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Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932  
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guahan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 370-30 (COR) "AN ACT TO AMEND §601112 OF ARTICLE 1, DIVISION 2 OF CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE LAND FOR THE LANDLESS PROGRAM", which I signed into law on May 17, 2010 as Public Law 30-148.

Sinseru yan Magahet,

MICHAEL W. CRUZ, M.D.  
I Maga'lâhen Guahan para pa'go  
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0466  
S/19/10  
121

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN**  
**2010 (SECOND) Regular Session**

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

This is to certify that Bill No. 370-30 (COR), "AN ACT TO AMEND §60112 OF ARTICLE 1, DIVISION 2 OF CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE LAND FOR THE LANDLESS PROGRAM", was on the 3<sup>rd</sup> day of May, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

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This Act was received by *I Maga'lahaen Guåhan* this 5<sup>th</sup> day of May, 2010, at  
4:00 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING

Date: MAY 17 2010

Public Law No. P.L. 30-148

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2010 (SECOND) Regular Session**

**Bill No. 370-30 (COR)**

As amended on the Floor.

Introduced by:

v. c. pangelinan  
Judith P. Guthertz, DPA  
Judith T. Won Pat, Ed.D.

T. C. Ada  
V. Anthony Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
T. R. Muña Barnes  
Adolpho B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio

**AN ACT TO *AMEND* §60112 OF ARTICLE 1, DIVISION  
2 OF CHAPTER 60, TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO THE LAND FOR THE  
LANDLESS PROGRAM.**

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

2       **Section 1.** §60112 of Article 1, Division 2 of Chapter 60, Title 21, Guam  
3 Code Annotated, is hereby *amended* to read as follows:

4               **“§60112. Legislative Approval Required.** Notwithstanding any  
5 other provisions of law, government-owned real property *shall not* be sold,  
6 leased, sub-leased, exchanged *or* otherwise transferred without the prior

1 approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which  
2 specifically authorizes a particular sale, lease, exchange *or* transfer and  
3 includes the real property description of the government-owned real property  
4 with particularity. This Section *shall not* apply to Land Use Permits, the  
5 Land for the Landless Program, *or* residential leases by the *Chamorro* Land  
6 Trust Commission pursuant to its rules and regulations, but *shall* apply to  
7 any transfer to the federal government *or* any agent of the federal  
8 government of land owned in the name of the government of Guam,  
9 including, but *not limited to*, its autonomous agencies, public corporations,  
10 the *Chamorro* Land Trust Commission and the Ancestral Lands  
11 Commission.”

12 **Section 2. Effective Date.** This Act *shall* become effective upon  
13 enactment.

14 **Section 3. Severability.** *If* any provisions of this Act or the application  
15 thereof to any person or circumstance is held invalid, such invalidity shall *not*  
16 affect any other provision or application of this Act which can be given effect  
17 without the invalid provision or application, and to this end the provisions of this  
18 Act are severable.



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

April 23, 2010

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
I Mina'trenta na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 370-30 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No.370-30 (COR), "An act to amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 5 TO PASS
- \_\_\_\_\_ NOT TO PASS
- 2 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

*Si Yu'us Ma'åse,*

*[Signature]*  
vicente c. pangelinan  
Chairman

2010 APR 26 PM 11:01  
[Handwritten initials]

Chairman  
Committee on Appropriations,  
Taxation, Banking, Insurance,  
Retirement, and Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

COMMITTEE  
REPORT  
ON

BILL NO.370-30 (COR),  
“AN ACT TO AMEND §60112 ARTICLE  
1, DIVISION 2 OF CHAPTER 60, 21  
GUAM CODE ANNOTATED RELATIVE  
TO THE LAND FOR THE LANDLESS  
PROGRAM”



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

April 23, 2010

**MEMORANDUM**

**To:** All Members  
Committee on Appropriations, Taxation, Banking, Insurance,  
Retirement, and Land

**From:** Senator vicente "ben" c. pangelinan  
Committee Chairperson

**Subject:** Committee Report on Bill No.370-30 (COR)

Transmitted herewith for your consideration is the Committee Report on Bill No.370-30 (COR), "An act to amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program" sponsored by Senator vicente "ben" c. pangelinan

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.370-30 (COR)
4. Public Hearing Sign-in Sheet
5. Copies of Submitted Testimony & Supporting Documents
6. Fiscal Note
7. Copy of COR Referral of Bill No.370-30 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

