



Office of the Governor of Guam

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

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

16 NOV 2005

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. 178 (EC), "AN ACT TO DEAPPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE SUMS APPROPRIATED TO LIHESLATURA FOR FISCAL YEAR 2005 AND TO REAPPROPRIATE SAID SUM TO THE DEPARTMENT OF AGRICULTURE FOR THE SOLE PURPOSE OF HIRING AN ATTORNEY FOR FISCAL YEARS 2006 AND 2007" which I signed into law on November 15, 2005, as Public Law 28-74.

Sinseru yan Magåhet,

Handwritten 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

Form with fields for Senator Edward J.B. Calvo, Secretary of the Legislature, Acknowledgement Receipt, including fields for Rcv'd by, Print Name & Initial, and Date.

Office of the Speaker

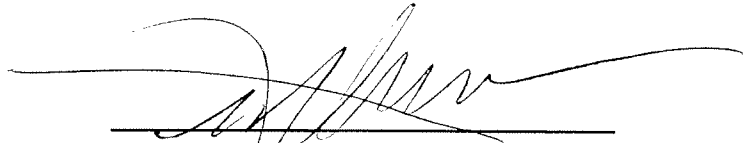
MARK FORBES

Date: 11/16/05
Time: 12:30 P
Rec'd by: [Signature]
Print Name: Baza Baza
28-05-0441

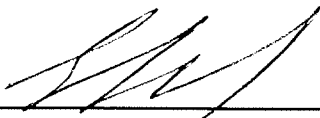
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

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

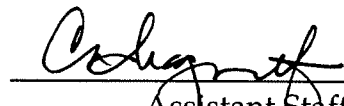
This is to certify that Bill No. 178 (EC), "AN ACT TO DEAPPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE SUMS APPROPRIATED TO *I LIHESLATURA* FOR FISCAL YEAR 2005 AND TO REAPPROPRIATE SAID SUM TO THE DEPARTMENT OF AGRICULTURE FOR THE SOLE PURPOSE OF HIRING AN ATTORNEY FOR FISCAL YEARS 2006 AND 2007" was on the 26<sup>th</sup> day of October, 2005, duly and regularly passed.

  
\_\_\_\_\_  
Mark Forbes  
Speaker

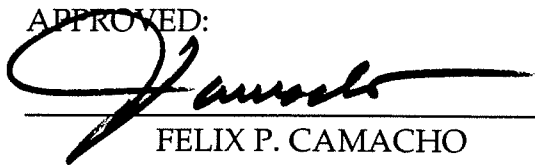
Attested:

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

-----  
This Act was received by *I Maga'lahaen Guåhan* this 3rd day of Nov ~~October~~, 2005,  
at 10:07 o'clock A.M.

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

APPROVED:

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

Date: 11/15/05

Public Law No. 28-74

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

**Bill No. 178 (EC)**

As amended.

Introduced by:

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

**AN ACT TO DEAPPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE SUMS APPROPRIATED TO *I LIHESLATURA* FOR FISCAL YEAR 2005 AND TO REAPPROPRIATE SAID SUM TO THE DEPARTMENT OF AGRICULTURE FOR THE SOLE PURPOSE OF HIRING AN ATTORNEY FOR FISCAL YEARS 2006 AND 2007.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Department of Agriculture is responsible for the protection, preservation and  
4 enhancement of Guam's natural resources. Limited funds, insufficient staff and

1 resources, however, have caused a lack of consistency in the prosecution of  
2 violations.

3 *I Liheslaturan Guåhan* also finds this presents challenges in the enforcement of  
4 the laws in place to allow the Department of Agriculture to complete its mission of  
5 preventing the illegal poaching of animals, and the preservation of our fragile marine  
6 preserves to protect our vital resources.

7 *I Liheslaturan Guåhan* is aware that a Federal grant in the amount of Two  
8 Hundred Ninety-One Thousand Five Hundred Dollars (\$291,500.00) was awarded by  
9 the U.S. Department of Interior to Guam for the island's Coral Reef Initiative  
10 management projects, which will fund the first two (2) years of a Natural Resource  
11 Prosecutor position. These funds, however, are limited and used specifically for  
12 Guam's coastal prosecution issues.

13 According to the Department of Agriculture, twenty-five percent (25%) of  
14 arrests made are for illegal hunting violations. An additional Fifty Thousand Dollars  
15 (\$50,000.00) in local funding is needed to assist the Department of Agriculture in its  
16 prosecution efforts of those charged with hunting and terrestrial violations.

17 It is therefore the intent of *I Liheslaturan Guåhan* to assist the Department of  
18 Agriculture in its mission to protect and preserve our island's resources, marine and  
19 terrestrial, because of their importance in maintaining the balance of our ecosystem  
20 and environment, now and in the future.

