



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

AUG 17 1998

OFFICE OF THE LEGISLATIVE SECRETARY	
ADMINISTRATIVE SERVICES	
Received by:	<i>Antonio</i>
Time:	8:45am
Date:	8/18/98

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuattro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 8/17/98  
Time: 11:15  
Rec'd by: [Signature]  
Print Name: James [Signature]

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 462 (COR), "AN ACT TO AMEND, ADD, REPEAL, RENUMBER, AND TO REPEAL AND REENACT CERTAIN SECTIONS OF CHAPTER 32 OF TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS LAW", which I have signed into law today as **Public Law No. 24-263**.

This legislation updates the current statutes relative to the registration for Professional Engineers, Architects and Land Surveyors. This is consonant with efforts to update Guam's statutes relative to various professionals. This legislation is an effort to effectively protect the public from those who would offer architectural, engineering or land surveying services to the public without a license.

The Chairman of the Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS Board) recommends that the following technical corrections be made to this legislation:

- 1) Page 5, line 18, change "Territorial" to "Guam".
- 2) Page 6, line 20, change "Territorial" to "Guam".
- 3) Page 11, line 4, change "agent" to "employee".
- 4) Page 16, line 18, delete "of".
- 5) Page 21, line 4, change "based" to "base".

00979

- 6) Page 30, line 14, change "unauthorized" to "authorized".
- 7) Page 34, line 2, change "principle" to "principal".
- 8) Page 42, lines 1-2, change "this Territory" to "Guam".

Please make these corrections at the earliest opportunity.

Very truly yours,



Carl T. C. Gutierrez  
I Maga'lahaen Guåhan  
Governor of Guam

00979


Attachment:       copy attached for signed bill  
                          original attached for vetoed bill

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


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

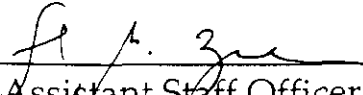
This is to certify that Substitute Bill No. 462 (COR), "AN ACT TO AMEND, ADD, REPEAL, RENUMBER, AND TO REPEAL AND REENACT CERTAIN SECTIONS OF CHAPTER 32 OF TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS LAW," was on the 29<sup>th</sup> day of July, 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 5<sup>th</sup> day of August, 1998,  
at 3:40 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 8-17-98

Public Law No. 24-263

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1997 (FIRST) Regular Session

**Bill No. 462 (COR)**

As substituted by the Committee  
on Power, Foreign Affairs and  
General Government Services, and as  
amended on the Floor.

Introduced by:

Felix P. Camacho  
A. C. Blaz  
W. B.S.M. Flores  
L. F. Kasperbauer  
T. C. Ada  
F. B. Aguon, Jr.  
J. M.S. Brown  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
L. A. 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 AMEND, ADD, REPEAL, RENUMBER,  
AND TO REPEAL AND REENACT CERTAIN  
SECTIONS OF CHAPTER 32 OF TITLE 22 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
PROFESSIONAL ENGINEERS, ARCHITECTS AND  
LAND SURVEYORS LAW.

1           BE IT ENACTED BY THE PEOPLE OF GUAM:

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that the current statutes and rules and regulations governing the Professional  
4 Engineers, Architects and Land Surveyors (“PEALS”) Board need to be updated  
5 and clarified in accordance with the policies of the National Registration Board  
6 and with the suggestions of other PEALS-related professional societies.

7           *I Liheslaturan Guahan* also finds that the practice of engineering,  
8 architecture and land surveying without a license is on the rise in Guam and that  
9 changes in the enforcement of PEALS-related matters are needed to allow the  
10 Board to pursue and penalize non-licensed persons practicing these professions,  
11 and in turn, enable the Board to more effectively protect the public.

12           Furthermore, it is the understanding of *I Liheslaturan Guahan* that the  
13 PEALS Board needs permanent and dedicated staff to carry-out the functions  
14 and mission of the Board. Because existing statutes do not allow the hiring of  
15 permanent staff support, the Board must rely on the availability of staff from the  
16 Department of Public Works and thus lacks flexibility and security needed for  
17 the effectiveness of its operations and activities.

18           Because of problems the Board has experienced and continues to  
19 experience concerning its funds, *I Liheslaturan Guahan* sees the need for the Board  
20 to have full control and authority over its funds. Said problems include  
21 delinquent payments to vendors and to the various National Councils for items  
22 such as examination materials and subscription dues. Not only are such  
23 incidents extremely unprofessional, but are also very embarrassing for both the  
24 PEALS Board and for Guam.

1            *I Liheslaturan Guahan* further finds the need to address the use of seals by  
2 architects, engineers and land surveyors with regards to expertise, the  
3 involvement of different branches of engineering and qualification to seal the  
4 various types of structures.

5            It is the intent of *I Liheslaturan Guahan* to amend, and in some cases delete,  
6 outdated and unclear language contained in the current statutes and rules and  
7 regulations governing the PEALS Board: (1) to more adequately and fully define  
8 the Board's functions and to keep abreast of Board activities and policies with  
9 the Boards of other states and in the professional environment within Guam; (2)  
10 to make the Board more effective in its function of protecting the public from  
11 those persons practicing architecture, engineering or land surveying on Guam  
12 without a license; (3) to give the Board authority to hire at least three (3)  
13 permanent employees, namely: Board Administrator, Administrative Assistant  
14 and Board Investigator to provide adequate staffing for the Board; (4) to give the  
15 Board full authority over its funds for the more expedient processing of vendor  
16 payments, and payments owed for examination materials and annual dues; and  
17 (5) to amend the requirements and guidelines for the issuance of Certificates of  
18 Authorization to qualified firms.

19            **Section 2.** Section 32103(a)(3) of Chapter 32 of Title 22 of the Guam Code  
20 Annotated is hereby *repealed and reenacted* to read as follows:

21            **“(3) Engineer Intern.**            The term, ‘*engineer intern,*’ as used in  
22 this Act, shall mean a person who complies with the requirements for  
23 education, experience and character, and has passed an examination in the  
24 fundamental engineering subjects, as provided in §§32113 and 32115 of  
25 this Act.”

1           **Section 3.** Section 32103(a)(4) of Chapter 32 of Title 22 of the Guam Code  
2 Annotated is hereby *amended* to read as follows:

3           **“(4) Practice of Engineering.**       The term ‘*practice of engineering,*’  
4 as used in this Title, means any service or creative work, the adequate  
5 performance of which requires engineering education, training and  
6 experience in the application of special knowledge of the mathematical,  
7 physical and engineering sciences to such services or creative work as  
8 consultation, investigation, expert technical testimony, evaluation,  
9 planning, design, construction management of engineering works and  
10 systems, planning the use of the land and waters, engineering teaching of  
11 advanced engineering subjects or courses related thereto, engineering  
12 surveys, and the inspection of construction for the purpose of assuring  
13 compliance with drawings and specifications; any of which embraces such  
14 service or work either public or private, in connection with any utilities,  
15 structures, buildings, machines equipment, process, work systems, or  
16 projects and including such architectural work as may be incidental to the  
17 practice of engineering, industrial or consumer products or equipment of  
18 a control systems, communications, mechanical, electrical, hydraulic,  
19 pneumatic or thermal nature, insofar as they involve safeguarding life,  
20 health or property, and including such other professional services as may  
21 be necessary to the planning, progress and completion of any engineering  
22 services.”

23           **Section 4.** Section 32103(b)(2) of Chapter 32 of Title 22 of the Guam Code  
24 Annotated is hereby *amended* to read as follows:

25           **“(2) Practice of Architecture.**       The term ‘*practice of architecture,*’

1        *surveying,*' as used in this Title, means any service work, the adequate  
2        performance of which involves the application of special knowledge of the  
3        principles of mathematics, the related physical and applied sciences, and  
4        the relevant requirements of law for adequate evidence to the act of  
5        measuring and locating lines, angles, elevations, natural and man-made  
6        features in the air, on the surface of the Earth, within the underground  
7        workings, and on the beds of bodies of water for the purposes of  
8        determining areas and volumes, for the monumenting of property  
9        boundaries, and for the platting and layout of lands and subdivisions  
10       thereof, including the topography, alignment and grades of streets, and for  
11       the preparation and perpetuation of maps, record plats, field note records  
12       and property descriptions that represent these surveys, including  
13       construction management-related services, such as new construction  
14       layouts and post construction survey verification of as-built conditions of  
15       horizontal and vertical works."

16       **Section 8.** Section 32103(c)(2) is hereby *added* to Chapter 32 of Title 22 of  
17       the Guam Code Annotated to read as follows:

18                **"(2) Professional Land Surveyor.**        The term, '*Professional Land*  
19        *Surveyor,*' as used in this Title, shall mean a person who has been duly  
20        registered and licensed by the Territorial Board of Registration for  
21        Professional Engineers, Architects and Land Surveyors as a Professional  
22        Land Surveyor."

23       **Section 9.** Section 32103(c)(3) is hereby *added* to Chapter 32 of Title 22 of  
24       the Guam Code Annotated to read as follows:

25                **"(3) Land Surveyor Intern.**        The term, '*Land Surveyor Intern,*'



1 as used in this Title, means a person who has qualified for, taken and  
2 passed the land surveyor intern examinations as provided in this Title.”

3 **Section 10.** Section 32103(e) of Chapter 32 of Title 22 of the Guam Code  
4 Annotated is hereby *repealed*.

5 **Section 11.** Section 32103(h) of Chapter 32 of Title 22 of the Guam Code  
6 Annotated is hereby *renumbered* to §32103(s) of Title 22 of the Guam Code  
7 Annotated.

8 **Section 12.** Section 32103(g) of Chapter 32 of Title 22 of the Guam Code  
9 Annotated is hereby *renumbered* to §32103(h) of Chapter 32 of Title 22 of the  
10 Guam Code Annotated and *amended* to read as follows:

11 “(h) ‘*Certificate of Authorization*’ shall mean those presents issued by  
12 the Guam Board of Registration for Professional Engineers, Architects and  
13 Land Surveyors to a corporation, company, etc.; in the name of that  
14 organization which serves to identify it as having the legal right to offer  
15 engineering, architectural, land surveying or construction management  
16 services.”

17 **Section 13.** Section 32103(d) of Chapter 32 of Title 22 of the Guam Code  
18 Annotated is hereby *renumbered* to §32103(g) of Chapter 32 of Title 22 of the  
19 Guam Code Annotated.

20 **Section 14.** Section 32103(f) of Chapter 32 of Title 22 of the Guam Code  
21 Annotated is hereby *renumbered* to §32103(i) of Chapter 32 of Title 22 of the  
22 Guam Code Annotated and *amended* to read as follows:

23 “(i) ‘*Certificate of Registration*’ shall mean those presents issued by  
24 the Guam Board of Registration for Professional Engineers, Architects and  
25 Land Surveyors to an individual in his own name, which serves to identify

1 those legally entitled to practice engineering, architecture or land  
2 surveying.”

3 **Section 15.** Section 32103(d) is hereby *added* to Chapter 32 of Title 22 of the  
4 Guam Code Annotated to read as follows:

5 “(d) **Approved School.** The term ‘*Approved school,*’ as used in  
6 this Act, shall mean institutions offering curricula leading to first  
7 professional degrees in engineering, architecture, or land surveying and  
8 are accredited by the Accreditation Board for Engineering and Technology,  
9 Inc., or the NCEES Ad Hoc Subcommittee on Foreign Education of the  
10 International Relations Committee, or the National Architectural  
11 Accreditation Board.”

12 **Section 16.** Section 32103(e) is hereby *added* to Chapter 32 of Title 22 of the  
13 Guam Code Annotated to read as follows:

14 “(e) **ARE.** The term ‘*ARE,*’ as used in this Act, shall mean the  
15 Architect Registration Examination provided by the National Council of  
16 Architectural Registration Boards.”

17 **Section 17.** Section 32103(f) is hereby *added* to Chapter 32 of Title 22 of the  
18 Guam Code Annotated to read as follows:

19 “(f) **Association.** The term ‘*Association,*’ as used in this Act,  
20 shall mean the act of a number of persons in uniting together for some  
21 special purpose or business. It is a term of vague meaning used to indicate  
22 a collection or organization of persons who have joined together for a  
23 certain or common object.”

24 **Section 18.** Section 32103(j) is hereby *added* to Chapter 32 of Title 22 of the  
25 Guam Code Annotated to read as follows:

1           “(j) **Construction Management.** The term ‘*construction*  
2           *management*’ as used in this Act, to be performed by licensed and registered  
3           engineers, architects or land surveyors, shall include, but not limited to,  
4           professional services during construction, such as permitting process and  
5           coordination, bid evaluation and contract award, processing of payment  
6           requests and change orders, claims and dispute resolution, review and  
7           approval of submittals and progress schedules, onsite quality assurance  
8           inspections and testing, survey checks, compliance to contract documents,  
9           and contract closeout, including as-built drawings and operation and  
10          maintenance manuals and training.”

11          **Section 19.** Section 32103(k) is hereby *added* to Chapter 32 of Title 22 of the  
12          Guam Code Annotated to read as follows:

13           “(k) **Corporation.** ‘*Corporation,*’ as used in this Act, shall mean  
14           an association of individuals or legal entity created by or under the  
15           authority of the laws of a state or nation, composed, in some rare instances,  
16           or a single person and his successors, being the incumbents of a particular  
17           office, but ordinarily consisting of an association of numerous  
18           individuals.”

