



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, GU 96910

7000 APR 13 AM 9:37
De

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 244-30 (COR) "AN ACT TO REENACT §66409(c) OF CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE "DPW BUILDING AND DESIGN FEE ACCOUNT" FOR THE PURPOSE OF FUNDING THE OPERATIONS OF THE DIVISION OF ENGINEERING-CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS AND INSPECTION SECTION OF THE DEPARTMENT OF PUBLIC WORKS" which I signed into law on April 1, 2010 as **Public Law 30-118**.

Sinseru yan Magâhet,

FELIX P. CAMACHO
I Maga'lâhen Guahan
Governor of Guahan

Attachment: copy of Bill

30-10-0312
4/12/10
4:50 PM

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 244-30 (COR), "AN ACT TO REENACT §66409(c) OF CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE "DPW BUILDING AND DESIGN FEE ACCOUNT" FOR THE PURPOSE OF FUNDING THE OPERATIONS OF THE DIVISION OF ENGINEERING-CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS AND INSPECTION SECTION OF THE DEPARTMENT OF PUBLIC WORKS," was on the 19th day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of March 2010, at
2:15 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: APR 01 2010

Public Law No. P.L. 30-118

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 244-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement and Land,
and amended on the Floor.

Introduced by:

J. V. Espaldon
T. C. Ada
Adolpho B. Palacios, Sr.
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *REENACT* §66409(c) OF CHAPTER 66 OF
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
RESTORING THE “DPW BUILDING AND DESIGN FEE
ACCOUNT” FOR THE PURPOSE OF FUNDING THE
OPERATIONS OF THE DIVISION OF ENGINEERING-
CAPITAL IMPROVEMENT PROJECT BUILDING
PERMITS AND INSPECTION SECTION OF THE
DEPARTMENT OF PUBLIC WORKS.**

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

2 **Section 1. Legislative Intent.** The Department of Public Works (DPW)

3 Building and Design Fee Account special fund was created by P.L. 22-110 to be

1 used for plan review and building inspection operational expenditures. P.L. 28-
2 68:II:II:9 subsequently repealed the DPW Building and Design Fee Account
3 special fund in an attempt to use unreserved fund balances for government
4 operations. Notwithstanding that action, financial statements issued by the
5 Department of Administration continue to segregate the revenues separate and
6 apart from the General Fund. Therefore, the mechanism and monies collected
7 pursuant to P.L. 22-110 continue to remain in place, but P.L. 28-68:II:II:9 prevents
8 the Department of Public Works from accessing these funds to support its
9 operational expenditures.

10 *I Liheslaturan Guåhan* recognizes Guam will be experiencing a twenty (20)
11 year growth in its population and associated needs within a five (5) year span and
12 the Government of Guam, through the Department of Public Works, will need to
13 prepare and plan for this impending growth. The Department of Public Works
14 assesses up to two (2) fees for each construction activity: 1) a building permit fee;
15 and 2) a plan checking fee. Building permit fees collected by DPW are directed to
16 the Guam Preservation Trust to support its mission, and it is the intent of *I*
17 *Liheslatura* that this policy continues. However, *I Liheslatura* has been informed
18 the plan checking fees are remitted to the General Fund for use in general
19 government operations. Therefore, *I Liheslaturan Guåhan* finds that it is essential
20 that the DPW Building and Design Fee Account special fund be reenacted. By
21 providing this specific revenue stream, the Department of Public Works will have
22 access to needed financial resources to support its role in ensuring public safety
23 through the strengthening of its building permits and inspection section.

24 **Section 2.** §66409(c) of Chapter 66 of Title 21, Guam Code Annotated, is
25 *re-enacted* to read:

26 **“(c) Creation of Special Fund.** On the effective date of this
27 Section, a special fund, designated as the “DPW Building and Design Fee

1 Account”, *shall* be established separate and apart from other funds of the
2 government of Guam, and separate records *shall* be kept therefore. All fees
3 collected for plan checking reviews by the Department of Public Works
4 *shall* be deposited into the Fund. The Director of Public Works *shall*
5 administer the Fund and *shall* issue vouchers properly certifying the use of
6 the fund’s monies. The monies deposited in the Fund *shall* be expended
7 *only* for the operations of the Division of Engineering-Capital Improvement
8 Project Building Permits and Inspection section. The Director *shall* comply
9 with all existing reporting requirements by issuing a quarterly accounting of
10 the Fund to *I Maga’lahen Guåhan, I Liheslaturan Guåhan*, and to the Office
11 of Public Accountability. The Director *shall* ensure the DPW Building and
12 Design Fee Account fund is in compliance with all existing statutes, rules
13 and regulations, codes, executive orders, and any other authority which is
14 applicable to the Department of Public Works’ Division of Engineering-
15 Capital Improvement Project Building Permits and Inspection section. All
16 monies in the Fund *shall* require legislative appropriation, and are *not*
17 subject to *I Maga’lahi’s* transfer authority. The funds deposited into the
18 “DPW Building and Design Fee Account” *shall* be subject to Legislative
19 appropriation.”

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Date: 3/19/10

VOTING SHEET

Bill No. 244-30 (COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

14

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



The People

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

March 16, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina Trenta Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: COMMITTEE REPORT BILL NO. 244-30 (COR)
AS SUBSTITUTED

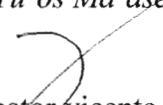
Dear Speaker Won Pat:

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land, to which was referred **Bill No. 244-30 (COR) An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010** hereby reports out BILL NO. 244-30 (COR) as substituted by the Committee TO REPORT OUT.

Committee votes are as follows:

 1 TO PASS
 NOT TO PASS
 5 REPORT OUT
 ABSTAIN
 INACTIVE FILE

Si Yu'os Ma'ase,


Senator vicente c. pangelinan
Chairperson

324 W. Soledad Ave. Suite 100, Hagatna, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Committee Report on

**Bill No. 244-30 (COR)
As Substituted**

An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the “DPW Building and Design Fee Account” for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 12, 2010

MEMORANDUM

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

To: Committee Members

From: Chairman, Committee on Appropriations, Taxation,
Banking, Insurance, Retirement, and Land

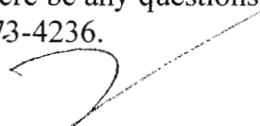
Subject: Committee report on Bill No. 244-30 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 244-30(COR) An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010 as substituted by the Committee .

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 244-30 (COR)
4. Copy of Bill No. 244-30 (COR) as Substituted
5. Public Hearing Sign In Sheet
6. Copies of Written Testimony
7. Copy of COR Referral of Bill No. 244-30(COR)
8. Public Hearing Agenda
9. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please contact my office at 473-4236.


vicente c. pangelinan
Chairman

I MINA TRENTA NA LIHESLATURAN GUAHAN

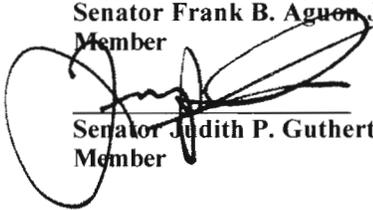
Committee Voting Sheet

**Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land**

BILL NO. 244-30(COR)

An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the “DPW Building and Design Fee Account” for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010.

As Substituted by the Committee

Committee Members	To Pass	Not to Pass	Report Out	Abstain	Inactive File
 Senator Vicente C. Pangelinan Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker Judith T. Won Pat, Ed.D Vice Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice Speaker Benjamin J.F. Cruz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tina Rose Muna-Barnes Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Frank B. Aguon, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Judith P. Guthertz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator James V. Espaldon Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Telo T. Taitague Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Frank Blas, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Office of

The People

Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Bill No. 244-30 (COR), An Act to repeal and re-enact Section 6649(c), Chapter 66 of Title 21 Guam Code Annotated, relative to restoring the "Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering – Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works; and for making an appropriation for FY 2010.

I. Overview

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land to which Bill No. 244 was referred conducted a public hearing on the proposed measure on Wednesday, March 10, 2010 at 8:30 a.m. at the Public Hearing room of the Guam Legislature.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on March 3, 2010 (5 Day Notice) and again on March 8, 2010 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente c. pangelinan, Chairman
Senator Telo Taitague, Member
Senator James Espaldon, Member
Senator Thomas C. Ada
Senator Adolpho B. Palacios, Sr.

(b) Appearing before the Committee

Andrew S. Leon Guerrero, Acting Director Department of Public Works
Ramon B. Padua, P.E., Chief Engineer Division of Engineering - Verticals. CIP's Department of Public Works
Jesus Ninete, Administrator, Building Permits and Inspection Department of Public Works

(c) Written Testimony Submitted

Department of Public Works

II. COMMITTEE PROCEEDING

Senator Espaldon – Remarked on the intentions of Bill 244 which are to re-enact provisions of P.L. 22-110 which created the Building and Design Fee Account account for the purpose of funding the plan review and building inspection operations of DPW. The growth Guam is about to experience as a result of the military build-up, the construction projects attributed to private sector development, the need to augment the CIP planning capacity at DPW, the current lack of manpower, equipment, supplies and vehicles, and other capacity building requirements of the division are cited as key reasons in favor of the proposed measure.

