



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-958
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 219-31 (COR) "AN ACT TO AMEND §33106 OF CHAPTER 33, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO MECHANICS' LIEN ON GUAM", which was signed into law on September 30, 2011 as Public Law 31-112.

Senseramente,


EDDIE BAZA CALVO

2011 OCT -5 11 8:08
[Signature]

Attachment: copy of Bill

958

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that Bill No. 219-31 (COR), "AN ACT TO AMEND §33106 OF CHAPTER 33, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO MECHANICS' LIEN ON GUAM," was on the 19th day of September, 2011, duly and regularly passed.



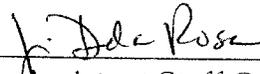
Judith T. Won Pat, Ed.D.
Speaker

Attested:



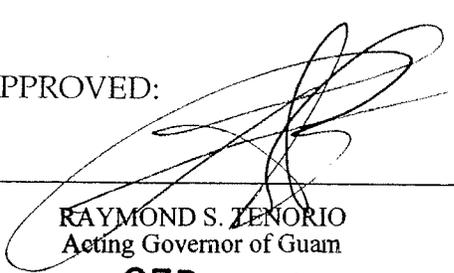
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahren Guåhan* this 20th day of Sept., 2011, at
4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


RAYMOND S. ZENORIO
Acting Governor of Guam

Date: SEP 30 2011

Public Law No. 31-112

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) Regular Session

Bill No. 219-31 (COR)

As amended by the Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land.

Introduced by:

v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Tajjeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §33106 OF CHAPTER 33, TITLE 7,
GUAM CODE ANNOTATED, RELATIVE TO
MECHANICS' LIEN ON GUAM.**

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

2 **Section 1.** §33106 of Chapter 33, Title 7, Guam Code Annotated, is
3 hereby *amended* to read as follows:

4 “§ 33106. **Notice to Property Owner.**

5 (a) *Except* one under direct contract with the owner *or* one
6 performing actual labor for wages, every lien claimant *shall*, as a necessary

1 prerequisite to the validity of any claim of lien, cause to be given to the
2 owner *or* reputed owner, either personally *or* by certified mail with return
3 receipt requested, a written preliminary notice *not later than* twenty (20)
4 days after the claimant has first furnished labor, service, equipment *or*
5 materials to the job site, containing:

6 (1) a general description of the labor, service, equipment *or*
7 materials furnished, *or* to be furnished, and an estimate of the total
8 price thereof;

9 (2) the name and address of the person furnishing such labor,
10 service, equipment, *or* materials;

11 (3) the name of the person who contracted for purchase of
12 that labor, service, equipment, *or* materials;

13 (4) a description of the job site sufficient for identification;
14 and

15 (5) the following statement in boldface type:

16 ***NOTICE TO PROPERTY OWNER***

17 *If bills are not paid in full for the labor, services,*
18 *equipment, or materials furnished or to be furnished, a*
19 *mechanics' lien leading to the loss, through court foreclosure*
20 *proceedings, of all or part of your property being so improved*
21 *may be placed against the property even though you have paid*
22 *your contractor in full. You may wish to protect yourself*
23 *against this consequence by:*

24 (i) *requiring your contractor to furnish a signed*
25 *release by the person or firm giving you this notice before*
26 *making payment to your contractor; or*

27 (ii) *any other method or device that is appropriate*

1 *under the circumstances.*

2 (b) *If labor, service, equipment, or materials have been furnished to*
3 *a job site by a claimant who did not give a preliminary notice, that claimant*
4 *shall not be precluded from giving a preliminary notice at any time*
5 *thereafter, however such claimant shall be entitled to record a lien only for*
6 *labor, service, equipment, or material furnished within twenty (20) days*
7 *prior to the service of the preliminary notice, and at any time thereafter.”*

8 **Section 2. Effective Date.** The effective date of this Act *shall* be
9 retroactive to February 4, 2009, the effective date of Public Law 29-119, which
10 repealed and reenacted the Mechanics’ Lien law.

