

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|---------------------------------|--------------------------|---|-------------------------|---------------|---|---|-----------------------------|---|
| 57-32 (COR), P.L. 32-028 | Judith T. Won Pat, Ed.D. | AN ACT TO AMEND §53101 AND §53108 OF 5GCA, RELATIVE TO ENCROACHMENT VIOLATIONS. | 2/27/2013 11:04 a.m. | 2/27/13 | Committee on Public Safety, Infrastructure, & Maritime Transportation | 4/4/13, 9:00am | 4/19/13 11:27 a.m. | Fiscal Note Requested 2/28/13 |
| | DATE PASSED | TITLE | TRANSMITTED | | DUE DATE | <small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small> | PUBLIC LAW NO. | NOTES |
| | 4/30/2013 | AN ACT TO AMEND §53108, AND TO ADD A NEW §53110 OF CHAPTER 53 OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND §3606(b), AND TO ADD A NEW §3606(e) OF ARTICLE 6, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ENCROACHMENT OF PUBLIC ROADWAYS AND PUBLIC RIGHTS-OF-WAY, AND TO THE REMOVAL OF ABANDONED VEHICLES. | 4/30/2013 | 2:00pm | 5/10/2013 | 5/10/2013 | 32-028 | As further substituted by the Author on the Floor. |

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 10 2013

32-13-390

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 5/10/13
Time 4:25 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 57-32 (COR) "AN ACT TO AMEND §53108, AND TO ADD A NEW §53110 OF CHAPTER 53 OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND §3606(b), AND TO ADD A NEW §3606(e) OF ARTICLE 6, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ENCROACHMENT OF PUBLIC ROADWAYS AND PUBLIC RIGHTS-OF-WAY, AND TO THE REMOVAL OF ABANDONED VEHICLES" which I signed into law on May 10, 2013 as Public Law 32-028.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2013 MAY 13 AM 8:09

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

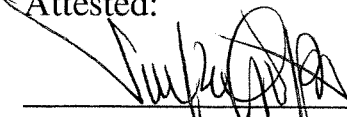
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 57-32 (COR)**, "AN ACT TO AMEND §53108, AND TO ADD A NEW §53110 OF CHAPTER 53 OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND §3606(b), AND TO ADD A NEW §3606(e) OF ARTICLE 6, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ENCROACHMENT OF PUBLIC ROADWAYS AND PUBLIC RIGHTS-OF-WAY, AND TO THE REMOVAL OF ABANDONED VEHICLES", was on the 30th day of April, 2013, duly and regularly passed.



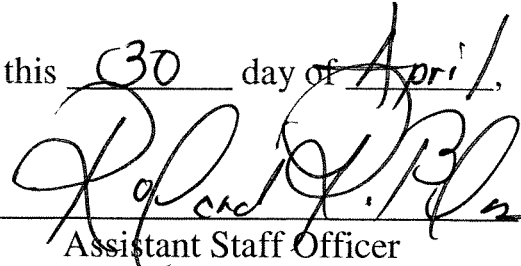
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 30 day of April,
2013, at 2:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: MAY 10 2013

Public Law No. 32-028

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 57-32 (COR)

As further substituted by the Author
on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.
T. C. Ada
R. J. Respicio
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

**AN ACT TO AMEND §53108, AND TO ADD A NEW
§53110 OF CHAPTER 53 OF TITLE 5, GUAM
CODE ANNOTATED; AND TO AMEND §3606(b),
AND TO ADD A NEW §3606(e) OF ARTICLE 6,
CHAPTER 3 OF TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO THE
ENCROACHMENT OF PUBLIC ROADWAYS AND
PUBLIC RIGHTS-OF-WAY, AND TO THE
REMOVAL OF ABANDONED VEHICLES.**

1

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** §53108 of Chapter 53 of Title 5, Guam Code Annotated, is
2 hereby *amended* to read:

3 **“§ 53108. Removal by the Department.**

4 The Department may remove any encroachment on the failure of the
5 owner to comply with the notice provided for in this Chapter. The owner
6 *shall* be liable for all expenses of such removal and in addition thereto, the
7 sum of Fifty Dollars (\$50.00) for each day such encroachment remains after
8 the expiration of five (5) days from the service of the notice. The fines
9 collected *shall* be deposited in the Public Rights-Of-Way Account of the
10 Territorial Highway Fund.”

