



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE SPEAKER	
Date:	Oct. 10, 1995
Time:	9:30am
Received By:	J. Roberts
Signature:	J. Roberts

OCT 05 1995

The Honorable Ted S. Nelson
Acting Speaker
Twenty-Third Guam Legislature
424 West O'Brien Drive
Julale Center - Suite 222
Agana, Guam 96910

Via: Office of Speaker Don Parkinson

Dear Speaker Nelson:

Enclosed please find a copy of Substitute Bill No. 270 (LS), "AN ACT TO AMEND §3105 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF", which I have signed into law today as **Public Law No. 23-43**.

This public law will assist the Executive Branch in attracting good candidates to the position of Fire Chief.

Very truly yours,

Carl T. C. Gutierrez

Attachment
230661

Office of VICE-SPEAKER TED S. NELSON Rec'd by	
ISAABELLE URI	Jr
Print Name	Initial
Date: 10-10-95	Time: 10:15 am

J. C. [Signature] 10/10/95 1330 hrs
Acting legislative secretary

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 270 (LS), "AN ACT TO AMEND §3105 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF," was on the 29th day of September, 1995, duly and regularly passed.



DON PARKINSON
Speaker

Attested:




JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 3rd day of October,
1995, at 9:10 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-5-95

Public Law No. 23-43

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 270 (LS)
As substituted by the Author.

Introduced by:

M. C. Charfauros
L. Leon Guerrero
J. Won Pat-Borja
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. S. Brown
F. P. Camacho
H. A. Cristobal
M. Forbes
A. C. Lamorena
C. Leon Guerrero
T. S. Nelson
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
A. R. Unpingco

AN ACT TO AMEND §3105 OF TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO THE QUALIFICATIONS
OF THE FIRE CHIEF.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative findings.** The Legislature finds that the
3 educational requirements for the position of Fire Chief of Guam are
4 unreasonable due to the scarce availability of individuals who meet such a

1 requirement. The Legislature finds that there are no known individuals on
2 Guam who possess a degree in Fire Science. In addition, the Legislature finds
3 that only a few institutions offer a bachelor's degree in Fire Science. The
4 intent of this Legislature is to effectively adjust the educational qualifications
5 and the experience requirements of the Fire Chief position while maintaining
6 the overall quality of such a position.

7 **Section 2. §3105 of Title 5, Guam Code Annotated, is hereby amended**
8 **to read:**

9 "§3105. **Guam Fire Department.** There is within the Executive Branch
10 of the government of Guam a *Guam Fire Department*. The Fire Chief is the
11 head of the Department. The Fire Chief is appointed by the Governor with
12 the advice and consent of the Legislature. The Fire Chief shall meet the
13 following qualifications:

- 14 (a) (1) Must have a bachelor's degree in Fire Science or
15 Public Administration or closely related field or
16 discipline at an accredited institution; and
17 (2) Have at least ten years of experience in fire control
18 including control and extinguishment of fires and fire
19 prevention, of which two years must be served in a
20 position equivalent to Battalion Chief or higher; or
21 (b) (1) Must have an associate's degree in Fire Science or
22 closely related field or discipline at an accredited
23 institution; and
24 (2) Have at least 15 years experience in fire control,
25 including control and extinguishment of fires and fire
26 prevention, of which four years must be served in a
27 position equivalent to Battalion Chief or higher.

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

6

Date: 9/29/95

VOTING SHEET

Bill No. 270

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth		✓		
BLAZ, Anthony C.	✓			
BROWN, Joanne S.		✓		
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL 19 2 0 0

PC 23-83 ✓

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

August 11, 1995

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 270**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 270, As substituted by the author** - "AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF."

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>2</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Attachments


MARK C. CHARFAUROS

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

July 7, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 270** - "AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original Bill 270; Bill 270 As substituted by the author;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

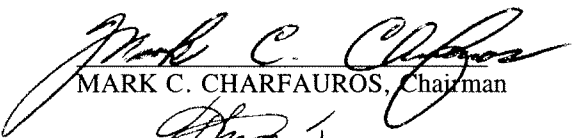


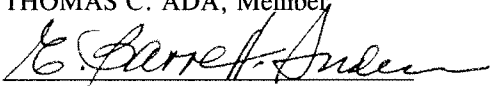


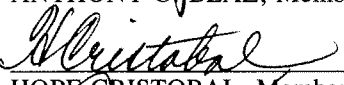
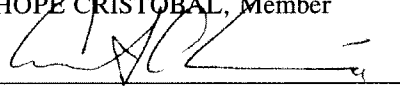
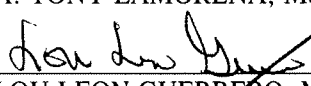
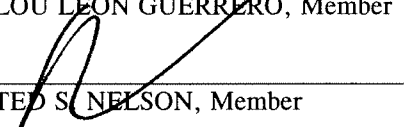
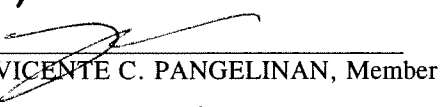
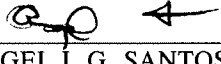

Your attention and cooperation in this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments.

