

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
54-34 (COR)	Thomas C. Ada	AN ACT TO ADD A NEW SUBSECTION (II) TO § 61103, NEW SUBSECTION (b)(13) TO § 61304, NEW SUBSECTIONS (b)(7) 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 CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PLACEING VARIANCE APPLICATIONS FOR WIRELESS TELECOMMUNICATION STRUCTURES UNDER THE PURVIEW OF THE GUAM LAND USE COMMISSION REGULAR REVIEW PROCESS.	3/27/17 5:06 p.m.						

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

Bill No. 54-34(COR)

Introduced by:

Thomas C. Ada 

AN ACT TO ADD A NEW SUBSECTION (II) TO § 61103, NEW SUBSECTION (b)(13) TO § 61304, NEW SUBSECTIONS (b)(7) 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 CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PLACEING VARIANCE APPLICATIONS FOR WIRELESS TELECOMMUNICATION STRUCTURES UNDER THE PURVIEW OF THE GUAM LAND USE COMMISSION REGULAR REVIEW PROCESS.

2017 MAR 27 PM 5:06



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guáhan* 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.*

1 *I Liheslaturan Guåhan* further finds that wireless telecommunication
2 facilities, including antenna towers allowed in any Industrial (M) Zone are *not*
3 subject to public hearing and notice requirements.

4 *I Liheslaturan Guåhan* intends to place all variance applications for the
5 construction and installation of wireless telecommunication structures under the
6 regular due process of the Guam Land Use Commission; thus, requiring 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 2.** Repeal. Executive Order 2001-36 is hereby repealed.

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

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

15 **Section 4.** A New Subsection (b) (13) is hereby *added* to §61304 of Chapter
16 61, Title 21, Guam Code Annotated, to read:

17 “(13) Wireless telecommunications Structures.”

18 **Section 5.** A New Subsection (b) (7) is hereby *added* to §61305 of Chapter
19 61, Title 21, Guam Code Annotated, to read:

20 “(7) Wireless telecommunications Structures.”

21 **Section 6.** A New Subsection (b) (6) is hereby *added* to §61306 of Chapter
22 61, Title 21, Guam Code Annotated, to read:

23 “(6) Wireless telecommunications Structures.”

24 **Section 7.** A New Subsection (b) (17) is hereby *added* to §61307 of Chapter
25 61, Title 21, Guam Code Annotated, to read:

26 “(17) Wireless telecommunications Structures.”

27 **Section 8.** A New Subsection (a) (7) is hereby *added* to §61308 of Chapter

1 61, Title 21, Guam Code Annotated, to read:

2 “(7) Wireless telecommunications Structures.”

3 **Section 9.** A New Subsection (a) (13) is hereby *added* to §61309 of Chapter
4 61, Title 21, Guam Code Annotated, to read:

5 “(13) Wireless telecommunications Structures.”

6 **Section 10.** A New Subsection (b) (3) is hereby *added* to §61311 of Chapter
7 61, Title 21, Guam Code Annotated, to read:

8 “(3) Wireless telecommunications Structures.”

9 **Section 11.** A New Subsection (b) (1) is hereby *added* to §61312 of Chapter
10 61, Title 21, Guam Code Annotated, to read:

11 “(b) Conditional Use.

12 (1) Wireless telecommunications Structures.”

13 **Section 12.** A New Subsection (b) (1) is hereby *added* to §61313 of Chapter
14 61, Title 21, Guam Code Annotated, to read:

15 “(b) Conditional Use.

16 (1) Wireless telecommunications Structures.”

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