



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor of Guam*

October 4, 2011

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

31-11-927  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 10/4/11  
Time 4:00 PM  
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 234-31 (COR) "AN ACT TO AMEND §66202.1(a) OF ARTICLE 2, CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS ONE OF THE AGENCIES REQUIRED FOR APPROVAL OF A CLEARING AND GRADING PERMIT", which was signed into law on September 30, 2011 as Public Law 31-81.

*Senseramente,*

  
EDDIE BAZA CALVO

2011 OCT - 5 AM 8:07  
[Signature]

Attachment: copy of Bill

927

**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. 234-31 (COR), "AN ACT TO AMEND §66202.1(a) OF ARTICLE 2, CHAPTER 66 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS ONE OF THE AGENCIES REQUIRED FOR APPROVAL OF A CLEARING AND GRADING PERMIT,"** was on the 19<sup>th</sup> day of September, 2011, duly and regularly passed.



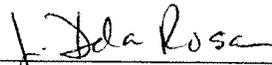
\_\_\_\_\_  
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



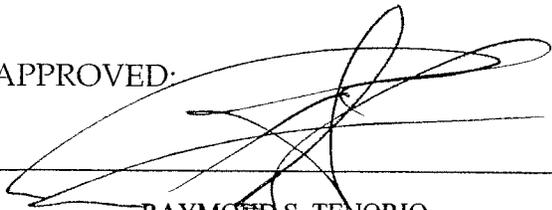
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Legislative Secretary**

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This Act was received by *I Maga'lahaen Guåhan* this 20<sup>th</sup> day of Sept., 2011, at  
4:10 o'clock P.M.



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

APPROVED:



\_\_\_\_\_  
**RAYMOND S. TENORIO**  
**Acting Governor of Guam**

**SEP 30 2011**

Date: \_\_\_\_\_

Public Law No. 31-81

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

**Bill No. 234-31 (COR)**

As substituted by the Committee on Utilities,  
Transportation, Public Works & Veterans Affairs;  
and amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* §66202.1(a) OF ARTICLE 2,  
CHAPTER 66 OF TITLE 21, GUAM CODE  
ANNOTATED, RELATIVE TO INCLUDING THE GUAM  
DEPARTMENT OF AGRICULTURE AS ONE OF THE  
AGENCIES REQUIRED FOR APPROVAL OF A  
CLEARING AND GRADING PERMIT.**

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

2        **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Unu Na*  
3 *Liheslaturan* finds that past and growing construction developments have a  
4 consequential impact on the natural environment of Guam.

1            *I Mina'Trentai Unu Na Liheslaturan* finds that there needs to be more  
2 aggressive measures to protect and preserve the natural habitat of Guam. Also  
3 needed are improved efforts to raise awareness and instill sound practices to  
4 preserve Guam's natural and native habitat.

5            *I Mina'Trentai Unu Na Liheslaturan* finds regulatory and corrective  
6 measures are needed when construction negatively impacts the natural and native  
7 fauna on both public and private property.

8            *I Mina'Trentai Unu Na Liheslaturan* finds that in order to proactively and  
9 effectively ensure the natural environment of Guam is protected and properly  
10 preserved, the Guam Department of Agriculture is included along with other  
11 permitting public agencies that authorize and approve the Clearing, Grading and  
12 Construction permit issued by the Building Permits and Inspection Division of the  
13 Department of Public Works.

14            **Section 2.** §66202.1(a) of Article 2, Chapter 66 of Title 21, Guam Code  
15 Annotated, is *amended* to read as follows:

16            “(a) A permit for Clearing, Grading, and Construction *shall* be  
17 required of government, autonomous, and public entities in the same manner  
18 as private citizens.

19            An application for the permit *shall* be submitted to the  
20 Department of Public Works by the entity who owns the property, or  
21 which is to authorize, complete, or contract for the proposed project  
22 on government land, with the approval of the following agencies  
23 indicated on the application to the Department of Public Works:  
24 Department of Land Management, Zoning Division; Department of  
25 Parks and Recreation; Guam Power Authority; Guam Environmental  
26 Protection Agency; Guam Geodetic Network Survey Division;  
27 Department of Agriculture; and the Department of Public Works. No

1 fee shall be charged for government application for a permit pursuant  
2 hereto and the application *shall* be submitted in such form as the  
3 Building Official may prescribe. Government entities *shall* be subject  
4 to all other applicable provisions of this Chapter. Clearing, grading, or  
5 construction *shall not* begin on any government property or project in  
6 violation of this statute. Building Officials and Guam Peace Officers  
7 are authorized to issue citations to violators of this Section in  
8 accordance with the rules and regulations promulgated by the  
9 Department of Public Works in this regard. Officers acting in  
10 violation of this statute *shall* be held personally liable for all damages  
11 resulting therefrom, and *shall* be subject to a fine of One Thousand  
12 Dollars (\$1,000) for each offense, and may be fined up to Five  
13 Thousand Dollars (\$5,000) for violations after the third violation of  
14 this Section.”

6

# I MINA' TRENTAI UNU NA LIHESLATURAN GUĀHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

## VOTING SHEET

SBill No. 234-31(COR)

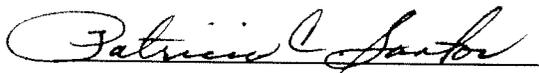
Resolution No. \_\_\_\_\_

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 0 0 0 0

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  
31<sup>st</sup> Guam Legislature • I Mina'trentai Unu Na Liheslaturan Guåhan

2011 JUL 13 AM 8:01  
*Handwritten signature*

July 8, 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

**RE: Committee Report on Bill No. 234-31 (COR) As Substituted**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 234-31 (COR) – An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item “A,” relative to including the Guam Department of Agriculture as part of the agencies required for the “Clearing and Grading” permit of the Department of Public Works – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

Committee votes are as follows:

- 6   TO DO PASS
- 0   TO NOT PASS
- 1   TO REPORT OUT ONLY
- 0   TO ABSTAIN
- 0   TO PLACE IN INACTIVE FILE

*Si Yu'os ma'åse',*

Thomas C. Ada



**Senator Thomas C. Ada**

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

**COMMITTEE REPORT  
ON**

**BILL No. 234-31 (COR)**

**AN ACT AMENDING TITLE 21 GUAM CODE  
ANNOTATED, CHAPTER 26, §66202.1 ITEM “A,”  
RELATIVE TO INCLUDING THE GUAM  
DEPARTMENT OF AGRICULTURE AS PART OF  
THE AGENCIES REQUIRED FOR THE  
“CLEARING AND GRADING” PERMIT OF THE  
DEPARTMENT OF PUBLIC WORKS**

