



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

FEB 10 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 261 (COR), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC ENGINEERS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM; AND TO CITE THE ACT AS THE, 'PUBLIC ENGINEER ACT OF 1997", which was vetoed by the Governor and subsequently overridden. This legislation is now designated **Public Law No. 24-119.**

Very truly yours,

Carl T. C. Gutierrez

Attachment 00632

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By [Signature]

Time 3:00pm


Date 2.10.98

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 2/10/98
Time: 2:21pm
Rec'd by: [Signature]
Print Name: Agana Agana

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

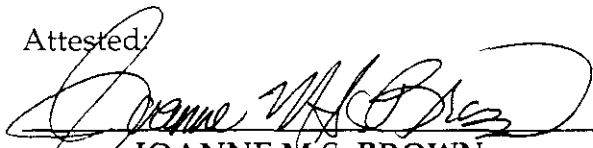
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 261 (COR), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC ENGINEERS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM; AND TO CITE THE ACT AS THE, "PUBLIC ENGINEER ACT OF 1997," returned without approval of the Governor, was reconsidered by the Guam Legislature and after such consideration, did agree, on the 4th day of February, 1998, to pass said bill notwithstanding the veto of the Governor by a vote of twenty-one (21) members.




ANTONIO R. UNPINGCO
Speaker

Attested:

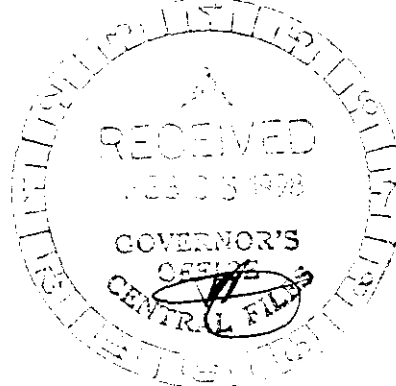


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 5th day of February, 1997, at
4:00 o'clock P.M.



Assistant Staff Officer
Governor's Office



Public Law No. 24-119

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 261 (COR)

As amended on the Floor.

Introduced by:

W. B.S.M. Flores
J. M.S. Brown
T. C. Ada
Felix P. Camacho
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC ENGINEERS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM; AND TO CITE THE ACT AS THE, "PUBLIC ENGINEER ACT OF 1997."

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

2 **Section 1.** The Guam Legislature finds that the government of Guam
3 constructs numerous and massive capital improvements which daily affect the
4 lives and economic well-being of the people of Guam and the surrounding
5 region. These capital improvement projects are an economic catalyst to the
6 economy of the Island, and they are a major source of employment for the
7 citizens of the Island, they improve the quality of life and they are equity and
8 capital for the government.

9 The Guam Legislature further finds that the agencies of the Executive
10 Branch and autonomous government of Guam agencies are often at odds with
11 each other over the timing, jurisdiction and responsibility for these projects, and
12 for the scheduling of these projects. In addition, the Guam Legislature finds that
13 the procurement law designates the Director of Public Works as the Contracting
14 Officer for the procurement of design and construction, however, there is no
15 person or office authorized to control and approve the scheduling of projects. As
16 a result many projects of which schedules should have been coordinated overlap
17 and conflict with each other. For example, power poles are placed in sidewalks,
18 water lines are placed in the middle of newly-paved or recently-paved roadways
19 and facilities are constructed often without service utilities in-place. Thus
20 utilities are often placed "after-the-fact."

21 The Guam Legislature in addition finds that utility agencies often utilize
22 roadway easements for phone lines, power lines, water and sewer lines without
23 regard to the great cost and inconvenience to the public for the maintenance of
24 these roadways. Often, maintenance and repair of these facilities results in
25 irreparable damage to highways and roadways.

1 The Guam Legislature finds that there is not one (1) central office
2 responsible for the coordination of project schedules and the enforcement of
3 standards of agreements among agencies. It further finds that there is not one (1)
4 central office responsible for the coordination of projects among agencies and
5 significant developments, such as major hotel and resort developments, which
6 of themselves impose an immediate and significant impact upon the
7 infrastructure of the Island.

8 **Section 2.** There is hereby added a new Article 10 to Chapter 1 of Title 5 of
9 the Guam Code Annotated to read as follows:

10 **"ARTICLE 10.**

11 **OFFICE OF THE PUBLIC ENGINEER.**

12 **Section 2000. Title.** This Act shall be cited as, "The Public Engineer
13 Act of 1997."