11 **Section 2.** A new §53110 is *added* to Chapter 53 of Title 5, Guam Code
12 Annotated, to read:

13 **“§ 53110. Fines Collected from Public Rights-of-Way**
14 **Violations.**

15 All fines generated by this Chapter *shall* be deposited in a special
16 account known as the Public Rights-Of-Way Account of the Territorial
17 Highway Fund, and any interest derived *shall* remain in the Fund. The
18 Director of the Department of Public Works is authorized to use revenues in
19 the Account to purchase equipment and supplies, and to procure the services
20 of licensed surveyors, required by the Department to effectively enforce the
21 public’s compliance with applicable highway care and maintenance laws.”

22 **Section 3.** §3606(b) of Article 6, Chapter 3 of Title 16, Guam Code
23 Annotated, is hereby *amended* to read:

24 “(b) Any peace officer, or employee authorized in writing by the
25 Director of the Department of Public Works, who finds that a vehicle has
26 been parked *for more than* twenty-four (24) hours during the period
27 beginning at 12 o’clock midnight Sunday through 12 o’clock midnight

1 Friday, or *for more than* forty-eight (48) hours from 12 o'clock midnight
2 Friday through 12 o'clock midnight Sunday, *shall* remove or order a
3 licensed garage man to remove the vehicle from the public or private
4 property. Such vehicle *shall* be stored in either a police parking area, a
5 garage, or a licensed public garage."

6 **Section 4.** A new Subsection (e) is hereby *added* to §3606 of Article 6,
7 Chapter 3 of Title 16, Guam Code Annotated, to read:

8 "(e) A violation of this Section *shall* be additionally punished by a
9 fine of One Hundred Dollars (\$100.00), payable to the Public Rights-Of-
10 Way Account of the Territorial Highway Fund. It *shall* be a new violation
11 for each thirty (30) day period the owner fails to lawfully dispose of the
12 vehicle."



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

April 30, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 16-32(COR), 53-32(COR), 56-32(COR), 57-32(COR), 58-32(COR), 62-32(COR), 65-32(COR), 67-32(COR), 72-32(LS), 73-32(LS), and 76-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 30, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina Rose Muña Barnes".

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (11)

RECEIVED BY
DATE 4/30/13
TIME

A handwritten signature and the date "4/30/13" written in black ink over a printed form.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

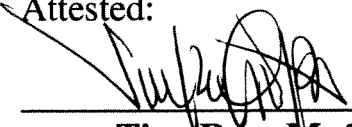
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 57-32 (COR)**, "AN ACT TO AMEND §53108, AND TO ADD A NEW §53110 OF CHAPTER 53 OF TITLE 5, GUAM CODE ANNOTATED; AND TO AMEND §3606(b), AND TO ADD A NEW §3606(e) OF ARTICLE 6, CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ENCROACHMENT OF PUBLIC ROADWAYS AND PUBLIC RIGHTS-OF-WAY, AND TO THE REMOVAL OF ABANDONED VEHICLES", was on the 30th day of April, 2013, duly and regularly passed.



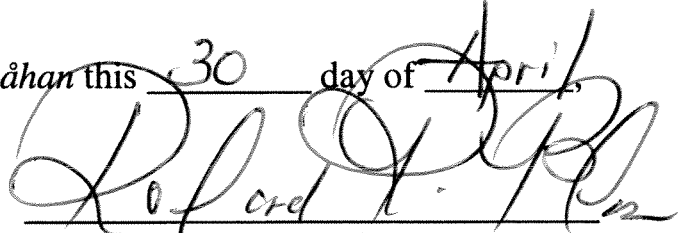
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 30 day of April, 2013, at 2:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 57-32 (COR)

As further substituted by the Author
on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.
T. C. Ada
R. J. Respicio
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

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14 **Violations.**

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19 the Account to purchase equipment and supplies, and to procure the services
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27 beginning at 12 o’clock midnight Sunday through 12 o’clock midnight

1 Friday, or *for more than* forty-eight (48) hours from 12 o'clock midnight
2 Friday through 12 o'clock midnight Sunday, *shall* remove or order a
3 licensed garage man to remove the vehicle from the public or private
4 property. Such vehicle *shall* be stored in either a police parking area, a
5 garage, or a licensed public garage."

6 **Section 4.** A new Subsection (e) is hereby *added* to §3606 of Article 6,
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8 "(e) A violation of this Section *shall* be additionally punished by a
9 fine of One Hundred Dollars (\$100.00), payable to the Public Rights-Of-
10 Way Account of the Territorial Highway Fund. It *shall* be a new violation
11 for each thirty (30) day period the owner fails to lawfully dispose of the
12 vehicle."