11 **Section 3. Severability.** If any provision of this Law or its application to
12 any person or circumstances is found to be invalid or contrary to law, such
13 invalidity shall not affect other provisions or applications of this Law which can be
14 given effect without the invalid provisions or application, and to this end the
15 provisions of this Law are severable.

I MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

ABill No. 219-31(COR)

Resolution No. _____

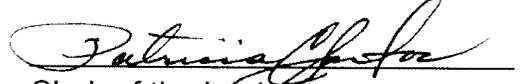
Question: _____

<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.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

<u>15</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
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CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUL 29 2011

2011 AUG - 5 PM 4: 22

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesia Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Una Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 219-31 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 219-31 (COR), As Amended, "An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien on Guam", sponsored by Senator Vicente (ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 5 TO PASS
- 0 NOT TO PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

**COMMITTEE REPORT
ON**

**Bill No. 219-31 (COR), As Amended by the
Committee on Appropriations, Taxation, Public
Debt, Banking, Insurance, Retirement and Land**

**Sponsored by Senator Vicente (ben) Cabrera
Pangelinan**

**An Act to Amend Section 33106, Chapter 33, Title
7 Guam Code Annotated relative to Mechanics
Lien on Guam**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JUL 29 2011

MEMORANDUM

To: All Members
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 219-31 (COR), As Amended

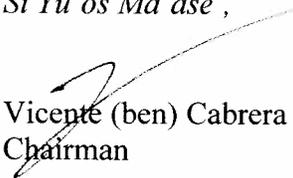
Transmitted herewith for your consideration is the Committee Report on Bill No. 219-31 (COR), As Amended, "An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien on Guam", sponsored by Senator Vicente (ben) Cabrera Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 219-31 (COR), As Introduced
4. Copy of Bill No. 219 (COR, As Amended
5. Public Hearing Sign-in Sheet
6. Fiscal Note
7. Copy of COR referral Bill No. 219-31(COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

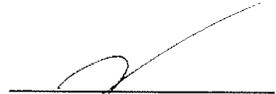
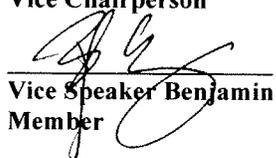
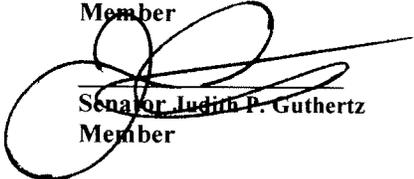
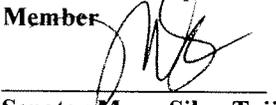
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Public Debt, Insurance, Retirement, and Land

Bill No. 219-31 (COR), As Amended, "An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien on Guam"

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
Speaker Judith T. Won Pat, Ed.D Vice Chairperson					
 Vice Speaker Benjamin J. F. Cruz Member	7/29/11 ✓				
Senator Tina Rose Muña-Barnes Member					
 Senator Judith P. Guthertz Member	✓				
Senator Dennis Rodriguez, Jr. Member					
Senator V. Anthony Ada Member					
 Senator Christopher M. Duenas Member	✓				
 Senator Mana Silva Taijeron Member	✓				



Committee Report

Bill No. 219-31 (COR) Bill No. 219-31, As Introduced, “An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated Relative to Mechanics Lien on Guam”.

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
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Committee on
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Member
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Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on June 20, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on June 13, 2011 (5-Day Notice), and again on June 18, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente “ben” Cabrera Pangelinan, Chairman
Vice Speaker BJ Cruz, Member
Senator Tony Ada, Member
Senator Christopher Duenas, Member
Senator Mana Silva Taijeron, Member
Senator Adolpho Palacios
Senator Aline Yamashita
Senator Sam Mabini

(b) Appearing before the Committee

Thomas M. Tarpley from the Law Firm of Thomas McKee Tarpley

(c) Written Testimonies Submitted

None

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Chairman Vicente Pangelinan: Will go ahead and start this morning and I want to thank everyone for their presence this morning on this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land. All notices for the public hearing were issued in conformance with the Open Government Law and this morning we have confirmations and bills before the Committee.

