

*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
7-35 (LS) As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice	Telo T. Taitague	AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE, WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS.	1/7/19 11:21 a.m.	1/18/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	3/28/19 9:00 a.m.	4/18/19 1:03 p.m.	Request: 1/22/19 Fiscal Note: 1/31/19	Supplemental Document to the Committee Report 4/25/19 5:35 p.m.
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	VETOED		NOTES	
	4/22/19	AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS.	4/25/19	4/26/19	5/8/19	5/7/19		Received: 5/7/19 Mess and Comm. Doc. No. 35GL-19-0497.	

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND DELIVERED

May 7, 2019

Honorable Tina Rose Muña Barnes  
Speaker  
*I Mina'trentai Singko Na Liheslaturan Guåhan*  
Guam Congress Building  
Hagåtña, Guam 96910

35GL-19-0497  
Speaker Tina Rose Muña Barnes

MAY 07 2019

Time 4:09 ( )AM (X)PM  
Received By: Allen

Re: **Bill No. 7-35(LS) – An Act to Amend §§ 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Which Fails to Provide Required Reports and/or Position Statements on Land Use Applications**

Dear Madam Speaker:

Attached is Bill No. 7-35(LS) "*An Act to Amend §§ 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Which Fails to Provide Required Reports and/or Position Statements on Land Use Applications,*" which I have **VETOED**.

Member-agencies of the Application Review Committee perform an important technical review function for the Guam Land Use Commission. They go through a lengthy process to compile data to develop meaningful reports and position statements for review. Sometimes this process may take longer than anticipated or desired. Most times these delays can be attributed to the due diligence performed, thoroughness, and the complexity of some issues.

Bill 7-35 does not seek to streamline the process and make it more efficient. It offers no solution to assist the Application Review Committee. This legislation punishes member-agency directors as though the directors are maliciously delaying progress. It will force member-agencies to quickly submit haphazard reports and position statements so directors can avoid an exorbitant fee. The work of the Application Review Committee is much too important to risk quality in this manner.

*Senseremente,*

LOURDES A. LEON GUERRERO  
*Maga'hågan Guåhan*  
Governor of Guam

Enclosure: Bill 7-35

0497

2019 MAY 7 PM 5:09

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

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***

This is to certify that **Bill No. 7-35 (LS), "AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS,"** was on the 25<sup>th</sup> day of April 2019, duly and regularly passed.

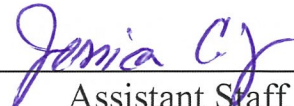
  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**

Attested:



\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 26<sup>th</sup> day of April,  
2019, at 4:18 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

2019-2490  
RCVD AT CENTRAL FILES  
APR 26 '19 PM 4:21

**Martin B-Reyes**  


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

**Bill No. 7-35 (LS)**

As amended by the Committee on Health,  
Tourism, Historic Preservation, Land and Justice.

Introduced by:

Telo T. Taitague  
William M. Castro  
Régine Biscoe Lee  
Kelly Marsh (Taitano), PhD  
James C. Moylan  
Louise B. Muña  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Clynton E. Ridgell  
Joe S. San Agustin  
Amanda L. Shelton  
Jose "Pedo" Terlaje  
Therese M. Terlaje  
Mary Camacho Torres

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

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

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

4 “(b) In any land use action that requires the review and decision by  
5 the Guam Land Use Commission, no municipal public hearing *shall* be

1 scheduled and conducted in the affected municipality until any and all  
2 available reports and position statements have been received from the  
3 Department of Land Management. Said reports and position statements *shall*  
4 be provided by the Application Review Committee within thirty (30) working  
5 days from the filing of the application.

6 A member-agency of the Application Review Committee requiring  
7 additional time to submit their respective report or position statement *shall*  
8 obtain written approval no later than ten (10) working days prior to the thirty  
9 (30)-day deadline from the Chairman of the Application Review Committee.  
10 The additional time *shall not* exceed a period of fourteen (14) working days.  
11 A second extension may be granted with written approval from the Chairman  
12 of the Application Review Committee for a period not to exceed an additional  
13 fourteen (14) working days. The director of a member-agency which fails to  
14 submit the required report and/or position statement within the timeline  
15 stipulated herein *shall* pay an administrative fine of One Thousand Dollars  
16 (\$1,000.00).

17 The administrative fine *shall* be a personal expense for the director of  
18 the member-agency of the Application Review Committee, and in no way  
19 shall the fine be paid by the agency or the government of Guam.

20 The Department of Land Management *shall* develop policies and  
21 • procedures for the enforcement of the aforementioned administrative fine, in  
22 accordance with the Administrative Adjudication Law. The Director of Land  
23 Management *shall* pay an administrative fine of One Thousand Dollars  
24 (\$1,000.00) in the event his or her agency fails to initiate the development of  
25 policies and procedures required herein within thirty (30) working days. All  
26 administrative fines *shall* be deposited in the Land Survey Revolving Fund

1 established pursuant to § 60602 of Article 6, Chapter 60, Title 21, Guam Code  
2 Annotated.

3 Upon receipt of any report or position statement submitted by the  
4 Application Review Committee, the Department of Land Management *shall*  
5 transmit said documents to the Mayor of the affected municipality.”

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