

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
35-32 (COR), P.L. 32-070	V.C. Pangelinan	AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.	02/4/2013 1:46 p.m.	02/04/13	Committee on Public Safety, Infrastructure, & Maritime Transportation	04/04/13 9:00 .am.	08/13/13 3:37 p.m.	Fiscal Note Requested 02/13/13 Fiscal Notes Submitted 03/26/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD NEW §§ 61605, 61606, 61607, 61608, 61609, 61610 AND 61611 TO ARTICLE 6 OF CHAPTER 61, OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.	11/15/13	11:28 a.m.	11/27/2013	11/27/13	32-070	As substituted and further amended on the Floor.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

32-13-1043
Office of the speaker
Judith T. Won Pat, Ed. D.
Date 11-29-13
Time 9:52 am
Received by [Signature]

2013 NOV 29 AM 11:14

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 35-32 (COR) "AN ACT TO ADD NEW §§61605, 61606, 61607, 61608, 61609, 61610 AND 61611 TO ARTICLE 6 OF CHAPTER 61, OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ENFORCEMENT OF ZONING LAWS" which I signed into law on November 27, 2013 as Public Law 32-070.

Senseramente,

EDDIE BAZA CALVO



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

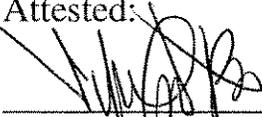
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 35-32 (COR), "AN ACT TO ADD NEW §§ 61605, 61606, 61607, 61608, 61609, 61610 AND 61611 TO ARTICLE 6 OF CHAPTER 61, OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ENFORCEMENT OF ZONING LAWS"**, was on the 12th day of November 2013, duly and regularly passed.



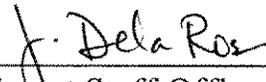
Judith T. Won Pat, Ed.D.
Speaker

Attested:



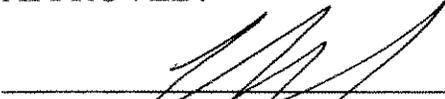
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-070

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

Bill No. 35-32 (COR)

As substituted and further amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

T. C. Ada

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

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO ADD NEW §§ 61605, 61606, 61607, 61608, 61609, 61610 AND 61611 TO ARTICLE 6 OF CHAPTER 61, OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.

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

2 **Section 1. Legislative Findings And Intent.** The Department of Public
3 Works (DPW) and the Department of Land Management (DLM) receive and
4 review all complaints of non-compliance of zoning designations, but are unable to
5 enforce the laws they are tasked to oversee as enforcement rests solely with the
6 Office of the Attorney General (OAG). Currently, the process for enforcement is

1 long and cumbersome, which allows the violation to continue without recourse by
2 the DPW and DLM and must wait action by the OAG.

3 *I Liheslaturan Guåhan* further finds that to better serve the community, by
4 expeditiously addressing violations of zone designations, DPW should be allowed to
5 enforce zoning laws.

6 Therefore, it is the intent of *I Liheslaturan Guåhan* to allow enforcement
7 powers of zoning laws to DPW by providing proper and timely notification and
8 imposing fines to the person(s) or entity in violation of zoning laws.

9 **Section 2.** New §§ 61605, 61606, 61607, 61608, 61609, 61610 and 61611
10 are hereby *added* to Article 6 of Chapter 61, of Title 21, Guam Code Annotated, to
11 read:

12 **“§ 61605. Form and Filing. Who May File.** Any government
13 official or person(s) may file a complaint with the Director of the
14 Department of Public Works.

15 (a) **Filing.** Complaints of violations of zoning laws *shall* be
16 made in writing to the Director of the Department of Public Works. A
17 complaint for zoning violations, when received by the Department of
18 Public Works, *shall* stamp and record the date and time upon receipt
19 of each complaint.

20 (b) **Form.** A written complaint *shall* include the following:
21 (1) The name, contact number, electronic mail (if
22 available), mailing and/or business address of the complainant;
23 (2) Detailed narrative of complaint;
24 (3) Supporting evidence or documents to substantiate
25 grounds for complaint.

26 **§ 61606. Standard of Review.** The Director of the Department of
27 Public Works *shall* investigate all violation complaints within ten (10) days

1 of submission. Investigative findings *shall* be completed and issued within
2 30 working days from receipt of complaint.

3 **§ 61607. Findings and Notice.** Such person(s) in receipt of the
4 notice of violation; the owner, occupant, lessee, mortgagee, agent and other
5 person(s) having control over the activities or use of said area, or all of the
6 aforementioned, *shall* be notified in writing with a detailed description of the
7 violation. The notice *shall* be issued via certified mail or by personal
8 delivery and signed by the Director of the Department of Public Works, or
9 his/her designee.

10 Any person(s) that is found in violation *shall* have ten working (10)
11 days to rectify said violations by the following:

12 (a) cease and desist all violative activity and remove all
13 violative structures and/or violative items; or

14 (b) cease and desist all violative activity and immediately
15 apply for appropriate zone designation. No violative activity *shall* be
16 conducted on the said property during the pendency of the zoning
17 application to cure a violation.

18 **§ 61608. Failure to Comply – Fines/Revocation of Certificate of**
19 **Occupancy.** Failure to rectify violations within ten (10) days of the receipt
20 of the notice of violation *shall* be assessed a fine of One Hundred Dollars
21 (\$100.00) per day until the violation has been rectified according to §61607
22 of this Chapter. In the event the violator is a business, if the violation(s) is
23 *not* rectified within ten (10) working days after a fine has been assessed, the
24 Director *shall* revoke the certificate of occupancy until such time as the
25 violation(s) has been rectified. If the violation involves a complaint
26 regarding residential setback, the violator may seek a variance or summary
27 zone change from the Department of Land Management to come into

1 compliance. The fine imposed by this Section will *not* be applied until the
2 variance or summary zone change application has been denied.

3 **§ 61609. Department of Public Works Building and Design**
4 **Fund.** All monies collected from fines according to §61608 of this Chapter
5 *shall* be deposited into the DPW Building and Design Fund for the
6 administrative costs to the division for the enforcement of zoning laws.

7 **§ 61610. Decision - Final.** Any determination of finding(s) of the
8 violation of zoning laws by the Director of the Department of Public Works
9 or his/her designee *shall* be final.

10 **§ 61611. Appeals.** A complainant, or any person in receipt of a
11 notice of violation who wishes to, may, within 10 working days, appeal the
12 determination of finding(s), or lack of findings by the Director of the
13 Department of Public Works, and may file such appeal and submit to the
14 Guam Land Use Commission who *shall* exercise its powers pursuant to
15 Article 6 of Chapter 61 of Title 21, Guam Code Annotated. The payment of
16 fines and the revocation of occupancy certificate *shall be* stayed during
17 appeals, but monetary fines *shall* continue to accrue.”

18 **Section 3. Rules and Regulations.** The Department of Public Works and
19 the Department of Land Management *shall* promulgate rules and regulations
20 within ninety (90) days of the enactment of this Act, pursuant to Chapter 9, Title 5
21 Guam Code Annotated, the Administrative Adjudication Law.

