

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) REGULAR SESSION

2009 OCT -6 AM 11:17 AM

Bill No. 244-30(COR)

Introduced by:

J.V. Espaldon
T.C. Ada
A.B. Palacios

AN ACT TO REENACT SECTION 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; AND MAKING AN APPROPRIATION FOR FY2010.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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 P.L. 28-68:II:II:9 subsequently repealed the DPW Building and Design Fee Account special fund in an attempt to use unreserved fund balances for government operations.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

I Liheslaturan Guåhan recognizes Guam will be experiencing a twenty (20) year growth in its population and associated needs within a five (5) year span and the Government of Guam, through the Department of Public Works, will need to prepare and plan for this impending growth. The Department of Public Works assesses up to two (2) fees for each construction activity: 1) a building permit fee; and 2) a plan checking fee. Building permit fees collected by DPW are directed to the Guam Preservation Trust to support its mission, and it is the intent of *I Liheslatura* that this policy continues. However, *I Liheslatura* has been informed the plan checking fees are remitted to

1 the General Fund for use in general government operations. Therefore, *I Liheslaturan Guåhan* finds
2 that it is essential that the DPW Building and Design Fee Account special fund be reenacted. By
3 providing this specific revenue stream, the Department of Public Works will have access to needed
4 financial resources to support its role in ensuring public safety through the strengthening of its
5 building permits and inspection section.

6 **Section 2. Re-enact subsection (c) of §66409 of Chapter 66 of Title 21, Guam Code**
7 **Annotated.** Section 66409(c) of Chapter 66 of Title 21, Guam Code Annotated is re-enacted to
8 read:

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

26 **Section 3. Transfer of Funds.** Upon enactment into law of this Act, the Director of
27 Administration shall transfer all funds previously received by the General Fund from the fees
28 assessed for the plan checking review into the DPW Building and Design Fee Account fund.

29 **Section 4. Appropriation.** The sum of Three Hundred Thousand Dollars (\$300,000.00)
30 is appropriated from the DPW Building and Design Fee Account fund to the Department of
31 Public Works for the Fiscal Year 2010 operations of the Department of Public Works’

1 Division of Engineering-Capital Improvement Project Building Permits and Inspection
2 section.

3 **Section 5. Effective Date.** Section 2 of this Act shall be effective upon enactment.