

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

## 2023 (FIRST) Regular Session

### VOTING RECORD

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**14**

**0**

**1**

**1**

**Aye**

**Nay**

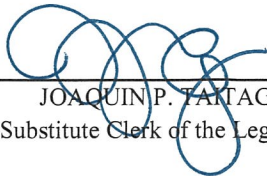
**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

**Absent**

**Excused**

CERTIFIED TRUE AND CORRECT:

  
 JOAQUIN P. TAITAGUE  
 Substitute Clerk of the Legislature

I = Pass

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

**Bill No. 29-37 (COR)**

As substituted; and amended by the  
Committee on Health, Land, Justice,  
and Culture and further amended  
on the Floor.

\*

Introduced by:

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

**AN ACT TO *RENUMBER* AND *AMEND* § 4721 ENTITLED  
“VARIANCE” AND TO *ADD* A NEW SUBSECTION (b)  
TO § 4719, ALL OF DIVISION 1, ARTICLE 7, CHAPTER  
4, TITLE 26 OF GUAM ADMINISTRATIVE RULES AND  
REGULATIONS, RELATIVE TO UPDATING  
SANITATION REGULATIONS TO PROMOTE HEALTH  
AND SAFETY OF GUAM DEPARTMENT OF  
EDUCATION PUBLIC SCHOOLS.**

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

2        **Section 1. Legislative Findings and Intent.**     *I Liheslaturan Guåhan*

3        finds that current sanitation rules and regulations pertaining to schools exempt

1 existing schools from coming into full compliance until June of 2024, which is five  
2 years after its adoption.

3 *I Liheslatura* further finds that four years after the enactment of these rules  
4 and regulations, numerous schools require immediate corrective action for building  
5 facilities, ventilation, plumbing, restrooms, garbage and recycling disposal, food  
6 protection, environmental health, and other safety issues. To prolong the safety  
7 compliance of our schools for an additional seventeen months would be a grave  
8 disservice to our public school children and faculty.

9 *I Liheslatura* further finds that expediting the date of compliance with the  
10 Rules and Regulations for School Building Sanitation will catalyze the Department  
11 of Public Health and Social Services to conduct immediate assessments of the  
12 corrective actions needed to address potential Imminent Health Hazards and ensure  
13 compliance with the requirements necessary to retain Sanitary Permits for the  
14 operation of our schools.

15 *I Liheslatura* finds that the bottom line is our students do not deserve to go to  
16 schools that do not meet basic public health and safety standards and requirements.  
17 Additionally, the difficult circumstances facing the school system requires going  
18 above and beyond the "adequate education" promised to our public school  
19 stakeholders.

20 *I Liheslatura* further finds saving our schools is an all hands on deck issue that  
21 requires a community effort and government-wide coordination and support. *I*  
22 *Liheslatura* stands by ready and willing to support our schools.

23 *I Liheslatura Guåhan* intends to update regulations to ensure public schools  
24 come into full compliance immediately to protect the health and safety of our  
25 school community and the community at large.

26 **Section 2.** A new subsection (b) is *added* to § 4719 of Division 1, Article 7,  
27 Chapter 4, Title 26 of Guam Administrative Rules and Regulations, to read:

28 **“§ 4719. Existing Facilities.**

1 (a) School facilities in existence at the time that these regulations  
2 take effect shall be given five years from the date that these rules become  
3 effective to come into full compliance with the requirements of these rules  
4 unless a school facility or operator files a written statement of exception with  
5 the Director and receives a variance as provided in § 4722.

6 (b) Guam Department of Education (GDOE) Public school facilities  
7 shall come into full compliance by the start of School Year 2023-2024 with  
8 the requirements of these rules unless a public school facility or operator files  
9 a written statement of exception with the Director and receives a variance as  
10 provided in § 4722.”

11 **Section 3.** § 4721 of Division 1, Article 7, Chapter 4, Title 26 of Guam  
12 Administrative Rules and Regulations is hereby *renumbered* and *amended* to read:

13 **“§4722. Variance.**

14 In the event that a school or an operator is unable to comply with certain  
15 requirements of these rules and regulations, upon a showing of good cause  
16 which is not the result of negligence or malfeasance and if corrective action  
17 is in progress, the Director may grant a variance from the requirements of a  
18 particular rule by making a written determination. Before a variance from a  
19 requirement of these rules is approved, the school or the operator *shall* submit  
20 a written statement of the proposed variance from the requirement citing the  
21 relevant rule section numbers. The written statement shall include an alternate  
22 plan to address the potential public health hazards and nuisances under the  
23 relevant rule sections. The Director, not his/her representative, is delegated  
24 the authority to approve such variance.

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

28 (b) Reporting Requirement for GDOE Public Schools.

1           The Director shall submit a report on the 5<sup>th</sup> day of each month, of all  
2           written requests for variances submitted by a GDOE public school or operator  
3           and received by DPHSS, whether such variances were approved or denied, to  
4           the Guam Education Board and *I Liheslaturan Guåhan*. These monthly  
5           reports shall be categorized by school or operator and shall cover the  
6           preceding month.”

7           **Section 4. Immediate Site Inspections of GDOE Public School**  
8 **Facilities.** The Guam Department of Education shall conduct immediate site  
9 inspections of all public schools to assess and monitor corrective action to meet  
10 compliance with these rules and regulations. The assessment and report of the  
11 corrective actions for each public school, and Inspection and Grading Reports  
12 conducted pursuant to § 4720 of Chapter 4, Division 1, Title 26 Guam  
13 Administrative Rules and Regulations shall be submitted monthly to the Guam  
14 Education Board, *I Maga'hågan Guåhan*, and *I Liheslaturan Guåhan*. DPHSS shall  
15 conduct site inspections before the issuance or renewal of sanitary permits for  
16 schools before the start of School Year 2023-2024 and the start of every school year  
17 thereafter.

18           **Section 5. Compliance Timeline.** Compliance shall be met by the start of  
19 School Year 2023-2024.

20           **Section 6. Additional Resources to Obtain Compliance.** *I Maga'hågan*  
21 *Guåhan* may transfer personnel and other resources from, but not limited to, the  
22 Department of Public Works to assist with preparing procurement related scope of  
23 work preparation, repairs or other actions deemed necessary to obtain GDOE public  
24 school compliance with sanitary permit requirements. *I Maga'hågan Guåhan* may  
25 use federal funds or unaudited surplus revenues from FY 2023 to assist with  
26 procurement and compliance efforts. All GDOE public school facilities shall utilize  
27 the Community-Supported School Maintenance Program provided by the

1 Department of Public Health and Social Services, to assist schools with utilizing  
2 community resources to assist with improving school maintenance.

3 **Section 7. Effective Date.** This act shall be effective upon enactment.

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