



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

Office of the Speaker

MARK FORBES

Date: 6/14/06
Time: 11:00 AM
Rec'd by: [Signature]
Print Name: [Signature]
28-06-0890

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

15 JUN 2006

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. 260(EC), "AN ACT TO IMPOSE ADDITIONAL SAFEGUARDS ON THE SUBDIVISION APPROVAL PROCESS AND TO REQUIRE THE GUAM LAND USE COMMISSION TO RECOMMEND CHANGES TO STRENGTHEN THE SUBDIVISION LAW, PARTICULARLY AS IT PERTAINS TO THE AGRICULTURAL SUBDIVISIONS," which I signed into law on June 14, 2006, as Public Law 28-126.

Sinseru yan Magåhet,

[Signature of Felix P. Camacho]

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

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 3:00 Date: 6-28-06

793



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

June 1, 2006




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. 209(EC), 244(EC) & 251(EC); and Substitute Bill Nos. 260(EC) & 289(LS) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on May 30, 2006.

Sincerely,

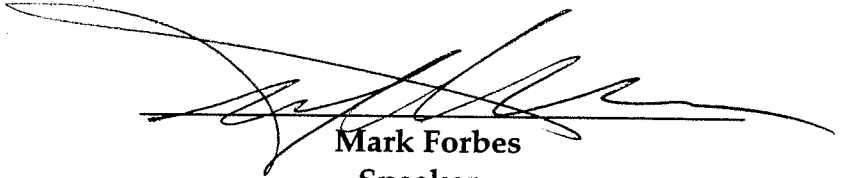

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (5)

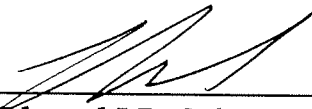
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

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

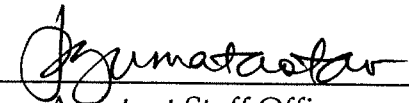
This is to certify that Substitute Bill No. 260 (EC), "AN ACT TO IMPOSE ADDITIONAL SAFEGUARDS ON THE SUBDIVISION APPROVAL PROCESS AND TO REQUIRE THE GUAM LAND USE COMMISSION TO RECOMMEND CHANGES TO STRENGTHEN THE SUBDIVISION LAW, PARTICULARLY AS IT PERTAINS TO AGRICULTURAL SUBDIVISIONS," was on the 30th day of May, 2006, duly and regularly passed.


Mark Forbes
Speaker

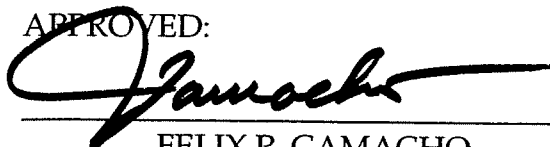
Attested:


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

This Act was received by *I Maga'lahaen Guåhan* this 2nd day of June,
2006, at 4:27 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 6/14/06

Public Law No. 28-126

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 260 (EC)

As substituted by the Committee on
General & Omnibus Matters, further
substituted on the Floor and amended
in the Committee of the Whole.

Introduced by:

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

**AN ACT TO IMPOSE ADDITIONAL SAFEGUARDS ON
THE SUBDIVISION APPROVAL PROCESS AND TO
REQUIRE THE GUAM LAND USE COMMISSION TO
RECOMMEND CHANGES TO STRENGTHEN THE
SUBDIVISION LAW, PARTICULARLY AS IT
PERTAINS TO AGRICULTURAL SUBDIVISIONS.**

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

2 **Section 1.** (a) Notwithstanding the provisions of the Subdivision
3 Law, Title 21 G.C.A., Division 2, Chapter 62, the Guam Land Use
4 Commission shall *not* approve a survey map for any subdivision of any kind,
5 including agricultural subdivisions, unless all of the following government
6 officials have certified in writing that the proposed map meets the

1 requirements of Title 21 G.C.A. Chapter 62: the Director of Public Works;
2 the Administrator of the Guam Environmental Protection Agency; the
3 Director of Land Management; the Guam Fire Chief; the Chief Planner of
4 the Department of Land Management; the Chief Engineer of the
5 Department of Public Works; and the Real Estate Commissioner.

6 This requirement is imposed in addition to the requirements of Title
7 21 G.C.A., Division 2, Chapter 62 and regulations enacted thereunder and
8 does *not* amend, modify or repeal said Chapter and regulations or any
9 existing law.

10 (b) This Section shall continue in effect until *I Liheslaturan*
11 *Guåhan* takes action on the recommendations made by the Guam Land Use
12 Commission pursuant to Subsection (c) hereof.

13 (c) The Guam Land Use Commission shall examine Title 21
14 G.C.A., Division 2, Chapter 62 and Title 18 G.A.R., Chapter 3, Article 2 and
15 within six (6) months after this enactment make written recommendations to
16 *I Maga'lahren Guåhan* and *I Liheslaturan Guåhan* regarding updates,
17 corrections and revisions thereof as may be needed to streamline and render
18 more orderly the subdivision process, protect the interests of subdividers and
19 persons purchasing property from subdividers, protect the environment and
20 promote the health, welfare and safety of the public.

21 (d) Subsection (a) hereof does *not* apply to approval of subdivision
22 survey maps that are family or parental subdivisions pursuant to Title 21
23 G.C.A. §62104; lot parceling in accordance with Title 21 G.C.A. §62105(s);
24 or distribution of land by court order in a proceeding brought pursuant to
25 Title 15 G.C.A.

6

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 5/30/06

VOTING SHEET

5 Bill No. 260(FC)

Resolution No. _____

Question: _____

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

TOTAL

14 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



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

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3407 • Fax (671) 472-3510

Speaker Mark Forbes

March 21, 2006

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. 260 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 260 (EC), as substituted:** "An Act To Amend § 62108.1 And To Add A New §62108.2, §62108.3 And §62108.4 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions".

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
 1 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. 260 (EC), as substituted: "An Act To Amend § 62108.1 And To Add A New §62108.2, §62108.3 And §62108.4 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions".

Transmitted herewith for your information and action is the report on Bill No. 260 (EC), as substituted, 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. 260 (EC), as substituted
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

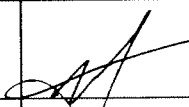

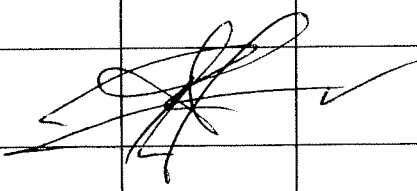
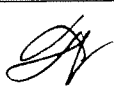

Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
155 HESLER PLACE, HAGÁTNA, GUAM 96910

An Act To Amend § 62108.1 And To Add A New §62108.2, §62108.3 And §62108.4 To
Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The
General Requirements For Agricultural Subdivisions.

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.	LFC	X				
Jesse A. Lujan						
Ray Tenorio		✓				
Michael Cruz, M.D.						
Lou A. Leon Guerrero						
Judith T. Won Pat		✓				
Benjamin J.F. Cruz		✓				

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 260 (EC)

As Substituted by the Committee

Introduced by:

J.M.S. Brown

**AN ACT TO AMEND § 62108.1 AND TO ADD A NEW
§62108.2, §62108.3 AND §62108.4 TO ARTICLE 1, OF
CHAPTER 62, OF 21 GUAM CODE ANNOTATED
RELATIVE TO STRENGTHENING THE GENERAL
REQUIREMENTS FOR AGRICULTURAL SUBDIVISIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that there is a need
3 to strengthen § 62108.1 of Article 1, Chapter 62, Title 21 Guam Code Annotated relative to
4 Agricultural Subdivision Requirements ~~of Article 1, Chapter 62, Title 21 Guam Code~~
5 ~~Annotated~~ by providing performance standards to address the concerns of village residents
6 and Mayors regarding development within their respective villages.

7 *I Liheslatura* further finds that while subdivision laws on agricultural subdivisions
8 lists the improvements required and, although developers understand that the burden is on
9 them to provide such improvements, there is no requirement as to when such
10 improvements must be in place. Thus, once a final subdivision map has been approved
11 and recorded, the individual lots within the subdivision can be sold.

12 *I Liheslatura* feels that changes are needed to ensure that no agricultural subdivision
13 occurs until all the minimum required improvements have been completed and certified to
14 function as designed. This will protect the ~~ensure that~~ health and welfare of the future
15 residents of the subdivision ~~are protected~~ and ensure that the government of Guam will not

1 be compelled to assume responsibility for improvements if the subdivider fails to complete
2 them.

3 Section 2. Section 62108.1 of Article 1 of Chapter 62 of Title 21 is hereby
4 amended to read as follows.

5 § 62108.1 Agricultural Subdivision Requirements.

6 (a) Any person or persons subdividing agriculturally-zoned land ~~into six~~
7 ~~(6) or more lots, parcels or sites that are less than twenty two thousand (20,000) nineteen~~
8 ~~thousand two hundred (19,200) square feet per lot with the intention of selling three (3) or~~
9 ~~more of the subdivided lots, whether immediately or in the future, shall be required to~~
10 make improvements consistent with Section 62108, Article 1, of Chapter 62, Title 21 Guam
11 Code Annotated.

