



I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

MAR 22 2013

2013 MAR 25 PM 3:00

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

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

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

**RE: Committee Report on Bill No. 29-32 (COR), As Amended**

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Dear Speaker Won Pat:

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Transmitted herewith is the Committee Report on Bill No. 29-32 (COR), As Amended: "An Act To Add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated and to Amend §26203 (a), Chapter 26, Article 2 and to amend §24401(a), Chapter 24, Article 4, all of 11 Guam Code Annotated Relative to Competitive Equalization Act on The Leasing of Government of Guam Property", sponsored by Senator Vicente (ben) Cabrera Pangelinan, referred to the Committee, the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

Committee votes are as follows:

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

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

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

*Si Yu'os Ma'ase',*

Vicente (ben) Cabrera Pangelinan  
Chairman

**COMMITTEE REPORT  
ON**

**Bill No. 29-32 (COR), As Amended**

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

**An Act To Add §60114.1 and §60114.2 to  
Chapter 60 of 21 Guam Code Annotated and to  
Amend §26203 (a), Chapter 26, Article 2 and to  
amend §24401(a), Chapter 24, Article 4, all of 11  
Guam Code Annotated Relative to Competitive  
Equalization Act on The Leasing of Government  
of Guam Property**



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

MAR 22 2013

**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. 29-32 (COR), As Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 29-32 (COR), As Amended: "An Act To Add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated and to Amend §26203 (a), Chapter 26, Article 2 and to amend §24401(a), Chapter 24, Article 4, all of 11 Guam Code Annotated Relative to Competitive Equalization Act on The Leasing of Government of Guam Property." 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. 29-32 (COR), As Introduced
4. Copy of Bill No. 29-32 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of COR referral Bill No. 29-32 (COR)
8. Copy of letter requesting Fiscal Note
9. 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,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

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Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

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

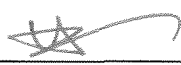
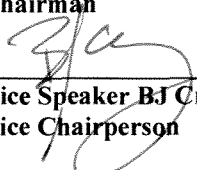

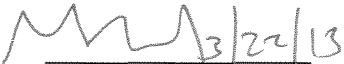


Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,  
Public Parks, Recreation, Historic Preservation and Land

Bill No. 29-32 (COR), As Amended: "Act To Add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated and to Amend §26203 (a), Chapter 26, Article 3, 11 Guam Code Annotated Relative to Competitive Equalization Act on The Leasing of Government of Guam Property

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓ 3/22/13				
 Vice Speaker BJ Cruz Vice Chairperson	3/27/13 ✓				
Speaker Judith T. Won Pat Member					
Senator Tina Rose Muña-Barnes Member					
 Senator Dennis Rodriguez, Jr. Member			✓ 3/22/13		
 Senator Michael San Nicolas Member			✓		
 Senator Tommy Morrison Member			3/23/13		
 Senator Michael Limtiaco Member			3/22/13		



# I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 29-32 (COR): An Act To Add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated Relative to Competitive Equalization Act on The Leasing of Government of Guam Property.

### I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on March 12, 2013 at 9:00am in *I Liheslatura's* public hearing room.

#### Public Notice Requirements

Notices were published in the newspaper of general circulation as required by the Open Government Law and disseminated via hand-delivery and e-mail to all senators and broadcasting outlets on March 5, 2013 (5-Day Notice), and again on March 8, 2013 (48 Hour Notice).

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

Senator Vicente C. Pangelinan, Chairman  
Vice Speaker BJ Cruz, Vice Chairman  
Senator Tommy Morrison, Member  
Senator Mike Limtiaco, Member  
Senator Frank Aguon

#### (b) Appearing before the Committee

Mr. Phil Tydingco, Chief Attorney General of Guam  
Mr. Henry Taitano, Administrator of the Guam Economic  
Development Authority

#### Written Testimonies Submitted

Mr. Henry Taitano, Administrator of the Guam Economic  
Development Authority  
Ms. Joanne Brown, General Manager of the Port Authority of Guam  
Mr. Michael J.B. Borja, Acting Chairman of the Chamorro Land Trust  
Commission  
Mr. Ronald T. Laguana, Vice Chairman of the Guam Ancestral Lands  
Commission (via email)

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

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Human Services, Health  
Insurance Reform, Economic  
Development and Senior  
Citizens

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

## II. COMMITTEE PROCEEDINGS

### (a) Bill Sponsor Summary

**Chairman Vicente Pangelinan:** The bill is authored by Vice Speaker BJ Cruz and myself. The bill it is intended to level the playing field when Government of Guam and its agencies and instrumentalities intend to lease its properties out to the private sector. With regards to competing with the private sector, we want to stimulate private sector investments and sometimes what occurs is instead of going to private sector development some investors get steered to government properties. We believe that by requiring those Government entities to pay the 4 % business privilege tax on their lease income and real estate tax on the improvements, this makes sure the private sectors are on the same even level playing field for development.

We will begin with Phil (Tydingco) and then receive testimony from Henry Taitano.

### (b) Testimony

#### 1. Mr. Phil Tydingco

**Mr. Phil Tydingco:** Good morning Chairman and Vice Speaker and Senator Limtiaco. My name is Phil Tydingco representing Leonardo Rapadas from the office of the Attorney General. I only signed up just to share with you preliminarily ..... not so much of the issue, the policy. I know the language proposed on Section 2 says, "Taxes shall be applied to lands leased in 60114 of the Chapter." I think for clarification it would be important to consider amending, at least as it applies to Business Privilege Tax, Title 11 that governs business tax. There is a statute that exempts all Government of Guam entities in Section 26. You may want to put that particular provision under that otherwise we have a conflict. On the books we now have that Government entities exempt from Business Privilege Tax so we may want to address it in the Business Privilege Tax Code. It would be better clarified if we made it a subsection or modified it. I don't know if there is a similar one for Real Estate Tax. So we just need to make sure those issues are addressed or we will have people challenge this. Thank you.

