EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

NOV 0 9 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GL# 34-17-1213
Speaker Benjamin J.F. Cruz

NOV 0 9 2017
Time: 4:30 [ ] AM [ ] PM File No. 34-1205
Received By:

Dear Mr. Speaker:

Attached is Bill No. 116-34 (COR) entitled *"An Act to Amend § 61670. . . and to Amend Subsection (z) of § 61103. . . all of Chapter 61, Title 21, Guam Code Annotated, Relative to the Administration and Enforcement of the Zoning and Signage Laws,"* which I have **VETOED**.

On November 27, 2013, Bill 35-32 was enacted into law as P.L. 32-070. According to the findings of the 32nd Guam Legislature, the purpose of P.L. 32-070/Bill 35-32 was to allow DPW to enforce the zoning laws, granting DPW the authority to issue notices of violations and to assess fines. DPW is further already authorized under existing Guam law to regulate all manner of signs. *See,* 21 G.C.A. § 61541 to § 61546.

2017 NOV -9 PM 4:58

Bill 116-34 additionally provides that the actions to prosecute a violation of the zoning law (which is a petty misdemeanor) and to recover the civil penalty shall be brought by the Attorney General. As the Chief Legal Officer of Guam under the Organic Act, the Attorney General is the only one who is legally authorized to prosecute misdemeanor cases. Moreover, under 21 G.C.A. Section 61545 of the zoning law, the Attorney General already is the only one who is authorized to recover the civil penalty.

Because Bill 116-34 is duplicative of existing Guam law and the Organic Act, it is redundant, ineffective, and wasteful.

Senseramente,

EDDIE BAZA CALVO

1213

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN*

This is to certify that **Bill No. 116-34 (COR), "AN ACT TO *AMEND* § 61670 OF SUBARTICLE 6 AND § 61610 OF SUBARTICLE 1, BOTH OF ARTICLE 6; AND TO *AMEND* SUBSECTION (z) OF § 61103 OF ARTICLE 1, ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION AND ENFORCEMENT OF THE ZONING AND SIGNAGE LAWS,"** was on the 27th day of October 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 30th day of Oct, 2017, at 11:36 o'clock a.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date:_____

Public Law No._____

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 116-34 (COR)
As amended on the Floor.

Introduced by: FRANK B. AGUON, JR.
Thomas C. Ada
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 61670 OF SUBARTICLE 6 AND § 61610 OF SUBARTICLE 1, BOTH OF ARTICLE 6; AND TO *AMEND* SUBSECTION (z) OF § 61103 OF ARTICLE 1, ALL OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION AND ENFORCEMENT OF THE ZONING AND SIGNAGE LAWS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on May 10, 2017, the Attorney General of Guam opined the following:

"Guam law prohibits the 'structure of any kind or character erected or maintained for outdoor advertising' and the placement and maintenance of signs

adjacent to roadways except as expressly permitted. In commercial zones, signs are limited to 'non-flashing and non-moving' signs of specified size that indicate the name of a person or the type of business occupying the premises or the name of the building. 21 GCA § 61541. Exceptions are made for political signs and for charitable, religious, or civic entities for a limited duration. 21 GCA § 61541(d). No exceptions are made for hotel-resort zones; however, 'It is intended in view of the unusual visual exposure that adverse visual influences such as excessive signs, inappropriate lighting and open-storage shall be prohibited.' 21 GCA § 61311."

I Mina'Trentai Kuåttro Na Liheslaturan Guåhan fully adopts and republishes the opinion of the Attorney General of Guam.

I Liheslatura further finds that the administration and enforcement of zoning and signage laws is the responsibility and duty of the Director of Public Works, or his/her designated representative, who for such purposes shall be known as the building official.

Section 2. Penalty for Violation. § 61670 of Subarticle 6, Article 6, Chapter 61, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 61670. Penalty.**

Any person, firm, corporation or officer thereof, violating any of the provisions of this Chapter *shall* be guilty of a petty misdemeanor. Such person, firm, or corporation *shall* be deemed guilty for each day during any portion of which any violation is committed, continued, or permitted, and *shall* be punishable as herein provided. Actions to recover the penalty provided for in this Section *shall* be brought by the Attorney General at the request of the building official, designated in § 66109 of this Chapter, who shall have the power and duty to enforce the provisions of this law. All authority granted to said building official may be used in furtherance of these enforcement activities whenever such authority is necessary and applicable."

Section 3. § 61610 of Subarticle 1, Article 6, Chapter 61, Title 21, Guam Code Annotated, is hereby *amended* to read:

"**§ 61610. Decision - Final.**

Any determination of finding(s) of the violation of zoning or sign laws by the Director of Public Works or his/her designee *shall* be final."

Section 4. Subsection (z) of § 61103 of Article 1, Chapter 61, Title 21, Guam Code Annotated, is hereby *amended* to read:

"(z) Nonconforming Building. A building or structure or sign which does not conform to the regulations of this Chapter and which lawfully existed at the time the regulations, with which it does not conform, became effective."