

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to speaker@guamlegislature.org

August 5, 2023

OFFICE OF THE SPEAKER
THERESE M. TERLAJE

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

~~08~~ 05 2023

Time: 1:19 PM

Received: 

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

Håfa Adai Madame Speaker,

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

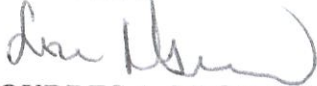
None of these measures is a panacea for the challenges that face our public schools, but at least the Guam Department of Education (GDOE) can meet these challenges without the unreasonable burden of an arbitrary timeline—one that changed from one legislature to the next.

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

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

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

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

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

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

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

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

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



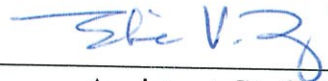
Therese M. Terlaje
Speaker

Attested:



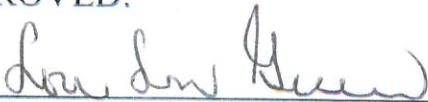
Amanda L. Shelton
Legislative Secretary

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



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

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 8/5/2023

Public Law No. 37-33

2023-19682
RCVD AT CENTRAL FILES
AUG 3 '23 PM 4:33

Elaine Tajalle

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

Bill No. 156-37 (COR)

Introduced by:

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

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

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

2 **Section 1.** § 4722 of Article 7, Chapter 4, Division 1 of Title 26, Guam

3 Administrative Rules and Regulations, is hereby *amended* to read:

1 “§ 4722. **Variance.**

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

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

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

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

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

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

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

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