



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

13 JUL 2006

Office of the Speaker

MARK FORBES

Date: 7-13-06

Time: 3:15

Rec'd by: [Signature]

Print Name: Liz R.

28-06-0937

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

Dear Mr. Speaker:

Enclosed herewith is Bill No. 268 (EC), "AN ACT TO ADD A NEW SECTION 80105 TO TITLE 21 G.C.A. RELATIVE TO DEVELOPING A COMPREHENSIVE ZONING PLAN FOR ANCESTRAL LANDS," which I have signed into law as Public Law 28-133.

Please note that 21 G.C.A. § 80105 already exists which transfers the property conveyed to Department of Public Works in the Tiyan area, formerly known as Naval Air Station, Agana (Brewer Field) to the Guam Ancestral Lands Commission.

Sins eru yan Magåhet,

[Signature of Felix P. Camacho]

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

Attachment: copy of signed bill

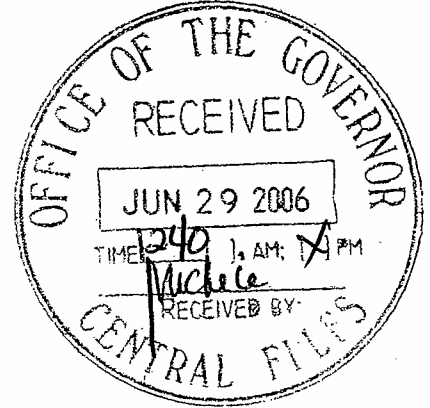
cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 3:55 Date: 7-18-06



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

June 28, 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. 182(EC), 256(LS), 268(EC), 278(EC), 295(EC), 296(EC), 308(EC), 309(EC) & 314(EC); and Substitute Bill Nos. 134(EC), 236(EC) & 307(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on June 26, 2006.

Sincerely,

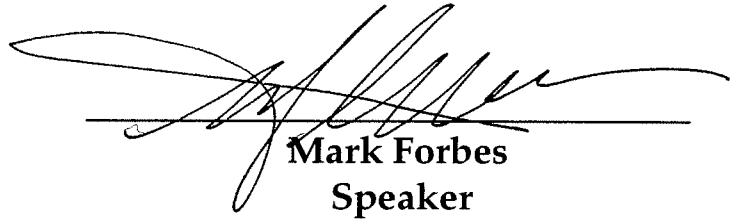

EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (12)


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 Bill No. 268 (EC), "AN ACT TO ADD A NEW SECTION 80105 TO TITLE 21 G.C.A. RELATIVE TO DEVELOPING A COMPREHENSIVE ZONING PLAN FOR ANCESTRAL LANDS," was on the 26th day of June, 2006, duly and regularly passed.


Mark Forbes
Speaker

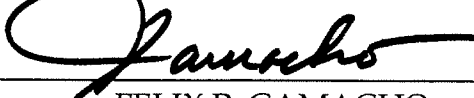
Attested:


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

This Act was received by *I Maga'lahaen Guåhan* this 29 day of Jun, 2006, at 1240 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 11 July 2006

Public Law No. 28-133

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

Bill No. 268 (EC)

As amended on the Floor.

Introduced by:

Mark Forbes
F. B. Aguon, Jr.
J. M.S. Brown
Edward J. B. Calvo
B. J.F. Cruz
Mike Cruz
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 *ADD* A NEW SECTION 80105 TO TITLE 21
G.C.A. RELATIVE TO DEVELOPING A
COMPREHENSIVE ZONING PLAN FOR ANCESTRAL
LANDS.**

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

2 **Section 1.** A new Section 80105 is hereby *added* to Title 21 G.C.A. to read:

3 **“Section 80105. Comprehensive Zoning Plan.**

4 (a) A Provisional Commission for the Zoning of Ancestral
5 Lands, hereinafter referred to as the “Provisional Commission”, is
6 established to include the Executive Director of the Guam Ancestral
7 Lands Commission, the Director of Land Management, the
8 Administrator of the Guam Environmental Protection Agency, the
9 Director of Agriculture and the Director of the Bureau of Statistics &

1 Plans. The Executive Director of the Guam Ancestral Lands
2 Commission shall serve as chairperson of the Provisional
3 Commission. Members of the Provisional Commission shall assign
4 employees from their respective departments to assist the Commission
5 in its work.

6 (b) The Provisional Commission shall complete a
7 comprehensive zoning plan for all properties and parcels under the
8 jurisdiction of the Guam Ancestral Lands Commission, including
9 parcels that have been previously deeded to ancestral land claimants
10 in accordance with the statutes, rules and regulations governing the
11 Guam Ancestral Lands Commission but have not, as of the effective
12 date of this Act, been zoned or rezoned by any means. If a parcel
13 under the jurisdiction of the Guam Ancestral Lands Commission,
14 including parcels that have been previously deeded to ancestral land
15 claimants in accordance with the statutes, rules and regulations
16 governing the Guam Ancestral Lands Commission, has been
17 previously zoned or rezoned by any means other than that mandated
18 herein, said parcel shall *not* be rezoned by the comprehensive zoning
19 plan mandated by this Section.

20 (c) In formulating the comprehensive zoning plan, the
21 Provisional Commission shall request and consider the opinions of all
22 affected ancestral land claimants. The Provisional Commission shall
23 conduct hearings and present a draft zoning plan to claimants before it
24 adopts the plan.

1 **(d)** The Provisional Commission shall approve the plan by
2 the affirmative vote of at least three (3) of the five (5) members
3 before transmittal to the Ancestral Lands Commission.

