UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

February 12, 2020

35 GL-20-1534
Speaker Tina Rose Muña Barnes

FEB 12 2020
Time 4:44 ( )AM ( )PM
Received By: Brian

2020 FEB 12 PM 5:10 Q.T.

HONORABLE TINA ROSE MUÑA BARNES, Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **Bill No. 201-35 (COR)** – ***An Act to Amend § 9141 and Add New §§ 9142(c), 9142(d), and 9143(d), All of Chapter 9, Title 22, Guam Code Annotated, Related to the Composition of the Workers' Compensation Commission and Allowing the Appearance and Participation of Commission Members at Meetings and Hearings by Telephone Conference or Video Teleconference or Livestream***

Dear Madame Speaker:

I have signed Bill No. 201-35 (COR) into law to allow the Workers Compensation Commission to do its work more efficiently and effectively so that cases do not lag and resolution comes as quickly as possible.

Additionally, the Commission membership is now amended to better reflect the skills desired of Commission members. Thank you to the Legislature for its passage of Bill No. 201-35 (COR) which is now ***Public Law No. 35-66.***

Senseremente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guahan
Acting Governor of Guam

Enclosure(s): Bill No. 201-35 (COR) *nka Public Law No. 35-66*

cc via email: *Maga'hågan Guåhan*
Compiler of Laws

1534

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

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

This is to certify that **Bill No. 201-35 (COR), "AN ACT TO *AMEND* § 9141 AND *ADD* NEW §§ 9142(c), 9142(d), AND 9143(d), ALL OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS' COMPENSATION COMMISSION AND ALLOWING THE APPEARANCE AND PARTICIPATION OF COMMISSION MEMBERS AT MEETINGS AND HEARINGS BY TELEPHONE CONFERENCE OR VIDEO TELECONFERENCE OR LIVESTREAM,"** was on the 4th day of February 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 4th day of Feb., 2020, at 4:17 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02-12-20

Public Law No. 35-66

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 201-35 (COR)
As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and further amended on the Floor.

Introduced by: Régine Biscoe Lee
Mary Camacho Torres
William M. Castro
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje

AN ACT TO *AMEND* § 9141 AND *ADD* NEW §§ 9142(c), 9142(d), AND 9143(d), ALL OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS' COMPENSATION COMMISSION AND ALLOWING THE APPEARANCE AND PARTICIPATION OF COMMISSION MEMBERS AT MEETINGS AND HEARINGS BY TELEPHONE CONFERENCE OR VIDEO TELECONFERENCE OR LIVESTREAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 9141 of Chapter 9, Title 22, Guam Code Annotated, is hereby *amended* to read:

"**§ 9141. Administration.**

(a) Except as otherwise specifically provided, the Workers' Compensation Commission *shall* administer the provisions of this Title, and for such purpose the Commission is authorized: (1) to make rules and regulations in conformance with this Title; (2) to select such technical assistants, medical advisors, and other officers and employees; and (3) to make from appropriated funds such expenditures (including expenditures for personal services, rent, law books, books of reference, periodicals and printing, binding and other necessities) as may be necessary in the administration of this Title.

(b) The Workers' Compensation Commission *shall* be under the cognizance of the Department of Labor and *shall* consist of the Commissioner or the Commissioner's designee; six (6) members to be appointed by *I Maga'håga* (the Governor) to include:

(1) one (1) member appointed from a list of three (3) nurse practitioners or registered nurses recommended by the Guam Board of Nurse Examiners;

(2) one (1) member appointed from a list of three (3) medical doctors recommended by the Guam Board of Medical Examiners;

(3) one (1) member appointed from a list of three (3) attorneys recommended by the Guam Bar Association;

(4) one (1) member appointed from a list of three (3) human resource practitioners recommended by the predominant Guam civic organization for human resources professionals;

(5) one (1) government of Guam employee; and

(6) one (1) member of a labor union; and

(7) at the Director's option, two (2) members from the general public. At all times, the total number of members *shall* be an odd number.

(c) Quorum *shall* constitute at least four (4) members of the Commission.

(1) A member of the Commission, if physically unable to attend a meeting or hearing, may appear and participate in a meeting or hearing via telephone conference or video teleconference or video livestreaming in accordance with 5 GCA § 43122 and the accompanying rules and regulations adopted pursuant to the same; provided, that all parties in the meeting or hearing are able to adequately hear and communicate with such member. All relevant documents *shall* be transmitted to all members of the Commission at least twenty-four (24) hours prior to a hearing via telephone conference or video teleconference or video livestreaming.

(2) Meetings and hearings *shall* be electronically recorded in audio file or audio and video file format if conducted by video teleconference or video livestream; but, notwithstanding any other provision of law, rule, or regulation, they *need not* be stenographically recorded. All audio and video files *shall* be properly stored within the office of the Commission to ensure safekeeping and availability to the public consistent with existing laws.

(d) The Commission *shall* maintain and keep open during reasonable business hours, an office for the transaction of business. If any member of the Commission is removed from office or for any reason ceases to act as a member, all of his or her official records and papers *shall* be transferred to his or her successor in office or to the Commission. No member

nor any business associate of a member shall appear as attorney in any proceedings under this Title, and no member shall act in any such case in which he or she is interested, or when he or she is employed by any party in interest or related to any party in interest by consanguinity or affinity within the third degree as determined by the common law. Members of the Commission, except the Commissioner, *shall* receive Fifty Dollars ($50) per meeting or hearing attended, *not to exceed* One Hundred Dollars ($100) per month, and reimbursed for any reasonable expenses incurred in the performance of their duty.

(e) The Commission *shall* direct the vocational rehabilitation of permanently disabled employees and *shall* arrange with the appropriate public or private agencies for such education. The Commission may in its discretion furnish such prosthetic appliances or other apparatus made necessary by an injury upon which an award has been made under this Title to render a disabled employee fit to engage in a remunerative occupation."

Section 2. A new § 9142(c) is hereby *added* to Chapter 9, Title 22, Guam Code Annotated, to read:

"(c) Civil Penalties. The Commission *shall* impose a civil penalty of *not less than* Two Hundred Fifty Dollars ($250) and *not more than* Twenty-five Thousand Dollars ($25,000), per violation, on any employer found in violation of the statutory obligations required in this Chapter or any applicable administrative rules and regulations, unless the statute requires criminal penalties, in which case the Commission *shall* investigate the matter, document its findings and refer the matter to the Office of the Attorney General for prosecution. The employer may appeal any assessed civil penalties within fifteen (15) calendar days from the issuance of a Notice of Violation to the Commissioner who *shall* be the Hearing Officer."

Section 3. A new § 9142(d) is hereby *added* to Chapter 9, Title 22, Guam Code Annotated, to read:

"(d) Notwithstanding Subsection (c) of this Section, all civil penalties enumerated under this Chapter *shall* remain in full force and effect."

Section 4. A new § 9143(d) is hereby *added* to Chapter 9, Title 22, Guam Code Annotated, to read:

"(d) Disposition of Civil Penalties. Fines collected by the Department under the provisions of this Chapter *shall* be deposited in the special fund, pursuant to this Section; and, notwithstanding Subsection (b) of this Section, may be accessed by the Director to be used exclusively for the operation of the Workers' Compensation Commission. The Director of the Department *shall* include data in his or her annual report on all expenditures under this Subsection to *I Liheslaturan Guåhan*."

Section 5. Effective Date. This Act *shall* be effective upon enactment.

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