



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

16 FEB 2005

Office of the Speaker
MARK FORBES

Date: 02/16/05
Time: 5:2004
Rec'd by: EW
Print Name: EW
28-05-0054

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 23 (EC), "AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS OF AMERICAN CHAPTER 668, GUAM IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MUNICIPAL PLANNING COUNCIL," now designated as **Public Law 28-04**.

Sinseru yan Magåhet,

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

0056



I MINA' BENTE OCHO NA LIHESLATURAN GUÅ
Ufisinan I Mås Ge'hilo Gi Liheslaturan Guåhan

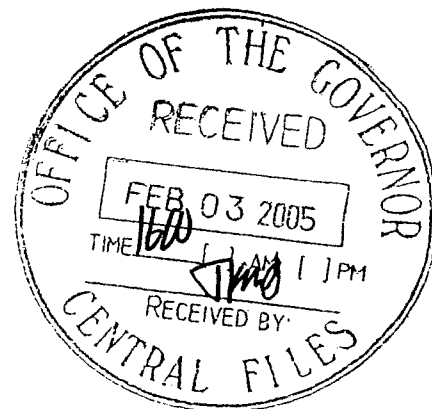
MARK FORBES
Speaker

Chairperson, Committee on General & Omnibus Law
Chairperson, Executive Committee

Office of the Speaker

February 3, 2005


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. 2(LS), 12(LS), 23(EC), and Substitute Bill No. 3(LS) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on February 2, 2005.

Sincerely,


EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (4)

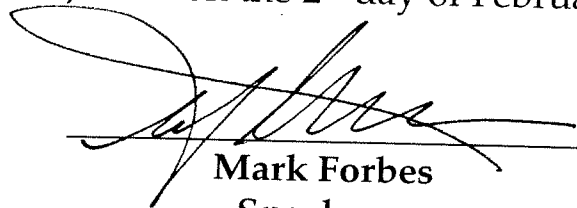
155 Hesler Street, Hagåtña, Guam 96910

Telephone: 671-472-3407/408/512 * Facsimile: 671-477-5036 * Email: speakerforbes@yahoo.com

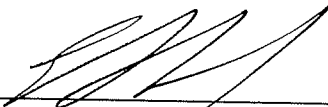
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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


This is to certify that Bill No. 23 (EC), "AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS OF AMERICA CHAPTER 668, GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MUNICIPAL PLANNING COUNCIL," was on the 2nd day of February, 2005, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 2nd day of February, 2005,
at 4 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 2/15/05

Public Law No. 28-04

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 23 (EC)

As amended on the Floor.

Introduced by:

F. B. Aguon, Jr.

Mark Forbes

J. M.S. Brown

Edward J.B. Calvo

B. J.F. Cruz

Mike Cruz

L. F. Kasperbauer

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

R. J. Respicio

Ray Tenorio

J. T. Won Pat

A. R. Unpingco

AN ACT RELATIVE TO GRANTING THE USE OF THE
FORMER POLICE KOBAN BUILDING AND PROPERTY IN
MANGILAO TO THE VIETNAM VETERANS OF AMERICA
CHAPTER 668, GUAM, IN EXCHANGE FOR THE
GENERAL MAINTENANCE AND UPKEEP OF THE
BUILDING STRUCTURE AND ITS SURROUNDING
PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1,
MANGILAO, AND SUBJECT TO THE APPROVAL OF THE
MANGILAO MUNICIPAL PLANNING COUNCIL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds that the Vietnam Veterans of America Chapter 668, Guam, has expressed
4 interest in the use of the former Police Koban building located in Mangilao at

1 the intersection of the Vietnam Veterans Highway (Route 10) and Route 15
2 (back road to Andersen AirForce Base). In exchange for the use of the facility,
3 the Chapter has committed to the general maintenance and upkeep of the
4 building (from any graffiti or vandalism) and the upkeep and beautification of
5 the immediate surroundings contained within the identified property.

6 *I Liheslaturan Guåhan* further finds that the Mangilao Municipal Planning
7 Council has considered endorsing the idea of allowing the use of the Mangilao
8 Police Koban structure and the surrounding property by the Vietnam
9 Veterans of America Chapter 668, Guam, with the understanding that the
10 property would be properly maintained and beautified for the benefit of the
11 entire community. Should this arrangement be consummated, *I Liheslaturan*
12 *Guåhan* finds that it would be a positive use of a very visible facility and parcel
13 of property.

14 Therefore, because of the lack of active use of the building structure over
15 the past several years and the need to insure that any further graffiti and
16 vandalism of this visible structure is immediately removed and addressed, as
17 well as the need to properly maintain the surrounding area, it is the intent of *I*
18 *Liheslaturan Guåhan* to allow for the use of the former Police Koban building
19 by the Vietnam Veterans of America Chapter 668, Guam. This public use of
20 the existing facility would result in the mutual benefit to the people of
21 Mangilao, the Vietnam Veterans of America Chapter 668 of Guam, and to the
22 entire island community.

23 **Section 2.** A new §68976 is hereby *added* to Title 21 of the Guam Code
24 Annotated to read:

1 “§68976. **Authorization to Lease Mangilao Koban.** *I Maga’lahen*
2 *Guåhan* is hereby authorized to lease a portion, to be designated by *I*
3 *Maga’lahen Guåhan*, of Lot No. 2288-1-1-1, located within the
4 municipality of Mangilao, Guam, and the *Fansagayan Policia* (Police
5 Koban) situated thereon to the Vietnam Veterans of America, Chapter
6 668, Guam, for an amount of One Dollar (\$1.00) per annum and for a
7 term *not to exceed* twenty (20) years, renewable for a like term lease
8 subject to renewal by *I Liheslaturan Guåhan*, so long as lessee shall *not*
9 cease to function or exist. The lease shall contain the following terms:

10 1. The Vietnam Veterans of America, Chapter 668, Guam, shall
11 be considered as having ceased to function should the Chapter fail to
12 conduct a proper meeting as provided for by the chapter and national
13 governing documents for a period of twelve (12) months.

14 2. *I Maga’lahen Guåhan* may declare a cessation of activity or
15 organizational existence upon a finding that the lessee is *not* maintaining
16 the property, or is *not* in compliance with chapter and national
17 governing documents or the laws of Guam or the United States.

18 3. Lessee shall *not* demolish or cause to be demolished any
19 portion of any structure located on the leasehold.

20 4. The leasehold is *not* assignable *nor* may it be sublet.

21 5. The use of the leasehold shall *be limited to* those activities
22 consistent with the mission and purpose of lessee as detailed in its
23 chapter and national governing documents for a period, and in *no*
24 circumstances shall the use of the leasehold provide any personal

1 pecuniary benefit to any member or members of the lessee or to any
2 other person.

3 Nothing herein shall be construed to prohibit *I Maga'lahaen Guåhan*
4 from establishing additional terms in the lease or renewal."

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 2/2/05

VOTING SHEET

Bill No. 23(EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				EA ✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Patricia C. Santos

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

PL-28-04



I MINA ' BENTE OCHO NA LIHESLATURAN GUÅHAN
I Ufisinan Etmås Ge'helo Gi Liheslaturan Guåhan

MARK FORBES *Chairperson, Committee on General & Omnibus Matters*
Speaker *Chairperson, Executive Committee*

Office of the Speaker

February 1, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on General and Omnibus Matters, to which Bill No. 23, was referred, wishes to report its findings and recommendations **TO DO PASS Bill No. 23 (EC)**: "An act relative to granting the use of the former police koban building and property in Mangilao to the Vietnam Veterans Association of Guam, in exchange for the general maintenance and upkeep of the building structure and its surrounding property described as Lot No. 2288-1-1-1, Mangilao, and subject to the approval of the Mangilao Mayor's Municipal Planning Council."