4 **(e)** After the Provisional Commission approves the
5 comprehensive zoning plan, it shall transmit the plan to the Ancestral
6 Lands Commission, which shall approve the plan by a resolution
7 signed by a majority of its members. The Ancestral Lands
8 Commission shall attach this resolution to the plan and transmit the
9 same to *I Maga'lahi*.

10 **(f)** *I Maga'lahen Guåhan* shall approve the comprehensive
11 zoning plan by a written memorandum which he shall attach to the
12 plan and the approval resolution of the Ancestral Lands Commission
13 and transmit the same to *I Liheslaturan Guåhan*.

14 **(g)** The comprehensive zoning plan mandated by this Section
15 shall be subject to the approval of *I Liheslaturan Guåhan* in bill
16 form.”

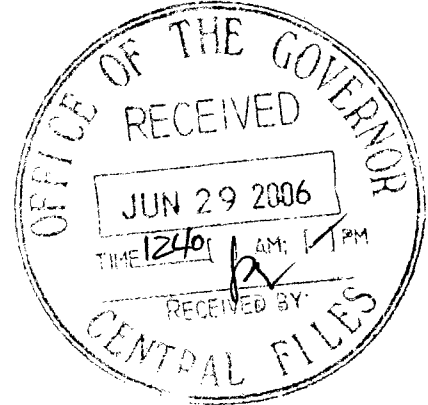


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

June 28, 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. 182(EC), 256(LS), 268(EC), 278(EC), 295(EC), 296(EC), 308(EC), 309(EC) & 314(EC); and Substitute Bill Nos. 134(EC), 236(EC) & 307(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on June 26, 2006.

Sincerely,


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

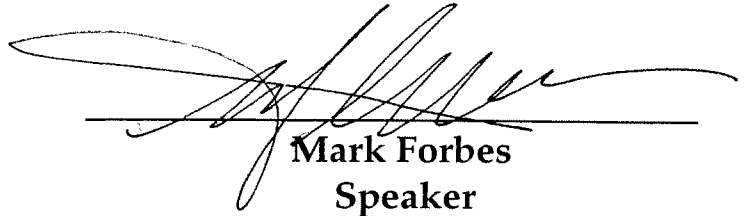
Enclosures (12)

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


FILE COPY

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

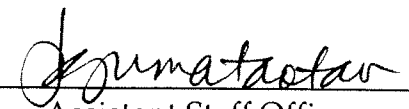
This is to certify that Bill No. 268 (EC), "AN ACT TO ADD A NEW SECTION 80105 TO TITLE 21 G.C.A. RELATIVE TO DEVELOPING A COMPREHENSIVE ZONING PLAN FOR ANCESTRAL LANDS," was on the 26th day of June, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


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

This Act was received by *I Maga'lahen Guåhan* this 29 day of June, 2006, at
12:49'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Date: 6/26/06

VOTING SHEET

Bill No. 268 (cc)

Resolution No. _____

Question: _____

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

TOTAL

12 _____ _____ _____ 2

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 22, 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. 268 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 268 (EC): "An Act To Add A New Section 80105. To 21 GCA Relative To Developing A Comprehensive Zoning Plan For Ancestral Lands"**.

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

The voting record is as follows:

 3 TO PASS
 0 NOT TO PASS
 2 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. 268 (EC): "An Act To Add A New Section 80105. To 21 GCA Relative To Developing A Comprehensive Zoning Plan For Ancestral Lands".

Transmitted herewith for your information and action is the report on Bill No. 268 (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. 268 (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

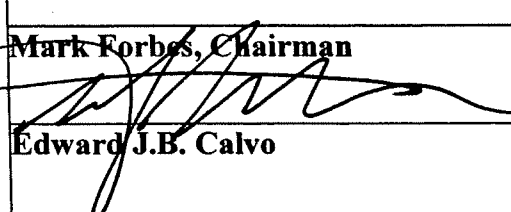
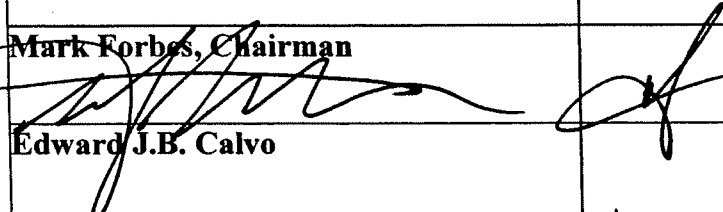
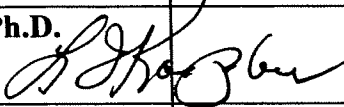

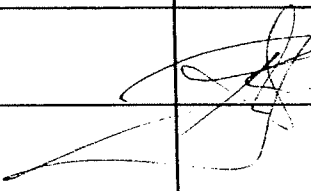
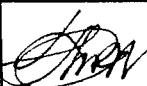

Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

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

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

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

2nd *3rd*
3/22/06 6/7/06
3/23/06
3/24/06
4/17/06
5/19/06
5/22/06
Bill No. 268 (EC)

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

Introduced by:

Mark Forbes *[Signature]*
J.T. Winkler *[Signature]*

**AN ACT TO ADD A NEW SECTION 80105. TO 21 GCA
RELATIVE TO DEVELOPING A COMPREHENSIVE
ZONING PLAN FOR ANCESTRAL LANDS.**

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

2 **Section 1.** A new section 80105 is added to 21GCA to read:

3 **"Section 80105. Comprehensive Zoning Plan. (a)** A Provisional
4 Commission for the Zoning of Ancestral Lands, hereinafter referred to
5 as the "Provisional Commission", is established to include the Executive
6 Director of the Guam Ancestral Lands Commission, the Director of
7 Land Management, the Administrator of the Guam Environmental
8 Protection Agency *Director of Dept of Corp* and the Director of the Bureau of Planning. The
9 Executive Director of the Guam Ancestral Lands Commission shall
10 serve as chairperson of the Provisional Commission. **(b)** Employees of
11 the departments and agencies whose heads constitute the Provisional
12 Commission shall be assigned to assist the Provisional Commission in
13 its work, as determined by the sundry heads of departments and
14 agencies comprising the Provisional Commission. **(c)** The Provisional
15 Commission is tasked with completing a comprehensive zoning plan for

my FA

Passed FA No. 1

Date: 4/7 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 248

MF

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

rk 1a Add on line 8 after "Protection Agency" the phrase " , the Director of the Dept of Agriculture "

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

Date 6/7, 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

[Signature]

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

1 all properties and parcels under the jurisdiction of the Guam Ancestral
2 Lands Commission, including such parcels as have been previously
3 deeded to ancestral land claimants in accordance with the statutes, rules
4 and regulations governing the activities of the Guam Ancestral Lands
5 Commission but have not as of the effective date of this Act been zoned
6 or rezoned through any mechanism. If a parcel under the jurisdiction of
7 the Guam Ancestral Lands Commission, inclusive of parcels as have
8 been previously deeded to ancestral land claimants in accordance with
9 the statutes, rules and regulations governing the activities of the Guam
10 Ancestral Lands Commission, shall have been previously zoned or
11 rezoned through some alternative mechanism to that mandated in this
12 act, such parcel or parcels shall not be rezoned as part of a
13 comprehensive zoning plan designed or promulgated pursuant to this
14 act. (d) The approval by affirmative vote of at least three (3) of the four
15 (4) members of the Provisional Commission shall be required prior to
16 the transmittal to *I liheslaturan Guahan* of the comprehensive zoning plan
17 mandated by this act. (e) The approval of a majority of members of the
18 Guam Ancestral Lands Commission by affirmative vote shall be
19 required prior to the transmittal to *I liheslaturan Guahan* of the
20 comprehensive zoning plan mandated by this act. (f) The approval of *I*
21 *Maga'lahen Guahan* shall be required prior to the transmittal to *I*
22 *liheslaturan Guahan* of the comprehensive zoning plan mandated by this

1 act. (g) The comprehensive zoning plan mandated pursuant to this act
2 shall be subject to the approval of *I Liheslaturan Guahan* in bill form.
3 Upon receiving the approval of *I Maga'lahen Guahan* as memorialized in
4 attachment, and the approval of the Guam Ancestral Lands
5 Commission, as memorialized by an attached resolution of such
6 approval and attested to by signature of at least a majority of the
7 members of the Guam Ancestral Lands Commission, the Provisional
8 Commission shall transmit the comprehensive zoning plan mandated
9 by this act to *I Liheslaturan Guahan*. (h) In formulating the
10 comprehensive zoning plan, the Provisional Commission shall seek and
11 take into consideration the input of all effected ancestral land claimants.
12 The Provisional Commission shall conduct hearings and present a draft
13 zoning plan to claimants prior to adoption by the Provisional
14 Commission.

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

COMMITTEE REPORT

ON

BILL NO. 268 (EC)

**AN ACT TO ADD A NEW SECTION 80105. TO 21 GCA RELATIVE
TO DEVELOPING A COMPREHENSIVE ZONING PLAN FOR
ANCESTRAL LANDS**

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:

Mr. Joseph Borja, Director, Department of Land Management and Administrative Secretary, Guam Land Use Commission, oral testimony in support of Bill No. 268. Mr. Borja said that he is in favor of the bill and was concerned that a more definitive section regarding the staffing for the provisional committee be addressed in the bill. He is concerned that the work required by the provisional committee, which will more likely meet in the evening hours to accommodate the interest of the public, would burden the existing staff of the Department of Land Management and the Guam Land Use Commission. He said that the current staff will set aside the duties required by the provisional committee for the duties required during their day jobs at the Department of Land Management and the Guam Land Use Commission. He said he wants to insure that staffing for the provisional committee be specific for this purpose or that funding be made available for overtime hours for those existing staff who opt to work the extra hours in the evening. Mr. Borja also recommended that a legislative review be implemented on a quarterly basis for the work being conducted by the provisional committee. He also indicated that a quarterly report and a progress tracking report of the provisional committee be required and sent to the legislature, governor and the Guam Land Use Commission. He further said that a sunset clause of 15 months be the time frame for the commission and that if additional time is needed by the commission, legislative action will be required for its existence. Mr. Borja had several issues involving the current dilemma of approving Ancestral Lands Maps which do not have public access connections to these lots, either basic lots and/or subdivided lots and the issue of resolving surveyor disputes. He said he had problems with mapping out land lock properties. He suggested that lots and maps can be approved for properties deemed excess from the federal government and recommended that an exemption be made for title purposes. In written testimony he states, "Exceptions to title shall be memorialized on the title and noted on the maps relative to lots that do not have public access roadway right-of-way abutting it". In reference to surveyor disputes, he said the current rules and regulations require that 3 surveys be made on properties and if there are disputes on the figures generated by the surveys, resolution must be done by the three surveyors. Mr. Borja said this is an occasional occurrence and time consuming and he suggested that the Chief Cadastre at the Department of Land Management mediate over such surveyor disputes. He said the disputes can arise over +/- differences in measurements. (see attachment).

