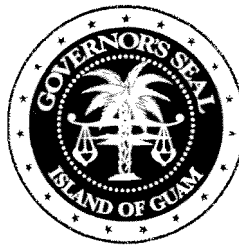


*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
40-32 (COR), P.L. 32-005	T.C. Ada	AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA	2/8/2013 4:39 P.M.	2/8/13	Committee on Public Safety, Infrastructure, & Maritime Transportation	2/19/13 5:30 p.m.	2/21/13 9:03 a.m.	<b>Fiscal Note Requested - 2/13/13</b> <b>Fiscal Note Submitted - 2/25/13 4:44 p.m.</b>
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	2/22/2013	AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER 58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE	2/22/13	4:00pm	3/4/13	3/6/2013	32-005	Passed as substituted and amended on the Floor

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

32-13-170

Office of the Speaker  
Judith T. Won Pat, Ed. D.

March 6, 2013

Date 3/6/13  
Time 3:55 PM  
Received by [Signature]

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

RE: Bill No. 40-32 – Public Law No. 32-005

Dear Madame Speaker:

Transmitted herewith is Bill No. 40-32, "AN ACT TO AMEND 58111 AND 58112 OF CHAPTER 58, AND 73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE", which I signed into law on March 6, 2013, as Public Law 32-005.

*Senseramente,*

  
EDDIE BAZA CALVO

Attachment: Copy of Bill

2013 MAR - 6 PM 4: 56

0170

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

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

This is to certify that **Substitute Bill No. 40-32 (COR), "AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER 58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE"**, was on the 22<sup>nd</sup> day of February, 2013, duly and regularly passed.



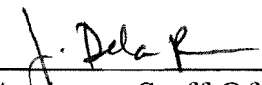
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:

  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

-----

This Act was received by *I Maga'lahen Guåhan* this 22<sup>nd</sup> day of Feb., 2013,  
at 4:00 o'clock P.M.

  
**Assistant Staff Officer**  
***Maga'lahi's Office***

APPROVED:

  
**EDWARD J.B. CALVO**  
***I Maga'lahen Guåhan***

Date: MARCH 06, 2013

Public Law No. 32-005



FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***

**THIRTY-SECOND GUAM LEGISLATURE**

155 Hesler Place, Hagåtña, Guam 96910

February 22, 2013

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910

RECEIVED  
LEGISLATIVE COUNCIL  
4.00  
2/27/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 8-32(COR), 9-32(COR), 13-32(COR), 14-32(COR), 22-32(COR), 24-32(COR), 33-32(COR) and 40-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on February 22, 2013.

Sincerely,

Tina Rose Muña Barnes  
Senator and Legislative Secretary

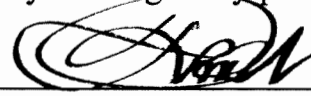
Enclosures (8)

FILE COPY

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

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

This is to certify that **Substitute Bill No. 40-32 (COR), "AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER 58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE"**, was on the 22<sup>nd</sup> day of February, 2013, duly and regularly passed.



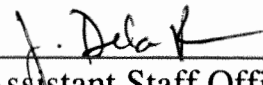
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:

  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

-----

This Act was received by *I Maga'lahaen Guåhan* this 22<sup>nd</sup> day of Feb., 2013,  
at 4:00 o'clock PM.M.

  
**Assistant Staff Officer**  
***Maga'lahi's Office***

**APPROVED:**

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
***I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 40-32 (COR)**

As substituted by the Committee on Public Safety,  
Infrastructure and Maritime Transportation; and amended on the Floor.

Introduced by:

T. C. Ada  
B. J.F. Cruz  
R. J. Respicio  
V. Anthony Ada  
Frank B. Aguon, Jr.  
Chris M. Dueñas  
M. T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. M. Barnes  
Dennis G. Rodriguez, Jr.  
M. F.Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER  
58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10,  
GUAM CODE ANNOTATED, RELATIVE TO THE  
PENALTY RECLASSIFICATION FOR VIOLATIONS OF  
THE FIRE CODE.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
that §58111 (Penalty) of Chapter 58 (Fire Prevention), Title 10 GCA, and §73110  
(Penalty) of Chapter 73 (Fire Prevention), Title 10 GCA, state that, “*Violation of*  
*any provision of this Chapter [fire codes] is a misdemeanor.*”

1        *I Liheslaturan Guåhan* further finds that §30109(a) of Article 1, Chapter 30,  
2 Title 5 GCA states: “*The Attorney General is the public prosecutor and, by*  
3 *himself, a deputy or assistant shall: (a) Conduct on behalf of the Government of*  
4 *Guam the prosecution of offenses against the laws of Guam which are prosecuted*  
5 *in any of the courts of Guam, the District Court of Guam, and any appeals*  
6 *therefrom.*”

7        *I Liheslatura Guåhan* also finds that on January 10, 2013, the Superior Court  
8 of Guam issued a Decision and Order that in the absence of representation from the  
9 Attorney General’s Office, citations issued under Chapter 58 and Chapter 73, Title  
10 10 GCA that the “*Traffic Violations Bureau (TVB), Courts and Ministerial*  
11 *Division of the Superior Court of Guam cease and desist from accepting Uniform*  
12 *Summons and Citation complaints based on violations of any section of the*  
13 *[Guam] Fire Code until such time as the inconsistencies between statute and rule*  
14 *are resolved.*”

15        It is therefore the goal of *I Liheslatura* to rectify this situation by  
16 reclassifying the violations of the Fire Code as civil offenses, with increasing  
17 penalties for each recurrence.

18        **Section 2.** §58111 of Chapter 58, Title 10, Guam Code Annotated, is  
19 hereby *amended* to read:

20        “**§58111. Penalty.**

21            (a) Violation of any provision of this Chapter is a civil violation.

22            (b) Each violation *shall* be subject to the following penalties:

23                    (1) First Offense *shall* be subject to a penalty of up to \$100;

24                    (2) Second Offense of the same fire code provision within a  
25 12-month period *shall* be subject to a penalty of up to \$400, but not  
26 less than \$100;

1                   (3) Third Offense of the same fire code provision within a  
2 12-month period *shall* be subject to a penalty of no less than \$1,000;

3                   (4) Fourth Offense of the same fire code provision within a  
4 12-month period *shall* be punishable as a misdemeanor and the  
5 business license *shall* be suspended for up to 1 year or until the  
6 violation has been cured.

7                   (c) All fines shall be deposited into the Fire, Life and Medical  
8 Emergency Fund ('FLAME') pursuant to §72106, Chapter 72, 10 GCA."

9       **Section 3.** §73110 of Chapter 73, Title 10, Guam Code Annotated, is  
10 hereby *amended* to read:

11       **"§73110. Penalty.**

12                   (a) Violation of any provision of this Chapter is a civil violation.

13                   (b) Each violation *shall* be subject to the following penalties:

14                               (1) First Offense *shall* be subject to a penalty of up to \$100;

15                               (2) Second Offense of the same fire code provision within a 12-  
16 month period *shall* be subject to a penalty of up to \$400 but not less  
17 than \$100;

18                               (3) Third Offense of the same fire code provision within a 12-  
19 month period *shall* be subject to a penalty of no less than \$1,000;

20                               (4) Fourth Offense of the same fire code provision within a 12-  
21 month period *shall* be punishable as a misdemeanor and the business  
22 license *shall* be suspended for up to 1 year or until the violation has  
23 been cured.

24                   (c) All fines *shall* be deposited into the Fire, Life and Medical  
25 Emergency  
26 Fund ('FLAME') pursuant to §72106, Chapter 72, 10 GCA."

1       **Section 4.** §58112 of Chapter 58, Title 10, Guam Code Annotated, is  
2 hereby *amended* to read:

3       **“§58112. Fire Prevention Code.**

4       Inspection of premises and areas authorized by this Chapter *shall* be in  
5 accordance with §73111 of Chapter 73, 10 GCA. ”

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

11       **Section 6. Effective Date.** This Act *shall* become effective upon  
12 enactment.

