



2011 NOV 22 AM 8:59 - *pc*

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

November 21, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-1129
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11/21/11
Time 4:49 PM
Received by *[Signature]*

Dear Madame Speaker:

Transmitted herewith is Bill No. 273-31 (COR) "AN ACT TO DELETE A PORTION OF THE 1996 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, MONGMONG-TOTO-MAITE, GUAM; AND TO REPEAL AND RE-ENACT §62103 OF ARTICLE 1, CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN", which I signed into law on November 17, 2011 as **Public Law 31-130**.

Senseramente,

[Signature]
EDDIE BAZA CALVO

Attachment: copy of Bill

#1129

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 273-31 (COR), "AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, MONGMONG-TOTO-MAITE, GUAM; AND TO REPEAL AND RE-ENACT §62103 OF ARTICLE 1, CHAPTER 62 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN,"** was on the 8th day of November, 2011, duly and regularly passed.



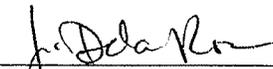
Judith T. Won Pat, Ed.D.
Speaker

Attested:



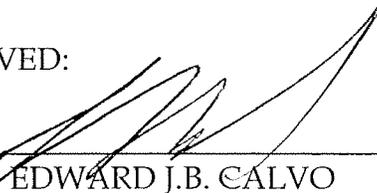
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 9th day of Nov., 2011, at 4:25 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: NOV 17 2011

Public Law No. 31-130

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 273-31 (COR)

As substituted by the Committee on Utilities, Transportation,
Public Works, and Veterans Affairs.

Introduced by:

Chris M. Dueñas
v. c. pangelinan
T. C. Ada

V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *DELETE* A PORTION OF THE 1966
HIGHWAY MASTER PLAN RESERVATION
EASEMENT ON LOT NO. 121-6, *MONGMONG-TOTO-
MAITE*, GUAM; AND TO *REPEAL AND RE-ENACT*
§62103 OF ARTICLE 1, CHAPTER 62 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO
COMPLIANCE WITH MASTER PLAN.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the 1966 Highway Master Plan was adopted as the official highway plan for
4 Guam. The development of major and minor vehicular arterial roads, and the

1 island as a whole, have made this plan antiquated, requiring the formulation of a
2 new Highway Master Plan, including the reservation of certain real property to
3 accommodate expansion of major and minor vehicular arterial roads..

4 The proposed Guam 2010 Highway Master Plan did *not* embrace the Master
5 Plan reservation identified in this legislation. However, the 2010 Highway Master
6 Plan was *not* adopted by *I Liheslaturan Guåhan*, leaving Lot No. 121-6,
7 *Mongmong-Toto-Maite*, Guam, situated within the one hundred foot (100')-wide
8 Master Plan reservation of the proposed Route 7 highway, as contained in the 1966
9 Highway Master Plan.

10 The Office of the Attorney General has rendered an opinion that *only I*
11 *Liheslaturan Guåhan* has the authority to alter the 1966 Highway Master Plan.
12 Without such an alteration occurring, the owners of Lot No. 121-6 cannot construct
13 or develop the property, and are held hostage from doing so. The enactment of
14 Public Law 24-211 addressed a similar situation and granted the same relief to its
15 subject property owners that is being sought in this legislation.

16 *I Liheslaturan Guåhan* further finds that the government of Guam and the
17 proposed Guam 2010 Highway Master Plan does *not* reflect the need to continue
18 the Highway Master Plan reservation embraced within Lot No. 121-6, *Mongmong-*
19 *Toto-Maite*, Guam. It is, therefore, the intent of *I Liheslaturan Guåhan* to delete
20 the reservation easement and allow the property owners to develop their property.

21 *I Liheslaturan Guåhan* further finds that the government of Guam continues
22 to plan the future development of the island's highway system, and should be
23 afforded a reasonable timeline to indicate whether it needs to acquire easements to
24 meet the requirements for any given highway expansion. It is the intent of *I*
25 *Liheslaturan Guåhan* to authorize a time certain from the date of enactment of this
26 legislation for the Department of Public Works to certify that the government of
27 Guam does or *does not* have construction plans within that allotted timeframe.

1 **Section 2.** The legal reservation easement as per the 1966 Highway Master
2 Plan on Lot No. 121-6, consisting of approximately three thousand eight hundred
3 twenty-six square meters (3,826 sm) situated in *Mongmong-Toto-Maite*, Guam is
4 hereby deleted.

5 **Section 3.** § 62103 of Article 1, Chapter 62 of Title 21, Guam Code
6 Annotated, is hereby *repealed and re-enacted* to read as follows:

7 “§ 62103. **Compliance with Master or Transportation Plan.**

8 Development and/or subdivision of all land and roads *shall* conform to that
9 land use or road location delineated in the latest revision of the Territorial
10 Master Plan, initially approved in April 1967.

11 (a) Construction on land designated for future road or public
12 purposes, contrary to the use indicated in the Master or Transportation
13 Plan, *shall not* be authorized, irrespective of land ownership, *unless*
14 the Department of Public Works certifies that the government of
15 Guam has *no* Master or Transportation Plan projects pending or
16 planned to be constructed on the land within the immediate two (2)
17 upcoming fiscal years.

18 (b) Specifications for construction, repair, and/or
19 reconstruction of roads *shall* conform to Department of Public Works
20 standards, and *shall* follow requirements delineated for that zone in
21 which the subdivision or construction is located.”

22 **Section 4.** The Department of Public Works *shall* re-examine, reassess and
23 prepare a list of those road master plan encumbrances for which it does *not* have
24 plans for construction or improvement, and *shall* submit such list to *I Maga’lahen*
25 *Guåhan* and the *Speaker of I Liheslaturan Guåhan* within one hundred eighty
26 (180) days from the date of enactment of this Act.

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: ⁸ 11/07/11

VOTING SHEET

SBill No. 273-31 (COR)

Resolution No. _____

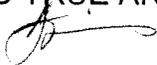
Question: _____

<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	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15

CERTIFIED TRUE AND CORRECT:



 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

October 25, 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina' trentai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

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

Rory J. Respicio

2011 OCT 27 PM 11:55

RE: Committee Report on Bill No. 273-31 (COR) As Substituted

Håfa Adai Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill 273-31 (COR) – An act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, *Mongmong-Toto-Maite*, Guam; and, to repeal and re-enact §62103 of Title 21, Guam Code Annotated, relative to compliance with Master Plan – As Substituted by the Committee on Utilities, Transportation, Public Works and Veterans Affairs.

