



*Office of the Governor of Guam*

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

~~Office of the People's Speaker  
vicente (ben) c. pangelinan~~

MAY 03 2004

TIME: 4:43 ( ) AM ( ) PM  
RECEIVED BY: 

Felix Perez Camacho  
*Governor*

Kaleo Scott Moylan  
*Lieutenant Governor*

03 MAY 2004

The Honorable Vicente C. Pangelinan  
Speaker  
*Mina' Bente Siete Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 146 (LS), "AN ACT TO AMEND SECTIONS 20118 AND 20119 OF CHAPTER 20 OF PART 1, DIVISION 2 OF TITLE 10 GUAM CODE ANNOTATED AND SECTION 22106(D) OF P.L. 25-126, RELATIVE TO ENVIRONMENTAL HEALTH FEES AND ADMINISTRATIVE PENALTIES", which I signed into law on April 30, 2004 as Public Law No. 27-80.

Sincerely yours,



**FELIX P. CAMACHO**  
*I Maga' Låhen Guåhan*  
*Governor of Guam*

Attachment: copy attached of signed bill

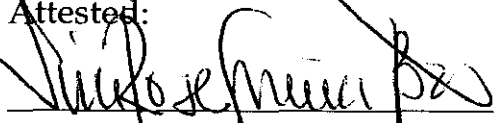
cc: The Honorable Tina Rose Muna-Barnes  
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

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

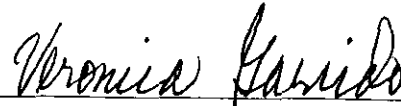
This is to certify that Substitute Bill No. 146 (LS), "AN ACT TO AMEND §§ 20118 AND 20119 OF CHAPTER 20 AND §22106(d) OF CHAPTER 22; TO ADD NEW §§ 20120 AND 20121 TO CHAPTER 20; AND TO REPEAL §22107 OF CHAPTER 22, ALL OF PART 1, DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENVIRONMENTAL HEALTH FEES AND ADMINISTRATIVE PENALTIES," was on the 23<sup>rd</sup> day of April, 2004, duly and regularly passed.

Attested:

  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

\_\_\_\_\_  
vicente (ben) c. pangelinan  
Speaker

.....  
This Act was received by I Maga'lahaen Guåhan this 27 day of April, 2004,  
at 11:45 o'clock A. .M.

  
Assistant Staff Officer  
Maga'laha's Office

APPROVED:

  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: April 30, 2004

Public Law No. 27-80

**I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN**  
**2003 (FIRST) Regular Session**

**Bill No. 146 (LS)**

As substituted by the Sub-Committee on Health,  
further substituted by the Committee on Rules and Health,  
and further substituted on the Floor and amended.

Introduced by:

L. A. Leon Guerrero  
F. B. Aguon, Jr.  
J. M.S. Brown  
F. R. Cunliffe  
C. Fernandez  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
J. A. Lujan  
T. R. Muña Barnes  
v. c. pangelinan  
J. M. Quinata  
R. J. Respicio  
Toni Sanford  
Ray Tenorio

**AN ACT TO AMEND §§ 20118 AND 20119 OF CHAPTER 20  
AND §22106(d) OF CHAPTER 22; TO ADD NEW §§ 20120  
AND 20121 TO CHAPTER 20; AND TO REPEAL §22107 OF  
CHAPTER 22, ALL OF PART 1, DIVISION 2 OF TITLE 10,  
GUAM CODE ANNOTATED, RELATIVE TO  
ENVIRONMENTAL HEALTH FEES AND  
ADMINISTRATIVE PENALTIES.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the Division of Environmental Health ("DEH") of the  
4 Department of Public Health and Social Services ("DPH&SS") routinely  
5 encounters health-regulated establishments and private citizens that fail to

1 correct their violations in a timely manner, or not at all, or repeat their  
2 offenses. Further, DEH generates revenues through the issuance of  
3 Sanitary Permits, Health Certificates, Deratting Exemption Certificates,  
4 Controlled Substances Registrations ("CSR"), and assessment of  
5 administrative penalties for environmental health violations. The monies  
6 collected for the issuance of Health Certificates and the issuance of CSR,  
7 are deposited in the "Environmental Health Fund" and the "Controlled  
8 Substances Diversion Fund", respectively. However, fees for Sanitary  
9 Permits and Deratting Exemption Certificates are deposited into the  
10 General Fund.

