



Office of the Governor of Guam

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Office of the Governor of Guam  
VIA AIR MAIL

Felix Perez Camacho  
Governor

DEC 03 2004

Kaleo Scott Moylan  
Lieutenant Governor

543  
JAN 11 PM  
RECEIVED

The Honorable Vicente C. Pangelinan  
Speaker  
*Mina' Bente Siete Na Liheslaturan Guåhan*  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 347 (LS), "AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES, BY ADDING SECTION 35(b) OF PUBLIC LAW 22-72," which I signed into law on December 2, 2004 as **Public Law No. 27-124**.

*Sinseru yan Magåhet,*

**FELIX P. CAMACHO**  
*I Maga'låhen Guåhan*  
Governor of Guam

Attachment: copy attached of signed bill

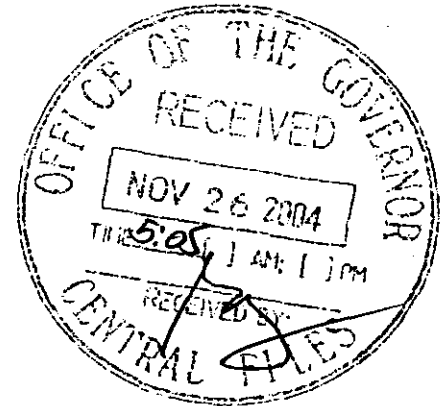
cc: The Honorable Tina Rose Muna-Barnes  
Senator and Legislative Secretary



**MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN**  
TWENTY-SEVENTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

November 26, 2004

The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 126(COR), 251(COR), 257(LS), 259(LS), 283(COR), 293(COR), 307(COR), 335(COR), 344(LS), 345(LS), 347(LS), 351(COR), 380(COR), 385(COR) & 387(COR), and Substitute Bill Nos. 282(COR), 290(COR), 324(COR) & 353(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on November 24, 2004.

Sincerely,

TINA ROSE MUNA BARNES  
Senator and Legislative Secretary

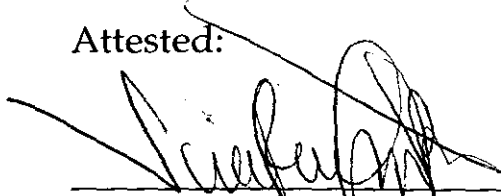
Enclosures (19)

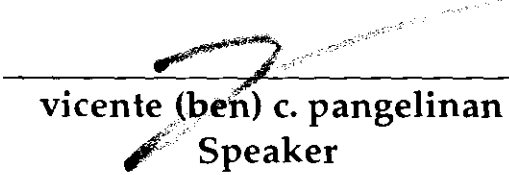
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

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

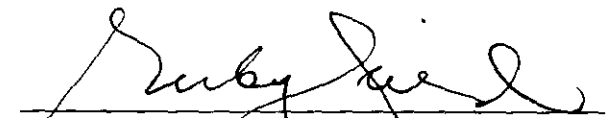
This is to certify that Bill No. 347 (LS), "AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES, BY ADDING SECTION 35(b) OF PUBLIC LAW 22-72," was on the 24<sup>th</sup> day of November, 2004, duly and regularly passed.

Attested:

  
\_\_\_\_\_  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

  
\_\_\_\_\_  
vicente (ben) c. pangelinan  
Speaker

-----  
This Act was received by I Maga'lahaen Guåhan this 26<sup>th</sup> day of November, 2004,  
at 5:05 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: December 2, 2004

Public Law No. 27-124

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

**Bill No. 347 (LS)**

As amended on the Floor.