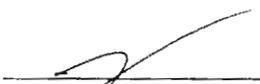
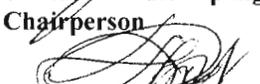
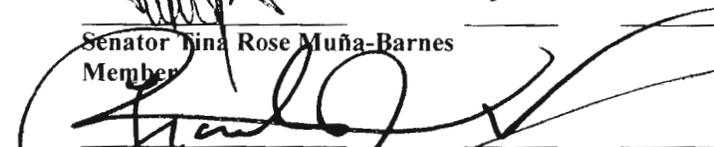
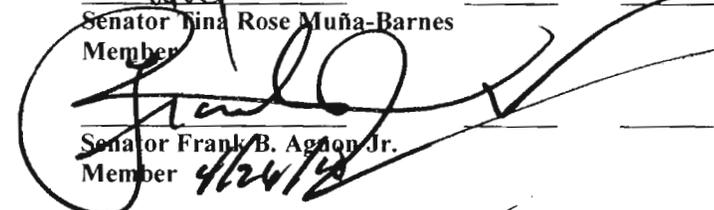
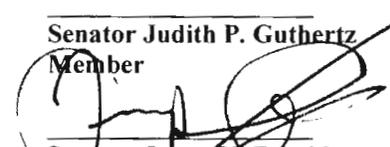
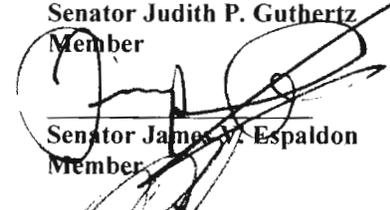
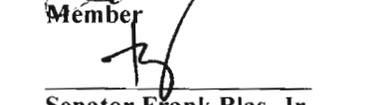
Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

*Si Yu'us Ma'åse*

vicente c. pangelinan  
Chairman

*I MINA' TRENTA NA LIHESLATURAN GUÅHAN*  
**Committee Voting Sheet**  
**Committee on Appropriations, Taxation, Banking, Insurance, Retirement,**  
**and Land**

**Bill No.370-30 (COR):**  
**“An act to amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code**  
**Annotated relative to the Land for the Landless Program”**

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator Vicente C. Pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	✓				
 Vice Speaker Benjamin J.F. Cruz Member	✓				
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Agnon, Jr. Member	✓				
 Senator Judith P. Guthertz Member	✓				
 Senator James V. Espaldon Member					
 Senator Telo T. Taitague Member			✓		
 Senator Frank Blas, Jr. Member			✓		



# Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

## Committee Report

Bill No.370-30 (COR): "An act to amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program"

Chairman  
Committee on Appropriations,  
Taxation, Banking, Insurance,  
Retirement, and Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

### I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on April 22, 2010 at 9:00 am in *I Liheslatura's* Public Hearing Room.

#### Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on April 15 (5-Day Notice), and again on April 20 (48 Hour Notice).

#### (a) Committee Members and Senators Present

Senator vicente "ben" pangelinan, Chairman  
Senator Judith Guthertz, member  
Senator Anthony Ada

#### (b) Appearing before the Committee

Chris Duenas  
Margarita Borja  
Phil Tydingco

#### (c) Written Testimonies Submitted

None

### II. COMMITTEE PROCEEDINGS

#### (a) Bill Sponsor Summary

Senator vicente pangelinan: This morning we have Mr. Chris Duenas from the department of Land Management. I also wanted for the record to state it was crucial this legislation is being proposed based upon information and guidance provided by the Attorney General's Office. We had sent the Attorney General's Office a letter informing her of this hearing this morning requesting they be present for testimony. We had placed another call this morning and there is no answer at the Attorney General's Office this morning.

And I want to express my disappointment. Once again this legislation is being prompted by guidance they offered and we would like to and I think it's necessary for them to be here to present their testimony and we will request for them they do so in writing. We will go ahead then begin.

I would like to give a brief overview of the bill. Bill 370-30 is a bill that would exempt the Land for the Landless Program, along with earlier exemption that were granted to an amendment proposed and passed this legislature in §60112 Article 1, Division 2 of Chapter 60, relative to legislative approval for the disposition of government lands. The original bill had exempted the land use permits and residential leases by Chamorro Land Trust Commission for requiring approval for the legislature to allow these properties to be granted to the appropriate parties and qualified parties. The Land for the Landless Program had already received authorization by the legislature to be sold and they were sold to individual on Guam under Land for the Landless Program of which the majority of the bill was authored by former Vice Speaker Ted Nelson. The law had required that any land shall not be sold, leased, subleased, exchanged or otherwise transferred without the prior approval of the legislature by duly active legislation which specifically authorizes a particular sale, lease, exchange or transfer and includes the real property description of the government owned real property with particularity that was the original bill as it read. The amendment which was offered by my good colleague Senator Guthertz referencing of course alienation, future alienation of land for any government property that they also require those future alienation of land to be approved by the legislature. We were proceeding forward with that and it was not intended to prohibit the continued sales of properties as these individuals who had earlier purchased these properties earlier authorized to be sold these properties by the legislature in earlier statute that it was not necessary to once again approve those and exempt those and already been approved by the legislature. And for the record the Attorney General's Office I understand had been approving these leases up until this time of particularly requiring future alienation of land to be approved by the legislature. So, we will then receive the testimony from Mr. Duenas and then allow the panel to ask any questions.

