clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, December 4, 2020 3:20 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: OoG-Override of Bill 215-35 (COR), now as Public Law 35-111.pdf; OoG-Override of Bill 167-35 (COR), now Public Law 35-110.pdf

12/04/20	2:55 PM	12/04/20	Override of Bill No. 167-35 (COR), now known as Public Law No. 35-110.	Office of the Governor of Guam	35GL-20-2482
12/04/20	2:55 PM	12/04/20	Override of Bill No. 215-35 (COR), now known as Public Law. 35-111.	Office of the Governor of Guam	35GL-20-2483

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÂHI • LIEUTENANT GOVERNOR

December 4, 2020

35GL-20-2482
Speaker Tina Rose Muña Barnes

DEC 0 4 2020
Time 2:55 ( )AM ( )PM
Received By: alan

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

Re: OVERRIDE of Bill No. 167-35 (COR) *nka* Public Law No. 35-110 – *An Act to Amend §§ 1203, 1206, 1209(h), 1210, 1211, and 1214 of Article 2, Chapter 1, Title 5, Guam Code Annotated, Relative to Renewing the Guam Comprehensive Development Plan to Encompass the Principles of Sustainability*

Dear Madame Speaker:

Enclosed is Bill No. 167-35 (COR) – An Act to Amend §§ 1203, 1206, 1209(h), 1210, 1211, and 1214 of Article 2, Chapter 1, Title 5, Guam Code Annotated, Relative to Renewing the Guam Comprehensive Development Plan to Encompass the Principles of Sustainability which is ***now known as Public Law No. 35-110***.

Senseremente,

SOPHIA SANTOS DIAZ
Legal Counsel

Enclosure(s): Override of Bill No. 167-35 (COR) *nka* P.L. No. 35-110

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

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
P.O. BOX 2950 • HAGÅTÑA, GUAM 96932
671.472.8931 • 671.472.8932/6

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. 167-35 (COR), "AN ACT TO *AMEND* §§ 1203, 1206, 1209(h), 1210, 1211, AND 1214 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RENEWING THE GUAM COMPREHENSIVE DEVELOPMENT PLAN TO ENCOMPASS THE PRINCIPLES OF SUSTAINABILITY,"** was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 1st day of December 2020, to pass said bill notwithstanding the veto of *I Maga'hågan Guåhan* by a vote of fourteen (14) members.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:36 o'clock P.m.

Assistant Staff Officer
Maga'hågan's Office

Public Law No. 35-110

Jessica Cruz
RCVD AT CENTRAL FILE
DEC 1 '20 PM4:36

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

Bill No. 167-35 (COR)
As amended on the Floor.

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

AN ACT TO *AMEND* §§ 1203, 1206, 1209(h), 1210, 1211, AND 1214 OF ARTICLE 2, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RENEWING THE GUAM COMPREHENSIVE DEVELOPMENT PLAN TO ENCOMPASS THE PRINCIPLES OF SUSTAINABILITY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Title. This Act *shall* be known as "*Åkto Para i 2050 Maga'planun Mina'ok Lina'la' Guåhan.*"

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Guam's comprehensive development plan law is in need of being modernized to reflect the extraordinary changes in best practice approaches to development that

have emerged from modern science, research, and technology. Due to adverse impacts and changes to our environment and those across the globe, we need a more sustainable and integrated strategy that encompasses the principles of sustainability and responsible uses of our finite island resources. It is imperative that we better meet the needs of the present without compromising the ability of future generations to meet their needs.

I Liheslaturan Guåhan finds that sustainability and climate change are some of the defining issues of our time; thus, we are at a pivotal moment in history. It is clear that our stewardship of Guam's resources is not just a responsibility for the future, and we must act now to protect our economy, our island way of life, and our culture.

I Liheslatura also finds that, while *Guåhan* is rich in natural beauty and the warmth and hospitality of her people, there are many challenges to life on *Guåhan*. Our public infrastructure is in constant need of structural repair. Our economy remains reliant on too few industries. We are isolated from Pacific Rim trading partners because of the Jones Act and cabotage laws while vulnerable to a costly volatile global energy market. We are heavily dependent upon imported food. We are subject to the increasing intensity and frequency of typhoons and tropical storms; dangerously uncontrollable fires that burn across our watersheds, destroying some three percent (3%) of our island each year; adverse impacts on our water supplies; erosion of coastline infrastructure throughout our villages; warmer surface temperatures affecting our agricultural production; warmer seas affecting our fisheries and the life of our coral reefs which suffer an unparalleled high rate of bleaching; and, our ecosystem is degrading at a rapid rate as it is all too often under attack by forces such as habitat loss and invasive species that set off a wide range of cascading impacts. Collectively, all of these conditions negatively impact the food

security of our people as well as a range of industries that are reliant on our Guam brand as a tourist destination.