Mr. Joseph Garrido, Maga Lahi, Nasion Chamoru, oral testimony. Mr. Garrido stated that he is neither in support or against Bill No. 268. He had concerns over the property rights of land owners whose property may be reduced to a fractional size as a result of the comprehensive zoning plan and the requirements for easements in the zoned area. He said he would like to see a win-win situation for all involved.

Mr. Felix Dungca, Guam Chief Planner, Department of Land Management, written testimony in support of Bill No. 268. Mr. Dungca in his written testimony said that he has been instrumental in the completion of the "Land Use Master Plan for the Dos Amantes Planning Area" submitted to the current administration by Mr. Dan Swavely. He strongly urged the legislature to review the plan, which has been developed over the course of two and half years. He questioned that there is no time frame for the provisional committee to complete such comprehensive zoning plan and suggested that one to two years is sufficient for the provisional committee to complete such plan. (See attachment).

Mr. Randy Sablan, Administrator, Guam Environmental Protection Agency, oral and written testimony in support of Bill No. 268. Mr. Sablan gave his brief remarks stating that the Agency will work together with the provisional committee to insure that environmental regulations and laws are complied with and that an assessment of the land be conducted in the zone planning. He said that "if the Zoning Plan is to succeed, the bill should express a desire on the part of the legislature to deny spot zoning requests until the zoning plan is adopted for the properties in question". He provided written testimony. (see attachments).

Mr. Eddie Benavente, Director, Ancestral Lands Commission, written testimony in support of Bill No. 268. Mr. Benavente indicated in his testimony that "although the *Commission* support the intent of the Legislature in trying to resolve the zoning issues with many of the parcels that were in excess, the *Commission* however feels the proper authority should be with the Guam Land Use Commission under the Department of Land Management and amended to include the Guam Ancestral Land Commission's Director or designee as a provisional member that expires upon the last zoned Excess parcel". (see attachment).

Discussion:

Speaker Forbes asked if the properties in the Ancestral Land's Commission Inventory and those transferred to original land owners are adjacent to Federal Properties. Mr. Borja said there are some lots that border Federal Properties.

Senator Lou Leon Guerrero asked if there are any Ancestral Lands that already have been zoned. Mr. Borja said yes. Speaker Forbes interjected and said he is aware of two properties that have been zoned. He cited property for the Calvo's in Maite and Mr. John Shen whose property is located on the Harmon Cliffline. He said both properties had gone through legislature approval and to the Governor for his approval.

FINDINGS AND RECOMMENDATION

The Committee on General and Omnibus Matters finds that the intent of Bill No. 268 will allow for the comprehensive zoning of areas under the Ancestral Lands Commission Inventory and those already returned to Ancestral Land Owners and which such properties have no zone. The bill will create a provisional committee consisting of the Director of Land Management, the Executive Director of the Ancestral Lands Commission, the Administrator of the Guam Environmental Protection Agency and the Director of the Bureau of Planning & Statistics to oversee the comprehensive zoning plan. The Committee also finds that the provisional committee will be created for the sole purpose of the

comprehensive zoning plan and by which a suggested time frame of 15 months for the existence of such provisional committee. The committee finds that the intent of the bill is to fast track the process of zoning those identified un-zoned lots and to allow for the harmonious development of the zoned areas in relation to existing zoned areas. The bill will not change any existing zoned lots and will allow for those un-zoned lots adjacent or nearby to reflect a unified zoned area.

Accordingly, the Committee on General and Omnibus Matters to which BILL No. 268 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guáhan **TO DO PASS BILL No. 268 (EC)**, "An Act To Add A New Section 80105. To 21 GCA Relative To Developing A Comprehensive Zoning Plan For Ancestral Lands."



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

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 268 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 268.

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

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, Hakiobotan 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 Com Building, Amigu. Call 473-5287.

▲ **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, Harmon. 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. Appointments of Goring Duenas, Jay Lather and Art Salomes as Guam Land Use Commission members, Alicia Lantico 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 Agt mayor's office for repair and resurfacing of the tennis and basketball courts. For special accommodations, call Eugene Santos, 472-3407.

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 Rock/Jazz Festival
- MARCH 16th & 20th 2:00PM-2:30PM
 Tamuning Senior Center Performance
- MARCH 16th 2:30PM-4:30PM
 Netibu Dance Performance
 Ice Sculpture Display
- MARCH 19th 2:30PM-3:30PM
 Inetnon Gef Pago Performance
- MARCH 21st 11:30AM
 Inetnon Gef Pago Performance
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I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Heeler Place
Hagatna, Guam 96910
Office (871) 472-3407 • Fax (871) 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
Notes: 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:

Gering T. Dumas, Member, Guam Land Use Commission
Jey L. Lathier, Member, Guam Land Use Commission
Alicia A. Lintano, 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 Laben 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. Fishery For its Appraised Fair Market Value.

Total Pages Scanned : 2 Total Pages Confirmed : 2

Io.	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 :

>: Error Correct
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RE: Resend
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DR: Document Removed
FO: Forced Output
FM: Forward Mailbox Doc.

