



Office of the Governor of Guam

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

31-11-0010
115/11
929542

DEC 30 2010

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

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 499-30 (COR) "AN ACT TO REZONE LOT NO. 14, BLOCK 16 IN THE MUNICIPALITY OF SANTA RITA FROM ONE-FAMILY DWELLING ZONE (R1) TO MULTIPLE DWELLING ZONE (R2)", which I signed into law on December 30, 2010 as **Public Law 30-234**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

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 **Substitute Bill No. 499-30 (COR), "AN ACT TO REZONE LOT NO. 14, BLOCK 16 IN THE MUNICIPALITY OF SANTA RITA FROM ONE-FAMILY DWELLING ZONE (R1) TO MULTIPLE DWELLING ZONE (R2),"** was on the 22nd day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:

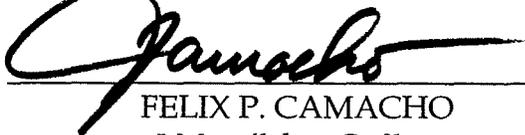


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2010, at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

DEC 30 2010

Date: _____

Public Law No. 30-234

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

Bill No. 499-30 (COR)

As substituted by the Committee on Appropriation,
Taxation, Banking, Insurance, Retirement, and Land,
and amended on the Floor.

Introduced by:

v. c pangelinan
Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
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
Judith P. Guthertz, DPA
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio

**AN ACT TO REZONE LOT NO. 14, BLOCK 16 IN THE
MUNICIPALITY OF SANTA RITA FROM ONE-
FAMILY DWELLING ZONE (R1) TO MULTIPLE
DWELLING ZONE (R2).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that in 1975, a duplex on Lot No. 14, Block 16 in the Municipality of Santa Rita
4 was constructed within a single-family dwelling zone. Prior to construction, all
5 building permits were approved, certifying compliance with all applicable rules,
6 regulation and laws by the proper government officials. This places the duplex in

1 an approved and legal structure but non-conforming status, which prevents the
2 owners from accessing their equity in their property.

3 *I Liheslaturan Guåhan* intends to resolve this problem through the rezoning
4 of Lot No. 14, Block 16 to Multiple Dwelling (R2) zone.

5 **Section 2. Lot Rezoning.** Notwithstanding any provision of law, Lot No.
6 14, Block 16, in the Municipality of Santa Rita, is hereby rezoned to Multiple
7 Dwelling Zone (R2).

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 12/22/10

VOTING SHEET

SBill No. 499-30(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.					EA
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
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	✓				
WON PAT, Judith T.	✓				

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Office of

The People

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

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

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.499-30 (COR), As Substituted

2013 DEC 20 PM 2:48
2013 DEC 20 PM 2:38

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No.499-30 (COR): As Substituted, "An act to rezone Lot No. 14 Block 16, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

- 4 TO PASS
- NOT TO PASS
- 1 TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse,

vicente c. pangelinan
Chairman

COMMITTEE
REPORT
ON

Bill No.499-30 (COR): As Substituted, “An act to rezone Lot No. 14 Block 16, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone”



The People

Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

MEMORANDUM

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

From: Senator vicente "ben" c. pangelinan
Committee Chairman

Subject: Committee Report on Bill No.499-30 (COR), As Substituted

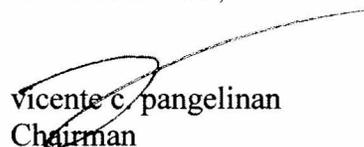
Transmitted herewith for your consideration is the Committee Report on Bill No.499-30 (COR): As Substituted, "An act to rezone Lot No. 14 Block 16, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone" sponsored by Senator vicente "ben" c. pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.499-30 (COR)
4. Copy of Bill No.499-30 (COR), As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No.499-30 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Note

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'os Ma'ase,

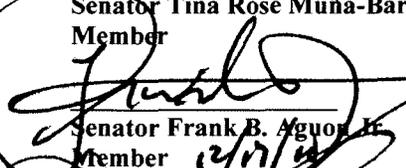
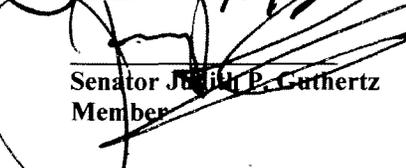

