



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 19 2001

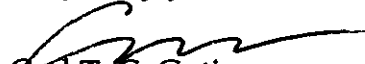
The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200, 130 Aspinal Street  
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 101 (COR) entitled: "AN ACT TO AMEND § 9220 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO HEARINGS BEFORE THE WORKERS' COMPENSATION COMMISSION AND TO PROVIDE AN APPROPRIATION" which I have signed into law as Public Law No. 26-30.


This legislation provides an exception within the Administrative Adjudication Law, only for the Workers' Compensation Commission, from the requirement for an attorney as a hearing officer for appeals from administrative actions.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco  
Speaker


|                                     |   |
|-------------------------------------|---|
| OFFICE OF THE LEGISLATIVE SECRETARY |   |
| ACKNOWLEDGMENT RECEIPT              |   |
| Received By                         |  |
| Time                                | 10:56   |
| Date                                | 7/23/01   |

0357


**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

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

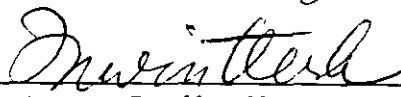
This is to certify that Bill No. 101 (COR), "AN ACT TO AMEND § 9220 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO HEARINGS BEFORE THE WORKERS' COMPENSATION COMMISSION AND TO PROVIDE AN APPROPRIATION," was on the 5<sup>th</sup> day of July, 2001, duly and regularly passed.

  
\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

  
\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

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This Act was received by I Maga'lahen Guåhan this 9<sup>th</sup> day of July, 2001,  
at 4:50 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:

  
\_\_\_\_\_  
**CARL T. C. GUTIERREZ**  
I Maga'lahen Guåhan

Date: 7-19-01

Public Law No. 26-30

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2001 (FIRST) Regular Session**

**Bill No. 101 (COR)**

As amended by the Committee on Rules, General Governmental Operations Reorganization and Reform, and Federal, Foreign and General Affairs and amended.

Introduced by:

V. C. Pangelinan  
Mark Forbes  
J. F. Ada  
T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
E. B. Calvo  
F. P. Camacho  
M. C. Charfauros  
L. F. Kasperbauer  
L. A. Leon Guerrero  
K. S. Moylan  
A. L.G. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO AMEND § 9220 OF TITLE 5 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
HEARINGS BEFORE THE WORKERS'  
COMPENSATION COMMISSION AND TO  
PROVIDE AN APPROPRIATION.**

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

2           **Section 1.** Section 9220 of Article 2, Chapter 9, Division 1 of Title 5 of  
3 the Guam Code Annotated is hereby *amended* to read as follows:

1           **"Section 9220. (a) Hearing Officer.** A hearing officer shall  
2           preside over every hearing in a contested case. *Except* in the  
3           case of hearings before the Workers' Compensation  
4           Commission, the hearing officer shall be an attorney and may  
5           be an attorney in full time service of the government of Guam.  
6           The Attorney General has power to assign a staff of hearing  
7           officers for the purpose of hearing contested cases. For  
8           hearings before the Workers' Compensation Commission, the  
9           Commissioner of the Workers' Compensation Commission  
10          shall serve as hearing officer *unless* disqualified.

11                   (b) For hearing before the Workers' Compensation  
12           Commission, the hearing officer may obtain services of a  
13           consultant proven to be knowledgeable with the Workers'  
14           Compensation laws, rules and regulations for the purpose of  
15           conducting such hearings.

16                   (c) For hearings before the Workers' Compensation  
17           Commission, in the event that such consultant is *not* available,  
18           the hearing officer may retain services of an attorney, or a law  
19           firm, to assist the hearing officer in conducting hearings."

20           **Section 2. Appropriations Adjustment.**                   Notwithstanding  
21           any prohibition of law, the hearing officer is authorized to spend *up to* Five  
22           Thousand Dollars (\$5,000.00) for Fiscal Year 2001 to pay for the services of  
23           a Workers' Compensation hearing consultant, attorney or law firm from  
24           the appropriation made to the Workers' Compensation Special Fund for  
25           Fiscal Year 2001 in § 12 of Public Law Number 25-176.

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# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 7/5/01

## VOTING SHEET

*Amended*  
Bill No. 101

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

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

| <u>NAME</u>               | <u>YEAS</u> | <u>NAYS</u> | <u>NOT VOTING/<br/>ABSTAINED</u> | <u>OUT DURING<br/>ROLL CALL</u> | <u>ABSENT</u> |
|---------------------------|-------------|-------------|----------------------------------|---------------------------------|---------------|
| ADA, Joseph F.            | ✓           |             |                                  |                                 |               |
| ADA, Thomas C.            | ✓           |             |                                  |                                 |               |
| AGUON, Frank B., Jr.      | ✓           |             |                                  |                                 |               |
| BROWN, Joanne M. S.       | ✓           |             |                                  |                                 |               |
| CALVO, Eddie B.           |             |             |                                  |                                 | ✓             |
| CAMACHO, Felix P.         | ✓           |             |                                  |                                 |               |
| CHARFAUROS, Mark C.       | ✓           |             |                                  |                                 |               |
| FORBES, Mark              | ✓           |             |                                  |                                 |               |
| KASPERBAUER, Lawrence F.  | ✓           |             |                                  |                                 |               |
| LEON GUERRERO, Lourdes A. |             |             |                                  |                                 | ✓             |
| MOYLAN, Kaleo S.          | ✓           |             |                                  |                                 |               |
| PANGELINAN, Vicente C.    | ✓           |             |                                  |                                 |               |
| SANTOS, Angel L.G.        | ✓           |             |                                  |                                 |               |
| UNPINGCO, Antonio R.      | ✓           |             |                                  |                                 |               |
| WON PAT, Judith T.        |             |             |                                  |                                 | ✓             |

TOTAL

12    0    0    0    3

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2001 (FIRST) Regular Session

Bill No. 101 (COR)

Introduced by:

v. c. pangelinan  
M. Forbes

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AN ACT TO AMEND §9220 OF TITLE 5, GUAM  
CODE ANNOTATED, RELATIVE TO HEARINGS  
BEFORE THE WORKERS' COMPENSATION  
COMMISSION.

