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CHAPTER 2
STATUTES

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§ 2101. Enacting Clause.

The enacting clause of all laws shall hereafter read,
'BE IT ENACTED BY THE PEOPLE OF GUAM.'

SOURCE: GC § 1101. Amended by P.L. 24-165:1.

§ 2102. Resolving Clause.

The resolving clause of all resolutions shall read,
'BE IT RESOLVED BY THE LEGISLATURE OF GUAM.'

SOURCE: GC § 1102. Amended by P.L. 24-165:2.

§ 2103. Public Hearings Mandatory.

(a) No bill may be passed by *I Liheslatura* unless it has received a public hearing, except that when the presiding officer of *I Liheslatura* certifies that emergency conditions exist, involving danger to the public health or safety, the requirement for a public hearing may be waived and in the event the bill is identical to a bill introduced earlier, which later bill received a public hearing, then a public hearing for the identical bill may be waived.

(b) No substantive resolution that is to be transmitted to the U.S. President, a member of the U.S. Congress, or a head of a foreign state, may be passed by *I Liheslatura* unless it has received a public hearing. Said public hearing shall be conducted by the primary author of the resolution. The resolution may then be placed on *I Liheslatura's* agenda upon the

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written request of the primary author to the Speaker without further committee action and without a committee report.

SOURCE: GC § 1102.1. Amended by P.L. 25-022 and P.L. 28-012:2.

§ 2104. Number of Votes Required.

No bill shall be passed by *I Liheslaturan Guahan* with less than eight (8) affirmative votes of its members.

SOURCE: GC § 1102.2. Amended by P.L. 24-213:1.

§ 2105. Effect of Repeal or Amendment.

The repeal or amendment of any statute shall not affect any offense committed or any act done or right accruing or accrued or any action or proceeding had or commenced prior to such repeal or amendment; nor shall any penalty, forfeiture or liability incurred under such statute be released or extinguished, but the same may be enforced, continued, sustained, prosecuted and punished under the repealing or amendatory statute save as limited by the ex post facto and other provisions of the Organic Act, in which event the same may be enforced, continued, sustained, prosecuted and punished under the former law as if such repeal or amendment had not been made.

SOURCE: GC § 1103.

§ 2106. Equal Rights for Women.

(a) The Legislature finds that the proposed “Equal Rights Amendment” to the United States Constitution whereby women are to be treated under law equally with men is an appropriate expression of law that should apply to Guam, but also finds that even if such amendment is ratified by the necessary number of States, it is not at all clear that the provisions thereof will apply to Guam, since not all of the U. S. Constitution so applies and the proposed amendment itself speaks only of a “State.” The Legislature has therefore determined to enact as local law the provisions of the proposed amendment.

(b) Equality of Rights under the law shall not be denied or abridged on account of sex. All laws, rules, regulations and executive orders with the force of law which are inconsistent with this section are hereby repealed to the extent of such inconsistency.

(c) The Attorney General shall, within six (6) months after the effective date of this Act, submit a report to the Legislature enumerating therein all laws, rules, regulations and executive orders with the force of law

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which are inconsistent with the provisions of Subsection (b) foregoing.

SOURCE: GC § 1104 as added by P.L. 14-28.

§ 2107. Separate Consideration of Land Bills.

(a) Every bill authorizing the sale, gift, disposal, transfer, or trade of government of Guam land (hereinafter called *transfer of land* or *land transfer*), and every bill authorizing the leasing of any government land for more than two (2) years shall contain only matters reasonably related to one (1) such transaction, and may not be considered with any other transaction or any unrelated matters, unless the particular transaction is a transfer or trade which involves the taking by the government of Guam of more than one privately-owned lot at essentially the same time for the same public purpose and project, in which case the bill may contain all matters related to that transfer or trade. No authorization for such land lease or land transfer may be considered as a “rider” or amendment to another bill, and neither may any unrelated amendment or “rider” be considered by the Legislature on any bill which authorizes the lease or transfer of land.

(b) No such bill authorizing the transfer of land or leasing of land may be considered by the Legislature on third reading unless accompanied by two (2) appraisals on all land concerned, appraised for highest and best use regardless of zoning, from two separate licensed real estate appraisers, one (1) of which appraisals is not more than twelve (12) months old, and which appraisals are paid for by the transferee. If the transferee is the government of Guam by virtue of exercising its eminent domain power or similar action for specific and identified public benefit, the appraisals, surveys, maps, and recordation shall be paid by the government of Guam. The private land owner shall sign a statement that the person agrees that his paying for the appraisals does not in any way obligate the Legislature nor the government of Guam to approve the transfer. One (1) of the appraisers shall be selected by the Department of Land Management and the other by the private landowner. The average of the two (2) appraisals may be used by the Legislature as the value for the transfer or trade.

(c) Any proposed lease, sub-leases, requests to exchange land *or* purchase any land owned in the name of the government of Guam to the federal government *or* any agent of the federal government *shall* require the approval of *I Liheslatura*.

SOURCE: Added by P.L. 20-161:1 as § 2109 and renumbered by the Compiler to §

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2107. No previous §§ 2107 and 2108 existed. Amended by P.L. 22-97 (Mar. 8, 1994). Subsection (c) added by P.L. 30-021:3 (May 1, 2009).