Mr. Duenas please identify for the record and welcome.

## **(b) Testimony**

### **1. Chris Duenas – Director of the Department of Land Management**

Chris Duenas: My name is Chris Duenas. I am the director of the Department of Land Management. Thank you Chairman, Speaker Pangelinan and Senator Guthertz and also Senator Tony Ada.

On March 30<sup>th</sup> as you know Mr. Chairman I had initiated a letter to you explaining that the Office of the Attorney General had given us guidance on how they would no longer be signing the deeds under the Land for the Landless Program until we can clarify the language in previously approved legislation and public law. So, we appreciate your timely response to us and scheduling a meeting and also Senator Guthertz staff. We all met together to discuss this issue and I thank you for introducing this bill we are in full support of it. And it will clear up any issues that the Attorney General has in regard to this program as per our correspondence. So we just appear today to fully support this legislation. We also got further guidance that it wouldn't be necessary to place all the subdivisions as well as the names of the individuals, track numbers,

and lot numbers, they said that the language in this bill at this time would be sufficient to cover the issue. But for the record we will give you a copy of the subdivision that are affected.

### **Panel Comments and Questions**

Senator vicente pangelinan: Mr. Duenas when did the Attorney General stop signing off on these leases?

Chris Duenas: I believe it was somewhere around February.

Senator vicente pangelinan: February

Chris Duenas: Early February

Senator vicente pangelinan: When was the last approval of leases? And you're free to invite your staff.

Chris Duenas: Sure, we will have Margarita Borja answer.

Senator vicente pangelinan: Good morning, please identify yourself for the record.

Margarita Borja: My name is Margarita Borja, land administrator. Ok, well the last deed that was signed by the A.G. office was February.

Senator vicente pangelinan: So, February they stopped and it was in the same month that they approved earlier and their reason to you was because of public law 30-301?

Margarita Borja: Right. 021. 30-21

Senator vicente pangelinan: 30-21?

Margarita Borja: Yes.

Senator vicente pangelinan: Now, the Attorney General didn't articulate clearly why they feel that the law prevented the continued signing of the leases. Now prior to the amendment the statute did not reference any requirement for the deeds to be once again approved by the legislature. Why were they continually signing up until February? Do we know that?

Chris Duenas: We don't know that Senator.

Senator vicente pangelinan: So, does this mean that all Land for the Landless deeds signed prior to this law are not in effect, are illegal, not legal and have questions on their deeds?

I'm just trying to clear up the inconsistencies so we don't affect all of those approvals prior to the passage of this law. Because prior to the passage of this law they felt everything was ok. In their guidance to you, I read it, there was no guidance in terms of rationale of why they think the law did not allow them to continue signing off on these leases when the only

amendment to the law was referencing the properties that would need future approval required not pass approval of pass legislation. The reason why we are introducing this bill is because I got an email from a gentleman who is waiting for his lease who is terminal. And he is trying to clear his estate. I wanted to introduce this to ensure we take care of him. I was afraid that the inconsistent guidance provided by the Attorney General may affect this one individual and even the ones that come along with him. To me the Attorney General has not sufficiently justified from a legal basis why this bill prevents them signing off. I want to get from them what does this mean when we pass this bill that says; now these are going to be approved. What is the effect on all the other approvals they have issued under the old statute they thought was efficient. And there has been no discussion at all? Additional thinking that they put on paper or discussed with you Mr. Duenas or Mrs. Borja? None at all?

Chris Duenas: No. But they also did not say there are any problems with the prior signings. We'll assume that there fine. On your prompting, I'll probably join you in addressing this issue with them to ensure that there's no problems prior deeds that been signed.

Senator vicente pangelinan: That's why I think it's necessary for them to be here because I want to resolve that matter of the prior deeds they have signed. And we are talking about the same Attorney General we are not talking about previous Attorney General, correct?

Margarita Borja: The same one.

Senator vicente pangelinan: So, the same one today is saying it's not legal for me to sign off on these leases yet they continually signed off on those others in terms of issuing those deeds to those other individuals and I want to make sure the inconsistent interpretation does not jeopardize the legality of those deeds that were earlier authorized. That's my concern and that's why I wanted to be cautious with regards to putting this legislation in place, to be very clear.

Senator Guthertz.

Senator Judith Guthertz: Can you Chris give us a little background.

Chris Duenas: We currently have 415 members remaining on the program that have deeds to be executed. Margarita could probably give you the original enrollment. The status of the program is no longer effect, it ended. And that was I believe as result also of transfer lands to Chamorro Land Trust and the other ways the government is dispensing land at this time. So, currently the program I believe is up to date. Mrs. Borja are we up to date in terms of all the payments being made?

Senator Judith Guthertz: People are making their payments?

