



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 29 2011

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

628 M. Cabrera  
Pangelinan  
8/29

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

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

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

**RE: Committee Report on Bill No. 200-31 (COR), As Amended**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 200-31 (COR), As Amended, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development", sponsored by Senator Vicente (ben) Cabrera Pangelinan, which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

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

*Si Yu'os Ma'ase',*  
  
Vicente (ben) Cabrera Pangelinan  
Chairman

**COMMITTEE REPORT  
ON**

**Bill No. 200-31 (COR), As Amended**

**Sponsored by Senator Vicente (ben) Cabrera  
Pangelinan**

**An Act to approve the Commercial Lease  
Agreement by and between the Department of  
Land Management and the Macheche Plaza  
Development.**



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

**AUG 29 2011**

**MEMORANDUM**

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

**From:** Senator Vicente (ben) Cabrera Pangelinan  
Committee Chairperson

**Subject: Committee Report on Bill No. 200-31 (COR, As Amended)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 200-31 (COR, As Amended, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development", sponsored by Senator Vicente (ben) Cabrera Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 200-31 (COR), As Introduced
4. Copy of Bill No. 200-31 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copy of written testimonies
7. Fiscal Note
8. Copy of COR referral Bill No. 200-31 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

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

*Si Yu'os Ma'åse',*

Vicente (ben) Cabrera Pangelinan  
Chairman

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

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

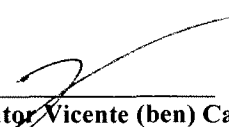
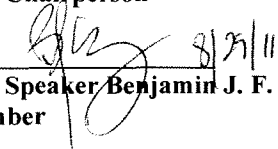
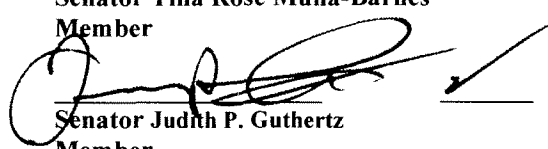
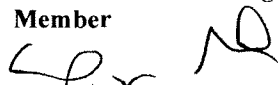
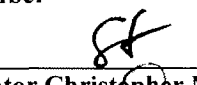
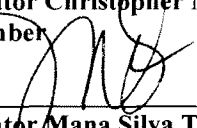
Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

*I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN*

**Committee Voting Sheet**

**Committee on Appropriations, Taxation, Banking, Public Debt, Insurance,  
Retirement, and Land**

Bill No. 200-31 (COR), As Amended: An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 _____ Senator Vicente (ben) Cabrera Pangelinan Chairman	✓	_____	_____	_____	_____
_____ Speaker Judith T. Won Pat, Ed.D Vice Chairperson	_____	_____	_____	_____	_____
 _____ Vice Speaker Benjamin J. F. Cruz Member	✓	_____	_____	_____	_____
_____ Senator Tina Rose Muña-Barnes Member	_____	_____	_____	_____	_____
 _____ Senator Judith P. Guthertz Member	✓	_____	_____	_____	_____
_____ Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
 _____ Senator V. Anthony Ada Member	✓	_____	_____	_____	_____
 _____ Senator Christopher M. Duenas Member	_____	_____	✓	_____	_____
 _____ Senator Mana Silva Taijeron Member	✓	_____	_____	_____	_____



**Committee Report**

**Bill No. 200-31 (COR)** As Introduced, Bill No. 200-31, "An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development."

**I. OVERVIEW**

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on June 20, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

**Public Notice Requirements**

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on June 13, 2011 (5-Day Notice), and again on June 18, 2011 (48 Hour Notice).