22 **Section 4. Notification.** Within thirty (30) days upon enactment of this
23 Act, the Department of Public Works and the Department of Land Management
24 *shall* provide notification of the implementation of this Act to the general public by
25 posting notices within their respective Departments and by using various media
26 outlets.

1 **Section 5. Severability.** *If* any of the provisions of this Act or the
2 application thereof to any person or circumstance is held invalid, such invalidity
3 *shall not* affect any other provision or application of this Act which can be given
4 effect without the invalid provision or application, and to this end the provisions of
5 this Act are severable.



FILE COPY

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

November 13, 2013

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

OFFICE OF THE GOVERNOR
CENTRAL FILES

J. Dela Rosa
RECEIVED BY
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

FILE COPY

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

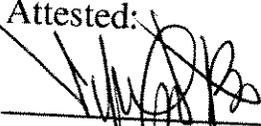
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**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.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. 35-32 (COR)

As substituted and further amended on the Floor.

Introduced by:

Vicente (ben) C. Pangelinan

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Lintiacó

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5 this Act are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 35-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

November 12, 2013

As substituted and further amended on the Floor.

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

15

Yea

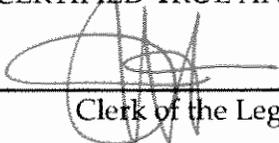
Nay

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 Guåhan • 32nd Guam Legislature

August 2, 2013

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

Speaker

I Mina'trentai Dos Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 35-32 (COR)

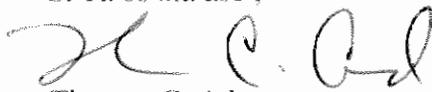
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 35-32 (COR), "An act to add §§ 61314, 61315, 61316, 61317, 61318, 61319, and 61320 to chapter 61, Article 3 of 21 Guam Code Annotated Relative to the Enforcement of Zoning Laws."

Committee votes are as follows:

3 TO DO PASS
Ø TO NOT PASS
4 TO REPORT OUT ONLY
Ø TO ABSTAIN
Ø TO PLACE IN INACTIVE FILE

Si Yu'os ma'åse',


Thomas C. Ada

2013 AUG 13 PM 3:37



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. 35-32 (COR)

**“An Act To Add §§ 61314, 61315,
61316, 61317, 61318, 61319 and
61320 to Chapter 61, Article 3 of 21
Guam Code Annotated Relative to the
Enforcement of Zoning Laws.”**



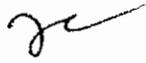
Senator Thomas C. Ada

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

August 2, 2013

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. 35-32 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 35-32 (COR), "An Act to Add §§ 61314, 61315, 61316, 61317, 61318, 61319 and 61320 to Chapter 61, Article 3 of 21 Guam Code Annotated Relative to the Enforcement of Zoning Laws."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 35-32 (COR), As Introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- COR Referral of Bill No. 35-32 (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 Guåhan • 32nd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 35-32 (COR), An Act To Add §§ 61314, 61315, 61316, 61317, 61318, 61319 and 61320 to Chapter 61, Article 3 of 21 Guam Code Annotated Relative to the Enforcement of Zoning Laws.

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		<input checked="" type="checkbox"/>				
SENATOR RORY J. RESPICIO Vice Chairperson		<input checked="" type="checkbox"/> 8-13-13				
VICE SPEAKER BENJAMIN J.F. CRUZ Member		<input checked="" type="checkbox"/> 8/5/13				
SENATOR FRANK B. AGUON, JR. Member						
SENATOR MICHAEL F.Q. SAN NICOLAS Member				<input checked="" type="checkbox"/> 8/5/13		
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member				<input checked="" type="checkbox"/> 12/18/13		
SENATOR V. ANTHONY ADA Minority Member				<input checked="" type="checkbox"/> 8/18/13		
SENATOR BRANT McCREADIE Minority Member				<input checked="" type="checkbox"/>		

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 35-32 (COR) was introduced on February 4, 2013 by Senator v.c. pangelinan and was subsequently referred by the Committee on Rules to the Committee on Public Safety, Infrastructure and Maritime Transportation on February 4, 2013.

The Committee on Public Safety, Infrastructure and Maritime Transportation convened a public hearing on Bill 35-32 (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 Respicio, *Committee Vice-Chairperson*
Speaker Judith Won Pat, *Member*
Vice-Speaker Benjamin Cruz, *Member*
Senator vicente "ben" pangelinan,
Senator Christopher Dueñas
Senator Brant McCreadie, *Minority Member*
Senator Thomas Morrison

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

II. SUMMARY OF TESTIMONY AND DISCUSSION

Jay Rojas, Deputy Director, Department of Public Works

Provided oral and written testimony (see attached)

Mr. Rojas, Deputy Director of the Department of Public Works (DPW) testifies in support of Bill 35-32. The only recommendations Mr. Rojas states DPW has for the bill are that the penalties should not just reflect structures in violation of the law, but should also include any other violating items (i.e. vehicles, equipment, materials, etc). Mr. Rojas states the Bill should reflect similar penalties to the earlier discussed Bill 57-32. \$100 fine per day for the first offense, \$500 per day for the second offense and \$1,000 per day for the third and subsequent offenses until the violation has been rectified as guided by the law.

Patrick Mason, Assistant Attorney General, Attorney General's Office

Provided oral testimony

Mr. Mason is currently an Assistant Attorney General at the Office of the Attorney General of Guam. He testifies against the enforcement language in the legislation, but is in

support of the language creating the fines. He states that under the current law DPW does have power to enforce Zoning Laws, and that the Director's decisions or that of their designee with regard to Zoning Enforcement is already appealable to the Guam Land-Use Planning Commission.

Mr. Mason further states that since they have the power in the law, they can use internal policy and procedures to regulate violators. Questions whether the 10-day deadline the Bill creates may be too short for DPW as the Attorney General's Office's investigations commonly take longer than 10 days. He recommends a more reasonable timeframe be considered.

Discussion

Chair Ada asks Mr. Carl Dominguez, *Director, Department of Public Works* if he has any comments on Mr. Mason's testimony.

Mr. Dominguez responds that DPW would not object to getting additional days for DPW to investigate complaints. Mr. Dominguez states DPW understands the bill to read as ten (10) calendar days and asks that the bill allow for fourteen (14) days minimum. Mr. Dominguez cited cases where further investigation and other opinions may be needed for decisions on complaints.

Senator Pangelinan states he disagrees with Mr. Mason's argument that all is needed are fines with no other changes to the law. The long response times from the AGO's office and other agencies with enforcement powers fueled the attempt to add additional language in the law to give the DPW enforcement power. Senator Pangelinan states the need for a process that prompts a more immediate response when complaints are filed. Senator Pangelinan says that he knows of a long drawn-out court case where the AGO is handling an Encroachment issue in Pago Bay. He further states that his bill aims to empower DPW's administrative structure to prompt action that does not have to go through several agencies and processes that take months to respond before a decision is made. Of the long drawn-out process, the DPW should have the power to compel compliance. Senator Pangelinan asks AGO to give the proper process that will address complaints in a timely manner and does in fact prove that all that is needed are fines.