# I MINA'TRENTAI DOS NA LIHESLATURAN

## 2013 (FIRST) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

**Bill No: 40-32 (COR)**

Monday, February 18, 2013

9:00 P.M.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON					✓
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN		✓			
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

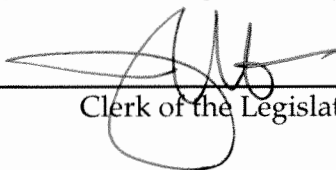
(13)

(1)

(1)

TOTAL

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

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Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 13, 2013

### VIA FACSIMILE

(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

  
Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 14 AM 9:10

*M*

**Bill No. 19-32(COR) – C.M. Duenas / B.J.F. Cruz / T.A. Morrison**

AN ACT TO AMEND CHAPTER 7, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CAPTURING LICENSE FEES AND TAXES FORM GAMING OPERATORS.

**Bill No. 20-32 (COR) – D.G. Rodriguez, Jr.**

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND BY PUBLIC HEALTH CARE PROVIDERS FOR SPECIFIC PURPOSES PERTAINING TO EXTUINGUISHING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND PROVIDE EXPANDED HEALTHCARE SERVICES BY ESTABLISHING AND FUNDING A GMHA PRIMARY HEALTHCARE OR URGENT HEALTHCARE CENTER FOR NON-EMERGENTY PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013."

**Bill No. 21-32 (COR) – B.J.F. Cruz**

AN ACT TO AMEND § 66104.2 OF CHAPTER 66, TITLE 10, OF THE GUAM CODE ANNOTATED; RELATIVE TO THE EMPLOYMENT OF CIVILIAN VOLUNTEER POLICE RESERVE OFFICERS.

**Bill No. 22-32 (COR) – F.B. Aguon, Jr.**

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

**Bill No. 23-32 (COR) – A.A. Yamashita, T.R. Muna Barnes**

AN ACT TO PLACE THE FORMER AGAT FIRE STATION UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR'S OFFICE OF AGAT, BY AMENDING ITEM(1) OF §40113(B) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED.

**Bill No. 24-32 (COR) – F.B. Aguon, Jr.**

AN ACT TO AMEND §7120.3 OF CHAPTER 7, TITLE 16, OF THE GUAM CODE ANNOTATED RELATIVE TO WAIVER OF FEES FOR IMMEDIATE KIN OF FALLEN HEROES.

**Bill No. 25-32 (COR) – D.G. Rodriguez, Jr.**

AN ACT TO REPROGRAM AVAILABLE FUNDS FROM THE HIGHWAY 2001 BOND CONSTRUCTION FUND AND THE HIGHWAY 1985 BOND CONSTRUCTION FUND, AND DESIGNATE AND PRIORITIZE CERTAIN CAPITAL IMPROVEMENT PROJECTS, AND PURCHASE HEAVY EQUIPMENT NEEDED BY DPW FOR FLOOD MITIGATION.

**Bill No. 26-32 (COR) – B.J.F. Cruz / V.A. Ada / T.R. Muna Barnes**

AN ACT TO ADD A NEW § 8107.1 TO CHAPTER 8 OF TITLE 5, GUAM CODE ANNOATATED; RELATIVE TO MANDATING THE CREATION OF THE 'GUAM PUBLIC NOTICE WEBSITE', AMENDING (A) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOTATED AND ADDING (C) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOATED.

**Bill No. 27-32 (COR) – F.V. Aguon, Jr.**

AN ACT TO ADD A NEW §850 TO TITLE 1, GUAM CODE ANNOTATED, TO DESIGNATE ROUTE 15 AS "AIR FORCE HIGHWAY" IN HONOR OF AND SPECIAL TRIBUTE TO THE MEN AND WOMEN OF GUAM WHO HAVE SERVED IN THE UNITED STATES AIR FORCE.

**Bill No. 28-32 (COR) – A.A. Yamashita**

AN ACT RELATIVE TO AUTHORIZING THE RE-ALLOCATION OF UNDISTRIBUTED COLLECTION FUNDS BY THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE FOR THE CRITICAL SUPPORT NEEDED FOR CHILD SUPPORT AND PROTECTIVE SERVICES; THROUGH AMENDING §34111 OF CHAPTER 34, TITLE 5, GUAM CODE ANNOTATED.

**Bill No. 29-32 (COR) – V.C. Pangelinan**

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GUAM PROPERTY.

**Bill No. 30-32 (COR) – M.T. Limtiaco**

AN ACT TO AMEND 2 GCA § 1106 (a) AND TO REPEAL 2 GCA § 1106 (b), TO REDUCE SENATORS' SALARIES TO FIFTY-FIVE THOUSAND THREE HUNDRED SEVEN DOLLARS (\$55,307.00) PER ANNUM

**Bill No. 31-32 (COR) – V.A. Ada**

AN ACT TO ADD A NEW §5132 TO CHAPTER 5 OF 5GCA RELATIVE TO RETENTION OF PROCUREMENT RELATED EMAIL MESSAGES.

**Bill NO. 32-32 (COR) –V.A. Ada**

AN ACT TO ADD A NEW (e) TO §5008 OF CHAPTER 5 OF 5GCA RELATIVE TO PROHIBITING GOVERNMENT OF GUAM BRANCHES, DEPARTMENTS, AGENCIES AND INSTRUMENTALITIES FROM EXCLUDING LOCAL BUSINESSES FROM THE PROCUREMENT PROCESS

**Bill NO. 33-32 (COR) – V.A. Ada / R.J. Respicio**

AN ACT TO AMEND §7105 OF CHAPTER 7 OF 16GCA RELATIVE TO REQUIRING PROOF OF USE TAX PAYMENT AS A CONDITION OF REGISTRATION FOR VEHICLES ACQUIRED OFF-ISLAND.

**Bill NO. 34-32 (COR) – V.A. Ada / R.J. Respicio**

AN ADD A NEW §§ 7178 & 7179 TO 16GCA RELATIVE TO VEHICLE REGISTRATIONS

**Bill No. 35-32 (COR) – V.C. Pangelinan**

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS

**Bill No. 36-32 (COR) - M.F.Q. San Nicolas/ V.A. Ada**

AN ACT TO ADD A NEW (e) AND (f) TO §30111 OF CHAPTER 30, TITLE 22, GUAM CODE ANNOTATED AND A NEW §24307.1, §24307.2, §24307.3, §24307.4, §24307.5, §24307.6, §24307.7 TO CHAPTER 24, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REAL ESTATE APPRAISERS TO SUBMIT VALUATIONS TO THE DEPARTMENT OF REVENUE AND TAXATION AND TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO ADJUST PROPERTY TAX ASSESSMENTS THEREWITH.

**Bill No. 37-32 (COR) – F.B. Aquon, Jr. / R.J. Respicio / V.A. Ada**

AN ACT TO REZONE LOT NO. 2247-REM, LOT NO. 2242-R1, LOT NO. 2244-R2, LOT NO. 2247 EASTERN PART-R1, AND LOT NUMBER 2247-PART-R1 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO MULTIPLE DWELLING ZONE (R2).

**Bill No 38-32 (COR) – Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources and Election Reform**

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

**Bill No. 39-32 (COR) – F.B. Aguon, Jr.**

AN ACT TO AMEND §3103 OF CHAPTER 3, TITLE 7, OF THE GUAM CODE ANNOTATED RELATIVE TO ADDING A SUCCESSIVE TERM OF SERVICE FOR THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

**Bill No. 40-32 (COR) – T.C. Ada/B.J.F. Cruz / R.J. Respicio**

AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA

**Bill No. 41-32 (LS) – B.B. Aguon, Jr. / B.J.F. Cruz/ J.T. Won Pat, Ed.D.**

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

# MESSAGE CONFIRMATION

FEB-13-2013 05:59 PM WED

FAX NUMBER : 4772240  
NAME : GNF

NAME/NUMBER : 4722825  
PAGE : 4  
START TIME : FEB-13-2013 05:58PM WED  
ELAPSED TIME : 00' 48"  
MODE : STD ECM  
RESULTS : [ O.K ]



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guahan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 13, 2013

### VIA FACSIMILE

(671) 472-2825

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Note - Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)**

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guahan*'s most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

*Si Yu'os ma'ase'* for your attention to this matter.

