

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (Second) Regular Session**

2016 NOV - 1 PM 4: 51  
Jim O'Neil

Bill No. 274-275 (COR)

Introduced by:

T.C. Ada

**AN ACT TO ADD A NEW SUBSECTION (kk) TO § 61103, NEW SUBSECTION (b)(12) TO § 61304, NEW SUBSECTIONS (b)(6) TO §§ 61305 AND 61306, NEW SUBSECTION (b)(17) TO § 61307, NEW SUBSECTION (a)(7) TO § 61308, NEW SUBSECTION (a)(13) TO § 61309, NEW SUBSECTION (b)(3) TO § 61311, NEW SUBSECTION (b)(1) TO §§ 61312 AND 61313, ALL OF TITLE 21, CHAPTER 61 OF THE GUAM CODE ANNOTATED, TO PLACE VARIANCE APPLICATIONS FOR WIRELESS TELECOMMUNICATION STRUCTURES UNDER THE PURVIEW OF THE GUAM LAND USE COMMISSION REGULAR REVIEW PROCESS.**

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

**Section 1. Legislative Findings.** *I Liheslaturan Guåhan* finds that variance applications for the construction and installation of wireless telecommunication structures are governed by a 15-year-old Executive Order (E.O. 2001-36 dated November 25, 2001). Citizen redress is thoroughly ignored because E.O. 2001-36 *permits* the construction of all antenna facilities **prior** to the final decision by the Guam Land Use Commission (GLUC) and **prior** to public hearing and notice requirements. According to GLUC Resolution 2008-36, dated August 28, 2008, *the Executive Order directs the Department of Public Works to issue building permits prior to any applicant seeking a variance from the Guam Land Use Commission.* *I Liheslaturan Guåhan* further finds that wireless

1 telecommunication facilities, including antenna towers allowed in any Industrial  
2 (M) Zone are *not* subject to public hearing and notice requirements.

3 **Section 2. Legislative Intent.** It is the Intent of *I Liheslaturan Guåhan* to  
4 place all variance applications for the construction and installation of wireless  
5 telecommunication structures under the regular due process of the Guam Land Use  
6 Commission. It is also the intent of *I Liheslaturan Guåhan* to require that such  
7 applications for variances be publicly heard in a duly noticed public hearing *prior*  
8 to the installation and construction of such wireless telecommunication Structures.

9 **Section 3. A New Subsection (kk) is hereby added to §61103 of Chapter**  
10 **61, Title 21 Guam Code Annotated, to read:**

11 “Wireless Telecommunications Structures. Any facility including, but not  
12 limited to cell antennae, cell towers, and cell monopoles that provides affordable and  
13 easy access for business, personal, and emergency communications services.

14 **Section 4. A New Subsection (b) (12) is hereby added to §61304 of**  
15 **Chapter 61, Title 21, Guam Code Annotated, to read:**

16 “(12) Wireless telecommunications Structures.”

17 **Section 5. A New Subsection (b) (6) is hereby added to §61305 of Chapter**  
18 **61, Title 21, Guam Code Annotated, to read:**

19 “(6) Wireless telecommunications Structures.”

20 **Section 6. A New Subsection (b) (6) is hereby added to §61306 of Chapter**  
21 **61, Title 21, Guam Code Annotated, to read:**

22 “(6) Wireless telecommunications Structures.”

23 **Section 7. A New Subsection (b) (17) is hereby added to §61307 of Chapter**  
24 **61, Title 21, Guam Code Annotated, to read:**

25 “(17) Wireless telecommunications Structures.”

26 **Section 8. A New Subsection (a) (7) is hereby added to §61308 of Chapter**  
27 **61, Title 21, Guam Code Annotated, to read:**

1 “(7) Wireless telecommunications Structures.”

2 **Section 9. A New Subsection (a) (13) is hereby *added* to §61309 of Chapter**  
3 **61, Title 21, Guam Code Annotated, to read:**

4 “(13) Wireless telecommunications Structures.”

5 **Section 10. A New Subsection (b) (3) is hereby *added* to §61311 of**  
6 **Chapter 61, Title 21, Guam Code Annotated, to read:**

7 “(3) Wireless telecommunications Structures.”

8 **Section 11. A New Subsection (b) (1) is hereby *added* to §61312 of**  
9 **Chapter 61, Title 21, Guam Code Annotated, to read:**

10 “(b) Conditional Use.

11 (1) Wireless telecommunications Structures.”

12 **Section 12. A New Subsection (b) (1) is hereby *added* to §61313 of**  
13 **Chapter 61, Title 21, Guam Code Annotated, to read:**

14 “(b) Conditional Use.

15 (1) Wireless telecommunications Structures.”

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