The next bill on the agenda is Bill No. 219-32 (COR), which is “An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated Relative to Mechanics Lien on Guam”. We have Tom Tarpley who has signed up to testify.

Very basic information is that in the reiterations and different amendments to the Mechanics Lien law over the last several terms, there has been notice that some words were missing or appear to be missing in the application in one of the amendments that didn’t make sense if it were not there. This was brought to the attention of the Committee by individuals who work with Mechanics Liens and Mr. Tarpley himself, who was instrumental in some of the public input on the testimony during some of the changes in the Mechanic Lien laws and bill would add in the words “that claimant should not be precluded from giving a preliminary notice” . The non-existence of that language can be found in Section 33106 of Chapter 33 and would add the language [as proposed in Bill No. 219] .

We will go ahead and have Mr. Tarpley make his presentation to the Committee.

(b) Testimonies

1) Attorney Thomas Tarpley: Thank you Mr. Chair. My name is Tom Tarpley, I am an attorney representing the Guam Contractors Association in support of this present bill, which is to correct what was basically a clerical error, typographically error. In the 2008 amendments to Mechanic Lien laws, which became Public Law 29-119, as Sen. Cruz would remember, I was personally involved in putting together Public Law 29-119, along with Atty Arthur Clark and Sen. Ray Tenorio’s assistant who is now the Legislative legal counsel, who is present in this room today.

This has to do with this section of the law regarding a preliminary notice that’s given to owners by sub-contractors or suppliers. What we have noticed is that the underlined section that is on the second page, there are words that were in the California law, which was the model for this. They were in the original proposed language of this bill, as proposed by Mr. Clark because he was essentially going to have a 45-page California mirror statute, which we shortened.

There was never any discussion of deleting these 11 words, which are in the middle of the paragraph and when they are out, they render that paragraph meaningless. When you stick them back in, it makes perfect sense, it is consistent with the California laws, consistent with the

original proposed language, which we don't know how they got dropped out, somewhere. So, we support adding those 11 words.

I would make two other suggestions here:

One is that I think at the beginning of the words underlined, the word "that", I think that should follow a comma after "notice"; for grammar.

There is another thing I have noticed as well, is that this paragraph beginning with "*If*" was always intended to be a stand-alone paragraph. I noticed in Public Law 29-119, it somehow got grouped up with (2) and it became part of the notice to the property owner. That was not intended, that is not the way it is in California [law], that is not the way it was in the original proposal. It is drafted correctly here as a stand-alone paragraph. You should have a paragraph break right there where it says, "*If* labor, service equipment.....". Because that is a provision of substantive law – you can make it part of the notice, but it was not intended to be part of the notice. So my recommendation is to italicize so it looks like it's separate from the rest. And that should be a regular paragraph. I think that's necessary, too because the current law – some how they didn't have a paragraph break, so it was all in this paragraph.

Chairman Vicente Pangelinan: So, this would be part of the notice?

Attorney Thomas Tarpley: The last paragraph would not be part of then notice; it's part of the substantive law. Because of the notice just has (1) and (2) and the following paragraph is not numbered.

Chairman Vicente Pangelinan: Your suggestion is that it shouldn't be a (3)?

Attorney Thomas Tarpley: Yes, it shouldn't be (3). It should be a stand-alone paragraph, just as you have it. If you want to clarify, you want to italicize from Notice all the way down to (2) to the word "circumstances". That would be clear that that is the Notice. This [points to paragraph stating with "*If*"] is part of the substantive law and is an exception to not giving the notice within 20 days when you first arrive on the project. But if you give it later, you can't have a lien for any goods or services that you provided more than 20 days prior to your notice. That is consistent with California law and consistent with the original proposed language and this corrects it.