21 **Section 2. Deappropriation and Reappropriation.** The sum of Fifty  
22 Thousand Dollars (\$50,000.00) is hereby deappropriated from the sums appropriated  
23 to *I Liheslatura* prior to May 1, 2005 for Fiscal Year 2005 and reappropriated to the  
24 Department of Agriculture for the *sole* purpose of hiring an Assistant Attorney  
25 General to assist in the prosecution of illegal hunting and terrestrial violations. The

1 amount of Twenty-Five Thousand Dollars (\$25,000.00) shall be used to additionally  
2 fund the attorney's salary during Fiscal Year 2006 and the remaining Twenty-Five  
3 Thousand Dollars (\$25,000.00) shall be used to fund the attorney's salary during  
4 Fiscal Year 2007. Notwithstanding any other law or rule, the Fiscal Officer of *I*  
5 *Liheslatura* shall reduce the budget allotment to Vice Speaker Joanne M.S. Brown for  
6 Fiscal Year 2005 by an amount equal to the sum deappropriated by this Section and  
7 transfer that sum to the Department of Administration for expenditure in accordance  
8 herewith.

9       **Section 3. Reporting.** Within sixty (60) days after the end of Fiscal Years  
10 2006 and 2007, the Director of the Department of Agriculture shall submit a written  
11 report regarding the expenditure of this appropriation to *I Liheslaturan Guãhan*. No  
12 portion of this appropriation shall be used for purposes other than that specifically  
13 defined in Section 2 of this Act.

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 10/26/05

## VOTING SHEET

Bill No. 178 (ec)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

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

TOTAL                      12      0      0      0      3

CERTIFIED TRUE AND CORRECT:

[Signature]  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

P.L. 28-74



***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

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

**Speaker Mark Forbes**

October 7, 2005

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

The Executive Committee to which Bill No. 178 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 178 (EC):** "An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007".

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

The voting record is as follows:

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

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

  
**MARK FORBES**

Attachments

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman

**SUBJECT:** Committee Report- BILL No. 178 (EC): "An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007".

Transmitted herewith for your information and action is the report on BILL No. 178 (EC) from the Executive Committee.

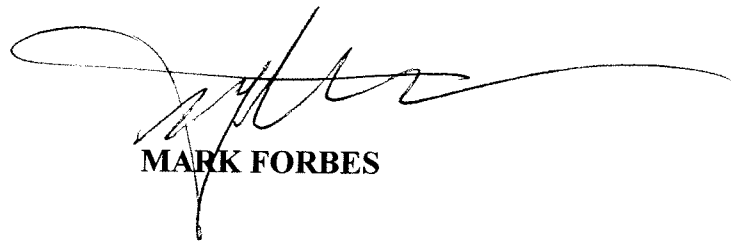
This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. BILL No. 178 (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



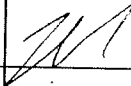




# EXECUTIVE COMMITTEE

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

An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007.

## VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
<b>Mark Forbes, Chairman</b>		✓				
<b>Joanne M.S. Brown</b>		✓				
<b>Edward J.B. Calvo</b>		✓				
<b>Lawrence F. Kasperbauer, Ph.D.</b>						
<b>Robert Klitzkie</b>		✓				
<b>Frank B. Aguon, Jr.</b>						
<b>Adolpho B. Palacios, Sr.</b>		✓				


Introduced

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

AUG 01 2005

Bill No. 178 (EC)

Introduced by:

J. M.S. Brown 

AN ACT TO DEAPPROPRIATE FIFTY THOUSAND DOLLARS (\$50,000.00) FROM THE SUMS APPROPRIATED TO *I LIHESLATURA* FOR FISCAL YEAR 2005 AND TO REAPPROPRIATE SAID SUM TO THE DEPARTMENT OF AGRICULTURE FOR THE SOLE PURPOSE OF HIRING AN ATTORNEY FOR FISCAL YEARS 2006 AND 2007.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds  
3 that the Department of Agriculture is responsible for the protection,  
4 preservation and enhancement of Guam's natural resources. Limited funds,  
5 insufficient staff and resources, however, have caused a lack of consistency in  
6 the prosecution of violations.

7 *I Liheslaturan Guåhan* also finds this presents challenges in the  
8 enforcement of the laws in place to allow the Department of Agriculture to  
9 complete its mission of preventing the illegal poaching of animals, and the  
10 preservation of our fragile marine preserves to protect our vital resources.

1            *I Liheslaturan Guåhan* is aware that a federal grant in the amount of Two  
2 Hundred Ninety-One Thousand and Five Hundred dollars (\$291,500) was  
3 awarded by the U.S. Department of Interior to Guam for the island's Coral  
4 Reef Initiative management projects, which will fund the first two years of a  
5 Natural Resource Prosecutor position. These funds, however, are limited and  
6 used specifically for Guam's coastal prosecution issues.

7            According to the Department of Agriculture, twenty-five percent (25%)  
8 of arrests made are for illegal hunting violations. An additional Fifty  
9 Thousand dollars (\$50,000) in local funding is needed to assist the agriculture  
10 department in its prosecution efforts of those charged with hunting and  
11 terrestrial violations.

12           It is, therefore, the intent of *I Liheslaturan Guåhan* to assist the  
13 Department of Agriculture in its mission to protect and preserve our island's  
14 resources; marine and terrestrial, because of their importance in maintaining  
15 the balance of our ecosystem and environment, now and in the future.