Committee votes are as follows:

 5 TO DO PASS

 0 TO NOT PASS

 1 TO REPORT OUT ONLY

 0 TO ABSTAIN

 0 TO PLACE IN INACTIVE FILE

Saina Ma'åse',

Thomas C. Ada
Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

**COMMITTEE REPORT
ON**

BILL NO. 273-31 (COR)

**AN ACT TO DELETE A PORTION OF THE
1966 HIGHWAY MASTER PLAN
RESERVATION EASEMENT ON LOT
NO.121-6, *MONGMONG-TOTO-MAITE*,
GUAM; AND, TO REPEAL AND RE-ENACT
§62103 OF TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO
COMPLIANCE WITH MASTER PLAN**

**As Substituted by the
Committee on Utilities, Transportation,
Public Works and Veterans Affairs**



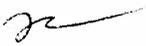
Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

October 24, 2011

MEMORANDUM

To: All Members
Committee on Utilities, Transportation, Public Works and Veterans Affairs

From: Senator Thomas C. Ada 
Committee Chairperson

Subject: Committee Report -Bill No. 273-31 (COR) As Substituted

Transmitted herewith for your consideration is the Committee Report on Bill 273-31 (COR) – An act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, *Mongmong-Toto-Maite*, Guam; and, to repeal and re-enact §62103 of Title 21, Guam Code Annotated, relative to compliance with Master Plan – As Substituted by the Committee on Utilities, Transportation, Public Works and Veterans Affairs.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 273-31 (COR)
- Copy of Bill No. 273-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 273-31 (COR)
- Notices of Public Hearing
- 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 me.

Si Yu'os Ma'áse!



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
 31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

COMMITTEE VOTE SHEET

Bill 273-31 (COR) – An act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, *Mongmong-Toto-Maite*, Guam; and, to repeal and re-enact §62103 of Title 21, Guam Code Annotated, relative to compliance with Master Plan – As Substituted by the Committee on Utilities, Transportation, Public Works and Veterans Affairs.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR THOMAS C. ADA Chairperson		✓ 10/24/11				
SENATOR ADOLPHO B. PALACIOS, SR. Vice Chairperson		✓ 10/25/11				
VICE SPEAKER BENJAMIN J.F. CRUZ Member						
SENATOR RORY J. RESPICIO Member						
SENATOR TINA ROSE MUÑA BARNES Member						
SENATOR DENNIS G. RODRIGUEZ, JR. Member		✓ 10/25/11				
SENATOR V. ANTHONY ADA Minority Member		10/25/11				
SENATOR ALINE A. YAMASHITA, PH.D. Minority Member						
SENATOR MANA SILVA TAIJERON Minority Member				10/24/11 ✓		
SENATOR CHRISTOPHER M. DUEÑAS Minority Member		10/25/11 ✓				

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill 273-31 (COR) was introduced by Senator Christopher M. Dueñas on July 20, 2011, and was subsequently referred by the Committee on Rules to the Committee on Utilities, Transportation, Public Works and Veterans Affairs on the same day.

The Committee on Utilities, Transportation, Public Works and Veterans Affairs convened a public hearing on Bill 273-31 (COR) on October 11, 2011 at 3:00P.M. in *I Liheslatura's* Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated via email to all senators and to all main media broadcasting outlets on Tuesday, October 04, 2011 (5-day notice), and again on Friday, October 07, 2011 (48-hr notice). Notices were also issued to various public and private entities.

Senators Present

Senator Thomas C. Ada	Committee Chairperson
Senator Adolpho B. Palacios, Sr.	Committee Vice-Chairperson
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator V. Anthony Ada	Committee Member

Individuals present:

Mr. and Mrs. Joaquin C. Manibusan (*oral and written testimony*)
Ms. Bonnie Manibusan (*oral testimony*)
Honorable Andrew C. Villagomez, Mayor, Mongmong-Toto-Maite (*oral and written testimony*)
Mr. Carl Dominguez, Deputy Director, Department of Public Works (*oral and written testimony*)

Written testimony was also submitted by Mr. Monte Mafnas, Acting Director, Department of Land Management (see attached).

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 3:00 p.m.

Senator Thomas C. Ada stated that notices were properly made in accordance with the Open Government Laws and introduced Senator Chris Duenas, author of the bill. Chairman Ada recognized Senator Duenas as the author of the bill and asked if he would like to make opening remarks.

Senator Duenas briefly explained the history behind the easement reservation and noted that from the time of the land taking until now, there has been no action by the government to make the planned road improvements. He also noted that a similar request for relief had come before a previous Legislature that resulted in the enactment of Public Law 24-211. He asked his colleagues

to support the legislation which will allow the Manibusan family to finalize its plans to build a house on the affected property.

The first to testify on the bill was the Department of Public Works' **Deputy Director Carl Dominguez** - Mr. Dominguez read DPW's testimony (see attached).

Mayor Andrew C. Villagomez – Mayor Villagomez read Resolution No. 12-001 from the Mongmong-Toto-Maite Municipal Planning Council supporting the passage of Bill No. 273-31 (COR) (see attached).

Mr. and Mrs. Joaquin C. Manibusan – Mr. Manibusan briefly explained that in 2007 his family wanted to build a house on their property and found that a portion had been taken by the government for a road. It has taken until now for his family to get answers as to why the road has yet to be built, and if it is not to be built can their property be returned to them. He asked the senators present to give them the opportunity to build their house.

Ms. Bonnie Manibusan – Ms. Manibusan asked the senators to allow her parents the opportunity to build their house by voting to pass the bill.

Senator Adolpho Palacios, Sr.- Stated that he wonders why the reservation easements for the proposed Route 7 extension continue to be held, when the government has not moved to implement the project. He expressed his feelings that all of the Route 7 extension reservation easements should be returned to the property owners if the project is not to be realized.

Senator Ada adjourned the public hearing at approximately 3:33 pm.

III. FINDINGS & RECOMMENDATIONS

The Committee on Public Works, Transportation, Utilities and Veterans Affairs has substituted Bill No. 273-31 (COR) with the following significant changes:

- Delete reference to "*Municipality of Sinajana*" in bill title and body and insert after Mongmong "*-Toto-Maite*";
- Change reference to "*Master Plan*" in Section 62103(a) to "*Master or Transportation Plan*".
- Adds a new Section 4 requiring the Department of Public Works to re-examine, reassess and prepare a list of those road master plan encumbrances it does *not* have plans for construction or improvement, and to submit such list within one hundred eighty (180) days from the date of enactment of this section.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs hereby reports out Bill No. 273-31 (COR) As Substituted by the Committee, with the recommendation TO REPORT OUT ONLY

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION**

Bill No. 273-31 (CoE)

Introduced by:

Chris Duenas 
V. C. Pangelinan 

**AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY
MASTER PLAN RESERVATION EASEMENT ON LOT NO.
121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM;
AND, TO REPEAL AND RE-ENACT § 62103 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE
WITH MASTER PLAN.**

2011 JUN 20 AM 11:47 

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *1 Liheslaturan Guåhan* finds that the 1966 Highway Master Plan of Guam was adopted as the official highway plan for the Island. The development of major and minor vehicular arterial roads, and the Island as a whole, have made this plan antiquated, requiring the formulation of a new Highway Master Plan, including the reservation of certain real property to accommodate expansion of major and minor vehicular arterial roads..

The proposed Guam 2010 Highway Master Plan did not embrace the Master Plan reservation identified in this legislation. However, the 2010 Highway Master Plan was *not* adopted by *1 Liheslaturan Guåhan* leaving Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam, situated within the one hundred foot (100')-wide master plan reservation of the proposed Route 7 highway, as contained in the 1966 Highway Master Plan.

The Office of the Attorney General has rendered an opinion that *only 1 Liheslaturan Guåhan* has the authority to alter the 1966 Highway Master Plan. Without such an alteration occurring, the owners of Lot Number 121-6 cannot construct or develop the property, and are held hostage from doing so. The enactment of Public Law 24-211 addressed a similar situation and granted the same relief to its subject property owners that is being sought in this legislation.