Therefore we support that [Bill No. 219]. The last thing I would says is that – and I should disclose that because I represent contractors, I have clients that could be affected by current law due to the admissions and everything. But I would say that and I would request that a provision be placed in this bill to make it retroactive back to the effective date of Public Law 29-119, which was February 4, 2009, I believe and that is because you are just correcting what should have been there in the first place and by making it retroactive, give the benefits as intended to all those people since the effective date of this law. Thank you very much.

Chairman Vicente Pangelinan. Ok. Thank you very much Mr. Tarpley. Any questions to Mr. Tarpley?

If not, Si Yu'os Ma'ase for your patience and your comments this afternoon.

That being the last item on the agenda and no further testimony on Bill No. 219, it was been publicly heard. There being no other business before the Committee, we will now adjourn this hearing.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 219-31 (COR), As Amended by the Committee with the recommendation **TO PASS**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 219-31(COR)

Introduced by:

v.c pangelinan

AN ACT TO AMEND SECTION 33106, CHAPTER 33,
TITLE 7 GUAM CODE ANNOTATED RELATIVE TO
MECHANICS LIEN ON GUAM.

2011 MAY 31 AM 10:31

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Section 33106, Chapter 33, Title 7 Guam Code Annotated
2 is hereby amended to read as follows:

3 “§33106. Notice to Property Owner.

4 *Except* one under direct contract with the owner *or* one performing actual
5 labor for wages, every lien claimant *shall*, as a necessary prerequisite to the
6 validity of any claim of lien, cause to be given to the owner *or* reputed owner,
7 either personally *or* by certified mail with return receipt requested, a written
8 preliminary notice *not later than* twenty (20) days after the claimant has first
9 furnished labor, service, equipment *or* materials to the job site, containing:

10 (a) a general description of the labor, service, equipment *or* materials
11 furnished, *or* to be furnished, and an estimate of the total price thereof;

12 (b) the name and address of the person furnishing such labor,
13 service, equipment, *or* materials;

14 (c) the name of the person who contracted for purchase of that labor,
15 service, equipment, *or* materials;

16 (d) a description of the jobsite sufficient for identification; and

1 (e) the following statement in boldface type:

2 **NOTICE TO PROPERTY OWNER**

3 *If* bills are *not* paid in full for the labor, services, equipment, *or*
4 materials furnished *or* to be furnished, a mechanics' lien leading to the
5 loss, through court foreclosure proceedings, of all *or* part of your
6 property being so improved may be placed against the property even
7 though you have paid your contractor in full. You may wish to protect
8 yourself against this consequence by:

9 (1) requiring your contractor to furnish a signed release by the
10 person *or* firm giving you this notice before making payment to your
11 contractor; or

12 (2) any other method *or* device that is appropriate under the
13 circumstances.

14 *If* labor, service, equipment, *or* materials have been furnished to a
15 job site by a claimant who did *not* give a preliminary notice that
16 claimant shall not be precluded from giving a preliminary notice at any
17 time thereafter, however such claimant *shall* be entitled to record a lien
18 only for labor, service, equipment, *or* material furnished within twenty
19 (20) days prior to the service of the preliminary notice, and at any time
20 thereafter.

21 **Section 2. Severability.** If any provision of this Law or its application to
22 any person or circumstances is found to be invalid or contrary to law, such
23 invalidity shall not affect other provisions or applications of this Law which
24 can be given effect without the invalid provisions or application, and to this
25 end the provisions of this Law are severable.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 219-31 (COR)

Introduced by: v.c pangelinan
As Amended by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement
and Land

AN ACT TO AMEND SECTION 33106, CHAPTER 33,
TITLE 7 GUAM CODE ANNOTATED RELATIVE TO
MECHANICS LIEN ON GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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6 validity of any claim of lien, cause to be given to the owner *or* reputed owner,
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9 furnished labor, service, equipment *or* materials to the job site, containing:

10 (a) a general description of the labor, service, equipment *or* materials
11 furnished, *or* to be furnished, and an estimate of the total price thereof;