Vicente C. pangelinan
Chairman

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

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

Bill No.499-30 (COR): As Substituted, "An act to rezone Lot No. 14 Block 16, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone"

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. Aguon, Jr. Member					
 Senator Judith P. Gathertz Member			✓		
Senator James V. Espaldon Member					
Senator Telo T. Taitague Member					
 Senator Frank Blas, Jr. Member	✓				



The People

Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

Committee Report

Bill No.499-30 (COR): "An act to rezone Lot No. 14 Block 6, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone"

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 December 16, 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 December 9, 2010 (5-Day Notice), and again on December 14, 2010 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente "ben" pangelinan, Chairman
Senator Adolpho B. Palacios, Sr.
Senator Anthony V. Ada
Senator Thomas Ada

(b) Appearing before the Committee

None

(c) Written Testimonies Submitted

Department of Land Management – Chris Duenas, Director
Frank Rabon

I. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Senator vicente pangelinan: Bill 499 is an act to rezone Lot No. 14 Block 6, in the Municipality of Santa Rita from single-family dwelling (R-1) to multiple-family dwelling (R-2) zone.

This bill is being introduced at the request of Mr. Frank Rabon and it should be Block 16. What occurred back in 1975 is the owner of the property went through the process and received a building permit, He did everything legally and built a duplex. Mr. Rabon has come in and has an agreement to purchase the lot but when they did the title search they found the lot is actually R-1. An R-1 zone doesn't allow for a duplex and he is not able to secure a loan unless it conforms to that. Land Management has reviewed it and has indicated everything is in compliance. They have no complaints from the neighbors since it has been used as a duplex and this is one way of rezoning this property if it was time critical. It is time critical because the approval of Mr. Rabon's loan is pending and will expire at the end of the month. So we are trying to assist Mr. Rabon in this fashion. Again, the duplex meets all the setback requirements. There is no disruption by allowing it to legally exist by changing the zone. That is the intent of the bill and Mr. Rabon has indicated he will be submitting written testimony on this because he has just returned from a off-island trip.

Is there any question? If not then we will finally adjourn this hearing.

(b) Testimony

None

II. FINDINGS & RECOMMENDATIONS

The Committee on Appropriation, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No.499-30 (COR), as substituted by the committee, with the recommendation

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

Bill No. 499-30(COR)

Introduced by:

v.c pangelinan

2010 DEC -7 AM 9:26

EDM

AN ACT TO REZONE LOT NO. 14, BLOCK 6,
IN THE MUNICIPALITY OF SANTA RITA
FROM SINGLE-FAMILY DWELLING (R-1) TO
MULTIPLE-FAMILY DWELLING (R-2) ZONE

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Intent and Findings.** *I Liheslaturan Guåhan*
2 finds that in 1975, a duplex on Lot No. 14, Block 6, in the Municipality of
3 Santa Rita was constructed within a single-family dwelling zone. Prior to
4 construction, all building permits were approved, certifying compliance with
5 all applicable rules, regulation and laws by the proper government officials.
6 This places the duplex in an approved and legal structure but non-
7 conforming status, which prevents the owners from accessing their equity in
8 their property.

9 *I Liheslaturan Guåhan* intends to resolve this problem through the
10 rezoning of Lot No. 14, Block 6 to Multiple-Family (R-2) zone.

11 **Section 2. Lot Zoning.** Notwithstanding any provision of the law, Lot
12 No. 14, Block 6, in the Municipality of Santa Rita, is hereby rezoned
13 Multiple-Family (R-2) zone.

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

Bill No. 499-30(COR)

As Substituted by the Committee on
Appropriation, Taxation, Banking,
Insurance, Retirement, and Land

Introduced by:

v.c pangelinan

**AN ACT TO REZONE LOT NO. 14, BLOCK 16,
IN THE MUNICIPALITY OF SANTA RITA
FROM SINGLE-FAMILY DWELLING (R-1) TO
MULTIPLE-FAMILY DWELLING (R-2) ZONE**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Intent and Findings.** *I Liheslaturan Guåhan*
2 finds that in 1975, a duplex on Lot No. 14, Block 16, in the Municipality of
3 Santa Rita was constructed within a single-family dwelling zone. Prior to
4 construction, all building permits were approved, certifying compliance with
5 all applicable rules, regulation and laws by the proper government officials.
6 This places the duplex in an approved and legal structure but non-
7 conforming status, which prevents the owners from accessing their equity in
8 their property.
9 *I Liheslaturan Guåhan* intends to resolve this problem through the
10 rezoning of Lot No. 14, Block 16 to Multiple-Family (R-2) zone.

