



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

7:00 PM 1:10

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

DEC 24 2009

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 135-30 (COR) "AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS) TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT SANITARY INSPECTIONS ON BEHALF OF DPHSS; AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22 OF GUAM CODE ANNOTATED" which I signed into law on November 27, 2009 as Public Law 30-64.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

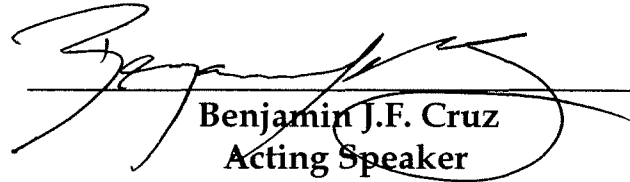
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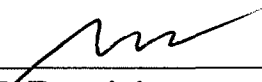
I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

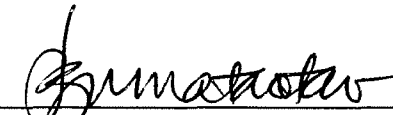
This is to certify that Substitute Bill No. 135-30 (COR), "AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS) TO HIRE ENVIRONMENTAL HEALTH SPECIALISTS AND TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT INSPECTIONS ON BEHALF OF DPHSS; AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED, BY AMENDING §7119 OF CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED," was on the 13<sup>th</sup> day of November, 2009, duly and regularly passed.

  
Benjamin J.F. Cruz  
Acting Speaker

Attested:

  
Rory J. Respicio  
Acting Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov.,  
2009, at  
4:25 o'clock P.M.

  
Assistant Staff Officer  
Maga'laha's Office

APPROVED:

  
FELIX P. CAMACHO

*I Maga'lahaen Guåhan*

Date: 27 Nov. 2009  
Public Law No. 30-64

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 135-30 (COR)**

As substituted by the Committee on Economic Development,  
Health & Human Services, and Judiciary, and amended on the Floor.

Introduced by:

T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
-----  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
M. J. Rector  
R. J. Respicio  
Ray Tenorio  
Telo Taitague  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW CHAPTER 26A TO DIVISION  
2 OF TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO AUTHORIZING THE DEPARTMENT  
OF PUBLIC HEALTH AND SOCIAL SERVICES  
(DPHSS) TO HIRE ENVIRONMENTAL HEALTH  
SPECIALISTS AND TO CONTRACT AN  
INDEPENDENT ENVIRONMENTAL HEALTH  
INSPECTION COMPANY(S) TO CONDUCT  
INSPECTIONS ON BEHALF OF DPHSS; AND TO FUND  
INSPECTION SERVICES FROM FEES AUTHORIZED  
TO BE COLLECTED, BY *AMENDING* §7119 OF  
CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that building contractors on Guam will be bringing in as many as 17,000 temporary  
4 workers, primarily H-2 laborers, as a result of the forthcoming military buildup. A  
5 majority of these workers will live in temporary workforce housing, and as such be  
6 susceptible to the environmental health hazards inherent to any large-scale  
7 communal living arrangement. In anticipation of this growth, and to protect the  
8 health of the entire Guam community – long-term residents and temporary workers  
9 alike – it is imperative that the DPHSS be provided the necessary resources to  
10 protect the public health through proper and consistent inspections of these  
11 temporary workforce housing.

12           *I Liheslaturan Guåhan* finds that an important component of the DPHSS is  
13 the regulation and enforcement conducted through the DPHSS, Division of  
14 Environmental Health (DEH). DEH is entrusted to reduce the risk of  
15 communicable diseases among workers and the public by establishing  
16 comprehensive, uniform procedures for permitting and inspecting temporary  
17 workforce housing.

18           The projected proliferation of temporary workforce housing, and the  
19 resulting increase in required site inspections, will add a substantial amount of  
20 workload upon an already understaffed Division of Environmental Health. In  
21 order to ensure the DEH will be able to effectively inspect temporary workforce  
22 housing and sustain its current inspection workload, *I Liheslaturan Guåhan* intends  
23 to authorize the DPHSS to: (1) hire up to fifteen (15) personnel, including,  
24 environmental health specialists, environmental health engineers, an administrative  
25 assistant and a customer service representative; and (2) contract an independent  
26 environmental health inspection company(s) to perform inspections of temporary

1 workforce housing and other required inspections related to temporary workforce  
2 housing as deemed necessary by the DPHSS.

3 It is further the intent of *I Liheslaturan Guåhan* to establish the general  
4 parameters by which the DPHSS will certify and contract an independent  
5 environmental health inspection company(s), and to direct DPHSS to develop and  
6 implement rules and regulations regarding sanitary inspections that will minimize  
7 or eliminate environmental health risks in the temporary workforce housing. This  
8 authorization affirms that DPHSS has the exclusive power to regulate and enforce  
9 temporary workforce housing inspections, to ensure that the inspections required to  
10 prevent public health emergencies are effectively accomplished, and to determine  
11 if environmental health specialists need to be hired, or if an independent  
12 environmental health inspection company(s) needs to be contracted to augment its  
13 inspection capacity.

14 **Section 2. Temporary Workforce Housing.** A new Chapter 26A of  
15 Division 2 of Title 10, Guam Code Annotated, is hereby *added* to read:

16 **“Chapter 26A**

17 **Temporary Workforce Housing**

18 **§26301. Definitions.**

19 (a) *Temporary worker* means:

- 20 (1) a worker from a point of origin outside of Guam who is  
21 sponsored by an employer, or has come to Guam on his own  
22 to seek employment for a specific project; and  
23 (2) is on Guam for the purpose of being employed for a specific  
24 work project expected to be completed in a specific period  
25 of time; and  
26 (3) will exit Guam upon completion of their work contract on  
27 this specific project.

1 (b) *Temporary workforce housing* means any enclosures of living  
2 spaces, reasonably contiguous, together with the land appertaining  
3 thereto, established, operated or used as living quarters and, at a  
4 minimum, fifty-one percent (51%) of the residents are temporary  
5 workers, including, but *not* limited to, facilities known by varying  
6 nomenclatures or designations as dormitories, hotels, motels, travel  
7 lodges, or tourist homes.

8 (c) *Change of Temporary Workforce Housing Status* means any  
9 significant variances to temporary workforce housing in relation to the  
10 most recent prior inspection. Such variances *shall* be determined or  
11 defined by the Department of Public Health and Social Services  
12 (DPHSS) and include, but *not* be limited to, significant change in the  
13 number of occupants, structural change, or change of ownership.

14 (d) *Sanitary Permit* means the official document issued by the DPHSS  
15 authorizing the establishment to operate its business.

16 (e) *Workers' Dormitory Permit* means the official sanitary permit  
17 issued by the DPHSS for temporary workforce housing.

18 (f) *Environmental Health Specialist* means an individual who has  
19 been hired to perform inspections in accordance with established  
20 DPHSS environmental health inspection procedures.

21 (g) *Independent Environmental Health Inspection Company* means an  
22 association, a corporation, individual, other legal entity or agency that  
23 is duly licensed to do business on Guam and has been certified by the  
24 DPHSS as being competent and capable to conduct sanitary  
25 inspections in accordance with established DPHSS environmental  
26 health inspection procedures.

1 (h) *Temporary Workforce Housing Operator* means a person, or  
2 business entity, who owns, leases or manages, or proposes to own,  
3 lease or manage, a temporary workforce housing, and herein *shall* be  
4 referred to as an *operator*.

5 **§26302. Powers and Duties.** The Department of Public Health  
6 and Social Services (DPHSS) is hereby authorized to establish and hire *up to*  
7 a total of fifteen (15) personnel to fill positions in the DPHSS Division of  
8 Environmental Health (DEH) to include: one (1) Environmental Health  
9 Supervisor, ten (10) Environmental Health Specialists, two (2)  
10 Environmental Health Engineers, one (1) Administrative Assistant, and one  
11 (1) Customer Service Representative, and to certify and contract an  
12 independent environmental health inspection company(s) to conduct sanitary  
13 inspections at temporary workforce housing, and other required inspections  
14 related to temporary workforce housing, as deemed necessary by DPHSS.

15 **§26302.1.** The recruitment and hiring of personnel to fill positions  
16 in the DPHSS Division of Environmental Health (DEH), to include: one (1)  
17 Environmental Health Supervisor, ten (10) Environmental Health  
18 Specialists, two (2) Environmental Health Engineers, one (1) Administrative  
19 Assistant, and one (1) Customer Service Representative, *shall* be in  
20 accordance with established Government of Guam Personnel regulations.

21 **§26302.2.** Contracting for the services of an independent  
22 environmental health inspection company(s) *shall* be in accordance with  
23 Government of Guam Procurement procedures, and in accordance with duly  
24 approved Rules and Regulations that establish the certification and operating  
25 parameters of a contracted independent environmental health inspection  
26 company. Said parameters *shall* include, but *not* be limited to, the  
27 following:

1 (a) The DPHSS *shall* determine certification requirements for the  
2 independent environmental health inspection company(s) and *shall*  
3 periodically review and evaluate the performance and eligibility of the  
4 company.

5 (b) Independent environmental health inspection company(s) under  
6 certification by DPHSS *shall* conduct sanitary inspections *only* on  
7 behalf of and at the direction of DPHSS.

8 (c) The company *does not* perform work for an operator of a  
9 temporary workforce housing or related company, which may require  
10 the sanitary inspection that may come under its inspection review,

11 (d) The company has *no* conflict of interest as determined by the  
12 DPHSS.

13 (e) The DPHSS reserves the right to terminate its contract with the  
14 company in the event that the company conducts negligent work.

15 (f) The DPHSS *shall* retain *sole* authority to grant sanitary permits.

16 (g) independent environmental health inspection company(s)  
17 certified by DPHSS *may* act as agents of DPHSS, provided that they  
18 meet the following criteria:

19 (1) The inspection company, or the organization of which it  
20 forms a part, *shall* be legally identifiable.

21 (2) An inspection body that is part of an organization involved  
22 in functions other than inspection *shall* be identifiable  
23 within that organization.

24 (h) The Director of DPHSS *shall* contract with an independent  
25 environmental health inspection company *only* as a last resort, after  
26 attempting to hire environmental health personnel pursuant to the  
27 merit system, and *only* if unable to fill the positions after utilizing all



1 local potential sources of recruitment, including GCC, UOG and other  
2 entities.

3 **§26303. Sanitary and Workers' Dormitory Permit for**  
4 **Temporary Workforce Housing, Required:**

5 (a) The operator of a temporary workforce housing must possess a  
6 valid sanitary and workers' dormitory permit issued by DPHSS,  
7 and be made available for inspection by DPHSS or its agent(s).

8 (b) The operator *shall* be responsible for applying for a sanitary  
9 and workers' dormitory permit with DPHSS and maintaining  
10 such valid sanitary and workers' dormitory permit as a  
11 condition for operating a temporary workforce housing.

12 (c) The operator *shall* apply for renewal of its workers' dormitory  
13 permit from DPHSS prior to the June 30 expiration date and the  
14 payment thereof *shall* be deposited into the Environmental  
15 Health Fund.

16 (d) The operator *shall* apply for the renewal of a sanitary permit  
17 from DPHSS in accordance with §26304 and the payment  
18 thereof *shall* be deposited into the Environmental Health Fund.

19 **§26304. Sanitary Inspections, Phases:** For the purposes of  
20 sanitary regulation, permitting of temporary workforce housing *shall* be  
21 required during each of the following phases:

22 (a) Primary Inspection Phase:

23 (1) During the Primary Inspection Phase, sanitary  
24 inspections *shall* be conducted quarterly following the  
25 issuance of the initial sanitary permit.

26 (2) The Primary Inspection Phase *shall* apply to all  
27 temporary workforce housing, new or currently existing,

1 and *shall* endure until four (4) consecutive quarters of  
2 satisfactory inspections have been achieved.

- 3 (3) Inspection during the Primary Inspection Phase *shall* be  
4 performed no sooner than forty-five (45) days of the  
5 previous inspection conducted. *If* an inspection occurs  
6 sooner than forty-five (45) days of the previous  
7 inspection conducted, the inspection shall *not* qualify as  
8 one of the quarterly inspections required.

9 (b) Secondary Inspection Phase:

- 10 (1) Secondary Inspection Phase *shall* be applied following  
11 successful completion of the Primary Inspection Phase,  
12 as defined in §26304(a).
- 13 (2) During the Secondary Inspection Phase, inspections *shall*  
14 be conducted on a semiannual basis.
- 15 (3) Inspection during the Secondary Inspection Phase *shall*  
16 be performed no sooner than ninety (90) days from the  
17 previous inspection conducted. *If* an inspection occurs  
18 sooner than ninety (90) days of the previous inspection  
19 conducted, the inspection shall *not* qualify as one of the  
20 semiannual inspections required.
- 21 (4) Successful completion of the Secondary Inspection Phase  
22 *shall* consist of two (2) consecutive semiannual  
23 inspections that were rated satisfactory.
- 24 (5) Following a failed inspection or Change of Temporary  
25 Workforce Housing Status, the temporary workforce  
26 housing in question *shall* return to the Primary Inspection  
27 Phase.

1 (c) Tertiary Inspection Phase:

- 2 (1) During the Tertiary Inspection Phase, inspections will be  
3 conducted on an annual basis.
- 4 (2) Inspection during the Tertiary Phase *shall* be performed  
5 no sooner than one hundred eighty (180) days from the  
6 previous inspection conducted. If an inspection occurs  
7 sooner than one hundred eighty (180) days of the  
8 previous inspection conducted, the inspection will *not*  
9 qualify as one of the annual inspections required.
- 10 (3) Following a failed inspection or Change of Temporary  
11 Workforce Housing Status, the temporary workforce  
12 housing in question *shall* return to the Primary Inspection  
13 Phase.

14 **§26305. Fees.**

15 (a) When any re-inspection is required pursuant to §26304 of this  
16 Chapter, the operator *shall* pay a fee, established by rules and regulations  
17 promulgated by DPHSS, for each re-inspection.

18 (b) All fees due must be paid before a valid sanitary and workers'  
19 dormitory permit will be issued or renewed.

20 (c) Permit is *not* transferable.

21 (d) There will be *no* charges for the following types of inspections,  
22 provided a current permit has been issued:

- 23 (1) Validation inspections; and  
24 (2) Complaint verification inspections.

25 (e) All sanitary and workers' dormitory permit fees collected under  
26 this Chapter *shall* be deposited in the Environmental Health Fund created  
27 in 10 GCA Chapter 22, §22107.

1                   **§26306.     DPHSS Sanitary Inspection Revolving Fund.**

2           (a) There is hereby created the DPHSS Sanitary Inspection  
3 Revolving Fund, which *shall* be accounted for separately from the  
4 General Fund and shall *not* lapse at the end of a fiscal year but *shall* roll-  
5 over until used by the DPHSS for the overall cost of conducting sanitary  
6 inspections of temporary workforce housing and other required  
7 inspections that it deems necessary, including, but *not* limited to, hiring  
8 employees authorized to be hired under this Act, the purchase of  
9 vehicles, conducting or attending training, or the purchase of related  
10 equipment.

