

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SIXTH) Special Session
LEGISLATIVE JOURNAL

Speaker Antonio R. Unpingco Legislative Session Hall
March 8, 2024

NOTE SPEAKER TERLAJE PRESIDES

SPEAKER TERLAJE: THE SIXTH SPECIAL SESSION OF GUAM IS CALLED TO ORDER MAJORITY LEADER SENATOR SHELTON YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER HÅFA ADAI COLLEAGUES NOT WITHSTANDING THE RULES I MOVE TO ADOPT TODAY'S SIXTH SPECIAL SESSION AGENDA MARCH 8TH2024.

SPEAKER TERLAJE: THERE'S A MOTION MADE TO ADOPT THE SPECIAL SESSION AGENDA ARE THERE ANY OBJECTIONS SEEING NO OBJECTION MOTION CARRIES MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER AND NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAIVE SPECIAL SESSION AGENDA ITEMS 2 THROUGH SIX THE PRAYER RECOGNITION OF A RECIPIENT OF *I MILÅYAN MÅS TAKHILO' NA SAKRAFISU* RECITING OF THE *INFRESI* SINGING OF THE GUAM HYMN IN *CHAMORU* AND SINGING OF THE NATIONAL ANTHEM.

SPEAKER TERLAJE: ON THAT MOTION TO WAIVE THOSE AGENDA ITEMS IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES WE'RE NOW ON ROLL CALL CLERK PLEASE TAKE THE ROLL CALL.

CLER OF THE LEGISLATURE: SENATOR BERNETT SENATOR BLAS SENATOR BROWN SENATOR DUÑAS 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'ÅSE* CLERK MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER I MOVE TO APPROVE THE LEGISLATIVE JOURNAL DATED DECEMBER 14 2023 FROM THE FIFTH SPECIAL SESSION SUBJECT TO CORRECTIONS.

SPEAKER TERLAJE: ON THAT MOTION TO APPROVE THE JOURNAL FROM THE PREVIOUS SPECIAL SESSION IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAIVE SPECIAL SESSION AGENDA ITEM NINE COMMUNICATIONS AND PETITIONS.

SPEAKER TERLAJE: ON THAT MOTION TO WAIVE COMMUNICATIONS AND PETITION IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES MAJORITY LEADER YOU RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER I WOULD LIKE TO ADVISE THE MEMBERS OF THE MESSAGE FROM *I MAGA'HÅGAN GUÅHAN* SPECIFIC TO THE CALL TO SPECIAL SESSION AND MOVE THAT THE MESSAGE FROM *I MAGA'HÅGAN GUÅHAN* BE APPENDED TO TODAY'S SPECIAL SESSION JOURNAL.

SPEAKER TERLAJE: ON THE MOTION TO APPEND THE MESSAGE TO TODAY'S JOURNAL IS THERE ANY OBJECTION SEEING NO OBJECTION THAT MOTION CARRIES AND IF THERE ARE NO OBJECTIONS SENATOR OUR MAJORITY LEADER WILL READ THE MESSAGE FROM *I MAGA'HÅGAN GUÅHAN* MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE* MADAM SPEAKER TRANSMITTED VIA EMAIL TO THE SPEAKER THE HONORABLE THERESE M TERLAJE REGARDING 37TH GUAM LEGISLATURE 6 SPECIAL SESSION *HÅFA ADAI* MADAM SPEAKER LAST WEEK ATTORNEY GENERAL OF GUAM DOUGLAS B. MOYLAN NOTIFIED 22 GOVERNMENT OF GUAM AGENCIES THAT HE WAS WITHDRAWING FROM REPRESENTING THEIR DEPARTMENTS AND REFUSING TO SIGN

THEIR DOCUMENTS INCLUDING CONTRACTS FOR CRITICAL SERVICES EFFECTIVE IMMEDIATELY IN CONSIDERATION OF THE FORGING AND PURSUANT TO SECTION 1423 H OF THE ORGANIC ACT OF GUAM I HEREBY CALL A SPECIAL SESSION OF *LIHESLATURAN GUÅHAN* TO TAKE PLACE FRIDAY MARCH 8, 2024 AT 1:00 P.M. AT THE SPEAKER ANTONIO R. UNPINGCO LEGISLATIVE SESSION HALL WITHIN THE GUAM CONGRESS BUILDING I CALL THIS SPECIAL SESSION FOR THE SOLE PURPOSE OF THE 37TH GUAM LEGISLATURE'S CONSIDERATION AND VOTE UPON THE MEASURES ATTACHED HERETO BILL 237-37 AS INTRODUCED THE PROPOSED SUBSTITUTE BILL NUMBER 254-37 AND THE PROPOSED SUBSTITUTE BILL NUMBER 255-37 TO BE CONSIDERED AND VOTED ON IN THIS ORDER WHICH I BELIEVE THE PUBLIC INTEREST REQUIRES SENSERAMENTE LOURDES A. LEON GUERRERO *MAGA'HÅGAN GUÅHAN* GOVERNOR OF GUAM.

SPEAKER TERLAJE: *SI YU'OS MA'ÅSE'* MAJORITY LEADER YOU ARE RECOGNIZED ON ITEM NUMBER 10 OR SORRY ITEM NUMBER 11.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAIVE SPECIAL SESSION AGENDA ITEMS 11 THROUGH 13 REPORTS OF STANDING COMMITTEES REPORTS OF SELECT COMMITTEES INTRODUCTION AND FIRST READING OF BILLS AND RESOLUTIONS.

SPEAKER TERLAJE: ON THAT MOTION TO WAIVE THOSE ITEMS IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES WE ARE NOW ON MOTIONS ARE THERE ANY MOTIONS MAJORITY LEADER YOU'RE RECOGNIZED.

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

SPEAKER TERLAJE: ON THE MOTION TO EXCUSE SENATORS NOT PRESENT IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES ANY OTHER MOTIONS MAJORITY LEADER YOU RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO PLACE ON THE SPECIAL SESSION AGENDA BILL NUMBER 237-37 CO INTRODUCED BY SENATOR SABINA FLORES PEREZ AN ACT TO AMEND SECTION 5150 OF SUB ARTICLE F ARTICLE 2 CHAPTER 5 DIVISION 1 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO UPDATING THE DUTIES OF THE THE ATTORNEY GENERAL BY INCREASING THE THRESHOLD FOR PROCUREMENT OVERSIGHT AND ADVISEMENT TO \$1 MILLION OR MORE.

SPEAKER TERLAJE: ON THAT MOTION TO PLACE THAT ITEM ONTO OUR SPECIAL SESSION AGENDA IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO PLACE ON THE SPECIAL SESSION AGENDA ITEM BILL NUMBER 254-37 COR INTRODUCED BY MYSELF SENATOR AMANDA L SHELTON AN ACT TO AMEND SECTION 5150 OF SUB ARTICLE F ARTICLE 2 CHAPTER 5 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO PROVIDING FOR PROCUREMENT RELATED LEGAL SERVICES IN THE ABSENCE OF THE OFFICE OF THE ATTORNEY GENERAL OF GUAM AS SUBSTITUTED ON THE FLOOR.

SPEAKER TERLAJE: ALRIGHT THE ISSUE THAT WE'RE HAVING WITH WITH THE CLERK IS THAT THE BILLS NEVER RECEIVED A VOTE TO BE SUBSTITUTED ON THE FLOOR BUT THAT IS WHAT THE GOVERNOR HAS CITED IN HER MESSAGE IS THE BILLS AS SUBSTITUTED ON THE FLOOR THOSE WERE DRAFTS WAITING TO BE SUBSTITUTED ON THE FLOOR BUT WE DID NOT GO BACK TO MOTIONS YESTERDAY SO THE MOTION BEFORE US RIGHT NOW IS TO ADD THE BILLS AS INTRODUCED BILL NUMBER 24-37 COR IS THERE ANY OBJECTION TO ADDING THAT TO THE AGENDA SENATOR TAITAGUE YOUR OBJECT ALRIGHT ON ALL IN FAVOR OF PLACING THE BILL ON THE AGENDA PLEASE RAISE YOUR HAND.

VICE SPEAKER MUÑA BARNES: MADAM SPEAKER JUST AS A POINT OF CLARIFICATION.

SPEAKER TERLAJE: POINT OF ORDER.

VICE SPEAKER MUÑA BARNES: RIGHT ON A POINT OF ORDER BASED ON THE LETTER THAT WAS PROVIDED TO US FROM THE GOVERNOR IT STATES THAT THAT THAT WE HAVE TO FOLLOW THE RULING ON THIS MATTER AS GIVEN SO WE HAVE WITH US THE COPIES THAT WAS TRANSMITTED AND PUT ON AS AND THAT BILL SPECIFICALLY STATES 254 AS SUBSTITUTED ON THE FLOOR SO I JUST WANT TO MAKE SURE THAT ALL MY COLLEAGUES HAVE THAT SAME BILL BECAUSE THAT'S WHAT WE NEED TO IN INTER ENTERTAIN BASED ON WHAT

HAS BEEN SUBMITTED BY THE *MAGA'HĀGAN GUĀHAN* SO I JUST WANT TO MAKE THAT CLARIFICATION MADAM SPEAKER.

SPEAKER TERLAJE: THANK YOU VICE SPEAKER I AGREE THAT WE NEED TO ADDRESS OR WE WE ARE DIRECTED TO ADDRESS THE MEASURES THAT THE GOVERNOR HAS SENT TO US I JUST THINK THE REFERENCE TO THEM AS SUBSTITUTED ON THE FLOOR IS INACCURATE SO WE WILL HAVE TO FIX THAT SOME TIME BUT WE NEED TO CLARIFY OUR MOTION SO THAT THERE'S NO CONFUSION IF THERE'S CONFUSION MAJORITY LEADER.

VICE SPEAKER MUÑA BARNES: AS THE LETTER SAYS MADAM SPEAKER IF I MAY ON A POINT OF INFORMATION BASED SAY.

SPEAKER TERLAJE: MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ĀSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO PLACE BILL NUMBER 254-37 COR AS SUBSTITUTED ON THE FLOOR INTRODUCED BY MYSELF AMANDA L SHELTON AN ACT TO AMEND SECTION 22601 OF ARTICLE 6 CHAPTER 22 DIVISION 2 TITLE 5 GUAM CODE ANNOTATED AND TO AMEND SECTION 555118 SECTION 512A AND SECTION 5121 B SECTION 515 0SECTION 5151 A SECTION 5425 G1 ALL OF CHAPTER 5 DIVISION 1 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO THE REVIEW AND APPROVAL OF CONTRACTS AND OTHER PROCUREMENT ACTIONS BY THE ATTORNEY GENERAL.

SPEAKER TERLAJE: THANK YOU MAJORITY LEADER ON ADVICE OF COUNSEL I'M GOING TO SUGGEST WE BIFURCATE THAT MOTION AND THAT WE ACCEPT A MOTION FIRST TO SUBSTITUTE BILL NUMBER 254 IT'S THE ONLY WAY WE'RE GOING TO GET FROM THE ORIGINAL BILL TO THE SUBSTITUTE THE PROPOSED SUBSTITUTE BILL WHICH NOT YET ON OUR WEBSITE OR OR ANY OF AND SO THAT WAY IT COULD BE WE CAN FOLLOW THE NUMBER RING SYSTEM IF IF YOU ACCEPT THAT MOTION TO FIRST.

SENATOR SHELTON: YES MADAM SPEAKER.

SPEAKER TERLAJE: FIRST SUBSTITUTE THE BILL AND THEN PLACE THAT SUBSTITUTE BILL ON.

SENATOR SHELTON: I MOVE TO ACCEPT BILL NUMBER 254-37 COR AS SUBSTITUTED ON THE FLOOR.

SPEAKER TERLAJE: THERE'S AN OBJECTION.

SENATOR SHELTON: THE TITLE I WOULD JUST READ.

SPEAKER TERLAJE: ALRIGHT THERE'S AN OBJECTION TO ACCEPTING THE SUBSTITUTE BILL ALL IN FAVOR OF ACCEPTING THE SUBSTITUTE BILL FOR 254 PLEASE RAISE YOUR HAND SIX SEVEN TWO THREE FOUR FIVE TWO THREE FOUR FIVE SIX SEVEN MOTION CARRIES SO 254 IS SUBSTITUTED ON THE FLOOR MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ĀSE'* MADAM SPEAKER I MOVE TO PLACE BILL NUMBER 254-37 COR AS SUBSTITUTED ON THE FLOOR ONTO THE SESSION AGENDA NOTWITHSTANDING THE RULES.

SPEAKER TERLAJE: ON THAT MOTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND MOTION CARRIES MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ĀSE'* MADAM SPEAKER I MOVE TO ACCEPT BILL NUMBER 255-37 COR AS SUBSTITUTED ON THE FLOOR INTRODUCED BY SPEAKER THERESE M. TERLAJE AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO TEMPORARILY APPOINT A LEGAL OFFICER ON BEHALF OF THE GOVERNMENT OF GUAM.

SPEAKER TERLAJE: ON THAT MOTION TO SUBSTITUTE ACCEPT THE SUBSTITUTE VERSION OF 255 ALL IN IS THERE ANY OBJECTION SENATOR TAITAGUE.

SENATOR TAITAGUE: THANK YOU MADAM SPEAKER MADAM SPEAKER DO WE BIFURCATE THIS ONE TOO AS WELL BECAUSE.

SPEAKER TERLAJE: YES.

SENATOR SHELTON: I SAID THAT ALREADY.

SPEAKER TERLAJE: I'M CALLING FOR THE ON THE MOTION TO ACCEPT THE SUBSTITUTE VERSION OKAY RIGHT NOW SO IS THERE

SENATOR TAITAGUE: OKAY OKAY THANK YOU.

SPEAKER TERLAJE: ANY OBJECTION TO ACCEPTING THE SUBSTITUTE VERSION IF NOT MOTION CARRIES MAJORITY LEADER YOU'RE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE RULES I MOVE TO PLACE BILL NUMBER 255-37 COR AS SUBSTITUTED ON THE FLOOR ON THE SESSION AGENDA.