CROSS-REFERENCES: The Legislature has exempted certain land transactions from the application of this section. See P.L. 21-14:9(c), P.L. 20-188:5 and P.L. 20-180:4.

§ 2108. Separate Consideration of Unrelated Matters.

(a) Any bill introduced, considered or passed by *I Liheslaturan Guåhan*, or any of its Members, *shall not* contain *more than* one (1) subject matter, and *shall not* contain unrelated subjects *or* pertain to multiple projects, *except* for one (1) annual budget bill and one (1) supplement to the annual budget bill per fiscal year; *except* that, the succeeding *Liheslaturan Guåhan* may, on the year it commences, introduce, consider and pass one (1) supplement to the annual budget bill for that fiscal year, whose subject and contents *may* be *exempted* from this Section. Unrelated subjects on an annual budget bill *or only* one (1) supplement to the annual budget bill *shall* be the same subject matter as a bill which has been discussed at a duly noticed public hearing, unless the public hearing is waived due to the existence of emergency conditions involving danger to the public health or safety consistent with § 2103, Title 2, Guam Code Annotated.

SOURCE: Added by P.L. 24-160:3. Subsection (b) added by P.L. 28-014:1. Amended by P.L. 30-002:1 (Mar. 13, 2009).

§ 2109. Submission of Fiscal Year Budget to *I Maga’lahi*.

The annual fiscal year budget for the government of Guam *shall* be passed by *I Liheslatura* and submitted to *I Maga’lahi* *no later than* August 31, prior to each fiscal year.

SOURCE: Added by P.L. 30-013:2 (April 17, 2009).

§ 2110. “Land Zoning Consideration Reports” Required for Land Zoning Legislation.

Any bill that seeks to designate a particular zoning for any real property shall not be placed on a legislative session agenda until a “Land Zoning Consideration Report” has been issued by the Department of Land Management.

The non-submission of a “Land Zoning Consideration Report” to the appropriate Legislative Standing Committee shall not preclude the Standing Committee from publicly hearing any bill, as provided in Subsection (c), *infra*.

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(a) Preparation of “Land Zoning Consideration Report.” A “Land Zoning Consideration Report” shall be prepared by the Director of the Department of Land Management, the Department’s Land Planning Division and, if the proposed zoning of property in question is greater than an R-2 designation zone, the head of the Department’s Application Review Committee. The Report shall be prepared in consultation with other permitting governmental departments and agencies, and the property owner, as deemed necessary by the Department.

(b) Contents of “Land Zoning Consideration Report.” A “Land Zoning Consideration Report” prepared in accordance with this Section shall include:

- (1) the recommendation of the Land Planning Division;
- (2) if applicable, the recommendation of the Application Review Committee;
- (3) a map of the subject property;
- (4) a contact listing for the surrounding property owners, for the purposes of notifying surrounding property owners of any public hearings or other public discussions to be held in regards to the zoning designation request;
- (5) evidence of any consultation made, at the discretion of the Department, with other permitting governmental departments and agencies, and the property owner, in consideration and review of the requested zoning designation; and the outcome of any such consultation; and
- (6) input from the Municipal Planning Council of each municipal district to be affected by a proposed zone change.

(c) Timely Response for Submission of “Land Zoning Consideration Report” or Waiver Granted. The Department of Land Management shall provide to the requesting Standing Committee, the “Land Zoning Consideration Report” no later than forty-five (45) calendar days from receipt of the request for the report.

Other governmental departments and agencies or property owners consulted by the Department shall provide their response to any inquiries made by the Department with regard to the preparation of a

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“Land Zoning Consideration Report” no later than thirty (30) calendar days from the date of receipt of such inquiry.

Should the Department need an extension for preparing the report, the Department shall notify, in writing with justification, the Chairperson of the requesting Standing Committee, who shall grant the Department an extension for up to fifteen (15) calendar days. Such notice must be received by the Chairperson of the requesting Standing Committee prior to the last day of the original forty-five (45) day timeframe granted.

Should the Department fail to meet the deadlines imposed in this Section, the requirements stipulated in this Section for the “Land Zoning Consideration Report” shall be waived. This waiver does not prohibit the Department from issuing a report at any time past their deadline.

(d) Inclusion in Committee Report Required. The “Land Zoning Consideration Report” shall be made a part of the Committee Report of the Standing Committee reporting the bill out of Committee for consideration by *ILiheslatura* (the Legislature); and shall accompany the bill throughout its course of discussion, from public consideration, to Floor debate, and through passage, if applicable.

(e) Revision of “Land Zoning Consideration Report”. In the event that a zoning bill is amended or substituted while in Committee for which a “Land Zoning Consideration Report” had been previously obtained, and for which the change will have an additional impact from that reported on the previously obtained report, the Standing Committee with jurisdiction over the zoning bill shall obtain a “Revised Land Zoning Consideration Report” following the same process outlined in this Section, except that the Department of Land Management shall submit the “Revised Land Zoning Consideration Report” no later than thirty (30) calendar days from the date of receipt of the request for the revised report.

SOURCE: Added by P.L. 31-157:2 (Jan. 4, 2012).