11                   (b) Payment to contracted independent environmental health  
12 inspection company(s) for services rendered *shall* be paid from the  
13 DPHSS Sanitary Inspection Revolving Fund.

14                   (c) Notwithstanding the Central Accounting Act, fees  
15 collected and deposited into a special fund known as the DPHSS Sanitary  
16 Inspection Revolving Fund *shall* be kept in a bank licensed to do  
17 business on Guam and funds *shall* be paid out only upon a request for  
18 payment or requisition submitted by the Director of DPHSS. All monies  
19 in this Fund *shall* be subject to legislative appropriation, and are hereby  
20 specifically appropriated *only* for the use of the Division of  
21 Environmental Health in the pursuit of its authority.

22                   **§26307.     Receiving and Giving Bribes.** The sanitary inspection  
23 agent from DEH, or the independent environmental health inspection  
24 company(s), *shall* be guilty of a felony if he or she solicits, accepts or agrees  
25 to accept any benefit from another person as consideration for his or her  
26 performance of an official function. A person is guilty of a felony if he or  
27 she offers, or agrees to offer, any benefit to the sanitary inspection agent as

1 consideration for such sanitary inspection agent’s performance of an official  
2 function.

3 **§26308. Effective Date.**

4 (a) Upon passage of this Act, the DPHSS *shall* develop rules and  
5 regulations and *shall* submit same to *I Liheslatura no later than* ninety (90)  
6 days following the passage of this Act.

7 (b) The rules and regulations *shall* become effective upon adoption  
8 by *I Liheslaturan Guåhan.*”

9 **Section 3.** §7119 of Chapter 7, Title 22, Guam Code Annotated, is hereby  
10 *amended* to read:

11 **“§7119. Registration Fee.**

12 (a) The Guam Department of Labor is authorized to collect a  
13 registration fee of One Thousand Ninety-one Dollars (\$1,091.00) annually  
14 per non-immigrant temporary worker for each calendar year or a fraction  
15 thereof from the employer of each non-immigrant temporary worker,  
16 payable at the time of registration by the non-immigrant worker.

17 (b) Funds collected pursuant hereto *shall* be subject to legislative  
18 appropriation, and *shall* be used solely to support §7120, Chapter 7, Title 22,  
19 GCA, the Manpower Development Fund (MDF), and the Skills Training  
20 Programs for Guam residents in order to eliminate the need to bring non-  
21 immigrant temporary workers on Guam; and Chapter 26A Division 2 of  
22 Title 10, GCA, the DPHSS Sanitary Inspection Revolving Fund, which is  
23 used to ensure that the sanitary conditions of the workers’ dormitories is in  
24 compliance with DPHSS Rules and Regulations, and also to provide  
25 protection for both the general public and the non-immigrant temporary  
26 workers as related to environmental health concerns.

1           (c)    One Thousand Dollars (\$1000.00) of funds collected *shall* go to  
2           the MDF and appropriated pursuant to §7120, Chapter 7, Title 22 GCA; the  
3           remaining Ninety-One Dollars (\$91.00) *shall* go to the DPHSS Sanitary  
4           Inspection Revolving Fund.”

5           **Section 4. Effective Date.**   This Act *shall* be effective sixty (60) days  
6           from date of enactment.

7           **Section 5. Severability.** *If* any provision of this law or its application to  
8           any person or circumstance is found to be invalid or contrary to law, such  
9           invalidity *shall not* affect other provisions or applications of this law which can be  
10          given effect without the invalid provisions or applications, and to this end the  
11          provisions of this law are severable.

6

# I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Date: Nov. 13, 2009

## VOTING SHEET

5 Bill No. 135-30 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					EA
BLAS, Frank F., Jr.		✓			
CALVO, Edward J.B.		✓			
CRUZ, Benjamin J. F. /	✓				
ESPALDON, James V. //	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RECTOR, Matthew	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray /		✓			
WON PAT, Judith T.	✓				

TOTAL

11    3    \_\_\_\_\_    \_\_\_\_\_    1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

October 23, 2009

Honorable Judith T. Won Pat  
Speaker  
*I Mina' Trenta na Liheslaturan Guåhan*  
155 Hesler Place  
Hagatña, Guam 96910

2009 OCT 27 PM 1:49  
MWC

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report – Bill No. 135 (COR)**

Dear Speaker Won Pat:

The Committee on Economic Development, Health & Human Services, and Judiciary, to which was referred **BILL NO. 135 (COR)** – “AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, AUTHORIZING DPHSS TO HIRE ENVIRONMENTAL HEALTH SPECIALISTS, TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT INSPECTIONS ON BEHALF OF DPHSS, AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22, GUAM CODE ANNOTATED”, as substituted by the Committee, hereby reports out with the recommendation ~~TO DO PASS~~ to report out.

Committee votes are as follows:

- 3        **TO PASS**
- NOT TO PASS**
- ABSTAIN**
- 4        **TO REPORT OUT ONLY**
- TO PLACE IN INACTIVE FILE**

Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
*Chairman*

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

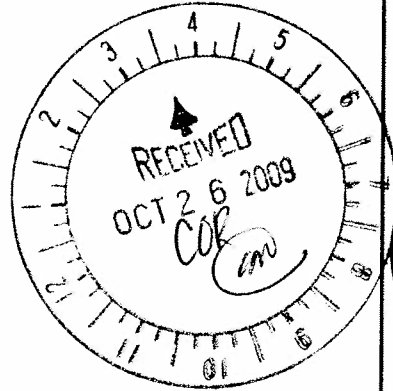
**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR







---

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
***(30<sup>TH</sup> GUAM LEGISLATURE)***

**COMMITTEE ON  
ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES,  
AND JUDICIARY**

**SENATOR FRANK B. AGUON, JR.**  
Chairman

**COMMITTEE REPORT**

**BILL NO. 135 (COR)**

introduced by

Senator Thomas C. Ada

Senator Adolpho B. Palacios, Sr.

Senator Frank B. Aguon, Jr.

And

As substituted by the Committee on Economic  
Development, Health & Human Services, and Judiciary

AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING DPHSS TO HIRE ENVIRONMENTAL HEALTH SPECIALISTS, TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT INSPECTIONS ON BEHALF OF DPHSS, AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22 OF GUAM CODE ANNOTATED.



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature*  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

October 23, 2009

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**MEMORANDUM**

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**TO:** Committee Members

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**FROM:** Chairman

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**SUBJECT: Committee Report**  
**Bill No. 135 (COR)**, as substituted by the Committee on  
Economic Development, Health & Human Services, and Judiciary

**THOMAS C. ADA**  
SENATOR

Transmitted herewith for your information and action is the Committee Report on **BILL NO. 135 (COR)**, as substituted by the Committee on Economic Development, Health & Human Services, and Judiciary.

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

Please take the appropriate action on the voting sheet. Your attention and cooperation on this matter is greatly appreciated.

**FRANK F. BLAS, JR.**  
SENATOR

If you have any questions regarding the report or accompanying documents, please feel free to call my office.

**TELO TAITAGUE**  
SENATOR

Respectfully,

**RAY TENORIO**  
SENATOR

SENATOR FRANK B. AGUON, JR.

Attachments

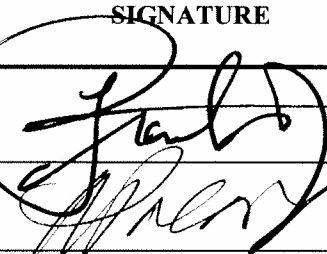
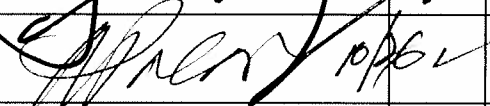


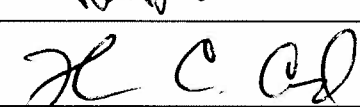
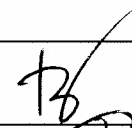
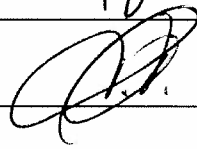


**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature  
 238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
 Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

## COMMITTEE VOTING SHEET

**BILL NO. 135 (COR)**, as substituted by the Committee  
 on Economic Development, Health & Human Services,  
 and Judiciary

– AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING DPHSS TO HIRE ENVIRONMENTAL HEALTH SPECIALISTS, TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT INSPECTIONS ON BEHALF OF DPHSS, AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22 OF GUAM CODE ANNOTATED.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
FRANK B. AGUON, JR. Chairman		<input checked="" type="checkbox"/>	<input type="checkbox"/>			
ADOLPHO B. PALACIOS, SR. Vice Chairman		<input checked="" type="checkbox"/>	<input type="checkbox"/>			
BENJAMIN J.F. CRUZ Vice Speaker		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
TINA ROSE MUÑA BARNES Legislative Secretary		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
THOMAS C. ADA		<input checked="" type="checkbox"/>	<input type="checkbox"/>			
JUDITH P. GUTHERTZ						
RORY J. RESPICIO						
FRANK F. BLAS, JR.				<input checked="" type="checkbox"/>		
TELO TAITAGUE				<input checked="" type="checkbox"/>		
RAY TENORIO				<input checked="" type="checkbox"/>		

## I. OVERVIEW

The Committee on Economic Development, Health and Human Services, and Judiciary held a public hearing on Thursday, July 15, 2009, 1:30 pm, at *I Liheslaturan Guåhan's* Public Hearing Room on **BILL NO. 135 (COR)**,

**AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING DPHSS TO HIRE ENVIRONMENTAL HEALTH SPECIALISTS, TO CONTRACT AN INDEPENDENT ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO CONDUCT INSPECTIONS ON BEHALF OF DPHSS, AND TO FUND INSPECTION SERVICES FROM FEES AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER 7, TITLE 22 OF GUAM CODE ANNOTATED.**

Notices of the public hearings were disseminated to all local media via fax and publication, and are attached herein meeting the requirements of the Open Government Law.

### **Committee Members and Senators present:**

Senator Frank B. Aguon, Jr., Chairman  
Senator Adolpho B. Palacios, Sr., Vice Chairman  
Senator Thomas C. Ada  
Senator Telo Taitague

## II. SUMMARY OF TESTIMONY

- ❖ **Mr. J. Peter Roberto**, Director, Department of Public Health & Social Services submitted written testimony.
- ❖ **Mr. M.T. Nadeau**, Administrator, Division of Environmental Health, DPHSS, provided oral testimony. Acknowledged that the Division of Environmental Health is in need of additional support and assistance. However, prefers that if funds were provided, then they could directly recruit needed personnel to meet the mandates of the programs of the division. Pointed out that there are other important program mandates that deserve attention, and that some programs have never even been implemented.

All written testimonies are attached to this report.

### III. COMMENTS AND DISCUSSION

**Chairman Aguon** began the discussion by speaking to the issue of the acknowledged needs of the various programs of the Division of Environmental Health. Numerous mandates not being complied with because of the obvious issues of inadequate staffing.

**Senator Thomas C. Ada**, author of Bill No. 135, explained the purpose of the bill.

- The thrust of the Bill recognizes the fact that the Division of Environmental Health, Department of Public Health & Social Services, is the division tasked with conducting inspections of restaurants, stores and schools , etc, and that currently they are understaffed. And further, recognizing that with the influx of 17,00 temporary workers, and that these worker are going to be housed in temporary workforce housing, those are certainly activities that need to be monitored constantly, and to insure that living conditions are up to standards in order to avoid the potential of disease in the camps. And should diseases break out in the camps it could very easily spread to the community, cause a serious health situation, and further strain our public health system which is already overburdened.
- Authorizes the DPHSS to be able to contract companies, using certain criteria to determine competence and independence, to be able to go out and inspect these workforce housing facilities, and other activities that the department deems need to be inspected using these contracted companies.
- Funding source for contractual services will come from the additional fees that are to be tagged onto the annual fees assessed for each H2 worker that comes onto the island; an additional \$243 to the existing \$1,000 fee, which would then be deposited into a special account and would be used to pay those companies that are doing the inspections.
- Bill covers much of what needs to be covered from a policy standpoint, and that it can be scheduled for a mark-up hearing to insure that whatever gaps there may be, and that they are incorporated into the Bill.

**J. Peter Roberto, Director, Department of Public Health & Social Services**, accompanied by **Mr. Tom Nadeau, Administrator, Division of Environmental Health (DPH&SS)**, began by stating that with respect to whether we are in favor or opposed, I think that we should lean more in favor to strengthen this Bill. As I proceed with my written testimony, I think that the intent is right and that we should come together. I know that there is no oppose or in favor, but that we need to strengthen it.

Page 2 of 4

Public Hearing

Bill No. 135(COR)

**Chairman Aguon:** When you say that you're leaning in favor of the proposal, I'm hopeful that the department will look at this as a measure that can conceivably provide reinforcements and additional resources to the agency to carry out its' mandates, especially in light of the next four or five years, when the additional influx of H2 workers may necessitate that they may be housed in one location, maybe even 500 individuals in one location, we want to be sure that any health that health issues are properly addressed and brought to the attention of the department. Right now there's this direct recognition that the division is heavily tasked, versus the mandate and comparison of the resources, as well as the budget that has been provided in recent years, it continues to be heavily tasked. The division already deals with some critical issues, are over tasked, and now we're looking at an influx of workers. How can we reinforce the proposal so that it accomplishes the objective, but it does not overly task the division more than where it is today?

**Director Roberto:** [In response, submitted and read written testimony].

**Tom Nadeau, Administrator, Division of Environmental Health.** Stated he believed the Division could address their mandates with the proper resources and that he was not in favor of a third party contractor. Stated there are numerous other mandates of the division, many of which he considered even more important than inspecting dorms, that need attention.

**Chairman Aguon:** Spoke to the issues of Guam's growing economy and the increasing burden with which we are faced relative to health. Stated the bill hopes to alleviate some of the burden.

**Senator Thomas C. Ada.** Stated that his intention was not to replace the Division or its' inspection activity, but more so to provide it the additional resources, at least with regard to the workforce.

Discussed the purpose of the bill, and further, that such concepts are not novel and are in fact utilized worldwide pursuant to strict international ISO standards. Also noted that the bill has a *sunset* provision and would end in the year 2015. The anticipated influx of workers has a five year estimate. Contractual services could be discontinued with the reduction of the labor workforce, as compared to furloughing classified government employees who may be needed now, but not necessarily later.

Again, I would emphasize, that the bill does not mandate that that the department has to go out and contract inspection companies to go do the work. It just gives the department the authority to do it, should they so desire. If the department feels it can adequately maintain its current workload with 12 field personnel, even in light of the work camp buildup and other

increasing demands, then that's their prerogative. All the bill says is that; Mr. Director here's your authority and here's the funding source, and you can do these inspections and other requirements you deem necessary.

**Tom Nadeau:** If that's the case where we are given the authority and it's not mandated that we shall contract out these activities, then, maybe that's something we can work with.

**Senator Adolpho Palacios:** Stated that aside from Bill 135, we still need to enforce and strengthen the regulatory part of the division.

