

I Mina'trentai Ocho Na Liheslaturan Guåhan
SPECIAL SESSION BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
1 (I-S)	Committee on Rules by request of I Maga'hågan Guåhan , the Governor of Guam, in accordance with the Organic Act of Guam.	AN ACT TO ADD A NEW ARTICLE 15 TO CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNOR'S EMERGENCY POWERS.	8/29/25 4:13 p.m.						

MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Special Session

Bill No. 1 (1-S)

Introduced by:

Committee on Rules *St*
by request of *I*
Maga'hågan Guåhan,
the Governor of
Guam, in accordance
with the Organic Act
of Guam.

**AN ACT TO ADD A NEW ARTICLE 15 TO CHAPTER 1,
TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO
THE GOVERNOR'S EMERGENCY POWERS**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 15 is hereby *added* to Chapter 1, Title 5,
Guam Code Annotated, to read:

“ARTICLE 15

EMERGENCY POWERS

§1501. Short Title.

This Chapter may be cited as the “Governor’s Emergency Powers Act.”

§1502. Legislative Findings.

The Guam Legislature finds that the government must be
empowered to expeditiously mobilize necessary resources in the event of
an emergency, including but not limited to natural disasters, critical

1 personnel shortages, structural deterioration in public buildings or
2 spaces or other impairments to the proper
3 sustainment of life. Such emergencies pose serious and immediate threats
4 to the health and safety of our community, or the proper sustainment of
5 life and often require the exercise of extraordinary government powers
6 and functions. The government of Guam must have the ability to respond,
7 rapidly and effectively, to potential or actual emergencies for the common
8 good, and to stabilize critical lifeline systems following emergencies.

9 Additionally, the Guam Legislature recognizes the nationwide
10 shortage in medical personnel, which disproportionately impacts our
11 island due to our relative geographic isolation and lack of diverse medical
12 programs. The Guam Legislature finds that this acute shortage constitutes
13 an emergency within the meaning of this Article. The recruitment of
14 health care providers is critical to the health and welfare of our people,
15 and it is imperative that we undertake robust recruitment efforts on an
16 ongoing basis to both fill urgent shortages in local facilities, and to
17 prepare for emergencies to come. This Act is therefore necessary to
18 protect the health and safety of the citizens of Guam.

1 **§1503. Definitions.** As used in this Chapter, unless the context
2 in which they are used requires a different meaning, or unless a different
3 definition is prescribed for a particular provision:

4 (a) An “Emergency” is a condition posing an imminent threat to
5 public
6 health, welfare, or safety, or the health and safety of the
7 environment
8 or critical lifeline systems, including energy, water,
9 transportation, communication, and waste management.

10 (b) “Health Care Provider” is any person or entity who provides
11 health care services, including, but not limited to, hospitals,
12 medical clinics and offices, special care facilities, medical
13 laboratories, physicians, pharmacists, dentists, physician
14 assistants, nurse practitioners, registered and other nurses,
15 paramedics, emergency medical or laboratory technicians,
16 and ambulance and emergency medical workers.

17 (c) “Mental Health Support Personnel” includes, but is not
18 limited to, psychiatrists, psychologists, social workers and
19 volunteer crisis counseling groups.

20 (d) “Professional services” includes the services of accountants,
21 physicians, lawyers, dentists, licensed nurses, other licensed
22 health professionals and other professionals.
23

1 (e) “Purchasing agency” means any governmental body other
2 than the *I Maga’hågan Guåhan* [the Governor] which is
3 authorized by way of delegation from *I Maga’hågan*
4 *Guåhan* [the Governor] to purchase property, professional
5 services, services, or supplies.

6 (f) “Services” means the furnishing of labor, time or effort by a
7 contractor, not involving the delivery of a specific end
8 product other than reports which are merely incidental to the
9 required performance. Services also includes printing and
10 processing for printing finished products, such as books,
11 reports, and other items which are, when delivered in
12 finished form and are not to be further processed by the
13 using agency.

14 (g) “Supplies” means all property, including but not limited to
15 equipment, materials, printing of forms, stationery and the
16 like which are designed for further use or processing by the
17 using agency, insurance, and leases of real property,
18 excluding land and a permanent interest in land.

19 **§1504. Declaration.**
20

1 A state of emergency may be declared by *I Maga'hågan Guåhan*
2 [The Governor] upon the occurrence of an emergency as defined in §
3 1503(a). Such declaration shall expressly authorize the emergency
4 purchase of property, supplies, professional services, services, or
5 emergency construction works as authorized by this Section.

6 **§1505. Content of Declaration.**

7 A state of emergency shall be declared by an executive order that
8 specifies:

- 9
10 (a) the nature of the emergency;
11
12 (b) the geographic area(s) applicable to the declaration;
13 (c) the conditions that have brought about the emergency.

