

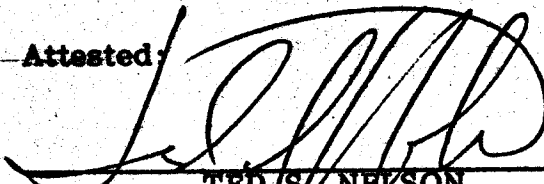
SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

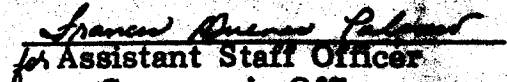
This is to certify that Substitute Bill No. 303, "AN ACT TO REPEAL AND REENACT SECTION 5102 OF THE GOVERNMENT CODE OF GUAM, TO ADD A NEW SECTION 5115 OF THE GOVERNMENT CODE OF GUAM, TO ADD NEW CHAPTERS 72, 73 AND 74 TO TITLE 10, GCA, RELATIVE TO ESTABLISHING A SEPARATE GUAM FIRE DEPARTMENT, TO AMEND SECTIONS 4111.1(a), AND 800 OF THE GOVERNMENT CODE OF GUAM, TO ADD A NEW SUBSECTION (M) TO SECTION 5.55 OF CHAPTER 5, 8 GCA, TO ADD NEW SECTIONS 6221 AND 6222 TO CHAPTER 6, 4 GCA, AND TO AMEND SUBSECTION B(1) OF SECTION 6206, 4 GCA, AND FOR OTHER PURPOSES," was on the 1st day of December 1984, duly and regularly passed.


CARL T. C. GUTIERREZ
Speaker

Attested:


TED S. NELSON
Senator and Acting Legislative Secretary

This Act was received by the Governor this 5th day of December 1984, at 3:45 o'clock P.M.


for Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

Date: December 12, 1984, 3:55 pm

Public Law No. 17-78

SEVENTEENTH GUAM LEGISLATURE
1984 (SECOND) Regular Session

Bill No. 303
Substitute Bill by Committee on
Federal, Foreign and Legal Affairs

Introduced by:

T. S. Nelson
E. D. Ramsey

AN ACT TO REPEAL AND REENACT SECTION 5102 OF THE GOVERNMENT CODE OF GUAM, TO ADD A NEW SECTION 5115 OF THE GOVERNMENT CODE OF GUAM, TO ADD NEW CHAPTERS 72, 73, AND 74 TO TITLE 10, GCA, RELATIVE TO ESTABLISHING A SEPARATE GUAM FIRE DEPARTMENT, TO AMEND SECTIONS 4111.1(a), AND 800 OF THE GOVERNMENT CODE OF GUAM, TO ADD A NEW SUBSECTION (M) TO SECTION 5.55 OF CHAPTER 5, 8 GCA, TO ADD NEW SECTIONS 6221 AND 6222 TO CHAPTER 6, 4 GCA, AND TO AMEND SUBSECTION B(1) OF SECTION 6206, 4 GCA, AND FOR OTHER PURPOSES.

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

2 Section 1. Section 5102 of the Government Code of Guam is repealed
3 and reenacted to read as follows:

4 "Section 5102. Guam Police Department. There is within the
5 Executive Branch of the Government of Guam the 'Guam Police
6 Department', the head of which is the Chief of Police of the
7 Department. The Chief of Police of the Guam Police Department is
8 appointed by the Governor with the advice and consent of the
9 Legislature."

10 Section 2. A new Section 5115 is added to the Government Code of
11 Guam to read:

12 "Section 5115. There is within the Executive Branch of the
13 Government of Guam a 'Guam Fire Department.' The Fire Chief is the
14 head of the Department. The Fire Chief is appointed by the Governor
15 with the advice and consent of the Legislature. The Fire Chief shall
16 meet the following qualifications:

1 (a) Must have a bachelor's degree in Fire Science and
2 (b) have at least ten (10) years of experience in fire control
3 including control and extinguishment of fires and fire preventions, of
4 which five (5) years must be in a supervisory position therein."

5 Section 3. A new Chapter 72 is added to Title 10, Guam Code
6 Annotated, to read:

7 "CHAPTER 72

8 Guam Fire Department

9 Section 72101. The Guam Fire Department shall have the power
10 and duty to control and extinguish injurious or dangerous fires and to
11 remove that which is liable to cause such fires, and to enforce all laws
12 relating to the preventing or spreading of fires and all laws pertaining
13 to fire control and fire hazards within the territory.