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

Senator Vicente "ben" Cabrera Pangelinan, Chairman  
Vice Speaker BJ Cruz, Member  
Senator Tony Ada, Member  
Senator Christopher Duenas, Member  
Senator Mana Silva Taijeron, Member  
Senator Adolpho Palacios  
Senator Aline Yamashita  
Senator Sam Mabini

**(b) Appearing before the Committee**

Mr. Monte Mafnas, Administrative Director, Chamorro Land Trust Commission

**(c) Written Testimonies Submitted**

Mr. Carlos Untalan, Acting Director of the Department of Land Management  
Mr. Gregory Hartkopf, General Manager of Macheche Plaza Development

Chairman  
Committee on Appropriations,  
Taxation, Public Debt, Banking,  
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Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

## II. COMMITTEE PROCEEDINGS

### (a) Bill Sponsor Summary

**Chairman Vicente Pangelinan:** Will go ahead and start this morning and I want to thank everyone for their presence this morning on this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land. All notices for the public hearing were issued in conformance with the Open Government Law and this morning we have confirmations and bills before the Committee.

The next bill on the agenda is Bill No. 200, which is “An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development” and I have Mr. Monte Mafnas; Mr. Mafnas, were you going to testify on Bill 200?

### (b) Testimonies

**Mr. Monte Mafnas:** Yes. [translation in *Chamorro*] Greetings. Chairman and Senators, my name is Monte Mafnas from Chamorro Land Trust Commission. The only point I want to state, not to be remiss, but I did not see that the Lessee would pay real estate taxes. It is my opinion that any and all lessees leasing the buffer strip should pay real estate taxes. For example, if this lease were assessed \$100 a year, they would have paid \$1,000. Now, if we were going to extend another ten years, they would have paid \$2,000. If we had five such applicants government of Guam has left \$10,000 on the table. So, that’s my only concern. Thank you.

**Chairman Vicente Pangelinan:** Thank you Mr. Mafnas. Certainly for that insight and input. Just for the record, the buffer strip is placed under the purview of Land Management and the Mayor’s Office. All the revenues generated by the leases goes to the Municipal Planning Council of Dededo and Yigo and the reason why the bill has to be approved by this body is some additional legislation was passed that requires the lease to come down to the Legislature. But, we certainly thank you for your input.

**Mr. Monte Mafnas.** I just want to try and effectuate a revenue containment measure. That’s all.

**Chairman Vicente Pangelinan.** Yes, thank you very much and Si Yu’os Ma’ase.

We will adjourn this public hearing.

## III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 200-31 (COR), As Amended by the Committee with the recommendation To Pass.

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

2011 MAY 16 PM 1:23 EDM

Bill No. 200-31 (COR)  
Introduced by:

v.c. pangelinan



**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT  
BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT  
AND THE MACHECHE PLAZA DEVELOPMENT.**

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

1       **Section 1. Legislative Statement and Intent.** Section 68901 (a) of  
2 Title 21 Guam Code Annotated authorized the Department of Land  
3 Management, with the approval of the Governor after consultation with the  
4 Dededo Municipal Planning Council to enter into commercial lease  
5 agreements for properties known as the Dededo Buffer Strip. These  
6 properties have been leased to numerous business establishments and  
7 pursuant to law, commercial leases cannot extend more than ten (10) years.

8       In 2000, the Macheche Plaza Development entered into a commercial  
9 lease agreement with the Department of Land Management, government of  
10 Guam with concurrence by the Dededo Municipal Planning Council and has  
11 maintained a portion of the Dededo Buffer Strip, particularly identified as  
12 Lot No. 3-R1, Block 2, Tract 91. The lease agreement expired in 2010 and  
13 has requested to enter into another ten (10) year lease with the Department  
14 of Land Management, government of Guam. The Dededo Municipal  
15 Planning Council has supported this request through the passage of  
16 Resolution No. 2010-06 dated October 11, 2010, stating that the Macheche

1 Plaza Development has complied with the mandates of the lease agreement  
2 by the beautification and maintenance of the property.

3 Furthermore, §60112 of Article 1, Division 2 of Chapter 60, Title 21  
4 Guam Code Annotated as amended, mandated that any government-owned  
5 real property shall not be leased, sub-leased, exchanged or otherwise  
6 transferred without the prior approval by *I Liheslaturan Guahan*. The  
7 Dededo Buffer Strip is considered government-owned property and thereby  
8 pursuant to law mandate that any lease agreement shall be approved by *I*  
9 *Liheslaturan Guahan*.