16           **Section 2. Deappropriation and Reappropriation.** The sum of Fifty  
17 Thousand Dollars (\$50,000.00) is hereby deappropriated from the sums  
18 appropriated to *I Liheslatura* prior to May 1, 2005 for Fiscal Year 2005 and  
19 reappropriated to the Department of Agriculture for the *sole* purpose of hiring  
20 an Assistant Attorney General to assist in the prosecution of illegal hunting  
21 and terrestrial violations. The amount of Twenty-Five Thousand Dollars  
22 (\$25,000.00) shall be used to additionally fund the attorney's salary during

1 Fiscal Year 2006 and the remaining Twenty-Five Thousand Dollars  
2 (\$25,000.00) shall be used to fund the attorney's salary during Fiscal Year  
3 2007. Notwithstanding any other law or rule, the Fiscal Officer of *I Liheslatura*  
4 shall reduce the budget allotment to Vice Speaker Joanne M.S. Brown for  
5 Fiscal Year 2005 by an amount equal to the sum deappropriated by this  
6 Section and transfer that sum to the Department of Administration for  
7 expenditure in accordance herewith.

8 **Section 3. Reporting.** Within sixty (60) days after the end of Fiscal Years  
9 2006 and 2007, the Director of the Department of Agriculture shall submit a  
10 written report regarding the expenditure of this appropriation to *I Liheslaturan*  
11 *Guåhan*. No portion of this appropriation shall be used for purposes other  
12 than that specifically defined in Section 2 of this act.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
EXECUTIVE COMMITTEE  
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT**

**ON**

**BILL NO. 178 (EC)**

**An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007.**

## I. OVERVIEW

The Executive Committee held a public hearing at 9:00 a.m. on September 2, 2005 in the Public Hearing Room, I Liheslaturan Guåhan. Public notice was given to all media (see facsimile confirmation page) on August 26 and August 29, 2005 and posted in the Pacific Daily News on September 5, 2005 on page 7.

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman  
Vice Speaker Joanne M.S. Brown, Member  
Senator Lawrence F. Kasperbauer, Ph.D., Member  
Senator Robert Klitzkie, Member  
Senator Frank B. Aguon, Jr., Member  
Senator Adolpho B. Palacios, Sr., Member  
Senator Jesse A. Lujan  
Senator Antonio R. Unpingco

## II. SUMMARY OF TESTIMONY

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

**Paul Bassler**, Director, Department of Agriculture, submitted written testimony, which was read to the committee by **Mr. Joseph Torres**, Deputy Director, DOAg. Mr. Bassler stated that he is in favor of Bill No. 178 (EC) and after attaining a Department of Interior grant a Memorandum of Understanding among the Bureau of Statistics and Planning, the Department of Agriculture and the Office of the Attorney General was implemented to hire an attorney to handle coastal zone law violations. The funding, however, will limit the attorney's functions to dealing with coastal violations, although 25 percent of violations are terrestrial. He concluded that the additional funding of \$50 000 would extend the functions of the natural resource assistant attorney general to include land-related violations, and would decrease the number of violations of natural resource laws.

**Celestino Aguon**, Acting Chief, Division of Aquatic & Wildlife Resources, Department of Agriculture, submitted written testimony, which he presented to the committee, in favor of Bill No. 178 (EC). He stated that the Natural Resource Attorney would work in the Office of the Attorney General and assist natural resource agencies in the review of statutes and regulations, but is restricted to marine issues. The funding provided by Bill No. 178 (EC) would allow the attorney to address natural conservation resource laws pertaining to land and wildlife. Mr. Aguon added that the agriculture department has documents citing cases where repeat offenders have not been prosecuted. He stated that from October 2003 through September 30, 2005, there were 11 illegal hunting cases of which only one was prosecuted, one prosecuted under the federal court, however, eight are pending and another was declined.

**Roland Delfin**, Conservation Officer, Law Enforcement Section, Division of Aquatic & Wildlife Resources, Department of Agriculture, gave oral testimony in favor of Bill No. 178. Mr. Delfin said that the lack of prosecution of those who violate natural resource laws is frustrating for conservation officers who are viewed as "laughing stocks" and not respected by repeat violators. He stated that

when a person is arrested, firearms are confiscated but are returned because of the lack of prosecution. He also cited an incident where a vehicle was confiscated, but returned, and three days later the offender was caught at the same site breaking the law. He stated that if nothing is done to stop individuals from breaking the laws set up for conservation, resources for the future will be lost.

**Discussion:**

Vice Speaker Joanne Brown, Bill No. 178 (EC) Author, thanked the conservation officers and Department of Agriculture officials for staying to testify on the bill. She said she wanted to appropriate the funding from her budget lapses because federal funding only provided for a Natural Resource Attorney to address coastal zone violations, and if they wanted to address terrestrial violation they would have to identify other funding sources. She noted that conservation officers were at one time, 20, but currently there are only nine -- the same officers who are called upon to assist the Guam Police Department. Vice Speaker Brown stated that the Attorney General has not made prosecution of conservation law violations a priority.

Senator Adolpho Palacios said he supports the bill, but inquired whether it was consistent with current statutes. He asked whether the Department of Agriculture attorney would be able to function or would the authority lie with the Attorney General.

