



OFFICE OF THE GOVERNOR
GUAM

**Refer to
Legislative Secretary**

DEC 30 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:10 pm</u>
Date	<u>12-30-99</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 217 (COR), "AN ACT TO AMEND §§60502 AND 60517(c), TO REPEAL AND REENACT §§60517(f) AND 60518(c), AND TO DELETE §§60518(d), 60518(e) AND 60518(f), ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SURVEYING PRACTICES ON GUAM", previously vetoed by i Maga'lahaen Guåhan, the Governor, and subsequently overridden by i Liheslatura, the Legislature. This legislation is now designated as **Public Law No. 25-92.**

Very truly yours,

[Signature]
Madeleine Z. Bordallo
I Maga'Lahaen Guåhan, Åkto
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

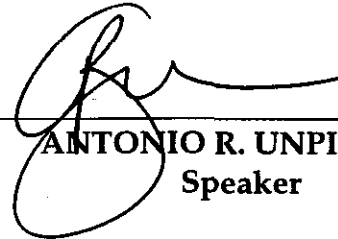
0-500

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 12-30-99
Time: 1:55
Rec'd by: [Signature]
Print Name: [Signature]
0525/99-0366

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 217 (COR), "AN ACT TO AMEND §§60502 AND 60517(c), TO REPEAL AND REENACT §§60517(f) AND 60518(c), AND TO DELETE §§60518(d), 60518(e) AND 60518(f), ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SURVEYING PRACTICES ON GUAM," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 29th day of December, 1999, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of Twelve (12) members.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 29 day of December,
1999, at 10:55 o'clock P.M.



ALFRED F. MUENIS
Assistant Staff Officer
Maga'lahaen's Office

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

As substituted by the Committee
on Land, Agriculture, Military
Affairs and the Arts.

Introduced by:

M. G. Camacho
V. C. Pangelinan
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO AMEND §§60502 AND 60517(c), TO
REPEAL AND REENACT §§60517(f) AND 60518(c),
AND TO DELETE §§60518(d), 60518(e) AND 60518(f),
ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE SURVEYING PRACTICES ON
GUAM.**

1 **"Section 60502.** The Director shall be responsible for the carrying
2 out of the provisions of this Chapter and may appoint a Guam Chief
3 Surveyor, a Deputy Chief Surveyor and such additional personnel as is
4 necessary for the administration thereof. In addition, the Director shall
5 have the authority to contract with private professional land surveyors
6 for surveying services under such terms and conditions as *I Maga'lahen*
7 *Guåhan* may approve; provided, however, any such surveyor shall be
8 either: (a) registered by the Guam Board of Engineering Architectural
9 Examiners under the Professional Engineers, Architects and Land
10 Surveyors Law, Title XLIII, Government Code of Guam, and holds a
11 current certificate of registration issued by the Board covering the
12 contract period, *or* (b) a surveyor exempted from registration under the
13 Professional Engineers Architects and Land Surveyors Law. The
14 Director of Land Management in conjunction with the Civil Service
15 Commission shall take the necessary steps required to upgrade the
16 salary level of the Surveyor's series of positions to those of the
17 Engineer's series, including the creation of a classified position of
18 Deputy Chief Surveyor."

19 **Section 3.** Section 60517(c) of Article 5, Chapter 60 of Title 21 of the
20 Guam Code Annotated is hereby *amended* to read as follows:

21 "(c) When performing surveys of land boundaries in a
22 proclaimed survey area, surveyors shall connect their surveys to three
23 (3) of the 1993 Guam Geodetic Network marks. It shall *not* matter if the
24 tie marks are *not* the nearest to the property surveyed; provided,

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910



December 29, 1999

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 217(COR), 289(COR), 305(COR), 244(LS), 348(LS) and Bill No. 303(COR) which were overridden by *I Mina'Bente Singko Na Liheslaturan Guåhan* on December 29, 1999, notwithstanding your veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne M.S. Brown", written over a horizontal line.

JOANNE M.S. BROWN
Senator and Legislative Secretary

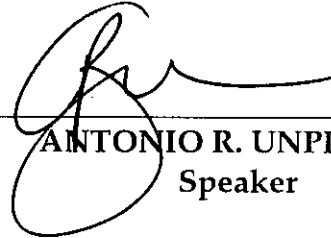
Enclosure (6)

December 29, 1999
JOANNE M.S. BROWN

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

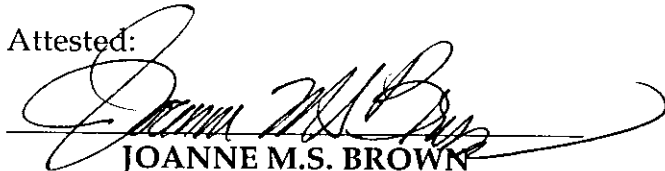
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

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ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 29 day of December,
1999, at 10:55 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

As substituted by the Committee
on Land, Agriculture, Military
Affairs and the Arts.

Introduced by:

M. G. Camacho
V. C. Pangelinan
L. F. Kasperbauer
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AND TO DELETE §§60518(d), 60518(e) AND 60518(f),
ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE SURVEYING PRACTICES ON
GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Bente Singko Na*

3 *Liheslaturan Guåhan* finds that since the Government of South Australia
4 completed its consultation services to the Island-wide 1993 Guam Geodetic
5 Network Project, the Department of Land Management ("DLM") proceeded
6 under the mandate provided for by §60518(c) of Article 5 of Title 21 of the
7 Guam Code Annotated in requiring the extension of the Geodetic System on
8 private land whose owners wish to subdivide their properties, entirely at their
9 own expense. At One Thousand Dollars (\$1,000.00) per monument, property
10 owners find this requirement economically burdensome and unaffordable in
11 meeting the required fees imposed by DLM. Any further efforts to continue
12 the extension system into the Guam private landowners properties will
13 continue to be an extreme economic burden to Guam landowners.

14 With these facts in mind, and for the best interest of the people of Guam,
15 it is the intent of *I Mina'Bente Singko Na Liheslaturan Guåhan* to amend the
16 existing statute and to prohibit DLM from further imposing on landowners
17 the extension of the 1993 Guam Geodetic Network within lands which owners
18 wish to subdivide.

19 *I Mina'Bente Singko Na Liheslaturan Guåhan* further finds that to improve
20 the delivery of public services, other provisions of the Uniform Triangulation
21 Systems Act shall be amended herein and added hereto.

22 **Section 2.** Section 60502 of Article 5, Chapter 60 of Title 21 of the Guam
23 Code Annotated is hereby *amended* to read as follows:

1 **"Section 60502.** The Director shall be responsible for the carrying
2 out of the provisions of this Chapter and may appoint a Guam Chief
3 Surveyor, a Deputy Chief Surveyor and such additional personnel as is
4 necessary for the administration thereof. In addition, the Director shall
5 have the authority to contract with private professional land surveyors
6 for surveying services under such terms and conditions as *I Maga'laha*
7 *Guahan* may approve; provided, however, any such surveyor shall be
8 either: (a) registered by the Guam Board of Engineering Architectural
9 Examiners under the Professional Engineers, Architects and Land
10 Surveyors Law, Title XLIII, Government Code of Guam, and holds a
11 current certificate of registration issued by the Board covering the
12 contract period, *or* (b) a surveyor exempted from registration under the
13 Professional Engineers Architects and Land Surveyors Law. The
14 Director of Land Management in conjunction with the Civil Service
15 Commission shall take the necessary steps required to upgrade the
16 salary level of the Surveyor's series of positions to those of the
17 Engineer's series, including the creation of a classified position of
18 Deputy Chief Surveyor."

19 **Section 3.** Section 60517(c) of Article 5, Chapter 60 of Title 21 of the
20 Guam Code Annotated is hereby *amended* to read as follows:

21 "(c) When performing surveys of land boundaries in a
22 proclaimed survey area, surveyors shall connect their surveys to three
23 (3) of the 1993 Guam Geodetic Network marks. It shall *not* matter if the
24 tie marks are *not* the nearest to the property surveyed; provided,

1 however, that the tie traverse survey must meet the standard of
2 accuracy required by the Department of Land Management."

3 **Section 4.** Section 60517(f) of Article 5, Chapter 60 of Title 21 of the
4 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

5 "(f) The Guam Chief Surveyor and his Cartographic Technicians
6 who edit preliminary map check prints submitted by surveyors must
7 complete their editing processes within a period *not to exceed* thirty-five
8 (35) calendar days from the time a surveyor makes the submission.
9 Upon completion of the editing process by two (2) Survey Technicians,
10 the edited check print(s) must be returned to the surveyor within the
11 said thirty-five (35) calendar days for the surveyor's action in addressing
12 comments made by the Division of Survey. Once the surveyor
13 addresses all comments and submits the original map for final approval
14 process within a period of *not more than* fifteen (15) calendar days from
15 the time a surveyor makes the submission. Therefore, between the
16 period of thirty-five (35) calendar days allowed for the Division of
17 Survey to complete its editing processes of the map check print(s), and
18 the fifteen (15) additional calendar days allowed for approving the final
19 map, the Division of Survey has a total of fifty (50) calendar days to
20 complete its work on any map submitted. Failure of the Territorial
21 Surveyor to disapprove in writing a survey plan submitted shall deem
22 such plan approved. The exception will be maps containing over fifty
23 (50) lots delineation which maps shall be given forty-five (45) calendar
24 days to be edited, and an additional fifteen (15) calendar days for
25 approval."

1 **Section 5.** Section 60518(c) of Article 5, Chapter 60 of Title 21 of the
2 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

3 "(c) The Guam Chief Surveyor or other officers of the
4 Department of Land Management, shall at it's discretion, install new
5 Guam Geodetic Network Monuments within properties that are to be
6 subdivided. The Department of Land Management is authorized to
7 charge a Map Processing fee for the processing of survey maps. The
8 fees collected shall be deposited separate and apart from the General
9 Fund. The fees collected shall be used to finance the installation of any
10 future Geodetic Network Monuments. The Director of Land
11 Management through the Administrative Adjudication Act (AAA) shall
12 promulgate an updated fee schedule to include the Map Processing
13 Fee."

14 **Section 6.** Sections 60518(d), 60518(e) and 60518(f) of Article 5, Chapter
15 60 of Title 21 of the Guam Code Annotated are hereby *repealed* in their
16 entirety.

17 **Section 7. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.

Overridden

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 12/29/99

VOTING SHEET

Vetoed
Bill No. 217

Resolution No. _____

Question: Notwithstanding the objection of the Governor...

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	<i>111</i>	<i>* ✓</i>			
BERMUDES, Eulogio C.					<i>EA</i>
BLAZ, Anthony C.				<i>✓</i>	<i>*** per</i>
BROWN, Joanne M.S.	<i>✓</i>				
CALVO, Eduardo B.	<i>✓</i>				
CAMACHO, Marcel G.	<i>✓</i>				
FORBES, Mark	<i>✓</i>				
KASPERBAUER, Lawrence F.	<i>✓</i>				
LAMORENA, Alberto C., V	<i>✓</i>				
LEON GUERRERO, Carlotta A.	<i>✓</i>				
MOYLAN, Kaleo Scott	<i>✓</i>				
PANGELINAN, Vicente C.	<i>✓</i>				
SALAS, John C.	<i>✓</i>				
SANCHEZ, Simon A., II	<i>✓</i>				
UNPINGCO, Antonio R.	<i>✓</i>				

TOTAL 12 1 0 10 12

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

NOV 26 1999

The Honorable Antonio R. Unpingco
Speaker
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	2:37pm
Date	11.26.99

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 11-26-99
Time: 10:00

Rec'd by:
Print Name:
DS 25/99-0353

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 217 (COR), "AN ACT TO AMEND §§60502 AND 60517(c), TO REPEAL AND REENACT §§60517(f) AND 60518(c), AND TO DELETE §§60518(d), 60518(e) AND 60518(f), ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SURVEYING PRACTICES ON GUAM", which I have vetoed.

At issue in this measure is the utilization of Guam Geodetic Network (GGN) monuments to ensure the integrity of subdivision maps. This is a serious concern given the island's sad history of flawed survey maps, land scams, and property disputes. Public policy in this regard should not be tinkered with unless serious thought is given for the consequences.

Under the current law, Land Management may require the installation of GGN monuments in new subdivisions in order to validate the accuracy of the subdivision maps and to protect the integrity of land cadastre. Some private surveyors have claimed that the installation of new GGN monuments is not necessary. They further object to the cost of these monuments which is born by the surveyors and the property owners. In reviewing the Committee Report on Bill No. 217 and the legislation itself, the Legislature gives the impression that it is seeking to resolve this disagreement. However, when one examines the provisions of the bill, it is clear that you and your colleagues did not really address the issue but merely sidestepped it.

Nothing in Bill No. 217 restricts the extension of GGN monuments into subdivisions. As matter of fact, Section 5 of the bill reinforces Land

00568

Management's authority by stating that: "The Guam Chief Surveyor or other officers of the Department of Land Management, shall at its discretion, install new Guam Geodetic Network Monuments within properties that are to be subdivided."

Nothing in the bill reduces the cost of the monuments to the public. Instead of being passed on to those owners of the subdivisions receiving the monuments, this cost is passed on to all property owners submitting subdivision maps through a new map processing fee. Consequently, even if no GGN monuments are being installed in their property, a property owner would still be tapped for the cost of new monuments.

In the end, the issue of the proper utilization of GGN monuments is left as unresolved as before. What is changed is the process by which survey maps are approved. Sections 3, 4, 5, and 6 of the bill provide several alterations to the present code that seem designed to undermine the existing protections against inaccurate survey maps. The required time frame for processing is shortened and surveyors' responsibility to use both new and existing GGN monuments is abridged and circumvented. Why the Legislature took this tortured approach to the GGN issue is not clear. The impression is created though that the Legislature was attempting to maintain the illusion that it was not tampering with protections against flawed survey maps and land scams when in fact that is exactly what they were doing. This is a dangerous and misleading approach in making public policy.

In taking exception to the Legislatures approach, I do not mean to imply that legitimate concerns have not been raised regarding the use of new GGN monuments. I also share the view that \$1,000 per monument is too high a fee for the monument installation. This is a particularly onerous burden for small property owners. I have therefore directed the Department of Land Management to accordingly reduce the fee to \$100 to minimize this burden.

In the final analysis, the specific issue of GGN utilization is largely a technical one and it should be addressed, not by politicians, but by those with the technical expertise in this field. Professionals who actually work in this area such as private surveyors, realtors and Land Management staff should be the ones asked to weigh these considerations of economy, accuracy, and technical feasibility. Valid points have been raised by both sides of this debate and they need to be addressed constructively. To facilitate this process, I am creating by Executive Order, a GGN Monument

Utilization Forum that would include both private and public sector professionals involved in this field. Their task would be to utilize their technical expertise to fully address the GGN issue and arrive at recommendations to govern the proper utilization of the GGN monuments. In this manner, I believe we can arrive at a sensible resolution of this issue that will address the concerns of the surveyors while maintaining the necessary protections for the accuracy of survey maps.

Additionally, I have taken note of Section 2 of the bill that authorizes the hiring of a Deputy Land Surveyor and the reclassification of other Land Management staff. There is an obvious irony in the Legislature authorizing new hiring and reclassifications while at the same time creating incentives for the reduction of Land Management Staff through early retirement and 6 month severance pay. Also, like a lot of mandates that you and your colleagues are producing nowadays this one had no funding either. In effect, you and your colleagues mandated new spending without any funding. These contradictions do not speak well of the Legislature's thoughtfulness in producing this measure.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
 original attached for vetoed bill

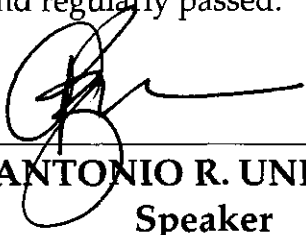
cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

00568


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

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ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 15th day of November, 1999,
at 9:35 o'clock 9 .M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

As substituted by the Committee
on Land, Agriculture, Military
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Introduced by:

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3 *Liheslaturan Guåhan* finds that since the Government of South Australia
4 completed its consultation services to the Island-wide 1993 Guam Geodetic
5 Network Project, the Department of Land Management ("DLM") proceeded
6 under the mandate provided for by §60518(c) of Article 5 of Title 21 of the
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8 private land whose owners wish to subdivide their properties, entirely at their
9 own expense. At One Thousand Dollars (\$1,000.00) per monument, property
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11 meeting the required fees imposed by DLM. Any further efforts to continue
12 the extension system into the Guam private landowners properties will
13 continue to be an extreme economic burden to Guam landowners.