Very Truly Yours,

*Rory J. Respicio*  
Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Received by:  
Analyn Lustaquier*

*2/14/13*

*Am burned in some 107 to 9102 2/14/13*



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

February 20, 2013

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker

I Mina'trentai Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 40-32 (COR) As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 40-32 (COR), As Substituted – “An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the fire code, and to amend §58112, Chapter 58, Title 10 GCA.”

Committee votes are as follows:

<u>5</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse',*

Thomas C. Ada

2013 FEB 21 11 09:03



**Senator Thomas C. Ada**

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guåhan • 32<sup>nd</sup> Guam Legislature*

## **COMMITTEE REPORT ON**

**Bill No. 40-32 (COR), As Substituted**

**“An act to amend §58111, Chapter 58,  
Title 10 GCA and §73110, Chapter 73,  
Title 10 GCA, relative to the penalty  
classification for violations of the fire  
code, and to amend §58112, Chapter 58,  
Title 10 GCA.”**

**As Substituted by the  
Committee on Public Safety,  
Infrastructure and Maritime Transportation**



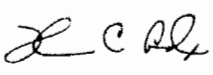
## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

February 20, 2013

### MEMORANDUM

To: **All Members**  
Committee on Public Safety, Infrastructure and Maritime Transportation

From: **Senator Thomas C. Ada**   
Committee Chairperson

Subject: **Committee Report on Bill No. 40-32 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 40-32 (COR), As Substituted – “An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the fire code, and to amend §58112, Chapter 58, Title 10 GCA.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 40-32 (COR), As Introduced
- Copy of Bill No. 40-32 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- COR Referral of Bill No. 40-32 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'åse'!*



## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

*I Mina'trentai Dos Na Libeslaturan Guåhan • 32<sup>nd</sup> Guam Legislature*

### COMMITTEE VOTE SHEET

**Bill No. 40-32 (COR), As Substituted** – T. C. Ada – An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the fire code, and to amend §58112, Chapter 58, Title 10 GCA.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson	<i>T. C. Ada</i> 2/20/13	✓				
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson						
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member	<i>[Signature]</i> 2/20/13	✓				
<b>SENATOR FRANK B. AGUON, JR.</b> Member	<i>[Signature]</i> 2/20/13	✓				
<b>SENATOR MICHAEL F.Q. SAN NICOLAS</b> Member	<i>[Signature]</i> 2/20/13	✓				
<b>SENATOR ALINE A. YAMASHITA, PH.D.</b> Minority Member						
<b>SENATOR V. ANTHONY ADA</b> Minority Member	<i>[Signature]</i> 2/20/13	✓				
<b>SENATOR BRANT McCREADIE</b> Minority Member						

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill 40-32 (COR) was introduced on February 8, 2013 by Senator Thomas C. Ada and was subsequently referred by the Committee on Rules to the Committee on Public Safety, Infrastructure and Maritime Transportation on February 8, 2013.

The Committee on Public Safety, Infrastructure and Maritime Transportation convened a public hearing on Bill 40-32 (COR) on February 19, 2013 at 5:30 pm in *I Liheslatura's* Public Hearing Room to receive public testimony on the measure.

#### **Public Notice Requirements**

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on February 11, 2013 (5-Day Notice), and again on February 15, 2013 (48-Hour Notice).

#### **Senators Present**

Senator Thomas C. Ada	Committee Chairperson
Senator Frank B. Aguon, Jr.	Member
Senator V. Anthony Ada	Minority Member
Senator Brant McCreadie	Minority Member
Senator vicente "ben" pangelinan	
Senator Christopher Dueñas	
Senator Thomas Morrison	

The public hearing was Called-to-Order at 5:31 pm.

### II. SUMMARY OF TESTIMONY AND DISCUSSION

#### **Chief John Wusstig (Acting)**

*Provided oral and written testimony (see attached)*

Mr. Wusstig is currently Battalion Chief and the Acting Fire Chief of the Guam Fire Department (GFD). He states support for Bill 40-32, particularly changing the classification of penalty from "misdemeanor" to "civil violation," to enable the timely adjudication of citations issued by GFD, for fire code violations. Chief Wusstig states that GFD conducts inspections to alleviate fire hazards that can potentially result in physical injury, loss of property, or loss of life. Although GFD attempts to achieve compliance through education, GFD may still need the leverage of penalty assessment to ensure compliance with the Guam Fire Code. Fines will assist Fire Officers in obtaining compliance while performing necessary regulatory function of inspections/investigations associated with the Fire Code. Chief Wusstig closes by re-stating GFD's full support of Bill 40-32.

#### **Phil Tydingco**

*Provided oral testimony*

Mr. Tydingco is the Chief Deputy Attorney General (CDAG) with the Guam Office of the Attorney General. He testifies in support of the bill. States that he has been working with

Sen. Tom Ada's office, as well as with the Guam Fire Department (GFD), and is aware of the situation as explained in the Legislative Findings & Intent of the bill. States that many similar citations exist in the Traffic Court. The enforcement of fire code citations occur in the Traffic Court Violations Bureau of the Judiciary. Current statute classifies the violation of Fire Codes as a Misdemeanor. Procedurally, the adjudication of these violations would require that GFD file the citation with the Attorney General's Office for prosecution. Given the limited manpower resources at the AGO, the prosecution of most fire code violations would most likely be given a low priority than most of the criminal cases handled by the AGO. In effect, the ability to enforce fire code violations would be very much constrained.

CDAG Tydingco clarified that since 1979, the custom and practice in the Judiciary has been to adjudicate the citations in the Traffic Court. However, in January of 2013, the Superior Court issued a Decision & Order that the Traffic Court is not the proper venue for adjudication of fire code violations. Instead, the adjudication of criminal cases should be conducted in Superior Court and must be prosecuted by the AGO or a representative of the AGO. If a guilty verdict is rendered by the Court, the violator would be subject to a \$1,000 fine and up to one year imprisonment, and would have a criminal record for life.

The reclassification of a fire code violation from a "Misdemeanor" to a "Civil Violation", with an associated penalty schedule would be the more practical way to achieve enforcement of the Fire Code. CDAG Tydingco expressed support, and hopes that bill becomes law. Believes that with passage of law, the Fire Prevention Bureau should be able to operate the way they are supposed to function—to ensure compliance and that would be through fines. Punishment as it is now does not necessarily fit the crime; states that loose wires to extinguishers not inspected regularly should not necessarily be cited as a criminal offense and imprisonment.

#### *Discussion*

**Chair Ada** asks CDAG Tydingco to clarify if, since January 2013, the position of the Court has been that if the AGO representative is not present at court at the time, then that was basis for the court to dismiss?

**CDAG Tydingco** responds Yes, the case was dismissed, but the Opinion orders the Bureau not to accept citations issued by the Fire Marshals. Since the Opinion was released, the order was that they (the Bureau) was not to receive any of the tickets or violations that Fire Prevention issued. Not a good thing clearly because then people will know that enforcement is not going on. Stresses importance of legislation, and highlighted the inconsistency that the Court rules say prosecutors should only show up if the other side shows up with a lawyer. In this sense, Traffic Court is kept more as a decriminalized friendly court, and less adversarial. Believes this is a good policy to consider.

**Senator Aguon** states that this is an issue affecting GPD as well, so looks forward to forthcoming legislation addressing this. Commends Chair for moving aggressively on this.

**Senator pangelinan** asks CDAG Tydingco to clarify why Court is not accepting citations. How would this legislation cure the acceptance of citations? What was the driving policy of the decision of the Court to no longer accept the citations?

**CDAG Tydingco** recollects what was said in the Opinion. (1) By law, fire code violations are Misdemeanor criminal violations that warrant the presence of the AGO, or AGO representative, for prosecution. (2) Furthermore, the Traffic Court is a venue for Civil Violations; current statute classifies fire code violation as a misdemeanor, a criminal violation. Therefore, Traffic Court would not be a proper venue, notwithstanding the fact that the Traffic Court has been the venue that has been used for adjudication of fire code violations for decades.