Mr. Aguon clarified that the attorney would be under the jurisdiction of the Office of the Attorney General.

**III. FINDINGS AND RECOMMENDATION**

The Executive Committee finds that the intent of Bill No. 178 (EC) is to assist the Department of Agriculture in its mandate to protect, preserve and enhance Guam's natural resources. Although a grant from the Department of Interior will fund an assistant attorney general for two years, he or she will be limited to dealing only with coastal resource violations. Funding appropriated through the passage of Bill No. 178 (EC) will allow the attorney to address land-related violations.

Accordingly, the Executive Committee to which BILL No. 178 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL No. 178 (EC)**, "An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007."

## AGENDA

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

**Public Hearing**  
**Friday, September 02, 2005, 9:00 a.m.**

**The following Bills will be heard:**

**Bill No. 85 (EC)** - by Mark Forbes

An Act To Appropriate Ten Thousand Dollars From The Carry-Over Funds Assigned To The Office Of Speaker Mark Forbes To The Department Of Public Works For The Purpose Of Repairing The Pothole On Marine Corps Drive Located In The Vicinity Of Blockbuster Video In Tamuning.

**Bill No. 124 (EC)** - by L. F. Kasperbauer

An Act To Transfer The Abandoned GPD Koban Adjacent To The Barrigada Community Center To The Barrigada Municipal Planning Council.

**Bill No. 127 (EC)** - by J. A. Lujan

An Act To Authorize The Chamorro Land Trust Commission To Release And Convey Title To Lot 14-Newnew3, Block 24, Municipality Of Hagåtña To The Guam Housing And Urban Renewal Authority.

**Bill No. 143 (EC)** - by the Committee on Calendar, by request of by request of I Maga'lahen Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam, as amended.

An Act To Amend 12 GCA Chapter 78 Designating The Guam Economic Development And Commerce Authority As The Local Redevelopment Authority For Base Realignment And Closure (BRAC) Activities And To Require GEDCA To Dispose Of Properties Obtained Under BRAC As Mandated Under 21 GCA Chapter 80 Which Establishes The Guam Ancestral Lands Commission.

**Bill No. 147 (LS)** - By F. B. Aguon, Jr.

An Act Relative To Restricting Any Sale Of The Government Of Guam Real Property Identified As Lot No. 5140-1-1 And Lot No. 5140-1-R1, Both Located In The Municipality Of Dededo, Guam (Aka Tumon, Guam) Upon Which Guma Trankilidat Is Located; Further Insuring That The Property Remain With The People Of Guam For The Benefit Of Our Island's Manamkos, Senior Citizens; And Designating Said Property As "I Tano Para I Manamko Guåhan".

**Bill No. 149 (LS)** - By L. F. Kasperbauer

An Act To Authorize I Maga'lahi Guåhan To Sell The Easement Known As The "Government Alley" That Is Bound By Esperanza Street On The North, The Metes And Bounds Of The Western Boundary Of Lot 1324, The Metes And Bounds Of Northeast Boundary Of Lot 1324-2-1 And The Metes And Bounds Of The South East Boundary Of Lot 1324-1-1 All In The Municipality Of Agana With A Total Area Of Seventeen And Seventy-Five Hundredths Plus Or Minus Square Meters (17.75 + Sq. Meters) To Mr. Michael P. Flaherty For Its Appraised Fair Market Value

**Bill No. 150 (LS)** - by Ray Tenorio

An Act To Add A New §8104 To Chapter 8, Division 4, Title 2 Guam Administrative Rules And Regulations Relative To The Transfer Of All Surplus And Excess Computers From All Branches Of The Government Of Guam To The Government Of Guam General Service Administration For Further Transfer To The Department Of Education And The Guam Public Library.

**Bill No. 159 (EC)** - by J. M.S. Brown



An Act To Add A New §1103.3 To Chapter 1 Of Title 4 Guam Code Annotated To Provide Visible Identification For Government Of Guam Owned Or Leased Vehicles.

**Bill No. 172 (EC)** – By L. F. Kasperbauer

An Act To Place The Former Inarajan Elementary School Facility Under The Administrative Jurisdiction Of The Inarajan Mayor's Office.

**Bill No. 175 (EC)** – by A. R. Unpingco

An Act To Set Aside No Less Than 26± Acres Of Land Area Within The Boundaries Of Lot No. 10142-New, Located In The Municipality Of Dededo, And To Authorize The Governor To Transfer The Property To Guam Little League Baseball Incorporated For The Purpose Of Constructing The Asia-Pacific Baseball Stadium.

**Bill No. 178 (EC)** – by J. M.S. Brown

An Act To Deappropriate Fifty Thousand Dollars (\$50,000.00) From The Sums Appropriated To I Liheslatura For Fiscal Year 2005 And To Reappropriate Said Sum To The Department Of Agriculture For The Sole Purpose Of Hiring An Attorney For Fiscal Years 2006 And 2007

**Bill No. 179 (EC)** – by A. B. Palacios, Sr.

An Act To Add A New Chapter 23 To Title 1, Guam Code Annotated, Relative To The Removal Of Elected Officials.

