

EDDIE BAZA CALVO
Governor



2011 APR 19
RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

31-11-429

April 19, 2011

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

4/19/11
E. Baza Calvo
Rec'd

Dear Madame Speaker:

Transmitted herewith is Bill No. 18-31 (COR) "AN ACT TO REPEAL AND REENACT §67101.8 OF ARTICLE 1, CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FULFILLING THE MANDATE OF PUBLIC LAW 30-199 BY PROVIDING FOR THE ESTABLISHMENT OF THE GUAM BUILDING CODE COUNCIL", which I signed into law on April 18, 2011 as **Public Law 31-17**.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

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

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

This is to certify that **Bill No. 18-31 (COR)**, “AN ACT TO **REPEAL AND REENACT** §67101.8 OF ARTICLE 1, CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO FULFILLING THE MANDATE OF PUBLIC LAW 30-199 BY PROVIDING FOR THE ESTABLISHMENT OF THE GUAM BUILDING CODE COUNCIL”, was on the 4th day of April, 2011, duly and regularly passed.



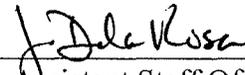
Judith T. Won Pat, Ed.D.
Speaker

Attested:



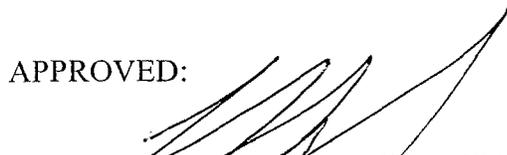
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guáhan* this 7th day of April, 2011, at 09:50 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guáhan

Date: APR 18 2011

Public Law No. 31-17

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

Bill No. 18-31 (COR)

Introduced by:

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

**AN ACT TO REPEAL AND REENACT §67101.8 OF
ARTICLE 1, CHAPTER 67 OF TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO FULFILLING THE
MANDATE OF PUBLIC LAW 30-199 BY PROVIDING
FOR THE ESTABLISHMENT OF THE GUAM
BUILDING CODE COUNCIL.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura Guåhan* finds
3 that Public Law 30-199, which updated Guam's building and fire codes, also
4 called for a Task Force consisting of government of Guam and community
5 stakeholders to spearhead the creation of a Guam Building Code Council. This

1 Council, once established, is mandated to review and initiate the process for
2 adoption of future updates to such codes. The Council will also serve as an
3 appeals board for disputes related to orders, decisions or determinations made by
4 government of Guam entities relative to the application and interpretations of the
5 Guam Building Code.

6 *I Liheslaturan Guåhan* further finds that the Task Force has met regularly
7 since the passage of Public Law 30-199 on September 29, 2010, and included
8 representation from the Department of Public Works, the Guam Fire Department,
9 the Consolidated Commission on Utilities (including direct representation from
10 the Guam Waterworks Authority), the Guam Board of Registration for
11 Professional Engineers, Architects and Land Surveyors, the Guam Chamber of
12 Commerce, the Chinese Chamber of Commerce of Guam, the Guam Contractors
13 License Board, the Guam Contractors Association, the Guam Society of
14 Professional Land Surveyors, the Guam Society of Professional Engineers, the
15 Guam and Micronesia Chapters of the American Institute of Architects, and the
16 Guam Association of Realtors. The findings and recommendations of the Task
17 Force were provided to the Legislative Committee on Transportation, Utilities,
18 Public Works, and Veterans Affairs.

19 *I Liheslaturan Guåhan* finds that the Guam Building Code Council will
20 serve a crucial role in reconciling disputes in the interpretation and application of
21 the building and fire code, and in protecting the public welfare through sound code
22 development and application.

23 *I Liheslaturan Guåhan* intends to use the findings and recommendations of
24 the Task Force as a foundation for establishing the Guam Building Code Council
25 and the process by which the Council *shall* develop its Rules and Regulations.

1 **Section 2.** § 67101.8 of Article 1, Chapter 67 of Title 21, Guam Code
2 Annotated, is hereby *repealed and reenacted* to read:

3 “**§67101.8. Guam Building Code Council.**

4 (a) **Purpose.** In order to safeguard life, health, and property, and
5 to promote the public welfare, the Guam Building Code Council *shall* serve
6 a dual role as a Review Board for proposed updates and amendments to the
7 Guam Building Code, and as an Appeals Board for disputes related to
8 orders, decisions or determinations made by government of Guam entities
9 relative to the application and interpretation of the Guam Building Code.

10 (b) **Definitions.** As used in this Chapter, *unless* otherwise
11 indicated:

12 (1) *Appointed member* means a person who is appointed by *I*
13 *Maga’lahen Guåhan* to hold a position on the Council. *Ex-officio*
14 *members* are *not* included in the definition of *appointed member*.

15 (2) *Architect* means a person who is duly registered and
16 licensed by the Guam Board of Registration for Professional
17 Engineers, Architects and Land Surveyors (PEALS) as an Architect.

18 (3) *Council* means the Guam Building Code Council.

19 (4) *Ex-officio member* means a person who holds a position
20 on the Council reserved for the Director of the Department of Public
21 Works or the Fire Chief of the Guam Fire Department.

22 (5) *Guam Building Code* means the codes adopted within
23 Chapter 67, as well as the International Fire Code, and any
24 subsequent amending legislation.

25 (6) *Licensed General Building Contractor* means a person
26 who holds a current license as a General Building Contractor by the

1 Contractors License Board, as per Chapter 70 of Title 21, and
2 engages primarily in the construction of buildings and infrastructure.

3 (7) *Licensed Real Estate Professional* means a real estate
4 sales person, or broker, who is licensed on Guam.

5 (8) *Model Code* means the codes, as published by their
6 respective nationally recognized organizations, which form the basis
7 of the Guam Building Code.

8 (9) *Professional Engineer* means a person who has been
9 duly registered and licensed by the Guam Board of Registration for
10 Professional Engineers, Architects and Land Surveyors (PEALS) as a
11 Professional Engineer.

12 (10) *Registered Professional* means any person holding a
13 current registration as a Professional Structural Engineer,
14 Professional Mechanical Engineer, Professional Electrical Engineer,
15 Professional Fire Protection Engineer, or Registered Architect.

16 (c) **Membership.** The Council *shall* be comprised of the
17 following members whose duty *shall* be to administer the provisions of this
18 Chapter.

19 (1) **Composition.** The Council *shall* consist of seven (7)
20 appointed members and two (2) ex-officio members, for a total of
21 nine (9) members. These nine (9) members *shall* consist of the
22 following:

23 (A) one (1) Architect;

24 (B) one (1) Licensed General Building Contractor;

25 (C) one (1) Licensed Real Estate Professional;

1 (D) two (2) members of the general public who are *not*
2 Registered Professionals, Licensed General Building
3 Contractors, or Licensed Realtors, at least one (1) of
4 whom *shall* be familiar with barrier free architecture and
5 aware of, and sensitive to, the requirements necessary to
6 ensure public buildings are accessible to, and usable by,
7 persons with disabilities;

8 (E) one (1) Professional Engineer, licensed on Guam,
9 specializing in structural engineering;

10 (F) one (1) Professional Engineer, licensed on Guam,
11 specializing in either mechanical, electrical, or fire
12 protection engineering;

13 (G) the Director of the Department of Public Works, to
14 serve in an ex-officio capacity;

15 (i) the Director of the Department of Public
16 Works may designate one (1) of the Department's
17 Chief Engineers, Chief Building Inspector, or
18 Building Permit Administrators to serve on the
19 Council in place of him or herself; and

20 (H) the Chief of the Guam Fire Department, to serve in
21 an ex-officio capacity;

22 (i) the Chief of the Guam Fire Department may
23 designate a Senior Fire Prevention Officer to serve
24 on the Council in place of him or herself.

25 (2) **Appointment, Confirmation, and Term Length.**

26 *Except* for the representatives of the Department of Public Works and

1 the Guam Fire Department, each member of the Council *shall* be
2 appointed by *I Maga'lahaen Guåhan* and confirmed by *I Liheslaturan*
3 *Guåhan* for a term of five (5) years, save for the length of terms
4 associated with the initial creation of the Council as outlined in
5 §67101.8(c)(2)(A).

6 (A) **Initial Term Lengths.** For initial appointments to
7 the Council, membership term lengths *shall* be as such: of the
8 two (2) appointed members representing the public, one (1)
9 *shall* serve a term of one (1) year, and the other *shall* serve a
10 term of three (3) years; the appointed Licensed General
11 Building Contractor *shall* serve a term of three (3) years; the
12 appointed Real Estate Professional *shall* serve a term of three
13 (3) years; and of the three (3) appointed Registered
14 Professionals, one (1) *shall* serve a term of one (1) year, and
15 the remaining two (2) *shall* serve terms of five (5) years.
16 Thereafter, all terms for appointed members *shall* be five (5)
17 years in length. When appointing initial members to the
18 Council, *I Maga'lahaen Guåhan shall* specify the length of term
19 for each individual appointment, with such term lengths being
20 in accordance with the manner stipulated in this Subsection.

21 (B) **Appointee Categories.** Registered Professionals
22 and Licensed General Building Contractors *shall* be appointed
23 from a list as submitted by the local chapter of the American
24 Institute of Architects (for Architects), the Guam Society of
25 Professional Engineers (for Professional Engineers), or the
26 Guam Contractors Association (for Licensed General Building

1 Contractors). The Council position for a Real Estate
2 Professional *shall* be appointed from a list as submitted by the
3 local chapter of the Guam Association of Realtors. Such
4 submitted lists *shall* consist of at least two (2) names for the
5 respective vacancy on the Council. *I Maga'lahren Guåhan*
6 may, for any reason, request the submittal of a new list of
7 names.

8 (i) **Failure to Provide List.** Failure of the
9 professional organization to provide a list of names
10 within thirty (30) days of that associated member's
11 vacancy, or within thirty (30) days following receipt of
12 written request from *I Maga'lahren Guåhan* for the
13 submittal of a new list of names, the requirement to
14 select from a submitted list *shall* be waived and *I*
15 *Maga'lahren Guåhan* may nominate an individual who
16 meets all other respective requirements set forth in this
17 Section.

18 (ii) **Membership to Recommending**
19 **Organization Not Required.** Individuals named on the
20 list of potential nominees, as per this Subsection, need
21 *not* be members of the respective recommending
22 organization.

23 (d) **Eligibility Requirements for Members.** Each appointed
24 member of the Council *shall* be a resident of Guam for the most
25 recent two (2) years, or a resident of Guam for a cumulative total of
26 five (5) years over the most recent ten (10) years. Council members

1 who are Registered Professionals *shall* have been in responsible
2 control in the lawful practice of engineering or architecture for *at*
3 *least* ten (10) years, and with *no* record of disciplinary action from
4 any jurisdiction. Council members who are Licensed General
5 Building Contractors *shall* have been licensed for *at least* five (5)
6 years, with *no* record of disciplinary action from any jurisdiction.
7 Council members who are Licensed Real Estate Professionals *shall*
8 have been licensed for *at least* five (5) years, with *no* record of
9 disciplinary action from any jurisdiction. Additionally, each licensed
10 members' practice *shall* be principally located in Guam.

11 (e) **Status of License.** Members of the Council required to be
12 licensed in their respective fields, as per this Section, must maintain
13 good standing of their licenses with their respective licensing entity.
14 Should a member fail to maintain good standing, the member will *not*
15 be permitted to participate on the Council until such license is
16 restored to good standing. A member *shall* be deemed disqualified to
17 retain a seat on the Council in the event that the subject license is *not*
18 restored to good standing within ninety (90) days, and *shall* be
19 removed from the Council, thus creating a vacancy to be filled in
20 accordance with §67101.8(i).