12 (b) If an agricultural subdivision development consists of more than
13 fifteen (15) lots or more lots, the developer shall phase in the subdivision in increments of
14 fifteen (15) or fewer lots.

15 (c) In agricultural subdivisions with lots, parcels or sites less than ~~twenty~~
16 ~~thousand (20,000),~~ nineteen thousand two hundred (19,200), square feet, ~~when located of~~
17 on the Northern Aquifer, all lots must meet the requirements set forth in C3219(c) of Title
18 ~~18 of the Administrative Rules and Regulations of the government of Guam before final~~
19 ~~approval on adequate lot sizes can be given~~ be connected to a public sewer system or in
20 the absence of a public sewer system, the lot area sizes shall be as specified pursuant to
21 Guam Environmental Protection Agency's Yard and Area Table or be certified by the
22 Guam Environmental Protection Agency to meet the requirements of set forth in § 3219(c)
23 of Chapter 3, Title 18 of the Administrative Rules and Regulations of the government of
24 Guam. before final approval on adequate lot sizes can be given.

25 (d) ~~Agricultural subdivisions are permitted in Zoning District 2 Low~~
26 ~~Intensity of the Zoning Code of Guam.~~

1 Section 3. A new Section 62108.2 is added to Article 1 of Chapter 62, Title 21
2 **Guam Code Annotated is added to read:**

3 § 62108.2. Map Approval.

4 (a) No final agricultural subdivision map submitted to the Department of
5 Land Management for recordation shall be approved unless all of the improvements
6 required by ~~Section~~ § 62108 of Article 1 of Chapter 62 of Title 21 Guam Code Annotated,
7 General Requirements for Subdivision, have been completed.

8 (b) The ~~A-site developer or tentative plan shall be submitted~~ submit a site
9 development plan or tentative plan to the Department of Land Management's Chief
10 Planner for review. ~~The site development or tentative plan~~ Said plan shall contain ~~detail~~
11 ~~and relevant~~ information for analysis by the Chief Planner as to compliance with
12 ~~requirements of the Subdivision Law.~~ as specified in Article 4, Requirements for Plans and
13 Maps, Chapter 62, Title 21 G.C.A. for analysis by the Chief Planner as to compliance with
14 requirements of the Subdivision Law and other land use rules and regulations. Upon
15 approval of ~~the site development or tentative plan~~ said plan by the Chief Planner, the
16 developer may obtain permits for the construction of the improvements.

17 Section 4. A new § 62108.3 is added to Article 1 of Chapter 62, Title 21 Guam
18 **Code Annotated to added read:**

19 § 62108.3. Improvement Guarantees.

20 (a) Unless the developer has sufficient funds to complete construction ~~to~~
21 of the improvements, he shall obtain a performance bond sufficient in amount to insure
22 completion of the improvements for the entire subdivision or for the specific phase of the
23 development that has been approved by the Chief Planner. The Director of Public Works
24 shall certify that ~~the amount of the bond is acceptable for the completion of the~~
25 ~~development phase in question~~ the developer meets these requirements. The performance
26 bond required herein shall be in favor of the Department of Public Works, Government of

1 Guam. The Director of Public Works shall not release said bond until all of the
2 improvements are approved by the Chief Engineer pursuant to subsection (b)3 herein.

3 (b) Time Allowed for Completion of Improvements.

4 1. ~~The subdivider/The developer shall have one (1) year from the~~
5 ~~approval of the development or tentative plan by the Chief planner, to~~ complete all the
6 required improvements within one (1) year after the Chief Planner approves the site
7 development plan or tentative plan pursuant to Title 21 G.C.A. § 6108.2(b).

8 2. ~~The time allowed for installment of the improvements for which the~~
9 ~~performance guarantee has been provided may be extended by the Chief Planner. Two (2)~~
10 ~~extensions of twelve (12) month each may be allowed. The Chief Planner may grant no~~
11 ~~more than two extensions of one year each for the time allowed to complete the~~
12 improvements.

13 3. ~~Upon substantial completion of all required improvements, the~~
14 ~~developer may notify the Chief Planner in writing of the completion or substantial~~
15 ~~completion of improvements, and shall send a copy to the Chief Engineer of the~~
16 ~~Department of Public Works. The Chief Engineer shall inspect all improvements described~~
17 ~~in said notice and shall file a detailed written report with the Chief Planner indicating~~
18 ~~either approval, partial approval, or rejection. The cost of improvements as approved or~~
19 ~~rejected shall be set forth. The developer shall notify the Chief Planner, the Director of~~
20 Land Management and the Chief Engineer of the Department of Public Works in writing
21 when the improvements have been substantially completed. The Chief Engineer shall
22 inspect all improvements described in said notice and shall file a detailed written report
23 with the Chief Planner and the Director of Land Management regarding the adequacy and
24 operability of the improvements within fifteen (15) days after he receives notice from the
25 developer. The Chief Engineer shall include with the report a Final Certification Inspection
26 Form that shall contain the certification of each responsible department of the government
27 as to the adequacy and operability of the improvements. The report shall indicate

1 approval, partial approval or rejection of the improvements. The responsible agencies shall
2 be DPW, GEPA, DLM, GFD, GWA and GPA.

3 4. The Chief Engineer shall recommend ~~approval or partial approval~~ the
4 ~~Chief Planner shall, within fifteen (15) days notify the developer or his representative in~~
5 ~~writing to submit the final agricultural subdivision map for the review process. No final~~
6 ~~map shall be submitted if the inspection report recommends a rejection. when the required~~
7 ~~improvements have been substantially completed. The Chief Engineer shall describe in~~
8 ~~said report any actions the developer must take to complete the required improvements.~~

9 5. If the Chief Engineer recommends approval or partial approval, the
10 Chief Planner shall, within fifteen (15) days after he receives the Chief Engineer's written
11 report, notify the developer in writing to submit the final agricultural subdivision map for
12 review. No final map shall be submitted if the inspection report recommends a rejection.

13 **Section Five. A new § 62108.4 is added to Title 21 G.C.A. to read:**

14 **§ 62108.4. Appeals.**

15 Within fifteen (15) ~~working~~ days after the developer Chief Planner has been
16 ~~notified by the Chief Planner that the Chief Engineer recommends a rejection~~ notifies the
17 developer that the Chief Engineer recommends a rejection, the developer may appeal said
18 report to the Guam Land Use Commission ~~pursuant to the Administrative Adjudication~~
19 ~~Law. Any order of the Commission shall be effective when notice thereof is delivered to the~~
20 ~~subdivider/developer or his representative, and shall become final at the expiration of~~
21 ~~thirty (30) days thereafter, unless the subdivider/developer institutes proceedings for~~
22 ~~judicial review in accordance with 62604(b) of Article 1 of Chapter 62 of Title 21 Guam~~
23 ~~Code Annotated, the Subdivision Law. The Commission shall hear the appeal and either~~
24 ~~affirm or reverse the rejection after a hearing conducted pursuant to the Administrative~~
25 ~~Adjudication Law. An order of the Commission shall be effective when it is delivered to~~
26 ~~the developer and shall become final thirty (30) days after delivery unless a party institutes~~

1 proceedings for judicial review in accordance with Section 62604(b) of Article 1 of Chapter
2 62 of Title 21 Guam Code Annotated, the Subdivision Law.

3

4

5 Bill260(2)3/16/06

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

**COMMITTEE REPORT
ON
BILL NO. 260 (EC), AS SUBSTITUTED**

**AN ACT TO AMEND § 62108.1 AND TO ADD A NEW §62108.2,
§62108.3 AND §62108.4 TO ARTICLE 1, OF CHAPTER 62, OF 21
GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE
GENERAL REQUIREMENTS FOR AGRICULTURAL
SUBDIVISIONS.**

I. OVERVIEW

The Committee on General and Omnibus Matters held a public hearing at 9:00 a.m. on March 8, 2006 in the Session Hall, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on March 1 and March 6, 2006. Notice was placed in the PDN on March 6, 2006.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman
Vice Speaker Joanne M.S. Brown
Senator Larry Kasperbauer, Member
Senator Lou Leon Guerrero, Member
Senator Robert Klitzkie
Senator Ray Tenorio
Senator Adolpho B. Palacios, Sr.

II. SUMMARY OF TESTIMONY

Individuals that appeared before the Committee to present oral and written testimony on the bill were as follows:

Sam Taylor, Legal Counsel, Guam Waterworks Authority, provided oral testimony on Bill No. 260 (EC) stating that the Guam Waterworks Authority (GWA) and Guam Power Authority (GPA) support the intent of the bill, and the bill is a step in the right direction to prevent the recurrence of unregulated construction in northern Guam such as Gill Baza Subdivision.

He extracted main points provided in *GWA General Manager David Craddick's written testimony*, stating a need to prevent loopholes and clarify sections to avoid confusion. He referenced language relative to the Chief Engineer of Department of Public Works (DPW) inspecting improvements, stating that the engineer is not qualified to do so and should do this in concurrence with personnel from responsible agencies such as GPA and GWA.