14 With these facts in mind, and for the best interest of the people of Guam,
15 it is the intent of *I Mina'Bente Singko Na Liheslaturan Guåhan* to amend the
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17 the extension of the 1993 Guam Geodetic Network within lands which owners
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2 out of the provisions of this Chapter and may appoint a Guam Chief
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4 necessary for the administration thereof. In addition, the Director shall
5 have the authority to contract with private professional land surveyors
6 for surveying services under such terms and conditions as *I Maga'laha*
7 *Guåhan* may approve; provided, however, any such surveyor shall be
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9 Examiners under the Professional Engineers, Architects and Land
10 Surveyors Law, Title XLIII, Government Code of Guam, and holds a
11 current certificate of registration issued by the Board covering the
12 contract period, *or* (b) a surveyor exempted from registration under the
13 Professional Engineers Architects and Land Surveyors Law. The
14 Director of Land Management in conjunction with the Civil Service
15 Commission shall take the necessary steps required to upgrade the
16 salary level of the Surveyor's series of positions to those of the
17 Engineer's series, including the creation of a classified position of
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22 proclaimed survey area, surveyors shall connect their surveys to three
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24 tie marks are *not* the nearest to the property surveyed; provided,

1 however, that the tie traverse survey must meet the standard of
2 accuracy required by the Department of Land Management."

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9 Upon completion of the editing process by two (2) Survey Technicians,
10 the edited check print(s) must be returned to the surveyor within the
11 said thirty-five (35) calendar days for the surveyor's action in addressing
12 comments made by the Division of Survey. Once the surveyor
13 addresses all comments and submits the original map for final approval
14 process within a period of *not more than* fifteen (15) calendar days from
15 the time a surveyor makes the submission. Therefore, between the
16 period of thirty-five (35) calendar days allowed for the Division of
17 Survey to complete its editing processes of the map check print(s), and
18 the fifteen (15) additional calendar days allowed for approving the final
19 map, the Division of Survey has a total of fifty (50) calendar days to
20 complete its work on any map submitted. Failure of the Territorial
21 Surveyor to disapprove in writing a survey plan submitted shall deem
22 such plan approved. The exception will be maps containing over fifty
23 (50) lots delineation which maps shall be given forty-five (45) calendar
24 days to be edited, and an additional fifteen (15) calendar days for
25 approval."

1 **Section 5.** Section 60518(c) of Article 5, Chapter 60 of Title 21 of the
2 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

3 "(c) The Guam Chief Surveyor or other officers of the
4 Department of Land Management, shall at it's discretion, install new
5 Guam Geodetic Network Monuments within properties that are to be
6 subdivided. The Department of Land Management is authorized to
7 charge a Map Processing fee for the processing of survey maps. The
8 fees collected shall be deposited separate and apart from the General
9 Fund. The fees collected shall be used to finance the installation of any
10 future Geodetic Network Monuments. The Director of Land
11 Management through the Administrative Adjudication Act (AAA) shall
12 promulgate an updated fee schedule to include the Map Processing
13 Fee."

14 **Section 6.** Sections 60518(d), 60518(e) and 60518(f) of Article 5, Chapter
15 60 of Title 21 of the Guam Code Annotated are hereby *repealed* in their
16 entirety.

17 **Section 7. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

November 12, 1999

The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Bill Nos. 161(LS), 241(LS), 255(COR), 275(COR) and Substitute Bill Nos. ~~217~~(COR), 244(LS), 256(COR), 264(LS), 265(LS) and 349(LS) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on November 9, 1999.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne M.S. Brown".

JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (10)

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 217 (cof)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF PAGES 5
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By: ay/gp

Dated: 11/15/11

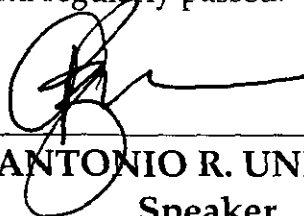
- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)

FILED by: Danny Robert or others


MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN


This is to certify that Substitute Bill No. 217 (COR) "AN ACT TO AMEND §§60502 AND 60517(c), TO REPEAL AND REENACT §§60517(f) AND 60518(c), AND TO DELETE §§60518(d), 60518(e) AND 60518(f), ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SURVEYING PRACTICES ON GUAM," was on the 9th day of November, 1999, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 15th day of November, 1999,
at 9:35 o'clock 9 .M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 217 (COR) "AN ACT TO AMEND §§60502 AND 60517(c), TO REPEAL AND REENACT §§60517(f) AND 60518(c), AND TO DELETE §§60518(d), 60518(e) AND 60518(f), ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE SURVEYING PRACTICES ON GUAM," was on the 9th day of November, 1999, duly and regularly passed.

ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 1999,
at _____ o'clock _____.M.

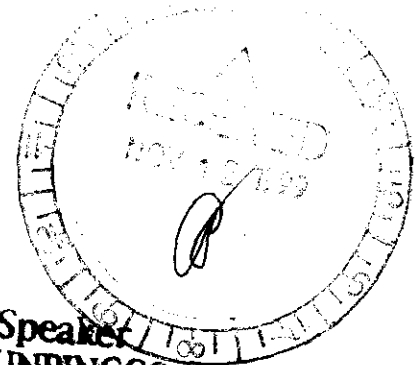
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____



Office of the Speaker
ANTONIO R. UNPINGCO
Date: 11/12/99
Time: 11:52 am
Received by: [Signature]
Name: Laurie

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

As substituted by the Committee
on Land, Agriculture, Military
Affairs and the Arts.

Introduced by:

M. G. Camacho
V. C. Pangelinan
L. F. Kasperbauer
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO AMEND §§60502 AND 60517(c), TO
REPEAL AND REENACT §§60517(f) AND 60518(c),
AND TO DELETE §§60518(d), 60518(e) AND 60518(f),
ALL OF ARTICLE 5, CHAPTER 60, DIVISION 2 OF
TITLE 21 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE SURVEYING PRACTICES ON
GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Bente Singko Na*
3 *Lihselaturan Guåhan* finds that since the Government of South Australia
4 completed its consultation services to the Island-wide 1993 Guam Geodetic
5 Network Project, the Department of Land Management ("DLM") proceeded
6 under the mandate provided for by §60518(c) of Article 5 of Title 21 of the
7 Guam Code Annotated in requiring the extension of the Geodetic System on
8 private land whose owners wish to subdivide their properties, entirely at their
9 own expense. At One Thousand Dollars (\$1,000.00) per monument, property
10 owners find this requirement economically burdensome and unaffordable in
11 meeting the required fees imposed by DLM. Any further efforts to continue
12 the extension system into the Guam private landowners properties will
13 continue to be an extreme economic burden to Guam landowners.

14 With these facts in mind, and for the best interest of the people of Guam,
15 it is the intent of *I Mina'Bente Singko Na Lihselaturan Guåhan* to amend the
16 existing statute and to prohibit DLM from further imposing on landowners
17 the extension of the 1993 Guam Geodetic Network within lands which owners
18 wish to subdivide.

19 *I Mina'Bente Singko Na Lihselaturan Guåhan* further finds that to improve
20 the delivery of public services, other provisions of the Uniform Triangulation
21 Systems Act shall be amended herein and added hereto.

22 **Section 2.** Section 60502 of Article 5, Chapter 60 of Title 21 of the Guam
23 Code Annotated is hereby *amended* to read as follows:

1 **"Section 60502.** The Director shall be responsible for the carrying
2 out of the provisions of this Chapter and may appoint a Guam Chief
3 Surveyor, a Deputy Chief Surveyor and such additional personnel as is
4 necessary for the administration thereof. In addition, the Director shall
5 have the authority to contract with private professional land surveyors
6 for surveying services under such terms and conditions as *I Maga'lahaen*
7 *Guåhan* may approve; provided, however, any such surveyor shall be
8 either: (a) registered by the Guam Board of Engineering Architectural
9 Examiners under the Professional Engineers, Architects and Land
10 Surveyors Law, Title XLIII, Government Code of Guam, and holds a
11 current certificate of registration issued by the Board covering the
12 contract period, *or* (b) a surveyor exempted from registration under the
13 Professional Engineers Architects and Land Surveyors Law. The
14 Director of Land Management in conjunction with the Civil Service
15 Commission shall take the necessary steps required to upgrade the
16 salary level of the Surveyor's series of positions to those of the
17 Engineer's series, including the creation of a classified position of
18 Deputy Chief Surveyor."

19 **Section 3.** Section 60517(c) of Article 5, Chapter 60 of Title 21 of the
20 Guam Code Annotated is hereby *amended* to read as follows:

21 "(c) When performing surveys of land boundaries in a
22 proclaimed survey area, surveyors shall connect their surveys to three
23 (3) of the 1993 Guam Geodetic Network marks. It shall *not* matter if the
24 tie marks are *not* the nearest to the property surveyed; provided,

1 however, that the tie traverse survey must meet the standard of
2 accuracy required by the Department of Land Management."

3 **Section 4.** Section 60517(f) of Article 5, Chapter 60 of Title 21 of the
4 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

5 "(f) The Guam Chief Surveyor and his Cartographic Technicians
6 who edit preliminary map check prints submitted by surveyors must
7 complete their editing processes within a period *not to exceed* thirty-five
8 (35) calendar days from the time a surveyor makes the submission.
9 Upon completion of the editing process by two (2) Survey Technicians,
10 the edited check print(s) must be returned to the surveyor within the
11 said thirty-five (35) calendar days for the surveyor's action in addressing
12 comments made by the Division of Survey. Once the surveyor
13 addresses all comments and submits the original map for final approval
14 process within a period of *not more than* fifteen (15) calendar days from
15 the time a surveyor makes the submission. Therefore, between the
16 period of thirty-five (35) calendar days allowed for the Division of
17 Survey to complete its editing processes of the map check print(s), and
18 the fifteen (15) additional calendar days allowed for approving the final
19 map, the Division of Survey has a total of fifty (50) calendar days to
20 complete its work on any map submitted. Failure of the Territorial
21 Surveyor to disapprove in writing a survey plan submitted shall deem
22 such plan approved. The exception will be maps containing over fifty
23 (50) lots delineation which maps shall be given forty-five (45) calendar
24 days to be edited, and an additional fifteen (15) calendar days for
25 approval."

1 **Section 5.** Section 60518(c) of Article 5, Chapter 60 of Title 21 of the
2 Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

3 "(c) The Guam Chief Surveyor or other officers of the
4 Department of Land Management, shall at it's discretion, install new
5 Guam Geodetic Network Monuments within properties that are to be
6 subdivided. The Department of Land Management is authorized to
7 charge a Map Processing fee for the processing of survey maps. The
8 fees collected shall be deposited separate and apart from the General
9 Fund. The fees collected shall be used to finance the installation of any
10 future Geodetic Network Monuments. The Director of Land
11 Management through the Administrative Adjudication Act (AAA) shall
12 promulgate an updated fee schedule to include the Map Processing
13 Fee."

14 **Section 6.** Sections 60518(d), 60518(e) and 60518(f) of Article 5, Chapter
15 60 of Title 21 of the Guam Code Annotated are hereby *repealed* in their
16 entirety.

17 **Section 7. Severability.** *If* any provision of this Law or its
18 application to any person or circumstance is found to be invalid or contrary to
19 law, such invalidity shall *not* affect other provisions or applications of this
20 Law which can be given effect without the invalid provisions or application,
21 and to this end the provisions of this Law are severable.

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/9/99

VOTING SHEET

5 Bill No. 217(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	11	✓			
BLAZ, Anthony C.	1	✓			
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.					EA ✓
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.					EA ✓
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

12 1 _____ _____ 2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

FILE

August 11, 1999

(DATE)

COPY

Memorandum

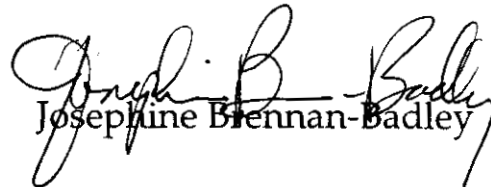
To: Senator MARCEL G. CAMACHO

From: Clerk of the Legislature

Subject: Report on Bill No. 217(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 217(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

RECEIVED
CLERK OF LEGISLATURE
DATE Aug 12 1999
BY [Signature]



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

August 10, 1999

The Honorable Antonio Unpingco, Speaker
I Mina' Bente Singko na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following: **BILL NO. 217(COR): "AN ACT TO CHANGE SECTIONS OF TITLE 21, DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE SURVEYING PRACTICES ON GUAM."** *As substituted by the Committee*, wishes to report back to the Legislature its recommendation **TO DO PASS.**

Committee Voting Record:

To do pass: 5

Not to pass:

Abstain:

A copy of the Committee Report is attached for your consideration.

Sincerely yours,

MARCEL G. CAMACHO
Chairman



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

August 10, 1999

MEMORANDUM

TO: Members,
Committee on Land, Agriculture, Military Affairs and the Arts

FR: Chairman

**RE: BILL NO. 217(COR): "AN ACT TO CHANGE SECTIONS OF
TITLE 21, DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE GUAM
CODE ANNOTATED RELATIVE TO THE SURVEYING
PRACTICES ON GUAM." *As substituted by the Committee***

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report of **Bill No. 217(COR)**, *as substituted by the Committee.* (see attached)

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

MARCEL G. CAMACHO
Chairman

Attachments

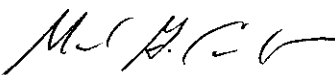

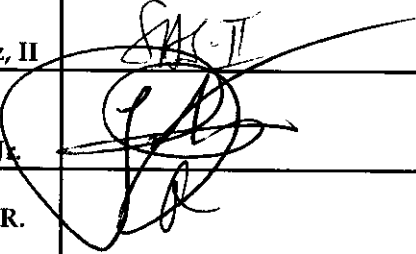
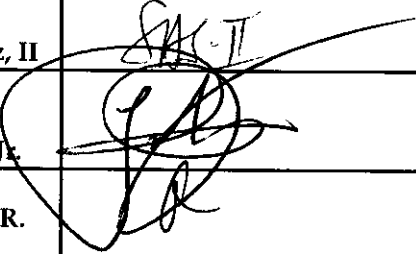
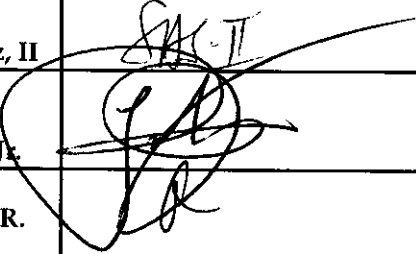
**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS
and the ARTS**

**I Mina'Benta Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legisture**

VOTING SHEET

August 11, 1999

RE: BILL NO. 217(COR): "AN ACT TO CHANGE SECTIONS OF TITLE 21, DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE SURVEYING PRACTICES ON GUAM." *As substituted by the Committee*

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Sen. Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kaperbauer, Vice-Chair		✓			
Senator Joanne M.S. Brown					
Senator Eduardo B. Calvo					
Senator Kaleo S. Moylan					
Senator Simon A. Sanchez, II		✓	/		
Senator Frank B. Aguon, Jr.		✓	/		
Speaker Antonio "Tony" R. Unpingco, ex. officio		✓	/		

Committee on Land, Agriculture, Military Affairs & the Arts
Senator Marcel G. Camacho, Chairperson

Committee Report
June 10, 1999

The Committee on Land, Agriculture, Military Affairs & the Arts held a public hearing on June 10, 1999 at Public Hearing Room in the Legislative Building.

BILL NO. 217(COR) AN ACT TO CHANGE SECTIONS OF TITLE 21, DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE SURVEYING PRACTICES ON GUAM.