SPEAKER TERLAJE: ON THAT MOTION TO PLACE THE BILL AS SUBSTITUTED ONTO THE AGENDA IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES ALRIGHT WE'RE STILL ON MOTIONS IS THERE ANY OTHER MOTION IF NOT I'M GOING TO TAKE A ONE MINUTE RECESS TO ALLOW OUR CLERKS TO UPLOAD THESE TO SOMEPLACE ON OUR WEBSITE SO THAT THOSE IN THE PUBLIC WHO ARE FOLLOWING ALONG ARE GOING TO BE ABLE TO FIND THESE VERSIONS OF THE BILLS THAT WE'RE DISCUSSING SO WE'LL TAKE A MAYBE A 5 MINUTE RECESS.

RECESS

SPEAKER TERLAJE: WE'RE BACK FROM RECESS THANK YOU FOR YOUR PATIENCE THE BILLS AS SUBSTITUTED ARE NOW UPLOADED TO THE LEGISLATURE'S WEBSITE SO THE PUBLIC CAN FOLLOW ALONG WITH WHAT WE ARE DOING IN HERE TODAY ON THIS SPECIAL SESSION ALL RIGHT WE ARE NOW IN ON OUR AGENDA ON ITEM NUMBER 15 MAJORITY LEADER YOU ARE RECOGNIZED.

SENATOR SHELTON: *SI YU'OS MA'ÅSE'* MADAM SPEAKER NOTWITHSTANDING THE HOUSE RULES I MOVE TO WAIVE LEGISLATIVE AGENDA ITEMS 15 LEGISLATIVE CONCURRENCE AND 16 CONSENT CALENDAR.

SPEAKER TERLAJE: ON THAT MOTION TO WAIVE LEGISLATIVE CONCURRENCE AND CONSENT CALENDAR THERE ARE NO ITEMS IS THERE ANY OBJECTION SEEING NO OBJECTION MOTION CARRIES SO WE NOW PROCEEDED IN OUR AGENDA TO SECOND READING FILE THE FIRST BILL ON THE SECOND READING FILE IS BILL NUMBER 237-37 CO SENATOR PEREZ YOU ARE RECOGNIZED.

SENATOR PEREZ: THANK YOU MADAM SPEAKER SO YEAH THIS BILL WAS INTRODUCED THE INTENTION OF THIS BILL WAS TO ASSIST IN SOMEHOW STREAMLINING THE PROCESS.

SPEAKER TERLAJE: I'M SORRY SENATOR I'M GOING TO READ THE TITLE OR ASK YOU TO READ THE TITLE JUST SO THAT EVERYONE WHO'S FOLLOWING KNOWS WHAT WE'RE TALKING ABOUT PLEASE.

SENATOR PEREZ: OKAY YEAH SO THIS BILL IS BILL NUMBER 237-37 SPONSORED BY MYSELF IT'S AN ACT TO AMEND SECTION 5150 OF SUB ARTICLE F ARTICLE 2 CHAPTER 5 DIVISION 1 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO UPDATING THE DUTIES OF THE ATTORNEY GENERAL BY INCREASING THE THRESHOLD FOR PROCUREMENT OVERSIGHT AND ADVISEMENT TO \$1 MILLION OR MORE OKAY SO THIS THE INTENTION OF THIS BILL WAS TO HELP TO ADDRESS OR ALLEVIATE THE BOTTLENECK THAT WAS OCCURRING IN THE AG'S OFFICE THIS IS BEFORE YOU KNOW CURRENT EVENTS TOOK PLACE AND SO ONE OF THE THINGS IS THAT THE THRESHOLD HAS NOT BEEN UPDATED SINCE ABOUT 2010 AND SO WHEN WE DID THE CALCULATIONS FOR INFLATION IT WOULD BRING IT UP TO ABOUT \$700,000 AND SO THE MILLION DOLLARS THE RATIONALE FOR THE MILLION DOLLAR WAS TO PUT IT IN LINE WITH THE GOVERNING BOARD SUCH AS THE CCU AND OR THE PU THAT IS SO THE PUC OVERSEES ALL PROCUREMENTS THAT ARE MILLION DOLLARS OR MORE AND SO THAT WAS THE INITIAL THE THOUGHT BEHIND INCREASING THIS THRESHOLD SO YOU KNOW SINCE IT WAS INTRODUCED AND SINCE IT HAD ITS PUBLIC HEARING YOU KNOW AND SINCE WE HAD OUR COMMITTEE THE WHOLE YESTERDAY THERE IT IT APPEARS THAT THE ATTORNEY GENERAL DOES NOT SUPPORT THIS AND I THINK TOO BECAUSE OF THERE'S A LOT OF THINGS THAT NEED TO TAKE PLACE BEFORE WE START LIFTING A THRESHOLD YOU KNOW I THINK ONE OF THE MAIN ISSUES WITH PROCUREMENT IS THE THE THE TRAINING THE THE NEED FOR TRAINING AND YOU KNOW FROM THE BEGINNER EVEN TO THE PRACTITIONER YOU KNOW IT'S FROM MY EXPERIENCE THAT EVEN THESE EXPERTS THAT WE WE VIEW AS AS EXPERTS REALLY ACTUALLY COULD USE A LITTLE BIT MORE TRAINING I THINK THIS IS THE PROBLEM AND TO HAVE TO RAISE THE THRESHOLD MAYBE PREMATURE AT THIS TIME UNTIL WE CAN FIX THE ISSUES YOU KNOW SPECIFICALLY WITH WITH PROCUREMENT TRAINING AND THIS IS ONE OF THE THINGS THE PUBLIC AUDITOR EVEN RECOGNIZED THAT YOU KNOW WITH THE IMPLEMENTATION

OF 5141 WHICH WAS THE REQUIREMENT OF TRAINING FOR PROCUREMENT PROFESSIONALS IT HELPED TO REDUCE THE AMOUNT OF APPEALS AND SO I DON'T THINK WE'VE GONE FAR ENOUGH WITH THIS INITIATIVE SO AT THIS TIME MY INTENTION IS TO REFER THIS BACK TO COMMITTEE *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: IS THAT A MOTION SENATOR.

SENATOR PEREZ: IF I GUESS I WOULDN'T HAVE TO MOTION TO GO BACK TO MOTIONS FOR THAT NO OKAY I WOULD LIKE TO MOTION TO REFER THIS BACK COMMITTEE.

SPEAKER TERLAJE: ALRIGHT THERE'S BEEN A MOTION TO REFER THE BILL 237-37 COR BACK TO THE COMMITTEE IS THERE AN OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND FOUR FIVE.

SENATOR SAN AGUSTIN: MADAM SPEAKER GOT A SIMPLE QUESTION POINT OF INQUIRY.

SPEAKER TERLAJE: PLEASE STATE YOUR POINT OF INQUIRY.

SENATOR SAN AGUSTIN: THE THREE BILLS THAT WERE WERE ENTERTAINING TODAY IS NOT SOMETHING THAT WE DRAFTED AND ADOPTED THIS IS SOMETHING THAT CAME FROM FROM THE FROM THE GOVERNOR'S OFFICE SAYING TO ENTERTAIN EITHER WE ENTERTAIN OR WE DON'T THAT THAT THAT'S HOW WE SHOULD BE TREATING IT IT'S NOT TO RETURN TO COMMITTEE DIDN'T.

SPEAKER TERLAJE: THAT IS ENTERTAINING THE BILL ANY MOTION.

SENATOR SAN AGUSTIN: OKAY.

SPEAKER TERLAJE: IS AVAILABLE TO US.

SENATOR SAN AGUSTIN: ALRIGHT.

SPEAKER TERLAJE: AS IN REGULAR SESSION THERE IS A MOTION AGAIN SENATOR BARNETT IS THAT A POINT OF INQUIRY A POINT OF.

SENATOR BARNETT: I JUST WANTED TO RISE ON A POINT OF INFORMATION MA' YOU KNOW WE HAD THE AG IN HERE OVER A COUPLE DAYS AND THIS ISSUE OF APPROVING THE PROCUREMENTS ABOVE\$500,000 WAS NOT PART OF THIS CRIS SO-CALLED CRISIS MA'AM AND I THINK THAT IT'D BE RECKLESS FOR US TO PURSUE WITH THE BILL IT IS TRUE THE GOVERNOR SENT IT DOWN AS PART OF THE AGENDA BUT I THINK DISPENSING WITH IT ALSO MEANS WE ACTED ON IT MAN SO I JUST ADVISE THE BODY ACT WITH CAUTION AND YOU KNOW PLEASE HEED THE WORDS OF THE BILL AUTHOR.

SPEAKER TERLAJE: THANK YOU SENATOR BARNETT SENATOR FISHER.

SENATOR FISHER: YES.

SPEAKER TERLAJE: WHAT IS YOUR POINT SENATOR.

SENATOR FISHER: YES THANK YOU MA'AM I DON'T SEE HOW WE WE COULD HAVE THE ABILITY.

SPEAKER TERLAJE: IS THIS A POINT OF.

SENATOR FISHER: YEAH A POINT OF INQUIRY MA'AM WHERE DO WE HAVE THE GOVERNOR HAS SENT THIS DOWN PURSUANT TO HER ORGANIC ACT AUTHORITY.

SPEAKER TERLAJE: YES THAT'S CORRECT IT'S ON OUR AGENDA AND NOW WE ARE SUBJECT TO MOTIONS.

SENATOR FISHER: YEAH THANK YOU BUT WHERE DO WE GET THE AUTHORITY IT IT FUNCTIONALLY IS NOT OUR BILL IT'S NOT THIS GOOD SENATOR'S BILL ANYMORE THIS IS THE GOVERNOR'S BILL WE HAVE NO AUTHORITY TO WITHDRAW IT OR SEND IT BACK TO COMMITTEE THIS IS A CONSTITUTIONAL ABILITY OF THE GOVERNOR TO SEND THE BILL DOWN I JUST UNLESS AND I MAY BE MISTAKEN SO THE POINT OF INQUIRY.

SPEAKER TERLAJE: YES THANK YOU SENATOR FISHER FOR YOUR POINT OF INQUIRY YEAH THIS GOVERNOR SENT US A MESSAGE WE HAVE CONVENED SPECIAL SESSION ACCORDING TO THE ORGANIC ACT THE BILLS ARE NOW WITHIN OUR SESSION IT IS THE LEGISLATURE'S PREROGATIVE TO ACT ON THESE MEASURES AS IT SEES FIT

THE LEGISLATURE CANNOT GO BEYOND THE BUSINESS SPECIFIED IN THE CALL FOR SPECIAL SESSION YET WITHIN SUCH LIMITS IT CAN ACT FREELY IN WHOLE OR IN PART OR NOT AT ALL SO THERE IS A MOTION AND ALL THE MOTIONS IN REGULAR SESSION APPLY TO THE SPECIAL SESSION SENATOR THOSE ARE ALL IN THE STANDING RULES SO IS THERE THERE IS A MOTION IS THERE ANY OBJECTION THE MOTION IS TO PLACE TO REFER THE BILL BACK TO THE COMMITTEE IS THERE AN OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND 5 6 7 MOTION FAILS SENATOR PEREZ YOU'RE STILL RECOGNIZED.

SENATOR PEREZ: SORRY WHAT WAS THAT SET ASIDE.

SPEAKER TERLAJE: ALRIGHT ON THE BILL SENATOR BARNETT YOU RECOGNIZED OR WHO ON THE BILL IS THERE ANYONE WHO' LIKE TO SPEAK ON THE BILL LEGISLATIVE SECRETARY I'M SORRY IS THERE ANY OTHER PERSON WHO'D LIKE TO SPEAK ON THE BILL SENATOR BLAS YOU'RE RECOGNIZED.

SENATOR BLAS: THANK YOU MADAM SPEAKER MADAM SPEAKER JUST SO THEM IT'S CLEAR WE'RE TALKING ABOUT BILL 237-37 COR.

SPEAKER TERLAJE: SIR.

SENATOR BLAS: THANK YOU MADAM SPEAKER YOU KNOW MADAM SPEAKER I'M LOOKING AT THE GOVERNOR'S LETTER THAT CALLS US INTO SESSION AND THE CALLS US INTO SESSION BECAUSE THE ATTORNEY GENERAL GUAM NOTIFIED 22 GOVERNMENT GUAM AGENCIES THAT HE WAS WITHDRAWING FROM REPRESENTING THEIR DEPARTMENTS AND REFUSING TO SIGN THEIR DOCUMENTS INCLUDING CONTRACTS FOR CRITICAL SERVICES EFFECTIVE IMMEDIATELY AS I SEE THE REASON WHY WE WERE CALLED INTO SERVICE AND I LOOK AT THE TITLE OF THE BILL IT DOESN'T MATCH AND I DON'T THINK THAT ENTERTAINING THE BILL OR THE BILL IS YOUR MAIN TO THE DISCUSSION TO THE REASON WHY WE'RE CALLED IN SESSION SO THEREFORE MADAM SPEAKER I'D LIKE TO MAKE A MOTION TO MOVE THIS BILL BACK TO COMMITTEE FOR THE PURPOSES OF IT DOESN'T IT DOESN'T FIT THE PURPOSES TO WHY WE'RE GOING TO SPECIAL SESSION.

SENATOR BLAS: ON THAT MOTION IS THERE ANY OBJECTION SEEING NO OBJECTION IS THERE AN OBJECTION I CAN'T SEE PLEASE RAISE YOUR HAND IF YOU HAVE AN OBJECTION OR I'M NOT I CAN'T RECOGNIZE IT IT CAN'T HEAR IS THERE AN OBJECTION.

SENATOR SAN AGUSTIN: MADAM SPEAKER.

SPEAKER TERLAJE: YES.

SENATOR SAN AGUSTIN: WASN'T THAT POSED BEFORE AND IT WAS OBJECTED TO SEND IT BACK TO COMMITTEE.

SPEAKER TERLAJE: YES.

SENATOR SAN AGUSTIN: AND IT'S IT'S ANOTHER REQUEST.

SPEAKER TERLAJE: YES.

SENATOR BLAS: NEW MOTION.

SENATOR SAN AGUSTIN: OKAY SO THE OBJECTION STILL STANDS.