11 DEH assesses monetary fines to health-regulated establishments who  
12 are employing individuals without valid Health Certificates. The civil  
13 remedies afforded to the DPH&SS by Section 22106, Chapter 22, Title 10,  
14 GCA, under the Administrative Penalties, to recover monetary penalties  
15 from non-complying establishments, are too costly in time and money to  
16 pursue.

17 It is the intent of *I Liheslaturan Guâhan* to authorize DEH to assess  
18 monetary penalties to violators of environmental health laws, to encourage  
19 DEH to recoup monies for services provided to the public, and to promote  
20 self-sufficiency with less dependence on the General Fund, by enabling  
21 DEH to retain and utilize all monies generated through fees and to expand  
22 the enforcement powers of the DPH&SS in their efforts to recover  
23 monetary penalties from uncooperative health-regulated establishments by  
24 authorizing the agency to suspend such establishments' Sanitary Permits.

1           **Section 2.** §20118 of Chapter 20, Part 1, Division 2 of Title 10, Guam  
2 Code Annotated, is hereby *amended* to read as follows:

3           “§20118. **Penalty.** Any person who violates any provision of  
4 this Part or any valid rule or regulation promulgated under this Part  
5 or who refuses or neglects to comply with any order issued by the  
6 Director, or other officers and personnel of the Department, in the  
7 carrying out of the provisions of this Part, the penalty for which is not  
8 otherwise prescribed in this Part, or by rules or regulations, shall be  
9 deemed to have committed an administrative violation and is subject  
10 to the imposition of an administrative penalty, the fines of which  
11 shall be prescribed by statutes or by rules and regulations which shall  
12 be promulgated in accordance with the Administrative Adjudication  
13 Law. Any and all fines pursuant to laws or rules and regulations  
14 enforced by the Division of Environmental Health shall be deposited  
15 into the General Fund. Willful failure to pay administrative fines  
16 imposed by this Section, or by rules and regulations, shall be a  
17 misdemeanor and punishable in accordance with the laws of Guam.”

18           **Section 3.** §20119 of Chapter 20, Part 1, Division 2 of Title 10, Guam  
19 Code Annotated, is hereby *amended* to read as follows:

20           “§20119. **Fees.** Any and all fees collected pursuant to laws or  
21 rules and regulations enforced by the Division of Environmental  
22 Health of the DPH&SS shall be deposited into the Environmental  
23 Health Fund.”

24           **Section 4.** §22106(d) of Chapter 22, Part 1, Division 2 of Title 10,  
25 Guam Code Annotated, is hereby *amended* to read as follows:

1           “(d) If any person, or a health-regulated establishment, fails to  
2 comply with an administrative penalty order after it has become  
3 final:

4           (1) the Director shall suspend the health-regulated  
5 establishment’s sanitary permit until such time that the  
6 payment is made in full, but not before written notice is issued  
7 to the establishment notifying it of the action at least seven (7)  
8 days before the suspension takes effect; or

9           (2) the Director shall forward the matter to the  
10 Attorney General of Guam to bring a civil action to enforce the  
11 order, or to recover the amount ordered or assessed, plus  
12 current interest from the date of the final order or decision. To  
13 prevail in such an action, the Director need establish only that:

14                   (i) notice was given as required;

15                   (ii) a hearing was granted to the defendant or that  
16 the defendant requested no hearing; and

17                   (iii) the penalty was imposed and has become  
18 final, either because the administrative order  
19 was *not* appealed to the Superior Court of  
20 Guam, or that after judicial review the  
21 administrative order remains an unsatisfied  
22 obligation; *or*

23           (3) perform both (1) and (2).”

