

FILE COPY

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

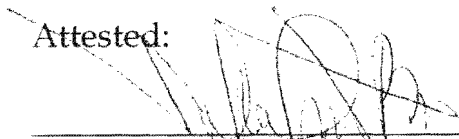
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUĀHAN

This is to certify that Bill No. 433-30 (LS), "AN ACT TO AMEND SECTION 9 AND SECTION 11 OF PUBLIC LAW 30-25, RELATIVE TO THE IMPLEMENTATION DATE OF THE 2009 INTERNATIONAL BUILDING CODE (IBC 09), AND THE ADOPTION OF THE REFERENCED CODES," was on the 2nd day of July, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guāhan* this 2nd day of July, 2010, at 4:30 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guāhan

Date: _____

Public Law No. _____

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

Bill No. 433-30 (LS)

As amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* SECTION 9 AND SECTION 11 OF
PUBLIC LAW 30-25, RELATIVE TO THE
IMPLEMENTATION DATE OF THE 2009
INTERNATIONAL BUILDING CODE (IBC 09), AND
THE ADOPTION OF THE REFERENCED CODES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law. 30-84 established June 30, 2010 as the effective date for the
4 adoption of the 2009 International Building Code (IBC 09) and, *the codes listed in*
5 *Sections 101.4.1 through 101.4.6* [International Fuel Gas Code, International
6 Mechanical Code, International Plumbing Code, International Property

1 Maintenance Code, International Fire Code, International Energy Conservation
2 Code] *and referenced elsewhere in [the IBC 09] to be part of the requirements of*
3 [the IBC 09] *to the prescribed extent of each such reference* cannot be
4 satisfactorily met as was projected by the implementing agencies, the Department
5 of Public Works (DPW) and the Guam Fire Department (GFD).

6 *I Liheslatura* further finds that the requirement to review and adopt
7 specifically, but *not limited to, the codes listed in Sections 101.4.1 through 101.4.6*
8 [International Fuel Gas Code, International Mechanical Code, International
9 Plumbing Code, International Property Maintenance Code, International Fire Code,
10 International Energy Conservation Code] *and referenced elsewhere in [the IBC 09]*
11 *as part of the requirements of [the IBC 09] to the prescribed extent of each such*
12 *reference has not been accomplished as required by Section 3 of Public Law 30-84.*

13 *I Liheslatura* further finds that the procurement and receipt of required
14 reference resources, e.g. Code manuals, are either pending availability of funds or
15 awaiting delivery. Consequently, review of Plans and Designs will be hampered
16 by the lack of the reference materials and related resources.

17 *I Liheslatura*, therefore, intends to postpone for the third time the effective
18 date for the implementation of the IBC 09, in order to allow more time for the
19 implementing agencies to complete necessary preliminary administrative tasks, and
20 to provide another public forum to concerned citizens to voice their views and
21 recommendations.

22 **Section 2.** Section 9 of Public Law 30-25, as amended by Public Law 30-
23 84, is further *amended* to read as follows:

24 **“Section 9. Effective Date.** This Act *shall* be effective on October 1,
25 2010, after which a transitional period *shall* be instituted wherein either the
26 UBC 94 or the IBC 09 standards *shall* be applicable, as designated by the
27 applicant, for a period of *no more than* ninety (90) days for projects

1 submitted during the transition period. Following completion of the
2 transitional period, *only* the IBC 09 *shall* be applicable.”

3 **Section 3.** Section 3 of Public Law 30-84 is hereby *amended* to read as
4 follows:

5 **“Section 11. Adoption of Referenced Codes.** Pursuant to the
6 adoption of the IBC 2009, associated codes referenced in the IBC 2009, and
7 subsequent updates to the IBC 2009, are hereby adopted in whole, or in part,
8 as deemed appropriate for Guam, subject to review and determination by the
9 Director of the Department of Public Works (DPW) specifically, but *not*
10 limited to, the codes listed in Sections 101.4.1 through 101.4.4 and Section
11 101.4.6 [International Fuel Gas Code, International Mechanical Code,
12 International Plumbing Code, International Property Maintenance Code,
13 International Energy Conservation Code] and subject to the review and
14 determination by the Chief of the Guam Fire Department (GFD), of Section
15 101.4.5 [the International Fire Code (IFC)]. This determination *shall* be
16 made *no later than* sixty (60) days after enactment of this Act, and
17 transmitted to *I Liheslatura* for ratification. Additionally, the DPW Director
18 and GFD Chief *shall* publish in a newspaper of general circulation their
19 determination to adopt, in whole or in part, the IBC 2009 and the respective
20 Sections 101.4 through 101.4.6.

21 **Section 4. Public Outreach.** The Director of DPW, in conjunction with
22 the Chief of the Guam Fire Department, *shall* conduct a public forum to provide
23 citizens of this community an opportunity to provide their recommendations and
24 concerns related to the adoption of the IBC 09 and the referenced Codes. The
25 public forum *shall* be conducted within forty-five (45) days after enactment of the
26 law.

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



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

July 01, 2010

MEMORANDUM

To: Speaker Judith T. Won Pat, Ed.D.
From: Senator Thomas C. Ada
Subject: Request for Public Hearing Waiver - Bill No. 433-30 (LS)

Hafa Adai Madam Speaker!

I hereby request for a waiver of the public hearing requirement on the matter of Bill No. 433-30 (LS) – “An act to amend Section 9 and Section 11 of Public Law 30-25 relative to the implementation of the 2009 International Building Code (IBC 09) and the adoption of the referenced codes.”

Bill No. 433-30 (LS) would postpone the implementation of the 2009 IBC to be effective on October 1, 2010. The adoption of the IBC has had sufficient public discussions in the forms of P.L. 30-25 and P.L. 30-84 to satisfy the requirements for public notice. Current mandate stipulates that the 2009 IBC shall be effective on June 30, 2010. The legislative findings of Bill No. 433-30 (LS) articulate the basis for the postponement.

However, following a recent seminar provided by the International Building Code (IBC) and International Fire Code (IFC), the Department of Public Works (DPW) and the Guam Fire Department (GFD) realize they require additional time to prepare, implement, and enforce the 2009 IBC.

To ensure that we provide this additional time for the agencies to be capable in the implementation of the 2009 IBC, I respectfully request the waiver of the public hearing requirement to allow Bill No. 433-30 (LS) to be moved into the second reading file for discussion.

I look forward to your favorable response.

Si Yu'os ma'åse'!

Thomas C. Ada



OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

July 1, 2010

To: *I Mina' Trenta Na Liheslaturan Guahan*

RE: **Waiver of Public Hearing Request on Bill B433-30(LS)**

After careful evaluation for a request to waive the requirements for a public hearing on bill no. B433-30(COR),

Bill No. Bill No. 433-30 (LS) – - An act to amend Section 9 and Section 11 of P.L. 30-25 relative to the implementation of the 2009 International Building Code (IBC 09) and the adoption of the referenced codes."

I certify that Bill 433-30(LS) meets a condition set forth in 2 GCA §2103(a), and that the requirements for a public hearing on bill no. B433-30 (COR) is accordingly waived.

Senseramente,

A handwritten signature in black ink, appearing to read "Judith T. Won Pat".

Judith T. Won Pat, Ed.D.
Speaker

cc: **Senator Thomas C. Ada**
Clerk of the Legislature