Introduced by:

v. c. pangelinan  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
J. M.S. Brown  
F. R. Cunliffe  
Carmen Fernandez  
Mark Forbes  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
T. R. Muña Barnes  
J. M. Quinata  
R. J. Respicio  
Toni Sanford  
Ray Tenorio

**AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS  
LOCATED IN THE AREA NEAR NAVAL  
COMMUNICATION STATION IN THE MUNICIPALITY  
OF DEDEDO TO MAXIMIZE THE UTILIZATION OF  
THEIR PROPERTIES, BY ADDING SECTION 35(b) OF  
PUBLIC LAW 22-72.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Public Law 22-72 rezoned several properties located in the area near  
4 Naval Communication Station in the municipality of Dededo from Single  
5 Family Residential ("R-1") and Agricultural to Multi-family Residential ("R-  
6 2") zone. However, the legislators then did not see the possible expansion

1 and development of the area and therefore specifically restricted the  
2 construction and operation of a hotel or a horizontal property regime  
3 (condominium).

4 *I Liheslatura* further finds that several residents in the subject area now  
5 wish to convert their apartment complex to a horizontal property regime  
6 (condominium). Because the properties are located in an area zoned as Multi-  
7 family Residential, wherein multi-story buildings exist, such conversion of an  
8 apartment to a condominium would not adversely affect the surrounding  
9 neighborhood, posing little impact on the existing environment and would  
10 not increase the density of the development. In fact, the conversion of  
11 apartments enhances the neighborhood by additional homeowners who have  
12 a greater incentive to improve and maintain their condominiums.

13 Rather, it will be favorable to the maximum utilization of property and  
14 will yield the government additional revenues in the form of increased  
15 commercial and other fees upon the conversion of apartment buildings to  
16 condominium buildings or the construction and operation of condominiums.

17 It is therefore the intent of *I Liheslaturan Guđhan* to lift the restriction in  
18 Public Law 22-72 and allow property owners further development of their  
19 lots.

20 **Section 2.** Section 35(b) of Public Law 22-72 is hereby *amended* to read  
21 as follows:

22 **“Section 35(b).** Section 2 of Public Law No. 21-80 is hereby  
23 *amended* to read:

24 **‘Section 2.** Limited ‘R-2’ uses in ‘R-1’ and ‘A’ zones. The  
25 respective owners of: (i) Tract 136, Gugagon, municipality of

1 Dededo, as delineated on Land Management Drawing No. ISL  
2 11-65D398, and situated off Route 3 near the Naval  
3 Communications Station; (ii) Tract 143, Increments One and  
4 Two, Lot No. 10061, municipality of Dededo (adjacent to Route  
5 3); (iii) Lots Nos. 10060 (excepting Lot No. 10060-REM-4-R1)  
6 and 10129-1, Tract No. 1011, Lots Nos. 10127-1 through 10 of  
7 Gugagon, situated in the municipality of Dededo (off Route 3  
8 near Naval Communication Station); and (iv) Lot No. 10056 of  
9 As-Tagat, Machanao, situated in the municipality of Dededo  
10 (off Route 3 near Naval Communication Station), are each  
11 hereby authorized to immediately utilize their current single  
12 family residentially ('R-1') and agriculturally zoned property,  
13 as the case may be, for all uses permitted in Multi-family  
14 Residential ('R-2') zones, except for the construction and  
15 operation of a hotel. There shall be no variances granted on the  
16 permitted density of the properties rezoned herein, nor shall  
17 the density be greater than that allowed and permitted under  
18 the 'R-2' zone when constructing a horizontal property regime  
19 or converting an existing multi-family unit to a horizontal  
20 property regime."

21 **Section 2. Severability.** *If any of the provisions of this Act or the*  
22 *application thereof to any person or circumstance is held invalid, such*  
23 *invalidity shall not affect any other provision or application of this Act which*  
24 *can be given effect without the invalid provision or application, and to this*  
25 *end the provisions of this Act are severable.*

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN  
(Included in File w/ All Bills Transmitted)  
BILL NO. 347(hs)

- EXHIBITS ATTACHED. *None*
- CONFIRM NUMBER OF PAGES *3*
- 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 *None*

Confirmed By: *sg/DP*

Dated: 11-26-04

FINAL REVIEW:

Dated: \_\_\_\_\_

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, [unclear] OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to [unclear] ,
  
- FILED by: \_\_\_\_\_



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan  
Speaker

Committee on Utilities and land  
Chairman

NOV 05 2004

The 27<sup>th</sup> Guam Legislature  
*I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN*  
155 Hesler Street  
Hagatna, GU 96910

The Committee on Utilities and Land, to which was referred **Bill 347**, "AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES," has had the same under consideration, and now wishes to report back the same with the **recommendation to**

do pass.