Mr. Mason Responds that the process is: the DPW files complaints and has authority to enforce the law through their own internal processes, and if there is no compliance from the violator then the complaint goes to the AGO. The AGO then brings the violator to court. States this is to protect and ensure Due Process. He agrees that a fine may prompt compliance and states he suggests there is an expedited proceeding option available.

Senator Pangelinan asks that the AGO provide a copy of the procedure for expedited proceedings. He also asks the AGO to draft an amendment, language or the office's recommendation that will address the DPW's administrative structure and allow the current process to move faster. He restates the need for a process that compels action by the violator before there is a need to go to court and asks the AGO provide the items in a timely manner as in previous cases they were not quick to respond.

Director Dominguez states he remembers a complaint he handled that came in approximately two (2) years ago. A complainant reported a neighbor who was running a business in a residential zone. DPW sent out an investigator and found a violation. Director Dominguez states he sent out a letter notifying the violator of the violation. Director Dominguez states DPW gave the violator a reasonable amount of time to correct the violation, but nothing happened until Director Dominguez sent the case to the AGO. After an Assistant Attorney General wrote a letter to the violator, only then did the violator take corrective action.

Senator Pangelinan responds to Director Dominguez that he is very aware of the case and states the purpose of this bill is to create a process that compels violators to correct violations in a more timely manner. Restates that the current process took three years. It must be a faster process, even if the DPW needs to be eliminated from the process, as long as the process moves faster by going straight to the AGO. The public does not deserve that lengthy of a process and the bill attempts to address this issue of timeliness. Further states there is a need for these fixes so that compliance can be compelled in a timely manner that does not have to wait for the issue to go to court. Senator Pangelinan alludes to an encroachment violation in Barrigada stating its taken far too long because of the process involved and alludes to another example of an encroachment violation that has been recurring for over three years and no action has been taken to correct the violation.

Director Dominguez states he is aware of the violation and his encroachment violation team has been working on the issue for the past year. Notices of violation have been sent out and the violator has been made aware of the current fines. Director Dominguez also states the violator personally contacted him and promised to remove the violating encroachments by the end of this month [*April*].

Senator Pangelinan restates that the process took three years and says there are ways for the law to expedite the process. Closes by adding that his office is open to suggestions to alter the bill and repetitive language in order to address this issue. States he looks forward to concrete suggestions from stakeholders that will address inadequate or repetitive language in current law and the bill.

Director Dominguez states he is hoping the daily fines will spur violators to comply.

Senator Tommy Morrison asks whether the current forms in place notify violators that if there is a failure to file or respond to notices of violation within ten (10) days, then complaints are forwarded to the Attorney Generals Office?

Director Dominguez responds “always.”

Senator Morrison states he agrees there should be some due process but states the cease and desist order the legislature implemented in previous legislation made contractor’s in violation move a lot faster toward compliance. Senator Morrison also states he agrees with the Author’s (Sen. Pangelinan) move to “put some type of teeth” in this process to move it along.

Senator Duenas states he completely agrees with the bill notwithstanding some of the comments of the Attorney General. States the complaint Director Dominguez alluded to was a complaint he forwarded to the DPW. Argues the structure the bill creates is absolutely necessary. Explains the committee needed to hear the details of the complaint discussed earlier. States not only was the violating business operating completely outside of its zoning by storing hazardous materials, it also erected a substandard power structure by putting four-by-four wooden poles up stringing power 120ft from the middle of the yard to where there was a need for heavy equipment. The wires were strung in or next to areas where children commonly played and even when the Guam Power Authority was notified, they were powerless in the situation. The power to act lied with the DPW who had been attempting to address the complaint. Argues that the complaint was caught in the process and details combined with the complaint piled up to pages over an inch thick all while the violating operations continued. Senator Duenas, Director, Department of Land Management at the time, says though the property was zoned residential, it was being used in an industrial capacity. Because of this example he states this structure is needed so DPW can assess fines and prompt more immediate response from violators rather than waiting on action while violations continue. He alludes to another complaint he is planning to forward to the Department of Public Works in the coming weeks. A property owner in Tamuning has a overhanging structure that encroaches into another property owner's yard. The complainant has started the process and has documents from DPW to support, but without the harsher fines, no attempt has been made to correct the violation. Senator Duenas closes saying these cases show the serious nature of the violations the law hopes to remedy. The violations also pose a safety risk to the general public. He suggests the fines be increased to further encourage property owners to remain in compliance with the law. Senator Duenas thanks the chair and yields the floor.

Director Rojas cites §6131A and its creation of the Zone Enforcement fund. Discusses the difficulties of DPW's funding situation and the strains on the amount of individuals who are able to address complaints. Closes by stating this fund and the increased fines will assist the DPW in getting more individuals out to address complaints in the community.

Chairperson Ada asks for any other comments and receiving none, recessed the public hearing to reconvene at 3:00pm.

III. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Infrastructure and Maritime Transportation hereby reports out Bill 35-32 (COR), as introduced, with the recommendation TO REPORT OUT ONLY.

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

Bill No. 35-32 (COR)

Introduced by:

V.C. Pangelinan

2013 FEB -4 PM 1:46

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318,
61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21
GUAM CODE ANNOTATED RELATIVE TO THE
ENFORCEMENT OF ZONING LAWS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 SECTION 1. **Legislative findings and intent.** The Department of Public
2 Works (DPW) and the Department of Land Management (DOLM) receive and review
3 all complaints of non-compliance of zoning designations, but are unable to enforce the
4 laws they are tasked to oversee as enforcement rests solely with the Office of the
5 Attorney General (OAG). Currently, the process for enforcement is long and
6 cumbersome, which allows the violation to continue without recourse by the DPW and
7 DOLM and must wait action by the OAG.

8 *I Liheslaturan Guahan* further finds that to better serve the community, by
9 expeditiously addressing violations of zone designations, DPW should be allowed to
10 enforce zoning laws.

11 Therefore, it is the intent of *I Liheslaturan Guahan* to allow enforcement powers of
12 zoning laws to DPW by providing proper and timely notification and imposing fines to
13 the person(s) or entity in violation of zoning laws.

1 **SECTION 2.** Sections 61314, 61315, 61316, 61317, 61318, 61319 and
2 61320 are hereby added to Chapter 61, Article 3 of 21 Guam Code Annotated to
3 read:

4 “**§ 61314 Form and Filing.** Who may file: Any government official or
5 person(s) may file a complaint with the Director of the Department of Public
6 Works.

7 a. Filing. Complaints of violations of zoning laws *shall* be made in
8 writing to the Director of the Department of Public Works. A
9 complaint for zoning violations, when received by the Department
10 of Public Works, *shall* stamp and record the date and time upon
11 receipt of each complaint.