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
TO REPORT OUT	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

MARK FORBES


Attachments

155 Hesler Street, Hagåtña, Guam 96910

Telephone: 671-472-3407/408/512 * Facsimile: 671-477-5036 * Email: speakerforbes@yahoo.com

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- BILL NO. 23 (EC): "An act relative to granting the use of the former police koban building and property in Mangilao to the Vietnam Veterans Association of Guam, in exchange for the general maintenance and upkeep of the building structure and its surrounding property described as Lot No. 2288-1-1-1, Mangilao, and subject to the approval of the Mangilao Mayor's Municipal Planning Council."

Transmitted herewith for your information and action is the report on Bill No. 23 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 23 (EC)
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

MARK FORBES


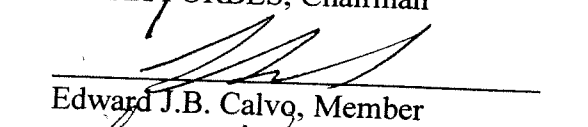
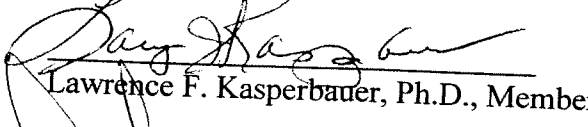
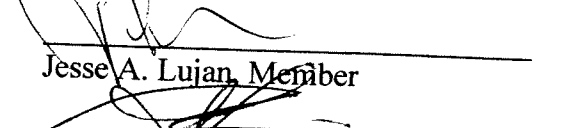
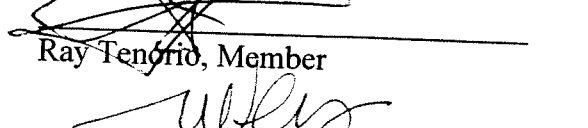
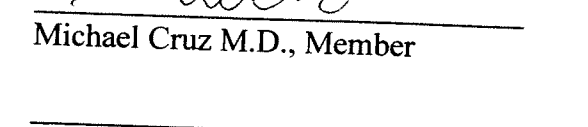
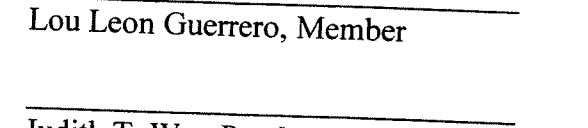
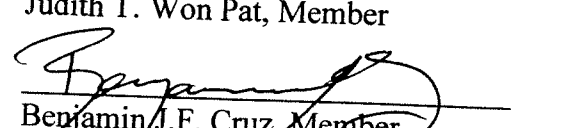

Attachments

Committee on General and Omnibus Matters

I Mina' Bente Ocho Na Liheslaturan Guåhan

Voting Record

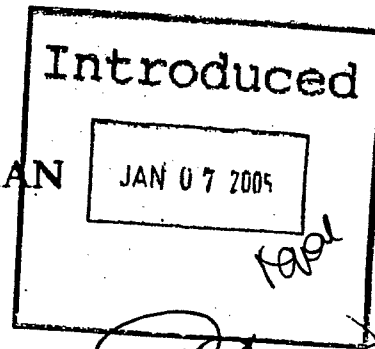
BILL NO. 23 (EC): "AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MAYOR'S MUNICIPAL PLANNING COUNCIL."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>REPORT OUT</u>
 MARK FORBES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward J.B. Calvo, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lawrence F. Kasperbauer, Ph.D., Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Jesse A. Lujan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ray Tenorio, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Michael Cruz M.D., Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou Leon Guerrero, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Judith T. Won Pat, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Benjamin J.F. Cruz, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred	Date Ratified
15(LS)	R. Klitzkie	Government Reorganization	01/03/05	01/05/05	General Matters	01/17/05
16(LS)	L. A. Leon Guerrero	Health	01/03/05	01/05/05	Health & Human Resources	01/17/05
17(LS)	Ray Tenorio	Education	01/03/05	01/05/05	Education & Community Development	01/17/05
18(LS)	J. T. Won Pat	Education	01/03/05	01/05/05	Education & Community Development	01/17/05
19(LS)	J. T. Won Pat	Gross Receipts Taxes	01/03/05	01/05/05	Finance, Taxation & Commerce	01/17/05
20(LS)	J. M.S. Brown	Environment	01/03/05	01/05/05	Natural Resources, Utilities	01/17/05
21(LS)	J. M.S. Brown	Environment	01/03/05	01/05/05	Finance, Taxation & Commerce	01/17/05
22(EC)	Mark Forbes	Exemption the sale of Medicine, etc from GRT	01/05/05	01/06/05	Finance, Taxation & Commerce	01/17/05
23(EC)	F. B. Aguon, Jr.	Police Koban to Vietnam Veterans Assn.	01/7/05	01/10/05	General and Omnibus Matters	01/17/05
24(EC)	Mark Forbes	Referendum	01/7/05	01/10/05	General and Omnibus Matters	01/17/05
25(EC)	F. B. Aguon, Jr.	National Guard Counter-drug	01/11/05	01/12/05	Tourism, Maritime, Military & Veterans Affairs	01/17/05
26(EC) sub by author	Mark Forbes	Repeal Santos Amendment	01/11/05	01/20/05 01/12/05	General and Omnibus Matters	01/17/05
27(EC)	E. J.B. Calvo	Consumption of alcohol restrictively within limousines	01/14/05	1/17/05	Criminal Justice, Public Safety, Youth & Foreign Affairs	01/17/05

2nd Edg 2nd
2-2-05 2-2-05

15



MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

BILL NO. 23 (EC)

INTRODUCED BY:

RK
FA5
pr

F. B. AGUON, JR.

MF

[Signature]

FA 2/1
[Signature]

~~AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER
POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE
VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR
THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING
STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS
LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL
OF THE MANGILAO MAYOR'S MUNICIPAL PLANNING COUNCIL.~~

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent.

FA 3
2/1
[Signature]

~~The Liheslaturan Guahan finds that the Vietnam Veterans
Association of Guam has expressed interest in the use of the former Police
Koban building located in Mangilao at the intersection of the Vietnam
Veterans Highway (Route 10) and Route 15 (back road to Andersen AFB).
In exchange for the use of the facility, the Association has committed to the
general maintenance and upkeep of the building (from any graffiti or
vandalism) and the upkeep and beautification of the immediate
surroundings contained within the identified property. I Liheslaturan
Guahan further finds that the Mangilao Municipal Planning Council has
considered endorsing the idea of allowing the use of the Mangilao Police
Koban structure and the surrounding property by the Vietnam Veterans~~

Passed FA No. 3

Date: 2/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 73

Klitzine
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

sections 2 + 3 of the bill as
introduced are deleted.
to leave section 1 in the bill. It

Handwritten initials

(Below only for Clerk of Legislature's use and processing))

Date 2-2, 2005

Floor Amendment No. 3, a of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

Passed FA No. 4
Date: 2/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 73

R.K.

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

in title and body of Bill wherever it appears
(see attached)

(Below only for Clerk of Legislature's use and processing)

Date 2/2, 2005

Floor Amendment No. 4 of a total of _____ changes on above Bill.


Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*

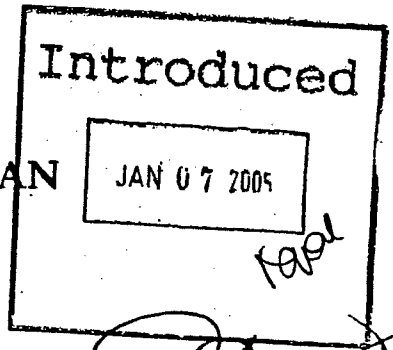
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

15



MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

BILL NO. 23 (EC)
INTRODUCED BY:

F. B. AGUON, JR.

~~AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MAYOR'S MUNICIPAL PLANNING COUNCIL.~~

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent.