Present for the hearing were Senators Joanne M.S. Brown and Lawrence F. Kasperbauer.

Testimony Submitted by:

Mr. Anthony Bew, Sagric, Int'l.	(Written)
Frank L.G. Castro	(Written/Oral)
Dennis Balagtas	(Written/Oral)
Felix Perez	(Oral)
Ricardo G. Salas	(Oral)
Tom Condon	(Oral)
Ray Cruz	(Oral)
Nicanor B. Carino, DLM	(Written/Oral)
Carl Aguon, Director of DLM	(Written/Oral)
Mr. Prudencio Balagtas	(Written)

Summary of Testimonies:

Mr. Castro: Read his testimony (please see attached)

Mr. Balagtas: Read his testimony (please see attached). In addition to my written testimony I would like to ask the senators to note, we surveyors are the primary users of this network, we are the ones going out there every day using it and we do not want any more markers. That is the one fact that DLM cannot argue, because we are expert measurers, we are professionals and we are very knowledgeable in our jobs and we do not believe that anymore are needed.

Mr. Salas: I am in agreement with Bill 217. What ever these two gentlemen have said to you is honest to goodness truth, there are many problems with DLM. I have only one thing to say, when Carino at one time was off Mr. Castro, as the Director, signed my map, but he also was a registered land surveyor here on Guam. Have you ever gone in there and see how they are, they read the paper after 8 o'clock, they drink coffee, they do not do most of their work, you check on Mr. Carino himself most of the time he is out for lunch or having coffee. We do not need any more personnel in that Department, there are too many of them now, we use to have 13,000 employees now it's over 16,000. The tax payers of Guam cannot afford them anymore. That is my only point if they really want somebody to sign maps in there, get somebody who is a registered land surveyor and makes him the Director or the Deputy does not hire someone who is not qualified. I always thought that the Director of DLM

could sign the maps and approve the maps by law if the territorial land surveyor is not there.

Sen. Camacho: Thank you Mr. Salas I think your point is well taken. We need more than one person within DLM to be able to sign off on survey maps when they are submitted. In the case where the Director or the Chief Surveyor is on vacation or is not available, the whole process stops and the surveyors are waiting for DLM to review the maps and to have them approved and if the process stops it means that there is a delay in the approval of the maps and a delay in getting the property surveyed and the whole construction process moving forward, so the people can get on to their land and it just adds to the cost, so I take your point very seriously and I will look into trying to add to DLM a second position, I know that we have eliminated all vacant positions, we may have to go back and look at reinstating one position that allows for a Deputy Chief Surveyor. As far as the number of markers it has been established that we have about 3000 GGN markers on island now and what we are hearing from the survey community is that number is more than adequate. There's a question whether the properties on the southern end of the island or the markers on the southern end of the island need to be densified because there are not as many in the south, most of the markers have been placed in the central and the north, so I'd like to bring up DLM after we hear the testimony from the private sector surveyors and ask them to answer these questions, whether they feel that we need to continue establishing more markers in the south. But what I am hearing here today is that it does not matter the number of markers we have because the network is already established and that we have the ability to tie into those markers within a distance of two and a half miles and the degree of accuracy, even at that distance, would only be off a few centimeters or an inch and the question comes in, is this thousand dollar charge for the addition of GGN markers really worth it, what does the property owner get, what value is it to the property owner, he gets a marker on the ground but he does not use the marker, the surveyors use it, surveyors are saying that they really do not need it, so we need to look very closely at trying to determine why DLM is insisting that the GGN continue to be added to. One question that comes to mind, is not everybody who is in the survey community uses the satellite technology, I think there are three companies that have the equipment, those that do not have the equipment are they relying on the traditional surveying practices ?

Mr. Balagtas: Yes, those that do not have the GPS are using the surveying instrument called a Total Station, which is surveying by light. They shoot a light beam and they get the distance that way. It has a range of about a mile but it is still very accurate, you can still perform very complex calculations with it and even in the south it gets kind of rough using that instrument but you can still do it.

Sen. Camacho: Does the terrain effect the ability to accurately record GPS type data and if that is a factor do they then go to Total Station calculations?

Mr. Balagtas: Yes, only the most mountainous but there are ways around it. We have found out that a lot of surveyors use a combination of both GPS and Total Stations, if they have GPS, they do have Total Stations and they use them in conjunction and what happens is it increases the usability so that in those areas where GPS is a little difficult to use they just supplement it, they do what they can with GPS and then they use the Total Station and that is still very accurate.

Sen. Camacho: Are there any other examples of excessive requirements by DLM, this one incident of descendent subdivision that Mr. Castro spoke about in his testimony, subdividing a piece of property into five lots so that you can pass it on to your children and requirement for five GGN markers, that's a thousand dollars per child.

Mr. Balagtas: In the small subdivisions they have required the installation of GGN's. We had this lot subdivided into four and they required a GGN where there was an existing GGN about three hundred feet away, for a surveyor to go 300 ft is not too great a distance. I cannot testify to this personally but other surveyors have told me that they have had GGN installed when one was six meters away and one was 75 meters away, so that's about two hundred feet away and that is excessive.

Sen. Camacho: Who installs the GGN markers, is it only DLM?

Mr. Balagtas: What happens is we have a choice, we can either pay the thousand dollars and DLM will install it themselves, it use to be two thousand dollars but they lowered it down and the alternative is about \$500.00 and we surveyors install it ourselves and what we have tried to do is that sometimes we know our clients cannot afford it so we eat up the cost ourselves.

Sen. Camacho: So the private surveyors have the option of installing it themselves at a cost of maybe \$500 dollars verses DLM at \$1000 dollars and it's only the three companies that have the GPS equipment that can install the GGN markers ?

Mr. Balagtas: No, all surveyors can install the GGN markers. But because DLM does not wish to use our calculations, they send their own GPS crew, so even if you pay \$500 dollars, that \$500 dollars is suppose to pay for them to go out there and observe that GGN monuments.

Sen. Kasperbauer: I have been reviewing the bill and reviewing the testimony the last few days and almost sound like ESPN and SPN we got GPS and GGN. You mentioned that states like Oregon and Nevada and a few others have only a little over a hundred or less than a hundred of these GPS's, where we have 3000 and yet we are so much smaller and they are so much larger and I get the feeling that, that's because maybe only three surveyors have the ability to use the satellite mechanism locating the positions, whereas in the states perhaps they have gone more high-tech to survive in the business.

Mr. Balagtas: Well in the states they have the option of renting where we do not have the option of renting GPS here, but a lot of the GGN stations were the old GGTN monuments and they kept those and what has happened is that they are requiring more, even the states uses the same technology as we do and not everybody in the states has GPS it is more accessible over there, you can rent it out, but not everybody has it and considering three out of eighteen is about the ratio in the states it's about what you will expect to find in the states.

Sen. Kasperbauer: It seems one of the major focuses here is the one thousand dollars, what if DLM had to pay for that, what will your feeling be then, instead of passing it on to the individual land owner since any surveyor can use those points, shouldn't that be a cost of GovGuam? How do they do it in the

states? How would that change the argument today if say the government had to pay for those?

Mr. Balagtas: It's an appropriation, it's not paid for by private citizens. My opinion is the government does not need anymore, but if they want to install I think that they should pay for them. If they want to do it that's fine we have no control over that, if they feel it is necessary we do not have any control over that.

Sen. Kasperbauer: Once they are in they can be used obviously for anybody else within so many miles of that location? But yet we are making that person who wants to subdivide the land for the family to pay for that.

Mr. Balagtas: Yes, we can. I believe in the newspapers a while back I think this family they were at the end of the road and they were required to pay \$10,000 for a GPA powerpole, and what happens is they will pay for it, GPA will install it but everybody else will access it, so its as they are bearing the brunt of the cost. It's a similar situation everybody else around them will get to use it, enjoy the benefits of it, but at the same time they will have to pay for it.

Sen. Kasperbauer: The business of time limits as specified in section four, you folks seem to feel that's adequate time, forty-five days. How many maps are signed off on in a year would you say, would you know?

Mr. Balagtas: About 400 to 500 maps are actually approved a year.

Sen. Kasperbauer: So an average of one and a half a day. You know it is interesting the Governor has only ten days to sign all those bills we have passed which is more than twenty or thirty a session. What I sense from the three of you and your testimony is that maybe we're in a time, when we could be using this technology that's out there and maybe we don't need so many of these GGN's

Mr. Balagtas: More surveying companies are looking at using and getting GPS equipment and that's something that we have to look at because in the old 1963 system where you had 2400 monuments on Guam that was adequate because all you had to measure with is measuring tape and using that method and if you were off by five feet you were fined, but here in surveying if we are off by an inch we start looking for problems and it is reasonable that within five years most surveyors on Guam will have GPS.

Sen. Kasperbauer: Yes, and that's something within the bill, because it only prevents private land owners from paying for it not the government of Guam.

Sen. Brown: This does not seem like a very complicated change to the legislation or the law that was previously in place, I am assuming that at the time the requirement was passed in the 23rd Legislature there was a general understanding of how surveys were going to be conducted. I have had the experience Mr. Salas, of working with DLM and I am well aware of the problems that exist there and the desire and the need to insure accuracy on property maps. It makes a lot of sense as to why this is in place but perhaps maybe at the time the legislation was done Mr. Chair in the 23rd the requirement was a bit excessive, so it seems minor for us to have to go back now and just amend that. If we feel that there are more than adequate

markers and the technology will continue to change, we're not dealing anymore with taking our tape and going down so far and measuring, then moving down again now the technology is there to be able to do as accurately or more accurately than it use to be done. So I do not think this bill is very complicated in what it intends to do. I appreciate the testimony certainly of you Mr. Castro with your years of experience, you probably are the senior most experienced land surveyor on Guam and your testimony and even for the south that perhaps you feel that they are adequate GGN markers in place to be able to accommodate surveying down there, I certainly appreciate your testimony I think because of your experience and our confidence in you, that we will accept that, so Mr. Chairman I don't think its a complicated issue in going back and doing this, I understand the problems in hearing the testimony that the cost involved and its difficult enough in constructing a home and all the cost that go in to that.

Mr. Castro: Just a point of clarification, I do not want people to be misled by what Mr. Salas said. The Director of DLM has the authority to appoint a territorial surveyor, he is the one that appoints the territorial surveyor, the Director of DLM appoints the chief planner as well, in the absence of the territorial surveyor the Director can appoint himself as acting territorial surveyor provided that he is a registered land surveyor and that is the reason why I signed Mr. Salas map in Carino's absence and many other maps because I don't want anything to be held back because the territorial surveyor is not on board and as a registered land surveyor and as the person who has the authority to appoint myself as acting territorial surveyor I did it, I just want to clarify that so that no one here will get the impression, that maybe because Frank and Ricky are friends he signs his map. I just wanted to make that clarification.

Mr. Condon: I am a registered surveyor on Guam, I am also registered in the state of Nevada. I have used GPS in the field for approximately ten years, I started out working for the Bureau of Land Management in Nevada and California surveying public lands. It has all been said by Dennis that, this island has an extensive network of control points and it has been mentioned several times that it's over done and even in the south where the monuments are not as evenly spaced as they are up north or centrally. Its nothing for a GPS receiver to go miles between points. The nearest GGN maybe two miles away, the property that you survey you can use that monument and get an accurate position of the corners of the survey, two miles away, you do not need a GGN anywhere nearby. There is also the question of technology, we were talking about only three companies on the island have GPS at the moment, but the price has dropped dramatically, our company paid almost a \$100,000 dollars four years ago for a three unit setup and now I just got a flyer in the mail \$9,900 dollars for two units. Mr. Doyle recommended fifty monuments spaced fifteen kilometers apart. If the technology is there we can jump from place to place and get a more accurate survey.

Mr. Cruz: I am here in support of the bill. Read his testimony (please see attached).

Mr. Perez: I am just here to show my support on Bill 217 and I agree with this bill and the previous speakers. We have already too much of this on the island. I have already spent about \$6,000 dollars on three pieces of properties that I have surveyed. On one piece of property that I am going to be surveying again, what happened is that we surveyed it into seven pieces, now I am

going to further subdivide one lot there into seven pieces and my understanding is that if I go down to seven more lots on that one piece of property I am going to require to put more GGN and in this particular piece of land that we have there is about eight GGN right on all the boundaries of our land and I have argued with Land Management about this. It originally started they want three and I got it down to two on this one lot and we have more property that I have to survey and I am holding back because of a financial burden and this is why I am here to support, that I feel that we should discontinue these requirements on this GGN.

Sen. Camacho: Thank you Mr. Perez, I think your personal experience and you sharing that with us really hits home. You are not a professional surveyor? Gentlemen thank you for your testimony and I will like to call up Mr. Carino and Mr. Aguon from DLM.

Mr. Perez: No, I am not a professional surveyor, just a private citizen who is concerned.

Mr. Aguon: It is a pleasure to be here this morning to testify on this bill before this Committee, because I see it as an opportunity to present the issues, the problems, the challenges that are before DLM. I have submitted written testimony (please see attached). As I listen to the testimony this morning many things come to mind. In 1970 right out of college my first job was with DLM as an Administrative Assistant in the land administration division, in that position I had the opportunity to work with the various divisions. I left the department in 1979 and came back in 1997, I took the job as a Director of DLM because in the private sector I dealt with surveyors. I was a licensed appraiser and a licensed real estate broker. So I had many opportunities to deal with surveying. There are statements made this morning first to a former senator here about DLM being over staffed and reading newspapers, drinking coffee, let me assure you, I have not have had an opportunity to meet former Senator Salas in the last two years since I have taken office, but I can tell you the people of DLM are working very hard and I know you and I had the opportunity to present before this body the declining personnel resources of the department for example, at the time this GGN system was proposed my predecessor, I believe at one time during his tenure had an excess of 133 people in DLM with a budget more than double the present budget that we have.

I have studied the files on the GGN contract and I must tip my hat to the former Director Mr. Frank Castro. He in fact can be recognized as the father of the GGN system and I salute him for that. Now this system has been in place since 1995 and looking over the contract and all the documents, the files, the reports that were generated from that project. The law that is now being questioned is a direct adoption by the Legislature of the suggested legislation by the consultant from Australia. I am also amused by the fact that the U.S. Geological Survey Department of Land Management submitted a proposal on the same project an RFP if you will. This RFP is exactly the same number of GGN's that the same person that I think you Mr. Chairman alluded as given professional testimony that the number of GGN's consisting of primary secondary control shouldn't be no more than four hundred. Yet at a cost of something over two million, this was the proposal of the USGS with DLM. Yet another proposal came in from the Australian government, proposing two thousand two hundred GGN's at a price of something like 1.2 million, but the initial contract was for \$68,000.00 to come in and do preliminary observations, baseline studies, on site studies, and in fact a determination of what the present

GGTN system is and how does GovGuam take over from there. So the decision by the Director then and I think in conjunction with the TPC and GEDA it was I believe the consensus then to select the Australian proposal as being the most suitable system proposed for Guam and I salute Mr. Castro for doing that because I think it was the right decision. Now in my testimony I ask that you Mr. Chairman and Members of this Committee read three specific reports that were generated from these people from Australia and these are highly trained professional surveyors and I realize changes occur and sometimes we make mistakes and we have to correct them, but in my reading of the information here I don't think there is a mistake, I think this system is now reaping tremendous benefits for the people of Guam in particular the land owners and I do sympathize with those people who are being assessed the \$1,000 dollars for the survey and we are not insensitive to the feelings of those people in fact many times we have discussed this and many times land owners have come up to my office and many more times do I receive phone calls from these land owners that are piped in from surveyors to complaint to me about the number and the cost of the GGN and I feel for these people, but if you look at the big picture Mr. Chairman, since the implementation of GGN there has been over 1700 maps approved by DLM and an ex-number more that may have been rejected and of these maps the department has charged to date I believe \$148,000 dollars for GGN's. If you average that to the number GGN's at two per map your looking at 70 maps requiring GGN's that's 70 out of 1700. Now what does that tell you, you no what it tells me, the more than 1600 maps that has been turned in to DLM did not require GGN's. Why is it 1600 maps did not require GGN ? the people of Guam, the 1600 maps representing land owners have been reaping the investment that you put in there the 1.2 million dollars do not require GGN because the GGN are close to that subdivision, so in fact that was a very prudent decision. It is true that the GGN technology the price is going down. There is a lot of difference between surveying on Guam because of the tropical climate. There is a very dyer need to channel money into the GGN system as well as the division itself. I have to commend the society for focusing on that particular problem, the compensation level of surveyors. The point is very clear for me Mr. Chairman that we must continue the densification of our GGN system because of the 1600 maps that do not need GGN and the difference requiring GGN, in the future as these subdivisions in the south multiply and I am sure they will the people coming afterwards will not be extended the same benefit. If its the intent of the Chairman and its Committee to place the burden on DLM to put the densification process in, then again I say that you will need to invest in the GGN system.

