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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN

THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

May 4, 2015

The Honorable Edward J.B. Calvo
I Maga'lahren Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 32-33(COR), 56-33(COR), 58-33(LS), 59-33(COR), 60-33(COR) and 62-33(LS); and Substitute Bill Nos. 14-33(COR), 52-33(COR) and 66-33(COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 1, 2015.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (9)

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

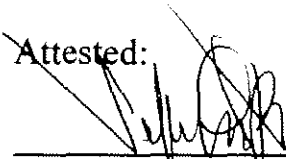
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 62-33 (LS), "AN ACT TO AMEND §32113(b) OF CHAPTER 32, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE REQUIRED EXPERIENCE FOR PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS, AND CLARIFYING THE PROCESSES FOR APPLICANTS,"** was on the 1st day of May 2015, duly and regularly passed.



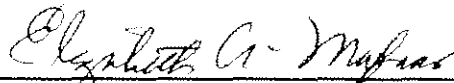
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of May,
2015, at 4:15 o'clock P..M.



Elizabeth A. Mufias
Assistant Staff Officer
***Maga'lahaen's* Office**

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 62-33 (LS)

As amended by the Committee on Transportation,
Infrastructure, Lands, Border Protection, Veterans'
Affairs and Procurement; and further amended
on the Floor.

Introduced by:

T. C. Ada
V. Anthony Ada
Frank F. Blas, Jr.
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §32113(b) OF CHAPTER 32, TITLE
22, GUAM CODE ANNOTATED, RELATIVE TO THE
REQUIRED EXPERIENCE FOR PROFESSIONAL
ENGINEERS, ARCHITECTS AND LAND SURVEYORS,
AND CLARIFYING THE PROCESSES FOR
APPLICANTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that §32113 of Chapter 32, Title 22, Guam Code Annotated, (aka the PEALS law)

1 requires four years of professional experience before an individual may sit for the
2 Professional Engineer examination. However, the Board of Professional Engineers,
3 Architects and Land Surveyors (PEALS) finds that Subsection (b)(1)(A) also
4 requires that these four years be completed *after* an individual successfully passes
5 the Fundamentals of Engineering examination. The potential for a similar
6 interpretation also exists within Subsection (b)(5)(A), relative to the experience
7 required for the Professional Land Surveyors examination.

8 *I Liheslatura* further finds that this interpretation is inconsistent with the
9 model law and rules established by the National Council of Examiners for
10 Engineering and Surveying (NCEES), of which the Guam PEALS Board is a
11 member. The NCEES model law and rules do not restrict creditable experience to
12 begin after passing of the Fundamentals of Engineering examination or the
13 Fundamentals of Land Surveying examination. As such, and with the concurrence
14 of the Guam PEALS Board, it is the intent of *I Liheslatura* to amend the PEALS
15 law to be consistent with NCEES model law and rules. Additional amendments
16 were also made to these impacted sections, at the request of the Guam PEALS
17 Board, in order to update existing law to match current practices and standards,
18 including updates related to changes in the Intern Development Program of the
19 National Council of Architectural Registration Boards.

20 **Section 2.** Subsections (A), (B) and (C) of §32113(b)(1) of Chapter 32,
21 Title 22, Guam Code Annotated, are hereby *amended* to read:

22 “(A) Licensure or Registration by Examination — An Engineer
23 Intern and a graduate of an engineering curriculum of four (4) years or more,
24 accredited by EAC/ABET or the equivalent, with a specific record of four
25 (4) years or more of progressive experience on engineering projects of a
26 grade and character which indicates to the Board that the applicant may be
27 competent to practice engineering, at least one (1) year of which *shall* have
28 been under the supervision of a registered professional engineer, *shall* be

1 admitted to a current form of examination, recognized by the PEALS Board,
2 in the principles and practices of engineering, and in the case of specific
3 engineering disciplines, other examinations as prescribed in the by-laws.
4 Upon passing such examination(s), the applicant *shall* be granted a
5 certificate of registration to practice engineering on Guam, provided the
6 applicant is otherwise qualified. Creditable experience towards the required
7 four (4) years stipulated by this Subsection *shall* begin at a point after
8 graduation from an engineering program accredited by EAC/ABET, or the
9 equivalent.

10 (B) Graduation, Experience and Examination — A graduate of an
11 engineering or related science curriculum of four (4) years or more, other
12 than the ones approved by the Board as being of satisfactory standing, and
13 with a specific record of eight (8) years or more of progressive experience,
14 at least two (2) years of which *shall* have been under the supervision of a
15 registered engineer on projects of a grade and character which indicates to
16 the Board that the applicant may be competent to practice engineering, and
17 having passed a current form of examination, recognized by the PEALS
18 Board, in the fundamentals of engineering may be admitted to a current form
19 of examination, recognized by the PEALS Board, in the principles and
20 practice of engineering as prescribed in the by-laws. Upon passing such
21 examination, the applicant *shall* be granted a certificate of registration to
22 practice engineering on Guam, provided the applicant is otherwise qualified.

