

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 62 - 33 (LS)

Introduced by:

T. C. Ada 

**AN ACT TO AMEND § 32113(b) OF CHAPTER 32,
TITLE 22, GUAM CODE ANNOTATED, RELATIVE
TO REQUIRED EXPERIENCE FOR PROFESSIONAL
ENGINEERS, PROFESSIONAL ARCHITECTS AND
PROFESSIONAL LAND SURVEYORS, AND
CLARIFYING PROCESSES FOR APPLICANTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that § 32113 of Chapter 32, Title 22, Guam Code Annotated (aka the PEALS law)
4 requires four years of professional experience before an individual may sit for the
5 Professional Engineer examination. However, the Board of Professional Engineers,
6 Architects and Land Surveyors (PEALS) Board, finds that Subsection (b)(1)(A)
7 also requires that these four years be completed *after* an individual successfully
8 passes the Fundamentals of Engineering examination. The potential for a similar
9 interpretation also exists within Subsection (b)(5)(A), relative to the experience
10 required for the Professional Land Surveyors examination.

11 *I Liheslatura* further finds that this interpretation is inconsistent with the
12 model law and rules established by the National Council of Examiners for
13 Engineering and Sciences (NCEES), of which the Guam PEALS Board is a
14 member. The NCEES model law and rules do not restrict creditable experience to

1 begin after passing of the Fundamentals of Engineering examination or the
2 Fundamentals of Land Surveying examination. As such, and with the concurrence
3 of the Guam PEALS Board, it is the intent of *I Liheslatura* to amend the PEALS
4 law to be consistent with NCEES model law and rules. Additional amendments
5 were also made to these impacted sections, at the request of the Guam PEALS
6 Board, in order to update existing law to match current practices and standards,
7 including updates related to changes in the Intern Development Program of the
8 National Council of Architectural Registration Boards.

9 **Section 2.** §§ 32113(b)(1)(A), (B) and (C) of Chapter 32, Title 22, Guam
10 Code Annotated are hereby *amended* to read:

11 “(A) Licensure or Registration by Examination — An Engineer Intern
12 and a graduate of an engineering curriculum of four (4) years or more,
13 accredited by EAC/ABET or the equivalent, with a specific record of ~~an~~
14 ~~additional~~ four (4) years or more of progressive experience on engineering
15 projects of a grade and character which indicates to the Board that the
16 applicant may be competent to practice engineering, at least one (1) year of
17 which *shall* have been under the supervision of a registered professional
18 engineer, *shall* be admitted to a current form of examination in the principles
19 and practices of engineering, and in the case of specific engineering
20 disciplines, other examinations as prescribed in the by-laws. (Upon passing
21 such examination(s), the applicant *shall* be granted a certificate of
22 registration to practice engineering on Guam, provided the applicant is
23 otherwise qualified.) Creditable experience towards the required four (4)
24 years stipulated by this Subsection shall begin at a point after graduation
25 from an engineering program accredited by EAC/ABET, or the equivalent.

26 (B) Graduation, Experience and Examination — A graduate of an
27 engineering or related science curriculum of four (4) years or more, other

1 than the ones approved by the Board as being of satisfactory standing, and
2 with a specific record of eight (8) years or more of progressive experience,
3 at least two (2) years of which *shall* have been under the supervision of a
4 registered engineer on projects of a grade and character which indicates to
5 the Board that the applicant may be competent to practice engineering, and
6 having passed a current form of examination in the fundamentals of
7 engineering shall may be admitted to a ~~current form of examination in the~~
8 ~~fundamentals of engineering and~~ a current form of examination in the
9 principles and practice of engineering as prescribed in the by-laws. Upon
10 passing such examination, the applicant *shall* be granted a certificate of
11 registration to practice engineering on Guam, provided the applicant is
12 otherwise qualified.

13 (C) A Non-graduate from a Technical Curriculum — A non-graduate
14 of an engineering or related science curriculum of four (4) years or more,
15 with a specific record of three (3) years or more in such a curriculum plus
16 twelve (12) years or more of progressive experience on engineering projects,
17 four (4) years of which must have been under the supervision of a registered
18 engineer, and of which at least six (6) years have been in responsible control
19 of engineering projects of a grade and character which indicates to the Board
20 that the applicant may be competent to practice engineering, and having
21 passed a current form of examination in the fundamentals of engineering
22 shall may be admitted to a current form of examination in the ~~fundamentals~~
23 ~~of engineering and~~ the principles and practice of engineering as prescribed in
24 the by-laws. Upon passing such examination, the applicant *shall* be granted a
25 certificate of registration to practice engineering on Guam, provided the
26 applicant is otherwise qualified.”