Senator Espaldon advised the Committee that P.L. 28-68 repealed the continuation of the account and restricted the DPW from accessing the funds to support the operation. This Section of DPW assesses two fees namely a building permit fee and a plan checking fee. The building fees collected are used to fund the *Guam Preservation Trust* programs. The plan checking fees are remitted to the General Fund and used to fund *governmental operations*.

Andrew S. Leon Guerrero provided written and oral testimony indicating support for Bill 224 and the need for the resources it provides to keep up with the demands on the Building Permit and Inspection Section.

The fact that Public Law 30-25 (relative to implementing the International Building Code standards) is in place also compels DPW to increase its manpower needs, staff training, enforcement and inspection abilities, knowledge of international design standards, building codes, and the safety requirements that are a part of or required by the IBC.

In his written testimony, Mr. Leon Guerrero provided the Committee with a list of resources needed to meet the compliance requirements mandated by policy and law (See Written testimony by Acting Director). Total non-personnel cost for such resources amount to \$234,387. On the personnel side, recruitment of various personnel needed would total \$299,807. The renovations needed at the One-Stop Building Permit Section is estimated to cost \$100,000.00 All funding needs combined would amount to \$634, 195.00.

DPW is estimated to generate approximately 1.0 milion annually with this figure expected to rise as the build-up and private projects are launched. In FY 2007, 2008 and 2009 the revenues collected for inspection and permits by DPW totaled \$1.22 mil., \$906K, and \$1.03 mil. respectively. (Note: Revenues could double in next five years if DOD/MILCON spending trends upward).

The Acting DPW Director spoke about the need to procure professional services (3rd Party Review and Inspection function) to augment DPW's current capacity, however, this solicitation is pending the availability of funds. In addition to this, there is the development of on-line capability that DPW would like to implement together with an enhanced automation for the various DPW units involved in the construction surge.

DPW would like to see the construction revenues it generates channeled to the respective section that is involved in administering, and enforcing the requirements of Guam's building code. It is recommending that perhaps a portion of the plan checking fee be redirected to the Division of Engineering Verticals to alleviate some of the cost of administering the recently adopted IBC.

Ray Padua, DPW Chief Engineer, reiterated support for the passage of Bill 244 and echoed the testimony of Mr. Leon Guerrero. Mr. Padua offered statements emphasizing the need for manpower, computers, training and other administrative support such as outsourcing of engineering tasks that will enable the DPW to perform their assigned duties and responsibilities.

Senator Tom Ada discussed the concept of DPW becoming a potential choke-point for all the construction activity that is expected. Senator Ada cited the assessment by a local economist that construction activity related to the build-up and also private sector projects will only proceed as fast as DPW will allow and therefore, there is a potential for delays or bottlenecks at the permitting and inspection points if resources are not allocated to adequately address present and future demand.

Mr. Padua confirmed the assessment of Senator Ada and reiterated that DPW is a major player in how things proceed in the building industry. Every aspect of our community environment is affected by the work that needs to be done by DPW.

Senator Ada asked DPW if any revenue estimates or forecast for the fund source is available say over the next five years. *Mr. Leon Guerrero* responded no, however, based on a "common sense" estimate, any rise or increase in the aggregate value of construction may result in a corresponding percentage (%) increase in revenue. For instance, if the total value of construction projects in Guam rises by fifty percent (50%) then we should expect to see the same rate of increase in revenues.

Senator Pangelinan stated that the Committee could develop such an estimate and DPW offered to provide the needed data to support a reasonable forecast.

Note: Based on the DPW data from the past five (5) years, it appears that for every \$50 million value of construction recorded, a revenue factor of .00618 was generated by (DPW) GovGuam. Despite the sporadic nature of annual collections, the table below provides some insight toward anticipated funding with the estimated

revenue factor held constant. For example,

Senator Ada remarked that he supports the funding for historic preservation programs of the island and the dilemma is now how to allocate funds to meet competing interests, both equally important. The funds generated from the Building Permit fees are used to support on-going historic preservation needs while revenues from Plan Checking fees are used to augment the General Fund.

Table 1.

Value of Construction (\$) Revenue	Revenue Factor	Permit (\$) Revenue	Plan Check (\$) Revenue	Total
50,000,000	.00618	197,760	111,240	309,000
100,000,000	.00618	395,520	222,480	618,000
150,000,000	.00618	593,280	333,720	927,000
200,000,000	.00618	791,040	444,960	1,236,000
300,000,000	.00618	1,186,560	667,440	1,854,000
400,000,000	.00618	1,582,080	889,920	2,472,000
500,000,000	.00618	1,977,600	1,112,400	3,090,000

- . Based on a 64/36 split in Building Permit vs Plan Check Fee Revenues.
- . Data provided by DPW (03/10/10 public hearing).

Senator Taitague inquired about the status of the account, whether it was established as a Special Fund and if there are remaining balances since P.L. 28-68, the law which restricted DPW access to and use of the funds, took effect. *Senator Taitague* inquired about what total collections (aggregate) would amount to from the time the account was suspended up through today.

Mr. Andy Leon Guerrero posed an inquiry regarding the status of the account as per the information contained in Section 1 of Bill 244. Does the account contain any funds that may be sitting idle after the passage of Public Law 28-68?

Senator Pangelinan advised the Acting Director and Committee members that the DPW Building and Design Fee account is strictly a Department of Administration account and but a “Special Fund” account from the government’s perspective. The Committee was not provided with any evidence to confirm or dispute information or discussion regarding what if any, fund balances remain and how such balances have been allocated. This is an important issue that needs further review.

Senator Espaldon emphasized the importance of providing DPW with the resources needed to perform their expected duties, the fact is DPW performs and administers building inspection, permitting and review of engineering plans and it seems appropriate that look to out-sourcing to meet the ramping phase of the construction

activity.

Senator Espaldon added, as the demand for services increase or ramps up, more is expected from DPW and it seems appropriate that the revenues generated from DPW services should go back toward the agency to assist them in meeting the surge in demand. There will be additional stress and burden placed on the agency to perform their legal mandate thus, the purpose and intent of Bill 244-30.

Mr. Leon Guerrero reiterated the message by earlier speakers concerning how to best ensure that DPW receives the funding and the resources they need to meet the building and construction demands of the island. Bill 244 would provide some assurance that the building and inspection revenues mentioned earlier would find their way to the Department to support DPW programs as opposed to dealing with other funding channels that often do not provide adequate relief.

Mr. Leon Guerrero mentioned how DPW will not be able adequately perform if such resources are not provided with the added pressure from the public for not satisfactorily meeting the communities expectations. We need to satisfy DPW's mandate and this Bill will assist us.

Senator Pangelinan stated that DPW will be seeking more than what is discussed in the revenues they have a hand in generating. This is certainly not fully sufficient to take care of DPW and the agency will be needing more from the General Fund.

Mr. Leon Guerrero stated that the Bill provides a good start and that there has to be more provided to DPW aside from the two million (2.0 m) for salaries that it now receives.

Senator Pangelinan stressed the fact that DPW should not segregate the funding source and propose that they keep the funds for their use because it will need much more from *other fund sources* and DPW is and will continue to be reliant on the General Fund and other Funds to meet their mandate. DPW should be proactive in looking at resources available, technical and otherwise to continue to build their capacity and this is what is expected by the every member present.

II. FINDINGS AND RCOMMENDATIONS

The Committee on Appropriations, Taxation, Banking Insurance, Retirement and Land hereby reports out Bill No. 244-30 (COR) as Substituted by the Committee **TO REPORT OUT.**

**I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION**

2009 OCT -6 AM 11:17 AM

Bill No. 244-30(COR)

Introduced by:

J.V. Espaldon
T.C. Ada
A.B. Palacios

AN ACT TO REENACT SECTION 66409(c) OF CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE “DPW BUILDING AND DESIGN FEE ACCOUNT” FOR THE PURPOSE OF FUNDING THE OPERATIONS OF THE DIVISION OF ENGINEERING-CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS AND INSPECTION SECTION OF THE DEPARTMENT OF PUBLIC WORKS; AND MAKING AN APPROPRIATION FOR FY2010.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The Department of Public Works (DPW) Building and Design Fee Account special fund was created by P.L. 22-110 to be used for plan review and building inspection operational expenditures. P.L. 28-68:II:II:9 subsequently repealed the DPW Building and Design Fee Account special fund in an attempt to use unreserved fund balances for government operations. Notwithstanding that action, financial statements issued by the Department of Administration continue to segregate the revenues separate and apart from the General Fund. Therefore, the mechanism and monies collected pursuant to P.L. 22-110 continue to remain in place, but P.L. 28-68:II:II:9 prevents the Department of Public Works from accessing these funds to support its operational expenditures.

