



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature

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February 13, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill Nos. 418-31(COR) to 420-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 418-31 (COR) through 420-31 (COR).

Please ensure that the subject bills are 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 Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(3) Attachment

I Mina'Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
418-31 (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 ADMINISTRATIVE ENFORCEMENT OF ZONING LAWS.	02/08/12 11:27 a.m.	2/9/2012		Committee on Utilities, Transportation, Public Works, and Veterans Affairs			02/10/12 REQUEST FOR FISCAL NOTE

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

2012 FEB -9 AM 11:27

Bill No. 418-31 (COV)

Introduced by:

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 ADMINISTRATIVE 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.

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

4 **SECTION 2.** Sections 61314, 61315, 61316, 61317, 61318, 61319 and
5 61320 are hereby added to Chapter 61, Article 3 of 21 Guam Code Annotated to
6 read:

7 **“§ 61314 Form and Filing.** Who may file: Any government official or
8 person(s) may file a complaint with the Director of the Department of Public
9 Works.

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

15 b. Form. A written complaint *shall* include the following:
16 i. The name, contact number, electronic mail (if available),
17 mailing and/or business address of the complainant;
18 ii. Detailed narrative of complaint;
19 iii. Supporting evidence or documents to substantiate grounds
20 for complaint.

1 **§ 61315 Standard of Review.** The Director of the Department of Public
2 Works *shall* investigate all violation complaints within ten (10) days of
3 submission.

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

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

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

19 **§ 61317. Failure to Comply - Fines.** Failure to rectify violations within
20 ten (10) days of the receipt of the notice of violation *shall* be assessed a fine

1 of One Hundred Dollars (\$100.00) per day until the violation has been
2 rectified according to §61316 in this Chapter.

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

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

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

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

1 **SECTION 4. Notification.** Within thirty (30) days upon enactment of this
2 Act, the Department of Public Works and the Department of Land Management
3 *shall* provide notification of the implementation of this Act to the general public by
4 posting notices within their respective Departments and by using various media
5 outlets.

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

I Mina'Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet


BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
419-31 (COR)	B. J.F. Cruz	AN ACT TO AMMEND § 5102, AND § 5103 OF CHAPTER 5 OF TITLE 4 OF THE GUAM CODE ANNOTATED; RELATIVE TO AN UPDATE AND REVISION OF APPROVED POLITICAL ACTIVITY BY GOVERNMENT EMPLOYEES.	02/10/12 2:35 p.m.	2/13/2012		Committee on Youth, Cultural Affairs, Procurement, General Governmental Operations and Public Broadcasting			

2012 FEB 12 AM 2:35
GUAM

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (Second) Regular Session

Bill No. 419,31(car)

Introduced by:

B.J.F. Cruz 

**AN ACT TO AMMEND § 5102, AND § 5103 OF
CHAPTER 5 OF TITLE 4 OF THE GUAM CODE
ANNOTATED; RELATIVE TO AN UPDATE AND
REVISION OF APPROVED POLITICAL ACTIVITY BY
GOVERNMENT EMPLOYEES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §5102 of Chapter 5 of Title 4 of the Guam Code Annotated
is hereby *amended* to read:

“§ 5102. Permitted Activity.

(a) An employee may engage in political activity to the fullest extent consistent with the restrictions set forth in § 5103, so long as such activity does not materially compromise his efficiency or integrity as an employee or the neutrality, efficiency or integrity of his department or agency. Each employee specifically retains the right to register and vote in an election and, while not on duty and while not in a uniform identifying him as an employee, to:

(1) Express his opinion as an individual citizen privately and publicly on political issues and candidates;

(2) Display a political picture, sticker or badge or button;

1 (3) Participate in the non-partisan political activities of a
2 civic community, social labor, professional or similar
3 organization;

4 (4) Be a member, officer, or delegate of a political party
5 or other political organization and participate in its activities to
6 the fullest extent consistent with § 5103;

7 (5) Attend a political convention, rally, fund-raising
8 function or other gathering;

9 (6) Sign a political petition as an individual citizen;

10 (7) Make, as an individual citizen, a contribution to or
11 expenditure on behalf of a political party or organization or
12 candidate;

13 (8) Be free from any obligation to contribute to any
14 political fund or to render any political service;

15 (9) Participate in political activity in connection with a
16 question not specifically identified with a political party: for
17 example, soliciting signatures for petition relative to changing
18 working conditions or campaigning for an issue in a
19 referendum; and

20 (10) Serve as member of a precinct board or other
21 election official who performs ~~non-partisan~~ duties under Title 3
22 GCA.