12 (b) the name and address of the person furnishing such labor,
13 service, equipment, *or* materials;

14 (c) the name of the person who contracted for purchase of that labor,

1 service, equipment, *or* materials;

2 (d) a description of the jobsite sufficient for identification; and

3 (e) the following statement in boldface type:

4 **NOTICE TO PROPERTY OWNER**

5 *If* bills are *not* paid in full for the labor, services, equipment, *or*
6 materials furnished *or* to be furnished, a mechanics' lien leading to the
7 loss, through court foreclosure proceedings, of all *or* part of your
8 property being so improved may be placed against the property even
9 though you have paid your contractor in full. You may wish to protect
10 yourself against this consequence by:

11 (1) requiring your contractor to furnish a signed release by the
12 person *or* firm giving you this notice before making payment to your
13 contractor; or

14 (2) any other method *or* device that is appropriate under the
15 circumstances.

16 (f) *If* labor, service, equipment, *or* materials have been furnished
17 to a job site by a claimant who did *not* give a preliminary notice that
18 claimant shall not be precluded from giving a preliminary notice at any
19 time thereafter, however such claimant *shall* be entitled to record a lien
20 only for labor, service, equipment, *or* material furnished within twenty
21 (20) days prior to the service of the preliminary notice, and at any time
22 thereafter.

23 **Section 2. Effective Date.** The effective date of this Act shall be
24 retroactive to December 2, 2008, the date that Public Law 29-119 was passed,
25 which repealed and re-enacted the Mechanics Lien law.

26 **Section 3. Severability.** If any provision of this Law or its application to
27 any person or circumstances is found to be invalid or contrary to law, such

1 invalidity shall not affect other provisions or applications of this Law which
2 can be given effect without the invalid provisions or application, and to this
3 end the provisions of this Law are severable.

4



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
 INSURANCE, RETIREMENT AND LAND**

Monday, June 20, 2011

Bill No. 219

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Tom Tarpley							



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

BENITA A. MANGLONA
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

The Bureau requests that Bill No. 219-31 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The Bill is administrative in nature in the sense that a new provision is to be added in Section 33106 (e), Chapter 33, Title 7 Guam Code Annotated which states that if labor, service, equipment, or materials have been furnished to a job site by a claimant who did *not* give a preliminary notice **that claimant shall not be precluded from giving a preliminary notice** at anytime thereafter.

The passage of this Bill would not have a financial impact on the Government of Guam.


BENITA A. MANGLONA
Director




COMMITTEE ON RULES

I Mina'trentai Unu na Lihelaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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2011 May 31
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ASST. MINORITY LEADER

Senator
Christopher M. Duenas

May 31, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Referral of Bill Nos. 218-31 (COR) and 219-31 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 218-31(COR) and 219-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Lihelaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachments

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

May 31, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
218-31 (COR)	v. c. pangelinan	AN ACT TO REZONE LOT NO. 3, TRACK 1942, IN THE MUNICIPALITY OF BARRIGADA FROM SINGLE-FAMILY DWELLING (R-1) TO MULTIPLE-FAMILY DWELLING (R-2) ZONE	5/31/11 10:31 a.m.	5/31/11		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			
219-31 (COR)	v. c. pangelinan	AN ACT TO AMEND SECTION 33106, CHAPTER 33, TITLE 7 GUAM CODE ANNOTATED RELATIVE TO MECHANICS LIEN ON GUAM.	5/31/11 10:31 a.m.	5/31/11		Committee on Public Safety, Law Enforcement & Judiciary			

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- Farmer's Coop
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- Fundraiser 2010
- FY11 Comm Rpts
- GEDA
- Grants (242)**
- Messages Comm
- Messages Comm 3...
- Military Buildup (2)**
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Public Hearing - First Notice

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subject: Public Hearing - First Notice

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Hafa Adai,
The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

*gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)*

*Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)*

*Alas nuebi gi egga'an despu
(9:00 AM)*

**TAREHA
(AGENDA)**

**Komfitmasion Siha:
(Confirmation hearings)**

- Confirmation of Mr. Artemio B. Ilagan, Guam Banking and Insurance Commissioner
- Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
- Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
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- Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

**Priniponi Siha
(Bills)**

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

Bill No. 144-31 (COR): An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

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relative to the construction of a new Department of Land Management Building in Hagatna.