Margarita Borja: Well, we got some that have not abided by their contracts but we are working with them. We have sent out notices and stuff like that.

Senator Judith Guthertz: What are the options that you have when a person does not meet their financial obligation?

Margarita Borja: Well currently based on the contract it does state there it will revert back to the government of Guam.

Senator Judith Guthertz: Has that ever happened?

Margarita Borja: No

Senator Judith Guthertz: No, ok. What is the requirement of the law with reference to the program when a person is deeded land?

Margarita Borja: Well there are alienation clauses there that do not allow them to sale their properties until after 10 years after their pay-off date.

Senator Judith Guthertz: After the pay-off date?

Margarita Borja: After the pay-off date, yes.

Senator Judith Guthertz: Do you know if there have ever been any cases where people have in fact sold the property after paying off.

Margarita Borja: Yes and even prior to but they have gotten waivers from the governor to allow them to do so.

Senator Judith Guthertz: Thank you.

Senator vicente pangelinan: Thank you very much Senator Guthertz. Senator Ada?

I think for the record from the listing here, we have 11 tracks of property or 11 property sites for the Land for the Landless Program. And again this is a program that no longer is in operation. What is happening for the Land for the Landless Program is those that were authorized went in, signed the contract, and were given time to pay off their obligation for the purchase of that property. There must have been just about 2,000 individual lots that were authorized under the Land for the Landless, over 30 years maybe 40 years. And of those 2,000 approximately 400 individuals who have purchased the land under contract have to still remain to pay off their balance. They are issued deeds when they pay it off and they get title after they pay it off. We will just continue to work with them. Again we will work with the Attorney General to get a very clear clarification and a very clear position on the effect of earlier issuance of deeds under the statute prior to this amendment and to ensure that they are in fact legal and efficient for these individuals to not have any clout of title on their properties.

We want to thank you very much ladies and gentleman. *Si Yu'us Ma'åse* and there being no further questions on Bill 370. We will conclude the public hearing on that.

## **2. Phil Tydingco**

(Note): Phil Tydingco appeared before the committee after Senator pangelinan concluded the public hearing for Bill 370. However the committee would like to include Phil Tydingco's testimony in the committee report.

Phil Tydingco: Real quickly on this bill we will note for the record it appears you are just adding an exemption to the legislative approval for the Land for the Landless Program. We did not necessarily have a position that if the purpose was to make clear in that program a person did not have to have a legislature approval for every deed that was transferred under that program. Is that the intent?

Senator vicente pangelinan: That is correct but I am wondering why we need to exempt them when the Attorney General was already signing off on deeds prior to this amendment.

Phil Tydingco: Which was also another question I was going to add to that. It was our understanding that administratively this already occurs. So, was it being proposed because it was clear in the law even though it is our understanding that administratively it was permissible?

Senator vicente pangelinan: No because you were refusing to sign the deeds. The Attorney General's Office was returning the deeds to the Department of Land Management.

Phil Tydingco: I don't specifically know that for a fact. So you are saying our office is returning those deeds on the basis of there was no legislative approval?

Senator vicente pangelinan: That's correct yet the legislature had approved the sale of all of these lands already by statute. And you were signing off on those deeds based upon that statute and when this amendment was put in you stopped signing deeds.

Phil Tydingco: So, let me see if I understand the facts. At the time this bill was introduced that was the time we stopped signing.

Senator vicente pangelinan: That is correct.

Phil Tydingco: And do you know it was because someone raised the issue with us. I'm just wondering if someone said hey AG you guys should stop signing those because there's no statutory authority or it's ambiguous.

Senator vicente pangelinan: No. My understanding was Department of Land Management continued the normal process of submitting the deeds to your office and then all of the sudden the Attorney General's Office sent them back to Land Management. Saying we are not going to approve of these based upon the amendment that was made in 30-21.

Phil Tydingco: All I can tell you Senator is thank you for giving me those facts because I did not know of those facts myself. And we'll have to inquire from DLM and this is information you received from DLM or from people who wanted their deeds signed?

Senator vicente pangelinan: No DLM. From DLM.

Phil Tydingco: Because I could have sworn I saw some that were signed.

Senator vicente pangelinan: You did. You were signing them then you stopped.

Phil Tydingco: Just the time the bill came up, this year?

Senator vicente pangelinan: No prior to this bill being introduced.

Phil Tydingco: See because I got to figured out what was the event or incident that led to us not wanting to sign them anymore.

Senator vicente pangelinan: The passage of 30-21

Phil Tydingco: And see I don't recognize the public Law 30-21.

Senator vicente pangelinan: 30-21 is this section. The bill you see before you without the Land for the Landless.

Phil Tydingco: Oh ok so 370-30 I notice it reprints §60112 over again.

Senator vicente pangelinan: Correct and adds the Land for the Landless.

Phil Tydingco: I thought this law was always there for the last several years. So your telling me this was only passed this year or last year?

