

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Doc Type: 36GL-21-0258
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

March 5, 2021

HONORABLE THERESE M. TERLAJE, Speaker
I Mina'trentai Sais Na Liheslaturan Guāhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

-03-05-2021

Time: 5:04pm
Received: [Signature]

RE: (VETOED) BILL NO. 38-36 (COR) – An Act to Amend § 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing Extensions of Deadlines to Submit Reports or Positions Statements to the Application Review Committee, and an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Who Fails to Provide Required Reports or Position Statements on Land Use Applications

Buenas yan Hafa Adai Madame Speaker!

Bill No. 38-36 seeks to impose a personal fine against the director of a member-agency of the Application Review Committee (ARC), which is tasked with preparing and submitting to the Department of Land Management reports or position statements detailing findings regarding the impact certain land uses would have on their affected municipalities, in the event such reports or position statements are not submitted within the statutory timeline. For the reasons stated herein, and consistent with my prior statement on a similar measure, Bill No. 7-35, **I veto this bill.**

The position statements submitted by the ARC are a critical component of our Zoning statutory scheme, the primary purpose of which is to promote the public health, safety and general welfare of our communities by ensuring appropriate land use. While the business interest in ensuring timely delivery of these reports and position statements is understandable, such interests cannot be prioritized over the interest in ensuring the ARC prepares thorough reports. It does not serve the needs of the community to pressure directors to perform stunted investigations or submit rushed reports in the interest of ushering private interests through the zoning process.

As it is in many cases, expediency must yield to accuracy, even if it takes a little longer.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hāgan Guāhan
Governor of Guam

(J.Borja)

Enclosure(s): *Vetoed* Bill No. 38-36 (COR)

cc: *Honorable* Joshua F. Tenorio, *Sigundo* Maga'lāhen Guāhan
Compiler of Laws

COMMITTEE ON RULES

RECEIVED:

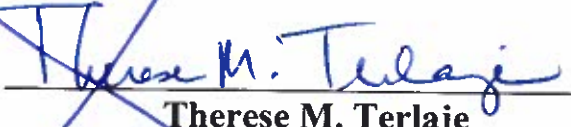
March 8, 2021

8:00 A.M.


I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN


This is to certify that **Bill No. 38-36 (COR), "AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING EXTENSIONS OF DEADLINES TO SUBMIT REPORTS OR POSITIONS STATEMENTS TO THE APPLICATION REVIEW COMMITTEE, AND AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHO FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS,"** was on the 22nd day of February 2021, duly and regularly passed.

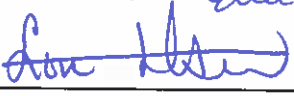
~~
Therese M. Terlaje
Speaker~~

Attested:

~~
Amanda L. Shelton
Legislative Secretary~~

This Act was received by *I Maga'hágan Guáhan* this 22nd day of FEBRUARY 2021, at 6:00 o'clock P.M.


Assistant Staff Officer
Maga'hága's Office

APPROVED: eva Hs

Lourdes A. Leon Guerrero
I Maga'hágan Guáhan

Date: 3/5/2021

Public Law No. _____

RCUD AT CENTRAL FILES
FEB 24 '21 AM 11:51
2021-13068
Jessica Cruz

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 38-36 (COR)

As amended by the Committee on Health,
Land, Justice and Culture; and
further amended on the Floor.

Introduced by:

Telo T. Taitague
Telena Cruz Nelson
Frank Blas Jr.
Joe S. San Agustin
Sabina Flores Perez
V. Anthony Ada
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Tina Rose Muña Barnes
Clynton E. Ridgell
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING EXTENSIONS OF DEADLINES TO SUBMIT REPORTS OR POSITIONS STATEMENTS TO THE APPLICATION REVIEW COMMITTEE, AND AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHO FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, is *amended* to read:

“(b) In any land use action that requires the review and decision by the Guam Land Use Commission, no municipal public hearing shall be scheduled

1 and conducted in the affected municipality until any and all available reports and
2 position statements have been received from the Department of Land
3 Management. Said reports and position statements shall be provided by the
4 Application Review Committee within forty-five (45) calendar days from the
5 filing of the application.

6 A member-agency of the Application Review Committee requiring
7 additional time to submit its respective report or position statement shall obtain
8 written approval no later than ten (10) working days prior to the forty-five (45)-
9 day deadline from the Chairperson of the Application Review Committee. The
10 additional time shall not exceed a period of fourteen (14) working days. A second
11 extension may be granted with written approval from the Chairperson of the
12 Application Review Committee for a period not to exceed an additional fourteen
13 (14) working days. The director of a member-agency who fails to submit a
14 required report or position statement within the timeline stipulated herein shall
15 pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

16 The administrative fine shall be a personal expense for the director of the
17 member-agency of the Application Review Committee and in no way shall the
18 fine be paid by an agency or the government of Guam. All administrative fines
19 imposed pursuant to this Subsection shall be paid to the Treasurer of Guam and
20 deposited in the Land Survey Revolving Fund established in 21 GCA § 60602.

21 Upon receipt of any report or position statement submitted by the
22 Application Review Committee the Department of Land Management shall
23 transmit said documents to the Mayor of the affected municipality.”

24 **Section 2. Severability.** If any provision of this Act or its application to any
25 person or circumstance is found to be invalid or contrary to law, such invalidity shall
26 not affect other provisions or applications of this Act that can be given effect without
27 the invalid provision or application, and to this end the provisions of this Act are
28 severable.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

March 5, 2021

HONORABLE THERESE M. TERLAJE, Speaker

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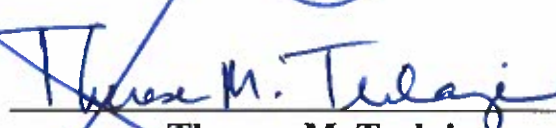
Enclosure(s): *Vetoed* Bill No. 38-36 (COR)

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'lāhen Guåhan*
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Therese M. Terlaje
Speaker

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Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22nd day of FEBRUARY 2021, at 6:00 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED: ewa Hs.


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/5/2021

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