14 **Section 2001. Office of the Public Engineer: Establishment.** There
15 is established within the Bureau of Planning of the Executive Branch, the
16 office of the Public Engineer. The office shall be headed by the 'Public
17 Engineer,' a classified position, recruited and selected within the rules and
18 regulations of the government of Guam. Compensation for the 'Public
19 Engineer' shall be determined by the Civil Service Commission.

20 **Section 2002. Authorization To Hire Personnel.** The Public
21 Engineer is authorized to employ clerical, technical and support staff to
22 assist in carrying out the duties of the office, except that the total annual
23 number of FTE's shall be no greater than three (3), including the Public
24 Engineer.

25 **Section 2003. Duties of the Public Engineer.** The Public Engineer
26 ('PE') will have the responsibility to approve the scheduling of all Capital

1 Improvement Projects authorized or performed by government of Guam
2 departments, divisions or agencies, including autonomous agencies of the
3 Judicial, Legislative and Executive Branches. The PE will have the
4 responsibility to coordinate all construction activities public and private,
5 which affect government of Guam easements or property, and to schedule
6 all work to coincide with the government of Guam infrastructure
7 development projects.

8 The PE will have the responsibility to clear and approve all building
9 permits for any development other than single, single-family residential
10 units, including renovation of such which does not change occupancy,
11 fencing or retaining walls 6' in height or less. The PE's sole responsibility
12 will be to review projects and determine whether or not government
13 infrastructure scheduling will be affected by the project. In the event
14 scheduling is affected, the PE shall have the authority to hold the permit for
15 no less than thirty (30) calendar days while schedules are matched. In the
16 event schedules cannot be matched, the PE shall direct the Building Official
17 to hold a monetary bond from the developers for any subsequent repair to
18 facilities damaged or affected by construction. In the event that a
19 government or private utility agency are the cause for a failure to match
20 schedules, the utility shall guarantee in the form of a monetary bond or
21 purchase order, to the affected utility and the Department of Public Works
22 for the proper and warranted repair to damaged utilities, roadways or
23 appurtenances, including relocation of utilities.

24 **Section 2004. Qualifications of the Public Engineer.** The Public
25 Engineer ('PE') shall be a U.S. Citizen, a resident of Guam, an engineer
26 licensed at the time of application within Guam, having obtained licensure

1 through education in an accredited engineering curriculum within the
2 United States, or other institutions recognized by the National Society of
3 Professional Engineers, passing the Engineer-in-Training or Fundamentals
4 of Engineering Exam and passing the Professional Engineer or Principles
5 and Practices Examination. There shall be no administrative exceptions
6 made to these requirements.

7 At the time of application, the PE shall possess a minimum of fifteen
8 (15) years of experience in the field of infrastructure engineering,
9 development and planning, of which at least five (5) years should consist
10 of the unique background of community infrastructure planning, and of
11 which at least five (5) years should consist of demonstrated experience with
12 public or private utilities doing work along rights-of-ways and easements,
13 and shall have been a registered professional engineer at least fifteen (15)
14 years prior to his or her appointment.

15 The PE should possess substantial experience in managing
16 infrastructure development projects which require project management of
17 various aspects of development, including community fit, development
18 standards, local and Federal permitting, utilities and access development
19 and coordination with utility services major traffic access. The PE will also
20 possess experience with major private development projects which require
21 similar coordination and management of permitting, utility and roadway
22 access. The PE will possess a documented background of such experience,
23 which will be part and parcel of the application for the position of PE.

24 The applicant shall be fluent in either English or Chamorro, both being the
25 official languages of Guam."

26 **Section 3. Appropriation.** The Governor shall within sixty (60) days of

1 enactment of this Act submit an appropriation request to the Guam Legislature
2 to fund the operation of the Public Engineers' Office, with the sole sources of the
3 appropriation being any design, planning, construction or development funds or
4 monies for funded projects, including those projects on-going and less than thirty
5 percent (30%) completed.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 24 1997

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>5:28pm</u>
Date	<u>10.24.97</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 261 (COR), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER I OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC ENGINEERS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM; AND TO CITE THE ACT AS THE, "PUBLIC ENGINEER ACT OF 1997.", which I have vetoed.

Establishing very close coordination of scheduling of all government infrastructure development is very important. Providing for a "public engineer" position is a concept that should be carefully looked into, however, this particular bill does not take into account a number of considerations.

