

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
156-37 (COR)	Therese M. Terlaje Chris Barnett	AN ACT RELATIVE TO EXPEDITING SCHOOL INSPECTIONS BY AUTHORIZING VARIANCES, INCREASED SMALL PURCHASE LIMITS, DETAILING OF ADDITIONAL INSPECTORS, AND TEMPORARY EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM INSPECTORS AMENDING §4722 OF DIVISION 1, ARTICLE 7, CHAPTER 4 OF TITLE 26 GUAM ADMINISTRATIVE RULES AND REGULATIONS.	7/28/23 5:11 p.m.						

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

Bill No. 144-37 (COR)

Introduced by:

Therese M. Terlaje *TMT*
Chris Barnett *CB*

**AN ACT RELATIVE TO EXPEDITING SCHOOL
INSPECTIONS BY AUTHORIZING VARIANCES,
INCREASED SMALL PURCHASE LIMITS, DETAILING
OF ADDITIONAL INSPECTORS, AND TEMPORARY
EMPLOYMENT OF RETIRED GOVERNMENT OF GUAM
INSPECTORS AMENDING §4722 OF DIVISION 1,
ARTICLE 7, CHAPTER 4 OF TITLE 26 GUAM
ADMINISTRATIVE RULES AND REGULATIONS.**

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

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

4 “ §4722. **Variance.**

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

1 sections. The Director, not his/her representative, is delegated the authority to
2 approve such variance.

3 (a) ~~A variance shall not be issued to a GDOE public school if failure to~~
4 ~~comply with Article 7, Chapter 26 of these Rules and Regulations will result in~~
5 ~~the suspension of the Sanitary Permit of a GDOE public school.~~

6 **(b) Reporting Requirement for GDOE Public Schools.**

7 The Director shall submit a report on the 5th day of each month, of all written
8 requests for variances submitted by a GDOE public school or operator and
9 received by DPHSS, whether such variances were approved or denied, to the
10 Guam Education Board and I Liheslaturan Guåhan. These monthly reports shall
11 be categorized by school or operator and shall cover the preceding month.

12 **Section 2. Small Purchase Limit.** Notwithstanding 5 GCA Section §5213 the
13 small purchases limit for supplies or services or construction for GDOE for
14 remainder of Fiscal Year 2023 and first six months of Fiscal Year 2024 shall be
15 \$250,000.

16 **Section 3. Governor Authorized to Detail Inspectors.** I Maga'hågan Guåhan
17 is hereby authorized to detail inspectors from Department of Public Works,
18 Guam Environmental Protection Agency, Guam Fire Department, or other
19 agencies who can be trained by the Division of Environmental Health to assist
20 Environmental Health Inspectors in school inspections up until December 31,
21 2023.

22 **Section 4. Temporary Employment of Retired Government of Guam**
23 **Inspector.** The Department of Public Health and Social Services (DPHSS) may
24 hire retired government of Guam inspectors if a critical need arises. DPHSS may
25 exercise this hiring authority for inspectors in Division of Environmental Health.
26 Said retirees shall be hired at a minimum of Step 1 for the position in question

1 and shall not receive sick and annual leave. Notwithstanding § 8121(a) of
2 Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this
3 Section may continue to receive retirement benefits. Any employee hired under
4 this Section shall only be eligible to enroll in the Government of Guam Health
5 Insurance Program as an active employee. The Director of DPHSS shall submit
6 a report to I Liheslaturan Guåhan on July 1, 2024, and again thirty (30) days
7 after the end of the fiscal year, of the number of retired employees hired
8 pursuant to this Section, the positions filled, the length of employment, the cost
9 of said hiring, and the nature of the critical need that was filled.

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

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