21 (f) **Removal of Members.** *I Maga'lahaen Guåhan* may remove
22 any sitting member on the Council for due cause, such as malfeasance
23 in office, incapacity, or neglect of duty. The vacancy created by said
24 removal *shall* then be filled in accordance with § 67101.8(i).

25 (g) **No Courtesy Resignations.** When there is a change of
26 administration of the government of Guam after a gubernatorial

1 election, no courtesy resignation *shall* be requested by the new
2 administration nor offered by any appointed member of the Council.

3 (h) **Reappointments.** On the expiration of the term of the
4 appointed member, *I Maga'lahen Guåhan shall* appoint a successor
5 as provided in this Chapter. An appointed member may be
6 reappointed to the Council for *not* more than two (2) consecutive five
7 (5) year terms. Each such member may hold office until the
8 expiration of the term for which appointed or until a successor has
9 been duly appointed and qualified.

10 (i) **Vacancies.** Vacancies in the membership of the Council *shall*
11 be filled by appointment by *I Maga'lahen Guåhan* in the same
12 manner as initial appointments, as provided in §67101.8(c) of this
13 Chapter. The composition of the Council, i.e. membership categories,
14 *shall* be maintained. Persons filling a vacancy must undergo the
15 Legislative confirmation process, and shall serve for the unexpired
16 portion of the term.

17 (1) **Failure to Appoint.** If *I Maga'lahen Guåhan* does *not*
18 make an appointment within ninety (90) days after a Council vacancy
19 occurs, the Council may appoint, by majority vote, a provisional
20 member to serve in the interim until *I Maga'lahen Guåhan* makes an
21 appointment and the nominee is confirmed by *I Liheslaturan Guåhan*.
22 Such provisional member *shall* have all the powers and
23 responsibilities of the position to which they are appointed by the
24 Council, and *shall not* require confirmation by *I Liheslaturan*
25 *Guåhan*.

1 (j) **Ex-Officio Members.** The Director of the Department of
2 Public Works and the Fire Chief of the Guam Fire Department, or
3 their respective designees, *shall* be members of the Council by virtue
4 of their position. Additionally, such ex-officio members *shall* have
5 all the same powers and duties as appointed members to the Council,
6 including voting powers as described in this Chapter. *Ex-officio*
7 members do *not* require confirmation by *I Liheslatura* to serve on the
8 Council.

9 (k) **Oath.** Each confirmed member of the Council, inclusive of ex-
10 officio members, *shall* be sworn into the Council and take an oath for
11 the faithful discharge of the duties of the position.

12 (l) **Annual Budget Request.** The Guam Building Code Council
13 *shall* transmit its annual operating budget requirements to the Guam
14 Contractors License Board for inclusion in the latter's annual budget
15 request. The Council's budget *shall* be primarily funded by the Contractors
16 License Board Fund, Title 21, Chapter 70, §70119.

17 (m) **Compensation.** Council members may be compensated Fifty
18 Dollars (\$50.00) per official Council meeting, *not* to exceed One
19 Hundred Dollars (\$100.00) in any month, provided funds are
20 available.

21 (n) **Initial Logistical Support.** The Guam Contractors License
22 Board *shall* provide the Council logistical support, to include
23 telecommunications, copiers, and administrative workspace. This
24 Subsection *shall* be in effect until the Council has sufficiently
25 established its administrative support base.

1 (o) **Independence of Council and Board.** Although the Guam
2 Building Code Council and the Contractors License Board are funded
3 from the same revenue source, the Council and the Board *shall*
4 preserve their respective independence from one another.

5 (p) **Organization and Meetings.** The Council *shall* meet a
6 minimum of once every three (3) months. A quorum for the Council to
7 meet *shall* consist of five (5) members, one (1) of whom *shall* be an
8 appointed Registered Professional under the provisions of this Chapter.
9 Decisions *shall* carry with a majority vote of members present; however,
10 decisions made in the Appeals Process *shall* carry in accordance with the
11 voting requirements outlined in the Council's Rules and Regulation.

12 (1) **Election of Leadership.** The Chairperson, Vice-
13 Chairperson, and Secretary *shall* be elected annually by majority vote
14 of the Council members at the first regular meeting of the Council
15 after January 1.

16 (2) **Duties of Chairperson.** The Chairperson *shall* call
17 meetings of the Council, arrange meetings with interested members of
18 the public who may seek assistance from the Council, assign duties to
19 Council members, and provide leadership to the Council. In the
20 absence, or at the request of, the Chairperson, any or all of these
21 duties *shall* be performed by the Vice-Chairperson.

22 (3) **Duties of Secretary.** The Secretary *shall* keep charge of
23 permanent records and proceedings of every meeting of the Council,
24 and *shall* ensure that minutes of meetings are made available for
25 review at subsequent meetings. The Secretary *shall* serve as

1 correspondent of the Council and as Treasurer of any funds in the
2 custody of the Council.

3 **(q) Powers.** The Council *shall* have the power to:

4 (1) review, as deemed appropriate, proposed revisions,
5 deletions, additions, or other modifications to the Guam Building
6 Code, and forward its recommendations for such modifications to *I*
7 *Liheslatura* for adoption;

8 (2) serve as a Board of Appeals for disputes related to
9 orders, decisions or determinations made by the Building Official,
10 Code Official or Fire Code Official relative to the application and
11 interpretations of the Guam Building Code;

12 (3) formulate, adopt and amend all Rules and Regulations
13 governing the conduct of the Council's affairs, inclusive of the
14 powers set forth in (1) and (2) of this Subsection (q)(Powers). The
15 adoption and amendment of such Rules and Regulations *shall* be in
16 accordance with the provisions of the Administrative Adjudication
17 Law; and

18 (4) contract for the services of legal counsel when deemed
19 necessary. The Guam Attorney General may also provide legal
20 counsel to the Council to provide members with general legal advice
21 concerning matters before them for consideration. The Council *shall*
22 retain and exercise all administrative and civil rights and remedies
23 commonly available to agencies in the jurisdiction. *No* action or
24 other legal proceedings for damages *shall* be instituted against the
25 Council, or against any Council member or employee or agent of the
26 Council, for any act done in good faith and in the intended

1 performance of any power granted under this Chapter, or for any
2 neglect or default in the performance or exercise in good faith of any
3 such duty or power.

4 (r) **Development of Rules and Regulations.** The Council *shall*
5 develop its Rules and Regulations to guide it in fulfilling its purpose as
6 stated in §67101.8(a).”

7 **Section 3. Severability.** *If* any of the provisions of this law or its
8 application to any person or circumstance is found to be invalid or contrary to law,
9 such invalidity shall *not* affect other provisions or applications of this law which
10 can be given effect without the invalid provisions or application, and to this end
11 the provisions of this law are severable.

12 **Section 4. Effective Date.** This Act *shall* become effective upon
13 enactment.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 4/4/11

VOTING SHEET

Bill No. 18-31(COR)

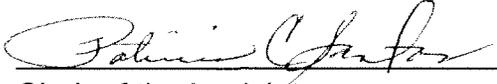
Resolution No. _____

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.					EA
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	14				1
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CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



March 14, 2011

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuan Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

sent March 17 2011
MJC

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

RE: Committee Report on **Bill No. 18-31 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on **Bill No. 18-31(COR)** An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Committee votes are as follows:

- | | |
|----------|---------------------------|
| <u>7</u> | TO DO PASS |
| <u>0</u> | TO NOT PASS |
| <u>2</u> | TO REPORT OUT ONLY |
| <u>0</u> | TO ABSTAIN |
| <u>0</u> | TO PLACE IN INACTIVE FILE |

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

BILL 18-31 (COR)

“An Act To Repeal And Reenact §67101.8 Of Chapter 67 Of Title 21, Guam Code Annotated, To Fulfill The Mandate Of P.L. 30-199 By Providing For The Establishment Of The Guam Building Code Council.”



February 17, 2011

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 18-31 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 18-31(COR) – “An Act To *Repeal And Reenact* §67101.8 Of Chapter 67 Of Title 21, Guam Code Annotated, To Fulfill The Mandate Of P.L. 30-199 By Providing For The Establishment Of The Guam Building Code Council.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 18-31(COR)
- Public Hearing Sign-in Sheet
- Testimony from Joey A. Manibusan GFD
- Testimony from Gerald Terlaje GFD
- Testimony from Liza Provideo Guam PEALS Board
- Testimony from Dave Leddy Guam Chamber of Commerce
- Testimony from Martin Roush and Thomas Cruz GWA
- Testimony from Elizabeth G. Gayle
- Testimony from Maria Perez from the Contractor's Liscensing Board
- COR Referral of Bill No. 18-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- 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 me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

BILL 18-31(COR) – "An Act To Repeal And Reenact §67101.8 Of Chapter 67 Of Title 21, Guam Code Annotated, To Fulfill The Mandate Of P.L. 30-199 By Providing For The Establishment Of The Guam Building Code Council."

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 3/19/11				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member				✓ 3/14/11		
ADA, THOMAS C. Member		✓ 3/10/11				
GUTHERTZ, JUDITH P. Member						
RESPICIO, RORY J. Member		✓ 3/10/11				
RODRIGUEZ, DENNIS G. JR. Member				✓ 3/17/11		
ADA, V. ANTHONY Member		✓ 3/10/11				
DUENAS, CHRISTOPHER Member		✓ 3/11/11				
MABINI, SAM Member						
YAMASHITA, ALINE Member		✓ 3/11/11				



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Thursday, February 17, 2011 at 10:00 a.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration of Bill No. 18-31(COR) – “An Act To *Repeal And Reenact* §67101.8 Of Chapter 67 Of Title 21, Guam Code Annotated, To Fulfill The Mandate Of P.L. 30-199 By Providing For The Establishment Of The Guam Building Code Council.”

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent all senators on February 9 and 15th via email. Notices of the hearing were published in the Marianas Variety Guam edition on February 10 and February 15. Copies of the hearing notices are appended to the report.

Senators Present

Senator Tina Rose Muna Barnes, Acting Chairperson
Senator Judith P. Guthertz, DPA, Committee Member
Senator Thomas C. Ada, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Christopher M. Duenas, Committee Member
Senator Sam Mabini, Ph.D., Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Mana Silva Taijeron

Testimony Provided by

Maria D. Perez	Contractors License Board
Martin Roush	Guam Waterworks Authority
Thomas Cruz	Guam Waterworks Authority
Carl Dominguez	Department of Public Works
Captain Joey A. Manibusan	Guam Fire Department
Captain Gerard Terlaje	Guam Fire Department
Joseph Santos	Department of Land Management
Brent Wiese	American Institute of Architects
David Leddy	Guam Chamber of Commerce
Liza Provideo	Board of Registration for Professional Engineers, Architects and Land Surveyors

The public hearing was called to order at 9:02 a.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Chairman Tina Rose Muna Barnes called the public hearing to order at 9:02 a.m. and announced the morning's agenda. Senator Tom Ada objected to a change in schedule requested by Senator Guthertz and accepted by Senator Tina Muna Barnes acting Chairperson for the Committee. Senator Muna Barnes acknowledged the objection and agreed to accept testimony on all bills throughout the course of both the morning and afternoon sessions.

Maria D. Perez

Provided oral and written testimony (written testimony attached)

Maria D. Perez, Administrative Officer for the Contractors License Board, is in support of the bill but requests some amendments. She is concerned by the proposed requirements that the Contractors License Board (CLB) provide the Guam Building Code Council (GBCC) with initial logistical support and to include the Council's budget in the CLB's annual budget request. She states that the current office for the CLB is small and lacking in equipment and supplies, and that the proposed extra logistical services will hamper existing office operations and the ability of the CLB to fulfill its mandate. Ms. Perez is also concerned that the schedules of CLB and GBCC meetings may potentially conflict, and that there will not be enough funding to provide overtime pay for GBCC meetings that occur after 5pm. She closes by stating that she is generally in support of the GBCC, and that it is a much needed organization, but believes that the Department of Public Works may be a more appropriate agency to provide initial logistical support to the GBCC.

