

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
156-37 (COR)	Therese M. Terlaje Chris Barnett	AN ACT RELATIVE TO EXPEDITING SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES, INCREASED SMALL PURCHASE LIMITS, DETAILING OF ADDITIONAL INSPECTORS, AND TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS AMENDING §4722 OF DIVISION 1, ARTICLE 7, CHAPTER 4 OF TITLE 26 GUAM ADMINISTRATIVE RULES AND REGULATIONS.	7/28/23 5:11 p.m.						
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	7/31/23	AN ACT TO AMEND § 4722 OF ARTICLE 7, CHAPTER 4, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPEDITING GDOE SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES; AND TO INCREASING SMALL PURCHASE LIMITS, THE DETAILING OF ADDITIONAL INSPECTORS, AND THE TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS FOR THE OPENING OF GDOE PUBLIC SCHOOLS.	8/3/23	8/3/23	8/15/23	37-33	8/5/23	Received: 8/5/23 Messages and Communications Doc. No. 37GL-23-0827	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to speaker@guamlegislature.org

August 5, 2023

HONORABLE THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

31GL-23-0827
**OFFICE OF THE SPEAKER
THERESE M. TERLAJE**

~~08~~ 05 2023

Time: 1:19 PM
Received: [Signature]

Re: Bill No. 156-37 (COR) - AN ACT TO AMEND § 4722 OF ARTICLE 7, CHAPTER 4, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPEDITING GDOE SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES; AND TO INCREASING SMALL PURCHASE LIMITS, THE DETAILING OF ADDITIONAL INSPECTORS, AND THE TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS FOR THE OPENING OF GDOE PUBLIC SCHOOLS

Håfa Adai Madame Speaker,

Bill No. 159-37 (LS), Bill No. 158-37 (LS), and Bill No. 156-37 (COR) each represent an honest effort at solving the crisis that the flawed passage of Public Law No. 37-4 created and the severe damage Typhoon Mawar caused.

None of these measures is a panacea for the challenges that face our public schools, but at least the Guam Department of Education (GDOE) can meet these challenges without the unreasonable burden of an arbitrary timeline—one that changed from one legislature to the next.


For the past several weeks, a community-wide effort engaging a myriad of organizations, government agencies, and the Guam National Guard has worked to help GDOE prepare our public schools for the opening of the school year. That effort has called on people from every walk of life. It is blind to partisanship or the last election, and most importantly, it has been focused unwaveringly on our school children.

RECEIVED
8/7/23 9:51am
BT

To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: August 5, 2023
Re: Bill No. 156-37 (COR) nka P.L. 37-33

For this reason, I thank the bipartisan efforts of Minority Leader Frank Blas, Jr. and Senator Dwayne San Nicolas. Recognizing a failure in policy and choosing to resolve it rather than lay blame demonstrates that government can come together to do good for Guam. For these reasons, I sign Bill No. 159-37 (LS), Bill No. 158-37 (LS), and Bill No. 156-37 (COR) into law as **Public Law No. 37-31, Public Law No. 37-32, and Public Law No. 37-33**, respectively.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

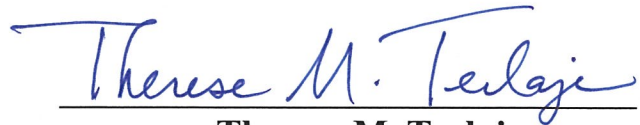
Enclosure: Bill No. 156-37 (LS), nka P.L. 37-33

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

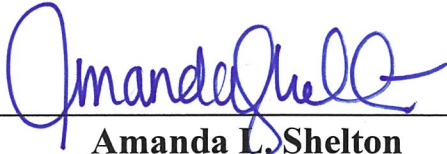
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 156-37 (COR)**, “AN ACT TO *AMEND* § 4722 OF ARTICLE 7, CHAPTER 4, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPEDITING GDOE SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES; AND TO INCREASING SMALL PURCHASE LIMITS, THE DETAILING OF ADDITIONAL INSPECTORS, AND THE TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS FOR THE OPENING OF GDOE PUBLIC SCHOOLS,” was on the 3rd day of August 2023, duly and regularly passed.



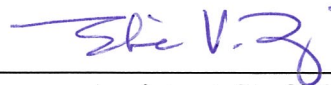
Therese M. Terlaje
Speaker

Attested:



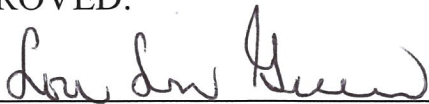
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 3rd day of AUGUST,
2023, at 4:33 o'clock P.M.