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



## Senator Thomas C. Ada

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

July 8, 2011

### MEMORANDUM

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

From: **Senator Thomas C. Ada**   
Committee Chairperson

Subject: **Committee Report on Bill No. 234-31 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 234-31 (COR) – An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item “A,” relative to including the Guam Department of Agriculture as part of the agencies required for the “Clearing and Grading” permit of the Department of Public Works – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 234-31 (COR)
- Copy of Bill No. 234-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 234-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached vote 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'åse'!*



# Senator Thomas C. Ada

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

## COMMITTEE VOTE SHEET

Bill 234-31 (COR) – An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item “A,” relative to including the Guam Department of Agriculture as part of the agencies required for the “Clearing and Grading” permit of the Department of Public Works – As Substituted by the Committee on Public Works, Transportation, Utilities and Veterans Affairs.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson		✓ 7/8/11				
<b>SENATOR ADOLPHO B. PALACIOS, SR.</b> Vice Chairperson				7/8/11 ✓		
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member						
<b>SENATOR RORY J. RESPICIO</b> Member		✓ 7/8/11				
<b>SENATOR TINA ROSE MUÑA BARNES</b> Member						
<b>SENATOR DENNIS G. RODRIGUEZ, JR.</b> Member						
<b>SENATOR V. ANTHONY ADA</b> Minority Member		7/8/11				
<b>SENATOR ALINE A. YAMASHITA, PH.D.</b> Minority Member		7/8/11				
<b>SENATOR MANA SILVA TAIJERON</b> Minority Member		7/8/11				
<b>SENATOR CHRISTOPHER M. DUEÑAS</b> Minority Member		7/8/11				

## COMMITTEE REPORT DIGEST

### I. OVERVIEW

Bill 234-31 (COR) was introduced on June 13, 2011 by Senator Sam Mabini, and was subsequently referred by the Committee on Rules to the Committee on Public Works, Transportation, Utilities and Veterans Affairs on June 14, 2011.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs convened a public hearing on Bill 234-31 (COR) on June 24, 2011 at 2:03 pm in *I Liheslatura's* Public Hearing Room, during which the subject of including the Guam Department of Agriculture as part of the agencies required for the "clearing and grading" permit of the Department of Public Works was discussed.

### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on Friday, June 17, 2011 (5-Day Notice), and again on Wednesday, June 22, 2011 (48-Hour Notice).

### Senators Present

Senator Thomas C. Ada	Committee Chairperson
Senator Adolpho B. Palacios, Sr.	Committee Vice-Chairperson
Vice Speaker Benjamin J. Cruz	Committee Member
Senator Mana Silva Taijeron	Committee Member
Senator Aline A. Yamashita, Ph.D.	Committee Member
Senator V. Anthony Ada	Committee Member
Senator Sam Mabini, Ph.D.	

### Individuals Present

Ms. Mariquita Taitague, Director, Department of Agriculture (*oral and written testimony*)  
Mr. Manny Cruz, Deputy Director, Department of Agriculture (*oral and written testimony*)  
Atty. John Thos. Brown, General Counsel, Jones & Guerrero, Inc. (*oral testimony*)  
Mr. Carl Dominguez, Deputy Director, Department of Public Works (*oral and written testimony*)

### II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 2:03 pm.

**Senator Mabini:** Provides overview of bill, stating that bill would include Department of Agriculture (DoAg) as an approving agency during the permit process for clearing, grading and construction. Clarifies that bill stemmed from roundtable discussions and meetings with federal and local Department of Agriculture representatives. States that currently DoAg does sign the clearing, grading and construction permit of DPW, but it is not mandated by GCA, and is at the discretion of DPW to include DoAg. States that Bill 234-31 would help mitigate the destruction of indigenous plant species by allowing DoAg to be part of the permit process; it would also mitigate negative impact of construction and would encourage involvement of community in

protecting and preserving the native environment. States that the development of funding opportunities for DoAg can be developed to help carry out basic operations once an appropriate fee structure is in place.

**Ms. Mariquita Taitague:** Ms. Taitague is Director of Department of Agriculture (DoAg). Reads testimony in support of bill. Requests, in particular, that a change be made on page 2, line 9 to read “Forestry and Soil Resources Division of the Department of Agriculture.” Lists the five (5) divisions that make-up DoAg, and states that DoAg has the responsibility of determining which division(s) reviews permit applications submitted by DPW for clearing, grading and construction. Clarifies that DoAg already does the permitting review work, and emphasizes that the department should also be included in the application for DPW-issued “clearing, grading and construction” permits.

**Mr. Carl Dominguez:** Mr. Dominguez is Deputy Director of DPW. Department has no objections to bill. Requests that DoAg station personnel at One Stop facility in Upper Tumon to make it convenient for applicants to have their permits reviewed. DPW is in the process of renovating its One Stop office, and will make the effort to provide space for a DoAg representative.

**Atty. John Thos Brown:** Supports bill with caveats. Bill is good for island as a whole. But is concerned with the processing time—how fast will permits be processed. Supports the idea of having “one stop” as opposed to “five stops” for signing off on permits. Recalls incident at Dungca’s Beach wherein trees were cut down on government and private property; DoAg signed no permits and thus no citation was issued. Cautions that actions must be effective, and truly involve the efforts of DoAg.

**Mr. Ivan Quinata, Administrator, Guam Environmental Protection Agency** (*see attached written testimony*): States that Guam EPA supports bill. Clarifies that the inclusion of DoAg as a permit clearance signatory in the DPW Clearing, Grading, and Construction permit application and review process does not impact or conflict with any of Guam EPA’s regulatory roles. States that their official inclusion would strengthen the review process.

### **Question & Answer**

**Senator Mabini:** Asks Director Taitague, “How do you foresee the Department of Agriculture participating and preventing the clearing of land due to the lack of ordinance?”

**Ms. Taitague:** Responds that there are five (5) agencies and each has their specialized job. This requires funding, especially if DoAg were to place staff at DPW. States that this is the only problem foreseen for DoAg with regard to this bill.

**Senator Mabini:** Acknowledges Director Taitague’s amendment that bill include all of the DoAg versus just the Forestry and Soil Resource (FSR) Division. Clarifies that FSR was included because they were the most vocal in pointing out the need.

**Ms. Taitague:** States that she understands.

**Mr. Manny Cruz:** Adds that the fine for the cutting of trees is \$1000 per tree by law. States that if DoAg personnel were present and able to do their job, they would issue citations and penalties would be collected.

**Ms. Joanne Brown:** Ms. Brown is Director of DPW. Responds to Senator Mabini's question, and agrees that Mr. Cruz is correct in citing penalties for illegal tree cutting. States that statute requires for permits to be obtained for trimming or cutting down of trees on public property.

Mentions Asset Management Program (AMP) that was originally developed to address identifying roads throughout the island. States that with the updating of DPW's One Stop Center, federal funds for the AMP can be used towards making review process more efficient (i.e., all documents can be scanned and simultaneously reviewed by all respective agencies). States that information on AMP technology is forthcoming, hopefully in the next 6 months.