1 **Section 2. Lot Zoning.** Notwithstanding any provision of the law, Lot
2 No. 14, Block 16, in the Municipality of Santa Rita, is hereby rezoned
3 Multiple-Family (R-2) zone.



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, December 16, 2010
Bill No. 499-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

①

To: Senator Vicente “Ben” C. Pangelinan

From: Frank Rabon

Subject: Testimony for re-zoning

Attn: Senator,

I currently reside in a dwelling on Lot 14, Block 6, in the Municipality of Santa Rita. I have been living in this residence for the past 21 years as a tenant and paying monthly rent. My loan application to purchase the house with Coast 360 has been approved, and would like to purchase the house from the original owner.

The duplex was built in 1975 with the approval of Department of Land Management and currently sits on an R1 zone. Apparently the new direction the office of Land Management is taken is that previously approved houses that do not meet the zoning laws will be deemed non-compliant. Because the duplex is currently non-compliant, Coast360 will not close the purchase sale until it becomes compliant.

The owner of the house is currently living in United States and has no intentions of returning to Guam. Since I have been living in this house for 21 years she has given me the first option to purchase the house, before she puts the house on the market. Since living here I have invested money in making major home repairs, landscaping, and renovations, and have made it my home for so many years. She has given me a sale contract deadline for purchasing the property with several extensions, because of the problems encountered with Department of Land Management.

I am asking your office’s assistance in rezoning the property from R1 to R2 so that the property will be in compliant with the zoning laws. With your assistance Coast360 would be able to close the purchase sale and finally the title of the house would be in my name. At least before I die I can finally say that I own my home that I have grown to love for the past 21 years.

Saina Maase,
Frank Rabon



DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(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:
dldmldr@dldm.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

December 15, 2010

Mina' Trenta Na Liheslaturan Guåhan
 Honorable Senator Ben C. Pangelinan
 324 W. Soledad Ave., Suite 100
 Hagåtña, Guam 96910

Subject: Comments on Bill Nos. 499-30 (COR) and 495-30 (LS).

We have reviewed the subject Bills and provide our comments as follows:

Bill No. 499-30 (COR) "An Act to Rezone Lot No. 14, Block 6, in the Municipality of Santa Rita From Single-Family Dwelling (R-1) to Multi-Family Dwelling (R2) Zone".

The intent of this bill is to rezone the subject lot from "R-1" Single-Family to "R-2" Multi-Family Dwelling zone. The current use on the property is already in the category of a multi-family use since there exist a duplex. The duplex was constructed in 1975 and is serviced by all required public utilities (water, power and sewer).

Under our Zoning Law, a "duplex" is a conditional use which may be allowed to exist if approved by the Guam Land Use Commission (GLUC). Our research as to its existence did not yield any substantial reason as to how it was approved. What we did find are valid approvals via building permits and the final issuance of a certificate of occupancy. Thus, from a "building development" action, the structure meets all of the existing building code at the time; and therefore, legally exist.

Additionally, and from a land use perspective, since its existence for the past 35-years, we have not received any notice of violation nor of any negative information concerning the current multi-family use. This is indicative that the "multi-family use" has not been a detriment nor injurious to the surrounding properties in the neighborhood; and, in general, the use appears to have been accepted by the residents as part of their residential community.



Continuation of Letter

RE: Comments on Bill Nos. 499-30 (COR) & 495-30(LS)

December 15, 2010

Page 2 of 4

We would be remiss if we did not cite the fact that there are alternatives to having the duplex exist legally pursuant to the Zoning Law. The 1st alternative, is that under the current "R-1" zone, the "duplex" is a "Conditional Use" that can be permitted provided it is subjected to the review and decision by the Guam Land Use Commission. In this case, the property is not rezoned; rather, the use of the "duplex" is permitted. The 2nd alternative, is to apply under the Summary Zone Change Program which is a "rezoning" action. Under this program, the Director of Land Management is the approving authority.