Further, our current approaches to development and daily living means that our landfill continues to require prohibitively expensive actions such as building new cells for tens of millions of dollars apiece, each of which will then require tens of millions of dollars to close. These conditions and more all raise questions about the direction of our island, our long-term limits of types of economic and other growth, and the need to plan and act now to ensure that we are on a path for an optimal future for the people of *Guåhan*. Our economy, land, community health, individual well-being, and the *CHamoru* culture are deeply intertwined, each of which has the potential to be dangerously impacted if we do not take immediate actions toward being better stewards of our island. Closing our eyes will not make these realities go away. To ignore the challenge before us would be irresponsible and reckless. Action must be taken.

I Liheslatura further finds that it is imperative for our community to work toward a balance between economic, cultural, and environmental concerns because of the interdependency of these three (3) parts of our society. In a sustainable society, systems replenish themselves. By ensuring that we are not overly reliant upon the consumption of our economic, social, and environmental assets and that our systems replenish themselves, we are more responsibly assuring the survival of the *Guåhan* that we grew up with, if not a better one, for ourselves, our children, and our grandchildren. We must work to meet our present needs without compromising the needs and rights of future generations.

It is, therefore, the intent of *I Liheslaturan Guåhan* to address these concerns in a proactive rather than reactive way and to determine the best direction of our island, understand our long-term limits of types of growth, and work for an optimal future for the people of *Guåhan*. To meet our monumental economic, cultural, and

environmental challenges we must develop and implement a sustainable development plan. This will require an unprecedented level of a coordinated effort by the community, the private sector, academic research organizations, and institutions of the government of Guam to reach across their divides and work together to develop long-term integrated approaches.

Section 3. § 1203 of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 1203. Bureau of Statistics and Plans: Responsibilities and Authority.**

The responsibilities and authority of the Bureau of Statistics and Plans shall be:

(a) Prepare Plan. To cause to be prepared, through the services of a consortium of both public and private experts possessing diverse planning experience and expertise, a *Guåhan* 2050 Sustainability Plan (Plan), which shall provide short and long-range guidance (between 2020 and 2050) for the social, economic, infrastructure, supra structure, and physical sustainable development of Guam, and which shall contain a statement of sustainable development objectives, standards and principles with respect to the most responsible use of land and resources within Guam for residential, recreational, agricultural, commercial, industrial, and other uses completely serviced by an access and circulation network and infrastructure consistent with proper protection and accountability to enhance the quality of the environment and preserve Guam's natural beauty and historical heritage.

(b) Assist Planning. To harmonize, improve and assist in implementing comprehensive planning activities at all levels of government.

(c) Ensure Consistency. To ensure that the current planning programs and projects are consistent with the Plan and the comprehensive program and financial plan, as set out in the Executive Budget Acts, and the policies enumerated in this Chapter.

(d) Rules. To adopt any necessary rules or regulations in accordance with the Administrative Adjudication Law and to exercise all other powers necessary and proper for the discharge of its responsibilities.

(e) Recommendations. To develop all elements of the Plan, as described in § 1210 of this Article, and to make detailed written recommendations to the Governor for approval, disapproval, revision, amendment or referral to specific agencies or groups for further study and review.

(f) Agreements. To enter into and carry out any agreement or agreements in connection with the provisions of this Article and to solicit assistance from public, private or federal sources as required in the development planning process and which are not inconsistent with or contrary to the laws of Guam.

(g) Quarterly Report. To deliver to the Legislature, no later than fifteen (15) days following the end of every quarter, a written report of the planning program and progress; and

(h) Annual Report. To deliver to the Governor no later than January 30 of each year a written report of the planning program and progress."

Section 4. § 1206 of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 1206. Plan Adoption.**

Within ten (10) calendar days of approval by the Governor, the Plan or any of its elements shall be submitted to the Legislature for adoption. The Legislature shall review and approve or disapprove the Plan or any of its elements within one hundred eighty (180) calendar days of its receipt. In the event of failure by the Legislature to act within such one hundred eighty (180) calendar day period, the Plan or any of its elements so submitted shall be deemed approved."