Mr. Taylor also commented on proposed language for improvement guarantees specific to time allowed for improvement completion, recommending that substantial completion needs to be defined so no loopholes or special treatment occurs. In the long term, as part of the efforts for a water protection program, it should be required that each well head should be on an acre of land to address future issues. He added that implementing a requirement for everyone to connect to the island sewer would assist greatly in watershed protection. Regarding subdivisions and installation procedures, time isn't of concern, as long as there is no occupancy. He said that land zoning should be reviewed upon plan submittal. Relative proposed language requiring persons to make improvements pursuant to statute if they subdivide agriculturally zoned lands with the intent to sell, he was unsure how the requirements would be enforced or followed in the future, stating that change in government occurs and things might fall through the cracks.

He noted that agencies should be able to call the performance bond if a developer fails to meet requirements. Mr. Taylor stated that long-term solutions include the development of a watershed protection program because if water wells are not protected this will be detrimental and costly to the people not only in terms of money, but health. He stated that the GWA-Consolidated Commission on Utilities position is that aquifer protection is paramount and to achieve this, everyone should be required to connect to the island water systems. (see David Craddick's testimony attached)

Randel Sablan, Acting Administrator, Guam Environmental Protection Agency (Guam EPA), provided oral and written testimony in favor of Bill No. 260(EC). He testified that Guam EPA shares many of the concerns brought up by GWA, including the unregulated development atop the northern aquifer. He added that Guam EPA has had longstanding regulations for lot size requirements. Mr. Sablan spoke of current law by the late Senator Angel L.G. Santos which decreased the minimum requirements for lot size. This makes it more affordable for low-income families. The Guam EPA is facing a daunting challenge because so many people are living on top of the water that the island consumes, and data indicates that what happens on the surface affects what occurs below.

Mr. Sablan stated that a comprehensive look has to be taken at the agriculture subdivision law and Coastal Management has said they are willing to collaborate on this effort. He recommended that the issue of bonding should be a standard requirement. He spoke of the evolution of agricultural lots becoming residential developments and recommended that it be redefined for clarification. (see attachment)

Felixberto Dungca, Guam Chief Planner, Department of Land Management, written testimony in support of Bill No. 260. In his written testimony he states "the protection of our groundwater protection zoned, northern aquifers and other environmental resources must take paramount to the individual profits of a limited number of developers". (see attachment).

Concerns/Questions from committee and individuals who presented testimony:

Vice Speaker Joanne Brown, Author of Bill No. 260 (EC), said with respect to Mr. Taylor's concerns about loopholes that there is a need for clarification and suggested that perhaps a formal document be produced to include the respective agencies approve improvements before being provided to the chief planner.

Senator B.J. Cruz, asked if the government is held to the same requirements as developers, after referencing hundreds of land lots given to people in Yigo. He said that this is an issue of fairness and asked whether the government has even been given a Notice of Violation (NOV) for returning the lots without providing for adequate water infrastructure.

Mr. Taylor said standards are applied differently to Chamorro Land Trust Commission (CLTC) versus developers, but the infrastructure requirements are the same. The question becomes who will bear the cost of the improvements. He acknowledged that the government should bear the expenses if they placed inadequate infrastructure, and not ratepayers. He said watershed protection and infrastructure improvements are estimated at \$400 million, but the government cannot afford it.

Mr. Sablan stated that in meetings with CLTC, they have been told to adhere to the half acre-lot requirement. He said that CLTC recipients, by virtue of their size, are doing a lot of development in northern Guam, but he has not found a basis for the issuance of a NOV. He did concur that there is a difference on how the government is treated relative to private developers, and GEPA is concerned about this. He, however, further explained that the method has always been to work with CLTC.

Mr. Taylor said that the CCU has not defined a policy relative to CLTC, but they are aware of the issues.

Senator B.J. Cruz asked if they've done a cost-benefit analysis on how much it would cost if the northern aquifer is contaminated. He stated that he wanted someone to present an analysis and options before rather than after.

Mr. Taylor that the EPA is going to declare the Northern Aquifer as groundwater under the influence, so GWA is working on its Master Plan looking into alternatives, examples are collector well systems and water transmission lines to provide clean and safe drinking water.

Senator Kasperbauer asked if there are other aquifers on Guam and about the impact of the planned increased military presence.

Mr. Sablan proceeded to explain the island's geological and geographical features. He further stated that his agency has been in consultation with the military since December 2005 relative to the impacts on infrastructure and capacity.

III. FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 260 (EC) is to strengthen the Agricultural Subdivision Requirements to provide performance standards. The strengthening of regulations will ensure that the health and welfare of the future residents of the subdivision is protected.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 260 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 260 (EC), as substituted, "An Act To Amend § 62108.1 And To Add A New §62108.2, §62108.3 And §62108.4 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions."**

**Committee on General & Omnibus Matters, and
Executive Committee**

Public Hearing
March 8, 2006
9:00 a.m..

I Liheslaturan Guahan, Hagåtña

Bill No. 260 (EC) – by J.M.S. Brown

An Act To Repeal And Reenact Section 62108.1 And To Add A New Section 62108.2 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
DAVID CRISTINI	Govt		✓	✓		267-2600

Bill No. 260 (EC) – by J.M.S. Brown

An Act To Repeal And Reenact Section 62108.1 And To Add A New Section 62108.2 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Randel Sablan	Guam EPA	✓		✓		475-1620

**Committee on General & Omnibus Matters, and
Executive Committee**

Public Hearing
March 8, 2006
9:00 a.m..

I Liheslaturan Guahan, Hagåtña

Bill No. 260 (EC) – by J.M.S. Brown

An Act To Repeal And Reenact Section 62108.1 And To Add A New Section 62108.2 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Sen Taylor	BWA/CCU	+		+		647-7681



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 260(EC), as substituted, is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 260(EC), as substituted.

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

AGENDA

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

**Public Hearing
Wednesday, March 8, 2006, 9:00 a.m.
Session Hall**

The following Appointments and Bills will be heard by the Committee on General & Omnibus Matters & the Executive Committee;

Appointments:

**Goring T. Duenas, Member, Guam Land Use Commission
~~Jay L. Lather, Member, Guam Land Use Commission~~
Alicia A. Limtiaco, Member, Guam Council on the Arts & Humanities
Michael C. Makio, Member, Guam Historic Preservation Review Board
Art O. Salomes, Member, Guam Land Use Commission**

Bills; Committee on General and Omnibus Matters:

Bill No. 227 (EC) – by L. F. Kasperbauer

An Act To Authorize I Maga Lahen Guahan To Sell Fractional Lot 1461 Plus Or Minus Fifty-Two Square Meters (52 + Sq. Meters) And Fractional Lot 1462 Plus Or Minus One Hundred Eighty Six Square Meters (186 + Sq. Meters) All In The Municipality Of Agana To Mr. Michael P. Flaherty For Its Appraised Fair Market Value.

Bill No. 256 (LS) – by Ray Tenorio

An Act To Amend Section 59110 Of Chapter 59 Of Title 5, Guam Code Annotated As Enacted By Public Law 28-60 And To Add A New Section 59111 To Chapter 59 Of Title 5, Guam Code Annotated.

Bill No. 260 (EC) – by J.M.S. Brown

An Act To Repeal And Reenact Section 62108.1 And To Add A New Section 62108.2 To Article 1, Of Chapter 62, Of 21 Guam Code Annotated Relative To Strengthening The General Requirements For Agricultural Subdivisions.

Bill No. 268 (EC) – by Mark Forbes

An Act To Add A New Section 80105. To 21 GCA Relative To Developing A Comprehensive Zoning Plan For Ancestral Lands.

Executive Committee:

Bill No. 262 (EC) – By L.A. Leon Guerrero

An Act To Deappropriate Twenty-Five Thousand Dollars (\$25,000.00) From The Sums Appropriated To The I Liheslatura Guahan For Fiscal Year 2006 And To Reappropriate Said Sum To The Office Of Agat Mayor For The Repair And Resurfacing Of The Tennis And Basketball Courts.

GOVERNMENT MEETINGS

March 6

▲ **Guam Board of Barbering and Cosmetology regular meeting:** 9 a.m. March 6, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies available. Call 735-7406/11.

▲ **Notary Exam:** 9 a.m. March 6, Attorney General's Office, first floor, Justice Building, 287 West O'Brien Drive, Hagåtña. Call 475-3324, from 8 a.m. to noon.

March 7

▲ **Civil Service Commission board meeting:** 5:30 p.m. March 7 second floor, Hakubotan Building, Tamuning. Signing of decision: B. Lujan vs. Department of Public Works; motion hearing: C. Franquez vs. Guam Public School System; bills and laws related to CSC. For special accommodations, call Bianca, 647-1855/7 or TDD 647-1872.

▲ **Commission on Decolonization meeting:** 3 p.m. March 7, 588 West Marine Drive, Suite 102, old Corn Building, Amigua. Call 473-5267.