**Senator Palacios:** States that while the bill appears very simple, bill has tremendous implications. Asks what the extent of the delay is once application for clearance leaves DoAg – can it not be done in less than fifteen (15) days?

**Ms. Taitague:** Responds that it can be done in less than fifteen (15) days. States that staff must physically survey area—to assess if there are endangered species present, if area is designated as wetlands area, or if trees needing to be cut are indigenous.

**Senator Palacios:** Asks if DoAg able to assess erosion process by looking at the contour of the ground—if they will be involved to that extent.

**Ms. Taitague:** Responds affirmatively, stating that Forestry will be at the site to assess erosion levels and provide mitigation if necessary.

**Senator Palacios:** Asks if DoAg has estimated the cost implication of this with respect to personnel?

**Ms. Taitague:** Makes the suggestion that permitting fees should be shared with DPW, particularly because DoAg resources (time and staff) are expended.

**Senator Palacios:** Reiterates that implications are significant. Expresses concern that representatives from the Contractors License Board are not present to testify. Suggests that DoAg role be defined specifically. Asks DoAg if they are prepared to administrate this program?

**Mr. Cruz:** Responds in the affirmative, stating that the application review process involves determining which division will do the initial investigation and review. States that divisions are integrated, and that application review must take place within two weeks. Divisions provide review, submit application reviews to Director, who then provides the official signature.

**Senator Palacios:** Asks if DoAg would object to placing a time limit, perhaps two (2) weeks, for the completion of an application review, and if review process is not completed within the time limit, then by default, the application is cleared.

**Mr. Cruz:** States that DoAg is not the only agency involved in the review process; DPW is also involved. States that DoAg can complete the process in two (2) weeks...

**Senator Palacios:** Asks again, "Do you object to a provision that would provide for a default approval if no action is taken by DoAg?"

**Mr. Cruz:** States that DoAg has no objection.

**Senator Yamashita:** States that, in reference to previous speaker, she would have great concerns about a default statement, particularly since "no action" may possibly result in the cutting down of numerous trees. Expresses concern that focus should be on what needs to be done, and the timeliness of getting it done. Understands concerns expressed by Senator Palacios, but believes that emphasis should be placed on ensuring there are adequate human resources to complete the job.

**Mr. Cruz:** Explains that they've been very vigilant in ensuring work is completed in timely manner, and that DoAg staff is present at various sites.

**Senator Yamashita:** Raises clearing incident that occurred at ABC in Tamuning, stating that the public should be aware of such occurrences.

**Mr. Cruz:** States that DoAg was not aware of the incident.

**Senator Yamashita:** Emphasizes that is her point exactly, that the public should know. Remains concerned about default clause.

**Senator Tom Ada:** Clarifies with Director Taitague that if a permit comes through DoAg there could be as many as four (4) divisions that the application would have to go through?

**Ms. Taitague:** Responds "not necessarily," that it would depend on the specific clearing or inspection needed, which will then be forwarded to the respective division.

**Senator Tom Ada:** Clarifies the point that it should be the Department of Agriculture Director, not the FSR Division, who assigns the application review process to the appropriate division. Asks, for further clarification, if DoAg is able to afford placing one representative at the One Stop Center, or is it the one application that is going to have to go to DoAg?

**Ms. Taitague:** Re-states that placing one person at One Stop may not work because there are four (4) different divisions possibly involved in the application process. States this would cost DoAg lots of money if more than one person is stationed at One Stop.

**Senator Tom Ada:** Bill 234-31 is hereby deemed publicly heard.

The public hearing was adjourned at 4:40 pm.

### **III. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Works, Transportation, Utilities and Veterans Affairs has substituted Bill No. 234-31 (COR) with the following change:

- Forestry and Soil Resources Division is deleted, and substituted with Department of Agriculture to be included as part of the DPW list of approving agencies for the “Clearing and Grading” permit.

The Committee on Public Works, Transportation, Utilities and Veterans Affairs hereby reports out Bill 234-31 (COR), As Substituted by the Committee, with the recommendation TO PASS.

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

2011 JUN 13 *Sam*  
AM 10:22

Bill No. 234-31 cov

Introduced by:

Sam Mabini, Ph.D *Sam*

AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED,  
CHAPTER 26, §66202.1 ITEM “A,” RELATIVE TO INCLUDING  
THE GUAM DEPARTMENT OF AGRICULTURE AS AN  
APPROVING AGENCY AND TO BE INCLUDED ON THE  
APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR  
THE “CLEARING, GRADING AND CONSTRUCTION.”

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

1           **Section 1. Legislative findings and intent.** *I Mina'Trentai Unu Na Liheslaturan* finds  
2 that past and growing construction developments have consequential impact on the natural  
3 environment of the island of Guam.

4           *I Mina'Trentai Unu Na Liheslaturan* finds that there needs to be more aggressive  
5 measures to protect and preserve the natural habitat of Guam. Also needed are improved efforts  
6 to raise awareness and instill sound practices to preserve Guam's natural and native habitat.

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9 property.

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12 Department of Agriculture is included along with other permitting public agencies that authorize  
13 and approve the “Clearing, Grading and Construction” permit issued by the Building Permits and  
14 Inspection Division of the Department of Public Works

15           **Section 2.** Item (a) of §66202.1, Chapter 66, 21 Guam Code Annotated is amended to  
16 read as follows:

17           “§ 66202.1. Clearing and Grading Permit Required for Government Agencies.

1 (a) A permit for Clearing, Grading, and Construction shall be required of government,  
2 autonomous, and public entities in the same manner as private citizens.

3 An application for the permit shall be submitted to the Department of Public Works by  
4 the entity who owns the property, or which is to authorize, complete, or contract for the proposed  
5 project on government land, with the approval of the following agencies indicated on the  
6 application to the Department of Public Works: Department of Land Management, Zoning  
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9 Forestry and Soil Resources Division of the Department of Agriculture; and the Department of  
10 Public Works. No fee shall be charged for government application for a permit pursuant hereto  
11 and the application shall be submitted in such form as the Building Official may prescribe.  
12 Government entities shall be subject to all other applicable provisions of this Chapter. Clearing,  
13 grading, or construction shall not begin on any government property or project in violation of  
14 this statute. Building Officials and Guam Peace Officers are authorized to issue citations to  
15 violators of this Section in accordance with the Rules and Regulations promulgated by the  
16 Department of Public Works in this regard. Officers acting in violation of this statute shall be  
17 held personally liable for all damages resulting there from, and shall be subject to a fine of One  
18 Thousand Dollars (\$1,000) for each offense, and may be fined up to Five Thousand Dollars  
19 (\$5,000) for violations after the third violation of this Section.”

20 **Section 3. Effective Date.** This Act shall take effect upon enactment.