10 It is therefore the intent of *I Liheslaturan Guahan* to authorize the  
11 Department of Land Management, government of Guam to enter into a  
12 commercial lease agreement with Macheche Plaza Development for a  
13 portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-R1,  
14 Block 2, Tract 91.

15 **Section 2. Approval of Commercial Lease Agreement.**

16 Notwithstanding any other provision of law, *I Liheslaturan Guahan* hereby  
17 approves the commercial lease agreement between the Department of Land  
18 Management, government of Guam and the Macheche Plaza Development  
19 for a portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-  
20 R1, Block 2, Tract 91. The commercial lease agreement shall comply with  
21 the provisions of §68901 (a), Chapter 68, Article 9 of Title 21 Guam Code  
22 Annotated and herein attached as “Attachment A”.

23 **Section 3. Prohibited Use.** The property shall not be use so as to  
24 make the property unusable upon the expiration of the lease term. This shall  
25 include such use as ponding basins.

26 **Section 4. Severability.** If any provision of this Law or its  
27 application to any person or circumstances is found to be invalid or contrary



- 1 to law, such invalidity shall not affect other provisions or applications of this
- 2 Law which can be given effect without the invalid provisions or application,
- 3 and to this end the provisions of this Law are severable.

# ATTACHMENT A

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(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

## DEDEDO BUFFER STRIP LEASE AGREEMENT

This agreement, made this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between **DEPARTMENT OF LAND MANAGEMENT, GOVERNMENT OF GUAM, LESSOR**, whose address is P.O. Box 2950, Hagatna, Guam 96932, and **MACHECHE PLAZA DEVELOPMENT, LESSEE**, whose address is P. O. Box 691, Hagatna, Guam 96932; and

WHEREAS, Government of Guam is the owner of the "Dededo Buffer Strip", Municipality of Dededo, as identified on Land Management Drawing No. C4-58T399, recorded on the 5<sup>th</sup> day of August, 1960, under Document No. 39272; and

WHEREAS, the commercial lease of portions of the Dededo Buffer Strip has been authorized by Public Law 23-45, which is codified as 21 G.C.A., Subsection 68901, a portion of which was repealed and reenacted by Public Law 24-59; 24-237; and

WHEREAS, LESSEE is the owner of real property immediately adjacent to the Dededo Buffer Strip and has applied with LESSOR in accordance with applicable law to lease that portion of the Dededo Buffer Strip immediately adjacent to LESSEE'S real property (hereafter LEASED PREMISES); and

WHEREAS, the LEASED PREMISES is described as follows:

*That portion of the Dededo Buffer Strip, immediately adjacent to Lot No. 3-R1, Block No. 1, Tract No. 91, Municipality of Dededo and having the same length as the common boundary shared with LESSEE's property, containing an area of 1,912 ± square meters, and*

WHEREAS, LESSOR has consulted with the Dededo Municipal Planning Council on the terms and conditions of this LEASE AGREEMENT; and

WHEREAS, LESSEE has obtained approval of beautification plans for the LEASED PREMISES from the Department of Parks and Recreation in consultation with the Dededo Municipal Planning Council; and

WHEREAS, LESSEE has obtained two appraisals, within six months of the date of execution of this LEASE AGREEMENT, from Guam licensed appraisal companies, of the fair market value of the property to be leased, the average of which will be used in determining the annual lease fee for the LEASED PREMISES.

NOW, THEREFORE, in consideration of the terms and conditions set forth in this LEASE AGREEMENT, the PARTIES agree as follows:

1. The LEASED PREMISES shall be used by LESSEE only for the purposes of public parking, and beautification and landscaping.

2. The annual lease fee, which LESSEE SHALL PAY TO LESSOR, is TEN THOUSAND NINE HUNDRED FIFTY DOLLARS (**\$10,950.00**) which constitutes Six Percent (6%) of the fair market value of the LEASES PREMISES. This annual fee does not exceed Twenty Percent (20%) of the fair market value of the LEASED PREMISES as per the requirements of P.L. 24-59.