▲ **Commission on Post-Mortem Exams special meeting continuation:** 10 a.m. March 7, Attorney General's Office, Justice Building, Hagåtña. Increase to medical examiner's salary consideration. Call 475-3324, ext. 141.

▲ **Consolidated Commission on Utilities regular meeting on Guam Power Authority matters:** 5 p.m. March 7, GPA board conference room, second floor, GPA main office, Hamon. Everyone is invited. Agenda copies available upon request. Call 648-3002.

▲ **Guam Community College Board of Trustees' monthly meeting:** 6 p.m. March 7, GCC library conference room, second floor, Foundation Building, Mangilao. Call 735-5637. For special accommodations, call 735-5597.

March 8

▲ **Alcohol Beverage Control Board meeting:** 5 p.m. March 8, Compliance Branch Office, Department of Rev & Tax, second floor, Pacific News Building, Archbishop Flores St., Hagåtña. Call 475-1802.

▲ **Committee on Omnibus Matters and Executive Committee public hearing:** 9 a.m. March 8, Legislature's session hall, Hagåtña. Appointment of Goring Duenas, Jay Lather and Art Salomes as Guam Land Use Commission members. Alicia Lintiaco as Guam Council on the Arts and Humanities Agency member, Michael Makio as Guam Historic Preservation Review Board member. Bill 227, authorizing the governor to sell fractional lots in Hagåtña to Michael Flaherty for its appraised fair market value; Bill 256, to amend Section 59110 of Chapter 59, Title 5, Guam Code Annotated, and to add new Section 59111 to Chapter 59, Title 5, GCA; Bill 260, relative to strengthening of the general requirements for agricultural subdivisions; Bill 268, relative to developing a comprehensive zoning plan for ancestral lands. Executive committee: Bill 262, to re-appropriate \$25,000 from sums appropriated to the legislature for fiscal 2006 and to re-appropriate said sum to the Agat mayor's office for repair and resurfacing of the tennis and basketball courts. For special accommodations, call Eugene Santos, 472-3407.

Serving the People of Guam Since 1959

QUICK CASH

\$1,500 - \$2,500

Personal Loan

\$5,000 - \$25,000

Mortgage Loan

Home & Auto Insurance

Minimum Initial Payment \$65

Hagåtña 200 South Route 4
Tel: 475-4545 • Fax: 477-5662
Upper Tumon, Pacifica Bldg., Marine Drive
Tel: 647-5626 • Fax: 646-6040
Dededo Ada Commercial Bldg., behind Payless
Tel: 633-4473 • Fax: 633-4474

源

Genji

氏

* Subject to a 10% service charge. Military and membership discounts not applicable, must present local ID.

Genji Isla dinner special

Craving Japanese cuisine? Genji is back with an Isla dinner teppanyaki special you can't miss.

Taste of Genji
Choice of Chicken, Steak, or Fish and Shrimp
Teppanyaki (one selection only)
\$35.00* per person

Genji Sensation
Choice of Chicken, Steak, Fish or Shrimp
Teppanyaki (two selections)
\$40.00* per person

Taste of Genji and Genji Sensation include:
Genji Delicacies, Salad, Steamed Rice, Miso Soup, and Ice Cream

For reservations, please call 646-DINE
or visit www.hiltonguamresort.com



upcoming
events
FAMILY DAY
EVERY TUESDAY

Seniors ages 55 and over receive a discount at participating stores.
\$5 Movies at Wallace Theatres.*
Have dinner in food court brought to your table.
Entertainment by Magic Ryan.
"Fun for the Whole Family!"

- MARCH 11TH 10:00AM-1:00PM
DOE Chamorro Dish Tasting
10:00AM-2:00PM
Junior Achievement
10:00AM-3:00PM • THEATRE PLAZA
Music in Our Schools
Rock/Jazz Festival
- MARCH 16TH & 20TH 2:00PM-2:30PM
Tamuning Senior Center Performance
- MARCH 18TH 2:30PM-4:30PM
Natibu Dance Performance
Ice Sculpture Display
- MARCH 19TH 2:30PM-3:30PM
Inetnon Gef Pago Performance
- MARCH 21ST 11:00AM
Inetnon Gef Pago Performance
- MARCH 26TH 10:00AM-3:00PM
GSAT Assistive Technology Fair

Spring
into the
Season



Mall choices. Outlet values.
Phone: 647-4032 Fax: 647-4034
www.gpoguam.com

*Not applicable to new releases.

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

3- 1-06; 4:32PM
4723510
Speakers Office

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



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

155 Healer Place
Hagatna, Guam 96910
Office (671) 472-3407 • Fax (671) 472-3510

Speaker Mark Forbes

Facsimile

Date: March 01, 2006 **Time:**
Fax No.: 477-3079 **No. of Pages:**
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- Wednesday, March 8, 2006
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Thursday, March 2, Friday, March 3, Monday, March 6, Tuesday, March 7, and Wednesday, March 8, 2006 to read:

"Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Wednesday, March 8, 2006, 9:00 a.m., Session Hall, Temporary Legislative Building, Hagatna, Guam. The following Appointments and Bills will be heard;

Appointments:

Goring T. Duenas, Member, Guam Land Use Commission
Jay L. Lathar, Member, Guam Land Use Commission
Alicia A. Limtiaco, Member, Guam Council on the Arts & Humanities
Michael C. Makio, Member, Guam Historic Preservation Review Board
Art O. Salomes, Member, Guam Land Use Commission

Bills; Committee on General and Omnibus Matters:

Bill No. 227 (E.C.) – by L. F. Kasperbauer
An Act To Authorize I Maga Lahen Guahan To Sell Fractional Lot 1461 Plus Or Minus Fifty-Two Square Meters (52 + Sq. Meters) And Fractional Lot 1462 Plus Or Minus One Hundred Eighty Six Square Meters (186 + Sq. Meters) All In The Municipality Of Agaña To Mr. Michael P. Flaherty For Its Appraised Fair Market Value.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	587	4773079	3- 1-06; 4:30PM	1'08"	2/ 2	EC		CP 14.4

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



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

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3407 • Fax (671) 472-3510

Speaker Mark Forbes

March 01, 2006

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

SUBJECT: Notice of Public Hearing- **Wednesday March 8, 2006**

Please be informed that I have scheduled a public hearing on March 8, 2006, 9:00 a.m. at the Session Hall, Temporary Legislative Building, on the following appointments and bills:

The following Appointments and Bills will be heard by the Committee on General & Omnibus Matters & the Executive Committee;

Appointments:

Goring T. Duenas, Member, Guam Land Use Commission
Jay L. Lather, Member, Guam Land Use Commission
Alicia A. Limtiaco, Member, Guam Council on the Arts & Humanities
Michael C. Makio, Member, Guam Historic Preservation Review Board
Art O. Salomes, Member, Guam Land Use Commission

Bills; Committee on General and Omnibus Matters:

Bill No. 227 (EC) – by L. F. Kasperbauer

An Act To Authorize I Maga Lahen Guahan To Sell Fractional Lot 1461 Plus Or Minus Fifty-Two Square Meters (52 + Sq. Meters) And Fractional Lot 1462 Plus Or Minus One