Under the current statute, the adjudication of criminal cases should be conducted in Superior Court and must be prosecuted by the AGO or a representative of the AGO. If a guilty verdict is rendered by the Court, the violator would be subject to a \$1,000 fine and up to one year imprisonment, and would have a criminal record for life. Realistically, the AGO has limited manpower resources; consequently, fire code violations would, in most cases not be filed by the AGO for prosecution.

The reclassification of a fire code violation from a “Misdemeanor” to a “Civil Violation”, with an associated penalty schedule would be the more practical way to achieve enforcement of the Fire Code. CDAG Tydingco expressed support, and hopes that bill becomes law. Believes that with passage of Bill 40-32, the Fire Prevention Bureau should be able to operate the way they are supposed to function—to ensure compliance through the assessment of fines, if warranted. Punishment as it is now does not necessarily fit the crime; states that violations ranging from loose wires to fire extinguishers not being inspected regularly should not necessarily be cited as a criminal offense and imprisonment.

**CDAG Tydingco** said that a fire code violation is classified as a Misdemeanor crime. If there is no prosecutor to prosecute, the Court does not believe it should be prosecuting those cases.

**Senator pangelinan** clarifies that Court is not even accepting the citation. If the Court accepts the citation and the prosecutor is there, then it goes forward. But, currently, Court is not even accepting the citation.

**CDAG Tydingco** responds that is correct.

**Senator pangelinan** asks again how does this cure the acceptance of the citations?

**CDAG Tydingco** responds that by reclassifying fire code violations as civil violations, you don’t need prosecutors for civil violations.

**Senator pangelinan** then clarifies so the citation, under current statute, goes directly to Superior Court?

**CDAG Tydingco** clarifies that under the current statute, GFD sends citations to AGO so that AGO can fill out criminal complaints or indictments.

**Senator pangelinan** wants the record to reflect that there is nothing wrong with the statute, the problem now is how it is being enforced, and the decision to be made now is are we going to change this policy?

**CDAG Tydingco** responds Yes.

**Senator pangelinan** asks then because the Fire Code, and adherence to it is for prevention of injury in public spaces, what happens if it is just a civil violation and it is easier to pay off the fine than it is to comply, what is the remedy after that? Further asks, what if the fine is just paid each year, but the effort to correct the violation is never made, and public safety is threatened, is at stake?

**Chief Wusstig** responds to Sen. pangelinan's last question, there is a progression of fees for recurring offenses.

**Senator pangelinan** clarifies that these are brand new fine amounts? What are the current fine amounts for a first offense?

**Chief Wusstig** responds \$75 is the current fine for Fire code violations.

**Senator pangelinan** asks when \$75 fine schedule was adopted?

**Chief Wusstig** responds 1997, and introduces Capt. Joey Manibusan, the lead Code official.

**CDAG Tydingco** adds that Sen. pangelinan raises a good point that might have been overlooked. If single or continuing violation resulted in an injury or death, it may be necessary to amend to turn into a criminal matter from a civil matter, when entering into the fourth violation. Suggests four or more violation within, say, five years of the first violation will move you from Traffic Court to Superior Court, and it will then be a misdemeanor—"scofflaws." Three to five years or whatever sounds appropriate for repeat offenders or scofflaws.

**Senator pangelinan** asks if there is a rationale for raising the fine?

**Chief Wusstig** responds that it was taken out of one of codes that has fines, but rationale seems obvious that if correction isn't made after first violation, the intention is that with the increase in fine, the second violation will likely be avoided.

**Senator pangelinan** asks who receives the fine? Explains that GFD has the ability to cite businesses and individuals in which the direct beneficiary of the proceeds of that citation goes to the citing entity, and in most instances, common practice is that citing entities should not be tempted to cite more tickets because they directly benefit. States that he is not making a statement about the integrity of the fire officials, but rather does not want to see citing entity as direct beneficiary of fines collected from citations issued. Asks that GFD and AGO think about

if whether fine should go directly to citing agency or General Fund, and then appropriation be made to agency from there.

**Chair Ada** asks where fines go to today? Existing law states that fees go to the FLAME Fund. Is there any other situation where GFD would collect penalties from a non-compliant citizen, other than through the courts? For example, would you be able to give a citation to a business and then he pays GFD?

**Chief Wusstig** responds that the Court has set up the system; there is accountability in the issuance of tickets—the Court receives it, they take out their administrative fees, the monies go to the FLAME Fund, which GFD is not able to access alone. Adds that the citizen is able to challenge in court, and thus the Court will be able to collect if needed.

**Senator McCreadie** asks what currently happens now with misdemeanor violations? If this bill becomes law, will it be retroactive to the Decision and Order (D&O) issued on January 10, 2013?

**CDAG Tydingco** responds that there is a statutory legislative principle that if legislature must make clear that it is retroactive. When this law goes into effect, it will only apply going forward. If citation was issued before law goes into effect, it will still be viewed as a criminal misdemeanor, but no one is adjudicating that, or it could be sent to AGO, and they have up to one year to exercise prosecutorial discretion to file a criminal case.

**Senator McCreadie** asks if there is a number of violators since the D & O was issued in January?

**Chief Wusstig** responds that GFD has stopped issuing citations since January 10. States that GFD still has inspections are still in effect, but no fines are collected or citations are issued. States that most important method of compliance is through education, outreach, through programs and through inspectors who go out and educate.

**CDAG Tydingco** adds that they've communicated with GFD and that if there is an egregious case AGO should be informed so that criminal charges can be filed. Recommends that bill be amended to include criminal penalty for repeat offender, fourth or more.

**Chair Ada** clarifies that after the third offense, within say a three year period, the violation should be deemed a misdemeanor?

**CDAG Tydingco** responds Yes, shall be punishable as a misdemeanor crime or petty misdemeanor—your decision what level of punishment should be. Petty misdemeanor – 0-60 days in jail, max fine \$500 or misdemeanor – 0-1 year jail, max \$1000 fine.

**Senator Morrison** asks are most violators contractors?

**Chief Wusstig** responds No, most are parking violations (blocking of hydrants, fire lanes).

**Chair Ada** concludes hearing. The public hearing was adjourned at 6:06 pm.

### **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Safety, Infrastructure and Maritime Transportation has substituted Bill 40-32 (COR) with the following significant changes:

- In Sections 2 (b) and 3 (b), each offense following the first offense of the same fire code is subject to increasing penalties, with the fourth offense of the same fire code within a 12-month period deemed punishable as a misdemeanor.

The Committee on Public Safety, Infrastructure and Maritime Transportation hereby reports out Bill 40-32 (COR), As Substituted by the Committee, with the recommendation **TO PASS**.

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (First) Regular Session**

Bill No. 40-32 (COR)

Introduced by:

T. C. Ada  
B. J. Cruz  
R. J. Respicio

**AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA  
AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO  
THE PENALTY CLASSIFICATION FOR VIOLATIONS OF  
THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58,  
TITLE 10 GCA.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 §58111 (Penalty), Ch 58 (Fire Prevention), 10 GCA and §73110 (Penalty), Ch 73 (Fire  
4 Prevention), 10 GCA state that “*Violation of any provision of this Chapter is a*  
5 *misdemeanor.*”

6           *I Liheslaturan Guåhan* further finds that §30109(a), Ch 30, 5 GCA states: “*The*  
7 *Attorney General is the public prosecutor and, by himself, a deputy or assistant shall: (a)*  
8 *Conduct on behalf of the Government of Guam the prosecution of offenses against the*  
9 *laws of Guam which are prosecuted in any of the courts of Guam, the District Court of*  
10 *Guam, and any appeals therefrom.*”

11           *I Liheslatura Guåhan* also finds that on January 10, 2013, the Superior Court of  
12 Guam issued a Decision and Order that in the absence of representation from the  
13 Attorney General’s Office, citations issued under Ch 58 and Ch 73, 10 GCA that the  
14 “*Traffic Violations Bureau (TVB), Courts and Ministerial Division of the Superior Court*  
15 *of Guam cease and desist from accepting Uniform Summons and Citation complaints*  
16 *based on violations of any section of the [Guam] Fire Code until such time as the*  
17 *inconsistencies between statute and rule are resolved.*”

1 It is therefore the goal of *Lihseslatura* to rectify this situation by reclassifying the  
2 violations of the Fire Code as Civil offenses, with increasing penalties for each  
3 recurrence.