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 270- "AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT-BORJA, Vice Chairperson	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	—	✓	—	—
 JOANNE BROWN, Member	—	✓	—	—
 ANTHONY C. BLAZ, Member	✓	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
 A. TONY LAMORENA, Member	✓	—	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 TED S. NELSON, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
 DON PARKINSON, Ex-Officio Member	✓	—	—	—

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 270

As substituted by the author

"AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF."

JUNE 30, 1995

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on June 30, 1995 at 1:30 p.m. at the Legislative Public Hearing Room. Public notice was announced on the June 28, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Elizabeth Barrett-Anderson

Appearing before the Committee to testify on the bill was:

Mr. Gil Reyes, Acting Chief, Guam Fire Department, oral, written.
Mr. Thomas Tedtaotao, Captain, Guam Fire Department, oral.

II. SUMMARY OF TESTIMONY

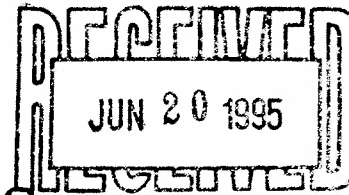
Mr. Gil Reyes, Acting Chief, Guam Fire Department, testified in support of Bill 270. He stated that it is necessary to amend the current law regarding the qualifications of the Fire Chief because there are no known individuals on Guam who meet the current requirements; written; **attached**.

Mr. Thomas Tedtaotao, Captain, Guam Fire Department, testified against Bill 270 as currently written. He stated that subsections c and d should be eliminated, stating that the Chief should be required to have a bachelor's degree. He further stated that the education requirements of the Fire Chief should not be decreased because such a position involves specific administrative and management skills. In responding to such concerns, the author and Chairman of the Committee stated that limiting the position to individuals with a bachelor's degree would seriously restrict the pool of qualified candidates, especially within the Department. Mr. Tedtaotao maintained his position that the Chief should have a bachelor's degree.

III. FINDING AND RECOMMENDATION

The Committee finds that Bill 270 is essential because of the unrealistic requirements of the current law. Under the current statute, candidates for the position of Fire Chief must possess a bachelor's degree in Fire Science, a degree that places an unreasonable burden on the candidate because it is only offered by a few institutions. The Committee finds that bill 270 effectively modifies the educational qualifications while simultaneously adjusting specific experience requirements in order to generate a realistic pool of candidates upon which the appointor may draw. The Committee further finds that the adjustment of such requirements will not result in any depreciation of the quality of candidates for the position of Fire Chief.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 270**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 270, As substituted by the author** "AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF."



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

June 19, 1995

MEMORANDUM

TO: Chairman, Committee on Judiciary, Criminal Justice
and Environmental Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 270

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.




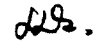

SONNY LUJAN ORSINI

Attachment:

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 270

Introduced by:

M.C. Charfauros 
L. Leon Guerrero 
J.W.P. Borja 

AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.

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

2 SECTION 1. §3105 of Title 5, Guam Code Annotated is hereby amended to read:

3 “§3105. **Guam Fire Department.** There is within the Executive Branch of the government
4 of Guam a *Guam Fire Department*. The Fire Chief is the head of the Department. The Fire Chief is
5 appointed by the Governor with the advice and consent of the Legislature. The Fire Chief shall meet
6 the following qualifications:

7 (a) Must have a bachelor's degree in Fire Science, or Public Administration or closely related
8 field or discipline at an accredited institution; and

9 (b) Have at least ten years of experience in fire control including control and extinguishment
10 of fires and fire prevention, of which two years must be served in a position equivalent to Battalion
11 Chief or higher [~~five years must be in a supervisory position therein~~]; or

12 (c) Must have an associate's degree in Fire Science or closely related field or discipline at
13 an accredited institution; and

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

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 270

As substituted by the author

Introduced by:

M.C. Charfauros
L. Leon Guerrero
J.W.P. Borja

AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.

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

2 **SECTION 1. Legislative Findings.** The Legislature finds that the educational requirements
3 for the position of Fire Chief of Guam is unreasonable due to the scarce availability of individuals
4 who meet such a requirement. The Legislature finds that there are no known individuals on Guam
5 who possesses a degree in Fire Science. In addition, the Legislature finds that only a few institutions
6 offer a bachelor's degree in Fire Science. The intent of this Legislature is to effectively adjust the
7 educational qualifications and the experience requirements of the Fire Chief position while
8 maintaining the overall quality of such a position.