Activity Report

Date/Time
Local ID
Local Name
Company Logo

3- 1-06; 5:19PM
4723510
Speakers Office

** Calling **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	547	sen. respicio	2-28-06; 3:13PM	25"	1/ 1	EC	BC	CP 28.8
2	547	sen. tenorio	3:14PM	1'20"	1/ 1	G3	BC	CP 9600
3	547	sen. unpingco	3:16PM	42"	1/ 1	EC	BC	CP 14.4
4	547	sen. won pat	3:17PM	42"	1/ 1	EC	EC	CP 14.4
5	547	executive director	3:18PM	24"	1/ 1	EC	BC	CP 28.8
6	547	sergeant at arms	3:18PM	49"	1/ 1	EC	BC	CP 9600
7	547	sen. kasperbauer	3:20PM	42"	1/ 1	EC	BC	CP 14.4
8	555	6492418	3- 1-06; 8:20AM	0"	-/ 1			056D
9	558	6492418	8:29AM	0"	-/ 1			056D
10	561	6492418	8:37AM	0"	-/ 1			056D
11	564	6492418	8:49AM	0"	-/ 1			056D
12	569	GUAM LEGISLATURE	10:46AM	22"	1/ 1	EC		CP 28.8
13	572	sen. leon guerrero	10:56AM	36"	1/ 1	EC		CP 14.4
14			3:19PM					PI
15			3:42PM					PI
16	587	4773079	4:30PM	1'08"	2/ 2	EC		CP 14.4
17	590	pdn	4:34PM	1'19"	3/ 3	EC	BC	CP 14.4
18	590	marianas variety	4:36PM	1'12"	3/ 3	EC	BC	CP 14.4
19	590	glimpses	4:38PM	51"	3/ 3	EC	BC	CP 26.4
20	590	harvest radio	4:39PM	38"	3/ 3	EC	BC	CP 28.8
21	590	kuam	4:40PM	48"	3/ 3	EC	BC	CP 26.4
22	590	power ninty eight	4:41PM	1'11"	3/ 3	EC	BC	CP 14.4
23	590	hit radio	4:42PM	38"	3/ 3	EC	BC	CP 28.8
24	590	adventist radio	4:43PM	1'33"	3/ 3	EC	BC	CP 9600
25	590	kprg	4:45PM	2'22"	3/ 3	G3	BC	CP 9600
26	590	riene live	4:48PM	1'11"	3/ 3	EC	BC	CP 14.4
27	592	sen. frank aguon	4:50PM	0"	-/ 3		BC	056D
28	590	k stereo	4:51PM	40"	-/ 3		BC	0510
29	592	sen. joanne brown	4:52PM	2'08"	3/ 3	EC	BC	CP 9600
30	592	sen. eddie calvo	4:54PM	44"	3/ 3	EC	BC	CP 28.8
31	592	sen. b.j. cruz	4:56PM	35"	3/ 3	EC	BC	CP 28.8
32	592	sen. mike cruz	4:57PM	38"	3/ 3	EC	BC	CP 28.8
33	592	sen. kasperbauer	4:58PM	1'15"	3/ 3	EC	BC	CP 14.4
34	592	sen. klitzie	4:59PM	1'35"	3/ 3	G3	BC	CP 14.4
35	592	sen. leon guerrero	5:01PM	1'07"	3/ 3	EC	BC	CP 14.4
36	592	sen. jesse lujan	5:03PM	2'08"	3/ 3	EC	BC	CP 9600
37	592	sen. palacios	5:06PM	37"	3/ 3	EC	BC	CP 28.8
38	592	sen. respicio	5:07PM	41"	3/ 3	EC	BC	CP 28.8
39	592	sen. tenorio	5:08PM	3'08"	3/ 3	G3	BC	CP 9600
40	592	sen. unpingco	5:11PM	1'07"	3/ 3	EC	BC	CP 14.4
41	592	sen. won pat	5:12PM	1'07"	3/ 3	EC	BC	CP 14.4
42	592	executive director	5:14PM	38"	3/ 3	EC	BC	CP 28.8
43	592	clerks	5:15PM	0"	-/ 3		BC	056D
44	592	sergeant at arms	5:16PM	1'22"	3/ 3	EC	BC	CP 9600
45	592	protocol	5:18PM	1'22"	3/ 3	EC	BC	CP 9600

Total 89

** Called **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	551	6716471472	2-28-06; 3:37PM	1'21"	2	EC		CP 14.4
2	553	EC	3:56PM	2'12"	4	EC		CP 9600
3	567	6716497766	3- 1-06; 10:45AM	43"	1	EC		CP 9600
4	577	GHC	2:08PM	25"	1	EC		CP 28.8
5	579	671 475 8805	2:44PM	1'05"	4	EC		CP 26.4

Total 12

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

Transmission Report

Date/Time
Local ID
Local Name
Company Logo

3- 6-06;10:15AM
4723510
Speakers Office

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



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

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3407 • Fax (671) 472-3510

Speaker Mark Forbes

Facsimile

Date: March 06, 2006 **Time:**
Fax No.: 477-3079 **No. of Pages:**
To: PDN Government Meetings
From: The Office of Speaker Mark Forbes
Re: Public Hearing Notice- Wednesday, March 8, 2006
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Tuesday, March 7, and Wednesday, March 8, 2006 to read:

"Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Wednesday, March 8, 2006, 9:00 a.m., Session Hall, Temporary Legislative Building, Hagatna, Guam. The following Appointments and Bills will be heard:

Appointments:

Gorlog T. Duenas, Member, Guam Land Use Commission
Jay L. Luther, Member, Guam Land Use Commission
Alicia A. Limtiaco, Member, Guam Council on the Arts & Humanities
Michael C. Makio, Member, Guam Historic Preservation Review Board
Art O. Salomes, Member, Guam Land Use Commission

Bills; Committee on General and Omnibus Matters:

Bill No. 227 (EC) – by L. F. Kasperbauer
An Act To Authorize 1 Mega Lahen Guahan To Sell Fractional Lot 1461 Plus Or Minus Fifty-Two Square Meters (52 + Sq. Meters) And Fractional Lot 1462 Plus Or Minus One Hundred Eighty Six Square Meters (186 + Sq. Meters) All In The Municipality Of Agaña To Mr. Michael P. Flaherty For Its Appraised Fair Market Value.

Bill No. 256 (LS) – by Ray Tenorio

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	713	4773079	3- 6-06;10:14AM	56"	2 / 2	EC		CP 14.4

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



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

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3407 • Fax (671) 472-3510

Speaker Mark Forbes

March 06, 2006

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

SUBJECT: Notice of Public Hearing- **Wednesday March 8, 2006**

Please be informed that I have scheduled a public hearing on March 8, 2006, 9:00 a.m. at the Session Hall, Temporary Legislative Building, on the following appointments and bills:

The following Appointments and Bills will be heard by the Committee on General & Omnibus Matters & the Executive Committee;

Appointments:

Goring T. Duenas, Member, Guam Land Use Commission
Jay L. Lather, Member, Guam Land Use Commission
Alicia A. Limtiaco, Member, Guam Council on the Arts & Humanities
Michael C. Makio, Member, Guam Historic Preservation Review Board
Art O. Salomes, Member, Guam Land Use Commission

Bills; Committee on General and Omnibus Matters:

Bill No. 227 (EC) – by L. F. Kasperbauer
An Act To Authorize I Maga Lahen Guahan To Sell Fractional Lot 1461 Plus Or Minus Fifty-Two Square Meters (52 + Sq. Meters) And Fractional Lot 1462 Plus Or Minus One

Activity Report

Date/Time
Local ID
Local Name
Company Logo

3- 6-06; 1:52PM
4723510
Speakers Office

* Calling **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	698	clerks	3- 3-06; 10:37AM	22"	1/ 1	EC	BC	CP 26.4
2	698	sergeant at arms	10:38AM	37"	1/ 1	EC	BC	CP 9600
3	713	4773079	3- 6-06; 10:14AM	56"	2/ 2	EC	BC	CP 14.4
4	715	pdn	10:15AM	57"	2/ 2	EC	BC	CP 14.4
5	715	marianas variety	10:17AM	57"	2/ 2	EC	BC	CP 14.4
6	715	k stereo	10:18AM	34"	2/ 2	EC	BC	CP 28.8
7	715	glimpses	10:19AM	42"	2/ 2	EC	BC	CP 26.4
8	715	harvest radio	10:20AM	33"	2/ 2	EC	BC	CP 26.4
9	715	kuam	10:21AM	38"	2/ 2	EC	BC	CP 26.4
10	715	power ninty eight	10:22AM	56"	2/ 2	EC	BC	CP 14.4
11	715	hit radio	10:23AM	30"	2/ 2	EC	BC	CP 28.8
12	715	adventist radio	10:24AM	1'11"	2/ 2	EC	BC	CP 9600
13	715	kprg	10:25AM	1'59"	2/ 2	G3	BC	CP 9600
14	715	riene live	10:28AM	55"	2/ 2	EC	BC	CP 14.4
15	718	sen. frank aguon	10:29AM	0"	-/ 2	EC	BC	056D
16	718	sen. joanne brown	10:30AM	1'39"	2/ 2	EC	BC	CP 9600
17	718	sen. eddie calvo	10:32AM	33"	2/ 2	EC	BC	CP 26.4
18	718	sen. b. j. cruz	10:33AM	29"	2/ 2	EC	BC	CP 28.8
19	718	sen. mike cruz	10:34AM	29"	2/ 2	EC	BC	CP 28.8
20	718	sen. kasperbauer	10:35AM	59"	2/ 2	EC	BC	CP 14.4
21	718	sen. klitzie	10:36AM	1'15"	2/ 2	G3	BC	CP 14.4
22	718	sen. leon guerrero	10:38AM	55"	2/ 2	EC	BC	CP 14.4
23	718	sen. jesse lujan	10:39AM	1'39"	2/ 2	EC	BC	CP 9600
24	718	sen. palacios	10:42AM	31"	2/ 2	EC	BC	CP 28.8
25	718	sen. respicio	10:42AM	31"	2/ 2	EC	BC	CP 28.8
26	718	sen. tenorio	10:43AM	2'14"	2/ 2	G3	BC	CP 9600
27	718	sen. unpingco	10:46AM	54"	2/ 2	EC	BC	CP 14.4
28	718	sen. won pat	10:47AM	54"	2/ 2	EC	BC	CP 14.4
29	718	executive director	10:48AM	30"	2/ 2	EC	BC	CP 28.8
30	718	clerks	10:49AM	0"	-/ 2	EC	BC	056D
31	718	sergeant at arms	10:50AM	1'06"	2/ 2	EC	BC	CP 9600
32	720	4776666	11:07AM	1'34"	3/ 3	EC		CP 14.4
33	723	6496178	11:10AM	36"	2/ 2	EC		CP 28.8
34	726	4779402	11:13AM	36"	2/ 2	EC		CP 28.8
35	728	5654826	11:14AM	34"	2/ 2	EC		CP 28.8
36	729	AGRICULTURE/DOS	11:15AM	36"	2/ 2	EC		CP 28.8
37	735	6496178	11:46AM	34"	2/ 2	EC		CP 28.8
38	738	executive director	12:51PM	49"	4/ 4	EC	BC	CP 28.8
39	738	clerks	12:52PM	0"	-/ 4	EC	BC	056D
40	738	sergeant at arms	12:53PM	1'59"	4/ 4	EC	BC	CP 9600
41	742	sen. joanne brown	1:47PM	1'08"	1/ 1	EC	BC	CP 9600
42	742	sen. eddie calvo	1:49PM	27"	1/ 1	EC	BC	CP 28.8
43	742	sen. b. j. cruz	1:49PM	22"	1/ 1	EC	BC	CP 28.8
44	742	sen. mike cruz	1:50PM	24"	1/ 1	EC	BC	CP 28.8
45	742	sen. kasperbauer	1:51PM	40"	1/ 1	EC	BC	CP 14.4