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall


Bill No: 57-32 (COR)

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|--|-----|-----|--------------------------|-------------------------|--------|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | ✓ | | | | |
| Senator Christopher M. DUENAS | | | | | ✓ |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | ✓ | | | | |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | |
| Senator Michael F. Q.SAN NICOLAS | ✓ | | | | |
| Speaker Judith T. WON PAT, Ed.D. | ✓ | | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

TOTAL

| | | | | |
|-----|-----|--------------------------|-------------------------|--------|
| 14 | | | | 1 |
| Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guahan • 32nd Guam Legislature

April 16, 13

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Dos Na Liheslaturan Guahan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

2013 APR 19 AM 11: 27

RE: Committee Report on Bill No. 57-32 (COR) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 57-32 (COR), As Substituted – “An Act to amend §53101 and §53108 of 5GCA, relative to encroachment violations.”

Committee votes are as follows:

 4 TO DO PASS

 TO NOT PASS

 2 TO REPORT OUT ONLY

 TO ABSTAIN

 TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',

Thomas C. Ada



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guåhan • 32nd Guam Legislature

**COMMITTEE REPORT
ON**

Bill No. 57-32 (COR), As Substituted

**“An Act to amend §53101 and §53108 of
5GCA, relative to encroachment
violations.”**

**As Substituted by the
Committee on Public Safety,
Infrastructure and Maritime Transportation**




Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guåhan • 32nd Guam Legislature

April 16, 13

MEMORANDUM

To: **All Members**
Committee on Public Safety, Infrastructure and Maritime Transportation

From: **Senator Thomas C. Ada** 
Committee Chairperson

Subject: **Committee Report on Bill No. 57-32 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 57-32 (COR), As Substituted – “An Act to amend §53101 and §53108 of 5GCA, relative to encroachment violations.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 57-32 (COR), As Introduced
- Copy of Bill No. 57-32 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- COR Referral of Bill No. 57-32 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation

I Mina'trentai Dos Na Libeslaturan Guahan • 32nd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 57-32 (COR), As Substituted – T. C. Ada – An Act to amend §53101 and §53108 of 5GCA, relative to encroachment violations.

| COMMITTEE MEMBERS | SIGNATURE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|--|-------------|---------------|----------------|-----------------------|------------|------------------------------------|
| SENATOR THOMAS C. ADA Chairperson | | ✓ | | | | |
| SENATOR RORY J. RESPICIO Vice Chairperson | | ✓ 4/17/13 | | | | |
| VICE SPEAKER BENJAMIN J.F. CRUZ Member | | ✓ | | | | |
| SENATOR FRANK B. AGUON, JR. Member | 4/17/13 | | | ✓ | | |
| SENATOR MICHAEL F.Q. SAN NICOLAS Member | 4/17/13 | | | ✓ | | |
| SENATOR ALINE A. YAMASHITA, PH.D. Minority Member | | | | | | |
| SENATOR V. ANTHONY ADA Minority Member | | | | | | |
| SENATOR BRANT McCREADIE Minority Member | | ✓ 4/16/13 | | | | |



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guåhan • 32nd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 57-32 (COR) was introduced on February 27, 2013 by Speaker Judith T. Won Pat, Ed.D., and was subsequently referred by the Committee on Rules to the Committee on Public Safety, Infrastructure and Maritime Transportation on February 27, 2013.

The Committee on Public Safety, Infrastructure and Maritime Transportation convened a public hearing on Bill 57-32 (COR) on April 4, 2013 at 9:00 am in *I Liheslatura's* Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on March 28, 2013 (5-Day Notice), and again on April 2, 2013 (48-Hour Notice).

Senators Present

| | |
|----------------------------------|-----------------------|
| Senator Thomas C. Ada | Committee Chairperson |
| Senator Rory J. Respicio | Committee Vice-Chair |
| Speaker Judith T. Won Pat, Ed.D. | |
| Vice-Speaker Benjamin J.F. Cruz | Majority Member |
| Senator Brant McCreadie | Minority Member |
| Senator Christopher Dueñas | |
| Senator Thomas Morrison | |

The public hearing was Called-to-Order at 9:00am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Carl V. Dominguez

Provided oral and written testimony (see attached)

Mr. Dominguez provided testimony in support of Bill No. 57-32 (COR) as the Director of the Department of Public Works. He states that the DPW “agrees with the legislative position that the ten dollar (\$10.00) per day fine may have been a deterrent to unlawful encroachments forty-three years ago when it was first imposed by law, but is currently so low as to be seen as an acceptable cost to some violators who do not intend to comply with the law. The new, higher fines will certainly act [as] a deterrent for future violations.”

