



MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 105 (LG)

Introduced by:

J.A. Lujan 
Mike Cruz, M.D. 

**AN ACT TO AFFIRM PUBLIC RESPONSIBILITY FOR
REAL PROPERTY VALUATION LOST AS A RESULT OF
LANDFILL CONSTRUCTION AND OPERATION**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent.

I Liheslaturan Guåhan recognizes that modern municipal solid waste facilities, including landfills, are intended to be constructed, operated and maintained in a manner that safeguards public health and the environment in perpetuity. Responsible officials assert that planned new facilities will both accommodate our solid waste and safeguard the environment. Public expectations, however, are that Guam's new municipal landfill will be operated in a manner similar to other government facilities, without strict adherence to all applicable engineering standards, without adequate maintenance, without effective regulatory oversight, and without long-range responsibility. Such expectations, whether reasonable or not, and however informed, will rationally determine in a free market the value of all land impacted by landfill site selection, construction, operation, and continuing integrity for years following its closure. The community that directly benefits from the landfill operation should prevent causing affected landowners to suffer an uncompensated loss of land value. Timely payment

1 of lost or foregone real estate value directly related to landfill construction and
2 operation should be explicitly factored in as a liability or provision by responsible
3 public and private operators. It is therefore the intent of *I Liheslaturan Guåhan* to
4 recognize land valuation effects as a potential liability arising from landfill
5 construction, operation and maintenance, and establish meaningful incentives for
6 public and private operators of solid waste handling and disposal facilities to
7 perform in a manner that will maintain or improve area property values.

8 **Section 2.** Owners of real property in areas where new solid waste transfer,
9 processing or landfill operations are constructed or maintained are entitled to
10 compensation for any diminution or suppression of property value attributable to
11 such construction or operations. Determination of property value shall be made by
12 no fewer than two (2) licensed real estate appraisers. Such loss of property value
13 shall be considered evidence of taking for public purposes, subject to inverse
14 condemnation. The government of Guam shall not indemnify any private
15 contractor, manager, consultant, operator, or financial party-in-interest from liability
16 for solid waste management facilities constructed and operated in the public
17 interest. All government contracts, leases or other similar agreements with private
18 entities to construct, operate or maintain solid waste handling or facilities shall
19 include constructive obligation provisions to compensate affected landowners for
20 economic loss arising from the private entity's acts or omissions, and require
21 evidence of a surety bond or other current insurance policy to cover this
22 contingency. Where the government of Guam owns or operates such facility,
23 compensation shall be made pursuant to the government claims act, by specific
24 appropriation, with a tax liability abatement, or value-for-value exchange of real
25 property based on pre-affectation valuation of affected land.

1 **Section 3.** Every solicitation, request for proposals, agreement, contract or
2 award between the government of Guam and any private professional, financial or
3 construction service for all landfill or other municipal solid waste facilities shall
4 contain constructive notice of public policy concerning affected land valuation
5 liability contained in Section 2 of this Act.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 472-3409 • Fax (671) 472-3510

Speaker Mark Forbes

November 9, 2005

Speaker Mark Forbes
I Mina' Bente Ocho Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

The Committee on General & Omnibus Matters to which Bill No. 105 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 105 (LS)**: "An Act To Affirm Public Responsibility For Real Property Valuation Lost As A Result Of Landfill Construction And Operation".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

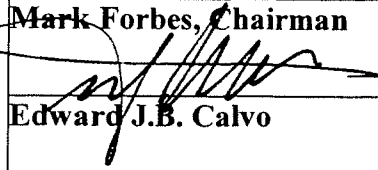
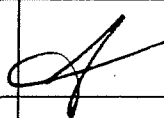
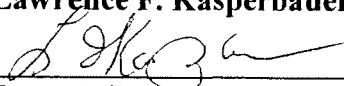
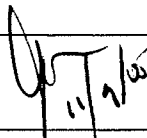




Attachments

COMMITTEE ON GENERAL AND OMNIBUS MATTERS

I MINA'BENTE OCHO NA LIHESLATURAN GUÁHAN
155 HESLER PLACE, HAGÁTNA, GUAM 96910

An Act To Affirm Public Responsibility For Real Property Valuation Lost As A Result Of Landfill Construction And Operation.

VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		<input checked="" type="checkbox"/>				
Edward J.B. Calvo						
Lawrence F. Kasperbauer, Ph.D.				x		
Jesse A. Lujan		<input checked="" type="checkbox"/>				
Ray Tenorio						
Michael Cruz, M.D.		<input checked="" type="checkbox"/>				
Lou A. Leon Guerrero		<input checked="" type="checkbox"/>				
Judith T. Won Pat		<input checked="" type="checkbox"/>				
Benjamin J.F. Cruz		<input checked="" type="checkbox"/>				

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25 property based on pre-affectation valuation of affected land.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
COMMITTEE ON GENERAL & OMNIBUS MATTERS
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT
ON
BILL NO. 105 (LS)**

**An Act To Affirm Public Responsibility For Real Property Valuation Lost
As A Result Of Landfill Construction And Operation.**

IV. PUBLIC HEARING AGENDA

AGENDA

COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

Public Hearing
Thursday, September 01, 2005, 9:00 a.m.

The following appointments will be heard:

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

The following Bills will be heard by the Committee on General & Omnibus Matters:

Bill No. 66 (EC) - by F. B. Aguon Jr.

An Act Relative To Requiring The Proper Restoration Of Roadways And Highways That Are Partially Damaged Due To Construction Work To Their Pre-Construction Condition By The Contractor Prior To The Full Disbursement Of Public Construction Funds For Such Projects, And Empowering Guam's Village Mayors To Certify The Completion And Proper Re-Surfacing Of The Roadway Or Highway To Its Previous Condition.

Bill No. 75 (EC) - by Ray Tenorio

An Act To Amend Section 1903 Of Chapter 19 Of Title 1 Of The Guam Code Annotated Relative To The Term Of Office Of The Public Auditor.

Bill No. 96 (EC) - by J. T. Won Pat

An Act To Repeal And Reenact Sections 15409, 15410 And 15411 Of Article 4, Chapter 15, Of Title 4, Guam Code Annotated, To Add New Sections 15412 And 15413 Of Article 4, Chapter 15 Of Title 4, Guam Code Annotated And To Repeal Sections 43116 And 43117 Of Article 1, Chapter 43, Division 4 Of Title 5, Guam Code Annotated, Relative To Establishing An Ethics In Government Program For Elected Officials And Any Person Who Is Appointed To A Position As Board Or Commission Member, Director, Deputy Director, Or By Whatever Title Denotes The Head And First Assistant Of A Government Of Guam Agency, Department, Public Corporation, Authority, Or Any Other Entity Of The Executive Branch.

Bill No. 104 (LS) - by J. A. Lujan

An Act To Establish Strict Accountability For Adverse Effects On Personal Health And Environmental Quality As A Result Of New Landfill Facility Construction, Operation, Closing And Monitoring.

Bill No. 105 (LS) - by J. A. Lujan

An Act To Affirm Public Responsibility For Real Property Valuation Lost As A Result Of Landfill Construction And Operation.

Bill No. 125 (EC) - by E. J. B. Calvo

An Act Authorizing I Maga'lahaen Guåhan To Exchange A Portion Of Government Land Within Lot Number 10120-R16, Municipality Of Dededo, With Lot Number 5400-R6, Municipality Of Mangilao, On A Value For Value Basis To Address The Protective Buffer Zone Requirements For The Department Of Corrections Pursuant To Public Law 17-54.



I Mina' Bente Ocho Na Liheslaturan Guahan
The 28th Guam Legislature

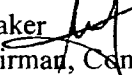
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Speaker Mark Forbes

August 25, 2005

MEMORANDUM

TO: All Media:
Pacific Daily News; 477-3079 KUAM; 637-9870
Marianas Variety; 648-2007 K-57/Power 98; 477-3982
K-Stereo; 477-6411 Hit Radio 100; 472-7663
Glimpses-Gu. Business 649-8883 Adventist World Radio 565-2983
Harvest Family Radio 477-7136 KPRG 734-2958
KISH 477-6411 Rlene Live

FROM: Speaker 
Chairman, Committee on General & Omnibus Matters, and
Executive Committee

SUBJECT: Notice of Public Hearing- **Thursday, September 01, 2005**

Please be informed that I have scheduled a public hearing on Thursday, September 01, 2005, 9:00 a.m., at the Public Hearing Room, Temporary Legislative Building, on the following appointments and bills:

The following appointments and bills will be heard;

Antonio M. Palomo: Member, Guam Historic Preservation Review Board
Rebecca Ann Duenas: Member, Guam Historic Preservation Review Board
Mark Zhao: Member, Guam Real Estate Commission

Bill No. 66 (EC) - by F. B. Aguon Jr.

