

*I Mina'Trentai Singko Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
5-35 (LS)	Telo T. Taitague	AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 77 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A NEW PUBLIC HOSPITAL FACILITY THROUGH THE ESTABLISHMENT OF "THE ESPETÁT-TA. LINA'LÁ-TA – OUR HOSPITAL. OUR LIFE. PLANNING COMMISSION".	1/7/19 11:20 a.m.						

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN  
2019 (FIRST) Regular Session**

Bill No. 535(LS)

Introduced by: \_\_\_\_\_

Telo T. Taitague 

**AN ACT TO ADD A NEW ARTICLE 9 TO CHAPTER 77 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DEVELOPING A NEW PUBLIC HOSPITAL FACILITY THROUGH THE ESTABLISHMENT OF “THE ESPETÅT-TA. LINA’LÅ-TA – OUR HOSPITAL. OUR LIFE. PLANNING COMMISSION”.**

2019 JUN - 7 AM 11: 20 

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Article 9 is hereby *added* to Chapter 77 of Division 2,  
3 Title 12, Guam Code Annotated, to read:

4 **“Article 9**

5 *The Espetåt-ta. Lina’lå-ta – Our Hospital. Our Life.*

6 **Planning Commission Act.**

7  
8 § 77901. Title.

9 § 77902. Legislative Statement.

10 § 77903. Creation and Membership.

11 § 77904. Administrative Support for the Commission.

12 § 77905. Adoption of Rules.

1                   § 77906. Meetings.

2                   § 77907. General Powers and Responsibilities of the  
3 Commission.

4                   § 77908. Development of a New Public Hospital Facility;  
5 Master Plan Required.

6                   § 77909. Reporting.

7  
8                   **§ 77901. Title.** This Act shall be known, and may be cited as ‘The  
9 *Espetåt-ta. Lina’lã-ta. – Our Hospital. Our Health. Planning Commission*  
10 *Act.*’

11  
12                   **§ 77902. Legislative Statement.** *I Liheslaturan Guåhan*  
13 recognizes the urgency of improving safety conditions and the quality of  
14 care provided to the people of Guam by the island’s only public hospital, the  
15 Guam Memorial Hospital Authority (GMHA). Although task force groups  
16 were established and community conversations have occurred during the  
17 past several years regarding the rehabilitation and modernization of GMHA  
18 facilities and services, a clear path forward that will guide the development  
19 of a new public hospital facility has yet to materialize.

20                   It is, therefore, the position of *I Liheslaturan Guåhan* that a  
21 commission be established to coordinate efforts by the government of Guam  
22 to develop a new public hospital facility including rehabilitation and/or  
23 replacement plans involving the current Guam Memorial Hospital Authority  
24 facility. *I Liheslatura* acknowledges the development of a new public  
25 hospital facility as a critical planning initiative of the government of Guam  
26 through the support of the Guam Economic Development Authority  
27 (GEDA). Included within the governing statute for GEDA is § 50103(a) of

1 Article 1, Chapter 50, Title 12, Guam Code Annotated, which recognizes  
2 that ‘... *there exists an acute shortage of adequate, modern and efficient*  
3 *hospital facilities in Guam and that unless measures are adopted to alleviate*  
4 *such conditions, the need for such facilities will become increasingly more*  
5 *urgent and serious.... It is hereby declared that the safety, health and*  
6 *welfare of the people of Guam requires the provision of adequate, modern*  
7 *and efficient hospital facilities in the various parts of the Territory, and that*  
8 *it is the policy of the Territory and a purpose of this Division [GEDA] to*  
9 *provide the means necessary for the acquisition, construction and provision*  
10 *of hospital facilities to serve the general public and to make reasonably*  
11 *accessible to all the people of Guam modern and efficient hospital facilities.’*  
12

13 **§ 77903. Creation and Membership.** *The Espetåt-ta. Lina’lå-ta.*  
14 *– Our Hospital. Our Health.* Planning Commission is hereby created, and  
15 shall consist of seven (7) members appointed by *I Maga’låhi*, and who are  
16 subject to confirmation by *I Liheslaturan Guåhan*.

17 (a) Commission members shall serve for a term of eighteen (18)  
18 months.

19 (b) The following seven (7) individuals shall serve as appointed  
20 members of the Commission:

21 (1) three (3) members with a background in public health;

22 (2) three (3) members with a background in business and/or  
23 finance; and,

24 (3) one (1) member of the general public.