I Liheslaturan Guåhan recognizes Guam will be experiencing a twenty (20) year growth in its population and associated needs within a five (5) year span and the Government of Guam, through the Department of Public Works, will need to prepare and plan for this impending growth. The Department of Public Works assesses up to two (2) fees for each construction activity: 1) a building permit fee; and 2) a plan checking fee. Building permit fees collected by DPW are directed to the Guam Preservation Trust to support its mission, and it is the intent of *I Liheslatura* that this policy continues. However, *I Liheslatura* has been informed the plan checking fees are remitted to

1 the General Fund for use in general government operations. Therefore, *I Liheslaturan Guåhan* finds
2 that it is essential that the DPW Building and Design Fee Account special fund be reenacted. By
3 providing this specific revenue stream, the Department of Public Works will have access to needed
4 financial resources to support its role in ensuring public safety through the strengthening of its
5 building permits and inspection section.

6 **Section 2. Re-enact subsection (c) of §66409 of Chapter 66 of Title 21, Guam Code**
7 **Annotated.** Section 66409(c) of Chapter 66 of Title 21, Guam Code Annotated is re-enacted to
8 read:

9 **“(c) Creation of special fund.** On the effective date of this section, a special fund,
10 designated the “DPW Building and Design Fee Account”, shall be established
11 separate and apart from other funds of the government of Guam, and separate records
12 shall be kept therefore. All fees collected for plan checking reviews by the
13 Department of Public Works shall be deposited into the Fund. The Director of Public
14 Works shall administer the Fund and shall issue vouchers properly certifying the use
15 of the fund’s monies. The monies deposited in the Fund shall be expended only for
16 the operations of the Division of Engineering-Capital Improvement Project Building
17 Permits and Inspection section. The Director shall comply with all existing reporting
18 requirements by issuing a quarterly accounting of the Fund to *I Maga’lahen Guåhan*,
19 *I Liheslaturan Guåhan*, and to the Office of Public Accountability. The Director shall
20 ensure the DPW Building and Design Fee Account fund is in compliance with all
21 existing statutes, rules and regulations, codes, executive orders, and any other
22 authority which is applicable to the Department of Public Works’ Division of
23 Engineering-Capital Improvement Project Building Permits and Inspection section.
24 All monies in the Fund shall require legislative appropriation, and are *not* subject to
25 the Governor’s transfer authority.”

26 **Section 3. Transfer of Funds.** Upon enactment into law of this Act, the Director of
27 Administration shall transfer all funds previously received by the General Fund from the fees
28 assessed for the plan checking review into the DPW Building and Design Fee Account fund.

29 **Section 4. Appropriation.** The sum of Three Hundred Thousand Dollars (\$300,000.00)
30 is appropriated from the DPW Building and Design Fee Account fund to the Department of
31 Public Works for the Fiscal Year 2010 operations of the Department of Public Works’

1 Division of Engineering-Capital Improvement Project Building Permits and Inspection
2 section.

3 **Section 5. Effective Date.** Section 2 of this Act shall be effective upon enactment.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION

Bill No. 244-30(COR)

**As Substituted by the Committee on Appropriations, Taxation,
Banking, Insurance, Retirement and Land**

Introduced by:

J.V. Espaldon

T.C. Ada

A.B. Palacios

**AN ACT TO REENACT SECTION 66409(c) OF CHAPTER 66
OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO
RESTORING THE "DPW BUILDING AND DESIGN FEE
ACCOUNT" FOR THE PURPOSE OF FUNDING THE
OPERATIONS OF THE DIVISION OF ENGINEERING-
CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS
AND INSPECTION SECTION OF THE DEPARTMENT OF
PUBLIC WORKS; AND MAKING AN APPROPRIATION FOR
FY2010.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The Department of Public Works (DPW) Building and Design Fee Account special fund was created by P.L. 22-110 to be used for plan review and building inspection operational expenditures. P.L. 28-68:II:II:9 subsequently repealed the DPW Building and Design Fee Account special fund in an attempt to use unreserved fund balances for government operations. Notwithstanding that action, financial statements issued by the Department of Administration continue to segregate the revenues separate and apart from the General Fund. Therefore, the mechanism and monies collected pursuant to P.L. 22-110 continue to remain in place, but P.L. 28-68:II:II:9 prevents the Department of Public Works from accessing these funds to support its operational expenditures.

I Liheslaturan Guåhan recognizes Guam will be experiencing a twenty (20) year growth in its population and associated needs within a five (5) year span and the Government of Guam, through the Department of Public Works, will need to prepare and plan for this impending growth. The Department of Public Works assesses up to two (2) fees for each construction activity: 1) a building permit fee; and 2) a plan checking fee. Building permit fees collected by DPW are directed to the Guam Preservation Trust to support its mission, and it is the intent of *I Liheslatura* that this

1 policy continues. However, *I Liheslatura* has been informed the plan checking fees are remitted to
2 the General Fund for use in general government operations. Therefore, *I Liheslaturan Guåhan* finds
3 that it is essential that the DPW Building and Design Fee Account special fund be reenacted. By
4 providing this specific revenue stream, the Department of Public Works will have access to needed
5 financial resources to support its role in ensuring public safety through the strengthening of its
6 building permits and inspection section.

7 **Section 2. Re-enact subsection (c) of §66409 of Chapter 66 of Title 21, Guam Code**
8 **Annotated.** Section 66409(c) of Chapter 66 of Title 21, Guam Code Annotated is re-enacted to
9 read:

10 **“(c) Creation of special fund.** On the effective date of this section, a special fund,
11 designated the “DPW Building and Design Fee Account”, shall be established
12 separate and apart from other funds of the government of Guam, and separate records
13 shall be kept therefore. All fees collected for plan checking reviews by the
14 Department of Public Works shall be deposited into the Fund. The Director of Public
15 Works shall administer the Fund and shall issue vouchers properly certifying the use
16 of the fund’s monies. The monies deposited in the Fund shall be expended only for
17 the operations of the Division of Engineering-Capital Improvement Project Building
18 Permits and Inspection section. The Director shall comply with all existing reporting
19 requirements by issuing a quarterly accounting of the Fund to *I Maga’lahen Guåhan*,
20 *I Liheslaturan Guåhan*, and to the Office of Public Accountability. The Director shall
21 ensure the DPW Building and Design Fee Account fund is in compliance with all
22 existing statutes, rules and regulations, codes, executive orders, and any other
23 authority which is applicable to the Department of Public Works’ Division of
24 Engineering-Capital Improvement Project Building Permits and Inspection section.
25 All monies in the Fund shall require legislative appropriation, and are *not* subject to
26 the Governor’s transfer authority. The funds deposited into the “DPW Building and
27 Design Fee Account” shall be subject to Legislative appropriation.”

28 **Section 3. Transfer of Funds.** Upon enactment into law of this Act, the Director of
29 Administration shall transfer all funds previously received by the General Fund from the fees
30 assessed for the plan checking review into the DPW Building and Design Fee Account fund.

1 **Section 4. Appropriation.** The sum of Three Hundred Thousand Dollars (\$300,000.00)
2 is appropriated from the DPW Building and Design Fee Account fund to the Department of
3 Public Works for the Fiscal Year 2010 operations of the Department of Public Works'
4 Division of Engineering-Capital Improvement Project Building Permits and Inspection
5 section.

6 **Section 5. Effective Date.** Section 2 of this Act shall be effective upon enactment.



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 Wednesday, March 10, 2010
BILL NO. 244-30 (COR)
SIGN UP SHEET

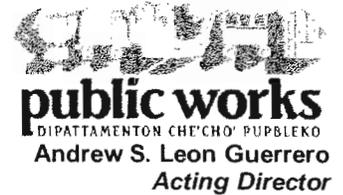
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						Yes	No
ANDREW LEON GUERRERO	P.O. Box 25314 Guam 96921	646-3131	leonquerrero @yahoo.com		✓	YES	
Josephine James	PO Box 3737 Guam GU	646-3224	josephj @guam.net	✓		yes	
RAY PADUA	P.O. Box 9635 Guam GU 96931	649-3155	Ramon.padua@dgw .guam.gov	✓		YES	

Henry



The Honorable
Felix P. Camacho
Governor

The Honorable
Michael W. Cruz, M.D.
Lieutenant Governor



MAR 10 2010

Honorable Senator vicente (ben) c. pangelinan, Chairperson
Committee on Appropriations, Taxation, Banking, Insurance and Land

Honorable Senator Thomas C. Ada, Chairperson
Committee on Transportation, Utilities, Public Works and Veterans Affairs

Honorable Senator James V. Espaldon
Minority Whip

Bill No. 244-30 (COR) - J.V. Senator Espaldon

An act to *repeal* and *re-enact* Section 6649 (c) Chapter 66 of Title 21 Guam Code Annotated, relative to restoring the “DPW Building and Design Fee Account” for the purpose of funding the operations of the Division of Engineering – Capital Improvement Project Building Permits and Inspection section of the Department of Public Works and making an appropriation for Fy2010.