1 Liheslaturan Guåhan further finds that the government of Guam and the proposed Guam 2010 Highway Master Plan does not reflect the need to continue the Highway Master Plan

1 reservation embraced within Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam. It is
2 therefore the intent of *I Liheslaturan Guåhan* to delete the reservation easement and allow the
3 property owners to develop their property.

4 *I Liheslaturan Guåhan* further finds that the government of Guam continues to plan the
5 future development of the Island's highway system, and should be afforded a reasonable timeline to
6 indicate whether it needs to acquire easements to meet the requirements for any given highway
7 expansion. It is the intent of *I Liheslaturan Guåhan* to authorize a time certain from the date of
8 enactment of this legislation for the Department of Public Works to certify that the government of
9 Guam does or *does not* have construction plans within that allotted timeframe.

10 **Section 2.** The legal reservation easement as per the 1966 Highway Master Plan on Lot
11 Number 121-6, consisting of approximately Three Thousand Eight Hundred Twenty-six square
12 meters (3826 s.m.) situated in *Mongmong*, Municipality of *Sinajana*, Guam, is hereby deleted.

13 **Section 3.** § 62103 of Title 21, Guam Code Annotated, is hereby *repealed and re-*
14 *enacted* as follows:

15 **“§ 62103. Compliance with Master Plan.** ~~Development and/or subdivision of all land~~
16 ~~and roads shall conform to that land use or road location delineated in the latest revision of the~~
17 ~~Territorial Master Plan, initially approved in April 1967.~~

18 ~~—— (a) Construction on land designated for future road or public purposes, contrary to the use~~
19 ~~indicated in the Master Plan, shall not be authorized, irrespective of land ownership.~~

20 ~~—— (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to~~
21 ~~Department of Public Works Standards, and shall follow requirements delineated for that zone in~~
22 ~~which the subdivision or construction is located.~~ Development and/or subdivision of all land and
23 roads shall conform to that land use or road location delineated in the latest revision of the Territorial
24 Master Plan, initially approved in April 1967.

25 (a) Construction on land designated for future road or public purposes, contrary to the use
26 indicated in the Master Plan, shall not be authorized, irrespective of land ownership, unless the
27 Department of Public Works certifies that the Government of Guam has no Master Plan projects
28 pending or planned to be constructed on the land within the immediate two (2) upcoming fiscal
29 years.

1 (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to
2 Department of Public Works Standards, and shall follow requirements delineated for that zone in
3 which the subdivision or construction is located.”

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

Bill No. 273-31 (COR)

As Substituted by the Committee on Utilities, Transportation,
Public Works, and Veterans Affairs

Introduced by:

Chris Duenas
V. C. Pangelinan

**AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY
MASTER PLAN RESERVATION EASEMENT ON LOT NO.
121-6, MONGMONG-TOTO-MAITE, [~~MUNICIPALITY OF
SINAJANA,~~] GUAM; AND, TO REPEAL AND RE-ENACT §
62103 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO COMPLIANCE WITH MASTER PLAN.**

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

2 **Section 1. Legislative Findings.** *1 Liheslaturan Guåhan* finds that the 1966 Highway
3 Master Plan of Guam was adopted as the official highway plan for the Island. The development of
4 major and minor vehicular arterial roads, and the Island as a whole, have made this plan antiquated,
5 requiring the formulation of a new Highway Master Plan, including the reservation of certain real
6 property to accommodate expansion of major and minor vehicular arterial roads..

7 The proposed Guam 2010 Highway Master Plan did not embrace the Master Plan reservation
8 identified in this legislation. However, the 2010 Highway Master Plan was *not* adopted by *I*
9 *Liheslaturan Guåhan* leaving Lot Number 121-6, Mongmong-Toto-Maite, [~~Municipality of~~
10 ~~*Sinajana,*~~] Guam, situated within the one hundred foot (100')-wide master plan reservation of the
11 proposed Route 7 highway, as contained in the 1966 Highway Master Plan.

12 The Office of the Attorney General has rendered an opinion that *only I Liheslaturan Guåhan*
13 has the authority to alter the 1966 Highway Master Plan. Without such an alteration occurring, the
14 owners of Lot Number 121-6 cannot construct or develop the property, and are held hostage from
15 doing so. The enactment of Public Law 24-211 addressed a similar situation and granted the same
16 relief to its subject property owners that is being sought in this legislation.

1 *I Liheslaturan Guåhan* further finds that the government of Guam and the proposed Guam
2 2010 Highway Master Plan does not reflect the need to continue the Highway Master Plan
3 reservation embraced within Lot Number 121-6, *Mongmong-Toto-Maite*, [~~Municipality of Sinajana,~~]
4 Guam. It is therefore the intent of *I Liheslaturan Guåhan* to delete the reservation easement and
5 allow the property owners to develop their property.

6 *I Liheslaturan Guåhan* further finds that the government of Guam continues to plan the
7 future development of the Island’s highway system, and should be afforded a reasonable timeline to
8 indicate whether it needs to acquire easements to meet the requirements for any given highway
9 expansion. It is the intent of *I Liheslaturan Guåhan* to authorize a time certain from the date of
10 enactment of this legislation for the Department of Public Works to certify that the government of
11 Guam does or *does not* have construction plans within that allotted timeframe.

12 **Section 2.** The legal reservation easement as per the 1966 Highway Master Plan on Lot
13 Number 121-6, consisting of approximately Three Thousand Eight Hundred Twenty-six square
14 meters (3826 s.m.) situated in *Mongmong-Toto-Maite*, [~~Municipality of Sinajana,~~] Guam, is hereby
15 deleted.

16 **Section 3.** § 62103 of Title 21, Guam Code Annotated, is hereby *repealed and re-*
17 *enacted* as follows:

18 “§ 62103. **Compliance with Master or Transportation Plan.** ~~Development and/or~~
19 ~~subdivision of all land and roads shall conform to that land use or road location delineated in the~~
20 ~~latest revision of the Territorial Master Plan, initially approved in April 1967.~~

21 ~~—— (a) Construction on land designated for future road or public purposes, contrary to the use~~
22 ~~indicated in the Master Plan, shall not be authorized, irrespective of land ownership.~~

23 ~~—— (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to~~
24 ~~Department of Public Works Standards, and shall follow requirements delineated for that zone in~~
25 ~~which the subdivision or construction is located. Development and/or subdivision of all land and~~
26 roads shall conform to that land use or road location delineated in the latest revision of the Territorial
27 Master Plan, initially approved in April 1967.

28 (a) Construction on land designated for future road or public purposes, contrary to the use
29 indicated in the Master or Transportation Plan, shall not be authorized, irrespective of land
30 ownership, unless the Department of Public Works certifies that the Government of Guam has no

1 Master or Transportation Plan projects pending or planned to be constructed on the land within the
2 immediate two (2) upcoming fiscal years.

3 (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to
4 Department of Public Works Standards, and shall follow requirements delineated for that zone in
5 which the subdivision or construction is located.”

6 **Section 4.** The Department of Public Works *shall* re-examine, reassess and prepare a list of
7 those road master plan encumbrances for which it does *not* have plans for construction or
8 improvement, and *will* submit such list to *I Maga' Lahen Guahan* and to *the Speaker of I*
9 *Mina'Trentai Unu na Liheslaturan Guahan* within one hundred eighty (180) days from the date of
10 enactment of this section.

