

*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
<b>57-32 (COR)</b>	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.	<b>2/27/13</b>	Committee on Public Safety, Infrastructure, & Maritime Transportation			



## COMMITTEE ON RULES

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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 

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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

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

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

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

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

**"53101. Definitions.**

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

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

**"§ 53108. Removal by Department.**

The Department may remove any encroachment on the failure 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 (1<sup>st</sup>) offense, Five Hundred Dollars  
4 (\$500.00) for the second (2<sup>nd</sup>) offense, and One Thousand Dollars  
5 (\$1,000.00) for the third (3<sup>rd</sup>) 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.