**Senator Telo Taitegue:** Inquired as to the status and function of the Environment Health Fund. *Director Roberto explained that the EHF is not a true 'locked box' type of fund in that it is comingled in the General Fund. That with Bill 135, there is a distinct line outside of which the funds could not be used for other purposes. Tom Nadeau stated that a separate account needs to be created that is isolated from other accounts and interests.*

**CHAIRMAN AGUON:** There being no further discussion from the committee members, Chairman Aguon concluded the hearing on Bill No. 30 (COR).

## **I. FINDING AND RECOMMENDATION**

The Committee finds that there is an increasing demand and burden being placed upon the regulatory resources of the Division of Environmental Health, DPHSS. This is directly due to the current increase in economic activities, as well as the continuing population increase and its inherent demands. Now, with the likelihood of a significant influx in temporary workforce personnel in the imminent future, as well as other associated factors, it is crucial that concrete steps be taken to facilitate and supplement the regulatory resources of the Division of Environmental Health in their mission of protecting the public's health and wellbeing.

The Committee on Economic Development, Health and Human Services, and Judiciary, to which the Bill No. 30 (COR) was referred, finds that the bill, a, substituted by the Committee, should be reported out for consideration by the Legislature.

The Committee hereby submits its findings and recommendation to *I Mina' Trenta na Lehislaturan Guðhan* **TO REPORT OUT ONLY.**

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2009 (FIRST) Regular Session**

Bill No. 135-30 (COR), as substituted  
by the Committee on Economic Development,  
Health & Human Services, and Judiciary

Introduced by:

T.C. Ada  
A.B. Palacios, Sr.  
F.B. Aguon, Jr.

**AN ACT TO ADD A NEW CHAPTER 26A TO DIVISION  
2 OF TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO AUTHORIZING DPHSS TO HIRE  
ENVIRONMENTAL HEALTH SPECIALISTS, TO  
CONTRACT AN INDEPENDENT ENVIRONMENTAL  
HEALTH INSPECTION COMPANY(S) TO CONDUCT  
INSPECTIONS ON BEHALF OF DPHSS, AND TO FUND  
INSPECTION SERVICES FROM FEES AUTHORIZED  
TO BE COLLECTED UNDER §7119 OF CHAPTER 7,  
TITLE 22 OF GUAM CODE ANNOTATED.**

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

**2 Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that  
3 building contractors on Guam will be bringing in as many as 17,000  
4 temporary workers, primarily H-2 laborers, as a result of the forthcoming  
5 military buildup. A majority of these workers will live in temporary  
6 workforce housing, and as such be susceptible to the environmental health  
7 hazards inherent to any large-scale communal living arrangement. In  
8 anticipation of this growth, and to protect the health of the entire Guam  
9 community – long-term residents and temporary workers alike – it is  
10 imperative that the DPHSS be provided the necessary resources to protect  
11 the public health through proper and consistent inspections of these  
12 temporary workforce housing.



1            *I Liheslaturan Guåhan* finds that an important component of the  
2 DPHSS is the regulation and enforcement conducted through the DPHSS,  
3 Division of Environmental Health (DEH). DEH is entrusted to reduce the  
4 risk of communicable diseases among workers and the public by  
5 establishing comprehensive, uniform procedures for permitting and  
6 inspecting temporary workforce housing.

7            The projected proliferation of temporary workforce housing, and the  
8 resulting increase in required site inspections, will add a substantial amount  
9 of workload upon an already understaffed Division of Environmental  
10 Health. In order to ensure the DEH will be able to effectively inspect  
11 temporary workforce housing and sustain its current inspection workload, *I*  
12 *Liheslaturan Guåhan* intends to authorize the DPHSS to: (1) hire up to  
13 fifteen (15) limited-term Environmental Health Specialists (LTA), and (2)  
14 contract independent Environmental Health Inspection company(s) to  
15 perform inspections of temporary workforce housing and other required  
16 inspections related to temporary workforce housing as deemed necessary by  
17 the DPHSS.

18            It is further the intent of *I Liheslaturan Guåhan* to establish the  
19 general parameters by which the DPHSS will certify and contract  
20 independent environmental health inspection company(s) and to direct  
21 DPHSS to develop and implement rules and regulations regarding sanitary  
22 inspections that will minimize or eliminate environmental health risks in  
23 temporary workforce housing. This authorization  
24 affirms that DPHSS has the exclusive power to regulate and enforce  
25 temporary workforce housing inspections, to ensure that the inspections  
26 required to prevent public health emergencies are effectively accomplished,  
27 and to determine if services of Environmental Health Specialists (LTA) need

1 to be hired or if an independent Environmental Health Inspection  
2 company(s) need to be contracted to augment its inspection capacity.

3 **Section 2. Temporary Workforce Housing.** A new chapter 26A of  
4 Division 2 of Title 10, Guam Code Annotated, is hereby *added* to read:

5 **“Chapter 26A**

6 **Temporary Workforce Housing**

7 **§26301. Definitions.**

8 (a) *Temporary worker* means:

9 (1) A worker from a point origin outside of Guam, who is  
10 sponsored by an employer or has come to Guam on his  
11 own to seek employment for a specific project, and;

12 (2) Is on Guam for the purpose of being employed for a  
13 specific work project expected to be completed in a  
14 specific period of time, and;

15 (3) Will exit Guam upon completion of their work contract  
16 on this specific project.

17 (b) *Temporary workforce housing* means any enclosures of  
18 living spaces, reasonably contiguous, together with the land  
19 appertaining thereto, established, operated or used as living  
20 quarters and at minimum Fifty-one percent (51%) of the  
21 residents are temporary workers, including but not limited to  
22 facilities known by varying nomenclatures or designations as  
23 dormitories, hotels, motels, travel lodges, or tourist homes.

24 (c) *Change of Temporary Workforce Housing Status* means any  
25 significant variances to temporary workforce housing in  
26 relation to the most recent prior inspection. Such variances  
27 shall be determined or defined by the Department of Public

1 Health and Social Services (DPHSS) and include, but not be  
2 limited to, significant change in the number of occupants,  
3 structural change, or change of ownership.

4 (d) *Sanitary Permit* means the official document issued by the  
5 DPHSS authorizing the establishment to operate its business.

6 (e) *Workers' Dormitory Permit* means the official sanitary  
7 permit issued by the DPHSS for temporary workforce housing.

8 (f) *Environmental Health Specialist (LTA)* means an individual  
9 who has been hired to perform inspections in accordance with  
10 established DPHSS environmental health inspection  
11 procedures, and whose appointment shall expire no later than  
12 September 30, 2015.

13 (g) *Independent Environmental Health Inspection Company*  
14 means an association, a corporation, individual, other legal  
15 entity or agency that is duly licensed to do business on Guam  
16 and has been certified by the DPHSS as being competent and  
17 capable to conduct sanitary inspections in accordance with  
18 established DPHSS environmental health inspection  
19 procedures.

20 (h) *Temporary Workforce Housing Operator* means a person or  
21 business entity, who owns, leases or manages or proposes to  
22 own, lease or manage a temporary workforce housing and from  
23 this point forward shall be referred to as an "operator".

24 **§26302. Powers and Duties.** The Department of Public Health and  
25 Social Services (DPHSS) is hereby authorized to hire up to fifteen (15)  
26 Environmental Health Specialists (LTA) and to certify and contract  
27 Independent Environmental Health Inspection Company(s) to conduct

1 sanitary inspections at temporary workforce housing, and other required  
2 inspections related to temporary workforce housing as deemed necessary by  
3 DPHSS.

4 **§26302.1.** The recruitment and hiring of Environmental Health  
5 Specialists (LTA) shall be in accordance with established Government of  
6 Guam Personnel regulations.

7 **§26302.2.** Contracting for the services of an independent  
8 Environmental Health Inspection company(s) shall be in accordance with  
9 Government of Guam Procurement procedures, and in accordance with duly  
10 approved Rules and Regulations that establish the certification and operating  
11 parameters of a contracted Independent Environmental Health Inspection  
12 company. Said parameters shall include, but not be limited to the following:

- 13 (a) The DPHSS shall determine certification requirements for  
14 the Independent Environmental Health Inspection  
15 Company(s) and shall periodically review and evaluate the  
16 performance and eligibility of the Company.
- 17 (b) Independent Environmental Health Inspection Company(s)  
18 under certification by DPHSS shall conduct sanitary  
19 inspections only on behalf of and at the direction of DPHS,
- 20 (c) The Company does not perform work for an operator of a  
21 temporary workforce housing or related company, which  
22 may require the sanitary inspection that may come under its  
23 inspection review,
- 24 (d) The Company has no conflict of interest as determined by  
25 the DPHSS,

1 (e) The DPHSS reserves the right to terminate its contract with  
2 the company in the event that the company conducts  
3 negligent work,

4 (f) The DPHSS shall retain sole authority to grant sanitary  
5 permits,

6 (g) Independent Environmental Health Inspection Company(s),  
7 certified by DPHSS, may act as agents of DPHSS provided that  
8 they meet the following criteria:

9 (1) The Inspection Company, or the organization of  
10 which it forms a part, shall be legally identifiable.

11 (2) An inspection body that is part of an organization  
12 involved in functions other than inspection shall be  
13 identifiable within that organization.

14 **§26303. Sanitary and Workers' Dormitory Permit for**  
15 **Temporary Workforce Housing, Required:**

16 (a) The operator of a temporary workforce housing must  
17 possess a valid sanitary and workers' dormitory permit  
18 issued by DPHSS, and make available for inspection by  
19 DPHSS or its agent(s).

20 (b) The operator shall be responsible for applying with DPHSS  
21 for a sanitary and workers' dormitory permit and  
22 maintaining each a valid sanitary and workers' dormitory  
23 permit as a condition for operating a temporary workforce  
24 housing.

25 (c) The operator shall apply for renewal of its workers'  
26 dormitory permit from DPHSS prior to the June 30

1 expiration date and the payment thereof shall be deposited  
2 into the Environmental Health Fund.

3 (d) The operator shall apply for the renewal of a sanitary permit  
4 from DPHSS in accordance with §26304 and the payment  
5 thereof shall be deposited in to the Environmental Health  
6 Fund.

7 **§26304. Sanitary Inspections, Phases:** For the purposes of sanitary  
8 regulation, permitting of temporary workforce housing shall be  
9 required during each of the following phases:

10 (a) Primary Inspection Phase:

11 (1) During the Primary Inspection Phase, sanitary  
12 inspections shall be conducted quarterly following the  
13 issuance of the initial sanitary permit; and,

14 (2) The Primary Inspection Phase shall apply to all  
15 temporary workforce housing, new or currently existing  
16 and shall endure until four consecutive quarters of  
17 satisfactory inspections have been achieved.

18 (3) Inspection during the Primary Phase shall be performed  
19 no sooner than 45-days of the previous inspection  
20 conducted. If an inspection occurs sooner than 45-days  
21 of the previous inspection conducted, the inspection shall  
22 not qualify as one of the quarterly inspections required.

23 (b) Secondary Inspection Phase:

24 (1) Secondary Inspection Phase shall be applied following  
25 successful completion of the Primary Inspection Phase,  
26 as defined in §26304(a), and,

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- (2) During the Secondary Inspection Phase, inspections shall be conducted on a semiannual basis.
- (3) Inspection during the Secondary Phase shall be performed no sooner than 90-days from the previous inspection conducted. If an inspection occurs sooner than 90-days of the previous inspection conducted, the inspection shall not qualify as one of the semiannual inspections required.
- (4) Successful completion of the Secondary Inspection Phase shall consist of two consecutive semiannual inspections that were rated satisfactory; and,
- (5) Following a failed inspection or Change of Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

(c) Tertiary Inspection Phase:

- (1) During the Tertiary Inspection Phase, inspections will be conducted on an annual basis; and,
- (2) Inspection during the Tertiary Phase shall be performed no sooner than 180-days from the previous inspection conducted. If an inspection occurs sooner than 180-days of the previous inspection conducted, the inspection will not qualify as one of the annual inspections required.
- (3) Following a failed inspection or Change of Temporary Workforce Housing Status, the temporary workforce housing in question shall return to the Primary Inspection Phase.

1           **§55105 26305. Permit Fees.**

2           (a) Every inspection as defined in §26304 and regardless of  
3           the findings, will be accompanied by a fee established by the rules  
4           and regulations promulgated by DPHSS.

5           (b) When any re-inspection is required pursuant to §26304 of  
6           this chapter, the operator shall pay a fee, established by rules and  
7           regulations promulgated by DPHSS, for each re-inspection.

8           (c) All fees due must be paid before a valid sanitary and  
9           workers' dormitory permit will be issued or renewed.

10          (d) Permit is not transferable.

11          (e) There will be no charges for the following types of  
12          inspections provided a current permit has been issued:

13                 (1) Validation inspections; and,

14                 (2) Complaint verification inspections.

15          (f) All sanitary and workers' dormitory permit fees collected  
16          under this Chapter shall be deposited into the Environmental  
17          Health Fund created in 10 GCA Chapter 22, Section 22107.

18           **§26306 DPHSS Sanitary Inspection Revolving Fund**

19          (a) There is hereby created the DPHSS Sanitary Inspection  
20          Revolving Fund, which shall be accounted for separately from the  
21          General Fund and shall not lapse at the end of a fiscal year but  
22          shall roll-over until used by the DPHSS for the overall cost of  
23          conducting sanitary inspections of temporary workforce housing  
24          and other required inspections that it deems necessary, including  
25          but not limited to hiring Environmental Health Specialists (LTA),  
26          the purchase of vehicles, conducting or attending training, or the  
27          purchase of related equipment.



1 (b) Payment to contracted Independent Environmental  
2 Health Inspection Company(s) for services rendered shall be paid  
3 from the DPHSS Sanitary Inspection Revolving Fund.

4 (c) Notwithstanding the Central Accounting Act, fees  
5 collected and deposited into a special fund known as the DPHSS  
6 Sanitary Inspection Revolving Fund shall be kept in a bank  
7 licensed to do business on Guam and funds shall be paid out only  
8 upon a request for payment or requisition submitted by the  
9 Director of DPHSS. All monies in this fund shall be subject to  
10 legislative appropriation, and are hereby specifically appropriated  
11 only for the use of the Division of Environmental Health in the  
12 pursuit of its authority.

13 **§26307. Receiving and Giving Bribes.** The sanitary inspection  
14 agent from DEH or the Independent Environmental Health Inspection  
15 Company(s), shall be guilty of a felony if he or she solicits, accepts or agrees  
16 to accept any benefit from another person as consideration for his or her  
17 performance of an official function. A person is guilty of a felony if he or  
18 she offers or agrees to offer any benefit to the sanitary inspection agent as  
19 consideration for such sanitary inspection agent's performance of an official  
20 function.

21 **§26308. Effective Date**

22 (a) Upon passage of this Act, the DPHSS shall develop  
23 Rules and Regulations and shall submit same to the Legislature no  
24 later than 90 days following the passage of this Act.

25 (b) The Rules and Regulations shall become effective upon  
26 the adoption of the Rules and Regulations by *I Liheslaturan Guåhan*.

1 (c) This Act shall expire on September 30, 2015 unless  
2 extended by legislative action and executive approval.