Honorable Senator Pangelinan, Honorable Senator Ada, Honorable James Espaldon and Committee Members:

The passage of **Public Law 30-25** which adopts the International Building Code 2009 (IBC 2009) as the Building Code of Guam has definitely taken us to the next level in the building industry, introducing us to a “World of Difference” particularly as the island gears up for the Military Buildup.

The Department of Public Works Engineering Division, Capital Improvement Projects, currently oversees the Building Permits and Inspections Section. This section is directly responsible for the review and processing of all building permit applications for all construction work throughout the island’s public and private sectors.

We know based on experience that building codes when properly applied and enforced make a difference. The department embraces a standard of design uniformity for all architects and engineers. As part of a comprehensive program of building and fire safety, they are without a doubt, a community’s best chance to survive and recover from any natural disaster.

While the application and enforcement of the International Building Code (IBC) will obviously impact a huge part of what we do, we also know that adopting the International Building Code is only part of the solution. If there aren’t qualified people in the field to enforce them, DPW will be short changed. Typical of our work environment especially as a GovGuam agency, there simply are not sufficient resources for the robust enforcement of building and safety codes, particularly during this phase of the island’s construction boom, in anticipation of the Military Buildup. We are obligated to expand the much needed training, refresher course, and educational outreach in order to instill the confidence with the inspectors, engineers and contractors, while raising the level of awareness of the IBC building safety system.

In order for the DPW Building Permit and Inspection Section to successfully and effectively launch the implementation and continuous enforcement and upgrade of the International Building Code, there remains the challenge to meet the budgetary demands in line with totally upgrading its present system. With this transition to the International Building Code, the DPW workforce will focus on the required training of its employees and invest in the certification programs for building inspectors.

To date, the One Stop Building Permits reports that in order to comply with the implementation and enforcement of the latest International Building Code the following resources will be needed:

<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>COST</u>
10 sets.	International Building Code (2009 Edition) <i>ea. \$110.00</i>	\$ 1,100.00
10 sets.	International Plumbing Code (2009 Edition) <i>ea. \$82.00</i>	\$ 820.00
10 sets.	National Electrical Code (2008 Edition) <i>ea. \$95.00</i>	\$ 950.00
10 sets	International Mechanical Code (2009 Edition) <i>ea. 79.95</i>	\$ 799.50
10 sets	National Fire Protection Association (Latest Edition) <i>ea. \$315.75</i>	\$ 3157.50
4	Vehicles (Pick-up truck) <i>ea. \$20,035</i>	\$ 80,140.00
10	Computers with Auto Cad Capability <i>ea. \$1200.00</i>	\$ 12,000.00
10	Hand held radios (I-Connect) <i>ea. \$166.00</i>	\$ 1,660.00
	Auto-Cad Software (Latest Edition)	\$ 854.98
	Copier Services (see attached)	\$ 32,905.32
	Building Permits Tracking Software	\$100,000.00
RECRUITMENT		
4	Building Inspectors	
1	Customer Service Supervisor	
2	Customer Service Representatives	
1	Teleprocessing Network Coordinator	
	Total Salaries (See Attached)	\$299,807.00
Renovations	One Stop Building Permit Section (estimated)	\$100,000.00
TOTAL:		\$634,194.30

The Building Permit and Inspection Section salaries are currently funded by the Guam Highway Fund. For many years this section has been operating with the bare minimum so to speak, and that is merely operating on the appropriated salaries budget.

Although the Building Permits fee structure is divided into two components: Plan Checking Fee and the Building Permit Fee, it is interesting to note that the Plan Checking Fee is directed to the General Fund while the Building Permit Fee is directed to the Guam Historic Preservation Trust. DPW's Building Permits and Inspection Section is not supported by these revenues.

The following is the Building Permits and Inspections Report

YEAR	CONSTRUCTION COST	BUILDING PERMITS FEES	PLAN CHECKING FEES	NO. OF PERMITS ISSUED
FY 2009	\$262,470,630.62	\$1,031,479.49	\$569,551.79	1115
FY 2008	\$249,293,181.29	\$906,298.36	\$484,767.27	1367
FY 2007	\$323,330,989.05	\$1,229,040.58	\$726,451.73	1314
FY 2006	\$195,430,984.05	\$808,329.51	\$445,231.96	1197
FY 2005	\$149,969,813.99	\$699,247.40	\$397,843.89	1214
FY 2004	\$100,924,502.79	\$640,004.36	\$358,445.98	1348
FY 2003	\$125,644,628.12	\$669,363.78	\$359,144.67	1578
FY 2002	\$95,307,979.47	\$380,565.98	\$234,214.35	856
FY 2001	\$147,915,564.15	\$580,522.15	\$366,101.16	1082
FY 2000	\$151,740,493.06	\$607,778.13	\$553,696.53	1279
FY 1999	\$174,147,124.87	\$811,461.10	\$469,419.75	1892
FY 1998	\$352,311,070.87	\$1,459,886.51	\$648,285.79	2554
TOTALS	<u>\$1,978,269,278.25</u>	<u>\$7,552,629.74</u>	<u>\$5,613,154.87</u>	<u>16,796</u>

DPW CIP section issued a Request For Proposal for Professional Services - 3rd Party Reviews and Inspections, specifically meant to solicit assistance to review plans and conduct inspections to buildings four stories and up, in addition to:

- 1.) Supplement the functions of the DPW Division of Verticals (CIP) Building Permits And Inspections section.
- 2) Performing 3rd Party Reviews of Plan, Specification & Calculations, submissions relevant and referencing to the latest International Building Code edition.
- 3) Perform Building Construction Inspections per Approved Plan and Specification and Permits
- 4) Perform Beneficial Occupancy Inspections per Approved Plan and Specification and Permits.
- 5) Supporting the DPW Division of Verticals – CIP Building Permits and Inspections section in matters associated with the Guam Military Buildup, the GLUC. The implementation of International Building Code.

Because of the current financial situation with and the inability to identify the funds required to initiate the project, an addendum to cancel a Request for Proposal for the contracting of a Third Party Review

Equally important and vital to the operations will be the development of an automated system and the upgrades and enhancements to the present data system. The required technical operations of this system is comprised of the installation of new software, network and server upgrades and new features to include online capability with Building Permit and Inspection matters.

The current personnel count of the Building Permits and Inspection Section consists of three (3) Field Inspectors and two (2) Construction Inspectors performing as Customer Services Representatives. Their assigned officials to conduct inspections include two (2) 1999 Toyota Tacoma Pickup trucks which have exceeded their projected longevity and exhausted the parts recycling at the scrap yard.

While many businesses and contractual entities are gearing up for the Military Build-Up, DPW will definitely be obligated to join its forces to complement their mission with the required services, such as the provision of inspectors for those contractors who will be implementing 16-24 hr. work shifts in an aggressive mode to complete their projects. Of course, the Fair Labor Standards dictates that we pay DPW inspectors overtime for those services rendered over the regular working hours.

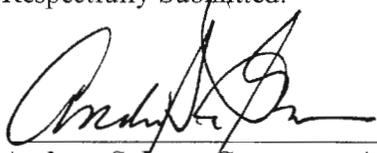
The current Building Permits and Inspection Section's budget does not adequately support its escalating operating expenses. As it is practiced throughout most of the nation's Building Permits and Inspection Section/Division, we would like to propose that the Guam DPW Building Permits and Inspections Section's activities be financed by a portion of the revenues it collects and manages. Perhaps redirecting the Plan Checking Fee from the General Fund to the Division of Engineering-Verticals, Capital Improvement Projects would be a positive step in alleviating the costs associated with the transition to the International Building Code and its continual upgrade requirements.

Honorable Chairman and members of this committee, although there will be challenges in meeting the demands affiliated with the Military Build-up construction boom, we are confident that the passage of this bill as a Public Law will pave the way for a smooth transition for all who are empowered to fundamentally

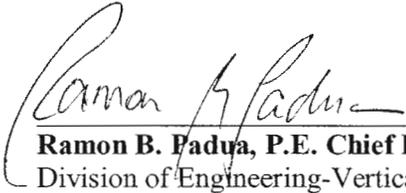
improve the lives of the people by protecting the safety, health, and welfare of the people of Guam by creating better buildings and safer communities.

Department of Public Works, Engineering Division – Verticals, Capital Improvement Projects, submits this testimony in support of Bill No. 244-30 (COR).