19          **Section 20.** Section 32103(l) is hereby *added* to Chapter 32 of Title 22 of the  
20          Guam Code Annotated to read as follows:

21           “(l) **CSCS.** The term ‘*CSCS,*’ as used in this Act, shall mean the  
22           California Special Civil Seismic examination provided by the California  
23           Board of Professional Engineers and Land Surveyors.”

24          **Section 21.** Section 32103(m) is hereby *added* to Chapter 32 of Title 22 of the  
25          Guam Code Annotated to read as follows:

1           “(m) **Partner.**    ‘*Partner*,’ as used in this Act shall mean one who  
2           has united with others to form a partnership or limited liability  
3           partnership in business.”

4           **Section 22.** Section 32103(n) is hereby *added* to Chapter 32 of Title 22 of the  
5           Guam Code Annotated to read as follows:

6           “(n) **Proprietorship.**   ‘*Proprietorship*,’ as used in this Act, shall mean  
7           a form of business owned and controlled exclusively by one (1) person.  
8           Such a business is commonly designated a ‘sole proprietorship.’”

9           **Section 23.** Section 32103(o) is hereby *added* to Chapter 32 of Title 22 of the  
10          Guam Code Annotated to read as follows:

11          “(o) **Registrant or Licensee.**       ‘*Registrant or Licensee*,’ as used in  
12          this Act, shall mean any person holding a current registration as a  
13          Professional Engineer, Registered Architect or Professional Land  
14          Surveyor.”

15          **Section 24.** Section 32103(p) is hereby *added* to Chapter 32 of Title 22 of the  
16          Guam Code Annotated to read as follows:

17          “(p) **Resident Agent.** ‘*Resident Agent*,’ as used in this Act, shall  
18          mean a person residing in Guam designated for service process.”

19          **Section 25.** Section 32103(q) is hereby *added* to Chapter 32 of Title 22 of the  
20          Guam Code Annotated to read as follows:

21          “(q) **Responsible Control.**   The term ‘*Responsible Control*,’ as used  
22          in this Act, shall mean direct control and personal supervision of  
23          engineering, architectural or land surveying projects.”

24          **Section 26.** Section 32103(r) is hereby *added* to Chapter 32 of Title 22 of the  
25          Guam Code Annotated to read as follows:

1           “(r) **Responsible Managing Employee.**        ‘*Responsible Managing*  
2        *Employee,*’ as used in this Act, shall mean a natural person who is licensed  
3        under this Act and who has been designated pursuant to §32123 of this Act  
4        by the firm. The managing agent is responsible for the engineering,  
5        architecture and land surveying work on Guam and/or for projects or  
6        property within this jurisdiction offered or provided by the firm. A  
7        licensee may *not* be designated as a managing employee for more than one  
8        (1) firm.”

9        **Section 27.**        Section 32104 of Chapter 32 of Title 22 of the Guam Code  
10       Annotated is hereby *amended* to read as follows:

11           **“Section 32104. Board Appointments; Terms.**        A Guam Board  
12        of Registration for Professional Engineers, Architects and Land Surveyors  
13        is created whose duty shall be to administer the provisions of this Title.

14           (a)        The Board shall consist of seven (7) members, at least  
15        two (2) being female, to be constituted as follows: the Director of  
16        Public Works, five (5) members who shall be registered under the  
17        provisions of this Title and one (1) member of the general public  
18        who shall not have been registered under the provisions of this Title  
19        or practicing in any of the professions covered by this Title. Except  
20        for the Director of Public Works, a member shall be appointed by *I*  
21        *Maga'lahaen Guahan* for a term of four (4) years. Of the five (5)  
22        registered professional members, two (2) shall be architects, two (2)  
23        shall be professional engineers and one (1) shall be a professional  
24        land surveyor.

25           (b)        The Chairman, Vice-Chairman and Secretary/Treasurer

1 shall be elected annually by majority vote of the Board members at  
2 the first regular meeting of the Board after January 1.

3 (c) Each member of the Board shall receive a notice of his  
4 appointment from *I Maga'lahaen Guahan* and shall take an oath for the  
5 faithful discharge of his duties. Appointments to the Board shall be  
6 in such manner so that the term of each member shall expire at a  
7 different time. On the expiration of the term of any member, *I*  
8 *Maga'lahaen Guahan* shall appoint a successor. A member may be  
9 reappointed to succeed himself, but not for more than two (2)  
10 consecutive terms.

11 Each member may hold office until the expiration of the term  
12 for which appointed or until his successor has been duly appointed  
13 and qualified.

14 (d) In the event of a vacancy on the Board for reason  
15 resulting in an unexpired term and *I Maga'lahaen Guahan* failing to  
16 appoint a successor within three (3) months after the vacancy occurs,  
17 the Board may appoint a provisional member to serve in the interim  
18 until *I Maga'lahaen Guahan* makes an appointment."

19 **Section 28.** Section 32105 of Chapter 32 of Title 22 of the Guam Code  
20 Annotated is hereby *amended* to read as follows:

21 **"Section 32105. Board - Qualification of Members.** Each  
22 member of the Board shall be a citizen of the United States and a resident  
23 of Guam. Board members who are required to be registered pursuant to  
24 §32104 of this Title shall have been in responsible control in the lawful  
25 practice of engineering, architecture or land surveying for at least five (5)

1 years. The public member of the Board shall not be nor have been an  
2 engineer, architect or land surveyor."

3 **Section 29.** Section 32106 of Chapter 32 of Title 22 of the Guam Code  
4 Annotated is hereby *amended* to read as follows:

5 **"Section 32106. Board - Compensation and Expenses.**

6 (a) Each member of the Board shall be entitled to receive  
7 compensation as provided for in the By-Laws and by law and shall be  
8 reimbursed for reasonable and necessary expenses incurred in the course  
9 of official duties, when attending to the work of the Board or any of its  
10 committees and during time spent in necessary travel.

11 (b) Members shall be reimbursed for conference or convention  
12 registration fees, all actual traveling, incidental and clerical expenses  
13 necessarily incurred in carrying out the provisions of this Title.

14 (c) The Board shall budget for and pay travel expenses of  
15 members of the Board, officers, consultants and staff, as approved by the  
16 Board and certified by the Chairman."

17 **Section 30.** Section 32109(i) is hereby *added* to Chapter 32 of Title 22  
18 of the Guam Code Annotated to read as follows:

19 "(i) The Board shall have the power and authority to require a  
20 demonstration of continuing professional competency of engineers,  
21 architects and land surveyors as a condition of renewal or relicensure."

22 **Section 31.** Section 32109(j) is hereby *added* to Chapter 32 of Title 22  
23 of the Guam Code Annotated to read as follows:

24 "(j) The Board shall have the authority for citation and fining  
25 persons and business entities engaged in the unlawful practice of

1 engineering, architecture or land surveying who are not licensed or  
2 authorized in this jurisdiction as provided by law.”

3 **Section 32.** Section 32109(k) is hereby *added* to Chapter 32 of Title 22  
4 of the Guam Code Annotated to read as follows:

5 “(k) The Board shall maintain the PEALS Revolving Fund within  
6 the cognizance of the members of the Board to continue to manage the  
7 day-to-day financial obligations of the Board. Such revolving fund shall  
8 be maintained separate and apart from other funds of the government of  
9 Guam, and independent records and accounts shall be maintained in  
10 connection therewith as prescribed by the Chairman and members of the  
11 Board. Furthermore, said Fund shall be subject to an annual audit by an  
12 independent auditor.”

13 **Section 33.** Section 32110(c) of Chapter 32 of Title 22 of the Guam  
14 Code Annotated is hereby *amended* to read as follows:

15 “(c) At the end of every fiscal year, the Board shall prepare and  
16 submit to *I Maga’lahen Guahan* and to *I Liheslaturan Guahan* no later than the  
17 first day of November, a report of its transactions of the preceding year,  
18 and shall transmit to them a complete statement of the receipts and  
19 expenditures of the Board, attested by affidavits of its Chairman and its  
20 Secretary/Treasurer.”

21 **Section 34.** Section 32111(a) of Chapter 32 of Title 22 of the Guam  
22 Code Annotated is hereby *amended* to read as follows:

23 “(a) Notwithstanding the Central Accounting Act, all fees and  
24 money collected under the provisions of this Title shall be deposited in a  
25 special fund known as the ‘*Professional Engineers, Architects and Land*



1        *Surveyors Fund*'. This fund shall be kept in a bank licensed to do business  
2        on Guam and funds shall be paid out only upon a request for payment or  
3        requisition submitted by the Secretary/Treasurer or its personnel and  
4        countersigned by the Chairman of the Board. All monies in this fund are  
5        hereby specifically appropriated only for the use of the Board in pursuit  
6        of its authority."

7        **Section 35.**        Section 32111(b) of Chapter 32 of Title 22 of the Guam  
8        Code Annotated is hereby *amended* to read as follows:

9                "(b) The Board shall provide surety bonds in the name of Guam on  
10        behalf of the Chairman, the Secretary/Treasurer and the Administrator,  
11        in the sum of Thirty Thousand Dollars (\$30,000.00) each. The premium of  
12        said bonds shall be regarded as proper and necessary expenses of the  
13        Board."

14        **Section 36.**        Section 32111(c) of Chapter 32 of Title 22 of the Guam  
15        Code Annotated is hereby *amended* to read as follows:

16                "(c) Upon an appropriation by *I Liheslaturan Guahan* and subject to  
17        any limitations which may be contained therein, the Board shall make  
18        expenditures from this fund for any purpose which is approved by the  
19        Board as reasonable and necessary for the proper performance of its duties  
20        under this Title, including the expenses of the Board delegates to meetings  
21        of and the membership fees to the National Council of Examiners for  
22        Engineering and Surveying and any of its subdivisions and the National  
23        Council of Architectural Registration Boards and any of its subdivisions."

24        **Section 37.**        Section 32111(f) of Chapter 32 of Title 22 of the Guam  
25        Code Annotated is hereby *repealed*.

1           **Section 38.**           Section 32111(d) of Chapter 32 of Title 22 of the Guam  
2 Code Annotated is hereby *renumbered* to §32111(e) of Chapter 32 of Title 22 of the  
3 Guam Code Annotated.

4           **Section 39.**           Section 32111(d) is hereby *added* to Chapter 32 of Title 22  
5 of the Guam Code Annotated to read as follows:

6                   “(d) The Board shall employ in the classified positions a Board  
7 Administrator, Administrative Assistant, Board Investigator and other  
8 administrative staff as are necessary for the proper performance for its  
9 work. Salaries and other terms of compensation for each Board staff  
10 position shall be determined by the Civil Service Commission. Payments  
11 of expenses and salaries pursuant to the administration of this Act may not  
12 exceed available funds of the Board.”

13           **Section 40.**           Section 32111(e) of Chapter 32 of Title 22 of the Guam  
14 Code Annotated is hereby *renumbered* to §32111(f) of Chapter 32 of Title 22 of the  
15 Guam Code Annotated.

16           **Section 41.**           Section 32112 of Chapter 32 of Title 22 of the Guam Code  
17 Annotated is hereby *amended* to read as follows:

18                   “**Section 32112. Roster.**     A complete roster of showing the  
19 names and last known addresses of all registered engineers, architects,  
20 land surveyors, and business entities shall be published by the Secretary  
21 of the Board annually not later than the last day of the third month of each  
22 year and shall include each registrants’ certificate or registration number.  
23     Copies of this roster shall be mailed to each person so registered and to  
24 each applicant for registration, and shall be placed on file with *I Maga’lahen*  
25 *Guahan*, the Speaker of *I Liheslaturan Guahan*, other state and territorial

1 boards, and with each department and agency of the government of  
2 Guam. Additional copies may be purchased from the PEALS Board  
3 office.”

4 **Section 42.** Section 32113 of Chapter 32 of Title 22 of the Guam Code  
5 Annotated is hereby *repealed and reenacted* to read as follows:

6 **“Section 32113. General Requirements for Registration.**

7 (a) No person shall be eligible for admission to the examination  
8 for registration for professional engineer, architect or land surveyor, or for  
9 enrollment as an engineer intern or land surveyor intern, under this Title  
10 unless the applicant:

11 (1) is a citizen of the United States or permanent resident  
12 alien eligible for United States Citizenship;

13 (2) is of good moral character and repute;

14 (3) meets the professional qualifications prescribed by this  
15 Title; and

16 (4) submits five (5) references with the applicant’s  
17 application for registration as a professional engineer, architect or  
18 land surveyor, three (3) of which shall be from practitioners licensed  
19 and registered in the discipline he seeks registration and having  
20 personal knowledge of his experience in that discipline, or in the  
21 case of an application for certification as an engineer intern or land  
22 surveyor intern, by three (3) character references.

