AT AGS BUT THEY'RE UNDER THE DIRECT AUTHORITY OF EITHER THE CHIEF PROSECUTOR OR THE ATTORNEY GENERAL ULTIMATELY SO UNLIKE THE THE PRIOR MY UNDERSTANDING OF THE WAY THE PRIOR AG HAD BEEN ADMINISTERING THAT PROGRAM SO BUT THEY THEY THEY'RE NOT CONFLICT COUNSELS THEY'RE THEY'RE SAGS.

SENATOR PEREZ: OKAY SO BUT I GUESS THE WAY IT WAS IMPLEMENTED WAS YOU KNOW BASICALLY THIS THE LAW BASICALLY CAN ALLOW FOR IN-HOUSE SAGS VERSUS CONTRACTED SAGS OR I'M MIXING THE TWO.

AG MOYLAN – OAG: IT'S THE SAME NATURE THE CONTRACTS GO DIRECTLY WITH THE AG'S OFFICE IN THE OTHER ONES THE CONTRACTS MAY HAVE GONE DIRECTLY WITH THE DEPARTMENT THAT THEY WERE BEING RELINQUISHED TO THAT'S MY UNDERSTANDING.

SENATOR PEREZ: YEAH BECAUSE AGAIN I'M TRYING TO COME THE REASON FOR THE QUESTIONING IS TO HOW CAN WE STRENGTHEN PROCUREMENT RIGHT SO IF WE CAN MAYBE IDENTIFY A POOL OF PROCUREMENT COUNSEL AND YOU KNOW YOU KNOW SEGREGATE THAT.

AG MOYLAN – OAG: VERY GOOD QUESTION THE PROBLEM AGAIN YOU HAVE IS DO YOU WANT THE PEOPLE'S ELECTED WATCHDOG LOOKING OVER THESE PROCUREMENTS LIKE I MENTIONED EARLIER 16 20 YEARS AGO I NEVER HAD A AND YOU'RE ADDRESSING MAINLY THE AGENCIES I BELIEVE WITH THESE 500,000 AND YOU KNOW THE 500,000 REQUIREMENT THAT THE AG'S OFFICE LOOK OVER THAT AG'S OFFICE DOESN'T LOOK OVER ANY EARLIER ANY ANY PROCUREMENTS THAT ARE LESS THAN THAT SO THAT MEANS THAT THOSE AGENCIES CAN CONTINUE TO DO THEIR PROCUREMENT UNDER 500,000 SOME LEGISLATURE BETWEEN THE LAST TIME I SERVED AND NOW DECIDED THAT THE AG'S OFFICE WAS NECESSARY TO WATCHDOG THOSE AGENCIES BECAUSE AGENCIES HAVE MORE INDEPENDENCE THAN THE DEPARTMENTS DO AND THE AIRPORT DECISION IN 2005 SAID THAT THE AG'S OFFICE IS SUBJECT TO HOWEVER LEGISLATURE PRESCRIBES THE POWER AND THE AND THE SCHEME OF SENATORIAL STATUTE SINCE THEN HAS BEEN TO GIVE THE AUTONOMOUS AGENCIES THE ABILITY TO HIRE PRIVATE COUNSELS THIS WAS A FIGHT THAT WE HAD BACK 16 YEARS AGO SORT OF THING 2005 ERA SO MY UNDERSTANDING IS YOU WANT THESE PROCUREMENTS TO BE LEGAL TO NOT HAVE ANY SWEETHEART DEALS ON THE SIDE TO NOT HAVE ANY CORRUPTION IN THEM HENCE YOU PUT THE ATTORNEY GENERAL INVOLVED BECAUSE WHEN HE SITS THERE HE'S NOT GOING TO ALLOW IT YOU KNOW IN HIS ROLE AS THE PROSECUTOR AND AS THE ENFORCER OF YOUR STATUTES AND THE PEOPLE THE PEOPLE'S RIGHTS SO BY INCREASING THE NUMBER FROM 500,000 TO A MILLION YOU'VE GOT PROCUREMENTS LESS THAN A MILLION THAT COULD HAVE SHENANIGANS GOING ON IN THEM THAT'S WHAT I SEE IF YOU KEEP IT AT 500,000 THAT'S THE CURRENT SCHEME THAT EVERYBODY IS OPERATING UNDER YOU KNOW AND I'LL JUST DO A LITTLE BIT OF REFLECTION IF YOU REALLY WANT TO STOP THE CORRUPTION IN THE AUTONOMOUS AGENCIES DON'T LET THEM HIRE PRIVATE COUNSELS GIVE THE MONEY TO THE ATTORNEY GENERAL'S OFFICE SO THAT WE WILL HIRE SALARIED EMPLOYEES UNDER THE PEOPLE'S WATCHDOG THE ELECTED ATTORNEY GENERAL THAT IS THE MOST EFFECTIVE WAY YOU'RE GOING TO STOP CORRUPTION IN THE AUTONOMOUS AGENCIES THE AIRPORT AUTHORITY THE PORT AUTHORITY OF GUAM GEDA YOU LOOK AT THE BILLINGS AND BJ CRUZ HAS SPOKEN OUT OVER THIS OVER THE YEARS AND I'VE SEEN THE MEDIA ARTICLES HE CRITICIZES WHAT I WAS DOING 20 YEARS AGO YOU LOSE CONTROL OF PROPER GOVERNMENT SPENDING WHEN YOU LET PEOPLE HIRE THEIR OWN LAWYERS THEY'RE NOT ACCOUNTABLE TO THE PEOPLE THEY'RE ACCOUNTABLE TO THE PERSON WHO'S PAYING THEIR SALARY WHICH IS THE AUTONOMOUS AGENCY THE YOU KNOW JUST NAME IT THERE'S A WHOLE LIST OF PROBLEMS THAT HAVE OCCURRED IN THOSE DEPARTMENT THOSE AGENCIES IF YOU HAVE IF YOU HAD AN ATTORNEY GENERAL THE RISK OF CORRUPTION WOULD BE LESS.

SENATOR PEREZ: SO GENERALLY I GUESS IT TURNS TO CAPACITY WITHIN YOUR OFFICE YOU DEFINITELY NEED MORE WE ARE HIRING WEEKLY LAWYERS ARE COMING IN NOW I SAID WE WERE GOING TO DO IT AND WE'RE DOING IT WE HAVE RECRUITING ALL THROUGH THE STATES RIGHT NOW SEVERAL PEOPLE ON THIS TABLE IN FRONT OF US HAVE BEEN ON GUAM LESS THAN THREE THREE MONTHS WE ARE SATISFYING THE NEEDS OF OUR PUBLIC AND I WANT TO THANK THE JUDICIARY BECAUSE THEY'VE BEEN PROCESSING THEY INCREASED THE TEMPORARY LICENSES FROM 5 YEARS NOW TO EIGHT YEARS BECAUSE IT IS AN ISLAND WIDE PROBLEM WE DON'T HAVE ENOUGH PRIVATE LAWYERS AND GOVERNMENT LAWYERS AND I HAVE A GOOD TEAM BEHIND ME WE'RE HIRING THE LAWYERS THAT WE NEED TO PROTECT AND ENFORCE YOUR LAWS.

SENATOR PEREZ: OKAY I GUESS THE OTHER THING TOO I GUESS THE CONFLICT OF INTEREST STILL IS OVERHANGING ALL OF THIS YOU KNOW NO MATTER HOW MANY ATTORNEYS YOU HAVE YOU STILL HAVE THIS CONFLICT OF INTEREST THAT CAN AFFECT THE WHOLE ORGANIZATION IS THAT CORRECT.

AG MOYLAN – OAG: IT COULD BUT YOU KNOW THE CONFLICT WALLS THAT WE WERE DISCUSSING HERE THE CASES TALK ABOUT THEM AND HOW THEY'RE APPLIED TO THE ATTORNEY GENERAL'S OFFICE THAT'S WHY I'M I HAVE FAITH IN THE COURT SYSTEM THAT THEY WILL WORK THIS OUT THERE'S A PLETHORA OF CASES OUT THERE THAT TALK ABOUT THE UNIQUE ROLE OF THE ATTORNEY GENERAL JUDGE MANIBUSAN IN THE DECISION I CITE IN THE 28TH LETTER I QUOTED EXACTLY WHAT HE STATED YOU DON'T SEE PROTECTING THE PUBLIC INTEREST LANGUAGE AND PHRASES ON PRIVATE LAWYERS THAT IS ONLY UNIQUE TO PUBLIC ATTORNEYS THE

ATTORNEY GENERAL DISTRICT ATTORNEY PUBLIC DEFENDER WELL THE PUBLIC DEFENDER IS A DIFFERENT SIDE BUT THE DISTRICT ATTORNEYS IN THE STATES AND THE ATTORNEY GENERALS THEIR MANDATE IS TO PROTECT THE PUBLIC INTEREST AND ESSENTIALLY PROTECT THE PEOPLE THAT'S WHAT IT MEANS.

SENATOR PEREZ: OKAY AND I KNOW YOU MENTIONED THERE WAS A BOOKLET YOU SHOWED US IT BASICALLY HAS THE THE RULES OF PROFESSIONAL CONDUCT.

AG MOYLAN – OAG: PROFESSIONAL CONDUCT LIKE ACCOUNTANTS I DON'T KNOW IF DOCTORS HAVE IT BUT THEY OPERATE UNDER ETHICAL RULES ACTUALLY THEY DO HAVE IT THE THE ATTORNEYS OPERATE ON WHAT THEY CALL THE GUAM RULES OF PROFESSIONAL CONDUCT AGAIN IT WAS 2000 IT WAS PASSED IN 2003 BECAUSE THE SUPREME COURT NOW HAS THE ORGANIC ACT AUTHORITY TO REGULATE ATTORNEYS AND SO FORTH BUT IT HAS NO REFERENCE IN MOST PART TO THE ATTORNEY GENERAL'S OFFICE IT MAKES A STATEMENT I THINK PROSECUTORS MUST ACT IN THE INTEREST OF JUSTICE I THINK THERE MAY BE A RULE ON THAT IN THERE BUT THERE'S NO COMMENT ABOUT HOW THE THE MAIN RULE IS IMPUTED DISQUALIFICATION AND CONFLICT OF INTEREST AS IT APPLIES TO THE PUBLIC ATTORNEY GENERAL THAT THAT LAW FIRM THE BIGGEST LAW FIRM ON GUAM BECAUSE IT'S FOR THE PEOPLE PAID FOR PAID FOR BY THE PEOPLE.

SENATOR PEREZ: SO IS IT DUE FOR MORE CHANGES THEN TO ADDRESS THIS ISSUE.

AG MOYLAN – OAG: OUR TEAM HAS BEEN DISCUSSING THE POSSIBILITY OF EITHER GOING FORWARD WITH THE TWO CASES THAT ARE RAISING THESE ISSUES AND ARE BECOMING RIPE FOR THE SUPREME COURT OF GUAM'S DISCUSSION OR JUST INDEPENDENTLY BECAUSE THIS ISN'T JUST PERTAINING TO THE TWO CASES PETITIONING THE SUPREME COURT TO ENGAGE A COMMITTEE TO LOOK AT ALL THE CASES IN THE US THAT ARE BEING CITED IN COURT AND UPDATE OUR OUR GUAM RULES OF PROFESSIONAL CONDUCT THAT IS A WE'RE CLEARLY LOOKING AT THAT WE JUST DON'T WANT TO YOU KNOW UPSET EVERYTHING THAT'S GOING ON RIGHT NOW SO.

SENATOR PEREZ: AND LOOKING AT OTHER AGS AND OTHER JURISDICTIONS DO THEY HAVE THE SAME ISSUE WITH PROCUREMENT LIKE IF THERE'S A CONFLICT OF INTEREST DOES IT AFFECT THEIR PROCUREMENT SCHEME OR IS IT DO THEY HAVE DIFFERENT PROCUREMENT SCHEMES.

AG MOYLAN – OAG: THIS THIS ISSUE OCCURS IN I THINK MOST EVERY AG'S OFFICE IT DEPENDS ON THE STATUTORY SCHEME HOW THEY SET IT UP AS I MENTIONED THE FEDERAL MODEL US ATTORNEY BUT THAT'S APPOINTED BY THE PRESIDENT BUT STILL THEY DEAL WITH PROSECUTION AND CIVIL ADVICE SO AND THEY HAVE ONE LAW FIRM THAT THE THE MERRICK GARLAND DOESN'T GET DISQUALIFIED OR SET INTO TWO DIFFERENT LAW FIRMS IN ORDER TO HANDLE CIVIL AND CRIMINAL PROSECUTION THE AS I MENTIONED THE STATE OF OKLAHOMA IS CURRENTLY ON YOUR STAND GOING THROUGH THE SAME CONFLICT OF INTEREST BECAUSE THEY'RE PROSECUTING HIGH-END MANAGEMENT GOVERNMENT OFFICIALS THAT ARE UNDER THEIR GOVERNOR SO YOU'VE GOT THAT THAT CONFLICT BEING RAISED IN THE CRIMINAL PROCEEDINGS THERE I UNDERSTAND IS IT IN OTHER IS THIS QUESTION COMING UP IN OTHER JURISDICTIONS IT'S NOT UNIQUE TO GUAM CLEARLY NOT UNIQUE TO GUAM BUT THE GUAM MODEL IS A BIT DIFFERENT BECAUSE THERE'S ONLY THE SMALLER STATES THAT HAVE THE ATTORNEY GENERAL THAT IS BOTH THE PUBLIC PROSECUTOR AND THE CIVIL ATTORNEY PROVIDING LEGAL ADVICE BIGGER STATES THEY BREAK IT INTO COUNTIES WITH DISTRICT ATTORNEYS YOU STILL HAVE AN ATTORNEY GENERAL SOME OF THEM HAVE THEY HAVE DIFFERENT MIXES THE ATTORNEY GENERAL CAN MAYBE HANDLE CERTAIN CASES THAT THE DISTRICT ATTORNEY CONFLICTS OUT OF AND THEN THAT ATTORNEY GENERAL WOULD HANDLE THAT PROSECUTION OR HANDLES THE APPEALS IT JUST DEPENDS ON WHICH STATE WE'RE LOOKING AT THAT'S WHY THE GUAM SUPREME COURT WILL HAVE MANY STATES TO LOOK AT AS THIS CASE GOES UP AS DO THE TWO SUPREME COURT JUDGES DEALING WITH THIS RIGHT NOW THE ARGUMENTS ARE CURRENTLY BEING MADE.

SENATOR PEREZ: THANK YOU FOR FOR THE RESPONSES IT APPRECIATE IT THANK YOU MADAM SPEAKER.

AG MOYLAN – OAG: THANK YOU SENATOR PEREZ.

NOTE SENATOR BARNETT PRESIDES OVER THE COMMITTEE OF THE WHOLE

SENATOR BARNETT: SPEAKER TERLAJE YOU'RE RECOGNIZED.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* AGAIN THANK YOU TO THE PANEL FOR BEING HERE AND ANSWERING OUR QUESTIONS AS YOU KNOW I CALLED US INTO EMERGENCY SESSION PARTLY ON ON THE ISSUE OF THE ATTORNEY

GENERAL WITHDRAWAL OF REPRESENTATION FROM SOME OF THE AGENCIES THERE WAS A LIST OF 21 AT THE TIME NOW 22 WHERE THE AG SAYS THEY ARE UNDER INVESTIGATION BASED IN PART ON OPA AUDITS AND SOME ON INDEPENDENT INVESTIGATION AND AH SO I WAS CONCERNED IMMEDIATELY WITH SEVERAL THINGS ONE WAS WE HAVE CONTRACTS PENDING THAT ARE OVER \$500,000 THAT BY STATUTE MUST BE SIGNED BY THE ATTORNEY GENERAL SECOND WE HAVE AGENCIES THAT HAVE VERY TECHNICAL ISSUES BEFORE THEM FOR EXAMPLE THE CHAMORU LAND TRUST COMMISSION WHO I DO NOT BELIEVE CAN PROCEED IN SOME MATTERS WITHOUT LEGAL ADVICE THEY ARE INTERPRETING LAWS THEY ARE INTERPRETING RULES AND THEY NEED ADVICE AND RIGHT NOW THEY'RE REPRESENTED BY THE AG AND WITH THE WITHDRAWAL OF REPRESENTATION TO THEM I I WANTED TO MAKE SURE THAT THEY ARE NOT GOING TO BE HELD ALL THEIR ACTIONS HELD IN ABEYANCE WHEN IT'S REALLY BEEN COMPLICATED FOR THEM WHEN THE SHIFT OVER OF ATTORNEYS RECENTLY THIRD OF COURSE THERE ARE SOME LONG-TERM ISSUES THAT THAT ARE CONCERNING BUT AH NOT THE SUBJECT OF THIS EMERGENCY SESSION THOSE ARE YOU KNOW IF THE PENDING CASES BEFORE THE SUPERIOR COURT FIND SOME CONFLICT OR THAT OUR STATUTES CREATE A CONFLICT THAT CANNOT BE REMOVED THEN OF COURSE THE LEGISLATURE MUST ADDRESS THOSE SOMEHOW BUT AH IMMEDIATELY SO THE SITUATION HAS EVOLVED AND AT AT LEAST ONE OF OUR CONCERNS IS ALLAYED THAT IS A SIGNING OF THE CONTRACTS OVER \$500,000 SO YOU ASSURED US YESTERDAY THAT DESPITE THE LETTERS WHERE WE YOU SAID YOU MIGHT SAY POTENTIAL CONFLICT CANNOT SIGN NOW THAT HAS EVOLVED TO YOU HAVE A WAY OF SIGNING THOSE CONTRACTS YOU WILL SAY APPROVED NOT REPRESENTING ANY PUBLIC OFFICIAL AND YOU WILL BE ABLE TO REVIEW AND SIGN CONTRACTS OVER \$500,000.

AG MOYLAN – OAG: YES.

SPEAKER TERLAJE: THE THE OF COURSE THE JUDICIAL RULES ARE NOT WITHIN OUR CONTROL AND AND THE CASE WE WILL JUST WAIT I I UNDERSTAND ONE OF THOSE CASES WAS WE'RE PENDING A DECISION SINCE NOVEMBER AND AH SO HOPE WE'LL SEE THAT SOON AND AH AH BUT STILL I THINK WHAT WE HAVE BEFORE US AND I WANT TO FLUSH OUT TODAY IS THESE AGENCIES WITHOUT PERHAPS RIGHT.

AG MOYLAN – OAG: DEPARTMENTS.

SPEAKER TERLAJE: DEPARTMENTS AND AGENCIES WHERE THEY'VE BEEN TOLD AH YOU CANNOT REPRESENT THEM WHILE THEY'RE UNDER INVESTIGATION AT THIS TIME PENDING THE DECISION FROM THE COURT ALL RIGHT SO AH WHAT DO YOU PROPOSE FOR THOSE AGENCIES.