The Liheslaturan Guahan finds that the Vietnam Veterans ^{OF AMERICA CHAPTER 668} ~~Association~~ of Guam has expressed interest in the use of the former Police Koban building located in Mangilao at the intersection of the Vietnam Veterans Highway (Route 10) and Route 15 (back road to Andersen AFB). In exchange for the use of the facility, the ^{CHAPTER} ~~Association~~ has committed to the general maintenance and upkeep of the building (from any graffiti or vandalism) and the upkeep and beautification of the immediate surroundings contained within the identified property. I Liheslaturan Guahan further finds that the Mangilao Municipal Planning Council has considered endorsing the idea of allowing the use of the Mangilao Police Koban structure and the surrounding property by the Vietnam Veterans

15

Introduced
JAN 07 2005
Kapel

MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

BILL NO. 23 (EC)
INTRODUCED BY:

F. B. AGUON, JR. *[Signature]*

~~AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MAYOR'S MUNICIPAL PLANNING COUNCIL.~~

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent.

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OF AMERICA, CHAPTER 668

1 ~~Association of~~, Guam, with the understanding that the property would be
2 properly maintained and beautified for the benefit of the entire
3 community. Should this arrangement be consummated, I Liheslaturan
4 Guahan finds that it would be a positive use of a very visible facility and
5 parcel of property.

6 Therefore, because of the lack of active use of the building structure
7 over the past several years and the need to insure that any further graffiti
8 and vandalism of this visible structure is immediately removed and
9 addressed, as well as the need to properly maintain the surrounding area,
0 it is the intent of I Liheslaturan Guahan to allow for the use of the former
1 police koban building by the Vietnam Veterans ~~Association of~~
OF AMERICA CHAPTER 668
2 public use of the existing facility would result in the mutual benefit to the
3 people of Mangilao, the Vietnam Veterans ~~Association of~~
OF AMERICA, CHAPTER 668
4 entire island community.

5 **Section 2. Allowable Use of the Building and Property identified as Lot**
6 **No. 2288-1-1-1, Mangilao, located at the intersection of Route 10 (Vietnam**
7 **Veterans Highway) and Route 15 (back road to Andersen AFB) by the**
8 **Vietnam Veterans ~~Association of~~**
OF AMERICA CHAPTER 668
Guam.

9 The Vietnam Veterans ~~Association of~~
OF AMERICA, CHAPTER 668
0 the permitted use of Lot No. 2288-1-1-1, located within the municipality of
1 Mangilao, Guam, with an area of approximately 1,000 square meters, in
2 exchange for the proper maintenance and upkeep of the building structure
3 and the immediate grounds for a term not to exceed Twenty-Five Years

Passed FA No. 5

Date: 2/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 23

RK
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Add Member as #2 sponsor

(Below only for Clerk of Legislature's use and processing)

Date 2-2, 2005

Floor Amendment No. 5 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]

AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 Association of Guam, with the understanding that the property would be
2 properly maintained and beautified for the benefit of the entire
3 community. Should this arrangement be consummated, I Liheslaturan
4 Guahan finds that it would be a positive use of a very visible facility and
5 parcel of property.

6 Therefore, because of the lack of active use of the building structure
7 over the past several years and the need to insure that any further graffiti
8 and vandalism of this visible structure is immediately removed and
9 addressed, as well as the need to properly maintain the surrounding area,
10 it is the intent of I Liheslaturan Guahan to allow for the use of the former
11 police koban building by the Vietnam Veterans Association of Guam. This
12 public use of the existing facility would result in the mutual benefit to the
13 people of Mangilao, the Vietnam Veterans Association of Guam, and to the
14 entire island community.

15 *See FA 1-1-1*
Section 2. Allowable Use of the Building and Property identified as Lot
16 No. 2288-1-1-1, Mangilao, located at the intersection of Route 10 (Vietnam
17 Veterans Highway) and Route 15 (back road to Andersen AFB) by the
18 Vietnam Veterans Association of Guam.

19 The Vietnam Veterans Association of Guam shall hereby be granted
20 the permitted use of Lot No. 2288-1-1-1, located within the municipality of
21 Mangilao, Guam, with an area of approximately 1,000 square meters, in
22 exchange for the proper maintenance and upkeep of the building structure
23 and the immediate grounds for a term not to exceed Twenty-Five Years

I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 23

~~Forbes~~ KLUZKIE

Senator Proposing Amendment

(Below for Senator to complete)

²
Section 1. A new section 21 GCA 68976 is added to read:

RK FA 1a
FA 2b
FA 4
OK

"Section 68976 Authorization to allow the lease of Koban. *I Maga'Lahen* Guahan is hereby authorized to lease ^{a portion of the b.i. magu} Lot No. 2288-1-1-1, located within the municipality of Mangilao, Guam, ~~[with an area of approximately 1,000 square meters]~~ and the *Fansagayan Policia* (police koban) situated thereon to the Vietnam Veterans of America, Chapter 668 ^{of Guam} for an amount of one (1) dollar per annum and for a term not to exceed twenty (20) years, renewable for a like term the lease and renewal subject to renewal by *I Liheslaturan Guahan* so long as lessee shall not cease to function or exist. The lease shall contain the following terms:

1. The Vietnam Veterans of America, Chapter 668 shall be considered as having ceased to function should the chapter fail to conduct a proper meeting as provided for by the chapter and national governing documents for a period of twelve (12) months.
2. *I Maga'Lahen Guahan* may declare a cessation of activity or organizational existence upon a finding that a finding that lessee is not maintain the property or is not in compliance chapter and national governing documents or the laws of Guam or the United States.
2. Lessee shall not demolish or cause to be demolished any portion of any structure located on the leasehold.
3. The leasehold is not assignable nor may it be sublet.
4. The use of the leasehold shall be limited to those activities consistent with the mission and purpose of lessee as detailed in its chapter and national governing documents for a period and in no circumstances shall the use of the leasehold provide any personal pecuniary benefit to any member or members of lessee or to any other person.

Passed FA No. 1
Date: 2/2 Time: 10:48A

Nothing herein shall be construed to prohibit *I Maga'Lahen Guahan* from establishing additional terms in the lease or renewal."

(Below only for Clerk of Legislature's use and processing)

Date 2-2, 2004⁵

Floor Amendment No. I-a, b of a total of _____ changes on above Bill.

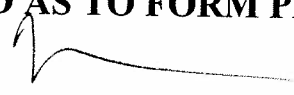
Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur (initial)

MS
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

Passed FA No. 1a

Date: 2/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 23

KITZKIE

Senator Proposing Amendment

sed

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

erase "a portion to be designated by
I anga' Saken Guahan of " Got

add " language " before the word
erase

(Below only for Clerk of Legislature's use and processing))

Date 2-2, 2005

Floor Amendment No. 1a of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur (initial)

ms
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

Passed FA No. 16

Date: 2/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 23

[Signature]
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

delete on RK's FA, line 3, beginning "with an area of approximately 1,000 square meters"

(Below only for Clerk of Legislature's use and processing)

Date 2-2, 2005

Floor Amendment No. 16 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

1 from the date of this Act. The public use and benefit by the Vietnam
2 Veterans Association of Guam as highlighted herein shall be subject to the
3 approval by the Mangilao Mayor's Municipal Planning Council.

