

*I Mina'trentai Sais 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
<b>11-36 (COR)</b>	Christopher M. Duenas V. Anthony Ada James C. Moylan	AN ACT TO <i>AMEND</i> SECTION 19405 (b) OF TITLE 10 GUAM CODE ANNOTATED RELATIVE TO REQUIRING LEGISLATIVE AUTHORIZATION TO EXTEND A DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY, WHICH SHALL BE KNOWN AS "THE RESTORATION OF SEPARATION OF POWERS ACT."	1/5/21 4:02 p.m.					Request: 1/13/21  Waiver: 1/20/21	1/28/21 As amended by the Prime Sponsor.

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 11-36 (COR)**

As amended by the prime sponsor.

Introduced by:

Christopher M. Duenas  
V. Anthony Ada  
James C. Moylan

**AN ACT TO AMEND SECTION 19405 (b) OF TITLE 10  
GUAM CODE ANNOTATED RELATIVE TO  
REQUIRING LEGISLATIVE AUTHORIZATION TO  
EXTEND A DECLARATION OF STATE OF PUBLIC  
HEALTH EMERGENCY, WHICH SHALL BE KNOWN  
AS “THE RESTORATION OF SEPARATION OF  
POWERS ACT.”**

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

2       **Section 1.** This act shall be known and may be cited as

3               “THE RESTORATION of SEPARATION of POWERS ACT.”

4       **Section 2. Legislative Findings and Intent.**       *I Liheslaturan Guåhan*

5 finds that the Governor’s exercise of authority in the declaration of a state of public  
6 health emergency, pursuant to Chapter 19 of Title 10, Guam Code Annotated, has  
7 as a practical matter nullified the doctrine of the separation of powers. Specifically,  
8 the Governor has, while acting in an arbitrary and capricious fashion, in effect  
9 exercised both executive AND legislative powers. While the *I Liheslaturan* finds  
10 that a certain amount of nimbleness is necessary to deal with the COVID-19 situation  
11 *I Liheslaturan* also finds the extraordinary Chapter 19 powers should not be open  
12 ended and not subject to at least routine legislative oversight if not concurrence.

1 Therefore the *I Liheslaturan* intends that the Governor should have to “make her  
2 case” to the *I Liheslaturan* if the Chapter 19 powers are to extend beyond thirty days.

3 **Section 3.** § 19405 (b) of Chapter 19, Title 10, Guam Code Annotated, is  
4 hereby *amended* to read:

5 “(b) Automatic Termination. Notwithstanding any other provision of this  
6 Chapter, the declaration of a state of public health emergency shall be terminated  
7 automatically after thirty (30) days, unless renewed by ~~I Magalåhen Guåhan~~ [The  
8 ~~Governor~~] I Liheslaturan Guåhan under the same standards and procedures set forth  
9 in this Article. Any such renewal shall also be terminated automatically after thirty  
10 (30) days, unless renewed by the ~~I Magalåhen Guåhan~~ [The ~~Governor~~] I Liheslaturan  
11 Guåhan under the same standards and procedures set forth in this Article.