3. LESSOR shall immediately deposit all fees collected under this LEASE AGREEMENT into Department of Administration Account No. 5100C052880SE001 (the Dededo Municipal Planning Council Buffer Strip Account – 2/3 to the Dededo Municipal Planning Council and 1/3 to the Yigo Municipal Planning Council).

4. This LEASE AGREEMENT shall be effective and commence only upon date of execution by the Governor of Guam and shall end ten years following the effective date of this LEASE AGREEMENT. In no event shall this LEASE AGREEMENT EXCEED a term of ten (10) years.

5. LESSEE shall provide its first annual lease payment directly to LESSOR at the time LESSEE executes this LEASE AGREEMENT. Thereafter, annual payments shall be made to LESSOR on or before the yearly anniversary of the execution of this LEASE AGREEMENT by the Governor.

6. Should LESSEE fail to meet the annual fee payment obligation, LESSEE shall be in default. Upon failure to cure the default within thirty (30) days after the due date of any payment, LESSOR may terminate the contract without notice and enter upon the premises to take possession thereof. In the event of default under this paragraph, LESSEE shall be liable for the unpaid annual lease fee plus interest as allowed by law.

7. Should LESSEE fail to begin construction of the approved improvements upon the LEASED PREMISES within three (3) months of the commencement of this LEASE AGREEMENT, LESSEE shall be in default and LESSOR may terminate this LEASE AGREEMENT without notice and enter upon the premises to take possession thereof.

In the event of default under this paragraph, the annual lease fee shall be kept by the LESSOR as liquidated damages.

8. LESSEE shall not sell, sublet, assign, or transfer in any way the LEASED PREMISES.

9. LESSEE shall indemnify, defend and hold LESSOR harmless against any claim for loss, liability or damage including claims for property demand by third persons for loss, personal injury or wrongful deaths arising out of any accident on the LEASED PREMISES or in any way related to the LEASED PREMISES.

10. LESSOR shall not be held responsible for, and LESSEE shall indemnify LESSOR against, any claim or suit for loss, liability, or damage on account of any personal injury or death arising out of any accident or incident occurring on the LEASED PREMISES caused by the acts or omissions of LESSEE or its officers, agents, servants or employees.

11. LESSEE shall be responsible for the provision of water and power to the LEASED PREMISES as needed. Water and power are available within 100 feet of the LEASED PREMISES.

12. Should LESSEE change ownership of its private commercial business activity, or sell its assets, this LEASE AGREEMENT shall immediately terminate and the new owner must reapply to lease this property from the Government of Guam.

UPON all the terms and conditions contained herein, LESSOR and LESSEE hereby agree:

LESSEE: \_\_\_\_\_  
GREGG KOSANKE, President  
Macheche Plaza Development

DATE: \_\_\_\_\_

LESSOR: \_\_\_\_\_  
ANISIA B. TERLAJE, Director  
Department of Land Management

DATE: \_\_\_\_\_

ACKNOWLEDGMENT

Tamuning, Guam ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned notary, personally appeared ANISIA B. TERLAJE, Director, Department of Land Management (LESSOR), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal Hagatna, Guam, the day and years first above written.

\_\_\_\_\_

ACKNOWLEDGMENT

Tamuning, Guam ) SS

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned notary, personally appeared GREGG KOSANKE, Macheche Plaza Development (LESSEE), known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

IN WITNESS WHEREOF, I have hereunto affixed my name and official seal in Hagatna, Guam, the day and years first above written.

\_\_\_\_\_

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
LEONARDO M. RAPADAS  
Attorney General of Guam

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

\_\_\_\_\_  
EDWARD J.B. CALVO  
Governor of Guam

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

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

**Bill No. 200-31 (COR)**

**Introduced by:**

**v.c. pangelinan**

**As Amended by the Committee on Appropriations, Taxation  
Public Debt, Banking, Insurance, Retirement and Land**

**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT  
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14 Land Management, government of Guam. The Dededo Municipal Planning  
15 Council has supported this request through the passage of Resolution No.  
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19 for a portion of the Dededo Buffer Strip, particularly identified as Lot 3-R1,  
20 Block 1, Tract 91. The commercial lease agreement shall comply with the  
21 provisions of §68901 (a), Chapter 68, Article 9 of Title 21 Guam Code  
22 Annotated and shall contain substantially the terms and conditions as those  
23 contained in Attachment A, herein attached. .

