

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES	
185-37 (LS) As amended by the Committee on Health, Land, Justice and Culture; and further amended on the Floor	Chris Barnett	AN ACT TO ADD A NEW § 83117, CHAPTER 83, TITLE 12, GUAM CODE ANNOTATED RELATIVE TO REQUIRING ANY NEW HOSPITAL CONSTRUCTED PURSUANT TO THE GUAM TWENTY-FIRST (21ST) CENTURY HEALTHCARE CENTER ACT OF 2021 TO BE CONSTRUCTED ON LOT 5173-1-R2NEW-R7, LOT 5173-1-R2NEW-7, AND LOT 5173-1-R2NEW-6 IN THE MUNICIPALITY OF TAMUNING.	10/13/23 1:38 p.m.	10/16/23	Committee on Health, Land, Justice, and Culture	Request: 10/16/23 10/27/23	11/20/23 2:00 p.m.	1/11/24 9:50 a.m. As amended by the Committee on Health, Land, Justice, and Culture		
	SESSION DATE		FAILED PASSAGE							NOTES
	1/22/24	AN ACT TO ADD A NEW § 83117 TO CHAPTER 83 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING ANY NEW HOSPITAL CONSTRUCTED PURSUANT TO THE GUAM TWENTY-FIRST (21ST) CENTURY HEALTHCARE CENTER ACT OF 2021 TO BE CONSTRUCTED ON LOT 5173-1-R2NEW-R7, LOT 5173-1-R2NEW-7, AND LOT 5173-1-R2NEW-6 IN THE VILLAGE OF TAMUNING.	1/26/24							

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 185-37 (LS)

As amended by the Committee on
Health, Land, Justice and Culture; and
further amended on the Floor.

Introduced by:

Chris Barnett

**AN ACT TO ADD A NEW § 83117 TO CHAPTER 83 OF
TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO
REQUIRING ANY NEW HOSPITAL CONSTRUCTED
PURSUANT TO *THE GUAM TWENTY-FIRST (21ST)
CENTURY HEALTHCARE CENTER ACT OF 2021* TO BE
CONSTRUCTED ON LOT 5173-1-R2NEW-R7, LOT 5173-
1-R2NEW-7, AND LOT 5173-1-R2NEW-6 IN THE
VILLAGE OF *TAMUNING*.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that seventy-five percent (75%) of the island's medical clinics are located in the village of *Tamuning*, including the SDA clinic, PMC, the FHP Medical Center, the Guam Medical Plaza, Sagua Mañagu, and Håfa Adai Specialists. The reason the village of *Tamuning* makes sense for the medical clinics' location is because the Guam Memorial Hospital (GMH) is located in this village, and commutes between the clinics and GMH are often less than five (5) to ten (10) minutes, which means less time traveling on the road, and more time for patients' recovery.

Both the Guam Medical Association and the Guam Medical Society, as well as individual practitioners, have made it known that the preferred location for any new hospital is *Tamuning*. Currently, the Guam Medical Plaza is less than a two (2)-minute drive by ambulance to the GMH emergency room (ER). The Guam Medical

1 Plaza is home to Guam’s largest surgicenter, a dialysis clinic and an interventional
2 radiology facility. In the event there is a life-threatening emergency at any of these
3 clinics, it will take much longer to get patients to the ER if the hospital were moved
4 to another village. The longer it takes to get to a hospital, the more lives will be put
5 at risk.

6 The enabling legislation for a new hospital, “*The Guam Twenty-First (21st)*
7 *Century Healthcare Center Act of 2021*” found in Chapter 83 of Title 12 GCA has
8 only one (1) option. It requires that a hospital, the Department of Public Health and
9 Social Services (DPHSS) and the Guam Behavioral Health and Wellness Center
10 (GBHWC) be located within the same facility or campus, but the size and parking
11 requirements make it difficult to find a location large enough in the village of
12 *Tamuning* where most private clinics are located.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to require that any hospital
14 that is to be built pursuant to “*The Guam Twenty-First (21st) Century Healthcare*
15 *Center Act of 2021*” be located in the village of *Tamuning*. It is, further, the intent of
16 *I Liheslaturan Guåhan* to allow for separate DPHSS and GBHWC facilities in the
17 event that building a single campus or facility is found to be impractical.

