UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Speaker Tina Rose Muña Barnes

MAR 23 2020
Time 8:00 ( )AM ( )PM
Received By:

March 23, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Re: Veto of Bill 308-35 (LS), "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."

Dear Madame Speaker:

It is with great personal regret that I veto bill 308-35. While I appreciate your effort at granting me additional transfer authority during a pandemic emergency, this measure would unintentionally handicap our ongoing effort to fight the spread of COVID-19 throughout our community.

Put simply, the current statute governing public health emergencies grants the governor of Guam the authority to transfer such funds as are necessary to counter the impacts of a dynamic threat — keeping Guam safe. By acknowledging the limitations offered by your measure, the legislature may unintentionally leave Guam at the mercy of political bureaucracies when it can least afford it.

As you have clearly seen, pandemic responses require resources that cannot be easily predicted in advance. Thus, I cannot limit the effectiveness of our endeavour to the one million dollars cap this bill arbitrarily sets. Our predecessors understood this and knew that certain emergencies commanded speed and efficiency—not decision by committee. We must acknowledge the wisdom in the provision of law they enacted.
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RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
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Thus, no matter how well intentioned this measure may have been, I cannot permit its provisions to unintentionally impede our response efforts or endanger our public. Because I am certain you agree, I regretfully reject Bill 308-35.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc via email: *Sigundo Maga'låhan Guåhan*

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 12th 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 12th 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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

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

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

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

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

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

"**ARTICLE 14**

EMERGENCY PANDEMIC FUND

§ 14.101. Fund Structure and Administration.

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

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

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

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

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

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

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

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

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

§ 14.102. Reimbursement.

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

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

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

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, 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.

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

Clerks

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 Minagåhet,

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 Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibumu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- 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>,

Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedo Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Sabina Perez <office@senatorperez.org>, Senator Wil Castro <wilcastro671@gmail.com>, Senator Senator Louise B. Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jim Moylan <senatormoylan@guamlegislature.org>, Mary C. Torres <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 Minagåhet,

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 Guåhan

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