**Chairman Vicente C. Pangelinan:** Thank you very much and Si Yu'os Ma'åse Mr. Tydingco.

#### 2. Mr. Henry Taitano

Mr. Taitano: Thank you Mr. Chairman [read written testimony-verbatim]

#### **Discussion:**

**Chairman Vicente Pangelinan:** Thank you and Si Yu'os Ma'åse Mr. Taitano. Just real quick... the Bill does distinguish that the deposited funds go into the Guam Ancestral Lands Commission Land Bank. So, part of it goes into the Land Bank to compensate landowners who are never going to get their properties back. We do make a distinction; half will go to Chamorro Land

Trust and half to the Land Bank. So, it does address the issue of legality when you say that the monies will go into the Ancestral Lands Bank to fund those properties that will never be returned. The second thing is I don't think it's going to affect GEDA's day-to-day operations. It doesn't take your income away. It just means if you were the landlord and you going to lease land, you will build your tax into your lease.

**Mr. Henry Taitano:** Would you agree taxing the agency?

**Chairman Vicente Pangelinan:** That's correct

**Mr. Henry Taitano:** But that would take our.....

**Chairman Vicente Pangelinan:** If you want to compete. The idea is to stabilize and equalize the competitive field so you don't undercut the private sector investments on Guam by providing below market leases because you don't have to pay the taxes. You would have to manage your operations efficiently and you would have to account for the income on the taxes. We looked at those issues and that is really the intent of the bill - to equalize the playing field. Let's not undercut the private sector. Let's compete with them fairly.

If we are going to compete with them as a Government we should do it fairly and not hamper and be at an advantage because we are a Government entity. But I do thank you for your comments. We will certainly take a look at them and address some of those issues that require addressing and incorporate them into the committee report. The other thing is the Governor fully supported this by actually sending invoices to all the autonomous agencies for payment in lieu of taxes. So he doesn't support it in this case, but he wants to tax the agencies and the autonomous agencies under total income.

**Mr. Henry Taitano:** I believe that liability has been on the books for a couple of decades now.

**Chairman Vicente Pangelinan:** Right.

**Mr. Henry Taitano:** I am not sure that is the Governor's fault.

**Chairman Vicente Pangelinan:** He was the only Governor who sent an invoice. In that respect he certainly could have done what everybody else had done and not send an invoice.

**Mr. Henry Taitano:** But I think he was trying to help the fiscal stabilization of the Government by collecting revenues that are owed.

**Chairman Vicente Pangelinan:** So are we, so are we. We don't take advantage as a Government to unfairly compete with the private sector. This is really the intent.

**Mr. Phil Tydingco:** The definition for consideration...we are just trying... other areas such as commercial leases that would also involve leases to nonprofit, in terms of the definition of public instrumentalities. We are all over the map as to what constitutes public instrumentalities. For

example, mayors may lease certain portions to nonprofits. These are things we want to tighten as far as a definition.

**Chairman Vicente Pangelinan:** Right. We are certainly open to any language the Attorney General's Office has to suggest.

**Mr. Phil Tydingco:** I will ask them to look over the last case log. I think what your intending are the autonomous agencies. I think public instrumentalities are rather broad as well as public corporations. Just wanted to point that out.

**Vice Speaker BJ Cruz:** Mr. Taitano, thank you for your comments today. How much does GEDA get in leases per month and how much would this 4% total?

**Mr. Henry Taitano:** I have not done all the calculations but I think we are about 1.2 to 1.4 million dollars.

**Vice Speaker BJ Cruz:** And what would the 4% be?

**Mr. Henry Taitano:** I believe somewhere around 50 grand.

**Vice Speaker BJ Cruz:** How much did GEDA charge the Government for the bonds that you floated for us?

**Mr. Henry Taitano:** I don't have the details of that but I could find out.

**Vice Speaker BJ Cruz:** It's not as if we are just sucking the blood out of GEDA with the 4%. I bet that each one of those bonds netted GEDA twice, if not four times that 1.5 million that went toward GEDA's operations. So as a customer of GEDA - and you are a part of the Government I hope - but you charge us thru the nose to service the bond for us, but when we ask for 4% you act as if we are taking your first child.

**Mr. Henry Taitano:** Can I respond?

**Vice Speaker BJ Cruz:** Yes.

**Mr. Henry Taitano:** First we have to distinguish between leases and bonds.

**Vice Speaker BJ Cruz:** I am just saying that these lands were given to the agencies so that it could generate some money. That is your testimony right? And as result you have been able to sustain yourself and you also have been able to sustain yourself whenever we go to the bond market and you guys have made tens of millions of dollars for those bonds you floated for us. So it's not as if we haven't contributed to GEDA to keep its operation.

I really object to the way that it is said. And in trying to deal with some of the other agencies, especially my pet peeve with the airport. We took land that was given back to us from the Federal Government and we got the land back. I wasn't at the legislature at the time. The



decision was made to give the land back to some families, but some of us have land under the runways that we will never get back. But the airport is keeping all that land and is now leasing those lands and it's undercutting real estate development outside and paying nothing to us and all we are trying to say is 4%.

I would have ask for more but I was the co- sponsor. I am just saying we took our lead from the Governor in the first few month of his administration when he sent out invoices to all the government agencies. Now that you have switched hats from Adelup to GEDA you no longer are saying.....

**Mr. Henry Taitano:** Maybe I can respond to that. If you look at your bill starting from line ten line 10: "*I Liheslaturan Guahan* further finds that *I Liheslaturan Guahan* created the Guam Ancestral Lands Commission (GALC) and the Chamorro Land Trust (CLT), who are tasked to oversee and care for land parcels of land deemed for the native inhabitants of our island community, however lack the necessary funding to provide compensation and infrastructure ."

I think that point.... the legislature created the entity to do something but it doesn't have funding and what you are trying to do now is find sources. When the administration sent the invoices I think he was just trying to collect on an obligation because everyone was screaming that we need to collect as much revenue as possible and if it was an obligation on the books then why wouldn't the Governor want to collect it? I mean that his fiduciary right?

**Chairman Vicente Pangelinan:** He doesn't want to collect income tax funds and what he doesn't has been won in the court.

**Mr. Henry Taitano:** He is doing his best to pay income... I think he is doing everything he can to pay income taxes.

**Chairman Vicente Pangelinan:** He wants to settle a 1.2 million dollar debt with 100,000 dollars.

**Mr. Henry Taitano:** Trying to forgive a million dollars in debt?

**Vice Speaker BJ Cruz:** The senator is talking about something else - a different case. What I am trying to point out is trying to get money back to the Ancestral Lands and Chamorro Land Trust. We are trying to provide them with some funds. The land given to the airport - huge tracts of land that they are charging government agencies for and tossing them out because they weren't paying rent We're just trying to make sure that some money comes back to those families who have land under the runway under those tens of hundreds of thousands acres that surround the airport. They are never going to get their land back and we just want to be sure that there will be some money in the Ancestral Lands Commission to be able to compensate some of those families that lost land. This was a small effort to try and address that. For the administration to on one side say pay the 18 million tilt but don't pay the fifty thousand in Gross Receipt Tax, I can't even begin to figure out how to describe that.