14 Section 72102. The Officer of the Fire Department in charge at
15 the scene of any fire shall have full power and authority to direct the
16 operation of extinguishing the same and to take the necessary
17 precautions to prevent the spread thereof. In the course of such
18 operations he may prohibit approach to such fire by any person,
19 vehicle, vessel or thing and may remove or cause to be removed and
20 kept away from such fire any vehicle, vessel or thing and all persons
21 not actually and usefully employed, in the judgment of said officer, in
22 the extinguishing of such fire or the preservation of property in the
23 vicinity thereof.

24 Section 72103. Any person who shall in any way obstruct the
25 operations of the Fire Department in connection with any such fire or
26 who shall disobey any lawful command of the officer of the Fire
27 Department in charge at the scene of such fire, or of the police in
28 cooperating with them, shall be guilty of a misdemeanor.

29 Section 72104. Nothing in the Chapter shall be construed to limit
30 the authority of the master or officers of any vessel on fire or in
31 danger from fire, subject to the general authority granted herein of
32 the Fire Department, to control the operations in protection of the
33 public interest.

1 Section 72105. The Fire Department shall have the power and the
2 responsibility of maintaining an emergency medical and rescue services
3 system. The Department shall employ emergency medical services
4 personnel who have been certified to provide such services under the
5 provisions of Chapter 84, 10 GCA. The Fire Department shall maintain
6 and operate equipment necessary to convey on land and sea an
7 individual who is acutely ill, injured, incapacitated or helpless and
8 requires emergency care. The Fire Department personnel shall provide
9 emergency medical assistance on the scene and enroute to designated
10 emergency medical services facilities to the full extent of their
11 certification by the Emergency Medical Services Commission.*

12 Section 4. A new Chapter 73 is added to Title 10, Guam Code
13 Annotated, to read:

14 *CHAPTER 73

15 Fire Prevention

16 Section 73101. Theaters: Prohibition. No manager or other
17 person shall use, or assist in, or countenance the use of, any theater,
18 hall or other building for theatrical purposes, or for public
19 entertainment of any kind where stage scenery and apparatus are
20 employed, without a certificate in writing by the Fire Chief to the
21 effect that the provisions of all existing regulations for the prevention
22 of fires have been complied with to his satisfaction.

23 Section 73102. Same: fire equipment. Every manager or other
24 person using any such building shall keep and maintain in good
25 condition therein such fire fighting equipment as the Fire Chief, by
26 regulation, shall prescribe.

27 Section 73103. Same: freedom from obstruction. Every manager
28 or other person using any such building shall, at all times during
29 performances, or when such building is open to the public, keep every
30 aisle, passageway, exit, entrance, and stairway open and clear of
31 temporary seats or other obstructions and all doors and gates in or of
32 every such aisle, passageway, exit, entrance and stairway, unlocked
33 and fastened so that they will open freely, and no person shall stand

1 or remain in any such aisle, passageway, exit, entrance, or stairway
2 during performances, or while such building is open.

3 Section 73104. Same: admission of Fire Department. Every
4 manager or person using any such building shall at all times freely
5 admit a detail from the Guam Fire Department in every building used
6 as a theater or place of public amusement, whenever the same shall be
7 necessary in the discretion of the Fire Chief for the purposes of
8 assisting in case of fire or in enforcing the provisions of this Chapter.

9 Section 73105. Fire equipment: woodworking establishments.
10 Sawmills, carpenter shops and other places where wood is sawed,
11 planed or worked in such manner as to cause accumulations of sawdust
12 or shavings, shall maintain in good condition therein such fire fighting
13 equipment as the Fire Chief, by regulation, shall prescribe.

14 Section 73106. Woodworking establishments: fire prevention.
15 Before a sawmill or woodworking shop is closed for the day, the floors
16 and machinery of the same shall be swept clean of accumulations of
17 wood, dust and shavings, which shall be placed outside the building in
18 trash cans or in a place approved by the Fire Chief for storage of
19 such materials.

20 No furnace or anvil shall be used or placed nearer than
21 twenty-five (25) feet from any saw, plane, or woodworking machine.

22 Lumber shall be stored so as not to constitute a fire hazard.

23 The Fire Chief or his agents may inspect any sawmill or
24 woodworking shop at any time.

25 Section 73107. Fire equipment: garages. Every space
26 maintained as a garage for taxis or for commercial repairing, cleaning,
27 upkeep, or storage of automobiles, trucks or gasoline engines, shall
28 maintain in good condition therein such fire fighting equipment as the
29 Fire Chief, by regulation, shall prescribe.

30 Section 73108. Prohibition. It shall be unlawful for any person
31 to remove the gasoline tank cover of any vehicle in the vicinity of a
32 gasoline pump, while the motor of such vehicle is running.