24           **Section 5.** A new §20120 is hereby *added* to Chapter 20, Part 1,  
25 Division 2 of Title 10, Guam Code Annotated, to read as follows:

1           “§20120. Fines. Any and all fines pursuant to laws or rules and  
2 regulations enforced by the Division of Environmental Health of the  
3 DPH&SS shall be deposited into the General Fund.”

4           **Section 6.** §22107 of Chapter 22, Part 1, Division 2, of Title 10 of the  
5 Guam Code Annotated, is hereby *repealed*.

6           **Section 7.** A new §20121 is hereby *added* to Chapter 20, Part 1,  
7 Division 2 of Title 10, Guam Code Annotated, to read as follows:

8           “§20121. **Environmental Health Fund.** There is hereby  
9 created, separate and apart from other funds of the government of  
10 Guam, a fund known as the ‘Environmental Health Fund.’ The Fund  
11 shall *not* be commingled with any other fund and shall be deposited  
12 into a separate account. Any and all fees collected pursuant to this  
13 Part, unless otherwise specifically provided, shall be deposited into  
14 the Fund and it shall be expended upon Legislative appropriation  
15 solely in support of the functions of the Division of Environmental  
16 Health of the Department of Public Health & Social Services.”

17           **Section 8. Severability.** *If* any provision of this Act or its application  
18 to any person or circumstances is found to be invalid or contrary to law,  
19 such invalidity shall *not* affect other provisions or applications of this Act  
20 which can be given effect without the invalid provisions or applications,  
21 and to this end the provisions of this Act are severable.

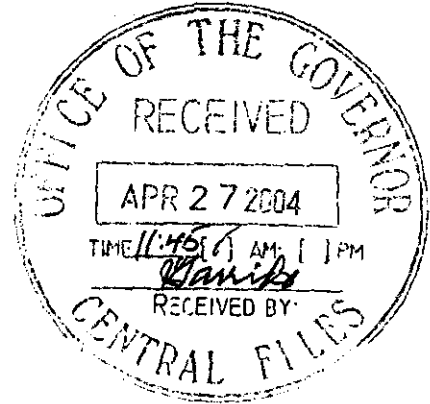
22           **Section 9. Effective Date.** This Act shall become effective upon its  
23 enactment.



**MINA' BENTE SIETE NA LIHESLATURAN GUAHAN**  
TWENTY-SEVENTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

April 27, 2004


The Honorable Felix P. Camacho  
*I Maga'lahen Guahan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 178(LS), 193(COR), 256(LS), 261(LS) and 277(COR), and Substitute Bill Nos. 17(LS), 115(COR), 119(COR), 146(LS), 172(LS), 175(LS), 177(LS), 183(COR), 220(COR), 230(LS), 231(LS), 249(COR), 255(LS) and 258(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guahan* on April 23, 2004.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosures (19)

CFI- 0404- 2294





**Mina' Bente Siete Na Liheslaturan Guahan**  
**TWENTY-SEVENTH GUAM LEGISLATURE**

**Senator Lou Leon Guerrero**  
**Chairwoman, Committee on Rules & Health**  
**Majority Leader, Democratic Party**

January 21, 2004

The Honorable Vicente C. Pangelinan  
Speaker & Chairman, Committee on Utilities and Land  
*I Mina' Bente Siete Na Liheslaturan Guahan*  
155 Hesler Stree  
Hagåtña, GU 96910

Dear Mr. Speaker:

The Sub-Committee on Health to which was referred Bill No. 146: An Act to Amend Sections 20118 and 20119 of Chapter 20 of part 1, Division 2 of Title 10 Guam Code Annotated and Section 22106 (d) of P.L. 126 Relative to Environmental Health Fees and Administrative Penalties as substituted has had under the same consideration, and now wishes to report back the same with the **recommendation to pass**.