**Mr. Henry Taitano:** I don't think the Governor created the obligation, Sir. It was an obligation on the books. He was just trying to collect.

**Chairman Vicente Pangelinan:** There are many other obligations that we hope he is trying to collect.

**Mr. Henry Taitano:** Yes sir, absolutely.

**Chairman Vicente Pangelinan:** Maybe we should get a list of those that he is trying to collect because in his budget he submitted he showed no additional forecast for economic initiatives. Senator Limtiaco?

[Senator Limtiaco indicated no questions]

Thank you very much, Si Yu'os Ma'åse. Gentlemen thank you very much for your testimony.

This concludes the testimony on Bill No. 29-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on 324 West Soledad Avenue in Haganta as well as the Guam Legislature or through any of the electronic processes either email at [senbenp@guam.net](mailto:senbenp@guam.net) or through our website at [senbenp.com](http://senbenp.com)

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 29-32 (COR), as amended with the recommendation *To Report Out Only.*

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 29.32 (COR)

Introduced by:

V.C. Pangelinan  
B.J.F. Cruz

2013 JAN 30 AM 9:03

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER  
60 OF 21 GUAM CODE ANNOTATED RELATIVE TO  
COMPETITIVE EQUALIZATION ACT ON THE  
LEASING OF GOVERNMENT OF GUAM PROPERTY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds  
2 the government of Guam has transferred and entrusted portions of government owned  
3 land to autonomous agencies, public corporations, and other public instrumentalities  
4 and has allowed them to lease these lands to other entities for commercial purposes.

5           *I Liheslaturan Guåhan* further finds that these autonomous agencies, public  
6 corporations, and other public instrumentalities have been exempt from applicable  
7 taxes on the income generated from these leases, giving them unfair advantage over  
8 private landowners and developers due to the below market pricing created by this tax  
9 exemption.

10           *I Liheslaturan Guåhan* further finds that *I Liheslaturan Guåhan* created the  
11 Guam Ancestral Lands Commission (GALC) and the Chamorro Land Trust (CLT),  
12 who are tasked to oversee and care for land parcels of land deemed for the native  
13 inhabitants of our island community, however lack the necessary funding to provide  
14 compensation and infrastructure to appropriately administer the lands entrusted to  
15 them.



1 Home Development Fund” for the development of infrastructure improvements on  
2 land trust residential and agricultural lands. Both Commissions shall report on a  
3 quarterly basis to the Speaker of *I Liheslaturan Guåhan* the revenues collected and  
4 expended from each fund and post the same on each Commission’s website. The funds  
5 shall be subject to periodic audits by the Guam Public Auditor.”

6       **SECTION 3. Severability.** If any of the provisions of this Act or the  
7 application thereof to any person or circumstance is held invalid, such invalidity  
8 *shall* not affect any other provision or application of this Act which can be given  
9 effect without the invalid provision or application, and to this end the provisions of  
10 this Act are severable.

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 29-32 (COR)

Introduced by:

V.C. Pangelinan

As Amended by the Committee on Appropriations  
Legal Affairs, Retirement, Public Parks, Recreation,  
Historic Preservation and Land

B.J.F. Cruz

**AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER  
60 OF 21 GUAM CODE ANNOTATED AND TO AMEND  
§26203(a), CHAPTER 26, ARTICLE 2 AND TO AMEND  
§24401(a), CHAPTER 24, ARTICLE 4, ALL OF 11  
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**BE IT ENACTED BY THE PEOPLE OF GUAM:**

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11 Guam Ancestral Lands Commission (GALC) and the Chamorro Land Trust (CLT),  
12 who are tasked to oversee and care for land parcels of land deemed for the native

1 inhabitants of our island community, however lack the necessary funding to provide  
2 compensation and infrastructure to appropriately administer the lands entrusted to  
3 them.

4 *I Liheslaturan Guåhan* further finds that *if* and *when* the government agencies no  
5 longer have use for these lands, those lands shall be returned to the inventory of the  
6 ALC for return to original landowners and/or development of land *or* for return to the  
7 CLT to lease to qualified indigent individuals and/or development of land.

8 *I Liheslaturan Guåhan* intends to generate revenue derived from the leasing of  
9 lands transferred to the autonomous agencies, public corporations, and other public  
10 instrumentalities of the government of Guam to provide necessary resources to the  
11 GALC and the CLT for the implementation of programs to benefit their respective  
12 beneficiaries.

13 **SECTION 2. §60114.1 and §60114.2 are hereby *added* to Chapter 60, 21**  
14 **Guam Code Annotated to read as follows:**

15 **“§60114.1. Applicable taxes on leasing of land by autonomous agency,**  
16 **public corporation, and other public instrumentalities of the government of Guam**  
17 **for commercial purposes.**

18 Taxes *shall* be applied to lands leased as stipulated in §60114 of this Chapter.

19 (a) Notwithstanding §26203(a) of Chapter 26, Article 2, 11 Guam Code  
20 Annotated, ~~B~~business privilege tax *shall* be paid on all income  
21 received as lease payments on commercial leases by autonomous  
22 agency, public corporation, and other public instrumentalities of the  
23 government of Guam.

24 (b) Notwithstanding §24401(a) of Chapter 24, Article 4, 11 Guam Code  
25 Annotated, ~~R~~real estate tax *shall* be paid on the leasehold and all  
26 improvements constructed on lands leased in a commercial leases

1 by autonomous agency, public corporation, and other public  
2 instrumentalities of the government of Guam.

3 **§60114.2. Deposit of Funds Collected.** All taxes identified in §60114.1 *shall*  
4 be divided equally and deposited in the Guam Ancestral Lands Commission (GALC)  
5 “Land Bank” Fund and the Chamorro Land Trust Commission’s (CLTC) “Chamorro  
6 Home Development Fund” for the development of infrastructure improvements on  
7 land trust residential and agricultural lands. Both Commissions shall report on a  
8 quarterly basis to the Speaker of *I Liheslaturan Guåhan* the revenues collected and  
9 expended from each fund and post the same on each Commission’s website. The funds  
10 shall be subject to periodic audits by the Guam Public Auditor.”