4 **Section 2.** §58111, Chapter 58, 10 GCA is hereby amended to read:

5 **§ 58111. Penalty.**

6 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
7 violation.

8 b. Each violation shall be subject to the following penalties:

9 i. First Offense up to \$100

10 ii. Second Offense up to \$400 but not less than \$100

11 iii. Third Offense no less than \$1,000

12 c. All fines shall be deposited into the Fire, Life and Medical Emergency  
13 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

14  
15 **Section 3.** §73110, Chapter 73, 10 GCA is hereby amended to read:

16 **§ 73110. Penalty.**

17 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
18 violation.

19 b. Each violation shall be subject to the following penalties:

20 i. First Offense up to \$100

21 ii. Second Offense up to \$400 but not less than \$100

22 iii. Third Offense no less than \$1,000

23 c. All fines shall be deposited into the Fire, Life and Medical Emergency  
24 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

25  
26 **Section 4.** §58112, Chapter 58, 10 GCA is hereby amended to read:

27 **“§ 58112. Fire Prevention Code.**

28 Inspection of premises and areas authorized by this Chapter shall be in accordance  
29 with §73111, Chapter 73, 10 GCA. ~~the Fire Prevention Code issued by the~~  
30 ~~American Insurance Association. Standards and requirements for fire prevention~~

1       ~~as set out in said Fire Prevention Code shall apply in Guam in the absence of~~  
2       ~~specific provisions of this Chapter.”~~

3

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

9       **Section 6. Effective Date.** This Act shall become effective upon enactment.

***I MINA‘TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (First) Regular Session**

Bill No. 40-32 (COR)

As Substituted by the Committee on Public Safety,  
Infrastructure and Maritime Transportation

Introduced by:

T. C. Ada  
B. J. Cruz  
R. J. Respicio

---

**AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA  
AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO  
THE PENALTY CLASSIFICATION FOR VIOLATIONS OF  
THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58,  
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3 §58111 (Penalty), Ch 58 (Fire Prevention), 10 GCA and §73110 (Penalty), Ch 73 (Fire  
4 Prevention), 10 GCA state that “*Violation of any provision of this Chapter [fire codes] is*  
5 *a misdemeanor.*”

6           *I Liheslaturan Guåhan* further finds that §30109(a), Ch 30, 5 GCA states: “*The*  
7 *Attorney General is the public prosecutor and, by himself, a deputy or assistant shall: (a)*  
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12 Guam issued a Decision and Order that in the absence of representation from the  
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14 “*Traffic Violations Bureau (TVB), Courts and Ministerial Division of the Superior Court*  
15 *of Guam cease and desist from accepting Uniform Summons and Citation complaints*  
16 *based on violations of any section of the [Guam] Fire Code until such time as the*  
17 *inconsistencies between statute and rule are resolved.*”

1 It is therefore the goal of *I Liheslatura* to rectify this situation by reclassifying the  
2 violations of the Fire Code as Civil offenses, with increasing penalties for each  
3 recurrence.

4 **Section 2.** §58111, Chapter 58, 10 GCA is hereby amended to read:

5 **§ 58111. Penalty.**

6 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
7 violation.

8 b. Each violation shall be subject to the following penalties:

9 i. First Offense of a fire code shall be subject to a penalty of up to  
10 \$100

11 ii. Second Offense of the same fire code within a 12-month period  
12 shall be subject to a penalty of up to \$400 but not less than  
13 \$100

14 iii. Third Offense of the same fire code within a 12-month period  
15 shall be subject to a penalty of no less than \$1,000

16 iv. Fourth Offense of the same fire code within a 12-month period  
17 shall be punishable as a misdemeanor

18 c. All fines shall be deposited into the Fire, Life and Medical Emergency  
19 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

20  
21 **Section 3.** §73110, Chapter 73, 10 GCA is hereby amended to read:

22 **§ 73110. Penalty.**

23 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
24 violation.

25 b. Each violation shall be subject to the following penalties:

26 i. First Offense of a fire code shall be subject to a penalty of up to  
27 \$100

28 ii. Second Offense of the same fire code within a 12-month period  
29 shall be subject to a penalty of up to \$400 but not less than \$100

30 iii. Third Offense of the same fire code within a 12-month period shall  
31 be subject to a penalty of no less than \$1,000

1                   iv. Fourth Offense of the same fire code within a 12-month period  
2                   shall be punishable as a misdemeanor

3                   c. All fines shall be deposited into the Fire, Life and Medical Emergency  
4                   Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

5  
6                   **Section 4.** §58112, Chapter 58, 10 GCA is hereby amended to read:

7                   **“§ 58112. Fire Prevention Code.**

8                   Inspection of premises and areas authorized by this Chapter shall be in accordance  
9                   with §73111, Chapter 73, 10 GCA. ~~the Fire Prevention Code issued by the~~  
10                  ~~American Insurance Association. Standards and requirements for fire prevention~~  
11                  ~~as set out in said Fire Prevention Code shall apply in Guam in the absence of~~  
12                  ~~specific provisions of this Chapter.”~~

13  
14                  **Section 5. Severability.** If any of the provisions of this law or its application to  
15                  any person or circumstance is found to be invalid or contrary to law, such invalidity shall  
16                  not affect other provisions or applications of this law which can be given effect without  
17                  the invalid provisions or application, and to this end the provisions of this law are  
18                  severable.

19                  **Section 6. Effective Date.** This Act shall become effective upon enactment.

*1 Liheslaturan Guàhan, Hagátña*

An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the fire code, and to amend §58112, Chapter 58, Title 10 GCA.

[illegible]



**GUAM FIRE DEPARTMENT**  
**DIPATTAMENTON GUAFI GUAHAN**  
*Professionalism \* Respect \* Integrity \* Dedication \* Empathy*



Eddie Baza Calvo  
Governor

John L. Wusstig  
Acting Fire Chief

Ray Tenorio  
Lt. Governor

February 15, 2013

Honorable Senator Thomas C. Ada  
Chairman, Committee on Public Safety,  
Infrastructure & Maritime Transportation  
I Mina'Trentai Dos Na Liheslaturan Guahan  
Suite 207, Ada Plaza Center  
173 Aspinall Avenue  
Hagatna, Guam 96910

Buenas yan Hafa Adai,

My name is John Wusstig, I am a Battalion Chief with the Guam Fire Department and I'm currently the Acting Fire Chief. I would like to thank the Legislature for the opportunity to provide testimony in favor of Bill 40-32 "AN ACT TO AMEND §58111 OF CHAPTER 58 OF TITLE 10 GCA AND §73110 OF CHAPTER 73 OF TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO REPEAL §58112 of Chapter 58 OF Title 10 GCA".

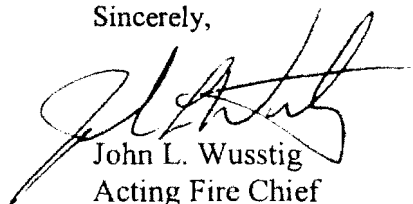
The Guam Fire Department supports Bill 40-32 as it addresses the importance in changing the language in the law from a **misdemeanor** to a **civil violation**, thus maintaining our ability to provide enforcement of the Fire Code as well as continue to provide assurance to the community that public safety is a high priority.

The Guam Fire Department is not capable of alleviating all citizen hazards that can potentially lead to situations that inflict injury, loss of property, or life. However, with proper legislation, the government can provide the mechanism through fees and fines, which will assist in Fire Code compliance.

The fines will assist our Fire Officers in obtaining compliance while performing the necessary regulatory function of inspections/investigations associated with the Fire Code. Fire Code compliance and our ability to enforce it properly benefits the building owner, its employees, its occupants/customers, and most especially our First Responders who respond to all types of emergency situations at these facilities.

In closing, The Guam Fire Department is in full support of Bill 40-32 and its importance of changing the language in the law from a **misdemeanor** to a **civil violation with assessment of fines**.

