

ARTICLE 2
COMPREHENSIVE PLANNING

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2023 NOTE: In past publications, this article was entitled “Centralized Planning”; however, this manifest error has been corrected and the article reads “Comprehensive Planning” pursuant to P.L. 20-147 (Mar. 21, 1990).

References in §§ 1200, 1201, 1203, 1205, and 1207 were modified pursuant to P.L. 35-110:9 (Dec. 1, 2020), which stated:

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.

NOTE: This Chapter establishes the procedure for creating what has come to be known as the “*I Tano'-ta*” Land Use Plan.

§ 1200. Legislative Findings.

I Liheslatura recognizes that since the early 1960’s, Guam has experienced population, economic and physical growth rates that are among the highest in the region; that Guam and her people have benefitted greatly from all levels of socio-economic and physical development which has thus far taken place but it is the desire of the people of Guam to sustain and encourage the development of the island in a manner that would foster greater economic opportunities and stability for Guam without adversely affecting the cultural, environmental, social and natural resources unique to the island; that without careful study of the types and scale of socio-economic development anticipated for Guam and her residents, there will continue to be an absence of foresight, direction and guidance present in the current and future stages of development needed by Guam to sustain the desired standards and quality of living for its people; that to fully enjoy the benefits that can and would be derived from Guam’s limited human and natural resources, development in Guam

must be guided by *Guåhan* 2050 Sustainability Plan that reflects the desires and aspirations of all who are guided by it; that a process for formulating *Guåhan* 2050 Sustainability Plan shall be established which shall identify the roles, authorities, responsibilities and processes involved in the formulation of the plan;

That there is a pressing need to establish policies which reflect the people's aspirations with respect to the future development of Guam - policies which evolve from sound strategic planning initiatives; policies that take into account all diverse elements of community needs and desires; policies that would channel the deployment of resources to meet the following goals and objectives:

- (a) To upgrade the quality of life for Guam's people;
- (b) To create conditions and opportunities whereby people fully participate and benefit at every level of social and economic activity;
- (c) To maintain balance and equity between development and the environment in order to preserve the unique culture, traditions and beauty of the island;
- (d) To optimize the use of resources to meet present and future infrastructure and suprastructure requirements of the people of Guam;
- (e) To develop and maintain infrastructure capacity at a level that could sustain future population, socio-economic and physical growth.

SOURCE: GC § 62010 reenacted by P.L. 20-147:1 (Mar. 21, 1990). This entire Article was repealed and reenacted by P.L. 20-147:1 in the form of its prior Government Code Chapter II of Title LXV.

2025 NOTE: Reference to the "Legislature" replaced with *ILiheslatura* pursuant to 2 GCA § 1101.

2012 NOTE: In maintaining the general codification scheme of the GCA the Compiler changed the hierarchy of subsections beginning with "Numbers" to "Lowercase Letters" in this section.

§ 1201. Legislative Intent.

- (a) It is the intent of *ILiheslatura*:
 - (1) to integrate its policy-making efforts with public and private interests engaged in physical, social and economic development planning for the island;
 - (2) to establish a process and mechanism through which duly adopted policies of Guam are linked with all elements of governmental and non-governmental development planning and implementation activity, the island having experienced the ill-effects of fragmented and disjointed development efforts resulting from the absence of both an integrated planning process and [the] *Guåhan* 2050 Sustainability Plan that contain rational parameters for Guam's growth;
 - (3) that all planning efforts that occur in Guam, be they private or public, adhere and conform to the adopted policies, goals and objectives set forth in [the] *Guåhan* 2050 Sustainability Plan;
 - (4) to ensure that the people of Guam are not subjected to unbridled and unmanageable growth that would threaten the benefits, comforts and privileges to which each Guam resident is entitled; and
 - (5) that the formulation of the *Guåhan* 2050 Sustainability Plan serve to guide the island's growth and development up to and through the Twenty-First Century.

ILiheslatura wishes to collectively draw input, participation and expertise from all segments of the community in the effort to establish comprehensive planning for Guam and to solicit the services of development planning experts from both the public and private sectors.