11 **SECTION 3. §26203(a) of Chapter 26, Article 2 of 11 Guam Code**  
12 **Annotated is hereby amended to read as follows:**

13 “§ 26203. Exemptions.

14 The provisions of this Article, and the taxes levied thereunder, shall not  
15 apply to the following persons:

16 (a) The government of Guam, except as authorized in §60114.1 (a) of  
17 Chapter 60, 21 Guam Code Annotated, the government of the United States,  
18 the government of any foreign sovereignty, or any agency or instrumentality  
19 of any of the foregoing governments in regard to any activity or function  
20 engaged in.”

21 **SECTION 4. §24401(a) of Chapter 24, Article 4 of 11 Guam Code**  
22 **Annotated is hereby amended to read as follows:**

23 “§ 24401. Exemptions: Listed.

24 The following property is exempt from real property taxes and shall not  
25 be assessed:

26 (a) all property title to which is in the United States or the government  
27 of Guam, except as authorized in §60114.1 (b) of Chapter 60, 21 Guam Code  
28 Annotated except for the interest of a lessee or licensee in land owned and



1 leased or licensed by the Chamorro Land Trust Commission;

2           **SECTION 5. Severability.** If any of the provisions of this Act or the  
3 application thereof to any person or circumstance is held invalid, such invalidity  
4 *shall* not affect any other provision or application of this Act, which can be given



**Mina'trentai Dos na Liheslaturan Guahan**  
**32nd GUAM LEGISLATURE**

**Senator Vicente "ben" Cabrera Pangelinan**

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**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,  
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

**Tuesday, March 12, 2013**

**Bill No. 29**  
**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
<i>FW Tydingw</i>	<i>AGD</i>						
<i>Henry Taitano</i>	<i>GEDA</i>						



EDWARD J.B. CALVO  
GOVERNOR OF GUAM  
I MAGA' LAHEN GUAHAN  
RAYMOND S. TENORIO  
LT. GOVERNOR OF GUAM  
I SEGUNDO NA MAGA' LAHEN GUAHAN  
HENRY J. TAITANO  
ACTING ADMINISTRATOR  
ADMINISTRADOT

Public Hearing Testimony of Mr. Henry J. Taitano, Acting Administrator  
Guam Economic Development Authority  
March 12, 2013

Bill No. 29-32 (COR)

**Bill 29-32 – “AN ACT TO ADD §60114.1 AND ”§60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GOVERNMENT OF GUAM PROPERTY**

Good morning Senator Pangelinan and members of the Committee on Appropriations, Taxation, Public Debt, Banking Insurance, Retirement and Land. My name is Henry J. Taitano, Acting Administrator of the Guam Economic Development Authority (GEDA), and I hereby submit this written testimony on Bill No.29-32.

Bill 29-32 intends to generate revenues derived from the leasing of lands transferred to the autonomous agencies, public corporations, and other public instrumentalities of the government of Guam to provide necessary resources to the Guam Ancestral Lands Commission and the Chamorro Land Trust Commission for implementation of programs to benefit their respective beneficiaries to include the development of infrastructure improvements on land trust residential and agricultural lands by charging such agencies business privilege tax and real estate tax on properties it currently leases from the government of Guam.

The preamble language does not recognize that the reason autonomous agencies, public corporations, etc., were allowed to derive revenues from leasing is because they are performing public functions, without subsidy from the General Fund. When GEDA leased its Industrial Park properties from the government of Guam in 1966, the intent was to find a means to fund GEDA operations as a self-sustaining entity as well as have a means to support economic development activities in Guam in the early 1970s via subsidized leases on these lands.

Generally, the bill requires that government autonomous agencies such as GEDA pay GRT on the income it makes from leases and also pay property tax on improvements that are leased out. First, this will have a negative impact on GEDA's operations, its ability to adequately support its programs, and meet its mandates. GEDA's lease revenues are a critical source of operational funding that provides sustainability for the Authority which operates without annual appropriations from the general fund. Second, the legality and impact of taxing government entities should be carefully assessed before it is even considered as a viable funding mechanism.

The bill indicates that taxes collected will be deposited in GALC and CLTC funds for infrastructure development purposes. There needs to be a legal review of this concept, which may be inconsistent with the legislative policy regarding GALC, that money be remitted to those that will never get their lands back.

GEDA does not support this bill as written as it would adversely impact on GEDA's ability to maintain its current day to day operations and carry out its mission and programs that promote economic opportunities and



quality of life. Also, further analysis is needed to determine whether Bill 029-32 is applicable to all commercial land leases under management of autonomous agencies, public corporations, and other instrumentalities of the government of Guam. More importantly, a complete analysis should be done on the legality and the impacts to imposing land taxes on government entities, and any possible impacts to federal grant funding programs administered by these entities.

In closing, GEDA does not support this bill due to the fact that it lacks adequate analysis of the long-term legal and economic impact to all entities potentially affected and the community a whole. I thank you and the members of your Committee for this opportunity to provide written testimony today.

*Si Yu'os Ma'ase!*



Henry J. Taitano



**PORT OF GUAM**  
**ATURIDAT I PUETTON GUAHAN**  
**Jose D. Leon Guerrero Commercial Port**  
1026 Cabras Highway, Suite 201, Piti, Guam 96925  
Telephone: 671-477-5931/35 Facsimile: 671-477-2689/4445  
Website: [www.portguam.com](http://www.portguam.com)



Eddie Baza Calvo  
Governor of Guam  
Ray Tenorio  
Lieutenant Governor

March 19, 2013

The Honorable Vicente (ben) Cabrera Pangelinan  
Senator

*I Mina'trentai Dos na Liheslaturan Guåhan*  
324 W. Soledad Ave, Suite 100  
Hagatna, Guam 96910

Dear Senator Pangelinan:

The Jose D. Leon Guerrero Commercial Port is providing written testimony to Bill No. 29-32 (COR), An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.

The Port is in opposition to Bill No. 29-32. As a self-sustaining, autonomous instrumentality of the Government of Guam the Port is required to generate its own review and does not receive funding from the General Fund to support its operations. The Port derives its revenues from both operational and non-operational activities that include the lease of Port properties and other user agreements. The revenue generated by the Port is in turn used to support the ever growing costs associated with operating and maintaining the Islands sole commercial seaport.

