### BILL STATUS

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<th>SPONSOR</th>
<th>TITLE</th>
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<td>203-35 (COR)</td>
<td>Régine Biscoe Lee</td>
<td>AN ACT TO AMEND § 9141 OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS' COMPENSATION COMMISSION AND APPEARANCE OF MEMBERS AT MEETINGS AND HEARINGS BY TELEPHONE OR VIDEO CONFERENCE CALL.</td>
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**Session Date**

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**Co-sponsored by:**

- Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor

**Amendments:**

- As amended by the Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor; and further amended on the Floor.

**Public Hearing Information:**

- 9/5/19 8:35 a.m.
- 10/21/19 Committee on Federal and Foreign Affairs, Telecommunications, Technology, and Labor 12/3/19 2:00 p.m.
- 1/17/20 4:11 p.m.

**Fiscal Notes:**

- Received: 2/12/20 Mess and Comm. Doc. No. 35GL-20-1534.
HAND-DELIVERED

February 12, 2020

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

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

Dear Madame Speaker:

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

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

Senseremente,

JOSHUA F. TENORIO
Áktu Maga’añen Guahan
Acting Governor of Guam

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

cc via email: Maga’hågan Guåhan
Compiler of Laws
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN

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

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

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

Assistant Staff Officer
Maga’håga’s Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga’hågan Guåhan

Date: 02-12-20

Public Law No. 35-66
AN ACT TO AMEND § 9141 AND ADD NEW §§ 9142(c), 9142(d), AND 9143(d), ALL OF CHAPTER 9, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE WORKERS' COMPENSATION COMMISSION AND ALLOWING THE APPEARANCE AND PARTICIPATION OF COMMISSION MEMBERS AT MEETINGS AND HEARINGS BY TELEPHONE CONFERENCE OR VIDEO TELECONFERENCE OR LIVESTREAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

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

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

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

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

   (6) one (1) member of a labor union; and
(7) at the Director’s option, two (2) members from the
general public. At all times, the total number of members shall be
an odd number.

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

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

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

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

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

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

“(c) Civil Penalties. The Commission shall impose a civil penalty of not less than Two Hundred Fifty Dollars ($250) and not more than Twenty-five Thousand Dollars ($25,000), per violation, on any employer found in violation of the statutory obligations required in this Chapter or any applicable administrative rules and regulations, unless the statute requires criminal penalties, in which case the Commission shall investigate the matter, document its findings and refer the matter to the Office of the Attorney General for prosecution. The employer may appeal any assessed civil penalties within fifteen (15) calendar days from the issuance of a Notice of Violation to the Commissioner who shall be the Hearing Officer.”
Section 3. A new § 9142(d) is hereby added to Chapter 9, Title 22, Guam Code Annotated, to read:

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

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

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

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

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