Section 5. § 1209(h) of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"(h) Annual Report. To report to the Governor and the Legislature of its annual progress and of its fiscal year activities *no later than* January 30 of each year."

Section 6. § 1210 of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 1210. Content of the Plan.**

The Plan shall be guided by, but not limited to, the United Nations (UN) Global Programme of Action for the Sustainable Development of Small Island Developing States (A/CONF.167/9) and the UN's Sustainable Development goals, each as determined applicable to *Guåhan*. It shall contain specific elements as follows:

(a) Land Use. A land-use element together with the appropriate zoning recommendations supporting distribution, location and the extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings, open space, conservation and other categories of public and private uses of land, which include islands, reef and lagoon areas, and the sea within the territorial waters, inclusive of a statement of the standards of population

and building density and building intensity for the various districts and other areas covered by the Plan, and regulatory criteria governing the use, development and subdivision of land.

(b) Community Design. A community design element consisting of standards and principles governing the subdivision and development of land and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds, and other community uses.

(c) Transportation. A transportation element which would provide a comprehensive transportation and circulation system consisting of existing and proposed major routes, thoroughfares, highways, and collector streets; locations of rights-of-way, terminals, viaducts, and grade separation, port, harbor, aviation and mass transit lines, and related facilities, all of which are correlated with the land use element of the Plan. This element shall include necessary investments in improving and expanding public transportation, which directly affect overall employment and economic efficiency and productivity.

(d) Regulations. A regulatory element concerning parking facilities and building setback lines and the delineations of such systems on the land, a system of street naming, housing and building numbering, and such other matters as may be related to the improvement of circulation of traffic.

(e) Public Facilities. A public services and facilities element showing general plans for sewage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(f) Public Lands. A public lands element that provides an inventory of all government of Guam and federal lands, and plans for their maintenance, improvements, conservations, and potential uses for the benefit of the community.

(g) Public Buildings. A public buildings element identifying locations and arrangement of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(h) Housing. A housing element consisting of standards and plans for elimination of substandard dwelling conditions and homelessness, the improvement of housing, and the provision of adequate sites for housing.

(i) Redevelopment. A redevelopment element for the elimination of unsafe or blighted areas, community redevelopment and the revitalization of housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(j) Conservation. A conservation element to guide the conservation, development, and utilization of natural resources, including forests, soils, rivers and other waters, harbors, fisheries, coral reefs, wildlife, threatened and endangered species, minerals, and other natural resources which, as sub-elements, may also incorporate the following:

(1) reclamation or restoration of land and waters;

(2) floodplain management and flood control;

(3) prevention and control of pollution of streams and other waters;

(4) regulations of the use of land in stream channels and conservation areas;

(5) prevention, control, and correction of the erosion of soils, beaches, and shores;

(6) protection of watersheds, rare natural communities, and habitats for threatened and endangered species; and

(7) protection of coral reefs and productive seas in marine protected areas.

(k) Recreation. A recreation element establishing a comprehensive system of areas and public sites for recreation, including the following and, when appropriate, their locations and proposed development:

(1) natural reservations;

(2) parks;

(3) parkways;

(4) beaches;

(5) reefs and lagoons;

(6) playgrounds;

(7) historic and archaeological sites;

(8) scenic and historic trails; and

(9) other recreation areas.

(l) Safety. A safety element for the protection of the community from natural and human-made hazards, including features necessary for such protection such as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

(m) Tourism. A visitor industry element which will establish cooperation and coordination between the public and private sectors to provide for a shared vision and steady and regulated growth within the visitor industry, while developing the industry in a manner that will continue to provide new business and job opportunities and steady employment for the people of Guam, and which will enable Guam's people to obtain job training and education geared for upward job mobility within the industry; and this element shall support the *CHamoru* culture and cultural programs, as well as other community programs which contribute to enhancing Guam as a visitor destination.

(n) Sustainable Development Policy. A short and long-range socioeconomic development strategy to include policy, opportunities, and programs to address or alleviate problems concerning disparities based on socio-economic status, affordable and accessible health services, communicable and non-communicable diseases and health-related issues, labor planning, employment opportunity, education, elimination of poverty, law enforcement, welfare, substandard housing and homelessness, consumer protection, public revenue and expenditures, cultural heritage preservation, visitor industry, and the like, to include population characteristics and economic analysis with projections for each region and sub-region of the island. The policy shall also provide for renewable energy, zero waste and sustainable materials management, and a comprehensive approach to combating climate change through reduction of greenhouse emissions and our carbon footprint.