AG MOYLAN – OAG: WE ALREADY HAD IT REVIEWED IT AT THE AG'S OFFICE ETHICALLY IF I CANNOT PROVIDE THE REPRESENTATION BECAUSE OF THESE QUESTIONS OF THE ETHICAL RULES I NEED TO MAKE SURE THAT THEY HAVE SOME FORM OF LEGAL REPRESENTATION SOMEBODY TO GIVE THEM SOME ADVICE NOT NECESSARILY TO TO SIGN OFF ON CONTRACTS THAT THE GOVERNOR MIGHT GET SORT OF THING BECAUSE I THINK THE WATCHDOG FUNCTION OBVIOUSLY THAT THIS IS A DIFFERENT CATEGORY WE'RE TALKING ABOUT WHEN WE SIGN OFF ON THOSE DOCUMENTS BUT I WE HAVE AN UNDERSTANDING AT THE AG'S OFFICE THAT DEPENDING IF THE GOVERNOR WISHES TO INFORM HER CABINET OR THE BOARD MEMBERS THAT SHE HAS APPOINTED TO SEEK AN COUNSEL WE WOULD APPROVE THE A TEMPORARY RETENTION OF THEIR SEPARATE LEGAL THEIR SEPARATE ATTORNEY FOR THAT DEPARTMENT OBVIOUSLY A PERSON IS UNDER CRIMINAL INVESTIGATION THEY NEED TO GET A PRIVATE ATTORNEY IN ORDER TO TO ANSWER THOSE TYPE OF QUESTIONS BUT THE ATTORNEY THAT THE COMMISSION LIKE THE CHAMORU LAND TRUST COMMISSION MAY NEED BECAUSE THEY'RE UNDER INVESTIGATION IS A CONTRACT WOULD BE GENERATED GO THROUGH OUR OFFICE WE'D MAKE SURE THAT IT IS A TEMPORARY CONTRACT FOR THEM AND WE WOULD APPROVE IT AND I THINK THAT'S INHERENT IN AN ETHICAL RESPONSIBILITY IF YOUR CLIENT YOUR CLIENT'S STEWARD CAN'T GET THAT THAT REPRESENTATION THAT THEY HAVE IT.

SPEAKER TERLAJE: ALRIGHT SO AH FOR THOSE AGENCIES WHERE WE ARE THEY ARE ALLOWED TO HIRE A LAWYER THEY'RE GOING TO BE ABLE TO DO THAT AH SUBJECT WHO ARE CURRENTLY REPRESENTED REPRESENTED BY THE AG THEY WILL BE ALLOWED TO DO THAT SUBJECT TO THE AG'S RESUMING OF REPRESENTATION WHAT ABOUT DO YOU BELIEVE WELL THERE'S A STATUTE THAT SAYS IF THEY DID THAT IF FOR HIRING LAWYERS DENTISTS PHYSICIANS SOME OTHER PEOPLE THAT THE THE THE GOVERNMENTAL BODY OF GUAM MAY ACT AS PURCHASING AGENCY AND CONTRACT ON ITS OWN BEHALF FOR SUCH SERVICES SUBJECT TO REGULATIONS BUT SHALL NOT AUTHORIZE THE PROCURING OF SUCH SERVICES WHEN ANY GOVERNMENTAL BODY IS OTHERWISE PROHIBITED FROM PROCURING SUCH SERVICES AND THOSE ARE AH THE CONTRACTS THAT

THE AG SIGNS OFF ON AH ORWELL AT LEAST NO I'M SORRY ONLY THE LEGAL SERVICES CONTRACTS THE AG SIGNS OFF ON AND YOU'RE YOU'RE YOU'RE STATING BEFORE US RIGHT NOW THAT YOU HAVE NO ISSUE CONTINUING TO SIGN OFF ON CONTRACTS FOR THOSE AGENCIES TO HIRE LAWYERS WHERE YOU HAVE DECLINED REPRESENTATION OF THOSE AGENCIES.

AG MOYLAN – OAG: THAT IS CORRECT FOR THE TEMPORARY PERIOD IF IF THE LEGISLATURE HAS GIVEN US A A ROLE IN THAT DEPARTMENT OR AGENCY WE WILL AND WE NEED TO TEMPORARILY WITHDRAW WE WILL APPROVE THOSE REPLACEMENT COUNSELS.

SPEAKER TERLAJE: SO DO YOU BELIEVE THAT THOSE AGENCIES ARE ALLOWED TO DO THAT WITHOUT US THE LEGISLATURE GIVING THEM THAT TYPE OF AUTHORITY WHERE WE HAVE CURRENTLY RESTRICTED THEM FROM HIRING AND MUST GO THROUGH THE AG'S OFFICE OR.

AG MOYLAN – OAG: I THINK THAT I THINK IT WOULD BE PRUDENT TO PUT IN THE A A BILL THAT TYPE LANGUAGE YES.

SPEAKER TERLAJE: ALRIGHT SO THAT'S WHAT I'M LOOKING AT THE GOVERNOR THE GOVERNOR SUGGESTED SOME LANGUAGE I I SUGGESTED SOME LANGUAGE BUT I I THIS SENTENCE THAT THEY PROPOSED WAS IF THE OFFICE OF THE AG WITHDRAWS FROM REPRESENTATION OF A GOVERNMENTAL BODY OR OTHERWISE DECLINES TO PROVIDE LEGAL SERVICES TO A GOVERNMENTAL BODY THE GOVERNMENTAL BODY SHALL BE AUTHORIZED TO EMPLOY OR CONTRACT WITH AN ATTORNEY TO PROVIDE LEGAL SERVICES TO THE AGENCY AND I WOULD ADD UNTIL THE AGENT THE AG RESUMES SUCH REPRESENTATION WOULD THAT BE SOMETHING YOU THINK ADVISABLE.

AG MOYLAN – OAG: YES MADAM SPEAKER I THINK THAT WOULD BE A A PRUDENT AS LONG AS THE ATTORNEY GENERAL'S OFFICE ONCE WE GET PAST THESE QUESTIONS WITH THE COURTS WE WOULD BE ABLE TO RESUME GIVE NOTICE AND RESUME REPRESENTATION.

SPEAKER TERLAJE: ALRIGHT AND THEN IF YOU ARE REVIEWING THE \$500,000 CONTRACTS YOU'RE SAYING YOU'RE GOING TO RESUME THAT YOU'RE GOING TO BE ABLE TO APPROVE THEM WHAT IF IF YOU REJECT THEM AH AND YOU LET THE AGENCIES KNOW IS THAT GOING TO BE CONSIDERED GIVING THEM LEGAL ADVICE CONTRARY TO YOUR DECISION NOT TO ADVISE THEM.

AG MOYLAN – OAG: NO WE'LL WE'LL HAVE THE DISCLOSURE IN THE DOCUMENTS.

SPEAKER TERLAJE: ALRIGHT THE RIGHT NOW THE GOVERNMENT IS AUTHORIZED TO HIRE AT THE DEPARTMENT OF ADMINISTRATION A PROCUREMENT COUNSEL I THINK WE HAD ONE RECENTLY I THINK THAT WAS WHAT BOB KONO THE LATE BOB KONO WAS SERVING IN BUT IN THE STATUTE ALLOWS THAT AND SO I THINK FOR PROCUREMENT I CAN SEE THAT THE AGENCIES CAN BE ADVISED BY THE PROCUREMENT COUNSEL CONTRACTS ABOVE \$500,000 STILL WILL BE SIGNED OFF AND IF THERE ARE ANY OTHER QUESTIONS THEN THEY HAVE TO HIRE THEIR OWN LAWYER OR FOR A TEMPORARY PERIOD.

AG MOYLAN – OAG: MADAM SPEAKER IN TERMS OF THAT THEY ALREADY HAVE THEIR COUNSEL THE COUNSEL HAS AND IN THE PAST CALLED THE AG'S OFFICE FOR ITS PERSPECTIVE REMEMBER JUST BECAUSE A GOVERNMENT OFFICIAL CALLS OUR OFFICE DOESN'T MEAN THAT AH WE CAN'T JUST SAY THAT HEY WE'RE WE'RE GIVING YOU OUR PERSPECTIVE AS THE ATTORNEY GENERAL REPRESENT THE PEOPLE OF GUAM THIS IS NOT WE'RE NOT WE DON'T HAVE THE ATTORNEY CLIENT RELATIONSHIP ESPECIALLY WHEN THE ATTORNEYS CALL US SO WE CAN GIVE OUR PERSPECTIVE AS COLLEAGUES AND SO FORTH SO THERE IS NO NEED TO INCREASE THEIR OFFICE SIZE AT THE GSA FOR THAT THAT PURPOSE BECAUSE THEY CAN JUST SIMPLY CALL THE AG'S OFFICE CALL MR BOTHA AND.

SPEAKER TERLAJE: THEY'RE ALREADY AUTHORIZED.

AG MOYLAN – OAG: CORRECT.

SPEAKER TERLAJE: WHAT ABOUT AH IF WHAT ABOUT THIS WHOLE PART THAT WE'RE TALKING ABOUT WITH G GPA THEY WANT US TO WAVE THAT STAY AND AH IN IN THE GOVERNOR'S BILL SUGGESTED ALSO IS THAT WE SAY WHERE THE AG HAS NOT ACTED WITHIN A PERIOD OF TIME 7 DAYS THAT THAT THE AGENCIES THEMSELVES GET TO WAVE THIS STAY.

AG MOYLAN – OAG: I DON'T THINK THAT WOULD BE PRUDENT IF WE WANT A CHECK AND BALANCE IN THE SYSTEM I HAVE MR BOTHA THAT CAN SPEAK SPECIFICALLY TO THE GPA REFERENCE.

SPEAKER TERLAJE: PLEASE.

GRAHAM BOTHA – (OAG): YES MADAM SPEAKER IN WHAT'S PROPOSED IN BILL 206-37 IS TWO THINGS FIRST THE WAIVER WOULD BE ON THE 90-DAY LIMITATION CONTAINED IN SECTION 5215E AND THE WAIVER AND AND THE LEGISLATURE WOULD BE SPECIFICALLY ALLOWING THE PROCUREMENT TO PROCEED FORWARD FOR A 2-YEAR PERIOD INSTEAD OF THE 90-DAY LIMITATION CONTAINED IN FOR REGULAR EMERGENCY PROCUREMENT AND THEN SECONDLY THE STATE OF PROCEEDINGS THE EVENT OF PROTEST UNDER SECTION 5425G1 WHAT THAT PROVIDES IS IS THAT IN IN THE EVENT OF A TIMELY PROTEST YOU KNOW THE THE AGENCY GUAM SHALL NOT PROCEED FORWARD WITH THE SOLICITATION OF THE AWARD PRIOR TO FINAL RESOLUTION OF THE PROTEST AND ANY SUCH ACTIONS VOID UNLESS CHIEF PROCUREMENT OFFICER IN CONSULTATION WITH THE HEAD OF THE AGENCY AND THE ATTORNEY GENERAL MAKES A WRITTEN DETERMINATION THAT THE AWARD OF THE CONTRACT WITHOUT DELAY IS NECESSARY TO PROTECT THE SUBSTANTIAL INTEREST OF GUAM AND SO BASICALLY THAT SECTION IS BEING WAVED IN TERMS OF THE IF THERE'S ANY PROTEST THERE WOULD BE NO PROCUREMENT STAY AS THERE NORMALLY WOULD UNDER ANY NORMAL PROCUREMENT BUT THEY'RE WAVING IT FOR AH THE PURPOSES OF THIS TEMPORARY EMERGENCY AH POWER A CONTRACT THAT'S BEING THING AS AS THE AGENCY GPA SAID THAT IN THE EVENT OF ANY PROTEST THAT THEY WOULD BE UNREASONABLY DELAYED AND SO THEREFORE THEY'RE THEY'RE ASKING THE LEGISLATURE TO WAVE THOSE PROCUREMENT DAY PROVISIONS.

SPEAKER TERLAJE: ALRIGHT MY TIME'S UP.

SENATOR BARNETT: MADAM SPEAKER IF YOU WOULD LIKE I CAN YIELD TO YOU MY TIME.

SPEAKER TERLAJE: SURE I WOULD LIKE THAT THANK YOU AH DO YOU THINK THAT IT'S NECESSARY DO YOU WHAT IF THEY WHAT IF OTHER AGENCIES ASK THE AG TO FIRST OF ALL REGARDING GPA SO GPA SAID THEY'RE GOING TO WORK WITH THE ATTORNEY GENERAL'S OFFICE THAT THEY ARE GOING TO SUBMIT THE DOCUMENTS TO THEM THEY'RE GOING TO GET THEIR SIGNATURE ON THEM OR BUT NOW I GUESS WE'RE WAVING THE STAY SO THEY DON'T DON'T NEED THE ATTORNEY GENERAL'S APPROVAL OF LIFTING THAT STAY ANYMORE IS THAT CORRECT.

GRAHAM BOTHA – (OAG): THAT WOULD BE CORRECT MADAM SPEAKER THE ONLY ASSISTANCE THAT WAS THAT THE THAT AG MOYLAN HAD PREVIOUSLY ADDRESSED IS FOR A PREVIOUS CONTRACT INVOLVING THE YIGO DIESELS GPA HAD ASKED THE ATTORNEY GENERAL TO INDICATE THAT THAT IN IN ORDER TO NOT HAVE A STAY THAT THE ATTORNEY GENERAL MAKE A WRITTEN DETERMINATION THAT THE AWARDED OF CONTRACT WITHOUT DELAY IS NECESSARY TO PROTECT THE POTENTIAL INTEREST OF GUAM AND THE ATTORNEY GENERAL DETERMINED THAT THERE WAS NO BASE TO DO SO AND SO OF COURSE THAT THAT THAT PROCUREMENT STAY WAS THERE AND THEN THERE WAS AN APPEAL THAT WAS MADE TO THE OFFICE PUBLIC AUDITOR AND THEN IN THAT PARTICULAR CASE THE PART IS DETERMINED TO DISMISS THE DISMISS THE APPEAL.

SPEAKER TERLAJE: ALRIGHT BUT SO GPA AH IN THE BILL THAT WE'RE AH CONSIDERING VOTING ON LATER IS AT THAT THAT CONTRACT WILL STILL BE SUBMITTED TO THE ATTORNEY GENERAL IS THAT YOUR READING FOR ITS SIGNATURE BECAUSE IT'S FIVE OVER \$500,000.

GRAHAM BOTHA – (OAG): YES MADAM SPEAKER I I THINK IT'S THE PROVISION ON LINE 15 THAT BASICALLY SAYS THE ATTORNEY GENERAL'S APPROVAL AS TO THE CONTRACTS FORM AND LEGALITY IN ACCORDANCE WITH 5 GCA 5150 MUST BE COMPLETED WITHIN FIVE DAYS OF RECEIPT OF THE PROCUREMENT PACKAGE FROM GPA SO I BELIEVE THE LEGISLATURE IS STILL REQUIRING THAT THE ATTORNEY GENERAL'S OFFICE WOULD REVIEW THE CONTRACT.

SPEAKER TERLAJE: THERE'S AH OF COURSE BEEN SOME LETTERS BACK AND FORTH WITH OTHER COMPANIES SUGGESTING THAT THERE'S MAYBE AN ISSUE I DON'T KNOW BUT I'M ASKING YOU HAVE YOU IS THERE GOING TO BE A PROBLEM WITH THIS CONTRACT I I'M NOT SURE IF THAT'S WHAT YOU SAID THIS MORNING ATTORNEY GENERAL ARE WE SUGGESTING THAT THERE IS AN ISSUE THAT YOU MIGHT NOT BE ABLE TO SIGN OFF ON THE CONTRACT.

AG MOYLAN – OAG: NO I I DON'T BELIEVE SO THAT WHAT WE'RE THAT WAS A CONCERN JUST TO RAISE IT TO THE SENATORS YOUR SENATORS MEMBERSHIP THAT THERE IS A CONCERN OF A POSSIBLE VENDOR THIS GOES TOWARDS BECAUSE YOU GUYS ARE RECEIVING AN EMERGENCY PROCUREMENT THAT IS ALREADY READY TO AWARD OR AND THAT'S THE SITUATION AS OPPOSED TO ASKING PEOPLE TO SUBMIT.

SPEAKER TERLAJE: ALRIGHT FOR OTHER FOR OTHER AGENCIES FOR CONTRACTS THAT HAVE NOT YET BEEN AWARDED NORMAL PROCUREMENTS OVER \$500,000 THE AG IS SUPPOSED TO SIGN OFF THOSE CONTRACTS THEY'RE ALSO SUPPOSED TO PERFORM AND LEGALITY AND THAT THE PROCUREMENT PROCESS WAS FOLLOWED RIGHT ARE YOU GOING TO BE ABLE TO DO THAT.

GRAHAM BOTHA – (OAG): YES YES MADAM SPEAKER I THINK WHAT YOU'RE REFERRING TO IS IS THAT ANY CONTRACT FOR ANY AGENCY THAT COMES BEFORE THE AG'S OFFICE OTHER THAN THIS EXCEPTION THE CONTRACT'S READY FOR AWARD THE AG'S OFFICE WOULD BE INVOLVED FROM THE VERY BEGINNING AND AND IN FACT ALL PHASES OF THE CONTRACT YOU KNOW PRE-BID YOU KNOW ONCE THEY PUT OUT THE NOTICE OF BID AND AND THEN REVIEW OF THE VENDORS AND ALL THE REST OF IT WOULD BE FOLLOWED IT'S JUST THAT THIS BILL THE PROCESS IS TRUNCATED.

SPEAKER TERLAJE: BUT ARE YOU GOING TO BE ABLE TO DO THAT AFTER HAVING WITHDRAWN FROM SOME OF THESE AGENCIES REPRESENTATION.

AG MOYLAN – OAG: YES WE WILL.

SPEAKER TERLAJE: ALRIGHT AND THEN AH THE GPA WE RECEIVED A LETTER FROM THEIR COUNSEL TO OUR COUNSEL YESTERDAY THAT WAS DISTRIBUTED ON THE FLOOR SOMEHOW AH WHERE AFTER GPA HAD ASSURED US THAT THE AG WOULD REVIEW THEIR CONTRACT THIS LETTER FROM THEIR COUNSEL SAYS THAT GPA IS SEEKING A COMPLETE EXCEPTION FROM THE AG'S REVIEW OF THE PROCUREMENT BUT IS THAT WHAT THE BILL DOES I I'M VERY CONCERNED ABOUT GPA TELLING US ONE THING ON ONE HAND AND THEN SOMETHING ELSE ON THE OTHER HAND THIS IS THE CORE OF THE PROBLEM I THINK THAT YOU KNOW WHY WE'RE IN HERE ON AN AN EMERGENCY SESSION TO DEAL WITH THIS BECAUSE WE CAN'T GET THE CORRECT FACTS STRAIGHTFORWARD OR REPRESENTATIONS FROM THESE PEOPLE SOMETIMES AND I THINK THAT'S REALLY THE CORE OF SOME OF OUR OUR BIGGER PROBLEMS IN THE GOVERNMENT IT'S REALLY JUST GETTING ALL THE FACTS SO DO YOU SEE THAT GPA WILL BE ABLE TO BE EXEMPT FROM AG REVIEW OF THIS PROCUREMENT BECAUSE THAT'S WHAT THEIR LAWYER SAYS THAT THEY WANT.