3 **Section 3. Amendments of Section 7119 of Chapter 7, Title 22 of**  
4 **Guam Code Annotated.**

5 Section 7119 of Chapter 7, Title 22 of Guam Code Annotated is  
6 hereby amended to read:

7 **“§7119. Registration Fee.**

8 (a) The Guam Department of Labor is authorized to collect a  
9 registration fee of One Thousand Two Hundred Forty-three Dollars  
10 (\$1,243.00) annually per non-immigrant temporary worker for each  
11 calendar year or a fraction thereof from the employer of each non-  
12 immigrant temporary worker, payable at the time of registration by  
13 the non-immigrant worker.

14 (b) Funds collected pursuant hereto shall be subject to  
15 legislative appropriation, and shall be used solely to support §7120,  
16 Chapter 7, Title 22 GCA, the Manpower Development Fund (MDF)  
17 and the Skills Training Programs and for Guam residents in order to  
18 eliminate the need to bring non-immigrant temporary workers on  
19 Guam, and §26A Division 2 of Title 10 GCA DPHSS Sanitary  
20 Inspection Revolving Fund is used to ensure that the sanitary  
21 conditions of the workers’ dormitories is in compliance with DPHSS  
22 Rules and Regulations and also to provide protection for both the  
23 general public and the non-immigrant temporary workers as related to  
24 environmental health concerns.

25 (c) One Thousand Dollars (\$1000.00) of funds collected shall  
26 go to the MDF and appropriated pursuant to §7120, Chapter 7, Title

1           22 GCA; the remaining Two Hundred Forty Three Dollars (\$243.00)  
2           shall go to the DPHSS Sanitary Inspection Revolving Fund.

3           **Section 4.** This Act shall be effective within 60-days from date of  
4           enactment.

5           **Section 5. Severability.** *If* any provision of this law or its  
6           application to any person or circumstance is found to be invalid or  
7           contrary to law, such invalidity shall *not* affect other provisions or  
8           applications of this law which can be given effect without the invalid  
9           provisions or applications, and to this end the provisions of this law  
10          are severable.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

2009 JUN 22 4:31 PM  
T.C. Ada  
A.B. Palacios Sr.  
F.B. Aguon Jr.

Bill No. 135(COR)

Introduced by:

T.C. Ada  
A.B. Palacios Sr.  
F.B. Aguon Jr.

**AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2 OF TITLE  
10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING  
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL  
SERVICES (DPHSS) TO CONTRACT AN INDEPENDENT  
ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO  
CONDUCT SANITARY INSPECTIONS ON BEHALF OF DPHSS  
AND TO FUND INSPECTION SERVICES FROM FEES  
AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER  
7, TITLE 22 OF GUAM CODE ANNOTATED**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that Guam will  
3 experience an influx of approximately 17,000 temporary non-immigrant and U.S.  
4 workers as a result of the upcoming military buildup. A majority of these workers will  
5 live in temporary workforce housing, which is frequently susceptible to the  
6 environmental health hazards inherent to any large-scale communal living arrangement.

7 *I Liheslaturan Guåhan* finds that an important component of the DPHSS is the  
8 regulation and enforcement conducted through its Division of Environmental Health  
9 (DEH). DEH is entrusted to reduce the risk of communicable diseases among workers

1 and the public by establishing comprehensive, uniform procedures for inspecting and  
2 permitting temporary workforce housing.

3 The projected proliferation of temporary workforce housing, and the resulting  
4 increase in required site inspections, will add a substantial amount of workload upon an  
5 already understaffed Division of Environmental Health. In order to ensure the DEH will  
6 be able to effectively inspect temporary workforce housing and sustain its current  
7 inspection workload, *I Liheslaturan Guåhan* intends to authorize the DPHSS to contract  
8 independent environmental health inspection company(s) to perform inspections of  
9 temporary workforce housing on behalf of the DPHSS.

10 It is further the intent of *I Liheslaturan Guåhan* to establish the general  
11 parameters by which the DPHSS will certify and contract independent environmental  
12 health inspection company(s) and to direct DPHSS to develop and implement rules and  
13 regulations regarding sanitary inspections that will minimize or eliminate environmental  
14 health risks in temporary workforce housing.

15 **Section 2. Temporary Workforce Housing.** A new chapter 55 of Division 2 of  
16 Title 10, Guam Code Annotated, is hereby *added* to read:

17 **“ Chapter 55**

18 **Temporary Workforce Housing**

19 **§55101. Definitions.**

20 (a) *Temporary worker* means:

- 21 (1) A worker from a point origin outside of Guam, who is sponsored  
22 by an employer or has come to Guam on his own to seek  
23 employment for a specific project, and;

1                   (2) Will exit Guam upon completion of their work contract on this  
2                   specific project.

3                   (b) *Temporary workforce housing* means any enclosures of living spaces,  
4                   reasonably contiguous, together with the land appertaining thereto,  
5                   established, operated or used as living quarters and at minimum Fifty-one  
6                   percent (51%) of the residents are temporary workers, excluding, but not  
7                   limited to facilities known by varying nomenclatures or designations as  
8                   dormitories, hotels, motels, travel lodges, or tourist homes.

9                   (c) *Change of Temporary Workforce Housing Status* means any significant  
10                  variances to temporary workforce housing in relation to the most recent  
11                  prior inspection. Such variances shall be determined or defined by the  
12                  Department of Public Health and Social Services (DPHSS) and include,  
13                  but not be limited to, significant change in the number of occupants,  
14                  structural change, or change of ownership.

15                  (d) *Workers' Dormitory Permit* means the official sanitary permit issued  
16                  by the DPHSS for temporary workforce housing.

17                  (e) *Independent Environmental Health Inspection Company* means an  
18                  association, a corporation, individual, other legal entity or agency that is  
19                  duly licensed to do business on Guam and has been certified by the  
20                  DPHSS as being competent and capable to conduct sanitary inspections as  
21                  directed by the DPHSS.

22                  (f) *Temporary Workforce Housing Operator* means a person or business  
23                  entity, who owns, leases or manages or proposes to own, lease or

1 manage a temporary workforce housing and from this point forward  
2 shall be referred to as an “operator”.

3 **§55102. Powers and Duties.** The Department of Public Health and Social  
4 Services (DPHSS) is hereby authorized to certify and contract Independent  
5 Environmental Health Inspection Company(s) to conduct sanitary inspections at  
6 temporary workforce housing, and other required inspections that it deems necessary.

7 Additionally:

8 (a) The DPHSS shall determine the criteria for certifying independent  
9 environmental health inspection company(s) to act as authorized  
10 inspection agents, and shall periodically review and evaluate the  
11 performance and eligibility of these agents; and,

12 (b) The DPHSS shall retain sole authority to grant workers’ dormitory  
13 permits; and,

14 (c) Independent environmental health inspection company(s) under  
15 certification by DPHSS shall conduct sanitary inspections only on  
16 behalf of and at the direction of DPHSS; and,

17 (d) Independent environmental health inspection company(s) may act as  
18 agents of DPHSS provided that they meet the following criteria:

19 (1) The company does not perform work for an operator of a  
20 temporary workforce housing or related company which may  
21 require the sanitary inspection that may come under its  
22 inspection review;

1                   (2) The company has no conflict of interest as determined by the  
2                   DPHSS.

3                   (e) Inspections necessary for the initial granting of workers' dormitory  
4                   permit shall be conducted by the DPHSS; and,

5                   (f) The DPHSS shall regulate temporary workforce housing in the manner  
6                   described in §55104 of this Chapter; and,

7                   (g) The DPHSS may require additional sanitary inspections that it deems  
8                   necessary; and,

9                   (h) The DPHSS shall provide the results of its inspections to other  
10                  regulatory Government of Guam agencies, if requested.

11                  **§55103. Sanitary Permit for Temporary Workforce Housing, Required:**

12                  (a) The operator of a temporary workforce housing must possess a current  
13                  and valid sanitary permit issued by the DPHSS, and make available for  
14                  inspection by DPHSS or its agent(s).

15                  (b) The operator shall be responsible for applying directly to the DPHSS  
16                  for a sanitary permit and maintaining a valid sanitary permit as a  
17                  condition for operating a temporary workforce housing.

18                  (c) The operator shall apply for renewal of its workers' dormitory permit  
19                  and the payment thereof in accordance with §55104.

20                  (d) Sanitary permits for temporary workforce housing shall be provided  
21                  and regulated by the DPHSS.



1           **§55104. Sanitary Inspections, Phases:** For the purposes of sanitary regulation,  
2           permitting of temporary workforce housing shall be required during each of the  
3           following phases:

4           (a) Primary Inspection Phase:

- 5                   1. During the Primary Inspection Phase, sanitary inspections shall be  
6                   conducted quarterly following the issuance of an initial workers'  
7                   dormitory permit; and,  
8                   2. For all quarterly inspections within the Primary Inspection Phase,  
9                   one (1) of the four (4) quarterly inspections must be conducted by  
10                  the DPHSS, the other three (3) of the four (4) quarterly  
11                  inspections, may be conducted by the certified and contracted  
12                  Independent environmental health inspection company(s); and,  
13                  3. The Primary Inspection Phase shall apply to all temporary  
14                  workforce housing, new or currently existing and shall endure until  
15                  four consecutive quarters of satisfactory inspections have been  
16                  achieved.

17          (b) Secondary Inspection Phase:

- 18                  1. Secondary Inspection Phase shall be applied following successful  
19                  completion of the Primary Inspection Phase, as defined in §55104;  
20                  and,  
21                  2. During the Secondary Inspection Phase, inspections shall take  
22                  place every six (6) months; and,

- 1                                 3. Successful completion of the Secondary Inspection Phase shall
- 2   consist of two consecutive semiannual inspections that were rated
- 3   satisfactory; and,
- 4                                 4. Following a failed inspection or Change of Temporary Workforce
- 5   Housing Status, the temporary workforce housing in question shall
- 6   return to the Primary Inspection Phase.

7                                 (c) Tertiary Inspection Phase:

- 8   1. During the Tertiary Inspection Phase, inspections will be
- 9   conducted on an annual basis; and,
- 10   2. Following a failed inspection or Change of Temporary Workforce
- 11   Housing Status, the temporary workforce housing in question shall
- 12   return to the Primary Inspection Phase.

13                                 **§55105. Permit Fees.**

- 14   (a) Every inspection as defined in §55104 and regardless of the findings,
- 15   will be accompanied by a permit fee established by the rules and
- 16   regulations promulgated by DPHSS and the Board.
- 17   (b) When any reinspection is required pursuant to §55104 of this chapter,
- 18   the operator shall pay a fee for each reinspection.
- 19   (c) All permit fees must be paid before additional inspections will be
- 20   performed.
- 21   (d) Permit is not transferable.
- 22   (e) There will be no charges for the following types of inspections
- 23   provided a current permit has been issued:

- 1 (1) Validation inspections; and,
- 2 (2) Complaint verification inspections.

3 **§55106 DPHSS Temporary Workforce Housing Sanitary Inspection**  
4 **Revolving Fund**

5 (a) There is hereby created the DPHSS Temporary Workforce  
6 Housing Sanitary Inspection Revolving Fund, which shall be  
7 accounted for separately from the General Fund. Monies in the  
8 revolving fund shall not lapse at the end of a fiscal year but  
9 shall roll-over until used by the DPHSS for the overall cost of  
10 conducting sanitary inspections of temporary workforce  
11 housing. Monies in the revolving fund shall not be used to pay  
12 any personnel expenses.

13 (b) Payment to contracted independent environmental health  
14 inspection company(s) for services rendered shall be paid from  
15 the DPHSS Temporary Workforce Housing Sanitary Inspection  
16 Revolving Fund.

17 (c) Notwithstanding the Central Accounting Act, fees collected and  
18 deposited into a special fund known as the DPHSS Temporary  
19 Workforce Housing Sanitary Inspection Revolving Fund shall  
20 be kept in a bank licensed to do business on Guam and funds  
21 shall be paid out only upon a request for payment or requisition  
22 submitted by the Director of DPHSS. All monies in this fund  
23 shall be subject to legislative appropriation, and are hereby

1 specifically appropriated only for the use of the Division of  
2 Environmental Health in the pursuit of its authority.

3 **§55107. Receiving and Giving Bribes.** The sanitary inspector from DEH or the  
4 Independent Environmental Health Inspection Company(s), shall be guilty of a felony if  
5 he solicits, accepts or agrees to accept any benefit from another person as consideration  
6 for his performance of an official function. A person is guilty of a felony if he offers or  
7 agrees to offer any benefit to the sanitary inspector as consideration for such sanitary  
8 inspector's performance of an official function."

9 **§55108. Effective Date**

10 (a) Upon passage of this Act, the DPHSS shall develop Rules and  
11 Regulations and shall submit same to the Legislature no later than 90  
12 days following the passage of this act.

13 (b) The Rules and Regulations shall become effective upon the adoption  
14 of the Rules and Regulations by *I Liheslaturan Guåhan*.

15 (c) This Act shall expire on June 30, 2015 unless extended by legislative  
16 action and executive approval.

17 **Section 3. Amendments of Section 7119 of Chapter 7, Title 22 of Guam**  
18 **Code Annotated.**

19 Section 7119 of Chapter 7, Title 22 of Guam Code Annotated is hereby  
20 amended to read:

21

22 **“§7119. Registration Fee.**

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(a) The Guam Department of Labor is authorized to collect a registration fee of One Thousand Two Hundred Forty-three Dollars (\$1,0243.00) annually per non-immigrant temporary worker for each calendar year or a fraction thereof from the employer of each non-immigrant temporary worker, payable at the time of registration by the non-immigrant worker.

(b) Funds collected pursuant hereto shall be subject to legislative appropriation, and shall be used solely to support §7120, Chapter 7, Title 22 GCA (Manpower Development Fund), ~~and the~~ Skills Training Programs and §55106, Chapter 55 Title 10 GCA (DPHSS Temporary Workforce Housing Sanitary Inspection Revolving Fund). Eighty point Forty-five percent (80.45%) of funds collected shall go to the MDF and appropriated pursuant to §7120, Chapter 7, Title 22 GCA; the remaining Nineteen point Fifty-five percent (19.55%) shall go to the DPHSS Temporary Workforce Housing Sanitary Inspection Revolving Fund. Funds allocated for the Manpower Development and Skills Training Programs are used for Guam residents in order to eliminate the need to bring non-immigrant temporary workers on Guam. DPHSS Temporary Workforce Housing Sanitary Inspection Revolving Fund is used to ensure that the sanitary conditions of the workers' dormitories is in compliance with DPHSS Rules and Regulations and also to provide protection for both the general public

- 1 and the non-immigrant temporary workers as related to environmental
- 2 health concerns.