Attention: Senator Tom Ada
Chairman on Utilities,
Transportation, Public Works and
Veterans Affairs
Senator: Christopher Duenas
The 1966 Highway Master Plan

October 7, 2011

Good Afternoon and Hafa Adai Senators,

RECEIVED by the
Office of Senator
Thomas C. Ada
10/11/11

On behalf of my parents, Joaquin and Elizabeth Manibusan, we would first like to thank you for allowing us the opportunity to speak at this Public Hearing. Our family is here to address concerns with The 1966 Highway Master Plan of Guam, in particular The Route 7 Highway Proposal. I would first like to start off with a brief history of the family property (Lot 121-6). My parents were given this property as a wedding present about 48 years ago in 1963 by my grandparents, Joaquin and Trinidad Manibusan. My parents were not aware of the proposed Route 7 Highway. It was not until April of 2007, when a surveyor was hired to divide the property that the proposal was discovered. Within the 4 years of learning of this proposal my family has been seeking answers and a possible resolution from several different agencies (Land Management, and Public Works). Until this day no one has answers to what is to become of the proposal. We recently discovered that Bill No. 58 has deleted a portion of The 1966 Highway Master Plan. Our question to you now is if you delete a portion of the plan would it not affect the outcome of the remaining Master Plan.

Senators my family is here to find a resolution to this problem with the Route 7 Highway proposal that is projected to run straight through our family property. My parents dream of building a family home has come and gone. Their only wish is to see our generation be able to build homes for our families on our family properties. I ask you here today to help us make this wish come true. Thank you

Joaquin and Elizabeth Manibusan and Family

Joaquin C. Manibusan
Elizabeth C. Manibusan



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



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

EDDIE BAZA CALVO
 Governor

MONTE MAFNAS
 Acting Director

RAY TENORIO
 Lieutenant Governor

October 10, 2011

RECEIVED by the
 Office of Senator
 Thomas C. Ada
 10/11

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

The Honorable Thomas C. Ada
 Chairperson, Committee on Utilities, Transportation,
 Public Works, and Veterans Affairs
I Mina' trentai Unu Na Liheslaturan Guåhan
 Suite 207, Ada Plaza Center
 13 Aspinall Avenue
 Hagåtña, Guam 96910

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

Re: Bill No. 273-31 (COR), An act to Delete a Portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, Mong Mong-Toto-Maite; and to Repeal and Re-enact §6213 of Title 21 Guam Code Annotated Relative to Compliance with the Master Plan

E-mail Address:
dldir@dlm.guam.gov

Buenas Yan Hafa Adai!

Telephone:
 671-649-LAND (5263)

Our comments are as follows:

The "municipality" description for Lot 121-6 must be corrected from "Sinajana" to "Mongmong-Toto-Maite" or MTM. MTM was previously within the Municipality of Sinajana (See 1GCA, §403 (t), for listing of MTM as a Municipality).

Facsimile:
 671-649-5383

Public Law 24-211 directs the Department of public Works to review and assess all "easement(s) reservation"; compile a list of those easements reservations" that are no longer planned for development; and submit the list to the Governor for his action. In only one instance has DPW complied with PL 24-211 which was the case on Lot 31, Tract 19112, (See ATTACHMENT 1). PL 24-211 specified that within 60-days of enactment of the law which was on June 4, 1998, DPW was to develop a list of **"all properties included in the 1966 Highway Master Plan"**. A list has not been developed; however, we believe that DPW should continue to comply with the law.

Relative to §62103(a), Lines 27 through 29, recommend a resulting action to occur. This means if the "road master plan in its entirety or portions thereof is not to be deleted, then to what extent will a structure be allowed to be built within the road master plan? If a structure is allowed, what type can be built, e.g. permanent concrete dwellings, detached non-living structures such as a garage, gazebo, etc?



In addition, there should be language inserted to require DPW to re-examine, reassess and prepare a list of those road master plan encumbrances it does not have plans for its construction or improvement; and that such list shall be submitted within a specified time period from the time of enactment into law of this Bill. This will then be effective if the time period specified in PL 24-211 has expired.

Over 45 years has elapsed since Route 7 Extension was planned and to this day, the Government has not developed it for its intended purpose. Consider that its location is predominately within wetlands and swamp areas. Certain unique ecosystems exist in the area and physical development of the road is expected to affect or disrupt such ecosystem(s).

Wetland mitigation is considered to be time consuming and financially costly. Notably, it is disruptive and unjust to property owners who may lose portions of their property and be confronted with less developable land; or in the worst case situation, the loss of their entire parcel, if Route 7 extension is improved or as long as Route 7 Extension exist.

An environmental Impact Assessment (EIS) will undoubtedly be required to assess the conditions and the viability of constructing a road through this area. The Government will be burden in funding for this project which will be quite expensive; and with the initiative for less government spending, it does not seem logical to perpetuate the continued use of this as a "future road plan" for many more years. From a land use perspective, we believe that it is not in the best interest of the Government to acquire lands encumbered by this road master plan.

The deletion of a portion of Route 7 Extension encumbering only Lot 121-6 will finally remove the easement encumbrance on the lot. However, while this proposed Bill appears for the sole benefit of the one property owner and will provide the relief the owner seeks, numerous other property owners will continue to be affected by the remaining portions of the Route 7 Extension not deleted as well. Moreover, since the time of enactment of the 1966 Highway Master Plan, all property owners owning land in this area have been overshadowed and hampered by the legal restrictions of the law that prevents them from fully developing their properties; and unjustly, have not been compensated to this present time.

The depiction of this portion of route 7 Extension is shown at **ATTACHMENT 2**. This propose Route 7 Extension may be considered as a "Floating Easement" in the context that it is simply drawn as an "easement on a document" but has no fixed location on the ground; is not defined, or of its road scheme or limits of its right-of-way.

Comments on Bill 273-31 (COR)
October 10, 2011
Page 3 of 3

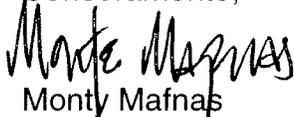
It will be noted that Route 7 Extension begins at Route 4 and cuts across the Hagatna swamp ending at lot 84-4-NEW with no connectivity to Lot 103New-R10. It then picks up at lot 103NEW-R10 and terminates on the western lot line of Lot 109-R5 and ends once again. It picks up on the southeastern lot line of Lot 109-R5 and continues through Lot 121-6; crossing over Sgt. Roy T.Damian Street; through the Ibanez properties, up a hill, traverses through a portion of the Untalan parcel (Lot 139) and ending at Aragon Street at the curve.

Our current regulations do not address remedial options for the land owner concerning this “future road” encumbrance. There is no continuity of Route 7 Extension within Aragon Street since it had already been deleted. It is noted that there are 3 existing gaps within the Route 7 Extension; and if the portion of this route is deleted within Lot 121-6, a 4th gap will exist. Thus, since there is no connectivity of the Route 7 Extension, its designation as a “Route” and perhaps, to continue to uphold it as “road master plan” is vain.