The placement of the public engineer within the Bureau of Planning does not take into account that a "One-Stop" permitting office is already in operation where all permitting takes place. Coordination of projects should take place at the "One-Stop" Center, instead of at the Bureau of Planning. Also, an individual who would act as a public engineer for the purpose of clearing and approving all infrastructure projects must be in close daily contact with agencies having authority and control of the funding of the various projects.

This legislation may cause additional delays to projects, because even if there is a minor failure to "match schedule", the public engineer must delay the project for no less than 30 days. This could unduly increase costs and delay implementation unnecessarily.

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 10/24/97
Time: 1:55
Rec'd by: [Signature]
Print Name: Charlene Manal

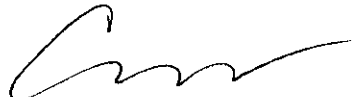
Doc. No. 00516

The legislation does not take into account projects that certain agencies undertake where there no coordination with another local government agency is necessary or even possible, such as may be the occasion in dealing with the Navy.

Some other concepts which may be included in future legislation on this subject would be:

- 1) requiring bonds for enforcement of permitting requirements,
- 2) providing enforcement responsibilities for a public engineer,
- 3) changing the name of the public engineer so that the abbreviation "PE" will not be confused with the professional term "Professional Engineer".

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment


cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00516

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 261 (COR), "AN ACT TO ADD A NEW ARTICLE 10 TO CHAPTER 1 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC ENGINEERS OFFICE WITHIN THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM; AND TO CITE THE ACT AS THE, "PUBLIC ENGINEER ACT OF 1997," was on the 9TH day of October, 1997, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 14th day of October, 1997, at
8:15 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: _____

Public Law No. _____

24-119

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs

Senator Mark Forbes, Chairman



SEP 29 1997

Speaker Antonio R. Unpingco
Twenty-fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 261 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 261** "An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997."

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

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

Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

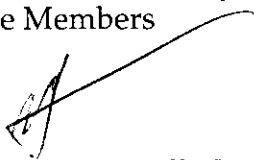
24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



SEP 29 1997

MEMORANDUM

TO: Committee Members

FR: Chairman 

SUBJECT: Committee Report- Bill No. 261 "An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997."

Transmitted herewith for your information and action is the report on Bill No. 261 from the Committee on Rules, Government Reform and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 261
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.




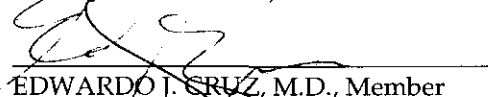
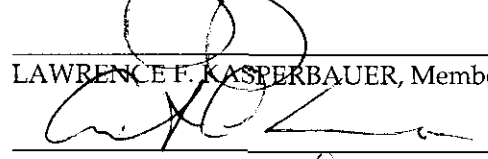
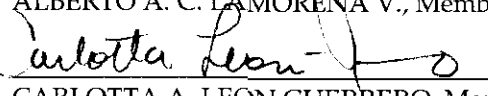
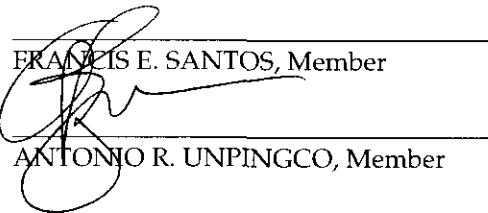
MARK FORBES

Attachments

Committee on Rules, Government Reform and Federal Affairs
Twenty Fourth Guam Legislature

Voting Record

Bill No. 261 "An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
ANTHONY C. BLAZ, Vice-Chairman				
ELIZABETH BARRETT-ANDERSON, Member				
 JOANNE M. S. BROWN, Member	✓			
 FELIX CAMACHO, Member	✓			
 EDUARDO J. CRUZ, M.D., Member	✓			
LAWRENCE F. KASPERBAUER, Member				
 ALBERTO A. C. LAMORENA V., Member	✓			
 CARLOTTA A. LEON GUERRERO, Member	✓			
JOHN C. SALAS, Member				
MARK C. CHARFAUROS, Member				
FRANCIS E. SANTOS, Member				
 ANTONIO R. UNPINGCO, Member	✓			

TWENTY-FOURTH GUAM LEGISLATURE

**COMMITTEE ON RULES,
GOVERNMENT REFORM & FEDERAL AFFAIRS
SENATOR MARK FORBES, CHAIRMAN**

Committee Report

On

Bill No. 261

“An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997.”