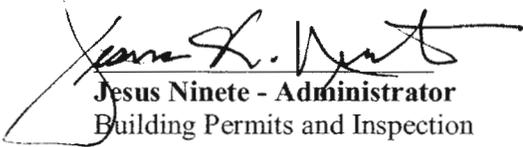
Respectfully Submitted:



Andrew S. Leon Guerrero - Acting Director
Department of Public Works



Ramon B. Padua, P.E. Chief Engineer
Division of Engineering-Verticals, Capital Improvement Projects



Jesus Ninete - Administrator
Building Permits and Inspection



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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**James V. Espaldon
SENATOR**

October 7, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Subject: Referral of Bills No. 244-30(COR) to 246-30 (COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 244-30(COR) to 246-30 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2009 OCT -8 PM 1:41

I Mina'Trenta Na Liheslaturan Guåhan
Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
244-30 (COR)	J. V. Espaldon, T. C. Ada, A. B. Palacios	An act to reenact Section 66409(c) of Chapter 66 of Title 21, Guam Code Annotated, relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works; and making an appropriation for FY2010.	10/06/09 11:17 a.m.	10/07/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
245-30 (COR)	E. J.B. Calvo, F. F. Blas, Jr., Ray Tenorio	An act to add §849.4 to Chapter 8 of Article 1 of Title 1 of the Guam Code Annotated naming the Baseball Complex situated within the Dededo Sports Complex in honor of Gregory "Greg" Andrew Matanane, and to name the four baseball fields within the complex in honor of Guam's pioneers of Little League Baseball on Guam.	10/06/09 1:50 p.m.	10/07/09	Committee on Municipal Affairs, Aviation, Housing, and Recreation			
246-30 (COR)	v.c. pangelinan, T. R. Muña Barnes	An act to amend §75108.1 (a) of Chapter 75, Title 21, Guam code annotated relative to cottage industry activity authorized.	10/06/09 4:02 p.m.	10/07/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			

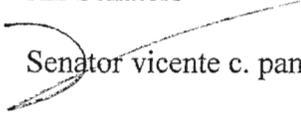


Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 3, 2010

Memorandum

To: All Senators
From:  Senator vicente c. pangelinan
Re: Public Hearing

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **8:30am on Wednesday, March 10, 2010** and at **3:00pm** will conduct an oversight of the **Chamorro Land Trust Commission** at the Guam Legislature's Public Hearing Room.

On **Thursday, March 11, 2010**, the Committee will receive testimonies for the **Official Zoning Map and Amendments of the "Dos Amantes" Planning Area, Municipality beginning at 5:30pm** in the Guam Legislature Public Hearing Room.

Copies of the Agenda for March 10 and March 11 are attached for your review.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase,

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Lisa Cipollone

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Lisa Cipollone

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POWER OF SALE contained in the above mortgage.

The property described below will be sold, WITHOUT WARRANTY BEING GIVEN, express or implied, regarding title, possession, rights of redemption or encumbrances, to the highest bidder at public auction, to be held at the Mayor's office in Mangilao, Guam at 3:00 p.m. on March 10, 2010, in order to satisfy the amount due on the mortgage and its promissory note at the time of the sale. Terms of the sale are cash, certified check or other terms deemed acceptable by Mortgagee. The Mortgagee reserves the right to bid all or part of the amount due on the mortgage at the time of the sale; to reject any bid made at the sale and to withdraw this notice and postpone the sale from time to time. The property subject to the mortgage and to be sold at sale is as follows:

Unit No. D-6, Villa De Oro Condominium, situated on Lot No. 5370-1-2-R3, Mangilao (formerly Barrigada), Guam, as said lot is marked and designated on Map Drawing No. ES-9235, recorded in the Department of Land Management, Government of Guam on March 11, 1993 under Document No. 485643.

The amount due the Mortgagee is for the sum of \$114,885.60, accrued interest as of October 20, 2009 of \$3,129.01, interest at the rate of 7.21% from October 20, 2009 to the date of full payment, attorney fees, and costs of this sale. The undersigned are the attorneys for the Mortgagee and hereby give notice that they are attempting to collect a debt and any information that is obtained will be used for that purpose.

Dated this 11th day of February, 2010.

McCULLY & BEGGS, P.C.,
Attorneys for Citibank, N.A.
By /s/ MARK S. BEGGS
GUAM)

On this 11th day of February, 2010, before me, the undersigned Notary, personally appeared, MARK S. BEGGS, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as attorney for Citibank, N.A.

/s/ MAUREEN E. TAITANO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires:
Aug. 15, 2010

Ste. 200, 139 Murray Blvd., Hagåtña



Mina' Treinta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

Public Hearing Notice

Wednesday, March 10, 2010, Guam Legislature Public Hearing Room
8:30am

Agenda

Bill No. 239-30 (COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

Bill No. 244-30 (COR): An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010.

Bill No. 249-30 (COR): An act to amend §52430 of Chapter 22 of 5 GCA relative to use of government funds for disseminating public information.

Bill No. 261-30 (COR): An act relative to transferring Lot Nos 20 and 21 of Block 11 Tract 268 located in the Municipality of Yona to the Yona Mayor's Office for the benefit of the residents of the village and the island community.

Bill No. 283-30 (COR): An act to amend Section 9102 of 2GCA relative to ensuring the rights of the members of *Liheslaturan Guahan* to obtain a fiscal note on legislation placed on its session agenda.

Bill No. 298-30 (COR): An act to Amend §7120.2 of Chapter 7 Title 16 of Guam Code Annotated relative to Vehicle Registration Fees for Veterans rated at a 100% permanent and total disability.

Bill No. 303-30 (COR): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

Bill No. 316-30 (COR): An act to add *new* definitions (j), (k), and (l) to §1102 of Chapter 1, Title 16; to *add* a new §3102.2, §3102.3, §3102.4 to Chapter 3, Title 16, to *add* a new §6233 of Article 2, Chapter 6, Title 4; all of Guam Code Annotated relative to establishing charges and compensation for Department of Revenue and Taxation examiners who perform off-duty examinations.

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3:00pm Oversight of Chaniorro Land Trust Commission

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Pacific Daily News, Wednesday, March 3, 2010 guampdn.com

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Office of Senator ben pangelinan will hold a public hearing on Wednesday, March 10, 2010 beginning at 8:30am.

Public Hearing Notice Wednesday, March 10, 2010 Guam Legislature Public Hearing Room

Agenda

8:30am

Bill No. 239-30(COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

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3:00pm
Oversight of Chamorro Land Trust Commission

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
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Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 8, 2010

Memorandum

To: All Senators

From: Senator vicente c. pangelinan

Re: SECOND NOTICE Public Hearing

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **8:30am on Wednesday, March 10, 2010** and at **3:00pm** will conduct an oversight of the **Chamorro Land Trust Commission** at the Guam Legislature's Public Hearing Room.

On **Thursday, March 11, 2010**, the Committee will receive testimonies for the **Official Zoning Map and Amendments of the "Dos Amantes" Planning Area, Municipality beginning at 5:30pm** in the Guam Legislature Public Hearing Room.

Copies of the Agenda for March 10 and March 11 are attached for your review.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase,



Angelica Okada <aokada@guamlegislature.org>

Second Public Hearing Notice_All Senators

Anjelica Kulani Okada <aokada@guamlegislature.org>

Mon, Mar 8, 2010 at 8:50 AM

To: "Senator Tom C. Ada" <tom@senatorada.org>, "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J.B. Calvo" <sencalvo@gmail.com>, "Vice-Speaker Benjamin J. Cruz" <senadotbjcruz@gmail.com>, "Senator James V. Espaldon" <senator@espaldon.com>, "Senator Juith T. Guthertz, DPA" <judiguthertz@pticom.com>, "Senator Tina R. Muna-Barnes" <tinamunabarnes@gmail.com>, "Senator Adolpho B. Palacios" <ABPalacios@gmail.com>, "Senator Rory J. Respicio" <roryforguam@gmail.com>, Senator Ray Tenorio <ray@raytenorio.com>, Senator Telo Taitague <senatortelo@gmail.com>, "Speaker Judith T. Won Pat" <info@judiwonpat.com>, Senator ben pangelinan <senbenp@guam.net>

Cc: COS - Frank Torres <fbtorres@yahoo.com>, Lisa Cipollone <cipo@guamlegislature.org>

Please see attached.

--

Anjelica Kulani I. Okada
Policy Research Analyst

I MINA'TRENTA NA LIHESLATURAN GUAHAN

senator vicente "ben" c. pangelinan

Committee on Appropriations, Taxation, Retirement, Banking, Insurance, and Land.