Martin Roush

Provided oral and written testimony (written testimony attached)

Martin Roush, Chief Engineer of Guam Waterworks Authority, is in support of the bill. He shares that he was an active member of task force, and that the legislation is a direct result of the task force's work. He views the Guam Building Code Council as providing for the safeguarding of the public welfare through proper building code updates. He also supports the Council serving as an appeals board for decisions made related to the building and fire codes.

Thomas Cruz

Provided written testimony (written testimony attached)

Thomas Cruz, Assistant Chief Engineer of the Guam Waterworks Authority, is in support of the bill. He co-signed the same written testimony provided by Martin Roush, which is summarized above.

Carl Dominguez

Provided oral testimony

Carl Dominguez, Deputy Director of the Department of Public Works (DPW), states that he and Joanne Brown, Director of DPW, are generally in support of the bill. He stated that DPW would provide written testimony within a week (however, no written testimony was transmitted to the Committee afterward). He also clarified that Jesus Ninete was unable to attend due to a meeting with the Office of Public Auditor.

Joey A. Manibusan

Provided oral and written testimony (written testimony attached)

Joey A. Manibusan, Fire Captain assigned to the Fire Prevention Bureau, stated that he and the Guam Fire Department are in support of the bill. He states that his role at GFD is to enforce the fire code by conducting fire inspections and plans reviews. He shares that GFD was actively engaged in the formation of Bill 18, along with numerous other stakeholders, and that the department supports the legislation. It is his view that the GBCC is needed to review and amend future code updates, and to serve as a fire permit appeals board.

Gerard Terlaje

Provided oral and written testimony (written testimony attached)

Gerard Terlaje, Fire Captain at the Guam Fire Department and assigned to the Fire Prevention Bureau, is in support of the bill. He states the he and Captain Manibusan have been heavily involved with the development of Bill 18. He also shares that an appeals board is needed for fire permit decisions. However, he wishes to emphasize that appeals should only be conducted in regards to interpretation of code; the bill, as written, will not allow for the waiving of any code requirements, which would be dangerous. He also recommends that, when the GBCC forwards building code updates to the legislature in the future, that the Committee overseeing Public Safety also be involved in shaping the legislation.

Joseph Santos

Provided oral testimony

Joseph Santos works for the Department of Land Management. He is not for or against the bill. He states that the Department of Land Management was not part of the Task Force, and wishes to point out that the Building Law, in Chapter 66, identifies the Department of Land Management as the body to adjudicate decisions related to land use permits.

Brent Wiese

Provided oral testimony

Brent Wiese is a member of the local chapter of the American Institute of Architects, and is in support of the bill. He states that he represented the AIA on the Task Force, and that the organization is in support of the legislation.

David Leddy

Provided written testimony (written testimony attached)

David Leddy, President of the Guam Chamber of Commerce, is in support of the bill. He states that the Guam Building Code Council will serve a vital role in protecting the public welfare through sound code development. He is also supportive of the Council's role as an appeals board for disputes related to building permits.

Liza Provideo

Provided written testimony (written testimony attached)

Liza Provideo, the Chairperson of the Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS), states that the Board is in support of the establishment of the Guam Building Code Council. She further shares that there currently exists no council to provide a system of checks and balances during the permitting process. Occasionally, the PEALS board has seen requests to review permitting complaints, but ultimately these matter are deferred back to the local building code officials. Ms. Provideo also recommends that the Guam Building Code Council develop a formal relationship with the International Code Council, in order to better participate in developing and promoting uniform building code standards.

Question and Answer

Prior to receiving testimony, the Committee yielded to the author of the bill to provide the following introductory statement:

Senator Ada: Bill 18-31 is the fulfillment of one of the requirements of P.L. 30-199, a law which updated the building and fire codes of Guam and established the Guam Building Code Council. That law mandated that a task force of stakeholders assemble and develop recommendations for the composition and operations of the Guam Building Code Council. The Guam Building Code Council will serve two purposes: 1) to review and propose future updates to the building and fire codes, to be adopted through the legislature; and, 2) to serve as a board of appeals for building and fire permit decisions. Senator Ada reports that the task force met regularly following passage of P.L. 30-199, and that Bill 18-31 consists of the recommendations made by said Task Force.

After receiving testimony, the Committee heard the following discussion during the question and answer segment:

Maria Perez: Stated that per page 6 of the bill, the Guam Contractors Association is to provide a list of nominees to the Council. She states that not all contractors are part of the Guam Contractors Association, and as such, perhaps the GCLB is a more appropriate nominating authority.

Senator Tom Ada: States that in addressing Ms. Perez's concerns, he envisions that the GBCC will need minimal staffing during its first few months, and that after it is established, it will be able to use its funding source to hire administrative assistants as needed. He does not believe

that the Council will initially need full-time staffing; rather, the GBCC will simply need a place to make phone calls and copies. Senator Ada also adds that, with respect to the Guam Contractors Association membership affiliation concern Ms. Perez shared, page 7, subsection (ii), line 12 addresses this issue by stating that the nominee need not be a member of the nominating organization.

Maria Perez: States that GBCC meetings will likely start after 5pm, and that the Guam Contractors License Board does not provide for overtime pay.

Senator Tom Ada: Replied that the CLB comes under the oversight of the committee he chairs, and he will see to it that there is time of CLB staff is not abused. Additionally, he notes that the funding source for the GBCC has enough excess to allow for additional pay, or even the hiring of full-time staffers, once the Council is established. Lastly, he states that the CLB's logistical support responsibilities end once the Council is established, after which point the Council is expected to handle and fund its own operations.

Maria Perez: States that she recommends that GBCC requests of CLB staff first go through the CLB Director, out of respect of latter's position.

Senator Tom Ada: Responded that the GBCC shall recognize that the primary role of the staff of CLB is to fulfill the mandates of the CLB, and that he anticipates there will be close dialogue and cooperation between both entities. The bill also makes clear the independence of both organizations, and as he will have oversight over both, he feels confident in ensuring that any disagreements, however unlikely, will be handled thoughtfully and fairly.

Senator Duenas: Stated that he cosponsored the legislation, and envisioned it as being somewhat similar to the Guam Land Use Commission, which is itself a collateral duty of its GovGuam employees. However, he notes, the GBCC will be somewhat different, in that professionals are appointed to the Council and will volunteer their time, while the CLB will simply provide minimal, initial logistical support. The Senator also notes that the annual budget process will allow for additional resources and perhaps personnel.

Joseph Santos: Stated that the Building Law, in Chapter 66, identifies the Department of Land Management as the appeals board for land use permits. He does not believe it is appropriate for the Guam Building Code Council to take on this task.

Senator Tom Ada: Responds that land use permits, and decisions related to them, will continue to remain with the Department of Land Management. The GBCC will be dealing with appeals to building and fire code permits, which are a different matter entirely. He also notes that the Contractors License Board is currently, per law, supposed to serve as the appeals board for

building and fire code permits; however, the law was written so long ago, that the CLB did not even know it was within their mandate, nor would it be appropriate for the CLB to handle this task. He notes that Bill 18 will take this task away from the CLB, and place it within the jurisdiction of the GBCC.

Senator Yamashita: States that she is concerned about the initial logistical support needed by the GBCC. She is concerned that the CLB may not be willing to take it on. But she notes that, by the time the Council is fully formed, the 2012 budget cycle process will be taking place and the GBCC will be able to secure funding for an additional administrative assistant.

Maria Perez: States that DPW may be the more appropriate entity to provide initial logistical support, and that the CLB was shocked to find out that they were to provide such support.

Senator Tom Ada: Replies that he is surprised that anyone at CLB would be “shocked,” as the head of the CLB was involved in the weekly Task Force meetings and had agreed that the tasking of initial logistical support was reasonable.

Brent Wiese: States that the first task of the GBCC is to develop its Rules and Regulation. He believes that when the GBCC develops their Rules and Regulations, that would be the best time for the CLB to work out their concerns regarding staffing and logistical support needs.

Senator Tony Ada: Asks how many administrative staff are in the CLB, if they have a conference room, and if they will be willing to provide initial logistical support.

Maria Perez: Replies that the CLB currently has five administrative staff, that they do have a conference room, and that they are willing to provide support as long as the GBCC is not meeting too often during its first few months.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds Bill No. 18-31(COR) as follows:

The Committee finds that Public Law 30-199, enacted on September 21, 2010, established updated building and fire codes for Guam. In anticipating the need to continue amending and updating such codes into the future, as well as identifying a means by which the public may appeal building code decisions, P.L. 30-199 additionally established the Guam Building Code Council (GBCC). The GBCC will serve two important functions: 1) amending and updating Guam building and fire codes; and 2) serving as a board of appeals for building and fire code permitting decisions.

P.L. 30-119 further tasked the Chair of the Committee on Utilities and Public Works to convene a Task Force to develop the guidelines by which the Council shall operate. This Task Force met nearly weekly following passage of P.L. 30-199, and included representation from the Department of Public Works, the Guam Fire Department, the water and power utilities, the Guam Board of Registration for Professional Engineers Architects and Land Surveyors, Guam Chamber of Commerce, Chinese Chamber of Commerce of Guam, Guam Contractors License Board, Guam Contractors Association, Guam Society of Professional Engineers, Guam and Micronesia Chapters of the American Institute of Architects, and the Guam Association of Realtors.

Bill 18-31 (COR) is the product of the Task Force's collaboration. It structures the GBCC as a nine-member Council, to include representatives from DPW, GFD, and local architects, engineers, contractors, real estate professionals, and members of the public (including one familiar with accessibility requirements for persons with disabilities). Membership terms are for five years, and appointments to the Council will be made by the Governor, who shall select from a list of nominees provided by local professional organizations. The Council will meet a minimum of once every three months, or more frequently as required. Additional Rules and Regulations guiding the operations of the Council may be further developed and adopted through the Administrative Adjudication Law process.

The Committee recognizes two primary needs that the GBCC, once in place, will address. First, there are no established means by which building and fire codes are properly updated; consequently, codes are left unchanged for years beyond their intended effective dates, potentially endangering the safety of the public. The GBCC will fill this critical void by allowing for a government entity to review and amend future code updates to best meet the unique needs of Guam. Second, there are no established means by which to appeal building or fire permit decisions. DPW, GFD, and local private entities have all called for the timely establishment of the GBCC in order to facilitate a definitive, transparent process for adjudicating such disagreements.

The Committee recognizes the pressing need to establish guidelines for the Guam Building Code Council, as developed by the Task Force and provided in Bill 18-31, and thus fulfill the mandate of P.L. 30-199. As such, the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting, to which was referred Bill No. 18-31 (COR), hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No. 18-31(COR) with a recommendation TO PASS.

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

2011 JAN -6 AM 9:15
Md

Bill No. 18-31 (cor)

Introduced by:

T.C. Ada *[Signature]*
A.B. Palacios, Sr. *[Signature]*
C. Duenas *[Signature]*

AN ACT TO REPEAL AND REENACT §67101.8 OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, TO FULFILL THE MANDATE OF P.L. 30-199 BY PROVIDING FOR THE ESTABLISHMENT OF THE GUAM BUILDING CODE COUNCIL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura Guåhan* finds that
3 P.L. 30-199, which updated Guam’s building and fire codes, also called for a Task Force
4 consisting of GovGuam and community stakeholders to spearhead the creation of a Guam
5 Building Code Council. This Council, once established, is mandated to review and
6 initiate the process for adoption of future updates to such codes. The Council will also
7 serve as an appeals board for disputes related to orders, decisions or determinations made
8 by Government of Guam entities relative to the application and interpretations of the
9 Guam Building Code.

