

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 JUN 13 *Sam*
AM 10:22

Bill No. 234-31 cov

Introduced by:

Sam Mabini, Ph.D *Sam*

AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED,
CHAPTER 26, §66202.1 ITEM “A,” RELATIVE TO INCLUDING
THE GUAM DEPARTMENT OF AGRICULTURE AS AN
APPROVING AGENCY AND TO BE INCLUDED ON THE
APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR
THE “CLEARING, GRADING AND CONSTRUCTION.”

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative findings and intent.** *I Mina'Trentai Unu Na Liheslaturan* finds
2 that past and growing construction developments have consequential impact on the natural
3 environment of the island of Guam.

4 *I Mina'Trentai Unu Na Liheslaturan* finds that there needs to be more aggressive
5 measures to protect and preserve the natural habitat of Guam. Also needed are improved efforts
6 to raise awareness and instill sound practices to preserve Guam’s natural and native habitat.

7 *I Mina'Trentai Unu Na Liheslaturan* finds regulatory and corrective measures are needed
8 when construction negatively impact the natural and native fauna on both public and private
9 property.

10 *I Mina'Trentai Unu Na Liheslaturan* finds that in order to proactively and effectively
11 ensure the natural environment of Guam is protected and properly preserved, the Guam
12 Department of Agriculture is included along with other permitting public agencies that authorize
13 and approve the “Clearing, Grading and Construction” permit issued by the Building Permits and
14 Inspection Division of the Department of Public Works

15 **Section 2.** Item (a) of §66202.1, Chapter 66, 21 Guam Code Annotated is amended to
16 read as follows:

17 “§ 66202.1. Clearing and Grading Permit Required for Government Agencies.

1 (a) A permit for Clearing, Grading, and Construction shall be required of government,
2 autonomous, and public entities in the same manner as private citizens.

3 An application for the permit shall be submitted to the Department of Public Works by
4 the entity who owns the property, or which is to authorize, complete, or contract for the proposed
5 project on government land, with the approval of the following agencies indicated on the
6 application to the Department of Public Works: Department of Land Management, Zoning
7 Division; Department of Parks and Recreation; Guam Power Authority; Guam Environmental
8 Protection Agency; Guam Telephone Authority; Guam Geodetic Network Survey Division;
9 Forestry and Soil Resources Division of the Department of Agriculture; and the Department of
10 Public Works. No fee shall be charged for government application for a permit pursuant hereto
11 and the application shall be submitted in such form as the Building Official may prescribe.
12 Government entities shall be subject to all other applicable provisions of this Chapter. Clearing,
13 grading, or construction shall not begin on any government property or project in violation of
14 this statute. Building Officials and Guam Peace Officers are authorized to issue citations to
15 violators of this Section in accordance with the Rules and Regulations promulgated by the
16 Department of Public Works in this regard. Officers acting in violation of this statute shall be
17 held personally liable for all damages resulting there from, and shall be subject to a fine of One
18 Thousand Dollars (\$1,000) for each offense, and may be fined up to Five Thousand Dollars
19 (\$5,000) for violations after the third violation of this Section.”

20 **Section 3. Effective Date.** This Act shall take effect upon enactment.

21 **Section 4. Severability.** If any provision of this Law or its application to any person or
22 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other
23 provisions or applications of this Law which can be given effect without the invalid provisions
24 or applications, and to this end the provisions of this Law are severable.