GRAHAM BOTHA – (OAG): YEAH MADAM SPEAKER THAT MAY BE THEY MAY BE ASKING FOR YET ANOTHER FLOOR AMENDMENT TO THIS BILL BUT AS WRITTEN THE AS I READ IT CERTAINLY THE BILL IS DIRECTING THE ATTORNEY GENERAL TO REVIEW WITHIN 48 HOURS FOR APPROVAL AS TO THE CONTRACTS FORM IN LEGALITY ACCORDANCE WITH SECTION 5150 WHICH HAS NOT BEEN CHANGED THERE'S NO PROPOSAL TO CHANGE THAT CURRENTLY BEFORE THIS BODY SO THAT IS THE LAW WHICH REQUIRES THE AG'S APPROVAL CERTAINLY AS TO THE FINAL CONTRACT AT THE END NOW MAYBE A GPA'S COUNSEL DESIRES THAT THE AG'S OFFICE BE ENTIRELY OUT OF THE PICTURE AND THAT THEY NOT REVIEW THE CONTRACT THAT CERTAINLY A POSSIBILITY MADAM SPEAKER BUT UNLESS THIS BILL IS CHANGED WE BELIEVE THAT THAT WAS ADDRESSED YESTERDAY THAT CERTAINLY THIS BODY EXPECTS THE AG'S OFFICE TO COMPLETE THE REVIEW WITHIN FIVE DAYS AS TO THE CONTRACTS FORM IN LEGALITY FOR THIS EMERGENCY POWER CONTRACT WITH THE AGGREKO INTERNATIONAL.

SPEAKER TERLAJE: ALRIGHT THANK YOU SO I'M I'M THINKING AND I'M NOT TRYING TO AFFECT ANYTHING THAT'S GOING ON OVER IN THE COURT OR INTERFERE UNNECESSARILY BETWEEN YOUR REPRESENTATION OF THE EXECUTIVE BRANCH BUT I JUST WANT TO MAKE SURE AGAIN MY CONCERN THAT'S STILL LEFT IS THE REPRESENTATION OF AGENCIES RIGHT SO FOR EXAMPLE WE TALKED ABOUT HOW THEY WOULD BE ABLE TO HIRE LAWYERS YOU'RE GOING TO HAVE TO SIGN OFF ON THOSE CONTRACTS AND YOU HAVE SAID IN HERE YOU'RE GOING TO DO THAT SO THAT THEY ARE NOT LEFT UNREPRESENTED.

AG MOYLAN – OAG: YES.

SPEAKER TERLAJE: SO THAT AND THAT THAT MIGHT REQUIRE US TO ALLOW THIS IN A A BILL SOME TEMPORARY NATURE.

AG MOYLAN – OAG: CORRECT.

SPEAKER TERLAJE: ALSO THAT WOULD APPLY I THINK TO YOUR REPRESENTATION OF FOR EXAMPLE IN STATUTE OF GSA IF THERE IS A IN IN CIVIL MATTERS IT SAYS THE PROCUREMENT COUNSEL SHALL ADVISE THE CHIEF PROCUREMENT OFFICER ON CIVIL MATTERS IN WHICH GSA IS LEGALLY INTERESTED PROVIDED THAT THE OFFICE OF AG SHALL REPRESENT THE GSA SO WE'D HAVE TO MAKE THAT AS THERE AS WELL.

AG MOYLAN – OAG: I BELIEVE SO.

SPEAKER TERLAJE: AND THEN ALRIGHT AND THEN THAT THAT WOULD RESOLVE AGENCIES FOR EXAMPLE *CHAMORU* LAND TRUST FROM MOVING ON ALRIGHT AND THEN I I GUESS THAT'S IT FOR MY QUESTIONS RIGHT NOW MR. CHAIR THANK YOU.

AG MOYLAN – OAG: THANK YOU MADAM SPEAKER.

SENATOR BARNETT: *SI YU'OS MA'ÅSE'* MADAM SPEAKER SENATOR TAITAGUE YOU'RE RECOGNIZED.

SENATOR TAITAGUE: THANK YOU MR. CHAIR AND THANK YOU AGAIN FOR THE ATTORNEY GENERAL'S OFFICE TO BEING HERE EVERY ONE OF YOU I GREATLY APPRECIATE IT BEING ON TIME AND I DO APOLOGIZE FOR IT BEING SO DELAYED YOU KNOW EARLIER YOU MENTIONED SOMETHING THAT AH EVERYONE NEEDS TO REALIZE THAT YOUR OFFICE IS NOT JUST DOING A GOOD JOB BUT YOU'RE ANSWERING THE CALL OF CONSTITUENTS WHO HAVE ARE WHISTLEBLOWERS AND DEFINITELY THE THE OFFICE OF ATTORNEY I'M SORRY THE OPA'S OFFICE ON THEIR CONCERNS I TOO HAVE REACHED OUT YOU KNOW TO YOU AS WELL ON CONCERNS SUCH AS THIS AND YOU'VE DONE NOTHING BUT ACCOMMODATE MY REQUEST TO RESEARCH THIS I MEAN I'M ONE OF THOSE PEOPLE LIKE YOU KNOW YOU JOIN MY CLUB JUST BECAUSE I RUFFLE SOME FEATHERS OR YOU KNOW KICK UP THE DUST YOU KNOW EVERYONE'S GOING NOW GOING TO ATTACK ME AS LIKE WAS MENTIONED THEY HAVE THINGS TO PROTECT AND IT'S VERY UNFORTUNATE BUT I THINK YOU'RE DOING AN EXCELLENT JOB AND YOU KNOW AND AND THAT'S COMING FROM A PERSON WHO SHOWS UP FOR PUBLIC HEARINGS 95% OF THE TIME AND AND SESSION 95% OF THE TIME TO AH REVIEW WHAT'S GOING ON IN THE COMMUNITY AND AND DO WHAT'S IN THE BEST INTEREST AND I TOO FOLLOW THE MONEY AND THAT'S WHAT BRINGS ME TO THE AH CONCERN OF THE BILL 206 AND THE PROCESS IT WENT DOWN IT IT JUST SO I GUESS I'M GOING TO TALK TO GRAHAM ABOUT THIS ATTORNEY BOTHA BECAUSE BOTHA BECAUSE I KNOW YOU WORKED FOR THE AS THE ATTORNEY FOR GPA FOR MANY YEARS AND I JUST TRYING TO WRAP MYSELF AROUND THIS BECAUSE THIS COULD HAVE BEEN DONE THROUGH NON-EMERGENCY PROCUREMENT I'M PRETTY SURE IT COULD HAVE DONE BUT IT JUST SEEMS THAT THERE WERE SOME CHANGES BACK AND FORTH AND THEN I'M I'M LOOKING AT THE COST IT MR. BOTHA DO YOU KNOW THAT THE COST FOR THIS FOR TWO YEARS ANNUALLY IS GOING TO BE \$12 MILLION A YEAR FOR THE IS THIS JUST FOR THE RENTAL OF THESE EQUIPMENT.

GRAHAM BOTHA – (OAG): SENATOR YES TO MY UNDERSTANDING BASED ON ON THE DOCUMENTS THAT WERE FILED WITH THE PUC AND THE AND THE CCU THAT THE IS APPROXIMATELY 12 UP TO \$12 MILLION A YEAR FOR 20 MEGAWATTS AND IT WOULD BE FOR THAT TWO-YEAR PROPOSED CONTRACT.

SENATOR TAITAGUE: SO ABOUT 24 RIGHT \$24 MILLION IT'S GOING TO COST DOES THIS INCLUDE THE OPERATING COST OF THE THIS GENERATOR THE FUEL THE THE MAINTENANCE ON IT AND DOES THAT INCORPORATE THAT COST.

GRAHAM BOTHA – (OAG): WELL SINCE THESE ARE TEMPORARY GENERATORS THAT ARE THAT ARE BROUGHT IN IT'S THE SAME COMPANY THAT HAD DONE THIS IN 2016 GENERALLY WHAT THEY'RE RESPONSIBLE FOR IS THEY'RE RESPONSIBLE FOR ALL THE MAINTENANCE AND OPERATING OF THOSE UNITS THE ONLY THING THAT SUPPLIED GENERALLY IS FUEL OR DIESEL FUEL BY GPA PAYS FOR THE DIESEL FUEL AND PROVIDES THAT TO THE COMPANY RUNNING THE TEMPORARY GENERATORS.

SENATOR TAITAGUE: AND BE USUALLY IT'S EVERY SIX MONTHS THAT THE LEAK IS VISITED ON FUEL CHARGES DO YOU SEE THAT ANY OTHER ADDITIONAL COST IS GOING TO BE PLACED ON OUR CUSTOMERS GPA'S CUSTOMERS MOVING FORWARD WITH THIS HIGH \$25 MILLION YOU KNOW RENTAL OF THESE GENERATORS.

GRAHAM BOTHA – (OAG): THAT THAT WOULD BE A QUESTION THAT'S PROBABLY MORE APPROPRIATELY ADDRESSED FOR GPA AS TO.

SENATOR TAITAGUE: BUT IN YOUR EXPERIENCE BEING AT GPA YOU KNOW KNOWING YOU KNOW THESE CERTAIN TYPES OF AH CONTRACTS THAT ARE ABSORBENT IN COST YOU KNOW THEY I MEAN IT'S ONE THING TO TELL US THAT YOU KNOW IT'S NOT USING THE VERBIAGE TEMPORARY POWER GENERATION CAPACITY TO STAVE OFF LOAD SHEDDING YOU KNOW IF YOU LOOK AT THE MEANING UNDER STAVE OFF IT DOESN'T SAY IT'S GOING TO AVOID ANY LOAD SHEDDING IT'S JUST GOING TO DELAY IT FOR A PERIOD OF TIME THAT COULD BE LIKE WHAT ONE MONTH AND THEN WE GO INTO LOAD SHEDDING SO WE WE KNOW THAT'S NOT GOING TO CORRECT IT BUT USING THAT WORD STAVE STAV HA YOU KNOW THEY THEY HAVE A CLEVER WAY OF OF USING THE WORD BUT I'M SORRY TO REGRESS ON THIS BUT I'M JUST SEEING THAT THIS MAY COST CONSUMERS ADDITIONAL YOU KNOW FEES FOR THE CUSTOMERS FOR GPA DO YOU SEE SOMETHING LIKE THAT COULD HAPPEN.

GRAHAM BOTHA – (OAG): WELL SENATOR TO THE EXTENT THAT YOU USE ANY SMALLER UNITS THESE ARE GENERALLY ONE MEGAWATT UNITS THOSE ARE GENERALLY MORE EXPENSIVE TO RUN THAN THE BIGGER UNITS SUCH AS THE CABRAS UNITS OR THE PERHAPS THE COMBUSTION TURBINE UNITS THE BIGGER LARGER 20 MEGAWATT OR OR OR U 50 MEGAWATT UNITS THAT ARE THE CABRAS UNITS IT'S GENERALLY LONG TERM IT'S IT'S LESS EXPENSIVE TO USE THE LARGER UNITS BUT IT WOULD BE YOU KNOW GPA WOULD BE ABLE TO GIVE YOU THE THE DETAILS AS ANY POTENTIAL INCREASE IN COST FROM RUNNING A SMALLER GENERATION UNITS IN THIS IN THIS CASE.

SENATOR TAITAGUE: AND THAT'S MY THAT'S MY BIGGEST CONCERN HERE THAT'S A RED FLAG ON THE FIELD DEFINITELY IF YOU HAD ANOTHER OPTION TO LOWER THE COST OF POWER AND TO JUST GO OUT LET'S GO BUY THE MOST EXPENSIVE IT KIND OF SOUNDS LIKE THE TAJ MAHAL OF A OF A HOSPITAL THAT'S TRYING TO GO FORWARD TOO BUT THIS THAT'S WHY I'M REALLY WEARY ABOUT THIS SO PEOPLE OF GUAM WHO'S LISTENING IF YOU THINK THAT THIS IS GOING TO NOT INCREASE YOUR POWER BILL BECAUSE WE'RE USING ONE OF THE MOST EXPENSIVE WAYS TO GENERATE THIS TYPE OF ADDITIONAL POWER THEN JUST BE PREPARED.

AG MOYLAN – OAG: AND SENATOR I I WOULD IF I MAY I WOULD AGREE WITH YOU 100% AND IT'S GOING TO BE A HIDDEN DAMAGE WHEN PEOPLE REALIZE ONCE THE LEGISLATURE STOPS THAT \$100 CREDIT IT'S GOING TO ALMOST COULD POTENTIALLY DOUBLE IT ON THE AMOUNT MORE MONEY THAT'S GOING TO HAVE TO BE SPENT IF THESE UNITS ARE IT'S THE SAME IDEA WITH THE FAST TRACKS WHEN THEY BROUGHT THEM IN DECADES AGO THEY WERE MORE EXPENSIVE THEY WEREN'T USING THE LOW SULFUR FUEL OIL I THINK THEY CALL IT FOR THE THE FUEL DIESEL IS EXPENSIVE MORE EXPENSIVE TO OPERATE SO YOU ARE VERY CORRECT IN WHAT YOU'RE SAYING.

SENATOR TAITAGUE: SO THAT'S WHY I THINK THAT WE COULD HAVE AVOIDED THIS EMERGENCY PROCUREMENT AND GONE THROUGH A NON-EMERGENCY PROCUREMENT BE ABLE TO ADDRESS THE CONCERN OF GOING FROM 40 MEGAWATT TO 20 MEGAWATT IN THE MIDST OF A PROCUREMENT AND WAS EVERYBODY NOTIFIED WAS THE OTHER COMPANIES THAT WERE BIDDING FOR THIS NOTIFIED I I IT'S IT'S VERY CONCERNING THIS WHOLE PROCESS THIS WHOLE 206 AND HOW IT'S PUSHED THROUGH MORE EXPENSIVE AND BUT CAN YOU EXPLAIN HOW THE CHANGE FROM 40 MEGAWATT TO 20 MEGAWATT I MEAN CAN THAT ACTUALLY BE DONE IN THE MIDST OF A PROCUREMENT AND IF IT IS WHAT'S THE PROCESS TO NOTIFY THE OTHER BIDDERS.

GRAHAM BOTHA – (OAG): WELL I WOULD SAY SENATOR IN RESPONSE TO YOUR QUESTION IT APPEARS THAT I BELIEVE YESTERDAY THERE WAS A LETTER PROVIDED BY A ANOTHER VENDOR WHO DID NOT APPEAR TO HAVE BID ON THIS CONTRACT BUT INDICATED THAT THEY FELT THAT THERE WASN'T SUFFICIENT NOTICE AS ANY CHANGES IN AH EITHER WHAT WAS REQUESTED OR THE SPECIFICATIONS FOR THAT AND SO THAT IS THE TYPE OF THING THAT THAT COULD RESULT YOU KNOW IN A PROTEST OBVIOUSLY AND YOU KNOW OBVIOUSLY IF THE PROTEST IS WAVE THAT WON'T GO FORWARD BUT GENERALLY IF THERE ARE VENDORS THAT ARE OUT THERE YOU WOULD PUT THEM ON THE VENDORS THAT DO THE SAME OR TYPE OF WORK YOU WOULD PUT THEM ON THE LIST OF OF OF THOSE BEING NOTIFIED OF A POTENTIAL PROCUREMENT URGENCY OR OTHERWISE JUST THAT YOU HAVE AS MANY VENDORS YOU KNOW SO THERE'S CERTAINLY ADEQUATE COMPETITION IN THIS CASE SO BUT WE DON'T HAVE ALL THE DETAILS ON THAT OTHER THAN JUST THE LETTER FROM THE VENDOR BUT WE CAN CERTAINLY LOOK INTO THAT AND ASK.

SENATOR TAITAGUE: I VERY MUCH HOPE SO BECAUSE EVEN THOUGH YOU'RE ONLY SUPPOSED TO LOOK AT THE CONTRACT THE PROCESS IN WHICH IT HAPPENED AND WE'D LIKE A FULL REPORT ON THAT I'D ALSO LIKE TO THANK YOU AGAIN FOR BEING HERE TODAY AND DOING EVERYTHING STAY STAY THE COURSE THERE'S CERTAIN SENATORS IN HERE ARE TRYING TO SABOTAGE THE ATTORNEY GENERAL'S OFFICE AND THAT'S NO

WAY TO TREAT BECAUSE HOW THEY TREAT YOU IS HOW THEY'RE TREATING THE PEOPLE OF GUAM YOU'RE THE PROTECTOR OF THIS ISLAND FROM INDIVIDUALS WHO'VE ALREADY LOST OF PEOPLE'S TRUST CONTINUE TO BREAK LOSS SO I ASK YOU TO STAY COURSE AND THERE ARE MUCH MORE SENATORS HERE WHO SUPPORT THE ATTORNEY GENERAL.

SENATOR BARNETT: THANK YOU SENATOR TAITAGUE.

SENATOR TAITAGUE: AND PEOPLE ON GUAM WHO SUPPORT YOU AS WELL SO THANK YOU SO MUCH.

AG MOYLAN – OAG: THANK YOU SENATOR TAITAGUE.

SENATOR BARNETT: SENATOR FISHER YOU'RE RECOGNIZED.

SENATOR FISHER: THANK YOU VERY MUCH SIR MR. ATTORNEY GENERAL I AM NOT HERE TO FAWN OVER YOU I AM HERE TO ENSURE TO THE BEST OF MY ABILITY THAT THE PEOPLE OF GUAM ARE GETTING THE SERVICE THEY ARE ENTITLED TO I KNOW THAT THE AGENCY IS CONCERNED ABOUT PARTICULAR ISSUE IF THEY DO NOT SIGN THIS WAIVER WILL YOU STILL MEET THE FIVE DAYS YOU PROMISED YESTERDAY.

AG MOYLAN – OAG: ARE WE TALKING ABOUT GUAM POWER AUTHORITY.

SENATOR FISHER: YES.

AG MOYLAN – OAG: YES.

SENATOR FISHER: OKAY.

AG MOYLAN – OAG: WE COMMIT TO THAT.

SENATOR FISHER: OKAY YOU'VE COMMITTED TO THAT AND SO JUST TO ALLAY ANY ANXIETY THAT THE AGENCY MAY HAVE THEY WILL NOT SIGN THIS WAIVER THAT YOU'VE CREATED YET YOU WILL MEET THE FIVE DAYS THAT YOU PLEDGED.

AG MOYLAN – OAG: THAT IS CORRECT.

SENATOR FISHER: THANK YOU SIR.

AG MOYLAN – OAG: THANK YOU.

SENATOR FISHER: NOW I WAS LISTENING TO SIR YOU MR. PARKINSON MY FRIEND SENATOR PARKINSON WAS ASKING YOU CERTAIN QUESTIONS AND YOU DECLINED TO ANSWER THEM CITING THE EXISTENCE OF A CASE OR CASES IN THE SUPERIOR COURT IS THAT CORRECT.

AG MOYLAN – OAG: THAT'S CORRECT ONGOING LITIGATION.

SENATOR FISHER: OKAY AND I APPRECIATE THE FACT THAT YOU DON'T WANT TO INTERFERE WITH ONGOING LITIGATION BUT MY CONCERN IS IF YOU DON'T WANT OBVIOUSLY YOU DON'T WANT TO DO THAT NO ATTORNEY WANTS TO INTERFERE WITH ONGOING LITIGATION YET YOU SUBMITTED A BILL FOR OUR CONSIDERATION THAT ULTIMATELY WILL EVISCERATE ANY DECISION THAT JUDGE MANIBUSAN OR WHOEVER THE JUDGE IS OVER THERE WHO'S GOT THE GOT THE ARRIOLA CASE YOU KNOW VERY WELL THERE'S A MOTION ON THERE TO DISQUALIFY YOU YET YOU SUBMITTED A BILL THAT WOULD ESSENTIALLY RENDER A COURT'S DECISION MEANINGLESS IS THAT CORRECT.