23 (C) A Non-graduate from a Technical Curriculum — A non-
24 graduate of an engineering or related science curriculum of four (4) years or
25 more, with a specific record of three (3) years or more in such a curriculum
26 plus twelve (12) years or more of progressive experience on engineering
27 projects, four (4) years of which must have been under the supervision of a
28 registered engineer, and of which at least six (6) years have been in

1 responsible control of engineering projects of a grade and character which
2 indicates to the Board that the applicant may be competent to practice
3 engineering, and having passed a current form of examination, recognized
4 by the PEALS Board, in the fundamentals of engineering may be admitted to
5 a current form of examination, recognized by the PEALS Board, in the
6 principles and practice of engineering as prescribed in the by-laws. Upon
7 passing such examination, the applicant *shall* be granted a certificate of
8 registration to practice engineering on Guam, provided the applicant is
9 otherwise qualified.”

10 **Section 3.** Subsections (A) and (B) of § 32113(b)(3) of Chapter 32, Title
11 22, Guam Code Annotated, are hereby *amended* to read:

12 “(3) As an Architect:

13 (A) Education, Experience and Examination — A graduate of an
14 NAAB accredited program from a school of architecture approved by the
15 Board as being of satisfactory standing and with at least three (3) years of
16 progressive experience satisfactory to the Board in architectural work
17 covering the major categories of architectural practice, at least two (2) years
18 of which *shall* have been under the supervision of a registered architect, and
19 having completed the Intern Development Program (IDP) *shall* be eligible
20 for a current form of examination as prescribed in the rules and regulations.
21 Upon passing such examination, the applicant *shall* be granted a certificate
22 of registration to practice architecture in Guam, if the applicant is otherwise
23 qualified.

24 (i) Effective June 1, 2009, an applicant to the Architect
25 Registration Examination (ARE) *shall*, prior to exam eligibility,
26 complete the Intern Development Program (IDP) of the National
27 Council of Architectural Registration Boards (NCARB), as defined
28 herein and in the rules and regulations set forth, and the most recent or

1 current form of IDP guidelines prepared and prescribed by the
2 NCARB. The IDP requirement *does not* apply to a candidate who:

3 (aa) was determined by the Board to be eligible on or
4 before May 31, 2009, and who is active in the examination
5 process; or

6 (bb) has completed all the necessary education
7 equivalents prior to June 1, 2009, who has submitted a
8 completed application for eligibility evaluation to the Board
9 that is postmarked on or before May 31, 2009, and who has
10 been determined by the Board to be eligible.

11 (ii) An applicant *shall* obtain an IDP certification upon
12 completion of the Intern Development Program, and *shall* submit such
13 certificate with the application form.

14 (iii) As an applicant acquires additional work experience as
15 required by the Board, it is the applicant's responsibility to ensure that
16 his/her employer(s) complete the Employment Verification Forms
17 covering the additional work experience gained with that employer,
18 and that the forms are submitted to the Board. Reporting *shall* be as
19 per most current NCARB policies and procedures.

20 (B) Experience and Examination – An applicant having eight (8)
21 years of architectural training or educational experience satisfactory to the
22 Board, of which a minimum of three (3) years *shall* be experience covering
23 the major categories of architectural practice under the supervision of a
24 registered architect, and having completed the Intern Development Program,
25 *shall* be eligible for a current form of examination as prescribed in the rules
26 and regulations. Upon passing such examination, the applicant *shall* be
27 granted a certificate of registration to practice architecture on Guam, if the
28 applicant is otherwise qualified.

1 (i) The requirements of Subsection (A)(i) through (iii) of
2 this §32113(b)(3) *shall* also apply to this Subsection (B).”

3 **Section 4.** Subsection (A) of §32113(b)(5) of Chapter 32, Title 22, Guam
4 Code Annotated, is hereby *amended* to read:

5 “(A) Licensure or Registration by Examination — A Surveyor Intern
6 with a specific record of four (4) years or more of combined office and field
7 experience satisfactory to the Board in surveying, of which a minimum of
8 three (3) years’ progressive experience has been on surveying projects under
9 the supervision of a professional surveyor, *shall* be eligible to take the
10 current form of examination prepared and furnished by the NCEES in the
11 principles and practice of land surveying, and in Guam Land Matters as
12 prescribed in the by-laws. Upon passing such examination, the applicant
13 *shall* be granted a certificate of registration to practice land surveying on
14 Guam, provided the applicant is otherwise qualified. Creditable experience
15 towards the required four (4) years stipulated by this Subsection may be
16 completed at any point, prior to or after, the applicant successfully passes the
17 Fundamentals of Land Surveying examination. The Board may require
18 additional information, including an oral interview, to verify and confirm
19 that the experience requirements under a professional land surveyor have
20 been met.”

21 **Section 5. Severability.** If any of the provisions of this law or its
22 application to any person or circumstance is found to be invalid or contrary to law,
23 such invalidity *shall not* affect other provisions or applications of this law which
24 can be given effect without the invalid provisions or application, and to this end the
25 provisions of this law are severable.