

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 185-37 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building January 26, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.		✓				
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes		✓				
Senator William A. Parkinson		✓				
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata		✓				
Senator Joe S. San Agustin		✓				
Senator Dwayne T.D. San Nicolas		✓				
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

7

8

0

0

Aye

Nay

**Not
Voting/
Abstained**

**Out
During
Roll Call**

Absent

Excused

CERTIFIED TRUE AND CORRECT:

JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

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.

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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)-

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

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

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

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

1 Law 25-179 to benefit from the commercial lease of these properties; however, five
2 (5) acres were subsequently reserved for the *Nåftan Mañaina-ta* Shrine through
3 Public Law 33-204, which five (5) acres includes a buffer and the coral outcropping
4 known as “the Rock” and runs contiguous to Lot 5173-1-R2NEW-4, which currently
5 houses the Chamorro Cultural Center (Sagan Kutturán CHamoru). Lot 5173-1-
6 R2NEW-6 was previously separated for use as a foster home but remains currently
7 available. It is the intent of *I Liheslatura* that the use of the remaining *Ypao* Point
8 property for a hospital or medical complex shall not interfere with the five (5) acres
9 that has been reserved for the *Nåftan Mañaina-ta* Shrine or the adjacent cultural
10 center. It is also the intent of *I Liheslatura* to make efficient use of the remaining
11 *Ypao* point property and adjacent Chamorro Land Trust properties by allowing
12 consolidation of rights-of-way, parking, streetlighting and drainage for all of these
13 adjoining properties.

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

16 **“§ 83117. Hospital Must be Located in the Village of *Tamuning*.**

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

24 **Section 3. Authorization to Sell or Lease Lot 5173-1-R2NEW-R7, Lot**
25 **5173-1-R2NEW-6, and Lot 5173-1-R2NEW-7, Village of *Tamuning*.**

26 Notwithstanding Public Law 25-179 or any other law, the Chamorro Land Trust
27 Commission (CLTC) is hereby authorized to commence negotiations with the

1 Governor of Guam for the sale or lease of Lot 5173-1-R2NEW-R7, Lot 5173-1-
2 R2NEW-6 and Lot 5173-1-R2NEW-7, village of *Tamuning*, for use as the site for
3 the new hospital or medical complex, excluding the five (5) acres that has been
4 reserved for the *Nåftan Mañaina-ta* Shrine. The CLTC is further authorized to
5 approve the sale or lease of the lots, with legislative approval of the final terms of
6 the sale and legislative approval for lease terms exceeding fifty (50) years. The sale
7 or lease of the lots must be for no less than the fair market value of the property.
8 Property acquired shall be utilized as the site of the new hospital or medical complex
9 and for ancillary and accessory purposes or shall revert to the Chamorro Land Trust
10 Commission.

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

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

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

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