Pat Mason

Provided oral testimony

Mr. Mason provided comments regarding the definition of “*Encroachment*,” as it includes “refuge, trash and vehicles” because the Guam Police Department and the Guam Environmental Protection Agency currently have jurisdiction of these matters. He further states



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guåhan • 32nd Guam Legislature

that he is unaware of what problems the Department of Public Works has encountered with such items. Lastly, he mentioned concern regarding the use of the Territorial Highway Fund as the depository for such fines, and noted that the Territorial Highway Fund is used for multiple purposes other than those specified in Bill No. 57-32 (COR).

Discussion

Speaker Won Pat comments that she intends to amend Bill No. 57-32 to create a fund separate from the Territorial Highway Fund for the purposes listed in Bill No. 57-32. She further inquiries as to whether or not a public education campaign is necessary before implementation of Bill No. 57-32.

Chairperson Ada asks if there is a term to address other encroachments not identified by Bill No. 57-32, and whether or not there is a need to add a broad term to include these miscellaneous items (i.e. containers).

Carl Dominguez responds that he is concerned that the current definition does not address all items considered to be encroachments.

Chairperson Ada asks if the violation will be assessed to the property owner abutting the encroachment or the owner of the encroachment.

Pat Mason responds that the Guam Police Department would need to assist in identifying the violator.

Carl Dominguez states that there may be instances that the Department of Public Works may incur costs as a result of not being able to identify the actual violator.

Speaker Won Pat asks if a permit is necessary to temporarily allow for an encroachment.

Carl Dominguez states that anything that obstructs a right-of-way requires a permit.

Chairperson Ada asks if we need to change the term “highway” to “right-of-way” to encompass all types of roads.

Carl Dominguez states that “highway” means the entire width of the right-of-way, whether or not the area is used for highway purposes, according to current law.

Pat Mason states he would need to identify the actual right-of-way to determine if a fine could be assessed.

Chairperson Ada requests for the citation of the definition provided by Mr. Carl Dominguez.



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guahan • 32nd Guam Legislature

Chairperson Ada concludes hearing. The public hearing will recess and be reconvened at 3:00 pm.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Infrastructure and Maritime Transportation has substituted Bill 57-32 (COR) with the following significant changes:


- In Sections 3, the Highway Encroachment Fund was established separate and apart from the General Fund to be administered by the Director of the Department of Public Works, incur interest, and to require appropriation by the Guam Legislature.


The Committee on Public Safety, Infrastructure and Maritime Transportation hereby reports out Bill 40-32 (COR), As Substituted by the Committee, with the recommendation
to report out.


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 57-32 (COR)

Introduced by:

Judith T. Won Pat, Ed.D. 

T.C. Ada 

R.J. Respicio 

AN ACT TO AMEND §53101 AND §53108 OF 5GCA,
RELATIVE TO ENCROACHMENT VIOLATIONS.


2013 FEB 27 AM 11:04

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that Public Law 10-40 was signed into law on March 22, 1969 by
4 Governor Manuel F.L. Guerrero. Public Law 10-40 sets the daily fine for
5 unlawful encroachment at Ten Dollars (\$10.00) per day and no subsequent
6 law has amended the daily fine in the intervening forty-three (43) years
7 since its enactment.

8 *I Liheslaturan Guåhan* finds that this fine does not serve the same
9 deterrent effect that it did in 1969 and that its effectiveness would be
10 greatly enhanced if the fine is updated appropriately to reflect current
11 conditions.

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to adjust the daily
13 fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred

1 The owner shall be liable for all expenses of such removal and, in
2 addition thereto, ~~the sum of~~ shall pay a fine of One Hundred Ten
3 Dollars (\$100.00) for the first (1st) offense, Five Hundred Dollars
4 (\$500.00) for the second (2nd) offense, and One Thousand Dollars
5 (\$1,000.00) for the third (3rd) and subsequent offenses for each day
6 such encroachment remains after the expiration of five (5) days from
7 the service of the notice.