I. OVERVIEW

On June 23, 1997 the Committee on Rules, Government Reform and Federal Affairs conducted a public hearing on Bill No. 261 "An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997." The hearing took place at 9:00 A.M. in the Public Hearing Room of the Guam Legislative Building. Public Notice was given through an announcement in the June 19, 1997 issue of the Pacific Daily News.

Senators in attendance were:

- Senator Mark Forbes, Chairman
- Senator Edwardo Cruz, Member
- Senator Mark Charfauros, Member
- Senator Tony Lamorena, Member
- Senator Tom Ada
- Senator Willy Flores
- Senator Lou Leon Guerrero
- Senator Ben Pangelinan

II. SUMMARY OF TESTIMONY

Mr. Norbert Perez signed in to offer oral testimony in favor of Bill No. 261, but was not present at the time the bill was heard. There being no other individuals present to testify on the bill, Senator Willy Flores, the author of Bill 261, explained the intent of the bill.

Senator Flores stated that coordination on most government of Guam capital improvement projects and infrastructure development is lacking. He gave the example of the construction of the Southern High School and how lack of coordination between agencies caused delay and further expenses to arise. Senator Flores gave a further example of new roads and highways being torn up shortly after completion because of the untimeliness of other projects like the installation of utility lines. Senator Flores added that this is no fault of one government agency over another because agencies do not have the authority or responsibility to look into projects in terms of scheduling.

The Committee finds that the Office of the Territorial Engineer would provide the necessary coordination needed on government of Guam capital improvement projects and infrastructure and other major developments. This office will be charged with the responsibility of ensuring that government projects are scheduled in a coordinated and timely manner to avoid costly conflicts. The office will have bestowed upon it the authority of enforcement of standards of agreements among agencies.

The Committee further finds that the intent of Bill No. 261 would ultimately save tax money paid by the people of Guam by eliminating conflicts in project scheduling that often add additional expenditure because of lack of foresight and planning.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 261 was referred, does hereby submit its findings and recommendations to the Twenty-fourth Guam Legislature **TO DO PASS BILL NO. 261** "An act to add a new Article 10 to Title 5, Guam Code Annotated, to establish a Territorial Engineers Office within the Executive of the government of Guam; and to cite the act as the Territorial Engineer Act of 1997."

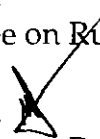
24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



JUN 06 1997

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform and Federal Affairs

FROM: Chairman 
Committee on Rules, Government Reform and Federal Affairs

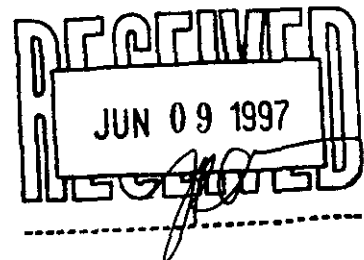
SUBJECT: Referral- Bill No. 261

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 261
 Amendatory Bill YES X NO

Date Received June 17, 1997
 Date Reviewed June 18, 1997

Department/Agency Affected: Department of Public Works
 Department/Agency Head: Mr. Tony Quinata, Acting Director
 Total FY appropriation to Date: \$27,955,635

Bill Title (Preamble): An Act to Add a New Article 10 to Title 5, Guam Code Annotated, to Establish a Territorial Engineers Office within the Executive of the Government of Guam; and to Cite the Act as the Territorial Engineer Act of 1997.

Change in Law: Add a New Article 10 to Title 5, Guam Code Annotated
 Bill's Impact on Present Program Funding:
 ___ Increase ___ Decrease ___ Reallocation X No Change
 Bill is for: X Operations ___ Capital Improvement ___ Other

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
<u>Infrastructure & Utilities</u>	<u>-0-</u>	<u> </u>	<u>-0-</u>

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>see comments</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMOUNT REQUIRED n/a
 AGENCY/PERSON/DATE CONTACTED: Dept. of Public Works / Mr. Sabino Flores, Chief of Engineering, Capital Imprv. Projects / June 24, 1997

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	<u>n/a</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

ANALYST Frank Lizama DATE 6/25/97 DIRECTOR JOSEPH E. RIVERA DATE JUN 27 1997
Acting Director

Footnotes: An estimated figure for the operations of proposed Territorial Engineers' Office cannot be determined at this time. However, if the proposed legislation is approved and becomes law, the department will not be able to fund this office in the department's annual operations budget.