



Office of the Governor of Guam

Adelup, Guam 96932

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

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

07 MAR 2005

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

Dear Mr. Speaker

Transmitted herewith is Bill No. 29 (EC), "AN ACT RELATIVE TO THE TRANSFER OF THE FORMER GUAM MASS TRANSIT AUTHORITY PROPERTY AND BUILDING TO THE OFFICE OF THE HAGÁTÑA MAYOR, FOR THE RELOCATION OF THE HAGÁTÑA MAYOR'S OFFICE, THE ESTABLISHMENT OF A YOUTH RECREATIONAL CENTER, AND FOR OTHER COMMUNITY NEEDS AND ACTIVITIES," now designated as Public Law 28-08.

The property transfer contained in the legislation is one of the component steps necessary in achieving a revitalized and redeveloped Hagatna. Currently, the property is a blighted area and constitutes a serious and growing menace to the people of Guam. The enactment of Bill No. 29 not only challenges the Mayor, our Senators, but more importantly, the members of the Hagatna Restoration and Redevelopment Authority. We have a fascinating history and most of our historic sites and building are found in the Hagåtña area. I commend Mayor Cruz for surrendering his current office and I congratulate him on his resolve in revitalizing the old GMTA building into an active center for the benefit of the people of Hagåtña.

Sinsæru and Magåhet,

KALEO S. MOYLAN
Maga'lahaen Guåhan Para Pago,
Governor of Guam, Acting

Attachment: copy attached of signed bill

cc: The Honorable Edward J.B. Calvo
Senator and Legislative Secretary

Office of the Speaker
MARK FORBES

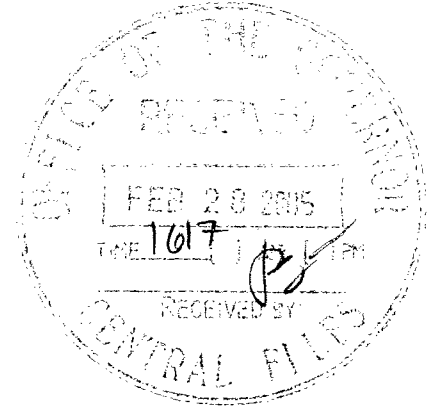
Date: 3-7-05
Time: 3:45 pm
Rec'd by: Janice
Print Name: Janice
28-05-0069

0070



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

February 28, 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. 15(LS), 17(LS), 35(EC), 36(EC), 37(EC), 47(EC), 48(EC); and Substitute Bill Nos. 7(LS), 10(LS), 20(EC) and 29(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on February 25, 2005.

Sincerely,


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

Enclosures (11)

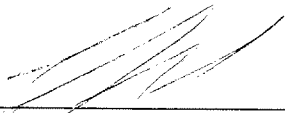
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 29 (EC), "AN ACT RELATIVE TO THE TRANSFER OF THE FORMER GUAM MASS TRANSIT AUTHORITY PROPERTY AND BUILDING TO THE OFFICE OF THE HAGÁTÑA MAYOR, FOR THE RELOCATION OF THE HAGÁTÑA MAYOR'S OFFICE, THE ESTABLISHMENT OF A YOUTH RECREATIONAL CENTER, AND FOR OTHER COMMUNITY NEEDS AND ACTIVITIES," was on the 25th day of February, 2005, duly and regularly passed.

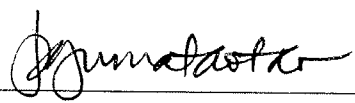

Mark Forbes
Speaker

Attested:



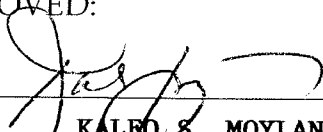
Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 28 day of February, 2005,
at 16:17 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



KALFO S. MOYLAN
I Maga'lahaen Guåhan, Para Pago

Date: _____

Public Law No. 28-08

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

Bill No. 29 (EC)

As substituted by the Author,
and amended on the Floor.

Introduced by:

F. B. Aguon, Jr.
A. B. Palacios
R. J. Respicio
B. J. F. Cruz
J. M.S. Brown
Edward J.B. Calvo
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT RELATIVE TO THE TRANSFER OF THE FORMER
GUAM MASS TRANSIT AUTHORITY PROPERTY AND
BUILDING TO THE OFFICE OF THE HAGÁTÑA MAYOR,
FOR THE RELOCATION OF THE HAGÁTÑA MAYOR'S
OFFICE, THE ESTABLISHMENT OF A YOUTH
RECREATIONAL CENTER, AND FOR OTHER
COMMUNITY NEEDS AND ACTIVITIES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Mayor of *Hagåtña*, the Honorable John A. Cruz, has requested
4 that the government of Guam consider the possible transfer of the former
5 Guam Mass Transit Authority property and building located in *Hagåtña* to the

1 Office of the Mayor of *Hagåtña* for official use and to set up a community
2 youth center for the benefit of the residents of *Hagåtña* and the island of
3 Guam. The Mayor has identified that the property and structure would be
4 sufficient to accommodate the needs of his office, and it would enable his
5 office and his people to better serve his community.

