




I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
167-35 (COR)	Kelly Marsh (Taitano), PhD Tina Rose Muña Barnes Sabina Flores Perez	AN ACT TO AMEND §§ 1203, 1206, 1209(h), 1210, 1211, AND 1214 EACH OF CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RENEWING THE GUAM COMPREHENSIVE DEVELOPMENT PLAN TO ENCOMPASS THE PRINCIPLES OF SUSTAINABILITY.	6/18/19 4:20 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 167 -35 (COR)

Introduced by:

Kelly Marsh (Taitano), PhD 
Tina Muña Barnes 
Sabina Flores Perez 

**AN ACT TO AMEND §§ 1203, 1206, 1209(h), 1210, 1211,
AND 1214 EACH OF CHAPTER 1, TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO RENEWING THE GUAM
COMPREHENSIVE DEVELOPMENT PLAN TO
ENCOMPASS THE PRINCIPLES OF SUSTAINABILITY.**

2019 JUN 18 PM 4:20 

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

2 **Section 1. Title.** This Act *shall* be known as “*Åkto Para i 2050*
3 *Maga'planun Mina'ok Lina'la' Guåhan*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that Guam’s comprehensive development plan law is in need of being modernized
6 to reflect the extraordinary changes in best practice approaches to development that
7 have emerged from modern science, research, and technology. Due to adverse
8 impacts and changes to our environment and those across the globe, we need a more
9 sustainable and integrated strategy that encompasses the principles of sustainability
10 and responsible uses of our finite island resources. It is imperative that we better
11 meet the needs of the present without compromising the ability of future generations
12 to meet their needs.

13 *I Liheslaturan Guåhan* finds that sustainability and climate change are some
14 of the defining issues of our time; thus, we are at a pivotal moment in history. It is

1 clear that our stewardship of Guam’s resources is not just a responsibility for the
2 future; we have to act now to protect our economy, our Island way of life, and our
3 culture.

4 *I Liheslatura* also finds that, while *Guåhan* is rich in natural beauty and the
5 warmth and hospitality of her people, there are many challenges to life on *Guåhan*.
6 Our public infrastructure is in constant need of structural repair. Our economy
7 remains reliant on too few industries. We are isolated from Pacific Rim trading
8 partners because of the Jones Act and cabotage laws while vulnerable to a costly
9 volatile global energy market. We are heavily dependent upon imported food. We
10 are subject to the increasing intensity and frequency of typhoons and tropical storms;
11 dangerously uncontrollable fires that burn across our watersheds, destroying some
12 3% of our Island each year; adverse impacts on our water supplies; erosion of
13 coastline infrastructure throughout our villages; warmer surface temperatures
14 affecting our agricultural production; warmer seas affecting our fisheries and the life
15 of our coral reefs which suffer an unparalleled high rate of bleaching; and our
16 ecosystem is degrading at a rapid rate as it is all too often under attack by forces such
17 as habitat loss and invasive species that set off a wide range of cascading impacts.
18 Collectively, all of these conditions negatively impact the food security of our people
19 as well as a range of industries that are reliant on our Guam brand as a tourist
20 destination.

21 Further, our current approaches to development and daily living means that
22 our landfill continues to require prohibitively expensive actions such as building new
23 cells for tens of millions of dollars apiece, each of which will then require tens of
24 millions of dollars to close. These conditions and more all raise questions about the
25 direction of our island, our long-term limits of types of economic and other growth,
26 and the need to plan and act now to assure that we are on a path for an optimal future
27 for the people of *Guåhan*. Our economy, land, community health, individual well-

1 being, and the CHamoru culture are deeply intertwined, each of which has the
2 potential to be dangerously impacted if we do not take immediate actions toward
3 being better stewards of our island. Closing our eyes will not make these realities go
4 away. To ignore the challenge before us would be irresponsible and reckless. Action
5 must be taken.