Sincerely,



John L. Wusstig  
Acting Fire Chief



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 8, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 40-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 40-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
40-32 (COR)	T.C. Ada	AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA	2/8/2013 4:39 P.M.	2/8/13	Committee on Public Safety, Infrastructure, & Maritime Transportation			




## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guåhan • 32<sup>nd</sup> Guam Legislature*

February 11, 2013

### MEMORANDUM

To: All Senators, Media

From: Senator Thomas C. Ada, Chairperson   
Committee on Public Safety, Infrastructure, and Maritime Transportation

Subject: **Public Hearing Notice: February 19, 2013**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on Tuesday, February 19, 2013, at 5:30 pm. This hearing will take place in the Public Hearing Room of *I Liheslaturan Guåhan*, and will be broadcast on local television, MCV channel 13 and GTA channel 21.

The agenda is as follows:

**Bill 40-32 (COR) - T. C. Ada, B. J. Cruz, R. J. Respicio**

An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the Fire Code, and to amend §58112, Chapter 58, Title 10 GCA.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until February 20, 2013, 12:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

*Si Yu'os Ma'ase.*

*Senator Tom Ada*

---

## Public Hearing: First Notice

---

**Nicole Santos** <nsantos@senatorada.org>

Mon, Feb 11, 2013 at 4:42 PM

To: phnotice@guamlegislature.org

Cc: Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Coy Torres <coy@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai, Senators,

Please see attached notice from Senator Tom Ada regarding Bill 40-32 (COR), relative to the reclassification of Fire Code violations.

Best regards,  
Nicole

—  
Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Dos Na Liheslaturan Guahan - 32nd Guam Legislature  
671-473-3301



**PH-First Notice-all senators.pdf**

512K



Senator Tom Ada

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## Public Hearing: First Notice

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**Nicole Santos** <nsantos@senatorada.org>

Mon, Feb 11, 2013 at 4:43 PM

To: Media <media@senatorada.org>

Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Coy Torres <coy@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached notice (pdf and word file) from Senator Tom Ada regarding Bill 40-32 (COR), relative to the reclassification of Fire Code violations. Also, please find Bill 40-32 (COR) attached for your reference.

Should you have any questions, please call our office at 473-3301.

[Quoted text hidden]

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### 3 attachments



**PH-First Notice-all senators.pdf**  
512K



**PH-First Notice-all senators.doc**  
216K



**Bill 40-32 (COR)-GFD Penalties.pdf**  
283K



Senator Tom Ada

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## Public Hearing: First Notice

---

**Nicole Santos** <nsantos@senatorada.org>

Mon, Feb 11, 2013 at 4:50 PM

To: John Wusstig <john.wusstig@gfd.guam.gov>

Cc: Edward Artero <edward.artero@gfd.guam.gov>, Joey Manibusan <guamfireinspector@gmail.com>, Phil Tydingco <ptydingco@guamag.org>, Zerlyn Palomo <zpalomo@guamag.org>, Patrick Mason <pmason@guamag.org>, Richard Martinez <rmartinez@guamcourts.org>, Jessica Cruz <jcruz@guamcourts.org>, Jenbel Manibusan <jmanibusan@guamcourts.org>, Nicole Santos <nsantos@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>

Hafa adai, Chief Wusstig,

Please see attached notice from Senator Tom Ada regarding Bill 40-32 (COR), relative to the reclassification of Fire Code violations. Also, please find Bill 40-32 (COR) attached for your reference.

Feel free to forward this notice to those I might have missed here. Should you have any questions, please call our office at 473-3301.

Best regards,

Nicole

[Quoted text hidden]

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### 2 attachments



**PH-First Notice-all senators.pdf**

512K



**Bill 40-32 (COR)-GFD Penalties.pdf**

283K



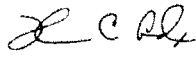
## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

February 15, 2013

### MEMORANDUM

To: All Senators, Media

From: Senator Thomas C. Ada, Chairperson   
Committee on Public Safety, Infrastructure, and Maritime Transportation

Subject: **Public Hearing Notice: February 19, 2013**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on Tuesday, February 19, 2013, at 5:30 pm. This hearing will take place in the Public Hearing Room of *I Liheslaturan Guåhan*, and will be broadcast on local television, MCV channel 13 and GTA channel 21.

The agenda is as follows:

**Bill 40-32 (COR) - T. C. Ada, B. J. Cruz, R. J. Respicio**

An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the Fire Code, and to amend §58112, Chapter 58, Title 10 GCA.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until February 20, 2013, 12:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

*Si Yu'os Ma'ase.*



Office of  
Senator Tom Ada

---

## Public Hearing: Second Notice

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**Nicole Santos** <nsantos@senatorada.org>

Fri, Feb 15, 2013 at 10:13 AM

To: phnotice@guamlegislature.org

Cc: Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Coy Torres <coy@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai, Senators,

Please see attached notice from Senator Tom Ada regarding Bill 40-32 (COR), relative to the reclassification of Fire Code violations.

Best regards,

—  
Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature  
671-473-3301



**PH-Second Notice-all senators.pdf**

512K



Senator Tom Ada

Office of Senator Tom Ada

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## Public Hearing: Second Notice

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Nicole Santos <nsantos@senatorada.org>

Fri, Feb 15, 2013 at 10:15 AM

To: Media <media@senatorada.org>

Cc: Cyrus Luhr <cyrus@senatorada.org>, Jimmy Camacho <jcamacho@senatorada.org>, Coy Torres <coy@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached notice (pdf and word file) from Senator Tom Ada regarding Bill 40-32 (COR), relative to the reclassification of Fire Code violations. Also, please find Bill 40-32 (COR) attached for your reference.

Should you have any questions, please call our office at 473-3301.

[Quoted text hidden]

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### 3 attachments



**PH-Second Notice-all senators.pdf**

512K



**PH-Second Notice-all senators.doc**

217K



**Bill 40-32 (COR)-GFD Penalties.pdf**

283K

## **UPDATED 2013.02.11**

### **32GL Senators:**

"Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Tina Rose Muna Barnes" <tinamunabarnes@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Thomas C. Ada" <tom@senatorada.org>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "vicente 'ben' pangelinan" <senbenp@guam.net>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Michael F. Q. San Nicolas" <responsibleguam@gmail.com>, "V. Anthony Ada" <tony@tonyada.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>,

### **32GL Senator Staff**

therese@judiwonpat.com, frank@judiwonpat.com, rob@judiwonpat.com, jason@judiwonpat.com, wil@judiwonpat.com, steve@judiwonpat.com, faith@judiwonpat.com, senator@senatorbjcruz.com, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, chris.carillo@senatorbjcruz.com, sgflores@tinamunabarnes.com, jblas@tinamunabarnes.com, jean@tinamunabarnes.com, Vparriola1@gmail.com, etajalle@guamlegislature.org, tjtaitano@cs.com, mlwheeler2000@yahoo.com, phillipsguam@gmail.com, avon.guam@gmail.com, jennifer.lj.dulla@gmail.com, marymaravilla19@gmail.com, chechsantos@gmail.com, committee@frankaguonjr.com, admin@frankaguonjr.com, cipo@guamlegislature.org, chris.budasi@guamlegislature.org, aokada@guamlegislature.org, smendiola@guamlegislature.org, avillaverde@guamlegislature.org, ahernandez@guamlegislature.org, sonedera-salas@guamlegislature.org, berthaduenas@gmail.com, emqcho@gmail.com, senatorsannicolas@gmail.com, alerta.jermaine@gmail.com, louise@tonyada.com, pete@tonyada.com, ed@tonyada.com, val@tonyada.com, santos.duenas@gmail.com, mcarlson@guamlegislature.org, ang.duenas@gmail.com, angela.lgrios@gmail.com, mike@mikelimtiaco.com, conedera@mikelimtiaco.com, cos@senatormorrison.com, manuela@senatormorrison.com, ryanjames@senatormorrison.com, tanya4families@gmail.com, lou4families@gmail.com, evelyn4families@gmail.com, jcamacho@senatorada.org, cyrus@senatorada.org, nsantos@senatorada.org, Juliette@senatorada.org, office@senatorada.org, coy@senatorada.org, tom@senatorada.org, carlaborja.73@gmail.com, baza.matthew@gmail.com, senatordrodriguez@gmail.com, clifton@toduguam.com, cherbert.senatordrodriguez@gmail.com, rfteehan@yahoo.com, amanda@toduguam.com, nicole@toduguam.com, joe@toduguam.com, jmesngon.senatordrodriguez@gmail.com, sitarose2@yahoo.com, meia@toduguam.com, menchu@toduguam.com