21 **Section 4. Severability.** If any provision of this Law or its application to any person or  
22 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other  
23 provisions or applications of this Law which can be given effect without the invalid provisions  
24 or applications, and to this end the provisions of this Law are severable.

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

**Bill No. 234-31 (COR)**

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

Introduced by:

Sam Mabini, Ph.D.

---

**AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED, CHAPTER 26, §66202.1 ITEM "A," RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS PART OF THE AGENCIES REQUIRED FOR THE "CLEARING AND GRADING" PERMIT OF AN APPROVING AGENCY AND TO BE INCLUDED ON THE APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR THE "CLEARING, GRADING AND CONSTRUCTION.**

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

**Section 1. Legislative findings and intent.** *I Mina'Trentai Unu Na Liheslaturan* finds that past and growing construction developments have consequential impact on the natural environment of the island of Guam.

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7 included along with other permitting public agencies that authorize and  
8 approve the “Clearing, Grading and Construction” permit issued by the  
9 Building Permits and Inspection Division of the Department of Public  
10 Works.

11           **Section 2.** Item (a) of §66202.1, Chapter 66, 21 Guam Code  
12 Annotated is amended to read as follows:

13           “§ 66202.1. Clearing and Grading Permit Required for Government  
14 Agencies.

15           (a) A permit for Clearing, Grading, and Construction shall be required  
16 of government, autonomous, and public entities in the same manner as  
17 private citizens.

18           An application for the permit shall be submitted to the Department of  
19 Public Works by the entity who owns the property, or which is to authorize,  
20 complete, or contract for the proposed project on government land, with the  
21 approval of the following agencies indicated on the application to the  
22 Department of Public Works: Department of Land Management, Zoning  
23 Division; Department of Parks and Recreation; Guam Power Authority;  
24 Guam Environmental Protection Agency; Guam Telephone Authority; Guam  
25 Geodetic Network Survey Division; ~~Forestry and Soil Resources Division of~~  
26 the Department of Agriculture; and the Department of Public Works. No fee  
27 shall be charged for government application for a permit pursuant hereto and

1 the application shall be submitted in such form as the Building Official may  
2 prescribe. Government entities shall be subject to all other applicable  
3 provisions of this Chapter. Clearing, grading, or construction shall not begin  
4 on any government property or project in violation of this statute. Building  
5 Officials and Guam Peace Officers are authorized to issue citations to  
6 violators of this Section in accordance with the Rules and Regulations  
7 promulgated by the Department of Public Works in this regard. Officers  
8 acting in violation of this statute shall be held personally liable for all  
9 damages resulting there from, and shall be subject to a fine of One Thousand  
10 Dollars (\$1,000) for each offense, and may be fined up to Five Thousand  
11 Dollars (\$5,000) for violations after the third violation of this Section.”

12 **Section 3. Effective Date.** This Act shall take effect upon enactment.

13 **Section 4. Severability.** If any provision of this Law or its  
14 application to any person or circumstance is found to be invalid or contrary  
15 to law, such invalidity shall not affect other provisions or applications of this  
16 Law which can be given effect without the invalid provisions or  
17 applications, and to this end the provisions of this Law are severable.





# Department of Agriculture Dipattamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Eddie Baza Calvo  
Governor

Ray Tenorio  
Lt. Governor

Director's Office	734-3942/43; Fax 734-6569
Agricultural Dev. Services	734-3946/47
Animal Health	734-3943
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	735-3949/51; Fax 734-0111
Plant Nursery	734-3949
Plant Inspection Facility	475-1426/27; Fax 477-9487

Mariquita F. Taitague  
Director

Manuel Q. Cruz  
Deputy Director

WRITTEN TESTIMONY  
BEFORE THE  
COMMITTEE ON PUBLIC WORKS, TRANSPORTATION,  
UTILITIES, AND VETERANS AFFAIRS  
31<sup>ST</sup> GUAM LEGISLATURE  
PUBLIC HEARING ROOM  
FRIDAY, JUNE 24, 2011

Mr. Chairman and Members of the Committee:

Good Afternoon. My name is Mariquita F. Taitague. I am currently the Director of Agriculture. I come before your Committee to submit testimony in favor of Bill No. 234-31 (COR): An act amending Title 21 Guam Code Annotated, Chapter 26, Section 66202.1 Item "A", relative to including the Guam Department of Agriculture as an Approving Agency and to be included on the Application to the Department of Public Works for the "Clearing, Grading and Construction." However, I will respectfully suggest that a simple change be made on Page 2, Line 9, to read "**Department of Agriculture**" vice "**Forestry and Soil Resources Division of the Department of Agriculture.**"

It is a known fact that the Department of Agriculture is made up of five (5) divisions, namely: (1) Division of Agricultural Development Services (ADS), (2) Division of Aquatic and Wildlife Resources (DAWR), (3) Division of Forestry and Soil Resources (FSR), (4) Division of Plant Inspection Facility (PIF), and Division and Animal Control (DAC). So, whenever an application for a permit for Clearing, Grading and Construction of a government land is submitted to the Department of Agriculture by the Department of Public Works, it has been the policy and practice of the Director of Agriculture to decide which division, or divisions shall be assigned to review the application. More often, not one division, but several divisions, will be involved in the review process. Once the reviews are completed, they are then submitted to the Director of Agriculture for his/her consideration and will subsequently provide comments on the application form based on the reviews.

It is not clear why Public Law 27-111 did not include the Department of Agriculture in the original application for the "Clearing, Grading and Construction" permit issued by the Division of Building Permits & Inspection, Department of Public Works, along with other permitting public agencies.

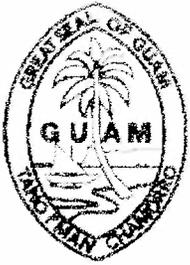
The Department of Agriculture is not only mandated for the oversight and development of the agricultural industry, but is also responsible for the protection, preservation, and enhancement of our natural resources, including wildlife, the marine ecosystem and fisheries, our forests, rivers, and streams, and the prevention of invasion from unwanted plant and animal species and viruses.

I applaud Senator Sam Mabini for having the vision to finally correct a long-standing oversight, in her own words, "to proactively and effectively ensure the natural environment of Guam is protected and properly preserved." Thank you, Senator Mabini!

In conclusion, I want to thank you, Mr. Chairman, and all the members of the Committee for giving me this opportunity to testify in support of Bill No. 234-31. I urge you and the members of the Committee to pass the bill as soon as possible. Thank you and Si Yu'us Ma'ase!



