

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

Bill No. 336-35 (COR)

As Substituted on the Floor.

Introduced by:

Therese M. Terlaje

**AN ACT TO DIRECT THE EXPEDITED
PROCUREMENT OF CRITICAL MEDICAL SUPPLIES,
TO SAVE LIVES ON GUAM DURING THE COVID-19
PANDEMIC THROUGH THE AMENDMENT OF §19803
OF CHAPTER 19, TITLE 10, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §19803 of Chapter 19, Title 10, Guam Code Annotated, is hereby
amended to read:

“§ 19803. Financing and Expenses.

(a) Transfer of Funds. I Maga'låhen Guahån [The Governor] may transfer from the General Fund up to One Hundred Thousand Dollars (\$100,000.00) monthly as an emergency appropriation upon the declaration of a public health emergency, and upon notification to the United States Centers for Disease Control (CDC), to address, mitigate or abate any catastrophic disease control situations relating to the spread or outbreak of communicable diseases, or for any biological threats to mankind. I Maga'låhen Guåhan [The Governor] is allowed to utilize this emergency appropriation up to three (3) consecutive months per emergency notification to the CDC, and at such time shall be subject to I Liheslaturan Guåhan's appropriation. Notice of any transfer shall be

1 delivered to the Speaker and to the Committee of Ways and Means of [The
2 Guam Legislature] by I Maga'lahaen Guåhan [The Governor] within ten
3 (10) days after such transfer.

4 (b) Conditions. A transfer of funds by I Maga'lahaen Guåhan [The Governor]
5 under the provisions of this Section may be made only when one (1) or
6 more of the following conditions exist:

7 (1) no appropriation or other authorization is available to meet the
8 public health emergency;

9 (2) an appropriation is insufficient to meet the public health
10 emergency; or

11 (3) Federal monies available for such a public health emergency
12 require the use of local or other public monies.

13 (c) Expenses. All expenses incurred by the government of Guam during a
14 state of public health emergency shall be subject to the following
15 limitations:

16 (1) no expense shall be incurred against the monies authorized
17 under this Section, without the general approval of I
18 Maga'lahaen Guåhan [The Governor]; and

19 (2) the aggregate amount of all expenses incurred pursuant to this
20 Section shall not exceed Six Hundred Thousand Dollars
21 (\$600,000.00) for any fiscal year. Any amounts in excess is
22 subject to [The Guam Legislature's] appropriation.

23 (d) Additional Authorization for COVID-19 Response. In response to the
24 COVID-19 pandemic and notwithstanding any other law, the Governor
25 may transfer up to Four Million Dollars (\$4,000,000.00) from FY2020
26 appropriations, in addition to the amounts authorized in subsections (a)
27 and (b), to:

1 (1) immediately purchase the following critical medical
2 supplies:

- 3 i. ventilators,
- 4 ii. personal protective equipment (PPE),
- 5 iii. COVID-19 test kits,
- 6 iv. Medicines and
- 7 v. other essential medical equipment and supplies.

8 (2) immediately provide temporary housing for the following:

- 9 I. COVID-19 exposed nurses, emergency medical
10 services personnel and other healthcare workers at the
11 Guam Memorial Hospital Authority, the Department
12 of Public Health and Social Services and any health
13 care clinic, who act in accordance with Covid-19
14 Unified Response Effort (CURE) Action Team
15 instructions during this state of emergency;
- 16 II. COVID-19 exposed persons experiencing unsheltered
17 homelessness (those sleeping outside or in places not
18 meant for human habitation) during the COVID-19
19 outbreak due to the full capacity of homeless
20 shelters.”

21 The Governor shall use her best efforts to obtain these items
22 immediately, and in bulk or at best value for use of the entire island’s
23 public health emergency response. A portion of this amount may be used
24 to expedite shipping, delivery, or distribution to medical facilities.
25 Pursuant to the Emergency Health Powers Act, these supplies shall be

1 directed to public or private medical facilities as part of the coordinated
2 response authorized by this Act.

3 **Section 2. Severability.** If any provision of this Act or its application to any
4 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
5 *not* affect other provisions or applications of this Act that can be given effect without
6 the invalid provision or application, and to this end the provisions of this Act are
7 severable.