24 **Section 3. Prohibited Use.** The property shall not be used so as to  
25 make the property unusable upon the expiration of the lease term. This shall  
26 include, but not limited to such uses as ponding basins.



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



**Mina'trentai Unu Na Liheslaturan Guahan**  
*THIRTY-FIRST GUAM LEGISLATURE*  
**Senator Vicente "ben" Cabrera Pangelinan**

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**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,  
INSURANCE, RETIREMENT AND LAND**  
Monday, June 20, 2011  
**Bill No. 200**  
**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
MONTE MAFNAS	CLTL	6424241			✓		

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



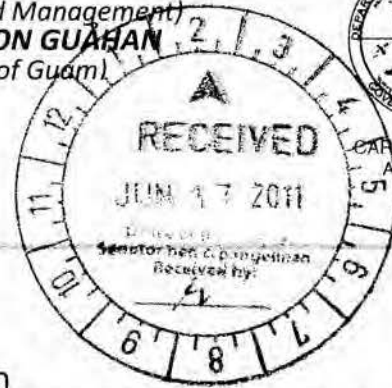
**DIPĀTTAMENTON MINANEHAN TĀNO'**  
 (Department of Land Management)  
**GUBETNAMENTON GUĀHAN**  
 (Government of Guam)



EDDIE BAZA CALVO  
 Governor of Guam

RAY TENORIO  
 Lieutenant Governor of Guam

CARLOS R. UNTALAN  
 Acting Director



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

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

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

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

Telephone:  
 671-649-LAND (5263)

Facsimile:  
 671-649-5383

June 16, 2011

Honorable Senator Vicente (ben) Pangelinan  
 Chairman, Committee on Appropriations, Taxation, Public Debt, Banking,  
 Insurance, Retirement and Land

SUBJECT: DLM Comment on Bill: 200-31 (COR) - **AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.**

Bueñas Yan Hafa Adai Senator Pangelinan:

We have reviewed Bill 200-31(COR) and provide our comments as cited below. We recommend the changes as follows:

1. The Lot designation of the Buffer Strip cited on: Page 1, Section 1, Lines 11 - 12; Page 2, Section 1, Lines 13 -14 and Page 2, Section 2, Lines 19 -20, must be corrected as follows:

**AS READS:** *"... has maintained a portion of the Dededo Buffer Strip, particularly identified as Lot No. 3-R1, Block 2, Tract 91."*

**MUST READ:** *"... has maintained a portion of the Dededo Buffer Strip, particularly identified as LOT 3-R1, BLOCK 1, TRACT 91."*

2. Recommend that the word "No." as it appears through the Bill and the lease document concerning description of the lot designation be remove as this word is not a part of the legal lot description.
2. Page 2, Section 2, Lines 20 -22. We recommend that the "**ATTACHMENT A**" as reference be removed. If the intent to include the "**ATTACHMENT A**" as a sample lease format, then we have no objection. However, if the intent is for this Department to adhere to the "**ATTACHMENT A**" in its entirety; and that if this Bill is pass into law, we feel that if there are any changes that needs to be made, e.g., name of DLM Director, etc., then an amendment to the Law must first be pursued before the changes can be realize.

Continuation of Letter

RE: DLM Comment on Bill: 200-31 (COR)

June 16, 2011

Page 2 of 2

3. Macheche Plaza Development has complied with the requirements to lease the Buffer Strip located as cited in the corrected designation above. Macheche Plaza Development has received the Dededo Municipal Planning Council Resolution No. 2010-06; and has obtained the Department of Parks and Recreation approval in its beautification plans and projects.

We support the Bill to authorize another ten (10) year lease subject to the corrections and recommendations as noted above.