1 Section 73109. Fire hydrant inspection. The Fire Chief shall
2 have all fire hydrants inspected quarterly to see that they are
3 maintained in good working order.

4 Section 73110. Penalty. Violation of any provision of this
5 Chapter is a misdemeanor.

6 Section 73111. Fire Prevention Code. Inspection of premises and
7 areas authorized by this Chapter shall be in accordance with the Fire
8 Prevention Code issued by the American Insurance Association.
9 Standards and requirements for fire prevention as set out in said Fire
10 Prevention Code shall apply in Guam in the absence of specific
11 provisions of this Chapter."

12 Section 5. A new Chapter 74 is added to Title 10, Guam Code
13 Annotated, to read:

14 "CHAPTER 74

15 Combustibles

16 Section 74101. Storage. Gasoline or kerosene for private
17 consumption or sale may be kept on the premises or private property
18 only under the conditions prescribed by this Chapter and Titles XVIII,
19 XIX and XXXII of the Government Code.

20 Section 74102. Same: containers. Standard metal containers of
21 five (5) gallon capacity or galvanized iron drums, fifty (50) gallon
22 capacity only, are to be used as containers when the quantity kept is
23 fifty (50) gallons or less.

24 When five (5) gallon containers are used the screw cap must
25 always be in place except when drawing liquid.

26 When drums are used the drums must be grounded to wet earth,
27 a water pipe, or some similar substance to prevent explosion by
28 frictional sparks when drawing liquid from container through spigot or
29 faucet. A spigot or faucet shall be used on all drums used in this
30 connection and they shall be tightly affixed and not leak.

31 Section 74103. Same: underground. Storage of quantities
32 exceeding fifty (50) gallons but not more than five hundred (500)
33 gallons must be by underground tank under the following conditions:

1 (a) Outside any commercial, public or private building, the tank
2 must be covered with not less than two (2) feet of earth and equipped
3 with a standard pump, a filling box with a sealed and locked cap to
4 tank filling pipe, and a one and one-quarter (1½) inch vent pipe from
5 the opposite end of the tank from the filling box. The vent pipe will
6 extend not less than five (5) feet above any adjoining building, and
7 be capped with a tee head and inverted elbows sealed with No. 16
8 mesh copper screening as a flame arrester.

9 (b) Inside commercial or public buildings, commercial garages,
10 etc., the above specifications will apply with the exception that the
11 tank must be covered with at least one (1) foot of stone concrete, and
12 the filling box and cap to filling pipe must be located at least two (2)
13 feet outside the building.

14 Section 74104. Penalty. Violation of any provision of this
15 Chapter is a misdemeanor."

16 Section 6. All references to the Department of Public Safety, the
17 Director of Public Safety or the Director of Public Works in Chapter 58, 10
18 GCA shall be construed to mean the Fire Department or the Fire Chief, as
19 appropriate.

20 Section 7. Section 4111.1(a) of the Government Code (4 GCA
21 §6219(a)) is amended to read:

22 "(a) Notwithstanding any other law, rule, regulation, or order
23 to the contrary, all firemen within the Fire Department, except the
24 Fire Chief and the Deputy Fire Chief, shall be compensated at the
25 regular hourly rate of pay being paid them on September 1, 1974, for
26 up to ninety (90) hours worked during any pay period, and shall be
27 compensated at one and one-half (1½) times said regular hourly rate
28 for hours worked in excess of one hundred twenty (120) hours per
29 pay period. The Civil Service Commission shall adjust the pay
30 schedule for firemen to that schedule which pays, based on a standard
31 pay period of ninety (90) hours, the hourly amount nearest to the
32 hourly amount being paid firemen on September 1, 1974."

33 Section 8. Section 8000 of the Government Code is amended to read:

1 **"Section 8000. Definitions. Unless otherwise provided, every**
2 **reference in any law, order or regulation to the Commissioner or**
3 **Director of Public Safety, or Chief of Police shall be construed to mean**
4 **the Chief of Police of the Guam Police Department."**

5 **Section 9. A new Subsection (m) is added to Section 5.55 of Chapter**
6 **5, 8 GCA to read:**

7 **"(m) Fire personnel when engaged in the enforcement of the Fire**
8 **Prevention Code and designated by the Fire Chief."**

