

*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
335-35 (COR) As substituted; and amended on the Floor	Amanda L. Shelton Telena Cruz Nelson Tina Rose Muña Barnes	AN ACT TO ADD A NEW ITEM (7) AND (8), § 19403 OF ARTICLE 4, CHAPTER 19, TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE EMERGENCY POWERS OF THE GOVERNOR DURING A PUBLIC HEALTH EMERGENCY.	4/5/20 9:25 p.m.			4/9/20 Waiver of Public Hearing Requirement			
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>FAILED PASSAGE</b>	<b>NOTES</b>					
	4/6/20	AN ACT TO AMEND § 19403(a) AND TO ADD A NEW ITEM (6) TO § 19403(b), BOTH OF ARTICLE 4, CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE EMERGENCY POWERS OF THE GOVERNOR AND THE PUBLIC HEALTH AUTHORITY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY.	4/16/20						

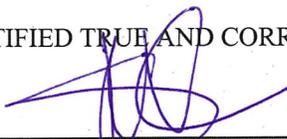
**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN**  
**2020 (SECOND) Regular Session**  
**LEGISLATIVE SESSION VOTING RECORD**

Bill No. 335-35 (COR) As substituted; and amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building April 16, 2020				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO		✓				
Senator Régine Biscoe LEE		✓				
Senator Kelly G. MARSH (TAITANO), PhD		✓				
Senator James C. MOYLAN		✓				
Senator Louise B. MUÑA		✓				
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ		✓				
Senator Clynton E. RIDGELL		✓				
Senator Joe S. SAN AGUSTIN		✓				
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE		✓				
Senator Jose "Pedo" TERLAJE		✓				
Senator Therese M. TERLAJE		✓				
Senator Mary Camacho TORRES		✓				

**TOTAL:**      3                      12                      \_\_\_\_\_                      \_\_\_\_\_                      \_\_\_\_\_

Aye                      Nay                      Not Voting/  
Abstained                      Out During  
Roll Call                      Absent                      Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNAE V. C. MENO  
 Clerk of the Legislature

I = Pass

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

**Bill No. 335-35 (COR)**

As substituted and amended on the Floor.

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Introduced by:

Amanda L. Shelton  
Telena Cruz Nelson  
Tina Rose Muña Barnes

**AN ACT TO *AMEND* § 19403(a) AND TO *ADD* A NEW  
ITEM (6) TO § 19403(b), BOTH OF ARTICLE 4,  
CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO THE EMERGENCY POWERS OF THE  
GOVERNOR AND THE PUBLIC HEALTH AUTHORITY  
DURING THE COVID-19 PUBLIC HEALTH  
EMERGENCY.**

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

2        **Section 1.** § 19403(a) of Article 4, Chapter 19, Title 10, Guam Code  
3        Annotated is *amended*, to read:

4                “(a) Emergency Powers. During a state of public health emergency, *I*  
5        *Maga'hågan Guåhan* [the Governor] may:

6                        (1) through an executive order suspend, the provisions of any  
7                        regulatory statute prescribing procedures for conducting local business,  
8                        or the orders, rules and regulations of any government of Guam agency,  
9                        to the extent that strict compliance with the same would prevent, hinder  
10                        or delay necessary action (including emergency purchases) by the  
11                        public health authority to respond to the public health emergency, or  
12                        increase the health threat to the population;

1           (2) utilize all available resources of the government of Guam,  
2 as reasonably necessary to respond to the public health emergency;

3           (3) transfer the direction, personnel or functions of the  
4 government of Guam departments and agencies in order to perform or  
5 facilitate response and recovery programs regarding the public health  
6 emergency;

7           (4) mobilize all or any part of the organized militia into  
8 service; an executive order directing the organized militia to report for  
9 active duty shall state the purpose for which it is mobilized and the  
10 objectives to be accomplished;

11           (5) provide aid to and seek aid from the federal government in  
12 accordance with any emergency compact made with the government of  
13 Guam;

14           (6) seek aid from the federal government in accordance with  
15 federal programs or requirements;

16           (7) through an executive order, and upon consultation with the  
17 public health authority, order a curfew that shall not extend beyond  
18 fifteen (15) calendar days in response to the COVID-19 public health  
19 emergency to prevent the spread of the disease and protect the public's  
20 health, safety, and welfare; provided, that such curfew is implemented  
21 by the least restrictive means necessary; and

22           (8) through an executive order, and upon consultation with the  
23 public health authority, issue a shelter-in-place directive in response to  
24 the COVID-19 public health emergency to prevent the spread of the  
25 disease and protect the public's health, safety, and welfare; provided,  
26 that such shelter-in-place directive is implemented by the least  
27 restrictive means necessary and shall be subject to § 19403(b)(6).”

1           **Section 2.** A new § 19403(b)(6) is *added* to Article 4 of Chapter 19, Title  
2 10, Guam Code Annotated, to read:

3           “(6) planning, implementing, and promulgating rules and regulations  
4 relative to a shelter-in-place directive issued by the Governor pursuant to §  
5 19403(a)(8) to respond to the COVID-19 public health emergency. Said rules  
6 and regulations shall allow for reasonable movement deemed essential by the  
7 public health authority, which shall be clearly defined in the directive or  
8 guidance thereto.”

9           **Section 3.** Prior to exercising her authority under § 19403(a)(7) or (8) of  
10 Article 4, Chapter 19, Title 10 GCA, relative to curfew or shelter-in-place, the  
11 Governor shall make available to the public:

12           (a) any and all plans for obtaining and distributing tests kits for  
13 COVID-19 on Guam, and future plans for conducting tests on Guam;

14           (b) any and all information regarding the number of personal  
15 protective equipment (PPE) available to the government of Guam and its plans  
16 to obtain and distribute the PPE in response to the COVID-19 public health  
17 emergency;

18           (c) to the extent practicable, information regarding known public  
19 places at which any confirmed positive COVID-19 individual has frequented  
20 seven (7) days prior to testing positive; and

21           (d) to the extent practicable, access to COVID-19 testing for  
22 individuals who have come into close contact with another confirmed positive  
23 COVID-19 individual.

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