The Commercial Port is the economic engine of the Island and the region. Presently, Port lands are leased to commercial entities that directly and indirectly support and benefit local and regional economies. As such, it is significant to note that the tenants that lease properties from the Port are actively registered with the Department of Revenue and Taxation and already pay business privilege taxes and other assessments levied against and incidental to their respective operations as well as have the possessory interest granted under any given lease that is subjected to real estate taxes that can be levied upon its property and improvements of any kind.

All the lands under the jurisdiction and administrative control of the Port are a result of a series of quitclaim conveyances provided over time that are specific to uses as approved in or identified in the approved Port Master Plan. The bill currently does not identify the impacted lands, leases nor does it reference an effective date.

While the intent of the bill is to take funds derived from this legislation to support the Guam Ancestral Lands Commission and the Chamorro Land Trust Commission's respective Land Bank and Chamorro Home Development Fund accounts, this very intent adversely impacts the much

Letter to Speaker Pangelinan dated March 15, 2013

Subject: Written testimony on Bill 29-32

Page 2 of 2

needed revenues generated by the Port, that currently has to borrow millions of dollars in order to pay for much needed equipment and maintenance needs to maintain operations. This very process has required the Port to request rate increases on every cargo container coming into the Port that inevitably is passed on to all our island consumers who have to pay even more for the most basic of needs.

With all these issues of concern, the Port is unable to support this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne M.S. Brown", with a long horizontal flourish extending to the right.

JOANNE M.S. BROWN

General Manager

CC: Port Board of Directors

**MICHAEL J.B. BORJA**  
P.O. Box 4288  
Hagatna, Guam 96932

March 21, 2013

Honorable Vicente C. Pangelinan  
Senator, Guam Legislature  
324 W. Soledad Ave., Ste 101  
Hagatna, GU 96910

REF: Testimony on Bill #29, An Act On The Leasing of Government of Guam Property

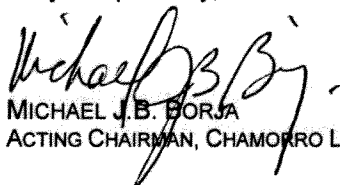
Dear Senator Pangelinan:

The Chamorro Land Trust Commission is tasked with issuing leases of government land for residential and agricultural uses and to take "steps necessary to develop these lands for their highest and best use." Over the course of time, land has been leased for residential and agricultural use but the necessary infrastructure has been either non-existent or sub-standard for worthy subsistence of the lease holders. For some, for example, the cost of laying water lines to their property in accordance with established requirements has been extremely cost prohibitive, and, therefore, undoable. As a result, numerous leased properties remain dormant and the Commission has been reluctant to issue land in areas that have no infrastructure. This has left the list of applicants frustratingly long and unfulfilled after many years.

Bill #29 identifies a source of revenue for the Commission to develop infrastructure so more residential and agricultural lessees can properly utilize their land. With the ability to fund infrastructure and to properly develop the land, more people of Guam may enjoy benefits of these lands. For too long, the Chamorro Land Trust Commission has been an organization with the inspirational tasking to help our people realize their dreams and potential with land for homes or land to farm. However, for too long, the Commission has been unable to achieve its mission because of the lack of direct and indirect funding to ensure the land it disperses are fully usable. Funding identified in this bill and potential funding from collected lease payments is a large step toward fulfilling the dreams of our past leaders when they created this Commission and its task to help our people.

My fellow Chamorro Land Trust Commissioners, David Matanane and Amanda Santos, and I, along with the executive director Monte Mafnas, fully support the passage of Bill #29 and thank you and your sponsors for introducing this legislation. We hope for the swift passage of this legislation so we may move forward at allowing the dreams of many of our residents to be fulfilled.

Very Respectfully,



MICHAEL J.B. BORJA  
ACTING CHAIRMAN, CHAMORRO LAND TRUST COMMISSION



Lisa Dames <cipo@guamlegislature.org>

---

## Testimony

---

Ronald T. Laguana <rtlaguana@gdoe.net>

Wed, Mar 20, 2013 at 8:12 PM

To: Lisa Dames <cipo@guamlegislature.org>

Cc: Anthony Ada <adaclan@gmail.com>, "Anita F. Orlino" <danor50@yahoo.com>, "Cruz, Maria" <elenacz@yahoo.com>, James Mantanane <jcmatanane@gmail.com>, "Lydia M. Tyner" <lydia\_tyner@yahoo.com>, Ron Eclavea <reclavea@yahoo.com>

Hafa adai Lisa,

Upon our meeting with the Ancestral lands Commission today, I brought the matter to Mr. Camacho as he indicated that he already submitted the commission's testimony or perhaps the Department of Land management's testimony. I was not provided a copy however I mentioned it to the other board members as they've indicated they supported Bill 29.

I forwarded the email you sent me and they will respond on the matter as I've encouraged them too. Majority of the members were in full favor. No one opposed it as I brought up the effect of the bill to benefit original landowners.

My Testimony:

As Vice-Chair of the GALC, I am in full support of having government agencies pay taxes on lands that were condemned (outright taken) from our people without choice and due compensation. Government institutions have done a tremendous injustice to our original landowners far too long, therefore it is high time that such agencies pay back what is owed to our people. I write this in full support of the passing of legislation for doing what is Good, what is Right and what is Just for the Chamoru people of Guam!

Gi minagahet ,

Si Ronald t. Laguana.

[Quoted text hidden]





# I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 25, 2013

Senator Rory Respicio  
Chairman  
Committee on Rules  
*I Liheslaturan Guahan*  
155 Hesler St.  
Hagatna, Guam

Re: Testimony for Bill No. 29

Hafa Adai Senator Respicio,

Please find attached testimony from Mr. Dave Camacho, Acting Director for the Department of Land Management for Bill No. 29.

The committee report has been filed with the Committee on Rules and I ask that this testimony be included Committee Report for Bill No. 29.