8 All fines shall be deposited into the Territorial Highway Fund,
9 and any interest derived shall remain in the Fund. The Director is
10 authorized to use revenues collected from encroachment fines to
11 purchase equipment and supplies, and to procure the services of
12 licensed surveyors, required by the Department to effectively enforce
13 the public's compliance with applicable highway care and
14 maintenance laws."

15 **Section 4. Effective Date.** This Act shall be effective upon
16 enactment.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 57-32 (COR)

As Amended by the Committee on Public Safety,
Infrastructure and Maritime Transportation

Introduced by:

Judith T. Won Pat, Ed.D.
T.C. Ada
R.J. Respicio

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2 fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred
3 Dollars (\$100.00) per day for the first (1st) offense, Five Hundred Dollars
4 (\$500.00) for the second (2nd) offense, and One Thousand Dollars (\$1,000.00)
5 for the third (3rd) and subsequent offenses, by amending §53108 of 5GCA.

6 *I Liheslaturan Guåhan* intends for the fines collected from
7 encroachment violations to be deposited into the Territorial Highway Fund
8 for use by the Director of the Department of Public Works to fund
9 equipment and supplies, and to procure the services of licensed surveyors,
10 required to effectively enforce Guam’s highway care and maintenance
11 laws.

12 *I Liheslaturan Guåhan* further intends to expand the definition of
13 *Encroachment* to include refuse, trash and vehicles.

14 **Section 2. Definition of Encroachment.** §53101 of 5GCA is hereby
15 *amended*, to read:

16 **“53101. Definitions.**

17 (d) *Encroachment* means any refuse, trash, vehicles, tower, pole,
18 poleline, pipe, pipeline, fence, billboard, stand or building, or any
19 structure or utility infrastructure *not* particularly mentioned, which is
20 placed in, under or over any portion of a highway.”

21 **Section 3. Removal by Department.** §53108 of 5GCA is hereby
22 *amended*, to read:

23 **“§ 53108. Removal by Department.**

1 The Department may remove any encroachment on the failure
2 of the owner to comply with the notice provided for in this Chapter.
3 The owner shall be liable for all expenses of such removal and, in
4 addition thereto, ~~the sum of~~ shall pay a fine of One Hundred Ten
5 Dollars (\$100.00) for the first (1st) offense, Five Hundred Dollars
6 (\$500.00) for the second (2nd) offense, and One Thousand Dollars
7 (\$1,000.00) for the third (3rd) and subsequent offenses for each day
8 such encroachment remains after the expiration of five (5) days from
9 the service of the notice.

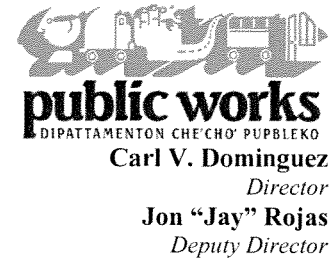
10 All fines shall be deposited into a special account known as the
11 ~~Territorial~~ 'Highway Encroachment Fund', established separate and
12 apart from the General Fund to be administered by the Director of
13 the Department of Public Works, and which shall not be subject to
14 the transfer authority of I Maga'låhen Guåhan. ~~and any~~ interest
15 derived shall remain in the Fund. I Liheslaturan Guåhan shall make
16 appropriations from the 'Highway Encroachment Fund' to the
17 Department of Public Works. The Director of the Department of
18 Public Works is authorized to use such appropriations ~~revenues~~
19 ~~collected from encroachment fines~~ to purchase equipment and
20 supplies, and to procure the services of licensed surveyors, required
21 by the Department to effectively enforce the public's compliance with
22 applicable highway care and maintenance laws."

1 **Section 4. Effective Date.** This Act shall be effective forty five (45)
2 days following ~~upon~~ enactment. As a public awareness effort, the Director
3 of the Department of Public Works, within the forty five- (45-) day period
4 following enactment of this Act, shall coordinate with all mayoral offices
5 and give notice to the public regarding increases in encroachment violation
6 fines.



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



April 4, 2013

The Honorable Thomas C. Ada, Chairperson
Committee on Public Safety, Infrastructure, and
Maritime Transportation
I Mina'Trenta Dos Na Liheslaturan Guahan
Suite 207, Ada Plaza Center
Hagatna, Guam 96910

Buenas yan Hafa Adai, Mr. Chairman and Members of the Committee:


Thank you for giving the Department of Public Works the opportunity to review Bill 57-32, "An act to amend §53108 of 5 GCA, relative to encroachment violations."