SPEAKER TERLAJE: IS THERE AN OBJECTION PLEASE RAISE YOUR HAND.

SENATOR BLAS: MADAM SPEAKER POINT INFORMATION.

SPEAKER TERLAJE: YES SENATOR.

SENATOR BLAS: THE INFORMATION THE POINT THE POINT IS WHILE THERE WAS A PREVIOUS REQUEST OR MOTION TO BE ABLE TO DO THIS MY MOTION IS BASICALLY THE REQUEST OF MY MOTION WAS BASICALLY GOING ON A SEPARATE MATTER AND A SEPARATE REASON AND THAT REASON IS BASICALLY IF WE'RE GOING TO FOLLOW THE LETTER OF THE LAW IF WE'RE GOING TO FOLLOW THE LETTER OF THE OF WHY WE WERE BROUGHT INTO SESSION BY THE GOVERNOR THIS WAS TO ADDRESS OKAY A CERTAIN ASPECT IT WASN'T TO ADDRESS THE THRESHOLD WE DO THAT AND WE'LL GO OUTSIDE THE BOUNDS OF THE AND I WILL NOT THAT'S WHY I OBJECT OR I I MOTION TO MOVE IT BACK TO TO COMMITTEE.

SPEAKER TERLAJE: ALRIGHT ON THE MOTION IS THERE AN OBJECTION IF THERE'S AN OBJECTION PLEASE RAISE YOUR HAND IS THERE AN OBJECTION TO THE MOTION ALRIGHT THERE'S OBJECTION ALL IN FAVOR OF THE MOTION TO REFER THE BILL BACK TO COMMITTEE PLEASE RAISE YOUR HAND MOTION FAILS ON WOULD ANYONE LIKE TO SPEAK ON THE BILL SENATOR BARNETT ON THE BILL YOU'RE RECOGNIZED.

SENATOR BARNETT: THANK YOU MADAM SPEAKER I RISE IN OPPOSITION OF THIS BILL MA'AM YOU KNOW THIS TO ME SEEMS LIKE A POWER AN ATTEMPT TO GRAB MORE POWER I THINK THAT THE ADMINISTRATION IS USING THIS CRISIS WITH THE ATTORNEY GENERAL TO TRY AND GRAB MORE POWER AND I THINK WITH ALL OF THE ISSUES THAT WE'RE FACING WITH PROCUREMENT PROCUREMENTS VIOLATIONS PROCUREMENTS SHENANIGANS I DON'T THINK IT'S A TIME TO INCREASE THE THRESHOLD FROM 500,000 TO A MILLION DOLLAR MA'AM AND I WOULD AGAIN JUST CAUTION THE BODY FOR MOVING FORWARD WITH THIS *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* ON THE BILL SENATOR DUEÑAS YOU ARE RECOGNIZED.

SENATOR DUEÑAS: *SI YU'OS MA'ÁSE'* MADAM SPEAKER I JUST WANTED TO RISE AND AGREE WITH THE SENTIMENTS EXPRESSED BY THE PREVIOUS SPEAKERS TO INCLUDE THE AUTHOR YOU KNOW WE SAT HERE WITH THE ATTORNEY GENERAL AND AS FAR AS I WAS CONCERNED YESTERDAY MADAM SPEAKER I BELIEVE THAT THERE WAS ADEQUATE TESTIMONY THAT IT WASN'T NECESSARY TO ENTERTAIN THESE ANY OF THESE MEASURES REALLY NOW I KNOW THERE'S BEEN POSSIBLY SOME CHANGE WITH REGARD TO SOME OF THE MEASURES BUT THIS ONE IN PARTICULAR I'M SURE AS THE AUTHOR MENTIONED YOU KNOW WAS WELL INTENDED BUT THEN AFTER HAVING THOUGHT IT THROUGH AND THE SITUATION WE'RE IN RIGHT NOW IS REALLY PREDICATED BASED ON THE ATTORNEY GENERAL STATING THAT HIS INVESTIGATIONS OF THE 22 AGENCIES NOW IS BASED ON THE AUDIT THAT THE PUBLIC AUDITOR DID THOSE PROCUREMENTS MADAM SPEAKER RANGE FROM PROBABLY A LITTLE OVER 500,000 TO TENS OF MILLIONS OF DOLLARS SO REALLY THE CAUTION IN TERMS OF US CONTINUING TO TO HAVE TO DEAL WITH THIS PARTICULAR ISSUE IS THE FACT THAT THERE IS NO QUESTION BASED ON THE AUDITS THAT WE HAVE SIGNIFICANT QUESTION COSTS IT'S ONE OF THE REASONS WHY WE'RE AT THIS IMPASSE SO RAISING THE THRESHOLD IN MY OPINION MADAM SPEAKER IS IS NOT IS NOT ADDRESSING THE ISSUE OF PROCUREMENT AND REVIEW IT'S ADDRESSING THE ISSUE OF WANTING TO TO HAVE PROCUREMENTS LARGER NOT TO BE REVIEWED BY THE ATTORNEY GENERAL I MEAN THIS IS WHAT WE CAUTIONED ABOUT AGAINST YESTERDAY WHEN WE DIDN'T ADD THE AMENDMENT IN 206 WHICH POTENTIALLY COULD HAVE TAKEN THE ATTORNEY GENERAL OUT OF THE EQUATION ALTOGETHER YOU'RE DOING THAT NOW BY ADDING 500 TH000 TO IT YOU KNOW MADAM SPEAKER WE'VE SEEN OTHER SNEAKY THINGS BEFORE IN PROCUREMENT WHERE THERE ARE NUMBERS THAT ARE OF THRESHOLDS THAT ARE GIVEN FOR ONE PROCUREMENT AND SO SOME PEOPLE GET REALLY CREATIVE AND DO MULTIPLE PROCUREMENTS JUST UNDER THE AMOUNT OF THE CEILING WHICH IS ANOTHER OPPORTUNITY FOR MISCHIEF WE DON'T EVEN KNOW HOW IT AFFECTS CHANGE ORDERS SOMETIMES FROM PROCUREMENT SO A MILLION DOLLARS \$500,000 IS A LOT OF MONEY \$1,000 \$10 IS A LOT OF MONEY BUT GOING UP TO A MILLION DOLLARS WITH NO REVIEW WITHOUT UNDERSTANDING THE IMPLICATIONS I THINK IT'S ACTUALLY COUNTER TO WHAT WE'RE TRYING TO ACCOMPLISH WHEN WE'RE TALKING ABOUT THE TRANSPARENCY AND THE ACCOUNTABILITY WHEN IT COMES TO SPENDING PUBLIC FUNDS PARTICULARLY IN LIGHT MADAM SPEAKER AND I CAUTION THIS BODY BECAUSE I THINK WE'RE GOING TO LEARN SOME THINGS IN THE COMING MONTHS PARTICULARLY IN LIGHT OF QUESTION COSTS BECAUSE QUESTION COST PARTICULARLY WHEN YOU'RE USING FEDERAL MONEY GUESS WHO PAYS FOR THAT WHEN THOSE PROCUREMENTS ARE DEEMED TO HAVE BEEN DONE ERRONEOUS AND OUTSIDE OF PROPER PROCUREMENT THAT IS NO LONGER UNCLE SAM'S RESPONSIBILITY PARTICULARLY WHEN IT COMES TO REIMBURSEMENT SO I CAUTION THIS BODY FROM DEALING WITH DEALING SOME WITH SOMETHING THAT IS NOT CENTRAL TO THE CLAIMS BY THE GOVERNOR'S OFFICE IN TERMS OF WHAT WHAT THE RESTRICTIONS ARE CAUSING THRESHOLDS IS AT THIS POINT IN TIME JUST A WAY OF SAYING WE'RE MOVING THIS TO A MILLION DOLLARS AND THOSE PROCUREMENTS DON'T REQUIRE I DON'T THINK THE PEOPLE OF GUAM WANT LESS SCRUTINY TIME FRAMES UNDERSTANDABLE DEBATING THE ISSUE OF WHETHER OR NOT IT CONFLICTS UNDERSTANDABLE BUT THRESHOLDS IT LOOKS LIKE A WORK AROUND I DON'T KNOW WHY THIS BODY DOESN'T WANT TO ALLOW THE AUTHOR OF THE BILL TO MOVE IT BACK TO COMMITTEE WE HAVE OTHER BILLS HERE THAT ACTUALLY DEAL WITH THE ISSUE SO I RAISED THOSE I RAISED THOSE ISSUES OUT OF A SENSE OF EXTREME CAUTION MADAM SPEAKER AND IF THIS BILL MAKES IT TO THE THIRD READING FILE I'LL BE VOTING AGAINST IT *SI YU'OS MA'ÁSE'*.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* SENATOR ON THE BILL SENATOR BROWN YOU'RE RECOGNIZED.

SENATOR BROWN: THANK YOU VERY MUCH M SPEAKER I I ALSO AGREE THAT PUTTING THIS BILL ON THE AGENDA AGENDA REALLY IS NOT CONNECTED TO THE PRIMARY REASON I ASSUME THE GOVERNOR DECIDED TO CALL US IN I GUESS JUST CAUSE SHE CAN BUT OF COURSE IT DOESN'T MEAN WE HAVE TO DO ANYTHING THAT SHE DESIRES YOU KNOW THAT DELIBERATION HAPPENS HERE I MEAN WE CAN DISPENSE WITH THESE BILLS WE CAN TAKE NO ACTION ON THESE BILLS WE CAN VOTE THEM UP AND WE CAN VOTE THEM DOWN I IT'S A LITTLE CONCERNED IF SOME OF OUR COLLEAGUES ARE SO QUICK TO ABDICATE OUR RESPONSIBILITIES HERE AT THE LEGISLATURE I DIDN'T KNOW WE WORKED FOR *ADELUP* I DON'T WORK FOR *ADELUP* OUR JOB HERE IS TO ENSURE THE INTEREST OF THE PUBLIC IS REPRESENTED AND I THINK WE NEED TO DELIBERATE THAT I THINK WHEN THE FACT THAT THE VERY AUTHOR OF THIS BILL WHO HAD A PUBLIC HEARING HELD ON THIS BILL RELAYS TO US THAT THERE ARE ISSUES THAT SHE NEEDS AND WOULD LIKE TO HAVE ADDRESSED BEFORE THIS BILL MOVES FORWARD TO BE ENTERTAINED ON THIS BODY THAT THAT SHOULD BE CONSIDERED AS IF ANYONE HERE CHOSE TO DO THAT WITH A BILL THAT THEY INTRODUCED ON TOP OF THAT WE SIMPLY WANT TO CHANGE THE REQUIREMENT AND INCREASE THE AMOUNT BY ANOTHER LITERALLY 100% IS WHAT WE'RE TALKING ABOUT FROM 500,000 TO A MILLION WITHOUT THAT LEVEL OF REVIEW MY GOODNESS AUDIT REPORT AFTER AUDIT REPORT WHO CAN ARGUE OUR GOOD PUBLIC AUDITOR IS NOT A FRIEND OF MANY HERE HE CONTINUES TO BRING UP THESE ISSUES OF CONCERNS OF IMPROPER PROCUREMENT IN THE GOVERNMENT OF GUAM AND WHAT ARE WE DOING ABOUT IT SAD TO SAY THERE'S A LOT OF ABUSE IN THE GOVERNMENT EITHER INTENTIONAL OR BECAUSE THE PEOPLE PROCURING DON'T KNOW THE PROPER PROCEDURES AND ARE NOT FOLLOWING THE PROPER PROCEDURES LET'S NOT KID OURSELVES THIS IS NOT OUR INDIVIDUAL MONEY THIS IS THE PEOPLE'S MONEY AND SOME OF US ARE JUST SO QUICK TO SPEND IT AND THROW IT TO THE WIND LIKE OH LOOK AT ME AIN'T I IMPORTANT I'M IN CHARGE OF THE BUDGET OF THE GOVERNMENT OF GUAM HOW ARE WE ENSURING THAT ACCOUNTABILITY YOU KNOW YOU KNOW LEGITIMATE CONCERN WAS RAISED DO WE HAVE ENOUGH OF OUR PEOPLE PROPERLY TRAINED IN PROCUREMENT WE SEE TIME AND TIME AGAIN MISSTEPS THAT HAVE BEEN TAKEN IN THE PROCUREMENT PROCESS ACTUALLY YOU KNOW SOMETIMES THE INTENT IS THERE FROM THE VERY BEGINNING ON WHO'S GOING TO BE THE FAVORITE VENDOR LIKE A MILLION DOLLARS IS NOTHING HOW MANY PEOPLE IN HERE HAVE A MILLION DOLLARS IN THEIR BANK ACCOUNT ONE MAYBE TWO THREE HOW CASUAL WE ARE ESPECIALLY AT A TIME WHEN YOU SEE CONTINUED ABUSE IN THIS GOVERNMENT WE CAN ALREADY DETERMINE IN SOME AREAS WHO AND WHEN AND WHO'S GOING TO BE THE FAVORITE VENDOR WE JUST GOT TO ARRANGE IT THAT WAY SO THEY GET IT AND I AGREE WITH YOU KNOW SENATOR CHRIS THE PREVIOUS SPEAKER HERE WITH REGARDS TO ENSURING MORE ACCOUNTABILITY THAT'S WHAT WE SHOULD BE MOVING TOWARDS CAUSE IT'S IT'S NOT OUR INDIVIDUAL WHAT YOU CHOOSE TO DO WITH YOUR OWN MONEY IS YOUR BUSINESS AS LONG AS IT'S A LEGAL PURCHASE MORE POWER TO YOU DO WITH IT AS YOU WILL BUT WHEN WE'RE HERE WITH THE PEOPLE'S MONEY WHEN THERE ARE SO MANY NEEDS IN THIS COMMUNITY THAT ARE NOT BEING MET WITH THE PEOPLE'S MONEY TO BENEFIT THE PEOPLE WE SHOULDN'T BE SO CASUAL WITH HOW WE REVIEW THE EXPENDITURES OF THOSE FUNDS JUST BECAUSE WE CAN BECAUSE WE WANT TO CARRY OUR BUCKETS OF WATER FOR THE HILL UP THERE LIKE I SAID COLLEAGUES IF YOU WANT TO GO WORK FOR *ADELUP* I'M BE STEP DOWN AND GO WORK THERE THEY'LL PAY YOU 30 TO 40,000 MORE MAYBE EVEN 50 THEN YOU DON'T HAVE TO MAKE ANY EXCUSES THAT YOU'RE HERE TO REPRESENT THE INTEREST OF THE PEOPLE MY DEAR PEOPLE OF GUAM AS WE SO SAY WITH SUCH EASE BUT WHEN THE TIME COMES TO MAKE THE RIGHT DECISION OH MY GOODNESS WHAT DOES THE GOVERNOR WANT WE WANT TO KNOW WHAT THE GOVERNOR WANTS THAT'S NOT OUR JOB HERE I ALSO WILL NOT AT THE REQUEST OF THE THE SPONSOR OF THIS BILL NOT VOTE FOR THIS BILL SHOULD IT EVEN GET INTO THIRD READING BECAUSE AS SHE RELAYED THERE ARE ISSUES THAT NEED TO BE ADDRESSED AND I'M NOT SO CASUAL AND EASY TO ROLL OVER TO SAY OH LET'S GIVE THEM A MILLION DOLLARS WHY NOT WHY DON'T WE MAKE IT FIVE MILLION 1020 MY GOODNESS LOOK AT THE HOSPITAL WHY WE MAKE IT 5 MILLION LOOK AT THEIR PATIENT INFORMATION SYSTEM \$5 MILLION AND WHAT DO THEY SAY INSTEAD OF OH MY GOODNESS WHO GOT WHO'S RESPONSIBLE FOR MISSPENDING \$5 MILLION OF THE PEOPLE'S MONEY IN THE HOSPITAL THAT HAS SO MANY OTHER NEEDS IS ANYTHING BEING DONE ABOUT THAT WHO'S RESPONSIBLE FOR THAT PROCUREMENT JUST LIKE THE PROCUREMENT OF THE AIR CONDITIONERS THAT DIDN'T HAVE AN ELECTRICAL PLUG TO PLUG INTO WHO'S RESPONSIBLE FOR THAT PROCUREMENT AND THEN THEY COME BACK AND SAY NEXT SENTENCE OH WE NEED YOU KNOW 20 TO MAYBE \$60 MILLION TO GET A PROPER SYSTEM IN PLACE AND IS ANYONE HELD RESPONSIBLE FOR MISSPENDING THAT \$5 MILLION OF THE PEOPLE'S MONEY OH WE DON'T TALK ABOUT THAT CERTAINLY DIDN'T MENTION THAT IN THE STATE OF THE ISLAND ADDRESS WE DIDN'T TOUCH ON ANY OF THOSE ISSUES SO WHEN YOU LOOK AT THOSE TYPE OF THINGS THOSE VERY BIG MISSTEPS AND MISTAKES THAT ARE HAPPENING IN THIS GOVERNMENT AND WE'RE JUST TRIPPING OVER OURSELVES BECAUSE THE GOVERNOR WANTS A MILLION DOLLARS WITHOUT REVIEW WITHOUT PROPER