Sen. Camacho: How many additional markers have been installed by DLM and have not been paid for by private surveyors ?

Mr. Aguon: 193 points.

Sen. Camacho: So approximately 200 over a period of about four years.

Mr. Aguon: 95 four years.

Sen. Camacho: In your testimony you alluded to the suggestion within the legislative recommendation of the Australian team, one of which is the importance of maintaining the system and I expressed that forcefully, there is a strong need to maintain the system so that it doesn't suffer the same fate as the 1963 system suffered because the government did not protect, maintain and

strengthen its GGTN system so over a period of very short years 1963 to 1990 we lost that system. But I understand also legislation was adopted to insure that the integrity of the newly established network was protected, and that any destruction of a marker would result in a fine.

Mr. Aguon: I understand that sir, it is in the legislation that if you destroy a point there is a fine of \$5,000.00, but the fact is if you do not continually monitor these points and do the necessary work to maintain them and it should be a continuous process. We don't want to go fifteen years down the road and put another two million dollars on another geodetic control and the only way to stop that is that we continue to invest in the present system.

Sen. Camacho: Do you want to comment on the processing times for checking maps ?

Mr. Aguon: I was very much concerned about that and many times we discussed it with Nick and it prompted me to ask that the process be audited in terms of the time line required and so last year I directed my ASO to conduct an audit of the process and this is to cover not just survey but also the planning process. There is a dual track here for checking of maps, one in planning and one in survey so both process were checked and as a result of the audit we selected fifty maps at random and audited the process flow of these maps to planning and survey. The net result is that it takes something like seven days in planning and a net of twenty-seven or thirty days in survey, so as far as the thirty-five days in the proposed legislation, that is not a problem. The present law allows for forty-five days and that's not the problem, but it shows that maps that flow through the department and it shows that the average days to process maps in the Asian countries the average is 120 days, so DLM ranks in the top percentile of these countries.

Mr. Carino: Read his testimony (please see attached).

Sen. Kasperbauer: How would you answer Mr. Perez that wants to subdivide his property for his five children ? Why should he have to pay for five of these ?

Mr. Carino: There are parameter guidelines when a GGN mark is supposed to be placed, it is mandated by that law, that you require in order to protect again, because there is a misunderstanding of what is a geodetic control and a cadastry and you cannot have a cadastry without a control, so the control governs the cadastry, because it is a process that you have to feed them together, so that there will be no overlaps and we need this cadastry to have integrity to continue our Guam information system and without the control where do we go.

Sen. Camacho: Doesn't the law give you or the Director of DLM or allows him to transfer the authority to you the discretion of how many markers or when markers should be required ?

Mr. Carino: My understanding is the requirements rest on the territorial surveyor and I think it is part of the law, so I have to decide and make my own judgment.

Sen. Camacho: The law does not say that every survey map submitted must require one marker per lot.

Mr. Carino: No sir, only when it is needed, but I have to protect the integrity of the system that is in there.

Sen. Kasperbauer: So Mr. Perez is concern that he has to pay \$5,000 dollars is nothing to worry about?

Mr. Carino: No sir, he doesn't have to worry. He might not even need any monument.

Sen. Brown: Maybe the Committee can look at evaluating the needs of DLM to be able to provide for this, because the intent is to insure that the maps are as accurate as they can be. It is in the best interest of the government to do that, it is in the best interest of all of us because you're right, there are a lot of issues of land disputes or overlaps. So I appreciate these concerns and definitely DLM needs to insure accuracy for anyone that comes through to get a map approved. If you're purchasing property and you're subdividing it, you want to be able to insure that when DLM puts their stamp of approval that it is indeed the legitimate boundaries and you're not ending up dealing down the road maybe with an adjacent land owner that says your house is sitting in the middle of his property. So there are a lot of issues and we recognize that but accuracy of these points is perhaps what the government needs to investigate instead of arbitrarily saying every lot needs a GGN marker. So that when we take our maps to DLM for a stamp of approval, that this is an accurate map, that someone can take and say this my land, I can go build on it, then we can look at the fees overall that can be accessed, so that the burden is not too much on any one person. We need to look at how these GGN's are going to be maintained. If there is insurance which I would assume is the objective of what we all want to accomplish, then that should be on the front burner and priority.

Sen. Camacho: Just one closing comment, I have been in contact with the South Australian Government who did the conversion and the densification of the network and I asked for their opinion on the question of whether 3000 markers are adequate and whether we need to continue to improve upon the network and as soon as I get the information from them I will share that with you.

COMMITTEE FINDINGS AND RECOMMENDATIONS:

That there is a need for the creation of the position of Deputy Chief Surveyor within the Department of Land Management in order to provide a second registered surveyor within the government of Guam to review and approve survey maps for the island.

That the Civil Service Commission must evaluate and upgrade the salaries of all positions within the survey division of the Department of Land Management, including the addition of the Deputy Chief Surveyor position mentioned above.

That an amendment is necessary to clarify that it is not necessary that surveyors tie their surveys to the nearest marker to the property,

provided that they meet the standard of accuracy established by the DLM.

That the time allotted to process maps by the DLM start from the time a map is submitted for checking, and that the time allotted be specific and distinguished as calendar days.

That the DLM shall use its discretion in requiring additional GGN control markers in new subdivisions, install them at DLM's expense and not the land owners, and recoup the costs through the implementation of a map processing/checking fee to be instituted through the AAA process.

That ARTICLE 5, Section 60518(d), (e) and (f) are no longer needed and should be repealed, since they relate to a private surveyor installing new markers and DLM recovering the costs of adding the marks to the 1993 GGN.

The Committee recommends that Bill No. 217(COR), *as substituted by the Committee*, be reported out with the recommendation TO DO PASS.

MINA'BENTE SINGKO NA LIHESLATURAN GUÁHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

As Substituted by the
Committee on Land,
Agriculture, Military
Affairs, And the Arts.

Introduced by:

M. G. CAMACHO
V. C. PANGELINAN

**AN ACT TO CHANGE SECTIONS OF TITLE 21,
DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE GUAM
CODE ANNOTATD RELATIVE TO THE SURVEYING
PRACTICES ON GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Mina' Bente Singko na*
3 *Liheslaturan Guahan* finds that since the Government of South Australia completed
4 its consultation services to the island-wide 1993 Guam Geodetic Network Project,
5 the Department of Land Management (hereinafter "DLM") proceeded under the
6 mandate provided for by Section 60518, Subsection (c), Article 5, 21 G.C.A. in
7 requiring the extension of the Geodetic system on private land whose owners wish to
8 subdivide their properties, entirely at their own expense. At One Thousand Dollars
9 (\$1,000.00) per monument, property owners find this requirement economically
10 burdensome and unaffordable in meeting the required fees imposed by the

1 Department of Land Management (DLM). Any further efforts to continue the
2 extension system into the Guam private landowners properties will continue to be an
3 extreme economic burden to Guam landowners. With these facts in mind, and for
4 the best interest of the people of Guam, it is the intent of *I Mina' Bente Singko na*
5 *Liheslaturan Guahan* to amend the existing statute and to prohibit DLM from further
6 imposing on landowners the extension of the 1993 Guam Geodetic Network within
7 lands which owners wish to subdivide.

8 *I Mina' Bente Singko na Liheslaturan Guahan* further finds that to improve the
9 delivery of public services, other provisions of the uniform Triangulation Systems
10 Act shall be amended herein and added hereto.

11 **Section 2. Article 5 §60502, Title 21 Guam Code Annotated is amended**
12 **to read: §60502.** The Director shall be responsible for the carrying out of the
13 provisions of this Chapter and may appoint a [~~Territorial~~] Guam Chief Surveyor, a
14 Deputy Chief Surveyor and such additional personnel as is necessary for the
15 administration thereof. In addition, the Director shall have the authority to contract
16 with private professional land surveyors for surveying services under such terms and
17 conditions as the Governor may approve; provided, however, any such surveyor
18 shall be either (a) registered by the Guam Board of Engineering Architectural
19 Examiners under the Professional Engineers, Architects and Land Surveyors Law,
20 Title XLIII, Government Code of Guam, and holds a current certificate of
21 registration issued by the Board covering the contract period, or (b) a surveyor
22 exempted from registration under the Professional Engineers Architects and Land
23 Surveyors Law. The Director of Land Management in conjunction with the Civil
24 Service Commission shall take the necessary steps required to upgrade the salary

1 level of the Surveyor's series of positions to those of the Engineer's series, including
2 the creation of a classified position of Deputy Chief Surveyor.

3 **SECTION 3. ARTICLE 5, §60517 (c) of TITLE 21 GUAM CODE**
4 **ANNOTATED IS AMMENDED TO READ:** (c) When performing surveys of
5 land boundaries in a proclaimed survey area, surveyors shall connect their surveys to
6 three (3) of the 1993 Guam Geodetic Network marks. It shall not matter if the tie
7 marks are not the nearest to the property surveyed, *provided however,* that the tie
8 traverse survey must meet the standard of accuracy required by Department of Land
9 Management.

10 **SECTION 4. AMENDMENT TO ARTICLE 5, SECTION**
11 **60517, SUBSECTIONS (F), 21 G.C.A. IS REPEALED AND RE-ENACTED**
12 **TO READ:**

13 ~~[(f) The Territorial Surveyor shall approve or disapprove, in writing, all~~
14 ~~survey plans within forty five (45) days of submission. Failure of the Territorial~~
15 ~~Surveyor to disapprove in writing a survey plan submitted shall deems such plan~~
16 ~~approved. Such approval shall not waive the rights of the property owners or the~~
17 ~~surveyor to challenge such approval in any manner prescribes by law.]~~

18 (f) The Guam Chief Surveyor and his Cartographic Technicians who edit
19 preliminary map check prints submitted by surveyors must complete their editing
20 processes within a period not to exceed thirty-five (35) calendar days from the time
21 a surveyor makes the submission. Upon completion of the editing process by two
22 (2) Survey Technicians, the edited check print(s) must be returned to the surveyor
23 within the said 35 calendar days for his/her action in addressing comments made by
24 the Division of Survey. Once the surveyor addresses all comments and submits the
25 original map for final approval process within a period of not more than fifteen (15)
26 calendar days from the time a surveyor makes the submission. Therefore, between
27 the period of 35 calendar days allowed for the Division of Survey to complete its
28 editing processes of the map check print(s), and the 15 additional calendar days
29 allowed for approving the final map, the Division of Survey has a total of fifty (50)

1 calendar days to complete its work on any map submitted. Failure of the Territorial
2 Surveyor to disapprove in writing a survey plan submitted shall deem such plan
3 approved. The exception will be maps containing over 50 Lots delineation which
4 maps shall be given forty-five (45) calendar days to be edited and an additional
5 fifteen (15) calendar days for approved.

6 **Section 5. ARTICLE 5, §60518 (c), TITLE 21 GUAM CODE**
7 **ANNOTATED IS REPEALED AND RE-ENACTED TO READ:** (c) ~~[The~~
8 ~~Territorial Surveyor shall indicate on the tentative plans of subdivisions in proclaimed~~
9 ~~survey areas, the locations of new marks to be included in the 1993 Guam Geodetic~~
10 ~~Network and return a copy of the tentative plan to the Surveyor.]~~ The Guam Chief
11 Surveyor or other officers of the Department of Land Management, shall at it's
12 discretion, install new Guam Geodetic Network Monuments within properties that are
13 to be subdivided. The Department of Land Management is authorized to charge a Map
14 Processing fee for the processing of survey maps. The fees collected shall be deposited
15 separate and apart from the General Fund. The fees collected shall be used to finance
16 the installation of any future Geodetic Network Monuments. The Director of Land
17 Management through the Administrative Adjudication Act (AAA) shall promulgate an
18 updated fee schedule to include the Map Processing Fee.

19 **Section 6. ARTICLE 5, §60518 (d), (e) and (f), TITLE 21 GUAM CODE**
20 **ANOTATED IS REPEALED IN ITS ENTIRTY.**

21 **Section 7. Severability.** If any provision of this Law or its application
22 to any person or circumstance is found to be invalid or contrary to law, such
23 invalidity shall not affect other provisions or applications of this Law which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this Law are severable.



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurât*

JUN 01 1999

MEMORANDUM

TO: Chairman
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 217

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

OFFICE OF
Marcel G. Camacho
SENATOR
Date 06/11 Time: 10:00a
Received By D. FRANCISCO

Enacted
1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 217 (COR)

Introduced by:

M. G. CAMACHO 
V. C. PANGELINAN 

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2 **Section 1. Legislative Findings and Intent.** The Mina' Bente Singko na
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4 its consultation services to the island-wide 1993 Guam Geodetic Network Project,
5 the Department of Land Management (hereinafter "DLM") proceeded under the
6 mandate provided for by Section 60518, Subsection (c), Article 5, 21 G.C.A. in
7 requiring the extension of the Geodetic system on private land whose owners wish to
8 subdivide their properties, entirely at their own expense. At One Thousand Dollars
9 (\$1,000.00) per monument, property owners find this requirement economically
10 burdensome and unaffordable in meeting the required fees imposed by the
11 Department of Land Management (DLM). Between what was established by the
12 Government of South Australia and the extensions by DLM, Guam now has in

1 excess of 3,000 primary, secondary and tertiary Geodetic stations island-wide, with
2 no end in sight to the extension requirement.

3 According to information received from the Senior Geodesist, Division of
4 Observation and Analysis, United States National Geodetic Survey Office and the
5 professional opinions of the members of the Guam Society of Professional Land
6 Surveyors, the 3,000 Geodetic stations now in place throughout the Island is, by
7 modern standards, adequate if not excessive. Any further efforts to continue the
8 extension system into the Guam private land owners properties will be redundant,
9 technically unnecessary, and will continue to be an extreme economic burden to
10 Guam land owners.

11 With these facts in mind, and for the best interest of the people of Guam, it is
12 the intent of the Legislature to amend the existing statute and to prohibit DLM from
13 further imposing on land owners the extension of the 1993 Guam Geodetic Network
14 to within lands which owners wish to subdivide.

15 The Legislature further finds that to improve the delivery of public services,
16 other provisions of the uniform Triangulation Systems Act shall be amended herein
17 and added hereto.

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19 **to read: §60502. The Director shall be responsible for the carrying out of the**
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21 **Deputy Chief Surveyor and such additional personnel as is necessary for the**
22 **administration thereof. In addition, the Director shall have the authority to contract**
23 **with private professional land surveyors for surveying services under such terms and**
24 **conditions as the Governor may approve; provided, however, any such surveyor**
25 **shall be either (a) registered by the Guam Board of Engineering Architectural**

1 Examiners under the Professional Engineers, Architects and Land Surveyors Law,
2 Title XLIII, Government Code of Guam, and holds a current certificate of
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13
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5 submission. The exception will be maps containing over 50 Lots delineated which
6 maps shall have their editing processes completed within a period not to exceed forty
7 (40) calendar days from the time a surveyor makes the submission. Once the
8 surveyor addresses all comments and re-submits the original map, the final approval
9 process must be completed within a period of not more than twenty (20) calendar
10 days from the time a surveyor makes the re-submission. Technicians who were not
11 involved in the editing of any check print shall not be allowed to edit final maps of
12 the same

13 **Section 5. ARTICLE 5, §60518 (c), TITLE 21 GUAM CODE**
14 **ANNOTATED IS REPEALED AND RE-ENACTED TO READ:** (c) The
15 Ferritorial Surveyor shall indicate on the tentative plans of subdivisions in
16 proclaimed survey areas, the locations of new marks to be included in the 1993
17 Guam Geodetic Network and return a copy of the tentative plan to the
18 Surveyor.}The Guam Chief Surveyor and other officers of the Department of Land
19 Management shall no longer require private land owners to install new Guam
20 Geodetic Network Monuments within properties land owners wish to subdivide. No
21 further extensions of the Geodetic Network System shall be required within private
22 properties until such time that the Liheslaturan Guahan deems it necessary, since
23 there now exists ample Geodetic Station in Guam to meet the intended purposes for
24 which the 1993 Guam Geodetic Network was established.