12 b. Form. A written complaint *shall* include the following:

- 13 i. The name, contact number, electronic mail (if available),
14 mailing and/or business address of the complainant;
15 ii. Detailed narrative of complaint;
16 iii. Supporting evidence or documents to substantiate grounds
17 for complaint.

18 **§ 61315 Standard of Review.** The Director of the Department of Public
19 Works *shall* investigate all violation complaints within ten (10) days of
20 submission.

1 **§ 61316 Findings and Notice.** Such person(s) in receipt of the notice of
2 violation; the owner, occupant, lessee, mortgagee, agent and other person(s)
3 having control over the activities or use of said area, or all of the
4 aforementioned, *shall* be notified in writing with a detailed description of the
5 violation. The notice *shall* be issued via certified mail or by personal
6 delivery and signed by the Director of the Department of Public Works or
7 his/her designee.

8 Any person(s) that is found in violation *shall* have ten (10) days to rectify
9 said violations by the following:

- 10 a. Cease and desist all violative activity and remove all violative
11 structures; or
- 12 b. Cease and desist all violative activity and immediately apply for
13 appropriate zone designation. No violative activity *shall* be conducted
14 on the said property during the pendency of the zoning application to
15 cure a violation.

16 **§ 61317. Failure to Comply - Fines.** Failure to rectify violations within
17 ten (10) days of the receipt of the notice of violation *shall* be assessed a fine
18 of One Hundred Dollars (\$100.00) per day until the violation has been
19 rectified according to §61316 in this Chapter.

1 **§ 61318. Zone Enforcement Fund.** There is hereby created a “Zone
2 Enforcement Fund” wherein all monies collected from fines according to
3 §61317 of this Chapter *shall* be deposited and *shall* be appropriated by *I*
4 *Liheslaturan Guahan* and *shall not* be subject to the *Maga’lahen Guahan’s*
5 transfer authority.

6 **§ 61319. Decision - Final.** Any determination of finding(s) of the violation
7 of zoning laws by the Director of the Department of Public Works or his/her
8 designee *shall* be final.

9 **§ 61320. Appeals.** Any such person in receipt of the violation who wishes
10 to appeal the determination of finding(s) by the Director of the Department
11 of Public Works may file such appeal and submit to the Guam Land Use
12 Commission who shall exercise their powers pursuant in Article 6 of
13 Chapter 66 of 21 Guam Code Annotated.”

14 **SECTION 3. Rules and Regulations.** The Department of Public Works
15 and the Department of Land Management *shall* promulgate rules and regulations
16 within ninety (90) days of the enactment of this Act pursuant to Chapter 9, 5 Guam
17 Code Annotated, the Administrative Adjudication Law.

18 **SECTION 4. Notification.** Within thirty (30) days upon enactment of this
19 Act, the Department of Public Works and the Department of Land Management
20 *shall* provide notification of the implementation of this Act to the general public by

1 posting notices within their respective Departments and by using various media
2 outlets.

3 **SECTION 5. Severability.** If any of the provisions of this Act or the
4 application thereof to any person or circumstance is held invalid, such invalidity
5 *shall* not affect any other provision or application of this Act which can be given
6 effect without the invalid provision or application, and to this end the provisions of
7 this Act are severable.



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



EDDIE BAZA CALVO
 Governor

MONTE MAFNAS
 Director

RAY TENORIO
 Lieutenant Governor

DAVID V. CAMACHO
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dlmdir@dlm.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

April 2, 2013

Senator Thomas C. Ada
 32nd Guam Legislature
 Chairman - Committee on Public, Safety,
 Infrastructure & Maritime Transportation
 Ada Plaza Center, Suite 207
 173 Aspinall Ave.
 Hagatna, GU 96910

RECEIVED by the
 Office of Senator
 Thomas C. Ada
 Apr. 3, '13

12:15 am

SUBJECT: Revised Testimony on Bill No. 35-32

Bueñas Yan Hafa Adai: The Department has reviewed **Bill No. 35-32 – An Act to Add §§ 61314, 61315, 61316, 61317, 61318, 61319, and 61320 to Chapter 61 of 21 Guam Code Annotated Relative to the Enforcement of Zoning Laws.** We provide the following testimony:

We applaud *I Mina' Trentai Dos Na Liheslaturan Guahan* for recognizing existing enforcement shortfalls. We are confident that the passage of Bill 35-32 will reap positive results and will serve as a milestone to consider other related enforcement matters to ultimately serve the intent of protecting and promoting of the public health, safety and general welfare of the people of the Territory of Guam [sic]. In this respect we support passage of this proposal and request consideration of the following changes:

1. Our zoning and land use laws are intertwined with other regulations. Thus, on Line 3, Page 1 we request the term "zoning compliance" be changed to "zoning land use regulations as they pertain to Title 21Guam Code Annotated, Chapters 61, 62, 63, 63, 64, 66, and 67".
2. Relative to the Department of Public Works' investigative mandates, the Department of Land Management, particularly its Planning Division, provides its collaborative role by providing DPW with technical information support that may include certification and/or confirmation of zoning designations, allowable land uses, property identification and ownership, etc. In this respect, it is only befitting that on Line 1, Page 3, relative to proposed Section 61316 *Findings and Notice*, said section incorporate a mechanism that would require all "zoning /land use" determination be provided by source

To: Senator Thomas C. Ada
Revised Testimony on Bill Number 35-32
Page 2 of 2

agencies, in this case the Department of Land Management, in certified form and content.

3. We request that creating additional account is not necessary. An appropriation of this additional funding should be appropriated through the budget process and we are confident that this additional funding will be appropriated to our agency.

Again we appreciate this opportunity to submit our written testimony to the wisdom of *I Mina' Trentai Dos Na Liheslaturan Guåhan* to support our endeavors.

Senseramente,

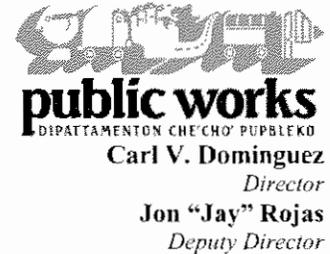

DAVID CAMACHO
Acting Director

cc: Planning Division, DLM for file



The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



Carl V. Dominguez
Director
Jon "Jay" Rojas
Deputy Director

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 35-32, "An act to add §§ 61314, 61315, 61316, 61317, 61318, 61319, and 61320 to Chapter 61 Article 3 of 21 Guam Code annotated relative to the enforcement of zoning laws."

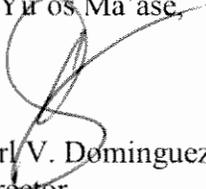
The DPW supports the bill to compel violators of our zoning laws to comply with such laws or face monetary fines in addition to other remedies at law. The only recommendations the DPW wishes to make with regard to this bill are:

§61316(a) should not be limited to just structures, but also include any other violative items, e.g., vehicles, equipment, materials, etc.

And §61317 might reflect the same penalties as proposed in Bill 57-32, relative to encroachment violations, i.e., "a fine of One Hundred Dollars per day for the first (1st) offense, Five Hundred Dollars (\$500.00) per day for the second (2nd) offense, and One Thousand Dollars (\$1,000.00) per day for the third (3rd) and subsequent offenses" for each day until the violation has been rectified according to §61316 in this Chapter.