MARIQUITA F. TAITAGUE



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



**JOANNE M.S. BROWN**  
*Director*  
**CARL V. DOMINGUEZ**  
*Deputy Director*

June 24, 2011

The Honorable Thomas C. Ada, Chairperson  
Committee on Utilities, Transportation, Public Works  
And Veterans Affairs  
I Mina'Trentai Unu Na Liheslaturan Guahan  
Suite 207, Ada Plaza Center  
Hagatna, Guam 96910

**Re: Bill 234-31, "An Act Amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A," Relative to Including to Including the Guam Department of Agriculture as an Approving Agency and to be Included on the Application to the Department of Public Works for the "Clearing, Grading and Construction."**

Buenas yan Hafa Adai Mr. Chairman and Members of the Committee:

Thank you for permitting the Department of Public Works (DPW) an opportunity to present written testimony on Bill 234-31. The Department of Public Works has no objections to this bill, but recommends that the Department of Agriculture station its personnel at the DPW's One Stop Office in Upper Tumon to make it as convenient as possible for applicants to have their permits reviewed. The DPW is in the planning stages of renovating its One Stop facility and will make every effort to provide space for a Department of Agriculture representative.

Si Yu'os Ma'ase',

  
JOANNE M.S. BROWN  
Director



# GUAM ENVIRONMENTAL PROTECTION AGENCY

## AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO  
GOVERNOR

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921  
TEL: 475-1658/9 • FAX: 475-8007

RAY TENORIO  
LT. GOVERNOR

**Testimony of  
Ivan C. Quinata, Administrator  
Guam Environmental Protection Agency**

**On Legislature Bill 234-31 (COR)  
Before the Committee on Public Works, Transportation, Utilities and Veterans  
Affairs**

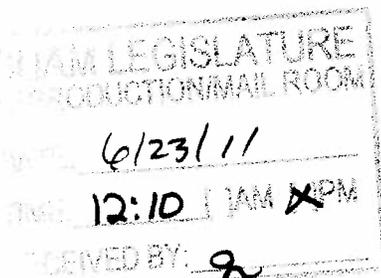
Buenas yan Hafa Adai! I am Ivan C. Quinata, the Administrator of the Guam Environmental Protection Agency, and I would like to thank you for giving me the opportunity to provide written testimony for legislative Bill 234-31 (COR):

AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED, CHAPTER 26, §66202.1 ITEM A, "RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS AN APPROVING AGENCY AND TO BE INCLUDED ON THE APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR THE "CLEARING, GRADING AND CONSTRUCTION."

First of all I would like to thank the Honorable Senator Tom Ada, chairperson for the Committee on Public Works, Transportation, Utilities and Veterans Affairs for hosting the public hearing, and the Honorable Senator Sam Mabini, Ph.D., for introducing this Bill.

The Guam EPA is testifying in support of Bill 234-31 (COR) and would like to provide the following additional comments to further clarify the bill. Guam EPA has determined that the official inclusion of the Department of Agriculture as a permit clearance signatory in the Department of Public Works (DPW) Clearing, Grading, and Construction permit application and review process, does not impact nor conflict with any of our regulatory roles. Rather, their official inclusion only strengthens it. In the past, during the regular routing of applications through the DPW permit process, Guam EPA routinely highlights and identifies projects that the Department of Agriculture should review. These projects may impact the Department of Agriculture's mission as we understand it, particularly projects that may affect flora, fauna, wetlands, and endangered species. Bill 234-31 (COR) will now afford the opportunity to the Department of Agriculture to review all permit applications to ensure that the full extent of their mandates or mission is properly addressed during the review process.

Again, the Guam EPA is in support of this legislation as a crucial step in further protecting our fragile natural resources and our wildlife. The Agency would like to be included in any new revisions to this bill that may result from this public hearing. Thank you once again for the opportunity to comment on this legislation.



  
Ivan C. Quinata  
Administrator

RECEIVED BY THE  
Office of Secretary  
Thomas C. ...  
4/23/11 3:55pm



# COMMITTEE ON RULES

*I Minã'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JUN 29 PM 4:07  
WJM

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

June 29, 2011

## Memorandum

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

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

MAJORITY  
MEMBERS:

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

Speaker  
Judith T. Won Pat

Subject: **Fiscal Notes**

Vice Speaker  
Benjamin J. F. Cruz

*Hafa Adai!*

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

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.

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

Bill Nos.: 191-31 (COR)  
224-31 (COR)  
230-31 (COR)  
234-31 (COR)

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

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

MINORITY  
MEMBERS:

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

*Si Yu'os ma'åse'!*

Senator  
Christopher M. Duenas

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 234-31 (COR)**

**AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED, CHAPTER 26, § 66202.1 ITEM "A," RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS AN APPROVING AGENCY AND TO BE INCLUDED ON THE APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR THE "CLEARING, GRADING AND CONSTRUCTION."**

Department/Agency Appropriation Information	
Department/Agency Affected: <b>Public Works</b>	Dept./Agency Head: <b>Joanne M.S. Brown</b>
Department's General Fund (GF) appropriation(s) to date:	8,781,513
Department's Other Fund (Specify) appropriation(s) to date: <b>DPW Building &amp; 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.</b>	18,877,174
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$27,658,687</b>

Department/Agency Affected: <b>Agriculture</b>	Dept./Agency Head: <b>Mariquita F. Taitague</b>
Department's General Fund (GF) appropriation(s) to date:	3,025,454
Department's Other Fund (Specify) appropriation(s) to date: <b>Plant Inspection and Permit Fund</b>	116,119
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$3,141,573</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$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
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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	1/	1/	1/	1/	1/	1/
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>	<b>1/</b>

- Does the bill contain "revenue generating" provisions?  
If Yes, see attachment / / Yes    /X/ No
- Is amount appropriated adequate to fund the intent of the appropriation?  
If no, what is the additional amount required? \$ \_\_\_\_\_ /X/ N/A    / / Yes    / / No
- Does the Bill establish a new program/agency? 1/ / / Yes    / / No  
If yes, will the program duplicate existing programs/agencies? 1/ / / 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? 1/ / / Yes    / / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  
/X/ Requested agency comments not received by due date /X/ Yes    / / No  
/ / Other: \_\_\_\_\_

Analyst: Angela Flores Date: 6/22/11 Director: JOHN A. RIOS, ACTING Date: 6/23/11

**Footnotes:**  
1/ There is a potential for additional funding impact to include the Forestry and Soil Resources Division of the Department of Agriculture in terms of staffing to conduct the additional responsibilities, along with other permitting public agencies that authorize and approve the "Clearing, Grading and Construction" permits issued by the Building Permits and Inspection Division of the Department of Public Works to meet the intent of the Bill. However, in its present form that impact...