*Si Yu'os Ma'ase,*

Vicente (ben) Cabrera Pangelinan  
Senator

cc: All Senators

lgd

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

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

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

COMMITTEE ON RULES	
Name	Mary M.
Date/Time	9:49am 3.25.13



# GUAHAN ANCESTRAL LANDS COMMISSION



**Eddie Baza Calvo**  
Governor

**Ray Tenorio**  
Lieutenant Governor

**Monte Mafnas**  
Director

**David V. Camacho**  
Deputy Director

**March 22, 2013**

**BOARD  
OF  
COMMISSIONERS**

**To: Senator Ben Pangelinan**

**Anita F. Orlino**  
Chairperson

**From: Anita F. Orlino  
GALC Chairperson**

**Ronald T. Laguana**  
Vice Chair

**Subject: Testimony to Bill 29: Act on the Leasing of Government of Guam  
Property**

**Maria G. Cruz**  
Secretary/Treasurer

**Ronald F. Eclavea**  
Commissioner

**James C. Matanane**  
Commissioner

**Lydia M. Tynner**  
Commissioner

**Anthony J.P. Ada**  
Commissioner

Håfa Adai yan na magof na ha'åni!

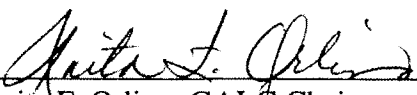
The Guahan Ancestral Lands Board of Commission wholly supports the intent of Bill 29.

The Guahan Ancestral Lands Commission (GALC) was created by Public Law 25-45 on the 9th of June, 1999 and intended to "pursue just remedies to redress the harm done to land owners as individuals and to Guam as a whole, resulting from the taking of Guamanian Lands by the United States on or after January 1, 1930.

The intent will definitely enhance the trust and further boost the mission of GALC and its responsibilities to the beneficiaries of the Land Bank Trust. The non-ancestral properties (Crown Lands) were supposed to be safe guarded "in perpetuity" for the benefit of the beneficiaries of the Land Bank Trust.

The Guam Ancestral Lands Commission Board of Commissioners fully supports the intent of Bill 29. We hope for the smooth passage of this legislation.

Dångkulu na si yu'us mã'åse',

  
Anita F. Orlino, GALC Chairperson



**cc: Monte Mafnas, David V. Camacho, GALC Commissioners, Scott Mendiola**



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

## Certification of


## Waiver of

## Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 29-32 (COR) – “AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 50 21 GUAM CODE ANNOTATED AND TO AMEND §26203 (a), CHAPTER 26, 2 AND TO AMEND §24401(a), CHAPTER 24, ARTICLE 4, ALL OF 11 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GOVERNMENT OF GUAM PROPERTY.”** –on February 13, 2013. COR hereby certifies that BBMR confirmed receipt of this request on February 14, 2013 at 09:03 AM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 29-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

  
\_\_\_\_\_  
**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

March 25, 2013  
Date



**COMMITTEE ON RULES**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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

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Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 13, 2013

**VIA FACSIMILE**  
(671) 472-2825

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

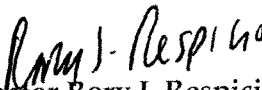
**RE: Request for Fiscal Note – Bill Nos. 19-32 through 40-32 (COR) and Bill No. 41-32 (LS)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

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

Attachments

Cc: Clerk of the Legislature

2013 FEB 14 AM 9:10

M



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 18, 2013

**COPY**

Chairman  
 Committee on Appropriations,  
 Public Debt, Legal Affairs,  
 Retirement, Public Parks,  
 Recreation, Historic Preservation  
 and Land

Member  
 Committee on Education,  
 Public Libraries  
 and Women's Affairs

Member  
 Committee on General  
 Government Operations and  
 Cultural Affairs

Member  
 Committee on Municipal  
 Affairs, Tourism, Housing and  
 Hagåtña Restoration and  
 Development Authority

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

Member  
 Committee on Aviation, Ground  
 Transportation, Regulatory  
 Concerns and Future  
 Generations

Mr. John Rios  
 Director  
 Bureau of Budget and Management Resource  
 Ricardo J. Bordallo Complex  
 Hagatna, Guam

Re: Fiscal Note

Hafa Adai Mr. Rios,

This letter is to request fiscal notes for the following bills:

Bill No. 29- 32 (COR): An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.

Bill No. 35-32 (COR): An Act to add §§61314, 61315, 61316, 61317, 61318, 61319, and 61320 to Chapter 61 Article 3 of 21 Guam Code Annotated relative to enforcement of zoning laws.

Bill No 47-32 (LS): An Act to add a new Section 8103.1 to Article 1, Chapter 8, Title 4 of the Guam Code Annotated to comply with Internal Revenue Code requirements applicable to the Government of Guam Retirement Fund.

Bill No. 67-32 (COR): An Act to Amend Section 2(a) and Section 3(b) and to add a new Section 4 of Public Law 24-33 relative to amending the license agreement between the Guam Football Association (Soccer) Association and the Government of Guam.

Your assistance in this matter is appreciated.

*Si Yu'os Ma'ase,*

Vicente (ben) Cabrera Pangelinan  
 Senator

lgd



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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  
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MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
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Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

January 30, 2013

### MEMORANDUM

To: **Rennae Meno**  
*Clerk of the Legislature*

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

From: **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

Subject: **Referral of Bill No. 29-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 29-32(COR).

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

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

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
29-32 (COR)	V.C. Pangelinan	AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER 60 OF 21 GUAM CODE ANNOTATED RELATIVE TO COMPETITIVE EQUALIZATION ACT ON THE LEASING OF GOVERNMENT OF GUAM PROPERTY.	1/30/13 9:03 A.M.	1/30/13		Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and land			



# I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 5, 2013

## Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

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

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00am** and Oversight Hearing beginning at **2:00pm** on **Tuesday, March 12, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

### ***Komfitmasion Siha:*** **(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization**  
**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

### ***Priniponi Siha*** **(Bills)**

**Bill No. 5-32 (LS): An Act to add a new §40128 Chapter 40 of 5GCA Relative to placing the former FQ Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office**

**Bill No. 17-32 (COR): An Act to allow for conditional use of property situated in the Municipality of Dededo for meetings and cultural purposes, specifically Lots 15-3 and 15-R3, both of Tract 1413, which are currently zoned "A" (Agricultural), containing an area of 4,208.7+ square meters, and bordered by Alageta Road.**

**Bill No. 29-32 (COR) An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.**

**Bill No. 47-32 (LS): An Act to add a new Section 8103.1 to Article 1, Chapter 8, Title 4 of the Guam Code Annotated to comply with Internal Revenue Code requirements applicable to the Government of Guam Retirement Fund.**