6 *I Liheslaturan Guåhan* further finds that the present building is being
7 temporarily utilized by personnel from the Transportation Division of the
8 Department of Administration. Although this may cause some slight
9 inconvenience for the Department of Administration to identify and relocate
10 their personnel, perhaps to their primary building, it may be in the best
11 interest of the island community to grant the future use of the facility and
12 property to the *Hagåtña* Mayor; a direct benefit to the people and residents
13 within the village of *Hagåtña*.

14 Therefore, this provision would grant the transfer of the former Guam
15 Mass Transit Authority property and building to the Office of the *Hagåtña*
16 Mayor, for the community's use and benefit.

17 **Section 2. Property Transfer.** The real property described as Lot
18 Number 87-4-R3, located in the municipality of Sinajana, Guam, with an area
19 of approximately 3,162 +- square meters and owned by the government of
20 Guam, is hereby transferred to the Office of the *Hagåtña* Mayor, Government
21 of Guam. The property shall be used for the relocation of the *Hagåtña* Mayor's
22 Office, the establishment of a Youth Recreational Center, and for other public
23 and community uses so identified by the *Hagåtña* Municipal Planning
24 Council. The *Hagåtña* Mayor shall be responsible for the maintenance and
25 upkeep of the property and any improvements therein. Should the property

1 no longer be used by the Office of the *Hagåtña* Mayor for the previously
2 identified purposes, said property and Title shall be transferred to the
3 Department of Administration for further disposition.

4 Pertinent government of Guam agencies and offices affected by the
5 provisions contained herein shall work collectively with the *Hagåtña* Mayor in
6 the timely and appropriate implementation of the provisions herein. The
7 transfer of said property shall become effective *no later than* one hundred
8 twenty (120) days from the enactment of this Act.

9 **Section 3.** The existing Office of the Mayor of *Hagåtña* is hereby
10 transferred to the Guam Capitol District established pursuant to Title 21
11 Guam Code Annotated §79601 and to the control of *I Liheslaturan Guåhan*.

12 **Section 4. Severability.** *If* any provision of this Act or its application
13 to any person or circumstances is held invalid, the invalidity shall *not* affect
14 other provisions or applications of this Act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this Act
16 are severable.

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

Date: 2-25-05

VOTING SHEET

SBill No. 29(EC)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
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 13 1 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-08



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

February 14, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 29 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 29 (EC): "AN ACT RELATIVE TO THE TRANSFER OF THE FORMER GUAM MASS TRANSIT AUTHORITY PROPERTY AND BUILDING TO THE OFFICE OF THE HAGATNA MAYOR, FOR THE RELOCATION OF THE HAGATNA MAYOR'S OFFICE, THE POSSIBLE ESTABLISHMENT OF A YOUTH RECREATIONAL CENTER, AND FOR OTHER COMMUNITY NEEDS AND ACTIVITIES"**.

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

 5 TO PASS
 0 NOT TO PASS
 0 TO REPORT OUT ONLY
 0 ABSTAIN
 0 INACTIVE FILE

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

MEMORANDUM

TO: Committee Members

FROM: Chairman 

SUBJECT: Committee Report- Bill No. 29 (EC): “An Act Relative To The Transfer Of The Former Guam Mass Transit Authority Property And Building To The Office Of The Hagatna Mayor, For The Relocation Of The Hagatna Mayor's Office, The Possible Establishment Of A Youth Recreational Center, And For Other Community Needs And Activities.”

Transmitted herewith for your information and action is the report on Bill No. 29 (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. 29 (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 voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have 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





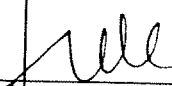
COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

155 HESLER PLACE, HAGÁTNA, GUAM 96910

An act Relative to the transfer of the former Guam Mass Transit Authority Property and building to the Office of the Hagatna Mayor, for the relocation of the Hagatna Mayor's Office, the possible establishment of a Youth Recreational Center, and for other community needs and activities.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.		+				
Jesse A. Lujan		✓				
Ray Tenorio						
Michael Cruz, M.D.		✓				
Judith T. Won Pat						
Benjamin J.F. Cruz						

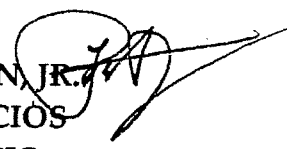
2nd
2/24/05

3rd
2/25/05

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

BILL NO. 29

(As substituted by the author and
INTRODUCED BY: *amended on the
Floor*

F. B. AGUON, JR. 
A. B. PALACIOS
R. J. RESPICIO
B. J. F. CRUZ

AN ACT RELATIVE TO THE TRANSFER OF THE FORMER
GUAM MASS TRANSIT AUTHORITY PROPERTY AND
BUILDING TO THE OFFICE OF THE HAGATNA MAYOR,
FOR THE RELOCATION OF THE HAGATNA MAYOR'S
OFFICE, THE ESTABLISHMENT OF A YOUTH
RECREATIONAL CENTER, AND FOR OTHER
COMMUNITY NEEDS AND ACTIVITIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent.