The Department commends I Mina'Trenta Dos Na Liheslaturan Guahan and appreciates its attention to the matter of increasing the fines for zoning 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

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

April 16, 2013

HAND DELIVER

Honorable Thomas C. Ada
Senator
Committee on Public Safety, Infrastructure
& Maritime Transportation

I Mina'trentai Dos Na
Liheslaturan Guåhan
Ste. 207, Ada Plaza Ctr.
173 Aspinall Ave.
Hagatna, Guam 96910

2:15pm
4/16/13
RECEIVED by the
Office of Senator
Thomas C. Ada

Re: Legislative Bill 35-32 (COR)

Dear Senator Ada:

We have researched relevant provisions of the zoning laws and are working on a redrafting of Bill 35-32 in order to provide better and quicker enforcement of the zoning laws. We want to use the penalty concepts in some of the provisions in the Guam Environmental Protection laws. Our environmental attorney has already been working on some redrafts of penalty provisions in environmental protection laws. Therefore, the environmental attorney will be assisting with the redrafting of Bill 35-32. The redrafting should be finished soon. Our assessment of a redrafted bill will then include conferring with the Director of DPW and the Chairman of the GLUC. Our intent is to do a thorough job that will accomplish the intended purpose of the amendments to the current law.

Please let us know if you have any questions.


J. Patrick Mason
Deputy Attorney General

cc: Honorable Vicente Pangelinan
AG
CDAG
Director, DPW
Chairperson, GLUC



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

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis C. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 26, 2013

Memorandum

To: Reanne Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 5-32 (LS), 11-32 (COR), 29-32 (COR), 35-32 (COR), 39-32 (COR), 47-32 (COR), 56-32 (COR), and 59-32 (COR)

WAIVERS:

Bill Nos.: 23-32 (COR), 58-32 (COR), and 67-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 MAR 26 10:11:15
up

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 23

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR), and 67-32(COR).

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

MAR 25 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR) and 67-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 35-32 (COR)**

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319, AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Carl V. Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	9,774,206
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund & DPW Building and Design Fund	9,160,273
Total Department/Agency Appropriation(s) to date:	\$18,934,479

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Zone Enforcement Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / x / Yes / / No
If Yes, see attachment 1/
- Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ / x / N/A
- Does the Bill establish a new program/agency? / / Yes / x / No
If yes, will the program duplicate existing programs/agencies? / x / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / x / No
- Will the enactment of this Bill require new physical facilities? / / Yes / x / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes / / No
/ / Requested agency comments not received as of the due date / / Other:

Analyst: Jason W. Baza Date: 3/25/13 Director: John A. Rios Date: 3-28-13
Jason W. Baza, BMA I John A. Rios, Director

Footnotes:
1/ See Comments Attached.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 35-32 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General	\$0	\$0	\$0	\$0	\$0
Zone Enforcement Fund	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>
Total	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>

Comments:

1/: Should the subject legislation become law, there is a potential of revenues generated in the form of fine collections. New §61317, Chapter 61, Article 3 of 21 GCA enables a fine assessment of \$100 per day after ten (10) days of receipt of the notice of "zoning/land use" violation. New §61318, Chapter 61, Article 3 of 21 GCA creates a "Zone Enforcement Fund" for fines collected through §61317. After contacting DLM, DPW, and the Office of the Attorney General, there is no current statistics regarding the amount of "zoning/land use violations" recorded. Assuming that there are 2-5 violations per month and the fine assessment proposed by this legislation is implemented, approximately \$200 - \$500 in fines may be collected per month. If the rate of 2-5 violations occurs throughout the year, the Bureau estimates that between \$2,400 - \$6,000 in fines may be collected. It should be noted that the numbers reflected do not include the possible receivable funds for violations not dealt with for each day after the 10 day period. (Ex: 15 days after receipt of one violation means that \$500 is owed by the violator of "zoning/land use" regulations.)



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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Vice-Speaker
Benjamin J.F. Cruz
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 4, 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. 35-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 35-32(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	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
35-32 (COR)	V.C. Pangelinan	AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.	2/4/2013 1:46 P.M.	2/4/13		Committee on Public Safety, Infrastructure, & Maritime Transportation			



Senator Tom Ada

William Brennan <will@senatorada.org>

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**
514K



Senator Tom Ada

William Brennan <will@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>

Bcc: Tom Ada <tom@senatorada.org>, William Brennan <will@senatorada.org>, Cyrus Luhr <cyrus@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

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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



Office of
Senator Tom Ada

AGU'ANG HUKUM NG GUAM - GUAM BAR ASSOCIATION

1st Notice: Public Hearing April 4, 2013

William Brennan <will@senatorada.org>

Thu, Mar 28, 2013 at 3:27 PM

To: William Brennan <will@senatorada.org>

Bcc: sbblas@gpagwa.com, carl.dominguez@dpw.guam.gov, jflores@gpagwa.com, roushm@guamwaterworks.net, jon.rojas@dpw.guam.gov, dcrisostomo@guamwaterworks.net, staylor@guamwaterworks.net, gdcmgr@ite.net, jbenavente@gpagwa.com, annborja@guamwaterworks.org, jeffcharjohnson@hotmail.com, lpalomo@guampuc.com, horecky@ite.net, gbotha@gpagwa.com

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
514K



Senator Tom Ada

William Brennan <will@senatorada.org>

1st Notice: Public Hearing April 4, 2013

William Brennan <will@senatorada.org>

Thu, Mar 28, 2013 at 4:46 PM

To: William Brennan <will@senatorada.org>

Bcc: nmendiola@gta.net, acom@docomopacific.com, john@pdsguam.com

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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Office of
Senator Tom Ada

will@senatorada.org

Notice of Public Hearing: Thursday April 4, 2013

William Brennan <will@senatorada.org>

Mon, Apr 1, 2013 at 9:06 AM

To: William Brennan <will@senatorada.org>

Bcc: gca@teleguam.net, eo@guamrealtors.com, dleddy@guamchamber.com.gu, ccastro@guamchamber.com.gu, carlos.camacho@itechq.net, zpalomo@guamag.org, law@guamag.org, ccharfaurous@guamag.org, dlmdir@dlim.guam.gov, anita.arile@doa.guam.gov

Hafa Adai,

Please see the attached 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.