However, in both alternatives, there is a process and a time requirement that must be adhered to before final approval. In the case of a conditional use, the technical agency review and municipal public hearings must all be completed within 60-days before it can be scheduled for the next regular GLUC review; and under the SZC Program, there is also a 45-day technical agency review and municipal public hearing and final action by the DLM Director within 60-days.

(Note: the municipal public hearing may be waived by the Director of Land Management). Therefore, if "time" is not an issue, then either of these two alternatives should be pursued.

We bring to your attention that the official designated Block Number is "BLOCK 16" and not "BLOCK 6" as cited on the bill.

Bill No. 495 -30 (LS) "An Act to Rezone a Certain Parcel in the Municipality of Tamuning from Multi-Family Dwelling (R-2) to Commercial (C) Zone".

The Department supports the intent of Bill 495-30 (LS) which is to rezone Lot No. 2149-8NEW-R1 from Multi-Family Dwelling (R-2) to Commercial (C) Zone; and in which the subject lot fronts Farenholt Avenue. For the past 10 years or so, properties within the vicinity have been rezoned for commercial uses. The strip on both sides of Farenholt Avenue has been transformed from its initial residential use to the current more commercialize area; an area that has seen an extension of mix commercial uses that has extended from Chalan San Antonio; to Hotel Resort entities including support services along Gov. Carlos Camacho Road. Other limited commercial uses and professional offices exist throughout the length of Farenholt Avenue and still other similar uses are being planned and awaiting GLUC review.

Continuation of Letter**RE: Comments on Bill Nos. 499-30 (COR) & 495-30(LS)****December 15, 2010****Page 3 of 4**

It is our understanding that the intent of the rezoning to the CZone is for the property owner to develop the property in order to establish a permanent home for his personal medical clinic; and that the Zone Change will maximize the property's full potential use to accommodate other related commercial accessory uses. Under the propose rezoning, the intended use will be compatible with existing uses in the area.

In similar response made on Bill 499-30(COR), there is an alternative for the rezoning action; and that action is via the Guam Land Use Commission. Again, if time is not a factor, then the GLUC process is the appropriate process to be pursued.

We also note a correction that needs to be made to line 15, where it states "*hereby rezoned from Agricultural (A) zone to Commercial (C) zone*"; should read "*hereby rezoned from "R-2" Multi-Family zone to Commercial (C) zone.*"

In any rezoning request, such action must justify **PUBLIC NECESSITY, PUBLIC CONVENIENCE** and **GENERAL WELFARE**. Therefore, we submit the following on Bills 499-30(COR) and 495-30(LS), respectively:

Ref: Bill 499-30(COR): It appears that **PUBLIC NECESSITY and CONVENIENCE** had already been met based on the fact that the use of a "multi-family use" in the form of "duplex" has been in existence for the past 35-years. Certainly, there is the potential for rentals of the units for those in need; and or a combination of the owner residing in one unit and renting the other unit; or simply to accommodate other family members. Under the **GENERAL WELFARE** criteria, the fact that there has been no known complaints of the "multi-family use" lends support that the "use" has not been detrimental on adjacent and abutting properties; and has not negatively impacted nor has it been injurious on infrastructure systems (utilities and roadways, etc.). Thus, the continued existence of this "multi-family use" appears to be accepted by the entire community.

We also point to the fact that there is that future potential for an increase to a more higher density on the property. The maximum density possible is 11 density units. Once rezone, any uses permitted under the R2 zone may be pursued. While this property would probably be the first and certainly may be the only R2 zone in the area at present, the potential for other property owners to avail themselves of the same zone designation could be realized under the SZC Program.

Continuation of Letter

RE: Comments on Bill Nos. 499-30 (COR) & 495-30(LS)

December 15, 2010

Page 4 of 4

Ref: Bill 495-30(LS): In regards to the intended use for "medical services and medically related commercial accessory uses, we find that there is a demand for such services and ancillary care, given fact that GMH is saturated and over extended including existing medical clinics in the area in providing for such services and care. An additional medical clinic is a real need and demand and if this propose clinic is to be realized, then the criteria of **PUBLIC NECESSITY, CONVENIENCE and GENERAL WELFARE** is easily justified. Additionally, the property abuts Farenholt Avenue; and as such, the CZone designation is appropriate. All infrastructure systems are in place and notwithstanding any infrastructure capacity issues; any propose uses on the property can be readily serviced.