23 (b) The following shall be considered as minimum evidence  
24 satisfactory to the Board that the applicant is qualified for registration:

25 (1) as a Professional Engineer:

1                   (i) **Graduation, Experience and Examination.**     A  
2 graduate of an engineering curriculum of four (4) years or  
3 more approved by the Board as being of satisfactory standing;  
4 and with a specific record of an additional four (4) years of  
5 lawful progressive experience on engineering projects  
6 satisfactory to the Board, at least one (1) year of which shall  
7 have been under the supervision of a registered engineer of a  
8 grade and character which indicates to the Board that the  
9 applicant may be competent to practice engineering, shall be  
10 admitted to a written examination in the fundamentals of  
11 engineering and a written examination in the principles and  
12 practice of engineering as prescribed by the By-Laws (Upon  
13 passing such examination, the applicant shall be granted a  
14 certificate of registration to practice engineering on Guam,  
15 provided the applicant is otherwise qualified.);

16                   (ii) **Graduation, Experience and Examination.**     A  
17 graduate of an engineering or related science curriculum of  
18 four (4) years or more, other than the ones approved by the  
19 Board as being of satisfactory standing, and with a specific  
20 record of eight (8) years or more of progressive experience at  
21 least two (2) years of which shall have been under the  
22 supervision of a registered engineer on projects of a grade and  
23 character which indicates to the Board that the applicant may  
24 be competent to practice engineering, shall be admitted to a  
25 written examination in the fundamentals of engineering and

1 a written examination in the principles and practice of  
2 engineering as prescribed in the By-Laws (Upon passing such  
3 examination, the applicant shall be granted a certificate of  
4 registration to practice engineering in Guam, provided he is  
5 otherwise qualified.);

6 **(iii) A Non-graduate from a Technical Curriculum.**

7 A non-graduate of an engineering or related science  
8 curriculum of four (4) years or more, with a specific record of  
9 three (3) years or more in such a curriculum plus twelve (12)  
10 years or more of progressive experience on engineering  
11 projects four (4) years of which must have been under the  
12 supervision of a registered engineer and of which at least six  
13 (6) years have been in responsible control of engineering  
14 projects of a grade and character which indicates to the Board  
15 that the applicant may be competent to practice engineering,  
16 shall be admitted to a written examination in the fundamentals  
17 of engineering and the principles and practice of engineering  
18 as prescribed in the By-Laws (Upon passing such  
19 examination, the applicant shall be granted a certificate of  
20 registration to practice engineering on Guam, provided the  
21 applicant is otherwise qualified.);

22 **(iv) Registration by Comity or Endorsement.** A

23 person whose qualifications meet the requirements of this Title  
24 may, upon application, be registered as a professional engineer  
25 identical to his active engineer registration in other

1 jurisdictions if:

2 (aa) the applicant holds a certificate of  
3 registration to engage in the practice of engineering  
4 issued to him by a proper authority of a state, territory  
5 or possession of the United States, the District of  
6 Columbia or any foreign country from which a  
7 certificate of registration is recognized by the National  
8 Council of Examiners for Engineering and Surveying at  
9 such time that the National Council of Examiners for  
10 Engineering and Surveying recognizes registration from  
11 any foreign country, so long as the issuance of such  
12 certificate is based on verified evidence and is based on  
13 requirements that do not conflict with the provision of  
14 this Title and which are of a standard not lower than  
15 specified in the applicable section of this Title in effect in  
16 Guam at the time such certificate was issued; or

17 (bb) he holds a valid certificate issued by the  
18 Committee on National Council of Engineering  
19 Certification of the National Council of Examiners for  
20 Engineering and Surveying;

21 (cc) the applicant passes the California Special  
22 Civil Seismic examination (for Civil Engineering  
23 applicants only);

24 (dd) the applicant passes the Fundamentals of  
25 Engineering examination (for applicants with

1 Fundamentals of Engineering waivers from other  
2 jurisdictions);

3 (ee) the applicant maintains current registration  
4 from his based jurisdiction where license was obtained  
5 through examination; and

6 (v) **Engineering Teaching.** Engineering  
7 teaching in a college or university offering an approved  
8 engineering curriculum of four (4) years or more may satisfy  
9 only a portion of the required engineering experience;

10 (2) as an Engineering Intern:

11 (i) **Graduation and Examination.** A college senior  
12 or graduate of an engineering curriculum of four (4) years or  
13 more approved by the Board as being of satisfactory standing  
14 who has passed the examination as prescribed in the By-Laws  
15 shall be certified or enrolled as an engineer intern, if the  
16 applicant is otherwise qualified;

17 (ii) **Experience and Examination.** An applicant  
18 with a record of six (6) or more years of experience in  
19 engineering work of a grade and character satisfactory to the  
20 Board, and who passes the examination as prescribed in the  
21 By-Laws shall be certified or enrolled as an engineer intern, if  
22 the applicant is otherwise qualified; and

23 (iii) **Graduation, Experience and Examination.** A  
24 graduate of an engineering or related science curriculum of  
25 four (4) years or more, other than the ones approved by the

1 Board as being of satisfactory standing, shall be admitted to an  
2 examination as prescribed in the By-Laws (Upon passing such  
3 examination, the applicant shall be certified or endorsed as an  
4 engineer intern, if the applicant is otherwise qualified.);

5 (3) as an Architect:

6 (i) **Graduation Experience and Examination.** A  
7 graduate of a curriculum of not less than five (5) years from a  
8 school of architecture approved by the Board as being of  
9 satisfactory standing and at least three (3) years of progressive  
10 experience satisfactory to the Board in work covering the  
11 major categories of architectural practice, at least two (2) years  
12 of which shall have been under the supervision of a registered  
13 architect, shall be eligible for a written examination as  
14 prescribed in the By-Laws. (Upon passing such examination,  
15 the applicant shall be granted a certificate of registration to  
16 practice architecture in Guam, if he is otherwise qualified.);

17 (ii) **Experience and Examination.** An applicant  
18 having eight (8) years of architectural training or educational  
19 experience satisfactory to the Board of which a minimum of  
20 three (3) years shall be experienced covering the major  
21 categories of architectural practice under the supervision of a  
22 registered architect, shall be eligible for a written examination  
23 as prescribed in the By-Laws (Upon passing such  
24 examination, the applicant shall be granted a certificate of  
25 registration to practice architecture on Guam, if he is otherwise



1 qualified.); and

2 (iii) **Registration by Comity or Endorsement.** A  
3 person who in the opinion of the Board meets the  
4 requirements of this Title and who holds a certificate of  
5 registration to engage in the practice of architecture on the  
6 basis of comparable qualifications issued by the proper  
7 authority of a state, territory or possession of the United States,  
8 or the District of Columbia, or by any foreign country with  
9 which the National Council of Architectural Registration  
10 Boards holds a formal agreement of inter-recognition, based  
11 on requirements that do not conflict with the provisions of this  
12 Title in effect on Guam at the time such certificate was issued,  
13 and based on verified evidence, as set forth in a current  
14 certificate of qualification issued by the National Council of  
15 Architectural Registration Boards, be registered without  
16 further examination;

17 (4) as a Land Surveyor:

18 (i) **Graduation, Experience and Examination.** A  
19 graduate of a surveying curriculum of four (4)  
20 years or more at an institution approved by the  
21 Board as being of satisfactory standing and with a  
22 specific record of an additional four (4) years or  
23 more of progressive combined office and field  
24 experience on land surveying work at least two (2)  
25 years of which shall be under the supervision of a

1 registered land surveyor and of a grade and  
2 character which indicates to the Board that the  
3 applicant may be competent to practice land  
4 surveying, shall be eligible for a written  
5 examination in the fundamentals of land  
6 surveying, in the principals and practice of land  
7 surveying, and in Guam Land Matters as  
8 prescribed in the By-Laws (Upon passing such  
9 examination, the applicant shall be granted a  
10 certificate of registration to practice land  
11 surveying in Guam, provided the applicant is  
12 otherwise qualified.);

13 (ii) **Education, Experience and Examination.** A  
14 graduate of a surveying or related science curriculum of four  
15 (4) years or more, other than the ones approved by the Board  
16 as being of satisfactory standing, and with a specific record of  
17 an additional eight (8) years of combined office and field  
18 experience satisfactory to the Board in land surveying of  
19 which a minimum of at least three (3) years experience has  
20 been in responsible control of land surveying projects under  
21 the supervision of a registered land surveyor, shall be  
22 admitted to a written examination in the fundamentals of land  
23 surveying, in the principles and practice of land surveying and  
24 in Guam Land Matters as prescribed in the By-Laws (Upon  
25 passing such examination, the applicant shall be granted a

1 certificate of registration to practice land surveying on Guam,  
2 provided he is otherwise qualified.);

3 (iii) **Experience and Examination.** An applicant  
4 with a specific record of twelve (12) years or more of practice  
5 in land surveying, of which at least eight (8) years have been  
6 in responsible control of important land surveying work under  
7 the supervision of a registered land surveyor, and of a grade  
8 and character satisfactory to the Board which indicates to the  
9 Board that the applicant may be competent to practice land  
10 surveying, and who has passed a written examination in the  
11 fundamentals of land surveying, in the principles and practice  
12 of land surveying and in Guam Land Matters, shall be granted  
13 a certificate of registration to practice land surveying on  
14 Guam, provided he is otherwise qualified;

15 (iv) **Registration by Comity or Endorsement.** A  
16 person holding a certificate of registration to engage in the  
17 practice of land surveying on the basis of comparable  
18 qualifications issued by a proper authority of a state, territory  
19 or possession of the United States or the District of Columbia  
20 who in the opinion of the Board the requirements of this Title  
21 will be given comity consideration (However, the applicant  
22 may be required to take such examinations as the Board may  
23 deem necessary to determine the applicant's qualifications, but  
24 in any event, the applicant shall be required to pass a written  
25 examination of not less than four (4) hours duration on Guam

1 Land Matters, which shall include questions on laws,  
2 procedures and practices pertaining to land surveying on  
3 Guam.); and

4 (v) **Surveying Teaching.** Surveying teaching in a  
5 college or university offering an approved surveying  
6 curriculum of four (4) years or more may be considered as  
7 land surveying experience satisfactory to the Board;

8 (5) as a Land Surveyor Intern:

9 (i) **Graduation and Examination.** A college senior  
10 or a graduate of surveying curriculum of four (4) years or  
11 more approved by the Board as being of satisfactory standing  
12 shall be admitted to a written examination in the fundamentals  
13 of land surveying, as prescribed in the By-Laws (Upon  
14 passing such examination, the applicant shall be certified or  
15 enrolled as a land surveyor intern, if he is otherwise  
16 qualified.); and

17 (ii) **Education, Experience and Examination.** An  
18 applicant, upon satisfactory completion of a land surveying or  
19 related science curriculum of two (2) years or more, and with  
20 a specific record of an additional four (4) years of combined  
21 office and field experience in land surveying satisfactory to the  
22 Board, shall be admitted to a written examination in the  
23 fundamentals of land surveying as prescribed in the By-Laws.  
24 Should the applicant fail to pass the fundamentals of land  
25 surveying examination on two (2) occasions, the applicant

1 shall be required to complete a refresher course satisfactory to  
2 the Board before being readmitted for examination. Upon  
3 passing such examination, the applicant shall be certified or  
4 enrolled as a land surveyor intern, if the applicant is otherwise  
5 qualified.”

6 **Section 43.** Section 32114(a) of Chapter 32 of Title 22 of the Guam  
7 Code Annotated is hereby *amended* to read as follows:

8 “(a) Application for registration as a professional engineer,  
9 architect or land surveyor or for certification as an engineer intern or land  
10 surveyor intern shall be on a form prescribed and furnished by the Board.  
11 It shall contain statements made under oath showing the applicant’s  
12 education and a detailed summary of his technical and engineering,  
13 architectural and land surveying experience, and shall include the names  
14 and complete mailing addresses of his references, none of whom should  
15 be member of the Board, as required in §47011 of this Title.

16 The Board may accept the certified information contained in a valid  
17 council record issued by the National Council of Examiners for  
18 Engineering and Surveying Committee on National Engineering  
19 Certification for professional engineer applicants or a valid council record  
20 issued by the National Council of Architectural Registration Boards for  
21 architect applicants in lieu of the same information that is required on the  
22 form prescribed and furnished by the Board.”

23 **Section 44.** Section 32115(f) is hereby *added* to Chapter 32 of Title 22  
24 of the Guam Code Annotated to read as follows:

25 “(f) Members of the PEALS Board are prohibited from taking any

1 engineering, architect, or land surveying examination administered on  
2 Guam while serving on the Board. However, members may take such in  
3 another jurisdiction and have the examination scores accepted on Guam  
4 by the Board, so long as said examination does not conflict with the  
5 provisions of this Title and is of a standard not lower than that of an  
6 examination for the same administered on Guam.”

7 **Section 45.** Section 32116 of Chapter 32 of Title 22 of the Guam Code  
8 Annotated is hereby *repealed and reenacted* to read as follows:

9 **“Section 32116. Certificate – Seals.** (a) The Board shall issue  
10 to each applicant meeting the requirements of this Title a certificate of  
11 registration which gives the registrant proper authority to practice  
12 registrant’s profession on Guam. The certificate of registration for a  
13 professional engineer shall carry the designation ‘PROFESSIONAL  
14 ENGINEER’ and shall also designate the branch in which he is authorized  
15 to practice. The certificate of registration for an architect shall carry the  
16 designation ‘REGISTERED ARCHITECT’ and the certificate of registration  
17 for a land surveyor shall carry the designation ‘PROFESSIONAL LAND  
18 SURVEYOR.’ It shall give the full name of the registrant with his  
19 registration number and shall be signed by the Chairman and the  
20 Secretary/Treasurer under the seal of the Board.

21 A properly entitled and endorsed identification card shall be issued  
22 with the certificate of registration and reissued thereafter as prescribed by  
23 §32117 of this Title to each registrant upon payment of the renewal fee.

24 (b) The issuance of a certificate of registration by the Board shall  
25 be prima facie evidence that the person named therein is entitled to all the

1 rights, privileges and responsibilities of an engineer, architect or land  
2 surveyor while the said certificate remains unrevoked or unexpired.

3 (c) The Board shall issue to each applicant meeting the  
4 requirements of this Title a certificate of 'engineer intern' or 'land surveyor  
5 intern' as applicable. The certificate issued to the engineer intern or land  
6 surveyor intern does not authorize the practice of engineering or land  
7 surveying and only indicates that his name has been recorded by the  
8 Board as having passed the required examination.