3 I Liheslaturan Guahan finds that the Mayor of Hagatna, the
4 Honorable John A. Cruz, has requested that the government of Guam
5 consider the possible transfer of the former Guam Mass Transit Authority
6 property and building located in Hagatna to the Office of the Mayor of
7 Hagatna for official use and to set up a community youth center for the
8 benefit of the residents of Hagatna and the island of Guam. The Mayor has
9 identified that the property and structure would be sufficient to

① →

1 accommodate the needs of his office, and it would enable his office and his
2 people to better serve his community.

3 I Liheslaturan Guahan further finds that the present building is being
4 temporarily utilized by personnel from the Transportation Division of the
5 Department of Administration. Although this may cause some slight
6 inconvenience for the Department of Administration to identify and
7 relocate their personnel, perhaps to their primary building, it may be in the
8 best interest of the island community to grant the future use of the facility
9 and property to the Hagatna Mayor; a direct benefit to the people and
10 residents within the village of Hagatna.

11 Therefore, this provision would grant the transfer of the former
12 Guam Mass Transit Authority property and building to the Office of the
13 Hagatna Mayor, for the community's use and benefit.

14 **Section 2. Property Transfer.**

15 The real property described as Lot Number 87-4-R3, located in the
16 municipality of Sinajana, Guam, with an area of approximately 3,162 +
17 square meters, owned by the government of Guam is hereby transferred to
18 the Office of the Hagatna Mayor, Government of Guam. The property
19 shall be used for the relocation of the Hagatna Mayor's Office, the
20 establishment of a Youth Recreational Center, and for other public and
21 community uses so identified by the Hagatna Mayor's Municipal Planning
22 Council. The Hagatna Mayor shall be responsible for the maintenance and
23 upkeep of the property and any improvements therein. Should the

YR FA 1/10
8/1

1 property no longer be used by the Office of the Hagatna Mayor for the
2 previously identified purposes, said property and title shall be transferred
3 to the Department of Administration for further disposition.

4 Pertinent government of Guam agencies and offices affected by the
5 provisions contained herein shall work collectively with the Hagatna
6 Mayor in the timely and appropriate implementation of the provisions
7 herein. The transfer of said property shall become effective no later than

One Hundred Twenty (120) days from the enactment of this Act.

*Joseph FA 2
03*

~~Section 3~~
9 **Section 4. Severability Clause.**

10 If any provision of this Act or its application to any person or
11 circumstances is held invalid, the invalidity shall not affect other
12 provisions or applications of this Act which can be given effect without the
13 invalid provision or application, and to this end the provisions of this Act
14 are severable.



I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

**FLOOR AMENDMENTS/CHANGES
Bill No. 29 (EC)**

Sen. J. M.S. Brown
Senator Proposing Amendment

Add a new Section to the Bill to read as follows:

"Section 3 . The existing office of the Mayor of Hagåtña is hereby transferred to the Guam Capitol District established pursuant to Title 21 G.C.A. §79601 and to the control of *I Liheslaturan Guåhan*."

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

Date 2/25, 2005

Floor Amendment No. 2 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

Passed FA No. _____

Date: _____ Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. Bill 29

LJK / JAL

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

P. 2, L. 19

move to amend by inserting, after the word Office,
"an office/headquarters for the Shom chapter of the American
Association of Retired Persons (AARP), pursuant to the approval
of the Mayor of ~~the~~ Hagåtña, and until such time that
an alternate facility can be identified.
~~It alternate~~

*FA 10
LJK*

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

Date 2/23, 2005

Floor Amendment No. 1, 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

LJK

AUTHOR OF AMENDMENT

Concur (initial)

MS
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk
____ Engrossment Staff

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

COMMITTEE REPORT
ON
BILL NO. 29 (EC)

AN ACT RELATIVE TO THE TRANSFER OF THE FORMER
GUAM MASS TRANSIT AUTHORITY PROPERTY AND
BUILDING TO THE OFFICE OF THE HAGATNA MAYOR, FOR
THE RELOCATION OF THE HAGATNA MAYOR'S OFFICE,
THE POSSIBLE ESTABLISHMENT OF A YOUTH
RECREATIONAL CENTER, AND FOR OTHER COMMUNITY
NEEDS AND ACTIVITIES.

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9 a.m. on February 11, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice advertisement was given in the February 7, 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the February 10 and 11, 2005 editions of the PDN, and Public Notice Ads in the February 4 and 9, 2005 editions of the Marianas Variety, Guam Issue. A live broadcast of the public hearing appeared on Channel 61 that day (February 11, 2005).

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Senator Edward J.B. Calvo, Member
Vice Speaker Joanne M.S. Brown
Senator Frank B. Aguon, Jr.
Senator Robert Klitzkie
Senator Lou A. Leon Guerrero
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: Jacqueline Taitano, Hagatna Mayor's Office (Read written testimony on behalf of Mayor)- In Favor
The Honorable John A. Cruz, Hagatna Mayor (Oral testimony on questions, provided written testimony)
Joseph Manibusan, Deputy Director, Dept. of Administration (read written testimony on behalf of Director of DOA, Lourdes M. Perez) – In Favor
Thomas A. Elliot, Administrative Director, Chamorro Land Trust Commission (read written testimony) – In Opposition

Ms. Jacqueline C. Taitano, employee with the Hagatna Mayor's Office accompanied Hagatna Mayor John A. Cruz to the public hearing and read his testimony before the committee in favor of Bill 29.