10 *I Liheslaturan Guåhan* further finds that the Task Force met regularly since
11 passage of P.L. 30-199 on September 29, 2010, and included representation from the
12 Department of Public Works, the Guam Fire Department, Consolidated Utilities Services
13 (including direct representation from the Guam Waterworks Authority), Guam Board of
14 Registration for Professional Engineers Architects and Land Surveyors, Guam Chamber
15 of Commerce, Chinese Chamber of Commerce of Guam, Guam Contractors License

1 Board, Guam Contractors Association, Guam Society of Professional Land Surveyors,
2 Guam Society of Professional Engineers, Guam and Micronesia Chapters of the
3 American Institute of Architects, and the Guam Association of Realtors. The findings
4 and recommendations of the Task Force was provided to the Legislative Committee on
5 Transportation, Utilities, Public Works, and Veterans Affairs.

6 *I Liheslaturan Guåhan* finds that the Guam Building Code Council will serve a
7 crucial role in reconciling disputes in the interpretation and application of the building
8 and fire code, and protecting the public welfare through sound code development and
9 application.

10 *I Liheslaturan Guåhan* intends to use the findings and recommendations of the
11 Task Force as a foundation for establishing the Guam Building Code Council and the
12 process by which the Council shall develop its Rules and Regulations.

13 **Section 2.** § 67101.8 of Chapter 67 of Title 21, Guam Code Annotated, is hereby
14 *repealed and reenacted* to read:

15 **“§67101.8. Guam Building Code Council.**

16 (a) **Purpose.** In order to safeguard life, health, and property, and to promote the
17 public welfare, the Guam Building Code Council shall serve a dual role as a
18 Review Board for proposed updates and amendments to the Guam Building
19 Code, and as an Appeals Board for disputes related to orders, decisions or
20 determinations made by Government of Guam entities relative to the
21 application and interpretation of the Guam Building Code.

22 (b) **Definitions.** As used in this Chapter, unless otherwise indicated:

- 1 1. *Appointed member* means a person who is appointed by *I Maga'laha*
2 *Guåhan* to hold a position on the Council. *Ex-officio members* are not
3 included in the definition of *appointed member*.
- 4 2. *Architect* means a person who is duly registered and licensed by the
5 Guam Board of Registration for Professional Engineers, Architects
6 and Land Surveyors (PEALS) as an Architect.
- 7 3. *Council* means the Guam Building Code Council.
- 8 4. *Ex-officio member* means a person who holds a position on the
9 Council reserved for the Director of the Department of Public Works
10 or the Fire Chief of the Guam Fire Department.
- 11 5. *Guam Building Code* means the codes adopted within Chapter 67, as
12 well as the International Fire Code, and any subsequent amending
13 legislation.
- 14 6. *Licensed General Building Contractor* means a person who holds a
15 current license as a General Building Contractor by the Contractors
16 License Board, as per Chapter 70 of Title 21, and engages primarily in
17 the construction of buildings and infrastructure.
- 18 7. *Licensed Real Estate Professional* means a real estate sales person, or
19 broker, who is licensed in Guam.
- 20 8. *Model Code* means the codes, as published by their respective
21 nationally recognized organizations, which form the basis of the Guam
22 Building Code.

1 9. *Professional Engineer* means a person who has been duly registered
2 and licensed by the Guam Board of Registration for Professional
3 Engineers, Architects and Land Surveyors (PEALS) as a Professional
4 Engineer.

5 10. *Registered Professional* means any person holding a current
6 registration as a Professional Structural Engineer, Professional
7 Mechanical Engineer, Professional Electrical Engineer, Professional
8 Fire Protection Engineer, or Registered Architect.

9 (c) **Membership.** The Council shall be comprised of the following members
10 whose duty *shall* be to administer the provisions of this Chapter.

11 1. **Composition.** The Council shall consist of seven (7) appointed
12 members and two ex-officio members, for a total of nine (9) members.
13 These nine (9) members shall consist of the following:

- 14 i. One (1) Architect;
- 15 ii. One (1) Licensed General Building Contractor;
- 16 iii. One (1) Licensed Real Estate Professional;
- 17 iv. Two (2) members of the general public who are not Registered
18 Professionals, Licensed General Building Contractors, or
19 Licensed Realtors, at least one of whom shall be familiar with
20 barrier free architecture and aware of, and sensitive to, the
21 requirements necessary to ensure public buildings are
22 accessible to, and usable by, persons with disabilities;

- 1 v. One (1) professional engineer, licensed on Guam, specializing
2 in structural engineering;
- 3 vi. One (1) professional engineer, licensed on Guam, specializing
4 in either mechanical, electrical, or fire protection engineering;
- 5 vii. The Director of the Department of Public Works, to serve in an
6 ex-officio capacity;
 - 7 a. The Director of the Department of Public Works
8 may designate one of the Department's Chief
9 Engineers, Chief Building Inspector, or Building
10 Permit Administrators to serve on the Council in
11 place of him or herself.
- 12 viii. The Chief of the Guam Fire Department, to serve in an ex-
13 officio capacity.
 - 14 a. The Chief of the Guam Fire Department may
15 designate a Senior Fire Prevention Officer to serve
16 on the Council in place of him or herself.

17 **2. Appointment, Confirmation, and Term Length.** Except for the
18 representatives of the Guam Department of Public Works and the
19 Guam Fire Department, each member of the Council shall be
20 appointed by *I Maga'lahañ Guåhan* and confirmed by *I Liheslaturan*
21 *Guåhan* for a term of five (5) years, save for the length of terms
22 associated with the initial creation of the council as outlined in
23 §67101.8(c)(2)(i).

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i. **Initial Term Lengths.** For initial appointments to the Council, membership term lengths shall be as such: of the two (2) appointed members representing the public, one (1) shall serve a term of one (1) year, and the other shall serve a term of three (3) years; the appointed Licensed General Building Contractor shall serve a term of three (3) years; the appointed Real Estate Professional shall serve a term of three (3) years; and of the three (3) appointed Registered Professionals, one (1) shall serve a term of one (1) year, and the remaining two (2) shall serve terms of five (5) years. Thereafter, all terms for appointed members shall be five (5) years in length. When appointing initial members to the Council, *I Maga'lahañ* *Guåhan* shall specify the length of term for each individual appointment, with such term lengths being in accordance with the manner stipulated in this subsection.

3. **Appointee Categories.** Registered professionals and Licensed General Building Contractors shall be appointed from a list as submitted by the local chapter of the American Institute of Architects (for Architects), the Guam Society of Professional Engineers (for Professional Engineers), or the Guam Contractors Association (for Licensed General Building Contractors). The Council position for a Real Estate Professional shall be appointed from a list as submitted by the local chapter of the Guam Association of Realtors. Such submitted

1 lists shall consist of at least two (2) names for the respective vacancy
2 on the Council. *I Maga'lahaen Guåhan* may, for any reason, request
3 the submittal of a new list of names.

4 i. **Failure to Provide List.** Failure of the professional
5 organization to provide a list of names within thirty (30) days
6 of that associated members vacancy, or within thirty (30) days
7 following receipt of written request from *I Maga'lahaen*
8 *Guåhan* for the submittal of a new list of names, the
9 requirement to select from a submitted list shall be waived and
10 *I Maga'lahaen Guåhan* may nominate an individual who meets
11 all other respective requirements set forth in this section.

12 ii. **Membership to Recommending Organization Not**
13 **Required.** Individuals named on the list of potential
14 nominees, as per this subsection, need not be members of the
15 respective recommending organization.

16 4. **Eligibility Requirements For Members.** Each appointed member of
17 the Council shall be a resident of Guam for the most recent two (2)
18 years, or a resident of Guam for a cumulative total of five years over
19 the most recent ten (10) years. Council members who are Registered
20 Professionals shall have been in responsible control in the lawful
21 practice of engineering or architecture for at least ten (10) years, and
22 with no record of disciplinary action from any jurisdiction. Council
23 members who are Licensed General Building Contractors shall have

1 been licensed for at least five (5) years, with no record of disciplinary
2 action from any jurisdiction. Council members who are Licensed Real
3 Estate Professional shall have been licensed for at least five (5) years,
4 with no record of disciplinary action from any jurisdiction.

5 Additionally, each licensed members' practice shall be principally
6 located in Guam.

7 5. **Status of License.** Members of the Council required to be licensed in
8 their respective fields, as per this §67101.8(c)(1), must maintain good
9 standing of their licenses with their respective licensing entity. Should
10 a member fail to maintain good standing, the member will not be
11 permitted to participate on the Council until such license is restored to
12 good standing. A member shall be deemed disqualified to retain a seat
13 on the Council in the event that the subject license is not restored to
14 good standing within ninety (90) days, and shall be removed from the
15 Council, thus creating a vacancy to be filled in accordance with
16 §67101.8(9).

17 6. **Removal of Members.** *I Maga'lahaen Guåhan* may remove any
18 sitting member on the Council for due cause, such as malfeasance in
19 office, incapacity, or neglect of duty. The vacancy created by said
20 removal shall then be filled in accordance with § 67101.8(9).

21 7. **No Courtesy Resignations.** When there is a change of administration
22 of the government of Guam after a gubernatorial election, no courtesy

1 resignation shall be requested by the new administration nor offered by
2 any appointed member of the Council.

3 8. **Reappointments.** On the expiration of the term of the appointed
4 member, *I Maga'lahaen Guahan* shall appoint a successor as provided
5 in this Chapter. An appointed member may be reappointed to the
6 Council for not more than two (2) consecutive five (5) year terms.
7 Each such member may hold office until the expiration of the term for
8 which appointed or until a successor has been duly appointed and
9 qualified.

10 9. **Vacancies.** Vacancies in the membership of the Council shall be filled
11 by appointment by *I Maga'lahaen Guahan* in the same manner as initial
12 appointments, as provided in §67101.8(c) of this Chapter. The
13 composition of the Council, i.e. membership categories, shall be
14 maintained. Persons filling a vacancy must undergo the Legislative
15 confirmation process, and shall serve for the unexpired portion of the
16 term.

17 i. **Failure to Appoint.** If *I Maga'lahaen Guahan* does not make
18 an appointment within ninety (90) days after a Council vacancy
19 occurs, the Council may appoint, by majority vote, a
20 provisional member to serve in the interim until *I Maga'lahaen*
21 *Guahan* makes an appointment and the nominee is confirmed
22 by *I Liheslatura Guahan*. Such provisional member shall have
23 all the powers and responsibilities of the position to which they

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are appointed by the Council, and shall not require confirmation by *I Liheslaturan Guåhan*.

10. **Ex-Officio members.** The Director of the Department of Public Works and the Fire Chief of the Guam Fire Department, or their respective designees, shall be members of the Council by virtue of their position. Additionally, such ex-officio members shall have all the same powers and duties as appointed members to the Council, including voting powers as described in this Chapter. Ex-officio members do not require confirmation by *I Liheslatura* to serve on the Council.

11. **Oath.** Each confirmed member of the Council, inclusive of ex-officio members, shall be sworn into the Council and take an oath for the faithful discharge of the duties of the position.

(d) **Annual Budget Request.** The Guam Building Code Council shall transmit its annual operating budget requirements to the Guam Contractors License Board for inclusion in the latter's annual budget request. The Council's budget shall be primarily funded by the *Contractors License Board Fund*, Title 21, Chapter 70, §70119.

1. **Compensation.** Council members may be compensated Fifty Dollars (\$50.00) per official Council meeting, not to exceed One Hundred Dollars (\$100.00) in any month, provided funds are available.
2. **Initial Logistical Support.** The Guam Contractors License Board shall provide the Council logistical support, to include

1 telecommunications, copiers, and administrative workspace. This
2 subsection (2) shall be in effect until the Council has sufficiently
3 established its administrative support base.