14
15 **§1506. Effect of Declaration.**

16
17 The declaration of a state of emergency shall authorize the
18 deployment and use of any resources and the use or distribution of any
19 supplies, equipment, materials and facilities assembled, stockpiled or
20 available within the Executive Branch of the government of Guam.

21 (a) Emergency Powers.

22
23 Notwithstanding any other provision of law, during a state
24 of emergency, *I Maga'hågan Guåhan* [The Governor] may:

- 25 (1) through an executive order suspend, the provisions of any
26 regulatory statute prescribing procedures for conducting

1 local business, or the orders, rules and regulations of any
2 government of Guam agency, to the extent that strict
3 compliance with the same would prevent, hinder or delay
4 necessary action (including emergency purchases) to
5 respond to the emergency or stabilize critical lifeline
6 systems, to decrease the health or safety threat to the
7 population;

8 (2) utilize all available resources of the government of
9 Guam, as reasonably necessary to respond to the emergency
10 or stabilize critical lifeline systems;

11 (3) transfer the direction, personnel or functions of the
12 government of Guam departments and agencies in order to
13 perform or facilitate response and recovery programs
14 regarding the emergency or stabilize critical lifeline systems;

15 (4) provide aid to and seek aid from the Federal
16 Government in accordance with any emergency compact
17 made with the government of Guam;

18 (5) seek aid from the Federal Government in accordance
19 with Federal programs or requirements;

1 (6) enter agreements through cooperative purchase programs
2 in which the government of Guam is a subscriber, which
3 facilitate public procurement solicitations and agreements
4 using a lead-state model, including, but not limited to the
5 National Association of State Procurement Officials
6 (NASPO).

7 (b) Coordination. *I Maga'hågan Guåhan* [The Governor] shall
8 coordinate all matters pertaining to the emergency response of
9 Guam. *I Maga'hågan Guåhan* [The Governor] shall have primary
10 jurisdiction, responsibility and authority for:

11 (1) planning and executing emergency assessment,
12 mitigation, preparedness response and recovery for Guam;

13 (2) coordinating emergency response between Federal
14 and local authorities;

15 (3) collaborating with relevant Federal government
16 authorities, elected officials of other states, private
17 organizations or companies;

18 (4) coordinating recovery operations and mitigation
19 initiatives subsequent to emergencies; and

1 (5) organizing public information activities regarding
2 emergency response operations.

3 (c) Transfer of Funds. Notwithstanding any other provision of law,
4 upon a declaration of emergency under this Article, the Governor
5 may transfer from the General Fund, except those funds
6 appropriated to the Legislature or the Judiciary, as an emergency
7 appropriation upon the declaration of state of emergency, such
8 amounts necessary to address, mitigate, or abate any emergency
9 conditions or stabilize critical lifeline systems. Notice of any
10 transfer shall be delivered to the Speaker and to the Committee of
11 Ways and Means of [The Guam Legislature] by *I Maga'hågan*
12 *Guåhan* [The Governor]] within ten (10) days after such transfer.

13 (1) Conditions. A transfer of funds by *I Maga'hågan*
14 *Guåhan* [The Governor] under the provisions of this Section
15 may be made only when one (1) or more of the following
16 conditions exist:

17 (2) no appropriation or other authorization is available to
18 meet the emergency or stabilize critical lifeline systems;

19 (3) an appropriation is insufficient to meet the emergency or
20 stabilize critical lifeline systems; or

1 (4) Federal monies available for such an emergency require the
2 use of

3
4 local or other public monies.”

5
6 (d) Emergency Purchases. Notwithstanding any other provision of
7 law, *I Maga'hågan Guåhan* [The Governor] may acquire by grant,
8 purchase, gift, devise or lease, and hold and use any real property,
9 professional services, services and supplies she deems necessary to
10 respond to the emergency or stabilize critical lifeline systems; such
11 acquisition shall be exempt from the provisions of §§ 5210, 5211,
12 and 5150 of Title 5, Guam Code Annotated. *I Maga'hågan*
13 *Guåhan* [The Governor] shall use her best judgment and efforts to
14 purchase necessary property, services and supplies at the lowest
15 cost from responsible bidders, utilizing businesses licensed to do
16 business on Guam whenever possible. When seeking to purchase
17 professional services, *I Maga'hågan Guåhan* [the Governor] shall
18 use her best judgment and efforts to purchase such services from
19 the best qualified offeror, at fair and reasonable compensation
20 utilizing businesses licensed to do business on Guam whenever
21 possible, and such professional services shall additionally be
22 exempt from §§5121 (a) and (b), and 5126 of Title 5, Guam Code
23 Annotated. *I Maga'hågan Guåhan* [The Governor] may purchase

1 such property, professional services, services, and supplies she
2 deems advisable in the interest of preparing for or controlling an
3 emergency or stabilizing critical lifeline systems; without any
4 additional legislative authorization. *I Maga'hågan Guåhan* [The
5 Governor] may delegate her authority under this section to any
6 governmental body or official as she deems necessary to better
7 facilitate the acquisition of such property, professional services,
8 services, and supplies, and more efficiently deploy resources in
9 response to the emergency or to stabilize critical lifeline systems.
10 Such governmental body or official may act as Purchasing Agency
11 under this Section.