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

514K



Senator Tom Ada

will@senatorada.org

2nd Notice: Public Hearing, April 4, 2013

William Brennan <will@senatorada.org>

Tue, Apr 2, 2013 at 8:20 AM

To: William Brennan <will@senatorada.org>

Bcc: Media <media@senatorada.org>, carl.dominguez@dpw.guam.gov, jon.rojas@dpw.guam.gov, gca@teleguam.net, eo@guamrealtors.com, dleddy@guamchamber.com.gu, ccastro@guamchamber.com.gu, dlmdir@dlm.guam.gov, ccharfauros@guamag.org, zpalomo@guamag.org, anita.arile@doa.guam.gov, john@pdsguam.com, acom@docomopacific.com, seanm@mvcguam.com, Carlos Camacho <carlos.camacho@itehq.net>, nmendiola@gta.net, jflores@gpagwa.com, sblas@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>, jeffcharjohnson@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 Guåhan - 32nd Guam Legislature

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



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

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Media media@senatorada.org

Email addresses of all media contacts (for press releases)

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Add as: Member

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1 - 30 [Next](#)

Name	Email address	Role
All users within Office of Senator Tom Ada		Owner
amier@mvguam.com	amier@mvguam.com	Member
bmkelman@guampdn.com	bmkelman@guampdn.com	Member
breakfastshowk57@gmail.com	breakfastshowk57@gmail.com	Member
clynt@spbguam.com	clynt@spbguam.com	Member
contact@guambcc.org	contact@guambcc.org	Owner
dcrisost@guampdn.com	dcrisost@guampdn.com	Member
dmgeorge@guampdn.com	dmgeorge@guampdn.com	Member
dtamondong@guampdn.com	dtamondong@guampdn.com	Member
edfor@mvguam.com	editor@mvguam.com	Member
gdumat-ol@guampdn.com	gdumat-ol@guampdn.com	Member
gerypartido.mvguam8@gmail.com	gerypartido.mvguam8@gmail.com	Member
jac.cherry@gmail.com	jac.cherry@gmail.com	Member
jason@kuam.com	jason@kuam.com	Member
joy@mvguam.com	joy@mvguam.com	Member
jtyquiengco@spbguam.com	jtyquiengco@spbguam.com	Member
kenq@kuam.com	kenq@kuam.com	Member
kevin@spbguam.com	kevin@spbguam.com	Member
krystal@kuam.com	krystal@kuam.com	Member
kstokish@gmail.com	kstokish@gmail.com	Member
life@guampdn.com	life@guampdn.com	Member
limatthews@guampdn.com	limatthews@guampdn.com	Member
mabuhaynews@yahoo.com	mabuhaynews@yahoo.com	Member
mindy@kuam.com	mindy@kuam.com	Member
mpieper@guampdn.com	mpieper@guampdn.com	Member
news@guampdn.com	news@guampdn.com	Member
news@spbguam.com	news@spbguam.com	Member
nick.delgado@kuam.com	nick.delgado@kuam.com	Member
odngirairiki@guampdn.com	odngirairiki@guampdn.com	Member
officemanager@hitradio100.com	officemanager@hitradio100.com	Member
rgibson@k57.com	rgibson@k57.com	Member
ricknauta@hitradio100.com	ricknauta@hitradio100.com	Member
rliantiaco@guampdn.com	rliantiaco@guampdn.com	Member
sabrina@kuam.com	sabrina@kuam.com	Member
slintiaco@guampdn.com	slintiaco@guampdn.com	Member
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thebigshow@spbguam.com	thebigshow@spbguam.com	Member
zita@mvguam.com	zita@mvguam.com	Member

Listserv: phnotice@guamlegislature.org

As of Jan. 23, 2013

32GL SENATORS:

"Judith T. Won Pat, Ed.D." speaker@judiwonpat.com >, tjtaitano@cs.com,
mlwheeler2000@yahoo.com,
"Benjamin JF Cruz" <senator@senatorbjcruz.com>, phillipsguam@gmail.com,
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marymaravilla19@gmail.com,
"Rory J. Respicio", <rorifyorguam@gmail.com> chechsantos@gmail.com,
committee@frankaguonjr.com,
"Thomas C. Ada" <tom@senatorada.org>, admin@frankaguonjr.com,
cipo@guamlegilature.org,
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jcamacho@senatorada.org,
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Vparriola1@gmail.com,

etajalle@legislature.org,

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As of Jan. 23, 2013

imesngon.senatorrodriguez@gmail.com,
sitarose2@yahoo.com,
meia@toduguam.com,
menchu@toduguam.com



Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'trentai Dos Na Libeslaturan 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 Liheslatura*. The agenda is as follows:

9:00 am

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

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 57-32 (COR): J.T. Won Pat, Ed. D / T.C. Ada / R.J. Respicio

An act to amend §§3101 and §53108 of 5GCA, relative to encroachment violations.

3:00 pm

Appointment of Ms. Elyse 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 Thomas C. Ada

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

AGENDA

PUBLIC HEARING

Thursday, April 4, 2013

Public Hearing Room, *I Liheslaturan Guåhan*

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

Testimonies for the Public Hearing 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 should you have any questions or concerns.



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

2013 MAR 26 AM 11:15
WJW

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 26, 2013

Memorandum

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

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 5-32 (LS), 11-32 (COR), 29-32 (COR), 35-32 (COR), 39-32 (COR), 47-32 (COR), 56-32 (COR), and 59-32 (COR)

WAIVERS:

Bill Nos.: 23-32 (COR), 58-32 (COR), and 67-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

MAR 25 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR) and 67-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 35-32 (COR)**

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319, AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS.

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Public Works		Dept./Agency Head: Carl V. Dominguez, Director	
Department's General Fund (GF) appropriation(s) to date:		9,774,206	
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund & DPW Building and Design Fund		9,160,273	
Total Department/Agency Appropriation(s) to date:		\$18,934,479	

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance¹	\$0	\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Zone Enforcement Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment 1/ / x / Yes // No
- Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ / x / N/A // Yes // No
- Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? / x / N/A // Yes / x / No
Is there a federal mandate to establish the program/agency? // Yes // No
- Will the enactment of this Bill require new physical facilities? // Yes / x / No
- Was Fiscal Note coordinated with the affected dept./agency? If no, indicate reason:
/ / Requested agency comments not received as of the due date / x / Yes // No
/ / Other:

Analyst: Jason W. Baza Date: 3/25/13 Director: John A. Rios Date: 3-28-13
Jason W. Baza, BMA I John A. Rios, Director

Footnotes:
1/ See Comments Attached.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 35-32 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General	\$0	\$0	\$0	\$0	\$0
Zone Enforcement Fund	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>	<u>\$2,400</u>
Total	\$2,400	\$2,400	\$2,400	\$2,400	\$2,400

Comments:

1/: Should the subject legislation become law, there is a potential of revenues generated in the form of fine collections. New §61317, Chapter 61, Article 3 of 21 GCA enables a fine assessment of \$100 per day after ten (10) days of receipt of the notice of "zoning/land use" violation. New §61318, Chapter 61, Article 3 of 21 GCA creates a "Zone Enforcement Fund" for fines collected through §61317. After contacting DLM, DPW, and the Office of the Attorney General, there is no current statistics regarding the amount of "zoning/land use violations" recorded. Assuming that there are 2-5 violations per month and the fine assessment proposed by this legislation is implemented, approximately \$200 - \$500 in fines may be collected per month. If the rate of 2-5 violations occurs throughout the year, the Bureau estimates that between \$2,400 - \$6,000 in fines may be collected. It should be noted that the numbers reflected do not include the possible receivable funds for violations not dealt with for each day after the 10 day period. (Ex: 15 days after receipt of one violation means that \$500 is owed by the violator of "zoning/land use" regulations.)