When private properties are condemned or, in this case, “encumbered”, it strongly suggests to the property owners that the Government deems that their “**private property is crucial to public use relative to the “master plan roads”**”; and therefore, when “proposed roads” are planned, timely execution of condemnation proceedings and compensation to acquire such “private parcels” for such roads must follow immediately. However, it appears that the “norm” is to plan for the “future road” and encumber the private parcel where it remains in limbo for decades on end without compensation and with no road improvements made.

We support Bill 271-31 (COR) with suggestions made in our earlier paragraphs above.

Senseramente,



Monty Mafnas

Acting Director, Department of Land Management

ATTACHMENTS

- 1. Portion of Route 7 Extension Deleted Per PL 24-211**
- 2. Lay out of Route 7 Extension**

CC:

1. Office of the Honorable Christopher Duenas
2. Guam Chief Planner, Planning Division

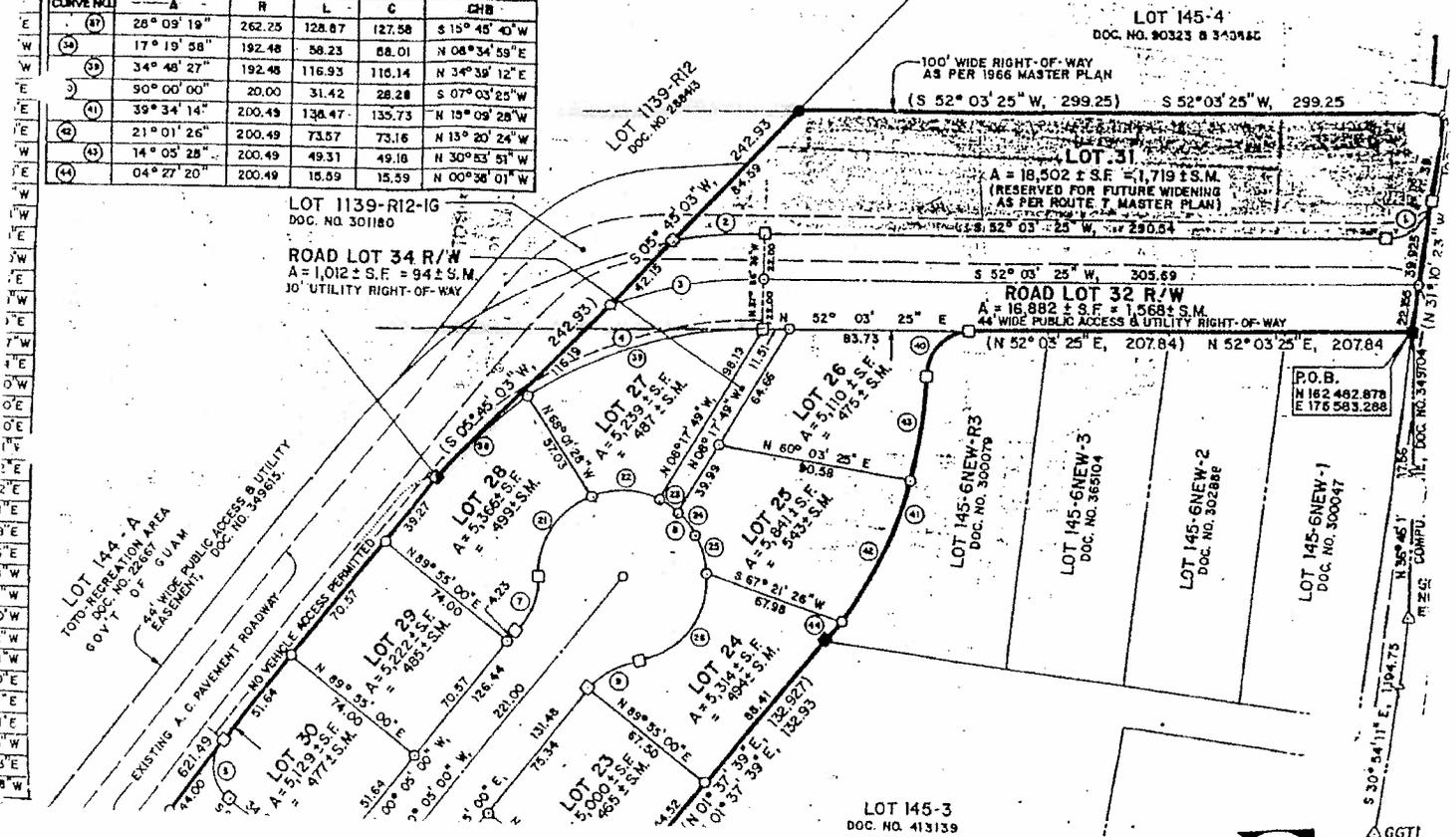
- PORTION DELETED
PER PL24-211

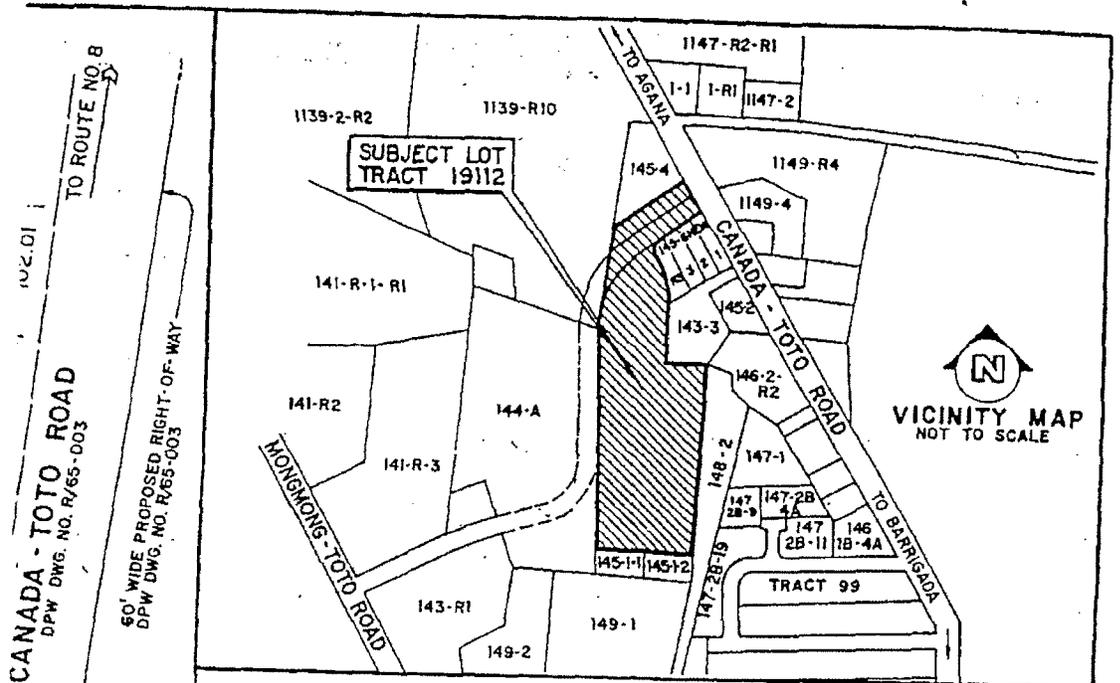
- ROUTE 7 EXTENSION
EXISTING

- ARAGON ST.

