

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
308-35 (LS)	Tina Rose Muña Barnes James C. Moylan Amanda L. Shelton Joe S. San Agustin Mary Camacho Torres William M. Castro Jose "Pedro" Terlaje	AN ACT TO ADD ARTICLE 14 TO CHAPTER 1, DIVISION 1, OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN EMERGENCY PANDEMIC FUND AND TO ESTABLISH THE ADMINISTRATIVE PARAMETERS NEEDED TO EXPEND ON ANY EMERGENCIES DERIVED IN THE EVENT OF AN OUTBREAK OF A PANDEMIC ON GUAM.	3/3/20 11:20 a.m.			3/11/20 11:19 a.m.  Waiver of Public Hearing Requirement			3/11/20 Emergency Declaration
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>NOTES</b>			
	3/3/20	AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN EMERGENCY PANDEMIC FUND AND ESTABLISHING THE ADMINISTRATIVE PARAMETERS NEEDED FOR EXPENDITURES FOR ANY EMERGENCIES DERIVED IN THE EVENT OF AN OUTBREAK OF A PANDEMIC ON GUAM.	3/12/20	3/12/20	3/24/20				



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*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
Thirty-Fifth Guam Legislature

RCVD AT CENTRAL FILE  
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Elaine Tajalle

March 12, 2020

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith is **Bill No. 308-35 (LS)**, which was passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on March 12, 2020.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

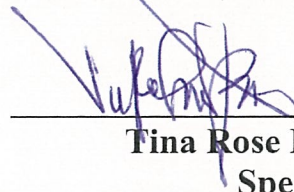
Enclosure (1)



*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
2020 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN**

This is to certify that **Bill No. 308-35 (LS)**, "AN ACT TO *ADD A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN EMERGENCY PANDEMIC FUND AND ESTABLISHING THE ADMINISTRATIVE PARAMETERS NEEDED FOR EXPENDITURES FOR ANY EMERGENCIES DERIVED IN THE EVENT OF AN OUTBREAK OF A PANDEMIC ON GUAM,*" was on the 12<sup>th</sup> day of March 2020, duly and regularly passed.



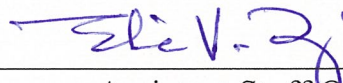
Tina Rose Muña Barnes  
Speaker

Attested:



Amanda L. Shelton  
Legislative Secretary

-----  
This Act was received by *I Maga'hågan Guåhan* this 12<sup>th</sup> day of March,  
2020, at 12:01 o'clock P.M.



Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 308-35 (LS)**

As amended in the Committee of the Whole.

Introduced by:

Tina Rose Muña Barnes  
James C. Moylan  
Amanda L. Shelton  
Joe S. San Agustin  
Mary Camacho Torres  
William M. Castro  
Jose "Pedo" Terlaje  
Clynton E. Ridgell  
Régine Biscoe Lee  
Kelly Marsh (Taitano), PhD  
Louise B. Muña  
Telo T. Taitague  
Telena Cruz Nelson  
Sabina Flores Perez  
Therese M. Terlaje

**AN ACT TO *ADD* A NEW ARTICLE 14 TO CHAPTER 1 OF DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN EMERGENCY PANDEMIC FUND AND ESTABLISHING THE ADMINISTRATIVE PARAMETERS NEEDED FOR EXPENDITURES FOR ANY EMERGENCIES DERIVED IN THE EVENT OF AN OUTBREAK OF A PANDEMIC ON GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that according to the Centers for Disease Control (CDC), a novel coronavirus was  
4 first detected in Wuhan City, Hubei Province in China. The novel coronavirus has

1 now been named “SARS-CoV-2” while the disease it causes has been named  
2 “COVID-19”; and it has been detected in fifty-seven (57) nations internationally.

3 In the United States, through U.S. public health surveillance systems since  
4 January 21, 2020, there have been at least nine hundred and thirty eight (938)  
5 confirmed and presumptive positive cases of COVID-19 reported to CDC, ninety-  
6 two (92) of which are travel-related while four (4) have resulted from a person-to-  
7 person spread. Additionally, amongst individuals who have been repatriated to the  
8 United States, there have been three (3) confirmed cases from Wuhan, China and  
9 forty-six (46) from the *Diamond Princess* cruise ship; and there are thirty nine (39)  
10 states reporting cases, with twenty-nine (29) deaths within the United States.

11 The CDC reports that destinations globally have apparent cases of community  
12 spread, meaning people who have been infected are not sure how or where they  
13 became infected. In the United States, there are confirmed cases of persons who have  
14 not had any relevant travel history, or exposure to another known patient with  
15 COVID-19.