9 (d) Each registrant hereunder shall, upon registration and  
10 licensure, obtain a stamp or seal of the design authorized by the Board,  
11 bearing the registrant's name, registration number, and the designation,  
12 'Professional Engineer,' 'Registered Architect' or 'Professional Land  
13 Surveyor.' The stamp or seal shall contain the expiration date of the  
14 registrant, or a space within which the expiration date must be written.

15 (1) The seal shall be an image or imprint from a rubber  
16 stamp, or other medium approved by the Board. Whenever the seal  
17 is applied, the registrant's written signature shall be signed adjacent  
18 to the seal with the statement "This work was prepared by me or  
19 under my direct supervision." A facsimile signature will *not* be  
20 acceptable. Computer-generated signatures and dates are *not*  
21 acceptable.

22 (2) Seals must be a permanent mark on the document being  
23 sealed. The standard seal must be used on all original tracings,  
24 blueprints, drawings, specifications, reports and other documents  
25 prepared by professional engineers, registered architects or

1 professional land surveyors.

2 (3) The seal and signature shall be placed on all technical  
3 submissions, such as specifications, reports, plats, drawings, plans,  
4 design information and calculations whenever presented to a client  
5 or any public or government agency.

6 (4) The seal and signature shall be placed on all original  
7 copies, tracings or other reproducible documents in such a manner  
8 that the seal and signature will be reproduced. The application of  
9 the registrant's licensee's seal and signature shall constitute  
10 certification that the work thereon was done by him or under his  
11 responsible control. In the case of multiple sealings, the first or title  
12 page shall be sealed and signed by all involved. In addition, each  
13 sheet shall be sealed and signed by the registrant or registrants  
14 responsible for each sheet. In the case of an unauthorized firm,  
15 partnership or corporation, each sheet shall be sealed and signed by  
16 the registrants involved. The principal in responsible control shall  
17 sign, seal and date the title or the first sheet.

18 (5) The seal and signature shall be used by registrants only  
19 when the work being stamped was under the registrant's complete  
20 direction and control, provided that if the work was performed at an  
21 office outside of the locale in which the registrant permanently  
22 resides, then the seal may be used only if the registrant supervised  
23 the work on a full-time basis.

24 (6) In the case of a temporary permit issued to a registrant  
25 licensee of another state or jurisdiction, the registrant shall use his



1 state of registration seal and shall affix his signature and temporary  
2 permit number and date of issue to all his work.

3 (7) It shall be unlawful for a registrant to affix or permit his  
4 seal and signature, or facsimile thereof, to be affixed to any  
5 document as above described after the expiration of a certificate, or  
6 for the purpose of aiding or abetting any attempt to evade any  
7 provision of this Title.

8 (8) Seals of Professional Engineers on Engineering  
9 Documents:

10 (i) The seal of a professional engineer shall be placed  
11 on each drawing, specification, plan, report or other document  
12 which is in its final form and which involves the practice of  
13 engineering as defined in this Title. A separate seal of a  
14 professional engineer of the appropriate branch of  
15 engineering, as such branches are designated on the various  
16 forms of professional engineer registration certificates, is  
17 required for each portion of such document that involves a  
18 separate branch of engineering registration certificates, is  
19 required for each portion of such document that involves a  
20 separate branch of engineering, except as provided in Sub-  
21 item (ii) of this Item (8). For example, except as provided in  
22 Sub-item (ii) of this Item (8), so long as registration certificates  
23 classify 'civil engineering,' 'structural engineering,'  
24 'mechanical engineering' and 'electrical engineering' as  
25 different branches of engineering, the seal of a professional

1 engineer of the civil branch shall be required for each portion  
2 of an engineering document involving civil work; the seal of  
3 a professional engineer of the structural branch or civil branch  
4 shall be required for each portion of an engineering document  
5 involving structural work for any structure or building three  
6 (3) stories or less in height; the seal of a professional engineer  
7 of the structural branch shall be required for each portion of an  
8 engineering document involving structural work for any  
9 structure or building higher than three (3) stories; the seal of  
10 a professional engineer of the mechanical branch shall be  
11 required for each portion of an engineering document  
12 involving mechanical work; and the seal of a professional  
13 engineer of the electrical branch shall be required for each  
14 portion of an engineering document involving electrical work.

15 (ii) The requirement for a separate seal for each  
16 portion of an engineering document involving a separate  
17 branch of engineering is subject to the following exceptions:

18 (aa) in the case of a document involving an  
19 individual single family dwelling, two (2) family  
20 dwellings, or two (2) family dwellings in a subdivision,  
21 the seal of a professional engineer in the civil branch or  
22 the seal of an architect shall be sufficient;

23 (bb) in case of a document involving work  
24 incidental to the practice of engineering, the seal of any  
25 professional engineer, regardless of his branch of

1 engineering, or the seal of an architect shall be sufficient;

2 (cc) a seal of a professional engineer of the  
3 mechanical branch is sufficient for documents involving  
4 plumbing work, airconditioning and ventilation,  
5 regardless of the height of a building;

6 (dd) in case of a document involving the design  
7 of a fire sprinkler system, a seal of a professional  
8 engineer in the mechanical branch shall be required;

9 (ee) in case of a document involving the  
10 structural portion of a site adaptation of a pre-  
11 engineered structure, the seal of a professional engineer  
12 of either the civil branch or the structural branch is  
13 sufficient; and

14 (ff) in the case of a document involving work for  
15 which more than one (1) branch of engineering is  
16 qualified, other than those types of work provided for in  
17 Sub-items (aa), (bb), (cc), (dd) and (ee) of this Item (8),  
18 the Board shall promulgate general guidelines for the  
19 sealing of such a document. The guidelines shall reflect  
20 that there are often broad overlaps between the  
21 authorized practice of the various branches of  
22 engineering.

23 **(9) Seals of Architects.**

24 (i) The seal of an architect shall be placed on each  
25 drawing, specification, plan or report or other document

1 which is in its final form and which involves work with  
2 respect to any building which has as its principle purpose  
3 human occupancy or habitation, or which involves any other  
4 aspect of the practice of architecture as defined in this Title.

5 (ii) Notwithstanding the provisions of Sub-item (i) of  
6 this Item (9), in the case of a document involving an individual  
7 single family dwelling, a seal of either an architect or a  
8 professional engineer of the civil engineering branch shall be  
9 sufficient. Documents involving two (2) - family dwellings, or  
10 a subdivision development with single family and two (2) -  
11 family dwellings, the seal of a professional engineer of the civil  
12 engineering branch is sufficient.

13 (iii) The requirement contained in Sub-item (1) of this  
14 Item (9) does not affect the need for a seal of a professional  
15 engineer of the appropriate branch of engineering for each  
16 portion of a document that involves a system of a separate  
17 branch of engineering.

18 **(10) Seals of Land Surveyors.**

19 (i) The seal of a land surveyor shall be placed on each  
20 drawing, plan, property metes and bounds descriptions,  
21 computation sheets, reports and other documents in their final  
22 form which involve the practice of land surveying, to wit:

23 (aa) any office offering to perform land surveys  
24 must have a licensed professional land surveyor in  
25 charge of the operations, be available on a full time basis

1 with a seventy-five percent (75%) physical presence and  
2 must have full control of the survey operation;

3 (bb) to further insure that field conditions of  
4 survey documents are in full conformance with such  
5 survey, the surveyor of record is required to establish a  
6 field reference point from which building corners,  
7 setbacks and other pertinent points may be derived if  
8 and when improvements are contemplated on a  
9 property. (This reference point must remain in place  
10 and be protected from damage for the duration of the  
11 construction of a project. Such reference point must be  
12 indicated as referenced on the site plan of the project. It  
13 will be the surveyor's responsibility to follow setbacks  
14 defined in the Zoning Law as may be required for  
15 building permit purposes.); and

16 (cc) all documents prepared and certified by a  
17 professional land surveyor shall be stamped with a  
18 statement under the seal stating: 'I hereby certify that  
19 this map was prepared by me or under my direct  
20 supervision. That it is based on a field survey made in  
21 [insert date], in accordance with all applicable laws and  
22 regulations. That I am responsible for the accuracy of all  
23 data and information shown hereon. I also certify that  
24 all the monuments are of the character and occupy the  
25 positions indicated in this map.'

1 (11) With respect to work incidental to the practice of  
2 engineering and work incidental to the practice of architecture, the  
3 Board shall promulgate general guidelines which shall include  
4 examples of incidental work and which shall set limitations on the  
5 permissible extent of such incidental work. Such guidelines shall be  
6 consistent with Items (8) through (9) of this Subsection (d), including  
7 the requirements in those items for separate seals per branch of  
8 engineering and for the seal of an architect in the case of a building  
9 which has as its principal purpose human occupancy or habitation.”

10 **Section 46.** Section 32117 of Chapter 32 of Title 22 of the Guam Code  
11 Annotated is hereby *amended* to read as follows:

12 “**Section 32117. Expirations and Renewals.** Certificates of  
13 registration and certificates of authorization for corporations, partnerships,  
14 proprietorships and associations shall expire on the last day of the month  
15 of September of each year, following their year of issuance and shall  
16 become invalid after that date unless renewed. Such license may be  
17 renewed at any time within six (6) months following the expiration date  
18 upon payment of the renewal fee plus penalty fee as prescribed by the  
19 Board. Upon failure to renew within six (6) months after the date of  
20 expiration, the licensee shall be required to submit an application for  
21 ‘Reinstatement of Registration’ form. It shall be the duty of the  
22 Secretary/Treasurer of the Board to notify every person registered under  
23 this Act, and every corporation, partnership, proprietorship and  
24 association holding a certificate of authorization under this Act, of the date  
25 of expiration of said certificate of registration or certificate of

1 authorization, and the amount of the fee required for its renewal. Such  
2 notice shall be mailed to the registrant or corporation, partnership,  
3 proprietorship or association at his/her or its last known address at least  
4 one (1) month in advance of the date of expiration of said certificate.

5 Renewal may be effected at any time prior to or during the month of  
6 September by payment of a fee as established by the Board. Renewal of an  
7 expired certificate may be effected under rules prescribed by the By-Laws.

8 A certificate of registration shall expire upon the death of a registrant.”

9 **Section 47.** Section 32118(a) of Chapter 32 of Title 22 of the Guam  
10 Code Annotated is hereby *amended* to read as follows:

11 “(a) **Replacement of Certificates.** A new certificate of  
12 registration, to replace any certificate lost, destroyed or mutilated, may be  
13 issued, subject to the rules of the Board and upon payment of the  
14 prescribed fee and such certificate shall be stamped or marked  
15 ‘duplicate.’”

16 **Section 48.** Section 32120(b) of Chapter 32 of Title 22 of the Guam  
17 Code Annotated is hereby *amended* to read as follows:

18 “(b) The Board shall have the power, duty and authority to  
19 suspend, refuse to renew or revoke a certificate of registration or to  
20 reprimand, fine or any combination thereof, or levy a civil penalty in an  
21 amount not less than Five Thousand Dollars (\$5,000.00) for each offense  
22 against any engineer, architect, land surveyor or other individual who is  
23 found guilty of:

24 (1) the practice of any fraud or deceit in obtaining a  
25 certificate of registration or certificate of authorization;

1           (2) any gross negligence, incompetence or misconduct, in  
2 the practice of his profession, engineering, architecture or land  
3 surveying;

4           (3) any felony or any crime involving moral turpitude, in  
5 which case a certified copy of the record of conviction shall be  
6 conclusive evidence thereof;

7           (4) violation of the rules of professional conduct adopted  
8 and promulgated by the Board;

9           (5) violation of any provision of the Title;

10          (6) aiding and abetting in the practice of professional  
11 engineering, architecture or land surveying any person not duly  
12 authorized to practice engineering, architecture, or land surveying  
13 under the provisions of this Title;

14          (7) permitting his seals to be affixed to any plans,  
15 specifications or drawings that were not prepared by him or under  
16 his personal supervision, by his employee or subordinate;

17          (8) failure to provide information requested by the Board as  
18 a result of a formal or informal complaint to the Board which would  
19 indicate a violation of this Act;

20          (9) convictions for habitual intoxication or addiction to the  
21 use of drugs or alcohol so as to endanger health, safety and interest  
22 of the public by impairing skill and care in professional services; or

23          (10) practicing or offering to practice engineering,  
24 architecture or land surveying without a current license from this  
25 Board."



1           **Section 49.**           Section 32120(c) of Chapter 32 of Title 22 of the Guam  
2 Code Annotated is hereby *amended* to read as follows:

3           “(c) A record or conviction of any of the offenses provided in  
4 Paragraphs (b)(1) through (b)(10) above shall be conclusive evidence  
5 thereof.”

6           **Section 50.**           Section 32120(d) of Chapter 32 of Title 22 of the Guam  
7 Code Annotated is hereby *amended* to read as follows:

8           “(d) The Board shall have the power to: (1) revoke a certificate of  
9 authorization, or (2) to suspend a certificate of any corporation,  
10 partnership, proprietorship or association where one (1) or more of his  
11 officers or principals have been found guilty under this Section, or (3)  
12 assess fines against the firm.”

13           **Section 51.**           Section 32120(e) is hereby *added* to Chapter 32 of Title 22  
14 of the Guam Code Annotated to read as follows:

15           “(e) Each day of continued violation may constitute a separate  
16 offense.”