**Bill No. 182 (EC)** – by F. B. Aguon, Jr.

An Act To Add A New Section §834.3 To Title 1, Guam Code Annotated, To Designate Route 8 As "Purple Heart Memorial Highway" To Honor And Pay Special Tribute To All Recipients Of The Military Order Of The Purple Heart, Members Of The United States Armed Services Who Have Been Wounded Or Killed In Action Thus Making The Ultimate Sacrifice In The Protection Of Freedom And Liberty.

**Bill No. 184 (EC)** – by R. Klitzkie

An Act To Add A New 17 GCA Ch. 7 §7115 To Create The "Every Child Is Entitled To An Adequate Public Education Act Fund," To Add A New 17 GCA Ch. 7 §7116 To Authorize The Superintendent To Accept Donations From Individuals And Organizations For Deposit To The Fund, To Add A New 17 GCA Ch. 7 §7117 Requiring The Publication Of The Details Of Expenditures From The Fund To Be Published On The Guam Public School System's Website And To Deappropriate One Hundred Thousand Dollars (\$100,000.00) From The Sums Appropriated To I Liheslatura And To Reappropriate Said Sum To The "Every Child Is Entitled To An Adequate Public Education Fund."

**Bill No. 185 (EC)** – By J. A. Lujan

An Act To Zone Lot No. 5049-2-1, Municipality Of Tamuning.





***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3400 • Fax (671) 472-3510

**Speaker Mark Forbes**

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**WAIVER OF FISCAL NOTE**

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 178 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 178.

MARK FORBES  
Speaker and Chairman,  
Executive Committee



***Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

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

**Speaker Mark Forbes**

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**FACSIMILE**

**Date:** August 26, 2005

**Time:**

**Fax No.:** 477-3079

**No. of Pages:**

**To:** PDN Government Meetings

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- Friday, September 02, 2005

**Note:** We would like to reserve space in the government meeting notice section of the Pacific Daily News for Saturday, August 27, Monday, August 29, Tuesday, August 30, Wednesday, August 31, Thursday, September 01, and Friday, September 02, 2005 to read:

“Committee on General and Omnibus Matters & Executive Committee: Public Hearing, Friday, September 02, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatña, Guam. The following Bills will be heard;

**Bill No. 85 (EC)** - by Mark Forbes

An Act To Appropriate Ten Thousand Dollars From The Carry-Over Funds Assigned To The Office Of Speaker Mark Forbes To The Department Of Public Works For The Purpose Of Repairing The Pothole On Marine Corps Drive Located In The Vicinity Of Blockbuster Video In Tamuning.

**Bill No. 124 (EC)** - by L. F. Kasperbauer

An Act To Transfer The Abandoned GPD Koban Adjacent To The Barrigada Community Center To The Barrigada Municipal Planning Council.

**Bill No. 127 (EC)** - by J. A. Lujan

An Act To Authorize The Chamorro Land Trust Commission To Release And Convey Title To Lot 14-Newnew3, Block 24, Municipality Of Hagatña To The Guam Housing And Urban Renewal Authority.





*I Mina' Bente Ocho Na Liheslaturan Guahan*  
The 28<sup>th</sup> Guam Legislature

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

**Speaker Mark Forbes**

---

Facsimile

**Date:** August 26, 2005

**Time:**

**To:** ALL MEDIA:

<b>Fax No.:</b>	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;	649-8883	Adventist World Radio	565-2983
	Harvest Family Radio	477-7136	KPRG	734-2958
	KISH	477-6411	Rlene Live	477-7845

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- Friday, September 02, 2005

**Note:** Attached is a public hearing notice for September 02, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-3409.

**Sender:**

**No. of Pages:**



***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

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

**Speaker Mark Forbes**

---

Facsimile

**Date:** August 29, 2005

**Time:**

**To:** ALL MEDIA:

**Fax No.:**

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;	649-8883	Adventist World Radio	565-2983
Harvest Family Radio	477-7136	KPRG	734-2958
KISH	477-6411	Rlene Live	477-7845