The voting record is as follows:

To Pass	<u>5</u>
Not to Pass	<u>0</u>
Abstain Due to Potential Conflict	<u>0</u>
To Place in Inactive File	<u>0</u>

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Senseramente,

Senator Lou Leon Guerrero  
Chairwoman, Sub-Committee on Health

Attachment(s)



Mina' Bente Siete Na Liheslaturan Guahan  
**TWENTY-SEVENTH GUAM LEGISLATURE**  
 Senator Lou Leon Guerrero  
*Chairwoman, Committee on Rules & Health*  
*Majority Leader, Democratic Party*



**VOTING SHEET ON:**

Bill No. 146: AN ACT TO AMEND SECTIONS 20118 AND 20119 OF CHAPTER 20 OF PART 1, DIVISION 2 OF TITLE 10 GUAM CODE ANNOTATED AND SECTION 22106 (d) OF P.L. 25-126 RELATIVE TO ENVIRONMENTAL HEALTH FEES AND ADMINISTRATIVE PENALTIES.

2003 AUG - 8 PM 12: 33

106

Lou Leon Guerrero Chairwoman	<i>LLG</i>	✓				
Vicente C. Pangelinan Co-Chairman						
Carmen Fernandez Member	<i>CF</i>	<i>CF</i>				
Larry Kasperbauer Member						
Jesse Lujan Member	<i>JL</i>	<i>JL</i>				
Tina R. Muña-Barnes Member	<i>TMB</i>	✓				
Ray Tenorio Member	<i>RT</i>	✓				

# **Sub-Committee on Health Committee Report**

**August 1, 2003**

**9:00am**

**Senator Lou Leon Guerrero, Chairperson**

## **I. Overview**

A public hearing was held for BILL NO. 146, AN ACT TO AMEND SECTIONS 20118 AND 20119 OF CHAPTER 20 OF PART 1, DIVISION 2 OF TITLE 10 GUAM CODE ANNOTATED AND SECTION 22106(d) OF P.L. 25-126, RELATIVE TO ENVIRONMENTAL HEALTH FEES AND ADMINISTRATIVE PENALTIES by the Sub-Committee on Health at the Public Hearing Room of the Guam Legislature on August 1, 2003 at 9:00 AM.

Committee Members Present:

Senator L. Leon Guerrero, Chairperson

Senator Ray Tenorio

Vice Speaker Aguon

Senator Jesse Lujan

Senator Joann Brown

Senator Leon Guerrero gave a brief overview of the purpose of the legislation. Bill No. 146 will allow the Division of Environmental Health at the Department of Public Health and Social Services more flexibility in their enforcement of penalties. In addition, since the establishment of the Environmental Health Fund ("Fund") in P.L. 25-120, only health certificate fees collected are deposited in this Fund. Other fees for permits and certificates are presently deposited into the general fund. Bill No. 146 will give the Division the authority to deposit any and all fees into the Fund.

## **II. Testimonies**

Providing Testimony on the Bill:

Mr. Tom Nadeau, Environmental Health Specialist,  
Division of Environmental Health, Department of Public Health  
and Social Services

Mr. Nadeau provided written and oral testimony in support of the bill. In his testimony he provided suggested amendments to the bill. After his testimony, the Senators commended Mr. Nadeau and his Division for their excellent work in keeping our community safe by enforcing health-regulated policies.

**III. Findings and Recommendations.** The Sub-Committee recognizes the recommended amendments shared by the testimony presented by Mr. Tom Nadeau during the public hearing and will incorporate those concerns in the substitute bill.

It is hereby recommended by the Sub-Committee on Health **TO DO PASS** Bill No. 146 as substituted.

daycare or at school, put on their make-up, buy medications, get their massage or a haircut, and swim at the pool. Bill No. 146 can make this all possible.