REVIEW LET'S GIVE IT TO HER I HAVE TO SAY NO BE IT THIS GOVERNOR OR ANY OTHER GOVERNOR THIS IS NOT THE RESPONSIBLE ACTION TO TAKE PERHAPS THERE IS A NEED TO INCREASE THE AMOUNT BUT I CERTAINLY DON'T THINK IT'S TO A MILLION DOLLARS AND I THINK THIS REQUIRE FURTHER REVIEW AND WITH THAT MADAM SPEAKER I'M GOING TO OBJECT SHOULD THIS BILL MOVE FORWARD AND I CERTAINLY WILL NOT VOTE FOR IT AT THIS TIME THANK YOU.

SPEAKER TERLAJE: ON THE BILL IS THERE ANY SENATOR LIKE TO BE RECOGNIZED ON THE BILL SENATOR FISHER YOU'RE RECOGNIZED.

SENATOR FISHER: THANK YOU VERY MUCH MA'AM MADAM SPEAKER THE QUESTION HERE IS THE PROPER SCOPE OF THE CONSIDERATION OF THE BILL I'M HEARTENED TO HEAR PEOPLE WHO RISE AND SAY I SUPPORT THE BILL OR DON'T SUPPORT THE BILL THAT IS PARTICULARLY AND COMPLETELY WITHIN THE RIGHT OF THE BODY I LOOK AT THE CALL TO SPECIAL SESSION AND I NOTE THAT THE GOVERNOR SAID TO US SHE WANTED US WELL SHE SAYS I CALL THIS SPECIAL SESSION FOR THE SOLE PURPOSE OF THE 37TH GUAM LEGISLATURE'S CONSIDERATION AND VOTE SHE DIDN'T SAY OR IT'S CONJUNCTIVE AND VOTE AND THAT MEANS VOTE IT DOWN OR VOTE IT UP ONE OF THE TWO BUT I JUST EMPHASIZE THAT THE LANGUAGE SHE USED THAT BRINGS US INTO THE BODY IS SHE WANTS US TO CONSIDER AND VOTE ON WHAT SHE SENT I REVIEW I BELIEVE THAT THE LETTER IS RESTRICTIVE IN NATURE DESCRIBES WHAT WE CAN DO AND WE CANNOT DO THAT'S WHY I UNDERSTAND THAT THERE'S THERE MIGHT BE SOME ROOM FOR ARGUMENT HERE BUT THE IDEA OF ACTUALLY AMENDING THE BILL THE GOVERNOR VOTES I'M I HAVE A VERY RESTRICTED VIEW OF THE AUTHORITY TO ACT AND I BELIEVE THAT BECAUSE OF THE CALL SAYS CONSIDER AND VOTE THAT THOSE ARE THE CHOICES BEFORE US IF WE WERE TO FOR EXAMPLE SUBMIT A A STANDALONE BILL THAT THAT SAID NOT WITHIN THE CALL THAT SAID LET'S LET'S BRING IT BACK DOWN TO 500,000 WE CERTAINLY WOULDN'T BE ABLE TO DO THAT WE HAVE TO CONSIDER THE BILL THAT THE GOVERNOR SENT I LOOK AT THE ORGANIC ACT FOR AUTHORITY FOR THIS POSITION AND I'M SPECIFICALLY REFERRING TO 48 I'M SPECIFICALLY REFERRING TO 48 US CODE 1423 H IT'S QUITE SHORT IT REFERS TO THE EXISTENCE OF SPECIAL REGULAR AND SPECIAL SESSIONS AND THE LAST TWO SENTENCE SAYS NO LEGIST THIS IS OUR CONSTITUTION OF COURSE IT SAYS NO LEGISLATION SHALL BE CONSIDERED AT ANY SPECIAL SESSION OTHER THAN THAT SPECIFIED IN THE CALL THEREFORE OR IN ANY SPECIAL MESSAGE BY THE GOVERNOR TO THE LEGISLATURE WHILE IN SUCH SESSION ALL SESSIONS ARE OPEN TO THE PUBLIC OF COURSE BUT IN HERE.

SENATOR BARNETT: MADAM I RISE TO A POINT OF ORDER WE'VE HAD FIVE SPECIAL SESSIONS IN THIS 37TH LEGISLATIVE TERM AND IT'S MY RECOLLECTION THAT WE'VE AMENDED AND MOVED IN EVERY WAY THAT WE USUALLY DO IN THE REGULAR SESSIONS FOR ALL OF THOSE SPECIAL SESSIONS SO I JUST RISE FOR THAT POINT OF ORDER AND I FURTHER OBJECT TO THE.

SPEAKER TERLAJE: POINT OF ORDERS NOTED THANK YOU SENATOR.

SENATOR BARNETT: SENATORS WILLINGNESS TO OUR ABILITY TO DEBATE AND DISCUSS THESE BILLS IN THE PEOPLE'S HOUSE *SI YU'OS MA'ÁSE'.*

SPEAKER TERLAJE: THANK YOU SENATOR FISHER YOU HAVE THE FLOOR.

SENATOR FISHER: THANK YOU MA'AM AND JUST I GUESS AS AN ASIDE TO MY FRIEND'S COMMENT THIS IS NOT US ACTING UNILATERALLY TO RESTRICT OUR ABILITY THIS IS THE PEOPLE OF GUAM ACTING IN CONCERT WHO HAVE RESTRICTED OUR ABILITY BECAUSE OF THE LAWS WE HAVE PASSED AND YOU KNOW WE HAVE TO PLAY BY THE RULES BUT ANYWAY JUST TO READ THAT AGAIN NO LEGISLATION SHALL BE CONSIDERED AT ANY SPECIAL SESSION OTHER THAN THAT SPECIFIED IN THE CALL THEREFORE THAT'S THE CONSTITUTION THOSE ARE THE RULES NOW MANY OF US I THINK HAVE REFERRED TO AND ARE FAMILIAR WITH MASON'S MANUAL I BELIEVE IT'S A CHAPTER 5 OF OUR STANDING RULES THAT SAYS IF THERE'S AN AMBIGUITY WE LOOK TO MASON'S MANUAL TO SEE IF WE CAN RESOLVE IT AND WHEN I LOOK AT MASON'S MANUAL SECTION 780 CALLS FOR SPECIAL SESSIONS SUB N IT SAYS WHEN THE CONSTITUTION OUR CONSTITUTION PROHIBITS PASSAGE OF LEGISLATION NOT INCLUDED IN THE GOVERNOR'S CALL LEGISLATION PASSED AT A SPECIAL SESSION NOT WITHIN THE CALL IS NOT VALID EVEN IF IT IS SUBSEQUENTLY SIGNED BY THE GOVERNOR SO I THINK THAT THAT AT LEAST OFFERS CREDENCE TO MY POSITION THAT WE SHOULD READ THIS CONSTITUTION AND WE SHOULD READ THE GOVERNOR'S CALL RESTRICTIVELY I FULLY EMBRACE THAT MANY OF THE COLLEAGUES DON'T LIKE THE BILL AND WILL VOTE IT DOWN THAT IS ABSOLUTELY APPROPRIATE ABSOLUTELY IF THAT IS THEIR BENT

BUT IT IS NOT FOR US AT THIS POINT AT A REGULAR SESSION OF COURSE I THINK MY FRIEND HAS A POINT THAT WE COULD AMEND AND MOVE AND CHANGE AND DO ANYTHING WE WANT IN A REGULAR SESSION BECAUSE THOSE ARE OUR BILLS THIS IS A SPECIAL SESSION THAT WE ARE CALLED TO TO CONSIDER THE BILLS OF THE GOVERNOR THE HEAD OF A CO-EQUAL BRANCH THESE THIS IS PURSUANT TO RULES WE HAVE ADOPTED THIS IS PURSUANT TO THE CONSTITUTION WE HAVE ADOPTED SO MA'AM I GUESS I WOULD JOIN MY COLLEAGUES AND I THINK SOMEBODY USED THE WORD CAUTION EARLIER AND I I WOULD JOIN THAT BUT THE CAUTION THAT I WOULD URGE UPON THE BODY IS RESTRAINT AND AN ADHERENCE TO THE LAW THANK YOU VERY MUCH MA'AM.

SENATOR DUEÑAS: POINT OF INFORMATION MADAM SPEAKER.

SENATOR DUEÑAS: PLEASE STATE YOUR POINT OF INFORMATION.

SENATOR DUEÑAS: I I I CONCUR SOMEWHAT WITH THE RETIRING SPEAKER HOWEVER THE GOVERNOR HAS CALLED US INTO THIS SPECIAL SESSION ON BILLS THAT ARE MOTIONS OF THIS BODY NORMALLY WHEN THE GOVERNOR CALLS A SPECIAL SESSION WHEN THE GOVERNOR WANTS TO DO SOMETHING THE GOVERNOR DRAFTS THEIR OWN LEGISLATION OR CALLS US IN PERHAPS ON A BUDGET THAT THE GOVERNOR DOESN'T AGREE WITH WHAT WHAT DISPOSITION THAT WE'VE MADE AND CALLS US INTO SESSION ON THOSE BILLS THAT SHE HAS CHANGED THERE'S NOTHING THAT'S BEEN DONE TO THIS MOTION AS FAR AS I'M CONCERNED MADAM SPEAKER AND WE CAN ASK OUR LEGAL COUNSEL THIS MOTION BELONGS TO THIS BODY BECAUSE IT IS INTRODUCED AND DO NEWLY READ AND HEARD NOW IN TWO READINGS OF THIS LEGISLATURE SO I BELIEVE THAT THIS BILL IS STILL THE PREROGATIVE OF THE AUTHOR IN FACT I'VE HEARD SOME MEMBERS SAY MAYBE THE AUTHOR SHOULD WITHDRAW THE BILL HOW.

SPEAKER TERLAJE: SENATOR YOUR YOUR POINT OF INFORMATION IS WELL NOTED THANK YOU.

SENATOR DUEÑAS: WELL I JUST WANT TO MAKE THIS POINT BECAUSE.

SPEAKER TERLAJE: POINT OF INFORMATION.

SENATOR DUEÑAS: IF IF IF OTHERS IN THIS IN THIS BODY BELIEVE THAT THE AUTHOR COULD EVEN WITHDRAW THE BILL THEN WHAT'S THE DIFFERENCE IN THE MOTION BETWEEN REFERRING IT BACK TO COMMITTEE OR WITHDRAWING THAT MEANS THAT SOME PEOPLE IN THIS BODY BELIEVE THAT THE AUTHOR STILL HAS POSSESSION AND THIS BODY STILL HAS POSSESSION OF THE BILL AND IT'S NOT THE GOVERNOR'S BILL THANK YOU MADAM CHAIR.

SPEAKER TERLAJE: THANK YOU SENATOR ON THE BILL.

NOTE VICE SPEAKER MUÑA BARNES PRESIDES

VICE SPEAKER MUÑA BARNES: ON THE MOTION SPEAKER TERLAJE YOU ARE RECOGNIZED.

