

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
109-34 (COR)	FRANK B. AGUON, JR.	AN ACT TO REPEAL §60401 AND TO ADD A NEW §60401.1 BOTH OF ARTICLE 4, CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO TEMPORARILY ABOLISH THE GUAM LAND USE COMMISSION; TO TRANSFER ITS MANDATES AND RESPONSIBILITIES TO / <i>MAGA'LÁHEN GUÁHAN</i> IN THE INTERIM; AND TO RECONSTITUTE THE COMMISSION FOLLOWING THE EXPIRATION OF ONE YEAR OF THE ENACTMENT OF THIS ACT.	6/5/17 10:47 a.m.						

*I MINA'TRENTAIKUATRO NA LIHESLATURAN GUÅHAN*  
2017 (FIRST) Regular Session

Bill No. 109-34(COR)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO REPEAL §60401 AND TO ADD A NEW §60401.1 BOTH OF ARTICLE 4, CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO TEMPORARILY ABOLISH THE GUAM LAND USE COMMISSION; TO TRANSFER ITS MANDATES AND RESPONSIBILITIES TO *I MAGA'LÅHEN GUÅHAN* IN THE INTERIM; AND TO RECONSTITUTE THE COMMISSION FOLLOWING THE EXPIRATION OF ONE YEAR OF THE ENACTMENT OF THIS ACT.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the people of Guam rely on the expertise of the members of the Guam Land Use  
4 Commission (“Commission”), not only to uphold the spirit and intention of any and  
5 all laws in their decision making process, but to uphold them with integrity and not  
6 blatant disregard. Knowingly and willfully disregarding the legal advice of the  
7 Assistant Attorney General of Guam, who advised against a decision made by the  
8 Commission that was in violation of Guam law, presents a complicated issue  
9 addressing the priorities of this board and its respect for the Rule of Law. Moreover,  
10 to have a member of the Commission incite and taunt the public at large to challenge  
11 the Commission’s decision is a conscious, voluntary commission of an act,  
12 apparently in reckless disregard of the Commission’s duties, and consequently, sets  
13 an unwarranted precedent and tone that the Commission is above the law.

1 It is therefore the intent of *I Liheslaturan Guåhan* to temporarily abolish the  
2 Commission, transfer its mandates and responsibilities to *I Maga'låhen Guåhan* in  
3 the interim, and then, reconstitute the Commission following the expiration of one  
4 year of the enactment of this Act.

5 **Section 2. Removal of the Guam Land Use Commission.**

6 § 60401 of Article 4, Chapter 60, Title 21, Guam Code Annotated, relative to  
7 the Guam Land Use Commission is hereby *repealed* in its entirety.

8 ~~“§ 60401. Guam Land Use Commission.~~

9 ~~—— (a) There is within the government of Guam the Guam Land Use Commission~~  
10 ~~(Commission). The Commission shall be composed of five (5) members to be~~  
11 ~~appointed by *I Maga'låhi* (the Governor) by and with the advice and consent of *I*~~  
12 ~~*Liheslatura* (the Legislature) for a period of five (5) years; provided, however, that~~  
13 ~~of the five (5) members first appointed, one (1) member shall serve for a term of one~~  
14 ~~(1) year, two (2) members shall serve for terms of three (3) years each, and the~~  
15 ~~remaining two (2) members shall serve for terms of five (5) years each, as designated~~  
16 ~~by *I Maga'låhi*. Quorum shall require the presence of three (3) members.~~

17 ~~—— (b) When, pursuant to this Act, a Hybrid Commission is to be empaneled, four~~  
18 ~~(4) additional members shall be seated as part of the Guam Land Use Commission,~~  
19 ~~and designated as “Municipal Commissioners” (MCs).~~

20 ~~———— (1) MCs shall be appointed on an ad hoc basis as determined by the~~  
21 ~~location of a land use application submitted pursuant to Chapter 61 of Title 21, Guam~~  
22 ~~Code Annotated, and in accordance with the following guidelines:~~

23 ~~———— (A) The first (1st) Municipal Commissioner shall be the Mayor~~  
24 ~~of the respective municipality where the land use action will occur.~~

25 ~~———— (B) The second (2nd), third (3rd), and fourth (4th) Municipal~~  
26 ~~Commissioners, who shall be elected Mayors or Vice Mayors, shall be appointed~~

1 by the President of the Mayors Council, with the recommendation of the first (1st)  
2 Municipal Commissioner.

3 ~~————— (2) The term of the Municipal Commissioners shall terminate when~~  
4 ~~final disposition of the land use project or application for which the Hybrid~~  
5 ~~Commission was empaneled has been completed.”~~

6 ~~————— (3) Quorum under an empaneled Hybrid Commission shall be five (5)~~  
7 ~~members.~~

8 ~~———— (c) Votes Needed for Approval.~~

9 ~~————— (1) When a Hybrid Commission is empaneled, a total of five (5)~~  
10 ~~affirmative votes is required for the approval of any Commission action for any~~  
11 ~~decision in any land use matter; except summary zone change applications.~~

12 ~~————— (2) Otherwise, when a Hybrid Commission is not empaneled, a total of~~  
13 ~~three (3) affirmative votes is required for the approval of any Commission action for~~  
14 ~~any decision in any zoning matter, change or variance; except summary zone change~~  
15 ~~applications.~~

16 ~~———— (d) Empanelment of a Hybrid Commission. A Hybrid Commission shall be~~  
17 ~~empaneled for projects or applications projected to have a development cost,~~  
18 ~~exclusive of the cost of the subject real property, of more than Three Million Dollars~~  
19 ~~(\$3,000,000).”~~

20 **Section 3. Interim Transfer of the Duties and Responsibilities of the**  
21 **former Guam Land Use Commission to the Office of *I Maga'låhen Guåhan*.**

22 A new §60401.1 is hereby *added* to Article 4 of Chapter 60, Title 21, Guam  
23 Code Annotated, relative to the interim duties and responsibilities of the former  
24 Guam Land Use Commission to read as follows:

25 **“§ 60401.1. Interim Duties and Responsibilities of *I Maga'låhen Guåhan***  
26 **on the activities of the former Guam Land Use Commission.**

1            *I Maga'låhen Guåhan* is assigned and assumes the functions assigned to the  
2 Guam Land Use Commission *prior* to the effective date of Section 1, *infra*.”

3            **Section 4. Repeal of § 60401.1 of Article 4, Chapter 60, Title 21, Guam**  
4 **Code Annotated.** § 60401.1 of Article 4, Chapter 60, Title 21, Guam Code  
5 Annotated, relative to the interim transfer of the duties and responsibilities of the  
6 former Guam Land Use Commission to *I Maga'låhen Guåhan* is hereby *repealed*  
7 one (1) year *after* the effective date of this Act.

8            **Section 5. Effective date.** Section 2 is hereby *repealed* effective one (1) year  
9 from the effective date of this Act.