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Angelica Okada <aokada@guamlegislature.org>

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Anjelica Kulani Okada <aokada@guamlegislature.org>

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Wednesday, March 10, 2010 Guam Legislature Public Hearing Room Agenda

8:30am

Bill No. 239-30(COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

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3:00pm

Oversight of Chamorro Land Trust Commission

Thursday, March 11, 2010 Guam Legislature Public Hearing Room Agenda

5:30pm

Official Zoning Map and Amendments of the "Dos Amantes Planning Area, Municipality of Dededo

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Policy Research Analyst

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SPORTS

NOTES

Continued from Page 30

Champion Sporting Goods, Hog Wild, Big Horn. All tournament fees must be paid at the Guam Fisheries Corp. no later than March 20. Official rules are on-line at www.guamfishing.com. Info: Tom at 463-7491, Fax at 688-1421 or Ray at 483-0591.

Department of Parks and Recreation is accepting applications for registration 8 a.m. to 2 p.m. March 8 through March 12 at the Hagglee pool. Participants are required to take a pre-test 6:30 to 8:30 p.m. March 15 at Hagglee pool. Info: Allen Ignacio at 472-8718.

12 at the Hagglee pool. Fee is \$50 per student. Limit 10 students per class. Classes are Tuesdays and Thursdays from March 16 through April 15. Classes for 3- and 6-year-olds 3 to 4 p.m., classes for 7- through 9-year-olds 4 to 5 p.m., and classes for 10- through 12-year-olds 5 to 6 p.m. Info: Allen Ignacio at 472-8718.

ON THE AIR

TODAY

- ▲ **MASCAR:** Atlanta Motor Speedway, 3 a.m. on FOX6.
- ▲ **College basketball:** Florida at Kentucky, 3 a.m.; Missouri Valley Conference championship game, 5 a.m.; and Michigan at Michigan State, 7 a.m. on TV11.
- ▲ **NHL:** Detroit at Chicago, 3:30 a.m. on TV8.
- ▲ **PBA Tour:** Honda Classic, 6 a.m. on TV8.
- ▲ **Bull riding:** Built Ford Tough

Invitational, 11 a.m. on GUDTV Channels 42/452.

▲ **NBA:** Washington Wizards at Boston Celtics, 11 a.m.; and Portland Trail Blazers at Denver Nuggets, 1:30 p.m. on GUDTV Channels 30/400.

TOMORROW

▲ **NHL:** Dallas at Washington, 10 a.m. on GUDTV Channels 42/452.

Information for On the Air is provided by ABC7, FOX6, GUDTV, K-57, KUAM and MCV. The Pacific Daily News is not responsible for any changes in scheduling.

NOTICE OF TEMPORARY JOB OPPORTUNITIES WITH 2 YEARS EXPERIENCE

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Interested applicants should apply at Guam Employment Service at the One Stop Career Center located at GOC Building, 44 West Seaboard Ave., Hagglee, GU. This job offer is open to all qualified United States workers without regard to race, color, national origin, age, sex, citizenship and is in compliance with Title 1 of the Guam Information Modernization Act of 2005. This job offer is open to U.S. citizens who are currently employed, willing, able, and available to perform the job. (Post #13-2010-048)



Guam Community College
Planning & Development Office
Sassano Street • Mangilao, Guam 96913
Phone: (671)735-6514/735-5517 • Fax: (671)735-6514 • TDD: (671)734-6324

NOTICE OF FUNDING AVAILABILITY

For the Program Year 2010
Workforce Investment Act, Title II Adult Education & Family Literacy Act
Carl D. Perkins Act of 2006, Career & Technical Education

The State Agency for Adult and Career & Technical Education (Guam Community College) is announcing the availability of Federal (education) funds for the implementation of:

- Adult Education Programs described in the Guam State Plan for Workforce Investment Act, Title II Adult Education & Family Literacy Act, July 1, 2009-June 30, 2010 (WIA, 8956) (GDA 34.002) as amended;
- Career and Technical Education Programs described in Guam's Career and Technical Education State Plan, July 1, 2009-June 30, 2010 (Carl D. Perkins Act of 2006) (GDA 34.144).

The State Agency Office (S/O-Planning & Development Office) is inviting eligible providers/recipients, as defined below, to submit applications:

- Eligible provider (WIA, Title II §203(5)) is defined as (A) local educational agency; (B) a community-based organization of demonstrated effectiveness; (C) a volunteer literacy organization of demonstrated effectiveness; (D) an institution of higher education; (E) a public or private nonprofit agency; (F) a library; (G) a public housing authority; (H) a nonprofit institution that is not described in any of the above (A)-(G) and has the ability to provide literacy services to adults and families; and (I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of the above (A)-(H).
- Eligible recipient (Carl D. Perkins, Career & Technical Education Empowerment Act of 2006) is defined as (A) a local educational agency, an area career and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 51; or (B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 52.

Estimated total program funds: \$700,000. Estimated number of awards: 10
Cost of Sharing or Matching requirement: N/A

The State Agency Office (Planning and Development) will conduct two Technical Assistance Workshops for eligible providers interested in applying. For adult education and family literacy program funds (WIA, Title II) applicants, workshop will be held on Tuesday, March 16, 2010 from 8:30 a.m. to 12:00 noon. For career & technical education program funds (Perkins IV) applicants, workshop will be held on Thursday, March 18, 2010 from 8:30 a.m. to 12:00 noon. Both sessions will be held at GCC's Mangilao campus in Room 1201, Technology Center. Interested eligible providers should call for reservations by Wednesday, March 10, 2010. Please call Ms. Tori Chamberlain at 735-5514 for reservations, or if you should require special accommodations, Mini Clinics will also be conducted Monday through Friday, March 22-26 from 4:00-5:00 p.m. in the ASD Conference Room of GCC's Student Services and Administration Building.

Interested eligible providers/recipients should pick up application forms at GCC's Planning & Development Office, Room 2209 or 2210, Student Services and Administration Building beginning March 3, 2010. The deadline for submission of applications is 5:00 p.m., April 15, 2010 at the Planning & Development Office. The application is subject to evaluation and availability of Federal funds.

This advertisement may also be viewed electronically at www.guam.gov.gu (What's New). If electronic access problems occur, please contact Ms. Tori Chamberlain at (671)735-5514 or E-mail torichamberlain@guamcc.edu.

This advertisement is paid for with WIA/Perkins funds provided by the U.S. Department of Education, (S/ Darren K. Santizo for MARY A.Y. OKADA, Ed. D.

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Minor Items in Unfinished Session
THIRTIETH GUAM LEGISLATURE
Senator Vicente "Tom" C. pagelagan
Public Hearing Notice
Wednesday, March 10, 2010, Guam Legislature Public Hearing Room
Agenda

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Bill No. 327-30 (COR): An Act to amend §23101(a) and 2303(b), and to add a new §2303(g) to Article 3, Chapter 2 of Title 11 Guam Code Annotated relative to petroleum sale, accounting and inspection of petroleum products.

Subject: Oversight of Chamorro Land Trust Commission

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THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan

Public Hearing Notice
Wednesday, March 10, 2010
Guam Legislature Public Hearing Room

Agenda

8:30am

Bill No. 239-30(COR): An Act to appropriate Two Hundred Fifty Five Thousand Nine Hundred Thirty Dollars (\$255,930) from the General Fund to the University of Guam for the purpose of funding the local portion of the start-up plan of the Farmer's Cooperative Association of Guam.

Bill No. 244-30 (COR): An Act to reenact Section 6649(c) of Chapter 66 of Title 21, Guam Code Annotated relative to restoring the "DPW Building and Design Fee Account" for the purpose of funding the operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection Section of the Department of Public Works and making an appropriation for FY2010.

Bill No. 249-30 (COR): An act to amend §52430 of Chapter 22 of 5 GCA relative to use of government funds for disseminating public information.

Bill No. 261-30 (COR): An act relative to transferring Lot Nos 20 and 21 of Block 11 Tract 268 located in the Municipality of Yona to the Yona Mayor's Office for the benefit of the residents of the village and the island community.

Bill No. 283-30 (COR): An act to amend Section 9102 of 2GCA relative to ensuring the rights of the members of *I Liheslaturan Guahan* to obtain a fiscal note on legislation placed on its session agenda.

Bill No. 298-30 (COR): An act to Amend §7120.2 of Chapter 7 Title 16 of Guam Code Annotated relative to Vehicle Registration Fees for Veterans rated at a 100% permanent and total disability.

Bill No. 303-30 (COR): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

Bill No. 316-30 (COR): An act to add *new* definitions (j), (k), and (jj) to §1102 of Chapter 1, Title 16; to *add* a new §3102.2, §3102.3, §3102.4 to Chapter 3, Title 16, to *add* a new §6233 of Article 2, Chapter 6, Title 4; all of Guam Code Annotated relative to establishing charges and compensation for Department of Revenue and Taxation examiners who perform off-duty examinations.

Bill No. 319-30 (COR): An Act to Amend Section 30103 of Chapter 30, 22 Guam Code Annotated to Amend Section 104203 and Section 104208 and to Repeal Section 104210 of Chapter 104, 21 Guam Code Annotated Relative to Real Estate Broker Licensing Requirements and other purposes.