Mayor John A. Cruz, Hagatna Mayor, provided written testimony, in favor of Bill 29. He is explicit of his desire to relocate to the GMTA building for the beneficial use of the community and to locate his office to a more feasible and accessible facility for operations and storage of government equipment and transportation vehicles. In his testimony, Mayor Cruz, further states that the utilization of the facility will also be used for sports and recreational activities to keep the youth of the community engaged and that his intent is "to establish youth programs and to implement after-school and summer activities to keep our youth involved".

Mr. Joseph Manibusan, Deputy Director of Department of Administration (DOA), read written testimony on behalf of the DOA Director, Ms. Lourdes M. Perez, in favor of Bill 29. In his testimony, Mr. Manibusan stated that the written testimony does not reflect the position of the Executive Branch, rather it is the position of the Department. He stated that he had discussed the Bill in length with the Director, although is unaware if the Governor has been briefed in this matter. Mr. Manibusan stated that the Department of Administration does not mind if the Hagatna Mayor's Office is relocated to the former GMTA building, but stated that the government should find a suitable location for its mass transit customers and the personnel who work at the transit station and office at the former GMTA building.

Ms. Lourdes M. Perez, Director of Department of Administration, provided written testimony in favor of Bill 29. In her written testimony, she states that “While it’s the Government’s prerogative to transfer this property (former GMTA Building) and the improvements thereon to another entity, and granted we are not fully utilizing the building, and should it be the desire of the Legislature to give this property to another entity, we request some space in the building be reserved for use by Public Transit personnel and customers”.

Mr. Thomas A. Elliot, Administrative Director for the Chamorro Land Trust Commission provided written testimony in opposition to Bill 29. The crux of Mr. Elliott’s testimony was that he felt some disparity when GMTA was abolished, stating that “Public Law 20-221 authorized for the former Vehicle Inspection Station (GovGuam) to GMTA with the condition that the property revert back to the government of Guam if GMTA no longer needs it”. In his testimony he states he objects to the transfer of the property because the property should have been reverted to the custodial rights of the Chamorro Land Trust. He retracted in his oral testimony of what is stated in his written testimony that the Hagatna Mayor’s Office should have to pay for the lease on the property under Chamorro Land Trust mandates.

Questions;

Speaker Forbes in questioning Mr. Manibusan on the utilization of the former GMTA building asked if the government is under utilizing the building with the knowledge that there are three DOA transportation employees detailed to the transportation office in the building. Mr. Manibusan responded by stating DOA is willing to share the building with the Hagatna Mayor’s Office and willing to take only what they are occupying. He further responded to Speaker Forbes that DOA would be willing to transfer their offices in the GMTA building to another suitable and accessible location if the Department was required to find a place that is accessible to persons with disabilities and with ample parking.

Senator Klitzkie was concerned with who had legitimate property rights over the former GMTA building. He asked Mr. Elliot, that if he felt CLTC had the rights to the property, since GMTA had been abolished, has the commission taken any action to revert the property to the trust? Mr. Elliot responded no and which Senator Klitzkie suggested that the commission adopt a resolution to resolve the reversionary rights of the CLTC. Senator Klitzkie in differing whether the property is government of Guam real property stated that the bill orders the Governor to give the property to the Hagatna Mayor’s Office, since the Governor has overall charge of government of Guam real property, in the event that Mr. Elliot is wrong of his claim. He asked Mr. Manibusan and Mayor John Cruz if they had talked with the Governor about transferring the property and both had responded no. Senator Klitzkie had suggested that if Mr. Elliot is wrong, then the Governor can execute the transfer by executive order.

Senator Lou Leon Guerrero expressed some concerns over why the CLTC saw it fit to charge DOA or the Hagatna Mayor’s Office for rent, and which Mr. Elliot commented that they were mandated to do so for businesses that generates revenue for profit. Senator Leon Guerrero pointed out that neither DOA or the Hagatna Mayor’s Office are considered commercial businesses and do not generate revenue to collect a profit.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 29 to provide for the relocation of the Hagatna Mayor’s Office, the establishment of a youth service recreation facility and for other community functions and events is crucial for the growth of the community. The current building, formerly used by the Civil Service Commission and Red Cross, and which is located next to the Agana Cathedral Basilica, causes inconvenience to the general public in light of its location and

proximity to a congested area in the Capital. The committee finds that the relocation of the Hagatna Mayor's Office to a more suitable location within the Capital will be beneficial to the residents in the community and the People of Guam. As the restoration project of Hagatna closes in, the committee is mindful that the need of the community of Hagatna must be met to accommodate the inconveniences of ongoing restoration and construction. The Hagatna Mayor's Office has the intention of establishing a youth recreational facility, temporary quarters for the homeless, and to utilize the open space and other areas around the building for its community needs and purposes. The beneficial use of the former GMTA building, centralized in Hagatna, will maximize its existence in the community and stand out as a center that the community can call their own. The committee further finds that the relocation of the few DOA transportation personnel that work at the former GMTA building while pose minimal setbacks. The intent of the bill outweighs the slight inconveniences this may cause DOA.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 29 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 29 (EC)**, "An act relative to the transfer of the former Guam Mass Transit Authority property and building to the Office of the Hagatna Mayor, for the relocation of the Hagatna Mayor's Office, the possible establishment of a youth recreational center, and for other community needs and activities."

