

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

Bill No. 315-33 (COR)

Introduced by:

T. C. Ada 
Tommy Morrison 

2016 AUG 16 PM 4:28

**AN ACT TO ADD A NEW § 61106 TO CHAPTER 61,
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO SETTING A SEQUENTIAL PROCESS
FOR THE APPLICATION REVIEW COMMITTEE
(ARC) AND THE MUNICIPAL PUBLIC HEARING IN
THE GUAM LAND USE COMMISSION
APPLICATION PROCESS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that Executive Order 96-26 created the Application Review Committee (ARC), which is comprised of permanent voting members from various government agencies to include the Guam Environmental Protection Agency, Department of Agriculture, Guam Waterworks Authority, Guam Power Authority, Department of Parks and Recreation, Department of Public Works and Bureau of Statistics and Planning. The ARC is a critical component of the Guam Land Use Commission (GLUC) Application Process because it provides the professional review, analysis and advice of development activities in Guam. The *Municipal Public Hearing* is also a critical information gathering process that provides input to the GLUC as it pertains to the views and sentiments of the residents in the affected municipality(s).

1 *I Liheslaturan Guåhan* further finds that the public hearings conducted in the
2 affected Municipal Planning Councils (MPC) are often conducted without the
3 benefit of the findings and recommendations of the ARC. Consequently, however,
4 in the GLUC Application Process, the ARC Meeting *may not occur before* the
5 Municipal Public Hearing *or the Municipal Planning Council may not have review*
6 *access to the Agency Statements from the ARC* thereby depriving the Community
7 of the opportunity to review the ARC agency statements and of the critical
8 information needed to understand the overall impact of the development activity in
9 their municipality prior to the issuance of a Municipal Planning Council
10 Resolution.

11 *I Liheslaturan Guåhan* intends to ensure that no municipal public hearing
12 shall be scheduled until such time that all ARC official position statements are
13 made a part of the project application and such completed project application be
14 transmitted to the impacted Community in care of the Office of the Mayor for its
15 Municipal Planning Council review and resolution.

16 **Section 2.** A New § 61106 of Chapter 61, Title 21 GCA is added to read:

17 **“§ 61106. Schedule of Municipal Public Hearings.**

18 (a) In any land use action that requires the review and
19 decision by the Guam Land Use Commission, no municipal
20 public hearing shall be scheduled and conducted in the affected
21 municipality until the completion and submission of all official
22 Application Review Committee position statements are
23 received by the Department of Land Management Planning
24 Division and transmitted together with the land use application
25 to the Mayor’s Office.

26 (b) Permanent voting members of the Application
27 Review Committee, who have submitted position statements,

1 shall be present at the municipal public hearing to provide
2 information relative to their area of expertise.”

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