**GOVERNMENT OF GUAM**

**DEPARTMENT OF PUBLIC HEALTH and SOCIAL SERVICES**

*DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT*

123 Chalan Kareta, Mangilao, Guam 96913-6304



FELIX P. CAMACHO  
Governor

MICHAEL W. CRUZ, M.D.  
Lieutenant Governor

J. PETER ROBERTO, A.C.S.W.  
Director

July 15, 2009

Honorable Thomas C. Ada  
Committee on Utilities, Transportation, Public Works and Veteran Affairs  
30<sup>th</sup> Guam Legislature

Subject: Bill 135: An act to add a new Chapter 55 to Division 2 of Title 10, Guam Code Annotated, relative to authorizing the Department of Public Health and Social Services (DPHSS) to contract an independent environmental health inspection company(s) to conduct sanitary inspections on behalf of DPHSS and to fund inspection services from fees authorized to be collected under section 7119 of Chapter 7, Title 22 of Guam Code Annotated.

*Hafa Adai.* For the record, my name is J. Peter Roberto, Director, Department of Public Health and Social Services. Foremost, I would like to thank you Mr. Chairman for the opportunity to testify to the Bill 135, a Bill to authorize our department to contract an independent environmental health inspection company to conduct sanitary inspections of temporary workforce housing, as well as to identify a funding source to accomplish the intent of the Bill. Additionally, I express my sincere thanks as well to your co-sponsors of the Bill, Senator Frank B. Agoun, Jr. and Senator Adolfo B. Palacios.

Certainly, the leadership co-authored on this Bill is a clear signal about first, recognizing the important role the Division of Environmental Health has in protecting the health and safety of the community and second, how vital DEH will be in the coming months and years as the island continues to plan and prepare for the impending military build up. The introduction of Bill 135 confirms that another important policy step has been taken, among others, to address the needed improvements for our government's regulatory and service agencies.

To begin, the Division of Environmental Health would not require third-party inspectors to fulfill its mission, what it needs are resources and the authority to modernize its operation through reorganization, increasing qualification standards of its employees, and establishing competitive salaries for recruitment and retention. My testimony today is intended to provide further



comment to Bill 135 and hopefully informative enough that contracting regulatory functions of a state agency is a practice and precedence we would not want to set for our borders.

I support working with you and members on your working group to strengthen this Bill through possibly mark up meetings. Together with the Division Administrator, Mr. Thomas Nadeau, (present with me today), we can address the essential program infrastructure not only for dormitory inspections, but other regulated facilities which the DEH has mandated oversight to such as schools, restaurants and bars, retail stores, massage parlors, and barbering, for example.

Please allow me to provide some important background. The division, headed by Administrator Nadeau and his staff and the Guam Food Safety Task Force, has completed a comprehensive program analysis and assessment, as well as recommendations to address growth, consumer demand and protection, as well as sustaining a strong work force. Thus, by incorporating these recommendations through mark ups, Bill 135 could accomplish more programmatically and systemically.

As mentioned earlier, employee titles, duties and responsibilities need to be reclassified and qualification standards must be modernized. The department has already completed this analysis and in fact, incorporated updated position titles, job duties and responsibilities in the GovGuam Hay Study assessment study which is currently underway.

The additional revenue of \$243 per every non-immigrant temporary worker which will be deposited into the "DPHSS Temporary Workforce Housing Sanitary Inspection Revolving Fund" should instead be made available to the Division of Environmental Health to address all of its challenges and not just the inspections of workforce housing, which represents only one of many priorities of the division. If the total number of foreign workers on island during the build-up equals 17,000, as indicated in the bill, that equates to just over \$4 million in revenue. This amount is twice the annual budget of the Division of Environmental Health. Assuming the number of foreign workers remain the same every year for the next five years, that means about \$20 million will be generated during the period. \$20 million can enable the division to conduct several inspections of dormitories and other regulated facilities, such as restaurants, and implement many environmental health programs which have been inactivate and/or underfunded for years, like mosquito surveillance and control, radiological health program, and the consumer commodities program.

The access and use of this new revenue source will dramatically improve the operation of the Division of Environmental Health and provide the division the opportunity to pursue many of its mandates, which will include the inspections of workforce housing. No question that this revenue stream will allow for the department to provide for a sustainable workforce, upgraded standards and increased inspections, as mandated for DEH.

For the sake of costs associated with contracting a third-party inspectors. As mandated by P.L. 26-111, the Government of Guam will be required to pay its contracted vendors the prevailing wages and benefits. Thus, based on our analysis, it would actually cost more to implement this proposal than if the Department were to conduct these inspections. Additionally, the Bill would create a governance process which essentially would add another layer of regulatory steps toward inspections.

During mark up meetings, we can further address other specific issues of your Bill to support its passage. Though not exhaustive, some topics would include:

1. Bill 135 defines "Worker's Dormitory Permit" as the official Sanitary Permit for temporary workforce housing, yet the bill uses the words "sanitary permit" and "workers' dormitory permit" interchangeably throughout the proposal [Sections 55102(b), 55102(f), 55103(a)-(d)]. If intentional, we suggest that one or the other word be consistently used throughout the bill for clarity.
2. Section 55104.(a).3. states, "...four consecutive quarters of satisfactory inspections...", while 55104.(b).3 says, "...two consecutive semiannual inspections that were rated satisfactory." What is the legislature's definition of "satisfactory" in this proposal? Is it the letter grade of A, B, or C? May we suggest the letter "A" with no violations since follow-up inspections would not be necessary? Also, would follow-up inspections constitute another inspection, or will this only be applicable to "routine" inspections?
3. Who will conduct the inspections during Secondary Inspection Phase? Only the Independent Inspection Company, or equally performed by the company and DPHSS?
4. Section 55105(a) states permit fee is established by rules and regulations promulgated by DPHSS and the Board. Who or what is this "Board"? Also, do these rules and regulations must be promulgated together or individually by the respective entity? Title 10 GCA Chapter 21 indicates that all Sanitary Permits are to expire on June 30 every year; Bill 135 may conflict with this provision [Section 551050(a)].
5. Section 55105(a) requires fee for every inspection. When is this fee due? Before or after the inspection? Is this something the legislature expects DPHSS to determine via the fee schedule rules and regulations? Also, would the department be correct to presume the inspection performed by DPHSS will also result in the assessment of fee to the facility?
6. The bill does not indicate where the collected inspection fees are to be deposited. May we suggest that it be deposited into the Environmental Health Fund?
7. What is the existing penalty of official misconduct by government official? Whatever it may be, we believe that Section 55107 should be no harsher than what it currently indicates in the law to ensure uniformity.
8. We have grave concern about Section 55102, which authorizes the department to "certify" independent inspection companies. It is the department's position that such certification is beyond the realm of its responsibility and creates a whole new set of problems. In addition to becoming a contract manager if Bill 135 becomes law, the division would now become some kind of governing body, such as a Board, issuing certifications to private vendors.

Once again, thank you for allowing the department to provide comment. I hope that the issues and suggestions provided will assist you and your Committee in further legislative discussions and hopefully mark up meetings with the working group. *Dangkolo Na Si Yu'us Ma'ase!*

  
J. PETER ROBERTO, A.C.S.W.



# COMMITTEE ON RULES

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

2009 JUN -11 PM 12:09 PM  
RJR

**SENATOR  
RORY J.  
RESPICIO  
CHAIRPERSON**

June 4, 2009

**SENATOR  
Judith P. Guthertz  
VICE  
CHAIRPERSON**

Memorandum

**MAJORITY  
MEMBERS:**

To: Clerk of the Legislature  
*I Mina'Trenta Na Liheslaturan Guåhan*

**Judith T. Won Pat  
SPEAKER**

Attorney Therese M. Terlaje, Legislative Legal Counsel  
*I Mina'Trenta Na Liheslaturan Guåhan*

**Benjamin J. F. Cruz  
VICE SPEAKER**

From: Senator Rory J. Respicio  
Chairperson, Committee on Rules  
*I Mina'Trenta Na Liheslaturan Guåhan*

**Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY**

Subject: Referral of Bill Nos. 135(COR) through 138(COR)

**Thomas C. Ada  
SENATOR**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 135(COR) through 138(COR).

**Frank B. Aguon, Jr.  
SENATOR**

Please ensure that the subject Bills are referred, in my name, to the respective Chairpersons, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

**Adolpho B. Palacios, Sr.  
SENATOR**

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

**Vicente C. Pangelinan  
SENATOR**

*Si Yu'os Ma'åse.*

**Matthew Rector  
SENATOR**

*Attachment*

**MINORITY  
MEMBERS:**

**Frank F. Blas, Jr.  
SENATOR**

**James V. Espaldon  
SENATOR**

**Bill/Resolution Introduction/Referral**

<b>Bill</b>	<b>Sponsor</b>	<b>Description</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>Committee Referred</b>
135(COR)	T.C. Ada, A. B. Palacios, Sr., F. B. Aguon, Jr.	An act to add a new Chapter 55 to Division 2 of Title 10, Guam Code Annotated, relative to authorizing the Department of Public Health and Social Services (DPHSS) to contract an independent environmental health inspection company(s) to conduct sanitary inspections on behalf of DPHSS and to fund inspection services from fees authorized to be collected under §7119 of Chapter 7, Title 22 of Guam Code Annotated.	6/02/09	6/04/09	Committee on Economic Development, Health and Human Services, and Judiciary
136(COR)	F. B. Aguon, Jr.	An act relative to encouraging and authorizing the return of former Guam residents, as applicable herein in the field of dentistry, who previously practiced and served the island community and left Guam in good standing in accordance with the guidelines of the Guam Board of Examiners of Dentistry; through adding a new Item "(8)" to Subsection "(e)" of §8102 of Chapter 8, of Title 25, Guam Administrative Rules and Regulations.	6/03/09	6/04/09	Committee on Economic Development, Health and Human Services, and Judiciary
137(COR)	F. B. Aguon, Jr.	An act to rezone certain parcel in the municipality of Dededo from Agriculture "A" to Commercial "C".	6/03/09	6/04/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land
138(COR)	Committee on Tourism Cultural Affairs, Youth and Public Broadcasting at the request of the 27 <sup>th</sup> Guam Youth Congress.	AN ACT TO AMEND CHAPTER 3 OF TITLE 19 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE LEGALIZATION OF SAME SEX CIVIL UNIONS WITHIN THE TERRITORY OF THE ISLAND OF GUAM.	6/03/09	6/04/09	Committee on Economic Development, Health and Human Services, and Judiciary



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

July 07, 2009

**MEMORANDUM**

**TO:** Honorable Senators/Committee Members  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM:** SENATOR ADOLPHO B. PALACIOS, SR.  
*Acting Chairman* 

**SUBJECT:** First Notice – Notice of Public Hearing  
Wednesday, July 15, 2009 – 8:00 am

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 15, 2009**, beginning at **8:00 am** in the Guam Legislature Public Hearing Room.

Please find attached agenda for this public hearing. Should you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

1ST NOTICE - NOTICE OF PUBLIC HEARING Inbox X

from **Frances Lizama** <lizama.frances@gmail.com> [hide details](#) Jul 8 (2 days ago) Reply

to "SEN ADA, Thomas C." <Tom@senatorada.org>,  
"SEN BLAS, Frank F., Jr." <frank.blasjr@gmail.com>,  
"SEN CALVO, Eddie J.B." <sencalvo@gmail.com>,  
"SEN CRUZ, Benjamin J.F." <senadobjcruz@aol.com>,  
"SEN ESPALDON, James V." <senator@espaldon.com>,  
"SEN ESPALDON, James V." <senjim@ite.net>,  
"SEN GUTHERTZ, Judith P." <judiguthertz@pticom.com>,  
"SEN MUNA BARNES, Tina Rose" <linamunabarnes@gmail.com>,  
"SEN PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,  
"SEN PANGELINAN, ben" <senbenp@guam.net>,  
"SEN RECTOR, Matt" <matt@mattrector.com>,  
"SEN RESPICIO, Rory J." <roryforguam@gmail.com>,  
"SEN TAITAGUE, Telo" <senatortelo@gmail.com>,  
"SEN TENORIO, Ray" <ray@raytenorio.com>,  
"SEN WON PAT, Judi" <speaker@judiwonpat.com>


cc "BLAS, Roland - Spkr Won Pat's Ofc." <roland@judiwonpat.com>,  
"BORJA, Dominic - Sen. Ada's Ofc." <dominic@senatorada.org>,  
"BURGOS, Fred - Sen. Rector's Ofc." <fred@mattrector.com>,  
"CASTRO, James P. - Sen. Blas Ofc." <jamespcastro@gmail.com>,  
"CIPOLLONE, Lisa - Sen. Pangelinan's ofc." <cipo@guam.net>,  
"CEPEDA, Patrick - Sen. Palacios' Ofc." <patrickcepeda@hotmail.com>,  
"DUARTE, Mark - Spkr Won Pat's Ofc." <mark@judiwonpat.com>,  
"DUENAS, Mona - Sen. Espaldon's Ofc." <mona.duenas@gmail.com>,  
delta9mario@gmail.com,  
dot@guamlegislature.org,  
"DEFENSOR, Sahara - Spkr Won Pat's Ofc." <sahara@judiwonpat.com>,  
"DIAZ, Jonathan - Sen. Palacios' Ofc." <jonbdiaz@gmail.com>,  
elg@guamlegislature.org,  
"EVARISTO, Jessica - Sen. Tenorio's Ofc." <jessica@raytenorio.com>,  
"FEJERAN, Mary - Sen. Blas' Ofc." <maryfejeran@gmail.com>,  
"HILLS, Derick - Spkr Won Pat's Ofc." <derickhills@live.com>,  
"KOMIYAMA, Velma - Sen. Barnes' Ofc." <vel.komiyama@yahoo.com>,  
"LIDIA, Mike - Sen. Cruz ofc." <mike.lidia9@gmail.com>,  
"LG, Phillip - Sen. Tenorio's Ofc." <phill@raytenorio.com>,  
"MENDIOLA, Stephanie - Sen. Respicio's Ofc." <sem@guamlegislature.org>,  
"MANIBUSAN, Lauriel - Sen. Espaldon's Ofc." <laurielisia@gmail.com>,  
"QUITUGUA, Tony" <tq@guamlegislature.org>,  
"QUINATA, Carl - Sen. Taitague's Ofc." <ciquinata@gmail.com>,  
"ROBERTO, Phil - Sen. Espaldon's Ofc." <roberto.phil@gmail.com>,  
"TABONARES, Gina" <aguonmedia@gmail.com>,  
"TAJALLE, Elaine - Sen. Respicio's Ofc." <elainevll@gmail.com>,  
"TORRES, Frank B. - Spkr Won Pat's Ofc." <fbtorres@judiwonpat.com>,  
"TORRES, Frank B. - Spkr Won Pat's Ofc." <fbtorres@yahoo.com>,  
"UNPINGCO, Joy - Sen. Calvo's Ofc." <joyunpingco@gmail.com>,  
"WYTENBACH-SANTOS, Richard - Sen. Guthertz Ofc." <doc.wytenbachsantos@gmail.com>,  
"WHEELER, Mary Lou" <mlwheeler2000@yahoo.com>,  
teddytaz@ite.net,  
teddytaz\_222@yahoo.com

date Wed, Jul 8, 2009 at 10:25 AM  
subject 1ST NOTICE - NOTICE OF PUBLIC HEARING  
mailed-by gmail.com

TO ALL:

Attached is a memo from Sen. Palacios, Acting Chairman which serves as 1st Notice of Public Hearing, scheduled for July 15, 2009. Should you have any questions, please free to call our office. Thank you.