E DATA

CURVE NO.	A	R	L	C	CHB
(47)	26° 09' 19"	262.25	128.67	127.58	S 15° 45' 40" W
(48)	17° 19' 58"	192.48	58.23	58.01	N 04° 34' 59" E
(49)	34° 46' 27"	192.48	116.93	116.14	N 34° 39' 12" E
(50)	90° 00' 00"	20.00	31.42	28.28	S 07° 03' 25" W
(51)	39° 34' 14"	200.49	138.47	135.73	N 15° 09' 28" W
(52)	21° 01' 26"	200.49	73.57	73.16	N 15° 20' 24" W
(53)	14° 05' 28"	200.49	49.31	49.18	N 30° 53' 51" W
(54)	04° 27' 20"	200.49	15.59	15.59	N 00° 36' 01" W





TO ROUTE NO. 8
 102.01
 CANADA - TOTO ROAD
 DPW DWG. NO. R/65-003
 60' WIDE PROPOSED RIGHT-OF-WAY
 DPW DWG. NO. R/65-003
 TS-MT.2
 12.60
 15.52
 MT.3

REFERENCES:

1. DWG. NO. J.R.D.-S-84-23, REVERSION TO ACREAGE OF LOT 145-R6, PREPARED BY RLS NO. 64, L.M. NO. 318-FY85, DOC. NO. 363928.
2. DWG. NO. AS-03-84, SUBDIVISION MAP OF TRACT 19112, PREPARED BY RLS NO. 42, L.M. NO. 345-FY84, DOC. NO. 349704.

NOTES:

1. SURVEY WAS BASED ON FOUND CORNERS AS SHOWN.
2. ALL DISTANCES SHOWN ARE IN FEET.
3. BEARINGS AND DISTANCES IN PARENTHESES ARE RECORD DATA, ALL OTHERS ARE 1963 GRID VALUES.
4. T.R.C. APPROVED THE REDUCTION OF THE 100' R/W (AS PER MASTER PLAN, 1966) TO A 40' R/W ON DECEMBER 10, 1981. SEE MAP DOC. NO. 349615.

SYMBOLS:

- △ GGTN STATION
- FND, 4" x 4" CONC. MON., SET BY UNKNOWN.
- ▣ FND, 4" x 4" CONC. MON., SET BY RLS NOS. 16 B 26, DOC. NO. 303274
- 4" x 4" CONC. MON. SET, WITH PLASTIC CAP MARKED RLS NO. 64
- FND. NO. 4 REBAR WITH CAP MARKED RLS NO. 18.
- ⊙ FND. NO. 4 REBAR, SET BY RLS NO. 42.
- ⊗ FND. NO. 4 REBAR, SET BY UNKNOWN.
- NO. 4 REBAR SET, WITH PLASTIC CAP MARKED RLS NO. 65.

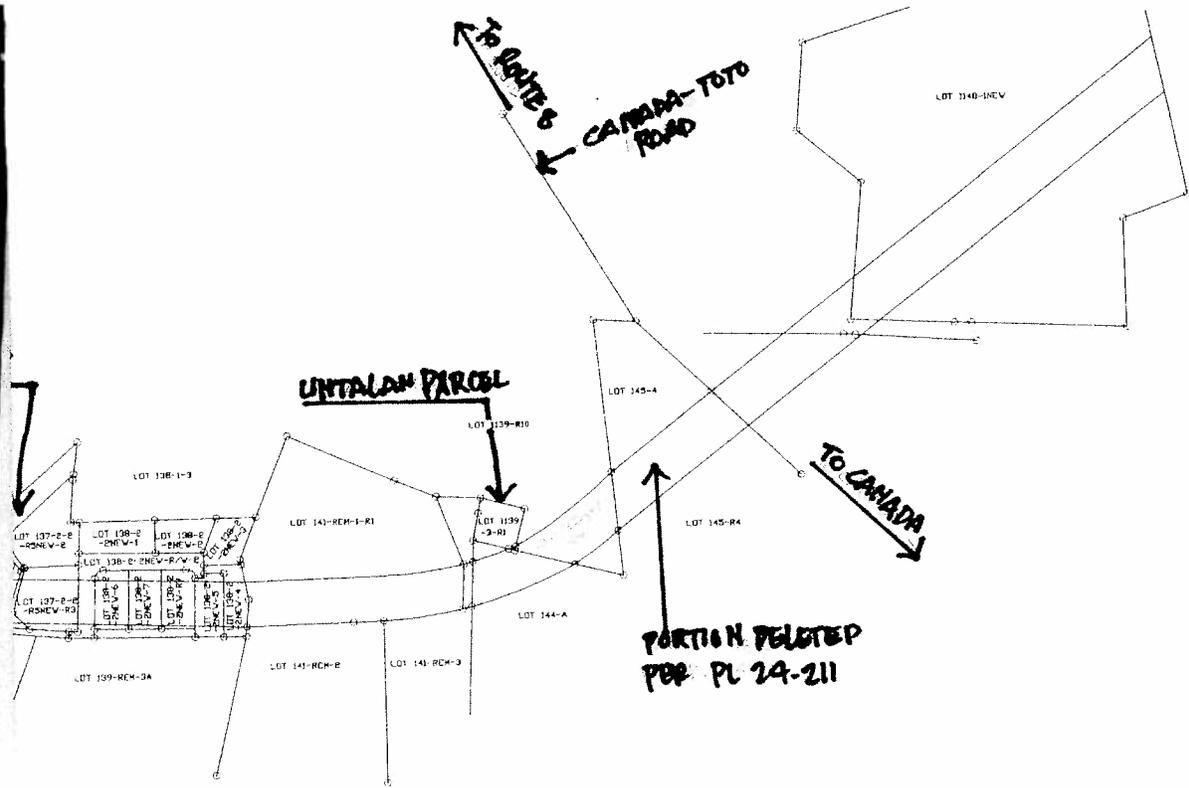
CERTIFICATE OF TERRITORIAL SURVEYOR

THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE REQUIREMENTS OF CHAPTER 9, TITLE 14, GOVT. CODE OF GUAM AND REGULATIONS THEREUNDER ON THIS 21ST DAY OF AUGUST, 1991.

Heaven B. Kuyper
 TERRITORIAL SURVEYOR

CERTIFICATE OF TERRITORIAL PLANNER

APPROVAL PURSUANT TO PUBLIC LAW 6-134, SUBDIVISION LAW, GOVT. CODE OF GUAM AND 24 PER-T.U.C. APPROVAL DATED JULY 25, 1991.





The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor



October 11, 2011

The Honorable Thomas C. Ada
Chairperson, Committee on Utilities, Transportation,
Public Works and Veterans Affairs
I Mina'trentai Unu Na Liheslaturan Guåhan
Suite 207, Ada Plaza Center
173 Aspinall Avenue
Hagåtña, Guam 96910

Re: Bill No. 273-31 (COR), *An Act to Delete a Portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, Mongmong; and to Repeal and Re-enact § 62103 of Title 21 Guam Code Annotated Relative to Compliance with Master Plan*

Dear Senator Ada:

Thank you for giving the Department of Public Works (DPW) an opportunity to review Bill No. 273-31, *An Act to Delete a Portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, Mongmong; and to Repeal and Re-enact § 62103 of Title 21 Guam Code Annotated.*”

DPW does not object to the deletion of Lot No. 121-6 from the 1966 Highway Master Plan, nor from any subsequent applicable Master or Transportation Plan. Because Lot 121-6 is private property, any acquisition of it or other private property for highway purposes will require either a cooperative sale or else Legislative approval if eminent domain is asserted. Until it is certain that a public need exists, DPW agrees that the fundamental right of private landowners to develop or otherwise make use of their own property should not be unreasonably deprived.