We have reviewed the Central and Northern Land Use Plan (CN LUP) and although it has yet to be approved, the current propose use of this rezoning action is in line with the planned uses in the CN LUP.

We would not object to either rezoning bills.

Contact Planning Division at 649-5263 extension 311, should you have additional questions or need further clarification.

Senseramente,


Christopher M. Duenas
Director, Land Management

Cc: Honorable Senator Frank Blas
Planning Division

FPT

**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**DEC 15 2010**

The Bureau requests that Bill No. 499-30 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The Bill is to rezone Lot No. 14, Block 6, in the Municipality of Santa Rita from Single-Family (R-1) to Multiple-Family (R-2) zone wherein a duplex was constructed in 1975. The construction of the duplex was properly certified as to compliance with all applicable rules and regulations but on non-conforming status as to zoning which prevents the owners from accessing their equity in their property.

The zoning of this property does not have a financial impact on the Government of Guam.

A handwritten signature in black ink, appearing to read 'BERTHA M. DUENAS', enclosed within a hand-drawn oval.

BERTHA M. DUENAS
Director



COMMITTEE ON RULES

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

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO**
CHAIRPERSON

**SENATOR
Judith P. Guthertz**
VICE
CHAIRPERSON

**MAJORITY
MEMBERS:**

Judith T. Won Pat
SPEAKER

Benjamin J. F. Cruz
VICE SPEAKER

Tina Rose Muña Barnes
LEGISLATIVE SECRETARY

Thomas C. Ada
SENATOR

Frank B. Aguon, Jr.
SENATOR

Adolpho B. Palacios, Sr.
SENATOR

Vicente C. Pangelinan
SENATOR

**MINORITY
MEMBERS:**

Frank F. Blas, Jr.
SENATOR

James V. Espaldon
SENATOR

December 7, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill No. 499-30 (COR)

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 499-30 (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 V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

Attachment

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
B499-30 (COR)	v.c. pangelinan	AN ACT TO REZONE LOT NO. 14, BLOCK 6, IN THE MUNICIPALITY OF SNATA RITA FROM SINGLE-FAMILY DWELLING (R-1) TO MULTIPLE FAMILY DWELLING (R-2) ZONE.	12/07/10 9:21 a.m.	12/07/10		Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

December 9, 2010

Memorandum

To: All Senators
From: Senator ben pangelinan
Re: Public Hearing Notice – 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 **9:00 am, Thursday, December 16, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 404-30 (COR): An Act to zone all returned Federal excess lands and other Federal lands returned or released to the government of Guam and placed in the inventory of the Guam Ancestral Lands Commission to "Agriculture".

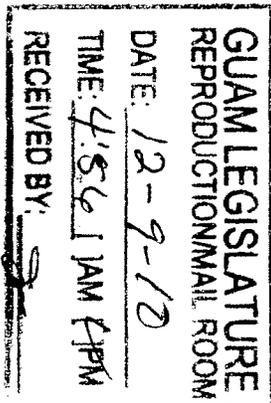
Bill No. 454-30 (COR): An Act to Repeal and Reenact §3414 of Article 4, Chapter 3, Title 11 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.

Bill No. 481-30 (COR): An act to exchange undevelopable lots within the Pigua Subdivision "Land for the Landless Project" designated in Public Law 25-181 with other lots in Dededo.

Bill No. 498-30 (COR): An act to amend Subsection © of §8206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

cc: Tom Unsiong, Sergeant-at-Arms
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date Thu, Dec 9, 2010 at 4:51 PM

subject Public Hearing Notice - First Notice

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Senator ben pangelinan will hold a public hearing on Thursday, December 16 beginning at 9:00 am. Please see attached for details.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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date Thu, Dec 9, 2010 at 5:06 PM

subject Public Hearing - 1st Notice

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Senator ben pangelinan will hold a public hearing on Thursday, December 16, 2010 beginning at 9:00 am. Please see agenda below.

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**Huebes, gi diha 16 gi Disembre 2010
(Thursday, December 16, 2010)**

**Kuáttón Inekungok Pupbleko gi I Liheslaturan Guàhan
(Guam Legislature Public Hearing Room)**

**Gi alas 9:00 gi ega'an
(9:00 AM)**

**TAREHA
(AGENDA)**

I Priniponi Siha:

Bill No. 404-30 (COR): An Act to zone all returned Federal excess lands and other Federal lands returned or released to the government of Guam and placed in the inventory of the Guam Ancestral Lands Commission to "Agriculture".