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 23

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note on the following Bill Nos.: 5-32(LS), 11-32(COR), 29-32(COR), 35-32(COR), 39-32(COR), 47-32(LS), 56-32(COR), and 59-32(COR), and Fiscal Note Waiver on the following Bill Nos.: 23-32(COR), 58-32(COR), and 67-32(COR).

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!



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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CHAIRPERSON
MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
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Aline Yamashita
Member

February 13, 2013

VIA FACSIMILE

(671) 472-2825

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

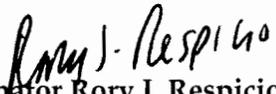
RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

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 14 AM 9:10

W

Bill No. 19-32(COR) – C.M. Duenas / B.J.F. Cruz / T.A. Morrison

AN ACT TO AMEND CHAPTER 7, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CAPTURING LICENSE FEES AND TAXES FORM GAMING OPERATORS.

Bill No. 20-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND BY PUBLIC HEALTH CARE PROVIDERS FOR SPECIFIC PURPOSES PERTAINING TO EXTINGUISHING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND PROVIDE EXPANDED HEALTHCARE SERVICES BY ESTABLISHING AND FUNDING A GMHA PRIMARY HEALTHCARE OR URGENT HEALTHCARE CENTER FOR NON-EMERGENCY PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013."

Bill No. 21-32 (COR) – B.J.F. Cruz

AN ACT TO AMEND § 66104.2 OF CHAPTER 66, TITLE 10, OF THE GUAM CODE ANNOTATED; RELATIVE TO THE EMPLOYMENT OF CIVILIAN VOLUNTEER POLICE RESERVE OFFICERS.

Bill No. 22-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §2103.12, CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ACTING APPOINTMENTS IN EXCESS OF NINETY (90) DAYS.

Bill No. 23-32 (COR) – A.A. Yamashita, T.R. Muna Barnes

AN ACT TO PLACE THE FORMER AGAT FIRE STATION UNDER THE ADMINISTRATIVE JURISDICTION OF THE MAYOR'S OFFICE OF AGAT, BY AMENDING ITEM(1) OF §40113(B) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 24-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §7120.3 OF CHAPTER 7, TITLE 16, OF THE GUAM CODE ANNOTATED RELATIVE TO WAIVER OF FEES FOR IMMEDIATE KIN OF FALLEN HEROES.

Bill No. 25-32 (COR) – D.G. Rodriguez, Jr.

AN ACT TO REPROGRAM AVAILABLE FUNDS FROM THE HIGHWAY 2001 BOND CONSTRUCTION FUND AND THE HIGHWAY 1985 BOND CONSTRUCTION FUND, AND DESIGNATE AND PRIORITIZE CERTAIN CAPITAL IMPROVEMENT PROJECTS, AND PURCHASE HEAVY EQUIPMENT NEEDED BY DPW FOR FLOOD MITIGATION.

Bill No. 26-32 (COR) – B.J.F. Cruz / V.A. Ada / T.R. Muna Barnes

AN ACT TO ADD A NEW § 8107.1 TO CHAPTER 8 OF TITLE 5, GUAM CODE ANNOATED; RELATIVE TO MANDATING THE CREATION OF THE 'GUAM PUBLIC NOTICE WEBSITE', AMENDING (A) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOTATED AND ADDING (C) OF §8104 CHAPTER 8 OF TITLE 5 GUAM CODE ANNOATED.

Bill No. 27-32 (COR) – F.V. Aguon, Jr.

AN ACT TO ADD A NEW §850 TO TITLE 1, GUAM CODE ANNOTATED, TO DESIGNATE ROUTE 15 AS "AIR FORCE HIGHWAY" IN HONOR OF AND SPECIAL TRIBUTE TO THE MEN AND WOMEN OF GUAM WHO HAVE SERVED IN THE UNITED STATES AIR FORCE.

Bill No. 28-32 (COR) – A.A. Yamashita

AN ACT RELATIVE TO AUTHORIZING THE RE-ALLOCATION OF UNDISTRIBUTED COLLECTION FUNDS BY THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE FOR THE CRITICAL SUPPORT NEEDED FOR CHILD SUPPORT AND PROTECTIVE SERVICES; THROUGH AMENDING §34111 OF CHAPTER 34, TITLE 5, GUAM CODE ANNOTATED.

Bill No. 29-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GUAM PROPERTY.

Bill No. 30-32 (COR) – M.T. Limtiaco

AN ACT TO AMEND 2 GCA § 1106 (a) AND TO REPEAL 2 GCA § 1106 (b), TO REDUCE SENATORS' SALARIES TO FIFTY-FIVE THOUSAND THREE HUNDRED SEVEN DOLLARS (\$55,307.00) PER ANNUM

Bill No. 31-32 (COR) – V.A. Ada

AN ACT TO ADD A NEW §5132 TO CHAPTER 5 OF 5GCA RELATIVE TO RETENTION OF PROCUREMENT RELATED EMAIL MESSAGES.

Bill NO. 32-32 (COR) –V.A. Ada

AN ACT TO ADD A NEW (e) TO §5008 OF CHAPTER 5 OF 5GCA RELATIVE TO PROHIBITING GOVERNMENT OF GUAM BRANCHES, DEPARTMENTS, AGENCIES AND INSTRUMENTALITIES FROM EXCLUDING LOCAL BUSINESSES FROM THE PROCUREMENT PROCESS

Bill NO. 33-32 (COR) – V.A. Ada / R.J. Respicio

AN ACT TO AMEND §7105 OF CHAPTER 7 OF 16GCA RELATIVE TO REQUIRING PROOF OF USE TAX PAYMENT AS A CONDITION OF REGISTRATION FOR VEHICLES ACQUIRED OFF-ISLAND.

Bill NO. 34-32 (COR) – V.A. Ada / R.J. Respicio

AN ADD A NEW §§ 7178 & 7179 TO 16GCA RELATIVE TO VEHICLE REGISTRATIONS

Bill No. 35-32 (COR) – V.C. Pangelinan

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318, 61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21 GUAM CODE ANNOTATED RELATIVE TO THE ENFORCEMENT OF ZONING LAWS

Bill No. 36-32 (COR) - M.F.Q. San Nicolas/ V.A. Ada

AN ACT TO ADD A NEW (e) AND (f) TO §30111 OF CHAPTER 30, TITLE 22, GUAM CODE ANNOTATED AND A NEW §24307.1, §24307.2, §24307.3, §24307.4, §24307.5, §24307.6, §24307.7 TO CHAPTER 24, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO REQUIRING REAL ESTATE APPRAISERS TO SUBMIT VALUATIONS TO THE DEPARTMENT OF REVENUE AND TAXATION AND TO AUTHORIZE THE DEPARTMENT OF REVENUE AND TAXATION TO ADJUST PROPERTY TAX ASSESSMENTS THEREWITH.