- (b) In its desire to establish short-range and comprehensive long term development objectives for Guam, inclusive of but not limited to the areas of education, visitor industry, economic development,

community development, health, transportation, communication, public safety, agriculture, taxation, culture, labor and human resources, recreation, environment, and political development, *I Liheslatura* hereby establishes strategies for initiating comprehensive planning for Guam and the formulation of the *Guåhan* 2050 Sustainability Plan. These strategies shall be as follows:

- (1) To determine the extent that Guam's land, water and human resources limit urban and rural development;
- (2) To plan for the preservation of the natural charm and character of Guam within the framework of a growing population and modern technology;
- (3) To establish specified areas of use within urban, suburban, rural, agriculture, conservation, industrial, and resort contexts;
- (4) To provide a development pattern that enhances the comfort, convenience and economic welfare of the individual;
- (5) To prepare land-use capability criteria as a basis for real property evaluation that equalize the divergent qualities of location;
- (6) To reappraise the extent of public, private and Federal land tenure in Guam and provide guidelines for relocation of inefficient or inappropriate uses;
- (7) To plan for the development and extension of necessary infrastructure and transportation facilities;
- (8) To plan for a high quality environment essentially free from pollution and with adequate and well-kept open space throughout Guam's varying activity centers;
- (9) To prepare criteria of substandard neighborhoods and identify areas that meet these criteria;
- (10) To recommend creative legislation regulating Guam's use of land for the protection of future generations.

Nothing in this Chapter is intended to limit the scope of any element or the areas of concern cited herein. However, it is the intention of *I Liheslatura* to fully integrate all planning elements and concerns within a viable development planning mechanism.

SOURCE: GC § 62010 reenacted by P.L. 20-147 (Mar. 21, 1990).

2025 NOTE: Reference to the "Legislature" replaced with *I Liheslatura* pursuant to 2 GCA § 1101.

2012 NOTE: In maintaining the general codification scheme of the GCA the Compiler numbered subsections (a) and (b) and changed the hierarchy of subsections in subsections; (a) beginning with "Lowercase Roman Numerals" to "Numbers" and (b) beginning with "Lowercase Letters" to "Numbers" in this section.

§ 1202. Guam Planning Council.

[Repealed.]

SOURCE: GC § 62012 reenacted by P.L. 20-147 (Mar. 21, 1990). Subsection (f) added by P.L. 23-128:III:32 (Dec. 12, 1996). Renamed "Guam Planning Council" pursuant to 1 GCA § 420. Repealed by P.L. 26-076:22 (Mar. 12, 2002) which stated:

Repeal of GPC. All the powers, duties, responsibilities and jurisdiction of the former Guam Planning Council (GPC) are hereby transferred to the Bureau of Statistics and Plans. All records, equipment, documents and otherwise any physical property in the possession of the GPC shall be transferred to the custody of the Bureau of Statistics and Plans. Any funds of any nature under the control of the GPC shall be transferred to the control of the Bureau of Statistics and Plans.

2023 NOTE: To avoid confusion that might arise from publishing repealed provisions, the Compiler has removed the text of § 1202 from the GCA. Before its repeal, this provision read as follows, in its entirety:

- (a) Creation and Membership. There is created within the government of Guam a Guam Planning Council (the Council) of twelve (12) members consisting of the Director of Land Management, the Director of Planning, the Administrator of the Guam Economic Development Authority, the Director of Commerce, the General Manager of the Guam Visitors Bureau, one (1) member of the Mayors' Council to be nominated by the Mayors' Council and appointed by the Governor, three (3) members of the Legislature, including one (1) minority member, each to be nominated by the Speaker and appointed by the Governor with the advice and consent of the Legislature, one (1) member of the community at large appointed by the Governor with the advice and consent of the Legislature, and the Administrator of the Guam Environmental Protection Agency.
- (b) Chairperson. The Council shall select a Chairperson and Vice-Chairperson from among its members to preside over its affairs.
- (c) Executive Secretary. The Director of Planning shall be the Executive Secretary of the Council.
- (d) Procedures. The Council shall, pursuant to the Administrative Adjudication Law, adopt rules, procedures, and regulations to govern its meetings, hearings, business and affairs.
- (e) Fees. Members of the Council who are not public officials shall be compensated Fifty Dollars (\$50) per meeting not to exceed One Hundred Dollars (\$100) per month.
- (f) Upon the termination of the Council, the remaining funds as well as assets, copyrights, and any existing positions shall automatically be transferred to the Bureau of Statistics and Plans.