Lastly, since the time of the lease between the parties involved, this Department has never been compensated for its action in all facets in the preparation of the lease. In this current financial downturn in the economy, we are seeking revenues that can supplement the Department's operations. Therefore, we respectfully request that language be included in the Bill that authorizes a percentage of the monies generated from the lease for the compensation of DLMs work.

Thank you for the opportunity to provide our comments.

I can be reached at 649-5263 extension 311 or 612, or Mrs. Margarita Borja, Land Administrator, at extension 410, should you have additional questions or need further clarification.

Senseramente,

Carlos R. Untalan  
Acting Director

Cc: Land Administration

# MACHECHE PLAZA DEVELOPMENT

POST OFFICE BOX 691 HAGATNA, GUAM 96932  
TELEPHONE: (671) 477-5266 FAX: (671) 477-2839

June 20, 2011

**Senator Vicente "ben" Pangelinan**

324 W. Soledad Avenue  
Hagatna, Guam 96910

**Re:** Written Testimony on:

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

**Dear Senator Pangelinan:**

I am writing to provide testimony on the Bill No. 200-31, which is Legislative approval of our proposed buffer strip lease for the land fronting Macheche Plaza. **We fully support Bill No. 200-31 as written with no changes or substitutions.**

This bill is important because it allows us to continue to utilize this strip of land between Macheche Plaza and Marine Corps Drive for excess parking for our shopping center. Furthermore, under the lease agreement, we will be responsible for cleaning and maintaining the property, so that it continues to be attractive and safe. But more importantly, by leasing this property we will be providing the municipality of Dededo with an important revenue stream that will benefit the Dededo community.

We thank you, Senator Pangelinan, and the 31<sup>st</sup> Guam Legislature for their efforts and support of Bill No. 200-31 and look forward to it's passage.

Best regards,

  
**Gregory Hartkopf**  
General Manager

**DEDEDO MUNICIPAL PLANNING COUNCIL  
MUNICIPALITY OF DEDEDO**

**RESOLUTION NO. 2010-06**

Introduced by:

Melissa B. Savares, Chairperson

Andrew Peter A. Benavente, Co-Chairperson

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**HONORARY MEMBERS**

734<sup>th</sup> AMS-AAFB Representative

NCTS Representative

Relative to the Dededo Municipal Planning Council (DMPC) supporting the Renewal of Lease for Buffer Strip fronting Macheche Plaza, Lot No. 3-R1, Block 1, Tract 91.

**BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL OF DEDEDO:**

**WHEREAS**, on October 11, 2010, the members of the Dededo Municipal Planning Council discussed the renewal of lease of Lot No. 3-R1, Block 1, Tract 91, fronting Macheche Plaza; and

**WHEREAS**, members of the Dededo Municipal Planning Council have agreed that the Macheche Plaza Development has beautified and maintained the above property for the past ten (10) years and should continue to maintain and beautify the above property for another ten (10) years; and

**WHEREAS**, the Dededo Municipal Planning Council agrees that the Macheche Plaza Development will pay six (6) percent of the appraised value of the property to the Department of Administration Dededo Buffer Strip Account; and

**BE IT RESOLVED** that the Dededo Municipal Planning Council supports this request for the Macheche Plaza Development's Renewal of Lease for the Dededo Buffer Strip; and therefore be it

**FURTHER RESOLVED**, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, the Guam Territorial Land Use Commission and the Governor of Guam.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 11<sup>th</sup> DAY OF October 2010.