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Activity Report

Date/Time
Local ID
Local Name
Company Logo

8-29-05; 10:14AM
4723510
Guam Legislature

Calling **

Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	14	clerks	8-26-05; 10:38AM	1'11"	2/ 2	EC	CP 12.0
2	21	sen frank aguon	2:16PM	27"	-/ 4	BC	0536
3	21	vice spkr brown	2:17PM	6'16"	4/ 4	EC BC	CP 7200
4	21	sen calvo	2:23PM	1'43"	4/ 4	EC BC	CP 21.6
5	21	sen bj cruz	2:26PM	2'12"	4/ 4	EC BC	CP 24.0
6	21	sen m cruz	2:28PM	1'08"	1/ 4	EC BC	0513 28.8
7	21	sen kasperbauer	2:30PM	2'17"	4/ 4	EC BC	CP 14.4
8	21	sen leon guerrero	2:32PM	2'34"	4/ 4	EC BC	CP 12.0
9	21	lujann	2:35PM	0"	-/ 4	BC	056D
0	21	sen palacios	2:36PM	1'51"	4/ 4	EC BC	CP 19.2
1	21	sen respecto	2:38PM	3'00"	4/ 4	G3 BC	CP 12.0
2	21	sen tenorio	2:42PM	6'14"	4/ 4	G3 BC	0223 4800 2, 4
3	21	sen unpingco	2:48PM	2'50"	4/ 4	EC BC	CP 9600
4	21	sen won pat	2:51PM	0"	-/ 4	BC	056D
15	21	sen frank aguon	2:53PM	1'42"	4/ 4	EC RE	CP 28.8
16	21	sen m cruz	2:55PM	0"	1/ 4	RE	056D
17	23	pdn	2:57PM	2'47"	4/ 4	EC BC	CP 9600
18	23	marianas variety	3:01PM	2'42"	4/ 4	EC BC	CP 12.0
19	23	kuam	3:05PM	1'56"	4/ 4	EC BC	CP 14.4
20	23	hit radio	3:08PM	1'40"	4/ 4	EC BC	CP 28.8
21	21	klitzkie	3:10PM	0"	-/ 4	BC	056A
22	23	guam business	3:12PM	0"	-/ 4	BC	056D
23	23	power ninty eight	3:19PM	0"	-/ 4	BC	056D
24	23	k stereo/klsh	3:29PM	0"	-/ 4	BC	056B
25	23	world radio	3:30PM	0"	-/ 4	BC	056A
26	23	family radio	3:30PM	0"	-/ 4	BC	056B
27	23	kprg	3:31PM	0"	-/ 4	BC	056B
28	23	rlene steffy	3:31PM	0"	-/ 4	BC	056B
29	24	pdn	3:32PM	1'52"	3/ 3	EC	CP 14.4
30	28	DPW	3:34PM	36"	1/ 1	EC	CP 26.4
31	29	96479224	3:35PM	1'08"	1/ 1	EC	CP 14.4
32	30	94727951	3:36PM	1'06"	1/ 1	EC	CP 24.0
33	31	94774826	3:38PM	45"	1/ 1	EC	CP 16.8
34	32	96462335	3:39PM	29"	1/ 1	EC	CP 28.8
35	33	94779402	3:40PM	30"	1/ 1	EC	CP 26.4
36	34	94770883	3:41PM	29"	1/ 1	EC	CP 28.8
37	35	94737024	3:41PM	1'08"	1/ 1	G3	CP 9600
38	36	94772689	3:43PM	60"	1/ 1	EC	CP 12.0
39	37	94725003	3:44PM	25"	1/ 1	EC	CP 28.8
40	41	97344130	3:46PM	1'17"	1/ 1	EC	CP 9600
41	39	GUAM ATTY GEN'L	3:48PM	59"	1/ 1	EC	CP 9600
42	38	94778777	3:49PM	0"	-/ 1		056D
43	42	96469403	3:50PM	44"	1/ 1	EC	CP 24.0
44	43	96440010	3:52PM	35"	1/ 1	EC	CP 24.0
45	79	DPW	4:09PM	34"	1/ 1	EC	CP 28.8
46	81	94778777	4:13PM	1'18"	1/ 1	G3	0223 9600 1
47	85	94778777	4:20PM	1'57"	1/ 1	G3	0223 4800 1
48	92	klitzkie	8-29-05; 9:15AM	0"	-/ 1		056B

Total 79

* Called **

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	12	6716497766	8-26-05; 10:01AM	1'14"	1	EC		CP 7200
2	17	4775984	10:51AM	60"	1	EC		CP 21.6
3	19	4775984	10:54AM	56"	1	EC		CP 21.6
4	77	6714778082	3:55PM	4'11"	2	EC		CP 12.0
5	88	6714775637	8-28-05; 3:00PM	2'23"	1	G3		CP 4800
6	90	6716478860	11:23PM	3'20"	1	EC		CP 21.6

Total 7

Notes :

CC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send