Past publications included the following Compiler annotations:

COMMENT: Since the powers, duties and responsibilities of the former Planning Council were transferred, not abolished, The Compiler has left those parts of this Article intact so that the Bureau of Plans and Statistics can refer here for its additional responsibilities.

AG OPINION: The Territorial Planning Council took over the functions of the old Central Planning Council created under the prior version of this Article. BOP 90-0628 (Jun.11, 1990).

§ 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, suprastructure, 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 *IMaga'håga/Maga'låhi* 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 *ILiheslatura*, 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 *IMaga'håga/Maga'låhi* no later than January 30 of each year a written report of the planning program and progress.

SOURCE: GC § 62013 reenacted by P.L. 20-147 (Mar. 21, 1990). Amended by P.L. 35-110:3 (Dec. 1, 2020).

2025 NOTE: References to the “Governor” replaced with *IMaga'håga/Maga'låhi* pursuant to 5 GCA § 1510. Reference to the “Legislature” replaced with *ILiheslatura* pursuant to 2 GCA § 1101.

2021 NOTE: This provision was formerly entitled “Council Responsibilities and Authority” and was renamed by P.L. 35-110:3 (Dec. 1, 2020).

§ 1203.1. Environmental Law Attorney for the Bureau of Statistics and Plans Coastal Management Program.

Notwithstanding any other provision of law, the Guam Coastal Management Program of the Bureau of Statistics and Plans is authorized to use its federal funds to hire an attorney for its exclusive use. The attorney shall be hired as a classified employee pursuant to the provisions of § 4103(g) and § 4103 (h) of Chapter 4, Title 4 Guam Code Annotated or to procure the services of an attorney pursuant to and in accordance with the Guam procurement process for professional services.

SOURCE: Added by P.L. 37-130:2 (Oct. 18, 2024). Amended by P.L. 38-015:2 (June 17, 2025).

§ 1204. Support and Coordination for Comprehensive Planning.

All agencies, departments, boards, commissions and other instrumentalities of the government of Guam shall review their present statutory authority, administrative regulations and current planning policies and procedures to determine whether there is any duplication, any deficiencies or inconsistencies therein which prohibit or tend to prohibit integration, coordination and compliance with respect to the purposes and provisions of this Chapter and shall thereafter propose to the Bureau at a date determined by the Bureau such measures as may be necessary to bring their planning authority functions and programs into conformity with the intent, purposes, and procedures set forth in this Chapter. All master plans, development plans, long-range plans, and the like prepared by public agencies shall be submitted to the Bureau for processing as part of the comprehensive planning program. Emphasis will be placed on the continuing nature of the comprehensive plan program rather than a final completion of a single plan. The Bureau may assign, with concurrence of the director or other head of the agency involved, planning staff or portions thereof of staff or line agencies who shall prepare portions of the plan under the supervision of the Bureau of Statistics and Plans.

SOURCE: GC § 62104 reenacted by P.L. 20-147 (Mar. 21, 1990).

2025 NOTE: Past publications referred to the “Bureau of Plans and Statistics”; this reference has been corrected by the Compiler pursuant to the authority of 1 GCA § 1606. The Bureau of Statistics and Plans was established by P.L. 26-076:31(a) (Mar. 12, 2002).

2021 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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,”

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“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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1205. Plan Review: Public Hearings.

The Plan or any of its elements prepared by the various public agencies or any private entity, shall be submitted to the Bureau for review. Within forty-five (45) days following receipt of any such element or elements by the Bureau, the Bureau shall hold one (1) or more public hearings thereon. Announcements of such hearings shall be printed in a newspaper of general circulation on Guam ten (10) days and one (1) day prior thereto. Summaries of the element or elements to be heard shall be prepared by the Bureau and submitted to appropriate news media.

2021 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1205.1. Plan Submission.

Within thirty (30) days after the hearing of the Plan or any of its elements, the Bureau shall submit to *IMaga'håga/Maga'låhi* its recommendation thereon including a summary of testimony at the hearing(s).

SOURCE: Added as GC § 62015.1 by P.L. 20-147 (Mar. 21, 1990).