Bill No. 321-30 (COR): An act to appropriate One Hundred Fifty Two Thousand One Hundred and Three Dollars (\$152,103.00) and Two Hundred Forty Five Thousand Eight Hundred and Two Dollars (\$245,802.00) from the unappropriated Fiscal Year 2008 and 2009 ManPower Development Fund (MDF) Revenues to the Guam Department of Labor (GDOL) and to authorize use of MDF Fuds to hire unclassified workers.

Bill No. 325-30 (COR): An Act to add a new §28817a and a new Subarticle b to Chapter 28, Part 5, Division 1 of Title 18 of the Guam Code Annotated and for other purposes.

Bill No. 327-30 (COR): An act to amend §§2301(e) and 2303(b), and to add a new §2303(g) to Article 3, Chapter 2 of Title 11 Guam Code Annotated relative to petroleum sale, accounting and inspection of petroleum products.

3:00pm

Oversight of Chamorro Land Trust Commission

Bureau of Budget & Management Research
Fiscal Note of Bill No. 244-30 (COR)

AN ACT TO REENACT SECTION 66409 (c) OF CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE "DPW BUILDING AND DESIGN FEE ACCOUNT" FOR THE PURPOSE OF FUNDING THE OPERATIONS OF THE DIVISION OF ENGINEERING-CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS AND INSPECTION SECTION OF THE DEPARTMENT OF PUBLIC WORKS; AND MAKING AN APPROPRIATION FOR FY2010.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Andrew S. Leon Guerrero, DPW Acting Director
Department's General Fund (GF) appropriation(s) to date:	\$9,724,110
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund \$7,975,333; Solid Waste Operations Fund \$6,493,337	\$14,468,670
Total Department/Agency Appropriation(s) to date:	\$24,192,780

Fund Source Information of Proposed Appropriation

	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Appro. (P.L. 30-55 thru 30-75)	(\$540,228,724)	(\$113,520,186)	(\$653,748,910)
Sub-total:	(\$10,086)	(\$954,175)	(\$964,261)
Less appropriation in Bill	\$0	(\$300,000)	(\$300,000)
Total:	(\$10,086)	(\$1,254,175)	(\$1,264,261)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
DPW Building and Design Fund	\$0	\$300,000	\$0	\$0	\$0	\$0
Total	\$0	\$300,000	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? // Yes // /X/ No
 If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? // N/A // /X/ Yes // / No
 If no, what is the additional amount required? \$ _____ // N/A
3. Does the Bill establish a new program/agency? // Yes // /X/ No
 If yes, will the program duplicate existing programs/agencies? // N/A // / Yes // /X/ No
 Is there a federal mandate to establish the program/agency? // Yes // /X/ No
4. Will the enactment of this Bill require new physical facilities? // Yes // /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes // /X/ Yes // / No
 /X/ Requested agency comments not received by due date // Other: _____

Analyst: Euglenn Diaz Date: 3/10/10 Director: Bertha M. Duenas, Director, BBMR Date: _____

Footnotes: Bill No. 244-30(COR) is reinstating the DPW Building and Design Fee Account by reenacting section 66409 (c) of Chapter 66 of Title 21 GCA. In addition, the bill sets out to appropriate \$300,000 from the DPW Building and Design Fee Account to DPW for FY2010 operations of the Division of Engineering-Capital Improvement Project Building Permits and Inspection section. Subsequent to PL 28-68, which repealed DPW Building and Design Fund, all its collected revenues should be deposited into the General Fund. However, inspite of its repeal, Department of Administration continues to segregate such revenues separate and apart from the General Fund as reflected in the attached financials.

**Government of Guam
DPW BUILDING AND DESIGN (Fund 235)**

Balance Sheet	FY 2004 (Audited)	FY 2005 (Audited)	FY 2006 (Audited)	FY 2007 (Audited)	FY 2008 (Audited)	FY 2009 (Unaudited)	March 09, 2010 (Unaudited)
Assets							
Cash and cash equivalents	0	0	0	0	0	0	0
Investments							
Receivables, net:							
Taxes							
Federal agencies							
Other	85,144	85,144	85,144				
Due from other funds	1,064,192	1,501,277	872,038	1,518,226	2,119,906	2,643,219	2,643,219
Inventories							
Deposits and other assets							
Total assets	1,149,336	1,586,421	957,182	1,518,226	2,119,906	2,643,219	2,643,219
Liabilities							
Bank overdraft							
Accounts payable							
Accrued payroll and other		0	0	0	0	0	0
Due to component units						0	0
Due to other funds	0			0	0	0	0
Payable to federal agencies							
Deferred revenue							
Provision for tax refunds							
Deposits and other liabilities							
Total liabilities	0	0	0	0	0	0	0
Fund Equity:							
Reserved for:							
Related assets							
Encumbrances							
Appropriations	0	0	0	0	0	0	0
Unreserved fund balance (deficit)	1,149,336	1,586,421	957,182	1,518,226	2,119,906	2,643,219	2,643,219
Total fund equity	1,149,336	1,586,421	957,182	1,518,226	2,119,906	2,643,219	2,643,219
Total liabilities & fund equity	1,149,336	1,586,421	957,182	1,518,226	2,119,906	2,643,219	2,643,219

**Statement of Revenues, Expenditures
and Changes in Fund Balance**

Revenues							
Taxes:							
Property							
Hotel							
Liquid fuel							
Other taxes							
Sales, licenses, fees and permits	376,791	437,085	520,097	561,044	601,680	523,313	0
Use of money and property							
Federal contributions							
Other	0	0	0	0	0	0	0
Total revenues	376,791	437,085	520,097	561,044	601,680	523,313	0
Expenditures by Function:							
General government							
Protection of life and property							
Public health							
Community services							
Recreation							
Individual and collective rights	0	0	0	0	0	0	0
Transportation							
Public education							
Environmental protection							
Economic development							
Payments to Guam Visitors Bureau							
Payments to Guam Memorial Hospital							
Payment to University of Guam			0	0	0	0	0
Total Expenditures	0	0	0	0	0	0	0
Excess (deficiency) of revenues over (under) expenditures	376,791	437,085	520,097	561,044	601,680	523,313	0
Other financing sources (uses):							
Transfers in		0	0	0	0	0	0
Transfers out	0	0	(1,149,336)	0	0	0	0
Total other financing sources (uses), net	0	0	(1,149,336)	0	0	0	0
Special item:	0	0	0	0	0	0	0
Net change in fund balances (deficits)	376,791	437,085	(629,239)	561,044	601,680	523,313	0
Beginning fund balance (deficit)	772,545	1,149,336	1,584,421	957,182	1,518,226	2,119,906	2,643,219
Ending fund balance (deficit)	1,149,336	1,586,421	957,182	1,518,226	2,119,906	2,643,219	2,643,219

Notes:

- This fund was created by Public Law 20-221 to be used for review and building inspection operational expenditures. Any fees collected from plan review and building inspection shall be deposited to the special fund. (21 GCA Chapter 66 Article 4)
- PL 28-68 authorized the transfer from the FY 2004 Unreserved Fund Balance to the Unreserved Fund Balance Fund appropriated to various departments/agencies. In addition, PL 28-68 repealed the DPW Building and Design Fee Account Fund, though DOA accounting and the Financial Statements still segregate the revenues separate and apart from the General Fund.

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3/9/10

GOVERNMENT OF GUAM
 Nonmajor Governmental Funds - Special Revenue Funds
 Combining Balance Sheet
 September 30, 2008