9 **SECTION 2. §3105 of Title 5, Guam Code Annotated is hereby amended t read:**

10 **“§3105. Guam Fire Department.** There is within the Executive Branch of the government
11 of Guam a *Guam Fire Department*. The Fire Chief is the head of the Department. The Fire Chief is
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18 Chief or higher ~~{five years must be in a supervisory position therein};~~ or

19 (c) Must have an associate's degree in Fire Science or closely related field or discipline at

1 an accredited institution; and

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



GUAM FIRE DEPARTMENT

287 West O'Brien Drive
Pedro's Plaza
Agana, Guam 96910

TESTIMONY

BILL NO. 270

AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.

Good afternoon Mr. Chairman and members of the Committee on Judiciary, Criminal Justice and Environmental Affairs, Twenty-Third Guam Legislature. My name is Gil P. Reyes and I am presently the Acting Fire Chief for the Guam Fire Department.

First of all, I would like to thank all of you for affording me the opportunity to comment on Bill No. 270 AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.

Mr. Chairman and members of this Committee, the Guam Fire Department fully endorses Bill No. 270. Since the retirement of Fire Chief Frank C. Lizama in October 1991, the Guam Fire Department had been without a duly appointed and confirmed Fire Chief. During the past three and a half years the department has had three (3) fire personnel appointed as Acting Fire Chiefs. This practice definitely did not provide the consistency and continuity needed to achieve the department's goals, objectives and mission. What this practice provided was three individuals with different philosophies, thoughts and ideas resulting in the constant change in policies, procedures and goals and objectives. This created confusion and chaos with the ultimate result of low morale amongst employees of the department.

Though any of these three (3) individuals would be an ideal Fire Chief, none of them met the qualification standards as set forth by 5 GCA 3105 relative to the educational requirements of a Bachelor's Degree in the field of Fire Science. As a result of this particular requirement, the island lacked qualified candidates because no educational institution on island offered a Bachelors degree program in the field of Fire Science or Administration.

Not only will the passage of Bill 270 in its present form allow for a sufficient number of qualified individuals for the position of Fire Chief, but will keep intact certain criteria that are required and needed to effectively and efficiently manage a Fire Department.

Mr. Chairman and Committee members, it is our request and desire that this bill be passed

expeditiously so that our department be managed by a qualified, appointed and duly confirmed Fire Chief, which I assure you will result in an effective and efficient department.

Once again, thank you for allowing the Guam Fire Department to present its testimony on Bill 270.



G.P. REYES
Acting Fire Chief
Guam Fire Department



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR, Post Office Box 2960, Agaña, Guam 96910

CARL T.G. GUTIERREZ
GOVERNOR

MADELEINE Z. BORDALLO
I.T. GOVERNOR

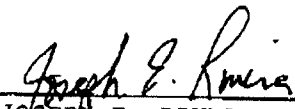
JUN 21 1995

JOSEPH E. RIVERA
DIRECTOR

FRANCES J. BALAJADI
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 270 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill No. 270 is administrative in nature and does not pose an impact on the General Fund of the Government of Guam. The intent of the bill is to amend §3105 of Title 5, Guam Code Annotated relative to the qualifications of the Fire Chief of the Guam Fire Department.



JOSEPH E. RIVERA
Acting

Notice of Confirmation/Public Hearing

Senator Mark C. Charfauros

Chairman
Committee on Judiciary, Criminal Justice and Environmental
Affairs
Twenty-Third Guam Legislature

9:30 a.m.

Confirmation Hearing

Nominee for Judge of the Superior Court of Guam:

Attorney Joaquin V.E. Manibusan

Nominee for the Board of Directors, Guam Environmental Protection
Agency:

Ms. Miriam Gallet

Public Hearing

**Bill No. 270: AN ACT TO AMEND SECTION 3105, OF TITLE 5
GCA, RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.**

Notice of Joint Public Hearing

Committee on Judiciary, Criminal Justice and Environmental
Affairs, Senator M.C. Charfauros, Chairman
and
Committee on General Governmental Operations and Micronesian
Affairs, Vice-Speaker T.S. Nelson, Chairman
Twenty-Third Guam Legislature

1:30 p.m.

**Bill No. 280: AN ACT TO REPEAL AND
REENACT THE SOLID WASTE
MANAGEMENT AND LITTER CONTROL
ACT, 10 GCA, CHAPTER 51.**

Date: Friday, June 30, 1995

Time: 9:30 a.m.

Place: Public Hearing Room

Guam Legislature

155 Hesler St. Agana

The Public is invited to attend

Introduced

TWENTY-THIRD GUAM LEGISLATURE

JUN 06 1995

1995 (FIRST) REGULAR SESSION

Bill No. 270 (LS)

Introduced by:

M.C. Charfauros *MC*
L. Leon Guerrero *LLG.*
J.W.P. Borja *B*

AN ACT TO AMEND SECTION 3105, OF TITLE 5 GUAM CODE ANNOTATED,
RELATIVE TO THE QUALIFICATIONS OF THE FIRE CHIEF.

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