6 *I Liheslatura* further finds that it is imperative for our community to work
7 toward a balance between economic, cultural, and environmental concerns because
8 of the interdependency of these three (3) parts of our society. In a sustainable society,
9 systems replenish themselves. By ensuring that we are not overly reliant upon the
10 consumption of our economic, social, and environmental assets and that our systems
11 replenish themselves, we are more responsibly assuring the survival of the Guåhan
12 that we grew up with, if not a better one, for ourselves, our children, and our
13 grandchildren. We must work to meet our present needs without compromising the
14 needs and rights of future generations.

15 It is, therefore, the intent of *I Liheslatura* to address these concerns in a
16 proactive rather than reactive way and to determine the best direction of our island,
17 understand our long-term limits of types of growth, and work for an optimal future
18 for the people of Guåhan. To meet our monumental economic, cultural, and
19 environmental challenges we must develop and implement a sustainable
20 development plan. This will require an unprecedented level of a coordinated effort
21 by the community, the private sector, academic research organizations, and
22 institutions of the government of Guam to reach across their divides and work
23 together to develop long-term integrated approaches.

24 **Section 3.** § 1203 of Chapter 1, Title 5, Guam Code Annotated is hereby
25 *amended* to read:

26 “§ 1203. Council Bureau of Statistics and Plans: Responsibilities and Authority.

1 The responsibilities and authority of the ~~Council~~ Bureau of Statistics and
2 Plans shall be:

3 (a) Prepare Plan. To cause to be prepared, through the services of a
4 consortium of both public and private experts possessing diverse planning
5 experience and expertise, a ~~comprehensive development plan~~ Guåhan 2050
6 Sustainability Plan (the Plan), which shall provide short and long-range
7 guidance, between now and 2050, for the social, economic, infrastructure,
8 supra structure, and physical sustainable development of Guam, and which
9 shall contain a statement of sustainable development objectives, standards and
10 principles with respect to the most ~~desirable~~ responsible use of land and
11 resources within Guam for residential, recreational, agricultural, commercial,
12 industrial, and other uses completely serviced by an access and circulation
13 network and infrastructure consistent with proper protection and
14 accountability to enhance the quality of the environment and preserve Guam's
15 natural beauty and historical heritage;

16 (b) Assist Planning. To harmonize, improve and assist in
17 implementing comprehensive planning activities at all levels of government;

18 (c) ~~Insure~~ Ensure Consistency. To ~~insure~~ ensure that the current
19 planning programs and projects are consistent with the ~~comprehensive~~
20 ~~development plan~~ the Plan and the comprehensive program and financial plan,
21 as (set out in the Executive Budget Acts), and the policies enumerated in this
22 Chapter;

23 (d) Rules. To adopt any necessary rules or regulations in accordance
24 with the Administrative Adjudication Law and to exercise all other powers
25 necessary and proper for the discharge of its responsibilities;

26 (e) Recommendations. To develop all elements of the
27 ~~comprehensive development plan for Guam~~ Plan, as described in § 1210 of

1 this Chapter, and to make detailed written recommendations to the Governor,
2 ~~including minority dissenting opinions~~, for approval, disapproval, revision,
3 amendment or referral to specific agencies or groups for further study and
4 review;

5 (f) Agreements. To enter into and carry out any agreement or
6 agreements in connection with the provisions of this Chapter and to solicit
7 assistance from public, private or Federal sources as required in the
8 development planning process and which are not inconsistent with or contrary
9 to the laws of Guam; and

10 (g) Annual Report. To deliver to the Governor ~~on the last Monday~~
11 ~~of January~~ no later than January 30 of each year a written report of the
12 planning program and progress.