The Committee votes are as follows:

<u>6</u>	To Do Pass
<u>0</u>	Not to Pass
<u>2</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

vicente (ben) c. pangelinan  
Speaker & Chairman of the Committee on Utilities and Land

Enclosures



**Committee on Utilities and Land  
I Mina'Bente Siete Na Liheslaturan Guahan**

*VOTING SHEET ON*

**Bill 347 (LS): "AN ACT TO ALLOW PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATIONS STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES."**

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Vice-Chairperson		✓			
Frank Aguon, Jr. Member		✓			
Randy Cunliffe Member				✓	
Lou Leon Guerrero Member		✓			
Rory Respicio Member					
Toni Sanford Member		✓			
Joanne Brown Member				✓	
Mark Forbes Member		✓			
Ray Tenorio Member					



Office of the People's Speaker  
Vicente C. Pangelinan

SEP 01 2004

TIME: 9:25 (✓) AM ( ) PM  
RECEIVED BY:                     

Senator Lou Leon Guerrero RN, MPH

SEP 01 2004

**MEMORANDUM**

To: Speaker Vicente C. Pangelinan, Chairman,  
Committee on Utilities and Land

From: Senator Lou Leon Guerrero, Chairwoman *LLG*  
Committee on Rules and Health

Subject: Referral – Bill Nos. 341(LS), 345(LS), 347(LS), & 348(LS)

In accordance with Section 6.04.04.01 of the Standing Rules of the Mina' Bente Siete na Liheslaturan Guahan,

**Bill No. 341(LS)– AN ACT TO REQUIRE THE Guam WATERWORKS AUTHORITY TO CONECT AUTHORIZED WATER OF WASTEWATER SERVICES, AND FOR OTHER PURPOSES.**

**Bill No. 345(LS) - AN ACT TO AMEND SECTION 7(C) OF PUBLIC LAW 22-145, RELATIVE TO LAND USE POLICY AND PLAN FOR CERTAIN PARCEL OF LAND BELONGING TO THE GOVERNMENT OF Guam.**

**Bill No. 347(LS) - AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES.**

**Bill No. 348(LS) - AN ACT TO ENCOURAGE THE EXPANSION AND DEVELOPMENT OF THE AGRICULTURAL INDUSTRY ON Guam BY ADDING A NEW SECTION 68715 TO ARTICLE 7 OF CHAPTER 68 OF SUBPART E OF TITLE 21 Guam CODE ANNOTATED.**

are referred to your Committee on Utilities and Land as the principal committee.

**Copies of these bills may be obtained from the office of the Clerk of the Legislature.**

Also in accordance with Section 7.01 of the Standing Rules, it shall be the duty of the Chairperson of each standing committee, or the designated hearing officer, to notify the Speaker, the Chairwoman of the Committee on Rules and the Executive Director, the date, time, subject matter, number and title of the bill or resolution for which a public hearing will be held.

Thank you.

cc: Clerk of the Legislature

27th Guam Legislature

155 Hesler Street Hagåtña, Guam 96910

Office 671 472-2582 - 5 / 472-2576 Facsimile 671 472-3501 Email

Democrat Majority Leader

Committee on Rules & Health  
Chairwoman

Committee on Utilities & Land  
Member

Committee on Appropriation  
& Budgeting, General  
Government Operations  
Reorganization & Reform  
Member

Committee on Community,  
Culture, Recreation &  
Public Broadcasting  
Member

Committee on Economic  
Development, Retirement,  
Investments, Public Works,  
& Regulatory Functions  
Member

Committee on Education  
& Housing  
Member

Committee on Judiciary  
& Transportation  
Member

Committee on Youth &  
Senior Citizens,  
Federal & Foreign Affairs  
Member

**Committee on Utilities and Land**  
*I Mina 'Bente Siete Na Liheslaturan Guahan*

**Bill 347 (LS)**

AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS  
LOCATED IN THE AREA NEAR NAVAL COMMUNICATION  
STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE  
THE UTILIZATION OF THEIR PROPERTIES.