1 **Section 3.** § 32113(b)(3) of Chapter 32, Title 22, Guam Code Annotated is
2 hereby *amended* to read:

3 “(3) As an Architect:

4 (A) Education, Experience and Examination — A graduate of an
5 NAAB accredited program from a school of architecture approved by the
6 Board as being of satisfactory standing and with at least three (3) years of
7 progressive experience satisfactory to the Board in architectural work
8 covering the major categories of architectural practice, at least two (2) years
9 of which *shall* have been under the supervision of a registered architect, and
10 having completed the Intern Development Program (IDP), *shall* be eligible
11 for a current form of examination as prescribed in the rules and regulations.
12 Upon passing such examination, the applicant *shall* be granted a certificate
13 of registration to practice architecture in Guam, if the applicant is otherwise
14 qualified.

15 (i) Effective June 1, 2009, ~~a new or inactive candidate applying~~
16 ~~to the Board for eligibility evaluation for an applicant to the Architect~~
17 ~~Registration Examination (ARE) *shall*, prior to registration or~~
18 ~~licensure exam eligibility, complete the Intern Development Program~~
19 (IDP) of the National Council of Architectural Registration Boards
20 (NCARB), as defined herein and in the rules and regulations set forth,
21 and the most recent or current form of IDP guidelines prepared and
22 prescribed by the NCARB. The IDP requirement does not apply to a
23 candidate who:

24 (aa) was determined by the Board to be eligible on or
25 before May 31, 2009 and who is active in the examination
26 process; or

1 (bb) has completed all the necessary education
2 equivalents prior to June 1, 2009, who has submitted a
3 completed application for eligibility evaluation to the Board
4 that is postmarked on or before May 31, 2009, and who has
5 been determined by the Board to be eligible.

6 (ii) An applicant shall obtain IDP certification upon completion
7 of the Intern Development Program and shall submit such certificate
8 with application form ~~new or inactive candidate shall submit an~~
9 ~~application form, as prescribed and furnished by the Board, and~~
10 ~~accompanied by such supporting documents required herein. Such~~
11 ~~supporting documents shall include the candidate's current and valid~~
12 ~~IDP file transmitted by NCARB.~~

13 (iii) As an applicant ~~candidate~~ acquires additional work
14 experience as required by the Board, it is the applicant's ~~candidate's~~
15 responsibility to ensure that his/her employer(s) complete
16 Employment Verification Forms covering the additional work
17 experience gained with that employer and that the forms are submitted
18 to the Board. Reporting *shall* be as per most current NCARB policies
19 and procedures.

20 (iv) ~~Completion of the IDP shall fulfill the lawful experience~~
21 ~~requirement provided in this Chapter, and in the rules and regulations.~~

22 (B) Experience and Examination – An applicant having eight (8) years
23 of architectural training or educational experience satisfactory to the Board,
24 of which a minimum of three (3) years *shall* be experience covering the
25 major categories of architectural practice under the supervision of a
26 registered architect, and having completed the Intern Development Program,
27 *shall* be eligible for a current form of examination as prescribed in the rules

1 and regulations. Upon passing such examination, the applicant *shall* be
2 granted a certificate of registration to practice architecture on Guam, if the
3 applicant is otherwise qualified.

4 (i) The requirements of § 32113(b)(3)(A)(i) through (iii) of this
5 Chapter shall also apply to this subsection § 32113(b)(3)(B).

6 (C) Licensure or Registration by Comity or Endorsement — A person
7 *shall* be licensed or registered without further examination, *if* that person:

8 (i) holds a current and valid registration issued by a registration
9 authority recognized by the Board; or

10 (ii) holds a National Council of Architectural Registration
11 Board's Record; and

12 (iii) files his application with the Board, upon a form prescribed
13 and furnished by the Board, containing such information satisfactory
14 to the Board, concerning the person, as the Board considers
15 pertinent.”

16 **Section 4.** § 32113(b)(5)(A) of Chapter 32, Title 22, Guam Code Annotated
17 is hereby *amended* to read:

18 “(A) Licensure or Registration by Examination — A Surveyor Intern with
19 a specific record of four (4) years or more of combined office and field
20 experience satisfactory to the Board, in surveying, of which a minimum of
21 three (3) years' progressive experience has been on surveying projects
22 under the supervision of a professional surveyor, *shall* be eligible to take
23 the current form of examination prepared and furnished by the NCEES in
24 the principles and practice of land surveying, and in Guam Land Matters
25 as prescribed in the by-laws. Upon passing such examination, the
26 applicant *shall* be granted a certificate of registration to practice land
27 surveying on Guam, provided the applicant is otherwise qualified.

1 Creditable experience towards the required four (4) years stipulated by
2 this Subsection may be completed at any point, prior to or after, the
3 applicant successfully passing the Fundamentals of Land Surveying
4 examination.”

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