1 **Section 6. ARTICLE 5, §60518 (d), (e) and (f), TITLE 21 GUAM CODE**
2 **ANOTATED IS REPEALED IN ITS ENTIRTY.**

3 **Section 7. Severability.** If any provision of this Law or its application
4 to any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Law which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Law are severable.

Subject: 1993 GGN**Date:** Mon, 21 Jun 1999 10:57:10 -0700**From:** "Anthony Bew" <anthonyb@sagric.com.au>**To:** senmarcel@kuentos.guam.net

Dear Marcel,

I'm home for two or three weeks so I thought I had better get this advice off to you. I'm fairly busy at the moment catching up after so long away but will get back to you very shortly to catch up on the latest news. As far as the GGN is concerned, we were both surprised and very pleased to hear that DLM are requiring Surveyors to place marks on new subdivisions. At least they are extending the network and making some use of it.

In response to Frank's concerns:

One of the problems with the 1963GGTN was that it had not been extended into areas of new development. One of the objectives of the 1993GGN Project was to provide a modern, accurate and readily accessible geodetic network. The requirements of an effective network include "sufficient density of marks to enable all surveys to be adequately connected " and "an increase in density of marks as development occurs"

Both the Mark Maintenance Program and the Legislation Study addressed the issue of extension of the network into areas of new development. The reports from both the Legislation Study and Mark Maintenance investigation detailed the guidelines for extension of the network into new subdivisions (Legislation Study Sec.3.6) and provided the necessary legislation amendments to support it.

Provided that DLM is using these guidelines and not requesting too many marks over and above the guidelines, we believe that they are operating within both the spirit and requirements of the legislation and are ensuring the sustainability of the project. It is vital that in new subdivisions, marks are placed and coordinated at the same density as they were established during the project in areas that were already developed. It is worth pointing out that the guidelines are consistent with the South Australian practice and that we extend the network into areas of new development in the same manner.

It must be emphasised that by extending the network into areas of new development it will provide a homogeneous coordinate system for all land related activities in all areas. In particular it will control the position of surveys significantly lessening the creation of boundary gaps and overlaps. The existing Guam experience of confused boundaries with large gaps and overlaps is a symptom of the failure to establish and maintain a network at a suitable density and require adequate connections to such a network.

During the project, the network was established mainly in areas where

subdivisions had been completed, in other words most boundaries have not been connected to the network and this will only happen as new surveys are undertaken on an adhoc basis. However in areas of new development the network will have immediate benefit as it is immediately connected to the cadastre. In these areas therefore it will be very simple to re-establish boundaries. It is therefore imperative that new marks are placed, coordinated and connected to the cadastral surveys in areas of new development. This is the crux of the matter and its importance cannot be over emphasised.

As far as the costs are concerned, we think that the cost of \$1000 per station sounds somewhat excessive. This is the amount that was suggested as being the appropriate charge where a mark had been destroyed and DLM had to go out and do a one off establishment and fixing of a new mark. In the event that DLM are establishing a number of marks in an area at the same time we believe that the costs would be much less. DLM should work out its costs to provide the mark (and place the mark if it is doing this itself, however the private surveyor may be doing this), witnessing costs, the cost of the GPS survey, the cost of processing. This should be the charge to Surveyors, not a nominal \$1000 per point.

For the reasons stated above we are totally opposed to the concept of semi permanent or temporary marks. The intention is that the coordinated marks provide a permanent network of marks that are directly referenced to boundaries as opposed to the situation before introduction of the 1993GGN when surveyors brought in control from distant control stations and created gaps and overlaps.

Give me a hoy if you need anything else.

Cheers,

Tony

Manager, Logistics
SAGRIC International
Phone 618 8 2322400
Fax 618 8 2240453
Email anthonyb@sagric.com.au

INTRODUCED BY:

M.G. CAMACHO
V. PANGELINAN

**AN ACT TO AMEND SECTION 60517 SUBSECTION (F)
AND SECTION 60518 SUBSECTIONS (C), (D), (E) AND (F)
ARTICLE 5, 21 G.C.A. AND TO ADD
A NEW SECTION THEREOF**

To you, Mr. Chairman, and to the other members of the Mina' Bente-Singko Na Lihelaturan^s Guahan, I thank you so much for affording me the opportunity to appear before you to present my verbal and written testimony on Legislative Bill 217. Passage of this amendment request is crucial to landowners and developers of Guam.

For the electronic and other recording purposes of this proceeding, let me introduce myself. My name is FRANK L.G. CASTRO, a Professional Land Surveyor in and for the island of Guam, the Commonwealth of the Northern Mariana Islands and the Federated States of Micronesia. I have better than 49 years of working experience as a Land Surveyor, Cartographer, and as a top level administrator of general land matters and operations here on Guam and in our neighboring island states of what are now known as the Republic of Belau, the Federated States of Micronesia, the Republic of the Marshall Islands and the Commonwealth of the Northern Mariana Islands.

I was the sole and original architect to the concept of establishing the 1993 Guam Geodetic Network System. You may ask why I found it necessary for Guam to establish such a sophisticated system. The answers to that question, Mr. Chairman, are multiple and I can give you all the answers, but in a nutshell, it was planned out to replace the 1963 Guam Geodetic Triangulation Net System, primarily because of the greater percentage of this system having been completely destroyed during the re-development process of our highways and rights-of-ways on Guam. It was also to take advantage of the availability of the most modern technology in GPS surveying.

Following the efforts of securing the support of the Executive and Legislative branches of our Government for pursuing the project, I had comprehensive communications with the Offices of the United States National Geodetic Survey, the Bureau of Land Management in Sacramento, and the Government of South Australia. Ultimately, I selected the latter entity as the contractor to perform the needed expert services and I concluded that with several good results.

Prior to the contractor completing the 18-month contract, and before I vacated my prior position as the Director of Land Management, I ensured that Nicanor Carino, whose title was then Territorial Surveyor, was officially designated as the Program

Administrator so that I could proceed with my other wide range of duties and responsibilities, coupled with the thought in mind that I would not be at the Department much longer. Moreover, I pursued for the enactment of what is now the existing statute governing the 1993 system.

In my view, the existing statute is a good law. But like other governing enactments, the 1993 Guam Geodetic Network Law needs to be “massaged” in certain parts to better serve the people of Guam, to wit: Bill No. 217.

With regards to the Legislative Findings and Intent as cited under Section 1 of Bill 217, I cannot agree any less that certain provisions of the existing statute and government practices have become a problem to the people of Guam. With that in mind, it is incumbent upon us to take the efforts of effectuating a change in the existing law so that, ultimately, it will serve the people better.

The 1993 Guam Geodetic Network System has, in fact, been extended since the Government of South Australia completed its tasks. Landowners have, in fact, been obligated to pay the Government of Guam \$1,000 per monument when Land Management insisted that new Geodetic Stations be installed on their properties. As a matter of fact, the delivery of public services are not exactly at par. For these

reasons, the proposed amendments under Legislative Bill No. 217 should and must be pursued.

Section 2 of Bill 217 calls for the amendment of Article 5, Section 60502 of Title 21, Guam Code Annotated, which is calling for the additional appointment of a “Deputy Chief Surveyor”. The existing statute only calls for the appointment of a “Guam Chief Surveyor” and this has to be improved on.

The current incumbent to the position of Guam chief Surveyor is the only Professional Registered Land Surveyor in the entire structure of the current government. In Mr. Carino’s absence from duty, no one in the entire government can be appointed to act on his behalf because of the lack of an R.L.S. Consequently, such a situation poses a problem to the people of Guam because when Mr. Carino is absent from work, no map can be approved and places people needing map approvals in a bind. The Government should not allow this situation to continue and should not be totally dependent upon the total presence of one person because total presence is not possible.

Therefore, a Deputy Chief Surveyor must be appointed. However, to attract a Professional Registered Land Surveyor to apply for the position, the Government must establish a salary that will be

competitive to that of a Registered Professional Engineer. The bottom line is that maps must continue to be processed and approved in the absence of the Guam Chief Surveyor and that can only be realized if a Deputy Chief Surveyor is on board.

Relative to the proposed amendment under Section 3, bill no. 217, there can be no acceptable argument that Land Surveyors should and must tie their surveys to three (3) existing Guam Geodetic Network Stations. No argument to that, and in fact, all surveyors on Guam are complying to this mandate.

However, what must be made clear to DLM is the fact that such tie surveys do not have to be the nearest existing GGN monuments for so long as the tie survey is highly accurate. Often times, DLM bounces maps to surveyors because the subject survey was not tied to the nearest GGN monument. When this occurs, it costs time, money and delays and DLM's demands are not necessary nor is it a requirement of law. It does not matter how far or how near your subject survey is to GGN monuments for lo long as your tie survey is highly accurate and complete.

With regards to the proposed amendment under Section 4, Bill No. 217, there is no reason why maps cannot be edited and approved within a total period of fifty (50) calendar days from the

time the Surveyor submits the Preliminary Check Print until the Guam Chief Surveyor approves the map. Thirty-five (35) calendar days is ample time to edit and to return check prints back to the Surveyor for addressing of comments and fifteen (15) calendar days is more than sufficient to approve the final Map from the time the Surveyor submits it to DLM.

The delivery of public services in the area of processing and approval of maps firmly needs to be improved by DLM. Far too often, landowners and developers are burdened by the excessive time it takes to secure approved maps in order for them to obtain loans needed or to move on with construction.

The current statute does provide that maps must be processed and approved in 45 days but it is obvious that DLM interprets it as 45 working days and that the clock begins to tick only when the Surveyor submits the original map for final approval, rather than from the time the Preliminary Check Print is submitted. It makes a great deal of difference if the statutory period is made clear as to calendar days and not working days and should further clarify that the determining factor for the time to begin to run will be the submission of the Check Prints and not the final map tracing being delivered to the Division of Surveys. We humbly ask that the amendment be

passed into law.

Relative to the proposed amendment under Section 5 of the Bill, this must and should be implemented immediately. There can be no further reason to substantiate the 1993 Guam Geodetic Network System be further extended within private properties at the total expense of the landowners particularly when the extension is not needed. At \$1,000 per monument, which DLM imposed upon landowners, the matter becomes unaffordable and economically burdensome to people. This situation must be corrected.

Technically speaking, Guam now maintains more Geodetic Stations than is required and any further efforts to expand the system within private properties is redundant and unnecessary. Therefore, the required extension as currently mandated by statute must be amended to prevent landowners from having to unnecessarily pay \$1,000, \$2,000, or \$3,000 for redundant Geodetic Monuments.

All properties surveyed today have to be tied to three existing Guam Geodetic Network Monuments and that is all that landowners and the Government needs. To continue to require people to pay excessively for installation of new GGN Monuments within their lands is unconscionable and must be corrected. The proposed amendment under Section 5 of Bill No. 217 is the proper thing to do

and should be implemented as soon as possible.

Quite often, Mr. Chairman, we in the surveying profession attempt to reason out why additional GGN Monuments should be required in the small subdivision surveys we perform. But, ultimately, we would be told by the authorities that "It's the law and if you do not like the law, change it." That consistent challenge prompted us to authoring what is now Bill 217.

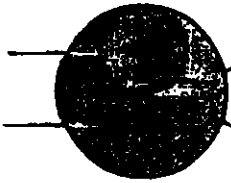
On a related matter, let me further indicate that any effort to place more Geodetic Monuments on Guam does not make land surveys more accurate. What Monuments are now available are ample enough to achieve accuracy and any thought to enhance the availability of GGN Stations for survey accuracy purposes is wrong and too expensive for the landowners, besides being redundant. Insurance of the accuracy of surveys performed rests totally on the Surveyor performing the task and not how many GGN Monuments the survey is based on or tied to.

Today, and has it has been since the 1993 system has been enforced, all additional GGN Monuments demanded by the Government to be installed within private lands has been, in all cases, done after the fact. That is, additional GGN Monuments are placed after the subdivisions were completed. We do not argue the current

requirement and practice of tying the survey to three existing GGN Monuments in the course of performing a subdivision survey. But to obligate the people for the installation of additional GGN Monuments at \$1,000 per mark, after the land survey has been performed, is not at all necessary, not needed, and does not make the survey more accurate.

If the Government holds the position that more GGN Monuments should be extended to southern Guam, then it should do so at its own expense. But in my view, there are ample Monuments in the South to tie any survey to the 1993 system. Granted, the availability of GGN Monuments in the south are not as abundant as in central and northern Guam, but there exists enough Monuments to accommodate the requirements of law, and that is all that is necessary to ensure accuracy of surveys in southern Guam. While it may be convenient to have a high density of GGN Monuments in any area, it is not necessary, and certainly not for the amount it will cost landowners for that convenience.

Thank you, Mr. Chairman. I now stand prepared to answer questions the Committee may have. Thank you, Sir.



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June 3, 1999

Senator Marcel Camacho
25th Guam Legislature
Hagatna, Guam

Dear Senator:

I am a professional land surveyor and I am expressing my support for Bill No. 217, with some changes. I have only recently obtained my license, but my experiences and observations about my industry tell me that change needs to happen within the Department of Land Management. The Department of Land Management, in its implementation of Public Law 23-31, has gone beyond what was called for in the law's intent and it has begun damaging the people of Guam. In these times of financial difficulties, the Department of Land Management must be stopped from placing requirements on survey maps that are no longer necessary. It is my belief that Bill No. 217 will progress some of those needed changes in the Dept. of Land Management.

1. Removal of GGN Requirements.

Public Law 23-31, better known as the 1993 Guam Geodetic Network (GGN) Law, required subdivisions submitted to the Dept. of Land Management to be tied to three GGN monuments. It also gave the Director and the Guam Chief Surveyor discretionary authority to require that a subdivision install additional GGN monuments. The purpose of Public Law 23-31 was originally to install survey monumentation in areas that had little or none.

Unfortunately, that has not been the case. Frequently, the Dept. of Land Management has required GGN installation in those areas with abundant monumentation. In some cases, the Dept. of Land Management has required the installation of a GGN monument, even though there was an existing monument 300 feet away. In other situations, the Dept. of Land Management has assessed the GGN fee against those with small subdivisions and parental subdivisions, who do not have the money or the ability to recover the \$1000 GGN fee. Surveyors on island now have the ability to survey distances of 3 miles. For the Dept. of Land Management to require GGN monuments in areas where they already exist is unnecessary.

Under Bill No. 217, the first change that needs to happen is to put into the law that there be no more GGN monuments required when subdividing land. There are over 3000 GGN monuments in place today and more still being required. The Guam Society of Professional Land Surveyors (GSPLS) and its membership have been stating for over three years now that there is no need for any more GGN monuments to the Department of Land Management, but to no avail. With today's surveying technology like satellite surveying and total stations, it makes no sense to install a \$1,000 GGN monument in an area with abundant GGN monuments. To get an expert opinion, the GSPLS requested for the views of Mr. David Doyle, a Senior Geodesist at the National Geodetic Society in Washington, D.C. He agreed with our findings - that having 3000 GGN monuments for an island the size of Guam is "very excessive."

This view of "very excessive" when it refers to the requirement of GGN monuments is especially difficult when there are families in Guam who seek only to subdivide land in order to give to their children. For normal subdivisions, the cost of these GGN monuments can be passed on to the sale of the property. For parental and small subdivisions, however, these families do not have enough money to afford the cost of the survey, the cost of the bank loan to build a house, and the GGN installation fee. They cannot recover the cost of the GGN fee and in some cases, have chosen not to subdivide their land altogether.