Senator vicente pangelinan: Correct

Phil Tydingco: This section?

Senator vicente pangelinan: No. On line ten of the bill after the word particularity. §60112 ended at particularity. Ok. On line ten.

Phil Tydingco: Right.

Senator vicente pangelinan: And then, when 30-21 add all the other sections without the Land for the Landless...

Phil Tydingco: So, 30-21 added the exemptions

Senator vicente pangelinan: Correct

Phil Tydingco: Ok so what you're telling me is...

Senator vicente pangelinan: But 30-21 only had land use permits and residential leases.

Phil Tydingco: Right so, 30-21 added the exemptions. Ok from the legislative approvals requirement of §60112 and when that became law we stopped signing. Ok since the legislature intent is to add specific exemption, unless you're specifically exempted. Generally we won't sign it because that signals an intent to be specific about those programs of those types of land

transfers that you do not want to be involved in approving them, each and every time. What I'm trying to say real quickly, all on the fly, I can see where if I learned 30-21 now introduced into this legislative approval requirement for any transfers of land exemptions. And it's specific that a Land for the Landless deed comes up, where we would usually sign it right. And someone says hey 30-21 didn't specifically exempt. I'm not saying that the thinking that went through but based on what we're talking about, that's how my lawyer brain is working that way. I can see were they said hey that program wasn't specified as being exempted. So the front part of §60112 will apply to that program but your right it wouldn't have applied. If 30-21 was not in effect and didn't add any exemptions then yes we were able to sign. The original Land for the Landless Program contained exemptions within its self like for example. Like some of the enabling statute for certain programs will say notwithstanding any provision of law we hereby authorizes agencies promulgate rules for this program to be run and transferred etc. So I can see where that may have been the thinking whoever advised us not to sign it within our office but I have to confirmed that.

Senator vicente pangelinan: Can you because I want to be sure because the front though says notwithstanding any other provision of law which include the exemptions if the property identifies it and these properties were identified in particularity this lot, this lot number, this subdivision is allowed to be sold notwithstanding then the amendment then the deeds are good.

Phil Tydingco: I see what you mean. I have to go back and look at the review sheets and usually they will indicate we have to stop approving this unless it's specified. I have to find out what exactly what happened. Although, I do want to say this I noticed just looking at §60112 because §60112 existed before 30-21, that's always been on the books. So I assume this is only intended for unimproved properties. These are without builds or houses. So, other agencies can still lease their properties and stuff like that. You know they have facilities and builds and tenants and so forth. I will look into that.

Senator vicente pangelinan: Can we get that guidance again just to make sure.

Phil Tydingco: Thank you for those facts I did not know why this came about. Thank you and sorry gentlemen for taking up your time

Senator vicente pangelinan: Thank you

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriation, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 370-30 (COR) with the recommendation To Pass.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
THIRTIETH GUAM LEGISLATURE  
2010 (SECOND) REGULAR SESSION

7/14/12 11:35 AM  
JULIA

BILL NO. 370-30 (COR)

Introduced by:

v. c. pangelinan  
J. P. Guthertz

AN ACT TO AMEND §60112 ARTICLE 1, DIVISION 2  
OF CHAPTER 60, 21 GUAM CODE ANNOTATED  
RELATIVE TO THE LAND FOR THE LANDLESS  
PROGRAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 60112, Article 1, Division 2 of Chapter 60, 21  
3 Guam Code Annotated is hereby amended to read as follows:

4 "§60112. Legislative Approval Required. Notwithstanding any  
5 other provisions of law, government-owned real property *shall not* be sold,  
6 leased, sub-leased, exchanged *or* otherwise transferred without the prior  
7 approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which  
8 specifically authorizes a particular sale, lease, exchange *or* transfer and  
9 includes the real property description of the government-owned real property  
10 with particularity. This Section *shall not* apply to Land Use Permits, Land  
11 for the Landless Program *or* residential leases by the, *Chamorro* Land Trust  
12 Commission pursuant to its rules and regulations, but *shall* apply to any  
13 transfer to the federal government *or* any agent of the federal government of  
14 land owned in the name of the government of Guam, including, but *not*  
15 *limited to*, its autonomous agencies, public corporations, the *Chamorro* Land  
16 Trust Commission and the Ancestral Lands Commission."

1           **Section 2. Effective Date.** This Act shall become effective upon  
2 enactment.

3           **Section 3. Severability.** If any provisions of this Act or the  
4 application thereof to any person or circumstance is held invalid, such  
5 invalidity shall not affect any other provision or application of this Act  
6 which can be given effect without the invalid provision or application, and to  
7 this end the provisions of this Act are severable.