2025 NOTE: Reference to the “Governor” replaced with *IMaga'håga/Maga'låhi* pursuant to 5 GCA § 1510.

2021 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1205.2. Cooperation of Other Departments.

Every department and agency of the government of Guam is hereby directed to render such assistance to the Bureau as the Bureau may require.

SOURCE: Added by GC § 62015.2 by P.L. 20-147 (Mar. 21, 1990).

2023 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1206. Plan Adoption.

Within ten (10) calendar days of approval by *IMaga'håga/Maga'låhi*, the Plan or any of its elements shall be submitted to *ILiheslatura* for adoption. *ILiheslatura* 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 *ILiheslatura* to act within such one hundred eighty (180) calendar day period, the Plan or any of its elements so submitted shall be deemed approved.

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SOURCE: GC § 62016 reenacted by P.L. 20-147 (Mar. 21, 1990). Amended by P.L. 35-110:4 (Dec. 1, 2020).

2025 NOTE: Reference to the “Governor” replaced with *I Maga'håga/Maga'låhi* pursuant to 5 GCA § 1510. References to the “Legislature” replaced with *Ilaheslatura* pursuant to 2 GCA § 1101.

§ 1207. Bureau of Statistics and Plans.

There is created within the Office of *I Maga'håga/Maga'låhi*, the Bureau of Plans and Statistics (the Bureau), which shall provide technical assistance, support and planning information to the Bureau and assist the Bureau in its effort to integrate and coordinate all levels of development planning throughout the government of Guam. The administrator of the Bureau, who shall be designated Director of Planning (the Director), shall be appointed by *I Maga'håga/Maga'låhi* with the consent of *Ilaheslatura*, and shall be a person who, as a result of training, experience and attainments, is exceptionally well-qualified to analyze and interpret development trends and information of all kinds, to appraise and coordinate planning programs and supervise the execution of the responsibilities of the Bureau in accordance with the policies set forth in this Chapter. The Director shall be responsible for the administration of this Chapter and shall supervise the staff of the Bureau which, in addition to its regular duties, shall serve the Bureau.

SOURCE: GC § 62017 reenacted by P.L. 20-147 (Mar. 21, 1990). Renamed pursuant to P.L. 26-076:31(a) (Mar. 12, 2002).

2025 NOTE: References to the “Governor” replaced with *I Maga'håga/Maga'låhi* pursuant to 5 GCA § 1510. Reference to the “Legislature” replaced with *Ilaheslatura* pursuant to 2 GCA § 1101. Past publications referred to the “Bureau of Plans and Statistics”; this reference has been corrected by the Compiler pursuant to the authority of 1 GCA § 1606.

2023 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1208. Same: Staff Organization.

The staff of the Bureau shall be organized into such divisions, sections, or units as are sufficient to appraise, coordinate and assist in the preparation of long-range planning programs for the social, economic, infrastructure, and suprastructure development of Guam. Expertise, either singly or collectively, should be evident in such areas as community facilities, conservation, cultural development, demography, economics, education, environment, finance, infrastructure, land utilization, natural resources, transportation, urban and rural design, utilities, and visitor industry. Preparation of planning elements not the duty and function of staff and line agencies, shall be the responsibility of the staff of the Bureau.

SOURCE: GC § 62018 reenacted by P.L. 20-147 (Mar. 21, 1990).

§ 1209. Powers of the Bureau.

In the execution of its responsibilities under this Chapter, the Bureau is authorized to perform the following functions:

(a) Grants. To apply for and accept grants, loans, contributions, appropriations and assistance from the Federal government and from any other sources, public or private, and enter into and carry out contracts or agreements in connection therewith, and include in any contract for financial assistance with the Federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this Chapter and the laws of Guam;

