

for

FILE COPY

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

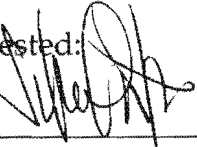
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

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



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

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



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

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

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

Introduced by:

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

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

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

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

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

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2 68:II:II:9 subsequently repealed the DPW Building and Design Fee Account  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

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

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

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

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