The GSPLS has asked both the Guam Chief Surveyor, Mr. Nicanor Carino, and the Director, Carl Aguon, to re-evaluate the need for GGN monumentation with today's technology. However, they have both been unresponsive and noncommittal. The GSPLS has tried to convince them how unnecessary these GGN monuments are, but they still require them. The Dept. of Land Management certainly has the authority to stop requiring GGN monuments, but they still continue with their installation and requirements.

Bill No. 217 will remove all GGN requirements from new subdivisions. While this in and of itself will not stimulate our industry, it will help the Government of Guam alleviate some of its financial problems by concentrating its resources on necessary government functions and not unnecessary activities, such as GGN installation and observation.

2. Lengthy Processing of Survey Maps.

The second issue that Bill No. 217 will resolve is the lengthy processing of survey maps. For most survey maps, it takes an average of 4 to 5 months to get them approved. In these cases, landowners cannot sell their land or build their houses until the survey map is approved. The real estate industry has also been affected because a sale can take two months longer than it needs to be. Even private contractors and construction companies have been affected because they often have to delay their work until the survey map is approved. These activities can provide the Government of Guam taxable income. The economy today has been instrumental in helping home and property sales, but until the map processing is shortened, the Government of Guam will continue to lose revenue in the real estate and construction industry.

The lengthy processing of survey maps has also affected our profession, by forcing us to lay off personnel. Instead of a project taking two months, it instead takes six months because of the time that a survey map spends at the Department of Land Management's Survey Division. Those who know business are aware that the longer a project takes, the less money you make. This is true, and as a result, people have suffered in the forms of layoffs and lack of job opportunities.

One of the factors affecting the lengthy processing of survey maps is the non-availability of another professional land surveyor in the Dept. of Land Management. Bill No. 217 would introduce a Deputy Chief Surveyor, who would facilitate and progress the processing of survey maps when the Guam Chief Surveyor is unavailable. The GSPLS believes that this is a very necessary component of the Dept. of Land Management in order to make the approval of survey maps faster.

Bill No. 217 will shorten the processing time by legislating a set schedule to process survey maps and by limiting what the Dept. of Land Management can check in a survey map. This will result in a better economy and a better economy means more government revenue. Real estate sales will take shorter and be more brisk. Construction will move at a faster rate because an approved survey map will not take as long. As for the surveying industry, it will also alleviate some of the pressures that it has had to bear because of the unnecessary GGN monumentation and the lengthy processing times.

So far, the Dept. of Land Management has been very unwilling to implement any of the suggestions presented to it by the GSPLS. They have claimed that they do not have the resources, the budget or personnel. They have stated to the GSPLS that Public Law 23-31 has tied their hands and it requires them to require these GGN monuments. But none of the excuses that they have given is a good enough reason to tell landowners and homeowners that they have to wait half a year or more to get a lot to construct a

house. For professional land surveyors who have been dealing with the Dept. of Land Management's Survey Division, none of the concerns, mistakes or corrections that they have required are considered serious enough to warrant the long processing of survey maps. It is the belief of myself and the GSPLS that the Dept. of Land Management has the resources and abilities to process any given survey map faster than today. It has certainly been the position of the GSPLS that survey maps be given a high priority due to its contribution to the economy of Guam.

Senator, I ask that you make the changes that I have submitted here to Bill No. 217 and pass the revised bill into the general session. The economy of Guam will only benefit by the faster processing of survey maps and the elimination of GGN requirements. The 1993 GGN Law was itself a very good law and its ideals were well-intentioned, but its implementation by the Dept. of Land Management has left much to be desired. If it were implemented better, perhaps Bill No. 217 would not be necessary. However, to protect the people of Guam from unnecessary requirements and to improve the existing economy in Guam, I request your support to revise and pass Bill No. 217.

Thank you very much,



Dennis Balagtas

Professional Land Surveyor No. 75

Secretary, Guam Society of Professional Land Surveyors

Attached: Bill No. 217 (Revised)

TESTIMONY ON BILL NO. 217
"AN ACT TO CHANGE SECTIONS OF TITLE 21,
DIVISION 2, CHAPTER 60, ARTICLE 5 OF THE
GUAM CODE ANNOTATED RELATIVE TO THE
SURVEYING PRACTICES ON GUAM"

MR. CHAIRMAN & MEMBERS OF THIS COMMITTEE:

MY NAME IS NICANOR B. CARINO, I AM THE CHIEF OF CADASTRE/GUAM CHIEF SURVEYOR FOR THE DEPARTMENT OF LAND MANAGEMENT FOR THE LAST SEVENTEEN (17) YEARS. I APPEAR BEFORE YOU TODAY TO EXPRESS MY OBJECTIONS AND SUPPORT TO CERTAIN SECTIONS OF BILL NO. 217.

SECTION 1. LEGISLATIVE FINDINGS AND INTENT.

OBJECTIONS: IT IS TRUE THAT WE ARE NEAR THE 3000 GGN MARK CONTROL STATIONS IN PLACE, 2,951 TO BE EXACT. THE CONSULTANCY OF THE SOUTH AUSTRALIAN GOVERNMENT COST THE GOVERNMENT OF GUAM TO THE TUNE OF OVER ONE MILLION DOLLARS. THESE GOVERNMENT OF GUAM GEODETIC NETWORK IS CONSIDERED "STATE-OF-THE-ART" AND IS AN ENVY OF OUR NEIGHBORING ISLANDS, COMPARABLE TO ANY GEODETIC CONTROL NETWORK AROUND THE WORLD. TO MAINTAIN ITS INTEGRITY,

DENSIFICATION IS MANDATORY. TO DISCONTINUE DENSIFICATION, THE NETWORK WILL DETERIORATE AND SOON THE NETWORK WILL BE RENDERED USELESS LIKE ITS FORERUNNER, THE "GOVERNMENT OF GUAM TRIANGULATION NETWORK GRID 1963."

A FEW OF THE BENEFITS DERIVED ARE:

1. LESS COSTS OF PROPERTY SURVEYS;
2. MORE ACCURATE SURVEYS;
3. PEACE OF MIND TO PROPERTY OWNERS;
4. MARKETABILITY OF REAL ESTATE;
5. CHECK & BALANCE ON ERRONEOUS PROPERTY SURVEYS.

AS TO THE NUMBER OF GEODETIC CONTROL STATIONS NOW IN PLACE BEING MORE THAN ADEQUATE OR EXCESSIVE, IS DEBATABLE. THEREFORE, MR. CHAIRMAN, IT IS YOUR CALL AND I SUBMIT TO THE WISDOM OF THIS LEGISLATURE.

SECTION 2. ARTICLE 5, SECTION 60502, TITLE 21, GCA, IS AMENDED TO READ:

I SUPPORT THIS SECTION OF THE BILL. FOR THE LAST TEN (10) YEARS THE SURVEY DIVISION DID NOT HAVE ANY SURVEYOR

SUPERVISOR, EXCEPT WHEN FOR NINE MONTH'S INCUMBENCY OF MR. CRUZ, R.L.S. NO. 73, WHEN HE GOT HIS REGISTRATION. HE RESIGNED IN AUGUST 1998 TO ENGAGE IN PRIVATE PRACTICE. I SUSPECT THAT HE RESIGNED HIS POSITION BECAUSE OF A VERY LOW SALARY. THEREFORE, I HUMBLY ASK THIS AUGUST BODY TO REVISIT THE SURVEYOR SERIES PAY SCALE TO ATTRACT QUALIFIED CANDIDATES. WE ARE HUMANS, AND WE GET SICK. A QUALIFIED DEPUTY MUST CONTINUE THE DELIVERY OF SERVICES TO THE PUBLIC.

SECTION 3. ARTICLE 5, SECTION 60517(c) OF TITLE 21, GCA IS AMENDED TO READ:

OBJECTION: IN MY OPINION, IT SEEMS THAT THERE IS A MISUNDERSTANDING OF A CADASTRE AND A GEODETIC CONTROL. TO HAVE A RELIABLE CADASTRE, YOU MUST HAVE A PRECISE ACCURATE GEODETIC CONTROL. THE NORTH AND EAST COORDINATES OF THE PROPERTY BEING SURVEYED IS DERIVED BY OBSERVATION TO OR FROM THE GEODETIC CONTROL (BASELINE) TO THE P.O.B. (POINT OF BEGINNING) OF THAT PARTICULAR LOT BEING SURVEYED. IN ADDITION, A MORE ACCURATE FIELD MEASUREMENT

IS ACHIEVED TO A SHORTER DISTANCE THAN A LONGER DISTANCE. FURTHER, THE SURVEY DIVISION OF THE DEPARTMENT OF LAND MANAGEMENT HAS ALL THE NECESSARY INFORMATION IN ITS SURVEY MARK DATABASE AND IS ACCESSIBLE TO ALL, ESPECIALLY TO ENGINEERS AND SURVEYORS FOR THEIR USE.

SECTION 4. ARTICLE 5, SECTION 60517(f), TITLE 21, GCA, IS REPEALED AND RE-ENACTED TO READ:

BEING THE STEWARD OF THE LAND SURVEY DIVISION WITHIN THE DEPARTMENT OF LAND MANAGEMENT FOR THE LAST 17 YEARS, IT IS VERY POSSIBLE PROVIDED QUALIFIED PERSONNEL ARE RECRUITED AND ADEQUATE RESOURCES ALLOTTED TO SURVEY DIVISION. HOWEVER, THIS BILL DOES NOT ADDRESS ANY FUNDING SOURCES. ON LINE 10 OF THIS SECTION, IT UNDERMINES THE AUTHORITY AND MANAGEMENT SKILLS OF THE ADMINISTRATOR OR DIVISION CHIEF. IN MY OPINION, IT SOUNDS LIKE DICTATORSHIP.

SECTION 5. ARTICLE 5, SECTION 60518(c), TITLE 21, GCA, IS REPEALED AND RE-ENACTED TO READ:

OBJECTIONS: THE GUAM GEODETIC NETWORK WILL BE

RENDERED USELESS. THEREFORE THE ISLAND WILL NEVER HAVE A CADASTRE OF SUBSTANCE. SURVEY PROBLEMS WILL BE CREATED, OVERLAPS, GORES, BOUNDARY DISPUTES WILL BE CREATED. THE COURT WILL PROBABLY BE SWAMPED WITH LAND DISPUTES AND ATTORNEYS WILL HAVE A FIELD DAY. PROBLEMS ENCOUNTERED LIKE THE ONES IN HARMON, TALISAY SUBDIVISION, ETC., WILL BE CREATED IN OTHER PARTS OF THE ISLAND.

SHOULD THE LEGISLATURE RECTIFY PROBLEMS OF THIS MAGNITUDE, IF IT SO HAPPENS, PREVENTION, MR. CHAIRMAN IS WARRANTED AND AGAIN, I BELIEVE IN THE WISDOM OF THIS AUGUST BODY.

SECTION 6. ARTICLE 5, SECTION 60518(d), (e) AND (f), TITLE 21, G.C.A. IS REPEALED IN ITS ENTIRETY.

OBJECTION: THE REPEALING OF THE ABOVE RENDERS THE CADASTRE QUESTIONABLE. THE REPEALED ITEMS ARE KEY INGREDIENTS OF A SOUND CADASTRE THEY SERVE AS PRIMA FACIE EVIDENCE THAT THE SURVEY MAP WAS DONE ACCURATELY AND THAT THE LOT CORNERS OF THE SUBDIVISION WERE PLACED

EXACTLY AS SHOWN ON THE SUBDIVISION MAP. THESE NEW GGN CONTROL STATIONS SET SERVES AS THE ONLY CHECK ABSENT AN ACTUAL FIELD SURVEY. SHOULD BILL 217 BE PASSED, THERE IS NO ALTERNATIVE BUT THAT THIS GOVERNMENT MUST CREATE A FIELD INSPECTION CREW EQUIPPED WITH QUALIFIED PERSONNEL, EQUIPMENTS, TRAINING, ETC., TO ACHIEVE ITS MISSION.

IN MY HUMBLE OPINION, MR. CHAIRMAN AND MEMBERS, WE ARE GOING BACKWARDS INSTEAD OF FORWARD. WE HAVE AN ACCURATE STATE-OF-THE-ART SYSTEM THAT IS WORKING, WHY WATER IT DOWN? WHY NOT DENSIFY THE SYSTEM TO YIELD BETTER BENEFITS TO OUR PEOPLE. SHOULD WE FORGET THE MILLIONS OF DOLLARS INVESTED. I FIRMLY BELIEVE THAT THIS SYSTEM WILL YIELD A CADASTRE WITH INTEGRITY.

MR. CHAIRMAN AND MEMBERS , I HUMBLY ASK THAT BILL 217 BE SCRUTINIZED DILIGENTLY AS IT HAS FAR REACHING IMPACTS ON LAND TENURE AND TO OUR CADASTRE.



DEPARTMENT OF LAND MANAGEMENT

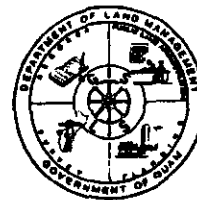
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Lieutenant Governor

FRANCISCO P. SAN NICOLAS
Deputy Director

May 20, 1999

Senadot Marcel G. Camacho
Chairman, Committee on Land, Agriculture,
Military Affairs and the Arts
Mina'Bente Singko Na Liheslaturan Guahan
173 Aspinall Avenue
Hagatna, Guam 96910

OFFICE OF
Marcel G. Camacho
 SENATOR
 Date 5/21/99 Time: 9:20 AM.
 Received By: EMD melchior

Hafa Adai Senadot Camacho,

The department has a copy of drafted legislation which seeks to amend the law on the Guam Geodetic Network. This proposed legislation, we have learned, originated from the Guam Society of Professional Surveyors and crafted by its member, the former director, Mr. Frank L. G. Castro.

As you know, the department has been addressing acute staffing problems in the Survey Division. Despite sustained efforts to hire a Surveyor Supervisor, it has been without success due largely to legislative and executive restrictions. The department has begun to get executive exemption on this and other critical positions i.e. Land Abstractors, Land Administrator, Deputy Civil Registrar, etc. I am optimistic it will be granted. Legislative support will be needed and we hope that you can provide this.

The department is very concerned with provisions that compromises our land cadastre system. Millions of dollars has been invested in its Guam Geodetic Network component. And in our opinion, this investment is yielding invaluable benefits in more accurate, extensive and reliable surveys the products of which are precision land maps and fewer land disputes.

The time line to process maps under the present law is not unreasonable. Moreover, given the government's fiscal constrains, forty five days may be the opposite i.e. too restrictive. In fact, according to a study done by South Pacific Applied Geoscience Commission (SOPAC) the average number of days to process maps is one hundred



Commonwealth Now!


Letter to Sen. Marcel Camacho
Subj: Draft Legislation on GGN
May 20, 1999
Page 2

twenty days. The study also has other very interesting land survey and mapping statistics. Enclosed is a copy for your quick reference.

The legislating of time line performance is agreeable provided it is coupled with the resources needed to accomplish it. This proposal contains such performance standards yet is mute on fiscal, personnel, equipment, training etc. apropos to its achievement. It is unfair to our employees.

The department strongly advises that this legislation be carefully examined as it has far reaching impacts on land mapping and surveying practices now and years to come. We firmly believe that a meeting is in order to jointly study this proposal before it goes any further in the legislative process. May we hear from you soonest?

Senseramente,



CARL J. C. AGUON
Director, Department of Land Management

Attachment

cc: All Divisions, DLM



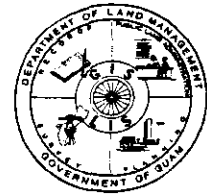
**DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')**

Government of Guam

P.O. Box 2950

Hagåtña, Guam 96932

Tel: (671) 475-LAND • Fax: (671) 477-0883



CARL T. C. GUTIERREZ

Governor

CARL J.C. AGUON

Director

MADELEINE Z. BORDALLO

Lieutenant Governor

FRANCISCO P. SAN NICOLAS

Deputy Director

June 8, 1999

Senadot Marcel G. Camacho, Chairman
Committee on Land, Agriculture,
Military Affairs and the Arts.
Nina Bente Sengko Na Liheslaturan Guahan
173 Aspinall Avenue
Hagatna, Guam 96910

Hafa Adai Senadot Camacho,

It is distressing that Bill 217 has passed you and staff's scrutiny and is now being publicly heard by this committee. As mentioned in my letter of May 20, 1999 same subjects, the department sees little benefit from its provision to terminate the densification of the Guam Geodetic Network under its present mandate. Since the implementation of this land mark system, it has elevated land surveying to a much higher order advancing land tenure protection for all of Guam's property owners.