17           **Section 52.**           Section 32121(a) of Chapter 32 of Title 22 of the Guam  
18 Code Annotated is hereby *amended* to read as follows:

19           “(a) Any person may prefer charges of fraud, deceit, gross  
20 negligence, incompetence, misconduct or violation of the rules of  
21 professional conduct, against any individual registrant, or against any  
22 corporation, partnership or association holding a certificate of  
23 authorization. Such charges shall be in writing and shall be sworn to by  
24 the person or persons making them and shall be filed with the  
25 secretary/treasurer of the Board. Furthermore, notwithstanding

1 Subsection (g) of this Section, the Board may take action to suspend or  
2 revoke a certificate of authorization from any individual registrant,  
3 corporation, partnership or association when it has received notice via  
4 news media and/or radio that said registrant, corporation, partnership or  
5 association has been found guilty of a crime.”

6 **Section 53.** Section 32121(b) of Chapter 32 of Title 22 of the Guam  
7 Code Annotated is hereby *amended* to read as follows:

8 “(b) All charges, unless dismissed by the Board as unfounded or  
9 trivial, shall be heard by the Board within three (3) months after the date  
10 on which the charges have been determined to have merit by the Board  
11 Administrator or Board Investigator.”

12 **Section 54.** Section 32123(a) of Chapter 32 of Title 22 of the Guam  
13 Code Annotated is hereby *amended* to read as follows:

14 “(a) The practice of or offer to practice engineering, architecture or  
15 land surveying as defined in §32103 of this Title by individual engineers,  
16 architects or land surveyors registered under this Title, or to be lawfully  
17 practicing under §32124 of this Title through a corporation, including  
18 professional corporations, partnership, including registered limited  
19 liability partnership, proprietorship or limited liability company is  
20 permitted, subject to the provisions of this Title.

21 A corporation, partnership, proprietorship or limited liability  
22 company holding itself out or performing any of the services involved in  
23 the practice of engineering, architecture or land surveying must be issued  
24 a certificate of authorization by the Board; provided that one (1) or more  
25 of the directors of a corporation; one (1) or more of the general partners of

1 a partnership; the sole proprietor of a proprietorship; or one (1) or more of  
2 the managers of a limited liability company are registered under this Title  
3 or the engineering, architecture or land surveying registration law of  
4 another jurisdiction within the United States, District of Columbia or its  
5 territories; and further provided that any agreement to perform such  
6 services shall be executed on behalf of the corporation, partnership,  
7 proprietorship or limited liability company by the director or directors,  
8 general partner or partners, sole proprietor or by the manager or managers  
9 who are registered on Guam and who exercise responsible control over the  
10 particular services contracted for by the corporation, partnership,  
11 proprietorship or limited liability company.

12 The requirements of this Title shall *not* prevent the employees of  
13 such corporations, partnerships, proprietorships or limited liability  
14 companies from performing engineering, architecture or land surveying  
15 services; provided, that all technical submissions involving the practice of  
16 engineering, architecture or land surveying as defined in this Title when  
17 issued, or filed for public record, shall be dated, and bear the seal and  
18 signature of the professional engineer, architect or professional land  
19 surveyor under whose responsible control it was prepared.”

20 **Section 55.** Section 32123(b) of Chapter 32 of Title 22 of the Guam  
21 Code Annotated is hereby *amended* to read as follows:

22 “(b) A corporation, partnership, proprietorship or limited liability  
23 company desiring a certificate of authorization shall furnish the Board  
24 such information about its organization and activities as the Board may  
25 require by regulation and to designate the individual or individuals duly

1 registered to practice engineering, architecture or land surveying in this  
2 Territory who shall be in responsible control of the practice as the  
3 Responsible Managing Employee ('RME'). A multi-discipline firm who  
4 has more than one (1) designated RME shall be required to have a  
5 minimum of one (1) RME available on a full time basis with 75% physical  
6 presence and must have full control over the particular services contracted  
7 for by the firm. In the event there shall be a change in any of these persons  
8 during the year, such change shall be reported in the form as issued by the  
9 Board within thirty (30) days after the effective date of said change."

10 **Section 56.** Section 32123(c) of Chapter 32 of Title 22 of the Guam  
11 Code Annotated is hereby *amended* to read as follows:

12 "(c) If all of the requirements of this section are met, the Board  
13 may issue a certificate of authorization to such corporation, partnership,  
14 proprietorship or limited liability company authorizing such organizations  
15 to contract for and to collect fees for furnishing engineering, architecture  
16 or land surveying services. All off-island firms shall be required to  
17 maintain a local office under the control of at least one (1) Responsible  
18 Managing Employee who shall be available on a full time basis with a  
19 seventy-five percent (75%) physical presence in full control of the  
20 operations of the firm.

21 No such corporation, partnership, proprietorship or limited liability  
22 company shall be relieved of responsibility for the conduct or acts of its  
23 agents, employees or officers by reason of its compliance with the  
24 provisions of this Section, nor shall any individual practicing engineering,  
25 architecture or land surveying services performed by reason of his

1 employment or relationship with such corporation, partnership,  
2 proprietorship or association.

3 A certificate of incorporation shall not be issued to an applicant for  
4 a registration as a foreign firm which includes among the objectives for  
5 which it is established any of the words 'engineer,' 'engineering,'  
6 'architect,' 'architectural,' 'surveyor,' 'land surveying,' or any modification  
7 or derivation thereof, unless the Board has issued for the said applicant a  
8 certificate of authorization or letter indicating the eligibility of such  
9 applicant to receive such a certificate or letter from the Board with the  
10 applicant's application for incorporation or registration."

11 **Section 57.** Section 32124 of Chapter 32 of Title 22 of the Guam Code  
12 Annotated is hereby *amended* to read as follows:

13 "Section 32124. **Exemption Clause.** This Act shall not be  
14 construed to prevent the practice by:

15 (a) **Temporary Permits.**

16 (1) **Professional Engineer/Architect.** The practice or offer  
17 to practice engineering or architecture by a person not a resident of  
18 or having no established business in Guam, provided such person  
19 is legally qualified by registration to practice engineering or  
20 architecture as defined in §32103 of this Title, in his own state or  
21 territory and, in the case of a person seeking to practice architecture,  
22 who has a current certificate of registration issued by the National  
23 Council of Architectural Registration Boards. Such person shall  
24 make application to the Board in writing and after payment of a fee  
25 as prescribed in the By-Laws may be granted written permit for a

1 definite period of time not to exceed one (1) year to do a specific job,  
2 provided, however, that no right to practice engineering or  
3 architecture shall accrue to such applicant with respect to any other  
4 work not set forth in said permit.

5 *For Civil Engineers Only:* the applicant must have passed the  
6 CSCS examination.

7 **(2) Land Surveyor.** The practice of land surveying under  
8 a temporary permit by a person registered as a land surveyor in  
9 another state is not considered to be in the best interest of the public  
10 and therefore shall not be granted.

11 **(b) Employees and Subordinates.** The work of an employee  
12 or a subordinate of a person holding a certificate of registration under this  
13 Title, or an employee of a person practicing lawfully under Subsection (a)  
14 of this Section; provided, such work does not include final engineering,  
15 architecture or land surveying designs or decisions and is done under the  
16 direct supervision of and verified by a person holding a certificate of  
17 registration under this Title or a person practicing lawfully under  
18 Subsection (a) of this Section.

19 **(c) Practice of Construction Management.** Any service or work,  
20 the adequate performance of which involves professional construction  
21 inspection or observation, certifications, shop drawing review and  
22 approval, technical calculations, revising, construction details, construction  
23 interpretation, etc. as defined in §32103 of this Title.”



TWENTY-FOURTH  
GUAM LEGISLATURE

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

*[Handwritten signature]*  
1000 Highway Street  
Agana, Guam 96910

472-3505-6

472-9747

March 26, 1998

The Honorable  
Antonio R. Unpingco  
Speaker, 24th Guam Legislature  
Agana, Guam

**via: Committee on Rules**

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 462**, "An act to repeal, re-enact, and amend certain sections of Chapter 32, Title 22 of the Guam Code Annotated, relative to the Professional Engineers, Architects and Land Surveyors Law" does hereby report back with the recommendation **TO DO PASS** as Substituted by the Committee.

Votes of committee members are as follows:

- 9   To pass
- Not to pass
- To place in inactive file
- Abstained
- 6   Not available/Off island

**FELIX P. CAMACHO**  
Chairman

Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS  
& GENERAL GOVERNMENT SERVICES**

TWENTY-FOURTH GUAM LEGISLATURE

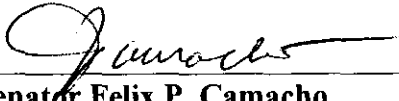
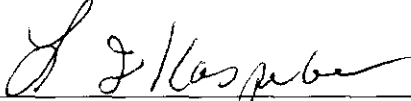


155 Hesler Street, Agana, Guam 96910

**Senator Felix P. Camacho**  
Chairman

**Senator Lawrence F. Kasperbauer**  
Vice Chairman

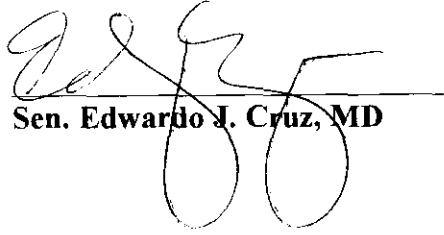
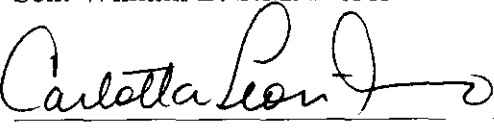

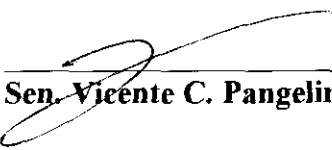
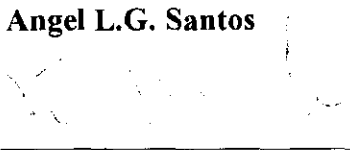
**BILL NO. 462, VOTING SHEET**

“An act to repeal, re-enact and amend certain sections of Chapter 32, Title 22 of the Guam Code Annotated, relative to the Professional Engineers, Architects and Land Surveyors Law.”

<b><u>COMMITTEE MEMBERS</u></b>	<b><u>TO PASS</u></b>	<b><u>NOT TO PASS</u></b>	<b><u>ABSTAIN</u></b>	<b><u>TO PLACE IN INACTIVE FILE</u></b>
 Senator Felix P. Camacho	✓			
 Sen. Lawrence F. Kasperbauer	✓			
 Sen. Thomas C. Ada	✓			
Sen. Elizabeth Barrett-Anderson				
Sen. Frank B. Aguon, Jr.				
 Sen. Francisco P. Camacho	✓			
Sen. Mark C. Charfauros				



**Committee on Power, Foreign Affairs  
& General Government Services  
Bill 537, Voting Sheet (Continued)**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Sen. Eduardo J. Cruz, MD	✓			
Sen. William B. S.M. Flores				
 Sen. Carlotta A. Leon Guerrero	✓			
 Sen. Alberto A.C. Lamorena V				
 Sen. Vicente C. Pangelinan	✓			
Sen. Angel L.G. Santos				
 Sen. Francis E. Santos				
Sen. Antonio R. Unpingco* (ex-officio member)				
Sen. Judith Won-Pat Borja				

**COMMITTEE ON POWER, FOREIGN AFFAIRS  
AND GENERAL GOVERNMENT SERVICES  
TWENTY-FOURTH GUAM LEGISLATURE  
155 Hesler Street, Agana, Guam 96910**

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**COMMITTEE REPORT**

**ON**

**BILL 462**

**“An act to repeal, re-enact and amend certain sections of Chapter 32, Title 22 of the Guam Code Annotated, relative to the Professional Engineers, Architects and Land Surveyors Law.”**

**COMMITTEE MEMBERS**

Chairman: Felix P. Camacho

Vice Chairman: Lawrence F. Kasperbauer

Ex-Officio Member: Speaker Antonio R. Unpingco

Thomas C. Ada  
Frank B. Aguon, Jr.  
Elizabeth Barrett-Anderson  
Francisco P. Camacho  
Mark C. Charfauros  
Edwardo J. Cruz, M  
William B. S.M. Flores

Alberto A.C. Lamorena,  
Carlotta A. Leon Guerrero  
Vicente C. Pangelinan  
Angel L.G. Santos  
Francis E. Santos  
Judith Won Pat-Borja

**COMMITTEE REPORT  
POWER, FOREIGN AFFAIRS,  
& GENERAL GOVERNMENT SERVICES**

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**BILL NO. 462**

**“An act to repeal, re-enact and amend certain sections of Chapter 32, Title 22 of the Guam Code Annotated, relative to the Professional Engineers, Architects and Land Surveyors Law.”**

**PUBLIC HEARING**

Senator Felix P. Camacho, Chairman of the Committee on Power, Foreign Affairs, and General Government Services (PFA&GGS) called to order a public hearing on Tuesday, February 24, 1998 at 9:00 a.m. to hear testimonies on **Bill No. 462**.