Total 82

* Called **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	702		3- 3-06; 1:03PM	1'41"	3	EC		CP 9600
2	704		3:04PM	4'26"	7	G3		CP 14.4
3	706	477 9006	3:21PM	1'08"	2	EC		CP 14.4
4	708	6714752000	5:26PM	39"	1	EC		CP 14.4
5	740	7352721	3- 6-06; 12:58PM	38"	1	EC		CP 9600

Total 14

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send



GUAM WATERWORKS AUTHORITY

"Good Water Always"

Post Office Box 3010, Hagatna, Guam 96932

Phone: (671) 647-2603 Fax: (671) 646-2335

March 8, 2006

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN (28th Guam Legislature)

TESTIMONY on Bill 260

AN ACT TO REPEAL AND REENACT SECTION 62108.1 AND TO ADD A NEW SECTION 62108.2 TO ARTICLE 1, OF CHAPTER 62, OF 21 GUAM CODE ANNOTATED RELATIVE TO STRENGTHENING THE GENERAL REQUIREMENTS FOR AGRICULTURAL SUBDIVISIONS.

Good Morning Madam Chair and Committee Members, thank you for allowing GWA this opportunity to express our thoughts on this important matter.

This matter is very important to protecting the aquifer for long-term use.

Our suggestions are as follows:

62105 (a) Definition of Ag Subdivision needs to be tied into the language in 62108.1

62108.1 (a) The proposal should cover all lots created not just ones over six as this just causes people to do more subdivisions to keep each one under six in number.

(b) If infrastructure is required it usually all needs to be done at once for it to work properly and not have dead ends where water stagnates. A gravity sewer system needs to start from the point closest to discharge to be sure there are no elevation busts where the sewage will not flow. At the very least a complete engineering drawing needs to be submitted for complete review and approval before any work begins.

62108.2 (a) It is ok to allow final subdivision with a full performance bond in place for all improvements provided this provision makes it a criminal act to cancel the bond before all improvements are completed. When a cash bond is given it needs to be in excess of the estimated construction cost by about 20% to cover cost increases from the time the bond is placed until the time the work is done. When the bond is a surety bond language needs to cover all costs no matter what they are.

62108.3 (a) Same comments as above.

(b) Each Agency needs to inspect its own improvements and should not be required to accept another Departments inspection unless DPW Chief engineer is required to get approval from each agency before they provide their approval.

Thank you for your concern and assistance in moving this very important legislation along.

Sensereamente,


DAVID R. CRADDICK

General Manager



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

Testimony of

Mr. Randel L. Sablan, Acting Administrator

Guam Environmental Protection Agency

Before

The Executive Committee and the Committee on Natural Resources, Utilities and
Micronesian Affairs

March 8, 2006

PUBLIC HEARING ON BILL 260: AN ACT TO REPEAL AND REENACT
SECTION 62108.1 AND TO ADD A NEW SECTION 62108.2 TO ARTICLE 1, OF
CHAPTER 62, OF 21 GUAM CODE ANNOTATED RELATIVE TO
STRENGTHENING THE GENERAL REQUIREMENTS FOR AGRICULTURAL
SUBDIVISIONS

Vice-Speaker Brown and Committee Members. I am pleased to have the opportunity
to provide Guam Environmental Protection Agency's testimony, in support of Bill 260.

Bill 260 proposes to clarify and strengthen Guam's Subdivision Laws, with the intent of preventing improper and premature development that lacks the infrastructure required to support the intended land uses. In particular, the development and occupancy of lots that require sewer service has been occurring before the sewers are available in agriculture subdivisions. This results in risks to residents' health and threats of contamination of our main source of drinking water.

Our Northern Aquifer is designated as a nationally recognized sole source of drinking water. This main source of well water is increasingly threatened by pollution, such as leaching of contaminants from septic tank systems built over the aquifer. To accommodate occupation of properties that lack sewer, owners have been allowed to utilize approved septic tanks and leaching fields in low densities, requiring minimum lot sizes of 19,200 square feet, by law. But scientific evidence shows that safety of our drinking water is becoming seriously threatened by the increased use of these individual home wastewater disposal methods. The solution of providing public sewers is dependent more on the developers of new subdivisions, rather than the Guam Waterworks Authority finding the means to increase developer's profits by giving sewer systems to anyone who requests them.

Guam Subdivision Law, Chapter 61 of 21 Guam Code Annotated, requires developers to provide improvements, including water, sewer (for maximum density developments) roads and other utilities to properties they are proposing to subdivide. Unfortunately, the requirements of Article 1 of this Chapter do not specify when the improvements must be in place. Because of this fault, developers have obtained approval of agricultural subdivisions and have sold lots before they provided the necessary infrastructure. By the unfortunate lack of timeline for the provision of infrastructure in the old Agriculture Subdivision Law, purchasers of agriculture subdivision lots are disadvantaged and not able to use their properties as intended. Many properties approved through the Agricultural Subdivision approval process have resulted in serious problems for the new owners and decrease in the quality of life for the surrounding community. Well known examples of such problems include decreases in public water pressure, contamination of our well water, traffic safety risks, inadequate parking, devaluation of neighboring properties, lack of access for garbage trucks, school buses and even emergency services, etc.

These increased deficiencies in infrastructure and public services, lead to damage to natural resources, degradation of the environment and loss of potential economic development.

Many purchasers of the lots have, usually because of financial hardships, been forced to live on these lots without the proper infrastructure. This has led to unhealthy and unsafe living conditions which also threaten public drinking water sources.

Because of recent glaring health threats related to the failure of implementing the intent of the Subdivision and the Building Permit Laws, Guam Environmental Protection Agency has instituted notices of violation and notices to vacate unapproved and substandard dwellings, while initiating meetings of government agencies and of effected parties to urgently take steps to control these problems in targeted subdivisions. To prevent new occurrences of subdivision approvals without the necessary sewer and water infrastructure, we established an agreement with the Department of Land Management last year to have every new agricultural subdivision application be reviewed and approved in writing by our Agency before approval is made by that Department. However, it is still necessary to correct the fault in the Subdivision Law.

When the existing Agriculture Subdivision Law was instituted, it was a valuable innovation to improve the quality of our life. However, land sales practices have

evolved which take advantage of the basic fault in this law and create serious public problems. It is urgent to correct these problems through the approval of Bill 260.

Additional law changes, such as revising the minimum lot size to be 19,200 square feet, making it consistent with the minimum lot size table elsewhere in the law, and removing the reference to the Low Intensity Zoning District of I Tano-‘ta are appropriate as drafted in this bill. We also recommend that performance bonding apply to all developers regardless of their access to capital or ability to self finance infrastructure development.

We generally support the provisions of Bill 260 and recommend that it be approved with the understanding that more comprehensive amendments may be proposed based on further study of the Subdivision Rules and Regulations and other companion laws and rules.

Thank you for the opportunity to provide this testimony. The Agency is available to further discuss the provisions of this bill if necessary.

March 08, 2006

Re: Public Hearing- Bills 268 and 260

To: Committee on Omnibus Matters and Executive Committee

From: Felixberto R. Dungca Jr.

Re: Testimony on Bill 260 & 268 (via email)

Buenas Yan Hafa Adai,

Please allow me to provide my written testimony to the Committee relative to both Bill Nos. 268 and 260 via Email. I am unable to attend the scheduled public hearing in person due to sick leave, but ask that my testimony be entered into the record for purposes of supporting both bills.

Before stating my position, I would like to inform the committee of my educational background and government experience in the area of land use planning. I have a bachelors of science degree in urban land use planning, and have worked for the government for over 20 years, both at DPW and Land Management. My current position is that of Guam Chief Planner, Dept. of Land Management and former director of both DLM and the Chamorro Land Trust Commission. Currently, I am detailed and assigned to the Mass Transit Division, Dept. of Administration to assist them in the area of transportation planning. I also have a degree as a certified financial planner (1989) with the College for Financial Planning.

