

(2) Voting File:

1. The nomination of David JN Camacho to serve as a Member (Retired Teacher Representative) of the Guam Academy Charter Schools Council. **Confirmed 12/15/21.**
2. The nomination of Dr. Lisa Cooper-Nurse to serve as a Member (Ed.D. Representative) of the Guam Commission for Educator Certification. **Confirmed 12/15/21.**
3. The nomination of Kyle Anthony G. Dahilig to serve as a Member (Youth Representative) of the Guam Regional Transit Authority Board of Directors. **Confirmed 12/15/21.**
4. The nomination of Dr. Judith P. Guthertz to serve as a Member of the Port Authority of Guam Board of Directors. **Confirmed 12/15/21.**
5. The nomination of David B. Herrera to serve as a Member of the CHamoru Land Trust Commission. **Confirmed 12/15/21.**
6. The nomination of Phillip L. Noret to serve as a Member (Architect Representative) of the Guam Building Code Council. **Confirmed 12/15/21.**
7. The nomination of Zina S.N. Ruiz to serve as a Member (CHamoru Culture Alternate Representative) of the Guam Historic Preservation Review Board. **Confirmed 12/15/21.**
8. The nomination of Edward S. Toves to serve as a Member of the Alcoholic Beverage Control Board. **Confirmed 12/15/21.**
9. The nomination of Jacy T. Bravo to serve as a Youth Member of the Guam Educational Telecommunications Corporation (KGTF/PBS) Board of Trustees. **Confirmed 12/15/21.**
10. The nomination of Nolan G.T. Flores to serve as a Member (Student Representative) of the Guam Public Library System Board of Directors. **Confirmed 12/15/21.**
11. The nomination of Jose U. Munoz to serve as a Member of the Northern Guam Soil & Water Conservation District Board. **Confirmed 12/15/21.**
12. The nomination of Rosalina M. San Nicolas to serve as a Member of the Northern Guam Soil & Water Conservation District Board. **Confirmed 12/15/21.**
13. **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.” Failed Override 12/15/21.**

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

Notwithstanding the objections of <i>I Maga'hågan Guåhan</i> , shall VETOED Bill No. 11-36 (COR) be overridden?	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 15, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telena Cruz Nelson	✓					
Senator Sabina Flores Perez		III ✓				
Senator Clynton E. Ridgell		✓				
Senator Joe S. San Agustin		✓				
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje					✓	✓
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres		✓				

TOTAL

8

5

2

2

Aye

Nay


Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



 RENNÆ V.C. MENO
 Clerk of the Legislature

I = Pass

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

36th 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)

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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:

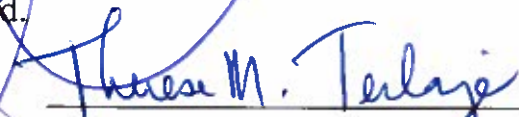
March 8, 2021

8:00 A.M.

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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN

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 22nd 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 22ND day of FEBRUARY 2021, at 6:00 o'clock P.M.


Rob C.C. Chong
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.”