FRANCES S. LIZAMA  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St.  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497

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from **Frances Lizama** <lizama.frances@gmail.com> [hide details](#) Jul 8 (2 days ago) Reply

to "DE CASTRO, Chris - MIS" <cdecastro@guamlegislature.org>,  
"PAK, Yong - MIS" <yong@guamlegislature.org>,  
"LG, Joe - Sgt-at-Arms" <sgtarms@guamlegislature.org>,  
"SANTOS, Pat - Clerk's Ofc." <psantos@guamlegislature.org>.

"TERLAJE, Flo - Clerk's Ofc." <fterlaje@guamlegislature.org>,  
Theresa Terlaje <tterlaje@guam.net>  
date Wed, Jul 8, 2009 at 10:41 AM  
subject 1ST NOTICE - NOTICE OF PUBLIC HEARING  
mailed by gmail.com

- Show quoted text -

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**COMMITTEE ON ECONOMIC DEVELOPMENT,  
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238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

July 07, 2009

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MEMORANDUM**

**TO: MEDIA**

Pacific Daily News – 477-3079      KUAM – 637-9870  
Pacific News Center – 477-0793      K-57/Power 98 – 477-3982  
Hit Radio 100 – 472-7663      K-Stereo/KISH – 477-6411  
Marianas Variety – 648-2007      I-94 – 637-9865  
Glimpses – 649-8883      Adventist Radio – 565-2983  
Joy 92 FM – 477-4678      KPRG - 734-2958  
Guam Broadcast Services – 648-0104

**FROM: SENATOR ADOLPHO B. PALACIOS, SR.**  
*Acting Chairman*

**SUBJECT: First Notice – Notice of Public Hearing**  
*Wednesday, July 15, 2009 – 8:00 am*

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 15, 2009**, beginning at **8:00 am** in the Guam Legislature Public Hearing Room.

Please see attached agenda for this public hearing. If you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un Dangkulo' Na Si Yu'us Ma'ase'.*

Attachment (1)



NOTE: Blocked calls are not displayed on this report.  
 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jul 1	6:29AM	Received		0:45	0	No fax
Jul 1	8:58AM	Received	6716322492 6490145 6716490145	0:31	1	OK
Jul 2	9:06AM	Received	6714725022	0:31	2	OK
Jul 6	10:37AM	Received	6716475684 6716475684	0:49	2	OK
Jul 6	4:13PM	Fax Sent	6482007	0:31	1	OK
Jul 7	8:17AM	Received	1111 6714758805	0:22	1	OK
Jul 7	8:53AM	Received	6714725022	0:40	2	OK
Jul 7	10:21AM	Received	6490145 6716490145	0:35	1	OK
Jul 7	10:56AM	Received	6482007 6716482007	0:33	1	OK
Jul 7	3:27PM	Received	6482007 6716482007	0:47	2	OK
Jul 7	4:01PM	Fax Sent	6482007	1:05	1	Error 350
Jul 7	5:10PM	Received	4723510 6714723589	0:19	1	OK
Jul 8	9:33AM	Received	6482007 6716482007	0:46	2	OK
Jul 8	9:36AM	Fax Sent	4773079 PDN	1:37	2	OK
Jul 8	9:38AM	Fax Sent	4770793 PNC	1:03	2	OK
Jul 8	9:40AM	Fax Sent	4727663 Hit Radio 100	0:56	2	OK
Jul 8	9:41AM	Fax Sent	6482007 Marianas Variety	1:02	2	OK
Jul 8	9:50AM	Fax Sent	6498883 allimpsons	0:56	2	OK
Jul 8	9:52AM	Fax Sent	4774678 Jay 92	0:57	2	OK
Jul 8	9:53AM	Fax Sent	6480104 GUM Broadcast Services	1:02	2	OK
Jul 8	9:55AM	Fax Sent	6379870 KUAM	1:05	2	OK
Jul 8	9:57AM	Fax Sent	4773982 K-57	0:57	2	OK
Jul 8	9:58AM	Fax Sent	4776411 Katerca	1:24	2	OK
Jul 8	10:01AM	Fax Sent	6379865 I-94	0:59	2	OK
Jul 8	10:02AM	Fax Sent	4776411 K-Stereo	1:38	2	OK
Jul 8	10:04AM	Fax Sent	5652983 Adventist Radio	4:27	2	OK
Jul 8	10:09AM	Fax Sent	7342958 KPRG	2:27	2	OK
Jul 8	10:13AM	Fax Sent	4771812 Tony Lamorena	0:31	1	OK
Jul 8	10:14AM	Fax Sent	4725003 Dr. Nerissa Britania-Schaffer	0:36	1	OK
Jul 8	10:15AM	Fax Sent	4750597 GEPB	0:28	1	OK

**1ST NOTICE - NOTICE OF PUBLIC HEARING**

from: **Frances Lizama** <lizama.frances@gmail.com>  
to: "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofiguam.com>,  
"K57 / POWER 98 - GIBSON, Ray" <rgibson@k57.com>,  
"KSTO/KISH - PEREZ, Alicia" <kstone@ite.net>,  
"KUAM - MATANANE, Sabrina" <sabrina@kuam.com>,  
"MELYAN, Catriona - PDN" <cmelyan@guampdn.com>,  
"PDN - DALENO, Gaynor" <gdumat-ci@guampdn.com>,  
"PNC - DELGADO, Nick" <news@spbgum.com>,  
"PNC - SEBASTIAN, Stephen" <ssebastian@spbgum.com>  
date: Wed, Jul 8, 2009 at 10:44 AM  
subject: 1ST NOTICE - NOTICE OF PUBLIC HEARING  
mailed-by: gmail.com


[hide details](#) Jul 8 (2 days ago)

[Reply](#)

TO ALL:

Attached is a memo from Sen. Palacios, Acting Chairman, Comm. on Economic Development, Health & Human Services, and Judiciary reference to public hearing on July 15, 2009.

FRANCES S. LIZAMA  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497

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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

July 10, 2009

**MEMORANDUM**

**TO:** Honorable Senators/Committee Members  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM:** SENATOR ADOLPHO B. PALACIOS, SR.  
*Acting Chairman* 

**SUBJECT:** Second Notice – Notice of Public Hearing  
Wednesday, July 15, 2009 – 8:00 am

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 15, 2009**, beginning at **8:00 am** in the Guam Legislature Public Hearing Room.

Please find attached agenda for this public hearing. Should you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

2ND NOTICE - NOTICE OF PUBLIC HEARING

from Frances Lizama <lizama.frances@gmail.com>

hide details 4:41 PM (18 hours ago)

Reply

- to "SEN. ADA, Thomas C." <Tom@senatorada.org>
- "SEN. BLAS, Frank F., Jr." <frank.blasjr@gmail.com>
- "SEN. CALVO, Eddie J.B." <sencalvo@gmail.com>
- "SEN. CRUZ, Benjamin J.F." <senadotbjcruz@aol.com>
- "SEN. ESPALDON, James V." <senator@espaldon.com>
- "SEN. ESPALDON, James V." <senjim@ite.net>
- "SEN. GUTHERTZ, Judith P." <judiguthertz@pticom.com>
- "SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>
- "SEN. PALACIOS, Adolpho B., Sr." <ABPalacios@gmail.com>
- "SEN. PANGELINAN, ben" <senbenp@guam.net>
- "SEN. RECTOR, Matt" <matt@mattrector.com>
- "SEN. RESPICIO, Rory J." <roryforguam@gmail.com>
- "SEN. TAITAGUE, Telo" <senatortelo@gmail.com>
- "SEN. TENORIO, Ray" <ray@raytenorio.com>
- "SPEAKER WON PAT, Judi" <speaker@judiwonpat.com>
- cc "BLAS, Roland - Spkr Won Pat's Ofc." <roland@judiwonpat.com>
- "BORJA, Dominic - Sen. Ada's Ofc." <dominic@senatorada.org>
- "BURGOS, Fred - Sen. Rector's Ofc." <fred@mattrector.com>
- "CASTRO, James P. - Sen. Blas Ofc." <jamespcastro@gmail.com>
- "CIPOLLONE, Lisa - Sen. Pangelinan's ofc." <cipo@guam.net>
- "CEPEDA, Patrick - Sen. Palacios' Ofc." <patrickcepeda@hotmail.com>
- "DUARTE, Mark - Spkr Won Pat's Ofc." <mark@judiwonpat.com>
- "DUENAS, Mona - Sen. Espaldon's Ofc." <mona.duenas@gmail.com>
- dot@guamlegislature.org
- "DEFENSOR, Sahara - Spkr Won Pat's Ofc." <sahara@judiwonpat.com>
- "DIAZ, Jonathan - Sen. Palacios' Ofc." <jonbdiaz@gmail.com>
- elg@guamlegislature.org
- "EVARISTO, Jessica - Sen. Tenorio's Ofc." <jessica@raytenorio.com>
- "FEJERAN, Mary - Sen. Blas' Ofc." <maryfejeran@gmail.com>
- "HILLS, Derick - Sen. Pangelinan's Ofc." <derickhills@live.com>
- "KOMIYAMA, Velma - Sen. Barnes' Ofc." <vel.komiyama@yahoo.com>
- "LIDIA, Mike - Sen. Cruz ofc." <mike.lidia9@gmail.com>
- "LG, Phillip - Sen. Tenorio's Ofc." <phill@raytenorio.com>
- "MENDIOLA, Stephanie - Sen. Respicio's Ofc." <sem@guamlegislature.org>
- "MANIBUSAN, Lauriel - Sen. Espaldon's Ofc." <laurielisla@gmail.com>
- "QUITUGUA, Tony" <tq@guamlegislature.org>
- "QUINATA, Cari - Sen. Taitague's Ofc." <ciquinata@gmail.com>
- "ROBERTO, Phil - Sen. Espaldon's Ofc." <roberto.phil@gmail.com>
- "TABONARES, Gina" <aguonmedia@gmail.com>
- "TAJALLE, Elaine - Sen. Respicio's Ofc." <elainevtll@gmail.com>
- "TORRES, Frank B. - Spkr Won Pat's Ofc." <ftorres@judiwonpat.com>
- "UNPINGCO, Joy - Sen. Calvo's Ofc." <joyunpingco@gmail.com>
- "WYTTENBACH-SANTOS, Richard - Sen. Guthertz Ofc." <doc.wytenbachsantos@gmail.com>
- "WHEELER, Mary Lou" <miwheeler2000@yahoo.com>
- "LG. Joe - Sgt-at-Arms" <sgtarms@guamlegislature.org>
- "SANTOS, Pat - Clerk's Ofc." <psantos@guamlegislature.org>
- "TERLAJE, Flo - Clerk's Ofc." <fterlaje@guamlegislature.org>
- "DE CASTRO, Chris - MIS" <cdecastro@guamlegislature.org>
- "PAK, Yong - MIS" <yong@guamlegislature.org>

date Thu, Jul 9, 2009 at 4:41 PM

subject 2ND NOTICE - NOTICE OF PUBLIC HEARING

mailed-by gmail.com

TO ALL:

Please find attached memo from Sen. Palacios, Acting Chairman, reference to scheduled public hearing. If you have any questions, please call our office. Thank you.

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F. C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

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July 10, 2009

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**MEMORANDUM**

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**TO: MEDIA**

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

Pacific Daily News – 477-3079      KUAM – 637-9870  
Pacific News Center – 477-0793      K-57/Power 98 – 477-3962  
Hit Radio 100 – 472-7663      K-Stereo/KISH – 477-6411  
Marianas Variety – 648-2007      I-94 – 637-9865  
Glimpses – 649-8883      Adventist Radio – 565-2983  
Joy 92 FM – 477-4678      KPRG - 734-2958  
Guam Broadcast Services – 648-0104

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**FROM: SENATOR ADOLPHO B. PALACIOS, SR.**  
*Acting Chairman* 

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**SUBJECT: Second Notice – Notice of Public Hearing**  
*Wednesday, July 15, 2009 – 8:00 am*

**RORY J. RESPICIO**  
SENATOR

*Buenas yan Hafa Adai!*

**FRANK F. BLAS, JR.**  
SENATOR

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 15, 2009**, beginning at 8:00 am in the Guam Legislature Public Hearing Room.

**TELO TAITAGUE**  
SENATOR

Please see attached agenda for this public hearing. If you have any questions, please call Frances Lizama at Senator Aguon's office.

**RAY TENORIO**  
SENATOR

*Un Dangkulo' Na Si Yu'us Ma'ase'.*

Attachment (1)

NOTE: Blocked calls are not displayed on this report.  
 For more information, see Junk Fax Report and the Caller ID History report.

**Last 30 Transactions**

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jul 8	10:15AM	Fax Sent	4750597	0:28	1	OK
Jul 8	11:53AM	Fax Sent	4776788	0:34	1	OK
Jul 8	6:01PM	Received		0:22	1	OK
			6716473540			
Jul 9	9:35AM	Received	4778598	0:46	1	OK
			6714778596			
Jul 9	10:27AM	Received		0:21	1	OK
			6714723547			
Jul 9	3:16PM	Received		0:21	1	OK
			6714723547			
Jul 9	5:13PM	Received	477 2522	1:40	9	OK
			6714772522			
Jul 9	5:15PM	Received	477 2522	1:45	10	OK
			6714772522			
Jul 10	9:22AM	Received	6490145	0:34	1	OK
			6716490145			
Jul 10	10:36AM	Fax Sent	4771812	0:32	1	OK
Jul 10	10:48AM	Fax Sent	4773079	0:47	1	OK
Jul 10	10:49AM	Fax Sent	4770793	0:34	1	OK
Jul 10	10:50AM	Fax Sent	4727663	0:28	1	OK
Jul 10	10:51AM	Fax Sent	6379870	0:24	1	Cancel
Jul 10	10:53AM	Fax Sent	4773079 - PACIFIC DAILY NEWS	1:21	2	OK
Jul 10	10:58AM	Fax Sent	6379870 - KUAM	0:53	2	OK
Jul 10	11:00AM	Fax Sent	4773982 - K57/POWER 98	0:56	2	OK
Jul 10	11:02AM	Fax Sent	6482007 - MARIANAS VARIETY	1:03	2	OK
Jul 10	11:03AM	Fax Sent	6379870	0:00	0	Cancel
Jul 10	11:03AM	Fax Sent	6378819	0:11	0	Cancel
Jul 10	11:04AM	Fax Sent	4776411 - K-STEREO/KISH	1:39	2	OK
Jul 10	11:07AM	Fax Sent	4727663 - HIT RADIO 100	0:56	2	OK
Jul 10	11:08AM	Fax Sent	6498883 - GLIMPSES	0:57	2	OK
Jul 10	11:10AM	Fax Sent	5652983 - ADVENTIST RADIO	2:27	2	OK
Jul 10	11:13AM	Fax Sent	4774678 - JOY 92 FM	0:54	2	OK
Jul 10	11:15AM	Fax Sent	7342958	1:37	1	Error 346
Jul 10	11:18AM	Fax Sent	6379865 - I94	0:55	2	OK
Jul 10	11:19AM	Fax Sent	7342958 - KPRG	3:05	2	OK
Jul 10	11:23AM	Fax Sent	4770793 - PACIFIC NEWS CENTER	1:04	2	OK
Jul 10	11:24AM	Fax Sent	6480104 - GUAM BROADCAST SERV	1:03	2	OK


**2ND NOTICE - NOTICE OF PUBLIC HEARING** Inbox X

from **Frances Lizama** <lizama.frances@gmail.com> [hide details](#) 4:43 PM (17 hours ago) [Reply](#)  
to "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofofguam.com>,  
"K57 / POWER 98 - GIBSON, Ray" <rgibson@k57.com>,  
"KSTO/KISH - PEREZ, Alicia" <kstone@ite.net>,  
"KUAM - MATANANE, Sabrina" <sabrina@kuam.com>,  
"MARIANAS VARIETY - WOLFORD, Shawn" <advertise@mvguam.com>,  
"MELLYAN, Catriona - PDN" <cmelyan@guampdn.com>,  
"PDN - DALENO, Gaynor" <gdumat-ol@guampdn.com>,  
"PNC - DELGADO, Nick" <news@spbgum.com>,  
"PNC - SEBASTIAN, Stephen" <ssebastian@spbgum.com>  
date Thu, Jul 9, 2009 at 4:43 PM  
subject 2ND NOTICE - NOTICE OF PUBLIC HEARING  
mailed-by gmail.com

**TO ALL:**

Please find attached memo from Sen. Palacios, Acting Chairman, reference to scheduled public hearing. If you have any questions, please contact our office. Thank you.

