

I Mina'Trentai Singko Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
7-35 (LS)	Telo T. Taitague	AN ACT TO AMEND § 61106 OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE, DEPARTMENT OF LAND MANAGEMENT, WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS.	1/7/19 11:21 a.m.						

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

Bill No. 7-35(LS)

Introduced by: _____

Telo T. Taitague 

AN ACT TO AMEND § 61106 OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE, DEPARTMENT OF LAND MANAGEMENT, WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

2019 JAN -7 AM 11:21 

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

2 **Section 1.** § 61106 of Article 1, Chapter 61, Division 2, Title 21, Guam
3 Code Annotated, is hereby *amended*, to read:

4 **“§ 61106. Requirements Before Municipal Public Hearings.**

5 (a) Upon receipt by the Department of Land Management of a
6 land use application, a copy shall be transmitted to the Mayor of the
7 affected municipality.

8 (b) In any land use action that requires the review and decision
9 by the Guam Land Use Commission, no municipal public hearing
10 shall be scheduled and conducted in the affected municipality until
11 any and all available reports and position statements have been

1 received from the Department of Land Management. ~~To the maximum~~
2 ~~extent possible,~~ ~~s~~Said reports and position statements shall be
3 provided by the Application Review Committee within thirty (30)
4 calendar days from the filing of the application. A member-agency of
5 the Application Review Committee requiring additional time to
6 submit their respective report or position statement shall obtain
7 written approval from the Director of Land Management for such an
8 extension. The additional time shall not exceed a period of fourteen
9 (14) calendar days. The director of a member-agency which fails to
10 submit the required report and/or position statement within either of
11 the timelines, as stipulated herein, shall pay an administrative fine of
12 One Thousand Dollars (\$1,000.00). The fine shall be a personal
13 expense for the director of the member-agency of the Application
14 Review Committee and in no way shall the fine be paid by the agency
15 or the government of Guam. The Department of Land Management
16 shall develop policies and procedures for the enforcement of the
17 forementioned administrative fine, in accordance with the
18 Administrative Adjudication Act. All administrative fines shall be
19 deposited into the Rainy Day Fund established in § 22901 of Article
20 9, Chapter 22, Division 2, Title 5, Guam Code Annotated.

21 Upon receipt of any report or position statement submitted by
22 the Application Review Committee, the Department of Land
23 Management shall transmit said documents to the Mayor of the
24 affected municipality.

25 (c) At the request of the Mayor, permanent voting members of
26 the Application Review Committee, who have submitted position
27 statements, shall, to the maximum extent possible, be present at the

1 municipal public hearing to provide information relative to their
2 findings.”

3
4 **Section 2. Severability.** *If* any provision of this Act or the application to
5 any person or circumstance is found to be invalid or contrary to law, such
6 invalidity *shall not* affect other provisions or applications of this Act that can be
7 given effect without the invalid provision or application, and to this end the
8 provisions of this Act are severable.