Further, DPW does not object to the proposed re-enactment of Title 21 G.C.A. Section 62103. Perhaps the only suggestion would be to change the reference of “*Master Plan*” in Section 62103(a) to state instead “*Master or Transportation Plan.*” The reason for this is that in the past, the two words have generally been used interchangeably by DPW and the Government.

Sincerely,


JOANNE M. S. BROWN



MONGMONG-TOTO-MAITE MUNICIPAL PLANNING COUNCIL

Resolution No.: 12-001

Introduced by:

Mayor Andrew C. Villagomez
Eugene M. Camacho
Arthur N.S. Concepcion
Arvin J. Cruz

Donnyred Garrido
Sonya A.U. Naputi-Sanchez
Victor R. Villagomez

RELATIVE TO SUPPORTING THE PASSAGE OF I LIHESLATURAN GUAHAN BILL NO. 271-31, "AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM; AND, TO REPEAL AND RE-ENACT SECTION 62103 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIAN WITH MASTER PLAN

1 **BE IT RESOLVED BY THE MONGMONG-TOTO-MAITE MUNICIPAL PLANNING**
2 **COUNCIL:**

3 **WHEREAS**, the need to develop one's own private real estate is the cornerstone of
4 enhancing one's family or business venture, both socially and economically, and

5 **WHEREAS**, it is only through the enactment of legislation through the *I Liheslaturan*
6 *Guaahan* that can correct and/or amend existing laws; and

1 **WHEREAS**, Bill 273-31 has been introduced in the *I Mina Trentai Uno Na Liheslaturan*
2 *Guahan* to delete, repeal and re-enact portions of the 1966 Highway Master Plan Reservation
3 Easement and Section 62103 of Title 21, GCA; and

4 **WHEREAS**, Bill 273-31, if passed and enacted in law, would allow property owners
5 affected by the reservation embraced within Lot Number 121-6, Mongmong to develop their
6 property and to allow a time certain from the date of the enactment of Bill 273-31 for the
7 Department of Public Works to certify that the Government of Guam does or does not have
8 construction plans within that allotted time frame; and

9 **WHEREAS**, the repeal and re-enactment of Section 62103 of Title 21, GCA would
10 further guarantee the rights of the property owners to develop their property; and

11 **WHEREAS**, the Mongmong-Toto-Maite Municipal Planning Council fully supports the
12 passage of Bill 273-31; now, therefore be it

13 **RESOLVED**, that the Mongmong-Toto-Maite Municipal Planning Council respectfully
14 requests *I Mina Trentai Uno Na Liheslaturan Guahan* to embrace and support Bill 273-31 by
15 passing such legislation; and be it further

16 **RESOLVED**, that the submission of this resolution by the Mongmong-Toto-Maite
17 Municipal Planning Council serve as our testimony at the Public hearing to be conducted on Bill
18 273-31 on October 11, 2011, and be it further

19 **RESOLVED**, that the Chairperson of the Mongmong-Toto-Maite Municipal Planning
20 Council attest to, and the Secretary certify to the adoption hereof, and that copies of the same be
21 thereafter transmitted to the Honorable Melissa B. Savares, President, Mayors' Council of Guam,
22 to the Honorable Judith P. WonPat, Ed.,D., Speaker, *I Mina' Trentai Uno Na Liheslaturan*

1 *Guahan*, to all the members of *I Mina' Trentai Uno Na Liheslaturan Guahan*, and to the
2 Honorable Edward J. B. Calvo, *I Maga'lahaen Guahan*.

3

4 **Duly and Regularly Adopted this 10th day of October, 2011.**

5

6

7 
MAYOR ANDREW C. VILLAGOMEZ

8 
SONYA A.U. NAPUTI-SANCHEZ

9 Chairperson

10 Secretary

11

12

13

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22



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

**MAJORITY
MEMBERS:**

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

**MINORITY
MEMBERS:**

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

August 23, 2011

Memorandum

To: Pat C. Santos
Clerk of the Legislature

From: Senator Rory J. Respicio

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Bill Nos.: 273-31 (COR) 280-31 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2011 Aug 23 PM 11:49
EJM

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

BENITA A. MANGLONA
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

AUG 23 2011

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith are Fiscal Notes on the following Bill Nos.: **273-31(COR), and 280-31(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Acting Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 273-31 (COR)**

AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM; AND, TO REPEAL AND RE-ENACT § 62103 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Joanne M.S. Brown
Department's General Fund (GF) appropriation(s) to date:	8,781,513
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund \$562,012; Solid Waste Operations Fund \$6,446,626; Territorial Highway Fund \$8,564,123; Unreserved Balance of the Limited Obligation Highway Bonds, 1985 Series A (as authorized in P.L. 19-2) \$2,254,413; Balances of the Appropriations contained in 1513 of Article 5, Chapter 1 of Title 5 GCA \$1,050,000; Supplemental Appropriation Revenue Fund \$479,116.	19,356,290
Total Department/Agency Appropriation(s) to date:	\$28,137,803

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/X/ Requested agency comments not received by due date / / Other: _____

Analyst: Angela Flores Date: 8/2/11 Director: JOHN A. RIOS, Acting Date: 8/22/11

Footnotes:
1/ The Bill has a potential for additional funding impact in terms of operational costs as it pertains to deleting the Highway Master Plan reservation easement, embraced within Lot Number 121-6, Mongmong, Municipality of Sinajana. However, in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

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155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011
35
M
8:42

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

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LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

July 20, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio

Subject: Referral of Bill Nos. 269-31 (COR) through 273-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 269-31 (COR) through 273-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(4) Attachment

I Mina Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

July 20, 2011

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?
273-31 (COR)	C. M. Duenas, v. c. pangelinan	AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY MASTER PLAN RESERVATION EASEMENT ON LOT NO. 121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM; AND, TO REPEAL AND RE-ENACT § 62103 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE WITH MASTER PLAN.	07/20/11 11:47 a.m.	7/20/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			



Senator Tom Ada

Cyrus Luhr <cyrus@senatorada.org>

Public Hearing Notice - Oct 11, 2011 - First Notice

Cyrus Luhr <cyrus@senatorada.org>

Tue, Oct 4, 2011 at 4:33 PM

To: phnotice@guamlegislature.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being held this upcoming Tuesday, October 11, at 3:00 pm.

Thank you,
Cyrus

Cyrus Lotfi Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu na Liheslaturan Guåhan - 31st Guam Legislature
[671-473-3301](tel:671-473-3301)



Public Hearing - Oct 11, 2011 - all Senators - first notice.pdf

171K

Listserv: phnotice@guamlegislature.org

As of Oct. 17, 2011

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candasofrank@gmail.com
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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

October 4, 2011

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada

Subject: **Public Hearing Notice: October 11, 2011, at 3:00 pm**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on Tuesday, October 11, 2011, at 3:00 pm. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

Bill No. 273-31 (COR) - C.M. Duenas / v.c. pangelinan

An act to delete a portion of the 1966 Highway Master Plan Reservation Easement on Lot No. 121-6, Mongmong, municipality of Sinajana, Guam; and, to repeal and re-enact § 62103 of Title 21, Guam Code Annotated, relative to compliance with Master Plan.

