

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN  
2017 (FIRST) Regular Session

Bill No. 166-34(LS)

Introduced by:

FRANK B. AGUON JR.



AN ACT TO AMEND § 60401 OF ARTICLE 4,  
CHAPTER 60, TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO THE  
COMPOSITION OF THE GUAM LAND USE  
COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 60401 of Article 4, Chapter 60, Title 21, Guam Code  
3 Annotated, is hereby *amended* to read:

4 “§ 60401. Guam Land Use Commission.

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

16 (1) two (2) members shall be appointed from the community at-large:

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1           (2) one (1) member shall be an active member in good standing with  
2           the Guam Bar Association: and

3           (3) two (2) members shall be professionals in fields related to land  
4           development and/or environmental planning who are in good standing with at  
5           least one governmental board or commission respecting land development in  
6           Guam and who are duly licensed by the same in their respective fields and  
7           who have relevant experience or education in fields related to land  
8           development, which shall include but shall not be limited to architecture, real  
9           estate, land development, engineering, land surveying, environmental policy  
10           and planning, and land preservation.

11           (b) Members shall serve five (5) years terms; provided, however of the five  
12           (5) members first appointed, one (1) member shall serve for a term of one (1) year,  
13           two (2) members shall serve for terms of (3) years each, and the remaining two (2)  
14           members shall serve for terms of five (5) years each, as designated by I Maga'låhen  
15           Guåhan.

16           (c) Quorum shall consist of three (3) members.

17           (d) Members shall not be employees of the Government of Guam.

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

21           (1) MCs shall be appointed on an ad hoc basis as determined by the  
22 location of a land use application submitted pursuant to Chapter 61 of Title  
23 21, Guam Code Annotated, and in accordance with the following guidelines:

24           (A) The first (1<sup>st</sup>) Municipal Commissioner shall be the Mayor  
25 of the respective municipality where the land use action will occur.

26           (B) The second (2<sup>nd</sup>), third (3<sup>rd</sup>), and fourth (4<sup>th</sup>) Municipal  
27 Commissioners, who shall be elected Mayors or Vice-Mayors, shall be

1 appointed by the President of the Mayors Council, with the  
2 recommendation of the first (1<sup>st</sup>) 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  
7 (5) members.

8 (fe) 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  
11 any decision in any land use matter; except summary zone change  
12 applications.

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

17 (gd) Empanelment of a Hybrid Commission. A Hybrid Commission *shall*  
18 be empaneled for projects or applications projected to have a development cost,  
19 exclusive of the cost of the subject real property, of more than Three Million Dollars  
20 (\$3,000,000).”

21 **Section 2. Severability.** If any of the provisions of this Act or its  
22 application to any person or circumstance is found to be invalid or contrary to law,  
23 such invalidity *shall not* affect other provisions or application, and to this end the  
24 provisions of this Act are severable.

25 **Section 3. Effective Date.** This Act *shall* be effective upon the expiration  
26 of the terms of all five (5) current Commission members.