SPEAKER TERLAJE: JUST A POINT OF ORDER THERE IS NO MOTION YET THAT STILL PENDING I JUST WANT TO MAKE A POINT OF ORDER TO THE PREVIOUS SPEAKER THAT THE ORGANIC ACT YES DOES ALLOW THE GOVERNOR TO CALL US INTO SPECIAL SESSION AT WHEN IN HER OPINION THAT PUBLIC INTEREST MAY REQUIRE IT NO LEGISLATION SHALL BE CONSIDERED AT ANY SPECIAL SESSION OTHER THAN THAT SPECIFIED IN THE CALL I HAVE NOT HEARD ANY MOTIONS TO CONSIDER ANY LEGISLATION OTHER THAN THAT IN THE CALL SO I DON'T THINK THE CITATION TO THE ORGANIC ACT IS RELEVANT TO OUR DISCUSSIONS HERE WE ARE TRYING THERE WERE PREVIOUS MOTIONS TO MOVE THIS BILL DO DIFFERENT THINGS WITH IT AND THAT IS REALLY I WOULD LIKE TO RAISE A POINT OF ORDER TO THAT AS WELL OUR RULES ALLOW US AND THIS IS UNDER RULE 1.02 C2A I READ THIS EARLIER UNDER SPECIAL SESSION AGENDAS IT SAYS NO BILL OR RESOLUTION MAY BE INTRODUCED OR PLACED ON THE AGENDA SPECIAL SESSION AGENDA AT ANY SPECIAL SESSION CALLED BY *I MAGA'HĀGAN GUĀHAN* UNLESS IT RELATES TO THE SUBJECT MATTER OF THE CALL OF THE SPECIAL SESSION NO ONE IS MAKING ANY ATTEMPT TO ADD ON ANY OTHER ITEMS TO THIS AGENDA THE RULES WHICH APPLY TO REGULAR SESSIONS SHALL APPLY TO SPECIAL SESSIONS TO THE EXTENT THAT THEY DO NOT CONFLICT WITH THE ORGANIC ACT PROVISION REQUIRING THE BODY ONLY ADDRESS THE LEGISLATION PROVIDED BY *I MAGA'HĀGAN GUĀHAN* A REGULAR SESSION MAY NOT BE CONDUCTED DURING A SPECIAL SESSION OR RECESS THEREOF I ALSO READ EARLIER I'M JUST GOING TO READ AGAIN FOR THOSE WHO ARE LISTENING IN CASE THEY GOT CONFUSED BY THE PREVIOUS SPEAKER THAT OUR MASON'S MANUAL ALSO THIS IS MASON'S MANUAL SHOWS US PARLIAMENTARY PROCEDURE ACROSS THE NATION IN CONGRESS IT ALSO ADDRESSES SPECIAL SESSIONS AND SAYS WHILE A

LEGISLATURE CANNOT CANNOT GO BEYOND THE BUSINESS SPECIFIED IN A CALL FOR SPECIAL SESSION YET WITHIN SUCH LIMITS IT CAN ACT FREELY IN WHOLE OR IN PART OR NOT AT ALL I'M REPEATING MYSELF AND TAKING TIME TO DO THAT BUT I JUST DON'T LIKE IT WHEN THE PUBLIC HAS TO LISTEN TO WHAT REALLY IS NOT RELEVANT TO OUR DEBATE TODAY THE DEBATE IS WE ARE ON A BILL NO ONE IN HERE HAS MADE A MOTION TO PLACE IT ON THIRD NO ONE SEEMS TO WANT TO DO THAT WE'VE HEARD OBJECTIONS TO IT BUT YET WE'VE DECLINED MOTIONS TO MOVE IT SOMEPLACE TO BACK TO THE COMMITTEE FOR FURTHER DISCUSSION WHICH IS A VERY RELEVANT MOTION BECAUSE THE BILL IN FRONT OF US AND I THINK WE SHOULD ALL LOOK AT THE BILL IN FRONT OF US THE BILL IS TO CHANGE WHAT IS CURRENTLY IN STATUTE REQUIRING THE ATTORNEY GENERAL TO REVIEW CONTRACTS OVER \$500,000 THAT'S WHAT THE LAW CURRENTLY SAYS AND THE AG SAID YESTERDAY THEY HAVE NO PROBLEM THEY'RE GOING TO REVIEW CONTRACTS OVER \$500,000 AS TO FORM LEGALITY AND WHETHER THE PROCUREMENT LAW WAS FOLLOWED THIS BILL THAT THE GOVERNOR WANTS US TO PASS HAS NOTHING TO DO WITH WHETHER THE ATTORNEY GENERAL HAS DECLINED TO ACT THEY WANT TO USE THIS EMERGENCY CRISIS THAT WE ARE IN TO SAY LET'S REMOVE FROM THE ATTORNEY GENERAL'S AUTHORITY ALTOGETHER THE ABILITY TO REVIEW CONTRACTS UP TO A MILLION DOLLAR I'M SURE THERE ARE ARGUMENTS FOR AND AGAINST THAT NOTION THE ISSUE FOR ME IS TODAY THAT'S NOT THE CRISIS THAT WE ARE IN THE CRISIS IS NOT THAT OH MY THE ATTORNEY GENERAL HAS TO REVIEW CONTRACTS LESS THAN \$500,000 NO THAT'S NOT THE THAT'S NOT THE CRISIS IN FACT WE MIGHT EVEN LOOK AT IT THE REVERSE AS ONE OF THE PREVIOUS SPEAKERS SAID WE'RE TALKING ABOUT WE SENATORS HAVE BEEN PRIVY TO ALL THE AUDITS WE HAVE SEEN CONTRACTS BETWEEN \$500,000 AND \$1 MILLION THAT MAYBE IF THE THE ATTORNEY GENERAL DID NOT REVIEW WOULD NOT WOULD HAVE COME OUT DIFFERENTLY I PERSONALLY WANT HIS REVIEW AT THIS POINT I SUPPORT THE LAW THAT REQUIRES THE ATTORNEY GENERAL TO REVIEW CONTRACTS I THINK THAT'S A PROTECTION FOR THE TAXPAYERS OF GUAM I AM NOT WILLING TO REMOVE THAT I DON'T THINK THIS EMERGENCY CALLS FOR THAT WE SHOULDN'T EVEN BE WASTING ANY TIME ON THAT I'M SURPRISED THE GOVERNOR SENDS THAT DOWN AS THAT'S THE MOST URGENT THING THAT WE SHOULD DO SHE PUT IT FIRST BEFORE TAKING CARE OF AGENCIES THAT DON'T HAVE ANY COUNSEL SHE WANTS US TO TAKE CARE OF HER AND MAKE SURE THAT SHE CAN CONTRACT \$1 MILLION WITHOUT THE ATTORNEY GENERAL EVEN REVIEWING THAT THAT DOESN'T MAKE SENSE TO ME THAT DOESN'T ADDRESS A CRISIS THAT IS A GRAB FOR SOMETHING USING THIS CRISIS AS A PRETENSE THERE'S NOTHING IN THE ORGANIC ACT THAT SAYS WE HAVE TO VOTE ON THAT BILL MOVE IT TO TO THIRD READING WE HAVE ALL THE RIGHT TO MOVE IT WHEREVER WE WANT THAT'S WHAT DECADES OF LEGISLATURES BEFORE US HAVE DONE SO I'M SORRY IF YOU NEED TO REVIEW THE RECORD ON THAT I'M NOT REALLY SORRY GO REVIEW THE RECORD ON THAT WE WERE WE WERE JUST TO REFRESH SOME OF MY COLLEAGUES MEMORIES JUST IN AN EMERGENCY SESSION YESTERDAY THE EMERGENCY CALL WAS VERY VERY CLEAR WE WERE GOING TO ADDRESS POWER CAPACITY AT GPA AND QUOTE 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 PEOPLE OF GUAM I WOULD LIKE TO GET BACK TO THAT THAT WAS IN MY CALL TO SESSION AS SPEAKER ON FEBRUARY 29TH SENT TO ALL SENATORS BY EMAIL PRIOR TO THE SESSION IN FACT PRIOR TO THE WEEKEND BEFORE THE SESSION PRIOR TO THE HOLIDAY BEFORE THE SESSION SO THAT THEY COULD ALL KNOW EXACTLY WHAT WE WERE GOING TO DISCUSS YESTERDAY I PASSED IT OUT ON THE FLOOR I READ IT INTO THE RECORD AND YET I WAS TRANSPARENT AND DIRECT YET SOME OF MY COLLEAGUES SAID WE WERE NOT HERE TO TALK ABOUT THE CRISIS OF THE ATTORNEY GENERAL REMOVING COUNCIL FROM AGENCIES THE GO THE GOVERNOR'S OFFICE AFTER MY COLLEAGUES REFUSED TO CONTINUE YESTERDAY AND DISCUSS THE CRISIS THE GOVERNOR'S OFFICE RELEASED A PRESS RELEASE STATING SUGGESTING THAT THE EMERGENCY SESSION WAS HELD QUOTE UNQUOTE UNPRECEDENTED END QUOTE UNDER THE GUISE OF CONSIDERING AN EMERGENCY GUAM POWER AUTHORITY BILL NO THE CALL LAID OUT TWO EMERGENCIES VERY CLEARLY THEIR PRESS RELEASE DESCRIBED IT THAT THE LEGISLATURE PULLED A BAIT AND SWITCH TACTIC MAYBE THE GOVERNOR DIDN'T READ MY CALL TO SESSION THAT CLEARLY OR AT LEAST HER PRESS RELEASE PEOPLE MAYBE THEY DIDN'T SEE OUR ATTEMPT FOR OUR HOURS TO CLARIFY FROM THE ATTORNEY GENERAL WHAT PART OF THIS CRISIS IS RESOLVED AND WHAT PART STILL REMAINS I WAS SURPRISED AT THAT PRESS RELEASE LAST NIGHT AFTER ALL THE HARD WORK OVER THE WEEKEND TRYING TO DRAFT BILLS TO MAKE THEM VERY SPECIFIC GET THE INFORMATION OUT OF THE ATTORNEY GENERAL AS TO WHAT HE'S DOING WHAT HE'S NOT DOING WHAT THESE AGENCIES ARE LEFT WITHOUT I WAS HERE LISTENING BUT I WAS VERY SURPRISED BECAUSE THE GOVERNOR I WAS SURPRISED BY THAT PRESS RELEASE BECAUSE THE GOVERNOR HIGHLIGHTED IN HER STATE-OF THE ISLAND ADDRESS ON MARCH 5TH YESTERDAY WAS MARCH 7TH SHE HIGHLIGHTED THAT THAT THIS THAT THIS WAS A CRISIS

INVOLVING THE ATTORNEY GENERAL SHE SAID AND I QUOTE LEFT UNRESOLVED CRITICAL DEPARTMENTS WILL LACK THE BASIC LEGAL GUIDANCE THEY NEED TO OPERATE UNQUOTE SHE EVEN CITED A PHONE CALL WITH ME AGREEING THAT THIS QUOTE PARALYZING MOVE BY THE ATTORNEY GENERAL'S OFFICE WOULD BE DISASTROUS FOR THE PEOPLE UNQUOTE SHE SAID AND I QUOTE MADAM SPEAKER I AM COUNTING ON YOUR LEADERSHIP IN THIS BODY TO HELP US RESOLVE THIS SERIOUS ISSUE UNQUOTE MAYBE HER PRESS RELEASE TEAM FORGOT WHAT SHE SAID IN THE STATE OF THE ISLAND ADDRESS AND OBVIOUSLY THEY DIDN'T GET TO MY COLLEAGUES THROUGH THAT ADDRESS OR ANYTIME THROUGHOUT OUR EMERGENCY SESSION BECAUSE MY COLLEAGUES MANY OF THEM WERE CONVINCED THERE WAS NO CRISIS I CALLED HER YESTERDAY I LET HER KNOW YOU HAVE SOME SENATORS DOWN HERE WHO DO NOT BELIEVE THAT YOU HAVE A CRISIS ON YOUR HANDS THAT THE GOVERNMENT HAS A CRISIS ON ITS HANDS THAT THE AGENCIES NEED ANY HELP AND THAT WE SHOULD ACT TODAY THEY DON'T WANT US THEY REFUSE TO ALLOW US TO MOVE TO MOTIONS TO PUT ON THE EXACT BILLS THAT NOW THE GOVERNOR HAS CONVENIENTLY SENT DOWN IN THIS CALL FOR A SPECIAL SESSION THE EXACT SAME BILLS THAT WE WERE TRYING TO MOVE TO MOTIONS YESTERDAY NOT GOOD ENOUGH FOR MY COLLEAGUES ARE NOW ON OUR AGENDA FOR SPECIAL SESSION WITH AN ADDITIONAL ONE THE ONE TO GRAB THE 1 MILL MILLION DOLLAR OR TO REMOVE FROM THE AG REVIEWS OF CONTRACTS FROM 500,000 TO A MILLION DOLLAR THIS IS PERPLEXING TO ME AT THE END OF THE GOVERNOR'S STATE OF THE ISLAND ADDRESS DO YOU REMEMBER HER GIVING ME THE FLOWERS AND SAYING LET'S WORK TOGETHER IN THE SPIRIT OF COOPERATION AND DIPLOMACY WELL I WAS WORKING VERY HARD BUT THERE WERE MANY PEOPLE IN HERE WORKING AGAINST RESOLVING ANY CRISIS AND I DON'T THINK THAT PRESS RELEASE HELPED US TO RESOLVE ANY CRISIS I DON'T THINK ANY SENATORS GOT THE MESSAGE IN HERE THAT YOUR AGENCIES NEED HELP SOME OF MY COLLEAGUES EVEN SAID THESE THINGS ARE NOT NECESSARY LET'S WAIT WAIT FOR THE COURT DECISION WHY ARE WE CONTINUING TO TALK THEY TOLD ME THE SENATORS TOLD ME YESTERDAY WAIT FOR A PUBLIC HEARING THAT WOULD TAKE FIVE DAYS NOTICE A COMMITTEE REPORT WHO KNOWS WHAT ELSE TREAT IT LIKE IT'S REGULAR BECAUSE WE HAVE NO CRISIS OR SOME SENATORS REPEATED THAT ONE SENTENCE THAT THE AG SAID IN THE HOURS OF TESTIMONY THAT THE ATTORNEY GENERAL GAVE US THEY REPEATED THAT HE WAS GOING TO REVIEW AND SIGN THE CONTRACTS SO IN THEIR MINDS THERE WAS NO CRISIS I DON'T NOT SURE IF THE GOVERNOR HEARD THAT PART EITHER FROM THE ATTORNEY GENERAL BECAUSE SHE KEEPS TALKING ABOUT HIM REFUSING TO SIGN CONTRACTS HE'S VERY CLEARLY STATED ON THE RECORD HE'S GOING TO SIGN THE CONTRACTS SO THAT'S NO LONGER OUR CRISIS OUR CRISIS IS LEGAL ADVICE TO AGENCIES THAT WAS MADE VERY CLEAR YESTERDAY FOR ANYONE WHO WAS IN ATTENDANCE HE SAID HE AGREED WITH ME THAT THE MATTER OF THE AGENCIES BEING WITHOUT REPRESENTATION SHOULD BE ADDRESSED BY A BILL SOME SENATORS DON'T SEE THE LEGISLATURE PERHAPS AS I DO AND MAYBE THAT'S THE FUNDAMENTAL PHILOSOPHICAL DIFFERENCE THAT WE HAVE I BELIEVE THIS IS A BODY LAST RESORT FOR THE PEOPLE OF GUAM WHEN THEY ARE IN NEED A BODY THAT SHOULD BE ABLE TO SOLVE A CRISIS NOT HAVING TO WAIT UNTIL THEY ARE TOLD BY THE GOVERNOR OR THE EXECUTIVE BRANCH OR THE JUDICIARY WHAT THEY NEED TO DO WE COULD HAVE DONE THAT YESTERDAY BUT I AM WILLING TO STILL DO THAT TODAY AND I JUST THINK LET'S GET TO WORK LET'S GET RID OF THIS BILL 237 THAT WE DON'T NEED RIGHT NOW THAT DOESN'T HELP THESE AGENCY THAT ONLY HELPS AGENCIES THAT DON'T WANT THEIR CONTRACTS REVIEWED BY THE ATTORNEY GENERAL OF GUAM WHETHER YOU LIKE HIM OR NOT THEY WANT THEIR CONTRACTS TO BE REVIEWED ONLY BY THEIR AGENCIES I WOULD SUGGEST IF WE LOOK THROUGH ALL THESE AUDITS THE AUDITOR IS CITING THE AGENCIES FOR FAILURE TO FOLLOW THE PROCUREMENT LAW GUAM MEMORIAL HOSPITAL \$4 MILLION QUESTION COSTS GETA MILLION DOLLAR AT LEAST IN THE MATRIX CONTRACT QUESTION COST DOE SO MANY SO I ASK MY COLLEAGUES LET'S JUST MOVE ON LET'S GET TO THE BILLS THAT WILL RESOLVE THE ACTUAL CRISIS THAT WE HAVE AND THAT IS THE ONE WHERE THE ATTORNEY THE ATTORNEY GENERAL HAS WITHDRAWN AS COUNCIL FROM 22 AGENCIES I BELIEVE THOSE AGENCIES NEED COUNSEL I THINK THE GOVERNOR BELIEVES THAT TOO AND SHE SHOULD HAVE JUST LIMITED HER CALL TO THAT BUT SHE DIDN'T SO NOW WE'RE TRYING TO SPEND TIME GETTING RID OF THIS BILL 237 SO THANK YOU MADAM SPEAKER WE'RE ON BILL 237-37 VICE SPEAKER YOU ARE RECOGNIZED.