4 3. **Independence of Council and Board.** Although the Guam Building
5 Code Council and the Contractors License Board are funded from the
6 same revenue source, the Council and the Board shall preserve their
7 respective independence from one another.

8 (e) **Organization and Meetings.** The Council shall meet a minimum of once
9 every three (3) months. A quorum for the Council to meet shall consist of five
10 (5) members, one (1) of whom shall be an appointed Registered Professional
11 under the provisions of this Chapter. Decisions shall carry with a majority
12 vote of members present; however, decisions made in the Appeals Process
13 shall carry in accordance with the voting requirements outlined in the
14 Council's Rules and Regulation.

15 1. **Election of Leadership.** The Chairperson, Vice-Chairperson, and
16 Secretary shall be elected annually by majority vote of the Council
17 members at the first regular meeting of the Council after January 1.

18 2. **Duties of Chairperson.** The Chairperson shall call meetings of the
19 Council, arrange meetings with interested members of the public who
20 may seek assistance from the Council, assign duties to Council
21 members, and provide leadership to the Council. In the absence, or at
22 the request of, the Chairperson, any or all of these duties shall be
23 performed by the Vice-Chairperson.

1 3. **Duties of Secretary.** The Secretary shall keep charge of permanent
2 records and proceedings of every meeting of the Council, and shall
3 ensure that Minutes of meetings are made available for review at
4 subsequent meetings. The Secretary shall serve as correspondent of
5 the Council and as Treasurer of any funds in the custody of the
6 Council.

7 (f) **Powers.** The Council shall have the power to:

- 8 1. Review, as deemed appropriate, proposed revisions, deletions,
9 additions, or other modifications to the Guam Building Code, and
10 forward its recommendations for such modifications to *I Liheslatura*
11 for adoption; and,
- 12 2. Serve as a Board of Appeals for disputes related to orders, decisions or
13 determinations made by the Building Official, Code Official or Fire
14 Code Official relative to the application and interpretations of the
15 Guam Building Code; and,
- 16 3. Formulate, adopt and amend all Rules and Regulations governing the
17 conduct of the Council's affairs, inclusive of the powers set forth in (a)
18 and (b) of this subsection, (f)(Powers). The adoption and amendment
19 of such Rules and Regulations shall be in accordance with the
20 provisions of the Administrative Adjudication Law; and,
- 21 4. Contract for the services of legal council when deemed necessary. The
22 Guam Attorney General may also provide legal counsel to the Council
23 to provide members with general legal advice concerning matters

1 before them for consideration. The Council shall retain and exercise
2 all administrative and civil rights and remedies commonly available to
3 agencies in the jurisdiction. No action or other legal proceedings for
4 damages shall be instituted against the Council, or against any Council
5 Member or employee or agent of the Council, for any act done in good
6 faith and in the intended performance of any power granted under this
7 Chapter, or for any neglect or default in the performance or exercise in
8 good faith of any such duty or power.

9 **(g) Development of Rules and Regulations.** The Council shall develop its Rules
10 and Regulations to guide it in fulfilling its purpose as stated in §67101.8(a).”

11 **Section 4. Severability.** If any of the provisions of this law or its application to
12 any person or circumstance is found to be invalid or contrary to law, such invalidity shall
13 not affect other provisions or applications of this law which can be given effect without
14 the invalid provisions or application, and to this end the provisions of this law are
15 severable.

16 **Section 5. Effective Date.** This Act shall become effective upon enactment.



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

March 9, 2011

Senator Thomas C. Ada, Chairman
Thirty-first Guam Legislature
155 Hesler Street
Hagatna, Guam 96910

Subject: Testimony on Bill 18-31

Dear Senator Ada:

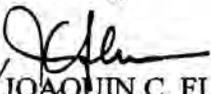
The Guam Power Authority (GPA) is submitting written testimony regarding **Bill 18-31**, "An act to repeal and reenact § 67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council". The Authority strongly supports the intent of this bill and requests additional language to address the following concern:

A procedure to allow non-sitting members and utilities ample time to review and provide comments and recommendations on proposed revisions, deletions, additions, or other modifications to the Guam Building code must be developed to permit full participation by non-sitting members of the Guam Building Code Council.

Safety is of the utmost importance to the Authority. The addition of the Guam Building Code Council and the adoption of the International Building Code are in step with GPA's mission to serve the public in an efficient, reliable, and safe manner.

Thank you for the opportunity to submit written testimony for Bill 18-31.

Sincerely,


JOAQUIN C. FLORES, P.E.
GENERAL MANAGER

JCF/MRC/JGA:vjs

cc: Consolidated Commission on Utilities
Governor of Guam

3/15/11
RECEIVED by the
Office of Senator
Thomas C. Ada
2:12pm

✓

February 16, 2011

To: 31st GUAM LEGISLATURE, HAGATNA, GUAM 96932
From: Fire Captain, Guam Fire Department
Subject: **Testimony in Support of Bill 18-31**

My name is Captain Joey A. Manibusan and I write this testimony in support of Bill No. 18-31 for the establishment of the Guam Building Code Council (GBCC). I am a Fire Captain and assigned to the Fire Prevention Bureau. Our duties include the enforcement of the Fire Code by conducting Fire Inspections and Plans Reviews.

The Guam Fire Department was actively engaged in the formation of this Bill No. 18-31 from start to finish. Input was taken from various parties of interest, both public and private, to include the Guam Contractors License Board, the PEALS Board, DPW, GFD, as well as members from the Real Estate Industry.

With the adoption of the 2009 International Codes, it is critical that the Guam Legislature and the Governor of Guam mandate the establishment of the Guam Building Code Council. The GBCC shall serve a dual role as a Review Board for proposed updates and amendments to the International Codes and as an Appeals Board for matters relative to the application and interpretation of the Guam Building Code. These roles are a necessary requirement for settling any questions or disputes in regards to enforcement and compliance whether in favor or against our GFD Fire Prevention Bureaus decisions. Board decisions will be critical in setting precedence and bringing resolution to challenges and disputes against our enforcement policies, and or procedures.

I have read the final draft Bill No. 18-31 and agree with it. I thank Senator Tom Ada and his staff for all the work that they have done to make this happen. The adoption and establishment of the Guam Building Code Council is a step in the right direction.

SINCERELY,

//SIGNED//


JOEY A. MANIBUSAN

Testimony in Support of Bill 18-31(COR)
17 February 2011

Hafa Adai Honorable Chairman and Senators,

My Name is Gerard Terlaje a Fire Captain with the Guam Fire Department currently assigned to the Fire Prevention Bureau. My Immediate Supervisor Fire Captain Joey Manibusan and I have been attending the meetings at Senator Tom Ada's office these past months in regards to the development of the Guam Building Code Council (GBCC) representing the interest of the Guam Fire Department.

I simply am making a statement in support of Bill 18-31, because there has not been a Board of Appeals for persons or interested parties who wish to appeal an interpretation of the code. This will then allow for any person or interested party to bring an issue before a body who will decide and rule on whether the interpretation was appropriate.

I would like only to remind the body here that the intent of the council regarding appeals, should be not to waive any intent of the code, but only for the interpretation, if it was correctly applied or not, as indicated "*relative to the application and interpretation of the Guam Building Code*".

With respects to the power of the Council GBCC to review, propose revisions, deletions, additions or modifications to Guam Building Code which includes the International Fire Code, that the Legislature's Committee overseeing Public Safety be closely involved so as to insure that the forwarded recommendations impact in respect to the Scope and Administration of Fire Investigations, General Authority and Responsibilities at fires and other emergencies involving the protection of life or property are kept intact or at the least not reduced or weaken.

In closing the bill has been scrutinized by the respective disciplines and professionals who have collaborated and hereby produced a document worth passing.

Thank-you


17 Feb 2011



PROFESSIONAL ENGINEERS, ARCHITECTS & LAND SURVEYORS

February 17, 2011

Senator Benjamin J.F. Cruz, Vice Speaker
Chairman, Committee on Youth Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

SUBJ: Bill No. 18-31-An act to repeal and reenact 67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council

The Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS) supports the establishment of the Guam Building Code Council. The council will serve as a review board for future IBC code updates as well as an appeals board to resolve varying interpretations of the building code between the building code officials and design professionals. Presently, no such council exists which would provide for a system of checks and balances during the permitting process. It is anticipated that such a council would also develop a fair and consistent approach in code interpretation and application of future ICC code updates/revisions. Occasionally, the PEALS board has seen requests to review code and design analysis pertaining to formal complaints but ultimately the matter is deferred back to the local building code officials who have the final authority over code compliance. In these instances, the PEALS board has had to clarify its mandate, that it is a licensing agency having jurisdiction only over licensing laws and not over building laws. It establishes the standards of professional practice through education, experience and examination requirements as well as provide resources to its registrants for continuing education-i.e. assist with IBC seminar workshops.

In order to provide access to professional code expertise available nationwide and to understand the intent of the code, it is recommended that the Guam Building Code Council would also establish a formal relationship with the International Code Council. Membership to the ICC will be key in promoting uniform building code standards based on safeguarding public health, safety and welfare and to avoid influence from special interest groups. Should the need arise, the ICC with its expertise and resources, can assist the GBCC in providing another level of formal review with regards to fair and consistent code interpretation.

Respectfully Submitted,

Liza Provide AIA

PEALS Board Chairperson



GUAM CHAMBER OF COMMERCE
PARTNERS IN PROGRESS

February 17, 2011

THE HONORABLE SENATOR BENJAMIN J.F. CRUZ

Chairman
Committee on Youth, Cultural Affairs,
Procurement, General Government Operations,
And Public Broadcasting
155 Hesler Place
Hagåtña, Guam 96910

Subject: **Bill No. 18-31** (COR) – An act to repeal and reenact §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Håfa Adai, Mr. Chairman!

On behalf of the Chamber of Commerce, we would like to thank you for the opportunity to provide comments on Bill No. 18-31, which seeks to establish the Guam Building Code Council.

We believe that the *Guam Building Code Council* is important as it will serve a vital role in protecting the public welfare through sound code development by functioning as a review board for amendments to the Guam Building Code. Additionally, the Council would serve as an appeals board for disputes related to the orders, decisions, or determinations made by Government of Guam entities relative to the application and interpretation of the Guam Building Code.

The Chamber recognizes the work of the Legislature and the Committee towards modernizing our island's building codes. We look forward to a continued working relationship and positive dialogue exchange with the Committee as the island moves forward with its modernization plans. Thank you again, for the opportunity to convey our views on Bill No. 18-31.

Sincerely,

DAVID P. LEDDY
President
Guam Chamber of Commerce



GUAM WATERWORKS AUTHORITY
578 North Marine Corp Drive, Tumon, Guam 96931

February 16, 2011

Senator Benjamin J. F. Cruz
Vice Speaker of 31st Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

Subject: Bill 18, Establishment of the Guam Building Code Council

Hafa Adai Senator Cruz,

As representative of the Guam Waterworks Authority to participate in Senator Tom Ada's Task Force in establishing the Guam Building Code Council, I. Martin Roush, P.E., GWA Chief Engineer and Thomas Cruz, P.E. GWA Assistant Chief Engineer fully support the bill as introduced.

As Professional Engineers on Guam, we fully support the fact that the establishment of the Guam Building Code Council will provide safeguard to life, health, and property as well as to promote public welfare through proper building code requirements. We also fully support the fact that the Guam Building Code Council will be the "Review Board" for proposed updates and amendments to the Guam Building Code as well as an "Appeals Board" for disputes related to orders, decisions or determinations made by Government of Guam entities relative to the application and interpretation of the Guam Building Code.

We thank you for the opportunity to submit this testimony in support of Bill 18.