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

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

Website: <http://senbenp.com>



Memo to All Senators  
March 5, 2013  
Page 2

**Bill No. 54-32 (COR): An Act to Amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits.**

**HINEKUNGO' INILAO  
(OVERSIGHT HEARING)**

**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

*Yanggen un nisisita espesiât na setbision put fabot âgang i Ifisinin Senadot ben pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guåhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapâsi nu i fendon gubetnamento.*

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com) Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)



Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing - FIRST NOTICE

---

Lisa Dames <cipo@guamlegislature.org>  
To: phnotice@guamlegislature.org

Tue, Mar 5, 2013 at 4:35 PM

# Senator Vicente "ben" Cabrera Pangelinan

## Office of the People

Website: [www.senbenp.com](http://www.senbenp.com)

**INEKUNGOK PUPBLEKO**  
**(PUBLIC HEARING)**

**gi Máttes, gi diha 12 gi Mátso, 2013)**

**Tuesday, March 12, 2013**

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

***alas nuebi gi eggan'an***  
**(9:00 AM)**

**TAREHA**  
**(AGENDA)**

***Komfitmasion Siha:***  
**(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization**

**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

***Priniponi Siha:***

**(Bills)**

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**HINEKUNGO' INILAO**

**(OVERSIGHT HEARING)**

***Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan***

**(Guam Legislature Public Hearing Room)**

**alas dos gi despues di talo åni**

**(2:00 PM)**

**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

**Yanggen un nisisita espesiât na setbision put fabot âgang i Ifisinin Senadot ben pangelinan gi 473-4236/7.** Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagâtña, pat guatto gi i Kwatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapâsi nu i fendon gubetnamento.

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan


Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

(671) 473-4236 (office)

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Lisa Dames <cipo@guamlegislature.org>

**Public Hearing - FIRST NOTICE**

Lisa Dames <cipo@guamlegislature.org> Tue, Mar 5, 2013 at 4:40 PM  
To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, joy@mvguam.com, Jon Anderson <editor@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com  
Bcc: "Vicente C. Pangelinan" <ctzenben@guam.net>, Chris Budasi <chris.budasi@gmail.com>

**Senator Vicente "ben" Cabrera Pangelinan**  
**Office of the People**  
**Website: www.senbenp.com**

**INEKUNGOK PUPBLEKO**  
**(PUBLIC HEARING)**

**gi Måttes, gi diha 12 gi Måtso, 2013)**  
**Tuesday, March 12, 2013**

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

**alas nuebi gi eggan'an**  
**(9:00 AM)**

**TAREHA**

**(AGENDA)**

***Komfitmasion Siha:***

**(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization**

**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

***Priniponi Siha:***

**(Bills)**

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**HINEKUNGO' INILAO**

**(OVERSIGHT HEARING)**

***Kuåtton Inekungok Pubbleko gi I Liheslaturan Guàhan***

**(Guam Legislature Public Hearing Room)**

alas dos gi despues di talo áni

(2:00 PM)


**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

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Lisa Dames  
Chief of Staff  
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN  
Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
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TUESDAY, MARCH 5, 2013 - MARIANAS VARIETY GUAM EDITION



I Mina' Rentai Dos na Liheslaturan Guahan  
32nd GUAM LEGISLATURE  
Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriation, Public Debt, Legal Affairs, Retirement  
Public Parks, Recreation, Historic Preservation, and Land

### INEKUNGOK PUPBLEKO - (PUBLIC HEARING)

gi Máttes, gi díha 12 gi Máttes, 2013 - Tuesday, March 12, 2013

Kuáttion Inekungok Pupbleko gi I Liheslaturan Guahan - (Guam Legislature Public Hearing Room)

alias mebi gi eggan'an - (9:00 AM)

TAREHA - (AGENDA)

#### Konfirmasion Siha: - (Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization  
Mr. Victor F. Cruz, Member for the Guam Land Use Commission

#### Priniponi Siha: - (Bills)

Bill No. 5-32 (LS): An Act to add a new §40128 Chapter 40 of SGCA Relative to placing the former FQ Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office

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#### HINEKUNGO' INILAO - (OVERSIGHT HEARING)

Kuáttion Inekungok Pupbleko gi I Liheslaturan Guahan - (Guam Legislature Public Hearing Room)

alias dos gi despues di takó áni - (2:00 PM)

#### UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

Yanggan un nisista espesial na setbisio put fabot ágang i Hfinan Senado ben pangelinan gi 473. Yanggan un nisista espesial na setbisio, put fabot ágang i Hfinan Senado Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggan un nisista kopian i priniponi siha ginen este na tareha, halom gi i uepsait i Liheslaturan Guahan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggan para un na'halom testigu-mu, chule' para i Hfinan-mámi gi 324 West Soledad Avenue gi Iya Hagátña, pat guatto gi i Kuáttion Kaffa gi i Liheslatura, pat faks gi 473-4238, partiano mail gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutsiu inapasi nu i fendon gubernamento.

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I Mina'trentai Dos na Liheslaturan Guáchan  
32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO**  
(PUBLIC HEARING)

*gi Máttes, gi diha 12 gi Mátso, 2013*  
(Tuesday, March 12, 2013)

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

*alas nuebi gi eggan'an*  
(9:00 AM)

**TAREHA**  
(AGENDA)

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**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

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*Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan*  
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*alas dos gi despues di talo áni*  
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I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 8, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – SECOND NOTICE

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
Recreation, Historic Preservation  
and Land

Member  
Committee on Education,  
Public Libraries  
and Women's Affairs

Member  
Committee on General  
Government Operations and  
Cultural Affairs

Member  
Committee on Municipal  
Affairs, Tourism, Housing and  
Hagåtña Restoration and  
Development Authority

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

Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00am** and Oversight Hearing beginning at **2:00pm** on **Tuesday, March 12, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

***Komfitmasion Siha:***  
**(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization**  
**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

***Priniponi Siha***  
**(Bills)**

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324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

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

Website: <http://senbenp.com>

Memo to All Senators  
March 8, 2013  
Page 2

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**HINEKUNGO' INILAO  
(OVERSIGHT HEARING)**

**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

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Lisa Dames <cipo@guamlegislature.org>

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**Public Hearing - SECOND NOTICE**

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Lisa Dames <cipo@guamlegislature.org>  
To: phnotice@guamlegislature.org

Sun, Mar 10, 2013 at 8:50 AM

**Senator Vicente "ben" Cabrera Pangelinan**  
**Office of the People**  
**Website: www.senbenp.com**

***INEKUNGOK PUPBLEKO***  
**(PUBLIC HEARING)**

***gi Måttes, gi diha 12 gi Måtso, 2013)***

**Tuesday, March 12, 2013**

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

***alas nuebi gi eggan'an***  
**(9:00 AM)**

***TAREHA***  
**(AGENDA)**

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**HINEKUNGO' INILAO**

**(OVERSIGHT HEARING)**

***Kuátton Inekungok Pubbleko gi I Liheslaturan Guáhan***

**(Guam Legislature Public Hearing Room)**

**alas dos gi despues di talo àni**

**(2:00 PM)**

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...