- (b) Contracts. To contract for any professional services if such work or services cannot satisfactorily be performed by its employees;
- (c) Studies. To conduct, or cause to be conducted, investigations, studies, surveys, research and analysis relating to physical, human, social, and economic development of Guam and to publish the results thereof;
- (d) Policies. To develop and recommend policies to foster and promote the improvement of planning activity and development quality;
- (e) Private Services. To utilize to the fullest extent possible, the services, facilities and information of public and private agencies and organizations and individuals in order that duplication of effort and expenses may be avoided;
- (f) Appraise Plans. To review, appraise and make such use as it sees fit of all existing plans, inclusive of the 1978 *Kabales Na Planu Para Guåhan*, and those presently being prepared;
- (g) Data Bank. To develop an information system and data bank for the continual collection and storage of public information needed or utilized in the development plan process; and
- (h) Annual Report. To report to *I Maga'håga/Maga'låhi* and *I Liheslatura* of its annual progress and of its fiscal year activities no later than January 30 of each year.
- (i) Statistics. To conduct research and to disseminate statistical findings relative to producing data needed for economic and social planning on Guam.
- (j) Agriculture Data Collection. The Bureau shall separate data collected relative to the types and amounts of all produce imported into Guam, and report such data on a quarterly and annual basis. Such data shall be posted on the Bureau's website and the Department of Agriculture's website, to include the poundage of each type of produce. The Bureau shall also collect data on a quarterly basis on all government procurement of local produce by the Department of Education, the Department of Youth Affairs, the Department of Corrections, the Guam Memorial Hospital Authority, Government House, and any other government agencies involved in such procurement. This data should be made available to the media. Copies of the posting in printed format shall be made available at the Department of Agriculture's offices. All departments and agencies that handle documents containing information on the data required to be collected and published herein shall cooperate with the Bureau to ensure the completion of the reports as required herein.

SOURCE: GC § 62019 reenacted by P.L. 20-147 (Mar. 21, 1990). Subsection (i) added by P.L. 26-076:31 (Mar. 12, 2002). Subsection (j) added by P.L. 33-093:2 (Nov. 9, 2015). Subsection (h) amended by P.L. 35-110:5 (Dec. 1, 2020).

2025 NOTE: Reference to the “Governor” replaced with *I Maga'håga/Maga'låhi* pursuant to 5 GCA § 1510. Reference to the “Legislature” replaced with *I Liheslatura* pursuant to 2 GCA § 1101. Reference to “territorial” in subsection (d) omitted pursuant to 1 GCA § 420.

§ 1209.1. Additional Duties of the Bureau.

The Bureau shall carry out the following duties in addition to the functions specified in § 1209 of this Chapter:

- (a) facilitate cooperation with the U.S. Bureau of the Census in collecting, compiling, analyzing, interpreting and disseminating information concerning demographics, agriculture, housing, manufacturing, businesses and government of Guam in such forms as to be most valuable to Guam's businesses and industries, and of other places; and to act as the principal receiver, depository and distributor of similar information provided by its national and international counterparts;

(b) assume lead agency functions for the South Pacific Commission and the Economic and Social Commission for Asia and the Pacific;

(c) conduct the census under the auspices of the U.S. Census Bureau;

(d) compile, collect, develop and publish quarterly scientific indices and economic indicators, including, but not limited to, economic growth, trade balances, exports and imports, consumer prices and other information relating to economic conditions;

(e) compile periodically a census of businesses and industries on Guam, and analyze and publish this information in such forms as to be most valuable to Guam's businesses and industries; and

(f) in the event sufficient funds are not available to the Bureau, to publish all of the material required by this Section; the information gathered shall be published, subject to the following priorities:

(1) consumer prices;

(2) exports and imports;

(3) trade balances; and

(4) all other information deemed essential to be published.

(g) Notwithstanding any other provision of law, all information, statistics, or data obtained pursuant to § 1209.1 (d) shall be held in full confidence and not subject to the open government law.

SOURCE: Added by P.L. 26-076:43 (Mar. 12, 2002). Subsection (g) added by P.L. 31-226:3 (June 15, 2012). Subsection (b)(1) added as uncodified law by P.L. 32-068:XII:23 (Sept. 11, 2013) and codified by the Compiler, stricken pursuant to P.L. 32-181:XIII:19 (Sept. 5, 2014).

2013 NOTE: Pursuant to the authority granted by 1 GCA § 1606, numbers and/or letters were added and/or altered to adhere to the Compiler's alpha-numeric scheme.

§ 1209.1.1. Guam Census Program.

(a) Program Operation and Funding. The Guam Census Program will be established by the Guam Bureau of Statistics and Plans. Funds from the U.S. Census Bureau will be used for the census operation, which includes staff salaries, overtime, office space, office equipment, office supplies, vehicle rental, travel, all forms of publicity, and all other related program costs.