Sincerely

Martin Roush, P.E.
GWA Chief Engineer

Thomas Cruz, P.E.
GWA Assistant Chief Engineer



CONTRACTORS LICENSE BOARD
Inetnon Malisensiayen Kontratista
542 North Marine Corp Drive A. – Tamuning, Guam 96911
649-2211, 9676, 646-7626, 649-2965 649-2210(Fax)



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LT. GOVERNOR

February 18, 2011

<p align="center">GUAM LEGISLATURE REPRODUCTION/MAIL ROOM</p> <p>DATE: <u>2/24/11</u></p> <p>TIME: <u>3:05</u> AM <u>4</u> PM</p> <p>RECEIVED BY: <u>[Signature]</u></p>

EDUARDO R. ORDONEZ
EXECUTIVE DIRECTOR

Speaker Judith Won Pat, Ed. D.
Chairperson, Committee of Education and Public Libraries

My name is Maria D. Perez, Administrative Officer from the Contractors License Board. CLB is in support of Bill 18-31. CLB is willing to support the council. However; there are concerns. By providing the council with administrative support CLB is concerned that it will hamper it's agencies operations and will not be able to comply with its Public Law 30-11.

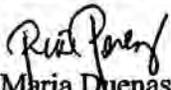
On page 10 (d) Section 2. **Initial Logistical Support.** The Contractors License Board shall provide the Council logistical support, to include telecommunications, copiers, and administrative workplace. This subsection (2) shall be in effect until council has sufficiently established its administrative support base.

On Page 10 (d) **Annual Budget Request.** The Guam Building Code Council shall transmit its annual operating budget requirements to the Guam Contractors License Board for inclusion in the latter's annual budget request. The Council's budget shall be primarily funded by the *Contractors License Board Fund*, Title 21, Chapter 70 § 701109.

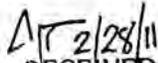
Contractors License Board currently holds at least two meetings. Each meeting can be at least 2 or three hours. The private secretary must transcribe the board minutes. This can take days to transcribe the minutes. The Board meetings are held after 5:00 p.m. If the *Council* also has its meetings and it is after 5:00 p.m. CLB is concerned that it will be difficult for the private secretary to perform her other duties. CLB is also concerned that if the meetings are held after 5:00 p.m. it does not have funding to support for overtime.

CLB is requesting when necessary to be able to hire an additional body in order to assist the *council*. CLB also has concerns regarding funding because of the austerity measures which is being place on it agency. CLB does not have funding for any overtime if needed for *council* meetings.

Thank You for hearing our concerns.


 Maria Duenas Perez
 Administrative Officer

Copy To: 31st Guam Legislature


 RECEIVED by the
 Office of Senator
 Thomas C. Ada

Elizabeth C. Gayle, P.E.
264 Father Roman Street
Tamuning, Guam 96913
Tel: 671-477-6148
Fax: 671-472-4969
Email: bcg2@guam.net

February 17, 2011

Senator Benjamin J.F. Cruz, Vice Speaker
Chairman, Committee on Youth Cultural Affairs,
Procurement, General Government Operations,
and Public Broadcasting
31st Guam Legislature
155 Hesler Place
Hagåtña, GU 96910

WRITTEN TESTIMONY IN FAVOR

**Bill No. 18-31, An Act to repeal and reenact §67101.8 of Chapter 67, Title 21,
Guam Code Annotated, to fulfill the mandate of P.L. 30-199
by providing for the establishment of the Guam Building Code Council**

I am a Professional Engineer, licensed on Guam in the Civil branch since 1992. I am also an Executive Board member of the Guam Society of Professional Engineers, and a member of the Guam Board of Registration for Professional Engineers, Architects, and Land Surveyors (PEALS Board).

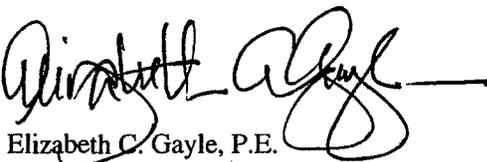
I fully support the establishment of the Guam Building Code Council (GBCC), as proposed in Bill 18-31. The GBCC will be made up of professional, public and *Ex-officio* members who will serve as a review board for future International Building Code updates as they pertain to Guam, Building and Fire Code interpretations, as well as an appeals board to resolve conflicting interpretations of the building code that may arise between building code officials and design professionals.

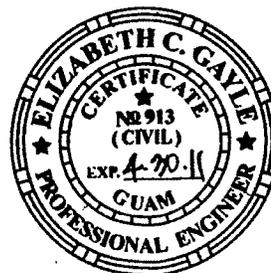
Presently, there is no means to resolve Building Code interpretation conflicts, and owners are forced to make revisions to their plans based on a misinterpreted code in order to secure a building or occupancy permit. With the establishment of the GBCC, there will be a fair and consistent method of interpreting codes and their application to Guam's built environment. With design professionals on the GBCC, technical interpretations will be consistent and appropriate.

In addition, the GBCC's Board of Appeals will provide the proper venue for developers and building and fire officials to resolve code conflicts.

The proposed membership of the GBCC is appropriate to provide the technical expertise that would be required for the council.

Respectfully submitted,


Elizabeth C. Gayle, P.E.





COMMITTEE ON RULES

I Minã'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

February 3, 2011

Memorandum

To: Pat C. Santos
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bills number listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.:
17-31 (COR)
18-31 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2011 FEB -3 AM 11:55
epm



BUREAU OF BUDGET & MANAGEMENT RESEARCH

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

FELIX P. CAMACHO
GOVERNOR

BERTHA M. DUENAS
DIRECTOR

MICHAEL W. CRUZ, M.D.
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Roky Respicio

ATTENTION: Elaine

FACSIMILE NUMBER: 472-3547

FROM: Director

Total Pages (Including Cover): 5

RE: Fiscal notes of Bill no. 17-31(COP) 18-31(COP)

COMMENTS:

Original for pick-up at Central Files.

NOTICE:

If you do not receive legible copies of all pages being transmitted, please contact the Bureau. Our phone numbers are: (671) 475-9412 / 9106. Our fax number is: (671) 472-2825

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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

EDDIE BAZA CALVO
GOVERNOR

BENITA A. MANGLONA
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

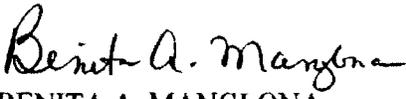
FEB 01 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hester Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill No.: **17-31(COR) and 18-31(COR)**.

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


BENITA A. MANGLONA
Acting Director

Enclosures

cc: Sen. Ben Pangelinan

Fiscal Note of Bill No. 18-31 (COR)

AN ACT TO REPEAL AND REENACT §67101.8 OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, TO FULFILL THE MANDATE OF P.L. 30-199 BY PROVIDING FOR THE ESTABLISHMENT OF THE GUAM BUILDING CODE COUNCIL.

Department/Agency Appropriation Information

Dept./Agency Affected: Contractors License Board	Dept./Agency Head: Eduardo R. Ordomez, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date:	620,678
Total Department/Agency Appropriation(s) to date:	\$620,678

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Guam Contractors License Board Fund	1/	1/	1/	1/	1/	1/
Total	1/	1/	1/	1/	1/	1/

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

Analyst: Diana E. Pobre Date: 1/25/11 Director: Benita A. Mangiona Date: 1/31/11
Diana E. Pobre Benita A. Mangiona, Acting Director

Footnotes:
1/ The Bill has a potential for additional funding impact on the Guam Contractors License Board Fund as the GCLB must include the Guam Building Code Council annual operating requirements which includes 7 Council Members stipend and other operational expenses, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guahan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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vicente c. pangelinan

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ASST. MINORITY LEADER

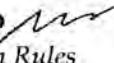
Senator
Christopher M. Duenas

January 6, 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. 18-31 (COR) and 19-31 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 18-31 (COR) and 19-31 (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 Guahan*.

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

Si Yu'os Ma'äse'!

Attachment

2011 JAN 10 AM 11:29
EOM

I Mina'trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

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?
B18-31 (COR)	T. C. Ada, A. B. Palacios, Sr., C. Duenas	An act to <i>repeal</i> and <i>reenact</i> §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.	1/06/11 9:15 a.m.	1/06/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting			
B19-31 (COR)	J. T. Won Pat, Ed.D.	An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.	1/06/11 10:31 p.m.	1/06/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting			

Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Wednesday, February 09, 2011 12:14 PM
To: 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Terlaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'
Subject: 1st Notice of Public Hearing
Attachments: 02072011 memo frbjcruz re. First notice of public hearing for Feb 17,2011.pdf

All Senators and staff,

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room at 9 a.m.. I made a correction, apologies to Senator Yamashita.... Here is the correct bill listing.

Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

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February 7, 2011

MEMORANDUM

TO: All Senators

FROM: Senator Tina R Muna Barnes
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting

RE: First Public Hearing Notice on February 17th 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at garrett.duenas@senatorbjcruz.com.

cc: Clerk of the Legislature
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LISTING

1999	XL1200H	RED/SILVER	STOCK #141206	STARTING BID: \$5,300.00
2006	XLH1200C	GRAY	STOCK #428204	STARTING BID: \$8,100.00
2007	XL1200N	ORANGE/BLK	STOCK #440008	STARTING BID: \$9,300.00
2008	XL1200C	PEWTER SIL	STOCK #435185	STARTING BID: \$10,000.00
2008	XL1200L	COPPER/BLK	STOCK #407754	STARTING BID: \$9,000.00
2009	XL1200C	DARK BLUE	STOCK #434086	STARTING BID: \$10,300.00
2010	XR1200X	BLK DENIM	STOCK #414430	STARTING BID: \$10,700.00
2010	XR1200X	BLK DENIM	STOCK #408181	STARTING BID: \$9,000.00
2011	XL883L	MERLOT/BLK	STOCK #411481	STARTING BID: \$9,400.00
2011	XL883L	COOL BLUE	STOCK #406574	STARTING BID: \$9,400.00
2011	XL883L	BLACK	STOCK #401426	STARTING BID: \$9,400.00
2011	XL883L	WHT/ORG	STOCK #401232	STARTING BID: \$9,400.00

To bid on any of the stock numbers above, please stop by our show-room at
GUAM HARLEY-DAVIDSON located in ASAN to pick up your sealed bid form.
 Bidding ends on February 22, 2011 12:00pm. Please note: some of the units that are up for bid
 still have Factory Warranty. Financing Available.

Conditions apply see dealer for details.

NOTICE OF PUBLIC HEARING

COMMITTEE ON YOUTH, CULTURAL AFFAIRS, GENERAL GOVERNMENT
 OPERATIONS, PROCUREMENT AND PUBLIC BROADCASTING

February 17, 2011 9:00 A.M.

11 Legislatura - Public Hearing Room - Hagatna Guam
 Vice Speaker Benjamin J.F. Cruz, Chairperson
 Senator Tina H. Muna-Barnes, Vice Chairperson

9:00 A.M.

Bill No. 4-31(L): An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Ancoth Rescue and Fire Fighting Unit.

Bill No. 12-31(COR): An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated, to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR): An act to repeal and reenact § 57101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 99-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR): An act to add a new § 4128 to Chapter 4 of 46GA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language.

1:30 P.M.

Bill No. 19-31(COR): An act to amend Section 5105 of the Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR): An act to add § 5213A, 5220 and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the 2009 American Recovery and Reinvestment Act.

Bill No. 8-31(L): An act to add a new subsection (f) to § 1112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to adding the funding freeze of maintenance and custodial services projects at the Department of Education and authorizing the Guam Education Policy Board to award in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR): An act to add § 112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

If written testimonies are to be presented at the hearing, we request they be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hester Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.lanigan@senatorbfcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at garrett.duenas@senatorbfcruz.com

Marianas Variety-Guam Edition is circulated by home and office delivery, consignments, and vending machines throughout Guam, as mail delivery to the Federated States of Micronesia, the Marshall Islands, South Pacific, Hawaii, Japan and the continental U.S. Daily coverage can also be read from our website www.mvguam.com.