16 The CDC has also reported that the potential public health threat posed by  
17 COVID-19 is high, both globally and to the United States. According to the CDC,  
18 more cases are likely to be identified in the coming days, including more cases in  
19 the United States. Preliminary projections by the CDC state that public health and  
20 healthcare systems may become overloaded with elevated rates of hospitalization  
21 and deaths. Other critical functions of the government, such as emergency medical  
22 service, law enforcement and transportation, are also projected to be affected.

23 *I Liheslaturan Guåhan* further finds that while there are no confirmed cases  
24 of COVID-19 on Guam, the government of Guam, in line with the response plans of  
25 the CDC, and in collaboration with Joint Region Marianas, as well as other federal  
26 stakeholders, have taken measures to prepare for the possible onset of the

1 coronavirus on Guam by initiating a multi-agency review of the Guam Pandemic  
2 Plan.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide *I Maga'hågan*  
4 *Guåhan* with the immediate resources that are needed so that she may provide for  
5 the protection of the residents of Guam from a COVID-19 outbreak, and continue to  
6 ensure that there remains no outbreak of the COVID-19 disease within our island.

7 **Section 2.** A new Article 14 is hereby *added* to Chapter 1, Division 1, Title  
8 5, Guam Code Annotated, to read as follows:

9 **“ARTICLE 14**

10 **EMERGENCY PANDEMIC FUND**

11 **§ 14.101. Fund Structure and Administration.**

12 (a) There is hereby created, separate and apart from other funds of  
13 the government of Guam, a fund to be known as the Emergency Pandemic  
14 Fund (Fund). The Fund shall not be commingled with the General Fund and  
15 shall be kept in a separate bank account, administered by the Department of  
16 Administration.

17 (b) The purpose of the Fund is to receive deposits to pay for any  
18 expenditures that may derive from emergencies that may arise on Guam from  
19 the outbreak of a pandemic that may affect the people of Guam, and may  
20 include, but not be limited to, proactive prevention efforts, purchasing  
21 screening equipment and medical supplies, equipment and protective apparel,  
22 leasing quarantine facilities, the immediate hiring of healthcare professionals  
23 and emergency personnel, and activation of the Guam National Guard.

24 (c) *I Maga'hågan Guåhan* is authorized to transfer a sum not to  
25 exceed One Million Dollars (\$1,000,000) from any FY 2020 appropriations  
26 for the purposes outlined in this Section. Funds deposited in the Fund shall  
27 not be subject to any transfer authority of *I Maga'hågan Guåhan*. *I*

1            *Maga'hågan Guåhan*'s transfer authority under this Section shall not be in  
2            excess of *I Maga'hågan Guåhan*'s transfer authority under Public Law 35-36.

3            Any transfer authorized by this Article shall be required to be reported to the  
4            Speaker of *I Liheslaturan Guåhan* and the Office of Finance and Budget no later  
5            than five (5) working days after the transfer is made. Failure to submit any reports  
6            by the required deadline in this Section shall result in a Two Hundred and Fifty  
7            Dollar (\$250.00) fine per missed deadline for the Director of the Bureau of Budget  
8            and Management Research, which shall be for the Department of Public Health and  
9            Social Services.

10           (d) Any amount needed for expenditures on emergencies pursuant to  
11           Subsection (b) of this Section, which is in excess of Subsection (c) of this Section,  
12           shall be subject to further legislative authorization.

13           (e) The Department of Administration and the Bureau of Budget and  
14           Management Research shall submit a written report to the Speaker of *I Liheslaturan*  
15           *Guåhan* of any funds expended from the Fund pursuant to this Article. This report  
16           shall be submitted no later than five (5) days from the date of expenditure, and shall  
17           include the purpose of the expenditure.

18           (f) The Director of the Department of Administration, or *I Maga'håga*'s  
19           designee, is authorized to administer and expend funds from the Emergency  
20           Pandemic Fund for the purposes outlined in Subsection (b) of this Section.

21           (g) Proactive prevention and response efforts must be in line with policies  
22           or guidelines as set forth by any of the following: the government of Guam, the  
23           Guam Pandemic Response Plan or Guidance, the Guam Communicable Disease  
24           Response Plan, the U.S. Department of Health and Human Services, the Centers for  
25           Disease Control, or the World Health Organization.

26            **§ 14.102. Reimbursement.**

1           (a) Reimbursement of any funds expended under this Article from federal  
2 sources, including U.S. Congressional appropriation, or any other sources, shall be  
3 reimbursed to the Emergency Pandemic Fund to the extent that federal laws permit.

