

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
13-34 (COR) As Corrected by the Prime Sponsor.	Thomas C. Ada James V. Espaldon	AN ACT TO ADD A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION AGAÑA 17 (EDC PARCEL 1) AND LOT NAVAL AIR STATION AGAÑA 20 (EDC PARCEL 2) FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL ZONE (M1).	01/27/17 4:55 p.m. AS CORRECTED 02/8/17 12:22 p.m.	02/09/17	Committee on Environment, Land, Agriculture, and Procurement Reform				



COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåtto na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Michael F.Q. San Nicolas**
Chairman of the Committee on Rules

Date: **February 9, 2017**

Re: **Referral of Bill No. 13-34 (COR), as corrected by the Prime Sponsor**

Buenas yan Háfa adai.

Please be advised that **Bill No. 13-34 (COR)** was returned to its Prime Sponsor due to its noncompliance with the Standing Rules (see (A)(2) of the pre-referral checklist) on January 24, 2017. The Prime Sponsor has made the necessary corrections to the subject bill, in accordance with the opinion of Legal Counsel.

As per my authority as Chairman of the Committee on Rules, I am forwarding the subsequent referral of **Bill No. 13-34 (COR), as corrected by the Prime Sponsor**.

Please ensure that the subject bill, indicated with "As Corrected by the Prime Sponsor", is referred, in my name, to **Senator Thomas C. Ada, Chairperson of the Committee on Environment, Land, Agriculture, and Procurement Reform**. I also request that the same be forwarded to the prime sponsor of the subject bill.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

If you have any questions or concerns, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,


Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
I Mina'Trentai Kuåttro na Liheslaturan Guåhan • 34th Guam Legislature



MEMO

To: Senator Thomas C. Ada

From: Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules

Date: February 7, 2017

Re: Return of Bill No. 13-34 (COR) to Prime Sponsor

Buenas yan Håfa adai.

Please be advised that the Committee on Rules is unable to refer **Bill No. 13-34 (COR)** due to its inability to conform to the Standing Rules as to form and style (See (A)(2) on Pre-Referral Checklist).

Please be further advised that a more detailed analysis is available from the Legal Bureau. Please contact Attorney Julian Aguon, Legislative Legal Counsel at guamlegislativecounsel@gmail.com.

The Committee on Rules will continue to retain this bill in the pre-referral process, subject to corrections as submitted by the Prime Sponsor.

Attached, please see the COR pre-referral checklist for your information, which shall be attached as a committee report item to the bill.

For guidance and questions, please feel free to contact Christian Valencia, Committee on Rules Director, at 472-6453.

Thank you for your attention to this important matter.

Respectfully,

Senator Michael F.Q. San Nicolas
Chairman of the Committee on Rules





COMMITTEE ON RULES

Senator Michael F.Q. San Nicolas, *Chairman*
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PRE-REFERRAL CHECKLIST


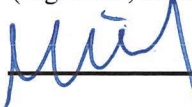
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BILL NO. 13-34 (COR)		
AN ACT TO RE-ZONE LOT NAS AGANA 17 (EDC PARCEL 1) AND LOT NAS AGANA 20 (EDC PARCEL 2) "M1" LIGHT INDUSTRIAL. LOT NAS AGANA 20 (EDC PARCEL 2) "M1" LIGHT INDUSTRIAL.		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>1/30/17</u></p> <p>Completed by Legal Bureau: <u>2/3/17 3:35 pm</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have <u>potential</u> fiscal impacts on the government of Guam budget? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>1/30/17</u></p> <p>Completed by OFB: <u>1/30/17 11:18 am</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	<p>Completed by: <u>[Signature]</u> 2/7/17 4:40 pm</p>



PRE-REFERRAL CHECKLIST

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BILL NO. <u>13-34</u> (COR)		
AN ACT TO RE-ZONE LOT NAS AGANA 17 (EDC PARCEL 1) AND LOT NAS AGANA 20 (EDC PARCEL 2) "M1" LIGHT INDUSTRIAL. LOT NAS AGANA 20 (EDC PARCEL 2) "M1" LIGHT INDUSTRIAL.		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time)  4:40 Completed by: (Signature, Date & Time)  4:49 2/7/17
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor) <input type="checkbox"/> Waived (per official state of emergency, as attached)	
COR Action	<input checked="" type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: <i>Subj. to</i> <i>committee (A)(2)</i> <i>ref to COMTE</i> <i>on Land TCA @.</i>	Date & Time: _____ <i>2/7/17 4:49</i>



I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 13-34 (COR)

As Corrected by the Prime Sponsor.

Introduced by:

Thomas C. Ada
James V. Espaldon

AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION *AGAÑA* 17 (EDC PARCEL 1) AND LOT NAVAL AIR STATION *AGAÑA* 20 (EDC PARCEL 2) FROM AGRICULTURAL (A) TO LIGHT INDUSTRIAL ZONE (M1).

2017 FEB -8 PM 12: 22

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the U.S. Congress enacted the *Defense Base Realignment and Closure Act of*
4 *1990* (BRAC 1990), which set the stage for the return of lands at the Naval Air
5 Station *Agaña* to the government of Guam.