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

2        **Section 1.** §9220 of Title 5, Guam Code Annotated, is hereby amended  
3 to read as follows:

4            **"§9220.    Hearing Officer.** A hearing officer shall preside over  
5 every hearing in a contested case. Except in the case of hearings before  
6 the Workers' Compensation Commission, the hearing officer, He shall  
7 be an attorney and may be an attorney in full time service of the  
8 Government. The Attorney General has power to assign a staff of  
9 hearing officers for the purpose of hearing contested cases. For hearings  
10 before the Workers' Compensation Commission, the Commissioner of  
11 the Workers' Compensation Commission shall serve as hearing officer  
12 unless disqualified."

101-101

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2001 (FIRST) Regular Session**

**Bill No. 101 (COR)**

Introduced by:

v. c. pangelinan  
M. Forbes



**AN ACT TO AMEND §9220 OF TITLE 5, GUAM  
CODE ANNOTATED, RELATIVE TO HEARINGS  
BEFORE THE WORKERS' COMPENSATION  
COMMISSION.**

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


**Section 1.** §9220 of Title 5, Guam Code Annotated, is hereby amended  
to read as follows:

**"§9220. - Hearing Officer.** A hearing officer shall preside over every hearing in a contested case. Except in the case of hearings before the Workers' Compensation Commission, the hearing officer, He shall be an attorney and may be an attorney in full time service of the Government. The Attorney General has power to assign a staff of hearing officers for the purpose of hearing contested cases. For hearings before the Workers' Compensation Commission, the Commissioner of the Workers' Compensation Commission shall serve as hearing officer unless disqualified."

I MINA 'BENTE SAIS NA LIHESLATURAN GUÅHAN  
TWENTY-SIXTH GUAM LEGISLATURE  
2001 (FIRST) REGULAR SESSION

Bill No. 101 (COR)

Introduced by:  
As amended by the Committee

v.c. pangelinan   
m. Forbes  

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**AN ACT TO AMEND §9220 OF TITLE 5, GUAM  
CODE ANNOTATED, RELATIVE TO HEARINGS  
BEFORE THE WORKERS' COMPENSATION  
COMMISSION.**

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

2 **Section 1.** §9220 of Title 5, Guam Code Annotated, is hereby amended to read as  
3 follows:

4 **“§9220. Hearing Officer.** A hearing officer shall preside over every hearing in a  
5 contested case. Except in the case of hearings before the Workers' Compensation  
6 Commission, the hearing officer, He shall be an attorney and may be an attorney in full  
7 time service of the Government. The Attorney General has power to assign a staff of  
8 hearing officers for the purpose of hearing contested cases. For hearings before the  
9 Workers' Compensation Commission, the Commissioner of the Workers' Compensation  
10 Commission shall serve as hearing officer unless disqualified.”

11 **Section 2.** A new Subsection (b) is added to §9220 of Title 5, Guam Code Annotated  
12 to read as follows:



1           “For hearing before the Workers’ Compensation Commission, the hearing officer  
2 may obtain services of a consultant proven to be knowledgeable with the Workers’  
3 Compensation laws, rules and regulation for the purpose of conducting such hearings.”

4           **Section 3.** A new Subsection (c) is added to §9220 of Title 5, Guam Code Annotated  
5 to read as follows:

6           “For hearing before the Workers’ Compensation Commission, in the event that  
7 such consultant is not available, the hearing officer may retain services of an attorney or a  
8 firm to assist the hearing officer in conducting hearings.”

9           **Section 4.** Notwithstanding any prohibition of law, the hearing officer is authorized to  
10 spend up to five thousand dollars (\$5,000) for fiscal year 2001, to pay for the services of  
11 a Workers’ Compensation hearing consultant, attorney or firm from the appropriation  
12 made to the Workers’ Compensation Special Fund for fiscal year 2001 in Section 12 of  
13 Public Law 25-176.

JUN 13, 01

**MINA'BENTE SAIS NA LIHESLATURAN GUAHAN**  
**2001 (FIRST) Regular Session**

**Bill No. 101 (COR)**

Introduced by:

v. c. pangelinan  
M. Forbes



**AN ACT TO AMEND §9220 OF TITLE 5, GUAM  
CODE ANNOTATED, RELATIVE TO HEARINGS  
BEFORE THE WORKERS' COMPENSATION  
COMMISSION.**

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

**Section 1.** §9220 of Title 5, Guam Code Annotated, is hereby amended  
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“§9220. - **Hearing Officer.** A hearing officer shall preside over every hearing in a contested case. Except in the case of hearings before the Workers' Compensation Commission, the hearing officer, He shall be an attorney and may be an attorney in full time service of the Government. The Attorney General has power to assign a staff of hearing officers for the purpose of hearing contested cases. For hearings before the Workers' Compensation Commission, the Commissioner of the Workers' Compensation Commission shall serve as hearing officer unless disqualified.”