The DPW supports the bill to increase the daily fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred Dollars (\$100.00) per day for the first (1st) offense, Five Hundred Dollars (\$500.00) for the second (2nd) offense, and (One-Thousand Dollars (\$1,000.00) for the third (3rd) and subsequent offenses, by amending §53108 of 5GCA.

The Department commends I Mina'Trenta Dos Na Liheslaturan Guahan and appreciates its attention to the matter of increasing the fines for unlawful encroachment. The DPW agrees with the legislative position that the \$10.00 per day daily fine may have been a deterrent to unlawful encroachments forty-three years ago when it was first imposed by law, but is currently so low as to be seen as an acceptable cost to some violators who do not intend to comply with the law. The new, higher fines will certainly act a deterrent to future violations.

On behalf of the DPW, I would like to thank you for the opportunity to provide our input on this proposed legislation. If you have any questions or require any additional information, please do not hesitate to contact me.

Si Yu'os Ma'ase,



Carl V. Dominguez
Director



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Benjamin J.F. Cruz
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Aline Yamashita
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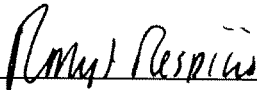
Certification of Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 57-32 (COR) – “AN ACT TO AMEND §53101 AND §53108 OF 5GCA, RELATIVE TO ENCROACHMENT VIOLATIONS.”** –on February 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on February 28, 2013 at 11:24 AM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 57-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

April 17, 2013

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 28, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 57-32 (COR) and 58-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 28 AM 10:30

WR

Request for Fiscal Note – Bill Nos. 57-32 (COR) and 58-32 (COR)

Bill No. 57-32 (COR) - Judith T. Won Pat, Ed.D. - AN ACT TO AMEND §53101 AND §53108 OF 5GCA, RELATIVE TO ENCROACHMENT VIOLATIONS.

Bill No. 58-32 (COR) - V. Anthony Ada - AN ACT TO AMEND §§6602 AND 6603 AND TO ADD A NEW §6703 TO CHAPTER 6 OF 17GCA RELATIVE TO PROTECTION OF STUDENT INFORMATION.

MESSAGE CONFIRMATION

FEB-28-2013 10:10 AM THU

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : FEB-28-2013 10:10AM THU
ELAPSED TIME : 00' 18"
MODE : STD ECM
RESULTS : [O.K]



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CHAIRPERSON
MAJORITY LEADER
- Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER
- Senator
Vicente (Ben) C. Pangolinan
Member
- Speaker
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- Legislative Secretary
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- Senator
Michael EQ. San Nicolas
Member
- Senator
V. Anthony Ada
Member
MINORITY LEADER
- Senator
Aline Yamashita
Member

February 28, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note - Bill Nos. 57-32 (COR) and 58-32 (COR)

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Si Yu'os ma'ise' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Confirmed recvd by Arelva Astorgue
2/28/13 10:54 am
JAG*



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Member
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Senator
Aline Yamashita
Member

February 27, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 57-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 57-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | STATUS |
|-------------|-----------------------------|---|-------------------------|---------------|---|---------------------|-----------------------------|--------|
| 57-32 (COR) | Judith T. Won Pat, Ed.D. | AN ACT TO AMEND §53101 AND §53108 OF 5GCA, RELATIVE TO ENCROACHMENT VIOLATIONS. | 2/27/2013 11:04 a.m. | 2/27/13 | Committee on Public Safety, Infrastructure, & Maritime Transportation | | | |



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

1st Notice: Public Hearing April 4, 2013

William Brennan <will@senatorada.org>

Thu, Mar 28, 2013 at 8:54 AM

To: Media <media@senatorada.org>, "Public Hearing notice (to Legislature)" <ph.notice.leg@senatorada.org>

Hafa Adai,

Please find the attached notice of public hearing for April 4, 2013.

Respectfully,

--

William Bucky Brennan

Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature

Office (671) 473 - 3301 / Cell (671) 797-9221



PH-Notice-April 4, 2013.pdf

514K



Senator Tom Ada

1st Notice: Public Hearing April 4, 2013

William Brennan <will@senatorada.org>

To: phnotice@guamlegislature.org

Thu, Mar 28, 2013 at 3:09 PM

Hafa Adai,

Please find the attached notice of public hearing for April 4, 2013.