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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
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3- 1-06; 5:19PM
4723510
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.	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	BC	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
0	561	6492418	8:37AM	0"	-/ 1			056D
1	564	6492418	8:49AM	0"	-/ 1			056D
2	569	GUAM LEGISLATURE	10:46AM	22"	1/ 1	EC		CP 28.8
3	572	sen. leon guerrero	10:56AM	36"	1/ 1	EC		CP 14.4
4			3:19PM					PI
5			3:42PM					PI
6	587	4773079	4:30PM	1'08"	2/ 2	EC		CP 14.4
7	590	pdn	4:34PM	1'19"	3/ 3	EC	BC	CP 14.4
8	590	marianas variety	4:36PM	1'12"	3/ 3	EC	BC	CP 14.4
9	590	glimpses	4:38PM	51"	3/ 3	EC	BC	CP 26.4
10	590	harvest radio	4:39PM	38"	3/ 3	EC	BC	CP 28.8
11	590	kuem	4:40PM	48"	3/ 3	EC	BC	CP 26.4
12	590	power ninty eight	4:41PM	1'11"	3/ 3	EC	BC	CP 14.4
13	590	hit radio	4:42PM	38"	3/ 3	EC	BC	CP 28.8
14	590	adventist radio	4:43PM	1'33"	3/ 3	EC	BC	CP 9600
15	590	kprg	4:45PM	2'22"	3/ 3	G3	BC	CP 9600
16	590	riene live	4:48PM	1'11"	3/ 3	EC	BC	CP 14.4
17	592	sen. frank aguon	4:50PM	0"	-/ 3		BC	056D
18	590	k stereo	4:51PM	40"	-/ 3		BC	0510
19	592	sen. joanne brown	4:52PM	2'08"	3/ 3	EC	BC	CP 9600
20	592	sen. eddie calvo	4:54PM	44"	3/ 3	EC	BC	CP 28.8
21	592	sen. b. j. cruz	4:56PM	35"	3/ 3	EC	BC	CP 28.8
22	592	sen. mike cruz	4:57PM	38"	3/ 3	EC	BC	CP 28.8
23	592	sen. kasperbauer	4:58PM	1'15"	3/ 3	EC	BC	CP 14.4
24	592	sen. klitzle	4:59PM	1'35"	3/ 3	G3	BC	CP 14.4
25	592	sen. leon guerrero	5:01PM	1'07"	3/ 3	EC	BC	CP 14.4
26	592	sen. jesse lujan	5:03PM	2'08"	3/ 3	EC	BC	CP 9600
27	592	sen. palacios	5:06PM	37"	3/ 3	EC	BC	CP 28.8
28	592	sen. respicio	5:07PM	41"	3/ 3	EC	BC	CP 28.8
29	592	sen. tenorio	5:08PM	3'08"	3/ 3	G3	BC	CP 9600
30	592	sen. unpingco	5:11PM	1'07"	3/ 3	EC	BC	CP 14.4
31	592	sen. won pat	5:12PM	1'07"	3/ 3	EC	BC	CP 14.4
32	592	executive director	5:14PM	38"	3/ 3	EC	BC	CP 28.8
33	592	clerks	5:15PM	0"	-/ 3		BC	056D
34	592	sergeant at arms	5:16PM	1'22"	3/ 3	EC	BC	CP 9600
35	592	protocol	5:18PM	1'22"	3/ 3	EC	BC	CP 9600

Total 89

Called **

o.	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

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:: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
:: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
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:: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

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The 28th Guam Legislature

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Speaker Mark Forbes

Facsimile

Date: March 06, 2006 Time:
Fax No.: 477-3879 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:

Goring T. Duenas, Member, Guam Land Use Commission
Jay L. Lether, Member, Guam Land Use Commission
Alicia A. Limfiaco, Member, Guam Council on the Arts & Humanities
Michael C. Maklo, Member, Guam Historic Preservation Review Board
Ari O. Salomas, 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 Muga Lehen 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. Fishery 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

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

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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

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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		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 kusm	10:21AM	38"	2/ 2	EC	BC	CP 26.4
0	715 power ninty eight	10:22AM	56"	2/ 2	EC	BC	CP 14.4
1	715 hit radio	10:23AM	30"	2/ 2	EC	BC	CP 28.8
2	715 adventist radio	10:24AM	1'11"	2/ 2	EC	BC	CP 9600
3	715 kprq	10:25AM	1'59"	2/ 2	G3	BC	CP 9600
4	715 rlene live	10:28AM	55"	2/ 2	EC	BC	CP 14.4
5	718 sen. frank aguon	10:29AM	0"	-/ 2		BC	056D
6	718 sen. joanne brown	10:30AM	1'39"	2/ 2	EC	BC	CP 9600
7	718 sen. eddie calvo	10:32AM	33"	2/ 2	EC	BC	CP 26.4
8	718 sen. b.j. cruz	10:33AM	29"	2/ 2	EC	BC	CP 28.8
9	718 sen. mike cruz	10:34AM	29"	2/ 2	EC	BC	CP 28.8
0	718 sen. kasperbauer	10:35AM	59"	2/ 2	EC	BC	CP 14.4
1	718 sen. klitzie	10:36AM	1'15"	2/ 2	G3	BC	CP 14.4
2	718 sen. leon guerrero	10:38AM	55"	2/ 2	EC	BC	CP 14.4
3	718 sen. jesse lujan	10:39AM	1'39"	2/ 2	EC	BC	CP 9600
4	718 sen. palacios	10:42AM	31"	2/ 2	EC	BC	CP 28.8
5	718 sen. respicio	10:42AM	31"	2/ 2	EC	BC	CP 28.8
6	718 sen. tenorio	10:43AM	2'14"	2/ 2	G3	BC	CP 9600
7	718 sen. unpingco	10:46AM	54"	2/ 2	EC	BC	CP 14.4
8	718 sen. won pat	10:47AM	54"	2/ 2	EC	BC	CP 14.4
9	718 executive director	10:48AM	30"	2/ 2	EC	BC	CP 28.8
0	718 clerks	10:49AM	0"	-/ 2		BC	056D
1	718 sergeant at arms	10:50AM	1'06"	2/ 2	EC	BC	CP 9600
2	720 4776666	11:07AM	1'34"	3/ 3	EC		CP 14.4
3	723 6496178	11:10AM	36"	2/ 2	EC		CP 28.8
4	726 4779402	11:13AM	36"	2/ 2	EC		CP 28.8
5	728 5654826	11:14AM	34"	2/ 2	EC		CP 28.8
6	729 AGRICULTURE/DOS	11:15AM	36"	2/ 2	EC		CP 28.8
7	735 6496178	11:46AM	34"	2/ 2	EC		CP 28.8
8	738 executive director	12:51PM	49"	4/ 4	EC	BC	CP 28.8
9	738 clerks	12:52PM	0"	-/ 4		BC	056D
0	738 sergeant at arms	12:53PM	1'59"	4/ 4	EC	BC	CP 9600
1	742 sen. joanne brown	1:47PM	1'08"	1/ 1	EC	BC	CP 9600
2	742 sen. eddie calvo	1:49PM	27"	1/ 1	EC	BC	CP 28.8
3	742 sen. b.j. cruz	1:49PM	22"	1/ 1	EC	BC	CP 28.8
4	742 sen. mike cruz	1:50PM	24"	1/ 1	EC	BC	CP 28.8
5	742 sen. kasperbauer	1:51PM	40"	1/ 1	EC	BC	CP 14.4