Bill No. 454-30 (COR): An Act to Repeal and Reenact §3414 of Article 4, Chapter 3, Title 11 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.

Bill No. 481-30 (COR): An act to exchange undevelopable lots within the Pigua Subdivision "Land for the Landless Project" designated In Public Law 25-181 with other lots in Dededo.

Bill No. 498-30 (COR): An act to amend Subsection © of §8206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution

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Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
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Senator vicente "ben" pangelinan
Office of the People

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

Huebes, gi diha 16 gi Disiembre 2010
(Thursday, December 16, 2010)

Kuaiton Inekungok Puybleko gi 1 Lihelaturan Guahan
(Guam Legislature Public Hearing Room)

Gi alas 9:00 gi egaran (9:00 AM)

TAREHA (AGENDA)

I Priniponi Siha:

Bill No. 404-30 (COR): An Act to zone all returned federal excess lands and other federal lands returned or released to the government of Guam and placed in the inventory of the Guam Ancestral Land Commission to "agriculture"

Bill No. 454-30 (COR): An Act to Repeal and Reenact 53414 of Article 4, Chapter 3, Title 11 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.

Bill No. 481-30 (COR): An act to exchange undevelopable lots within the Pigua Subdivision "Land for the Landless Project" designated in Public Law 25-181 with other lots in Deledo.

Bill No. 498-30 (COR): An act to amend Subsection (c) of 58206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

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Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

December 14, 2010

Memorandum

To: All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice – SECOND NOTICE

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

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Member
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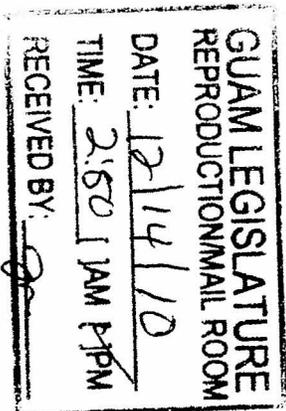
~~**Bill No. 454-30 (COR): An Act to Repeal and Reenact §3414 of Article 4, Chapter 3, Title 11 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.**~~

Bill No. 481-30 (COR): An act to exchange undevelopable lots within the Pigua Subdivision "Land for the Landless Project" designated in Public Law 25-181 with other lots in Dededo.

Bill No. 498-30 (COR): An act to amend Subsection © of §8206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

cc: Tom Unsiong, Sergeant-at-Arms
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subject Public Hearing - SECOND NOTICE

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This will serve as a second notice to a public hearing by Senator ben pangelinan scheduled for Thursday, December 16, 2010. See attached memo for further information.

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 Chief of Staff
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subject Public Hearing - Second Notice

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Senator pangelinan will hold a public hearing on Thursday, Dec 16 beginning at 9:00 am in the Guam Legislature Public Hearing Room. Please see below for more information.

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**Huebes, gi diha 16 gi Disembre 2010
(Thursday, December 16, 2010)**

**Kuáttón Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)**

**Gi alas 9:00 gi ega'an
(9:00 AM)**

**TAREHA
(AGENDA)**

I Priniponi Siha:

Bill No. 404-30 (COR): An Act to zone all returned Federal excess lands and other Federal lands returned or released to the government of Guam and placed in the inventory of the Guam Ancestral Lands Commission to "Agriculture".

Bill No. 464-30 (COR): An Act to Repeal and Reenact §2414 of Article 4, Chapter 3, Title 41 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.

Bill No. 481-30 (COR): An act to exchange undevelopable lots within the Pigua Subdivision "Land for the Landless Project" designated in Public Law 25-181 with other lots in Dededo.

Bill No. 498-30 (COR): An act to amend Subsection © of §8206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

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Lisa Cipollone
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Senator pangelinan will hold a public hearing on Thursday, Dec 16 beginning
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for more information.

