

*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
<b>35-32 (COR)</b>	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	4/4/13 9:00am	08/13/13 3:37 p.m.	<b>Fiscal Note Requested 2/13/13</b> <b>Fiscal Notes Submitted 3/26/13 11:15 A.M.</b>



**Senator Thomas C. Ada**

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guåhan* • 32<sup>nd</sup> 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 Liheslaturan Guåhan* • 32<sup>nd</sup> 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.”**



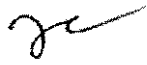
## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guåhan* • 32<sup>nd</sup> 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 Guahan* • 32<sup>nd</sup> 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
<b>SENATOR THOMAS C. ADA</b> Chairperson		<input checked="" type="checkbox"/>				
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson		<input type="checkbox"/>	<input checked="" type="checkbox"/>			
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>			
<b>SENATOR FRANK B. AGUON, JR.</b> Member						
<b>SENATOR MICHAEL F.Q. SAN NICOLAS</b> Member				<input checked="" type="checkbox"/>		
<b>SENATOR ALINE A. YAMASHITA, PH.D.</b> Minority Member				<input checked="" type="checkbox"/>		
<b>SENATOR V. ANTHONY ADA</b> Minority Member				<input checked="" type="checkbox"/>		
<b>SENATOR BRANT McCREADIE</b> 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 *Lihi* Legislature'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 TÁNO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUÁHAN**  
 (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

April 2, 2013

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

Senator Thomas C. Ada  
 32<sup>nd</sup> 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

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

**SUBJECT: Revised Testimony on Bill No. 35-32**

*Buenas 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 Guáhan* 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

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383





**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,

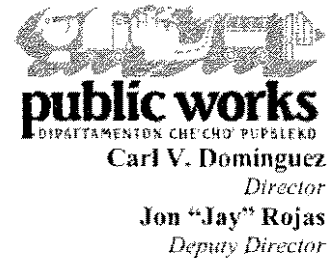
  
DAVID CAMACHO  
Acting Director

cc: Planning Division, DLM for file



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



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

Bucnas 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 (1<sup>st</sup>) offense, Five Hundred Dollars (\$500.00) per day for the second (2<sup>nd</sup>) offense, and One Thousand Dollars (\$1,000.00) per day for the third (3<sup>rd</sup>) 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 Yur'os Ma'ase

Carl V. Dominguez  
Director

Leonardo M. Rapadas  
*Attorney General*



Phillip J. Tydingco  
*Chief Deputy Attorney General*

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## OFFICE OF THE ATTORNEY GENERAL

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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

2:15 PM  
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](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto: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 E.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 31<sup>st</sup> 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.

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
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>518,934,479</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$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
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /x/ Yes // No  
If Yes, see attachment //
- 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: 3-25-13  
 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](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Member

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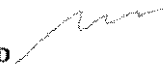
Senator  
Aline Yamashita  
Member

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 Lihelaturan 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			



the office of  
*Senator Tom Ada*

William Brennan, will.brennan@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

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 **PH-1st Notice-April 4, 2013.pdf**  
514K



Senator Tom Ada

William Brennan <will@senatorada.org>

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## 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



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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Libeslaturan Guahan* • 32<sup>nd</sup> 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](mailto: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

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## 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: sbias@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 Guáhan - 32nd Guam Legislature

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



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Senator Tom Ada

Assistant Secretary: [william.brennan@senatorada.org](mailto:william.brennan@senatorada.org)

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## 1st Notice: Public Hearing April 4, 2013

---

**William Brennan** <[will@senatorada.org](mailto:will@senatorada.org)>

Thu, Mar 28, 2013 at 4:46 PM

To: William Brennan <[will@senatorada.org](mailto:will@senatorada.org)>

Bcc: [nmendiola@gta.net](mailto:nmendiola@gta.net), [acom@docomopacific.com](mailto:acom@docomopacific.com), [john@pdsguam.com](mailto: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

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Senator Tom Ada

[Return this mail to: senatorada@daa.gu](#)

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## Notice of Public Hearing: Thursday April 4, 2013

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**William Brennan** <will@senatorada.org>

Mon, Apr 1, 2013 at 9:06 AM

To: William Brennan &lt;will@senatorada.org&gt;

Bcc: gca@teleguam.net, eo@guamrealtors.com, dleddy@guamchamber.com.gu, ccastro@guamchamber.com.gu, carlos.camacho@itehq.net, zpalomo@guamag.org, law@guamag.org, ccharfaurous@guamag.org, dlmdir@dlm.guam.gov, anita.ariie@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](http://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