Bill 260- I am in full support of Bill 260 being aware for many hears of the shortfalls that current subdivision laws on Guam fail to address in the area of "good land use development". We (Planners at DLM) have for many years recognized these loop holes and shortfalls that exited for many years allowing potential developers to purchase large tracts of land, subdivide them, sell off the lots to potential purchasers to make an "up front" profit and then move on to the next project. This has been the norm and practice during the late 1980's and '90 period economic boom.

It should be noted that this practice is not necessarily the fault of developers as they are simply operating within the law and rules set by the government. As a result of the recent problems facing the Gill Baza, Gil Breeze and other existing subdivision, it has become obvious that the government must now recognize the shortcomings of existing subdivision law and pass stiffer legislation to ensure that this practice not be allowed for future subdivisions in the interest of ensuring good land use development on Guam.

More importantly, the protection of our groundwater protection zoned, northern aquifers and other environmental resources must take paramount to the individual profits of a limited number of developers. The time has come for policy makers to make, and take responsible action to protect the environment through legislation. Thank you.

Bill 268- again, I am in full support of Bill 268 and its' intent to address the zoning, or lack of local zoning designation for ancestral lands. In that respect, I bring to the legislatures' attention a recently completed report by Daniel D. Swavely entitled "Land Use Master Plan for the DOS AMANTES PLANNING AREA" dated 19th, July 2005.

This report was formally presented to the administration last year on August 12, 2005 and represents a comprehensive approach to the zoning and master planning of approximately 2,143 acres of prime lands in and around the Dos Amantes area.

I strongly encourage the committee and the legislature to support the recommendations within this report as it realistically addresses not only the future economic potential of these lands, but also identifies certain challenges that currently exist such as the maze of easements within the borders of these properties.

I would welcome an opportunity to participate and provide my technical input into this process, and look forward to the passage of Bill 268.

SI YU'OS MA'ASE,

[Original Signed]
Felixberto R. Dungca Jr.

2nd
3/1/06

2nd 5/19/06 56 3rd 5/19/06

4/17/06

Cow
5/19/06

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Cow
4/17-18/06

(EC)

top of 2nd rdg
4/18/06

Bill No. 260 LS

As Substituted by the Committee on General & Omnibus Matters
And further Substituted on the Floor

Introduced by:

J.M.S. Brown

**AN ACT TO IMPOSE ADDITIONAL SAFEGAURDS
ON THE SUBDIVISION APPROVAL PROCESS AND
TO REQUIRE THE GUAM LAND USE COMMISSION
TO RECOMMEND CHANGES TO STRENGTHEN
THE SUBDIVISION LAW, PARTICULARLY AS IT
PERTAINS TO AGRICULTURAL SUBDIVISIONS.**

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

2 **Section One.** (a) Notwithstanding the provisions of the
3 Subdivision Law, Title 21 G.C.A., Division 2, the Guam Land Use
4 Commission shall not approve a survey map for any subdivision of
5 any kind, including lot parceling subdivisions and agricultural
6 subdivisions, unless all of the following government officials have
7 certified in writing that the proposed map meets the requirements of
8 Title 21 G.C.A. Chapter 62: the Director of Public Works; the
9 Administrator of the Guam Environmental Protection Agency; the
10 Director of Land Management; the Guam Fire Chief; the Chief
11 Planner of the Department of Land Management; the Chief Engineer

from
FA 2
R
from
FA 3
recommender
FA 2
R

1 of The Department of Public Works; ~~A~~ and, the Real Estate
2 Commissioner.

3 This requirement is imposed in addition to the requirements of
4 Title 21 G.C.A. Chapter 62 and regulations enacted thereunder and
5 does not amend, modify or repeal said Chapter and regulations.

6 (b) This section shall continue in effect until *I Liheslaturan*
7 *Guahan* takes action on the recommendations made by the Guam
8 Land Use Commission pursuant to Subsection (c) hereof.

9 (c) The Guam Land Use Commission shall examine Title 21
10 G.C.A., Division 2, Chapter 62 and Title 18 G.A.R., Chapter 3, Article
11 2 and within six months after this enactment make written
12 recommendations to *I Maga'lahi Guahan* and *I Liheslaturan Guahan*
13 regarding updates, corrections and revisions thereof as may be
14 needed to streamline and render more orderly the subdivision
15 process, protect the interests of subdividers and persons purchasing
16 property from subdividers, protect the environment and promote the
17 health, welfare and safety of the public.

18 (d) Subsection (a) hereof does not apply to approval of
19 subdivision survey maps that are family or parental subdivisions
20 pursuant to Title 21 G.C.A. § 62104; ^{FA 2} ^{FA 10} ⁰² and distribution of land by court
21 order in a proceeding brought pursuant to Title 15, G.C.A.

FA 1
FA 10
R

Passed FA No. 1
Date: 5/19/06 Time: 11:11A

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 260 (LS)

As Substituted on the Floor

Edward J.B. Calvo
Senator Proposing Amendment

(Below for Senator to Complete)

Please describe proposed amendment, including where change to occur:

- 1a*
1. Within subsection (d) on page 2, on line 20 after the phrase "§ 62104;" insert the phrase, "lot parcelings in accordance with Title 21 G.C.A. §62105(s);".
 2. Within subsection (d) on page 2, on line 20 replace the word "and" with the phrase "or,".

Date May 19, 2006.

Floor Amendment No. 1 + 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
SENATOR EDWARD J.B. CALVO
AUTHOR OF AMENDMENT

Concur (initial) *JM*

[Signature]
Clerk of Legislature

Speaker

Ass't Amend. Clerk

Engrossment Staff

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES
Bill No. 260 (LS)

Revised

Vice Speaker Joanne M.S. Brown
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

fl Page 2, Line 1 after Department of Public Works add "the members of the Application
Review Committee (ARC)" *Voting*

MS Page 2, Line 1, delete the word "and"

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

Date May 19, 2006

Floor Amendment No. 2, 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

Joanne M.S. Brown
AUTHOR OF AMENDMENT

Concur *(initial)*

MS
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

2nd
3/1/06

3rd

2nd
4/17/06

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session**

Bill No. 260 (EC)

*As Substituted by the Committee on General & Omnibus Matters
and further substituted on the floor CDW*

Introduced by:

J.M.S. Brown

**AN ACT TO AMEND § 62108.1 AND TO ADD A NEW
§62108.2, §62108.3 AND §62108.4 TO ARTICLE 1, OF
CHAPTER 62, OF 21 GUAM CODE ANNOTATED
RELATIVE TO STRENGTHENING THE GENERAL
REQUIREMENTS FOR AGRICULTURAL SUBDIVISIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that there is a need
3 to strengthen § 62108.1 of Article 1, Chapter 62, Title 21 Guam Code Annotated relative to
4 Agricultural Subdivision Requirements by providing performance standards to address the
5 concerns of village residents and Mayors regarding development within their respective
6 villages.

7 *I Liheslatura* further finds that while subdivision laws on agricultural subdivisions
8 lists the improvements required and, although developers understand that the burden is on
9 them to provide such improvements, there is no requirement as to when such
10 improvements must be in place. Thus, once a final subdivision map has been approved
11 and recorded, the individual lots within the subdivision can be sold.

12 *I Liheslatura* feels that changes are needed to ensure that no agricultural subdivision
13 occurs until the minimum required improvements have been completed and certified to
14 function as designed. This will protect the health and welfare of the future residents of the

1 subdivision and ensure that the government of Guam will not be compelled to assume
2 responsibility for improvements if the subdivider fails to complete them.

3 Section 2. Section 62108.1 of Article 1 of Chapter 62 of Title 21 is hereby
4 amended to read as follows.

5 § 62108.1 Agricultural Subdivision Requirements.

6 (a) Any person or persons subdividing agriculturally zoned land into six
7 (6) or more lots, parcels or sites that are less than ^{twenty thousand (20,000)} ~~twenty thousand (20,000)~~ square feet per
8 lot with the intention of selling three (3) or more of the subdivided lots shall be required to
9 make improvements consistent with Section 62108, Article 1, of Chapter 62, Title 21 Guam
10 Code Annotated.

11 (b) If an agricultural subdivision development consists of more than
12 fifteen (15) lots, the developer shall phase in the subdivision in increments of fifteen (15) or
13 fewer lots.

14 (c) In agricultural subdivisions with lots, parcels or sites less than nineteen
15 thousand two hundred (19,200), square feet on the Northern Aquifer, all lots must be
16 connected to a public sewer system or in the absence of a public sewer system, the lot area
17 sizes shall be as specified pursuant to Guam Environmental Protection Agency's Yard and
18 Area Table or be certified by the Guam Environmental Protection Agency to meet the
19 requirements of § 3219(c) of Chapter 3, Title 18 of the Administrative Rules and Regulations
20 of the government of Guam.