IV. PUBLIC HEARING AGENDA

AGENDA

**COMMITTEE ON GENERAL & OMNIBUS MATTERS, and
EXECUTIVE COMMITTEE**

**Public Hearing
Friday, February 11, 2005, 9:00 a.m.**

Matanane, David J.- To serve as a member of the Chamorro Land Trust Commission

Bill No. 15 (LS) - An Act To Add A New Chapter 16 To 18 GCA; To Add A New Item (Q) To 4 GCA §8104; To Add A New Section (R) To 4 GCA; To Repeal And Reenact §8113 Of 4 GCA; To Amend §8130 Of 4 GCA; To Enable Government Employees To Become Full Participants In The Free Enterprise System, To Provide For Employee-Owned Companies (EOC) And To Enact The Employee-Owned Company Law And For Other Purposes.

Bill No. 29 (EC) - An Act Relative To The Transfer Of The Former Guam Mass Transit Authority Property And Building To The Office Of The Hagatna Mayor, For The Relocation Of The Hagatna Mayor's Office, The Possible Establishment Of A Youth Recreational Center, And For Other Community Needs And Activities.

Bill No. 35 (EC) - An Act To Deappropriate Fifty Thousand Dollars (\$50,000) From The Sums Appropriated To The Legislature And To Reappropriate Said Sum To The University Of Guam Inarajan Agricultural Experiment Station.

Bill No. 36 (EC) - An Act To Require Mandatory Public Hearings On Certain Legislative Resolutions To Ensure Public Input, Through The Amendment Of Section 2103 Of Chapter 2 Of Title 2, Guam Code Annotated.

Bill No. 37 (EC) - An Act To Amend § 17401, Article 4, Chapter 17, Title 3 GCA Relative To Legislative Submission.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 29 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 29.

A handwritten signature in black ink, appearing to read "Mark Forbes", is written over a horizontal line.

MARK FORBES
Speaker and Chairman,
Committee on General and Omnibus Matters



NOTICE OF PUBLIC HEARING
Committee on General and Omnibus Matters
Executive Committee

The following bills will be heard on Monday, February 14, 2005 at 9:00 AM at the Public Hearing Room, 155 Hester P. Magaña.

Bill 47 (EC) An Act to Add a New Article 2 to Chapter 68, Title 19, GCA to Establish the "Guam Board and Survey Migration Plan"

Bill 48 (EC) An Act To Add New Subsection 2106(b) To GCA To Prohibit Any Measure Intended To Raise Taxes In Guam, Or Establish A New Tax, From Being Passed By The Legislature Without Receiving The Input And Testimony Of The Public Through The Public Hearing Process.

Bill 49 (EC) An Act To Add A New Section 334.1 To GCA To Designate Route 16 An "Army Drive" To Honor The Men and Women Who Have Served And Continue To Serve In The United States Army, Those Army Units That Participated In The Liberation Of Guam In WWII, And The Thousands Of Our People Who Are Veterans

SECOND NOTICE

Public Hearing on Order 2-11-05 Public Hearing Room, 155 Hester P. Magaña Committee on General and Omnibus Matters and Executive Committee.

BILL 150 (S), BILL 24 (EC), BILL 26 (EC), BILL 28 (EC), BILL 29 (EC), BILL 30 (EC), BILL 31 (EC), BILL 32 (EC), BILL 33 (EC), BILL 34 (EC), BILL 35 (EC), BILL 36 (EC), BILL 37 (EC), BILL 38 (EC), BILL 39 (EC), BILL 40 (EC), BILL 41 (EC), BILL 42 (EC), BILL 43 (EC), BILL 44 (EC), BILL 45 (EC), BILL 46 (EC), BILL 47 (EC), BILL 48 (EC), BILL 49 (EC), BILL 50 (EC), BILL 51 (EC), BILL 52 (EC), BILL 53 (EC), BILL 54 (EC), BILL 55 (EC), BILL 56 (EC), BILL 57 (EC), BILL 58 (EC), BILL 59 (EC), BILL 60 (EC), BILL 61 (EC), BILL 62 (EC), BILL 63 (EC), BILL 64 (EC), BILL 65 (EC), BILL 66 (EC), BILL 67 (EC), BILL 68 (EC), BILL 69 (EC), BILL 70 (EC), BILL 71 (EC), BILL 72 (EC), BILL 73 (EC), BILL 74 (EC), BILL 75 (EC), BILL 76 (EC), BILL 77 (EC), BILL 78 (EC), BILL 79 (EC), BILL 80 (EC), BILL 81 (EC), BILL 82 (EC), BILL 83 (EC), BILL 84 (EC), BILL 85 (EC), BILL 86 (EC), BILL 87 (EC), BILL 88 (EC), BILL 89 (EC), BILL 90 (EC), BILL 91 (EC), BILL 92 (EC), BILL 93 (EC), BILL 94 (EC), BILL 95 (EC), BILL 96 (EC), BILL 97 (EC), BILL 98 (EC), BILL 99 (EC), BILL 100 (EC)

APPOINTMENT OF [Name] AS MANAGER TO THE CHAMBER OF DEPUTIES AND TRUST COMMISSIONER

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN



COMMITTEE ON GENERAL AND
OMNIBUS MATTERS &
EXECUTIVE COMMITTEE
Speaker Mark Forbes - Chairman

NOTICE OF PUBLIC HEARING

The following appointment and bills will be heard on Friday,
February 11, 2005 at 9:00 AM in the Public Hearing Room,
1 Liheslaturan Guahan, 155 Hesler Pl., Hagatna.