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Senator Tom Ada

Office of Senator Tom Ada

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## 2nd Notice: Public Hearing, April 4, 2013

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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@dgm.guam.gov, ccharfauros@guamag.org, zpalomo@guamag.org, anita.arile@doa.guam.gov, john@pdsguam.com, acorn@docomopacific.com, seanm@mcvguam.com, Carlos Camacho <carlos.camacho@itehq.net>, nmendiola@gta.net, jflores@gpagwa.com, sbias@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](http://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

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<a href="#">thebigshow@spbgvam.com</a>	thebigshow@spbgvam.com	Member
<a href="#">zita@mvguam.com</a>	zita@mvguam.com	Member

**Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)**

As of Jan. 23, 2013

**32GL SENATORS:**

"Judith T. Won Pat, Ed.D." <[speaker@judiwonpat.com](mailto:speaker@judiwonpat.com)>

"Benjamin JF Cruz" <[senator@senatorbjcruz.com](mailto:senator@senatorbjcruz.com)>

"Tina Rose Muna Barnes" <[tinamunabarnes@gmail.com](mailto:tinamunabarnes@gmail.com)>

"Rory J. Respicio", <[roryforguam@gmail.com](mailto:roryforguam@gmail.com)>

"Thomas C. Ada" <[tom@senatorada.org](mailto:tom@senatorada.org)>

"Frank Blas Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

"Vicente 'ben' pangelinan" <[senbenp@guam.net](mailto:senbenp@guam.net)>

"Dennis G. Rodriguez" <[senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com)>

"Michael F. Q. San Nicolas" <[responsibleguam@gmail.com](mailto:responsibleguam@gmail.com)>

"V. Anthony Ada" <[tony@tonyada.com](mailto:tony@tonyada.com)>

"Christopher M. Duenas" <[duenasenator@gmail.com](mailto:duenasenator@gmail.com)>

"Michael T. Limtiaco" <[mike@mikelimtiaco.com](mailto:mike@mikelimtiaco.com)>

"Brant McCreadie", <[brantforguam@gmail.com](mailto:brantforguam@gmail.com)>

"Thomas (Tommy) Morrison",  
<[tommy@senatormorrison.com](mailto:tommy@senatormorrison.com)>

"Aline A. Yamashita, Ph.D" <[aline4families@gmail.com](mailto:aline4families@gmail.com)>

**32GL SENSTAFF**

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[carlos.pangelinan@senatorbjcruz.com](mailto:carlos.pangelinan@senatorbjcruz.com),

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~~[chris.carillo@senatorbjcruz.com](mailto:chris.carillo@senatorbjcruz.com)~~

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## Senator Thomas C. Ada

Chairman - Committee on Public Safety, Infrastructure & Maritime Transportation  
*I Mina'trentai Dos Na Liheslaturan Guahan* • 32<sup>nd</sup> 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. 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 57-32 (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. 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 Hester Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto: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'treniai Dos Na Libeslaturan Guåhan* • 32<sup>nd</sup> 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.

**Bill 57-32 (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 Iriarte McDonald as a member to the Guam Solid Waste Authority Board of Directors

**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](mailto: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](http://www.guamlegislature.com)

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Legislative Secretary  
Tina Rose Muña Barnes  
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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 AM 11:15  


**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE 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 31<sup>st</sup> 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.

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**

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

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2012 Unreserved Fund Balance<sup>1</sup></b>		\$0	\$0
<b>FY 2013 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2013 Appro. (P.L. 31-233)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$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
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Zone Enforcement Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / x / Yes // No  
 If Yes, see attachment 1/
2. 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
3. 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
4. Will the enactment of this Bill require new physical facilities? // Yes / x / No
5. 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. Ribs **Date:** 3-25-13  
 Jason W. Baza, BMA I John A. Ribs, 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>
<b>Total</b>	<b>\$2,400</b>	<b>\$2,400</b>	<b>\$2,400</b>	<b>\$2,400</b>	<b>\$2,400</b>

**Comments:**

I/: 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

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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

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Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
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 Guahan'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

M

**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 ANNOATATED; 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. Aquon, 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. Aquon, 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  
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- Speaker  
Judith I.P. Won Pat, Ed.D.  
Member
- Senator  
Dennis G. Rodriguez, Jr.  
Member
- Vice-Speaker  
Benjamin J.F. Cruz  
Member
- Legislative Secretary  
Tina Rose Muña Barrios  
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

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'ase'* 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:  
Analyn Fustagnio*

*2/14/13*

*Announced in phone 107 to 9100 2/14/13*





## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto: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 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

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 -11 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.