In recent years, we have been conducting fewer inspections, but we have seen greater number of businesses operating without sanitary permits and employing individuals without valid health certificates. They do this because they know we are unable to conduct regular inspections as often as we did in the past. It's a risk they take at the cost of jeopardizing the health of the community. By the end of this fiscal year, we expect to assess nearly \$10,000 in fines from about 40 businesses who employed individuals without valid health certificates. While many pay the monetary fines promptly, others do not, and to recover such fines from these uncooperative businesses can be difficult. However, with the passage of Bill No. 146, we believe such a problem will end. Furthermore, the additional enforcement power the proposed bill grants to the Division will allow us to penalize repeat offenders and violators who blatantly disregard our orders. These include private residents who cause public nuisance to the community.

If Bill No. 146 is enacted, it *may* not completely free the Division from relying on the general fund, but its can only improve our situation.

The only revision we seek in Bill No. 146 is in "§20119", governing fees. We seek that the following statement, or similar statement, be included at the end:

"...unless such monies are already deposited in another fund of the Division of Environmental Health of the Department, or a program of the Division of Environmental Health, established for the sole use for the Division's operation."

The request is made to ensure and clarify that the monies presently being deposited in the "Controlled Substances Diversion Fund", which was established for our Controlled Substances Program, does not get diverted to the "Environmental Health Fund".

Thank you and Si Yu'us Ma'ase to Madam Chair Senator Lou Leon Guerrero for introducing this bill and to the Committee for granting me the opportunity to present this testimony.

  
M. Thomas Nadeau

Pacific Daily News, Monday, July 28, 2003 suampdn.com

The Department of Mental Health and Substance Abuse (DMHSA) is requesting proposals from individuals and/or companies for DMHSA to Medical Records Archival System.

Request for Proposals (RFP) packages may be obtained at the Director's Office, DMHSA Building, 790 Gov. Carlos G. Camacho Road, Tamuning, Guam, 8:00 a.m. - 5:00 p.m., Monday through Friday, excluding holidays. All proposals should be submitted to the attention of the Director no later than 3:00 p.m., August 18, 2003.

/s/ J. Peter Roberto, Director

Mina' Bente Siete Na Liheslaturan Guahan  
TWENTY-SEVENTH GUAM LEGISLATURE



Senator Lou Leon Guerrero  
Chairperson, Committee on Rules and Health  
Majority Leader, Democratic Party

Public Hearing  
9:00 a.m., Friday, August 1, 2003

AGENDA

Bill No. 146 - AN ACT TO AMEND SECTIONS 20118 AND 20119 OF CHAPTER 20 OF PART 1, DIVISION 2 OF TITLE 10 GUAM CODE ANNOTATED AND SECTION 22106(d) OF P.L. 25-126, RELATIVE TO ENVIRONMENTAL HEALTH FEES AND ADMINISTRATIVE PENALTIES.

Bill No. 148 - AN ACT TO REPEAL SECTION 18119 SUBSECTION(A)(2) AND (4) AND TO AMEND SUB-SECTION (3)(II) AND TO ADD A SUB-SECTION (3)(iii) CHAPTER 18 TITLE 10 GUAM CODE ANNOTATED RELATIVE TO THE ELIGIBILITY AND QUALIFICATIONS FOR ESTHETICIAN LICENSE.

Bill No. 155 - AN ACT TO REPEAL SECTION 32, PUBLIC LAW 26-35 AND TO REPEAL AND REENACT P.L. 25-163 RELATIVE TO THE MEDICALLY INDIGENT PROGRAM.

The hearing will take place at the Public Hearing Room located in the Guam Legislature Temporary Building in Hagatna. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Committee on Rules and Health at 472-3582-5.

Written testimonies may be submitted in advance of the public hearing date. Testimonies may be faxed to 472-3591 or digitally submitted to senlou@ite.net. For more information you can visit the committee website at <http://www.ite.net/corah>.

This public notice was paid for with government funds by the Guam Legislature.

ZE



Locate

HAR

Therape  
Chinese  
Body Re  
Foot Re

1 HF

Home



Candy



Get a  
H

- Men/Wome
- Power Strai
- Men/Wome
- Technical C
- Manicure/P
- Eyelash Pen