4 Any further extension of such arrangement for the continual use of
5 the facility and property shall be subject to the mutual consent of the
6 Government of Guam (I Maga'Lahen Guahan as the appropriate
7 representative), the governing representatives of the Vietnam Veterans
8 Association of Guam, and the Mangilao Mayor's Municipal Planning
9 Council. Any extension for the use of said facility and property shall be for
10 an extension not to exceed an additional Twenty-Five years, and shall also
11 be subject to the proper maintenance and upkeep of the building structure
12 and the immediate grounds. Any additional extension beyond the
13 allowable timeframe provided herein shall require the endorsement and
14 approval of I Liheslaturan Guahan.

15 **Section 3. Severability Clause.**

16 If any provision of this Act or its application to any person or
17 circumstances is held invalid, the invalidity shall not affect other
18 provisions or applications of this Act which can be given effect without the
19 invalid provision or application, and to this end the provisions of this Act
20 are severable.

FA 2 - R
stamp

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL AND OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN

COMMITTEE REPORT
ON
Bill No. 23 (EC)

“AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MAYOR’S MUNICIPAL PLANNING COUNCIL.”

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9 a.m. on January 20, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice advertisement was given in the January 13 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the January 17, 2005 edition of the PDN, and Public Notice Ad in the January 18, 2005 edition of the Marianas Variety, Guam Issue. A live broadcast of the public hearing appeared on Channel 61 that day (January 20, 2005).

Senators present at the public hearing were:

Senator Mark Forbes, Chairman
Senator Benjamin J. F. Cruz, Member
Senator Mike Cruz, M.D., Member
Senator Lawrence F. Kasperbauer, Ph.D., Member
Senator Jesse A. Lujan, Member
Senator Ray Tenorio, Member
Senator Judith T. Won Pat, Member
Vice Speaker Joanne M.S. Brown
Senator Frank B. Aguon, Jr.
Senator Robert Klitzkie
Senator Adolpho B. Palacios, Sr.

II. SUMMARY OF TESTIMONY

Individuals appearing before the Committee to present oral and written testimony on the bill are as follows:

Juan S. Finona (Oral testimony)- In favor
Nick Francisco (Oral testimony)- In favor
Nonito Blas (Oral testimony)- In favor
James Brooks (Oral testimony)- In favor
Gene Tennesen (Oral testimony)- In opposition
Ray Perez (Oral testimony)- In opposition
Francisco Lizama (Oral testimony)- In favor
James Matanane (Oral testimony)- In favor
Jesus H. Aguon (Oral testimony)- In favor
Ron McNinch (Written testimony)- In favor

The following individuals appeared before the committee to provide support to those in favor and speaking on behalf of the Vietnam Veteran's of America: Jose U. Garrido, Joseph C. San Nicolas, Frank B. Delgado, F.C. San Nicolas, Silvestre F. Guillermo, Jose T. Cepeda, Raymond T. Baza, Lee T. Baza, Vicente S. Borja, Lou B. Borja, Remy T. Matanona, Pilar S.N. Finona, Scott D. Duenas.

Juan Santos Finona, President, Vietnam Veteran's of America (VVA), Chapter 668 Guam, presented oral testimony in favor of Bill 23. In his testimony he stated that the former Chief of Police, Earl Aguigui, and Mangilao Mayor Nito Blas has given them authorization to utilize the Police koban located in Mangilao. Their Chapter had been occupying the koban for the past two years and had upgraded, improved and maintained the koban, but in respect to the eviction of their VVA Chapter from the Koban, the VVA is asking the Committee's support of bill 23 to be granted to the VVA Chapter 668. The approval of Bill 23, in his testimony, would enable the VVA to proceed with furthering improvements and the maintenance of the Koban and its surroundings, and would also allow the VVA to participate with the community functions. He expressed his belief that no where in the US has any government granted a Vietnam Veterans Association, nor a non profit

organization, a facility to utilize. He further indicated that with the passage of Bill 23, the government of Guam would be the first to take such action to honor its war heroes. Senator Kasperbauer had concerns with the funding of ongoing projects done to the building and its surrounding and asked Mr. Finona who would be funding these projects? Mr. Finona, in his testimony stated that the VAA was responsible for the restoration of the building and its surrounding at its current condition and that any future projects would be funded by the VAA. In regards to the utility payments, Mayor Blas interjected Mr. Finona, by stating that the utility payments were paid by the VAA since handing over the Koban to them and that the Mangilao Municipal Planning Council does not pay for the utilities and would like to ensure that the bill state that the VAA be liable for the payment for its utilities and improvements and expansion to the structure of the Koban.

Nick Francisco, former Mangilao Mayor and current member, Mangilao Municipal Planning Council, member, VVA, presented oral testimony in favor of Bill 23. In his testimony, he stated that the Municipal Planning Council had support the request of the VVA Chapter 668 to use the Police Koban, which he described the Koban as unused, abandoned and a waste of taxpayer money. The Chapter had been occupying a building in Tiyan for many years, up until their eviction when the Tiyan properties were returned to the original landowners. The VVA Chapter 668 relocated after Mayor Nito Blas had given the VVA Chapter approval to use the Police Koban, at the time was abandoned by GPD. He asked the Committee for their support of Bill 23, to assure legality in the event that GPD returns to the Koban with an eviction notice. He stated that the Koban which is situated close to the Vietnam Veteran's of America Highway (Route 10) and the Vietnam Veteran's Memorial Wall, would be an appropriate building for the VVA to utilize for their regular meetings and functions. He is pleased that there are ongoing projects honoring the veterans, and that it has been long overdue. He commended Speaker Mark Forbes the Author of renaming Route 10 to the Vietnam Veterans of America Highway, Senator Ray Tenorio for sponsoring the Vietnam Veterans Memorial Wall in Mangilao, and Senator Frank Aguon Jr., the author of Bill 23, that would allow the VVA to utilize the Police Koban, as an official welcome home tribute to the many veterans who sacrificed their lives. It is a tribute for those who made it home alive and for those who didn't, it is a tribute to always remember them. He further asked the committee for their full support of Bill 23 and the expeditious passage of the bill for the Governor's signature.

Nonito Blas, Mayor, Municipality of Mangilao, member of VVA, Chapter 668 presented oral testimony in favor Bill 23. In his testimony, he stated that the intended use of the Koban was for GPD to use, but since the administration under Chief of Police Kabina, the building and the "Koban project" was abandoned. Despite his attempt to get GPD to staff the Koban, the building was never reopened and a padlock was used to secure the building. He stated further that he reopened the building to house the homeless, until the VVA approached him with a request to use the building. He supported the VVA of their request and allowed them to use the Koban. Senator Palacios had concerns of whether GPD has intentions of returning to the Koban, despite the lease of 25 years given to the VAA, he asked Mayor Blas, if GPD was ever going return? Mayor Blas stated that he had spoken with Chief of Police Frank Ishizaki and that GPD has intentions of using the Koban for writing reports and not to "man" the facility like its initial purpose. Although, the bill does not guarantee that GPD be allowed to function out of the Koban while the VAA has the lease, Mayor Blas stated that he needs the assistance of the author of Bill 23 to incorporate the language to ensure that GPD has the ability to do so at any time. He feels that if GPD has an interest in coming back to the Koban, it should be a cooperative effort between the VAA and GPD. He further stated that GPD be given a new place to operate and that the Mayor's office has the ideal location to build another koban or a precinct to service and protect the community. He asked that the lawmakers consider funding such a project.

James Brooks, private citizen, provided oral testimony in favor of Bill 23. He stated that he has concerns with the language contained in Bill 23. He wanted to call the lawmaker's attention to Section 2, lines 19 and 20 of Bill 23, which would grant the VVA, the permitted use of the lot. He stated that the language contained sounds like a license, and which a license is revocable. This would give the VVA a license up to 25 years and at which the government can terminate at any time. He stated that the bill might be a little more artfully drafted and suggested codifying the law and not just making it a statute at large. He stated that he is in support of granting the use of the property to the VVA, that it is justly due, but that he would like to see it done properly.

