

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

Bill No. 130-31 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

2011 MAR 21 12:00 PM
MAR 10 10:27 AM
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**AN ACT TO REPEAL §3105, ARTICLE 1, CHAPTER 3 OF
TITLE 5 GUAM CODE ANNOTATED AND TO ADD A NEW
§72101.1 TO CHAPTER 72 OF TITLE 10 GUAM CODE
ANNOTATED, RELATIVE TO THE QUALIFICATIONS FOR
CHIEF OF THE GUAM FIRE DEPARTMENT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the qualifications of the Chief of the Guam Fire Department (GFD) were last addressed in
4 1995 through P.L. 23-43, which sought to expand the educational qualifications and work
5 experience requirements for individuals appointed to this critical position. The changes
6 implemented through P.L. 23-43 standardized the qualifications for individuals appointed
7 to serve as Fire Chief.

8 *I Liheslaturan Guåhan* further finds that the Fire Chief, similar to his counterparts
9 in the Guam Police Department and Department of Corrections, oversees numerous
10 public-sector employees who place their lives in harm's way every day to ensure that a
11 safe and peaceful community exists for all residents. Tasked with this enormous
12 responsibility, the Fire Chief must work hard to uphold the public's trust and confidence.
13 And, similar to his public safety counterparts, he must also be held to the highest
14 standards as our people expect no less of him.

1 Therefore, *I Liheslaturan Guåhan* intends to strengthen the minimum
2 qualification standards for the position of Fire Chief of the Guam Fire Department. These
3 additional standards will help to promote consistency among the qualification
4 requirements for department heads of the government of Guam’s primary public safety
5 agencies. In developing these standards, *I Liheslaturan Guåhan* acknowledges that GFD
6 has employees who have earned post-secondary degrees in areas including fire science,
7 criminal justice, and public administration. Among its employees, the department
8 employs seven (7) with an associate’s degree, sixteen (16) with a bachelor’s degree, and
9 two (2) with a master’s degree.

10 *I Liheslaturan Guåhan* further intends to place language referencing the
11 qualifications for the Chief of the Guam Fire Department from Title 5 Guam Code
12 Annotated to Title 10 Guam Code Annotated, which incorporates applicable laws
13 governing the agency.

14 **Section 2. Repeal.** §3105, Article 1, Chapter 3 of Title 5 Guam Code Annotated
15 is hereby *repealed*, and re-enacted as §72101.1 of Chapter 72, Title 10 Guam Code
16 Annotated, with amendments.

17 ~~“§3105. Guam Fire Department.~~

18 ~~There is within the Executive Branch of the government of Guam a *Guam Fire*~~
19 ~~*Department*. The Fire Chief is the head of the Department. The Fire Chief is appointed by~~
20 ~~the Governor with the advice and consent of the Legislature. The Fire Chief shall meet~~
21 ~~the following qualifications:~~

22 ~~(a) (1) Must have a bachelor’s degree in Fire Science or Public Administration or~~
23 ~~closely related field or discipline at an accredited institution; and~~

1 ~~(2) have at least ten years of experience in fire control including control and~~
2 ~~extinguishment of fires and fire prevention, of which two years must be~~
3 ~~served in a position equivalent to Battalion Chief or higher; or~~

4 ~~(b) (1) Must have an associate's degree in Fire Science or closely related field or~~
5 ~~discipline at an accredited institution; and~~

6 ~~(2) Have at least 15 years experience in fire control, including control and~~
7 ~~extinguishment of fires and fire prevention, of which four years must be~~
8 ~~served in a position equivalent to Battalion Chief or higher.”~~

9 **Section 3. A new §72101.1 is hereby added to Chapter 72 of Title 10 Guam**
10 **Code Annotated.**

11 **“§72101.1. Appointment of Chief of the Guam Fire Department.**

12 There is within the Executive Branch of the government of Guam a Guam Fire
13 Department. The Fire Chief is the head of the Guam Fire Department. The Fire Chief
14 *shall* be appointed by the Governor with the advice and consent of the Legislature and
15 *shall* meet the following qualifications:

16 (a) be at least thirty-five (35) years of age;

17 (b) (1) must have an associate's degree in fire science, criminal justice, public
18 administration, or closely related field or discipline, from an accredited
19 institution recognized by the Council for Higher Education Accreditation
20 (CHEA) or its successors, and, have no less than fifteen (15) years of
21 progressive work in fire control, including extinguishment of fires and fire
22 prevention, of which at least five (5) years were at a supervisory command

1 level equivalent to Captain or higher, and five (5) years in a senior position
2 equivalent to Battalion Chief or higher; or

3 (2) must have a bachelor's degree in fire science, criminal justice, public
4 administration, or closely related field or discipline, from an accredited
5 institution recognized by the Council for Higher Education Accreditation
6 (CHEA) or its successors, and, have no less than fifteen (15) years of
7 progressive work in fire control, including extinguishment of fires and fire
8 prevention, of which at least five (5) years were at a supervisory command
9 level equivalent to Fire Service Specialist or higher, and three (3) years in a
10 senior position equivalent to Battalion Chief or higher;

11 (c) shall have no felony, domestic or family violence convictions;

12 (d) have no misdemeanor conviction involving moral turpitude;

13 (e) submit to and pass a drug screening test, including, but not limited to,
14 urinalysis testing, unless the appointee is a current employee of the Guam
15 Fire Department;

16 (f) be of good health and good moral character;

17 (g) must submit to and pass a psychological test; and,

18 (h) no person shall be appointed as Fire Chief before a thorough investigation
19 of the appointee's background and moral character is completed, unless
20 the appointee is a current employee of the Guam Fire Department."

21 **Section 4. Effective Date.**

22 The provisions contained herein shall be effective upon the enactment of this Act
23 and shall apply prospectively.

1 **Section 5. Severability.**

2 If any provision of this Act or its application to any person or circumstance is
3 found to be invalid or contrary to law, such invalidity shall not affect other provisions or
4 applications of this Act which can be given effect without the invalid provisions or
5 application, and to this end the provisions of this Act are severable.