Macanane, David J. To serve as a member of the Chamorro Land Trust
Commission

Bill No. 15 (LS) - by R. Klitzke
An Act To Add A New Chapter 16 To 18 GCA; To Add A New Item (C) To
4 GCA §8104; To Add A New Section 181 To 4 GCA; To Repeal And
Reenact §8113 Of 4 GCA; To Amend §8130 Of 4 GCA; To Enable
Government Employees To Become Full Participants In The Free
Enterprise System; To Provide For Employee-Owned Companies (EOC)
And To Enact The Employee-Owned Company Law And For Other
Purposes.

Bill No. 29 (EC) - by E.B. Aguirre
An Act Relative To The Transfer Of The Former Guam Mass Transit
Authority Property And Building To The Office Of The Hagatna Mayor;
For The Relocation Of The Hagatna Mayor's Office, The Establishment Of
A Youth Recreational Center, And For Other Community Needs And
Activities.

Bill No. 35 (EC) - by J.M.S. Brown
An Act To Deappropriate Fifty Thousand Dollars (\$50,000) From The Sums
Appropriated To The Legislature And To Reappropriate Said Sum To The
University Of Guam Inarajan Agricultural Experiment Station.

Bill No. 36 (EC) - by L. A. Leon Guerrero
An Act To Require Mandatory Public Hearings On Certain Legislative
Resolutions To Ensure Public Input Through The Amendment Of Section
2105 Of Chapter 2 Of Title 2, Guam Code Annotated.

Bill No. 37 (EC) - by Adolpho B. Palacios
An Act To Amend § 17401, Article 4, Chapter 17, Title 3 GCA Relative To
Legislative Submission.

FOR ADA ASSISTANCE CONTACT MR. EUGENE SANTOS,
OFFICE OF THE SPEAKER PHONE (671) 472-3407
Notice paid for by government funds

Feb. 11

▲ COMMITTEE ON GENERAL AND OMNIBUS MATTERS AND EXECUTIVE COMMITTEE: Public hearing 9 a.m. Feb. 11, Legislature's public hearing room, Hagåtña. Appointment of David J. Matanane to serve as a member, Chamorro Land Trust Commission; Bill 15, enabling government employees to become full participants in free enterprise system, to provide for employee-owned companies, enact employee-owned company law; Bill 24, to reduce signature threshold for placing referendum, extend signature collection period; Bill 26, to repeal the Santos Amendment; Bill 29, transfer of former Guam Mass Transit Authority property and building to Hagåtña Mayor's Office; Bill 35, reappropriation to UOG Inarajan Agricultural Experimental Station; Bill 36, requiring mandatory public hearing on certain legislative resolutions; Bill 37, relative to legislative submission. For special accommodations, call 472-3407.

▲ GOVGUAM RETIREMENT

472-3437.

COMMITTEE ON GENERAL AND OMNIBUS MATTERS AND EXECUTIVE COMMITTEE: Public hearing 9 a.m. Feb. 11, Legislature's public hearing room, Hagåtña. Appointment of David J. Matanane to serve as a member, Chamorro Land Trust Commission; Bill 15, enabling government employees to become full participants in free enterprise system, to provide for employee-owned companies, enact employee-owned company law, and for other purposes; Bill 29, transfer of former Guam Mass Transit Authority property and building to Hagåtña Mayor's Office; Bill 35, reappropriation to UOG Inarajan Agricultural Experimental Station; Bill 36, requiring mandatory public hearing on certain legislative resolutions; Bill 37, relative to legislative submission. For special accommodations, call 472-3407. Full text of these bills may be reviewed by visiting <http://www.guamlegislature.com>.

GOVGUAM RETIREMENT FUND BOARD

ampdn.com



Office of the Mayor
Ufisinan Mahot
Capital of Guam
Hagåtña, Kapitât Guåhan

John A. Cruz
Mayor

February 11, 2005

The Honorable Mark Forbes, Speaker
Twenty-Eighth Guam Legislature
Hagatna, Guam

Re: Testimony in Favor of Bill No. 29

Dear Speaker:

As Mayor of the village of Hagatna, I am submitting written testimony in support of Bill No. 29, which would transfer the former Guam Mass Transit Authority property and building to the office of the Hagatna Mayor, for the relocation of the Hagatna Mayor's Office, the establishment of a youth recreational center, and for other community needs and activities.

For many years the residents of Hagatna, especially our youth have had to go elsewhere to utilize facilities or participate in sports/recreational activities and other programs. In Hagatna, my intent is to establish youth programs and to implement after-school and summer activities to keep our youth involved.

The structure is ideal for other public and community uses such as meetings, trainings and functions so identified by the Hagatna Municipal Planning Council.