(b) Bureau of Statistics and Plans Established Positions. The list of unclassified positions for the decennial census shall include:

(1) Local Census Office (LCO) Manager (Census)

(2) Assistant Manager for Administration (AMA) (Census)

(3) Assistant Manager for Office Operations (AMOO) (Census)

(4) Assistant Manager for Field Operations (AMFO) (Census)

(5) Partnership/Media Specialist (Census)

(6) Geographic Specialist (Census)

(7) Security Officer (Census)

(8) Administrative Assistant (Census)

(9) Access Controller (Census)

- (10) Office Operations Supervisor (OOS) (Census)
- (11) Field Operations Supervisor (FOS) (Census)
- (12) Group Quarters Operations Supervisor (GQOS) (Census)
- (13) Crew Leader (Census)
- (14) Crew Leader Assistants (Census)
- (15) Enumerator (Census)
- (16) Clerk (Census)
- (17) Interpreter (Census)

For future decennial censuses, as new position(s) are created, changed or deleted by the Bureau in support of the census operations and activities, the Program shall notify *Lihe slaturan Guåhan* of such changes for action. All Program positions shall include “(Census)” after each position title.

(c) **Unclassified Employment, Outside Employment of Government of Guam Employees and Retirees.** Persons recruited for the Program will be hired as unclassified employees. Individuals employed with the government of Guam must obtain approval for outside employment from their respective department or agency head prior to employment with the Program pursuant to Title 4, Chapter 4, Article 1, § 4105(d)(4) of the Guam Code Annotated, and such work shall not conflict with or negatively impact the individual’s regular employment responsibilities, nor shall the employee be authorized any sick, annual, administrative or other leave to perform such census work. Prior to the employment of any government of Guam employees, every effort must be exhausted to ensure that the general community is provided with the initial opportunity to participate and support the conduct of the Census activities. Government of Guam retirees may participate in the Program without loss or suspension of annuity.

(d) **Salaries and Benefits.** The Bureau of Statistics and Plans shall establish the salary of all Program employees. The Bureau will provide funding for workers’ compensation, FICA, and overtime (OT) pay as necessary to complete field work, re-interviews, field follow-ups, canvassing and other related Program operations. Employees of the Program shall be in the unclassified position. Management staff of the Program, including the Local Census Office Manager, Assistant Manager for Administration, Assistant Manager for Office Operations, Assistant Manager for Field Operations, Partnership/Media Specialist, Geographic Specialist, Security Officer, and the Administrative Assistant, shall be entitled to annual and sick leave, and medical and dental insurance. All other census employees will be excluded from such coverage and other benefits, to include salary increment.

(e) **Drug Screening, Police and Court Clearance Requirements.** Prior to the employment of any individual with the Program, the individual must undergo and pass a mandatory drug screening in which the initial testing will be paid for by the Program subject to availability of funds. In addition, selected individuals must provide to the Program the most recent police and court clearances (both valid for one (1) month only) which will also be paid for by the Program subject to availability of funds.

SOURCE: Added by P.L. 30-058:2 (Nov. 16, 2009).

2023 NOTE: Subitem designations added pursuant to the authority of 1 GCA § 1606.

§ 1209.2. Information as Confidential.

(a) The Director shall have the sole authority to approve the contents of reports or data and the timing or release of information by the Bureau.

(b) Neither the Director nor any other officer or employee of the Authority, or the Office of *IMAGA'HĀGA/MAGA'LĀHI* [THE GOVERNOR] may use the information furnished under the provisions of this Article for any purpose other than the statistical purposes for which it is supplied, or make any publication whereby the data furnished by any particular establishment or individual under this Article can be identified.

(c) Whoever, being the owner, official, agent, person in charge, or assistant person in charge, of any company, business, institution, establishment, or organization of any nature whatsoever, neglects or refuses, when requested by the Director or other authorized officer or employee of the Bureau to answer completely and correctly to the best of that person's knowledge all questions pertinent to the duties of the Authority set forth in § 1209.1 of this Title, and relating to that person's company, business, institution, establishment or other organization, or to records or statistics in that person's official custody, contained in any census or other schedule prepared and submitted to that person under authority of this Article, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned not more than sixty (60) days, or both; and if that person willfully gives a false answer to any such question, that person shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than one (1) year, or both.