18 *I Liheslaturan Guåhan* finds that most of the testimony on this bill centered
19 around one (1) specific place in *Tamuning*, *Ypao* Point (also referred to as *Satpon*
20 *Point* and *Oka* Point), which was the location of the old Guam Memorial Hospital.
21 This particular property is the subject of previous studies over the past few decades
22 as the anticipated site for a new hospital. Some of the original lots have been
23 partitioned and dedicated by law for other uses, including as a Chamorro Cultural
24 Center and a rape crisis center. Lot 5173-1-R2NEW-R7 which consists of 35± acres,
25 Lot 5173-1-R2NEW-7 which consists of 2.5± acres, and Lot 5173-1-R2NEW-6
26 remain in the Chamorro Land Trust inventory. The CLTC was authorized by Public
27 Law 25-179 to benefit from the commercial lease of these properties; however, five

1 (5) acres were subsequently reserved for the *Nåftan Mañaina-ta* Shrine through
2 Public Law 33-204, which five (5) acres includes a buffer and the coral outcropping
3 known as “the Rock” and runs contiguous to Lot 5173-1-R2NEW-4, which currently
4 houses the Chamorro Cultural Center (Sagan Kutturán CHamoru). Lot 5173-1-
5 R2NEW-6 was previously separated for use as a foster home but remains currently
6 available. It is the intent of *I Liheslatura* that the use of the remaining *Ypao* Point
7 property for a hospital or medical complex shall not interfere with the five (5) acres
8 that has been reserved for the *Nåftan Mañaina-ta* Shrine or the adjacent cultural
9 center. It is also the intent of *I Liheslatura* to make efficient use of the remaining
10 *Ypao* point property and adjacent Chamorro Land Trust properties by allowing
11 consolidation of rights-of-way, parking, streetlighting and drainage for all of these
12 adjoining properties.

13 **Section 2.** A new § 83117 is *added* to Chapter 83 of Title 12, Guam Code
14 Annotated, to read as follows:

15 **“§ 83117. Hospital Must be Located in the Village of *Tamuning*.**

16 Notwithstanding any other provision of law or this Chapter, any hospital
17 facility constructed pursuant to this Chapter must be built in the village of *Tamuning*.
18 In the event that the Guam Behavioral Health and Wellness Center and the
19 Department of Public Health and Social Services cannot, for any reason, be co-
20 located within the hospital facility, such facilities may be located in separate areas
21 of Guam. Construction of a new facility may be financed and constructed pursuant
22 to Chapter 68, 12 GCA.”

23 **Section 3. Authorization to Sell or Lease Lot 5173-1-R2NEW-R7, Lot**
24 **5173-1-R2NEW-6, and Lot 5173-1-R2NEW-7, Village of *Tamuning*.**

25 Notwithstanding Public Law 25-179 or any other law, the Chamorro Land Trust
26 Commission (CLTC) is hereby authorized to commence negotiations with the
27 Governor of Guam for the sale or lease of Lot 5173-1-R2NEW-R7, Lot 5173-1-

1 R2NEW-6 and Lot 5173-1-R2NEW-7, village of *Tamuning*, for use as the site for
2 the new hospital or medical complex, excluding the five (5) acres that has been
3 reserved for the *Nåftan Mañaina-ta* Shrine. The CLTC is further authorized to
4 approve the sale or lease of the lots, with legislative approval of the final terms of
5 the sale and legislative approval for lease terms exceeding fifty (50) years. The sale
6 or lease of the lots must be for no less than the fair market value of the property.
7 Property acquired shall be utilized as the site of the new hospital or medical complex
8 and for ancillary and accessory purposes or shall revert to the Chamorro Land Trust
9 Commission.

10 **Section 4. Compatibility and Efficiency with Adjacent Facilities.** The
11 hospital and any other healthcare facilities shall be built and designed to complement
12 the reverence of the *Nåftan Mañaina-ta* Shrine, authorized in Public Law 33-204,
13 and to incorporate patients' access to the healing cliff-line view as intended by the
14 original landowners, the Francisco D. Perez family.

15 The Governor is authorized, in the hospital design and construction, to
16 consolidate rights-of-way, parking, streetlighting and drainage for the lots specified
17 herein, the adjacent *Nåftan Mañaina-ta* Shrine, and the adjacent developable
18 Chamorro Land Trust properties.

19 **Section 5. Infrastructure for the *CHamoru* Cultural Center and**
20 **Adjacent CLTC Property.** Design and construction of the new hospital shall
21 include construction of water, power, sewer and telecommunications infrastructure
22 to Lot 5173-1-R2NEW-4 which currently houses the Chamorro Cultural Center
23 (Sagan Kutturán CHamoru) authorized in Public Law 33-203, and other adjacent
24 developable CLTC property.

25 **Section 6. Exemption from 2 GCA, § 2107.** The sale or lease of the
26 identified lots as provided herein shall be exempt from the requirements of § 2107
27 of Title 2, Guam Code Annotated.