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto: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:**

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Vice Speaker  
**Benjamin J. F. Cruz**

Senator  
**Tina Rose Muña Barnes**  
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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**

June 14, 2011

MEMORANDUM

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

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

**From: Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

**Subject: Referral of Bill Nos. 233-31 (COR) to 238-31 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 233-31(COR) to 238-31 (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 Senators 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!*

(3) Attachments

2011 JUN 15 AM 11:33

*I Mina'Trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

**June 13, 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?
233-31 (COR)	M Silva Tajeron	AN ACT RELATIVE TO THE POWER SERVICE RATE SCHEDULE FOR GUAM POWER AUTHORITY CUSTOMERS	6/13/11 10:22 a.m.	6/14/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			
234-31 (COR)	Sam Mabini, Ph.D.	AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED, CHAPTER 26, §66202.1 ITEM "A," RELATIVE TO INCLUDING THE GUAM DEPARTMENT OF AGRICULTURE AS PART THE AGENCIES REQUIRED FOR THE "CLEARING AND GRADING" PERMIT OF THE DEPARTMENT OF PUBLIC WORKS.	6/13/11 10:22 a.m.	6/14/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs.			



## Senator Thomas C. Ada

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

June 17, 2011

### MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

#### 9:00 am

**Informational Briefing: Port Authority of Guam Modernization Program**

#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

**Bill 234-31 (COR):** An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A", relative to including the Guam Department of Agriculture as an approving agency and to be included on the application to the Department of Public Works for the "Clearing, Grading and Construction." **(Sponsor: Sam Mabini, Ph.D.)**

**Bill 217-31 (COR):** An act to establish a project plan of action for the construction of the Tiyán Roadway Project. **(Sponsor: T.C. Ada)**

**Bill 196-31 (COR):** An act to require the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects. **(Sponsor: M.S. Taijeron)**

**Bill 230-31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovates and alterations to existing government buildings include energy efficient and sustainable design methods by adding a new §66104.1 to Article 1, Chapter 66, Title 21, Guam Code Annotated, and a new §5011 and §5012 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated [Guam Procurement Law]. **(Sponsor: D.G. Rodriguez, Jr.)**

Testimonies on bills should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until **July 1, 2011, 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Nicole Santos at 473-3301. Please feel free to contact our office at 473-3301 should you have any questions or concerns.



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## First Notice: Informational Briefing and Public Hearing - June 24, 2011, 9:00 am

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Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:08 PM

To: phnotice@guamlegislature.org

Hafa adai Senators,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

--

Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301



**Public Hearing - 1st Notc - June 24 - senators.pdf**

781K

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## Listserv: [phnotice@guamlegislature.org](mailto:phnotice@guamlegislature.org)

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[tanya4families@gmail.com](mailto:tanya4families@gmail.com)  
[tom@senatorada.org](mailto:tom@senatorada.org)  
[tterlaje@guam.net](mailto:tterlaje@guam.net)



## Senator Thomas C. Ada

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

June 17, 2011

### MEMORANDUM

To: All Media

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

Please be advised that the Committee on Public Works, Transportation, Utilities and Veterans Affairs is holding a public hearing on **June 24, 2011**. This meeting will take place in the Public Hearing Room of *Liheslatura*. The agenda is as follows:

#### 9:00 am

**Informational Briefing: Port Authority of Guam Modernization Program**

#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

---

## First Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

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Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:08 PM

To: Media <media@senatorada.org>

Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo (pdf & word file) from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

--

Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301

### 2 attachments

 **Public Hearing - 1st Notc - June 24 - media.pdf**  
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## Senator Thomas C. Ada

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

June 17, 2011

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To: All Stakeholders

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

## First Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>

Fri, Jun 17, 2011 at 12:09 PM

To: Pedro Leon Guerrero <paleonguerrero@portguam.com>, "Margret D. Katsuren" <mdkatsuren@portguam.com>, Daniel Tydingco <djtydingco@gta.net>, sbblas@gpagwa.com, Kin Flores <jflores@gpagwa.com>, simon sanchez <gdcmgr@ite.net>, Lou Palomo <lpalomo@guampuc.com>, Peggy Araullo Llagas <eo@realtors.com>, doagridir@yahoo.com, beverlydavis@live.ca, Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, Eduardo Ordonez <eduardo.ordonez@clb.guam.gov>, Frances Cepeda <frances.cepeda@clb.guam.gov>, "Maria D. Perez" <maria.perez@clb.guam.gov>, Charlie Onedera <staff03@guamchamber.com.gu>, Liza Provideo <ljprovideo@guam-peals.org>, sylvia@guam-peals.org, "Mary C. Torres, GIAA Executive Manager" <marytorres@guamairport.net>, Peter Roy Martinez <peterroy@guamairport.net>, michael ysrael <michael@tanota.com>, rosieb@guamairport.net, Jean Arriola - GIAA ASM <jeana@guamairport.net>, Frank Santos <franks@guamairport.net>, dlmdir@dlm.guam.gov, James Martinez <gca@teleguam.net>, desiree.lizama@guamcontractors.org, Ivan Quinata <ivan.quinata@epa.guam.gov>, Lorilee Crisostomo <lorilee.crisostomo@epa.guam.gov>, UOG Center for Island Sustainability <cis@uguam.uog.edu>, Mary Okada <mary.okada@guamcc.edu>, NewVisionGuam@gmail.com, allison@guamsustainability.com, Mike Makio <mmakio@traguam.com>, arch@traguam.com  
Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>

Hafa adai,

Please see attached memo from Senator Ada regarding PAG Info Briefing and public hearing on Friday, June 24, 2011 beginning at 9:00 am.

Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

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Public Hearing - 1st Notc - June 24 - stakeholders.pdf

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## Senator Thomas C. Ada

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

June 22, 2011

### MEMORANDUM

To: All Senators

Fr: Senator Thomas C. Ada 

Subject: **Public Hearing Notice: June 24, 2011**

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## Second Notice: Informational Briefing and Public Hearing - June 24, 2011, 9:00 am

Nicole Santos <nsantos@senatorada.org>

Wed, Jun 22, 2011 at 9:12 AM

To: phnotice@guamlegislature.org

Hafa adai Senators,

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Should you have any questions, please don't hesitate to contact our office at 473-3301.

Best regards,  
Nicole

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Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301



Public Hearing - 2nd Notc - June 24 - senators.pdf

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## Senator Thomas C. Ada

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

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Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

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## Second Notice: Informational Briefing and Public Hearing Notice - June 24, 2011, 9:00 am

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Nicole Santos <nsantos@senatorada.org>

Wed, Jun 22, 2011 at 9:12 AM

To: Media <media@senatorada.org>

Cc: Jimmy Camacho <jcamacho@senatorada.org>, Chris Borja <chris@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

Hafa adai,

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Best regards,  
Nicole

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Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
I Mina'trentai Unu Na Liheslaturan Guåhan - 31st Guam Legislature  
671-473-3301

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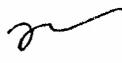
## Senator Thomas C. Ada

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

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Wed, Jun 22, 2011 at 9:12 AM