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**Sender:**

**No. of Pages:**

# Activity Report

Date/Time  
Local ID  
Local Name  
Company Logo

8-29-05; 1:42PM  
4723510  
Guam Legislature

Calling \*\*

O.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	21	sen frank aguon	8-26-05; 2:53PM	1'42"	4 / 4	EC	RE	CP 28.8
2	21	sen m cruz	2:55PM	0"	1 / 4		RE	056D
3	23	pdn	2:57PM	2'47"	4 / 4	EC	BC	CP 9600
4	23	marianas variety	3:01PM	2'42"	4 / 4	EC	BC	CP 12.0
5	23	kuam	3:05PM	1'56"	4 / 4	EC	BC	CP 14.4
6	23	hit radio	3:08PM	1'40"	4 / 4	EC	BC	CP 28.8
7	21	klitzkie	3:10PM	0"	- / 4		BC	056A
8	23	guam business	3:12PM	0"	- / 4		BC	056D
9	23	power ninty eight	3:19PM	0"	- / 4		BC	056B
10	23	k stereo/kish	3:29PM	0"	- / 4		BC	056A
11	23	world radio	3:30PM	0"	- / 4		BC	056B
12	23	family radio	3:30PM	0"	- / 4		BC	056B
13	23	kprg	3:31PM	0"	- / 4		BC	056B
14	23	riene steffy	3:31PM	0"	- / 4			
15	24	pdn	3:32PM	1'52"	3 / 3	EC		CP 14.4
16	28	DPW	3:34PM	36"	1 / 1	EC		CP 26.4
17	29	96479224	3:35PM	1'08"	1 / 1	EC		CP 14.4
18	30	94727951	3:36PM	1'06"	1 / 1	EC		CP 24.0
19	31	94774826	3:38PM	45"	1 / 1	EC		CP 16.8
20	32	96462335	3:39PM	29"	1 / 1	EC		CP 28.8
21	33	94779402	3:40PM	30"	1 / 1	EC		CP 26.4
22	34	94770883	3:41PM	29"	1 / 1	EC		CP 28.8
23	35	94737024	3:41PM	1'08"	1 / 1	G3		CP 9600
24	36	94772689	3:43PM	60"	1 / 1	EC		CP 12.0
25	37	94725003	3:44PM	25"	1 / 1	EC		CP 28.8
26	41	97344130	3:46PM	1'17"	1 / 1	EC		CP 9600
27	39	GUAM ATTY GEN'L	3:48PM	59"	1 / 1	EC		CP 9600
28	38	94778777	3:49PM	0"	- / 1			056D
29	42	96469403	3:50PM	44"	1 / 1	EC		CP 24.0
30	43	96440010	3:52PM	35"	1 / 1	EC		CP 24.0
31	79	DPW	4:09PM	34"	1 / 1	EC		CP 28.8
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33	85	94778777	4:20PM	1'57"	1 / 1	G3		1 0223 4800
34	92	klitzkie	8-29-05; 9:15AM	0"	- / 1			056B
35	97	sen m cruz	10:51AM	57"	2 / 2	EC		CP 19.2
36	99	clerks	10:53AM	44"	2 / 2	EC		CP 26.4
37	103	DPW	1:30PM	44"	1 / 1	EC		CP 28.8
38	105	GPD CHIEFS OFFICE	1:31PM	27"	1 / 1	EC		CP 28.8
39	106	BARRIGADA MAYORS.	1:31PM	49"	- / 1	EC		0511
40	107	94778082	1:32PM	52"	1 / 1	EC		CP 12.0
41	106	BARRIGADA MAYORS.	1:34PM	43"	1 / 1	EC	RE	CP 14.4
42	110	94727565	1:35PM	1'01"	1 / 1	EC		CP 28.8
43	111	94774826	1:36PM	54"	- / 1	EC		0513 19.2
44	115	94759165	1:37PM	50"	- / 1	EC		0513 31.2
45	116	94770883	1:39PM	27"	1 / 1	EC		CP 28.8
46	115	94759165	1:40PM	36"	1 / 1	EC	RE	CP 24.0
47	111	94774826	1:40PM	1'02"	1 / 1	EC	RE	CP 28.8

Total 52

\*\* Called \*\*

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	77	671 4778082	8-26-05; 3:55PM	4'11"	2	EC		CP 12.0
2	88	6714775637	8-28-05; 3:00PM	2'23"	1	G3		CP 4800
3	90	6716478860	11:23PM	3'20"	1	EC		CP 21.6

Total 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



# Forbes: GWA, DPW need to team up to fix potholes

By Katie Worth

Pacific Daily News  
kworth@guampdn.com

Guam has a pothole problem — not because there's a lack of funding to fix the problem, but because government agencies don't communicate with each other.

This became clear at a public hearing yesterday, in which lawmakers grilled Public Works officials about potholes.

Public Works Chief Engineer Mark Gagarin said the primary barrier to fixing the roads has been coordinating with Guam Waterworks Authority — the primary cause of the potholes.

"So much of this could be solved by the simple act of working in concert," said legislative Speaker Mark Forbes. "Just getting these two agencies to coordinate is half the battle."

Potholes have plagued island drivers for years, but the issue has been in the spotlight lately because the attorney general launched an investigation into whether anyone can be held accountable for the pothole problem.

Yesterday's hearing was on a bill that would require mayors' certification that roads have been fixed before money is released to government agencies and contractors who break into the roads.

The public hearing came just days after it was discovered that the Federal Highway Administration wrote a letter to Public Works early last month threatening to withhold future funding if the government of Guam doesn't fix the pothole problems.

The letter was made public through the attorney general's office, not the Public Works department.

Forbes said he was upset that the letter wasn't made public earlier. "If they received this letter three or four weeks ago, I never heard about it, and I talk to these guys all the time," he said. "They have an absolute obligation to tell the public about it."

Yesterday, Attorney General Douglas Moylan wrote the Federal Highway Administration's territorial representative, letting her know of his office's investigation into the matter and asking for the agency's recommendations on the proper repair to road surfaces in climates such as Guam's.

The Legislature plans to appropriate some funds for road maintenance this year, Forbes said.

But he said it became clear from the testimony of Gagarin and utilities czar John Benavente that the primary problem has been a lack of coordination between Waterworks and Public Works.