13 **Section 4.** § 1206 of Chapter 1, Title 5, Guam Code Annotated is hereby
14 *amended* to read:

15 **“§ 1206. Plan Adoption.**

16 ~~The Plan or any of its elements received by the Governor from the Council~~
17 ~~shall be approved, disapproved or referred to the Council for further~~
18 ~~recommendation prior to approval. The Governor shall have sixty (60) calendar days~~
19 ~~to act on the Plan or any of its elements submitted; provided, however, that if no~~
20 ~~action is taken thereon within sixty (60) calendar days after submission, the Plan or~~
21 ~~any of its elements so submitted shall be deemed approved by the Governor. Within~~
22 ~~ten (10) calendar days of approval by the Governor, the Plan or any of its elements~~
23 ~~shall be submitted to the Legislature for adoption. The Legislature shall review and~~
24 ~~approve or disapprove the Plan or any of its elements within sixty (60)~~ninety (90)
25 ~~calendar days of its receipt. In the event of failure by the Legislature to act within~~
26 ~~such sixty (60)~~ninety (90) ~~calendar day period, the Plan or any of its elements so~~
27 ~~submitted shall be deemed approved.”~~

1 **Section 5.** § 1209(h) of Chapter 1, Title 5, Guam Code Annotated is hereby
2 *amended* to read:

3 “(h) Annual Report. To report to the ~~Council~~Governor and the Legislature of
4 its annual progress and of its fiscal year activities no later than January 30 of each
5 year.”

6 **Section 6.** § 1210 of Chapter 1, Title 5, Guam Code Annotated is hereby
7 *amended* to read:

8 **“§ 1210. Content of the Plan.**

9 ~~The Comprehensive Development Plan for Guam~~Plan shall be guided by, but
10 not limited to, the United Nations (UN) Global Programme of Action for the
11 Sustainable Development of Small Island Developing States (A/CONF.167/9) and
12 the UN’s Sustainable Development goals, each as determined applicable to *Guåhan*.
13 It shall contain specific elements as follows:

14 (a) Land Use. A land-use element together with the appropriate zoning
15 recommendations supporting distribution, location and the extent of uses of
16 land for housing, business, industry, agriculture, recreation, education, public
17 buildings, open space, conservation and other categories of public and private
18 uses of land, which include islands, reef and lagoon areas, and the sea within
19 the territorial waters, inclusive of a statement of the standards of population
20 and building density and building intensity for the various districts and other
21 areas covered by the Plan, and regulatory criteria governing the use,
22 development and subdivision of land;

23 (b) Community Design. A community design element consisting of
24 standards and principles governing the subdivision and development of land
25 and showing recommended designs for community and neighborhood
26 development and redevelopment, including sites for schools, parks,
27 playgrounds and other community uses;

1 (c) Transportation. A transportation element which would provide a
2 comprehensive transportation and circulation system consisting of existing
3 and proposed major routes, thoroughfares, highways, and collector streets;
4 locations of rights-of-way, terminals, viaducts, and grade separation, port,
5 harbor, aviation and mass transit lines, and related facilities, all of which are
6 correlated with the land use element of the Plan. This element shall include
7 necessary investments in improving and expanding public transportation,
8 which directly affect overall employment and economic efficiency and
9 productivity;

10 (d) Regulations. A regulatory element concerning parking facilities and
11 building setback lines and the delineations of such systems on the land, a
12 system of street naming, housing and building numbering, and such other
13 matters as may be related to the improvement of circulation of traffic;

14 (e) Public Facilities. A public services and facilities element showing
15 general plans for sewage, refuse disposal, drainage, and local utilities, and
16 rights-of-way, easements, and facilities for them;

17 (f) Public Lands. A public lands element that provides an inventory of
18 all government of Guam and federal lands and plans for their maintenance,
19 improvements, conservations, and potential uses for the benefit of the
20 community;

21 (g) Public Buildings. A public buildings element identifying locations
22 and arrangement of civic and community centers, public schools, libraries,
23 police and fire stations, and other public buildings, including their architecture
24 and the landscape treatment of their grounds;

25 (h) Housing. A housing element consisting of standards and plans for
26 elimination of substandard dwelling conditions and homelessness, the
27 improvement of housing, and the provision of adequate sites for housing;

1 (i) Redevelopment. A redevelopment element for the elimination of
2 unsafe or blighted areas, community redevelopment and the revitalization of
3 housing sites, business and industrial sites, public building sites, and for other
4 purposes authorized by law;