To: Pedro Leon Guerrero <paleonguerrero@portguam.com>, "Margret D. Katsuren" <mdkatsuren@portguam.com>, Daniel Tydingco <djtydingco@gta.net>, sbblas@gpagwa.com, Kin Flores <jflores@gpagwa.com>, simon sanchez <gdcmgr@ite.net>, Lou Palomo <lpalomo@guampuc.com>, Peggy Araullo Llagas <eo@guamrealtors.com>, doagridir@yahoo.com, beverlydavis@live.ca, Joanne Brown <joanne.brown@dpw.guam.gov>, Carl Dominguez <carl.dominguez@dpw.guam.gov>, Antoinette Cruz <antoinette.cruz@dpw.guam.gov>, "Joaquin 'Kin' Blaz Jr." <joaquin.blaz@dpw.guam.gov>, Eduardo Ordonez <eduardo.ordonez@clb.guam.gov>, Frances Cepeda <frances.cepeda@clb.guam.gov>, "Maria D. Perez" <maria.perez@clb.guam.gov>, Charlie Onedera <staff03@guamchamber.com.gu>, Liza Provideo <ljprovideo@guam-peals.org>, sylvia@guam-peals.org, "Mary C. Torres, GIAA Executive Manager" <marytorres@guamairport.net>, Peter Roy Martinez <peterroy@guamairport.net>, michael ysrael <michael@tanota.com>, rosieb@guamairport.net, Jean Arriola - GIAA ASM <jeana@guamairport.net>, Frank Santos <franks@guamairport.net>, dlmdir@dlim.guam.gov, James Martinez <gca@teleguam.net>, desiree.lizama@guamcontractors.org, Ivan Quinata <ivan.quinata@epa.guam.gov>, Lorilee Crisostomo <lorilee.crisostomo@epa.guam.gov>, UOG Center for Island Sustainability <cis@uguam.uog.edu>, Mary Okada <mary.okada@guamcc.edu>, NewVisionGuam@gmail.com, allison@guamsustainability.com, Mike Makio <mmakio@traguam.com>, arch@traguam.com  
Cc: Jimmy Camacho <jcamacho@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Chris Borja <chris@senatorada.org>, Nicole Santos <nsantos@senatorada.org>, Telo Taitague <senatortelo@gmail.com>

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## Senator Thomas C. Ada

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

### AGENDA

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#### 2:00 pm

**Bill 233-31 (COR):** An act relative to the power service rate schedule for Guam Power Authority customers. **(Sponsor: M.S. Taijeron)**

**Bill 234-31 (COR):** An act amending Title 21 Guam Code Annotated, Chapter 26, §66202.1 Item "A", relative to including the Guam Department of Agriculture as an approving agency and to be included on the application to the Department of Public Works for the "Clearing, Grading and Construction." **(Sponsor: Sam Mabini, Ph.D.)**

**Bill 217-31 (COR):** An act to establish a project plan of action for the construction of the Tiyan Roadway Project. **(Sponsor: T.C. Ada)**

**Bill 196-31 (COR):** An act to require the Department of Public Works (DPW) to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects. **(Sponsor: M.S. Taijeron)**

**Bill 230-31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovates and alterations to existing government buildings include energy efficient and sustainable design methods by adding a new §66104.1 to Article 1, Chapter 66, Title 21, Guam Code Annotated, and a new §5011 and §5012 to Part A of Article 1, Chapter 5, Title 5, Guam Code Annotated [Guam Procurement Law]. **(Sponsor: D.G. Rodriguez, Jr.)**

Testimonies should be addressed to Senator Thomas C. Ada, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [office@senatorada.org](mailto:office@senatorada.org), or via facsimile to (671) 473-3303 until July 1, 2011, 5:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office, c/o Nicole Santos. Copies of the agenda items may be found on Senator Tom Ada's website ([senatorada.org](http://senatorada.org)) and the official Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)). Please feel free to contact our office at 473-3301 should you have any questions or concerns.

# osing arguments in Anthony Flores re-trial

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tety News Staff

GENERATIONS began day afternoon in the trial of Anthony C. Flores, who is charged with the murder of Sherri Lea Taylor on Nov. 12, 1999 at the Hamilton Hotel in Aniguan.

Flores died several days later at the Hamilton Hospital on Nov. 20, 2000. What one juror said was a failure due to Flores being an alcoholic. On Tuesday, closing arguments were heard by the jury and the defense and prosecution.

Attorney Randy Cunliffe, who represents Flores, told the jury that key witness Kimberly Flores's credibility on what happened the night Taylor was eaten can be questionable. Cunliffe also brought up the



Anthony Flores

testimony of David Pocaigue who said he went to the hotel on two occasions but did not provide any evidence for the jury.

The autopsy of Medical Examiner Dr. Aurelio Espinola was raised in Cunliffe's closing arguments, wherein the defense attorney said there were different opinions on how Taylor died. Up to six doctors indicated Taylor died a natural death, but Espinola testified that Taylor died from the injuries she sustained several days earlier.

Meanwhile, Chief Prosecutor Basil O'Mallan said Taylor was "savagely beaten." With regard to her drinking, he said people drink when they're in pain and that Taylor's pain was "caused by Anthony Flores."

Following the closing arguments, jurors were given their instructions before being excused to deliberate and come up with a verdict on the case.

# DOA director seeks clarity on Bill 212

Janela Buhain  
@mvguam.com  
Variety News Staff

ALTHOUGH generally support a measure that seeks to provide protection from sexual harassment to all government employees, Department of Administration acting

Director Benita Manglona said during yesterday's public hearing that she wanted more clarification on the

bill introduced by Senator Tony Ada, Bill 212, if enacted, would expand sexual

harassment protections to all unclassified and contractual employees, and require that DOA and the Civil Service Commission routinely handle the handling of such complaints by government administrators.

Manglona also raised several questions of clarification, including whether the bill alleviates the Department's responsibility to investi-

Manglona also said that under the bill, the supervisor of an employee who fails to submit a report to the Attorney General's Office could be held criminally liable. However, she said a supervisor may not be aware of such sexual harassment events but still be held criminally liable if it is not reported.

Federal equal employment opportunity law defines what sexual harassment is; however, Guam law does not protect unclassified and contractual employees from sexual harassment complaints.

Current Guam law also does not provide a means to effectively audit the handling of such complaints.

Deputy Attorney General Phil Tydingco said he supports the measure but also wants to ensure that technical adjustments are made to the policy and procedures that DOA has in place for classified employees, and how to apply them to non-classified



Benita Manglona

# Won Pat eyeing more doctors through medical student loans

By Janela Buhain  
janela@mvguam.com  
Variety News Staff

SPEAKER Judi Won Pat is proposing a measure that would help recruit and retain more physicians on-island through a debt repayment program.

Bill 236, or the Physician Recruitment and Retention Act, seeks to offer a medical school debt repayment to eligible physicians to attract them to practice or continue practicing on Guam.

The bill states that while there is a need for medical specialists on Guam, the island's current economic shortfall hampers the ability to attract and recruit medical specialists to the island.

