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

February 13, 2020

35 GL-20-1541

Speaker Tina Rose Muña Barnes

FEB 13 2020
Time 3:13 ( )AM ( )PM
Received By: BRIAN

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **Bill No. 141-35 (COR) – *An Act to Amend § 61545 of Subarticle 5, Article 5, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Violations of Sign Regulations***

Dear Madame Speaker:

Thank you for sending me a bill which appropriately addresses the concerns of all involved in the regulation of signs. Bill 141-35, *"An Act to Amend § 61545 of Subarticle 5, Article 5, Chapter 61, Division 2, Title 21, Guam Code Annotated, Relative to Violations of Sign Regulations,"* is an ideal example of where legislation provides for a funding source so that the intent of the law could be realized. This bill, which I have signed into law as ***Public Law No. 35-70***, significantly raises the fines for violations and will allow government agencies more authority to enforce our laws.

2020 FEB 13 PM 3:44

Senseremente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guahan
Acting Governor of Guam

Enclosure(s): Bill No. 141-35 (COR) *nka Public Law No. 35-70*

cc via email: *Maga'hågan Guåhan*
Compiler of Laws

1541

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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Bill No. 141-35 (COR), "AN ACT TO *AMEND* § 61545 OF SUBARTICLE 5, ARTICLE 5, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO VIOLATIONS OF SIGN REGULATIONS,"** was on the 4th day of February 2020, 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 4th day of Feb., 2020, at 4:10 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 2-13-20

Public Law No. 35-70

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

Bill No. 141-35 (COR)
As amended by the Committee on Health,
Historic Preservation, Land and Justice;
and further amended on the Floor.

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

AN ACT TO *AMEND* § 61545 OF SUBARTICLE 5, ARTICLE 5, CHAPTER 61, DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO VIOLATIONS OF SIGN REGULATIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 61545 of Subarticle 5, Article 5, Chapter 61, Division 2, Title 21, Guam Code Annotated, is *amended* to read:

"**§ 61545. Penalty.**

(a) Any person or business who violates any provision of § 61541 or § 61544 of this Chapter *shall* pay a civil penalty not to exceed One Thousand Dollars ($1,000) for each violation occurring in Residential and Agricultural zones; and a civil penalty of One Thousand Dollars ($1,000) for each violation occurring in Commercial and Industrial zones. If a violation is not rectified within ten (10) business days of receipt of a Notice of Violation from the Department of Public Works, any person or business in violation of §§ 61541 or 61544 of this Chapter *shall* be subject to a late action civil penalty not to exceed Three Hundred Dollars ($300) per day for each remaining violation. Failure to pay penalties and to rectify the violations may result in the termination or non-renewal of the sign permit. Multiple successive violations may be reported by the Department of Public Works to the Department of Revenue and Taxation to rescind or suspend the Department of Public Work's clearance for the sign-owner's business license. The Director of Public Works *shall* have the authority to waive parts or all of the late action penalty should the violator demonstrate a good faith effort to address the violation in a timely manner; provided, that such waiver is limited to no more than thirty (30) calendar days. Actions to recover the penalty provided for in this Section *shall* be brought by the Attorney General of Guam and may be at the request of any person in Guam. All penalties recovered in any such action *shall* be paid into the Public Signage Enforcement Fund.

(b) There is created the "Public Signage Enforcement Fund" (Fund). The Fund *shall not* be commingled with any other fund of the government of Guam or instrumentality of the government of Guam. Expenditures from the Fund are subject to appropriation by *I Liheslaturan Guåhan* and *shall* be used solely for the enforcement of this Subarticle.

(c) The Building Official *shall* implement a penalty schedule on a scale commensurate with the seriousness of the sign violation. Such penalty schedule *shall* be subject to the Administrative Adjudication Law (5 GCA Chapter 9).

(d) Any person or business, within ten (10) working days of receipt of a Notice of Violation, may file an appeal of the finding(s) of a violation. The Guam Land Use Commission *shall* hear and decide appeals relative to any penalty imposed pursuant to this Section. The payment of any penalty *shall* be stayed during appeals. The Guam Land Use Commission *shall* promulgate rules and regulations, in compliance with the Administrative Adjudication Law (5 GCA Chapter 9), to implement the appeals process relative to this Section within ninety (90) days of the enactment of this Act."

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.