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Chris Carillo

From: Chris Carillo [chris.carillo@senatorbjcruz.com]
Sent: Tuesday, February 15, 2011 9:08 AM
To: 'Senator Adolpho B. Palacios'; 'Senator Adolpho Palacios'; 'Senator Aline Yamashita'; 'Senator Ben Pangelinan'; 'Senator Chris Duenas'; 'Senator Dennis Rodriguez Jr.'; 'Senator Frank F. Blas, Jr.'; 'Senator Judi Guthertz'; 'Senator Judith Guthertz'; 'Senator Mana Silva Taijeron'; 'Senator Rory J. Respicio'; 'Senator Tina Muna Barnes'; 'Senator Tom Ada'; 'Senator Tony Ada'; 'Senator Tony Ada'; 'Speaker Judi Won Pat'; 'Vice Speaker Benjamin JF Cruz'; 'Vice Speaker BJ Cruz'; 'mis@guamlegislature.org'; 'Therese Terlaje'; 'sgtarms@guamlegislature.org'; 'yong@guamlegislature.org'; 'clerksoffice@guamlegislature.org'; 'sem@guamlegislature.org'; 'vparriola@teleguam.net'; 'director@gec.guam.gov'; 'jamespcastro@gmail.com'; 'mark sayama'; 'fbtorres@yahoo.com'; 'phillipsguam@gmail.com'; 'etajalle@guamlegislature.org'; 'Lisa Cipollone'; 'sonedera-salas@guamlegislature.org'; 'chris.budasi@guamlegislature.org'; 'jcamacho@senatorada.org'; 'Doreen Garcia'; 'Cyrus@senatorada.org'; 'Nicole Santos'; 'jennifer.lj.dulla@gmail.com'; 'josecruzjr17@yahoo.com'; 'mike.lidia9@gmail.com'; 'carlospguam@yahoo.com'; 'Chris Carillo'; 'peterlg@gmail.com'; 'jonatwork2010@gmail.com'; 'richie ruw'; 'Cmunabrecht@guamlegislature.org'; 'anaaleah@yahoo.com'; 'jeff manibusan'; 'Leslie Gatan'; 'oliviampalacios@gmail.com'; 'Coy Torres'; 'senatorsam'
Subject: Public Hearing on 2/17/2011
Attachments: 0217 Public Hearing 1st Notice (2).doc

Hafa Adai,

This is your 48 hour notice for the Committee on Youth, Cultural Affairs, General Government Operations, Procurement, and Public Broadcasting's public hearing on Thursday February 17th 2011. Attached is the memo... Thanks

Senseramente,

Chris Carillo
Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman,Committee on Youth, Cultural Affairs,Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

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February 15, 2011

MEMORANDUM

TO: All Senators

FROM: Senator Tina R Muna Barnes
Acting Chairperson, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting

RE: First Public Hearing Notice on February 17th 2011

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on **Thursday, February 17, 2011** in the Legislature's Public Hearing Room for the following:

9:00 AM - Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

1:30 PM - Bill No. 19-31(COR) (Won Pat) – An act to amend Section 5105 of Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

Bill No. 48-31(COR) (Won Pat) - An act to *add* § 5213A, 5220, and 5425A to Title 5 Guam Code Annotated relative to providing temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

Written testimonies should be submitted to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910, via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Garrett Duenas at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at garrett.duenas@senatorbjcruz.com.

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GOVERNMENT OF GUAM BEFORE THE COMMISSIONER OF BANKING & INSURANCE

John Hancock Life Insurance Company
and
John Hancock Life Insurance Company (U.S.A.)
Petitioners

In the Matter of the Application for
Merger of Petitioners,
And John Hancock Life Insurance Company's Withdrawal and
Permanent Discontinuance of the Transaction of Insurance
Business in Guam Pursuant to Title 22 G.C.A. §15113
Due to Merger

NOTICE OF INTENTION TO EFFECT MERGER AND WITHDRAWAL

Notice is hereby given that John Hancock Life Insurance Company, a Massachusetts Life Insurance Company with its home office at 601 Congress Street, Boston, MA 02110, merged with and into John Hancock Life Insurance Company (U.S.A.), a Michigan Life Insurer, effective as of December 31, 2009. John Hancock Life Insurance Company (U.S.A.) is the surviving company.

John Hancock Life Insurance Company will Withdraw and Permanently Discontinue the Transaction of Insurance Business in Guam.

All outstanding policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All outstanding claims arising from any policies issued by John Hancock Life Insurance Company have been assumed through the Merger by John Hancock Life Insurance Company (U.S.A.).

All persons interested in this matter should write to John Hancock Life Insurance Company (U.S.A.), Office of the Corporate Secretary, at 601 Congress Street, Boston, MA 02110, or call 1-(800) 723-5543, or the Office of the Commissioner of Banking and Insurance at Barrigada, Guam at 671-635-1831-456.

NOTICE OF PUBLIC HEARING

COMMITTEE ON YOUTH, CULTURAL AFFAIRS, GENERAL GOVERNMENT OPERATIONS, PROCUREMENT AND PUBLIC BROADCASTING

February 17, 2011 9:00 A.M.

Lifestatara - Public Hearing Room - Hagatna Guam
Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator Tina R. Muna-Barnes, Vice Chairperson

9:00 A.M.

Bill No. 4-31(LS) - An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to I.M.F. B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 12-31(COR) - An act to amend § 5601(6), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated, to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) - An act to repeal and reenact §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 50-195 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) - An act to add a new §4128 to Chapter 4 of 40CA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language.

1:30 P.M.

Bill No. 19-31(COR) - An act to amend Section 5705 of the Title 5 Guam Code Annotated relative to the duties of the Attorney General in procurement oversight and advisement.

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Bill No. 8-31(LS) - An act to add a new subsection (f) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 64-31(COR) - An act to add §7112 f to Chapter 7, Division 7, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

If written testimonies are to be presented at the hearing, we request they be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 195 Bester Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorjfcruz.com.

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Public Hearing for the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting

February 17 2011

Public Hearing Agenda

9:00 AM - *I Liheslaturan Guahan* Public Hearing Room

Bill No. 8-31(LS) – (Guthertz) An act to add a new sub item (E) to § 3112(A)(16), of Chapter 4, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education schools.

Bill No. 12-31(COR) (Guthertz) – An act to amend § 5601(G), Part (A) of Article 11, Chapter 5 of Title 5, Guam Code Annotated; to further define and expand its definition relative to the Public Official Financial Disclosure Act.

Bill No. 18-31(COR) (Tom Ada) – An act to *repeal and reenact* §67101.8 of Chapter 67 of Title 21, Guam Code Annotated, to fulfill the mandate of P.L. 30-199 by providing for the establishment of the Guam Building Code Council.

Bill No. 58-31(COR) – (Tony Ada) An act to add a new §4128 to Chapter 4 of 4GCA relative to authorizing the granting of administrative leave for volunteer sign language and foreign language interpreters.

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Bill No. 4-31(LS) (Muña Barnes) – An act to authorize the Antonio B. Won Pat International Airport Authority, Guam to issue differential pay to EMT-B certified firefighters of Aircraft Rescue and Fire Fighting Unit.

Bill No. 64-31(COR) – (Yamashita) An act to *add* §7112.1 to Chapter 7, Division 2, Title 17, Guam Code Annotated, relative to authorizing the Guam Department of Education to enter into a public-private partnership through a performance management contract for the management, operation and maintenance of its structural and grounds facilities.

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

Bill No. 18-31 (cor)

Introduced by:

T.C. Ada
A.B. Palacios, Sr.
C. Duenas

2011 JAN - 6 AM 9:15
Mda

AN ACT TO REPEAL AND REENACT §67101.8 OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, TO FULFILL THE MANDATE OF P.L. 30-199 BY PROVIDING FOR THE ESTABLISHMENT OF THE GUAM BUILDING CODE COUNCIL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura Guåhan* finds that
3 P.L. 30-199, which updated Guam's building and fire codes, also called for a Task Force
4 consisting of GovGuam and community stakeholders to spearhead the creation of a Guam
5 Building Code Council. This Council, once established, is mandated to review and
6 initiate the process for adoption of future updates to such codes. The Council will also
7 serve as an appeals board for disputes related to orders, decisions or determinations made
8 by Government of Guam entities relative to the application and interpretations of the
9 Guam Building Code.

10 *I Liheslaturan Guåhan* further finds that the Task Force met regularly since
11 passage of P.L. 30-199 on September 29, 2010, and included representation from the
12 Department of Public Works, the Guam Fire Department, Consolidated Utilities Services
13 (including direct representation from the Guam Waterworks Authority), Guam Board of
14 Registration for Professional Engineers Architects and Land Surveyors, Guam Chamber
15 of Commerce, Chinese Chamber of Commerce of Guam, Guam Contractors License

1 Board, Guam Contractors Association, Guam Society of Professional Land Surveyors,
2 Guam Society of Professional Engineers, Guam and Micronesia Chapters of the
3 American Institute of Architects, and the Guam Association of Realtors. The findings
4 and recommendations of the Task Force was provided to the Legislative Committee on
5 Transportation, Utilities, Public Works, and Veterans Affairs.

6 *I Liheslaturan Guåhan* finds that the Guam Building Code Council will serve a
7 crucial role in reconciling disputes in the interpretation and application of the building
8 and fire code, and protecting the public welfare through sound code development and
9 application.

10 *I Liheslaturan Guåhan* intends to use the findings and recommendations of the
11 Task Force as a foundation for establishing the Guam Building Code Council and the
12 process by which the Council shall develop its Rules and Regulations.

13 **Section 2.** § 67101.8 of Chapter 67 of Title 21, Guam Code Annotated, is hereby
14 *repealed and reenacted* to read:

15 **“§67101.8. Guam Building Code Council.**

16 (a) **Purpose.** In order to safeguard life, health, and property, and to promote the
17 public welfare, the Guam Building Code Council shall serve a dual role as a
18 Review Board for proposed updates and amendments to the Guam Building
19 Code, and as an Appeals Board for disputes related to orders, decisions or
20 determinations made by Government of Guam entities relative to the
21 application and interpretation of the Guam Building Code.

22 (b) **Definitions.** As used in this Chapter, unless otherwise indicated:

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1. *Appointed member* means a person who is appointed by *I Maga'lahaen Guåhan* to hold a position on the Council. *Ex-officio members* are not included in the definition of *appointed member*.
2. *Architect* means a person who is duly registered and licensed by the Guam Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS) as an Architect.
3. *Council* means the Guam Building Code Council.
4. *Ex-officio member* means a person who holds a position on the Council reserved for the Director of the Department of Public Works or the Fire Chief of the Guam Fire Department.
5. *Guam Building Code* means the codes adopted within Chapter 67, as well as the International Fire Code, and any subsequent amending legislation.
6. *Licensed General Building Contractor* means a person who holds a current license as a General Building Contractor by the Contractors License Board, as per Chapter 70 of Title 21, and engages primarily in the construction of buildings and infrastructure.
7. *Licensed Real Estate Professional* means a real estate sales person, or broker, who is licensed in Guam.
8. *Model Code* means the codes, as published by their respective nationally recognized organizations, which form the basis of the Guam Building Code.

1 9. *Professional Engineer* means a person who has been duly registered
2 and licensed by the Guam Board of Registration for Professional
3 Engineers, Architects and Land Surveyors (PEALS) as a Professional
4 Engineer.

5 10. *Registered Professional* means any person holding a current
6 registration as a Professional Structural Engineer, Professional
7 Mechanical Engineer, Professional Electrical Engineer, Professional
8 Fire Protection Engineer, or Registered Architect.