"The government cannot afford to pay close to the national average of medical specialists. American College of Emergency Physicians reports that physician incomes are higher than most occupations in order to allow for the repayment of high levels of debt," the bill states.

The bill cites a steady increase in medical school expenses, climbing 6 percent annually in school

tuition and other expenses. This has resulted in medical students seeking high paying medical jobs elsewhere to help repay educational losses.

By offering a debt repayment program for eligible medical specialists, Won Pat hopes to entice residents and former residents of Guam who have left the island to pursue

a medical degree to come back home and serve the community.

### Loan

Eligible specialists accepted into the program will receive up to \$300,000 to pay for expenses and loan indebtedness incurred during medical education and training.

The physician must agree to a contract of practicing for two years on Guam for every \$50,000 awarded to the physician and must begin practicing within three months of being accepted into the program.

Won Pat seeks to fund the program through the Healthy Futures Fund (HFF) by transferring \$2 million annually from

HFF to a separate account, entitled the "Physician Education Debt Repayment Fund."

In addition, the Guam Economic Development

Authority board of directors will be required to administer the program, while an evaluation committee will determine areas of medical specialty the island needs due to shortages.

The committee will be comprised of the directors of Department of Public Health and Social Services and the Department of Mental Health and Substance Abuse; the Guam Memorial Hospital Authority administrator; a doctor selected by the GMHA board; and a member selected through community-at-large by the committee.



Judi Won Pat



Senator Thomas C. Ada

Chairman - Committee on Utilities, Transportation, Public Works and Veteran Affairs  
31<sup>st</sup> Guam Legislature - I Mina TrentaiUnu Na Liheslaturan Guahan

## PUBLIC HEARING NOTICE

Friday, June 24, 2011, Public Hearing Room, Guam Legislature

### Agenda:

#### 9:00 am: Informational Briefing: Port Authority of Guam Modernization Program

1. Situational Changes and Their Implications, e.g. Military Buildup Program Re-set and Other Issues?
2. Program Financing Status and Issues
3. Gantry Crane Procurement
4. Stakeholder Alignment Efforts

#### 2:00 pm: Public Hearing

**Bill 233 - 31 (COR):** An Act relative to the power service rate schedule for GPA customers.

**Bill 234 - 31 (COR):** An Act to include Guam DoAg as an approving agency on the application to DPW for "Clearing, Grading and Construction."

**Bill 217 - 31 (COR):** An act to establish a project plan of action for the construction of the Tiyan Roadway Project.

**Bill 196 - 31 (COR):** An act to require DPW to consider and perform, when deemed feasible, night time construction work on Guam's roads; and to require the inclusion of quotations or estimations for the cost of night time construction, when soliciting for contracts on road construction projects.

**Bill 230 - 31 (COR):** An act mandating new government of Guam buildings integrate sustainable design solutions and systems and to require that retrofits, renovates and alterations to existing government buildings include energy efficient and sustainable design methods.

The Committee will continue to accept written or electronic testimonies until July 01, 2011, 5:00pm. Testimonies should be submitted via email to office@senatorada.org, via facsimile to (671) 473-3303 or to the office at 173 Aspinall Avenue, Suite 207 Hagatna, Guam. Individuals requiring special accommodations should contact and submit their request to Mr. Jimmy Camacho at 473-3301

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

2011 JUN 13  
AM 10:22  
*Sam*

Bill No. 234-31 cov

Introduced by:

Sam Mabini, Ph.D

*Sam*

**AN ACT AMENDING TITLE 21 GUAM CODE ANNOTATED,  
CHAPTER 26, §66202.1 ITEM “A,” RELATIVE TO INCLUDING  
THE GUAM DEPARTMENT OF AGRICULTURE AS AN  
APPROVING AGENCY AND TO BE INCLUDED ON THE  
APPLICATION TO THE DEPARTMENT OF PUBLIC WORKS FOR  
THE “CLEARING, GRADING AND CONSTRUCTION.”**

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

1           **Section 1. Legislative findings and intent.** *I Mina'Trentai Unu Na Liheslaturan* finds  
2 that past and growing construction developments have consequential impact on the natural  
3 environment of the island of Guam.

4           *I Mina'Trentai Unu Na Liheslaturan* finds that there needs to be more aggressive  
5 measures to protect and preserve the natural habitat of Guam. Also needed are improved efforts  
6 to raise awareness and instill sound practices to preserve Guam's natural and native habitat.

7           *I Mina'Trentai Unu Na Liheslaturan* finds regulatory and corrective measures are needed  
8 when construction negatively impact the natural and native fauna on both public and private  
9 property.

10           *I Mina'Trentai Unu Na Liheslaturan* finds that in order to proactively and effectively  
11 ensure the natural environment of Guam is protected and properly preserved, the Guam  
12 Department of Agriculture is included along with other permitting public agencies that authorize  
13 and approve the “Clearing, Grading and Construction” permit issued by the Building Permits and  
14 Inspection Division of the Department of Public Works

15           **Section 2.** Item (a) of §66202.1, Chapter 66, 21 Guam Code Annotated is amended to  
16 read as follows:

17           “§ 66202.1. Clearing and Grading Permit Required for Government Agencies.

1 (a) A permit for Clearing, Grading, and Construction shall be required of government,  
2 autonomous, and public entities in the same manner as private citizens.

3 An application for the permit shall be submitted to the Department of Public Works by  
4 the entity who owns the property, or which is to authorize, complete, or contract for the proposed  
5 project on government land, with the approval of the following agencies indicated on the  
6 application to the Department of Public Works: Department of Land Management, Zoning  
7 Division; Department of Parks and Recreation; Guam Power Authority; Guam Environmental  
8 Protection Agency; Guam Telephone Authority; Guam Geodetic Network Survey Division;  
9 Forestry and Soil Resources Division of the Department of Agriculture; and the Department of  
10 Public Works. No fee shall be charged for government application for a permit pursuant hereto  
11 and the application shall be submitted in such form as the Building Official may prescribe.  
12 Government entities shall be subject to all other applicable provisions of this Chapter. Clearing,  
13 grading, or construction shall not begin on any government property or project in violation of  
14 this statute. Building Officials and Guam Peace Officers are authorized to issue citations to  
15 violators of this Section in accordance with the Rules and Regulations promulgated by the  
16 Department of Public Works in this regard. Officers acting in violation of this statute shall be  
17 held personally liable for all damages resulting there from, and shall be subject to a fine of One  
18 Thousand Dollars (\$1,000) for each offense, and may be fined up to Five Thousand Dollars  
19 (\$5,000) for violations after the third violation of this Section.”

20 **Section 3. Effective Date.** This Act shall take effect upon enactment.

21 **Section 4. Severability.** If any provision of this Law or its application to any person or  
22 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other  
23 provisions or applications of this Law which can be given effect without the invalid provisions  
24 or applications, and to this end the provisions of this Law are severable.