Public Hearing was held by the Committee on Utilities and Land on  
Tuesday, September 7, 2004, at the Guam Legislature Public hearing  
Room, at 9 a.m.

**Witness Summary**

<b>Name</b>	<b>Representing</b>	<b>Testimony (written or oral)</b>	<b>Testimony (against or for)</b>
Mr. Kevin Fowler	Eleanor Lucero	Oral	For
Mr. Jose Garrido	Self	Oral	Leaning towards supporting it

**Committee on Utilities and Land**  
*I Mina 'Bente Siete Na Liheslaturan Guahan*

**Bill 347 (LS)**

AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS  
LOCATED IN THE AREA NEAR NAVAL COMMUNICATION  
STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE  
THE UTILIZATION OF THEIR PROPERTIES.

The Committee on Utilities and Land, to which was referred Bill 347 (LS), "AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES," conducted a public hearing on Tuesday, September 7, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance were Vice Chair Carmen Fernandez, Senators Lou Leon Guerrero, Rory Respicio, Toni Sanford, and Tina Rose Muna Barnes.

**Speaker/Chairman:** Thank you very much. We will now have the public hearing on Bill Number 347. We have Mr. Kevin Fowler, who signed up ... My apologies for ...

**Mr. Fowler:** No problem.

**Speaker/Chairman:** ... Mr. Joe Garrido also signed up to testify.

**Mr. Fowler:** Thank you, senators.

**Speaker/Chairman:** Mr. Fowler.

**Mr. Fowler:** My name is Kevin Fowler. I'm an attorney representing Eleanor Lucero. I do have an HPR application pending on her property, which is affected by Public Law 22-72. There is a restriction in that law that I learned from Land Management that doesn't allow ... Although it allows multifamily use in that area, it restricts condominium and hotel development. This bill would amend Public Law 22-72 to allow HPR development but continuing to restrict hotel, so I wanted to appear today before you and thank you in allowing me to testify in support of this bill and hope that the Legislature will pass it.

**Speaker/Chairman:** Thank you very much. Mr. Garrido, did you have a testimony on 347?

**Mr. Garrido:** No, I changed my mind.

**Speaker/Chairman:** Okay.

**Mr. Garrido:** Mr. Speaker, I think I'm moving towards supporting this.

**Speaker/Chairman:** Okay, thank you very much. And again the attention here is that there is no density waivers or anything at all with regards to the single family and condominiums so we're not going to further tax what's allowable there.

**Mr. Fowler:** That's correct.

**Speaker/Chairman:** And so it just allows you to convert or when you build, to build initially as an HPR.

**Mr. Fowler:** Correct.

**Speaker/Chairman:** The idea, of course, is that you have family, you have homeowners who have vested interest in the property, they upkeep it, more taxes are assessed based on homeowner status and so forth and that it doesn't really change the character of the available development. Because you all ... multifamily dwellings anyway, so that's the intent here. Thank you very much. Any questions for Mr. Fowler? If not, thank you very much, Mr. Fowler.

### **Findings and Recommendation**

The Committee on Utilities and Land, to which was referred Bill 347 (LS), "AN ACT TO ALLOW THE PROPERTY OWNERS OF LOTS LOCATED IN THE AREA NEAR NAVAL COMMUNICATION STATION IN THE MUNICIPALITY OF DEDEDO TO MAXIMIZE THE UTILIZATION OF THEIR PROPERTIES," recommends that the legislation be passed.