  
\_\_\_\_\_  
MELISSA B. SAVARES, Chairman

  
\_\_\_\_\_  
YVONNE S. ACDA, Secretary DMPC

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 200-31 (COR)**

**AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Department of Land Management	<b>Dept./Agency Head:</b> Carlos R. Untalan, Acting Director
<b>Department's General Fund (GF) appropriation(s) to date:</b>	-
<b>Department's Other Fund (Specify) appropriation(s) to date:</b>	3,364,412
<b>Total Department/Agency Appropriation(s) to date:</b>	3,364,412

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2010 Unreserved Fund Balance<sup>1</sup></b>		\$0	\$0
<b>FY 2011 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2011 Appro. (P.L. 30-196)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$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
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Dededo Buffer Strip Revolving Fund</b>	\$10,950	\$3,650	\$10,950	\$10,950	\$10,950	\$10,950
<b>Total</b>	\$10,950	\$3,650	\$10,950	\$10,950	\$10,950	\$10,950

1. Does the bill contain "revenue generating" provisions? / x / Yes      // No  
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? // Yes      / x / No  
If yes, will the program duplicate existing programs/agencies? // N/A      // Yes      / x / No  
Is there a federal mandate to establish the program/agency? // Yes      / x / No
4. Will the enactment of this Bill require new physical facilities? // Yes      / x / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes      // No  
// Requested agency comments not received by due date      // Other: \_\_\_\_\_

<b>Analyst:</b> <u>Evelyn G. Fernandez</u>	<b>Date:</b> <u>6/16/11</u>	<b>Director:</b> <u>Benita A. Mangiona</u>	<b>Date:</b> <u>6/16/11</u>
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**Footnotes:**

1) See attachment to fiscal note.

**Bureau of Budget & Management Research  
Attachment to Fiscal Note No. 200-31 (COR)**

<b>Projected Multi-Year Revenues</b>					
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<b>General Fund</b>					
<b>Dededo Buffer Strip Revolving Fund</b>	<b><u>\$10,950</u></b>	<b><u>\$10,950</u></b>	<b><u>\$10,950</u></b>	<b><u>\$10,950</u></b>	<b><u>\$10,950</u></b>
<b>Total</b>	<b>\$10,950</b>	<b>\$10,950</b>	<b>\$10,950</b>	<b>\$10,950</b>	<b>\$10,950</b>

**Comments:**

1/ The annual lease fee, as indicated in the lease agreement (Attachment A), is ten thousand nine hundred fifty dollars (\$10,950) which is six percent (6%) of the fair market value of the leased premises. Public Law 24-59 allows up to twenty percent (20%). It is recommended that a higher rate, not to exceed the limit, be negotiated by the Government.





# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
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May 17, 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 Bills No. 200-31 (COR) through 202-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 200-31(COR) through 202-31 (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!*

(2) Attachments

2011 MAY 18 PM 3: 52

*I Mina'Trentai Unu Na Liheslaturan Guâhan*

**Bill Log Sheet**

**May 16, 2011**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date)</b> Passed? Failed? Vetoed? Overridden? Public Law?
200-31 (COR)	v. c. pangelinan	AN ACT TO APPROVE THE COMMERCIAL LEASE AGREEMENT BY AND BETWEEN THE DEPARTMENT OF LAND MANAGEMENT AND THE MACHECHE PLAZA DEVELOPMENT.	5/16/11 1:23 p.m.	5/17/11		Committee on Appropriation & Taxation, Public Debt, Banking, Insurance, Retirement and Land.			



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Hafa Adai,  
 The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**

*gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)*

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

*Alas nuebi gi egga'an despu (9:00 AM)*

**TAREHA (AGENDA)**

**Komfitmasion Siha: (Confirmation hearings)**

- Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
- Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
- Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
- Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
- Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

**Priniponi Siha (Bills)**

**Bill No. 43-31 (COR):** An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

**Bill No. 144-31 (COR):** An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

**Bill No. 146-31 (COR):** An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

**Bill No. 162-31 (COR):** An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

**Bill No. 174-31 (COR):** An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing "Split-Zone Elections".

**Bill No. 181-31 (COR):** An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

**Bill No. 200-31 (COR):** An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

**Bill No. 207-31 (COR):** An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

**Bill No. 208-31 (COR):** An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated

relative to the construction of a new Department of Land Management Building in Hagatna.


**Bill No. 210-31 (COR):** An Act to add a new Chapter 53 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as “The Cash Economy Enforcement Act of 2011”.