9 **Section 10. Guam Fire Department; Transition. On the first day of**
10 **the month following the effective date of this Act, all personnel serving in**
11 **the Fire Division of the Department of Public Safety shall be transferred to**
12 **the Guam Fire Department without loss of seniority, personnel status or**
13 **benefits accruing to them at that time. On the first day of the month**
14 **following the effective date of this Act, all records, files, supplies, and**
15 **equipment under the control of the Fire Division of the Department of**
16 **Public Safety shall be transferred to the Guam Fire Department. If any**
17 **real property is used by the Department of Public Safety which is used by**
18 **the Fire Division, the Attorney General shall prepare the necessary**
19 **documents and take action to effect the property transfer to the Guam Fire**
20 **Department and report any such actions to the Legislature.**

21 **The following real property, including any structures, shall be placed**
22 **under the control of the Fire Department.**

- 23 1. Agat Fire Station
- 24 2. Barrigada Fire Station
- 25 3. Dededo Fire Station
- 26 4. Tamuning Fire Station
- 27 5. Inarajan Fire Station
- 28 6. Piti Fire Station
- 29 7. Sinajana Fire Station
- 30 8. Umatac Fire Station
- 31 9. Yigo Fire Station
- 32 10. Yona Fire Station

33 **Section 11. Subsection B(1) of Section 6206, 4 GCA, is amended to**
34 **read:**

	*Directors	
1		
2	Director of Administration	\$36,000
3	Director of Agriculture	34,000
4	Director of Commerce	34,000
5	Director of Corrections	34,000
6	Director of Education	36,000
7	Director of Labor	34,000
8	Director of Land Management	34,000
9	Director of Public Health and Social Services	36,000
10	Chief of Police	36,000
11	Director of Public Works	36,000
12	Director of Revenue & Taxation	36,000
13	Director of the Bureau of Budget &	
14	Management Research	36,000
15	Director of the Bureau of Planning	34,000
16	Director of Civil Service Commission	34,000
17	Director of Civil Defense Office	34,000
18	Director of Guam Environmental	
19	Protection Agency	34,000
20	Director of Parks & Recreation	34,000
21	Director of Vocational Rehabilitation	34,000
22	Director of Youth Affairs	34,000
23	Director of Department of Mental Health	
24	and Substance Abuse	34,000
25	Territorial Librarian	34,000
26	Director of the Guam Council on the	
27	Arts and Humanities	34,000
28	Chief Officer of the Public Utility Agency	36,000
29	Fire Chief	36,000
30	Director of Agency for Human Resources	
31	Development	34,000*
32	Section 12. The sum of Sixty Thousand Dollars (\$60,000) is	
33	appropriated from the General Fund to the Legislature Operations Fund for	

1 the Minority Office to supplement the allocation of Seven Hundred Thousand
2 Dollars (\$700,000) made by Section 1 of Public Law 17-37.

3 Section 13. Notwithstanding any other provisions of law to the
4 contrary, the Guam Legislature is authorized to retain the unexpended
5 balance of Seventy-six Thousand One Hundred Fifty-five Dollars and
6 Eighty-three Cents (\$76,155.83) from the appropriation made by Section 6
7 of Public Law 17-2 for the payment of accrued annual leave of the
8 Seventeenth Guam Legislature and for other purposes.

9 Section 14. The sum of Four Hundred Thirty-Five Thousand Three
10 Hundred Five Dollars and Thirty-two Cents (\$435,305.32) is appropriated
11 from the General Fund to the Legislature Operations Fund for the payment
12 of accrued annual leave of the Seventeenth Guam Legislature and for other
13 purposes.

14 Section 15. There is appropriated from the General Fund to the
15 Legislature Operations Fund the sum of Three Hundred Thousand Dollars
16 (\$300,000) of which One Hundred Thousand Dollars (\$100,000) shall be
17 allotted to the Minority Offices to provide for the operation expenses of the
18 Eighteenth Guam Legislature. The appropriation made by this section is an
19 interim appropriation. The appropriation made by this section may be used
20 to meet obligations incurred by the Seventeenth Guam Legislature for the
21 Eighteenth Guam Legislature.

22 Section 16. The sum of Ten Thousand Dollars (\$10,000) is
23 appropriated from the General Fund to the Legislature Operations Fund for
24 the purpose of conducting the inauguration of the Eighteenth Guam
25 Legislature. The Chairperson of the Committee on Rules of the Seventeenth
26 Guam Legislature may authorize expenditure of funds from this
27 appropriation prior to January 7, 1985.

28 Section 17. The sum of Sixty-five Thousand One Hundred Fifty
29 Dollars and Ninety-seven Cents (\$65,150.97) is appropriated from the
30 General Fund to the Legislature Operations Fund for the reimbursement of
31 expenses of state funerals.

32 Section 18. Effective Date. The provisions of Sections 1 through 11
33 of this Act shall take effect Ninety (90) days following enactment.