

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

Doc Type: 36GL-21-0258

OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

March 5, 2021

**HONORABLE THERESE M. TERLAJE**, *Speaker*  
*I Mina'trentai Sais Na Liheslaturan Guåhan*  
36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**-03-05-2021**

Time: 5:04pm

Received: [Signature]

**RE: (VETOED) BILL NO. 38-36 (COR) – An Act to Amend § 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing Extensions of Deadlines to Submit Reports or Positions Statements to the Application Review Committee, and an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Who Fails to Provide Required Reports or Position Statements on Land Use Applications**

*Buenas yan Hafa Adai Madame Speaker!*

Bill No. 38-36 seeks to impose a personal fine against the director of a member-agency of the Application Review Committee (ARC), which is tasked with preparing and submitting to the Department of Land Management reports or position statements detailing findings regarding the impact certain land uses would have on their affected municipalities, in the event such reports or position statements are not submitted within the statutory timeline. For the reasons stated herein, and consistent with my prior statement on a similar measure, Bill No. 7-35, **I veto this bill.**

The position statements submitted by the ARC are a critical component of our Zoning statutory scheme, the primary purpose of which is to promote the public health, safety and general welfare of our communities by ensuring appropriate land use. While the business interest in ensuring timely delivery of these reports and position statements is understandable, such interests cannot be prioritized over the interest in ensuring the ARC prepares thorough reports. It does not serve the needs of the community to pressure directors to perform stunted investigations or submit rushed reports in the interest of ushering private interests through the zoning process.

As it is in many cases, expediency must yield to accuracy, even if it takes a little longer.

*Senseremente,*

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

(J.Borja)

Enclosure(s): *Vetoed* Bill No. 38-36 (COR)

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*  
*Compiler of Laws*

COMMITTEE ON RULES

RECEIVED:

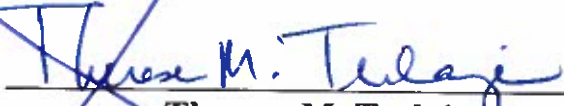
March 8, 2021

8:00 A.M.


**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN**  
**2021 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÁGAN GUÁHAN**


This is to certify that **Bill No. 38-36 (COR), "AN ACT TO AMEND § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING EXTENSIONS OF DEADLINES TO SUBMIT REPORTS OR POSITIONS STATEMENTS TO THE APPLICATION REVIEW COMMITTEE, AND AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHO FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS,"** was on the 22<sup>nd</sup> day of February 2021, duly and regularly passed.

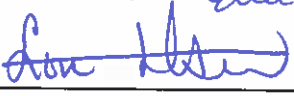
~~  
Therese M. Terlaje  
Speaker~~

Attested:

~~  
Amanda L. Shelton  
Legislative Secretary~~

This Act was received by *I Maga'hágan Guáhan* this 22<sup>nd</sup> day of FEBRUARY 2021, at 6:00 o'clock P.M.

  
Assistant Staff Officer  
*Maga'hága's Office*

APPROVED: eva Hs  
  
Lourdes A. Leon Guerrero  
*I Maga'hágan Guáhan*

Date: 3/5/2021

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

RCUD AT CENTRAL FILES  
FEB 24 '21 AM 11:51  
2021-13068  
Jessica Cruz

**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2021 (FIRST) Regular Session**

**Bill No. 38-36 (COR)**

As amended by the Committee on Health,  
Land, Justice and Culture; and  
further amended on the Floor.

Introduced by:

Telo T. Taitague  
Telena Cruz Nelson  
Frank Blas Jr.  
Joe S. San Agustin  
Sabina Flores Perez  
V. Anthony Ada  
Joanne Brown  
Christopher M. Dueñas  
James C. Moylan  
Tina Rose Muña Barnes  
Clynton E. Ridgell  
Jose "Pedro" 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 EXTENSIONS OF DEADLINES TO SUBMIT REPORTS OR POSITIONS STATEMENTS TO THE APPLICATION REVIEW COMMITTEE, AND AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHO FAILS TO PROVIDE REQUIRED REPORTS OR POSITION STATEMENTS ON LAND USE APPLICATIONS.**

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

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

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

1 and conducted in the affected municipality until any and all available reports and  
2 position statements have been received from the Department of Land  
3 Management. Said reports and position statements shall be provided by the  
4 Application Review Committee within forty-five (45) calendar days from the  
5 filing of the application.

6 A member-agency of the Application Review Committee requiring  
7 additional time to submit its respective report or position statement shall obtain  
8 written approval no later than ten (10) working days prior to the forty-five (45)-  
9 day deadline from the Chairperson of the Application Review Committee. The  
10 additional time shall not exceed a period of fourteen (14) working days. A second  
11 extension may be granted with written approval from the Chairperson of the  
12 Application Review Committee for a period not to exceed an additional fourteen  
13 (14) working days. The director of a member-agency who fails to submit a  
14 required report or position statement within the timeline stipulated herein shall  
15 pay an administrative fine of Two Hundred Fifty Dollars (\$250.00).

16 The administrative fine shall be a personal expense for the director of the  
17 member-agency of the Application Review Committee and in no way shall the  
18 fine be paid by an agency or the government of Guam. All administrative fines  
19 imposed pursuant to this Subsection shall be paid to the Treasurer of Guam and  
20 deposited in the Land Survey Revolving Fund established in 21 GCA § 60602.

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

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

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

March 5, 2021

**HONORABLE THERESE M. TERLAJE, Speaker**

*I Mina 'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

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cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'lāhen Guåhan*  
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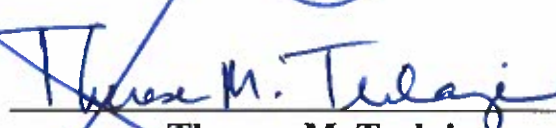





**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2021 (FIRST) Regular Session**

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**Therese M. Terlaje**  
Speaker

Attested:

  
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**Amanda L. Shelton**  
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 22<sup>nd</sup> day of FEBRUARY 2021, at 6:00 o'clock P.M.

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

APPROVED: ewa Hs.  
  
\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
*I Maga'hågan Guåhan*

Date: 3/5/2021

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

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