



Office of the Governor of Guam

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2009 JUN 24 AM 9:01

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

23 JUN 2009

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

30-09-0738
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/23/09
Time
Received by 3:30 pm

Dear Speaker Won Pat:

Please find attached Bill No. 22 (LS), "AN ACT TO REPEAL AND RE-ENACT §67101 AND TO REPEAL §§67102, 67104, 67105 OF ARTICLE 1; AND TO REPEAL ARTICLE 4, ALL OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF GUAM," which I have signed into law on June 16, 2009 as Public Law 30-25.

The adoption of the International Building Code updates Guam's regulation of the design and construction of buildings. Guam now has to develop and adopt a fire code compatible with the new building code. Unfortunately, the 2009 edition of the International Building Code as the Building Code of Guam is not compatible with the Guam Uniform Fire Code.

The Guam Fire Department, Prevention Bureau, Plans Review section is responsible for the review of building construction plans (Blueprints) to ensure Fire Code compliance. The Guam Fire Department will not be able to clear building plans because of this conflict in codes.

Since the law does not take effect until 181 calendar days following enactment, I strongly urge I Liheslatura to address this matter and also afford a smooth transition in the implementation of new building and fire codes to ensure the public's health, safety and welfare.

Sinseru yan Magåhet,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

Attachment

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 22 (LS)**, "AN ACT TO REPEAL AND RE-ENACT §67101 AND TO REPEAL §§ 67102, 67104, 67105 OF ARTICLE 1; AND TO REPEAL ARTICLE 4, ALL OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF GUAM," was on the 29th day of May 2009, duly and regularly passed.

Attested:




Tina Rose Muña Barnes
Legislative Secretary



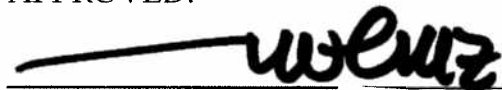
Judith T. Won Pat, Ed. D.
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 4 day of June, 2009, at
9:55 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: 16 JUN 2009

Public Law No. 30-25

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 22 (LS)

As substituted by the Committee on Utilities,
Transportation, Public Works and Veterans Affairs,
and amended on the Floor.

Introduced by:

J. V. Espaldon
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
Adolpho B. Palacios, Sr.
M. J. Rector
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO REPEAL AND RE-ENACT §67101 AND TO REPEAL §§ 67102, 67104, 67105 OF ARTICLE 1; AND TO REPEAL ARTICLE 4, ALL OF CHAPTER 67 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ADOPTING THE INTERNATIONAL BUILDING CODE AS THE BUILDING CODE OF GUAM.

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

2 **Section 1. Legislative Intent.** Nationally, building codes are updated in
3 three (3) year cycles. Guam is currently using a version of the building code that is
4 based on the 1994 edition of the Uniform Building Code, as promulgated by the
5 International Conference of Building Officials (ICBO). In the year 2000, the

1 Uniform Building Code was replaced by the International Building Code (IBC), a
2 project of the three (3) model building codes groups to consolidate their
3 requirements into a single set of codes applicable to all jurisdictions. There is *no*
4 UBC edition after 1997, and the ICBO *no longer* exists. It is the intent of *I*
5 *Liheslaturan Guåhan*, therefore, to adopt the 2009 edition of the International
6 Building Code as the Building Code of Guam, as well as to place in statute a
7 provision that allows the adoption of subsequent updates to, *or* new editions of, the
8 International Building Code as it may become published.

9 **Section 2.** §67101 of Article 1, Chapter 67, Title 21, Guam Code
10 Annotated, is *repealed* and *re-enacted* to read:

11 **“§67101. International Building Code Adopted.** (a) All sections and
12 appendices of the 2009 edition of the International Building Code (IBC) and
13 those updates adopted pursuant to the Administrative Adjudication Law,
14 inclusive, are *enacted* and *added* to Division 2 of Title 21, Guam Code
15 Annotated. The IBC *shall* be recognized as the standard for the furtherance
16 of the intent of Chapter 66, The Building Law, of this Title. The Compiler of
17 Laws *shall* number the sections of the IBC appropriately to correlate with
18 provisions of this Title *not repealed* by this Act.”

19 **Section 3.** §§ 67102, 67104, and 67105 of Article 1, Chapter 67, Title 21,
20 Guam Code Annotated, are *repealed*.

21 **Section 4.** Article 4 (Housing Code) of Chapter 67, Title 21, Guam Code
22 Annotated, is *repealed*.

23 **Section 5. Fees.** All fees in effect upon the enactment of this Act *shall*
24 continue to be in effect.

25 **Section 6. Judicial Matters.** The adoption of the IBC as the Building
26 Code of Guam *shall not be* construed to affect any suit *or* proceeding pending in
27 any court, *or* any rights acquired, *or* liability incurred, *or* any cause *or* causes of

1 action acquired *or* existing, under any act *or* regulation hereby *repealed* as cited in
2 this Act; *nor shall* any just *or* legal right *or* remedy of any character be lost,
3 impaired *or* affected by this Act.

4 **Section 7. Public Notice to be Given.** Following enactment into law of
5 this Act, the Department of Public Works is hereby directed to publish in a
6 newspaper of general circulation the adoption of the new Building Code of Guam,
7 and to post, in conspicuous locations within its premises, notice of the same. This
8 publication and posting *shall* take place *no later than* thirty (30) days after
9 enactment.

10 **Section 8. Updates to the International Building Code to be Adopted**
11 **Upon Being Published.** Upon the publication of updates to, and new editions of,
12 the International Building Code, the Department of Public Works *shall* publish in a
13 newspaper of general circulation the planned adoption of the most recent updates
14 to, and new editions of, the International Building Code. The Department *shall*
15 adopt each such update *or* new edition via the Administrative Adjudication Law.

16 **Section 9. Effective Date.** This Act *shall* be effective on the one hundred
17 eighty-first (181st) calendar day following enactment into law.

18 **Section 10. Severability.** *If* any provision of this Act, *or* its application to
19 any person *or* circumstances is held invalid, the invalidity *shall not* affect other
20 provisions *or* applications of this Act which can be given effect without the invalid
21 provision *or* application, and to this end the provisions of this Act are severable.