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Senator Tom Ada

Cyrus Luhr <cyrus@senatorada.org>

Public Hearing Notice - Oct 11, 2011, at 3pm

Cyrus Luhr <cyrus@senatorada.org>

Tue, Oct 4, 2011 at 4:26 PM

To: media@senatorada.org

Hafa Adai,

Please see the attached memo regarding a Public Hearing being held this upcoming Tuesday, October 11, at 3:00 pm.

Thank you,
Cyrus

Cyrus Lotfi Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301

 **Public Hearing - Oct 11, 2011 - all media - first notice.pdf**
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zha@mvguam.com	zha@mvguam.com	Member



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

October 4, 2011

MEMORANDUM

To: All Media

From: Senator Thomas C. Ada

Subject: **Public Hearing Notice: October 11, 2011, at 3:00 pm**

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Senator Tom Ada

Cyrus Luhr <cyrus@senatorada.org>

Second Notice - Public Hearing - Tuesday, Oct. 11, 3:00 pm

Cyrus Luhr <cyrus@senatorada.org>

Fri, Oct 7, 2011 at 4:54 PM

To: phnotice@guamlegislature.org

Hafa Adai,

Please see the attached Public Hearing Notice which is scheduled for Tuesday, Oct. 11, at 3pm. Please let me know if you have any questions or concerns.

Thank you,
Cyrus

Cyrus Lotfi Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu na Liheslaturan Guåhan - 31st Guam Legislature
671-473-3301

 **Public Hearing - Oct 11, 2011 - all Senators - second notice.pdf**
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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guáhan

October 7, 2011

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada

Subject: **Public Hearing Notice: October 11, 2011, at 3:00 pm**

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Senator Tom Ada

Cyrus Luhr <cyrus@senatorada.org>

Second Notice - Public Hearing - Oct. 11, 2011

Cyrus Luhr <cyrus@senatorada.org>

Fri, Oct 7, 2011 at 4:53 PM

To: media@senatorada.org

Hafa Adai,

Please see the attached Public Hearing Notice which is scheduled for Tuesday, Oct. 11, at 3pm. Please let me know if you have any questions or concerns.

Thank you,
Cyrus

Cyrus Lotfi Luhr
Senior Policy Analyst
Office of Senator Thomas C. Ada
I Mina'trentai Unu na Liheslaturan Guåhan - 31st Guam Legislature
[671-473-3301](tel:671-473-3301)

2 attachments

 **Public Hearing - Oct 11, 2011 - all media - second notice.pdf**
171K

 **Public Hearing - Oct 11, 2011 - all media - second notice.docx**
267K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

October 7, 2011

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To: All Media

From: Senator Thomas C. Ada

Subject: **Public Hearing Notice: October 11, 2011, at 3:00 pm**

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Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
31st Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guahan

AGENDA **PUBLIC HEARING**

Tuesday, October 11, 2011, at 3:00 pm
Public Hearing Room, *I Liheslaturan Guahan*

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**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION**

Bill No. 273-31 (Ce)

Introduced by:

Chris Duenas
V. C. Pangelinan



**AN ACT TO DELETE A PORTION OF THE 1966 HIGHWAY
MASTER PLAN RESERVATION EASEMENT ON LOT NO.
121-6, MONGMONG, MUNICIPALITY OF SINAJANA, GUAM;
AND, TO REPEAL AND RE-ENACT § 62103 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO COMPLIANCE
WITH MASTER PLAN.**

2011 JUN 29 AM 11:47



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that the 1966 Highway Master Plan of Guam was adopted as the official highway plan for the Island. The development of major and minor vehicular arterial roads, and the Island as a whole, have made this plan antiquated, requiring the formulation of a new Highway Master Plan, including the reservation of certain real property to accommodate expansion of major and minor vehicular arterial roads..

The proposed Guam 2010 Highway Master Plan did not embrace the Master Plan reservation identified in this legislation. However, the 2010 Highway Master Plan was *not* adopted by *I Liheslaturan Guåhan* leaving Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam, situated within the one hundred foot (100')-wide master plan reservation of the proposed Route 7 highway, as contained in the 1966 Highway Master Plan.

The Office of the Attorney General has rendered an opinion that *only I Liheslaturan Guåhan* has the authority to alter the 1966 Highway Master Plan. Without such an alteration occurring, the owners of Lot Number 121-6 cannot construct or develop the property, and are held hostage from doing so. The enactment of Public Law 24-211 addressed a similar situation and granted the same relief to its subject property owners that is being sought in this legislation.

I Liheslaturan Guåhan further finds that the government of Guam and the proposed Guam 2010 Highway Master Plan does not reflect the need to continue the Highway Master Plan

1 reservation embraced within Lot Number 121-6, *Mongmong*, Municipality of *Sinajana*, Guam. It is
2 therefore the intent of *I Liheslaturan Guåhan* to delete the reservation easement and allow the
3 property owners to develop their property.

4 *I Liheslaturan Guåhan* further finds that the government of Guam continues to plan the
5 future development of the Island's highway system, and should be afforded a reasonable timeline to
6 indicate whether it needs to acquire easements to meet the requirements for any given highway
7 expansion. It is the intent of *I Liheslaturan Guåhan* to authorize a time certain from the date of
8 enactment of this legislation for the Department of Public Works to certify that the government of
9 Guam does or *does not* have construction plans within that allotted timeframe.

10 **Section 2.** The legal reservation easement as per the 1966 Highway Master Plan on Lot
11 Number 121-6, consisting of approximately Three Thousand Eight Hundred Twenty-six square
12 meters (3826 s.m.) situated in *Mongmong*, Municipality of *Sinajana*, Guam, is hereby deleted.

13 **Section 3.** § 62103 of Title 21, Guam Code Annotated, is hereby *repealed and re-*
14 *enacted* as follows:

15 **“§ 62103. Compliance with Master Plan.** ~~Development and/or subdivision of all land~~
16 ~~and roads shall conform to that land use or road location delineated in the latest revision of the~~
17 ~~Territorial Master Plan, initially approved in April 1967.~~

18 ~~—— (a) Construction on land designated for future road or public purposes, contrary to the use~~
19 ~~indicated in the Master Plan, shall not be authorized, irrespective of land ownership.~~

20 ~~—— (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to~~
21 ~~Department of Public Works Standards, and shall follow requirements delineated for that zone in~~
22 ~~which the subdivision or construction is located. Development and/or subdivision of all land and~~
23 roads shall conform to that land use or road location delineated in the latest revision of the Territorial
24 Master Plan, initially approved in April 1967.

25 (a) Construction on land designated for future road or public purposes, contrary to the use
26 indicated in the Master Plan, shall not be authorized, irrespective of land ownership, unless the
27 Department of Public Works certifies that the Government of Guam has no Master Plan projects
28 pending or planned to be constructed on the land within the immediate two (2) upcoming fiscal
29 years.

1 (b) Specifications for construction, repair, and/or reconstruction of roads shall conform to
2 Department of Public Works Standards, and shall follow requirements delineated for that zone in
3 which the subdivision or construction is located.”