Assistant Staff Officer
***Maga'håga's* Office**

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 8/5/2023

Public Law No. 37-33

2023-19682
RCVD AT CENTRAL FILES
AUG 8 '23 PM 4:33

Elaine Tajalle

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2023 (FIRST) Regular Session

Bill No. 156-37 (COR)

Introduced by:

Therese M. Terlaje
Chris Barnett
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabina Flores Perez
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague

AN ACT TO *AMEND* § 4722 OF ARTICLE 7, CHAPTER 4, DIVISION 1 OF TITLE 26, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO EXPEDITING GDOE SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES; AND TO INCREASING SMALL PURCHASE LIMITS, THE DETAILING OF ADDITIONAL INSPECTORS, AND THE TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS FOR THE OPENING OF GDOE PUBLIC SCHOOLS.

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

2 **Section 1.** § 4722 of Article 7, Chapter 4, Division 1 of Title 26, Guam
3 Administrative Rules and Regulations, is hereby *amended* to read:

1 “§ 4722. **Variance.**

2 (a) In the event that a school or an operator is unable to comply
3 with certain requirements of these rules and regulations, upon a showing of
4 good cause which is not the result of negligence or malfeasance and if
5 corrective action is in progress, the Director may grant a variance from the
6 requirements of a particular rule by making a written determination. Before
7 a variance from a requirement of these rules is approved, the school or the
8 operator shall first submit a written statement of the proposed variance from
9 the requirement citing the relevant rule section numbers. The written
10 statement shall include an alternate plan to address the potential public
11 health hazards and nuisances under the relevant rule sections. The Director,
12 not his/her representative, is delegated the authority to approve such
13 variance.

14 (b) Reporting Requirement for GDOE Public Schools. The
15 Director shall submit a report on the fifth (5th) day of each month of all
16 written requests for variances submitted by a GDOE public school or
17 operator and received by DPHSS, whether such variances were approved
18 or denied, to the Guam Education Board and *I Liheslaturan Guåhan*. These
19 monthly reports shall be categorized by school or operator and shall cover
20 the preceding month.”

21 **Section 2. Small Purchase Limit.** Notwithstanding 5 GCA, Chapter 5,
22 Article 3, Subarticle B, § 5213, the small purchases limit for supplies or services
23 or construction for GDOE for the remainder of Fiscal Year 2023 and the first six
24 (6) months of Fiscal Year 2024 shall be Two Hundred Fifty Thousand Dollars
25 (\$250,000).

26 **Section 3. Governor Authorized to Detail Inspectors.** *I Maga'hågan*
27 *Guåhan* is hereby authorized to detail inspectors from the Department of Public

1 Works, the Guam Environmental Protection Agency, the Guam Fire Department,
2 or other agencies who can be trained by the DPHSS Division of Environmental
3 Health to assist Environmental Health Inspectors in school inspections up until
4 December 31, 2023.

5 **Section 4. Temporary Employment of Retired Government of Guam**
6 **Inspectors.** The Department of Public Health and Social Services (DPHSS) may
7 hire retired government of Guam inspectors if a critical need arises. DPHSS may
8 exercise this hiring authority for inspectors in the Division of Environmental
9 Health. Said retirees shall be hired at a minimum of Step 1 for the position in
10 question and shall not receive sick and annual leave. Notwithstanding § 8121(a)
11 of Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this
12 Section may continue to receive retirement benefits. Any employee hired under
13 this Section shall only be eligible to enroll in the Government of Guam Health
14 Insurance Program as an active employee. The Director of DPHSS shall submit a
15 report to *I Liheslaturan Guåhan* on July 1, 2024, and again thirty (30) days after
16 the end of the fiscal year, of the number of retired employees hired pursuant to
17 this Section, the positions filled, the length of employment, the cost of said hiring,
18 and the nature of the critical need that was filled.

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

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



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Siette na Liheslaturan Guåhan | 37th Guam Legislature
Committee on Health, Land, Justice and Culture

July 30, 2023

MEMORANDUM

TO: All Members, 37th Guam Legislature
FROM: Speaker Therese M. Terlaje *TMT*
SUBJECT: Call to Emergency Session – Monday, July 31, 2023 at 11:00 a.m.

Buenas yan Håfa Adai!

The Guam Department of Education has postponed the opening of schools until August 23, reporting that work is required by Facilities and Maintenance teams to bring schools into compliance with Rules and Regulations for School Building Sanitation. GDOE reported in public hearings that the sanitation issues preventing the schools' condition of readiness include typhoon damage, infrastructure issues, and long-standing maintenance issues which must be addressed before the opening of schools. GDOE reported to the legislature that some schools will not be able to open on time, some will not open during the school year, and many schools will need to conduct double sessions or conduct online learning in order to accommodate students from schools that cannot be repaired on time.