Mina' Trenta Na Liheslaturan Guahan  
**THIRTIETH GUAM LEGISLATURE**  
 Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND  
 PUBLIC HEARING  
 Thursday, April 22, 2010  
 BILL NO. 370-30 (COR)  
 SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
CHRIS O'NEALS	DLM	727-1329	on the	✓	✓	Yes
Margareta Borja	DLM				✓	
Phil Tydingco	A.G.				✓	



**OFFICE OF THE ATTORNEY GENERAL**

**Alicia G. Limtiaco**

Attorney General of Guam

287 West O'Brien Drive

Hagåtña, Guam 96910

Telephone: (671) 475-3324 • Facsimile: (671) 472-2493

[www.guamattorneygeneral.com](http://www.guamattorneygeneral.com)

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*Notice of Document for Pick-up*

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Facsimile No.: (671) 649-5383  
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Subject: Contract/Agreement or Document for pick-up:

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Civil/Solicitor Division

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- 09-1198: Joseph Afaisen & Bertha Afaisen;
- 09-1124: Cecilia Garbosa;
- 09-1187: Pedro Banag;
- 09-1197: Jeffery Tyquiengco & Dina Tyquiengco;
- 10-0151: Peter Acuavera;
- 10-0207: Felix Concepcion;
- 10-0164: Mae Laxamana;
- 09-1185: Anita Gozum; and
- 09-1070: Augusto Meno

Remarks: Good afternoon, the above-referenced document(s) is/are ready for pick-up along with an Information & Guidance Memorandum explaining the return. Kindly send a representative down to our office to see Maria Blas with the Civil/Solicitor Division.

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12:38:42 PM

Alicia G. Limtiaco  
Attorney General



Phillip J. Tydingco  
Chief Deputy Attorney General

Office of the Attorney General

March 22, 2010

11:00 AM  
Time

**INFORMATION AND GUIDANCE (Confidential)**

**Ref: DLM 09-1066**

**TO:** Director, Department of Land Management

**FROM:** Assistant Attorney General

**SUBJECT:** **Conditional Deed of Conveyance for Lot No. 9, Block No. 6, Tract No. 2831, Talofoto Subdivision, Municipality of Talofoto to Alejandro B. Evangelista and Jordanna C. F. Siguenza**

Our office received the deed referenced above on or about October 28, 2009, but returned it on or about November 9, 2009 with a memorandum advising that due to 21 GCA § 60112, as amended on May 1, 2009 by P.L. 30-21, we could not approve the deed. The same deed was then resubmitted to our office on November 30, 2009 with a cover memorandum stating that "the first page of the deed was inadvertently misplaced." The deed we previously looked at did not have any missing pages. In any event, we took the re-submission as a request for reconsideration.

However, for the same reason we returned the deed the first time, we remain unable to approve this deed.

As of May 1, 2009, 21 GCA § 60112 now provides:

Notwithstanding any other provisions of law, government-owned real property shall not be sold, leased, sub-leased, exchanged or otherwise transferred without the prior approval of the Legislature (the Legislature) by duly enacted legislation, which specifically authorizes a particular sale, lease, exchange or transfer and includes the real property description of the government-owned real property with particularity. This Section shall not apply to Land Use Permits, or residential leases by the Chamorro Land Trust Commission pursuant to its rules and regulations, but shall apply to any transfer to the federal government or any agent of the federal government of land owned in the name of the government of Guam, including, but not limited to, its autonomous agencies, public corporations, the Chamorro Land Trust Commission and the Ancestral Lands Commission. [emphasis added]



**DIPATTAMENTON MINANEHAN TANO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUAHAN**  
 (Government of Guahan)



FELIX P. CAMACHO  
 Governor of Guahan

CHRISTOPHER M. DUENAS  
 Director

MICHAEL W. CRUZ, M.D.  
 Lieutenant Governor of Guahan

MICHAEL C. JAMES  
 Deputy Director

Street Address:  
 590 S. Marine Corps Drive  
 Suite 733 ITC Building  
 Tamuning, GU 96913

Mailing Address:  
 P.O. Box 2950  
 Hagåtña, GU 96932

Website:  
<http://dlm.guam.gov>

E-mail Address:  
[dmdir@dlm.guam.gov](mailto:dmdir@dlm.guam.gov)

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

March 30, 2010

Senator vicente (ben) C. Pangelinan  
 Thirtieth Guam Legislature  
 Chairman, Committee on Appropriations, Taxation  
 Banking, Insurance, and Land  
 324 W. Soledad Ave., Suite 100  
 Hagatna, GU 96932

Subject: Proposed Legislation to Amend PL 30-21

Dear Senator Pangelinan:

*Buenas yan Hafa Adai!* Our office has recently received guidance from the Assistant Attorney General on the disapproval of all Land for the Landless Program deeds due to the enactment of Public Law 30-21, Section 4.

