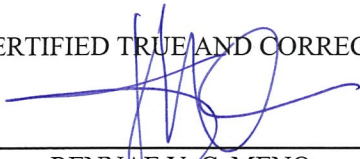


I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 167-35 (COR) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 19, 2020					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON						✓
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL:	14					1
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

**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.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that Guam’s comprehensive development plan law is in need of being modernized
6 to reflect the extraordinary changes in best practice approaches to development that
7 have emerged from modern science, research, and technology. Due to adverse
8 impacts and changes to our environment and those across the globe, we need a more
9 sustainable and integrated strategy that encompasses the principles of sustainability
10 and responsible uses of our finite island resources. It is imperative that we better
11 meet the needs of the present without compromising the ability of future generations
12 to meet their needs.

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

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

23 Further, our current approaches to development and daily living means that
24 our landfill continues to require prohibitively expensive actions such as building new
25 cells for tens of millions of dollars apiece, each of which will then require tens of
26 millions of dollars to close. These conditions and more all raise questions about the
27 direction of our island, our long-term limits of types of economic and other growth,

1 and the need to plan and act now to ensure that we are on a path for an optimal future
2 for the people of *Guåhan*. Our economy, land, community health, individual well-
3 being, and the *CHamoru* culture are deeply intertwined, each of which has the
4 potential to be dangerously impacted if we do not take immediate actions toward
5 being better stewards of our island. Closing our eyes will not make these realities go
6 away. To ignore the challenge before us would be irresponsible and reckless. Action
7 must be taken.

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

17 It is, therefore, the intent of *I Liheslaturan Guåhan* to address these concerns
18 in a proactive rather than reactive way and to determine the best direction of our
19 island, understand our long-term limits of types of growth, and work for an optimal
20 future for the people of *Guåhan*. To meet our monumental economic, cultural, and
21 environmental challenges we must develop and implement a sustainable
22 development plan. This will require an unprecedented level of a coordinated effort
23 by the community, the private sector, academic research organizations, and
24 institutions of the government of Guam to reach across their divides and work
25 together to develop long-term integrated approaches.

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

1 **“§ 1203. Bureau of Statistics and Plans: Responsibilities and**
2 **Authority.**

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

5 (a) Prepare Plan. To cause to be prepared, through the services
6 of a consortium of both public and private experts possessing diverse
7 planning experience and expertise, a *Guåhan* 2050 Sustainability Plan
8 (Plan), which shall provide short and long-range guidance (between
9 2020 and 2050) for the social, economic, infrastructure, supra structure,
10 and physical sustainable development of Guam, and which shall
11 contain a statement of sustainable development objectives, standards
12 and principles with respect to the most responsible use of land and
13 resources within Guam for residential, recreational, agricultural,
14 commercial, industrial, and other uses completely serviced by an access
15 and circulation network and infrastructure consistent with proper
16 protection and accountability to enhance the quality of the environment
17 and preserve Guam’s natural beauty and historical heritage.

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

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

25 (d) Rules. To adopt any necessary rules or regulations in
26 accordance with the Administrative Adjudication Law and to exercise

1 all other powers necessary and proper for the discharge of its
2 responsibilities.

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

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

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

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

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

21 **“§ 1206. Plan Adoption.**

22 Within ten (10) calendar days of approval by the Governor, the Plan or
23 any of its elements shall be submitted to the Legislature for adoption. The
24 Legislature shall review and approve or disapprove the Plan or any of its
25 elements within one hundred eighty (180) calendar days of its receipt. In the
26 event of failure by the Legislature to act within such one hundred eighty (180)

1 calendar day period, the Plan or any of its elements so submitted shall be
2 deemed approved.”

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

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

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

10 **“§ 1210. Content of the Plan.**

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

16 (a) Land Use. A land-use element together with the
17 appropriate zoning recommendations supporting distribution, location
18 and the extent of uses of land for housing, business, industry,
19 agriculture, recreation, education, public buildings, open space,
20 conservation and other categories of public and private uses of land,
21 which include islands, reef and lagoon areas, and the sea within the
22 territorial waters, inclusive of a statement of the standards of population
23 and building density and building intensity for the various districts and
24 other areas covered by the Plan, and regulatory criteria governing the
25 use, development and subdivision of land.