The current building that houses the Hagatna Mayor's Office lacks storage space. I have much needed equipment that can assist in cleaning up the streets or equipment that has a direct benefit to the people and residents within the village of Hagatna. Available space in the former Mass Transit Authority building would allow said equipment to be stored in one location versus the various locations they are currently stored. Official vehicles and other large equipment can be securely stored in the fenced-in parking lot at the site.

The roof of my current office is made of aluminum material. There is a tree (protected by Department of Agriculture and Department of Parks & Recreation) which is growing in such manner that it threatens the structural integrity of the concrete walls as well as the roof and has caused considerable damage already. During heavy rain or major typhoons, the roof leaks and water damage occurs. Even more importantly, I am greatly concerned about the safety of my staff, visitors and constituents.

An issue that has recently surfaced and is of great concern is the homeless problem on Guam. If you have not yet noticed, there are people who make the public parks, streets and government buildings in Hagatna a place to sleep in since they have nowhere else to go. Any buildings that become available are a potential site for a public-private partnership to get the homeless out of the parks, streets and public buildings and into more suitable living quarters.

On behalf of the people of Hagatna, I support Bill No. 29 and I am appealing for its passage. I also remain open to any other options you may propose which will assist me in achieving the results I am aiming for.

Si Yu'os Ma'ase.


JOHN A. CRUZ
Mayor of Hagatna

Cc: Senators, 28th Guam Legislature
President, MCOG
Executive Director, MCOG



Felix P. Camacho
Governor
Kaleo S. Moylan
Lieutenant Governor

GOVERNMENT OF GUAM
(GUBETNOMENTON GUAHAN)
DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE

(Ufisinan Direktot)
Post Office Box 884 • Hagatna, Guam 96932
• Tel (671) 475-1101/1250 • Fax: (671) 477-6788



Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

February 11, 2005

Speaker Mark Forbes
28th Guam Legislature
155 Hessler Street
Hagatna, Guam 96910

Re: Bill 29 - An Act to Transfer the Former Guam Mass Transit Authority Property to the Hagatna Mayor's Office

Dear Speaker Forbes,

The property identified in Bill 29, which is Lot 87-4-R3, located in the municipality of Sinajana, Guam, was deeded to the Guam Mass Transit Authority by the GOVERNMENT OF GUAM on or about February 1991, under the signatures of Governor Joseph F. Ada, Lt. Governor Frank F. Blas, and Attorney General Elizabeth Barrett-Anderson, pursuant to PL20-221 Section 100. The Guam Mass Transit Authority (GMTA) was abolished pursuant to PL26-76, and all powers, duties, responsibilities, and jurisdiction was transferred to the Department of Administration.

The Department of Administration (DOA) offers the following comments and concerns relative to this bill:

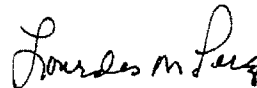
1. DOA currently does not utilize the entire building and property. However, some office space is needed for DOA at this location because accessibility is very convenient for public transit customers. The office space needed is what is currently being utilized.
2. Customers come to the Public Transit office practically daily for assistance, including those with physical disabilities to renew their Para-Transit IDs. The current location is convenient because it is away from high traffic areas, easily accessible, and has ample parking. There are also disabled customers who are transported to the office on public transit

vehicles, the current location has ample space for the buses to maneuver.

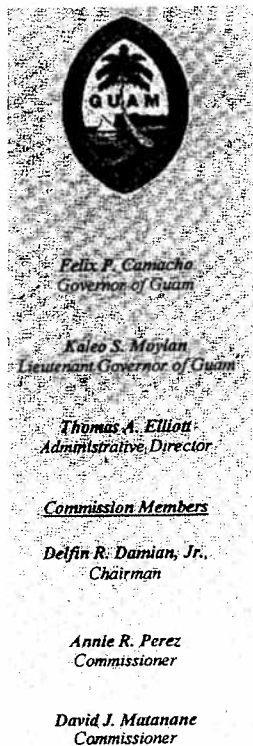
P.L. 20-221 (Section 100.b) and the Grant Deed document, stipulates that "Should GUAM MASS TRANSIT AUTHORITY (GMTA) be dissolved or should GMTA no longer need the property conveyed and transferred; the property shall revert to the GOVERNMENT OF GUAM, inclusive of all improvements made thereon". While it is the Government's prerogative to transfer this property and the improvements thereon to another entity, and granted we are currently not fully utilizing the building, and should it be the desire of the Legislature to give this property to another entity, we request that some space in the building be reserved for use by Public Transit personnel and customers.

Thank you for this opportunity to provide comment.

Sincerely,



LOURDES M. PEREZ
Director



Chamorro Land Trust Commission

P.O. Box 2950 Hagatna, Guam 96932

Phone: 475-4251 Fax: 477-8082

February 10, 2005

TESTIMONY

In Opposition to Bill No. 29
Transfer of Former GMTA Bldg to Hagatna Mayors Office

Dear Mr. Speaker and Committee Members:

Bill No. 29 proposes to transfer Lot 87-4-R3 in the Municipality of Sinajana, from the Guam Mass Transit Authority (GMTA) to the Hagatna Mayor's office. GMTA initially inherited this property through a prior land transfer by virtue of Section 100 of Public Law No. 20-221. P.L. 20-221 authorized the transfer of the former "Vehicle Inspection Station" to GMTA with the condition that the property revert back to Government of Guam if GMTA no longer needs it. The Grant Deed dated February 27th 1991 conveyed title to GMTA pursuant to P.L. 20-221, and contained the same caveat requiring the property be returned to the Government of Guam.