In his testimony, Mr. Brooks responded to Speaker Forbes' question regarding the language drafted in the bill and how it might confer that the ultimate decision making authority is given by the Municipal Planning Committee in Mangilao, and by which the Municipal Planning Committee can revoke the license at any time. He stated that he reads the bill in such way, and that it is questionable of whether the Mangilao Municipal Planning Council has that authority, rather he thinks that a lease between the government through the Department of Land Management would be an appropriate way to deal with this property. Senator Klitzkie pointed out that in reference to Mr. Brooks testimony, he is concerned that the language written in the bill creates a precedent condition by the Mangilao Mayor's Municipal Planning Council to the actual use of the license, it appears that until the Mangilao Municipal Planning Council approves the VAA request, and Bill 23 passes, the Mangilao MPC could still not grant the approval for a license and the VAA would still not have use of the property. Mr. Brooks responded by stating that he would agree with Senator Klitzkie's interpretation, but and that he thinks it still goes back to the basic question, "shouldn't this be a lease?", so that the parties to the lease have some certainty of what the mutual responsibilities and obligations are.

Speaker Forbes shared with the audience that in the last term, there were two bills introduced, a bill authored by himself and another bill authored by then Vice Speaker, Frank Aguon. Both bills related to the effect of Bill 23, but for unknown reasons that he is aware, action on the bills failed. He assured the audience that Bill 23 was supported by himself and Senator Frank Aguon, and that the bill was what both himself and Senator Frank Aguon wanted to first address in the 28th Guam Legislature. He further indicated that both Senator Frank Aguon and himself feel that this is a worthy use of the property. The Speaker further addressed the audience, stating that in his capacity as "Acting Governor", he will seek the Governor's Legal Counsel's input on whether this measure could be done thru Executive Order to expedite the process. He stated that he is eager to see the VAA have use of the Koban.

Ray Perez, Captain, Guam Police Department, provided oral testimony not in favor of Bill 23. He stated that he is presenting his testimony and views only as a member of the Guam Police Department. In his testimony he stated that he thinks the VAA needs and deserves a place to be at, but his viewpoint comes from a standpoint as a staff member of GPD and that they need to look at some of the issues of giving up the Koban. He stated that GPD has intentions of going back to the Kobans, citing that the Koban was abandoned as a result of a lack of funding. He further stated that there are projected uses for the Koban. Capt. Perez stated that the Department is currently addressing the critical shortage of staff and personnel and are drafting initiatives of sort to address the Department's problems. He stated that the Koban is an ideal location for GPD, because of its centralization in the community. He stated that his father is a veteran of the Korean and Vietnam Wars and that he has 22 years as a reservist in the military and had just returned from deployment in Korea, and that his peer Capt. Gene Tennesen served in Desert Storm. He stated that they believe, that the veterans are too much of important group to not give what they deserve, but at the same time the department needs to balance the needs of the community. There may be other alternatives, but at the current time, its not going to be easy for GPD to find another location. In answering questions from Speaker Forbes regarding the management decision of not manning the Kobans, as its intended use, a 24 hour watch period on a daily basis, Capt. Perez stated that the Department has probably been through six Chief of Police administrations and could not give a reason for the Chief of Police's decision not to "man" the Kobans, that the policy regarding the Kobans change with a change in Chief of Police. Speaker Forbes stated that the upshot from the testimony from the Guam Police Department is that the department would like to have the Kobans as a contingency for the possibility that GPD may want to return to the Koban system, but would like to have some certainty of GPD's intentions on the use of the Kobans.

Gene Tennesen, Captain, Guam Police Department, presented oral testimony ultimately against Bill 23. In his testimony, he stated that he is presenting testimony on behalf of the Guam Police Department, testimony in which the Chief of Police Frank Ishizaki is aware of. He stated that the VAA is a very noble and worthy organization and needs a place to house themselves. He stated that they are honored that the VAA is interested in utilizing GPD resources to perpetuate its organization and that they are proud of that. He stated the loss of personnel as a result of the early retirement, and the prior austerity measures and streamlining of personnel, the

department was faced with a shortage of personnel and staff, thereby closing down the Koban in Talofoto, Mangilao, Yona, Ordot and Barrigada. Citizen complaints were still addressed and police services were still given despite the closures of these Koban, the only difference was that the police officers were mobilized instead of the Koban being "manned". He stated that the Koban's were not abandoned, rather it was used as an outpost for the police officers to write their reports and conduct their investigations. He stated the department's position is that with the expansion there is funding to hire new police officers, to build new precincts in various villages and has plans to institute a citizens outreach program, Volunteers In Police Service and the Neighborhood Watch Program. The Department is happy that the VAA will use the Koban, although does not want the VAA to encumber a 25-year lease on the property. In response to Speaker Forbes' question of when was the Koban constructed, and how long was it utilized as a Koban and how often was it manned on a daily 24 hour watch period, Capt. Tennesen responded that during the 2nd term of the Ada Administration he recalled it being utilized for 4 years approximately, and could not respond how often it was manned on a 24 hour watch period on a daily basis. Speaker Forbes stated that he recalled the disuse of the Koban prior to the early retirement law, as contradicted in the testimony of Capt. Tennesen, and therefore the sequence of events described in Capt. Tennesen's testimony could not be attributed to the abandonment of the Kobans, thereby part of the testimony is inaccurate. Speaker Forbes acknowledge that Capt. Tennesen is relatively new to the Department in some capacity, but asked him, if whether there was a managerial decision to abandon the Kobans, with the exception of Tumon? Capt. Tennesen responded by stating, "No", and which Capt. Ray Perez interjected by stating the reason for the abandonment of the Koban was a result of typhoon damages on the Koban, but was intermittently used to conduct investigations and write police reports. Captain Tennesen stated that GPD and the Chief of Police Frank Ishizaki has plans to return to the Koban system, a 24 hour police outpost for citizens to file complaints, no less than two years, with the understanding that GPD be given the budget to hire the personnel to staff the Kobans, after Speaker Forbes had commented on the intention of GPD returning to the Kobans. Speaker Forbes asked whether GPD objects to the idea of having a mini police precinct built in Mangilao if the legislature appropriated the funds to construct such a project, at a site identified by Mayor Nito Blas. Captain Tennesen stated that the Department would not object and that he agrees with the assumption of Speaker Forbes, that it would be logical to give the VAA the use of the Koban, if the Legislature passed an appropriation that would fund the construction of a police precinct in Mangilao in the 2-year time period.

Francisco Lizama, member, VVA, provided oral testimony in favor of Bill 23. In his brief testimony, he stated that the Koban would not only be used as a "home" for the VVA but for "All Veterans" of America. He asked on behalf of the VVA, that the government of Guam give them a place they can call their own.

James Matanane, member, VVA, provided oral testimony in favor of Bill 23. In his brief testimony, he asked the committee for their support of this measure and stating that the VVA is need of a place to gather. He stated that the center, Koban, will be used by all veterans, and that a projected four thousand veterans will be returning to Guam from other war regions in the next two to six years. This center will be used to hold gatherings in which they can all come together for support.

Jesus H. Aguon, member, VVA, provided oral testimony in favor of Bill 23. In his testimony, he briefly stated that that the United States Congress charters the Veteran's Association, and until Congress disassembles its Charter, the Veteran's Association will exist. He further stated that the VAA use of the Koban would see generations of Veteran's through its doors.

