

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

March 5, 2021

Doc Type: 36GL-21-0257  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

-03-05-2021

Time: 5:04pm

Received: JA

**RE: (VETOED) BILL NO. 11-36 (COR) – An Act to Amend § 19405(b) and (c) of Article 4, Chapter 19, Title 10, Guam Code Annotated, Relative to Requiring Legislative Authorization to Extend a Declaration of a State of Public Health Emergency and to be Known as “*The Restoration of Separation of Powers Act*”**

*Buenas yan Hafa Adai Madame Speaker!*

Fundamental to the stability of our government is a recognition and understanding of the critical roles that the executive, legislative, and judicial branches play. We are each assigned important duties and responsibilities under the Organic Act of Guam. The legislative branch’s job is to provide for the government’s finances; it makes appropriations, levies taxes, and authorizes the incurrence of debt for the government of Guam. These duties are crucial to ensuring that the government has the resources necessary to provide public services to our island’s population.

The executive’s duties include providing for the island’s public health. Coupled with an obligation to maintain general supervision and control over executive branch departments and entities, the authority and responsibility to recognize public health dangers and declare emergencies when necessary properly resides with the governor. Bill No. 11-36 is an attempt to undermine the separation of powers established by the Organic Act and properly recognized in Section 19405 of Chapter 19, Title 10 of the Guam Code Annotated.

Later this month, our island will mark a full year in a state of public health emergency. When I first declared the emergency, Guam had not yet even identified its first cases of COVID-19. But just two days later, our first three cases emerged. Under the current law, any declared public health emergency terminates after thirty (30) days unless extended. Each time I have extended the emergency, it has been after a careful analysis of whether such continuance is supported by the data and our practical experience. If enacted, Bill No. 11 would require that such analysis be undertaken by the legislature, subject to that body’s processes, which require a majority to agree. Very often, our response has required quick pivots in light of emerging science, changing federal guidelines, and data trends. This work does not lend itself well to decision making by

To: Speaker Terlaje  
Fr: Governor of Guam  
Date: March 5, 2021  
Re: *Vetoed* Bill No. 11-36 (COR)

Page 2 of 2

committee. Delays in decision making can and will result in unnecessary death and suffering. I cannot believe that anyone would want such an outcome.

Certainly, important decisions of public significance should not be made in secret and without explanation about its underlying reasoning. The decisions I have made to limit the transmission of a deadly virus are subject to public scrutiny. I recognize that my actions are regularly being judged by members of our community, who have both a right and an obligation to understand and abide by any restrictions and mandates designed to safeguard our public health. But let's not pretend that Bill No. 11 is about a desire for legislative involvement or even transparency, as several legislators indicated during the debate. Executive branch agencies have regularly reported to the legislature, in writing and via frequent oversight and informational hearings. We should recognize this bill for what it really is: an effort to dictate the terms and conditions of a public health emergency by a body that does not have supervision or control over the agencies responsible for doing the necessary work to respond to the emergency and keep our community safe. Bill No. 11 is not an attempt to "restore" the separation of powers; it is an attempt to destroy it. It is for this reason that **I veto Bill No. 11.**

*Senseremente,*

**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

(J.Borja)

Enclosure(s): *Vetoed* Bill No. 11-36 (COR)

cc: *Honorable* Joshua F. Tenorio, *Sigundo* *Maga'låhen* *Guåhan*  
*Compiler of Laws*

COMMITTEE ON RULES

RECEIVED:

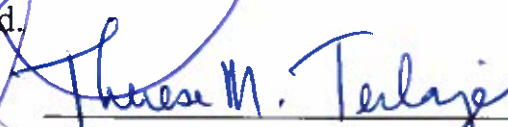
March 8, 2021

8:00 A.M.

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

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

This is to certify that **Bill No. 11-36 (COR)**, "AN ACT TO *AMEND* § 19405(b) AND (c) OF ARTICLE 4, CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING LEGISLATIVE AUTHORIZATION TO EXTEND A DECLARATION OF A STATE OF PUBLIC HEALTH EMERGENCY AND TO BE KNOWN AS "*THE RESTORATION OF SEPARATION OF POWERS ACT*," was on the 22<sup>nd</sup> day of February 2021, duly and regularly passed.



Therese M. Terlaje  
Speaker

Attested:



Amanda L. Shelton  
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22<sup>ND</sup> day of FEBRUARY 2021, at 6:00 o'clock P.M.



Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

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

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

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

2021-13062  
RCVD AT CENTRAL FILES  
FEB 24 '21 AM 11:53  
Jessica Cruz

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

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

As amended by the Prime Sponsor;  
and further amended on the Floor.

Introduced by:

Christopher M. Dueñas  
V. Anthony Ada  
James C. Moylan  
Frank Blas Jr.  
Joanne Brown  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Clynton E. Ridgell  
Joe S. San Agustin  
Telo T. Taitague  
Jose “Pedo” Terlaje  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO *AMEND* § 19405(b) AND (c) OF ARTICLE 4,  
CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO REQUIRING LEGISLATIVE  
AUTHORIZATION TO EXTEND A DECLARATION OF  
A STATE OF PUBLIC HEALTH EMERGENCY AND TO  
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 “*The Restoration of*  
3        *Separation of Powers Act.*”

4        **Section 2.** § 19405(b) of Article 4, Chapter 19, Title 10, Guam Code  
5        Annotated, is hereby *amended* to read:

1           “(b) Automatic Termination. Notwithstanding any other provision of  
2 this Chapter, the declaration of a state of public health emergency shall be  
3 terminated automatically after ninety (90) days, unless renewed by resolution  
4 of *I Liheslaturan Guåhan* under the same standards and procedures set forth  
5 in this Article. Any such renewal shall also be terminated automatically after  
6 thirty (30) days, unless renewed by resolution of *I Liheslaturan Guåhan* under  
7 the same standards and procedures set forth in this Article.”

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

10           “(c) Termination by *I Liheslaturan Guåhan*. By a majority vote, *I*  
11 *Liheslaturan Guåhan* may terminate the declaration of a state of public health  
12 emergency at any time from the date of original declaration upon finding that  
13 the occurrence of an illness or health condition that caused the emergency  
14 does not or no longer poses a high probability of a large number of deaths in  
15 the affected population, a large number of incidents of serious permanent or  
16 long-term disability in the affected population, or a significant risk of  
17 substantial future harm to a large number of people in the affected  
18 population.”

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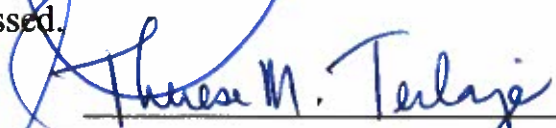




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Attested:



**Amanda L. Shelton**  
**Legislative Secretary**

This Act was received by *I Maga'hágan Guáhan* this 22<sup>ND</sup> day of FEBRUARY  
2021, at 6:00 o'clock P.M.

  
**Rob C.C. Chong**  
Assistant Staff Officer  
*Maga'hága's Office*

APPROVED:

**Lourdes A. Leon Guerrero**  
***I Maga'hágan Guáhan***

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

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

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