**SENATORS PRESENT**

Felix P. Camacho	Chairman
Francisco P. Camacho	Member
Carlotta Leon Guerrero	Member
Frank B. Aguon, Jr.	Member
Edwardo J. Cruz, M.D.	Member
William B. S.M. Flores	Member
Vicente C. Pangelinan	Member
Alberto A.C. Lamorena V	Member

**PRESENT TO TESTIFY**

Mr. Juan C. Tenorio, P.E.	President, Juan C. Tenorio & Associates, Inc.
Mr. Enrico A. Cristobal, A.I.A.	Martin, Cristoboal, Laguana (MCL) Architecture Planning Interiors, and Vice Chairman of the PEALS Board.
Mr. Ernie F. Manjares, P.E.	Chairman, PEALS Board
Mr. Dean Gillham, P.E.	Licensed Civil and Structural Engineer, Guam
Mr. Eric Gillham, P.E.	Licensed Civil Engineer, Guam
Mr. Remidi Castro R.L.S.	Licensed Land Surveyor, Guam
Sen. William Flores, P.E.	Licensed Civil Engineer, Guam

**BACKGROUND**

Late last year, both the Professional Engineers, Architects and Land Surveyors (PEALS) Board and members of Guam’s PEALS- related professional community had brought to the attention of the

Committee Chairman the following concerns:

(1) Current statutes and rules and regulations governing the PEALS Board need to be updated and clarified with the National Registration Board and with the suggestions of other PEALS-related professional societies. *Bill 462 attempts to more adequately and fully define the Board's functions and keep abreast of Board activities and policies with the Boards of other states/territories, and within the professional environment in Guam.*

(2) The practice of engineering, architecture and land surveying without a license has increased on Guam since the current PEALS Law was enacted. *Bill 462 is an attempt to increase the Board's effectiveness in protecting the public from those persons practicing architecture, engineering or land surveying in Guam without a license. Furthermore, it makes changes in the enforcement of PEALS matters allowing the Board to pursue and penalize non-licensed persons practicing said professions.*

(3) Existing statutes do not allow the Board to hire permanent staff support. Instead, they must rely on the availability of staff from the Department of Public Works and thus lack any flexibility or security. *Bill 462 will give the Board the authority to hire at least, but not limited to, three (3) permanent employees, providing them with permanent positions such as a Board administrator, an Administrative Assistant, and a Board Investigator.*

(4) Under current statutes the Board has no authority over its funds. This has consistently caused its delinquency in payments owed to vendors, and with dues owed to the various National Councils. At one time the Board was two years behind in their dues. Often times examination materials needed for licensure and certification are not provided to the Board because of delinquent or non payment. In one case, a Board member was nearly prevented from participating in an off-island conference after his arrival there because of the Board's non-payment of its dues. *Bill 462 will give the Board full authority over its funds so that they may more expediently process payments and avoid other embarrassing situations.*

(5) There has been a need to update and change some of the requirements and guidelines for the issuance of Certificates of Authorization to qualified firms. *Bill 462 attempts to update requirements and guidelines as recommended by the Board.*

#### **TESTIMONY AND DISCUSSION**

**Mr. Endymion M. Chen, P.E., President of E.M. Chen & Associates, Inc.** submitted written testimony supporting most of Bill 462, but provided additional recommendations for the Committee's consideration. Recommended amendments are specific to page and line numbers and deal with the following matters: (1) Board staffing; (2) Official Title of the Board; (3) make-up of the Board; (4) Qualifications of Board members; (5) Board's power to provide surety bonds; (6) annual renewal of certificates. *(Detailed written testimony is attached).*

**Mr. H. Mark Ruth, FAIA, of Taniguchi-Ruth-Smith & Associates** submitted written testimony in support of Bill 462 with recommended revisions concerning the following: (1) Bill 462's attempt

to shorten the period of responsible control from 8 years to 5 years under Section 16 of the bill regarding the qualifications of Board members with the recommendation to keep it at 8 years; (2) Bill 462's requirement that applicants must be a graduate of a curriculum of not less than 4 years with a recommendation to update it to 5 years, reflecting the current curriculms of most major architectural schools; (3) using the term "engineering calculations" as it applies to the "practice of construction management" in §32124(c) under Bill 462's Section 32, suggesting, instead, the use of "technical calculations" as there are many types of technical calculations other than engineering calculations involved with said practice. (*Detailed written testimony is attached*).

**Mr. Alvaro B. Pecson, P.E., Department of Public Works** provided written testimony supporting Bill 462 noting the benefits it offers to those professionals (engineers, architects and land surveyors) practicing on Guam and to the (island's) general public. Mr. Pecson's testimony specifically endorses Bill 462's section concerning the Board's employment of permanent staff and on the bill's attempt to crackdown on violaters of the PEALS Law. (*Detailed written testimony is attached*).

**Mr. Augusto S. Delgado, P.E., A.S. Delgado & Associates, Inc.** submitted written testimony in support of Bill 462 with a few recommended changes. According to Mr. Delgado, Bill 462 is necessary in order to put "teeth" in the administration and enforcement of the rules and regulations (governing the applicable professions). In his testimony, Delgado cites some of his own negative experiences as a professional and some current problems the PEALS community faces, both of which can be attributed to outdated language in the current law. Recommended changes to Bill 462 include: (1) Amending §32109(k) in Section 18 requiring the PEALS Revolving Fund to be audited annually by an independent auditor; (2) Amending §32111(d) in Section 21 to pattern staff salaries (in accordance with) the Civil Service Commission; (3) require that the Board publish its annual financial report in a newspaper with island wide circulation. (*Detailed written testimony is attached*).

**Mr. Richard Reed, President, American Institute of Architects (Guam & Micronesia Chapter)** submitted six (6) recommendations on Bill 462. They are: (1) to delete all references to the word "Territory" in compliance with Guam Law; (2) retain struck language on page 7, lines 6-8, and on page 18, lines 19-22, requiring that both architects and land surveyors remain defined with the requirement to be registered with the Board of Registration for Professional Engineers, Architects and Land Surveyors; (3) Amend line 14, page 16 for clarification in initial and current interpretation to read, "reimbursed for 'conference' registration fee;" (4) Amend line 9 on page 26, suggesting that for registration qualification, architects must be a graduate of a curriculum of not less than five (5) years, instead of four (4), as five (5) years is the current standard in schools of architecture for a professional degree; (6) Amend line 19 on page 53 with the wording, "technical calculations" replacing, "engineering calculations." Recommendation No. 6 was suggested earlier for the following reason: The practice of construction management, to which this term is relative, requires that many types of technical calculations other than engineering calculations are involved. (*Written recommendations are attached*).

**Ms. Amor A. Pakingan, Administrative Assistant, PEALS Board**, submitted written testimony soliciting the Committee's favorable consideration of Bill 462 for approval. Ms. Pakingan cited the

Board's desire to have its own permanent staff as a major factor in the revision of current PEALS statutes. According to her, in order to carry out its functions and responsibilities more effectively and efficiently, the Board needs permanent and dedicated staff. Ms. Pakingan also makes one recommendation to the Bill concerning the Board's funds. In section 20, under §32111(a), it is recommended that language be added to ensure that once the Legislature authorizes the revolving appropriation of all funds collected by the Board, no further Legislative approval would be necessary. *(Detailed written testimony is attached).*

**Mr. Dean Gillham, P.E., testified against a portion under Section 25 of Bill 462,** more specifically, Subitem (ee), item (ii), number 9, §32116(d) concerning Certificate-Seals (See page 39). According to D. Gillham, Subitem (ee) would not protect the public as a registration bill should, but instead, would benefit engineers. D. Gillham maintained that in the case of a document involving the structural portion of any structure or building higher than three (3) stories, the seal of a professional engineer of the structural branch is necessary. Bill 462's language that a P.E. of the civil branch who has passed the CSCS examination is sufficient to seal the same lowers the current standards as a structural engineer has more knowledge and work experience behind him/her. D. Gillham further explained how changing the current requirements would benefit those engineers who are either unable to pass a structural engineer exam or unwilling to put in the effort required to pass it.

He maintained that if subitem (ee) were to pass, it would do away with the need to take the structural engineering exam. Mr. D. Gillham noted the history of both earthquakes and typhoons on Guam as reason to keep the higher standard already in place.

**Senator Felix P. Camacho** explained that if subitem (ee) does in fact lower current standards, he would make the effort to eliminate it.

**Mr. Eric Gillham, P.E.,** provided comments on Bill 462, in particular on subitem (ee) under Section 32116 concerning the Seal of a Professional Engineer of the civil branch who has passed the CSCS sufficing on a document involving the structural portion of any structure or building higher than three (3) stories. According to E. Gillham, as a civil engineer who has passed the CSCS in California, he would benefit from this proposed change in the law, but is concerned with what it would do to standards. E. Gillham explained how the civil engineer exam is not as comprehensive as the structural engineer exam as it is too general. E. Gillham further explained that passage of the civil engineer exam does not prove one is capable of designing a structure, noting that the examination for civil engineers does not cover lateral loading for wind, nor does it test one on the relationship between wind loading and seismic loading, an important factor in designing buildings on Guam.

He went on to discuss the fact that if said proposed amendment is passed, the consumer would be unable to know whether or not a civil engineer has passed the CSCS. Gillham further stated that this particular amendment to the law moves Guam closer to California law, maintaining that standards should be tailored to circumstances and conditions on Guam.

**Mr. Remedi Castro, R.L.S.,** suggested that the proposed fine and/or civil penalty to be levied for

each offense against any engineer, architect or land surveyor found guilty of those offenses listed as defined in Section 27, Bill 462 should be extended to include offenses made by any individual. According to Castro, this would give the Board the power not only to penalize professionals found guilty of offenses, but also those non-professionals found guilty of the same offenses.

**Sen. Felix P. Camacho** agreed to add language in addressing Castro's concern.

**Mr. Ernie F. Manjares, Chairman, PEALS Board**, provided and read written testimony on behalf of the entire Board in favor of Bill 462. In his testimony, Mr. Manjares discusses several issues defining the need for the proposed changes to and clarification of the current PEALS Law as addressed in Bill 462. According to Manjares, the Board would be able to function more efficiently if the proposed amendments under Bill 462 are approved, citing the 1000 individual and A-E firms the Board currently serves. Furthermore, Mr. Manjares argues for the authorization for the Board to hire its own permanent staff, noting the current 3.5:1 ratio of expected annual revenues (\$225K) over operating expenses (\$65K). The Chair's testimony continues, citing the benefits that would come from enhancing the Board's enforcement powers and authorizing the Board's full control over its own funds. *(Detailed written testimony is attached).*

Mr. Manjares further commented on previous testimony given. Concerning testimony against Subitem (ee) under item (ii), 9 under §32116(d) concerning the Seal of a Professional Engineer of the civil branch who has passed the CSCS sufficing on a document involving the structural portion of any structure or building higher than three (3) stories (See page 39): Manjares explained how the proposed amendment to this section was patterned after California's licensing procedures. According to Manjares, civil engineers in California are allowed to stamp and seal structural portions on unlimited heights with the exception of schools and hospitals. The proposed change, Manjares explained, was at the request of other registrants on Guam. *(The Committee notes it has not received testimony from registrants in favor of this amendment).*

Manjares maintained that both "professionalism" and the chances of "being held liable for one's work" will ensure that the prime consultant of a project will seek the assistance of specialized persons for specialized work.

**Mr. Enrico A. Cristobal, AIA, Vice Chairman, PEALS Board** provided and read written testimony in support of Bill 462. In his testimony, Mr. Cristobal briefly explains the history behind Bill 462, from the Board's recognition on the need to establish and implement a set of Rules and Regulations, to the legislative approval of such in the 23rd Guam Legislature, to the realization that the laws governing the PEALS Board and its activities needed to be amended (to avoid any apparent conflicts with the newly established rules and regs.), and finally to the introduction of Bill 462. According to Cristobal, in addition to avoiding conflicts between the PEALS Law and the Board's Rules and Regulations, the Board thinks it necessary to establish itself as a separate entity with its own staff and with authority over its own funds, citing the findings and intent of Bill 462 as reason. The Board's Vice Chair further described the need to update the law "to insure the continued safeguard to life, health and property, and to promote the public welfare." *(Detailed written*

*testimony is attached).*

**Sen. William Flores, P.E.** provided a number of comments on Bill 462. According to the Senator, the permanization of positions of employment for the PEALS Board staff is long overdue, especially now as the “ranks of professionals swell here on island.” He noted the job-uncertainty the staff has always had to face regarding their positions.

Sen. Flores further commented on the proposed changes to the definitions of the terms “architect” and “land surveyor.” Said change lies in deleting the registration requirements when the terms are defined. The Senator felt they should be left unchanged.

Flores also recommended that in Section 5, Bill 462, under the term “practice of architecture,” it should be noted that any major grading work incidental to the performance of any architectural service should not be included as a service provided by or work done by an architect. The Senator had no problems with the inclusion of topographic work.

The term, “construction management” was another point of contention for the Senator. His concern was in the bill’s generalization of such a designation to include all three (3) categories of professionals as eligible in doing construction management.

**Sen. Felix Camacho** noted that traditionally, construction management has always been handled by engineers.

Other concerns **Sen. Flores** had are as follows:

(a) Section 16, Bill 462 - Concerning the qualification of Board members - those members required to be registered pursuant to §32014 shall have been in responsible control for at least eight (8) years, and not five (5), as the bill proposes;

(b) Section 18, Bill 462 -requested clarification on reason for adding (i) which gives the Board the power and authority to require a demonstration of continuing professional competency of PEALS professions as a condition of renewal or relicensure (*The Committee notes that this request for clarification was not answered*);

(c) Section 25, Bill 462 - lines 22, p.27 through 8, p.38 - same issue discussed earlier regarding the seal of a professional engineer of the civil branch who has passed the CSCS examination as sufficient in sealing each portion of engineering document involving structural work for any structure or building more than three (3) stories high;

(d) Section 25, Bill 462 - lines 10 - 19, p.38 - the Senator contends that this section, which would allow a civil engineer or architect to seal subdivisions where there are two family dwellings, or two family dwellings in a subdivision, should in fact be amended to allow a civil engineer or architect who is qualified to seal said subdivisions to seal entire subdivisions without limiting the number of houses in a subdivision he or she may seal. Flores’ argument was that if a professional is qualified to seal two houses in a subdivision, he or she is also qualified to seal an entire subdivision;

(e) Section 25, Bill 462 - lines 14-18, p.41 - Sen. Flores inquired as to what was meant by requiring any office offering to perform land surveys to have a licensed professional land surveyor



in charge of operations be available on a full time basis with a 75% physical presence, and with full control of the survey operation. He wanted to know if this meant that said surveyor actually had to be out in the field 75% of the time. Flores further contended that some types of field work do not necessarily have to be done by surveyors, but can be handled by survey interns. Questions came up on how to ensure a 75% presence by a surveyor on a project.