Ron McNinch, Ph.D.,SPHR, private citizen, provided written testimony in favor of Bill 23. He wrote that he is resident of Mangilao and a US Army Veteran. He stated in his testimony that he believes that the interest of the community, police and veterans can be balanced to make this a win-win relationship, referring to the VVA use of the Mangilao Police Koban.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that Bill No. 23 (EC) would provide the basic framework for the VAA to lease the property, identified as Lot No. 2288-1-1-1, Mangilao, the Mangilao Police Koban. The organization can then proceed with its plans to further upgrade and maintain the structure and its surrounding area. Bill 23 is worthy of its cause to honor the veterans of the Vietnam Conflict by granting them the lease on this property and by which they could call its own. Situated along Vietnam Veterans Highway and nearby the Vietnam Veterans' Memorial Wall, the appropriateness of having the VAA utilize the Koban would showcase the acknowledgement of the government of Guam and the people of Guam of the dedication and sacrifices of our war heroes. The committee further finds that there may be some changes in the language of the bill to reflect a lease between the government and through the Department of Land Management to give full approval to the VAA to utilize the property, in the event an eviction notice is given to them. The Committee further finds that the property issue would be better resolved if the lawmaking body appropriates funding to build a new police precinct in Mangilao for the Guam Police Department within a two year time period at which the Guam Police Department intends to return to the Kobans, and approving the VAA the use of the Koban and property identified as Lot No. 2288-1-1-1.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 23 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 23 (EC)**, "An act relative to granting the use of the former police koban building and property in Mangilao to the Vietnam Veterans Association of Guam, in exchange for the general maintenance and upkeep of the building structure and its surrounding property described as Lot No. 2288-1-1-1, Mangilao, and subject to the approval of the Mangilao Mayor's Municipal Planning Council."

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing

Thursday, January 20, 2005, 9:00 a.m.

Bill No.2 (LS): An act to amend §4109 (A) of Article 1, Chapter 4, 4 GCA, To make members of I Liheslaturan Guahan ineligible for annual leave.

Bill No. 10 (LS): An act to authorize the Governor of Guam to exchange government land in Dededo for the purpose of developing recreational facilities.

Bill No. 12 (LS): An act to deappropriate one hundred thirty five three hundred sixty thousand (\$135, 360) from the sums appropriated to the legislature and to reappropriate said sum to the Public School Library Resources Fund.

Bill No. 23 (EC): An act relative to granting the use of the former police koban building and property in Mangilao to the Vietnam Veterans Association of Guam, in exchange for the general maintenance and upkeep of the building structure and its surrounding property described as Lot No. 2288-1-1-1, Mangilao, and subject to the approval of the Mangilao Mayor's Municipal Planning Council.

Bill No. 24 (EC): An act to amend Section17301 of Title 3, GCA to reduce the signature thresholds for placing a referendum before the People of Guam and to extend the period during which signature may be collected.

Bill No. 26 (EC), As substituted by the Author: An act to repeal and reenact 3 GCA §17204 to repeal the "Santos Amendment".

Committee on General & Omnibus Matters, and
Executive Committee

Public Hearing
January 20, 2005
9:00 a.m..

I Liheslaturan Guåhan, Hagåtña

Bill No. 23 (EC): An act relative to granting the use of the former police koban building and property in Mangilao to the Vietnam Veterans Association of Guam, in exchange for the general maintenance and upkeep of the building structure and its surrounding property described as Lot No. 2288-1-1-1, Mangilao, and subject to the approval of the Mangilao Mayor's Municipal Planning Council.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
James Matanane	VVA VVA					
Jose A. Garrido	Chamorro Citizens	-	-	✓		632-7968
Joseph C. San Nicolas	VVA #668	-	-	✓		632-5242
Francis B. Volgado	VVA #668	-	-	✓		637-7695
F.C. SAN NICOLAS	"	-	-	✓		632-7543
Silvestre F. Guillermo	VVA	-	-	✓		789-4667
Capela Jose T.	V.V.A	-	-	✓		632-6787
Baba, Raymond T.	VVA	-	-	✓		734-4150
Baza, Lee T.	VVA	-	-	✓		734-4150
Aguon Jesus H.	VVA	-	-	✓		653-1629
Vicente S BORTA	VVA	-	-	✓		734-0257
Lou B BORTA	AVVA	-	-	✓		734-0257
JAMES C. MATANANE	V.V.A	-	-	✓		734-2076
KEVIN T. MONTANO	A.V.V.A	-	-	✓		734-2076
Julian S. N. Jimenez	A.V.V.A.	-	-	✓		633-1985
Juan S. Jimenez	V.V.A.	-	-	✓		633-1985-482-7068
SCOTT D. DUENAS	VV	-	-	✓		637-5103
Francisco Lizama	VVA	✓		✓		



I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
I Ufsinan Etmås Ge'helo Gi Liheslaturan Guåhan

MARK FORBES

Chairperson, Committee on General & Omnibus Matters

Speaker

Chairperson, Executive Committee

Office of the Speaker

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 23 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 23.

MARK FORBES

Chairman,

Committee on General and Omnibus Matters

GNGF BINGO

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Guam International Country Club
Just off Marine Drive @ Dededo/Yigo

Guaranteed Payout
\$800.00 Package Payout on Monday

"The New Letter X Game Daily"

Letter X in "16" nos. or less **\$15,000.00**

(If won, number will revert back to 14 nos. at \$10,000.00).

↑WOW!!

Monday, January 17, 2005

Progressive Jackpot in 49 nos. or less..... **\$3200.00**

(1) Junior Jackpot..... **\$1000.00**

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3/3 Across: **\$90.00** 5/5 Split or All: **\$40.00**

6/6+2Pkg Split or All: **\$50.00**

10/10+4Pkg Split or All: **\$60.00**

Tuesday, January 18, 2005

Double Blackout in 59 nos. or less..... **\$5,000.00**

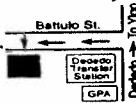
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LOCAL

GOVERNMENT MEETINGS

▲ Continued from Page 6

Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies will be available. Call Jane Diego, 735-7406/11.

GUAM BOARD OF MEDICAL EXAMINERS: Noon, Jan. 19, Guam Memorial Hospital Authority board conference room, Tamuning. For special accommodations, call Roma Basa, 735-7407/08.

GUAM COMMUNITY COLLEGE BOARD OF TRUSTEES: 3 p.m. Jan. 19, GCC library conference room, second floor, Foundation Building, Mangilao. Call 735-5637.

GUAM EDUCATION POLICY BOARD: Continuation of executive session, 6 p.m. Jan. 19, Department of Education conference room, Hagåtña. Superintendent's evaluation on the agenda. Call 475-0415/57/58.

MAYORS COUNCIL OF GUAM: Special meeting 10 a.m. Jan. 19, each third Wednesday, council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagåtña. Call Elaine Laguana, 472-6940 or 477-8461.

Jan. 20

CIVIL SERVICE COMMISSION BOARD: 5:30 p.m. Jan. 20, Hakubotan Building, second floor, Tamuning. Hearing on M.J. Rector v. Department of Education; signing of judgments: W. Combado v. Guam Police Department; R. Quintanilla v. GPD; R. Manibusan v. GPD; V. Tediakoo v. Guam Memorial Hospital Authority; J. Last v. GMHA; P. Bethello v. Port Authority of Guam. For special accommodations, call Bianca, 647-1855/57 or TDD 647-1872.

COMMITTEE ON GENERAL AND AMBULANCE MATTERS AND EXECUTIVE COMMITTEE: Public hearing, 9 a.m. Jan. 20, Legislature's public hearing room, Hagåtña. Bills 2, 10, 12, 23, 24 and 26. For special accommodations, call 472-3407.