21 (d) ~~Agricultural subdivisions are permitted in Zoning District 2 Low~~
22 ~~Intensity of the Zoning Code of Guam.~~

23 Section 3. A new Section 62108.2 is added to Article 1 of Chapter 62, Title 21 Guam
24 Code Annotated to read:

25 § 62108.2. Map Approval.

I MINA'BENTE OCHO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 260

RJR

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2, (a) restore lines 6 through 8 and
changing "Twenty thousand square feet"
to read "Nineteen thousand two hundred
square feet"

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

Date 4/18, 2006

Floor Amendment No. 1 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

I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

5 Bill No. 260

Ray T.

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2 in lines 11 to 13, delete subsection "(6)"
of § 62108.1

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

Date 4/18, 2006

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

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff

1 (a) No final agricultural subdivision map submitted to the Department of
2 Land Management for recordation shall be approved unless all of the improvements
3 required by Section 62108 of Article 1 of Chapter 62 of Title 21 Guam Code Annotated,
4 General Requirements for Subdivision, have been completed.

5 (b) The developer shall submit a site development plan or tentative plan
6 to the Department of Land Management's Chief Planner for review. Said plan shall contain
7 relevant information as specified in Article 4, Requirements for Plans and Maps, Chapter
8 62, Title 21 G.C.A. for analysis by the Chief Planner as to compliance with requirements of
9 the Subdivision Law and other land use rules and regulations. Upon approval of said plan
10 by the Chief Planner, the developer may obtain permits for the construction of the
11 improvements.

12 Section 4. A new § 62108.3 is added to Article 1 of Chapter 62, Title 21 Guam
13 Code Annotated to read:

14 § 62108.3. Improvement Guarantees.

15 (a) Unless the developer has sufficient funds to complete construction ~~to~~
16 of the improvements, he shall obtain a performance bond sufficient in amount to insure
17 completion of the improvements for the entire subdivision or for the specific phase of the
18 development that has been approved by the Chief Planner. The Director of Public Works
19 shall certify that the developer meets these requirements. The performance bond required
20 herein shall be in favor of the Department of Public Works, Government of Guam. The
21 Director of Public Works shall not release said bond until all of the improvements are
22 approved by the Chief Engineer pursuant to Subsection (b)3 herein.

23 (b) Time Allowed for Completion of Improvements.

24 1. The developer shall complete all the required improvements within
25 one (1) year after the Chief Planner approves the site development plan or tentative plan
26 pursuant to Title 21 G.C.A. § 6108.2(b).

1 2. The Chief Planner may grant no more than two extensions of one year
2 each for the time allowed to complete the improvements.

3 3. The developer shall notify the Chief Planner, the Director of Land
4 Management and the Chief Engineer of the Department of Public Works in writing when
5 the improvements have been substantially completed. The Chief Engineer shall inspect all
6 improvements described in said notice and shall file a detailed written report with the
7 Chief Planner and the Director of Land Management regarding the adequacy and
8 operability of the improvements within fifteen (15) days after he receives notice from the
9 developer. The Chief Engineer shall include with the report a Final Certification Inspection
10 Form that shall contain the certification of each responsible department of the government
11 as to the adequacy and operability of the improvements. The report shall indicate
12 approval, partial approval or rejection of the improvements. The responsible agencies shall
13 be DPW, GEPA, DLM, GFD, GWA and GPA.

14 4. The Chief Engineer shall recommend partial approval when the
15 required improvements have been substantially completed. The Chief Engineer shall
16 describe in said report any actions the developer must take to complete the required
17 improvements.

18 5. If the Chief Engineer recommends approval, the Chief Planner shall,
19 within fifteen (15) days after he receives the Chief Engineer's written report, notify the
20 developer in writing to submit the final agricultural subdivision map for review. No final
21 map shall be submitted if the inspection report recommends a rejection.

22 Section 5. A new § 62108.4 is added to Title 21 G.C.A. to read:

23 § 62108.4. Appeals.

24 Within fifteen (15) days after the Chief Planner notifies the developer that the
25 Chief Engineer recommends a rejection, the developer may appeal said report to the Guam
26 Land Use Commission. The Commission shall hear the appeal and either affirm or reverse

1 the rejection after a hearing conducted pursuant to the Administrative Adjudication Law.
2 An order of the Commission shall be effective when it is delivered to the developer and
3 shall become final thirty (30) days after delivery unless a party institutes proceedings for
4 judicial review in accordance with Section 62604(b) of Article 1 of Chapter 62 of Title 21
5 Guam Code Annotated, the Subdivision Law.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 260 (EC)

Introduced by:

J.M.S. Brown 

AN ACT TO REPEAL AND REENACT SECTION 62108.1
AND TO ADD A NEW SECTION 62108.2 TO ARTICLE 1, OF
CHAPTER 62, OF 21 GUAM CODE ANNOTATED RELATIVE
TO STRENGTHENING THE GENERAL REQUIREMENTS
FOR AGRICULTURAL SUBDIVISIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 there is a need to strengthen Section 62108.1 relative to Agricultural
4 Subdivision Requirements of Article 1, Chapter 62, Title 21 Guam Code
5 Annotated by providing performance standards to address the concerns of
6 village residents and Mayors regarding development within their respective
7 villages.

8 *I Liheslatura* further finds that while Subdivision Law on agricultural
9 subdivisions lists the improvements required and, although developers
10 understand that the burden is on them to provide such improvements, there is
11 no requirement when such improvements must be in place. Thus, once a final
12 subdivision map has been approved and recorded, the individual lots within
13 the subdivision can be sold.

14 *I Liheslatura* feels that changes are needed to ensure that no agricultural
15 subdivision occurs until all of the minimum required improvements have

1 been completed and certified to function as designed. This will ensure that
2 the health and welfare of the future residents of the subdivision are protected
3 and that the government of Guam will not be compelled to assume this
4 responsibility if the subdivider fails to provide or complete the improvements.

5 **Section 2. Section 62108.1 of Article 1 of Chapter 62 of Title 21 is**
6 **hereby amended to read as follows.**

7 Section 62108.1 Agricultural Subdivision Requirements.

8 (a) Any person or persons subdividing agriculturally-zoned
9 land into six (6) or more lots, parcels or sites that are less
10 than ~~twenty-two thousand (20,000)~~ nineteen thousand two-
11 hundred (19,200) square feet per lot with the intention of
12 selling three (3) or more of the subdivided lots, whether
13 immediately or in the future, shall be required to make
14 improvements consistent with Section 62108 of Chapter 62,
15 21 Guam Code Annotated.

16 (b) If an agricultural subdivision development consists of fifteen
17 (15) or more lots, the developer shall phase in the
18 subdivision in fifteen (15) lot increments.

19 (c) In agricultural subdivisions with lots, parcels or sites less
20 than twenty thousand (20,000) square feet, when located of
21 the Northern Aquifer, all lots must meet the requirements
22 set forth in C3219(c) of Chapter 3 of Title 18 of the
23 Administrative Rules and Regulations of the government of

1 Section 62108.3 Improvement Guarantees.

2 (a) Unless the developer has sufficient funds to complete the
3 improvements, he shall obtain a performance bond sufficient
4 in amount to insure the completion of the improvements for
5 the entire subdivision or for the specific phase of the
6 development that has been approved by the Chief Planner.
7 The Director of Public Works shall certify that the amount of
8 the bond is acceptable for the completion of the
9 development phase in question.

10 (b) Time Allowed for Completion of Improvements.

11 1. The subdivider/developer shall have one (1) year from
12 the approval of the development or tentative plan by the
13 Chief Planner, to complete all of the required
14 improvements.

15 2. The time allowed for installation of the improvements for
16 which the performance guarantee has been provided may
17 be extended by the Chief Planner. Two (2) extensions of
18 twelve (12) months each may be allowed.

19 3. Upon substantial completion of all required
20 improvements, the developer may notify the Chief
21 Planner in writing of the completion or substantial
22 completion of improvements, and shall send a copy to the
23 Chief Engineer of the Department of Public Works. The
24 Chief Engineer shall inspect all improvements described

1 in said notice and shall file a detailed written report with
2 the Chief Planner indicating either approval, partial
3 approval, or rejection. The cost of improvements as
4 approved or rejected shall be set forth.

- 5 4. If the Chief Engineer recommends approval or partial
6 approval, the Chief Planner shall, within fifteen (15) days
7 notify the developer or his representative in writing to
8 submit the final agricultural subdivision map for the
9 review process. No final map shall be submitted if the
10 inspection report recommends a rejection.

11 Section 62108.4 Appeals.

12 Within fifteen (15) working days after the developer has been
13 notified by the Chief Planner that the Chief Engineer recommends a
14 rejection, the developer may appeal said report to the Guam Land Use
15 Commission pursuant to the Administrative Adjudication Law. Any
16 order of the Commission shall be effective when notice thereof is
17 delivered to the subdivider/developer or his representative, and shall
18 become final at the expiration of thirty (30) days thereafter, unless the
19 subdivider/developer institutes proceedings for judicial review in
20 accordance with Section 62604(b) of Article 1 of Chapter 62 of Title 21
21 Guam Code Annotated, the Subdivision Law.