## BILLS

These are some of the bills considered in a public hearing of the Legislative Committee on General and Omnibus Matters yesterday:

▲ **Bill 75:** Would end the two-term limit for the elected public auditor.

▲ **Bill 96:** Would require all elected officials and any appointed official to attend an ethics in government program at the University of Guam.

▲ **Bill 104:** Establishes a performance bond requirement for whoever runs the new landfill. The system would provide money to the community if the landfill harms public health or contaminates the environment.

▲ **Bill 132:** The "Independent Counsel

Act of 2005," establishing procedures to choose a special prosecutor in the case of prosecution against the attorney general. In the case of an acquittal, the prosecution would pay for the defense's (attorney general's) legal costs.

▲ **Bill 152:** Creates the position of vice mayor for the villages of Yigo and Mangilao.

## WHAT'S NEXT

The committee will hold another public hearing on Bills 85, 124, 127, 143, 147, 149, 150, 159, 172, 175, 178, 182 and 184 beginning at 9 a.m. today in the legislative public hearing room. To view these bills in their entirety, visit the Guam Legislature Web site at [www.guamlegislature.com](http://www.guamlegislature.com).

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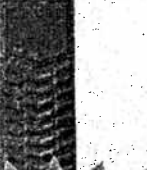
ATE

Guitar Tour Packs  
K, blue & sunburst

sale  
259



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299

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igital effects



LAST CHANCE

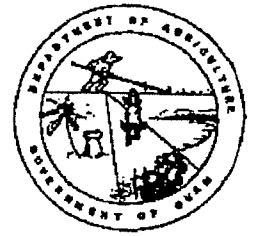


Felix P. Camacho  
Governor

Kaleo S. Moylan  
Lt. Governor

**Department of Agriculture**  
**Dipattamenton Agrikottura**  
192 Dairy Road, Mangilao, Guam 96923

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Services	734-3946/47; Fax 734-8096
Animal Health	734-3940
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/50; Fax 734-0111
Plant Nursery	734-3949
Plant Protection & Quarantine	472-1651; 475-1426 Fax 477-9487



Paul C. Bassler  
Director

Joseph D. Torres  
Deputy Director

September 2, 2005

**Written Testimony**  
**Bill 178**

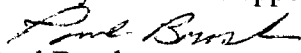
**An act to deappropriate fifty-thousand dollars (\$50,000) from the sums appropriated to *I Liheslatura* for fiscal year 2005 and to reappropriate said sum to the Department of Agriculture for the sole purpose of hiring an attorney for fiscal years 2006 and 2007.**

I am offering this written testimony IN FAVOR of bill 178. Under a Memorandum of Understanding between the Bureau of Statistics and Plans, the Department of Agriculture and the Attorney General's Office, one hundred and eighty thousand dollars (\$180,000) has been allocated from the U.S. Department of Interior for the Coral Reef Initiative to provide to the Attorney General's Office for the hiring of an attorney for two years who will be exclusively used for prosecuting violators of coastal zone laws. It has been determined that 25% of all arrests by conservation officers at the Department of Agriculture are for terrestrial violations...mainly illegal hunting, the remaining 75% are for coastal zone violations. The additional funding provided under bill 178 will allow this natural resource attorney to prosecute terrestrial violations in addition to coastal zone law violations.

Under the terms of the Memorandum of Understanding, after the two-year period has ended, the attorney general will request funding from the legislature to keep the natural resource attorney on a permanent basis.

Protecting our natural resources is of vital importance to all citizens currently living on Guam and for future generations. Over the past several years, the inability for the Attorney General to prosecute violators of natural resource laws due to the lack of qualified attorneys has led to an increase in violations, as violators have come to realize that there is no punishment for their illegal acts. This bill, along with the funding provided by the U.S Department of Interior grant, will decrease the number of violations as those willing to break natural resource laws will learn that there are consequences to their illegal acts. This reduction in violations should make it easier for the Attorney General to keep up with the case load of natural resource violations in the years to come.

Thank you for this opportunity to provide testimony on this very important legislation.

  
Paul Bassler  
Director, Department  
Of Agriculture

*DEPARTMENT OF AGRICULTURE*  
*Division of Aquatic & Wildlife Resources*  
*163 Dairy Road*  
*Mangilao, Guam 96913*  
*Phone: (671) 735-3955/56 Fax: (671) 734-6570*

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September 1, 2005

The Honorable Mark Forbes  
Speaker  
28<sup>th</sup> Guam Legislature  
Government of Guam  
155 Hesler Place  
Hagatna, Guam 96910

Dear Mr. Speaker:

On behalf of the Division of Aquatic and Wildlife Resources, I would like to voice my support for Bill No. 178, authored by Senator Joanne Brown, an Act to de-appropriate Fifty Thousand Dollars (\$50,000) and to re-appropriate said sum to the Department of Agriculture for the sole purpose of hiring an attorney for fiscal year 2006 and 2007.

The Department, in partnership with the Bureau of Statistics and Plans, had secured funding from a Coral Reef Initiative (CRI) Grant to provide for Natural Resource Attorney in the Office of the Attorney General to specifically deal with legal coastal marine resource issues. Of the \$291,000 awarded by the U. S. Department of Interior, \$100,000 will be used to fund the Natural Resource Attorney.