Respectfully,

—
William Bucky Brennan
Policy Analyst
Office of Senator Thomas C. Ada
I Mina! Trentai Dos Na Liheslaturan Guåhan - 32nd Guam Legislature
Office (671) 473 - 3301 / Cell (671) 797-9221

 **PH-1st Notice-April 4, 2013.pdf**
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Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan Guåhan • 32nd Guam Legislature

March 28, 2013

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: Senator Thomas C. Ada
Subject: **Public Hearing Notice: April 4, 2013**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **April 4, 2013**. This meeting will take place in the Public Hearing Room of *I Liheslatura*. The agenda is as follows:

9:00 am

Bill 35-32 (COR): V. C. Pangelinan

An act to add §§ 61314, 61319, 61317, 61318, 61319 and 61320 to Chapter 61 Article 3 of 21 Guam Code Annotated relative to the enforcement of zoning laws.

Bill 57-31 (COR): J.T. Won Pat, Ed. D / T.C. Ada / R.J. Respicio

An act to amend §53101 and §53108 of 5GCA, relative to encroachment violations.

3:00 pm

Appointment of Ms. Elyze McDonald Iriarte to serve as a member to the Guam Solid Waste Authority Board of Directors

Appointment of Mr. Joseph McDonald to serve as a member to the Public Utilities Commission

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **April 11, 2013 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to William Brennan at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

Si Yu'os Ma'ase.

Thomas C. Ada



Senator Tom Ada

2nd Notice: Public Hearing, April 4, 2013

William Brennan <will@senatorada.org>

To: William Brennan <will@senatorada.org>

Bcc: Media <media@senatorada.org>, carl.dominguez@dpw.guam.gov, jon.rojas@dpw.guam.gov, gca@teleguam.net, ec@guamrealtors.com, dleddy@guamchamber.com.gu, ccastro@guamchamber.com.gu, dlmdir@dlim.guam.gov, ccharfauros@guamag.org, zpalomo@guamag.org, anita.arile@doa.guam.gov, john@pds.guam.com, acom@docomopacific.com, seanm@mvc.guam.com, Carlos Camacho <carlos.camacho@itehq.net>, nmendiola@gta.net, jflores@gpagwa.com, sbias@gpagwa.com, gbotha@gpagwa.com, roushm@guamwaterworks.net, dcrisostomo@guamwaterworks.net, staylor@guamwaterworks.net, gdcmgr@ite.net, jbenavente@gpagwa.com, annborja@guamwaterworks.org, Alicia Fejeran <avfejeran@gmail.com>, jeffcharjohanson@hotmail.com, lpalomo@guampuc.com, horecky@ite.net, jmcDonald@tpiguam.com, elyzej@yahoo.com, phnotice@guamlegislature.org

Hafa Adai,

Attached, please find the 2nd Notice of Public Hearing for Thursday, April 4, 2013. Supporting documents for the agenda items can be found at the Guam Legislature's website:

www.guamlegislature.org

For any questions, comments or concerns please contact the Office of Senator Tom Ada.

v/r

William Bucky Brennan
Policy Analyst

Office of Senator Thomas C. Ada

I Mina' Trentai Dos Na Liheslaturan Guahan - 32nd Guam Legislature

Office (671) 473 - 3301 / Cell (671) 797-9221

PH-2nd Notice-April 4, 2013.pdf

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Tue, Apr 2, 2013 at 8:20 AM



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Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Lihseslaturan Guåhan • 32nd Guam Legislature

April 2, 2013

MEMORANDUM

To: All Senators, Media, and Stakeholders
Fr: Senator Thomas C. Ada
Subject: **Public Hearing Notice: April 4, 2013**

Please be advised that the Committee on Public Safety, Infrastructure, and Maritime Transportation is holding a public hearing on **April 4, 2013**. This meeting will take place in the Public Hearing Room of *I Lihseslatura*. The agenda is as follows:

9:00 am

Bill 35-32 (COR): V. C. Pangelinan

An act to add §§ 61314, 61319, 61317, 61318, 61319 and 61320 to Chapter 61 Article 3 of 21 Guam Code Annotated relative to the enforcement of zoning laws.

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3:00 pm

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Appointment of Mr. Joseph McDonald to serve as a member to the Public Utilities Commission

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **April 11, 2013 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to William Brennan at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.

Si Yu'os Ma'ase.

Thomas C. Ada



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Liheslaturan Guahan • 32nd Guam Legislature

AGENDA

PUBLIC HEARING

Thursday, April 4, 2013

Public Hearing Room, *I Liheslaturan Guahan*

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COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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Rory J. Respicio
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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
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Member

Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 28, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 57-32 (COR) and 58-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 28 AM 10:30
WR

Request for Fiscal Note – Bill Nos. 57-32 (COR) and 58-32 (COR)

Bill No. 57-32 (COR) - Judith T. Won Pat, Ed.D. - AN ACT TO AMEND §53101 AND §53108 OF 5GCA, RELATIVE TO ENCROACHMENT VIOLATIONS.