6 *I Liheslaturan Guåhan* also finds that prior to effectuation of the
7 conveyance, the government of Guam had to develop a reuse master plan for the
8 returned land. On December 26, 1995, the Governor of Guam, Carl T.C. Gutierrez,
9 transmitted to the Department of Defense the *Naval Air Station Agaña Base Reuse*
10 *Master Plan* (hereinafter the *Tiyan Plan*) for approval. The *Tiyan Plan* was
11 developed by the *Komitea Para Tiyan*, a committee commissioned by the
12 Governor of Guam and recognized by the Department of Defense as the Local
13 Redevelopment Authority. In 1996, the federal government approved the *Tiyan*

1 *Plan* and began the process for the transfer to the government of Guam of Parcels 1
2 and 2 in South *Tiyan, Barrigada* (an area of 248 acres generally bounded on the
3 north by Mariner Avenue, on the south by Route 8, and on the east by Route 16).
4 The *Tiyan Plan* envisioned the re-use of Parcels 1 and 2 for economic development
5 and focuses major attention to the development of industrial and business parks.

6 *I Liheslaturan Guåhan* further finds that in September 2000, the Guam
7 Economic Development Authority (GEDA) received the property on behalf of the
8 government of Guam (Quitclaim Deed, DLM No. 628091). The land was returned
9 with the proviso that use of the property would be limited to industrial and
10 commercial use, unless consented otherwise by the United States.

11 *I Liheslaturan Guåhan* further finds that in October 2002, pursuant to P.L.
12 No. 26-100, the above-mentioned parcels were further deeded to the Guam
13 Ancestral Lands Commission (GALC) for the return of the property to the original
14 landowners (Quitclaim Deed, DLM No. 664172).

15 *I Liheslaturan Guåhan* finds that there are approximately forty (40) lots
16 within Parcels 1 and 2; however, only two (2), or five percent (5%), of these lots
17 are currently zoned Light Industrial Zone (M1), a designation that would be
18 compatible for the development of industrial and business parks. To date, there
19 have been nine (9) landowners who have initiated actions either with *I Liheslatura*
20 (the Legislature) or the Guam Land Use Commission (GLUC) to rezone their
21 properties to M1. The primary reason that many of the lots have laid dormant is
22 because of the time-consuming process of judicial probate procedures.

23 *I Liheslaturan Guåhan* intends to further facilitate the development of South
24 *Tiyan* as was envisioned in the *Tiyan Reuse Master Plan* by legislatively rezoning
25 the lots in Parcels 1 and 2 to Light Industrial Zone (M1).

26 **Section 2.** A new § 61218 is *added* to Article 2 of Chapter 61, Title 21,
27 Guam Code Annotated, to read:

1 “§ 61218. Rezoning of Lot Naval Air Station Agaña 17 (EDC
 2 Parcel 1) and Lot Naval Air Station Agaña 20 (EDC Parcel 2) to Light
 3 Industrial Zone (M1).

4 (a) Applicability. Rezoning considerations *shall* be applicable to
 5 the following lots in Parcels 1 and 2:

Lots in Parcels 1 and 2 Eligible for Rezoning to M1		
2157	2169	2182
2157-1	2173	2191-1
2158	2174	2276
2159	2175	2277
2160	2176	2278
2161	2176A-1	5193
2162	2177	5193-3
2163	2178	5199
2164	2179	5199-1
2165	2180	5200
2167	2181	5201-1
	2181-A	5202-1

6 (b) Notification to Landowners. Within fifteen (15) working days
 7 from the enactment of this Act, the Director of the Department of Land
 8 Management shall send, by registered mail, notices to the last known
 9 registered owners of the lots listed in Subsection (a) informing them of
 10 this Act. A copy of this Act and information related to use regulations
 11 pursuant to § 61309 of Article 3, Chapter 61, Title 21, Guam Code
 12 Annotated, shall be attached to the notice.

13 (c) Affirmation of Rezoning. Within ninety (90) working days
 14 from the enactment of this Act, owners of the lots listed in Subsection (a),
 15 or their duly authorized representatives, must provide written affirmation
 16 to the Director of the Guam Department of Land Management of their
 17 concurrence to rezone their lots to Light Industrial Zone (M1).

1 (d) Failure to Affirm or Non-Concurrence. The current lot zone
2 shall remain unchanged in the event the owner of the lot, or an authorized
3 representative, does not submit a written affirmation per Subsection (c) or
4 does not concur with rezoning to M1. Any subsequent change in zoning
5 shall be processed pursuant to 21 GCA Chapter 61.

6 (e) Update of Master Zoning Map and Other References. The
7 Department of Land Management and the Bureau of Statistics and Plans
8 shall update the Master Zoning Map and any other such documents, maps,
9 public notices, and websites within one hundred twenty (120) days of the
10 enactment of this Act.

11 (f) Recordation.

12 (1) The Department of Land Management shall post on its
13 Records Division journals, its Planning Division lists, and its
14 Survey Division maps, against each relevant lot, its affirmed
15 zone or its retention zone within one hundred twenty (120)
16 days of the enactment of this Act.

17 (2) The Department of Land Management shall, through
18 its existing procedures, notify the Department of Revenue
19 and Taxation of the updated rezoning within one hundred
20 fifty (150) days of the enactment of this Act.

21 (3) The Department of Revenue and Taxation shall assess
22 applicable real property taxes on these parcels, to be effective
23 in the following tax year.

24 (g) Rezoning Fee. Each lot owner agreeing to the rezone of their
25 lots to Light Industrial Zone (M1) shall be assessed a fee of Six Hundred
26 Forty Dollars (\$640.00) to defray costs related, but not limited to,
27 research, notification, processing, recordation, and posting. Said fees shall

1 be deposited in the Department of Land Management Land Survey
2 Revolving Fund (LSRF)."

3 **Section 3. Severability.** If any provision of this law or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity *shall not* affect other provisions or applications of this law that can be
6 given effect without the invalid provisions or applications, and to this end the
7 provisions of this law are severable.