5 (j) Conservation. A conservation element to guide the conservation,
6 development, and utilization of natural resources including forests, soils,
7 rivers and other waters, harbors, fisheries, coral reefs, wildlife, threatened and
8 endangered species, minerals, and other natural resources which, as sub-
9 elements, may also incorporate the following:

10 (1) Reclamation or restoration of land and waters;

11 (2) Floodplain management and flood control;

12 (3) Prevention and control of pollution of streams and other
13 waters;

14 (4) Regulations of the use of land in stream channels and
15 conservation areas;

16 (5) Prevention, control, and correction of the erosion of soils,
17 beaches, and shores; and

18 (6) Protection of watersheds, rare natural communities, and
19 habitats for threatened and endangered species; and-

20 (7) Protection of coral reefs and productive seas in Marine
21 Protected Areas.

22 (k) Recreation. A recreation element establishing a comprehensive
23 system of areas and public sites for recreation, including the following and,
24 when appropriatepracticable, their locations and proposed development:

25 (1) Natural reservations,

26 (2) Parks,

27 (3) Parkways,

- 1 (4) Beaches,
- 2 (5) Reef and lagoons,
- 3 (6) Playgrounds,
- 4 (7) Historic and archaeological sites, ~~and~~
- 5 (8) Scenic and historic trails, and
- 6 ~~(8)~~(9) Other recreation areas.

7 (l) Safety. A safety element for the protection of the community from
8 natural and ~~man-made~~human-made hazards including features necessary for
9 such protection as evacuation routes, peak load water supply requirements,
10 minimum road widths, clearances around structures, geologic hazard mapping
11 in areas of known geologic hazards;

12 (m) Tourism. A visitor industry element which will establish
13 cooperation and coordination between the public and private sectors to
14 provide for shared vision and steady and regulated growth within the visitor
15 industry, while developing the industry in a manner that will continue to
16 provide new business and job opportunities and steady employment for the
17 people of Guam, and which will enable Guam's people to obtain job training
18 and education geared for upward job mobility within the industry. This
19 element shall support the CHamoru culture and cultural programs as well as
20 other community programs, which contribute to Guam as a visitor destination;

21 (n) Sustainable Development Policy. A short and long-range
22 socioeconomic development strategy to include policy, opportunities, and
23 programs to address or alleviate problems concerning disparities based on
24 socio-economic status, affordable and accessible health services,
25 communicable and non-communicable diseases and health related issues,
26 ~~manpower~~labor planning, employment opportunity, education, elimination of
27 poverty, law enforcement, welfare, substandard housing and homelessness,

1 consumer protection, public revenue and expenditures, cultural heritage
2 preservation, visitor industry, and the like to include population characteristics
3 and economic analysis with projections for each region and sub-region of the
4 island. The policy shall also provide for, renewable energy, zero waste and
5 sustainable materials management, and a comprehensive approach to
6 combating climate change through reduction of greenhouse emissions and our
7 carbon footprint;

8 (o) Capital Improvements. A short and long-range capital
9 improvements program and projects to be derived from public and private
10 input and compiled from schedules of proposed capital improvements
11 submitted to the ~~Council~~ Bureau of Statistics and Plans by each department,
12 agency, division, board, commission, branch, and instrumentality of the
13 government of Guam; and which shall provide recommendations and identify
14 programs for the ~~balanced~~ sustainable development of the island's port,
15 highway, communication, and public transportation facilities including, but
16 not limited to, institutions of higher learning, health and welfare facilities,
17 correctional institutions, elementary and secondary schools, electric power,
18 water, ~~telephone~~ telecommunications, sewer, solid waste, and other utility
19 facilities;

20 (p) Preservation. A preservation element that has both short and long-
21 range programs to ensure the maintenance, preservation, safeguarding,
22 promotion, and continued identification of cultural and historical sites to
23 include natural resources and resource areas;