4           (b) The Director of the Department of Administration shall maintain  
5 detailed accounting records pertaining to expenditures and reimbursements under  
6 this Article, and within thirty (30) days from the receipt of any initial reimbursement,  
7 as well as subsequent reimbursements, a detailed report of such transactions shall be  
8 transmitted to the Speaker of *I Liheslaturan Guåhan*.”

9           **Section 3.** In order to foster transparency and better assess the adequacy of  
10 the transfer authority authorized by this Act, within five (5) days of enactment of  
11 this Act *I Maga'hågan Guåhan* shall submit a report to the Speaker of *I Liheslaturan*  
12 *Guåhan* and the Office of Finance and Budget on any transfers made pursuant to  
13 Public Law 35-61 or other transfer authority during FY 2020, or from FY 2020  
14 appropriations. Failure to submit the reports by the required deadline in this Section  
15 shall result in the repeal of any transfer authority authorized by this Act.

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

21           **Section 5. Effective Date.** This Act shall be effective upon enactment.

Senator Therese Terlaje <[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)>, Clynt Ridgell <[clyntridgell@guamlegislature.org](mailto:clyntridgell@guamlegislature.org)>, Senator Jose Pedro Terlaje <[senatorpedo@senatorjpterlaje.com](mailto:senatorpedo@senatorjpterlaje.com)>, Senator Sabina Perez <[office@senatorperez.org](mailto:office@senatorperez.org)>, Senator Wil Castro <[wilcastro671@gmail.com](mailto:wilcastro671@gmail.com)>, Senator Senator Louise B. Muna <[senatorlouise@gmail.com](mailto:senatorlouise@gmail.com)>, Senator Telo Taitague <[senatortelot@gmail.com](mailto:senatortelot@gmail.com)>, Senator Jim Moylan <[senatormoylan@guamlegislature.org](mailto:senatormoylan@guamlegislature.org)>, Mary C. Torres <[senatormary@guamlegislature.org](mailto:senatormary@guamlegislature.org)>

## VIA ELECTRONIC MAIL

**TO: All Senators**

**RE: Waiver of Public Hearing Requirement**

Dear Colleagues:

*Buenas yan Hafa Adai!* I hereby certify that emergency conditions exist involving danger to the public health or safety, and therefore the public hearing requirement for Bill no. 308-35 is waived in accordance with 2 GCA § 2103(a).



*Sinseru yan Minagâhet,*

**Office of the Speaker • Tina Rose Muña Barnes**  
Committee on Public Accountability, Human Resources & the  
Guam Buildup

35th Guam Legislature  
*I Mina'trentai Singko na Liheslaturan Guâhan*

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910  
T: (671) 477-2520/1  
[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

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Gumai pribilehu yan konfedensia este siha na mensâhi. Solo espesiâtmente para hâgu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespâtcha. Yanggen lachi rinisibu-mu nu este na mensâhi, put fabot ago' guatu gi I numa'huyong gi as [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org) yan despues destrosa todû siha I kopian mensâhi. Si Yu'os ma'âse'.

## Clerks

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**From:** Speaker's Office <speaker@guamlegislature.org>  
**Sent:** Thursday, March 12, 2020 8:48 AM  
**To:** Clerks Office; Rennae Meno  
**Subject:** Fwd: Waiver of Public Hearing Requirement



*Sinseru yan Minagâhet,*

**Office of the Speaker • Tina Rose Muña Barnes**  
Committee on Public Accountability, Human Resources & the  
Guam Buildup

35th Guam Legislature  
*I Mina'trentai Singko na Liheslaturan Guâhan*

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910  
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[speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)

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Gumai pribilehu yan konfedensia este siha na mensâhi. Solo espesiâtmente para hâgu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespâtcha. Yanggen lachi rinisibu-mu nu este na mensâhi , put fabot ago' guatu gi I numa'huyong gi as [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org) yan despues destrosa todû siha I kopian mensâhi. Si Yu'os ma'âse'.

----- Forwarded message -----

**From:** Speaker's Office <speaker@guamlegislature.org>  
**Date:** Wed, Mar 11, 2020 at 11:19 AM  
**Subject:** Waiver of Public Hearing Requirement  
**To:** Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Senator Amanda Shelton <officeofsenatorshelton@guamlegislature.org>, Office of Senator Kelly Marsh (Taitano), PhD. <office.senatorkelly@guamlegislature.org>, Senator Régine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Joe S. San Agustin <senatorjoessanagustin@gmail.com>,