The Mayors have assisted GDOE, the Governor through FEMA has activated the Guam National Guard to clear and remove debris from the 41 GDOE schools and has directed the transfer of the \$20M originally appropriated by the Legislature to GDOE to the Office of Civil Defense for mold mitigation and other typhoon response. GDOE continues to make DLAN requests through the Office of Civil Defense for additional skilled assistance and equipment. In addition to volunteer parent and business support, GDOE Facilities and Maintenance support, and the outsourcing of Capital Improvement Projects, installation of equipment, and repair, schools continue to have dire need for expedited review of sanitation variance applications, additional equipment, additional skilled maintenance workers, additional experienced procurement officers, the assistance of the Department of Public Works, the Guam National Guard, Guam Waterworks Authority, Guam Power Authority and other agencies for building and infrastructure repair.

Without the repairs required for schools to be in compliance with Rules and Regulations for School Building Sanitation, students' health and safety is at risk. Delays to school opening beyond August 23 also puts student learning and overall health at risk. In light of these conditions, as Speaker, **I hereby certify that emergency conditions exist which justify an emergency session regarding the Guam Department of Education.**

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

Therefore, *I Liheslaturan Guåhan* will be called into Emergency Session on Monday, July 31, 2023 at 11:00 a.m. in the Guam Congress Building to address the urgent matters concerning the health and safety of the students of GDOE.

The public hearing on Bill 156-37(COR) has been waived pursuant to 2 GCA 2103, because a threat to the health and safety of public school students exists without sanitary inspections and without compliance to sanitary rules, and the bill aims to reduce health and safety risks to students by expediting the review by DPHSS Director of GDOE sanitary variance applications, increasing the small purchase limits for GDOE, and increasing the number of inspectors to ensure the safety of students and the timely opening of schools.

- Bill No. 156-37(COR)- Therese M. Terlaje/ Chris Barnett-AN ACT RELATIVE TO EXPEDITING SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES, INCREASED SMALL PURCHASE LIMITS, DETAILING OF ADDITIONAL INSPECTORS, AND TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS AMENDING §4722 OF DIVISION 1, ARTICLE 7, CHAPTER 4 OF TITLE 26 GUAM ADMINISTRATIVE RULES AND REGULATIONS.

Attached are other bills relevant to the urgent situation at GDOE which have had a public hearing, including:

- Bill No. 91-37(COR)- Joe S. San Agustin / Chris Barnett-AN ACT TO ADD A NEW §3134 OF ARTICLE 1, CHAPTER 3, TITLE 17, GUAM CODE ANNOTATED RELATIVE TO TEMPORARY EMPLOYMENT OF GUAM DEPARTMENT OF EDUCATION RETIRED FACILITIES AND MAINTENANCE PERSONNEL.
- Bill No. 149-37(COR)- Sabina Flores Perez- AN ACT TO ADD A NEW § 12217, DIVISION 4, CHAPTER 12, OF TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE ADOPTION OF RULES AND REGULATIONS TO IMPLEMENT PUBLIC LAW 37-6 PROVIDING TEMPORARY EXPEDITED PROCUREMENT PROTEST PROCEDURES FOR ACQUISITIONS FUNDED WITH AMERICAN RESCUE PLAN ACT, EDUCATION STABILIZATION FUND, OR HEAD START GRANT MONEYS ALLOTTED TO THE GUAM DEPARTMENT OF EDUCATION.

In the absence of a session agenda adopted by the Committee on Rules, notice is hereby given that all introduced bills listed at <https://guamlegislature.com/index/bills/> are potential items to be placed on the agenda pursuant to motion, standing rules and consistent with the emergency call.

The Daily Order of Business shall be as set forth in Section 1.02(c) of the 37th Guam Legislature's Standing Rules:

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

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1.02(c) Daily Order of Business. Unless some other order is adopted by the Committee on Rules or the Body, the Daily Order of Business of I Liheslaturan Guåhan shall be as follows: (i) Call to Order; (ii) Prayer; (iii) Recognition of a Recipient of *I Milåyan Mås Takhilo' Na Sakrafisu* (iv) Reciting of Inifresi; (v) Singing of Guam Hymn in CHamoru; (vi) Singing of National Anthem; (vii) Roll Call; (viii) Call for Approval of Legislative Journal; (ix) Communications and Petitions; (x) Messages from *I Maga'hågan Guåhan*; (xi) Reports of Standing Committees; (xii) Reports of Select Committees; (xiii) Introduction and First Reading of Bills and Resolutions; (xiv) Motions; (xv) Legislative Concurrence; (xvi) Consent Calendar; (xvii) Second Reading File; (xviii) Consideration of Daily File: (1) Third Reading File; and (2) Voting File; (xix) Brief Extension of Remarks (limited to five (5) minutes per Member); (xx) Announcements; and (xxi) Adjournment.

Thank you for your attention and cooperation.

cc: Executive Director
Clerk of the Legislature
Legislative Counsel
MIS
Protocol
Sgt. at Arms

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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