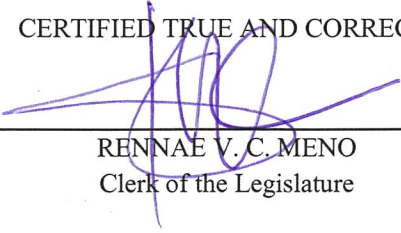


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

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.		Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 4, 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 "Pedro" TERLAJE	✓					
Senator Therese M. TERLAJE		✓				
Senator Mary Camacho TORRES					✓	✓

TOTAL:	12	1			2	2
	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
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

**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

1 make from appropriated funds such expenditures (including expenditures for
2 personal services, rent, law books, books of reference, periodicals and
3 printing, binding and other necessities) as may be necessary in the
4 administration of this Title.

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

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

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

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

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

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

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

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

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

26 (1) A member of the Commission, if physically unable to
27 attend a meeting or hearing, may appear and participate in a meeting or

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

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

16 (d) The Commission *shall* maintain and keep open during
17 reasonable business hours, an office for the transaction of business. If any
18 member of the Commission is removed from office or for any reason ceases
19 to act as a member, all of his or her official records and papers *shall* be
20 transferred to his or her successor in office or to the Commission. No member
21 nor any business associate of a member shall appear as attorney in any
22 proceedings under this Title, and no member shall act in any such case in
23 which he or she is interested, or when he or she is employed by any party in
24 interest or related to any party in interest by consanguinity or affinity within
25 the third degree as determined by the common law. Members of the
26 Commission, except the Commissioner, *shall* receive Fifty Dollars (\$50) per
27 meeting or hearing attended, *not to exceed* One Hundred Dollars (\$100) per

1 month, and reimbursed for any reasonable expenses incurred in the
2 performance of their duty.

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

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

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

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

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

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

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

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

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