Jan. 21

COMMITTEE ON EDUCATION AND COMMUNITY DEVELOPMENT: Public hearing, 2:30 p.m. Jan. 21, Legislature's public hearing room, Hagåtña. Bill 3, relative to educator recertification; Bill 7, to set maximum student enrollment limits for school consolidation or mergers; Bill 17, relative to duties and responsibilities of the Guam Education Policy Board, and amendment relative to requiring inclusion of spending priorities for the Guam Public School System's fiscal year budget; Bill 18, relative to the basic objectives of an adequate public educational system; Bill 1, enacting Every Child is Entitled to an Adequate Public Education Act. For special accommodations, call 475-1542.

Jan. 25

GUAM BOARD OF EXAMINERS FOR OPTOMETRY: 8:30 a.m. Jan. 25, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies will be available. Call Jane Diego, 735-7406/11.

Feb. 2

MAYORS COUNCIL OF GUAM: 10 a.m. Feb. 2, each first Wednesday, council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagåtña. Call Elaine Laguana, 472-6940 or 477-8461.

Feb. 7

NOTARY EXAM: 9 a.m. Feb. 7, Attorney General's Office grand jury room, second floor, Superior Court Building, Suite 2-200E, West O'Brien Drive, Hagåtña. Call 475-3324, 8 a.m. to noon.

Feb. 16

MAYORS COUNCIL OF GUAM: Special meeting 10 a.m., Feb. 16, each third Wednesday, council's conference room, Ada's Commercial and Professional Center, Suite 111F, Hagåtña. Call Elaine Laguana, 472-6940 or 477-8461.

Feb. 17

GUAM STATEWIDE INDEPENDENT LIVING COUNCIL: Monthly meeting (each third Thursday), noon to 1:30 p.m. Feb. 17, Department of Vocational Rehabilitation conference room, Building B8-2300, Central Ave., Tiyán. For special accommodations, call Mildred Lujan, 649-4868.

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Minor volcanic haze, acid rain over islands

By Haldee V. Eugenio
Variety News Staff

SAIPAN — Residents of Saipan and Tinian are strongly urged to take precautionary measures and avoid prolonged outdoor exposure not only due to ash fall, but also because of minor volcanic haze and rainwater mixed with sulfur gases coming from the erupting Anatahan volcano.

The government yesterday expanded its health advisory to include a volcanic haze alert.

North winds are expected through at least today.

This, according to the Emergency Management Office, will continue to bring suspended volcanic dust and sulfur gases from Anatahan to the nearby islands.

Anatahan is located just about 120 km. north of Saipan.

Tropical storm Kulap, which passed east of the Marianas, as well as a strong cold front passing north of the Marianas have been impacting the wind direction for days now — resulting in Anatahan's ash plume reaching Saipan and Tinian.

EMO said the volcanic haze alert for Saipan and Tinian is extended until today.

Rudolfo M. Pua, director of EMO, yesterday said residents need to be on watch as the haze alert may be extended again, depending on the wind direction.

"We are closely monitoring the wind movement, so we can inform the public and protect the health of everyone," he said.

Pua noted that while the U.S. Geological Survey said there is no threat of "significant" volcanic smog or vog and acid precipitation, the islands have already been seeing "minor" volcanic haze, ash fall and acid rain.

All these, he said, prompted EMO and the Department of Public Health to update the public health advisory that was first issued on Saturday.

Yesterday, EMO and Public Health issued the "volcanic haze and ash health advisory."

Volcanic dust and sulfur gases, according to EMO and

Public Health, may appear like a hazy film over the sky and cause difficulties.

"If volcanic particles are visible or the odor is detectable, residents are urged to report the information to EMO," the advisory partly reads.

But as early as Sunday, residents have been aware of a "fairly strong sulfur" smell reportedly from Anatahan, said public health medical director Dr. Richard Brostrom.

Carlos Salas, executive director of the Commonwealth Ports Authority, meanwhile, said he has not received reports of any airline that diverted or canceled flights due to the volcanic haze and ash fall.

What to do
Residents with serious lung problems like asthma should avoid prolonged outdoor air exposure or exertion during the time that ash is present in the air.

"Stay indoors until local health officials advise that it is safe to go outside," EMO and Public Health said.

Residents are urged to cover their mouths and noses when outside, as volcanic ash can irritate the respiratory system.

Wearing goggles to protect the eyes is recommended.

"Volcanic smog poses a health hazard by aggravating preexisting respiratory ailments and acid rain damages crops and can get into household water supplies," said Public Health and EMO.

In areas very close to the volcano where vog is very strong, other health complaints — like head aches, breathing

difficulties, increased susceptibility to respiratory ailments, watery eyes, sore throat, flu-like symptoms, and general lack of energy — are routinely reported to health officials.

Residents are also urged to protect their water source from falling volcanic ash.

This includes closing and covering water cisterns and turning off roof-collection systems.

Public Health said it is not safe to drink water that has been collected from rainfall during a volcanic eruption.

Shriners medical team to provide free services

By Gerardo R. Partido
Variety News Staff

HAGATNA — A medical team from the Shriners Hospital for Children in Hawaii will be providing free consultative services for island children with special health care needs.

The medical clinic, to be conducted with the cooperation of the Department of Public Health and Social Services (DPHSS), will be held at the public health facility in Mangilao from Jan. 21-27.

The Shriners medical team will be seeing patients under 18 years of age and will provide consultative services and follow-up visits to children with special health care needs, including those afflicted with deformities, disease, and injuries involving the bones, joints, and muscles.

Staffers from DPHSS' Maternal Child Health Program and Bureau of Family Health and Nursing Services will also be on hand to help out.

Patients will be seen by appointment only and interested parties are advised to contact Arlean Kloppenburg at 735-7295 or Terry Aguon at 735-71687.

New patients are required to obtain a referral and a medical summary from their private physician, an updated shot record, a copy of their birth certificate, and a copy of their insurance card.

Patients are also reminded to provide x-ray and/or laboratory results as previously instructed.

X-ray and laboratory orders can be picked up at the DPHSS medical records office in Mangilao.

Investors pledge \$5M in initial investments to start up medical school

By Gemma Q. Casas
Variety News Staff

SAIPAN — The Filipino-American investors planning to put up a private medical school on Saipan pledged start-up capital of at least \$5 million to begin their project.

In their proposal submitted to the State Board of Regents, the proponents of the Loyola Medical College Foundation Inc, which seeks to establish the Loyola Health Science College said they are infusing \$5 million over a period of five years in equipment, classrooms, laboratories and facilities for faculty and a dormitory.

Their proposed facilities should be able to accommodate their initial target of 500 students, mostly from Southeast Asia including the Philippines, where even professional doctors are switching to nursing in

hopes of finding greener pasture overseas.

Dr. Johnny Fong, the principal proponent, said their project should be able to bring in additional revenues for the cash-strapped government.

"The Loyola Health Science College shall bring a multitude of students and their families to the CNMI. This brings about rental income, sales revenue, added taxes, new offices and apartment buildings.... After renting for a period of two to three years, the Loyola Health Science College shall build its own permanent college facilities. This will generate income for new construction, employment and taxes for the CNMI," said Fong in the proposal.