Total 82

Called **

o.	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

tes :

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: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMEN GUAHAN
 (Government of Guam)

FELIX P. CAMACHO
 Governor of Guam

JOSEPH M. BORJA
 Director

KALEO S. MOYLAN
 Lieutenant Governor of Guam

VICTOR A. GAZA
 Deputy Director

Testimony: Bill 268

The Department of Land Management supports the intent of Bill 268.

However, we have the following recommendations and suggestions:

1. While the bill addresses "administrative assistance" from the various agencies involved, that assistance might not be prioritized as much as their day to day operations. Further, a large majority of the Provisional Commission's staff work would probably be after 5pm or even on Saturdays and/or Sundays (the hearings and transcriptions and word processing). We recommend that specific administrative staff support be identified in personnel positions and funding source.

The recommended funding source is the Department of Land Management's Land Survey Revolving Fund. In FY2004 the LSRF brought in \$759,339. In FY2005 the LSRF brought in \$868,725. For FY2006 \$728,805 of that amount was appropriated to DLM from the LSRF. For FY2006, Oct to Jan 2006 only, the LSRF has already brought in \$336,782. The comparable amount for the same time period in FY2005 is \$291,091. Expenditures should include personnel costs (salaries and benefits), computer equipment, supplies and publications, and possibly hearing space rentals and equipment if necessary and hearing space equipment (public address system, recording equipment, tents and chairs which I believe GALC already has).

The following personnel positions are recommended:

Administrator / Certifying Officer: GLUC Executive Secretary, which is the Director of DLM, no additional compensation needed for this additional responsibility and the GLUC Executive Secretary can also serve as the link between the Provisional Commission and the GLUC.

Chief Planner: This existing position in DLM is presently unfunded. If funded, this position should be exclusively assigned to the Provisional Commission, no DLM/Planning Division work should be given to this position (person) so that he/she can concentrate on work only for the Provisional Commission.

Commission Secretary/Data Entry Clerk: This should be either a new LTA hire for the duration of the Provisional Commission or an overtime funded plan should be put in place for an existing employee.

Geographic Information System (GIS) technician: This should be either a new LTA hire for the duration of the Provisional Commission or an overtime funded plan should be put in place for an existing employee.

Land Agent and/or Land Abstractor III: This should be either new LTA hires for the duration of the Provisional Commission or an overtime



Street Address:
 W. Marine Corps Drive
 Suite 1 Anigua, Guam
 96910

Mailing Address:
 P.O. Box 2950
 Agaña, Guam 96932

E-mail Address:
 dlm@mail.gov.gu

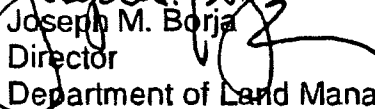
Telephone
 671-475-5263

Facsimile
 671-477-0883

Page 2

funded plan should be put in place for an existing employee at this pay level.

2. Include a Sunset Provision for commission existence not to exceed 15 months and require Quarterly Progress Reports to the Legislature, the Governor and the GLUC.
3. There is an option that authority be given up by the Legislature to the GLUC to (initially) zone all these Federally excessed lands. This would surely backlog the GLUC for 2-3 years. Unless a revamping of existing GLUC administrative procedures and timeframes (mandated by public law, executive orders and the Administrative Adjudication Law) is undertaken by the Legislature, the individual private landowners would have to utilize the existing GLUC process which would be more costly, time consuming and cumbersome than a provisional commission. Specific processes would have to be mandated by law as they are now for regular lots. The added caseload to the GLUC and DLM staff would have to be addressed by the creation and funding of an increase of DLM staff positions. This option would also backlog regular GLUC applications.
4. On a related issue, DLM is having problems approving Ancestral Lands maps which do not have public access connections to lots, either basic lots and/or subdivided lots. We recommend an amendment to Chapter 62 (Subdivision Law), Article 1, Section 62108 to allow the creation of lots and recording of maps from Ancestral Lands property excessed by the Federal Government). Maps shall be for title and ownership purposes. Exceptions to title shall be memorialized on the title and noted on the maps relative to lots that do not have a public access roadway right-of-way abutting it. This exception shall be for Ancestral Lands only that were excessed by the Federal Government. This can also be done by probate case orders but is rarely done and is only applicable when the property is subject to probate.
5. On another related issue, include a section where the DLM Survey Division under the direction of the Chief of Cadastre shall coordinate all mapping of all ancestral lands parcels and shall mediate, correct and decide survey boundaries where discrepancies, inconsistencies and disputes exist within excess lands parcels.