23 (b) The head of a department or agency may prohibit or limit
24 the participation of an employee of his department or agency in an
25 activity permitted by Paragraph (a) of this Section if such participation
26 would interfere with the efficient performance of official duties or
27 create a conflict or apparent conflict of interests.”

1 **Section 2.** §5103 of Chapter 5 of Title 4 of the Guam Code Annotated
2 is hereby *amended* to read:

3 **“§ 5103. Prohibited Activity.**

4 (a) An employee *shall* not use his official authority or influence
5 for the purpose of interfering with or affecting the result of an
6 election.

7 (b) ~~An employee shall not participate in activity in connection~~
8 ~~with political management or a political campaign, except as~~
9 ~~permitted by § 5102.~~ Specific activity in which employees are
10 prohibited from participating include but are not limited to:

11 ~~(1) Serving as an officer of a political party, a member of~~
12 ~~a committee of a political party, an officer or member of a~~
13 ~~committee of a partisan political organization or being a~~
14 ~~nominee for such positions;~~

15 ~~(2) Organizing or reorganizing a political party, partisan~~
16 ~~political organization or committee thereof;~~

17 (1) ~~(3)~~ Soliciting, collecting, handling, disbursing or
18 accounting for assessments, contributions or other funds for a
19 political party, partisan political organization or candidate;

20 (2) ~~(4)~~ Organizing, selling tickets to, seeking support for
21 or actively participating in a fund-raising activity of a political
22 party, partisan political organization or candidate;

23 (3) ~~(5)~~ Taking an active part in managing the political
24 campaign of a candidate;

25 (4) ~~(6)~~ Being a candidate;

1 ~~(7) Taking an active part in an organized solicitation of~~
2 ~~votes in support of or in opposition to a candidate, including~~
3 ~~distributing campaign literature, badges or buttons;~~

4 ~~(8) Acting as recorder, watcher, challenger or similar~~
5 ~~officer at the polls on behalf of a political party, partisan~~
6 ~~political organization or candidate;~~

7 ~~(9) Driving voters to the polls on behalf of a political~~
8 ~~party, partisan political organization or candidate;~~

9 ~~(10) Endorsing or opposing a candidate in a political~~
10 ~~advertisement, a broadcast, campaign literature, a letter or~~
11 ~~article in a newspaper (signed or unsigned) or similar material;~~

12 ~~(11) Serving as a delegate, alternate or proxy to a~~
13 ~~political party convention;~~

14 ~~(12) Addressing a convention caucus, rally or similar~~
15 ~~gathering of a political party in support of or in opposition of a~~
16 ~~candidate or on a partisan political question;~~

17 ~~(13) Initiating or circulating a nominating petition for a~~
18 ~~candidate;~~

19 (5) ~~(14)~~ Discharging, promoting, demoting or changing
20 the compensation of any other employee or promising or
21 threatening to do so, because said other employee advocates or
22 fails to advocate through contribution, voting or otherwise, a
23 candidate; and

24 (6) ~~(15)~~ Using government travel allowances,
25 government transportation, government supplies or government
26 facilities for the benefit of any political party, partisan political
27 organization or candidate.”

I Mina'Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
420-31 (COR)	Adolpho B. Palacios, Sr.	AN ACT TO AMEND SUBSECTIONS (j) AND (m) OF §3101, ARTICLE 1, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIREMENTS FOR A GUAM DRIVER'S LICENSE.	02/10/12 3:21 p.m.	2/13/2012		Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land			

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

2012 FEB 10 PM 3:21
Willy
[Signature]

Bill No. 420-31(GOV)

Introduced by:

Adolpho B. Palacios, Sr.

AN ACT TO AMEND SUBSECTIONS (j) AND (m) OF §3101, ARTICLE 1, CHAPTER 3, TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO REQUIREMENTS FOR A GUAM DRIVER'S LICENSE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the privilege of driving a motor vehicle on Guam must be reserved
4 for citizens who respect the safety of others. The operation of various types
5 of motor vehicles on public roadways requires practice, examination and
6 continued compliance with applicable traffic and safety regulations ensuring
7 the safe movement of drivers, passengers and cargo.