Land Management has a complete and voluminous files on the Guam Geodetic Network project including its more than a million dollar multi-contracts; its attendant communications; accounting statements and project reports. I ask this committee to read the reports entitled:

1. 1993 GUAM GEODETIC NETWORK PROJECT, PHASE 1, FINAL REPORT
2. 1993 GUAM GEODETIC NETWORK PROJECT, GUAM SURVEY MARK SYSTEM, FINAL REPORT



3. 1993 GUAM GEODETIC NETWORK PROJECT, LEGISLATIVE STUDY.

These documents are available at your request.

Members of this committee, these reports were prepared by highly qualified people in the survey profession from Australia employed by the Australian Government. It is abundantly clear from them, department's predecessors, and me, that a great product was paid and delivered to us with which benefits are being reaped. In fact the present GGN law is almost verbatim from it (number 3 above). Yet, you will find in reading that this bill in particular Sections 5 and 6 runs inimical to the very essence of what this project was designed and is now achieving. Let us not go backwards!

The departments beseech the Chairman and its members to dismiss this regressive piece of legislation. The department advocates the densification of the Guam Geodetic Network as the way forward to an effective and efficient coordinated land cadastre survey system.

You will also find in these documents good legislative recommendations. Among others, it suggests a map checking fees as a basis to underwrite the Land Survey Division, specifically the Guam Geodetic Network. Given the proper fee structure, it could also pay for the cost referred in Section 1.

It has been several years since its implementation and like other geodetic systems, if not maintained, it will deteriorate to the point where it becomes a liability. The 1963 system cost was in the hundred thousands; the 1993 was over a million. One can project that the next one will reach the multimillions.

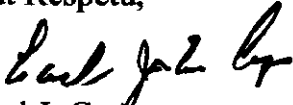
Since its implementation in 1995, the system to include equipment, technology, facility, and personnel very little has been reinvested in them. It is fast approaching a critical state that if not supported it will assuredly end like the 1963 system. This will be disastrous.

This Committee is implored to direct needed support to sustain and improve it. This map checking fee, and/or whatever this committee may develop, is vital to protect and strengthen our huge investment in it. But more critical is its demise will undermine our land tenure system which will result in dire economic, social, legal, and land use problems.

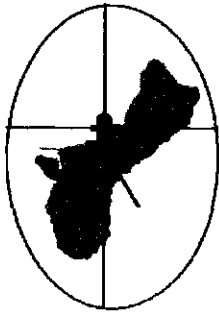
Page 3

Once again, Mr. Chairman, we are eager to work with you and committee members to improve our system and lessen its burden to land owners. This bill does not accomplish this and should be disapproved.

Put Respetu,



Carl J. C. Aguon



**GUAM SOCIETY OF
PROFESSIONAL LAND SURVEYORS**

P.O. Box 6216, Tamuning, GU 96931

Tel: 637-2042 Fax: 637-2041

President:	Prudencio Balagtas
Vice-President:	Frank Castro
Treasurer:	Bert Moya
Secretary:	Dennis Balagtas

June 7, 1999

TO: Senator Marcel Camacho, 25th Guam Legislature

FR: Prudencio R. Balagtas, President, Guam Society of Professional Land Surveyors

RE: Expert Testimony on Survey Networks

Dear Senator Camacho:

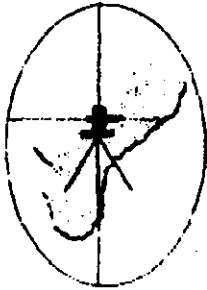
In order to illustrate our position that more "GGN" monuments are not necessary, we are providing our Society's correspondences with Mr. David Doyle, the Senior Geodesist of the National Geodetic Society, and Mr. Frank Castro, the author of Bill No. 217.


Prudencio Balagtas
Professional Land Surveyor No. 62

Transmitted:

1. April 5, 1999 Letter to Mr. Doyle from the GSPLS
2. May 11, 1999 Letter to Mr. Carino from the GSPLS
3. April 14, 1999 Letter to GSPLS from Mr. Doyle
4. April 26, 1999 Letter from Mr. Frank Castro to GSPLS President

OFFICE OF
Marcel G. Camacho
SENATOR
Date: 06/7/99 Time: _____
Received By: Dr. Francisco



GUAM SOCIETY OF PROFESSIONAL LAND SURVEYORS

P.O. Box 6216, Tamuning, GU 96931 Tel: 637-2042 Fax: 637-2041

President:	Prudencio Balagtas
Vice-President:	Frank Castro
Treasurer:	Bert Moya
Secretary:	Dennis Balagtas

April 5, 1999

Mr. David R. Doyle
Senior Geodesist
Observation and Analysis Division
National Geodetic Survey
SSMC 3 Station 8535
1315 East-West Highway
Silver Spring, Maryland 20910-3282

Dear Mr. Doyle:

Greetings from Guam, or as we say, hafa adai!

Please let me introduce myself - my name is Prudencio R. Balagtas, a professional land surveyor here in Guam and I am the current president of the surveyor's association, the Guam Society of Professional Land Surveyors.

I obtained your name and address from Mr. Thomas Condon, also a member of our Society, who attended your recent GPS seminar in Portland. I understand that he discussed with you our unique situation here in Guam, regarding the new survey controls that is being required by the Dept. of Land Management here. Here is a brief history of the current situation:

In 1991 and 1992, the Government of Guam started the process to replace the Guam survey control system with a new one. After studying the issue, the Government of Guam contracted with the Australian government to install, prepare, and provide services for the GPS-based 1993 Guam Geodetic Network. The network was declared to be functional in 1995, whereupon all property surveys in Guam were required to tie into three GGN monuments in order to properly document findings.

Under the law establishing the 1993 GGN network, the Guam Chief Surveyor (the county surveyor here) was placed in charge of the GGN network and its expansion. The law stated that the Guam Chief Surveyor would examine each subdivision to see if any GGN monuments would need to be placed in it. As such, the Guam Chief Surveyor has been very liberal in his application of this law, sometimes requiring GGN monuments in remote places but sometimes requiring GGN monuments to be placed when also where there is an existing monument 300 feet away. The current system in the Dept. of Land Management has created a network of nearly 3000 GGN monuments, with more being required, as per the discretion of the Guam Chief Surveyor. The law as written requires a spacing of 250 meters in urban areas and between 500 meters and 1000 meters in rural areas. Their guidelines also state that "if in doubt, place too many marks rather than too few."

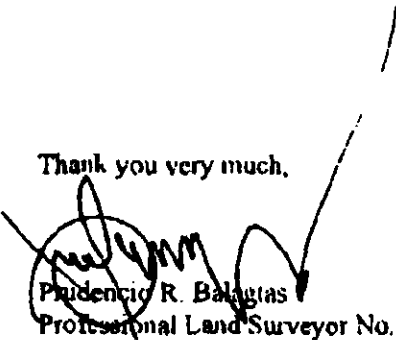
Some of our questions that we hope you can answer are as follows:

1. Are there any detrimental effects to the integrity of the network when maintaining a network of this size, especially when it continues to grow?
2. How is the functionality of the GGN network affected when points are added?
3. Do you consider the 3000 GGN monument network too large for an island the size of Guam? In your expert opinion, how large a network should Guam have for its size? For your information, Guam is approximately 8 miles wide by 30 miles long.
4. Considering today's technology of EDM and GPS, how functional is a nearly 3000 count control system for an area the size of Guam, especially considering the fact that the government is charging \$1000 per GGN monument.
5. Is \$1000 per GGN monument a reasonable charge? This \$1000 includes observation, materials, and installation.
6. How feasible or reasonable is a process where, for every subdivision, the government requires the placement of control monuments, without regard to the usability or functionality of the existing system to the local area?

Our Society has been questioning the requirements of this law for the past four years. While we believe that the GGN network is a good thing, we and others have objected to the burdensome requirements of placing additional GGN monuments, especially when there are already GGN monuments present in an area and because of available GPS technology. We have attempted to convince the Guam Chief Surveyor of the irrelevance of adding more GGN monuments to the network, but to no avail. We are now attempting to change the law itself, in order to remove the burden of the GGN requirements from subdividers.

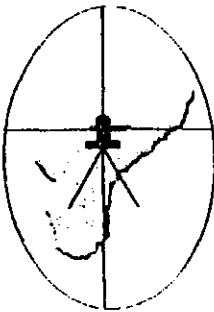
Our Society requests your esteemed opinion on this matter and, if agreeable to you, we would present your opinion to the Guam Legislature as argument to get the law changed.

Thank you very much.


Prudencio R. Balagtas
Professional Land Surveyor No. 62
President, Guam Society of Professional Land Surveyors

RECEIVED
DEPT. OF LAND & NATURAL RESOURCES
GAMSA

May 11 1 35 PM '99



GUAM SOCIETY OF PROFESSIONAL LAND SURVEYORS

P.O. Box 6216, Tamuning, GU 96931 Tel: 637-2042 Fax: 637-2041

President:	Prudencio Balagtas	Members:	
Vice-President:	Frank Castro	Tom Condon	Remi DeCastro
Treasurer:	Bert Moya	Nestor Ignacio	Fred Oliveros
Secretary:	Dennis Balagtas	Meliton Santos	Efren Santos
		Paul Santos	Gene Villaflores
		Raymond Cruz	Lac D. Pham
		Zotico Martinez	Ronald Perry
		Bernardo Ortega	

May 11, 1999

Mr. Nicanor B. Carino
P.L.S., Guam Chief Surveyor
Through the Office of Mr. Carl J.C. Aguon
Director, DLM
Government of Guam

Dear Mr. Carino:

HAF A ADAI!

We are transmitting for your consideration a copy of a letter from Mr. David R. Doyle, Senior Geodesist, Observation and Analyst Division of the National Geodetic Survey.

Our society made an inquiry to Mr. Doyle on what he thinks is the appropriate number of GGN for a land mass the size of Guam. Here are excerpts from Mr. Doyle's letter:

He said he suggested 28 primary, 50 secondary and 400 tertiary control points for a total of 478 in 1992. He stated and I quote "Given the development in GPS technology, NGS recommendation today would be for even less monumentation than suggested in 1992".

Mr. Doyle thinks that 3000 monuments for Guam is very excessive by modern standards. He said it is very expensive to monument, survey and maintain a large high density network and many monuments can be set and are often destroyed or disturbed before they are ever used. He mentioned that cost for tertiary monuments is \$250.00 to \$300.00 per point in the United States.

The Guam Society of Professional Land Surveyors agree with Mr. Doyle that 3000 GGN's is very excessive and very hard to maintain.

In light of our concerns and the professional opinion of Mr. Doyle, our society ask that all GGN requirements be eliminated specially on small subdivisions, parental and court distribution surveys while working on the amendment of GGN law. We suggest that our Society and Land Management work together to amend the GGN law.

Your prompt attention to this matter is greatly appreciated.

Very truly yours,

Prudencio R. Balagtas, P.L.S. no. 62
President, Guam Society of Professional Land Surveyors

Cc: Mr. Carl J.C. Aguon Director, DLM
GSPLS Members

Castro
5/11-99



UNITED STATE DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

Mr. Prudencio R. Balagtas
President
Guam Society of Professional Land Surveyors
P.O. Box 6216
Tamuning, Guam 96931

APR 14 1999

Dear Mr. Balagtas:

Thank you for your letter concerning the development of the geodetic framework on Guam. It was my great pleasure to meet Mr. Condon at the American Congress on Surveying and Mapping (ACSM) in Portland, Oregon last month. We had some brief discussions concerning the development on Guam and the concerns of some of the surveying community. As the "defacto" NGS liaison to Guam, I corresponded extensively with Mr. Francisco L.G. Castro, of the Department of Land Management (DLM) between August, 1993 and December, 1994 regarding the adjustment of the 1993 National Ocean Services (NOS) Global Positioning System (GPS) network on Guam. In addition, I also computed the adopted datum transformation that relates the GUAM 1963 datum to the North American Datum of 1983 (NAD 83). Since that time I have had only minimal communication with Mr. Thomas J. Torres of the GGN Section dealing primarily with the establishment of the Continuously Operating Reference Station (CORS) at the U.S. Geological Survey (USGS) Observatory.

During a meeting in Sacramento, California in July, 1992 Mr. Castro met with representatives of National Geodetic Survey (NGS) and the Bureau of Land Management (BLM). At that time, the recommendations of the NGS/BLM team was for a network of approximately 28 primary, 50 secondary and 400 tertiary control points. It is apparent that DLM has decided to implement a radically different plan. Given the developments in GPS technology, NGS recommendations today would be for even less monumentation than suggested in 1992. It is however, not the policy of NGS to attempt to dictate to any Federal, State, Territorial or local government agency. Our position is strictly advisory, and it is the responsibility of local officials to implement a network that best suites the needs of their activities and the public.

Based on your description of the network, I would think that 3000 monuments is very excessive by modern standards. Given the relatively small size of Guam (336 square kilometers), and the existence of the CORS site, my recommendation would be for a primary network (A- and B-Order) of approximately 10-12 stations (25 - 30 kilometers station spacing), with a secondary of 1st - Order network of approximately 45-50 stations (6 - 8 kilometer station spacing). Depending on the quality of GPS receivers available to the DLM or private contractors, and the capability of DLM to store and manage the data, I could also recommend eliminating the secondary network and implementing a primary reference frame consisting of just the CORS and 10-12 A- and B-Order stations to provide horizontal checks for the CORS and orthometric heights. There are 2 primary philosophies concerning the implementation of a tertiary or cadastral network.

1. An extensive network of monumented points at approximately 1 kilometer (or less) intervals. This has the advantage of having the network in place whenever the surveyor needs the control. The disadvantages are that it is very expensive to monument, survey and maintain



high density network and many monuments can be set and are often destroyed or disturbed before they are ever used.

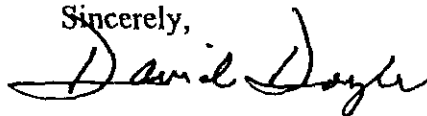
2. Semi-permanent or temporary stations can be established as needed, within or very near the area of the project from the CORS/primary/ secondary network. The advantage is that there are fewer stations to maintain. Since these stations are semi-permanent, if they are destroyed or disturbed by the project that's O.K. These stations can be easily established from the higher network using GPS. The disadvantage is that there will be a time-lag between the request from the surveyor to DLM to establish the stations. Many county and municipal governments (similar in size to Guam) have developed either in-house or contracting capabilities that allow them to establish tertiary stations rapidly and at minimal costs (\$250 - 300 per point).

NGS does not have an official policy concerning this issue, however, I think it is very safe to say that we would typically recommend the second scenario. An excellent example of the cooperative relationship between local government and the private sector is being implemented by the Baltimore County (Maryland), Bureau of Engineering. You may wish to contact Mr. William Henning, County Survey Supervisor at 111 West Chesapeake Avenue, Towson, MD 21204, or by E-mail at whenning@co.ba.md.us. He would be happy to share their experiences with you and DLM.

On a slightly different topic, I notice that the Guam Society of Professional Land Surveyors (GSPLS) is not represented at the National Association of Professional Surveyors (NSPS) Board of Governors at the annual ACSM meeting. I have discussed this issue with Mr. Curtis Sumner, Executive Director of ACSM (<http://www.survmap.org>) who indicated that GSPLS should have representation in the national association. While I realize that it would be expensive to send a representative to the meeting each year, there are many ways in which GSPLS members can benefit from the connection with ACSM/NSPS without being present. I would encourage you to contact Mr. Sumner to find your society a place at the table. You can reach Mr. Sumner at: ACSM, 5410 Grosvenor Lane, Suite 100, Bethesda, MD 20814-2144, telephone (301) 493-0200 x 106, fax (301) 493-8245, E-mail curtasm@mindspirng.com.