—  
**FRANCES S. LIZAMA**  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St.  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497

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**COMMITTEE ON ECONOMIC DEVELOPMENT,  
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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

July 07, 2009

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

Mr. J.Peter Roberto, ACSW  
Director  
Department of Public Health and Social Services  
Mangilao, Guam 96913

**Subject:** Notice of Public Hearing

Dear Mr. Roberto,

*Buenas yan Hafa Adai!* The Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Wednesday, July 15, 2009** beginning at **8:00 am** at the Guam Legislature Public Hearing Room.

**Bill No. 135 (COR) – “An act to add a new Chapter 55 to Division 2 of Title 10, Guam Code Annotated, relative to authorizing the Department of Public Health and Social Services (DPHSS) to contract an independent environmental health inspection company(s) to conduct sanitary inspections on behalf of DPHSS and to fund inspection services from fees authorized to be collected under §7119 of Chapter 7, Title 22 of Guam Code Annotated”, will be heard at 1:30 pm.**

I invite the participation of you and your staff at this public hearing, and to provide written or oral testimony. Written testimony may be emailed, faxed or hand-delivered to Senator Aguon's office no later than Monday, July 13, 2009.

If you have any question, please contact Frances Lizama at Senator Aguon's office.

*Un Dangkulo' Na Si Yu'us Ma'ase'.*

Respectfully,

**ADOLPHO B. PALACIOS, SR.**  
Acting Chairman  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(30<sup>th</sup> Guam Legislature)

Cc: Senator Tom C. Ada




**Notice of Public Hearing**

from **Frances Lizama** <lizama.frances@gmail.com>  
to **"ROBERTO, J.Peter - Director, DPHSS"** <caring.communities@gmail.com>  
date **Wed, Jul 8, 2009 at 10:49 AM**  
subject **Notice of Public Hearing**  
mailed-by **gmail.com**

[hide details](#) Jul 8 (2 days ago) [Reply](#)

Mr. Roberto,  
Please find attached memo from Sen. Palacios, Acting Chairman, reference to public hearing scheduled for July 15, 2009.

—  
**FRANCES S. LIZAMA**  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St.  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497


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from **Frances Lizama** <lizama.frances@gmail.com>  
to **"SEN. ADA, Thomas C."** <Tom@senatorada.org>  
date **Wed, Jul 8, 2009 at 11:02 AM**  
subject **Notice of Public Hearing**  
mailed-by **gmail.com**

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# COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY

*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

---

## AGENDA

WEDNESDAY, JULY 15, 2009

GUAM LEGISLATURE PUBLIC HEARING ROOM

### 8:00 AM:

• **BILL NO. 101 (COR)**

An act to *amend* §90105 of Chapter 90, Title 10, Guam Code Annotated; relative to smoking within twenty (20) feet of an entrance of a public place where smoking is prohibited.

• **BILL NO. 107 (COR)**

An act to repeal Section 4301(g) and to repeal and re-enact Section 4302(g) Chapter 4, Article 3, Title 4 Guam Code Annotated relative to removing the continuing clause provisions to health insurance companies on Guam who contract with the Government of Guam and to require all companies or other legal entities providing health insurance to the Government of Guam to make available electronically de-identified detailed demographic, medical, dental, vision and pharmacy claims utilization and cost information subject to meeting HIPAA Regulations.

• **BILL NO. 116 (COR)**

An act relative to authorizing the Guam Census Program temporary recruitment and employment of personnel, consistent with U.S. Census Bureau Guidelines, to conduct necessary activities related to the Guam Decennial 2010 Census.

• **BILL NO. 118 (COR)**

An act to add a new Subsection (k) (11) to Section 22435 of Chapter 22, Title 5 Guam Code Annotated relative to the reprogramming of bond proceeds to fund the Guam Public School System Fiscal Year 2009 Child Nutrition Program and to reprogram the remaining balance to the Mayors Council of Guam.

### 1:30 PM:

• **BILL NO. 119 (COR)**

An act relative to the establishment of the "GUAMS Hospital Foundation Act of 2009", to provide for the formation of a non-profit public corporation for the express purpose of soliciting public and private donations and grants in support of capital improvement projects and equipment needs of the Guam Memorial Hospital Authority through the creation of the "Guam Universal Assistance for Medical Services (GUAMS) Hospital Foundation"; through adding a new subsection §80119 to Chapter 80, Division 4, of Title 10, Guam Code Annotated.

• **BILL NO. 133 (COR)**

An act relative to authorizing the Governor of Guam to contract the services of a professional qualified individual related to the services provided by the Department of Mental Health and Substance Abuse to serve as the Director for the Department.

• **BILL NO. 135 (COR)**

An act to add a new Chapter 55 to Division 2 of Title 10, Guam Code Annotated, relative to authorizing the Department of Public Health and Social Services (DPHSS) to contract an independent environmental health inspection company(s) to conduct sanitary inspections on behalf of DPHSS and to fund inspection services from fees authorized to be collected under §7119 of Chapter 7, Title 22 of Guam Code Annotated.

### 5:00 PM:

• **BILL NO. 138 (COR)**

An act to amend Chapter 3 of Title 19 of the Guam Code Annotated; relative to the legalization of same sex civil unions within the territory of the island of Guam.



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
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# Distance Education within easy reach at UOG

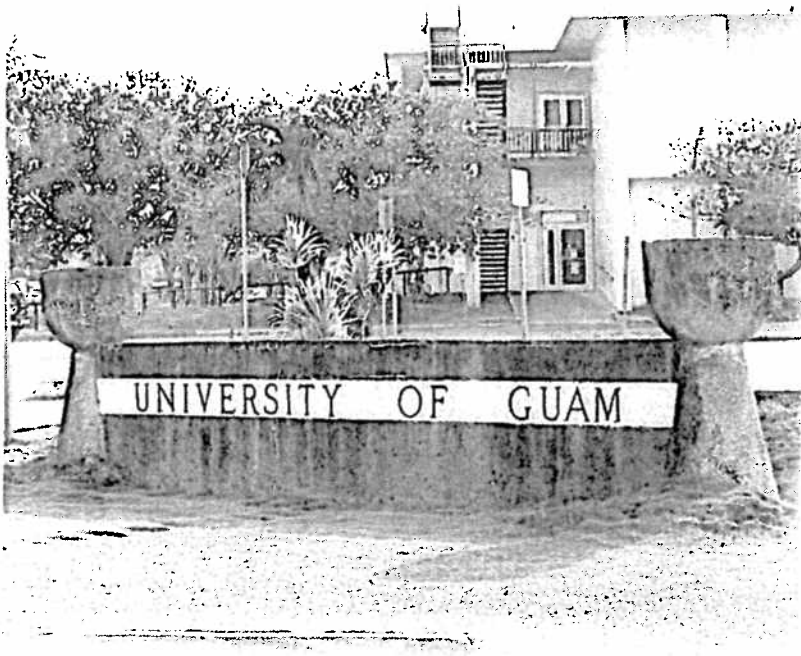


Photo by Wikimedia

(UOG) - THE UNIVERSITY of Guam will hold a Distance Education training/workshop on July 14. Assistant professor in the College of Education at the University of Hawaii, Manoa Kavita Rao, will be the featured presenter.

Distance education - or distance learning as it is often called - is a student-centered instructional format that allows learners (students) to take courses without having to commit to regular campus attendance. Rather than attending courses in person, teachers and students may communicate at times of their own choosing by exchanging printed or electronic media, or through technology that allows them to communicate in real time and through other online methods.

The biggest driver of distance learning has been due to social changes. Over the years, individuals, institutions, businesses and the military have continuously sought alternative means of access to higher education as they strive to cope with lifestyles and changing demands of the economies and societies in which they live.

Areas to be covered in the UOG workshop include best practices in Distance Education for rural settings; technologies that work for Pacific island scenarios; and addressing cross-cultural and local contexts in Micronesia. The workshop will also

review a quarter century of lessons learned with the Micronesia experience. Presenters will discuss considerations for bachelors and masters programs online, instructional strategies for virtual classes, and addressing the needs and preferences of students via distance education.

Participants will receive some hands-on practice with distance education technologies, such as Moodle and Elluminate, social software

that supports group communication and is used in distance learning environments.

The workshop is free of charge and will be held in the new distance education classroom next to the Science Building on the Mangilao campus. The workshop starts at 9:45 a.m. Persons interested in registering for this exciting training workshop may contact Verna Marquez at [vernabm@uogam.uog.edu](mailto:vernabm@uogam.uog.edu) or give her a call at 735-2620/1

# Community

Service Commission Conference Room. Call 647-1855/7.

**Guam Board of Examiners for Pharmacy** will hold a regular session meeting on Thursday, July 16, 7:30 a.m., at the Health Professional Licensing Board Room. Call 735-7406-11.

**Guam Memorial Hospital Authority Board of Trustees** will hold a meeting on Thursday, July 9, 6 p.m. at the GMHA Board Room. Call 647-2218/2418.

**University of Guam Board of Regents** will hold a regular meeting on Thursday, July 15, at 5:30 p.m., in AV Room #1 of the RK Library. Call 735-2244.

**Civilian Military Task Force Social & Culture Sub-Committee** will hold a meeting on Tuesday, July 14, 2 p.m. at the Department of Chamorro Affairs Conference Room. Call 475-4278/9.

**Guam Housing Corporation** will hold a regular board of Director's meeting on Wednesday, July 15, at 2 p.m., in the GHC conference room. Call 641-4143 ext. 133.

**Guam Memorial Hospital Employee Association** is sponsoring, "6000 steps towards a Healthier Heart," a 5K walk/run event to be held early morning on Saturday, July 18, 5 a.m., in the Guam Memorial employee parking lot. Go time is 6 a.m. Registrations can be taken at the GMHA Security booth in the front lobby or at Hornet Sporting Goods store. Call 647-2430.

**Guam Board of Medical Examiners** will hold a regular session meeting on Wednesday, July 15, at noon, at the Guam Memorial Hospital Authority Board Room. Call 735-7406-11.

**Department of Chamorro Affairs Board of Trustees** will hold a regular meeting on Thursday, July 16, 4 p.m. in the Department of Chamorro Affairs conference room. Call 475-4278/9.

**Guam Education Policy Board** will hold a regular meeting on Wednesday, July 29, 6 p.m. at Upi Elementary School, Yigo. Call 300-1627/9.

**Committee on Public Safety, Law Enforcement and Senior Citizens** will hold a public hearing on Thursday, July 9, 9 a.m. in the Public Hearing Room of I Liheslaturan. Call 472-5047/5048.

**Guam Parole Board** will hold a regular scheduled hearing on Thursday, July 30, 8:30 a.m. at the Parole Services Division office. Call 473-7001.

**Civil Service Commission Board** will hold a meeting on Thursday, July 9, 5:30 p.m. in the Civil

**Guam Pardon Review Board** will hold a regular scheduled hearing on Thursday, July 30, 3 p.m. at the Parole Services Division office. Call 473-7001.

**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY**  
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 Tel: (671) 969-1495.6 • Fax (671) 969-1497 • Email: [aguonfrank@gmail.com](mailto:aguonfrank@gmail.com)

**NOTICE OF PUBLIC HEARING**  
**WEDNESDAY, JULY 15, 2009,**  
**GUAM LEGISLATURE PUBLIC HEARING ROOM**

**8:00AM:**

- BILL NO. 101 (COR)** - Relative to smoking within 20 feet of an entrance of a public place where smoking is prohibited.
- BILL NO. 107 (LS)** - Relative to removing the continuing clause provisions to health insurance companies on Guam who contract with Government of Guam and to require all companies or other legal entities providing health insurance to Government of Guam to make available electronically de-identified demographic, medical, dental, vision and pharmacy claims utilization and cost information subject to meeting HIPAA Regulations.
- BILL NO. 116 (COR)** - Relative to authorizing Guam Census Program temporary recruitment and employment of personnel related to the Guam Decennial 2010 Census.
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**1:30PM:**

- BILL NO. 119 (COR)** - Relative to establishment of "GUAMS Hospital Foundation Act of 2009", through adding a new 580119 to Ch. 80, Div. 4, 106CA.
- BILL NO. 133 (COR)** - Relative to authorizing the Governor of Guam to contract services of a professionally qualified individual related to services provided by DMHSA to serve as Director of DMHSA
- BILL NO. 135 (COR)** - Relative to authorizing DPHSS to contract independent environmental health inspection company(s) to conduct sanitary inspections on behalf of DPHSS and fund inspection services from authorized fees collected.

**5:00PM:**

- BILL NO. 138 (COR)** - Relative to legalization of same sex civil unions

*If written testimonies are to be presented at the hearing, the Committee requests that copies be submitted one day prior to the public hearing date to the Office of Senator Frank B. Aguon, Jr., 238 Archbishop F.C. Flores St., DNA Bldg., Ste 701A, Hagåtña, GU 96910, or emailed to [aguonfrank@gmail.com](mailto:aguonfrank@gmail.com).*

Individuals requiring special accommodations or services, or for further information, please contact Natasha Aguon, Gina Tabonares or Ronald Quiogue at 969-1495/6

THIS AD WAS PAID FOR BY GOVERNMENT FUNDS

## GAIN

### PETS OF THE WEEK

Opal will make your days glitter and glisten with her colorful ideas on how to spend spare time. Her showcases of entertainment are sure to motivate an exhausted body into participation. She has a black coat with distinct golden-brown accents dotted over each eye and painted on her muzzle like a big grin. Even though she is a petite girl at 8 months old she manages to hold her own ground when she shares the park with bigger dogs.