Joseph M. Borja
Director
Department of Land Management
and
Executive Secretary
Guam Land Use Commission

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.

YAHOO! MAIL

Print - Close Window

From: "F.A. Dungca" <shawnd@vzpacifica.net>
To: speakerforbes@yahoo.com
Subject: re: Comments on Bill 268
Date: Mon, 20 Feb 2006 16:53:12 +1000

Buenas Mark! I would like to submit my comments on Bill 268 relative to the formation of a Provisional Commission for the Zoning of Ancestral Lands. My comments are as follows:

"I have reviewed Bill 268 in its' entirety and offer a couple of concerns as follows:

1. I am assuming that Bill 268 is a prelude to the recent submittal of the Land Use Master Plan for the Dos Amantes Planning Area, recently transmitted by Dan Swavely to the administration. Dan and I first conceived this "Pro-bono" project back in early 2003 when I was the Director of Land Management. It has taken over 2.5 years for Dan to complete this report which I have reviewed and find that it is worthy of the time put into its development.
2. With respect to Bill 268, I didn't notice any time period that this new commission has to complete the master land use zoning plan. It seems to me that 1-2 years should be adequate considering that most of the work has already been done by Dan Swavely.
3. Secondly, as you know, the Ancestral Lands Commission has land inventory spread all over the island, however, the bulk of its inventory, approx 2,413 acres are grouped and confined to the Harmon Cliffline area, bordered by Route 1 (Marine Corp Drive) to the South, Route 3 to the East, the Cliffline to the West and Dos Amantes to the north.

It is this area that is addressed by the Dan Swavely report because of the grouping of huge amounts of lands.

3. Lastly, I noticed that Bill 268 does not allow the commission to retain "Professional Services/Consultants/Planners", nor does it provide any funding. I just wondered if some clause should be inserted to allow for the hiring of professional consultants, should the need arise.

This concludes my testimony.

Regards,

Felix R. Dungca Jr.



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

March 8, 2006

**PUBLIC HEARING ON BILL 268(EC): AN ACT TO ADD A NEW
SECTION 80105. TO 21 GCA RELATIVE TO DEVELOPING A
COMPREHENSIVE ZONING PLAN FOR ANCESTRAL LANDS.**

Buenas yan Saluda, Speaker Mark Forbes and Committee Members. In response to your invitation, I am pleased to have the opportunity to provide Guam Environmental Protection Agency's testimony on Bill 268.

Bill 268 proposes to develop and adopt a Comprehensive Zoning Plan for Guam Ancestral Lands. Such a plan is urgently needed to provide direction and legal

authority for the efficient and immediate use of these valuable properties. The provision of this Comprehensive Zoning Plan should allow for infrastructure planning for designated appropriate land uses, and intensity of these uses, while protecting the environment and increasing property values.

A critical example of environmental resources which demands protection through management by land use zoning is our Northern Aquifer. Guam's Northern Aquifer is designated as a sole source aquifer. The Northern Aquifer provides Guam with over 80% of our island's drinking water and is increasingly threatened by pollution, most notably leaching of contaminants from septic tank systems built over the aquifer. To accommodate the occupation of properties that lack sewer, owners have been permitted to install approved septic tanks and leaching fields. But scientific evidence shows that the 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 on planning for service needs based on the future uses as defined in a comprehensive plan.

The consequence of not having such a plan is uncoordinated individual spot zoning, which has been occurring at owners' requests on a lot by lot basis. This practice

not only does not promote the overall value of these unzoned properties, it is likely to have a negative impact on the value of adjacent and surrounding properties.

Furthermore, spot zoning does not require the provision of infrastructure to these lots, as a zoning plan would demand. All this leading to deficiencies in infrastructure and public services, damage to natural resources, degradation of the environment, loss of potential economic development and lowering of the overall quality of life.

The potential impacts of this zoning plan reach well beyond the ancestral owners and the Guam Ancestral Lands Commission and will have major impacts on Guam's economy and quality of life

The next task would be to develop a land use master plan for Guam which would ensure that the use and development Ancestral Lands is in harmony with a broader comprehensive vision. In 1994 the 22nd Guam Legislature wisely required this comprehensive Island-wide land use and zoning approach, under the I Tano'-ta planning project. A new comprehensive plan should match zoning (and permitted uses) to the existing infrastructure and also allow for automatic zone upgrades as

infrastructure (especially sewers) becomes available. This was a key principle included in I Tano'-ta.

The Guam Waterworks Authority is currently developing a Master Plan to address current deficiencies associated with water and wastewater facilities, and as important, to strategize and address Guam's future needs. Meanwhile, the Department of Public Works and Guam Power Authority continue to carry out infrastructure planning that must be coordinated with potential for land uses on the unzoned properties.

It would seem appropriate that federal authorities be afforded the opportunity for input to this Zoning Plan. Such involvement could result in avoiding contention over plans previously accepted as the basis of releasing Federal properties and demonstrate an open and progressive approach to change.