In light of this law, Dear Senators, I must object to the transfer from GMTA to the Hagatna Mayor's office. I believe this action is contrary to Chapter 75 of Title 21 GCA. The Chamorro Land Trust Commission is the custodian of all government lands not otherwise reserved or dedicated to a public use by law and are designated as available lands according to Section 75104 of 21 GCA.

This property has commercial potential. The CLTC proposes that, upon return to CLTC inventory, the property will be leased to the Hagatna Mayor in accordance with all applicable rules or statutes relative to time and cost.

I thank you for the opportunity to present this testimony.

Thomas A. Elliott
Administrative Director

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

BILL NO. 029 (EC)
INTRODUCED BY:

F. B. AGUON, JR.

A. B. PALACIOS
R. J. RESPICIO
B. J. F. CRUZ

AN ACT RELATIVE TO THE TRANSFER OF THE FORMER
GUAM MASS TRANSIT AUTHORITY PROPERTY AND
BUILDING TO THE OFFICE OF THE HAGATNA MAYOR,
FOR THE RELOCATION OF THE HAGATNA MAYOR'S
OFFICE, THE POSSIBLE ESTABLISHMENT OF A YOUTH
RECREATIONAL CENTER, AND FOR OTHER
COMMUNITY NEEDS AND ACTIVITIES.

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

2 **Section 1. Legislative Intent.**

3 I Liheslaturan Guahan finds that the Mayor of Hagatna, the
4 Honorable John A. Cruz, has requested that the government of Guam
5 consider the possible transfer of the former Guam Mass Transit Authority
6 property and building located in Hagatna to the Office of the Mayor of
7 Hagatna for official use and to set up a community youth center for the
8 benefit of the residents of Hagatna and the island of Guam. The Mayor has
9 identified that the property and structure would be sufficient to
10 accommodate the needs of his office, and it would enable his office and his
11 people to better serve his community.

1 I Liheslaturan Guahan further finds that the present building is being
2 temporarily utilized by personnel from the Transportation Division of the
3 Department of Administration. Although this may cause some slight
4 inconvenience for the Department of Administration to identify and
5 relocate their personnel, perhaps to their primary building, it may be in the
6 best interest of the island community to grant the future use of the facility
7 and property to the Hagatna Mayor; a direct benefit to the people and
8 residents within the village of Hagatna.

9 Therefore, this provision would grant the transfer of the former
10 Guam Mass Transit Authority property and building to the Office of the
11 Hagatna Mayor, for the community's use and benefit.

12 **Section 2. Property Transfer.**

13 The real property described as Lot Number 87-4-R3, located in the
14 municipality of Sinajana, Guam, with an area of approximately 3,162 +-
15 square meters, owned by the government of Guam is hereby transferred to
16 the Office of the Hagatna Mayor, Government of Guam. The Hagatna
17 Mayor shall be responsible for the maintenance and upkeep of the property
18 and any improvements therein. Should the property no longer be used by
19 the aforementioned party for the identified purposes, said property and
20 title shall be transferred to the Department of Administration for further
21 disposition.

22 Pertinent government of Guam agencies and offices affected by the
23 provisions contained herein shall work collectively with the Hagatna

1 Mayor in the timely and appropriate implementation of the provisions
2 herein. The transfer of said property shall become effective no later than
3 One Hundred Twenty (120) days from the enactment of this Act.

4 **Section 4. Severability Clause.**

5 If any provision of this Act or its application to any person or
6 circumstances is held invalid, the invalidity shall not affect other
7 provisions or applications of this Act which can be given effect without the
8 invalid provision or application, and to this end the provisions of this Act
9 are severable.

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

BILL NO. 29.

(As substituted by the author)

INTRODUCED BY:

F. B. AGUON, JR. 

A. B. PALACIOS

R. J. RESPICIO

B. J. F. CRUZ

**AN ACT RELATIVE TO THE TRANSFER OF THE FORMER
GUAM MASS TRANSIT AUTHORITY PROPERTY AND
BUILDING TO THE OFFICE OF THE HAGATNA MAYOR,
FOR THE RELOCATION OF THE HAGATNA MAYOR'S
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16 municipality of Sinajana, Guam, with an area of approximately 3,162 +-
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18 the Office of the Hagatna Mayor, Government of Guam. The property
19 shall be used for the relocation of the Hagatna Mayor's Office, the
20 establishment of a Youth Recreational Center, and for other public and
21 community uses so identified by the Hagatna Mayor's Municipal Planning
22 Council. The Hagatna Mayor shall be responsible for the maintenance and
23 upkeep of the property and any improvements therein. Should the

1 property no longer be used by the Office of the Hagatna Mayor for the
2 previously identified purposes, said property and title shall be transferred
3 to the Department of Administration for further disposition.

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