AG MOYLAN – OAG: NOT NECESSARILY.

SENATOR FISHER: EXPLAIN PLEASE.

AG MOYLAN – OAG: IT'S MEANT TO CLARIFY WHAT WE BELIEVE ALREADY EXIST IN GUAM LAW AND AVOID ANY FURTHER PROBLEMS DEALING WITH THESE PROCUREMENT TYPE OF ISSUES IT'S TO POINT OUT WHAT WE BELIEVE IS ALREADY GUAM LAW THAT THE AG'S OFFICE DOES NOT REPRESENT A GOVERNMENT OFFICIAL THE AG'S OFFICE LIKE I'VE SAID BEFORE REPRESENTS THE GOVERNMENT OF GUAM AND THESE GOVERNMENT OFFICIALS ARE STEWARDS AND FIDUCIARIES OF THE PEOPLE OF GUAM THE GOVERNMENT OF GUAM.

SENATOR FISHER: WELL WITHOUT QUESTION SIR THAT BILL WOULD INTERFERE WITH THE FUNCTIONING OF THE SUPERIOR COURT THERE'S JUST THERE'S NO QUIBBLE TO THAT I WOULD SUGGEST THAT YOU RETHINK YOUR APPROACH THERE ONE OF THE.

AG MOYLAN – OAG: SENATOR I ALREADY INDICATED.

SENATOR FISHER: I HAVE A QUESTION FOR MR. BOTHA SIR I WAS CONCERNED IT'S NOT THE SUBSTANCE OF THE EMAIL YOU SENT BUT YOU SENT A EMAIL TO YOUR CLIENT GPA AND IN THE ATTORNEY CLIENT CONTEXT YOU THEN REVEALED THE COMMUNICATION TO FRED HORECKY TO SENATOR TERLAJE AND OTHERS AND THERE MIGHT BE A BLIND CCC SIR BY BREACHING THE ATTORNEY CLIENT DUTY DO YOU BELIEVE YOU HAVE COMMITTED AN ETHICAL VIOLATION.

AG MOYLAN – OAG: I I'M GOING TO STEP IN THERE SENATOR FISHER.

SENATOR FISHER: SIR THE QUESTION IS TO MR. BOTHA.

AG MOYLAN – OAG: SENATOR FISHER THE CLIENT IS THE GOVERNMENT OF GUAM THE LEGISLATURE IS THE EMBODIMENT OF THE GOVERNMENT OF GUAM.

SENATOR FISHER: I UNDERSTAND THAT YOU WERE DEFENDING YOUR POSITION THE QUESTION IS TO MR. BOTHA THIS IS A PERSONAL QUESTION TO HIM.

AG MOYLAN – OAG: WELL NOT NECESSARILY.

SENATOR FISHER: IT IS A PERSONAL QUESTION TO HIM HE HAS AN OBLIGATION MR. ATTORNEY GENERAL THE QUESTION TO MR. BOTHA IS DO YOU OR DO YOU NOT THINK THAT YOU HAVE COMMITTED AN ETHICAL VIOLATION BY BREACHING THE ATTORNEY CLIENT PRIVILEGE.

GRAHAM BOTHA – (OAG): SENATOR FISHER I BELIEVE THAT IN PROVIDING ADVICE TO THE CLIENT WHICH IS THE AGENCY I'VE CERTAINLY ADVISED THEM THE CONSEQUENCE OF WHAT THEY HAVE DONE WITH THEIR ACTIONS HERE AND WHAT THEY'VE TRIED TO DO IN THE EMERGENCY PROCUREMENT.

SENATOR FISHER: ALRIGHT I'M BUT THE QUESTION SIR IS YOU CIRCULATED THIS BEYOND YOUR COMMUNICATION WITH THE CLIENT AN ABSOLUTE BREACH OF THE ATTORNEY CLIENT RELATIONSHIP.

AG MOYLAN – OAG: THE CLIENT IS THE PEOPLE OF GUAM.

SENATOR FISHER: DO YOU PEOPLE DO YOU BELIEVE THAT YOU SIR HAVE PERSONALLY COMMITTED AN ETHICAL VIOLATION.

GRAHAM BOTHA – (OAG): THE CLIENT IS THE PEOPLE OF GUAM.

SENATOR FISHER: EARLIER A SENATOR WELL A FRIEND OF MINE INSINUATED THAT A DIFFERENCE IN POLITICAL VIEWS MIGHT CONSTITUTE EVIDENCE OF CORRUPT MOTIVE HERE ON THE FLOOR THAT WAS MY FRIEND SENATOR BROWN I SEE NO EVIDENCE OF ANY CORRUPT MOTIVE BY ANY OF MY BROTHERS OR SISTERS HERE ON THE FLOOR I I REJECT ABSOLUTELY THAT STATEMENT AND I REJECT THE INSINUATION AND I WOULD DO SO ON BEHALF OF THE DIGNITY OF THIS BODY YOU SIR MR. ATTORNEY GENERAL ADMONISHED US OR ADVISED US TO FOLLOW THE MONEY DO YOU HAVE ANY EVIDENCE THAT THE GUAM POWER AUTHORITY IS CORRUPT.

AG MOYLAN – OAG: SIR I WILL NOT SPEAK TO ONGOING CRIMINAL OR CIVIL INVESTIGATIONS.

SENATOR FISHER: BUT YOU WILL INSINUATE IT WHEN THEY CAN'T DEFEND THEMSELVES YOU WILL INSINUATE THAT THESE PEOPLE ARE CROOKS YET THEY CAN'T COME IN AND DEFEND THEMSELVES.

AG MOYLAN – OAG: WHAT EXACTLY DID I INSINUATE SIR.

SENATOR FISHER: FOLLOW THE MONEY.

AG MOYLAN – OAG: WELL THAT'S THAT'S THE MOTTO THAT'S THE THE MANDATE OF EVERY CRIMINAL OR CIVIL INVESTIGATION FOLLOW THE MONEY.

SENATOR FISHER: DO YOU HAVE ANY AND YOU DID THAT IN RELATIONSHIP WITH THE GUAN POWER AUTHORITY DO YOU HAVE ANY EVIDENCE OF CORRUPTION BY THOSE INDIVIDUALS AND IF YOU DO NOT WILL YOU WITHDRAW THAT INSINUATION THAT HURTS PEOPLE PERSONALLY WHEN THEY CANNOT DEFEND THEMSELVES SIR WE MUST NONE OF US ACT AS BULLIES IF WE WILLED.

AG MOYLAN – OAG: YOU HAVE MISCHARACTERIZED MY TESTIMONY SENATOR FISHER.

SENATOR FISHER: SIR I DO I DO NOT BELIEVE I HAVE IF YOU INSINUATE.

AG MOYLAN – OAG: DEFINITELY HAVE.

SENATOR FISHER: IF YOU INSINUATE A BAD MOTIVE YOU MUST BE ABLE TO BACK IT UP OTHERWISE YOU'RE HIDING BEHIND A MICROPHONE.

AG MOYLAN – OAG: YOU'RE YOU'RE MISCHARACTERIZING MY TESTIMONY SIR.

SENATOR FISHER: OKAY THANK YOU JUST A LITTLE BIT OF INFORMATION THAT WOULD BE TO YOUR BENEFIT MR ATTORNEY GENERAL I WAS AT THE ATTORNEY GENERAL'S OFFICE BEGINNING IN 1996 WE HAD A CONFLICT WALL WE HAD A WHITE COLLAR CRIME DIVISION AND THAT WHITE CRIME THAT WHITE COLLAR CRIME DIVISION WAS ACTUALLY BEHIND TWO LOCKED DOORS IT WORKED VERY WELL I JUST WANTED YOU TO KNOW THAT THAT WHEN YOU BECAME IN YOUR FIRST ROUND AS ATTORNEY GENERAL YOU WERE BY NO MEANS YOU KNOW BREAKING THE ICE HERE GOVERNMENT OF GUAM HAS BEEN INVESTIGATING WHITE COLLAR CRIME AND CORRUPTION WITHIN THE AGENCIES IF IT EXISTS FOR YEARS AND YEARS AND YEARS AMONG.

AG MOYLAN – OAG: THE ELECTED ATTORNEY GENERALS.

SENATOR FISHER: YOU ALSO STATED THAT THE POSITION YES SIR.

SENATOR BARNETT: SENATOR QUINATA I'M GUESSING YOU WANT TO YIELD YOUR TIME TO SENATOR FISHER.

SENATOR QUINATA: YES THANK YOU FOR THAT MOTION.

SENATOR BARNETT: ALRIGHT THANK YOU.

SENATOR FISHER: THANK YOU SO MUCH THE BILL 206 WHICH IS UNDER CONSIDERATION I HOPE THE ENTIRE ISLAND OF GUAM CAN READ IT IT'S POSTED ON THE INTERNET IN NO WAY DOES IT CREATE THREE ATTORNEY GENERALS.

AG MOYLAN – OAG: IT DOES.

SENATOR FISHER: IT NO IT DOESN'T.

AG MOYLAN – OAG: YES IT DOES.

SENATOR FISHER: NO IT DOESN'T NO IT DOESN'T YES IT DOES NO IT DOESN'T YES IT DOES OKAY IT IN NO WAY DOES THAT THAT IS AN ABSOLUTE MISCHARACTERIZATION CRIMINAL MATTERS WILL REMAIN INCLUDING WHITE COLLAR WILL REMAIN WITHIN ELECTED TERRITORIAL PROSECUTOR AT SOME POINT AND MATTERS OF WHAT YOUR SOLICITORS DIVISION NORMALLY CARRIES OUT WILL BE ATTACHED TO THE GOVERNOR'S OFFICE SO IT'S IMPORTANT NOT TO OVERSTATE WHAT THE BILL DOES AND IT'S IMPORTANT NOT TO UNDERSTATE IT.

AG MOYLAN – OAG: I CAN I CAN SHOW YOU WHERE THE THREE ATTORNEY GENERALS ARE IN IT.

SENATOR FISHER: YEAH.

AG MOYLAN – OAG: SECTION 36102 IN BILL 257-37 TALKS ABOUT CREATING THE PUBLIC PROSECUTOR THAT HAS THE ATTORNEY GENERAL'S AUTHORITY THEN YOU HAVE A CIVIL ATTORNEY GENERAL THAT'S BEEN THE APPOINTED OR THE ELECTED ONE AND THAT'S IN SECTION THREE OF THE BILL.

SENATOR FISHER: ABSOLUTELY.

AG MOYLAN – OAG: THEN YOU HAVE A FINAL ONE.

SENATOR FISHER: NO ARGUMENT.

AG MOYLAN – OAG: WHICH IS THE FINAL SECTION 8 APPOINTMENT OF SPECIAL PROSECUTOR YOU'VE CREATED THREE ATTORNEY GENERALS AND THE GOVERNOR IS THE ONE IN CHARGE OF THE APPOINTMENT OF SPECIAL PROSECUTOR.

SENATOR FISHER: OKAY SIR I'VE ALREADY MADE THE OBSERVATION THAT WHEN YOU SPOKE ABOUT THE GUAM INTERNATIONAL AIRPORT AUTHORITY YOU MADE A REFERENCE TO THEM THE GUAM POWER AUTHORITY PORT AUTHORITY OF GUAM YOU INSINUATED AGAIN SIR YOU INSINUATED THAT THERE IS CROOKEDNESS CRIMINALITY TAKING PLACE AT THESE VITAL AGENCIES YET AGAIN SIR YOU DON'T PROVIDE ANY EVIDENCE AND YOU HIDE BEHIND A SHIELD SAYING I WON'T TALK ABOUT AN ONGOING INVESTIGATION FAIR ENOUGH BUT IF YOU'RE NOT GOING TO TALK ABOUT THE NOT THE ONGOING INVESTIGATION DON'T MENTION IT.

AG MOYLAN – OAG: SENATOR FISHER LOOK AT MY LETTER DATED.

SENATOR FISHER: THESE PEOPLE CANNOT FIGHT BACK.

AG MOYLAN – OAG: SENATOR FEBRUARY 28TH LETTER ATTACHMENT ONE IT CONTAINS THE OPA REPORTS OF THESE DIFFERENT GOVERNMENT DEPARTMENTS AND AGENCIES THEN THE ATTACHMENT TWO IDENTIFIES AND SUMMARIZES THE 22 GOVERNMENT DEPARTMENTS AND AGENCIES.

SENATOR FISHER: I KNOW THAT SIR I MY OBSERVATION.

AG MOYLAN – OAG: IT'S NOT JUST US.

SENATOR FISHER: MY OBSERVATION IS SIMPLY THIS YOU ARE THE ATTORNEY GENERAL OF GUAM AND YOU ARE DAMAGING REPUTATIONS WHERE PEOPLE CANNOT FIGHT BACK I URGE CAUTION YOU HAVE A SPECIAL RESPONSIBILITY FINALLY SIR WELL WELL I THINK YOU WOULD AGREE THAT THE ORGANIC ACT CLEARLY ALLOWS FOR AN APPOINTED AG BY THE GOVERNOR WHOEVER THAT'S GOING TO BE.

AG MOYLAN – OAG: THAT'S CORRECT.

SENATOR FISHER: AND A TERRITORIAL PROSECUTOR CORRECT.

AG MOYLAN – OAG: THAT'S CORRECT.

SENATOR FISHER: ALRIGHT SIR AGAIN TODAY AND YESTERDAY YOU WERE EMPHATIC THAT THE LAW DOESN'T ALLOW YOU TO CREATE A A WALL A CONFLICT SCREEN CORRECT.

AG MOYLAN – OAG: EMPHATIC I POINTED OUT THAT THE STATUTE DOES NOT REQUIRE IT YES.

SENATOR FISHER: WELL I'M JUST GOING TO TELL YOU I'VE GOT THE CLIP RIGHT HERE DO YOU WANT TO HEAR IT.

AG MOYLAN – OAG: WELL I SAID THAT YOU USE THE WORD EMPHATIC I SAID THAT I DID SAY IT BY POINTING OUT THE STATUTE THE STATUTORY SCHEME I AGREE WITH YOU YOUR COMMENT THE CHARACTERIZATION THOUGH IS A LITTLE BIT OFF.

SENATOR FISHER: WELL I APPRECIATE SIR BUT YOU SAID YOU COULDN'T CREATE YOU SAID YOU COULD NOT CREATE THE CONFLICT SCREEN.

AG MOYLAN – OAG: I DIDN'T SAY I COULDN'T CREATE IT I SAID THAT IT.

SENATOR FISHER: NO SIR.

AG MOYLAN – OAG: WAS NOT REQUIRED BY THE STATUTE.

SENATOR FISHER: NO SIR YOU ACTUALLY SAID YOU COULDN'T DO IT I'VE GOT THE VIDEO OR GOT THE VIDEO TAPE BUT.

AG MOYLAN – OAG: I DISAGREE AND IF ANYTHING I WILL MAKE IT CLEAR TO YOU THAT WE CAN CREATE CONFLICT WALLS BUT THAT IS NOT WHAT THE STATUTE REQUIRES YOU WILL TAKE AWAY THE ELECTED ATTORNEY GENERAL'S CONTROL OF THAT OFFICE OVER ONE HALF OF THE WORK.

SENATOR FISHER: YES SIR.

AG MOYLAN – OAG: THAT IS WHAT I TO CLARIFY ANY DUTY MAY HAVE.

SENATOR FISHER: YEAH YOU DID NEED TO CLARIFY THAT BECAUSE ON OCTOBER 30TH OF THIS YEAR YOU TOLD THE SUPERIOR COURT THAT THERE IS A CONFLICTS WALL AND YOU SAID IN A MEMO ON APRIL 17TH THAT YOU COULD AND MUST CREATE A CONFLICT WALL WHILE YESTERDAY SIR YOU SAID YOU COULDN'T DO IT I SUBMIT MR. ATTORNEY GENERAL THAT YOU WERE MISLEADING THE BODY.

AG MOYLAN – OAG: NO NO THIS IS A DEVELOPING LEGAL ISSUE.

SENATOR FISHER: I HAVE NO FURTHER QUESTIONS.

AG MOYLAN – OAG: MAY I FINISH SENATOR FISHER DO YOU WANT TO CUT ME OFF LIKE THAT THAT'S UNFAIR THANK YOU SENATOR FISHER THIS IS AS I SAID THIS IS A DEVELOPING LEGAL ISSUE HENCE IT BEING IN COURT AND ARGUED BEFORE SENATOR I'M SORRY BEFORE JUDGE TERLAJE I DID THE ORAL ARGUMENT AND SPECIFICALLY SAID TO THE JUDGE THAT IT'S AGAINST THE STATUTORY SCHEME THAT THE ATTORNEY GENERAL SHOULD NOT HAVE TO CREATE THE CONFLICT WALLS BUT THIS IS THAT ABUNDANCE OF CAUTION THAT I PROTECT MY ATTORNEYS AND MY TEAM WITH WE CREATE CONFLICT WALLS IN IN THE AMBIGUITY BUT IN OUR ARGUMENTS WE DO NOT BELIEVE THAT IT'S NECESSARY.

SENATOR FISHER: SO CREATE A WALL YOU MAY NOT BELIEVE SO SIR BUT CREATE THE CONFLICT WALL SO WE DON'T HAVE TO COME IN HERE ON THIS DRILL.

AG MOYLAN – OAG: NO I WILL NOT.

SENATOR FISHER: YOU CAN FIX THE PROBLEM YOU HAVE CREATED THE EMERGENCY YOU SIR HAVE CREATED THE EMERGENCY YOU CAN CREATE A CONFLICT WALL JUST LIKE THE DEPARTMENT OF JUSTICE JUST LIKE THE OTHER 52 TERRITORIES AND JUST LIKE YOU DID.

AG MOYLAN – OAG: I WILL NOT ABANDON THE PEOPLE OF GUAM'S MANDATE THAT I PROVIDE THE PUBLIC PROCESS PROSECUTION AND ALSO DIRECT THE GOVERNMENT DEPARTMENTS YOU ARE CUTTING THE ATTORNEY GENERAL'S OFFICE INTO TWO TWO DIVISIONS TWO ATTORNEY GENERAL'S OFFICES WHEN YOU DO THAT WHERE IN THE STATUTE DOES IT ALLOW FOR THAT FACT.

SENATOR FISHER: WELL MR. ATTORNEY GENERAL THAT CERTAINLY IS A PARADOX YOU SAID YOU CANNOT ABANDON YOUR DUTY TO THE PEOPLE YET ESSENTIALLY 22 OR MORE AGENCIES HAVE BEEN SHUT DOWN HOW IS THAT NOT ABANDONING YOUR DUTY TO THE PEOPLE.

AG MOYLAN – OAG: TO MAKE SURE THAT WE'RE IN COMPLIANCE WITH A POTENTIAL READING OF THE ETHICS WALLS THE ETHICAL REQUIREMENTS THAT'S WHAT WE DID THAT'S THE WHOLE PROBLEM IT'S A TEMPORARY AND YOU KNOW SENATOR FISHER YOU ARE AN ATTORNEY WHERE IN OUR RULES OF PROFESSIONAL CONDUCT DOES IT DISTINGUISH THE ATTORNEY GENERAL'S OFFICE IN RECONCILIATION WITH CHAPTER 30 THE ATTORNEY GENERAL'S DUTIES AREN'T MENTIONED.

