UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND DELIVERED

35GL-19-0497
Speaker Tina Rose Muña Barnes

May 7, 2019

MAY 0 7 2019
Time 4:09 ( )AM (/)PM
Received By:

Honorable Tina Rose Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
Hagåtña, Guam 96910

Re: Bill No. 7-35(LS) – An Act to Amend §§ 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Which Fails to Provide Required Reports and/or Position Statements on Land Use Applications

2019 MAY 7 PM 5:09

Dear Madam Speaker:

Attached is Bill No. 7-35(LS) *"An Act to Amend §§ 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Establishing an Administrative Fine for the Director of a Member-Agency of the Application Review Committee Which Fails to Provide Required Reports and/or Position Statements on Land Use Applications,"* which I have ***VETOED***.

Member-agencies of the Application Review Committee perform an important technical review function for the Guam Land Use Commission. They go through a lengthy process to compile data to develop meaningful reports and position statements for review. Sometimes this process may take longer than anticipated or desired. Most times these delays can be attributed to the due diligence performed, thoroughness, and the complexity of some issues.

Bill 7-35 does not seek to streamline the process and make it more efficient. It offers no solution to assist the Application Review Committee. This legislation punishes member-agency directors as though the directors are maliciously delaying progress. It will force member-agencies to quickly submit haphazard reports and position statements so directors can avoid an exorbitant fee. The work of the Application Review Committee is much too important to risk quality in this manner.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill 7-35

0497

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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

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

This is to certify that **Bill No. 7-35 (LS), "AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS,"** was on the 25th day of April 2019, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 26th day of April, 2019, at 4:18 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date:_____

Public Law No._____

2019-2490
RCVD AT CENTRAL FILES
APR 26 '19 PM4:21

Martin B-Reyes

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 7-35 (LS)
As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice.

Introduced by: Telo T. Taitague
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 61106(b) OF ARTICLE 1, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ADMINISTRATIVE FINE FOR THE DIRECTOR OF A MEMBER-AGENCY OF THE APPLICATION REVIEW COMMITTEE WHICH FAILS TO PROVIDE REQUIRED REPORTS AND/OR POSITION STATEMENTS ON LAND USE APPLICATIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 61106(b) of Article 1, Chapter 61, Division 2, Title 21, Guam Code Annotated, is hereby *amended* to read:

"(b) In any land use action that requires the review and decision by the Guam Land Use Commission, no municipal public hearing *shall* be

scheduled and conducted in the affected municipality until any and all available reports and position statements have been received from the Department of Land Management. Said reports and position statements *shall* be provided by the Application Review Committee within thirty (30) working days from the filing of the application.

A member-agency of the Application Review Committee requiring additional time to submit their respective report or position statement *shall* obtain written approval no later than ten (10) working days prior to the thirty (30)-day deadline from the Chairman of the Application Review Committee. The additional time *shall not* exceed a period of fourteen (14) working days. A second extension may be granted with written approval from the Chairman of the Application Review Committee for a period not to exceed an additional fourteen (14) working days. The director of a member-agency which fails to submit the required report and/or position statement within the timeline stipulated herein *shall* pay an administrative fine of One Thousand Dollars ($1,000.00).

The administrative fine *shall* be a personal expense for the director of the member-agency of the Application Review Committee, and in no way shall the fine be paid by the agency or the government of Guam.

The Department of Land Management *shall* develop policies and procedures for the enforcement of the aforementioned administrative fine, in accordance with the Administrative Adjudication Law. The Director of Land Management *shall* pay an administrative fine of One Thousand Dollars ($1,000.00) in the event his or her agency fails to initiate the development of policies and procedures required herein within thirty (30) working days. All administrative fines *shall* be deposited in the Land Survey Revolving Fund

established pursuant to § 60602 of Article 6, Chapter 60, Title 21, Guam Code Annotated.

Upon receipt of any report or position statement submitted by the Application Review Committee, the Department of Land Management *shall* transmit said documents to the Mayor of the affected municipality."

Section 2. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.