I hope my perspectives and opinions will be of some assistance in your efforts to improve the practice of surveying and mapping on Guam. Please don't hesitate to contact me if you have any additional questions or comments about my response.

Sincerely,

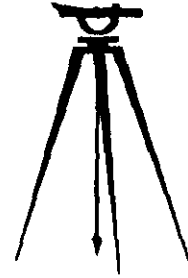


David R. Doyle
Senior Geodesist
Observation and Analysis Division
Telephone: (301) 713-3178
Fax: (301) 713-43278
E-mail: daved@ngs.noaa.gov

cc: C. Sumner - ACSM



FRANK L. G. CASTRO
Registered Land Surveyor
Guam #19 CNMI #14 FSM #1
P.O. Box 1119
Agana, Guam 96932



April 26, 1999

Mr. Prudencio R. Balagtas
President
Guam Society of Professional Land Surveyors
Post Office Box 6216
Tamuning, Guam 96931

**Subject: Communication with USNGS regarding
1993 Guam Geodetic Net System**

Dear Mr. Balagtas:

This is in reference to the most recent communication between the Guam Society of Professional Land Surveyors Association and Mr. David R. Doyle, Senior Geodesist with the Observation and Analysis Division, Office of the United States National Geodetic Survey (USNGS). Since I was not privileged with a copy of the Association's initial letter to Mr. Doyle which he referred to in his transmittal of April 14, 1999, I am unaware of exactly what was relayed to him.

It obviously appears that the USNGS has been informed that Guam now has in excess of 3,000 Geodetic Net Monuments which have been established to date. The National Geodetic Survey Office has determined that for a land mass the size of the Island of Guam, that number of Geodetic Net Stations which have thus far been established is far too excessive by modern standards, making further additional Monuments redundant and unnecessary. I could not agree more with that determination and those of us in the Professional Land Surveyors Association have been saying the same thing repeatedly for some time now.

I am aware that Under Article 5, Section 60518, Subsection (c) gave the Territorial Surveyor, now known as the Guam Chief Surveyor, the authority to demand for the extension of the 1993 Guam Geodetic Net Monumentation. As the architect of the 1993 Guam Geodetic Network Project, it was never my intention that the Monument network extend beyond what is necessary. I regret that I got out of government service long before the contract granted to the Government of

Mr. Prudencio R. Balagtas, President
Guam Society of Professional Surveyors
April 26, 1999
Page 2

South Australia was complete and I was not able to get a second chance at addressing how far the extension program should have been taken. But how is "necessary" determined? By contract with the Government of South Australia, a total of 2,400 primary, secondary and tertiary Monuments were established. Since then, the Monumentation program was extended to over 600 more Stations by the Department of Land Management at \$1,000 for each extended Monument. It is my professional opinion that it should not have to cost a Guam developer or landowner that much to establish a Monument. How that figure was arrived at to begin with is somewhat of a mystery to me.

The bottom line in this matter is that Guam has met, more than adequately, the modern standards set by USNGS for a Geodetic Net Monumentation Program. For the Government of Guam to continue to demand extended monumentations at \$1,000 apiece is economically burdensome to Guam developers and landowners. Legislative consideration should now be favorably given to declaring such requirement redundant and unnecessary, particularly in light of the determination made by USNGS. I am optimistic that Governor Gutierrez and the Guam Legislature have the best interests of the People of Guam at heart and will work to amend the law so that no further extensions of monumentations are needed for Guam. Therefore, I recommend that the Society should endeavor to call Governor Gutierrez's attention to this matter.

With regards to the USNGS's other comments on the transmittal of April 14, 1999, I am reconfirming herein that between the periods of 1992 and December 31, 1994 when I was then the Director of Land Management, we had extensive communication regarding what was then the proposed Guam Geodetic Network Project, inclusive of one meeting in Sacramento, California and various telephonic and written communications. In those communications, I became fully aware of the National Government's recommendations and, while we applied many as recommended, I ultimately took a different approach in several areas for the best interest of Guam, inclusive of which were:

- ▶ Who should the contract be awarded to in view of cost;
- ▶ The difference in number of primary, secondary and tertiary stations as recommended by the National Geodetic Survey and the US Bureau of Land Management versus what was recommended by the proposed contract, the Government of South Australia;


Mr. Prudencio R. Balagtas, President
Guam Society of Professional Surveyors
April 26, 1999
Page 3

- ▶ The fact that the contractor was willing to detail two or three of their experts to Guam for the duration of the eighteen-month contract so that they could render on-the-job training for Department of Land Management personnel;
- ▶ The fact that upon completion of the 1993 Guam Geodetic Net Project, all equipment purchased and used for the Project was to remain the property of the Government of Guam;
- ▶ The contractor I had chosen was willing to accept two DLM staff for training in Australia for a period of six months in computational and adjustment processes, all at the expense of the contractor, including air fares and lodging;

The preceding were some of my reasons for making changes to the recommendations as made by NGS/BLM and I viewed the ultimate decision as in the best interests of the Government of Guam.

Thank you for your professional consideration in allowing me to make this submission.

Sincerely,

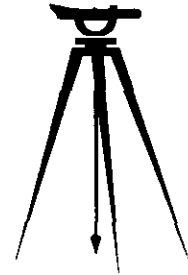

Frank L. G. Castro
R.L.S. #19

RECEIVED
Millie Morgan
5-12-99

cc: The Honorable Carl T. C. Gutierrez, Governor
The Honorable Marcel Camacho, Senator
The Honorable Ben Pangelinan, Senator



FRANK L. G. CASTRO
Registered Land Surveyor
Guam #19 CNMI #14 FSM #1
P.O. Box 1119
Agana, Guam 96932



June 18, 1999

The Honorable Marcel G. Camacho
Chairman, Committee on Lands, Agriculture,
Military Affairs and Acts
Twenty-Fifth Guam Legislature
Hagåtña, Guam 96932

SUBJECT: Legislative Bill No. 217

Dear Mr. Chairman:

Submitted for your and the Committee's review are some points of clarification to certain matters which came up during the Public Hearing proceeding of Legislative Bill No. 217, June 10, 1999.

Nicanor Carino, in his efforts to convince the Committee of his rationale for obligating landowners to install new and additional Geodetic Monuments within their subdivisions, presented his views that *"the foundation of a good cadastral survey is a reliable geodetic system"*.

Carino's statement along that matter is dead accurate, and it is for that very same reason that all Surveyors on this Island are taking the action of utilizing a minimum of three 1993 Guam Geodetic Network Monuments in any cadastral surveys (land surveys) performed as a basis of their surveys. By doing so, we are insuring the accuracy of our surveys, and the protection of the landowners.


Note that I have stated in both my verbal and written testimonies that we Surveyors are doing exactly what was stated by Mr. Carino. I clearly indicated in my testimony that Surveyors have no argument to the requirement of tying our surveys to three Geodetic Net Monuments because we are fully cognizant that using the 1993 Guam Geodetic Control System is a good foundation of the cadastral surveys we perform.

The Honorable Marcel G. Camacho
Twenty-Fifth Guam Legislature
June 18, 1999
RE: Proposed Bill No. 217
Page 2

What we are arguing, over and over again, Mr. Chairman, is that there is no technical or other reason why landowners should be forced to the unnecessary obligation of having additional GGN Monuments installed within their properties at the cost of \$1,000 per mark. Guam now has more GGN Monuments than it needs to insure accuracies of cadastral surveys. We must amend the existing statute to free our people from the burden of having to pay the Government for monuments which are not needed. A high density of GGN Monuments does not make surveys more accurate nor could it be argued that it will enhance the foundation of cadastral surveys.

Once again, we are asking the Twenty-Fifth Guam Legislature to pass Bill No. 217 into law for the good of all landowners on Guam. Thank you.

Very truly yours,


Frank L. G. Castro
R.L.S. #19



The Office of

Senator Marcel G. Camacho

MINA BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) 479 8261 / 62 / 63 / 64
Facsimile (671) 473 8223

Thursday, June 10, 1999
9:00 am
Legislature's Public Hearing Room

AGENDA

I. Opening Remarks

II. Confirmation

**IGNACIO T. TAINATONGO AS MEMBER, GUAM MUSEUM
BOARD OF TRUSTEES**

III. Bill No. 217 (COR)

**AN ACT TO CHANGE SECTIONS OF TITLE 21, DIVISION 2,
CHAPTER 60, ARTICLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE SURVEYING PRACTICES
ON GUAM.**

IV. Bill No. 192 (COR)

**AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE
TO THE LEASING OF GOVERNMENT LAND RESERVED AS A
CULTURAL CENTER FOR THE DEP. OF LAND
MANAGEMENT.**

V. Bill No. 224 (COR)

**AN ACT TO AMEND SECTION 6(B) OF PUBLIC LAW 21-91,
RELATIVE TO CORRECTLY IDENTIFYING THE LEGAL
LOT DESCRIPTIONS OF PROPERTY SOLD TO MR. MARK V.
PANGILINAN.**

VI. Bill No. 229 (COR)

**AN ACT TO AMEND PUBLIC LAW 24-96 (THE GUAM
SLAUGHTER HOUSE ACT)**

VII. Adjournment



TESTIMONY SIGN-IN SHEET
COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS

TESTIMONY RELATIVE TO THE PUBLIC HEARING: **Thursday, June 10, 1999**
Public Hearing Room, Legislature Bldg.
BILL NO. 217

NAME	AGENCY / BUSINESS / SELF / ORGANIZATION	TOPIC	WRITTEN TESTIMONY	ORAL TESTIMONY	REMARKS
1 FRANK CASTRO	SELF	1993 CCA STATUE	✓	✓	
2 Dennis Balagtas	SELF	AMS BILL 217	✓	✓	
3 BERT MOGK	SELF	BILL 217	✓		
4 JOE C. SANTOS	YMLG	Testimony I. Tainibuga	✓	✓	
5 G. RICHARDO SALAS	SALAS AGENCY CORP	bill 217		✓	
6 Pete MAUDAPET	PHIL. SCOUTS ASSN.		✓		
7 TOM CONOW	SELF	BILL 217		✓	
8 Ray Cruz					
9 Jeff Berio					
10 GUENOR B. CRILLO	OLM	BILL 217	✓		

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experience; ability to speak Japanese
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**Senator
Marcel G. Camacho**
Chairman, Committee on
Land, Agriculture, Military
Affairs and the Arts

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PUBLIC HEARING

Thurs. June 10, 1999 @ 9 A.M.

AGENDA

Confirmation: IGNACIO
T. TAINATONGO AS MEM-
BER, GUAM MUSEUM
BOARD OF TRUSTEES.

Bill No. 217(COR): AN
ACT TO CHANGE SECTIONS
OF TITLE 21, DIVISION 2,
CHAPTER 60, ARTICLE 5 OF
THE GUAM CODE ANNO-
TATED RELATIVE TO THE
SURVEYING PRACTICES
ON GUAM.

Bill No. 192(COR): AN
ACT TO ADOPT RULES AND
REGULATIONS RELATIVE
TO THE LEASING OF GOV-
ERNMENT LAND RE-
SERVED AS A CULTURAL
CENTER FOR THE DEPT. OF
LAND MANAGEMENT.

Bill No. 224(COR): AN
ACT TO AMEND SECTION
6(b) OF PUBLIC LAW 21-91,
RELATIVE TO CORRECTLY
IDENTIFYING THE LEGAL
LOT DESCRIPTIONS OF
PROPERTY SOLD TO MR.
MARK V. PANGILINAN.

Bill No. 229 (COR): AN
ACT TO AMEND PUBLIC
LAW 24-96 (The Guam Slaughter
House Act.)

The public is
encouraged to attend.

IN THE SUPERIOR
COURT OF GUAM
HAGATNA, GUAM

IN THE MATTER
OF THE ESTATE
OF
MARIA C. PANGELINAN,
Deceased.

PROBATE CASE
NO. PR 92-63

NOTICE OF HEARING
PETITION FOR LETTERS
OF ADMINISTRATION

THIS NOTICE IS REQUIRED
BY LAW. YOU ARE NOT
REQUIRED TO APPEAR IN
COURT UNLESS YOU
DESIRE TO DO SO.

NOTICE IS HEREBY GIVEN
that NORMAJEAN C.
PANGELINAN-CRUZ has
filed a Petition for Probate
for Letters of Administration
upon the estate of MARIA C.
PANGELINAN, reference to
which Petition for Probate for
Letters of Administration
upon the estate of MARIA C.
PANGELINAN, reference to
which Petition is hereby
made for further particulars.
A hearing on the is set for
the day of June 23, 1999, at
10:00 a.m. or as soon
thereafter as the matter may
be heard before the
Honorable Elizabeth Barrett-
Anderson, Judge, Superior
Court of Guam in Hagatna,
Guam.

Dated this 8th day
of April 1999.

THE VANDEVELD LAW
OFFICES, P.C.
/S/CURTIS C. VAN DEVELD
Attorney for Petitioner
NORMAJEAN C.
PANGELINAN-CRUZ

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~~Introduced~~

MAY 12 1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 217 (CORR)

Introduced by:

M. G. CAMACHO 
V. C. PANGELINAN 

**AN ACT CHANGE SECTIONS OF TITLE 21, DIVISION
2, CHAPTER 60, ARTICLE 5 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE SURVEYING
PRACTICES ON GUAM.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Legislative Findings and Intent.** The Mina' Bente Singko na
3 Liheslaturan Guahan finds that since the Government of South Australia completed
4 its consultation services to the island-wide 1993 Guam Geodetic Network Project,
5 the Department of Land Management (hereinafter "DLM") proceeded under the
6 mandate provided for by Section 60518, Subsection (c), Article 5, 21 G.C.A. in
7 requiring the extension of the Geodetic system on private land whose owners wish to
8 subdivide their properties, entirely at their own expense. At One Thousand Dollars
9 (\$1,000.00) per monument, property owners find this requirement economically
10 burdensome and unaffordable in meeting the required fees imposed by the
11 Department of Land Management (DLM). Between what was established by the
12 Government of South Australia and the extensions by DLM, Guam now has in

1 excess of 3,000 primary, secondary and tertiary Geodetic stations island-wide, with
2 no end in sight to the extension requirement.

3 According to information received from the Senior Geodesist, Division of
4 Observation and Analysis, United States National Geodetic Survey Office and the
5 professional opinions of the members of the Guam Society of Professional Land
6 Surveyors, the 3,000 Geodetic stations now in place throughout the Island is, by
7 modern standards, adequate if not excessive. Any further efforts to continue the
8 extension system into the Guam private land owners properties will be redundant,
9 technically unnecessary, and will continue to be an extreme economic burden to
10 Guam land owners.

11 With these facts in mind, and for the best interest of the people of Guam, it is
12 the intent of the Legislature to amend the existing statute and to prohibit DLM from
13 further imposing on land owners the extension of the 1993 Guam Geodetic Network
14 to within lands which owners wish to subdivide.

15 The Legislature further finds that to improve the delivery of public services,
16 other provisions of the uniform Triangulation Systems Act shall be amended herein
17 and added hereto.

18 **Section 2. Article 5 §60502, Title 21 Guam Code Annotated is amended**
19 **to read: §60502.** The Director shall be responsible for the carrying out of the
20 provisions of this Chapter and may appoint a [~~Territorial~~] Guam Chief Surveyor, a
21 Deputy Chief Surveyor and such additional personnel as is necessary for the
22 administration thereof. In addition, the Director shall have the authority to contract
23 with private professional land surveyors for surveying services under such terms and
24 conditions as the Governor may approve; provided, however, any such surveyor
25 shall be either (a) registered by the Guam Board of Engineering Architectural

1 **Section 6. ARTICLE 5, §60518 (d), (e) and (f), TITLE 21 GUAM CODE**
2 **ANOTATED IS REPEALED IN ITS ENTIRTY.**

3 **Section 7. Severability.** If any provision of this Law or its application
4 to any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Law which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Law are severable.