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Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

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Lisa Cipollone
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Office of Senator ben c. pangelinan
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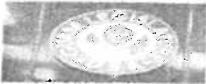
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Hafa Adai,
The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

Calvo (8)

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

campaign 2010 (3)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

CMTF (1)

Kuátton Inekungok Pubbleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)

DC-Conf Trip

Alas nuebi gi egga'an despu (9:00 AM)

Democrat Speech

TAREHA (AGENDA)

Dos Amantes

Komfitmasion Siha: (Confirmation hearings)

Farmer's Coop

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
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Priniponi Siha (Bills)

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Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner

Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

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

Website: <http://senbenp.com>

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

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Stephanie Mendiola

Artemio Hernandez

Chelsa Muna-Brecht

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To: phnotice@guamlegislature.org
Sent: Sat, Jun 18, 2011 at 10:43 AM
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Sent by: guamlegislature.org

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The following is on the agenda:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu (9:00 AM)

TAREHA (AGENDA)

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--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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- Senator Rory J. Respicio

Nicole Santos to me

Jun 20 (7 days ago) [Reply](#)

Was Bill 43 heard? I just missed about 30 mins. Could you give me a quick run-down of what happened w/ Bill 43? Thanks, Lisa

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--
Nicole Santos
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu Na Liheslaturan Guáhan - 31st Guam Legislature
671-473-3301

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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: Media

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

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Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

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

Website: <http://senbenp.com>

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

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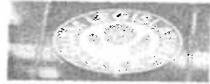
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Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

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Public Hearing - Second Notice

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To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, jason@kuam.com, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, lannie@kuam.com, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, therese.hart.writer@gmail.com, zita@mvguam.com, Janela <janela@gmail.com>, publisher@glimpsofguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slirmiaco@guampdn.com, Erin Thompson <egthompson@guampdn.com>, bmkelman@guampdn.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, "Alladi, Amriitha" <aalladi@guam.gannett.com>
Date: Sat, Jun 18, 2011 at 10:42 AM
Subject: Public Hearing - Second Notice
From: guamlegislature.org

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9.00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)

Kuáttion Inekungok Pupbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu (9:00 AM)

TAREHA (AGENDA)

Komfirmasion Siha: (Confirmation hearings)

- Confirmation of Mr. Artemio B. Ilagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Priniponi Siha (Bills)

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Chief of Staff
Office of Senator ben c pangelinan
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INEKUNGOK PUPBLEKO (PUBLIC HEARING)
gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)
Kuátton Inekungok Pubbleko gi l Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)
Alas nuebi gi egga'an despu (9:00 AM)
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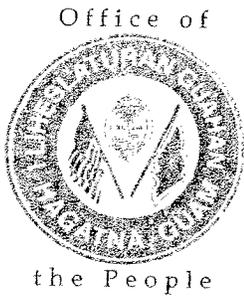
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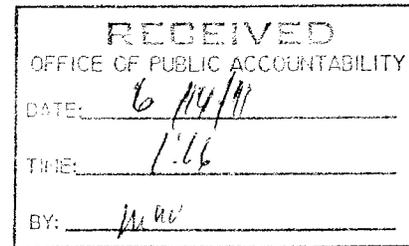


I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Ms. Doris Flores Brooks
Public Auditor
Office Public Accountability
Hagatna, Guam



Re: Public Hearing Notice

Hafa Adai Ms. Brooks,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

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Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Bills:

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Chairman
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Letter to Ms. Doris Brooks
June 13, 2011
Page 2

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This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bills, you can log onto www.guamlegislature.com or contact our office at 473-4236.

Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 14, 2011

Mr. James Martinez
President
Guam Contractors Association
718 N. Marine Corps Drive
East West Business Center
Upper Tumon, Guam 96913

Hafa Adai Mr. Martinez,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

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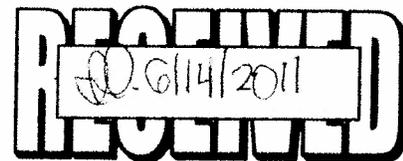
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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan



Guam Contractors Association

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

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Senator Vicente (ben) Cabrera Pangelinan (D)

June 14, 2011

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Vice Chairman
Committee on Education

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Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Mr. Anthony Godwin
President
Guam Realty Association
424 West O'Brien Drive
Julale Shopping Center
Hagatna, Guam

Hafa Adai Mr. Godwin,

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan

cc: Marilou Lacson



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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 14, 2011

Honorable Phillip Carbullido
Chief Justice
Judiciary of Guam
Hagatna, Guam

Hafa Adai Justice Carbullido,

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Vicente (ben) Cabrera Pangelinan

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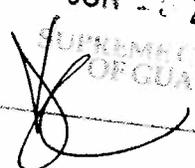
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Public Hearing

from **Lisa Cipollone** [cipo@guamlegislature.org](#) [Hide details](#) 3:55 PM (1 hour ago) [Reply](#)

to "Thomas M. Tarpley"

<ttarpley@attorneyguam.com>

date Mon, Jun 13, 2011 at 3:55 PM

subject Public Hearing

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Hafa Adai Tom,
 Bill No. 219, Relative to amend the Mechanics Lien on Guam was referred to our Committee and we have scheduled a public hearing for Monday, June 20 beginning at 9:00am at the Guam Legislature Public Hearing Room. You are welcome to provide written and/or oral testimony on the bill. This will serve as our notice to you of the hearing.

Please let me know if you wish to invite others to the hearing.

Thank you.

--
 Lisa Cipollone
 Chief of Staff
 Office of Senator ben c. pangelinan
 (671) 473-4236
cipo@guamlegislature.org

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Lisa Cipollone

3:55 PM (17 hours ago)

from: Thomas M. Tarpley ttarpley@attorneyguam.com
to: Lisa Cipollone <cipo@guamlegislature.org>
date: Tue, Jun 14, 2011 at 9:05 AM
subject: RE: Public Hearing

9:05 AM (3 minutes ago) Reply

Thanks very much Lisa. I will be there.

THOMAS M. TARPLEY
Attorney At Law
The Thomas McKee Tarpley Law Firm
A Professional Corporation

Top Floor GCIC Professional Building, Suite 904
414 W. Soledad Avenue
Hagatna, Guam 96910
Tel: 671-472-1539 Fax: 671-472-4526
Email: ttarpley@attorneyguam.com
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THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pupbleko gi I Lihselaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

**TAREHA
(AGENDA)**

***Komfitmasion Siha:
(Confirmation hearings)***

**Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
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***Priniponi Siha
(Bills)***

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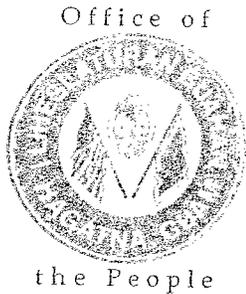
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*Yanggen un nisisita espesiât na setbisio put fabot âgang i Ifisinin Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hâlom gi i uepsait gi <http://www.senbenp.com>
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Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Governor Edward Calvo
Office of the Governor
Adelup, Guam

Re: Public Hearing Notice

Hafa Adai Governor Calvo,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

Confirmation:

Confirmation of Mr. Artemio B. Ilagan, Guam Banking and Insurance Commissioner

Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

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Micronesian Affairs and
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Member
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Letter to Governor Edward Calvo
June 13, 2011
Page 2

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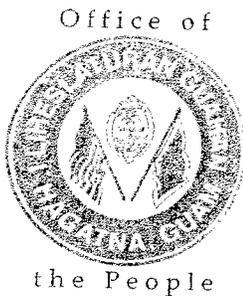
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This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bills, you can log onto www.guamlegislature.com or contact our office at 473-4236.

Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Leonardo Rapadas, Esq.
Attorney General of Guam
Office of the Attorney General
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai General Rapadas,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00 am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is the agenda:

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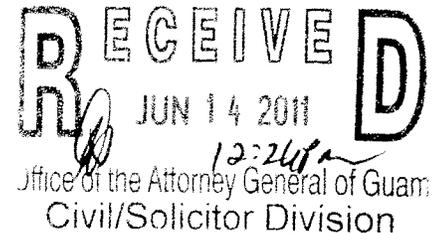
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Member
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Member
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Member
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Letter to Attorney General Leonardo Rapadas
June 13, 2011
Page 2

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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator



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Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2011

Mr. David Leddy
President
Guam Chamber of Commerce
Hagatna, Guam

Re: Public Hearing Notice

Hafa Adai Mr. Leddy,

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Rec. by: Charles O. Ouedrao
6/14/11

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

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

Website: <http://senbenp.com>

Letter to Mr. David Leddy
June 13, 2011
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Si Yu'os Ma'ase,

Vicente (ben) Cabrera Pangelinan
Senator

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (First) Regular Session

Bill No. 219-31 (COR)

Introduced by:

v.c pangelinan 

AN ACT TO AMEND SECTION 33106, CHAPTER 33,
TITLE 7 GUAM CODE ANNOTATED RELATIVE TO
MECHANICS LIEN ON GUAM.

2011 MAY 21 AM 10:31

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Section 33106, Chapter 33, Title 7 Guam Code Annotated
2 is hereby amended to read as follows:

3 “§33106. Notice to Property Owner.

4 *Except* one under direct contract with the owner *or* one performing actual
5 labor for wages, every lien claimant *shall*, as a necessary prerequisite to the
6 validity of any claim of lien, cause to be given to the owner *or* reputed owner,
7 either personally *or* by certified mail with return receipt requested, a written
8 preliminary notice *not later than* twenty (20) days after the claimant has first
9 furnished labor, service, equipment *or* materials to the job site, containing:

10 (a) a general description of the labor, service, equipment *or* materials
11 furnished, *or* to be furnished, and an estimate of the total price thereof;

12 (b) the name and address of the person furnishing such labor,
13 service, equipment, *or* materials;

14 (c) the name of the person who contracted for purchase of that labor,
15 service, equipment, *or* materials;

16 (d) a description of the jobsite sufficient for identification; and

1 (e) the following statement in boldface type:

2 **NOTICE TO PROPERTY OWNER**

3 *If* bills are *not* paid in full for the labor, services, equipment, *or*
4 materials furnished *or* to be furnished, a mechanics' lien leading to the
5 loss, through court foreclosure proceedings, of all *or* part of your
6 property being so improved may be placed against the property even
7 though you have paid your contractor in full. You may wish to protect
8 yourself against this consequence by:

9 (1) requiring your contractor to furnish a signed release by the
10 person *or* firm giving you this notice before making payment to your
11 contractor; or

12 (2) any other method *or* device that is appropriate under the
13 circumstances.

14 *If* labor, service, equipment, *or* materials have been furnished to a
15 job site by a claimant who did *not* give a preliminary notice that
16 claimant shall not be precluded from giving a preliminary notice at any
17 time thereafter, however such claimant *shall* be entitled to record a lien
18 only for labor, service, equipment, *or* material furnished within twenty
19 (20) days prior to the service of the preliminary notice, and at any time
20 thereafter.

21 **Section 2. Severability.** If any provision of this Law or its application to
22 any person or circumstances is found to be invalid or contrary to law, such
23 invalidity shall not affect other provisions or applications of this Law which
24 can be given effect without the invalid provisions or application, and to this
25 end the provisions of this Law are severable.