26 (b) Community Design. A community design element
27 consisting of standards and principles governing the subdivision and

1 development of land and showing recommended designs for
2 community and neighborhood development and redevelopment,
3 including sites for schools, parks, playgrounds, and other community
4 uses.

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

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

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

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

26 (g) Public Buildings. A public buildings element identifying
27 locations and arrangement of civic and community centers, public

1 schools, libraries, police and fire stations, and other public buildings,
2 including their architecture and the landscape treatment of their
3 grounds.

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

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

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

18 (1) reclamation or restoration of land and waters;

19 (2) floodplain management and flood control;

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

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

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

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

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

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

- 7 (1) natural reservations;
- 8 (2) parks;
- 9 (3) parkways;
- 10 (4) beaches;
- 11 (5) reefs and lagoons;
- 12 (6) playgrounds;
- 13 (7) historic and archaeological sites;
- 14 (8) scenic and historic trails; and
- 15 (9) other recreation areas.

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

22 (m) Tourism. A visitor industry element which will establish
23 cooperation and coordination between the public and private sectors to
24 provide for a shared vision and steady and regulated growth within the
25 visitor industry, while developing the industry in a manner that will
26 continue to provide new business and job opportunities and steady
27 employment for the people of Guam, and which will enable Guam's

1 people to obtain job training and education geared for upward job
2 mobility within the industry; and this element shall support the
3 *CHamoru* culture and cultural programs, as well as other community
4 programs which contribute to enhancing Guam as a visitor destination.

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

20 (o) Capital Improvements. A short and long-range capital
21 improvements program and projects to be derived from public and
22 private input and compiled from schedules of proposed capital
23 improvements submitted to the Bureau of Statistics and Plans by each
24 department, agency, division, board, commission, branch, and
25 instrumentality of the government of Guam; and which shall provide
26 recommendations and identify programs for the sustainable
27 development of the island's port, highway, communication, and public

1 transportation facilities, including, but not limited to, institutions of
2 higher learning, health and welfare facilities, correctional institutions,
3 elementary and secondary schools, electric power, water,
4 telecommunications, sewer, solid waste, and other utility facilities.

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

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

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

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

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

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

6 **“§ 1211. Plan Implementation and Financing.**

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

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

15 (c) Upon approval by action or inaction of *I Liheslatura*, each
16 governmental entity shall submit an annual report, inclusive of an executive
17 summary, to the Office of Public Accountability (OPA) no later than January
18 30 of each year on its progress in achieving the objectives and goals as set out
19 in the Plan. The OPA shall submit a compilation of the reports to *I Liheslatura*
20 and publish the compiled report on its website no later than March 30 of each
21 year.”

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

24 **“§ 1214. Coordination of Effort.**

25 Any existing committee, commission, task force or body mandated to
26 engage in planning for Guam, or for particular areas or jurisdictions within
27 Guam, shall seek to ensure that such planning efforts are provided the

1 appropriate financial, human, technical and support resources necessary to
2 accomplish any mandates or requirements of law relative to development
3 planning; provided, however, that such planning efforts are compliant and in
4 accordance with the *Guåhan* 2050 Sustainability Plan.

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

10 **Section 9.** Unless otherwise indicated in this Act, “Council” shall be
11 changed to “Bureau”; “Chairman” shall be changed to “Director”; “Comprehensive
12 Development Plan,” “Guam Comprehensive Development Plan,” “Guam’s
13 Comprehensive Development Plan,” and “Comprehensive Development Plan for
14 Guam” shall be changed to “*Guåhan* 2050 Sustainability Plan” in Article 2 of
15 Chapter 1, Title 5, Guam Code Annotated.

16 **Section 10. Submission of Strategic Plan.** *I Maga'hågan Guåhan* shall
17 submit to *I Liheslaturan Guåhan* a strategic plan for the development and
18 implementation of the *Guåhan* 2050 Sustainability Plan, as provided for in Section
19 3 of this Act, no later than sixty (60) calendar days from the enactment of this Act.