24 (q) Indigenous connections and rights. This element shall reflect
25 Indigenous CHamoru concepts of cultural and ancestral connections to
26 heritage, land, sea, and air, the environment and all that is native and endemic
27 within it. The continuation of the CHamoru culture and cultural identity are

1 predicated on the recognition, and protection of Indigenous connections and
2 rights to their homeland throughout the Government of Guam;

3 (r) Community mental health, physical health and well-being. An
4 element that takes into consideration the many types of impacts that different
5 developments and government actions can have on the mental and physical
6 health and well-being of our community, especially, but not limited to, that of
7 the Indigenous CHamoru people;

8 ~~(p)~~(s) Policy Statements. A statement of specific policies for at least
9 each of the following general areas: Socioeconomic and human resource
10 development, natural resource development, environmental protection,
11 historical, and cultural preservation, public safety, housing and community
12 development, education, land-use and population growth, visitor industry, or
13 in other areas deemed appropriate by the ~~Council~~Bureau of Statistics and
14 Plans;

15 ~~(q)~~(t) Other Elements. Such additional elements dealing with other
16 subjects, which in the judgment of the ~~Council~~Bureau of Statistics and Plans
17 relate to the physical development of Guam.”

18 **Section 7.** § 1211 of Chapter 1, Title 5, Guam Code Annotated is hereby
19 *amended* to read:

20 **“§ 1211. Plan Implementation and Financing.**

21 (a) The ~~Comprehensive Development~~ Plan shall contain a schedule of
22 programs and projects to be implemented annually. Funding for such programs and
23 projects shall be identified in the Plan by the project’s or program’s principal or
24 administering government agency or instrumentalities.

25 (b) Funding for programs or projects contained in the Plan which do not
26 fall under the authority or responsibility of any particular instrumentality of the
27 government of Guam shall be met by annual appropriation of the Legislature.

1 (c) Upon approval by action or inaction of *I Liheslatura*, each
2 governmental entity shall submit an annual report, inclusive of an executive
3 summary, to the Office of the Public Auditor no later than January 30 of each year,
4 on its progress in achieving the objectives and goals as set out in the Plan. The OPA
5 shall submit a compilation of the reports to *I Liheslatura* and publish the compiled
6 report on its website no later than March 30 of each year.”

7 **Section 8.** § 1214 of Chapter 1, Title 5, Guam Code Annotated is hereby
8 *amended* to read:

9 “Any existing Committee, Commission, Task Force or body mandated to
10 engage in planning for Guam or for particular areas or jurisdictions within Guam,
11 shall seek to ensure that such planning efforts are provided the appropriate financial,
12 human, technical and support resources necessary to accomplish any mandates or
13 requirements of law relative to development planning; provided, however, that such
14 planning efforts are ~~supportive of and consistent~~compliant and in accordance with
15 ~~the intent of this Chapter~~ *Guåhan* 2050 Sustainability Plan.

16 For purposes of this Chapter, all plans prepared by any agency or
17 instrumentality of the government of Guam shall be circulated to other agencies or
18 instrumentalities affected by such plan and to the Bureau for review and finalization
19 not later than sixty (60) days prior to submission of the plan to the Council.”

20 **Section 9. Submission of Budget.** *I Maga'hågan Guahan* shall submit to *I*
21 *Liheslaturan Guahan* a budget for the development and implementation of the
22 *Guåhan* 2050 Sustainability Plan as provided for in Section 2 *no later than* sixty
23 (60) calendar days from the enactment of this Act.

24 **Section 10.** Unless otherwise indicated in this Act, “Council” shall be
25 changed to “Bureau”; “Chairman” shall be changed to “Director”; “a
26 Comprehensive Development Plan”, “Guam Comprehensive Development Plan”,
27 “Guam’s Comprehensive Development Plan”, and “Comprehensive Development

- 1 Plan for Guam” *shall* be changed to “*Guåhan* 2050 Sustainability Plan” in Article
- 2 2, Chapter 1, of Title 5 Guam Code Annotated.