NOTE SPEAKER TERLAJE PRESIDES

VICE SPEAKER MUÑA BARNES: THANK YOU MADAM SPEAKER FOR GIVING ME THE OPPORTUNITY TO SPEAK ON THIS BILL AND YOU KNOW THE BEAUTY ABOUT THIS AUGUST BODY IS LITERALLY WHEN A BILL IS PRESENTED BEFORE US MADAM SPEAKER WE CAN EITHER VOTE THE BILL UP OR VOTE THE BILL DOWN AND INSTEAD INSTEAD OF THROWING DISPARAGING MARKS ABOUT EACH OTHER OR SHARING PERSONAL FEELINGS OF WHAT

CAN BE OR WHAT IS BEING DONE IN REFERENCE TO HOW THEY FEEL ABOUT SOMEONE'S LEGISLATION AS INTRODUCED OR AS AMENDED OR AS SUBSTITUTED WE ON THIS AUGUST BODY CAN MAKE THAT DECISION TO VOTE ON THE BILL PRESENTED BEFORE US ON THIS AUGUST BODY UP OR DOWN AND BASED ON THE INFORMATION THAT WAS PRESENTED IN THESE LAST COUPLE OF DAYS I DID SAY THOSE REMARKS THAT WERE QUOTED JUST EARLIER BECAUSE THE ATTORNEY GENERAL HIMSELF ADMITTED THERE'S NO NEED FOR US TO BE IN HERE AND I TOO MADAM SPEAKER HAVE A CONCERN LIKE MY PREVIOUS SPEAKER I MAY NOT HAVE AGREED WITH WITH SOMEONE FROM TALOFOFO BUT I DEFINITELY AGREE WITH SOMEONE FROM YIGO SO WITH THAT BEING SAID MADAM SPEAKER I'LL TAKE THE MOTION I'LL STAND AND THIS BILL NEEDS TO BE VOTED ON BECAUSE IT WAS PRESENTED BEFORE US SO ON THE MOTION THERE WILL BE A MOTION I PRESENT THE MOTION ON BILL 237 I MEAN 237 237-37 COR I'LL MOVE IT TO THE THIRD READING VOTING FILE.

SENATOR BLAS: OBJECTION.

VICE SPEAKER MUÑA BARNES: THERE IS AN OBJECTION.

SPEAKER TERLAJE: THANK YOU ON THE MOTION THERE'S BEEN AN OBJECTION ON THE MOTION TO PLACE BILL NUMBER 237-37 COR TO THE VOTING FILE ALL IN FAVOR PLEASE RAISE YOUR HAND TWO THREE FOUR FIVE MOTION FAILS WE'RE ON BILL NUMBER 254-37 COR AS.

VICE SPEAKER MUÑA BARNES: MADAM SPEAKER WHAT IS THE VOTE COUNT I WHAT IS THE VOTE COUNT MADAM SPEAKER.

SPEAKER TERLAJE: THERE WERE FIVE IN FAVOR I THINK LET ME CONFIRM WITH THE CLERK.

VICE SPEAKER MUÑA BARNES: CAN YOU COUNT THAT AGAIN BECAUSE I THOUGHT I COUNTED SEVEN OR EIGHT MADAM SPEAKER.

SPEAKER TERLAJE: THERE ARE SIX SIX IN FAVOR MOTION FAILS.

VICE SPEAKER MUÑA BARNES: MADAM ON A MOTION TO RECONSIDER THE VOTE.

SPEAKER TERLAJE: ALRIGHT THERE'S BEEN A MOTION TO RECONSIDER THE VOTE IS THERE ANY OBJECTION THERE'S AN OBJECTION SO ALL IN FAVOR OF RECONSIDERING THE VOTE PLEASE RAISE YOUR HAND 2 THREE FOUR FIVE SIX MOTION TO RECONSIDER FAILS SO WE PROCEED ON SECOND READING TO BILL NUMBER 254-37 COR.

VICE SPEAKER MUÑA BARNES: I DON'T KNOW WASTE MY TIME.

SPEAKER TERLAJE: ALRIGHT WE'RE ON BILL NUMBER 254-37 COR AS SUBSTITUTED ON THE FLOOR SENATOR SHELTON YOU ARE RECOGNIZED SENATOR SHELTON YOU ARE RECOGNIZE ON BILL 254-37 AS SUBSTITUTED ON THE FLOOR.

SENATOR SHELTON: *SI YU'OS MA'ÁSE'* MADAM SPEAKER LIKE TO MOVE THE BILL TO THIRD READING AND I ASK FOR TIME TO DISCUSS.

SPEAKER TERLAJE: PLEASE PROCEED ON DISCUSSION.

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

SENATOR FISHER: MA'AM I RISE FOR THE REASON OF MAKING A MOTION I'D LIKE TO RESOLVE INTO THE COMMITTEE OF THE WHOLE.

SPEAKER TERLAJE: SORRY SHE HAS THE FLOOR SENATOR SHELTON YOU'RE RECOGNIZED.

SENATOR SHELTON: I YIELD TO SENATOR FISHER.

SENATOR FISHER: TEMPORARILY YIELD THANK YOU VERY MUCH SENATOR.

SPEAKER TERLAJE: YIELDING YOUR TIME.

SENATOR SHELTON: NO I'M SORRY I'M YIELDING HE HAS A.

SENATOR FISHER: A MOTION.

SPEAKER TERLAJE: YOU HAVE THE FLOOR SENATOR HE CAN MAKE A MOTION ON HIS TURN TO SPEAK.

SENATOR FISHER: YEAH GO AHEAD AND MAKE THE MOTION DON'T MATTER.

SENATOR SHELTON: *SI YU'OS MA'ÁSE'* MADAM SPEAKER AND COLLEAGUES OVER THE LAST SEVERAL DAYS WE HEARD LOTS OF DISCUSSION FROM THE ATTORNEY GENERAL AND HIS TEAM AND LETTERS BACK AND FORTH PRESS RELEASES THAT HAVE BROUGHT US TO THIS POINT TODAY IN THE GOVERNOR'S CALL TO SESSION WE KNOW THAT A NOTICE WAS GIVEN BY THE ATTORNEY GENERAL THAT OVER 20 EXECUTIVE BRANCH AGENCIES AND INSTRUMENT ALITES OF THE GOVERNMENT OF GUAM THAT HE HAS ELECTED TO TEMPORARILY WITHDRAW FROM PROVIDING LEGAL SERVICES TO AND THAT INCLUDES THE PROCESSING OF ANY DOCUMENTS REQUESTING THE ATTORNEY GENERAL'S SIGNATURE WE'RE HEARING TODAY FROM DIFFERENT AGENCIES THAT THEY ARE DELIVERING DOCUMENTS CONTRACTS TO THE ATTORNEY GENERAL'S OFFICE THAT ARE BEING SENT BACK TO THEM PUSHED BACK IN REFERENCING THIS LETTER OF HIS TEMPORARY WITHDRAWAL FROM ANY ANY SERVICE TO BE PROVIDED TO THESE AGENCIES THAT MAY BE UNDER INVESTIGATION THIS DECISION IMPACTS OUR CRITICAL AGENCIES AND THEIR DOCUMENTS INCLUDING PROCUREMENT DOCUMENTS AND CONTRACTS AND WHILE I ACKNOWLEDGE AND RESPECT THE ATTORNEY GENERAL'S CLAIMS HE CLAIMS HIS DECISION IS INTENDED TO AVOID ANY ETHICAL VIOLATION UNTIL THE COURTS RESOLVE THIS ISSUE RELATED TO VIOLATIONS OF THE GUAM RULES OF PROFESSIONAL CONDUCT AND I BELIEVE THAT IMMEDIATE ACTION ON THIS BILL BILL 254-37 AS SUBSTITUTED IS CRITICAL TO AVOIDING INTERRUPTION OF CRITICAL PUBLIC SERVICES AND NOW WE'RE ALSO HEARING THREATS THAT WE COULD LOSE ADDITIONAL FEDERAL FUNDING AND GRANTS THAT AGENCIES ARE BANKING ON FEDERAL PROGRAM MANAGERS ARE WAVING RED FLAGS AT US TODAY TO BRING TO OUR ATTENTION THAT WE HAVE MONEY AT RISK THAT OUR GOVERNMENT CANNOT AFFORD TO LOSE THE EXECUTIVE BRANCH MADAM SPEAKER HAS ALSO STATED PUBLICLY THAT THE ATTORNEY GENERAL'S DECISION ADVERSELY IMPACTS PROCUREMENT REVIEW INCLUDED BUT NOT LIMITED TO CONTRACTS FOR *GUMA MINA'ASE'* FOSTER CARE GROUP HOME GOVGUAM HEALTH INSURANCE THE PROCUREMENT OF SIMON SANCHEZ GDOE SCHOOL REPAIRS VARIOUS DPW PROJECTS AND MORE MORE WITH THE LEGISLATIVE OVERSIGHT OVER YOUTH AND SENIOR CITIZENS I FIND IT NECESSARY THAT WE EXAMINE ANY AND ALL POLICY OPTIONS BEFORE US TODAY THAT ARE AVAILABLE TO MOVE OUR PROCUREMENT ACTIVITIES FORWARD SO THAT SERVICES FOR OUR MOST VULNERABLE CITIZENS AND FOR OUR ENTIRE GOVERNMENT OF GUAM BANKING ON THESE CRITICAL SERVICES OUR OUR COMMUNITY THAT RELY ON OUR SERVICE THAT WE CAN CONTINUE THIS WITHOUT INTERRUPTION ACCORDINGLY BILL 254-37 AS SUBSTITUTED IS NECESSARY TO AMEND APPLICABLE SECTIONS OF GUAM LAW TO ENSURE THAT GOVERNMENT PROCUREMENT PROCEED WITHOUT UNDUE DELAY AND TO HELP GUAM'S RESIDENTS PROPERTY AND OPERATIONS SECURE FROM THIS SIGNIFICANT THREAT THIS BILL PROVIDES THE WAYS AND THE MEANS FOR THE VITAL REVIEW SIGN OFF FUNCTION TO CONTINUE WHILE THE UNDERLYING REASONS THAT PUT THE GOVERNMENT IN THIS SITUATION ARE IRONED OUT MADAM SPEAKER WHAT WE DO NOT WANT IS FOR SERVICES AND PROCUREMENT THAT ARE CONSIDERED VITAL TO THE WELL-BEING OF OUR PEOPLE AND ISLAND TO REMAIN IN LIMBO ANY LONGER THAN NECESSARY I KNOW WE ALL SHARE THAT COMMON HOPE FOR FOR OUR COMMUNITY I LOOK FORWARD TO THE DISCUSSION TO ANY AMENDMENTS TO BE MADE TO THIS BILL TO STRENGTHEN THIS BILL AND HELP US MOVE FORWARD AS A BODY SO THAT WE CAN AVERT A CRISIS THAT WE AS POLICY MAKERS KNOW MAY BE DEVASTATING ACROSS GOVERNMENT AGENCIES AND THE CRITICAL PUBLIC SERVICES THEY PROVIDE TO FAMILIES AND OUR BROADER ISLAND COMMUNITY *SI YU'OS MA'ÁSE'* MADAM SPEAKER.