(o) Capital Improvements. A short and long-range capital improvements program and projects to be derived from public and

private input and compiled from schedules of proposed capital improvements submitted to the Bureau of Statistics and Plans by each department, agency, division, board, commission, branch, and instrumentality of the government of Guam; and which shall provide recommendations and identify programs for the sustainable development of the island's port, highway, communication, and public transportation facilities, including, but not limited to, institutions of higher learning, health and welfare facilities, correctional institutions, elementary and secondary schools, electric power, water, telecommunications, sewer, solid waste, and other utility facilities.

(p) Preservation. A preservation element that has both short and long-range programs to ensure the maintenance, preservation, safeguarding, promotion, and continued identification of cultural and historical sites, to include natural resources and resource areas.

(q) Indigenous Connections and Rights. This element shall reflect indigenous *CHamoru* concepts of cultural and ancestral connections to Guam's heritage, land, sea, air, the environment, and all that is native and endemic within it. The continuation of the *CHamoru* culture and cultural identity are predicated on the recognition and protection of indigenous connections and rights to their homeland throughout the government of Guam.

(r) Community Mental Health, Physical Health and Well-being. An element that takes into consideration the many types of impacts that different developments and government actions can have on the mental and physical health and well-being of our community, especially, but not limited to, that of the indigenous *CHamoru* people.

(s) Policy Statements. A statement of specific policies for at least each of the following general areas: socioeconomic and human resource development, natural resource development, environmental protection, historical and cultural preservation, public safety, housing and community development, education, land-use and population growth, the visitor industry, and other areas deemed appropriate by the Bureau of Statistics and Plans.

(t) Other Elements. Such additional elements dealing with other subjects, which in the judgment of the Bureau of Statistics and Plans relate to the physical development of Guam."

Section 7. § 1211 of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 1211. Plan Implementation and Financing.**

(a) The Plan shall contain a schedule of programs and projects to be implemented annually. Funding for such programs and projects shall be identified in the Plan by the project's or program's principal or administering government agency or instrumentality.

(b) Funding for programs or projects contained in the Plan which do not fall under the authority or responsibility of any particular instrumentality of the government of Guam may be met by annual appropriation of the Legislature.

(c) Upon approval by action or inaction of *I Liheslatura,* each governmental entity shall submit an annual report, inclusive of an executive summary, to the Office of Public Accountability (OPA) no later than January 30 of each year on its progress in achieving the objectives and goals as set out in the Plan. The OPA shall submit a compilation of the reports to *I Liheslatura*

and publish the compiled report on its website no later than March 30 of each year."

Section 8. § 1214 of Article 2, Chapter 1, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 1214. Coordination of Effort.**

Any existing committee, commission, task force or body mandated to engage in planning for Guam, or for particular areas or jurisdictions within Guam, shall seek to ensure that such planning efforts are provided the appropriate financial, human, technical and support resources necessary to accomplish any mandates or requirements of law relative to development planning; provided, however, that such planning efforts are compliant and in accordance with the *Guåhan* 2050 Sustainability Plan.

For purposes of this Chapter, all plans prepared by any agency or instrumentality of the government of Guam shall be circulated to other agencies or instrumentalities affected by such plan and to the Bureau for review and finalization no later than sixty (60) days prior to submission of the plan to the Bureau."

Section 9. Unless otherwise indicated in this Act, "Council" shall be changed to "Bureau"; "Chairman" shall be changed to "Director"; "Comprehensive Development Plan," "Guam Comprehensive Development Plan," "Guam's Comprehensive Development Plan," and "Comprehensive Development Plan for Guam" shall be changed to "*Guåhan* 2050 Sustainability Plan" in Article 2 of Chapter 1, Title 5, Guam Code Annotated.

Section 10. Submission of Strategic Plan. *I Maga'hågan Guåhan* shall submit to *I Liheslaturan Guåhan* a strategic plan for the development and implementation of the *Guåhan* 2050 Sustainability Plan, as provided for in Section 3 of this Act, no later than sixty (60) calendar days from the enactment of this Act.