9 (c) **Membership.** The Council shall be comprised of the following members
10 whose duty *shall* be to administer the provisions of this Chapter.

11 1. **Composition.** The Council shall consist of seven (7) appointed
12 members and two ex-officio members, for a total of nine (9) members.
13 These nine (9) members shall consist of the following:

- 14 i. One (1) Architect;
- 15 ii. One (1) Licensed General Building Contractor;
- 16 iii. One (1) Licensed Real Estate Professional;
- 17 iv. Two (2) members of the general public who are not Registered
18 Professionals, Licensed General Building Contractors, or
19 Licensed Realtors, at least one of whom shall be familiar with
20 barrier free architecture and aware of, and sensitive to, the
21 requirements necessary to ensure public buildings are
22 accessible to, and usable by, persons with disabilities;

1 v. One (1) professional engineer, licensed on Guam, specializing
2 in structural engineering;

3 vi. One (1) professional engineer, licensed on Guam, specializing
4 in either mechanical, electrical, or fire protection engineering;

5 vii. The Director of the Department of Public Works, to serve in an
6 ex-officio capacity;

7 a. The Director of the Department of Public Works
8 may designate one of the Department's Chief
9 Engineers, Chief Building Inspector, or Building
10 Permit Administrators to serve on the Council in
11 place of him or herself.

12 viii. The Chief of the Guam Fire Department, to serve in an ex-
13 officio capacity.

14 a. The Chief of the Guam Fire Department may
15 designate a Senior Fire Prevention Officer to serve
16 on the Council in place of him or herself.

17 2. **Appointment, Confirmation, and Term Length.** Except for the
18 representatives of the Guam Department of Public Works and the
19 Guam Fire Department, each member of the Council shall be
20 appointed by *I Maga'lahañ Guåhan* and confirmed by *I Liheslaturan*
21 *Guåhan* for a term of five (5) years, save for the length of terms
22 associated with the initial creation of the council as outlined in
23 §67101.8(c)(2)(i).

1 i. **Initial Term Lengths.** For initial appointments to the Council,
2 membership term lengths shall be as such: of the two (2)
3 appointed members representing the public, one (1) shall serve
4 a term of one (1) year, and the other shall serve a term of three
5 (3) years; the appointed Licensed General Building Contractor
6 shall serve a term of three (3) years; the appointed Real Estate
7 Professional shall serve a term of three (3) years; and of the
8 three (3) appointed Registered Professionals, one (1) shall
9 serve a term of one (1) year, and the remaining two (2) shall
10 serve terms of five (5) years. Thereafter, all terms for
11 appointed members shall be five (5) years in length. When
12 appointing initial members to the Council, *I Maga'laha*
13 *Guåhan* shall specify the length of term for each individual
14 appointment, with such term lengths being in accordance with
15 the manner stipulated in this subsection.

16 3. **Appointee Categories.** Registered professionals and Licensed
17 General Building Contractors shall be appointed from a list as
18 submitted by the local chapter of the American Institute of Architects
19 (for Architects), the Guam Society of Professional Engineers (for
20 Professional Engineers), or the Guam Contractors Association (for
21 Licensed General Building Contractors). The Council position for a
22 Real Estate Professional shall be appointed from a list as submitted by
23 the local chapter of the Guam Association of Realtors. Such submitted

1 lists shall consist of at least two (2) names for the respective vacancy
2 on the Council. *I Maga'lahen Guåhan* may, for any reason, request
3 the submittal of a new list of names.

4 i. **Failure to Provide List.** Failure of the professional
5 organization to provide a list of names within thirty (30) days
6 of that associated members vacancy, or within thirty (30) days
7 following receipt of written request from *I Maga'lahen*
8 *Guåhan* for the submittal of a new list of names, the
9 requirement to select from a submitted list shall be waived and
10 *I Maga'lahen Guåhan* may nominate an individual who meets
11 all other respective requirements set forth in this section.

12 ii. **Membership to Recommending Organization Not**
13 **Required.** Individuals named on the list of potential
14 nominees, as per this subsection, need not be members of the
15 respective recommending organization.

16 4. **Eligibility Requirements For Members.** Each appointed member of
17 the Council shall be a resident of Guam for the most recent two (2)
18 years, or a resident of Guam for a cumulative total of five years over
19 the most recent ten (10) years. Council members who are Registered
20 Professionals shall have been in responsible control in the lawful
21 practice of engineering or architecture for at least ten (10) years, and
22 with no record of disciplinary action from any jurisdiction. Council
23 members who are Licensed General Building Contractors shall have

1 been licensed for at least five (5) years, with no record of disciplinary
2 action from any jurisdiction. Council members who are Licensed Real
3 Estate Professional shall have been licensed for at least five (5) years,
4 with no record of disciplinary action from any jurisdiction.

5 Additionally, each licensed members' practice shall be principally
6 located in Guam.

7 5. **Status of License.** Members of the Council required to be licensed in
8 their respective fields, as per this §67101.8(c)(1), must maintain good
9 standing of their licenses with their respective licensing entity. Should
10 a member fail to maintain good standing, the member will not be
11 permitted to participate on the Council until such license is restored to
12 good standing. A member shall be deemed disqualified to retain a seat
13 on the Council in the event that the subject license is not restored to
14 good standing within ninety (90) days, and shall be removed from the
15 Council, thus creating a vacancy to be filled in accordance with
16 §67101.8(9).

17 6. **Removal of Members.** *I Maga'lahaen Guåhan* may remove any
18 sitting member on the Council for due cause, such as malfeasance in
19 office, incapacity, or neglect of duty. The vacancy created by said
20 removal shall then be filled in accordance with § 67101.8(9).

21 7. **No Courtesy Resignations.** When there is a change of administration
22 of the government of Guam after a gubernatorial election, no courtesy

1 resignation shall be requested by the new administration nor offered by
2 any appointed member of the Council.

3 **8. Reappointments.** On the expiration of the term of the appointed
4 member, *I Maga'lahen Guåhan* shall appoint a successor as provided
5 in this Chapter. An appointed member may be reappointed to the
6 Council for not more than two (2) consecutive five (5) year terms.
7 Each such member may hold office until the expiration of the term for
8 which appointed or until a successor has been duly appointed and
9 qualified.

10 **9. Vacancies.** Vacancies in the membership of the Council shall be filled
11 by appointment by *I Maga'lahen Guåhan* in the same manner as initial
12 appointments, as provided in §67101.8(c) of this Chapter. The
13 composition of the Council, i.e. membership categories, shall be
14 maintained. Persons filling a vacancy must undergo the Legislative
15 confirmation process, and shall serve for the unexpired portion of the
16 term.

17 i. **Failure to Appoint.** If *I Maga'lahen Guåhan* does not make
18 an appointment within ninety (90) days after a Council vacancy
19 occurs, the Council may appoint, by majority vote, a
20 provisional member to serve in the interim until *I Maga'lahen*
21 *Guåhan* makes an appointment and the nominee is confirmed
22 by *I Liheslatura Guåhan*. Such provisional member shall have
23 all the powers and responsibilities of the position to which they

1 are appointed by the Council, and shall not require
2 confirmation by *I Liheslaturan Guåhan*.

3 **10. Ex-Officio members.** The Director of the Department of Public
4 Works and the Fire Chief of the Guam Fire Department, or their
5 respective designees, shall be members of the Council by virtue of
6 their position. Additionally, such ex-officio members shall have all
7 the same powers and duties as appointed members to the Council,
8 including voting powers as described in this Chapter. Ex-officio
9 members do not require confirmation by *I Liheslatura* to serve on the
10 Council.

11 **11. Oath.** Each confirmed member of the Council, inclusive of ex-officio
12 members, shall be sworn into the Council and take an oath for the
13 faithful discharge of the duties of the position.

14 **(d) Annual Budget Request.** The Guam Building Code Council shall transmit its
15 annual operating budget requirements to the Guam Contractors License Board
16 for inclusion in the latter's annual budget request. The Council's budget shall
17 be primarily funded by the *Contractors License Board Fund*, Title 21, Chapter
18 70, §70119.

19 1. **Compensation.** Council members may be compensated Fifty Dollars
20 (\$50.00) per official Council meeting, not to exceed One Hundred
21 Dollars (\$100.00) in any month, provided funds are available.

22 2. **Initial Logistical Support.** The Guam Contractors License Board
23 shall provide the Council logistical support, to include

1 telecommunications, copiers, and administrative workspace. This
2 subsection (2) shall be in effect until the Council has sufficiently
3 established its administrative support base.

4 **3. Independence of Council and Board.** Although the Guam Building
5 Code Council and the Contractors License Board are funded from the
6 same revenue source, the Council and the Board shall preserve their
7 respective independence from one another.

8 **(e) Organization and Meetings.** The Council shall meet a minimum of once
9 every three (3) months. A quorum for the Council to meet shall consist of five
10 (5) members, one (1) of whom shall be an appointed Registered Professional
11 under the provisions of this Chapter. Decisions shall carry with a majority
12 vote of members present; however, decisions made in the Appeals Process
13 shall carry in accordance with the voting requirements outlined in the
14 Council's Rules and Regulation.

15 **1. Election of Leadership.** The Chairperson, Vice-Chairperson, and
16 Secretary shall be elected annually by majority vote of the Council
17 members at the first regular meeting of the Council after January 1.

18 **2. Duties of Chairperson.** The Chairperson shall call meetings of the
19 Council, arrange meetings with interested members of the public who
20 may seek assistance from the Council, assign duties to Council
21 members, and provide leadership to the Council. In the absence, or at
22 the request of, the Chairperson, any or all of these duties shall be
23 performed by the Vice-Chairperson.

1 3. **Duties of Secretary.** The Secretary shall keep charge of permanent
2 records and proceedings of every meeting of the Council, and shall
3 ensure that Minutes of meetings are made available for review at
4 subsequent meetings. The Secretary shall serve as correspondent of
5 the Council and as Treasurer of any funds in the custody of the
6 Council.

7 (f) **Powers.** The Council shall have the power to:

- 8 1. Review, as deemed appropriate, proposed revisions, deletions,
9 additions, or other modifications to the Guam Building Code, and
10 forward its recommendations for such modifications to *I Liheslatura*
11 for adoption; and,
- 12 2. Serve as a Board of Appeals for disputes related to orders, decisions or
13 determinations made by the Building Official, Code Official or Fire
14 Code Official relative to the application and interpretations of the
15 Guam Building Code; and,
- 16 3. Formulate, adopt and amend all Rules and Regulations governing the
17 conduct of the Council's affairs, inclusive of the powers set forth in (a)
18 and (b) of this subsection, (f)(Powers). The adoption and amendment
19 of such Rules and Regulations shall be in accordance with the
20 provisions of the Administrative Adjudication Law; and,
- 21 4. Contract for the services of legal council when deemed necessary. The
22 Guam Attorney General may also provide legal counsel to the Council
23 to provide members with general legal advice concerning matters

1 before them for consideration. The Council shall retain and exercise
2 all administrative and civil rights and remedies commonly available to
3 agencies in the jurisdiction. No action or other legal proceedings for
4 damages shall be instituted against the Council, or against any Council
5 Member or employee or agent of the Council, for any act done in good
6 faith and in the intended performance of any power granted under this
7 Chapter, or for any neglect or default in the performance or exercise in
8 good faith of any such duty or power.

9 (g) **Development of Rules and Regulations.** The Council shall develop its Rules
10 and Regulations to guide it in fulfilling its purpose as stated in §67101.8(a).”

11 **Section 4. Severability.** If any of the provisions of this law or its application to
12 any person or circumstance is found to be invalid or contrary to law, such invalidity shall
13 not affect other provisions or applications of this law which can be given effect without
14 the invalid provisions or application, and to this end the provisions of this law are
15 severable.

16 **Section 5. Effective Date.** This Act shall become effective upon enactment.