SENATOR FISHER: SIR JUST READ ORGANIZATION AS CLIENT I HAVE NO FURTHER QUESTIONS.

AG MOYLAN – OAG: THE ORGANIZATION'S CLIENT DOES NOT APPLY HERE FOR THE ATTORNEY GENERAL.

SENATOR BARNETT: THANK YOU SENATOR FISHER SENATOR SAN NICHOLAS.

SENATOR SAN NICOLAS: NOTHING MR. CHAIRMAN THANK YOU VERY MUCH THANK YOU PANEL FOR BEING HERE.

SENATOR BARNETT: *SI YU'OS MA'ÅSE'* SENATOR PEREZ.

SENATOR PEREZ: I YIELD MY TIME TO THE SPEAKER IF SHE HAS ANY FURTHER QUESTIONS THANK YOU.

SENATOR BARNETT: OKAY SENATOR SHELTON.

SENATOR SHELTON: THANK YOU VERY MUCH MR. CHAIR AND THANK YOU ATTORNEY GENERAL AND TEAM FOR BEING HERE THIS MORNING ATTORNEY GENERAL CAN YOU TELL US HOW LONG IT TYPICALLY REQUIRES YOU AND YOUR TEAM TO COMPLETE A REVIEW OF PROCUREMENT CONTRACTS WHAT IS YOUR AVERAGE.

AG MOYLAN – OAG: I'LL LET MR. BOTHA SPEAK TO THAT I KNOW THE MANDATE CAME DOWN THAT WE WANT IT REVIEWED WITHIN OR I WANT IT REVIEWED WITHIN 30 DAYS IF THERE'S A EMERGENCY SITUATION WHICH WE HAVE EVERY WEEK I ASKED THEM TO EXPEDITE CERTAIN CONTRACTS THAT ARE TIME SENSITIVE SO YES MR. BOTHA IF YOU ALLOW HIM TO ALSO ADDRESS THAT DIRECTLY THANK YOU.

SENATOR SHELTON: YES PLEASE THANK YOU.

GRAHAM BOTHA – (OAG): THANK YOU SENATOR IT BASICALLY DEPENDS ON WHETHER THE AGENCY PROVIDES ALL THE DOCUMENTATION UP FRONT WHAT HAPPENS SOMETIMES IN THE REVIEW EVEN FOR THE PRE-BID PROCESSES IS THAT THEY'RE MISSING CERTAIN DETERMINATIONS THEY'RE MISSING CERTAINLY PARTS OF THE PROCUREMENT FILE SO IF THEY GET THOSE BACK TO US RIGHT AWAY THEN WE CAN PROCEED FORWARD AND ACCOMPLISH IT WITHIN THE 30-DAY PERIOD UNFORTUNATELY WHAT SOMETIMES HAPPENS IS DUE TO I MAYBE THE WORKLOAD FOR THOSE AGENCIES AT THEIR PROCUREMENT DIVISION YOU KNOW AND THOSE COULD BE THE ONES THAT DON'T HAVE AN ATTORNEY WHAT HAPPENS IS IT TAKES THEM A WHILE TO GET BACK OR THE DETERMINATIONS THAT WEREN'T DONE IN ADVANCE THEY'VE GOT TO DO THOSE RIGHT AND THEN BUT WE WE WORK WITH THEM I MEAN WHAT WE'VE DONE YOU KNOW FOR FOR SOME OF THE AGENCIES HAVE HAD ASKED FOR AN EXPEDITED REQUEST LIKE GUAM MEMORIAL HOSPITAL THEY HAD AN NGO SUITE YOU KNOW THAT THEY HAD MONEY TO SPEND OR WHATEVER WE WORK DIRECTLY YOU KNOW WITH A FORMER ATTORNEY THERE MR JEREMIAH LUTHER YOU KNOW TO WORK WITH THEM TO SAY HEY GET YOUR CLIENT TO SIGN THESE THINGS MOVE THEM FORWARD AND THEN GOT THE CONTRACT APPROVED AND MY UNDERSTANDING IS IS THAT YOU KNOW THEY'VE THEY'VE YOU KNOW ORDERED THE EQUIPMENT AND IT'S JUST A WAITING INSTALLATION EVERYTHING SO IT KIND OF DEPENDS ON NOT NOT NECESSARILY THE WORKLOAD OF THE AG'S OFFICE BUT IF THE AGENCY IS ABLE TO GIVE EVERYTHING UP FRONT THEN THEN WE CAN CERTAINLY WORK TO ACCOMMODATE THAT IN IN A YOU KNOW IN IN IN YOU KNOW 30-DAY PERIOD BUT A LOT OF TIMES THE THE AGENCIES JUST BECAUSE THEY MAY BE SHORT STAFFED ON THE PROCUREMENT SIDE THEY'RE JUST NOT ABLE TO PROVIDE ALL THE MATERIALS NEEDED FOR A PROPER REVIEW.

SENATOR SHELTON: SO IN A PERFECT SCENARIO IT IS ALWAYS REVIEWED AND SIGNED WITHIN 30 DAYS IF ALL DOCUMENTS ARE PROVIDED.

GRAHAM BOTHA – (OAG): YES AND AND BUT THAT'S GENERALLY NOT THE CASE BECAUSE THERE'S ALWAYS YOU KNOW SOMETHING MISSING FROM THE FILE AND SO WE JUST WE TRY AND HELP OUT THE AGENCIES TO TO ASSIST THEM AND AND YOU KNOW GET THOSE DOCUMENTS TO US.

SENATOR SHELTON: OKAY THANK YOU AND SO WITH REGARDS TO THE ADULT DAYCARE CONTRACT AND OTHER PUBLIC HEALTH CONTRACTS FOR OUR *MANÁMKO'* WHAT IS THE STATUS OF THOSE CONTRACTS AND THOSE REVIEWS AT THIS TIME.

GRAHAM BOTHA – (OAG): SO SENATOR WITH REGARD TO THE ADULT DAYCARE MY UNDERSTANDING IS THAT'S BEEN APPROVED THAT IS A CONTRACT WITH HSP GURAMI INC AND SO THAT THAT WITH PUBLIC HEALTH HAS HAS BEEN APPROVED AND I THINK IT'S JUST WAITING FOR THEM TO PICK IT UP.

SENATOR SHELTON: OKAY THANK YOU VERY MUCH AND WITH RESPECT TO DISCUSSIONS YESTERDAY ON THE DESIGNATION OF SPECIAL ASSISTANT ATTORNEYS GENERAL CAN YOU CLARIFY THE OFFICIAL POLICY OF YOUR OFFICE ATTORNEY GENERAL ON THE APPOINTMENT OF NON-AG LAWYERS TO ASSIST GOV GUAM WITH CERTAIN CASES AND WHAT HAS BEEN DONE IN THE PAST FOR MATTERS INVOLVING CLTC AND GUAM'S POLITICAL STATUS PLEBISCITE.

AG MOYLAN – OAG: OKAY SENATOR SHELTON GOOD MORNING ARE ARE WE SPEAKING OF SPECIFICALLY WITHIN THE AG'S OFFICE AND THAT THAT LINE OF QUESTIONING.

SENATOR SHELTON: YES.

AG MOYLAN – OAG: THE SUPREME COURT OF GUAM SINCE I BELIEVE THE PROMULGATION ORDERS SINCE 2022 HAVE RECOGNIZED THAT THERE ARE NOT ENOUGH LAWYERS ON GUAM SO WHEN I WAS ELECTED AS THE AG

WE NEEDED TO PROVIDE ENOUGH LAWYERS SO THAT WE CAN PROVIDE CAN DO THE DUTIES FOR THE OUR PEOPLE WHAT WE DID WAS WE STARTED TO DESIGNATE AND APPOINT SPECIAL ASSISTANT WE WE BASICALLY CONTRACTED OUT UNDER THE ATTORNEY GENERAL'S OFFICE ATTORNEYS SO THOSE ATTORNEYS HAVE BEEN GETTING US PAST THIS RECRUITING PHASE THAT WE'VE BEEN DOING SO THAT'S WHAT WE'VE DONE ON THAT THE SAGS WE WITHDREW ALL OF THEM THAT THE OTHER AG HAD APPOINTED THOSE WERE PRIVATE LAW FIRMS THAT HE HAD APPOINTED TO TAKE CARE OF AGENCIES FOR THE PROCUREMENT I THINK IT WAS PRIMARILY FOR THE PROCUREMENT OF THE 500,000 AND ABOVE SO WE INTERNALIZED IT AND THAT'S THEY'RE ALL GOING THROUGH OUR CIVIL DIVISION MR. BOTHA SO THAT THAT'S HOW WE'VE DONE THAT THE PREFERENCE IS ALWAYS TO HAVE SALARIED ATTORNEYS THAT ARE WORKING ONLY FOR THE PEOPLE OF GUAM BUT THE AGS FOR DECADES EVEN IN THE APPOINTED ERA THAT MR. FISHER WAS POINTING ABOUT BEFORE 2003 THE THEY'VE ALWAYS HAD CONTRACTS WITH PRIVATE LAW FIRMS IN ORDER TO DO EITHER CONFLICTS COUNSEL OR TO DO SPECIAL PROSECUTIONS THAT'S MY RECOLLECTION AND OBSERVATION OF OUR OPERATIONS AS AN AG'S OFFICE BUT FOR ME WE HAVE TO IT'S BETTER TO HIRE AN ATTORNEY BECAUSE THE SALARIES ARE ARE NOT AN HOURLY RATE TYPE THING.

SENATOR SHELTON: OKAY AND MR. ATTORNEY GENERAL YOU COMMENTED AT THE BEGINNING OF YOUR PRESENTATION YESTERDAY AFTERNOON TO THE EFFECT THAT THE PROCESS HAS BEEN ESTABLISHED TO ALLOW YOUR OFFICE TO CONTINUE REVIEWING PROCUREMENT CONTRACTS AND OTHER AGENCIES REQUESTS AND THAT NO FURTHER ACTION OR NEW LEGISLATION IS NEEDED SO DO YOU MAINTAIN THAT POSITION TODAY AND IF THIS IS THE CASE SHOULD WE CONCLUDE THIS CONVERSATION.

AG MOYLAN – OAG: I AGREE WITH WHAT YOU'RE SAYING I DO POINT OUT THAT MADAM SPEAKER HAD HAD A GOOD RECOMMENDATION BASED ON THE GOVERNOR'S BILL AND YOU KNOW I I WOULD LIKE TO MAKE THIS CLEAR FROM MY PERSPECTIVE AS AN ELECTED OFFICIAL I WANT TO CONTINUE WORKING WITH THE GOVERNOR EVERYBODY AS MR. FISHER POINTED OUT SENATOR FISHER ATTORNEY FISHER POINT POINTED OUT EVERYBODY IS INNOCENT UNTIL PROVEN GUILTY THIS IS JUST THE INVESTIGATION STRUGGLES THAT WE'RE DEALING WITH FULFILLING THE ROLE AS THE PUBLIC PROSECUTOR SO WITH THAT BEING SAID MADAM SPEAKER'S RECOMMENDATION DURING THIS TEMPORARY PERIOD THAT I CAN SIGN OFF ON THEIR RETAINING PRIVATE COUNSEL TO GIVE THEM LEGAL ADVICE THAT IS I WOULD RECOMMEND THAT.

SENATOR SHELTON: OKAY THANK YOU VERY MUCH AND I APPRECIATE YOUR SENTIMENT TO CONTINUE WORKING TOGETHER I THINK ACROSS ALL BRANCHES OF THE GOVERNMENT SO THAT WE CAN CONTINUE THESE VITAL SERVICES I DON'T THINK ANYONE WANTS TO BE PUT INTO A STATE OF FEAR FOR US TO WOR WORRY OUR *MANÁMKO'* OR ANYONE IN ANY OTHER DEPARTMENT TO THINK THAT THEY CANNOT CONTINUE THEIR WORK AND SO I HOPE THAT WE'RE ABLE TO MOVE FORWARD FROM FROM THIS MOMENT AND AND WORK TOGETHER.

AG MOYLAN – OAG: THANK YOU THANK YOU SENATOR SHELTON.

SENATOR SHELTON: APPRECIATE THAT THANK YOU VERY MUCH AND THANK YOU MR. CHAIR.

SENATOR BARNETT: *SI YU'OS MA'ÁSE'.*

SENATOR SHELTON: AT THIS TIME I'D LIKE TO MOVE FOR US TO RECESS UNTIL 2:30 TODAY.

SENATOR BARNETT: ON THE MOTION TO RECESS UNTIL 2:30.

SENATOR SHELTON: I'LL I WILL GIVE SOME CLARIFICATION ON MY MOTION I'M ASKING FOR 2:30 BECAUSE THERE IS A SCHEDULED PUBLIC HEARING THAT WE WILL NEED TO OPEN TO RECESS AND THEN COME BACK INTO OUR SESSION HERE.

SENATOR BARNETT: *SI YU'OS MA'ÁSE'* SENATOR SHELTON ON THE MOTION TO RECESS UNTIL 2:30 PROMPTLY IS THERE ANY OBJECTION SEEING NONE MOTION PASSES SEE YOU AT 2:30.

RECESS

NOTE SPEAKER TERLAJE PRESIDES OVER THE COMMITTEE OF THE WHOLE

SPEAKER TERLAJE: WE'RE BACK FROM RECESS THANK YOU FOR YOUR PATIENCE WE LEFT OFF WE'RE WE'RE ON OUR SECOND ROUND OF QUESTIONING WE ARE NOW I BELIEVE ON SENATOR PARKINSON AND THEN WE'LL GO

SENATOR DUEÑAS I'M SORRY JUST A MINUTE SO WE LEFT OFF AT SENATOR SHELTON SO WE'RE NOW ON ON THE VICE SPEAKER VICE SPEAKER ANY QUESTIONS SENATOR BROWN OH GOT CONFUSED NO OKAY I THINK WHAT WE DID ON THE FIRST ROUND WAS WE WE WENT UP HERE AND THEN WE GO BACK THERE YEAH SENATOR PARKINSON YOU'RE RECOGNIZED.

SENATOR PARKINSON: I HAVE NO QUESTIONS AT THIS TIME MA'AM.

SPEAKER TERLAJE: THANK YOU SENATOR DUEÑAS YOU'RE RECOGNIZED SENATOR BLAS ALRIGHT NOW VICE SPEAKER ALRIGHT CAN WE JUST.

NOTE MUNA BARÑES PRESIDES OVER THE COMMITTEE OF THE WHOLE

VICE SPEAKER MUÑA BARNES: OKAY COLLEAGUES AT THIS TIME I'M GOING TO RECOGNIZE SPEAKER THERESE TERLAJE YOU MAY PROCEED FOR THE PANEL.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* VICE SPEAKER SO I WANT TO CLARIFY AGAIN FOR TODAY THAT WE ARE NOW DOWN TO THAT EVEN IF THE ATTORNEY GENERAL HAS WITHDRAWN AS COUNSEL FOR THE 22 AGENCIES THAT ARE UNDER INVESTIGATION ACCORDING TO THE LIST HE IS STILL GOING TO BE ABLE TO ACCORDANCE WITH 5150 SIGN THE CONTRACTS THAT ARE OVER 500,000 THOSE WILL BE SIGNED AND STATING THAT HE DOES NOT REPRESENT ANY PUBLIC OFFICIAL BUT THE CONTRACT IS APPROVED AND SO 5150 REQUIRES THAT CONTRACTS WILL BE APPROVED BY THE ATTORNEY GENERAL SORRY JUST A SEC AS TO FORM AS TO LEGALITY AND WHETHER THE AGENCY COMPLIED WITH THE PROCUREMENT LAW.

AG MOYLAN – OAG: THAT IS MY UNDERSTANDING YES MADAM SPEAKER.

SPEAKER TERLAJE: AND 5150 ALSO REQUIRES THAT THE ATTORNEY GENERAL SHALL QUOTE ACT AS LEGAL ADVISER DURING ALL PHASES OF THE SOLICITATION OR PROCUREMENT PROCESS UNQUOTE HOW IS THAT GOING TO HAPPEN FOR THE 22 AGENCIES.

AG MOYLAN – OAG: WE WOULD BE THE NOTICE HAS ALREADY BEEN GIVEN TO THE DEPARTMENT OF ADMINISTRATION THAT FOR A TEMPORARY PERIOD PENDING THE COURT'S OUTCOMES WE'RE GOING TO NOT PROVIDE NOT ACT AS THEIR ATTORNEY IN ANY CAPACITY SO A THAT'S THE SITUATION GIVING THE LEGAL ADVICE AS OPPOSED TO PROCESSING THE PAPERWORK IF THEIR COUNSEL CONTACTS OUR COUNSEL THAT WE WOULD ALWAYS JUST REMIND THEM THAT YOU HAVE THAT LETTER WHAT IS YOUR QUESTION BECAUSE THE ATTORNEY GENERAL STILL HAS THE FUNCTION OF PROVIDING A LEGAL OPINION FOR THE GOVERNMENT OF GUAM AND WE WILL STILL BE CONDUCTING THAT FUNCTION BUT AS TO THE INDEPENDENT LEGAL ADVICE THAT THEY MAY THINK THAT WE'RE THEIR LAWYER WE'VE DRAWN FROM THAT THE THE 5150 I UNDERSTAND HAS A PROCUREMENT COUNSEL SO WE ANTICIPATE THAT THAT PERSON THAT THEY CAN ALREADY HIRE WOULD BE CONTACTING OUR OFFICE IF THEY HAD ANY QUESTIONS.

SPEAKER TERLAJE: ALRIGHT AND AND BUT FOR ANOTHER AGENCY WELL THE LINE AGENCIES THEY GOING TO GO THROUGH GSA AND THROUGH THEIR PROCUREMENT COUNSEL AS IS ALLOWED IN THE STATUTE OR AGENCIES THAT HAVE THEIR OWN ATTORNEY ARE GOING TO BE BEING ADVISED BY THAT COUNSEL AS TO PROCUREMENT.

AG MOYLAN – OAG: THAT'S CORRECT AGAIN THE THE SOME OF THE QUALIFIERS HERE WHAT WE'RE LOOKING AT YOU KNOW LEGALITY FORM THOSE SORTS OF THINGS THAT WOULD BE THE TYPE OF COMMUNICATION BUT WITH THE UNDERSTANDING ON THE 22 LIST THAT WE'RE NOT SERVING AS THEIR ATTORNEY AT THIS POINT.

SPEAKER TERLAJE: ALRIGHT AND THEN IF THE AGENCY AND THEN YOU SAID THAT IF THE AGENCIES ARE ALLOWED TO HIRE COUNSEL WHICH WE MIGHT NEED TO DO FOR SOME OF THE AGENCIES BY A BILL YOU WOULD ACCORDING TO YOUR OTHER DUTY UNDER ANOTHER PROVISION IT IS SORRY IT'S 5121A WHICH ALLOWS AGENCIES TO HIRE LAWYERS BUT IT SAYS THAT THE OFFICE OF THE AG MUST SIGN ALL THE LAWYERS CONTRACTS ARE YOU GOING TO BE ABLE TO DO THAT WITHOUT ANY BILL YOU WILL SIGN THE LAWYER CONTRACTS.