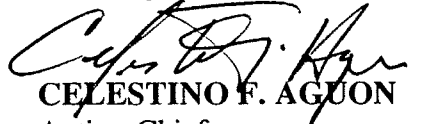
The Natural Resource Attorney, hired by the Attorney General's Office, will work with the natural resource agencies reviewing laws, regulations, Executive Orders, and draft legal documents pertaining to protection, preservation, or enhancement of Guam's coastal natural resources. Unfortunately, the CRI funding is restricted to marine resources. This leaves little opportunity to deal with terrestrial natural resource issues unless they are related to marine resources.

The funding to be provided by Bill 178 will allow the Natural Resource Attorney to also deal with natural conservation resource laws pertaining to land and wildlife. The Natural Resource Attorney will provide legal guidance of conservation laws not only related to marine issues, but also to natural resources in general. It will provide the attention to prosecution of violations of land-related conservation laws on land. For example, from 1 October 2003 through September 30, 2005, there have been 11 illegal hunting cases of which only one was prosecuted, eight are pending, and one was declined, and one was

prosecuted under federal court for trespassing. We have records where the Attorney General declined to prosecute repeat offenders. This bill will enable us to address the shortfall and provide the enforcement of Guam's natural resource laws, and provide a broad spectrum of dedicated legal guidance from the Attorney General's Office.

Thank you for providing us the opportunity to comment and voice support for this bill.


Sincerely,

  
CELESTINO F. AGUON  
Acting Chief

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

Bill No. 178 (EC)

Introduced by:

J. M.S. Brown 

AN ACT TO DEAPPROPRIATE FIFTY THOUSAND  
DOLLARS (\$50,000.00) FROM THE SUMS APPROPRIATED  
TO *I LIHESLATURA* FOR FISCAL YEAR 2005 AND TO  
REAPPROPRIATE SAID SUM TO THE DEPARTMENT OF  
AGRICULTURE FOR THE SOLE PURPOSE OF HIRING AN  
ATTORNEY FOR FISCAL YEARS 2006 AND 2007.

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Department of Agriculture is responsible for the protection,  
4 preservation and enhancement of Guam's natural resources. Limited funds,  
5 insufficient staff and resources, however, have caused a lack of consistency in  
6 the prosecution of violations.

7           *I Liheslaturan Guåhan* also finds this presents challenges in the  
8 enforcement of the laws in place to allow the Department of Agriculture to  
9 complete its mission of preventing the illegal poaching of animals, and the  
10 preservation of our fragile marine preserves to protect our vital resources.

1            *I Liheslaturan Guåhan* is aware that a federal grant in the amount of Two  
2 Hundred Ninety-One Thousand and Five Hundred dollars (\$291,500) was  
3 awarded by the U.S. Department of Interior to Guam for the island's Coral  
4 Reef Initiative management projects, which will fund the first two years of a  
5 Natural Resource Prosecutor position. These funds, however, are limited and  
6 used specifically for Guam's coastal prosecution issues.

7            According to the Department of Agriculture, twenty-five percent (25%)  
8 of arrests made are for illegal hunting violations. An additional Fifty  
9 Thousand dollars (\$50,000) in local funding is needed to assist the agriculture  
10 department in its prosecution efforts of those charged with hunting and  
11 terrestrial violations.

12           It is, therefore, the intent of *I Liheslaturan Guåhan* to assist the  
13 Department of Agriculture in its mission to protect and preserve our island's  
14 resources; marine and terrestrial, because of their importance in maintaining  
15 the balance of our ecosystem and environment, now and in the future.

16           **Section 2. Deappropriation and Reappropriation.** The sum of Fifty  
17 Thousand Dollars (\$50,000.00) is hereby deappropriated from the sums  
18 appropriated to *I Liheslatura* prior to May 1, 2005 for Fiscal Year 2005 and  
19 reappropriated to the Department of Agriculture for the *sole* purpose of hiring  
20 an Assistant Attorney General to assist in the prosecution of illegal hunting  
21 and terrestrial violations. The amount of Twenty-Five Thousand Dollars  
22 (\$25,000.00) shall be used to additionally fund the attorney's salary during

1 Fiscal Year 2006 and the remaining Twenty-Five Thousand Dollars  
2 (\$25,000.00) shall be used to fund the attorney's salary during Fiscal Year  
3 2007. Notwithstanding any other law or rule, the Fiscal Officer of *I Liheslatura*  
4 shall reduce the budget allotment to Vice Speaker Joanne M.S. Brown for  
5 Fiscal Year 2005 by an amount equal to the sum deappropriated by this  
6 Section and transfer that sum to the Department of Administration for  
7 expenditure in accordance herewith.

8 **Section 3. Reporting.** Within sixty (60) days after the end of Fiscal Years  
9 2006 and 2007, the Director of the Department of Agriculture shall submit a  
10 written report regarding the expenditure of this appropriation to *I Liheslaturan*  
11 *Guåhan*. No portion of this appropriation shall be used for purposes other  
12 than that specifically defined in Section 2 of this act.