SPEAKER TERLAJE: *SI YU'OS MA'ÁSE'* SENATOR ON THAT MOTION TO PLACE THE BILL IN THIRD READING IS THERE ANY OTHER SENATOR WHO'D LIKE TO BE RECOGNIZED SENATOR ANY SENATOR WHO' LIKE TO BE RECOGNIZED ON THE MOTION TO PLACE A BILL ON THIRD READING SENATOR PEREZ YOU'RE RECOGNIZED.

SENATOR PEREZ: THANK YOU MADAM SPEAKER SO THIS THIS BILL IS IDENTICAL TO THE ONE THAT WAS SENT TO THE SPEAKER THAT YOU I THINK I BELIEVE IT WAS TWO DAYS AGO MIGHT HAVE BEEN YESTERDAY AND SO I HAD A CHANCE TO REVIEW THE THE BILL AND WHAT IT SEEMS TO BE DOING IS DOING MORE THAN ADDRESS THE LACK OF REPRESENTATION OF THE AG WHAT IT'S DOING IT'S IT'S TRYING TO CREATE TWO SYSTEMS BIFURCATE THE PROCUREMENT SYSTEM INTO A DECENTRALIZED AND A CENTRALIZED SYSTEM AND SO WHICH HASN'T HAD A PUBLIC HEARING AND I THINK THOSE ELEMENTS REALLY NEED A PUBLIC HEARING SO WHAT I BELIEVE IS THAT WHAT IN ORDER TO ADDRESS THE LACK OF REPRESENTATION I I THINK THAT THE AMENDMENTS TO THIS BILL SHOULD REALLY REINSTATE THE ORIGINAL LAW AND ONLY INCLUDE ELEMENTS

WHERE LEGAL REPRESENTATION IS NEEDED SO IT DOES INCLUDE THINGS LIKE THE INCREASING THE THRESHOLD TO A MILLION DOLLAR IT INCLUDES YEAH BASICALLY IT'S IT'S DOING MORE THAN JUST WHAT ADDRESSING THIS EMERGENCY SO I DO HAVE I PROFERRED SOME AMENDMENTS FOR TO FOR THAT TO THAT END TO RESTORE THE LAW BUT ONLY LEAVING THE PARTS WHERE LEGAL REPRESENTATION MAY BE LACKING AND AT THAT POINT THE AGENCY CAN IS AUTHORIZED TO EMPLOY OR CONTRACT AN ATTORNEY TO TO PROVIDE LEGAL SERVICES SO I DO BELIEVE I SENT IT TO THE CLERKS NO IF I CAN GET A MOMENT RECESS UNLESS WHILE WE'RE UPLOADING THAT WE CAN HAVE OTHER SENATORS TALK AS WELL I'M OKAY WITH THAT TOO AS WELL.

SPEAKER TERLAJE: WE'LL TAKE A ONE MINUTE RECESS TO GET THE AMENDMENTS PASSED OUT.

RECESS

SPEAKER TERLAJE: WE'RE BACK FROM RECESS SENATOR PEREZ YOU HAVE THE FLOOR.

SENATOR PEREZ: *SI YU'OS MA'ÁSE'* MADAM SPEAKER SO THIS AMENDMENT I LIKE THE FIRST AMENDMENT I LIKE TO PROFFER IS ON PAGE THREE LINE 11-24 AND SO BASICALLY REPEALS WHAT'S THERE AND JUST PUTS IN THE ORIGINAL LANGUAGE WHICH WAS I THINK THREE LINES BUT THEN IT INCLUDES THE IN CASE THE OFFICE OF ATTORNEY GENERAL WITHDRAWS FROM REPRESENTATION SO IT STATES ALL CONTRACTS SHALL AFTER APPROVAL OF THE ATTORNEY GENERAL BE SUBMITTED TO THE GOVERNOR FOR HIS SIGNATURE ALL CONTRACTS WHATEVER NATURE SHALL BE EXECUTED UPON THE APPROVAL OF THE GOVERNOR AND THIS IS WHAT'S ADDITIONAL WHAT'S DIFFERENT IN WHAT'S CURRENT STATUTE IF THE OFFICE OF THE ATTORNEY GENERAL FORMALLY WITHDRAWS FROM REPRESENTATION OF THE AGENCY EXECUTING THE CONTRACT THE AGENCY SHALL BE AUTHORIZED TO SUBMIT THE CONTRACT TO THE GOVERNOR FOR THE GOVERNOR'S SIGNATURE UPON APPROVAL OF THE CONTRACT BY AN ATTORNEY EMPLOYED OR CONTRACT BY THE AGENCY TO PROVIDE LEGAL SERVICES SO AGAIN YOU KNOW REALLY IT'S TO ADDRESS THE ISSUE IF IN CASE AN AGENCY LACKS LEGAL REPRESENTATION WE WANT TO MAKE SURE THAT THEY HAVE A LEGAL REPRESENTATION TO ENSURE THESE CONTRACTS MOVE FORWARD SO I ASK FOR MY COLLEAGUES SUPPORT THANK YOU.

SPEAKER TERLAJE: ON THE AMENDMENT IS THERE ANYONE SENATOR FISHER ON THE AMENDMENT YOU RECOGNIZED

SENATOR FISHER: THANK YOU MADAM SPEAKER I MOVE TO ADJOURN SUBJECT TO THE CALL OF THE SPEAKER.

SPEAKER TERLAJE: THERE'S A MOTION TO ADJOURN SUBJECT TO THE CALL OF THE SPEAKER IS THERE AN OBJECTION THERE'S AN OBJECTION ALL IN FAVOR PLEASE RAISE YOUR HAND YOU GOT IT THAT MOTION CARRIES I GUESS NO URGENCY HERE *SI YU'OS MA'ÁSE'* COLLEAGUES WE'RE ADJOURNED.

END

Letter from Gov. Leon Guerrero: Call to Special Session

1 message

Rikki Orsini <rikki.orsini@guam.gov>

Fri, Mar 8, 2024 at 10:41 AM

To: Speaker's Office <speaker@guamlegislature.org>

Cc: Jon Junior Calvo <jon.calvo@guam.gov>, Clynton Ridgell <clynton.ridgell@guam.gov>, Legal <legal@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>

Hafa Adai Madame Speaker,

Please see the attached letter from Gov. Leon Guerrero regarding her call to special session.
Thank you.

Sincerely,



Rikki Orsini

Director of Policy

Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex Hagåtña, Guam 96910

(671) 472-8931



Call to Sixth Special Session.pdf
1375K

Doc Type: **37GL-24-1744**
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

MAR 08 2024

10:41 *TH*

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to speaker@guamlegislature.org

March 8, 2024

THE HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

RE: Thirty-Seventh Guam Legislature, Sixth Special Session

Håfa Adai Madam Speaker:

Last week, Attorney General of Guam Douglas B. Moylan notified twenty-two (22) government of Guam agencies that he was withdrawing from representing their departments, and refusing to sign their documents, including contracts for critical services, effective immediately.

In consideration of the foregoing, and pursuant to Section 1423h of the Organic Act of Guam, I hereby call a special session of *I Liheslaturan Guåhan* to take place Friday, March 8, 2024, at 1:00 p.m. at the Speaker Antonio R. Unpingco Legislative Session Hall within the Guam Congress Building. I call this special session for the sole purpose of the 37th Guam Legislature's consideration and vote upon the measures attached hereto, Bill No. 237-37 as introduced, the proposed substitute Bill No. 254-37, and the proposed substitute Bill No. 255-37, to be considered and voted on in this order, which I believe the public interest requires.

Senseramente,

A handwritten signature in black ink that reads "Lou Leon Guerrero".

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam



37GL-24-1744
Messages and Communications

RECEIVED

Committee on Rules
March 8, 2024

11:27 a.m.

Beatrice Cruz

cc via email: The Honorable Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam

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

Bill No. 237-37 (COR)

Introduced by:

Sabina Flores Perez /SFP

**AN ACT TO *AMEND* §5150 OF SUBARTICLE F,
ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM
CODE ANNOTATED, RELATIVE TO UPDATING THE
DUTIES OF THE ATTORNEY GENERAL BY
INCREASING THE THRESHOLD FOR PROCUREMENT
OVERSIGHT AND ADVISEMENT TO ONE MILLION
DOLLARS (\$1,000,000) OR MORE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*

finds that the involvement of the Office of the Attorney General in determining the legality of and approving major procurement contracts is an essential aspect of checks and balances in our government. This involvement ensures an in-depth analysis and an increased degree of legal scrutiny of our government's procurement.

I Liheslatura further finds that adjusting for inflation in the procurement process is necessary to support efficiency in our government. As the buying power of money lessens over time, and the threshold amount for what was considered major purchases and contracts for services has increased, the threshold amount that prompts the involvement of the Office of the Attorney General in the procurement process should also be increased. In addition to expediting the purchases of many much-needed goods and services, this update to the procurement statute ensures

1 that the duties of the Office of the Attorney General in the procurement process are
2 reserved exclusively for the procurement of major purchases and contracts for
3 services.

4 *I Liheslaturan Guåhan* intends to increase the threshold requiring oversight
5 by the Office of the Attorney General in the procurement process from Five
6 Hundred Thousand Dollars (\$500,000) to One Million Dollars (\$1,000,000).

7 **Section 2.** § 5150 of Subarticle F, Article 2, Chapter 5, Division 1, Title 5,
8 Guam Code Annotated is hereby *amended* to read as follows:

9 **§ 5150. Duties of the Attorney General.**

10 The Attorney General, the Deputy Attorney General or such Assistant
11 Attorneys General, or such Special Assistant Attorneys General as the Attorney
12 General may designate, shall serve as legal counsel and provide necessary legal
13 services to the Policy Office and the General Services Agency. Whenever the Chief
14 Procurement Officer, the Director of Public Works, or the head of any executive
15 branch agency, autonomous agency, instrumentality or public corporation of the
16 government of Guam conducts any solicitation or procurement which is estimated
17 to result in an award of One Million Dollars (\$1,000,000) ~~Five Hundred Thousand~~
18 ~~Dollars (\$500,000)~~ or more, the Attorney General or his designees, including one
19 (1) or more Special Assistant Attorneys General who may be so designated or
20 appointed by the Attorney General and subject to any reasonable requirements or
21 conditions determined by the Attorney General, shall act as legal advisor during all
22 phases of the solicitation or procurement process. The Attorney General, or his
23 designee, including one (1) or more Special Assistant Attorneys General shall, in
24 addition, when he approves contracts, determine not only the correctness of their
25 form, but their legality. In making such a determination of legality, he may require
26 any or all agencies involved in the contract to supply him with evidence that the
27 required procedures precedent to executing the contract were carried out. He or his

1 designees may prescribe the forms and format required to be followed by the
2 agencies in aiding him in his determination of form and legality.

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

4 **Section 4. Severability.** If any provision of this Act or its application to any
5 person or circumstance is found to be invalid or inorganic, such invalidity shall not
6 affect other provisions or applications of this Act that can be given effect without
7 the invalid provision or application, and to this end the provisions of this Act are
8 severable.

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

Bill No. 254-37 (COR)

As Substituted on the Floor.

Introduced by:

Amanda L. Shelton

AN ACT TO *AMEND* § 22601 OF ARTICLE 6, CHAPTER 22, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, AND TO *AMEND* § 5118, § 5121(a) AND § 5121(b), § 5150, § 5151(a), § 5425(g)(1), ALL OF CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE REVIEW AND APPROVAL OF CONTRACTS AND OTHER PROCUREMENT ACTIONS BY THE ATTORNEY GENERAL

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Statement. Amendments to Guam's Procurement Law
3 and Guam's General Fiscal Policies and Controls are proposed to amend the
4 Attorney General's duties regarding reviews of certain procured contracts and to
5 remove reference to the Attorney General's approval of government contracts.

6 The Executive Branch of the government of Guam operates under a
7 centralized procurement regime. 5 GCA §§ 5120, 5125; 2012 Guam 25 ¶¶ 14-16.
8 On November 27, 2009, in response to problems arising from non-standard
9 deviations from this centralized procurement system, Public Law 30-72 was enacted.
10 This law originated from Bill No. 220-30 (LS), entitled "[a]n Act to Amend § 5150,
11 Title 5, Guam Code Annotated, Relative to the Duties of the Attorney General in
12 Procurement Oversight and Advisement." The purpose of this law was to provide
13 "for greater scrutiny in the preparation of bid documents and in the awarding of bids

1 for major purchases and contracts for services” and allowed the Office of the
2 Attorney General (“OAG”) to conduct reviews of procurements to provide a
3 measure of uniformity within government contracting in Guam. Prior to this
4 amendment, the Attorney General was not required to review or act as legal advisor
5 for any specifically designated contracts.

6 Within only a few months of this amendment to allow the Attorney General
7 to review and act as legal advisor for certain contracts over \$500,000.00, the
8 Legislature of Guam requested and received emergency certification for Bill No.
9 434-30 (LS), to amend 5 GCA § 5150 again. This new amendment was proposed to
10 “authorize the Attorney General to appoint Special Assistant Attorneys General to
11 conduct reviews of major procurement solicitations mandated by Public Law 30-
12 72.” Bill No. 434-30 (LS). The ability and authority to appoint Special Assistant
13 Attorneys General (“SAAGS”) was specifically requested by the Attorney General
14 to assist with the large quantity of pending procurement reviews and avoid delays in
15 the process.