Although the in-house expertise for developing this plan may be available, resources necessary to complete the proposed plan are not readily available in the designated agencies. Therefore, appropriation to cover planning costs is critical and should be added to the bill. This should provide for expenses of media

announcements of public input opportunities, holding of public meetings, printing of drafts and final plans, including accurate mapping.

If the Zoning Plan is to succeed, the bill should express a desire on the part of the Legislature to deny spot zoning requests until the Zoning Plan is adopted for the properties in question.

The Guam Environmental Protection Agency supports the foundation of the provisions of Bill 268 and recommends that it be approved, with the incorporation of our suggestions.

Thank you for the opportunity to provide this testimony.



GUAM ANCESTRAL LANDS COMMISSION



Felix P. Camacho
Governor

Eddie L.G. Benavente
Executive Director

Kaleo S. Moylan
Lieutenant Governor

588 West Marine Drive, Suite 101 - Anigua / P.O. Box 2950, Hagåtña, Guam 96932 / Tel: (671) 473-5263 or 7 / Fax: (671) 475-9165
E-Mail address: ancestrallandsguam@yahoo.com

March 9, 2006

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

Re: Bill No. 268

Hafa Adai,

The Commission apologizes for not testifying on Bill 268 on March 8, 2006. Apparently, the Commission had its meeting the same day and one of the items discussed in the agenda was Bill 268. Although the Commission support the intent of the Legislature in trying to resolve the zoning issues with many of the parcels that were Excess, the Commission however feels that the proper authority should be with the Guam Land Use Commission under the Department of Land Management and amended to include the Guam Ancestral Lands Commission's Director or designee as a provisional member that expires upon the last zoned Excess parcel. Secondly, the Commission feels many families are very anxious to make improvements on their respective lots and are requesting if a fast track process can be implemented. Again, thank you for your time.

Si Yu'os Ma'ase'

Eddie Benavente

Received by the Speaker
MARK FORBES
Date: 3/15/06
Read by: *Javice*
Print Name: _____

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

Bill No. 268 (EC)

Introduced by:

Mark Forbes 

**AN ACT TO ADD A NEW SECTION 80105. TO 21 GCA
RELATIVE TO DEVELOPING A COMPREHENSIVE
ZONING PLAN FOR ANCESTRAL LANDS.**

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

2 **Section 1.** A new section 80105 is added to 21GCA to read:

3 **"Section 80105. Comprehensive Zoning Plan. (a)** A Provisional
4 Commission for the Zoning of Ancestral Lands, hereinafter referred to
5 as the "Provisional Commission", is established to include the Executive
6 Director of the Guam Ancestral Lands Commission, the Director of
7 Land Management, the Administrator of the Guam Environmental
8 Protection Agency and the Director of the Bureau of Planning. The
9 Executive Director of the Guam Ancestral Lands Commission shall
10 serve as chairperson of the Provisional Commission. **(b)** Employees of
11 the departments and agencies whose heads constitute the Provisional
12 Commission shall be assigned to assist the Provisional Commission in
13 its work, as determined by the sundry heads of departments and
14 agencies comprising the Provisional Commission. **(c)** The Provisional
15 Commission is tasked with completing a comprehensive zoning plan for

1 all properties and parcels under the jurisdiction of the Guam Ancestral
2 Lands Commission, including such parcels as have been previously
3 deeded to ancestral land claimants in accordance with the statutes, rules
4 and regulations governing the activities of the Guam Ancestral Lands
5 Commission but have not as of the effective date of this Act been zoned
6 or rezoned through any mechanism. If a parcel under the jurisdiction of
7 the Guam Ancestral Lands Commission, inclusive of parcels as have
8 been previously deeded to ancestral land claimants in accordance with
9 the statutes, rules and regulations governing the activities of the Guam
10 Ancestral Lands Commission, shall have been previously zoned or
11 rezoned through some alternative mechanism to that mandated in this
12 act, such parcel or parcels shall not be rezoned as part of a
13 comprehensive zoning plan designed or promulgated pursuant to this
14 act. **(d)** The approval by affirmative vote of at least three (3) of the four
15 (4) members of the Provisional Commission shall be required prior to
16 the transmittal to *I liheslaturan Guahan* of the comprehensive zoning plan
17 mandated by this act. **(e)** The approval of a majority of members of the
18 Guam Ancestral Lands Commission by affirmative vote shall be
19 required prior to the transmittal to *I liheslaturan Guahan* of the
20 comprehensive zoning plan mandated by this act. **(f)** The approval of *I*
21 *Maga'lahaen Guahan* shall be required prior to the transmittal to *I*
22 *liheslaturan Guahan* of the comprehensive zoning plan mandated by this

1 act. **(g)** The comprehensive zoning plan mandated pursuant to this act
2 shall be subject to the approval of *I Liheslaturan Guahan* in bill form.
3 Upon receiving the approval of *I Maga'lahen Guahan* as memorialized in
4 attachment, and the approval of the Guam Ancestral Lands
5 Commission, as memorialized by an attached resolution of such
6 approval and attested to by signature of at least a majority of the
7 members of the Guam Ancestral Lands Commission, the Provisional
8 Commission shall transmit the comprehensive zoning plan mandated
9 by this act to *I Liheslaturan Guahan*. **(h)** In formulating the
10 comprehensive zoning plan, the Provisional Commission shall seek and
11 take into consideration the input of all effected ancestral land claimants.
12 The Provisional Commission shall conduct hearings and present a draft
13 zoning plan to claimants prior to adoption by the Provisional
14 Commission.