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)
**
Huebes, gi diha 16 gi Disembre 2010
(Thursday, December 16, 2010)
**
Ku=E5tton Inekungok Pupbleko gi I Liheslaturan Gu=E5shan
(Guam Legislature Public Hearing Room)
**
*Gi alas 9:00 gi ega=92an *
*(**9:00 AM)*
**
TAREHA
(AGENDA)
**
I Priniponi Siha:
**

*Bill No. 404-30 (COR): **An Act to zone all returned Federal excess lands and other Federal lands returned or released to the government of Guam and placed in the inventory of the Guam Ancestral Lands Commission to =93Agriculture=94.*

* *

*Bill No. 454-30 (COR): An Act to Repeal and Reenact =A73414 of Article 4, Chapter 3, Title 11 of Guam Code Annotated, Relative to the hours of Sale of Alcoholic Beverages.***

*Bill No. 481-30 (COR): **An act to exchange undevelopable lots within the Pigua Subdivision =93Land for the Landless Project=94 designated in Public Law 25-181 with other lots in Dededo. *

* *

*Bill No. 498-30 (COR): An act to amend Subsection =A9 of =A78206 of Chapter B of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System. *

* *

*Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone. ***

* *

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Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
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cipo@guamlegislature.org

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<p class=3D"MsoNormal" align=3D"center" style=3D"text-align:center;mso-pag= nation:none; mso-layout-grid-align:none;text-autospace:none">(Thursday, December 16, 2010)</p>

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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

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

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

Huebes, gi diha 16 gi Disembre 2010
(Thursday, December 16, 2010)

Kuá'8ctton Inekungok Pubbleko gi I Liheslaturan Guá'8chan
(Guam Legislature Public Hearing Room)

Gi alas 9:00 gi ega'an
(9:00 AM)

**TAREHA
(AGENDA)**

I Priniponi Siha:

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Bill No. 498-30 (COR): An act to amend Subsection © of §8206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.

Bill No. 499-30 (COR): An Act to rezone Lot No. 14, Block 6, in the municipality of Santa Rita from Single-Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.

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Senator vicente "ben" pangelinan
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INEKUNGOK PUPBLEKO (PUBLIC HEARING)

Huebes, gi etha 16 gi Disembre 2010
(Thursday, December 16, 2010)

Kaditton Inekungok Pupbleko gi Lihelaturan Guahan
(Guam Legislature Public Hearing Room)

Gi alas 9:00 gi ega'an (9:00 AM)

TAREHA (AGENDA)

Prinponi Siha:

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- Bill No. 498-30 (COR):** An act to amend Subsection (c) of 88206 of Chapter 8 of Title 4, Guam Code Annotated, relative to participation in government of Guam Defined Contribution Retirement System.
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Kuátton Inekungok Pupbleko gi I Liheslaturan Guahan
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MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

2010 DEC - 3 PM 1:53

Bill No. 498-30(cov)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO AMEND SUBSECTION (c) OF §8206 OF
CHAPTER 8 OF TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO PARTICIPATION IN GOVERNMENT OF
GUAM DEFINED CONTRIBUTION RETIREMENT
SYSTEM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that highly
3 experienced workers of the Government of Guam have retired after years of successful
4 service to the people of Guam. Some of these former employees have expressed an interest
5 in returning to government service to apply their talents and expertise where there is
6 exceptional demand for their professional employment.

7 *I Liheslaturan Guåhan* further finds that Subsection (c) of §8206, Chapter 8, Title 4
8 provides that retirees may be re-employed, provided that the retirement annuity is
9 suspended. Many retirees view this as a disincentive to return to government service.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to permit the re-employment of a
11 Government of Guam retiree and permit such a retiree to continue to receive his or her
12 regular retirement annuity payment.

13 Section 2. Subsection (c) of §8206 of Chapter 8, Title 4, Guam Code Annotated is
14 amended to read:

1 (c) Any employee who retires after September 30, 1995, and who later becomes re-
2 employed by the Government of Guam shall be entitled to readmission to the existing
3 retirement system and subject to suspension of annuity requirements pursuant to Title 4
4 GCA § 8121, as *amended*. If such re-employed retiree is prohibited from re-admission to the
5 existing retirement system and becomes a member of the Defined Contribution Retirement
6 System, his annuity under the existing plan shall be suspended in the same manner and to
7 the same extent applicable to similarly situated employees pursuant to Title 4 GCA § 8121,
8 as *amended*, provided that *no* employee of *I Liheslaturan Guåhan* or employee of the
9 Governor or Lieutenant Governor's office or unclassified employee appointed by the
10 Governor of Guam who has previously retired may become a member of the Defined
11 Contribution Retirement System.