16 Recognizing the critical importance of ensuring against delays in the
17 procurement process, the 30th Legislature of Guam swiftly passed the amendment
18 on an emergency basis in order to provide timely reviews of the government of
19 Guam’s procured contracts. The appointment of SAAGs under 5 GCA § 5150 was
20 intended to assist the Office of the Attorney General to efficiently provide
21 procurement reviews and approvals. However, upon entering office, the current
22 Attorney General revoked all existing SAAG designations and has authorized no
23 new designations. Currently, there are no SAAGs within the government of Guam
24 to assist the Attorney General with procurement reviews under this law.

25 Further, the current Attorney General has provided notice to over twenty (20)
26 executive branch agencies and instrumentalities of the government of Guam that he
27 has elected to “temporarily withdraw” from providing legal services to them,

1 including processing any documents requesting the Attorney General's signature.
2 The Attorney General is refusing to process any documents for the agencies and
3 instrumentalities of the government of Guam, including procurement documents and
4 procured contracts. Therefore, it is necessary to amend applicable sections of Guam
5 law to ensure that government procurements proceed without undue delay, and to
6 help keep Guam's residents, property, and operations secure from this significant
7 threat.

8 **Section 2.** § 22601 of Article 6, Chapter 22, Division 2, Title 5, Guam Code
9 Annotated, is *amended*, to read:

10 **“§ 22601. Execution of Contracts.**

11 All eContracts requiring the approval of the Governor of Guam shall, after the
12 approval of the Attorney General, be submitted to the Governor for ~~his~~ the
13 Governor's signature. If the Office of the Attorney General withdraws from
14 representation of the agency executing the contract or otherwise declines to provide
15 legal services to said agency, the agency shall be authorized to submit the contract
16 to the Governor for the Governor's signature upon approval of the contract by an
17 attorney employed or contracted by the agency to provide legal services. All such
18 ~~contracts of whatever nature~~ shall be executed upon the approval of the Governor.
19 All other contracts shall be executed by the Chief Procurement Officer, General
20 Services Agency, Government of Guam, or the Director, Department of Public
21 Works, Government of Guam, or the Heads of Purchasing Agencies, or the
22 Procurement Officer, or their designees in accordance with Guam's Procurement
23 Laws and Regulations and the Procurement Regulations of the government entities
24 that are authorized by Guam's Procurement Law to promulgate them.

25 **Section 3.** § 5118 of Subarticle B, Article 2, Chapter 5, Division 1, Title 5,
26 Guam Code Annotated, is *amended*, to read:

1 **“§ 5118. Procurement Counsel.**

2 The Department of Administration may employ an attorney to assist the
3 General Services Agency, to be called the Procurement Counsel. The Department of
4 Administration may further employ such Assistants to the Procurement Counsel as
5 may be required, to assist the Procurement Counsel in the performance of his or her
6 duties. The Director of Administration shall set the terms and conditions of
7 employment for the Procurement Counsel and the Assistant Procurement attorneys
8 and determine their ~~his or her~~ compensation consistent with the laws of Guam. The
9 attorneys shall be a full-time employees, and shall be admitted to practice before the
10 courts of Guam under the same conditions as are attorneys employed by the
11 government pursuant to Title 7 GCA, §§ 9A114 and 9A114A. The Procurement
12 Counsel shall assist and advise the Chief Procurement Officer on all civil matters in
13 which the General Services Agency is legally interested, provided that the Office of
14 the Attorney General shall represent the General Services Agency, unless the Office
15 of the Attorney General withdraws from such representation or fails to perform such
16 representation for a period of five (5) continuous days, then the Procurement
17 Counsel shall represent the General Services Agency in such civil matters until the
18 Office of the Attorney General resumes such representation. The attorney shall
19 provide technical assistance to the Guam Procurement Advisory Council, and shall
20 assist with the preparation of any legislation, rules or regulations. ~~The incumbent~~
21 ~~procurement advisor shall be designated as the procurement counsel.~~

22 **Section 4.** § 5121(a) and § 5121(b) of Subarticle C, Article 2, Chapter 5,
23 Division 1, Title 5, Guam Code Annotated, is *amended*, to read:

24 “(a) General Authority. For the purpose of procuring the services of
25 accountants, physicians, lawyers, dentists, licensed nurses, other licensed health
26 professionals and other professionals, any governmental body of Guam may act as
27 a purchasing agency and contract on its own behalf for such services, subject to this

Chapter and regulations promulgated by the Policy Office, but this Subsection shall not authorize the procuring of such services where any given governmental body is otherwise prohibited from procuring such services. If the Office of the Attorney General 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. Alternatively, the governmental body may enter into an agreement with another governmental body for the provision of legal services.

(b) Approval of Contracts for Legal Services. No contract for the services of legal counsel ~~in the Executive Branch~~ for any governmental body, as defined in this Chapter, shall be executed without the approval of the Attorney General. Nothing in this Section or Chapter shall preclude the Attorney General or his designee from participating in negotiations for any contract upon the request of the government officer or agency primarily responsible for such negotiations. Notwithstanding the foregoing, if the Office of the Attorney General withdraws from representing any governmental body, or otherwise declines to provide legal review of the contract, the governmental body may execute the contract without the approval of the Attorney General.”

Section 5. § 5150 of Chapter 5, Subarticle F, Article 2, Title 5, Guam Code Annotated, is *amended*, to read:

“§ 5150. Duties of the Attorney General.

The Attorney General, the Deputy Attorney General or such Assistant Attorneys General, or such Special Assistant Attorneys General as the Attorney General may designate, shall serve as legal counsel and provide necessary legal services to the Policy Office and the General Services Agency. Whenever the Chief Procurement Officer, the Director of Public Works, or the head of any governmental body that does not have its own attorney ~~executive branch agency, autonomous agency,~~

1 ~~instrumentality or public corporation of the government of Guam~~ conducts any
2 solicitation or procurement which is estimated to result in an award of ~~Five Hundred~~
3 ~~Thousand~~ One-Million Dollars (\$1,000,000) or more, the Attorney General or his
4 designees, including one (1) or more Special Assistant Attorneys General who may
5 be so designated or appointed by the Attorney General and subject to any reasonable
6 requirements or conditions determined by the Attorney General, shall act as legal
7 advisor during all phases of the solicitation or procurement process. The Attorney
8 General, or ~~his~~ the Attorney General's designee, including one (1) or more Special
9 Assistant Attorneys General or the attorneys of the governmental bodies that are
10 authorized to hire them, shall, ~~in addition~~, when ~~he~~ they approves contracts,
11 determine not only the correctness of their form, but their legality. In making such
12 a determination of legality, ~~he~~ they may require any or all agencies involved in the
13 contract to supply ~~him~~ them with evidence that the required procedures precedent to
14 executing the contract were carried out. ~~He or his designees~~ They may prescribe the
15 forms and format required to be followed by the agencies in aiding ~~him in his~~ their
16 determination of form and legality. Notwithstanding the foregoing, if the Office of
17 the Attorney General withdraws from representing any governmental body or
18 otherwise declines to provide legal services to the governmental body as provided
19 in this Section, while the governmental body is conducting any solicitation or
20 procurement which is estimated to result in an award of One-Million Dollars
21 (\$1,000,000) or more, or fails to approve any contract resulting from such
22 solicitation or procurement when such contract is lawful and correct in form, or fails
23 to act as the legal advisor for the governmental body conducting such solicitation
24 seven (7) days after receiving notice of the solicitation or procurement from the
25 governmental body, then the governmental body may conduct the solicitation or
26 procurement, and execute a contract arising from such procurement without the
27 assistance or approval of the Attorney General."

1 **Section 6.** § 5151(a) of Subarticle F, Article 2, Chapter 5, Division 1, Title 5,
2 Guam Code Annotated, is *amended*, to read:

3 “(a) The Department of Public Works (DPW), the Guam Board of
4 Professional Engineers, Architects and Land Surveyors (PEALS), and the Guam
5 Building Code Council (GBCC) may enter into a Memorandum of Understanding
6 (MOU) to jointly fund an Assistant Attorney General to specifically provide legal
7 services to DPW, GBCC, and the PEALS Board only, or they may employ or
8 contract with their own attorney to do so.”

9 **Section 7.** § 5425(g)(1) of Subarticle A, Article 9, Chapter 5, Division 1, Title
10 5, Guam Code Annotated, is *amended*, to read:

11 “(1) For governmental bodies, as defined in this Chapter, The Chief
12 Procurement Officer or the Director of Public Works after consultation with and
13 written concurrence of the head of the using or purchasing agency and the Attorney
14 General or designated Deputy Attorney General, makes a written determination that
15 the award of the contract without delay is necessary to protect substantial interests
16 of Guam. Notwithstanding the foregoing, if the Office of the Attorney General
17 withdraws from representing the Government Services Agency or the Department
18 of Public Works or any governmental body during the period in which the written
19 determination is made, or otherwise declines to consult with, or fails to deny or
20 concur or otherwise respond to a written determination seven (7) days after receiving
21 it, then the Chief Procurement Officer or the Director of Public Works may approve
22 the written determination without the concurrence of the Attorney General. For
23 purchasing agencies that are not subject to the centralized procurement regime
24 established by this Chapter, the head of the purchasing agency, after consultation
25 with and written concurrence by the purchasing agency’s attorney, makes a written
26 determination that the award of the contract without delay is necessary to protect
27 substantial interests of Guam; and”

Section 8. Effective Date. This Act shall be effective upon enactment.

Section 9. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or inorganic, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

Bill No. 255-37(COR)

As Substituted on the Floor

Introduced by:

Therese M. Terlaje *TMT*

**AN ACT TO AMEND §5118 OF SUBARTICLE B, §5121(a) OF
SUBARTICLE C, AND §5150 OF SUBARTICLE F, ALL OF
ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO THE REVIEW AND
APPROVAL OF CONTRACTS AND OTHER PROCUREMENT
ACTIONS BY THE ATTORNEY GENERAL.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 5118 of Subarticle B, Article 2, Chapter 5, Division 1,
Title 5, Guam Code Annotated is hereby *amended* to read as follows:

“§ 5118. Procurement Counsel.

The Department of Administration may employ an attorney to assist the General
Services Agency, to be called the Procurement Counsel. The Director of
Administration shall set the terms and conditions of employment for ~~the attorney~~
Procurement Counsel and determine his or her compensation consistent with the
laws of Guam. The attorney shall be full-time employee, and shall be admitted to
practice before the courts of Guam under the same conditions as are attorneys
employed by the government pursuant to Title 7 GCA, §§ 9A114 and 9A114A. The
Procurement Counsel shall assist and advise the Chief Procurement Officer on all
civil matters in which the General Services Agency is legally interested, provided
that the Office of the Attorney General shall represent the General Services Agency,
unless the Office of the Attorney General formally withdraws from such

1 representation, then the Procurement Counsel shall represent the General Services
2 Agency in such civil matters upon notice to the Attorney General until the Office of
3 the Attorney General resumes such representation. The attorney shall provide
4 technical assistance to the Guam Procurement Advisory Council, and shall assist
5 with the preparation of any legislation, rules or regulations. ~~The incumbent~~
6 ~~procurement advisor shall be designated as the procurement counsel.~~”

7 **Section 2.** § 5121(a) of Subarticle C, Article 2, Chapter 5, Division 1, Title
8 5, of Guam Code Annotated is hereby *amended* to read as follows:

9 “(a) General Authority. For the purpose of procuring the services of
10 accountants, physicians, lawyers, dentists, licensed nurses, other licensed
11 health professionals and other professionals, any governmental body of Guam
12 may act as a purchasing agency and contract on its own behalf for such
13 services, subject to this Chapter and regulations promulgated by the Policy
14 Office, but this Subsection shall not authorize the procuring of such services
15 where any given governmental body is otherwise prohibited from procuring
16 such services. If the Office of the Attorney General formally withdraws from
17 representation of a governmental body, the agency shall be authorized to
18 employ or contract with an attorney to provide legal services to the agency
19 until the Office of the Attorney General resumes such representation.
20 Alternatively, the agency may enter into an agreement with another agency
21 for the provision of legal services upon notice to the Attorney General until
22 the Office of the Attorney General resumes such representation.”

23 **Section 3.** § 5150 of Chapter 5, Subarticle F, Article 2, Title 5, Guam Code
24 Annotated is *amended* to read as follows:

25 **“§ 5150. Duties of the Attorney General.**

26 The Attorney General, the Deputy Attorney General or such Assistant
27 Attorneys General, or such Special Assistant Attorneys General as the

1 Attorney General may designate, shall serve as legal counsel and provide
2 necessary legal services to the Policy Office and the General Services Agency.
3 Whenever the Chief Procurement Officer, the Director of Public Works, or
4 the head of any executive branch agency, autonomous agency, instrumentality
5 or public corporation of the government of Guam conducts any solicitation or
6 procurement which is estimated to result in an award of Five Hundred
7 Thousand or more, the Attorney General or his designees, including one (1)
8 or more Special Assistant Attorneys General who may be so designated or
9 appointed by the Attorney General and subject to any reasonable requirements
10 or conditions determined by the Attorney General, shall act as legal advisor
11 during all phases of the solicitation or procurement process. The Attorney
12 General, or his designee, including one (1) or more Special Assistant
13 Attorneys General, shall, in addition, when he approves contracts, determine
14 not only the correctness of their form, but their legality. In making such a
15 determination of legality, he may require any or all agencies involved in the
16 contract to supply him with evidence that the required procedures precedent
17 to executing the contract were carried out. He or his designees may prescribe
18 the forms and format required to be followed by the agencies in aiding him in
19 his determination of form and legality. Notwithstanding the foregoing, if the
20 Office of the Attorney General formally withdraws from representing any
21 agency, instrumentality or public corporation as provided in this Section while
22 the agency is conducting any solicitation or procurement which is estimated
23 to result in an award of Five Hundred Thousand Dollars (\$500,000) or more,
24 then the agency may conduct the solicitation or procurement without the
25 assistance of the Attorney General upon notice to the Attorney General until
26 the Office of the Attorney General resumes such representation."

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

1 **Section 5. Severability.** If any provisions of this Act or its application to
2 any person or circumstance is found to be invalid or contrary to law, such invalidity
3 *shall not* affect other provisions or applications of this Act that can be given effect
4 without the invalid provision or application, and to this end the provisions of this
5 Act are severable.