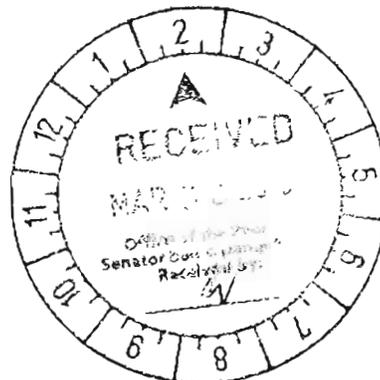
The passage of this law has precluded our department from executing any deeds for the land for the landless programs. Although the impact of all the amendments brought about by this legislation focuses on transfers and sales of government land to the federal government in the upcoming military buildup, the restrictions are applied on the transfer of all government land transactions, with the exceptions of land use permits and Chamorro Land Trust Leases.

In view of the above, we hereby request that the Land for the Landless Program be included as an exception in order for our department to process the numerous impending deeds with our department.

If you require additional information, please contact the Land Administration Division at 649-5263 extension 400.

Senseramente,

  
 CHRISTOPHER M. DUENAS  
 Director, Department of  
 Land Management





**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

**FELIX PEREZ CAMACHO**  
GOVERNOR

**BERTHA M. DUENAS**  
DIRECTOR

**MICHAEL W. CRUZ, M.D.**  
LIEUTENANT GOVERNOR

**APR 23 2010**

The Bureau requests that Bill No(s). 370-30 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill 373-30 (COR) intends to add the "Land for the Landless Program" as an exception to government-owned real property transactions requiring legislative approval. The proposed Bill is administrative in nature and do not have an effect upon the revenues or expenditures of any funds of the government of Guam.

**BERTHA M. DUENAS**  
Director



# COMMITTEE ON RULES

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

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April 13, 2010

MEMORANDUM

**To:** Pat Santos  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** Senator Judith P. Guthertz, DPA *Jy*  
*Acting Chairperson, Committee on Rules*

**Subject:** Referral of Bill No. 370-30(COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 370-30(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

*Si Yu'os Ma'åse'!*

(1) Attachment

APR 13 12 11 2010

*I Mina 'Trenta Na Liheslaturan Guåhan*  
**Bill Log Sheet**  
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B370-30 (COR)	v.c. pangelinan, J. P. Guhertz, DPA	An act to amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program.	4/12/10 3:55 p.m.	4/13/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			



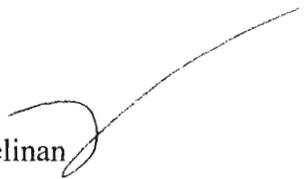
Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 15, 2010

Memorandum

To: All Senators

From: Senator vicente c. pangelinan 

Re: Public Hearing - FIRST NOTICE

---

Chairman  
Committee on Appropriations,  
Taxation, Banking, Insurance,  
Retirement, and Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Thursday, April 22, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program.

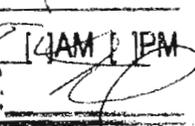
Bill No. 371-30 (COR)(pangelinan): An Act to Amend Section 11 of Public Law 30-101 Relative to the Appropriation to the Guam Veterans Affairs Office.

At the request of the Inarajan Mayor, Mr. Franklin M. Taitague, we will conduct a second public hearing beginning at **6:00pm on Thursday, April 22, 2010** on:

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. The hearing will begin at 6:00pm at the Inarajan Mayor's Office.

For copies of the bill, you can log onto [www.guamlegislature.com](http://www.guamlegislature.com) or [www.senbenp.com](http://www.senbenp.com)

*Si Yu'os Ma'ase.*

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Please see attached.

--  
Lisa Cipollone  
Chief of Staff  
Office of Senator ben c. pangelinan  
(671) 473-4236  
cipo@guamlegislature.org

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**PUBLIC HEARING  
Thursday, April 22, 2010**

**AGENDA**

**9:00 AM**

**Location: Guam Legislature Public Hearing Room**

**Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program**

**Bill No. 371-30 (COR)(pangelinan): An Act to amend Section 11 of Public Law 30-101 Relative to the appropriation to the Guam Veterans Affairs Office.**

**6:00 PM**

**Location: Inarajan Mayor's Office**

**Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.**

--  
Lisa Cipollone  
Chief of Staff  
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**THIRTIETH GUAM LEGISLATURE**

Senator vicente "ben" c. pangelinan  
Office of the People

**PUBLIC HEARING**  
Thursday, April 22, 2010  
**AGENDA**

**9:00 AM**

Location: Guam Legislature Public Hearing Room

**Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program**

**Bill No. 371-30 (COR)(pangelinan): An Act to amend Section 11 of Public Law 30-101 Relative to the appropriation to the Guam Veterans Affairs Office.**

**6:00 PM**

Location: Inarajan Mayor's Office

**Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.**

**If you require any special accommodations, please contact the Office of Senator ben pangelinan at 4723-4236, email at [senben@guam.net](mailto:senben@guam.net) or log onto [www.senbenp.com](http://www.senbenp.com). This ad paid for with government funds.**

PDA - 4-15-10



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THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan  
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PUBLIC HEARING  
Thursday, April 22, 2010

AGENDA

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6:00 PM

Location: Inarajan Mayor's Office

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards.