8 A person's attainment of a Guam Driver's License recognizes his or
9 her ability to drive the type of motor vehicle in which he or she is licensed to
10 operate and further demonstrates that he or she understands basic traffic and
11 safety rules of the road. *I Liheslatura* finds that a person operating a motor
12 vehicle, and whose driving record involves multiple traffic violations, poses
13 a serious threat to other persons and property.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3110(j)
15 and §3110(m) of Article 1, Chapter 3 of Title 16, Guam Code Annotated,
16 and require that individuals convicted of violating Guam's traffic laws

1 complete a course in drivers' safety, ensuring their awareness of basic traffic
2 and safety regulations.

3 *I Liheslatura* further intends for this new requirement to serve as a
4 mechanism for the Department of Revenue and Taxation, Guam Police
5 Department and Judiciary of Guam to identify and appropriately deal with
6 individuals who place other persons, passengers and property at risk of
7 injury/damage.

8 **Section 3. License: Requirement.** Subsections (j) and (m) of §3101,
9 Article 1, Chapter 3, Title 16 of the Guam Code Annotated, are hereby
10 *amended*, to read:

11 “(j) The Director of Revenue and Taxation may disapprove the
12 application:

13 (1) If he is satisfied that the applicant is not entitled thereto
14 under the provisions of this Title.

15 (2) If the applicant has failed to furnish the Department of
16 Revenue and Taxation the information required in the
17 application or any reasonable additional information
18 requested by the Department.

19 (3) If he determines that the applicant has made or permitted to
20 be made, unlawful use of any operator's or chauffeur's
21 license.

22 (4) If he determines that the applicant has used a false or
23 fictitious name in any application for a license, or knowingly
24 made a false statement or knowingly concealed a material
25 fact or otherwise committed any fraud in any such
26 application.

1 (5) If he determines that the applicant is a negligent or
2 incompetent operator of a motor vehicle. An applicant shall
3 submit a Traffic Court Clearance, from the Judiciary of
4 Guam, detailing any conviction(s) for traffic violations and
5 traffic accidents for the preceding thirty-six (36) months.
6 Any person who has been convicted on four (4) or more
7 occasions within a consecutive period of twelve (12)
8 months, or six (6) or more occasions within a consecutive
9 period of twenty-four (24) months, or eight (8) or more
10 occasions within a consecutive period of thirty-six (36)
11 months of moving violations of the ~~provisions of the~~ Vehicle
12 Code₂ involving the safe operation of vehicles on the
13 highway₂ and which are by law required to be reported to the
14 Department of Revenue and Taxation shall prima facie be
15 presumed to be a “negligent operator of a motor vehicle.”

16 The operator’s, chauffeur’s, or other class of driver’s
17 license of a negligent operator of a motor vehicle, as defined
18 in this section, shall not be issued until such person has
19 attended a program in driver safety, as approved by the
20 Department of Revenue and Taxation, and has obtained a
21 certificate evidencing successful completion of such
22 program. This provision shall be applied in addition to any
23 conditions imposed by a court.”

24 “(m) Every operator’s or chauffeur’s license hereafter issued
25 shall expire three (3) years after the first anniversary of the date of
26 birth of any applicant occurring after the date of issuance. The
27 anniversary of the date of birth of any applicant born on February

1 twenty-ninth (29th) shall, for the purposes of this Section, during the
2 years in which there is no February twenty-ninth (29th), be considered
3 as March first (1st). Every such license shall be renewable for a like
4 period within ninety (90) days prior to its expiration. Any license that
5 would otherwise expire on a Saturday or legal holiday shall be valid
6 until the next business day. An applicant for renewal of license shall
7 make application therefore in the same manner as in the case of an
8 original application for a license upon such form as may be required.
9 The Director of Revenue and Taxation at his discretion may require
10 an examination of the applicant as upon an original application. ~~To~~
11 ~~the extent its facilities permit, t~~The Department of Revenue and
12 Taxation shall, ~~in the course of its investigation, check the record of~~
13 ~~the applicant for conviction(s) for traffic violations and traffic~~
14 ~~accidents,~~ may withhold or refuse certification of eligibility for a
15 license or renewal of a license unless the provisions of §3101(j)(5) of
16 this Chapter have been satisfied ~~upon reasonable proof that the~~
17 ~~applicant can and will operate a motor vehicle safely.”~~

18 **Section 4. Effective Date.** This Act shall be effective upon
19 enactment.