

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
335-33 (COR)	T. C. Ada Tommy Morrison	AN ACT TO AMEND AND ADD NEW SUBSECTIONS (a), (b), (c), (d) AND (e) TO § 60401 OF CHAPTER 60, ARTICLE 4, TITLE 21 AND TO REPEAL § 61105 OF CHAPTER 61, ARTICLE 1, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION AND VOTES NEEDED FOR APPROVAL.	06/13/16 5:33 p.m.	06/14/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement	07/27/16 5:00 p.m.	08/29/16 5:48 p.m.	Fiscal Note Request 06/15/16 Fiscal Note 06/27/16
	DATE PASSED	TITLE	DATE AND TIME TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'L Ì HEN GU Ì HAN</small>	PUBLIC LAW NO.	NOTES
	12/02/16	AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS.	12/05/16	4:50 p.m.	12/16/16			



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 5, 2016

The Honorable Edward J.B. Calvo
I Maga 'låhen Guåhan
Ufisinan I Maga 'låhi
Hagåtña, Guam

Dear *Maga 'låhi* Calvo:

Transmitted herewith are Bill Nos. 201-33 (COR), 224-33 (COR), 285-33 (COR), 317-33 (COR), 335-33 (COR), 343-33 (COR), 344-33 (COR), 347-33 (COR), 348-33 (COR), 354-33 (COR), 360-33 (COR), 361-33 (COR), 362-33 (COR), 365-33 (COR), 369-33 (COR), 370-33 (COR), 371-33 (COR), 373-33 (COR), 374-33 (COR), 375-33 (COR), 378-33 (COR), 384-33 (COR), 386-33 (COR), 387-33 (COR), 393-33 (COR), 394-33 (COR), and 400-33 (COR); and Substitute Bill Nos. 168-33 (COR), 187-33 (COR), 221-33 (COR), 351-33 (COR), and 367-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (32)

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 1:40 PM DATE 12-5-16

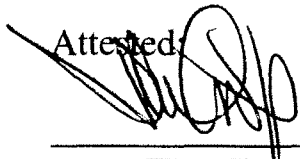
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that Bill No. 335-33 (COR), "AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS," was on the 2nd day of December 2016, duly and regularly passed.

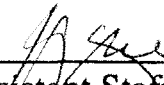


Judith T. Won Pat, Ed.D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 2nd day of Dec,
2016, at 4:50 o'clock P.M.


Assistant Staff Officer
Maga'låht's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY _____
TIME 4:50 DATE 12-25-16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 335-33 (COR)

As amended by the Committee on Transportation,
Infrastructure, Lands, Border Protection,
Veterans' Affairs and Procurement; and
further amended on the Floor.

Introduced by:

T. C. Ada
Tommy Morrison
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 recognizes that the decisions of the Guam Land Use Commission (GLUC) and
4 other decisions affecting building, zoning, use, and subdivision laws may not
5 adequately be representative of the municipality that is affected by such decisions.

6 *I Liheslaturan Guåhan* reiterates its intent, expressed in § 1201(a)(4) of
7 Article 2, Chapter 1, Title 5 GCA, the Centralized Planning Law, “*to ensure that*
8 *the people of Guam are not subjected to unbridled and unmanageable growth that*
9 *would threaten the benefits, comforts and privileges to which each Guam resident*
10 *is entitled.*”

11 It is the intent of *I Liheslaturan Guåhan* to provide a more effective means
12 by which the municipality’s concerns are heard and accommodated according to
13 the laws and regulations of real property uses.

14 **Section 2.** § 60401 of Article 4, Chapter 60, Title 21, Guam Code
15 Annotated, is hereby *amended* to read:

16 **“§ 60401. Guam Land Use Commission.**

17 (a) There is within the government of Guam the Guam Land Use
18 Commission (Commission). The Commission *shall* be composed of five (5)
19 members to be appointed by *I Maga’låhi* (the Governor) by and with the advice
20 and consent of *I Liheslatura* (the Legislature) for a period of five (5) years;
21 provided, however, that of the five (5) members first appointed, one (1)
22 member *shall* serve for a term of one (1) year, two (2) members *shall* serve for
23 terms of three (3) years each, and the remaining two (2) members *shall* serve
24 for terms of five (5) years each, as designated by *I Maga’låhi*. Quorum *shall*
25 require the presence of three (3) members.

1 (b) When, pursuant to this Act, a Hybrid Commission is to be
2 empaneled, four (4) additional members *shall* be seated as part of the Guam
3 Land Use Commission, and designated as “Municipal Commissioners” (MCs).

4 (1) MCs *shall* be appointed on an ad hoc basis as determined
5 by the location of a land use application submitted pursuant to Chapter
6 61 of Title 21, Guam Code Annotated, and in accordance with the
7 following guidelines:

8 (A) The first (1st) Municipal Commissioner *shall* be the
9 Mayor of the respective municipality where the land use action
10 will occur.

11 (B) The second (2nd), third (3rd), and fourth (4th)
12 Municipal Commissioners, who *shall* be elected Mayors or Vice-
13 Mayors, *shall* be appointed by the President of the Mayors
14 Council, with the recommendation of the first (1st) Municipal
15 Commissioner.

16 (2) The term of the Municipal Commissioners *shall*
17 terminate when final disposition of the land use project or application
18 for which the Hybrid Commission was empaneled has been
19 completed.”

20 (3) Quorum under an empaneled Hybrid Commission *shall*
21 be five (5) members.

22 (c) Votes Needed for Approval.

23 (1) When a Hybrid Commission is empaneled, a total of five
24 (5) affirmative votes is required for the approval of any Commission
25 action for any decision in any land use matter; except summary zone
26 change applications.

1 (2) Otherwise, when a Hybrid Commission is not empaneled,
2 a total of three (3) affirmative votes is required for the approval of any
3 Commission action for any decision in any zoning matter, change or
4 variance; except summary zone change applications.

5 (d) Empanelment of a Hybrid Commission.

6 A Hybrid Commission *shall* be empaneled for projects or
7 applications projected to have a development cost, exclusive of the
8 cost of the subject real property, of more than Three Million Dollars
9 (\$3,000,000).

10 **Section 3.** § 61105 of Article 1, Chapter 61, Title 21, Guam Code
11 Annotated, is hereby *repealed*.

12 **Section 4.** A new Subsection (s) is hereby *added* to § 40112 of Article 1,
13 Chapter 40, Title 5, Guam Code Annotated, to read:

14 “(s) To serve on the Hybrid Guam Land Use Commission as
15 “Municipal Commissioners” pursuant to § 60401 of Article 4, Chapter
16 60, Title 21 GCA.”

17 **Section 5. Severability.** If any provision of this law or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity *shall not* affect other provisions or applications of this law that can be
20 given effect without the invalid provisions or applications, and to this end the
21 provisions of this law are severable.