Lance will only charm those who wish to be under his spell. It will seem as though he is demanding to be petted when he mews at you but he is really asking politely in cat lingo. Once you get past his uniquely handsome coat and into his mind you will find his feline personality irresistible. The buff and chocolate colors against the linen white fur of his coat are heightened by eyes like azure crystals.

Come to the GAIN Animal Shelter in Yigo or call 653-4246. See other adoptable pets at [www.Petfinder.com](http://www.Petfinder.com). UNDERWATER WORLD will donate one adult admission ticket for every Pet of the Week adopted.

**SAIPAN** – The court ruling on the government's debt to the Retirement Fund will result in the imposition of austerity measures in fiscal year 2010, which starts on Oct. 1.

"The shortfall will be \$8 million and this will mean significant budget cuts – 392 jobs will be lost," Sen. Maria T. Pangelinan said.

"This makes austerity measures imperative. So where do we cut and who do we cut? Maybe we should ask the Retirement Fund," she added.

Without austerity measures (work-hour reductions and pay cuts) over 1,000 government employees will lose their jobs, said Pangelinan, D-Saipan and chairwoman of the Senate Fiscal Affairs Committee.

She noted that the Retirement Fund now wants to negotiate with the administration and the Legislature.


"They should have sat down with us from the very beginning without going through litigation which cost this government a lot of money. So now what is the court saying? That we should all sit down, but that's what we've been saying all this time. So now we're back to square one," Pangelinan said.

The Retirement Fund, the sena-

"They didn't want the Legislature to be involved but now they want us to sit down with them," she added. "I'll say it again. The Fund sued the administration and not the Legislature. Now the administration must come to the Legislature to discuss the

file an appeal we need to adjust the distribution of expenditures because there will be a shortfall and that will mean cuts."

According to Pangelinan, no one said that the government did not owe money to the Retirement Fund.

 **SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT,**  
**HEALTH & HUMAN SERVICES, AND JUDICIARY**  
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**THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**

**Battle for Supreme Court Justice**

**Nation**

**14 TUESDAY, JULY 14, 2009**

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. 135(COR)

Introduced by:

T.C. Ada  
A.B. Palacios, Sr.  
F.B. Aguon, Jr.

2009 JUN 22 PM 4:31 EDT

**AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2 OF TITLE  
10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING  
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL  
SERVICES (DPHSS) TO CONTRACT AN INDEPENDENT  
ENVIRONMENTAL HEALTH INSPECTION COMPANY(S) TO  
CONDUCT SANITARY INSPECTIONS ON BEHALF OF DPHSS  
AND TO FUND INSPECTION SERVICES FROM FEES  
AUTHORIZED TO BE COLLECTED UNDER §7119 OF CHAPTER  
7, TITLE 22 OF GUAM CODE ANNOTATED**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that Guam will  
3 experience an influx of approximately 17,000 temporary non-immigrant and U.S.  
4 workers as a result of the upcoming military buildup. A majority of these workers will  
5 live in temporary workforce housing, which is frequently susceptible to the  
6 environmental health hazards inherent to any large-scale communal living arrangement.

7 *I Liheslaturan Guåhan* finds that an important component of the DPHSS is the  
8 regulation and enforcement conducted through its Division of Environmental Health  
9 (DEH). DEH is entrusted to reduce the risk of communicable diseases among workers

1 and the public by establishing comprehensive, uniform procedures for inspecting and  
2 permitting temporary workforce housing.

3 The projected proliferation of temporary workforce housing, and the resulting  
4 increase in required site inspections, will add a substantial amount of workload upon an  
5 already understaffed Division of Environmental Health. In order to ensure the DEH will  
6 be able to effectively inspect temporary workforce housing and sustain its current  
7 inspection workload, *I Liheslaturan Guåhan* intends to authorize the DPHSS to contract  
8 independent environmental health inspection company(s) to perform inspections of  
9 temporary workforce housing on behalf of the DPHSS.

10 It is further the intent of *I Liheslaturan Guåhan* to establish the general  
11 parameters by which the DPHSS will certify and contract independent environmental  
12 health inspection company(s) and to direct DPHSS to develop and implement rules and  
13 regulations regarding sanitary inspections that will minimize or eliminate environmental  
14 health risks in temporary workforce housing.

15 **Section 2. Temporary Workforce Housing.** A new chapter 55 of Division 2 of  
16 Title 10, Guam Code Annotated, is hereby *added* to read:

17 **“ Chapter 55**

18 **Temporary Workforce Housing**

19 **§55101. Definitions.**

20 (a) *Temporary worker* means:

- 21 (1) A worker from a point origin outside of Guam, who is sponsored  
22 by an employer or has come to Guam on his own to seek  
23 employment for a specific project, and;

1 (2) Will exit Guam upon completion of their work contract on this  
2 specific project.

3 (b) *Temporary workforce housing* means any enclosures of living spaces,  
4 reasonably contiguous, together with the land appertaining thereto,  
5 established, operated or used as living quarters and at minimum Fifty-one  
6 percent (51%) of the residents are temporary workers, excluding, but not  
7 limited to facilities known by varying nomenclatures or designations as  
8 dormitories, hotels, motels, travel lodges, or tourist homes.

9 (c) *Change of Temporary Workforce Housing Status* means any significant  
10 variances to temporary workforce housing in relation to the most recent  
11 prior inspection. Such variances shall be determined or defined by the  
12 Department of Public Health and Social Services (DPHSS) and include,  
13 but not be limited to, significant change in the number of occupants,  
14 structural change, or change of ownership.

15 (d) *Workers' Dormitory Permit* means the official sanitary permit issued  
16 by the DPHSS for temporary workforce housing.

17 (e) *Independent Environmental Health Inspection Company* means an  
18 association, a corporation, individual, other legal entity or agency that is  
19 duly licensed to do business on Guam and has been certified by the  
20 DPHSS as being competent and capable to conduct sanitary inspections as  
21 directed by the DPHSS.

22 (f) *Temporary Workforce Housing Operator* means a person or business  
23 entity, who owns, leases or manages or proposes to own, lease or



1 manage a temporary workforce housing and from this point forward  
2 shall be referred to as an “operator”.

3 **§55102. Powers and Duties.** The Department of Public Health and Social  
4 Services (DPHSS) is hereby authorized to certify and contract Independent  
5 Environmental Health Inspection Company(s) to conduct sanitary inspections at  
6 temporary workforce housing, and other required inspections that it deems necessary.

7 Additionally:

8 (a) The DPHSS shall determine the criteria for certifying independent  
9 environmental health inspection company(s) to act as authorized  
10 inspection agents, and shall periodically review and evaluate the  
11 performance and eligibility of these agents; and,

12 (b) The DPHSS shall retain sole authority to grant workers’ dormitory  
13 permits; and,

14 (c) Independent environmental health inspection company(s) under  
15 certification by DPHSS shall conduct sanitary inspections only on  
16 behalf of and at the direction of DPHSS; and,

17 (d) Independent environmental health inspection company(s) may act as  
18 agents of DPHSS provided that they meet the following criteria:

19 (1) The company does not perform work for an operator of a  
20 temporary workforce housing or related company which may  
21 require the sanitary inspection that may come under its  
22 inspection review;

1                   (2) The company has no conflict of interest as determined by the  
2                   DPHSS.

3                   (e) Inspections necessary for the initial granting of workers' dormitory  
4                   permit shall be conducted by the DPHSS; and,

5                   (f) The DPHSS shall regulate temporary workforce housing in the manner  
6                   described in §55104 of this Chapter; and,

7                   (g) The DPHSS may require additional sanitary inspections that it deems  
8                   necessary; and,

9                   (h) The DPHSS shall provide the results of its inspections to other  
10                  regulatory Government of Guam agencies, if requested.

11                  **§55103. Sanitary Permit for Temporary Workforce Housing, Required:**

12                  (a) The operator of a temporary workforce housing must possess a current  
13                  and valid sanitary permit issued by the DPHSS, and make available for  
14                  inspection by DPHSS or its agent(s).

15                  (b) The operator shall be responsible for applying directly to the DPHSS  
16                  for a sanitary permit and maintaining a valid sanitary permit as a  
17                  condition for operating a temporary workforce housing.

18                  (c) The operator shall apply for renewal of its workers' dormitory permit  
19                  and the payment thereof in accordance with §55104.

20                  (d) Sanitary permits for temporary workforce housing shall be provided  
21                  and regulated by the DPHSS.

1           **§55104. Sanitary Inspections, Phases:** For the purposes of sanitary regulation,  
2           permitting of temporary workforce housing shall be required during each of the  
3           following phases:

4                   (a) Primary Inspection Phase:

- 5                           1. During the Primary Inspection Phase, sanitary inspections shall be  
6                                   conducted quarterly following the issuance of an initial workers’  
7                                   dormitory permit; and,  
8                           2. For all quarterly inspections within the Primary Inspection Phase,  
9                                   one (1) of the four (4) quarterly inspections must be conducted by  
10                                   the DPHSS, the other three (3) of the four (4) quarterly  
11                                   inspections, may be conducted by the certified and contracted  
12                                   Independent environmental health inspection company(s); and,  
13                           3. The Primary Inspection Phase shall apply to all temporary  
14                                   workforce housing, new or currently existing and shall endure until  
15                                   four consecutive quarters of satisfactory inspections have been  
16                                   achieved.

17                   (b) Secondary Inspection Phase:

- 18                           1. Secondary Inspection Phase shall be applied following successful  
19                                   completion of the Primary Inspection Phase, as defined in §55104;  
20                                   and,  
21                           2. During the Secondary Inspection Phase, inspections shall take  
22                                   place every six (6) months; and,

- 1                                 3. Successful completion of the Secondary Inspection Phase shall
- 2   consist of two consecutive semiannual inspections that were rated
- 3   satisfactory; and,
- 4                                 4. Following a failed inspection or Change of Temporary Workforce
- 5   Housing Status, the temporary workforce housing in question shall
- 6   return to the Primary Inspection Phase.

7                                 (c) Tertiary Inspection Phase:

- 8   1. During the Tertiary Inspection Phase, inspections will be
- 9   conducted on an annual basis; and,
- 10   2. Following a failed inspection or Change of Temporary Workforce
- 11   Housing Status, the temporary workforce housing in question shall
- 12   return to the Primary Inspection Phase.

13                                 **§55105. Permit Fees.**

- 14   (a) Every inspection as defined in §55104 and regardless of the findings,
- 15   will be accompanied by a permit fee established by the rules and
- 16   regulations promulgated by DPHSS and the Board.
- 17   (b) When any reinspection is required pursuant to §55104 of this chapter,
- 18   the operator shall pay a fee for each reinspection.
- 19   (c) All permit fees must be paid before additional inspections will be
- 20   performed.
- 21   (d) Permit is not transferable.
- 22   (e) There will be no charges for the following types of inspections
- 23   provided a current permit has been issued:

- 1 (1) Validation inspections; and,
- 2 (2) Complaint verification inspections.

3 **§55106 DPHSS Temporary Workforce Housing Sanitary Inspection**  
4 **Revolving Fund**

5 (a) There is hereby created the DPHSS Temporary Workforce  
6 Housing Sanitary Inspection Revolving Fund, which shall be  
7 accounted for separately from the General Fund. Monies in the  
8 revolving fund shall not lapse at the end of a fiscal year but  
9 shall roll-over until used by the DPHSS for the overall cost of  
10 conducting sanitary inspections of temporary workforce  
11 housing. Monies in the revolving fund shall not be used to pay  
12 any personnel expenses.

13 (b) Payment to contracted independent environmental health  
14 inspection company(s) for services rendered shall be paid from  
15 the DPHSS Temporary Workforce Housing Sanitary Inspection  
16 Revolving Fund.

17 (c) Notwithstanding the Central Accounting Act, fees collected and  
18 deposited into a special fund known as the DPHSS Temporary  
19 Workforce Housing Sanitary Inspection Revolving Fund shall  
20 be kept in a bank licensed to do business on Guam and funds  
21 shall be paid out only upon a request for payment or requisition  
22 submitted by the Director of DPHSS. All monies in this fund  
23 shall be subject to legislative appropriation, and are hereby

1 specifically appropriated only for the use of the Division of  
2 Environmental Health in the pursuit of its authority.

3 **§55107. Receiving and Giving Bribes.** The sanitary inspector from DEH or the  
4 Independent Environmental Health Inspection Company(s), shall be guilty of a felony if  
5 he solicits, accepts or agrees to accept any benefit from another person as consideration  
6 for his performance of an official function. A person is guilty of a felony if he offers or  
7 agrees to offer any benefit to the sanitary inspector as consideration for such sanitary  
8 inspector's performance of an official function."

9 **§55108. Effective Date**

10 (a) Upon passage of this Act, the DPHSS shall develop Rules and  
11 Regulations and shall submit same to the Legislature no later than 90  
12 days following the passage of this act.

13 (b) The Rules and Regulations shall become effective upon the adoption  
14 of the Rules and Regulations by *I Liheslaturan Guåhan*.

15 (c) This Act shall expire on June 30, 2015 unless extended by legislative  
16 action and executive approval.

17 **Section 3. Amendments of Section 7119 of Chapter 7, Title 22 of Guam**  
18 **Code Annotated.**

19 Section 7119 of Chapter 7, Title 22 of Guam Code Annotated is hereby  
20 amended to read:

21

22 **“§7119. Registration Fee.**

1 (a) The Guam Department of Labor is authorized to collect a registration  
2 fee of One Thousand Two Hundred Forty-three Dollars (\$1,0243.00)  
3 annually per non-immigrant temporary worker for each calendar year  
4 or a fraction thereof from the employer of each non-immigrant  
5 temporary worker, payable at the time of registration by the non-  
6 immigrant worker.

7 (b) Funds collected pursuant hereto shall be subject to legislative  
8 appropriation, and shall be used solely to support §7120, Chapter 7,  
9 Title 22 GCA (Manpower Development Fund), ~~and~~ the Skills Training  
10 Programs and §55106, Chapter 55 Title 10 GCA (DPHSS Temporary  
11 Workforce Housing Sanitary Inspection Revolving Fund). Eighty  
12 point Forty-five percent (80.45%) of funds collected shall go to the  
13 MDF and appropriated pursuant to §7120, Chapter 7, Title 22 GCA;  
14 the remaining Nineteen point Fifty-five percent (19.55%) shall go to  
15 the DPHSS Temporary Workforce Housing Sanitary Inspection  
16 Revolving Fund. Funds allocated for the Manpower Development and  
17 Skills Training Programs are used for Guam residents in order to  
18 eliminate the need to bring non-immigrant temporary workers on  
19 Guam. DPHSS Temporary Workforce Housing Sanitary Inspection  
20 Revolving Fund is used to ensure that the sanitary conditions of the  
21 workers' dormitories is in compliance with DPHSS Rules and  
22 Regulations and also to provide protection for both the general public

1 and the non-immigrant temporary workers as related to environmental  
2 health concerns.