AG MOYLAN – OAG: CORRECT UNDER THE AIRPORT DECISION IN 2005 IF A AGENCY HAS THE AUTHORITY TO HIRE THEIR OWN INDEPENDENT ATTORNEY AT THEIR CHOICE THEN WE WOULD BE REQUIRED TO JUST LOOK AT IT FOR LEGALITY AND FORM AND NOT THE CHOICE OF AN ATTORNEY SO AND THAT PERSON WOULD NOT BE AN

ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL THEY WOULDN'T BE ABLE TO PROSECUTE AND SO FORTH.

SPEAKER TERLAJE: SO YOU'RE SEEING SAYING IF THE AGENCY NEEDS TO HIRE A LAWYER DEPENDING ON WHETHER THEY'RE AUTHORIZED BY BILL OR NOT OR LAW TO HIRE A LAWYER BUT IF THEY DID YOU'RE GOING TO SIGN THE CONTRACTS SO OUR CONTRACTS OVER 500,000 WILL BE SIGNED OUR LAWYERS CONTRACTS WILL BE SIGNED WE JUST MIGHT HAVE TO ALLOW SOME AGENCIES TO HIRE THAT ARE NOT CURRENTLY AUTHORIZED TO HIRE.

AG MOYLAN – OAG: RIGHT THAT WOULD BE MOSTLY THE DEPARTMENTS I THINK THOSE ARE THE SITUATIONS.

SPEAKER TERLAJE: THE LINE AGENCIES.

AG MOYLAN – OAG: THE LINE AGENCIES LINE LINE DEPARTMENTS AND THEN THE I THINK *CHAMORU* LAND TRUST WAS ONE OF THEM THAT WE WERE KIND OF LOOKING AT THEY'RE REQUIRED TO USE THE AG'S OFFICE.

SPEAKER TERLAJE: WHAT ABOUT SO IF WE DID THIS HOW LONG SHOULD WE PROVIDE FOR AN INTERIM COUNSEL UNDER THE CIRCUMSTANCES WHAT ARE WE LOOKING AT I WAS SUGGESTING 90 DAYS IN MY BILL EARLIER ARE WE TALKING ABOUT 6 MONTHS OR WHAT WHAT HOW LONG DO YOU ESTIMATE BEFORE THE SUPREME COURT OR SUPERIOR COURT COMES UP WITH A DECISION.

AG MOYLAN – OAG: THE SUPERIOR COURT HAS TIME STANDARDS SO I PRESUME IT'LL BE WITHIN THE THEIR 90-DAY WINDOWS BUT OBVIOUSLY THE ATTORNEYS HAVE THE ABILITY TO TAKE IT INTO THE SUPREME COURT WHICH WOULD NORMALLY HAVE THE FINAL WORD ON EVERYTHING AND YOU KNOW THAT COULD TAKE IT MORE THAN A YEAR DIFFERENT OPTIONS THAT ARE AVAILABLE ARE JUST PUTTING THE CAVEAT THERE THAT UNTIL THE AG'S OFFICE REQUESTS THAT THEY BE THEY INTERVENE TO BECOME THE COUNSELS PURSUANT TO THE STATUTE YOU COULD PUT A SUNSET PROVISION IN IT THAT EVERY 90 DAYS OR YOU KNOW THINGS LIKE THAT I THINK THE THE AT LEAST THE DRAFT I SAW THE MOST EFFECTIVE ONE WAS THE AG'S OFFICE CHOOSES TO TEMPORARILY WITHDRAW AND THE AG'S OFFICE HAS THE ABILITY TO GIVE NOTICE TO GO BACK IN AND PROVIDE THE SERVICES AND ON THIS SITUATION IT'S JUST WHEN THE COURTS FINISH A ANALYSIS.

SPEAKER TERLAJE: SO THE LANGUAGE I SAW WAS TO RESUME REPRESENTATION AND SO YOU THINK THAT CAN BE SMOOTH.

AG MOYLAN – OAG: I THINK THAT'S THE MOST EFFECTIVE METHOD BUT IF THE IF THE LEGISLATURE WISHES TO PUT A TIME FRAME ON IT YOU KNOW FOR THE LOWER COURT I DON'T PRESUME ANYTHING MORE THAN FOUR TO SIX MONTHS.

SPEAKER TERLAJE: OKAY AND SO THERE'S ANOTHER STATUTE THAT REQUIRES A AG IT REQUIRES A PROCUREMENT COUNSEL FOR DOA AND THEN IT REQUIRES THAT PROCUREMENT COUNSEL TO REPRESENT DO GSA IN CIVIL MATTERS AND IT ALSO REQUIRES THAT THE AG SHALL REPRESENT GSA SO AND WE TALKED ABOUT THAT EARLIER AND WE SAID THAT THE REMEDY FOR THAT IS JUST TO SAY IF YOU HAVE WITHDRAWN FROM REPRESENTING GSA IN THOSE CIVIL MATTERS THEN WE'RE GOING TO ALLOW GSA TO HIRE OR TO BE REPRESENTED BY THE PROCUREMENT COUNSEL UNTIL YOU RESUME REPRESENTATION OF GSA.

AG MOYLAN – OAG: CORRECT.

SPEAKER TERLAJE: WE MIGHT NEED TO DO A TEMPORARY AMENDMENT TO OR AMEND THE STATUTE TO ALLOW THAT WHAT ABOUT CAN YOU JUST WALK US THROUGH CONTRACTS OVER 500,000 SO THE AG IS SUPPOSED TO ADVISE THESE AGENCIES ALONG THE WAY BUT SO IN THE CASES OF THE 22 AGENCIES YOU WOULD NOT BE ABLE YOU ARE YOU'VE WITHDRAWN FROM ADVISING THEM ALONG THE WAY IN THESE PROCUREMENTS FOR AND THINGS OVER 500,000 SO IN THOSE CASES THEY WOULD HAVE TO BE ADVISED BY SOMEONE ELSE EITHER PROCUREMENT COUNSEL FOR DOA OR THEIR OWN COUNSELS RIGHT WHAT IF THERE'S A LIKE AN OBJECTION ON THE PROCUREMENT I KNOW IF THERE'S A PROTEST IT'S GOING TO GO TO TO OPA YES WILL YOU REPRESENT THE ENTITIES AT OPA.

AG MOYLAN – OAG: I DON'T BELIEVE WE NORMALLY DO THAT BUT I THINK THE THE WELL IT'S BETWEEN THE BIDDERS NORMALLY THAT CHALLENGE IT THROUGH THE OPA PROCESS THE IF THERE WAS A LITIGATION INVOLVED WHERE THE DEPARTMENT WAS INVOLVED DURING OUR TEMPORARY WITHDRAWAL THEY WOULD

BE HAVING TO GET THEIR OWN COUNSEL FOR THAT TO PROVIDE THEM THAT REPRESENTATION BUT ALSO THE PROCUREMENT COUNSEL IS AVAILABLE FOR THAT IT'S IN THE THE STATUTE ALREADY FOR DOA.

SPEAKER TERLAJE: SO THE AG'S OFFICE DOES NOT GET INVOLVED IN LIKE FOR EXAMPLE WHILE THERE'S THERE'S A PROCUREMENT THEY'RE GOING THROUGH THE PROCUREMENT PROCESS AND ONE OF THE BIDDERS SAYS I I OBJECT OR THAT'S WRONG THEY ASK THE AGENT TO RECONSIDER THAT THE AG DOES NOT ADVISE AT THAT POINT.

AG MOYLAN – OAG: I'LL STAND CORRECTED AND MR. BOTHA CAN INTERVENE MY UNDERSTANDING IS THAT THE IT A LOT OF WHAT OCCURS IN THE OPA IS BETWEEN THE DEPARTMENT AND THE THE BIDDER THE THE ONE THAT'S CHALLENGING THE BID I DON'T RECALL US GETTING INVOLVED IN THAT THAT LIKE.

SPEAKER TERLAJE: WELL THE STATUTE SAYS THAT YOU YOU WILL BE SO LET'S JUST ASSUME THAT YOU ARE ABLE TO BE IF BUT NOW THE AGENCIES WILL NOT HAVE YOUR REPRESENTATION SO THEY'RE GOING TO HIRE THEY'RE GOING TO BE REPRESENTED BY SOMEONE ELSE THAT'S OKAY ALL THE WAY UP TO YOU'RE SAYING THE SIGNING OF THE CONTRACT WHICH YOU ARE WILLING TO DO BUT EVERYTHING UP BEFORE THAT INCLUDING OPA PROTESTS OR PRO PROTESTS AT THE AGENCIES NO ADVICE THAT'S CORRECT.

AG MOYLAN – OAG: GRAHAM RIGHT NOW I DON'T BELIEVE THAT WE'RE ACTUALLY GETTING INVOLVED IN THIS GRAHAM.

GRAHAM BOTHA – (OAG): SENATOR TO TO THE EXTENT THAT I MEAN NORMALLY WHAT WOULD HAPPEN IS LET'S SAY THERE WAS A PROTEST DURING THE PROCESS THEN THE AGENCY WOULD RESPOND AND SAY I I EITHER AGREE AND THAT THEY'LL SEND OUT AN AMENDMENT TO CHANGE SOMETHING OR THEY WOULD SEND OUT A DENIAL AND SAY I DENY YOUR PROTEST OF COURSE THEN IT'S UP TO THE VENDOR TO DETERMINE WHETHER THEY WANT TO TAKE IT UP TO THE OPA OR NOT AND AND A LOT OF TIMES THEY WON'T YOU KNOW.

SPEAKER TERLAJE: BUT IN ORDER TO DO THAT DID THEY RECEIVE THE BENEFIT OF THE ATTORNEY GENERAL'S COUNSEL.

GRAHAM BOTHA – (OAG): WELL THEY WOULD NORMALLY EXCEPT FOR THE CIRCUMSTANCE NOW FOR THE FOR THE 22 THAT THAT THAT WOULD NOT PROVIDE THE ADVICE FOR BUT THE THE ONES THAT AREN'T ON THAT LIST WE WOULD CERTAINLY PROVIDE THE ADVICE AS NEEDED FOR THEM.

AG MOYLAN – OAG: AND BUT CURRENTLY I DON'T THINK THAT WE HAVE ANY IN THE BEFORE THE PUBLIC AUDITOR.

GRAHAM BOTHA – (OAG): WE DON'T.

AG MOYLAN – OAG: THAT IS MY UNDERSTANDING.

GRAHAM BOTHA – (OAG): AT THIS POINT WE DO NOT HAVE ANY PENDING FOR THE PUBLIC AUDITOR.

AG MOYLAN – OAG: SO PRACTICALLY SPEAKING THE PAST YEAR OR SO WE HAVE NOT GONE BEFORE THE PUBLIC AUDITOR ON BEHALF OF ANY OF THE DEPARTMENTS WHAT I'VE SEEN IS THAT THEY'RE ACTUALLY USING THEIR THE THE BIDDERS THEMSELVES THE ONE THAT WON AGAINST THE ONE THAT IS OBJECTING IS GOING BEFORE THE.

SPEAKER TERLAJE: HOW MANY CONTRACTS DO YOU HAVE POTENTIAL I GUESS FOR YOUR REVIEW FOR SIGNATURE UNDER THE \$500,000 PROVISION.

GRAHAM BOTHA – (OAG): I THINK THE STATS THAT WE HAD ON THAT IS FOR THE THERE'S ABOUT APPROXIMATELY 150 CONTRACTS THAT WERE PENDING FOR REVIEW.

SPEAKER TERLAJE: AND AND.

AG MOYLAN – OAG: FOR THE ENTIRE GOVERNMENT OF GUAM.

GRAHAM BOTHA – (OAG): YEAH THE ENTIRE.

SPEAKER TERLAJE: AND YOU'RE SAYING THAT SO YESTERDAY YOU SAID THOSE WOULD BE SIGNED WHAT WAS THE TIME PERIOD AND ALL OF THEM.

AG MOYLAN – OAG: WITHIN 30 DAYS THEY GET THAT REVIEW SOME OF THEM ARE SENT BACK SOME OF THEM ARE READY FOR SIGNATURE OF THE 22 THAT WE'RE GOING TO HAVE TO SCRUTINIZE WE'RE GOING TO PUT THE DISCLOSURE AND THEN APPROVE AND SIGN IT IF IT'S READY FOR THAT.

SPEAKER TERLAJE: SAY THAT AGAIN.

AG MOYLAN – OAG: OF THE WE HAVE 150 FOR TOTAL.

SPEAKER TERLAJE: CAN YOU BE LOUDER SORRY.

AG MOYLAN – OAG: SORRY WE HAVE 150 ABOUT 150 FOR TOTAL GOVERNMENT GUAM THERE'S NOW 22 THAT HAVE BEEN FLAGGED WITH THE LETTER AND SO FORTH SO FOR THOSE THEY'LL BE REVIEWED ORDINARILY BE SENT BACK IF THERE'S A PROBLEM WITH THE DISCLOSURE AND THEN WHEN IT COMES BACK AND IT'S READY WE'LL SIGN OFF ON IT BUT WE'RE GOING TO STAMP THE WE'RE NOT ACTING AS THEIR ATTORNEY WHEN WE'RE REVIEWING IT THAT'S THE PROCEDURE THAT WE'RE USING RIGHT NOW.

SPEAKER TERLAJE: BUT WHAT DO YOU MEAN IF THERE'S A PROBLEM WITH THE DISCLOSURE.

AG MOYLAN – OAG: NOT THE PROBLEM OF THE DISCLOSURE BUT JUST THE ONCE IT'S REVIEWED WE'LL SIGN OFF ON IT BUT WE'RE GOING TO PUT A NOTE ON IT THAT WE'RE NOT SERVING AS THEIR ATTORNEY.

SPEAKER TERLAJE: OKAY SO THERE'S NO DELAY FOR ANY OF THE CONTRACTS TO BE SIGNED YOU'RE SAYING YOU'RE GOING TO WITHIN 30 DAYS EVEN THE 150 THAT YOU HAVE RIGHT NOW AND ANY OTHERS THAT ARE SENT IN BE ABLE TO REVIEW AND EITHER APPROVE WITH THAT STAMP FOR THE 22 AGENCIES OR APPROVE REGULARLY OR OR NOT APPROVE YOU REJECT IT AND YOU SEND IT BACK.

AG MOYLAN – OAG: THAT IS CORRECT.

SPEAKER TERLAJE: MR. BOTHA.

GRAHAM BOTHA – (OAG): YES YES SENATOR JUST JUST TO CLARIFY OBVIOUSLY IF THE AGENCY DOESN'T SUBMIT ALL THE DOCUMENTS THEY NEED TO SOMETIMES THEY'RE JUST NOT VERY SPEEDY IN RESPONDING YOU KNOW TO TO CIVIL DIVISION SO IF WE IF WE ASK THEM TO SUBMIT ADDITIONAL DOCUMENTS AND DETERMINATIONS OBVIOUSLY WE'RE WE'RE STUCK UNTIL THEY ACTUALLY

FORWARD THOSE TO US SO THAT'S SOME OF THE REASONS WHY THERE COULD BE A DELAY BUT ALL OTHER THE THINGS CONSIDERED WE DO OUR BEST TO TO GET THEM OUT THE DOOR.

SPEAKER TERLAJE: THE OTHER PART OF THE PROCUREMENT PROCESS WHERE THE AG WAS INVOLVED WAS THE ONE WHERE LIFTING STAYS RIGHT SOMETIMES THE AGENCIES SAY THESE ARE VERY CRITICAL MATTERS AND EVEN IF THERE'S A PROTEST THIS THE AUTOMATIC STAY SHOULD BE LIFTED AND THEY'VE ASKED THE AG TO SIGN OFF ON THOSE AS WELL GPA COMPLAINS THAT THE AG IS NOT RESPONSIVE OR WAS NOT RESPONSIVE WE'VE HEARD THE EXPLANATION FROM THE AG WHY THEY WERE NOT IN THAT PARTICULAR CASE HOWEVER WHAT IS YOUR CRITERIA FOR ALL OTHER AGENCIES HOW DO YOU DETERMINE WHETHER YOU'RE GOING TO LIFT AGREE TO LIFT THE STAYS OR NOT YOU'VE SAID YOU'RE GOING TO CONTINUE TO DO THAT THAT THERE'S NO IMPEDIMENT TO THAT RIGHT NOW EVEN FOR THE 22 AGENCIES YOU WILL BE ABLE TO DO THAT OR NOT DO THAT BASED ON WHAT.

AG MOYLAN – OAG: YOU SEE JUST THE IDEA THAT THE LEGISLATURE REQUIRES THE ATTORNEY GENERAL TO DECIDE TO LIFT A STAY OR NOT TO LIFT A STAY I THINK EMBODIES THAT WE'RE NOT ACTING AS THE ATTORNEYS FOR THESE DEPARTMENTS AND AGENCIES BECAUSE OBVIOUSLY THE ATTORNEY IF THEY DID JUST REPRESENT THEM WOULD JUST LIFT IT CUZ THAT'S WHAT THE DEPARTMENT HEAD WANTS SO PRACTICALLY SPEAKING I DO NOT KNOW OF ANYTHING THAT'S BEEN ASKED OF US TO LIFT A STAY IN THIS ADJUDICATIVE TYPE OF HAT THAT WE WEAR AND ON THE GPA MATTER THE DECISION WAS MADE NOT TO LIFT THE NOT TO AGREE TO LIFT THE STATE THAT'S THE ONLY ONE THAT I'M AWARE OF THAT'S COME THROUGH OUR OFFICE GRAHAM IF YOU CAN CONFIRM.

GRAHAM BOTHA – (OAG): THAT'S CORRECT AND AND ACTUALLY UNDER 5GCA 5425G YOU KNOW GENERALLY IT WOULD BE MORE APPROPRIATE FOR THE PROCUREMENT PROTEST PROCESS TO TAKE ITS COURSE I MEAN THIS WOULD BE EXTRAORDINARY REMEDY THAT YOU KNOW CHIEF PROCUREMENT OFFICER YOU KNOW AND ALL THE REST WOULD WOULD ASK THAT BASICALLY IT'S SO IMPORTANT THAT YOU KNOW THE CONTRACTOR SHOULD BE AWARDED WITHOUT DELAY WELL THAT OF COURSE YOU KNOW WOULD GIVE NO DUE PROCESS TO WHOEVER'S PROTESTING AND CERTAINLY THERE MAY BE A VALID PROTEST SO I MEAN IT WOULD BE A VERY EXTRAORDINARY REMEDY THAT THAT THE AG WOULD EVER DO THAT AND TO MY KNOWLEDGE IT HASN'T BEEN DONE IN IN QUITE SOME TIME I MEAN IF EVER.