(d) Whoever, being an officer or an employee of the Bureau, publishes or communicates, without the written authority of the Director, any information coming into that person's possession by reason of that person's employment under the provisions of this Article shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than one (1) year, or both.

SOURCE: Added by P.L. 26-076:44 (Mar. 21, 2002).

§ 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.

SOURCE: GC § 62020 reenacted by P.L. 20-147 (Mar. 21, 1990). Amended by P.L. 35-110:6 (Dec. 1, 2020).

§ 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 *ILiheslatura*.

(c) Upon approval by action or inaction of *ILiheslatura*, 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 *ILiheslatura* and publish the compiled report on its website no later than March 30 of each year.

SOURCE: GC § 62021 added by P.L. 20-147 (Mar. 21, 1990). Amended by P.L. 35-110:7 (Dec. 1, 2020).

2025 NOTE: Reference to the "Legislature" replaced with *ILiheslatura* pursuant to 2 GCA § 1101.

§ 1212. Annual Budget.

The Director of the Bureau prepare and submit the Bureau's first annual fiscal year budget to *ILiheslatura* within ninety (90) calendar days of the enactment of this Chapter, and thereafter shall submit its annual budgets prior to the end of each fiscal year. Such budget shall contain a financial breakdown of personnel, administrative and all operating costs to be incurred by the Bureau in the performance of provisions set forth in this Chapter. Said personnel expenditures shall be applied to the full staffing requirements of the Bureau as submitted to *ILiheslatura* by the Bureau.

SOURCE: GC § 62022 added by P.L. 20-147 (Mar. 21, 1990).

2025 NOTE: Reference to the "Legislature" replaced with *ILiheslatura* pursuant to 2 GCA § 1101.

2021 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to "Council" have been changed to "Bureau" and references to "Chairman" have been changed to "Director."

§ 1213. Master Plan Proposals.

The Bureau shall proceed to develop proposals consisting of a scope of work and cost estimates for all elements of the Plan. The Bureau shall incorporate in its annual budget submission to *ILiheslatura* the amount of financial resources needed to facilitate the objectives of this Chapter.

5 GCA GOVERNMENT OPERATIONS
CH. 1 OFFICE OF *IMAGA'HĀGA/MAGA'LĀHI* [THE GOVERNOR]

SOURCE: GC § 62023 added by P.L. 20-147 (Mar. 21, 1990).

2025 NOTE: Reference to the “Legislature” replaced with *Lihiestatura* pursuant to 2 GCA § 1101.

2021 NOTE: P.L. 35-110:9 (Dec. 1, 2020) stated:

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.

Pursuant to this provision, references in this section to “Council” have been changed to “Bureau.”

§ 1214. Coordination of Effort.

(a) 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.

(b) 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.

SOURCE: GC § 62014 added by P.L. 20-147 (Mar. 21, 1990). Amended by P.L. 35-110:8 (Dec. 1, 2020).

2023 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 1215. Severability.

If any provision of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application, and to this end, the provisions of this Chapter are severable.

SOURCE: GC § 62021 amended and renumbered by P.L. 20-147 (Mar. 21, 1990).

ARTICLE 3
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

- § 1301. Creation of Bureau of Budget and Management Research.
- § 1302. Duties and Responsibilities of the Bureau.
- § 1303. Management of Allotments.
- § 1303.1. Exemption from BBMR Allotment Release Control.
- § 1304. Audit Fees.

§ 1301. Creation of Bureau of Budget and Management Research.

There is within the Office of *IMaga'hågan/Maga'låhen Guåhan*, a Bureau of Budget and Management Research which shall be headed by a Director of Bureau of Budget and Management Research. The Director, Deputy Director and Private Secretary shall be members of the unclassified service of the government of Guam. All other positions in the Bureau of Budget and Management Research shall be in the classified service. The Director shall be appointed by *IMaga'håga/Maga'låhi* with the advice and consent of *Lihiestatura*.

SOURCE: GC § 5005 added by P.L. 12-115 (Mar. 28, 1974); amended by P.L. 15-027:1 (May 30, 1979).