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Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

April 20, 2010

Memorandum

To: All Senators  
From: Senator vicente c. pangelinan  
Re: Public Hearing - SECOND NOTICE

Chairman  
Committee on Appropriations,  
Taxation, Banking, Insurance,  
Retirement, and Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Thursday, April 22, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program.

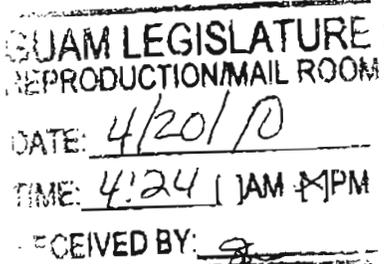
Bill No. 371-30 (COR)(pangelinan): An Act to Amend Section 11 of Public Law 30-101 Relative to the Appropriation to the Guam Veterans Affairs Office.

At the request of the Inarajan Mayor, Mr. Franklin M. Taitague, we will conduct a second public hearing beginning at **6:00pm on Thursday, April 22, 2010** on:

Bill No. 303-30 (COR)(Taitague): An act to add a New Article 10 to Chapter 51 of 10 GCA relative to recognizing the village of Inarajan as the *Host Community* for accommodating the Solid Waste Disposal needs of the entire island of Guam resulting from the operation of the Leyon Landfill and the Ordot Dump in their backyards. The hearing will begin at 6:00pm at the Inarajan Mayor's Office.

For copies of the bill, you can log onto [www.guamlegislature.com](http://www.guamlegislature.com) or [www.senbenp.com](http://www.senbenp.com)

*Si Yu'os Ma'ase.*



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--  
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**PUBLIC HEARING  
Thursday, April 22, 2010**

**AGENDA**

**9:00 AM**

**Location: Guam Legislature Public Hearing Room**

**Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program**

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--  
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**Senator vicente "ben" c. pangelinan**  
**Office of the People**

**PUBLIC HEARING**  
**Thursday, April 22, 2010**

**AGENDA**

**9:00 AM**

**Location: Guam Legislature Public Hearing Room**

**Bill No. 370-30 (COR) (pangelinan): An Act to Amend §60112 Article 1, Division 2 of Chapter 60, 21 Guam Code Annotated relative to the Land for the Landless Program**

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Senator vicente "ben" c. pangellnan  
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**PUBLIC HEARING**  
Thursday, April 22, 2010  
**AGENDA**

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**PUBLIC HEARING**  
**Thursday, April 22, 2010**  
**Guam Legislature Public Hearing Room**  
**9:00 AM**

**AGENDA**

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6

# I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

## VOTING SHEET

Bill No. 370-30(COR)

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

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

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr. /	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo //	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
THIRTIETH GUAM LEGISLATURE  
2010 (SECOND) REGULAR SESSION

2010 APR 12 PM 3:00  
v.c.

BILL NO. <sup>370-30</sup> \_\_\_\_\_ (COR)

Introduced by:

v. c. pangelinan  
J. P. Guthertz

AN ACT TO AMEND §60112 ARTICLE 1, DIVISION 2  
OF CHAPTER 60, 21 GUAM CODE ANNOTATED  
RELATIVE TO THE LAND FOR THE LANDLESS  
PROGRAM.

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

2 **Section 1.** Section 60112, Article 1, Division 2 of Chapter 60, 21  
3 Guam Code Annotated is hereby amended to read as follows:

4 **"§60112. Legislative Approval Required.** Notwithstanding any  
5 other provisions of law, government-owned real property *shall not* be sold,  
6 leased, sub-leased, exchanged *or* otherwise transferred without the prior  
7 approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which  
8 specifically authorizes a particular sale, lease, exchange *or* transfer and  
9 includes the real property description of the government-owned real property  
10 with particularity. This Section *shall not* apply to Land Use Permits, Land  
11 for the Landless Program *or* residential leases by the, *Chamorro* Land Trust  
12 Commission pursuant to its rules and regulations, but *shall* apply to any  
13 transfer to the federal government *or* any agent of the federal government of  
14 land owned in the name of the government of Guam, including, but *not*  
15 *limited to*, its autonomous agencies, public corporations, the *Chamorro* Land  
16 Trust Commission and the Ancestral Lands Commission."

1           **Section 2. Effective Date.** This Act shall become effective upon  
2 enactment.

3           **Section 3. Severability.** If any provisions of this Act or the  
4 application thereof to any person or circumstance is held invalid, such  
5 invalidity shall not affect any other provision or application of this Act  
6 which can be given effect without the invalid provision or application, and to  
7 this end the provisions of this Act are severable.