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<a href="#">clynt@spbgum.com</a>	<a href="#">clynt@spbgum.com</a>	Member
<a href="#">dmgeorge@guampdn.com</a>	<a href="#">dmgeorge@guampdn.com</a>	Member
<a href="#">dtamondong@guampdn.com</a>	<a href="#">dtamondong@guampdn.com</a>	Member
<a href="#">editor@mvguam.com</a>	<a href="#">editor@mvguam.com</a>	Member
<a href="#">gdumat-ol@guampdn.com</a>	<a href="#">gdumat-ol@guampdn.com</a>	Member
<a href="#">hottips@kuam.com</a>	<a href="#">hottips@kuam.com</a>	Member
<a href="#">jac.cherry@gmail.com</a>	<a href="#">jac.cherry@gmail.com</a>	Member
<a href="#">janela@mvguam.com</a>	<a href="#">janela@mvguam.com</a>	Member
<a href="#">kevin@spbgum.com</a>	<a href="#">kevin@spbgum.com</a>	Member
<a href="#">lmatthews@guampdn.com</a>	<a href="#">lmatthews@guampdn.com</a>	Member
<a href="#">michele@kuam.com</a>	<a href="#">michele@kuam.com</a>	Member
<a href="#">mindy@kuam.com</a>	<a href="#">mindy@kuam.com</a>	Member

<a href="#">news@guampdn.com</a>	<a href="#">news@guampdn.com</a>	Member
<a href="#">news@spbgum.com</a>	<a href="#">news@spbgum.com</a>	Member
<a href="#">news@k57.com</a>	<a href="#">news@k57.com</a>	Member
<a href="#">nick.delgado@kuam.com</a>	<a href="#">nick.delgado@kuam.com</a>	Member
<a href="#">rgibson@k57.com</a>	<a href="#">rgibson@k57.com</a>	Member
<a href="#">sabrina@kuam.com</a>	<a href="#">sabrina@kuam.com</a>	Member
<a href="#">scoop@guamnewswatch.com</a>	<a href="#">scoop@guamnewswatch.com</a>	Member
<a href="#">thebigshow@k57.com</a>	<a href="#">thebigshow@k57.com</a>	Member
<a href="#">thebigshow@spbgum.com</a>	<a href="#">thebigshow@spbgum.com</a>	Member
<a href="#">therese.hart.writer@gmail.com</a>	<a href="#">therese.hart.writer@gmail.com</a>	Member
<a href="#">therese@mvguam.com</a>	<a href="#">therese@mvguam.com</a>	Member
<a href="#">tina@marianasmedia.com</a>	<a href="#">tina@marianasmedia.com</a>	Member
<a href="#">zita@mvguam.com</a>	<a href="#">zita@mvguam.com</a>	Member

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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> Guam Legislature

### **AGENDA**

#### **PUBLIC HEARING**

**Tuesday, February 19, 2013**

**Public Hearing Room, *I Liheslaturan Guåhan***

The agenda is as follows:

**5:30 pm**

**Bill 40-32 (COR) - T. C. Ada, B. J. Cruz, R. J. Respicio**

An act to amend §58111, Chapter 58, Title 10 GCA and §73110, Chapter 73, Title 10 GCA, relative to the penalty classification for violations of the Fire Code, and to amend §58112, Chapter 58, Title 10 GCA.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until February 20, 2013, 12:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 25, 2013

### Memorandum

**To:** Reanne Meno  
Clerk of the Legislature

**From:** Senator Rory J. Respicio  
Majority Leader & Rules Chair

**Subject:** Fiscal Notes

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below.  
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 21-32 (COR), 40-32(COR), 41-32(COR), and 44-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2013 FEB 25 PM 4:44

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

***FACSIMILE INFORMATION PAGE***

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 2

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

**RE:** Fiscal Note Waiver on the following Bill Nos.: 21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).

**COMMENTS:** Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR


**FEB 25 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **21-32(COR), 40-32(COR), 41-32(COR), and 44-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 21-32 (COR)**

**AN ACT TO AMEND § 66104.2 OF CHAPTER 66, TITLE 10, OF THE GUAM CODE ANNOTATED; RELATIVE TO THE EMPLOYMENT OF CIVILIAN VOLUNTEER POLICE RESERVE OFFICERS.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Guam Police Department	Dept./Agency Head: Fred Bordallo, Chief of Police
Department's General Fund (GF) appropriation(s) to date:	26,040,529
Department's Other Fund (Specify) appropriation(s) to date: Police Service Fund/Tourist Attraction Fund	1,035,858
Total Department/Agency Appropriation(s) to date:	\$27,076,387

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>			
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No  
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /x/ No  
/ / Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst: Matt Quinata Date: \_\_\_\_\_ Director: John A. Rios, BBNR Director Date: **FEB 25 2013**

**Footnotes:**

The intent of Bill 21-32 (COR) is to amend Section 66104.2 of Chapter 66, Title 10 by providing for the following amendments: 1) reduce the number of service hours from 2080 hours to 500 hours in order to increase number of eligible candidates; and 2) eliminate participation of program candidates in the government of Guam's health insurance program. With the amendment in eliminating health insurance coverage, the government of Guam will save approximately \$4,100 per employee.

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 40-32 (COR)**

**AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Guam Fire Department	Dept./Agency Head: Fire Chief, Joey C. San Nicolas
Department's General Fund (GF) appropriation(s) to date:	26,214,655
Department's Other Fund (Specify) appropriation(s) to date: Fire, Life and Medical Emergency (FLAME) Fund (\$73,065) / Emergency 911 (E911) Reporting System Fund (\$1,650,630)	1,723,695
Total Department/Agency Appropriation(s) to date:	\$27,938,350

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$73,065	\$73,065
FY 2013 Appr. (P.L. 31-233)	\$0	(\$73,065)	(\$73,065)
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / x / Yes      / / No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ / x / N/A
3. Does the Bill establish a new program/agency? / / Yes      / x / No  
If yes, will the program duplicate existing programs/agencies? / x / N/A      / / Yes      / / No  
Is there a federal mandate to establish the program/agency? / / Yes      / x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes      / x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes      / / No  
/ / Requested agency comments not received as of the due date      / / Other:

Analyst: Michael M. Aflague, B&M Analyst IV Date: 2/21/13 Director: John A. Rios, Director Date: **FEB 25 2013**

Footnotes: See attachment for revenue generating provisions.

**Bureau of Budget & Management Research  
Attachment to Fiscal Note No. 40-32 (COR)  
(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
FLAME Fund:	1/	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0

**Comments:**

1/ Currently, the Guam Fire Department (GFD) is assessing violators at a rate of \$70 per violation (in accordance with established fee schedules, 10 GCA, Ch. 72, §72106 - FLAME Fund). Bill 40-32 (COR), proposes a \$100 charge for the first offense with subsequent increases for the second and third. According to data provided by the GFD, a total of 403 first-time violations are projected annually. As such, the Bureau anticipates increases in revenues to the FLAME Fund by approximately 43% or \$12,090 annually [403 violations x \$100 first offense = \$40,300 - \$28,210 (403 violations x \$70 first offense)]. It should be noted that GFD has not experienced any repeat violators since June 2012. Any repeat offender would be subjected to higher penalties at which time the Bureau anticipates revenue streams to increase correspondingly based on the number of offenses above the first and dependent upon the number of violations thereof.