AS/400 Fund Number	209 Customs, Agriculture and Quarantine Inspection Services	267 Dededo Buffer Strip Revolving	630 DLM Building Construction	214 DOC Inmates Revolving	106 D.O.D. Contract	235 DPW Building and Design	246 Drivers' Education	281 Enhanced 911 Emergency Reporting System
ASSETS								
Cash and cash equivalents	\$ 363,685	\$ -	\$ 1,735,436	\$ -	\$ 1,885	\$ -	\$ -	\$ -
Investments	-	-	-	-	-	-	-	-
Receivables, net:								
Taxes	-	-	-	-	-	-	-	-
Federal agencies	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-
Due from other funds	-	57,912	-	-	400,672	2,119,906	389,648	1,450,528
Due from private purpose trust funds	-	-	-	-	-	-	-	-
Due from component units	1,476,496	-	-	-	-	-	-	-
Inventories	-	-	-	-	-	-	-	-
Deposits and other assets	-	-	-	-	-	-	-	-
Total assets	\$ 1,840,181	\$ 57,912	\$ 1,735,436	\$ -	\$ 402,557	\$ 2,119,906	\$ 389,648	\$ 1,450,528
LIABILITIES AND FUND BALANCES								
(DEFICIT)								
Liabilities:								
Accounts payable	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accrued payroll and other	317,621	-	-	-	-	-	-	30,896
Due to other funds	1,522,560	-	-	189,965	-	-	-	-
Due to component units	-	-	-	-	-	-	-	-
Payable to federal agencies	-	-	-	-	-	-	-	-
Deferred revenue	-	-	-	-	-	-	-	-
Provision for tax refunds	-	-	-	-	-	-	-	-
Deposits and other liabilities	-	-	-	-	403,354	-	-	-
Total liabilities	\$ 1,840,181	\$ -	\$ -	\$ 189,965	\$ 403,354	\$ -	\$ -	\$ 30,896
Fund balances (deficit):								
Reserved for:								
Related assets	-	-	-	-	-	-	-	-
Encumbrances	-	-	-	-	-	-	-	-
Unreserved (deficit)	-	57,912	1,735,436	(189,965)	(797)	2,119,906	389,648	1,419,632
Total fund balances (deficit)	\$ -	\$ 57,912	\$ 1,735,436	\$ (189,965)	\$ (797)	\$ 2,119,906	\$ 389,648	\$ 1,419,632
Total liabilities and fund balances (deficit)	\$ 1,840,181	\$ 57,912	\$ 1,735,436	\$ -	\$ 402,557	\$ 2,119,906	\$ 389,648	\$ 1,450,528

(continued)

GOVERNMENT OF GUAM
Nonmajor Governmental Funds - Special Revenue Funds
Combining Statement of Revenues, Expenditures by Function, and Changes in Fund Balances (Deficits)
Year Ended September 30, 2008

AS/400 Fund Number	209 Customs, Agriculture and Quarantine Inspection Services	267 Dededo Buffer Strip Revolving	630 DLM Building Construction	214 DOC Inmates Revolving	106 D.O.D. Contract	235 DPW Building and Design	246 Drivers' Education	281 Enhanced 911 Emergency Reporting System
Revenues:								
Taxes:								
Property	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hotel	-	-	-	-	-	-	-	-
Liquid fuel	-	-	-	-	-	-	-	-
Other taxes	-	-	-	-	-	-	-	-
Sales, licenses, fees and permits	7,773,636	16,151	-	1,197,883	-	601,680	37,847	1,468,364
Use of money and property	2,868	-	8,203	-	29	-	-	-
Federal contributions	-	-	1,727,233	-	-	-	-	-
Other	(2,850)	-	-	-	(2,100)	-	-	-
Total revenues	7,773,654	16,151	1,735,436	1,197,883	(2,071)	601,680	37,847	1,468,364
Expenditures by Function:								
Current:								
General government	400	-	-	-	-	-	-	-
Protection of life and property	8,556,449	-	-	1,552,384	-	-	-	1,021,922
Public health	-	-	-	-	-	-	-	-
Community services	-	-	-	-	-	-	-	-
Recreation	-	-	-	-	-	-	-	-
Individual and collective rights	-	10,994	-	-	-	-	-	-
Transportation	-	-	-	-	-	-	-	-
Environmental protection	-	-	-	-	-	-	-	-
Economic development	-	-	-	-	-	-	-	-
Payments to Guam Community College	-	-	-	-	-	-	-	-
Payments to Guam Memorial Hospital	-	-	-	-	-	-	-	-
Payments to Chamorro Land Trust Commission	-	-	-	-	-	-	-	-
Payments to Guam Visitors Bureau	-	-	-	-	-	-	-	-
Payments to University of Guam	-	-	-	-	-	-	-	-
Miscellaneous appropriations	-	-	-	-	-	-	-	-
Total expenditures	8,556,849	10,994	-	1,552,384	-	-	-	1,021,922
Excess (deficiency) of revenues over (under) expenditures	(783,195)	5,157	1,735,436	(354,501)	(2,071)	601,680	37,847	446,442
Other financing sources (uses):								
Transfers in from other funds	783,195	-	-	-	-	-	-	-
Transfers out to other funds	-	-	-	-	-	-	-	-
Total other financing sources (uses), net	783,195	-	-	-	-	-	-	-
Special item:								
Loss on sale of GTA note receivable	-	-	-	-	-	-	-	-
Net change in fund balances (deficits)	-	5,157	1,735,436	(354,501)	(2,071)	601,680	37,847	446,442
Fund balances (deficits) at beginning of year	-	52,755	-	164,536	1,274	1,518,226	351,801	973,190
Fund balances (deficits) at end of year	\$ -	\$ 57,912	\$ 1,735,436	\$ (189,965)	\$ (797)	\$ 2,119,906	\$ 389,648	\$ 1,419,632

(continued)

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION

2009 OCT -6 AM 11:17 AM

Bill No. 244-30(COR)

Introduced by:

J.V. Espaldon
T.C. Ada
A.B. Palacios

AN ACT TO REENACT SECTION 66409(c) OF CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE "DPW BUILDING AND DESIGN FEE ACCOUNT" FOR THE PURPOSE OF FUNDING THE OPERATIONS OF THE DIVISION OF ENGINEERING-CAPITAL IMPROVEMENT PROJECT BUILDING PERMITS AND INSPECTION SECTION OF THE DEPARTMENT OF PUBLIC WORKS; AND MAKING AN APPROPRIATION FOR FY2010.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The Department of Public Works (DPW) Building and Design Fee Account special fund was created by P.L. 22-110 to be used for plan review and building inspection operational expenditures. P.L. 28-68:II:II:9 subsequently repealed the DPW Building and Design Fee Account special fund in an attempt to use unreserved fund balances for government operations. Notwithstanding that action, financial statements issued by the Department of Administration continue to segregate the revenues separate and apart from the General Fund. Therefore, the mechanism and monies collected pursuant to P.L. 22-110 continue to remain in place, but P.L. 28-68:II:II:9 prevents the Department of Public Works from accessing these funds to support its operational expenditures.

I Liheslaturan Guåhan recognizes Guam will be experiencing a twenty (20) year growth in its population and associated needs within a five (5) year span and the Government of Guam, through the Department of Public Works, will need to prepare and plan for this impending growth. The Department of Public Works assesses up to two (2) fees for each construction activity: 1) a building permit fee; and 2) a plan checking fee. Building permit fees collected by DPW are directed to the Guam Preservation Trust to support its mission, and it is the intent of *I Liheslatura* that this policy continues. However, *I Liheslatura* has been informed the plan checking fees are remitted to

1 the General Fund for use in general government operations. Therefore, *I Liheslaturan Guåhan* finds
2 that it is essential that the DPW Building and Design Fee Account special fund be reenacted. By
3 providing this specific revenue stream, the Department of Public Works will have access to needed
4 financial resources to support its role in ensuring public safety through the strengthening of its
5 building permits and inspection section.

6 **Section 2. Re-enact subsection (c) of §66409 of Chapter 66 of Title 21, Guam Code**
7 **Annotated.** Section 66409(c) of Chapter 66 of Title 21, Guam Code Annotated is re-enacted to
8 read:

9 **“(c) Creation of special fund.** On the effective date of this section, a special fund,
10 designated the “DPW Building and Design Fee Account”, shall be established
11 separate and apart from other funds of the government of Guam, and separate records
12 shall be kept therefore. All fees collected for plan checking reviews by the
13 Department of Public Works shall be deposited into the Fund. The Director of Public
14 Works shall administer the Fund and shall issue vouchers properly certifying the use
15 of the fund’s monies. The monies deposited in the Fund shall be expended only for
16 the operations of the Division of Engineering-Capital Improvement Project Building
17 Permits and Inspection section. The Director shall comply with all existing reporting
18 requirements by issuing a quarterly accounting of the Fund to *I Maga’lahen Guåhan*,
19 *I Liheslaturan Guåhan*, and to the Office of Public Accountability. The Director shall
20 ensure the DPW Building and Design Fee Account fund is in compliance with all
21 existing statutes, rules and regulations, codes, executive orders, and any other
22 authority which is applicable to the Department of Public Works’ Division of
23 Engineering-Capital Improvement Project Building Permits and Inspection section.
24 All monies in the Fund shall require legislative appropriation, and are *not* subject to
25 the Governor’s transfer authority.”

26 **Section 3. Transfer of Funds.** Upon enactment into law of this Act, the Director of
27 Administration shall transfer all funds previously received by the General Fund from the fees
28 assessed for the plan checking review into the DPW Building and Design Fee Account fund.

29 **Section 4. Appropriation.** The sum of Three Hundred Thousand Dollars (\$300,000.00)
30 is appropriated from the DPW Building and Design Fee Account fund to the Department of
31 Public Works for the Fiscal Year 2010 operations of the Department of Public Works’

1 Division of Engineering-Capital Improvement Project Building Permits and Inspection
2 section.

3 **Section 5. Effective Date.** Section 2 of this Act shall be effective upon enactment.