SPEAKER TERLAJE: ALRIGHT THANK YOU SO I'M PROPOSING AND I GOT SOME OF THIS LANGUAGE FROM THE GOVERNOR'S COUNSEL'S DRAFT I PULLED OUT A COUPLE OF THE PROVISIONS AND AND I'M I'M WANT TO CONFIRM WHETHER YOU ARE RECOMMENDING THAT WE DO NEED TO HAVE A BILL TO ADDRESS AT LEAST A COUPLE ITEMS SO EVEN IF YOU'RE ABLE TO SIGN OFF ON ALL THE OTHER CONTRACTS THAT I JUST WENT THROUGH WITH YOU THAT WE THAT ON FOR EXAMPLE SECTION 5118 PROCUREMENT COUNSEL AND THE ONE THAT SAYS THE PROCUREMENT COUNSEL ASSISTS THE CHIEF PROCUREMENT OFFICERS AND THEN THE OFFICE OF THE ATTORNEY GENERAL SHALL REPRESENT GSA AND THEN I'M SUGGESTING TO ADD IN THE LANGUAGE THAT WAS PROPOSED UNLESS THE OFFICE OF THE ATTORNEY GENERAL WITHDRAWS FROM SUCH REPRESENTATION OR FAILS TO PERFORM SUCH REPRESENTATION FOR A PERIOD OF FIVE CONTINUOUS DAYS THEN THE PROCUREMENT COUNSEL SHALL REPRESENT THE GENERAL SERVICES AGENCY IN SUCH CIVIL MATTERS UNTIL THE OFFICE OF THE ATTORNEY GENERAL RESUMES SUCH REPRESENTATION.

AG MOYLAN – OAG: MADAM SPEAKER MAY I ASK THAT NOTICE BE GIVEN TO THE AG'S OFFICE AS OPPOSED TO SOMETHING FALLING THROUGH THE CRACKS SO IT'S IT'S THE PROPOSAL AS I SEE IT ON THIS DRAFT OF 30 WELL THE DRAFT THAT I HAVE IN FRONT OF ME UNLESS THE OFFICE OF THE ATTORNEY GENERAL WITHDRAWS FROM SUCH REPRESENTATION OR FAILS TO PERFORM SUCH REPRESENTATION FOR A PERIOD OF FIVE CONTINUOUS DAYS AND NOTICE IS GIVEN TO THE AG'S OFFICE.

SPEAKER TERLAJE: OKAY AND THEN AGAIN ON 5150 ADDING IN A SIMILAR PARAGRAPH TO THE END SO THIS IS THE PAR THIS IS THE THE SECTION OF THE LAW THAT REQUIRES YOU TO REVIEW CONTRACTS OVER \$500,000 AND TO REPRESENT AGENCIES IN THE PROCUREMENT PROCESS ADDING IN A PARAGRAPH ON THE BOTTOM THAT SAYS NOTWITHSTANDING THE FORGOING IF THE OFFICE OF AG WITHDRAWS FROM REPRESENTING OR DECLINES TO PROVIDE LEGAL SERVICES TO THE GOVERNMENT BODY WHILE THE GOVERNMENT BODY IS CONDUCTING ANY SOLICITATION OR PROCUREMENT ESTIMATED TO RESULT IN AN AWARD OF 500 OR MORE 500,000 OR MORE OR WITHDRAWS FROM ACTING AS THE LEGAL ADVISER FOR THE GOVERNMENTAL BODY CONDUCTING SUCH SOLICITATION 7 DAYS AFTER RECEIVING NOTICE OF THE SOLICITATION OR PROCUREMENT FROM THE GOVERNMENT BODY THEN THE GOVERNMENTAL BODY MAY CONDUCT THE SOLICIT OR PROCUREMENT WITHOUT THE ASSISTANCE OF THE ATTORNEY GENERAL SO THAT MEANS THEY WILL CONDUCT IT WITHOUT YOU EITHER WITH OR WITH THEIR OTHER COUNSEL OR WITH THE PROCUREMENT COUNSEL UNTIL IT GETS UP TO SIGNING THE ACTUAL CONTRACT THAT REMAINS INTACT YOU WILL SIGN THE CONTRACTS 500,000 OR MORE.

AG MOYLAN – OAG: THAT'S CORRECT MADAM SPEAKER IF I MAY THE PROVISION THE ONE WE WERE JUST SPEAKING OF UNLESS THE AG'S OFFICE WITHDRAWS WHICH IS A NOTICE TO THE DEPARTMENT FROM SUCH REPRESENTATION OR FAILS TO PERFORM SUCH REPRESENTATION FOR A PERIOD OF FIVE CONTINUOUS DAYS I'M I'M KIND OF CONCERNED ABOUT THAT IT TAKES US ABOUT 30 DAYS TO GO THROUGH THE CONTRACT SO I WOULD HATE TO SEE THE CONTRACT OR THE DEPARTMENT SAY THAT THEY'RE GOING TO MOVE FORWARD JUST BECAUSE THEY HAVEN'T HEARD FROM US IN FIVE DAYS I THINK THE NOTICE ITSELF TO JUST TRUST THE AG'S OFFICE TO GIVE THEM NOTICE THAT WE NEED TO WITHDRAW WOULD BE MORE RESPECTFUL OF THE IDEA THAT WE'RE TRYING TO PROTECT EVERYBODY'S RIGHTS IN THESE SAME THING WITH THE SECOND SECTION THAT 5150 THAT ALLOW THE AG'S OFFICE TO GIVE THEM NOTICE LIKE WE DID THROUGH THAT LETTER AND THEN THEY CAN PROCEED UNTIL SUCH TIME AS WE REQUEST TO RE-ENGAGE OUR SERVICES WITH THEM.

SPEAKER TERLAJE: SO WHAT YOU'RE SAYING IS THAT IF THEY HAVEN'T HEARD FROM YOU YOU HAVE NOT FAILED TO REPRESENT THEM YOU HAVE JUST NOT GOT TO IT YET AND YOU WANT THEM TO CONTINUE TO CONSULT YOU.

AG MOYLAN – OAG: RIGHT BECAUSE RIGHT NOW THE.

SPEAKER TERLAJE: UNLESS THEY YOU'VE GIVEN THEM A FORMAL WITHDRAWAL FROM REPRESENTATION.

AG MOYLAN – OAG: WOULD WOULD THE WOULD YOU PLEASE CONSIDER INCORPORATING THAT SO LIKE WE DID HERE THE FEBRUARY 28TH LETTER THAT WE'RE WE'RE TEMPORARY WITHDRAWING AND THEN ALLOW US THE ABILITY TO RE-ENGAGE THE SERVICES.

SPEAKER TERLAJE: ALRIGHT OKAY AND SORRY WAIT A MINUTE WHAT ABOUT SO THE CURRENT DO WE NEED A PROVISION FOR THE ENTITIES THAT ARE GOING TO BE ALLOWED TO HIRE COUNSEL THAT ARE CURRENTLY NOT ALLOWED.

AG MOYLAN – OAG: IN IN THIS PROCUREMENT THERE WAS A VERSION THAT I SAW THAT DID ALLOW THEM TO IN THIS SITUATION THEY SHOULD BE ALLOWED TO RETAIN COUNSEL.

SPEAKER TERLAJE: ALRIGHT OKAY AND THEN AGAIN YOU'VE PROMISED TO SIGN OFF ON THOSE CONTRACTS.

AG MOYLAN – OAG: THAT IS CORRECT.

SPEAKER TERLAJE: ALRIGHT ALRIGHT THANK YOU MADAM CHAIR THANK YOU THANK YOU TO THE ATTORNEY GENERAL AND THE PANEL I THINK I'M THE LAST ONE SO *SI YU'OS MA'ÁSE'*.

VICE SPEAKER MUÑA BARNES: THANK YOU MADAM SPEAKER THIS ENDS THE SECOND FULL ROUND SO AT THIS TIME WE WILL DISMISS THE PANEL THANK YOU VERY MUCH WE'LL BE IN A MOMENT'S RECESS.

AG MOYLAN – OAG: THANK YOU.

RECESS

VICE SPEAKER MUÑA BARNES: *I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN* IS BACK FROM RECESS AT THIS TIME I WILL RECOGNIZE SPEAKER THERESE TERLAJE ON A MOTION TO RISE.

SPEAKER TERLAJE: MADAM CHAIR I MOVE TO RISE AND GO TO MOTIONS RETURN TO MOTIONS.

VICE SPEAKER MUÑA BARNES: I ON THE MOTION TO ONLY RISE MADAM SPEAKER CAN YOU PLEASE CORRECT THAT ON A MOTION TO RISE TO GET OUT OF THE COMMITTEE.

SPEAKER TERLAJE: YEAH MO THERE IS NO RECOMMENDATION BY THE COMMITTEE THERE'S NO ACTION BY THE COMMITTEE SO THERE'S NO RECOMMENDATION THAT THE BODY IS GOING TO ACCEPT SO I'M MOVING TO RISE AND TO RETURN TO THE MOTIONS ON OUR AGENDA.

VICE SPEAKER MUÑA BARNES: MA MA MA MADAM.

SPEAKER TERLAJE: ON MY MOTION.

VICE SPEAKER MUÑA BARNES: MADAM SPEAKER I'M GOING TO ASK YOU TO BIFURCATE THAT BILL BECAUSE IT'S A MOTION TO RISE AND A MOTION AND AND AND THEN THE SECOND REQUEST CAN BE DONE BY ANOTHER MOTION SO UNLESS SOMEBODY OBJECTS TO THE CHAIR I RULE THAT SO MAKE THE MOTION TO RISE OUT OF COMMITTEE PLEASE ON THE MOTION TO RISE OUT OF COMMITTEE ARE THERE ANY OBJECTIONS SEEING OR HEARING NONE MOTION CARRIES TO RISE OUT OF COMMITTEE IS THERE WAS A MOTION MADE BY YOU TO I WILL ACKNOWLEDGE SENATOR WILL PARKINSON ON A MOTION TO RISE AND GET OUT OF THE COMMITTEE.

SENATOR PARKINSON: AT THIS TIME MA'AM I'D LIKE TO MAKE A MOTION TO RISE OUT OF THE COMMITTEE THE WHOLE.

VICE SPEAKER MUÑA BARNES: ON THAT MOTION ON THAT MOTION ARE THERE ANY OBJECTIONS.

SPEAKER TERLAJE: OBJECTION.

VICE SPEAKER MUÑA BARNES: THERE IS AN OBJECTION ALL THOSE.

SPEAKER TERLAJE: YOU JUST SAID MADAM CHAIR OKAY MADAM CHAIR YOU JUST SAID WE COULD NOT MAKE A BIFURCATED MOTION AND YOU DID NOT EVEN COUNT A VOTE ON IT SO I OBJECT TO ANY OTHER BIFURCATED MOTION IN FACT I OBJECT TO THIS WHOLE PROCESS.

VICE SPEAKER MUÑA BARNES: ON THE MOTION TO RISE OUT OF COMMITTEE ARE THERE ANY OBJECTIONS SEEING OR HEARING NONE.

SPEAKER TERLAJE: THERE IS NO MOTION THERE IS NO SUCH MOTION.

VICE SPEAKER MUÑA BARNES: SEEING OR HEARING NONE MOTION CARRIES WE ARE IN RECESS.

SPEAKER TERLAJE: THERE WAS NO MOTION MADAM SPEAKER FOR THAT.

VICE SPEAKER MUÑA BARNES: WITH ALL DUE RESPECT IF ANYBODY WISHES TO OVERTURN THE MOTION.

SENATOR TAITAGUE: ORDER ORDER MADAM SPEAKER I MEAN MADAM CHAIR IF WE CAN GET LEGAL ADVICE RIGHT NOW BECAUSE IT'S OBVIOUS YOU DON'T HAVE ANY.

RECESS

NOTE ROSE FROM THE COMMITTEE OF THE WHOLE

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN **2024 (SECOND) Regular Session** **LEGISLATIVE JOURNAL**

Speaker Antonio R. Unpingco Legislative Session Hall

March 6, 7, 2024

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: WE'RE BACK FROM RECESS WE'VE RISEN FROM THE COMMITTEE OF THE WHOLE MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER I MOVE TO ADD BILL 254-37 COR AS SUBSTITUTED ON THE FLOOR TO THE AGENDA OH I'M SORRY EXCUSE ME I MOVE TO GO BACK TO MOTIONS FOR THE PURPOSE OF ADDING BILL 254-37 COR AS SUBSTITUTED ON THE FLOOR TO THE AGENDA.

SPEAKER TERLAJE: I'M GOING TO HAVE TO BIFURCATE THAT AND BUT THERE'S A MOTION TO GO TO MOTIONS BACK TO MOTIONS IS THERE THERE'S BEEN AN OBJECTION ALL IN FAVOR OF GOING BACK TO MOTIONS PLEASE RAISE YOUR HAND MOTION FAILS MAJORITY LEADER YOU'RE RECOGNIZED.

SENATOR SHELTON: THAT'S IT MADAM SPEAKER I THINK WE'RE IN THE VOTING FILE.

SPEAKER TERLAJE: SENATOR BARNETT YOU'RE RECOGNIZED.

SENATOR BARNETT: THANK YOU MADAM SPEAKER I'D LIKE TO MAKE A MOTION NOTWITHSTANDING THE RULES TO ADD BILL NUMBER 255-37 COR IS SUBSTITUTED ON THE FLOOR THE SECOND READING FILE AND THE PURPOSE IS SO THAT WE CAN AS AS YOU'RE AWARE THE ATTORNEY GENERAL IN HIS DISCUSSION HAD TALKED ABOUT WITHDRAWING REPRESENTATION FOR AGENCIES AND THIS BILL WOULD ALLOW THE AGENCIES TO HIRE THEIR OWN COUNSEL IN THE EVENT THE AG WITHDREW REPRESENTATION MA'AM SO I'D ASK THE SUPPORT OF MY COLLEAGUES IN PLACING THIS IN.

SPEAKER TERLAJE: THERE'S A MOTION NOTWITHSTANDING THE RULES TO PLACE BILL 255 AS SUBSTITUTED ONTO THE SESSION AGENDA IS THERE'S BEEN AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION FAILS FOLDERS HAVE BEEN PASSED OUT WE'RE NOW ON THE THIRD READING OR THE CONSIDERATION OF THE DAILY FILE BEGINNING WITH THE THIRD READING BILL NUMBER 206-37 LS CLERKS PLEASE READ THE TITLE.

SENATOR SHELTON: MADAM SPEAKER I MOVE TO EXCUSE MEMBERS NOT PRESENT FOR THIS VOTE.

SPEAKER TERLAJE: THERE'S A MOTION TO EXCUSE MEMBERS FROM VOTING WHO ARE NOT PRESENT IS THERE ANY OBJECTION TO THAT MOTION SEEING NO OBJECTION MOTION CARRIES CLERKS PLEASE READ THE TITLE IN BILL NUMBER 206-37 LS.

CLERK OF THE LEGISLATURE: BILL NUMBER 206-37 LS AS AMENDED BY THE COMMITTEE ON ENVIRONMENT REVENUE AND TAXATION LABOR PROCUREMENT AND STATISTICS RESEARCH AND PLANNING AND FURTHER AMENDED ON THE FLOOR INTRODUCED BY WILLIAM A. PARKINSON AN ACT TO ADD A NEW SECTION 8113.15 TO ARTICLE 1 OF CHAPTER 8 TITLE 12 GUAM CODE ANNOTATED RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY.

SPEAKER TERLAJE: ROLL CALL.

CLERK OF THE LEGISLATURE: SENATOR BARNETT (NAY) SENATOR BLAS (AYE) SENATOR BROWN (NAY) SENATOR DUEÑAS (AYE) SENATOR FISHER (AYE) SENATOR LUJAN (EXCUSED) VICE SPEAKER MUÑA BARNES (AYE) SENATOR PARKINSON (AYE) SENATOR PEREZ (NAY) SENATOR QUINATA (AYE) SENATOR SAN AGUSTIN (AYE) SENATOR SAN NICOLAS (AYE) SENATOR SHELTON (AYE) SENATOR TAITAGUE (NAY) SPEAKER TERLAJE (AYE).

SPEAKER TERLAJE: BILL NUMBER 206-37 LS RECEIVED 10 AYES AND FOUR NAYS AND ONE EXCUSED BILL NUMBER 206-37 LS IS DULY PASSED BY THIS BODY WE'RE NOW ON BRIEF EXTENSION OF REMARKS IS THERE ANYONE WHO WOULD LIKE TO BE RECOGNIZED SPEAK VICE SPEAKER MAJORITY LEADER SENATOR SHELTON YOU ARE RECOGNIZED.

SENATOR SHELTON: THANK YOU VERY MUCH MADAM SPEAKER I'D LIKE TO TAKE THE TIME TO WISH EVERYONE A HAPPY *MES CHAMORU* AS WELL AS A HAPPY WOMEN'S MONTH AND TOMORROW WE WILL CELEBRATE INTERNATIONAL WOMEN'S DAY HERE IN THE LEGISLATURE AND WE INVITE ALL WOMEN TO JOIN US AT NOON TOMORROW ESPECIALLY OUR COLLEAGUES HERE FOR A RESOLUTION PRESENTATION IN HONOR OF WOMEN'S HISTORY MONTH AND INTERNATIONAL WOMEN'S DAY *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* SENATOR TAITAGUE YOU'RE RECOGNIZED.