**Bill No. 219-31 (COR):** An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

*Yanggen un nisisita espesiât na setbisio put fabot âgang i lfinisan Senadot ben pangelinan gi 473-4236/7, i-mel si [senbenp@guam.net](mailto:senbenp@guam.net) patsino hâlom gi i uepsait gi <http://www.senbenp.com> Este na nutisiu inapâsi nu i fendon gubetnamento.*

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
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bmkelman@guampdn.com,  
Oyao! Ngirairiki <odngirairiki@guampdn.com>,  
"Melyan, Catnona"  
<cmelyan@guam.gannett.com>  
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Hafa Adai,  
The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

*gi Lunes, gi diha 20 gi Huño, 2011  
(Monday, June 20, 2011)*

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

*Alas nuebi gi egga'an despu  
(9:00 AM)*

**TAREHA  
(AGENDA)**

**Komfitmasion Siha:  
(Confirmation hearings)**

- Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner
- Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board
- Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
- Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
- Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

**Priniponi Siha  
(Bills)**

**Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.**

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- Chris Budasi
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
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Sat, Jun 18, 2011 at 10:42 AM
Public Hearing - Second Notice
guamlegislature.org

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

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gi Lunes, gi diha 20 gi Huiño, 2011 (Monday, June 20, 2011)

Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu (9:00 AM)

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Chat

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olivia
Selina Onedera-Salas
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cor
Scott Mendiola
Stephanie Mendiola
Artemio Hernandez
Chelsea Muna-Brecht
Chns Budasi
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I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

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

Vice Chairman  
Committee on Education

Member  
Committee on Rules,  
Federal, Foreign &  
Micronesian Affairs and  
Human & Natural  
Resources

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

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

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the People

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

Vice Chairman  
Committee on Education

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Committee on Rules,  
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Tourism, Housing, and  
Recreation

Member  
Committee on the Guam  
Military Buildup and  
Homeland Security

Member  
Committee on Health and  
Human Services, Senior  
Citizens, Economic  
Development, and Election  
Reform

# I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: Media

From: Senator Vicente (ben) Cabrera Pangelinan

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*Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan (Guam Legislature Public Hearing Room)*

*Alas nuebi gi egga'an despu (9:00 AM)*

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✉ **Senator Rory J. Respicio**

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**Nicole Santos** to me

Jun 20 (7 days ago) [Reply](#)

Was Bill 43 heard? I just missed about 30 mins. Could you give me a quick run-down of what happened w/ Bill 43? Thanks, Lisa

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--  
Nicole Santos  
Senior Policy Analyst  
Office of Senator Thomas C. Ada  
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**INEKUNGOK PUPBLEKO (PUBLIC HEARING)**  
*gi Lunes, gi día 20 gi Huello, 2011 (Monday, June 20, 2011)*  
**Kuaiton Inekungok Pupbleko gi i Lihosiaturan Guåhan**  
**(Guam Legislature Public Hearing Room)**  
**Alas nuebi gi egga'an despu (9:00 AM)**  
**TAREHA (AGENDA)**

**Konfirmasion Siha (Confirmation hearings):**

Confirmation of Mr. Artemio B. Ilagan, Guam Banking and Insurance Commissioner  
 Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board  
 Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board  
 Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board  
 Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

**Prinsiponi Siha (Bills):**

**Bill No. 43-31 (COR):** An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

**Bill No. 144-31 (COR):** An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

**Bill No. 146-31 (COR):** An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

**Bill No. 162-31 (COR):** An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

**Bill No. 174-31 (COR):** An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing "Split-Zone Elections".

**Bill No. 181-31 (COR):** An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weight stations on Guam.

**Bill No. 200-31 (COR):** An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development.

**Bill No. 207-31 (COR):** An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

**Bill No. 208-31 (COR):** An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated relative to the construction of a new Department of Land Management Building in Hagatna.

**Bill No. 210-31 (COR):** An Act to add a new Chapter 53 to Title II of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as "The Cash Economy Enforcement Act of 2011".

**Bill No. 219-31 (COR):** An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

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THIRTY-FIRST GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan  
Office of the People  
Website: [www.senbenp.com](http://www.senbenp.com)**

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