More discussion took place on this “75% presence requirement.” It was more or less concluded that it meant a land surveyor doing survey work for a firm contracted to do the work has to be a full time employee of that firm with a 75% presence, and reside on Guam. Senator Flores thought that if that were the case, the requirement should be applicable to engineers and architects as well.

**Mr. Juan C. Tenorio, P.E., President of Juan C. Tenorio & Associates, Inc.** Provided and read written testimony in support of Bill 462, acknowledging that most of the amendments the bill proposes would update Guam’s PEALS Law so as to be on par with similar laws of the rest of the nation, and with the model of the National Council for the Examination of Engineers and Surveyors (NCEES). Mr. Tenorio’s testimony specifically targets section 21 of Bill 462 concerning the Board’s employment of an Administrator and other administrative staff. According to Tenorio, as a former Board chairman, it was obvious that all other boards had an Administrator and in-house investigators. This section, especially, would “bring Guam on par with the rest of the country in the examination and licensing of Engineers, Architects, and Land Surveyors, and in the administration and monitoring of the practice of these professionals.” (*Detailed written testimony is attached*).

**Mr. Jack Jones, A.I.A.**, testified in support of Bill 462, in general. Mr. Jones agreed with the bill’s attempt to give the Board additional authority and its own staff. He also thought that overall, the PEALS community is a “very healthy” one as evidenced by the limited amount of damage to structures by Super Typhoon PAKA and the Island’s quick recovery from the same.

Jones commented on earlier testimony against changing the definition of terms “architect” and “land surveyor,” saying the proposed amendment was intended to reduce redundancy in the law. (*The Committee notes that with this proposed amendment, the intention of the Board was to differentiate between an “architect” and a “registered architect,” and between a “land surveyor” and “professional land surveyor”*).

Jones also noted a mistake in the language concerning reimbursements for Board members. Under Section 17, Bill 462, it states that “members shall be reimbursed for registration fees” (See Subsection (b), §32106). According to Jones, the registration fees in question refer to conference and convention fees when members attend such off-island. He recommended to amend the line for clarification.

Jones agreed with previous testimony on Section 16, Bill 462 concerning the qualifications of Board members (See §32105). He explained that for those members who are required to be registered, the requirement of having been in responsible control in their profession for at least eight (8) years should remain. He disagreed with the bill’s attempt to reduce it to five (5) years, explaining that more

experience could only be beneficial.

Jones was concerned with part of Section 23, Bill 462 pertaining to the general registration requirements of an architect and his or her graduation experience and examination (See item 3(i), Subsection (b), §32113). According to Jones, to be registered, an architect should be a graduate of a curriculum of “not less than five (5) years” from a school of architecture approved by the Board as that is the current standard in both the United States and the Philippines. He disagreed with the four (4) year curriculum as stated in the bill.

In response to earlier testimony on the required 75% physical presence by a surveyor on a project: Jones explained that said requirement was put in to take care of a current problem that existed where a surveyor was able to do survey work on Guam while residing elsewhere. In response to Sen. Flores’ comments that the same requirement should be applicable to engineers and architects: Jones maintained that these professionals are able to stay at a distance more so than a land surveyor. Many times during a survey, the surveyor has got to be there.

In response to Sen. Flores’ contention that if an engineer or architect is qualified to seal a subdivision of two houses, he or she is most likely qualified to seal an entire subdivision: Jones explained how there is a significant difference between sealing one or two houses and sealing multiple numbers of houses. He explained how in doing work on 1-2 houses, one is generally doing it for an individual interested in the well being of himself or herself, or for that of his or her family. Whereas, in doing work on 10, 15 or 300 houses, one would be doing it as a business proposition for developers who essentially have a totally different interest in the project than that of an individual.

Jones summarized his testimony saying that the main intent of Bill 462 is good, but suggested that the rest of the law be left alone.

**Senator Felix P. Camacho** concluded the Hearing on Bill 462.

### **FINDINGS**

The Committee finds that Bill 462 warrants numerous technical and substantive amendments given written and oral testimonies.

### **RECOMMENDATION**

The Committee on Power, Foreign Affairs and General Government Services wishes to report out Bill No. 462 As Substituted and recommends to the full legislature **TO DO PASS**.



**CHEN**

# **E.M. CHEN & ASSOCIATES, INC.**

ARCHITECTURE    ENGINEERING    PLANNING    CONSTRUCTION MANAGEMENT

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E-Mail Address: emchen@netppl.com

February 29, 1998

**Honorable Antonio R. Unpingco**  
**Speaker**  
24<sup>th</sup> Guam Legislature  
155 Hesler Street, Agana, Guam 96910

**Subject: Bill No. 462 Amendment to the PEALS LAW**

**Dear Speaker:**

As a citizen of Guam and a professional engineer, I would like to submit my recommendations for your consideration for proposed Bill No. 462.

In accordance with the draft Bill No. 462, the following are my recommendations:

Page 5

Line 7 to 9    Item "(3) to give the Board authority to hire at least three permanent employees ----- to provide adequate staffing for the Board"

Comments: 1. Since this amendment is to create PEALS Board with its authority and to perform its own function, the law shall not limit the number of employees.

2. The Board shall not have a Board Investigator as a permanent position. Any investigation shall be specially conducted with legal counsel.

Recommend changing it as:

(3) to provide PEALS Board the authority to hire necessary permanent and temporary employees including Board Administration and Administrative Assistant for the function and activities of the Board.

Page 4

For the above reason

Line 8 to 10 From "Because existing statutes ----- and activities."  
Shall be removed.

Page 5

Line 12 to 13 Item (5) " to amend the requirements and guidelines for the  
issuance of Certificates of Authorization to qualified firms."

Comments: The Board shall not amend its requirements and guidelines  
without proper public hearing and inputs from professional  
engineers, architects, land surveyors and general public.

Recommend changing as:

(5) The Board may amend its requirements and  
guidelines through written notice to all registered  
professional engineers, architects and land surveyors  
and to conduct proper public hearing.

Page 8 Line 8  
Page 10 Line 1  
Page 11 Line 1 and other places

Referred to "Territorial Board of Registration for Professional Engineers,  
Architects and Land Surveyors"

It shall be changed to "Professional Engineers, Architects and Land  
Surveyors Board" to be in consistence with page 3

Page 14

Line 18 to 21 "Of the five (5) registered professional members, two (2)  
shall be architects, two (2) shall be professional engineers and one shall  
be a professional land surveyor.

Recommend changing it as:

"Of five professional members, at least one shall be registered  
architect, one shall be registered structural engineer and one shall

be registered land surveyor. All professional members shall be registered in PEALS Board continuously for at least eight (8) consecutive years provide to the appointment."

Reason:

It is important to have a registered structural engineer to be a member of the Board. The recommended revision allows some flexibility for other two members.

Page 16

Line 7

Proposed to revise "eight (8) years" to five (5)

Recommendation

Not to change to avoid lower the qualifications of the professional board members.

Page 18

Line 12 to 17 Item (b)

It stated "provide surety bonds" but did not stated what is for.

Recommendation:

To omit it the whole paragraph.

Page 19

Line 8 The word "Board Investigator" shall be omitted

See comments above for page 6

Page 43

Line 13 "expire on the last day of the month of December of each odd number of year"

Recommendation: It shall remain unchanged.

Reason:

1. It will be too much works for the Board to renew the certificate every year. The Board is always late on issuance of the certificates. It normally takes two to three months to renew the certificates causing inconvenience to applicants.
2. The Board may double the renewal fee, if it is necessary.

Warning:

The law has not been amended but the Board has already changed the renewal policy late last year in contradicting to the law.

Recommendation:

The Board shall reissue the certificate of 1998 bio-annually ending December 1999 in comply with the law.

As a long registered professional engineer of Guam, I am supporting the Amendment with the above considerations and modifications.

Respectfully yours,



Endymion M. Chen, P.E.  
President

February 23, 1998

Senator Felix Camacho, Chairman  
Committee on Power, Foreign Affairs & General Governmental Services  
Twenty-Fourth Guam Legislature  
Agana, Guam 96910

Subj: Bill No. 462

Dear Chairman Camacho and Honorable Senators;

I wish to express my support for bill no. 462 with the following recommended revisions:

Section 16, 32105, Board - Qualification of Members. Shortening the period of responsible control from 8 years to 5 years is not recommended. It is desired that Board members responsible for professional licensing have extensive professional and practical experience. There are numerous qualified professionals, including females, who have sufficient experience to meet the 8-year requirement.

Section 23, 32113, General Requirements for Registration. Part (b)(3)(i) continues to state that applicants must be a graduate of a curriculum of not less than four (4) years. For many years, NAAB, as well as major architectural schools in other countries, have been five (5) year curricula. It is time to update the law to reflect this.

Section 32, 32124, Exemption Clause. Part (c), relative to the practice of construction management uses the term "engineering calculations". There are many types of technical calculations other than engineering calculations; the term should be changed to read "technical calculations".

I will be happy to discuss these recommendations further with the Committee or the PEALS Board if so desired.

Very truly yours,

TRS+A/Taniguchi-Ruth-Smith + Associates



H. Mark Ruth, FAIA

ALVARO B. PECSON, P.E.  
P.O. Box 10112  
Tamuning, Guam 96931

TESTIMONY BEFORE THE COMMITTEE ON  
POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

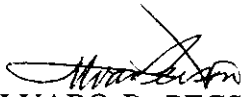
Good morning Mr. Chairman and members of the Committee. My name is Alvaro B. Pecson, a Professional Engineer registered with the Guam PEALS Board and presently employed with the Department of Public Works.

I had the opportunity to read Bill 462. The bill is good as written and personally believed that once approved it will benefit not only those professionals practicing on Guam but the general public.

I support the PEALS Board hiring of permanent staff. Since I started working at the Department (1983), I have seen only one sometimes two personnel work at the Board. I believed the PEALS Board needs to have two or three staff in order for them to be more efficient in public service. In addition, fining of violators of the law is also necessary in order for the violators to stop providing professional services until they are fully licensed.

Overall, I am in favor of Bill 462.

Thank you.

  
ALVARO B. PECSON, P.E.





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## TESTIMONY ON BILL 462

By: Augusto S. Delgado, P.E.

Mister Chairman and members of the Committee. My name is Augusto S. Delgado a registered Professional Electrical Engineer licensed to practice on Guam since 1970. I apologize for not being able to attend the Public Hearing for Bill No. 462, "An Act to repeal, reenact and amend certain sections of Chapter 32, Title 22 of the Guam Code Annotated relative to the Professional Engineers, Architects and Land Surveyors." I hope that my submission of this testimony would assist in structuring the final bill, one which would benefit not only the profession but the people of Guam.

I am basically in favor of the bill with some changes. The bill is necessary in order to put "teeth" in the administration and enforcement of rules and regulations of the profession. There has been numerous cases where the practice of engineering is compromised because the PEALS Board is powerless due to lack of staff. I will cite one case of which I was personally affected:

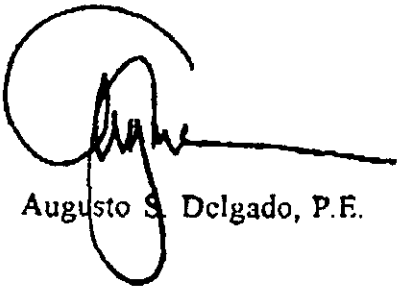
I responded to an RFP from one of the autonomous agencies on island. In preparing for the submittal I used my entire office staff, spent money for packaging and other related matters. About 3 weeks after I submitted my proposal, I was informed I was not selected and that the firm to be selected was a company from the states. The point spread between the

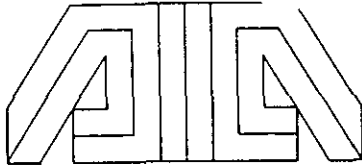
stateside firm and my company was not outrageous to warrant a second look perhaps. But "stateside company is better syndrome" is still so prevalent amongst our people it is sometimes better not to respond to RFPs. Having checked with the Board whether the firm slated to be selected was licensed, I was informed the company just came in to apply. I felt so cheated because the stateside firm didn't have to keep an office on Guam, nor perhaps pay taxes yet would be so "lucky" to be selected. If the Board had been given the necessary power to hire staff to monitor the procurement practices of other agencies, this wouldn't have happened. Mr. Chairman, there are also cases where non-professionals offer their services as engineers because they had done drafting work. In other words they know how to draw straight lines. The profession Mr. Chairman is not only about straight lines but about honesty, integrity, morality, understanding of the culture and compassion of ones fellow beings. Its about being around to correct mistakes when mistakes do occur; its about taking responsibility for not only the concept but the design and final product. The engineer is human and is sometimes affected by greed and money. Without the Board using its power to bring the engineer back to reality, Guam will see more Carprios.