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 41-32 (COR)**

**AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Department of Correction and Others	Dept./Agency Head: San Agustin
Department's General Fund (GF) appropriation(s) to date:	20,111,228
Department's Other Fund (Specify) appropriation(s) to date: Corrections Revolving, Safe Street, TEFF	951,661
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$21,062,889</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>			
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

1. Does the bill contain "revenue generating" provisions?      / / Yes      /x/ No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation?      /x/ N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_      /x/ N/A
3. Does the Bill establish a new program/agency?      / / Yes      /x/ No  
If yes, will the program duplicate existing programs/agencies?      / / N/A      / / Yes      /x/ No  
Is there a federal mandate to establish the program/agency?      / / Yes      /x/ No
4. Will the enactment of this Bill require new physical facilities?      / / Yes      /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:      / / Yes      /x/ No  
/ / Requested agency comments not received by due date      / / Other: \_\_\_\_\_

Analyst: Matt Quinata      Date: \_\_\_\_\_      Director: John A. Ries, BBMR Director      Date: **FEB 25 2013**

**Footnotes:**

Bill no. 41-32 intends to make it mandatory for the courts to impose sentences to include mandatory incarceration of those found guilty of family violence, to include first time offenders. Based the Department of Correction's FY2012 expenditures, the cost of incarcerating an inmate is approximately \$37,230 a year at an estimated average cost of \$102 per day. GPD statistics showed a total of 272 individuals were arrested for family violence in FY2012. Assuming a 50% guilty rate (136 individuals) for first time offenders, the potential fiscal impact would cost about \$204 per person or \$27,500 per year if the bill is passed. This cost will potentially increase if additional guilty verdicts are made and if individuals have more than one offense; it will increase costs and add burden to facilities and resources of other GovGuam departments/agencies. The proposed legislation may suggest options of monetary penalties rather than incarcerate to strengthen the penalties.

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 44-32 (COR)**

**AN ACT TO AMEND §23111(g)(2) OF CHAPTER 23, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE USE OF MILEAGE EARNED THROUGH CREDIT CARD PURCHASES AUTHORIZED BY THE GOVERNMENT OF GUAM, TO SUPPORT STUDENT TRAVEL INVOLVING ACADEMIC, SPORTS, AND CULTURAL ACTIVITIES.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Guam Department of Education	Dept./Agency Head: Jon Fernandez, Superintendent of
Department's General Fund (GF) appropriation(s) to date:	184,627,406
Department's Other Fund (Specify) appropriation(s) to date: TEFF and HFF	31,535,708
Total Department/Agency Appropriation(s) to date:	\$216,163,114

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$184,627,406	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	(\$82,500)	\$0	\$0	\$0	\$0
Total	\$0	\$184,544,906	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x / No  
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A /x / Yes / / No  
If no, what is the additional amount required? \$ /x / N/A
3. Does the Bill establish a new program/agency? / / Yes /x / No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x / No  
Is there a federal mandate to establish the program/agency? / / Yes /x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x / Yes / / No  
/ / Requested agency comments not received as of the due date /x / Other: insufficient time due deadline

Analyst: John AB Pangelinan Date: 2/20/13 Director: John A. Rios, Director Date: FEB 23 2013

**Footnotes:**

See attached comments.

#### Comments on Legislative Bill No. 44-32 (COR)

The bill is seeking to transfer approximately 10 Million in air travel mileage which is separate and apart from those air travel miles identified by P.L. 31-117. Such air miles will be used to fund student travel involving academics, sports and cultural activities as approved by the Superintendent of Education. Because such air travel mileage is earned by the Government of Guam, specific airlines serving Guam may charge a transfer fee for transferring from Government of Guam to each student, resulting in significant fiscal impact to the annual appropriations of the Guam Department of Education. As an example, Delta Airlines charge a fee of \$0.01 per mile plus \$30.00 transaction fees. Using this as example, the potential fiscal impact could be as low as \$70,000, based on the following assumptions:

- Transfer fees used by Delta Airlines are \$0.01 per mile plus a \$30 transaction fees.
- In a given fiscal year, approximately 500 students will travel to the United States, all using the travel mileage available for GDOE that Delta has agreed to accommodate.
- Approximately 5,500,000 travel air miles will be consumed by these 500 students.
- Each student is a separate transaction fee.

For United Continental, the potential fiscal impact can be as high as \$82,500, which is based on a transfer cost \$15 per increments of 1,000 air miles for a total Mileage Plus transfer of 5,500,000.

Both airlines do have a limitation of 4 transfer events per account which means that the Department of Administration will need to negotiate with the airlines to allow unlimited transfers under the Government of Guam account.

Both the



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

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Aline Yamashita  
Member

February 8, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 40-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 40-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (First) Regular Session**

Bill No. 40-32 (COR)

Introduced by:

T. C. Ada  
B. J. Cruz  
R. J. Respicio

**AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA  
AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO  
THE PENALTY CLASSIFICATION FOR VIOLATIONS OF  
THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58,  
TITLE 10 GCA.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan finds*  
3 *§58111 (Penalty), Ch 58 (Fire Prevention), 10 GCA and §73110 (Penalty), Ch 73 (Fire*  
4 *Prevention), 10 GCA state that "Violation of any provision of this Chapter is a*  
5 *misdemeanor."*

6 *I Liheslaturan Guåhan further finds that §30109(a), Ch 30, 5 GCA states: "The*  
7 *Attorney General is the public prosecutor and, by himself, a deputy or assistant shall: (a)*  
8 *Conduct on behalf of the Government of Guam the prosecution of offenses against the*  
9 *laws of Guam which are prosecuted in any of the courts of Guam, the District Court of*  
10 *Guam, and any appeals therefrom."*

11 *I Liheslatura Guåhan also finds that on January 10, 2013, the Superior Court of*  
12 *Guam issued a Decision and Order that in the absence of representation from the*  
13 *Attorney General's Office, citations issued under Ch 58 and Ch 73, 10 GCA that the*  
14 *"Traffic Violations Bureau (TVB), Courts and Ministerial Division of the Superior Court*  
15 *of Guam cease and desist from accepting Uniform Summons and Citation complaints*  
16 *based on violations of any section of the [Guam] Fire Code until such time as the*  
17 *inconsistencies between statute and rule are resolved."*

2013 FEB-8 PM 4:39

1 It is therefore the goal of *Liheslatura* to rectify this situation by reclassifying the  
2 violations of the Fire Code as Civil offenses, with increasing penalties for each  
3 recurrence.

4 **Section 2.** §58111, Chapter 58, 10 GCA is hereby amended to read:

5 **§ 58111. Penalty.**

- 6 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
7 violation.
- 8 b. Each violation shall be subject to the following penalties:
- 9 i. First Offense up to \$100
- 10 ii. Second Offense up to \$400 but not less than \$100
- 11 iii. Third Offense no less than \$1,000
- 12 c. All fines shall be deposited into the Fire, Life and Medical Emergency  
13 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.
- 14

15 **Section 3.** §73110, Chapter 73, 10 GCA is hereby amended to read:

16 **§ 73110. Penalty.**

- 17 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil  
18 violation.
- 19 b. Each violation shall be subject to the following penalties:
- 20 i. First Offense up to \$100
- 21 ii. Second Offense up to \$400 but not less than \$100
- 22 iii. Third Offense no less than \$1,000
- 23 c. All fines shall be deposited into the Fire, Life and Medical Emergency  
24 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.
- 25

26 **Section 4.** §58112, Chapter 58, 10 GCA is hereby amended to read:

27 **“§ 58112. Fire Prevention Code.**

28 Inspection of premises and areas authorized by this Chapter shall be in accordance  
29 with §73111, Chapter 73, 10 GCA. ~~the Fire Prevention Code issued by the~~  
30 ~~American Insurance Association. Standards and requirements for fire prevention~~

1       ~~as set out in said Fire Prevention Code shall apply in Guam in the absence of~~  
2       ~~specific provisions of this Chapter.”~~

3  
4       **Section 5. Severability.** If any of the provisions of this law or its application to  
5       any person or circumstance is found to be invalid or contrary to law, such invalidity shall  
6       not affect other provisions or applications of this law which can be given effect without  
7       the invalid provisions or application, and to this end the provisions of this law are  
8       severable.

9       **Section 6. Effective Date.** This Act shall become effective upon enactment.