


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

Bill No. 335-33 (COP)

Introduced by:

T.C. Ada 
T. A. Morrison 2

2016 JUN 13 PM 5:33



AN ACT TO AMEND AND ADD NEW SUBSECTIONS (a), (b), (c), (d) AND (e) TO § 60401 OF CHAPTER 60, ARTICLE 4, TITLE 21 AND TO REPEAL § 61105 OF CHAPTER 61, ARTICLE 1, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION AND VOTES NEEDED FOR APPROVAL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan recognizes that the composition of the Guam Land Use Commission (GLUC) may not adequately be representative of the community that is to be affected by a land use decision that will be issued by the GLUC.

I Liheslaturan Guåhan intends to provide better municipal representation on the GLUC by giving the affected municipalities a vote on the GLUC.

Section 2. § 60401 of Chapter 60, Title 21, Guam Code Annotated is hereby amended to read:

“§ 60401. Territorial Land Use Commission.

There is within the government of Guam the Territorial Land Use Commission. The Commission shall be composed of ~~seven (7)~~ nine (9) members; ~~seven~~ five (5) to be appointed by the Governor by and with the advice and consent of the Legislature for a period of five (5) years; provided, however, that of the ~~seven (7)~~ five (5) members first appointed, one (1) shall serve for a term of one (1) year, two (2) shall

1 serve for terms of three (3) years each, and the remaining ~~four (4)~~ two
2 (2) shall serve for terms of five (5) years each, as designated by the
3 Governor.

4 The remaining four (4) members shall be designated as:

5 (a) Hybrid Membership of Commission. Newly
6 appointed hybrid commissioners will be designated as per the
7 respective municipality of the subject application before the
8 Commission.

9 i. (First Hybrid Commissioner) – The Mayor of the
10 respective municipality of the Application.

11 ii. (Second Hybrid Commissioner) –A sworn
12 Municipal Planning Council member chosen by the First
13 Hybrid Commissioner.

14 iii. (Third Hybrid Commissioner) – The Mayor of
15 the municipality adjacent to the respective municipality of
16 the Application.

17 iv. (Fourth Hybrid Commissioner) – The Mayor of
18 the municipality adjacent to the respective municipality of
19 the Application.

20 (b) The Chairman of the Commission shall vote only
21 in the case of a tie.

22 (c) The terms of hybrid commissioners shall end with
23 the final disposition of the specific municipal application
24 unless an appeal is made to the Superior Court; in which
25 case their term shall continue until final adjudication of
26 the appeal.

27 (d) Votes Needed for Approval.

1 i. When a Hybrid Commission is in place, a total
2 of five (5) affirmative votes; regardless of quorum, is
3 needed for the approval of any Commission action for
4 any decision in any zoning matter, change or variance;
5 except summary zone change applications.

6 ii. Otherwise, when a Hybrid Commission is not in
7 place, a total of three (3) affirmative votes; regardless of
8 quorum, is needed for the approval of any Commission
9 action for any decision in any zoning matter, change or
10 variance; except summary zone change applications.

11 (e) Project – Application Review. A Hybrid
12 Commission shall be empaneled for projects or applications
13 costing more than One Million Dollars (\$1,000,000).

14 **Section 3.** § 61105 of Title 21, Chapter 61, Article 1, Guam Code
15 Annotated, is hereby repealed.

16 ~~“§ 61105. **Vote Requirements for the Commission.**~~

17 ~~In any action by the Commission under this Title, including but~~
18 ~~not limited to approvals of zone, changes in zones, variances, appeals,~~
19 ~~and all other actions, four (4) affirmative votes of the members of the~~
20 ~~Commission shall be required. The Chairperson of the Commission~~
21 ~~shall vote on all matters before it.”~~

22 **Section 4. Severability.** If any provision of this law or its application to
23 any person or circumstance is found to be invalid or contrary to law, such
24 invalidity *shall not* affect other provisions or applications of this law that can be
25 given effect without the invalid provisions or applications and to this end the
26 provisions of this Law are severable.