While I am not oppose to the Bill I would like to see some changes to it so that the Board does not go haywire and end up investigating itself. For example Section 18K gives the Board absolute power in its discharge of the fund. I'd like to see that the fund be audited annually by an independent auditor. Section 21D gives the Board the power to set salaries and terms of compensation for each staff position. There has to be some guidelines which should be used to set the salaries of staffs.

I would suggest that the salaries be patterned after the Government of Guam Civil Service Commission. I would also like to see the Board publish its annual financial report on a newspaper of islandwide circulation such as the PDN.

Thank you for allowing my testimony to be a part of your deliberation.

 2/23/98  
Augusto S. Delgado, P.E.



# american institute of architects guam & micronesia chapter

post office box 24392 / GMF, guam 96921

February 23, 1998



The Guam Board of Registration for Professional Engineers  
542 North Marine Drive,  
Tamuning, Guam 96911

Attn: Ernie F. Manjares, Chairperson, PEALS Board

Subj: Comments in response to Public Hearing for Bill # 462

Dear Mr. Manjares;

This letter is on behalf of the AIA Guam and Micronesia Chapter in response to your fax dated February 13, 1998 in reference to Public hearing for Bill #462 - Amendment to the Peals Registration Law.

We have reviewed the bill and have the following comments:

1. In keeping with the current philosophy of limiting reference to Territory, deletions could be made on:  

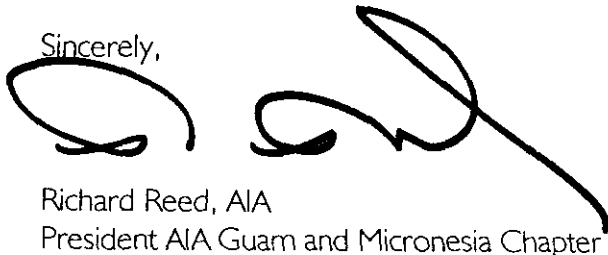
Page 8	line 8
Page 10	line 1 & 16
Page 11	line 1
Page 20	line 4
Page 50	line 14
2. On page 7 it is suggested that the struck working of line 6, 7 and 8 be retained with the exception of "Territorial". Similarly on page 8 line 19-22 the struck wording is suggested to be retained.
3. Page 16 line 14 should be clarified to read "reimbursed for conference registration fee," as it is not intended to be the professional registration fee, although it might be interpreted as such.

PAGE 2  
LETTER TO PEALS BOARD

4. On page 26 line 9 we suggest that the curriculum be of not less than five (5) years as is currently standard in schools of architecture for a professional degree.
5. On page 43 line 13 the word "of" should be retained for ease in reading.
6. On page 53 line 19 it is suggested that the wording of "engineering calculations" be revised to "technical calculations".

Please call me if you have any questions or concerns and thank you for giving us this opportunity to comment on this bill.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of loops and a long, sweeping tail that extends to the right.

Richard Reed, AIA  
President AIA Guam and Micronesia Chapter



TESTIMONY BEFORE THE COMMITTEE  
ON POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

IN SUPPORT OF  
BILL 462 - RELATIVE TO THE 'PEALS' LAW  
(February 24, 1998)

GOOD MORNING MR. CHAIRMAN and COMMITTEE MEMBERS. My name is Amor A. Pakingan, Administrative Assistant, currently employed by the Department of Public Works for 17 years, and presently assigned to the Board of Registration for Professional Engineers, Architects and Land Surveyors, more commonly known as the 'PEALS Board' for over 11 years now.

With the support of individual registrants from these professional fields, the PEALS Board members come before you now to seek modifications to the applicable statutes that govern these professional fields.

One major factor of this revision is the Board's desire to have its own permanent staff to carry-out its functions and responsibilities. The existing law does not provide for staffing requirements. However, in an efforts to become more efficient and effective, the PEALS Board realizes the need for permanent and dedicated staff to carry-out its mission. In light of the scope of engineering, architecture and land surveying practices, there exists a need to have input on the formulation of national examination and practice policies. To meet this objective, permanent staff are needed.

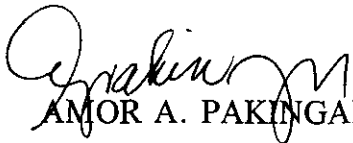
Senators, since the inception of the PEALS Board, the Department of Public Works (DPW) has provided one or two staff members at most to support the Board's daily operations, but only on a temporary basis. The Board exists for the purpose of " safeguarding life, health, and property, and to promote the public welfare".

Testimony before the  
Committee on Power, Foreign Affairs & General Government Service  
February 24, 1998  
page 2

In order to carry out this vital mission, the Board must be able to operate by licensing and certifying the members of these professions. With more areas of regulation requiring input from the members in these fields, staff members are needed to ensure that all program activities, functions and services are provided in a timely and cost effective manner. I have reviewed the proposed legislation and respectfully request that the following be added to Section 20(a): "The Legislature authorizes the revolving appropriation of all funds collected by the Board without further legislative approval". This addition will help clarify the issue of control of expenditure of funds. For these reasons, I am respectfully requesting this Committee's consideration in approving Bill 462.

Lastly, I wish to express my appreciation to DPW for its continued support for the PEALS Board by assigning me to the Board on a full-time basis. Effective Fiscal Year 1998, the Board increased its fee schedule which means additional revenue for the Board. With these additional funds now generated by the Board, the Board will be able to allocate funds for its own employees.

Again, I solicit your favorable consideration by approving Bill 462.

  
AMOR A. PAKINGAN



TESTIMONY BEFORE THE COMMITTEE ON  
POWER, FOREIGN AFFAIRS & GENERAL GOVERNMENT SERVICES

IN SUPPORT OF  
BILL #462 - RELATIVE TO THE PEALS LAW  
(February 24, 1998)

Good morning to you Mr. Chairman and members of the Committee.

I am Ernie Manjares, the Chairman of the PEALS Board, and in behalf of the other members of the Board which include Andy Cristobal, A.I.A., of MCL; Nick Carino, R.L.S. of the Department of Land Management; Tony Quinata, P.E. of Department of Public Works and Nars Fuertes, P.E. of PWC, I would like to express our appreciation for this opportunity to present our testimony in favor of Bill 462.

To keep abreast with current policies of the National Council of Registration Boards and/or Councils for Architects, Engineers and Land Surveyors, the proposed changes and clarifications to the provisions of the current PEALS Law, which have been coordinated by the Board with individual registrants and professional associations, are long overdue and certainly would be greatly beneficial to the Board, the registrants and the general public.

The PEALS Board would be able to provide a more efficient and better public service in the administration of the PEALS Law if the proposed amendments under Bill 462 are approved. The Board currently serves over 1000 individual and A-E firm registrants.

Considering the current 3.5:1 ratio of expected annual revenues (\$225K) over operating expenses (\$65K), the proposed authorization for the Board to hire its own permanent staff would be a very viable and sensible option, in lieu of the past and present DPW staff-on-loan arrangement.




Testimony before the Committee on  
Power, Foreign Affairs & General Government Services  
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page 2


The addition of a Board Investigator and the specified amount of fine or civil penalty for each offense committed by registrants would enhance the credibility and integrity of the enforcement of PEALS matters for the ultimate protection of the general public.

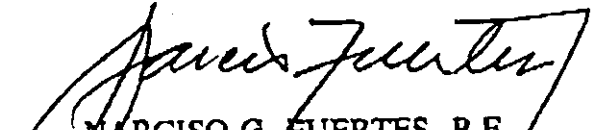
Allowing the Board to have full authority over its revenues would ensure prompt payments to vendors including payments for examination materials, convention costs and annual dues to national boards and councils.

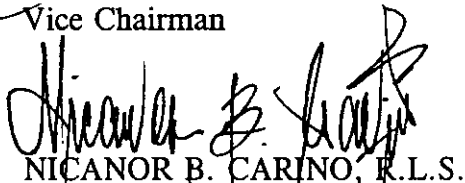
We fully support Bill 462 and are looking forward to your favorable consideration of this bill.

  
ERNIE F. MANJARES, P.E.  
Chairman

  
ANTHONY T. QUINATA, P.E.  
Member

  
ENRICO A. CRISTOBAL, A.I.A.  
Vice Chairman

  
NARCISO G. FUERTES, P.E.  
Member

  
NICANOR B. CARINO, R.L.S.  
Member



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GUAM  
SAIPAN

February 1, 1998

Committee on Power, Foreign Affairs  
& General Government Services  
24th Guam Legislature  
Agana, Guam 96910

ATTN: **Senator Felix P. Camacho, Chairman**

Subject: **Testimony on Bill #462: Amendment to the PEALS Law**

Dear Senator Camacho,

My name is Enrico A. Cristobal, Vice- Chairman & Architect member of the PEALS Board. I am here this morning to testify in support of Bill 462 which will re-enact and amend certain sections of the existing PEALS Law.

In August of 1996 during the Twenty Third Legislature the PEALS Board and Regulations were approved in accordance with the Administrative Adjudication Law and subsequent submission to the Legislature for action.

Prior to that time the PEALS Board had operated without a set of rules and regulations. It was a priority that the members of this Board felt needed to be addressed if the Board was to effectively carry out its mandate. It was difficult to base Board action only on precedents set by previous Boards.

Needless to say the implementation of the Rules and Regulations only provides a guide and framework in which the Board may conduct its activities.

Within months of the approval of the Rules and Regulations the Board felt that the law itself should be reviewed and updated so that any apparent conflicts could be addressed and clarified and more importantly to establish the Board as a separate entity with permanent staff and the ability to control and have authority over its funds. The result of this effort is the Bill before us today.

The Legislative Findings and Intent has accurately depicted the needs of the Board and the general content of the proposed re-enactment.

I, as a member of the Board am here in full support of the Bill and will address any questions you and the committee members may have regarding the proposed amendments.

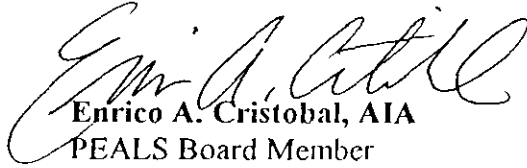
The Board wishes to thank you for scheduling this hearing to obtain the views of the public, the professionals and ourselves on these changes.

And, we thank you also for recognizing the need to update the law to insure the continued safeguard to life, health, and property and to promote the public welfare.

**Senator Felix P. Camacho, Chairman**  
**February 24, 1998**  
**Page 2 of 2**

In looking to the future I envision the Board tackling the issues involved in the Code of Professional Conduct which is embodied as part of the mandate of the PEALS Law. We look forward to you and your colleagues' support in this endeavor.

Si Yuos ma'ase,

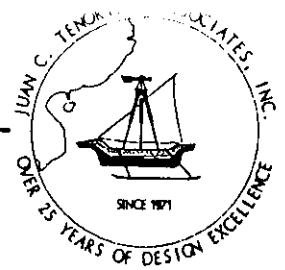


**Enrico A. Cristobal, AIA**  
PEALS Board Member

# JUAN C. T ENORIO & ASSOCIATES, INC.

Engineers & Architects for Micronesia & Asia

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February 23, 1998

Honorable Anthony C. Blaz  
Chairman  
Committee on General Governmental Operations  
Twenty-fourth Guam Legislature  
Agana, Guam 96910

SUBJECT: Bill No. 462: AN ACT TO REPEAL, REENACT AND AMEND CERTAIN SECTIONS OF CHAPTER 32, TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS ACT.

Dear Senator Blaz,

I am here to testify in favor of the subject bill. Much of the amendments to the so-called 'PEALS Board law' as proposed herein would update our own law so as to be on par with similar laws of the rest of the nation, and with the model of the National Council for the Examination of Engineers and Surveyors (NCEES).

The PEALS Board went into a lot of time in writing the proposed changes to the law, and I think they should be commended for their efforts. Of special interest to the undersigned is new Section 21. This section, if approved, would authorize the Board to ". . .employ in the classified positions a Board Administrator, Administrative Assistant, and Board Investigator. . ."

As member and chairman of the Board for nearly 10 years, I have the opportunity to observe the operations and administration of the various state boards. It was obvious to me that every board is headed by a BOARD ADMINISTRATOR, and that every board also has in-house investigators. This section would bring Guam on par with the rest of the country in the examination and licensing of Engineers, Architects, and Land Surveyors, and in the administration and monitoring of the practice of these professionals.

Si Yuus Maase,

Juan C. Tenorio, P.E.  
President

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH** MAR 13 1998

Bill No. 462 Date Received February 19, 1998  
 Amendatory Bill YES X NO      Date Reviewed March 11, 1998

Department/Agency Affected: Professional Engineers, Architects, and Land Surveyors Law  
 Department/Agency Head: Mr. Jerry Rhoads, Executive Secretary (Registrar)  
 Total FY appropriation to Date: \$65,000

Bill Title (Preamble): An Act to Repeal, Reenact and Amend Certain Sections of Chapter 32, Title 22 of the Guam Code Annotated relative to the Professional Engineers, Architects and Land Surveyors Law.

Change in Law: Repeal, Reenact and Amend Certain Sections of Chapter 32, Title 22, GCA

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 &amp; Utilities</u>	<u>    </u>	<u>-0-</u>	<u>-0-</u>

**ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)**

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

**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 3/11/98 DIRECTOR Joseph E. Rivera DATE MAR 13 1998  
 Acting Director

Footnotes: Any operational cost impact as a result of revising the Guam Code Annotated relative to the PEALS Law can be funded from FY98 fund balances of the PEALS Fund. Estimated revenues for the PEALS Fund is \$166,000 and budgetary allocations for operations is \$65,000, which leaves a remaining balance of \$101,000.