SENATOR TAITAGUE: *SI YU'OS MA'ÁSE'* MADAM SPEAKER AND TO MY COLLEAGUES I TOO WOULD LIKE TO WISH EVERYONE A HAPPY *MES CHAMORU* AND WOMEN'S DAY BUT AS WELL TO WISH HAPPY CHARTER DAY TO THE UNIVERSITY OF GUAM UNFORTUNATELY SOME OF US HAD TO BE HERE FOR EMERGENCY SESSION AND COULDN'T MAKE IT SO I JUST WANTED TO EXTEND CONGRATULATIONS TO THE UNIVERSITY OF GUAM AND LET THEM KNOW THAT WE WOULD HAVE BEEN THERE BUT THIS THIS IS VERY IMPORTANT TO ADDRESS MADAM SPEAKER I THINK IT WAS CLEAR DURING DELIBERATIONS ON 206 AND ESPECIALLY AFTERWARDS WHEN WE SPOKE ON WHAT I WOULD SEEM NO REAL REASON WHY WE SHOULD HAD AN EMERGENCY PROCUREMENT FOR GPA THAT IT SHOULD BE DONE WITH A NON-EMERGENCY PROCUREMENT AND WE WOULD HAVE FOUND THAT THERE WERE THERE THAT THERE WOULD HAVE BEEN OTHER OPTIONS INSTEAD OF THIS VERY EXPENSIVE \$25 MILLION FOR TWO YEARS FOR GENERATORS WE ALREADY KNEW THAT THERE WAS A PROTEST AND SOMETIMES YOU THINK THAT PROTESTS ARE JUST FRIVOLOUS AND THEY'RE JUST MEANT TO STOP IT BECAUSE THEY DIDN'T GET AWARDED WELL THAT GOES THE SAME FOR AGENCIES AND DEPARTMENTS WHO FIND WAYS TO OVERCOME NOT GETTING WHAT THEY WANT BECAUSE SOMETHING SOMEBODY OUT THERE IS PUSHING FOR THEM AND I MENTIONED EARLIER MADAM SPEAKER THAT I HAVE A GREAT CONCERN WHEN AGENCIES GO OUT AND USE PUBLIC FUNDS TO PROMOTE INDIVIDUALS WHO WANT TO BID AND THEY DID THAT AT GPA THEY USE PUBLIC FUNDS FOR THAT AND THAT'S A BIG NO NO FOR PROCUREMENT I'M HOPING MADAM SPEAKER EVEN THOUGH THIS BILL HAD PASSED I'M HOPING THAT CERTAIN THINGS DOESN'T HAPPEN ONE THAT THEY START LOAD SHEDDING ANYWAYS TWO THAT OUR RATES TO OUR POWER BILL IS GOING TO GO UP BECAUSE GPA FAILED TO PROVIDE THE BEST OPTION FOR THE PEOPLE OF GUAM ON CREATING GENERATED POWER THERE WERE OTHER OPTIONS LESS EXPENSIVE SO IF ANYBODY ASKED ME WHY I VOTED NO THOSE ARE THE REASONS WE'RE OPENING PANDORA'S BOX EVERY TIME AN AGENCY DOESN'T GET THEIR WAY BECAUSE THEY FAIL TO DO THEIR JOB AND RESPONSIBILITY AND IF THERE'S ANY PLACE WHERE THEIR EMPLOYEES RECEIVE SIX FIGURES AND HAVE GAZILLION OF ENGINEERS CAN'T DO THEIR JOB THEN THERE'S A HUGE PROBLEM AND THAT THIS IS WHAT THE BODY SHOULD BE ADDRESSING I JUST HOPE TO GOODNESS THOSE TWO THINGS DON'T HAPPEN BUT I'M NOT CONFIDENT THAT IT THAT IT WON'T I'M REALLY NOT I'M ALSO CONFIDENT THAT THEY'LL PROBABLY COME TO US I'M ALSO CONFIDENT ON ONE THING THAT THEY'LL PROBABLY COME TO US AGAIN WHEN THEY DON'T GET

THEIR WAY AND START USING THE CUSTOMER BANK THAT THEY HAVE TO PROMOTE THEIR WAY OR THE HIGHWAY THIS IS SOMETHING WE ALL NEED TO THINK ABOUT WE DON'T WANT LOAD SHEDDING OF COURSE NOT NONE OF US HERE DO BUT THE WAY THAT IT'S GOING ABOUT IT IT'S ABSOLUTELY WRONG WE PUT THESE RULES AND REGULATIONS AND PROCUREMENT IN PLACE FOR A REASON NOT TO DISREGARD IT OR NOTWITHSTANDING AND IT'S VERY SHAMEFUL SOME OF THE COMMENTS THAT WERE MADE TO THE ATTORNEY GENERAL IN THIS BODY WE ALL KNOW THEY HAD THEIR OWN SPECIAL AGENDA ON THAT THIS ATTORNEY GENERAL AND HIS OFFICE HAS DONE EVERYTHING WITH THE LITTLE OF ATTORNEYS THAT THEY HAVE THERE'S A SHORTAGE OF ATTORNEYS ON THIS OFFICE AND EVERY SINGLE ONE OF THEM EVERY SINGLE ONE OF THEM STAYS AFTER WORK TO FINISH THEIR JOB BECAUSE THEY'RE SHORT-HANDED AND EVERY TIME YOU SEE A CONVICTION OUT THERE IT'S BECAUSE THEY'RE DOING THEIR JOB AND INSTEAD WE HAVE CERTAIN PEOPLE IN THIS IN THIS BODY TRYING TO SABOTAGE THEM THAT'S SHAMEFUL VERY SHAMEFUL PLEASE KNOW TO PEOPLE OF GUAM THAT WE'RE DOING WHAT WE CAN WE'RE JUST ASKING THAT THE AGENCIES DO WHAT THEY CAN DO AS WELL AND QUIT BEING SO *LÁNGA'* THANK YOU MADAM SPEAKER.

SPEAKER TERLAJE: THANK YOU SENATOR SENATOR PARKINSON UNDER EXTENSION OF REMARKS.

SENATOR PARKINSON: THANK YOU MADAM SPEAKER I JUST WANT TO BE BRIEF I WANT TO WISH THREE SPECIAL BEINGS IN MY LIFE HAPPY BIRTHDAY THIS MONTH YESTERDAY WAS MY WIFE CAMILLE'S BIRTHDAY HAPPY BIRTHDAY MY LOVE EARLIER THIS WEEK WAS MY MOTHER'S BIRTHDAY HAPPY BIRTHDAY MOM AND EARLIER THIS MONTH WAS MY DOG ROCCO'S BIRTHDAY HE'S NOW 11 YEARS OLD HE'S A WONDERFUL GERMAN SHEPHERD AND AKITA MIX MAY WE HAVE MANY MORE HAPPY YEARS TOGETHER WITH THOSE PEOPLE IN MY LIFE AND SO I JUST WANTED TO EXPRESS MY HAPPINESS AND JOY AND HAVE A GOOD DAY EVERYONE THANK YOU FOR YOUR SUPPORT TONIGHT.

SPEAKER TERLAJE: THANK YOU SENATOR IS THERE ANYONE ELSE WHO'D LIKE TO BE RECOGNIZED ON EXTENSION OF REMARKS IF NOT THEN LEGISLATIVE SECRETARY.

NOTE SENATOR SHELTON PRESIDES

SENATOR SHELTON: ON BRIEF EXTENSION OF REMARKS SPEAKER TERLAJE YOU ARE RECOGNIZED.

SPEAKER TERLAJE: THANK YOU VERY MUCH AND I WANT TO THANK MY COLLEAGUES FOR THE COOPERATION THAT WE HAD DURING THIS EMERGENCY SESSION AND I REALLY JUST WANT TO WRAP UP THIS EMERGENCY SESSION BY PRETTY MUCH SUMMARIZING WHAT IN MY VIEW OCCURRED HERE SO WE CAME IN FOR TWO PURPOSES ONE WAS FOR BILL 209 THAT BECAME AN EMERGENCY BECAUSE ALTHOUGH IT WAS REPORTED OUT OF COMMITTEE IN THE LAST SESSION NO MOTIONS WERE MADE TO PUT THAT ON THE FLOOR SO THEN IT JUST LINGERED AND BECAME AN EMERGENCY AND YES I AGREED THAT WE SHOULD CONSIDER IT DESPITE NO PROPER MOTIONS BEING MADE EARLIER ON THE EVE OF OUR CONSIDERATION OF THAT BILL WE RECEIVE COMMUNICATION FROM A POTENTIAL BIDDER I GUESS AND I'M JUST HOPING THAT THE BILL THAT WE PASS THE FORM THAT WE PASS IS GOING TO BE REVIEWED BY THE ATTORNEY GENERAL WITH ALL THESE THINGS IN LIGHT AND THAT HE WILL BE ABLE TO APPROVE OR NOT APPROVE BASED ON LEGALITY A DETERMINATION OF THE LEGALITY AND THE ADHERENCE TO THE PROCUREMENT LAW DESPITE THE THINGS THAT WE WAVED WHICH BUT I'D ALSO LIKE TO TALK ABOUT THE SECOND TOPIC THAT WE WERE CALLED IN FOR EMERGENCY SESSION AND THAT WAS BECAUSE THE ATTORNEY GENERAL OF GUAM DECLARED LAST WEEK AND I FOUND THIS OUT FROM A PHONE CALL FROM THE GOVERNOR ONE MORNING THAT SHE HAD RECEIVED COMMUNICATION THE NIGHT BEFORE THAT THE ATTORNEY GENERAL HAD HAD WITHDRAWN FROM REPRESENTING 19 AGENCIES AT THAT POINT BECAUSE THOSE WERE THE AGENCIES UNDER INVESTIGATION BASED ON OPA FINDINGS OR OTHER FINDINGS SO HE WITHDREW FROM COUNSEL WITHDREW FROM REPRESENTING THESE AGENCIES WHICH IN MY DISCUSSIONS WITH THE GOVERNOR IT SEEMED LIKE LEFT THESE AGENCIES WITHOUT ANYONE TO SIGN OFF ON CONTRACTS OVER \$500,000 ANYONE TO ADVISE THEM IN THE PROCUREMENT OF THESE CONTRACTS ESPECIALLY THOSE OVER \$500,000 ANYONE TO ADVISE THESE AGENCIES FOR EXAMPLE THE CHAMORU LAND TRUST IN THESE COMPLEX LEASES THAT THEY ARE TRYING TO ENTER INTO AND THAT'S THE SITUATION WE WERE FACING AND YOU HEARD IT ALL ALL OF YOU HEARD IT IN THE GOVERNOR'S MESSAGE SHE'S ASKING FOR US TO PARTICIPATE AND COOPERATE AND AND WORK TOGETHER COLLABORATE TO ADDRESS THAT AND OTHER THINGS THAT THIS GOVERNMENT FACES WELL ALL I KNOW IS WHAT I DID AND I WORKED ALL WEEKEND LONG TRYING TO COME UP WITH A SOLUTION ON THIS TRYING TO FIGURE OUT WHAT IS THE EXTENT OF THE PROBLEM AND WHAT ARE THE LIMITS OF WHAT WE CAN DO BECAUSE WE ARE VERY MUCH TIED UP BY THE ORGANIC ACT OF GUAM AND

WE'VE HAD A BARRAGE OF ALL KINDS OF THINGS HAPPEN DOWN HERE INCLUDING WE'VE HAD OUR LOBBY FULL OF GPA LOBBYING OVER AND OVER WE WE'VE HAD OUR LOBBY FULL OF LAWYERS TRYING TO TELL US WHAT ARE WE DOING GETTING INVOLVED IN THE MIDDLE OF THIS CRISIS THAT WE ARE FACING WITH THE ATTORNEY GENERAL THAT IT'S A MANUFACTURED CRISIS WHATEVER IT IS YOU DON'T LIKE HIM I GET THAT BUT WE HAVE AN ATTORNEY GENERAL WITHDRAWN FROM COUNSEL WITHDRAWING AS COUNSEL TO AGENCIES AND THESE AGENCIES NEED OUR HELP AND I'M VERY DISAPPOINTED IN SOME OF MY COLLEAGUES IN NOT WANTING TO GIVE THAT HELP TO THESE AGENCIES WHETHER YOU LIKE THE AG OR YOU DON'T YOU LIKE THE GOVERNOR OR YOU DON'T DON'T WE WANT OUR AGENCIES TO BE ABLE TO FUNCTION AND I THINK WE CAN DO THAT WITH A VERY NARROW BILL BASED ON WHAT WE HEARD FROM THE ATTORNEY GENERAL IN HIS TESTIMONY TODAY AND YESTERDAY WE CAN DO THAT WE CAN MAKE IT NARROW WE DON'T HAVE TO GIVE THE GOVERNOR ANY MORE SUPERPOWERS WE JUST HAVE TO GIVE A NARROW BILL WHICH I BELIEVE I HAVE PROPOSED TO THIS BODY AND WHETHER I PROPOSE IT OR ANYONE PROPOSED IT I JUST BELIEVE WE SHOULD WORK ON A BILL AND WE SHOULDN'T BE SO TIRED THAT WE CAN'T DEAL WITH THAT BECAUSE YES IT'S IDEAL TO HAVE A PUBLIC HEARING I'M ALL FOR IT BUT NOT WHILE WE'VE GOT AGENCIES WHO CANNOT MOVE WHO MAY NOT BE ABLE TO MOVE AND WE'RE JUST GOING TO HAVE THEM LANGUISH WHILE WE MAKE THE NOTICE FOR THE PUBLIC HEARING WHILE WE LISTEN TO DAYS OF TESTIMONY WE HAVE TO NOTICE A SESSION COME BACK IN AGAIN DO IT ALL OVER AGAIN WHEN WE COULD HAVE HELPED THEM RIGHT NOW IF WE WOULD JUST PUT OUR HEADS TO WORKING I DON'T KNOW BUT I JUST I JUST WANT TO TALK TO THE GOVERNOR AND LIKE IF YOU WANT COLLABORATION THEN YOU GOT TO TALK TO A LOT MORE PEOPLE THAN JUST ME DOWN HERE BECAUSE I HAVE BEEN COLLABORATING BUT I AM WORKING HARD WITHOUT MUCH COOPERATION AND THE PEOPLE OF GUAM I'M SORRY THAT WE COULD NOT COME THROUGH FOR YOU AND THESE AGENCIES WHO ARE DELIVERING CRITICAL SERVICES SUCH AS THE SHELTER SUCH AS CONTRACTS SUCH AS GHURA SUCH AS ALL THESE AGENCIES THAT JUST NEED US TO FOCUS AND DO OUR WORK BUT I DID MY BEST I WANT TO THANK THOSE WHO SUPPORT IT PUTTING MY BILL ON THE AGENDA AND WHICH I THOUGHT WOULD HAVE BEEN A GOOD SOLUTION A VERY NARROW ONE ONE WITHOUT GIVING EXTRA USING THE EMERGENCY AS SOME VEHICLE FOR EXTRAORDINARY POWERS I DON'T THINK THAT'S CALLED FOR EITHER SO JUST WANT TO THANK YOU ALL OF YOU AS WE CONCLUDE THIS SESSION *SI YU'OS MA'ÅSE'*.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER SENATOR BARNETT EXTENSION OF REMARKS.

SENATOR BARNETT: THANK YOU *SI YU'OS MA'ÅSE'* AS YOU GUYS ARE WELL AWARE BY NOW I'M SURE YOU'VE LEARNED THAT THE GOVERNOR HAS VETOED BILL 185-37 AND I'VE BEEN ASKED BY MANY PEOPLE FOR MY RESPONSE RELATIVE TO THE GOVERNOR'S VETO OF THE BILL AND I WILL NOW GIVE IT SO DURING THE GOVERNOR'S STATE OF ISLAND ADDRESS HERE IN THIS HOLLOWED HALL SHE HAD REMARKED THAT BILL 185-37 BARELY PASSED AND THE GOVERNOR AS A FORMER SENATOR SHOULD KNOW VERY WELL THAT WHEN IT COMES TO LEGISLATION THERE'S NO SUCH THING AS BARELY PASS THERE'S ONLY PASS AND FAIL AND BILL 185-37 GARNERED THE SUPPORT OF A MAJORITY OF MY COLLEAGUES HERE IN THE 37TH GUAM LEGISLATURE SOMETHING THAT THE GOVERNOR'S EFFORT TO BUILD AT EAGLES FIELD AND THE GOVERNOR'S EFFORT TO BUILD AT *EDA AGAGA* COULD NOT DO THE GOVERNOR IN HER STATE OF THE ISLAND ADDRESS ALSO REMARKED THAT OUR IDEAS HAVE TO BE GREATER THAN JUST OPPOSING HER OWN IDEAS NOW THE PROBLEM I HAVE WITH THAT STATEMENT IS THAT IT RUNS ON THE ASSUMPTION THAT THE GOVERNOR'S IDEAS ARE SOMEHOW BETTER THAN EVERYONE ELSE'S AND I THINK THAT JUST BECAUSE AN IDEA OPPOSES HERS DOESN'T MEAN IT'S NOT A GOOD IDEA THE GOVERNOR ALSO REMARKED IN HER SPEECH THAT THE DECISION TO BUILD THAT *EDA AGAGA* WAS NOT SOMETHING THAT SHE DID BECAUSE IT WAS WHAT SHE WANTED TO DO SHE REMARKED FURTHER THAT SHE HAD CONDUCTED OUTREACH THAT SHE HAD DONE RESEARCH WE NEVER SAW THAT RESEARCH WE MET WITH THE GOVERNOR AT *ADELUP* THE DEMOCRATIC COLLEAGUES I MET WITH THE GOVERNOR IN GOOD FAITH BECAUSE I WANTED TO HEAR JUST LIKE EAGLES FIELD JUST HOW GOOD THIS DEAL WAS SO THAT I COULD MAKE A DETERMINATION WITH THE FACTS BEFORE ME ABOUT WHICH ONE OF THESE EFFORTS I WOULD SUPPORT NOW THE GOVERNOR TOLD THE COLLEAGUES AND I THAT THE FEDERAL SUPPORT THAT SHE'S SEEKING FOR *EDA AGAGA* WOULD FOLLOW WHEREVER WE DECIDED TO BUILD THE NEW HOSPITAL AT SO THAT MEANS IF WE BUILT AT *EDA AGAGA* OR WE BUILT AT *YPAO* POINT THE FEDERAL GOVERNMENT IS GOING TO SUPPORT THESE EFFORTS I WAS VERY DISAPPOINTED AND HURT EVEN BY THE GOVERNOR'S VETO MESSAGE THE GOVERNOR'S VETO MESSAGE WAS ABOUT TWO PAGES LONG AND I SCOURED LONG AND HARD I EVEN PUT ON MY READING GLASSES BECAUSE I WANTED TO SEE IF THERE WERE ANY FACTS IN THAT TWO-PAGE LETTER UNFORTUNATELY THERE WERE NOT IT WAS ONE LONG PERSONAL ATTACK WHICH IS UNFORTUNATE BECAUSE SINCE DAY ONE SINCE THE

FIRST DAY WE STARTED DISCUSSING THE EFFORT TO BUILD THE NEW HOSPITAL FOR THE PEOPLE OF GUAM INSTEAD OF ENGAGING IN REAL HONEST DEBATE AND DISCUSSION LOU AND JOSH HAVE OPTED SINCE DAY ONE TO ENGAGE IN NAME CALLING AND PERSONAL ATTACKS OBSTRUCTIONISTS ANTI-AMERICAN IN THE VETO MESSAGE THEY SAID I WAS A CLOWN WHO CATERS TO SPECIAL INTERESTS THAT IS NOT ONLY AN INSULT TO ME AND MY FAMILY THAT IS AN INSULT TO THE THOUSANDS OF PEOPLE OF GUAM WHO SUPPORT WHAT I AM DOING IN THIS HOUSE WE HAVE AN OBLIGATION TO MAKE THE BEST DECISION FOR OUR PEOPLE AND WHEN I MAKE A DECISION I JUST DON'T MAKE IT BECAUSE SOMEONE TOLD ME TO I MAKE IT BECAUSE I LOOK AT THE FACTS BEFORE US AND THE FACTS BEFORE US IN THE MATRIX STUDY CLEARLY SHOW THAT YPAO POINT IS THE FASTEST WAY WE CAN BUILD A NEW HOSPITAL IT'S THE MOST FEASIBLE IT'S THE MOST FISCALLY RESPONSIBLE AND IT IS THE SITE THAT WAS SUPPORTED BY A MAJORITY OF SENATORS IN THE 37TH GUAM LEGISLATURE THE PEOPLE HAVE SPOKEN BUT UNFORTUNATELY THE GOVERNOR AND THE LIEUTENANT GOVERNOR DIDN'T LIKE WHAT WE SAID SO MANY HAVE ASKED ME WHAT I INTEND TO DO NEXT IT'S MY INTENTION TO SEEK SUPPORT FOR AN OVERRIDE *SI YU'OS MA'ÅSE'*.

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: *SI YU'OS MA'ÅSE'* SENATOR MAJORITY LEADER IS THERE ANYONE ELSE WHO'D LIKE TO BE RECOGNIZED UNDER EXTENSION OF REMARKS IF NOT THE MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER I MOVE TO ADJOURN TODAY'S SESSION SUBJECT TO THE CALL OF THE SPEAKER.

SPEAKER TERLAJE: THE MOTION TO ADJOURN IS THERE ANY OBJECTION IF NOT WE'RE ADJOURN SUBJECT TO CALL OF SPEAKER.

END