25 (c) The following five (5) individuals, or their designees, shall serve  
26 as ex-officio members of the Commission:

1 (1) the Administrator of the Guam Memorial Hospital  
2 Authority;

3 (2) the Administrator of the Guam Economic Development  
4 Authority;

5 (3) the Director of the Department of Public Health and Social  
6 Services;

7 (4) the Director of the Bureau of Statistics and Plans; and,

8 (5) the Legislative Chairperson of the health committee or his  
9 or her designee, who is himself or herself also a member of *I*  
10 *Liheslaturan Guåhan*,

11 (d) If the position of a member is vacated, *I Maga 'låhi* shall appoint a  
12 qualified person to replace the member for the remainder of the unexpired  
13 term.

14 (e) Five (5) appointed members of the Commission shall constitute a  
15 quorum for the exercise of the authority conferred upon the Commission,  
16 and a concurrence of at least five (5) of the appointed members is necessary  
17 to render a choice or a decision by the Commission. The attendance of ex-  
18 officio members shall not be used to determine whether a quorum is present.

19 (f) A Chairperson shall be elected from among the appointed members  
20 and shall serve in such capacity for a term of eighteen (18) months.

21  
22 **§ 77904. Administrative Support for the Commission.**

23 (a) The Commission shall be established within GEDA for  
24 administrative purposes. The Administrator of GEDA shall ensure that the  
25 administrative provisions contained in this Article are properly adhered to;  
26 and shall further ensure that GEDA provides all the necessary administrative

1 and clerical support and anything else deemed necessary for the efficient  
2 operation of the Commission.

3 (b) The Chairperson of the Commission, in cooperation with the  
4 GEDA Administrator, may request for budgetary support from *I*  
5 *Liheslaturan Guåhan*.

6 (c) Nothing shall require that GEDA funds be utilized to cover any  
7 costs that are the direct result of the Commission carrying out its defined  
8 duties and responsibilities pursuant to this Article.

9  
10 **§ 77905. Adoption of Rules.** The Commission may adopt rules as  
11 necessary for its own procedures in accordance with the Administrative  
12 Adjudication Act.

13  
14 **§ 77906. Meetings.** The Commission shall meet as often as it  
15 deems appropriate and necessary to accomplish its powers and duties.

16 (a) The first meeting of the Commission shall be held no later than  
17 thirty (30) days after at least five (5) appointed members of the Commission  
18 have been duly confirmed by *I Liheslaturan Guåhan*.

19 (b) The Commission shall meet no less than once in each quarter of  
20 the calendar year.

21 (c) The Commission may meet at other times at the call of the  
22 Chairperson, or as provided by the rules of the Commission.

23 (d) All meetings of the Commission shall be subject to the Open  
24 Government Act found in Chapter 8 of Title 5, Guam Code Annotated.

25  
26 **§ 77907. General Powers and Responsibilities of the**  
27 **Commission.** The Commission shall:

1 (a) coordinate and oversee any and all efforts by the government of  
2 Guam concerning the development of a new public hospital facility  
3 including rehabilitation and/or replacement plans involving the current  
4 Guam Memorial Hospital Authority facility.

5 (b) identify the preferable location(s) for the new public hospital  
6 facility;

7 (c) identify possible funding sources for the new public hospital  
8 facility;

9 (d) work with all pertinent stakeholders necessary to establish an  
10 organized approach by the government of Guam in developing a new public  
11 hospital facility;

12 (e) obtain a feasibility study with regards to the building,  
13 maintenance, and economic impact of a new public hospital facility;

14 (f) be authorized, at its discretion and subject to availability of funds,  
15 to issue Requests for Proposals and Requests for Information via the  
16 Government Procurement Law, as necessary to complete the plan; and

17 (g) meet all the reporting requirements as outlined in this Article.  
18

19 **§ 77908. Development of a New Public Hospital Facility;**  
20 **Master Plan Required.** The Commission shall develop a Master Plan  
21 summarizing the best path forward in developing a new public hospital  
22 facility through a purchase agreement, municipal lease program, public-  
23 private partnership, or other financing option determined to be most  
24 beneficial to the taxpayers of Guam. The Master Plan shall include, but not  
25 be limited to, a conceptual drawing and model(s), recommended funding  
26 sources, and maintenance plans.  
27

1           **§ 77909. Reporting.**

2           (a) The Commission shall file quarterly reports with *I Liheslaturan*  
3 *Guåhan* detailing the progress of the development of the plan.

4           (b) The Commission shall file a complete and detailed written report  
5 quarterly with *I Maga'låhen Guåhan* and the Speaker of *I Liheslaturan*  
6 *Guåhan*, in the form and within the time provided by the General  
7 Appropriations Act, accounting for all funds received and disbursed by the  
8 Commission during the preceding fiscal year.

9           (c) No later than eighteen (18) months after its first duly convened  
10 meeting, the Commission shall prepare and file with *I Liheslaturan Guåhan*  
11 the Master Plan as required in § 77908 of this Article.”

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