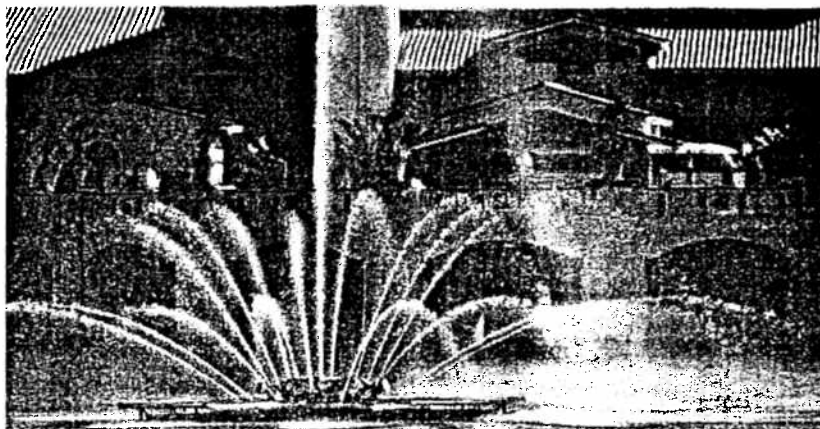
Loyola's proposed school is envisioned to offer a two-year Associate in Arts degree in nursing, and a full four-year degree

in Doctor of Medicine, Doctor of Pharmacy and Doctor of Dentistry.

Its focus is to educate and train quality health professionals, particularly nurses, because of the great demand for such throughout the United States.

"The opportunity to offer a U.S. type two-year program in nursing to supply the estimated shortage of 150,000 trained nurses, for the USA market over the next 5 to 10 years presents a very interesting challenge that merits a focused effort," said Fong.

Acting as consultant, former Philippine Consul General to the Northern Marianas Julia Heidemann, now a retired ambassador, accompanied Fong, his wife, Dr. Grace Fong and businessman Gerardo Borromeo to discuss their project proposal with key local officials.



MINI BENTECORNO VETERANS RESTAURANT GUAMAN

NOTICE OF PUBLIC HEARING

COMMITTEE ON GENERAL & OMNIBUS MATTERS and EXECUTIVE COMMITTEE

Thursday, 1/20/05 9:00 AM

Public Hearing Room

Bill No. 2. An Act to Amend Section 4109.(a) of Article 1, Chap. 4, 4GCA to Make Members of I Liheslaturan Guahan Ineligible for Annual Leave.

Bill No. 10. An Act to Authorize the Governor of Guam to Exchange Government Land in Dededo for the Purpose of Developing Recreational Facilities.

Bill No. 12. An Act to Deappropriate \$135,360 from the Sums Appropriated to the Legislature and to Reappropriate Said Sum to the Public School Library Resources Fund.

Bill No. 23. An Act Relative to Granting the Use of the Former Police Koban Bldg. and Property in Mangilao to the Viet Nam Veterans Association of Guam in Exchange for the General Maintenance and Upkeep of the Bldg. Structure and its Surrounding Property Described as Lot # 2288-1-1-1, Mangilao and Subject to the Approval of the Mangilao Mayors Municipal Planning Council.

Bill No. 24. An Act to Amend Section 17301, and Section 17309, 3GCA to Reduce the Signature Thresholds for Placing a Referendum Before the People of Guam and to Extend the Period During Which Signatures May Be Collected.

Bill No. 26. An Act to Repeal and Reenact 3GCA, Section 17401, to Repeal the 'Santos Amendment'.

PERSONS REQUIRING A.D.A. ASSISTANCE CONTACT MR. EUGENE SANTOS, OFFICE OF THE SPEAKER (671) 472-4307.

Ron McNinch, PhD, SPHR
PO Box 5224
Mangilao, Guam 96923

21 January 2005


Letter of Support for Bill 23

Dear Senators,

I am please^d to write this letter of support for Bill 23, related to "Use Of the Former Police Koban Building And Property In Mangilao To The Vietnam Veterans Association Of Guam."

As a resident of Mangilao and US Army veteran, I am very happy to see the positive activities the Vietnam veterans have brought to our community. Our Vietnam veterans are a special group of people and they have a lot to contribute to our community.

I believe that the interests of the community, police and veterans can be balanced to make this a win-win relationship. Also, I believe that there are a number of good potential activities based around this site that would contribute to our village.

Sincerely, 

MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

BILL NO. 23 (EC)

INTRODUCED BY:

F. B. AGUON, JR. 

AN ACT RELATIVE TO GRANTING THE USE OF THE FORMER POLICE KOBAN BUILDING AND PROPERTY IN MANGILAO TO THE VIETNAM VETERANS ASSOCIATION OF GUAM, IN EXCHANGE FOR THE GENERAL MAINTENANCE AND UPKEEP OF THE BUILDING STRUCTURE AND ITS SURROUNDING PROPERTY DESCRIBED AS LOT NO. 2288-1-1-1, MANGILAO, AND SUBJECT TO THE APPROVAL OF THE MANGILAO MAYOR'S MUNICIPAL PLANNING COUNCIL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Intent.**

3 The Liheslaturan Guahan finds that the Vietnam Veterans
4 Association of Guam has expressed interest in the use of the former Police
5 Koban building located in Mangilao at the intersection of the Vietnam
6 Veterans Highway (Route 10) and Route 15 (back road to Andersen AFB).
7 In exchange for the use of the facility, the Association has committed to the
8 general maintenance and upkeep of the building (from any graffiti or
9 vandalism) and the upkeep and beautification of the immediate
10 surroundings contained within the identified property. I Liheslaturan
11 Guahan further finds that the Mangilao Municipal Planning Council has
12 considered endorsing the idea of allowing the use of the Mangilao Police
13 Koban structure and the surrounding property by the Vietnam Veterans

1 Association of Guam, with the understanding that the property would be
2 properly maintained and beautified for the benefit of the entire
3 community. Should this arrangement be consummated, I Liheslaturan
4 Guahan finds that it would be a positive use of a very visible facility and
5 parcel of property.

6 Therefore, because of the lack of active use of the building structure
7 over the past several years and the need to insure that any further graffiti
8 and vandalism of this visible structure is immediately removed and
9 addressed, as well as the need to properly maintain the surrounding area,
10 it is the intent of I Liheslaturan Guahan to allow for the use of the former
11 police koban building by the Vietnam Veterans Association of Guam. This
12 public use of the existing facility would result in the mutual benefit to the
13 people of Mangilao, the Vietnam Veterans Association of Guam, and to the
14 entire island community.

15 **Section 2. Allowable Use of the Building and Property identified as Lot**
16 **No. 2288-1-1-1, Mangilao, located at the intersection of Route 10 (Vietnam**
17 **Veterans Highway) and Route 15 (back road to Andersen AFB) by the**
18 **Vietnam Veterans Association of Guam.**

19 The Vietnam Veterans Association of Guam shall hereby be granted
20 the permitted use of Lot No. 2288-1-1-1, located within the municipality of
21 Mangilao, Guam, with an area of approximately 1,000 square meters, in
22 exchange for the proper maintenance and upkeep of the building structure
23 and the immediate grounds for a term not to exceed Twenty-Five Years

1 from the date of this Act. The public use and benefit by the Vietnam
2 Veterans Association of Guam as highlighted herein shall be subject to the
3 approval by the Mangilao Mayor's Municipal Planning Council.

4 Any further extension of such arrangement for the continual use of
5 the facility and property shall be subject to the mutual consent of the
6 Government of Guam (I Maga'Lahen Guahan as the appropriate
7 representative), the governing representatives of the Vietnam Veterans
8 Association of Guam, and the Mangilao Mayor's Municipal Planning
9 Council. Any extension for the use of said facility and property shall be for
10 an extension not to exceed an additional Twenty-Five years, and shall also
11 be subject to the proper maintenance and upkeep of the building structure
12 and the immediate grounds. Any additional extension beyond the
13 allowable timeframe provided herein shall require the endorsement and
14 approval of I Liheslaturan Guahan.

15 **Section 3. Severability Clause.**

16 If any provision of this Act or its application to any person or
17 circumstances is held invalid, the invalidity shall not affect other
18 provisions or applications of this Act which can be given effect without the
19 invalid provision or application, and to this end the provisions of this Act
20 are severable.