12 (i) Right to Protest. Any actual or prospective bidder,
13 offeror, or contractor who may be aggrieved in connection
14 with an Emergency Purchase made under this Article, may
15 protest to *I Maga'hågan Guåhan* [the Governor] or the
16 Purchasing Agency. The protest shall be submitted in writing
17 within fourteen (14) days after such aggrieved person knows
18 or should have known of the facts giving rise thereto.

19 (ii) Authority to Resolve Emergency Purchase Protests. *I*
20 *Maga'hågan Guåhan* [The Governor] or her designee, or the

1 Purchasing Agency or its designee, shall have the authority,
2 prior to the commencement of an appeal to the Public
3 Auditor concerning the controversy, to settle and resolve a
4 protest of an aggrieved bidder, offeror, or contractor, actual
5 or prospective, concerning the solicitation or award of a
6 contract.

7 (iii) Decision. If the protest is not resolved by mutual
8 agreement, *I Maga'hågan Guåhan* [the Governor] or her
9 designee, or the Purchasing Agency or its designee shall
10 promptly issue a decision in writing within ten (10) days
11 from the date the protest is filed. The decision shall:

12 (A) state the reasons for the action taken; and

13 (B) inform the protestant of its right to administrative
14 appeal.

15
16 (iv) Notice of Decision. A copy of the decision under
17 Subsection (iii) of this Section shall be mailed electronically
18 or otherwise furnished immediately to the protestant and any
19 other party intervening.

20 (v) Appeal. A decision under Subsection (c) of this Section
21 may be appealed by the protestant to the Public Auditor

1 within ten (10) days after receipt by the protestant of the
2 notice of decision.

3 (vi) Finality. For the purposes of this Section, the
4 determination of facts and decision by the Public Auditor for
5 the resolution shall be final and conclusive with no right of
6 appeal or judicial review.

7 (vii) No Automatic Stay. Any aggrieved bidder, offeror, or
8 contractor, actual or prospective, who files a protest under
9 this Article shall not be

10 entitled to an automatic stay of the solicitation or award of
11 an Emergency Purchase contract, but may file a motion for a
12 stay with the Public Auditor, who shall grant a stay if the
13 movant demonstrates irreparable injury, and a strong
14 likelihood of success on the merits.

15 (viii) No Entitlement to Costs. There shall be no entitlement
16 to costs or fees regardless of the outcome of the protest or
17 appeal to the Public Auditor.

18 (ix) The Public Auditor shall expedite the administrative
19 review process of the appeal in accordance with the rules and
20 regulations to be promulgated and adopted by the Public

1 Auditor within sixty (60) days of the effective date of this
2 Act, notwithstanding the Administrative Adjudication Law
3 found in Chapter 9 of Title 5, Guam Code Annotated. Protests
4 of any Critical Procurement Contract to the Public Auditor
5 shall be in compliance with Title 5, Guam Code Annotated,
6 Chapter 5, Article 12; and Title 2, Guam Administrative
7 Rules and Regulations, Division 4, Chapter 12.

8 **§1507. Licensing and Appointment of Health Personnel During**
9 **Periods of Shortage.**

10 During periods of national or local shortage in medical
11 personnel, *I Maga'hågan Guåhan* [The Governor] may exercise the following powers
12 regarding
13 licensing and appointment of health personnel without a declaration of
14 emergency; provided however, that the Governor shall issue an executive
15 order identifying the factors supporting her finding that there is a national
16 or local shortage in medical personnel. Such executive order shall further
17 specify the nature of the required services and the expected duration of
18 the shortage.
19

20 (a) Health Care Providers from Other Jurisdictions. To appoint
21 and prescribe the duties of such off-Guam health care

1 providers as may be reasonable and necessary to respond to
2 the shortage in medical personnel.

3 (1) *I Maga'hågan Guåhan* [The Governor] may waive any
4 or all licensing requirements, permits or fees required by the
5 Government Code of Guam and applicable orders, rules or
6 regulations for health care providers from other jurisdictions
7 to practice on Guam.

8 (2) The waiver provided in Subsection 1 may be for a
9 limited or unlimited time, but shall not exceed the
10 termination of the declaration of shortage.

11 **§1508. Severability.** If any of the provisions of this Act or the
12 application thereof to any person or circumstance is held invalid, such
13 invalidity *shall not* affect any other provision or application of this Act
14 that can be given effect without the
15 invalid provision or application, and to this end the provisions of this
16 Act are severable.

17 **§1509. Effective Date.** This Act *shall* become effective upon
18 enactment.
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