Bill No. 37-32 (COR) – F.B. Aguon, Jr. / R.J. Respicio / V.A. Ada

AN ACT TO REZONE LOT NO. 2247-REM, LOT NO. 2242-R1, LOT NO. 2244-R2, LOT NO. 2247 EASTERN PART-R1, AND LOT NUMBER 2247-PART-R1 IN THE MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL ZONE (A) TO MULTIPLE DWELLING ZONE (R2).

Bill No 38-32 (COR) – Committee on Rules, Federal, Foreign & Micronesian Affairs, Human & Natural Resources and Election Reform

AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, MAKING OTHER APPROPRIATIONS, AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.

Bill No. 39-32 (COR) – F.B. Aguon, Jr.

AN ACT TO AMEND §3103 OF CHAPTER 3, TITLE 7, OF THE GUAM CODE ANNOTATED RELATIVE TO ADDING A SUCCESSIVE TERM OF SERVICE FOR THE CHIEF JUSTICE OF THE SUPREME COURT OF GUAM.

Bill No. 40-32 (COR) – T.C. Ada/B.J.F. Cruz / R.J. Respicio

AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO THE PENALTY CLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58, TITLE 10 GCA

Bill No. 41-32 (LS) – B.B. Aguon, Jr. / B.J.F. Cruz/ J.T. Won Pat, Ed.D.

AN ACT TO AMEND CHAPTER 30, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE PENALTIES FOR CRIMES OF FAMILY VIOLENCE.

MESSAGE CONFIRMATION

FEB-13-2013 05:59 PM WED

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 4
START TIME : FEB-13-2013 05:58PM WED
ELAPSED TIME : 00' 48"
MODE : STD ECM
RESULTS : [O.K]



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February 13, 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. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)

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,

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

Attachments

Cc: Clerk of the Legislature

Received by:
Analya Justagnio
2/14/13
sent by email on 2/13/13 07:10 AM



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Senator
Aline Yamashita
Member

February 4, 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. 35-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 35-32(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. 35-32 (COR)

Introduced by:

V.C. Pangelinan

2013 FEB -4 PM 1:46

AN ACT TO ADD §§ 61314, 61315, 61316, 61317, 61318,
61319 AND 61320 TO CHAPTER 61 ARTICLE 3 OF 21
GUAM CODE ANNOTATED RELATIVE TO THE
ENFORCEMENT OF ZONING LAWS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** The Department of Public
2 Works (DPW) and the Department of Land Management (DOLM) receive and review
3 all complaints of non-compliance of zoning designations, but are unable to enforce the
4 laws they are tasked to oversee as enforcement rests solely with the Office of the
5 Attorney General (OAG). Currently, the process for enforcement is long and
6 cumbersome, which allows the violation to continue without recourse by the DPW and
7 DOLM and must wait action by the OAG.

8 *I Liheslaturan Guahan* further finds that to better serve the community, by
9 expeditiously addressing violations of zone designations, DPW should be allowed to
10 enforce zoning laws.

11 Therefore, it is the intent of *I Liheslaturan Guahan* to allow enforcement powers of
12 zoning laws to DPW by providing proper and timely notification and imposing fines to
13 the person(s) or entity in violation of zoning laws.

1 **SECTION 2.** Sections 61314, 61315, 61316, 61317, 61318, 61319 and
2 61320 are hereby added to Chapter 61, Article 3 of 21 Guam Code Annotated to
3 read:

4 “**§ 61314 Form and Filing.** Who may file: Any government official or
5 person(s) may file a complaint with the Director of the Department of Public
6 Works.

7 a. Filing. Complaints of violations of zoning laws *shall* be made in
8 writing to the Director of the Department of Public Works. A
9 complaint for zoning violations, when received by the Department
10 of Public Works, *shall* stamp and record the date and time upon
11 receipt of each complaint.

12 b. Form. A written complaint *shall* include the following:

13 i. The name, contact number, electronic mail (if available),
14 mailing and/or business address of the complainant;

15 ii. Detailed narrative of complaint;

16 iii. Supporting evidence or documents to substantiate grounds
17 for complaint.

18 **§ 61315 Standard of Review.** The Director of the Department of Public
19 Works *shall* investigate all violation complaints within ten (10) days of
20 submission.

1 **§ 61316 Findings and Notice.** Such person(s) in receipt of the notice of
2 violation; the owner, occupant, lessee, mortgagee, agent and other person(s)
3 having control over the activities or use of said area, or all of the
4 aforementioned, *shall* be notified in writing with a detailed description of the
5 violation. The notice *shall* be issued via certified mail or by personal
6 delivery and signed by the Director of the Department of Public Works or
7 his/her designee.

8 Any person(s) that is found in violation *shall* have ten (10) days to rectify
9 said violations by the following:

- 10 a. Cease and desist all violative activity and remove all violative
11 structures; or
- 12 b. Cease and desist all violative activity and immediately apply for
13 appropriate zone designation. No violative activity *shall* be conducted
14 on the said property during the pendency of the zoning application to
15 cure a violation.

16 **§ 61317. Failure to Comply - Fines.** Failure to rectify violations within
17 ten (10) days of the receipt of the notice of violation *shall* be assessed a fine
18 of One Hundred Dollars (\$100.00) per day until the violation has been
19 rectified according to §61316 in this Chapter.

1 **§ 61318. Zone Enforcement Fund.** There is hereby created a “Zone
2 Enforcement Fund” wherein all monies collected from fines according to
3 §61317 of this Chapter *shall* be deposited and *shall* be appropriated by *I*
4 *Liheslaturan Guahan* and *shall not* be subject to the *Maga’lahen Guahan’s*
5 transfer authority.

6 **§ 61319. Decision - Final.** Any determination of finding(s) of the violation
7 of zoning laws by the Director of the Department of Public Works or his/her
8 designee *shall* be final.

9 **§ 61320. Appeals.** Any such person in receipt of the violation who wishes
10 to appeal the determination of finding(s) by the Director of the Department
11 of Public Works may file such appeal and submit to the Guam Land Use
12 Commission who shall exercise their powers pursuant in Article 6 of
13 Chapter 66 of 21 Guam Code Annotated.”

14 **SECTION 3. Rules and Regulations.** The Department of Public Works
15 and the Department of Land Management *shall* promulgate rules and regulations
16 within ninety (90) days of the enactment of this Act pursuant to Chapter 9, 5 Guam
17 Code Annotated, the Administrative Adjudication Law.

18 **SECTION 4. Notification.** Within thirty (30) days upon enactment of this
19 Act, the Department of Public Works and the Department of Land Management
20 *shall* provide notification of the implementation of this Act to the general public by

1 posting notices within their respective Departments and by using various media
2 outlets.

3 **SECTION 5. Severability.** If any of the provisions of this Act or the
4 application thereof to any person or circumstance is held invalid, such invalidity
5 *shall* not affect any other provision or application of this Act which can be given
6 effect without the invalid provision or application, and to this end the provisions of
7 this Act are severable.