Bill No. 58-32 (COR) - V. Anthony Ada - AN ACT TO AMEND §§6602 AND 6603 AND TO ADD A NEW §6703 TO CHAPTER 6 OF 17GCA RELATIVE TO PROTECTION OF STUDENT INFORMATION.

MESSAGE CONFIRMATION

FEB-28-2013 10:10 AM THU

FAX NUMBER : 4772240
 NAME : GNF

NAME/NUMBER : 4722825
 PAGE : 2
 START TIME : FEB-28-2013 10:10AM THU
 ELAPSED TIME : 00'18"
 MODE : STD ECM
 RESULTS : [O.K]



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Si Yu'os ma'ase' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio
Senator Rory J. Respicio
 Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Confirmed received by Arelva Astorgio
 2/28/13 10:24 am
 [Signature]*



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February 27, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 57-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 57-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.


Si Yu'os Ma'åse!

Attachment


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 57-32 CCR)

Introduced by:

Judith T. Won Pat, Ed.D. 

T.C. Ada 

R.J. Respicio 

**AN ACT TO AMEND §53101 AND §53108 OF 5GCA,
RELATIVE TO ENCROACHMENT VIOLATIONS.**

2013 FEB 27 AM 6:04

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that Public Law 10-40 was signed into law on March 22, 1969 by
4 Governor Manuel F.L. Guerrero. Public Law 10-40 sets the daily fine for
5 unlawful encroachment at Ten Dollars (\$10.00) per day and no subsequent
6 law has amended the daily fine in the intervening forty-three (43) years
7 since its enactment.

8 *I Liheslaturan Guåhan* finds that this fine does not serve the same
9 deterrent effect that it did in 1969 and that its effectiveness would be
10 greatly enhanced if the fine is updated appropriately to reflect current
11 conditions.

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to adjust the daily
13 fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred

1 Dollars (\$100.00) per day for the first (1st) offense, Five Hundred Dollars
2 (\$500.00) for the second (2nd) offense, and One Thousand Dollars (\$1,000.00)
3 for the third (3rd) and subsequent offenses, by amending §53108 of 5GCA.

4 *I Liheslaturan Guåhan* intends for the fines collected from
5 encroachment violations to be deposited into the Territorial Highway Fund
6 for use by the Director of the Department of Public Works to fund
7 equipment and supplies, and to procure the services of licensed surveyors,
8 required to effectively enforce Guam’s highway care and maintenance
9 laws.

10 *I Liheslaturan Guåhan* further intends to expand the definition of
11 *Encroachment* to include refuse, trash and vehicles.

12 **Section 2. Definition of Encroachment.** §53101 of 5GCA is hereby
13 *amended*, to read:

14 **“53101. Definitions.**

15 (d) *Encroachment* means any refuse, trash, vehicles, tower, pole,
16 poleline, pipe, pipeline, fence, billboard, stand or building, or any
17 structure or utility infrastructure *not* particularly mentioned, which is
18 placed in, under or over any portion of a highway.”

19 **Section 3. Removal by Department.** §53108 of 5GCA is hereby
20 *amended*, to read:

21 **“§ 53108. Removal by Department.**

22 The Department may remove any encroachment on the failure
23 of the owner to comply with the notice provided for in this Chapter.

1 The owner shall be liable for all expenses of such removal and, in
2 addition thereto, ~~the sum of~~ shall pay a fine of One Hundred Ten
3 Dollars (\$100.00) for the first (1st) offense, Five Hundred Dollars
4 (\$500.00) for the second (2nd) offense, and One Thousand Dollars
5 (\$1,000.00) for the third (3rd) and subsequent offenses for each day
6 such encroachment remains after the expiration of five (5) days from
7 the service of the notice.

8 All fines shall be deposited into the Territorial Highway Fund,
9 and any interest derived shall remain in the Fund. The Director is
10 authorized to use revenues collected from encroachment fines to
11 purchase equipment and supplies, and to procure the services of
12 licensed surveyors, required by the Department to effectively enforce
13 the public's compliance with applicable highway care and
14 maintenance laws."

15 **Section 4. Effective Date.** This Act shall be effective upon
16 enactment.