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Lisa Dames  
Chief of Staff  
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Lisa Dames <cipo@guamlegislature.org>

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## Public Hearing SECOND NOTICE

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Lisa Dames <cipo@guamlegislature.org>

Sun, Mar 10, 2013 at 8:52 AM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, joy@mvguam.com, Jon Anderson <editor@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

# Senator Vicente “ben” Cabrera Pangelinan

## Office of the People

Website: [www.senbenp.com](http://www.senbenp.com)

**INEKUNGOK PUPBLEKO**

**(PUBLIC HEARING)**

**gi Måttes, gi diha 12 gi Måtso, 2013)**

**Tuesday, March 12, 2013**

**Kuåtton Inekungok Pupbleko gi I Liheslaturan Guáhan**

**(Guam Legislature Public Hearing Room)**

**alas nuebi gi eggan’an**

**(9:00 AM)**

**TAREHA**

**(AGENDA)**

***Komfitmasion Siha:***

**(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization**

**Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

***Priniponi Siha:***

**(Bills)**

**Bill No. 5-32 (LS): An Act to add a new §40128 Chapter 40 of 5GCA Relative to placing the former FQ Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office**

**Bill No. 17-32 (COR): An Act to allow for conditional use of property situated in the Municipality of Dededo for meetings and cultural purposes, specifically Lots 15-3 and 15-R3, both of Tract 1413, which are currently zoned "A" (Agricultural), containing an area of 4,208.7± square meters, and bordered by Alageta Road.**

**Bill No. 29-32 (COR) An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.**

**Bill No. 47-32 (LS): An Act to add a new Section 8103.1 to Article 1, Chapter 8, Title 4 of the Guam Code Annotated to comply with Internal Revenue Code requirements applicable to the Government of Guam Retirement Fund.**

**Bill No. 54-32 (COR): An Act to Amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits.**

**HINEKUNGO' INILAO**

**(OVERSIGHT HEARING)**

***Kuåtton Inekungok Pupleko gi I Liheslaturan Guåhan***

**(Guam Legislature Public Hearing Room)**



alas dos gi despues di talo àni

(2:00 PM)

**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

**Yanggen un nisisita espesiât na setbisio put fabot âgang i Ifisinin Senadot ben pangelinan gi 473**-Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagâtña, pat guatto gi i Kuatton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com) Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagâtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [senbenp@guam.net](mailto:senbenp@guam.net)



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Lisa Dames  
Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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I Mina'trentai Dos na Liheslaturan Guahan  
32nd GUAM LEGISLATURE  
Senator Vicente (ben) Cabrera Panggelinan  
Committee on Appropriation, Public Debt, Legal Affairs, Retirement  
Public Parks, Recreation, Historic Preservation, and Land

### **INEKUNGOK PUPBLEKO - (PUBLIC HEARING)**

gi Mitter, gi diha 12 gi Maitso, 2013 - Tuesday, March 12, 2013

Kuaiton Inekungok Pupbleko gi Liheslaturan Guahan - (Guam Legislature Public Hearing Room)

alas nuebi gi eggan'an - (9:00 AM)

#### **TAREHA - (AGENDA)**

#### **Komfirmasion Siha: - (Confirmation Hearing)**

Mr. Pelagio S. Sardoma, Member for the Board of Equalization

Mr. Victor F. Cruz, Member for the Guam Land Use Commission

#### **Priniponi Siha: - (Bills)**

Bill No. 5-32 (LS): An Act to add a new 540128 Chapter 40 of SGCA Relative to placing the former F0 Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office

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#### **HINEKUNGO' INILAO - (OVERSIGHT HEARING)**

Kuaiton Inekungok Pupbleko gi Liheslaturan Guahan - (Guam Legislature Public Hearing Room)

alas dos gi despues di tulo ani - (2:00 PM)

#### **UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

Yanggen un nisista espesiat na setbisio put fabot agang i Hisanan Senado ben panggelinan gi 473. Yanggen un nisista espesiat na setbisio, put fabot agang i Hisanan Senado Vicente (ben) Cabrera Panggelinan gi 473-4236/7. Yanggen un nisista kopian i priniponi siha ginen este na tareha, hilom gi i websait i Liheslaturan Guahan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na hilom testigo-mu, chike' para i Hisanan-ma'ni gi 324 West Soledad Avenue gi iya Hagatna, put quatto gi i Kuaiton Kaita gi Liheslatura, put faks gi 473-4238, patisino imel gi [senbenp@guam.net](mailto:senbenp@guam.net). Este na outisio trapasi na i fendon gobetnamento.

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32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan  
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public  
Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO**  
(PUBLIC HEARING)

*gi Måttes, gi diha 12 gi Måtso, 2013*  
(Tuesday, March 12, 2013)

*Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan*  
(Guam Legislature Public Hearing Room)

*alas nuebi gi eggan'an*  
(9:00 AM)

**TAREHA**  
(AGENDA)

**Komfitmasion Siha:**  
(Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization  
Mr. Victor F. Cruz, Member for the Guam Land Use Commission

**Priniponi Siha:**  
(Bills)

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**HINEKUNGO' INILAO**  
(OVERSIGHT HEARING)

*Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan*  
(Guam Legislature Public Hearing Room)

*alas dos gi despues di talo åni*  
(2:00 PM)

**UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS**

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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

**gi Måttes, gi diha 12 gi Måtso, 2013)  
Tuesday, March 12, 2013**

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

**alas nuebi gi eggan'an  
(9:00 AM)**

**TAREHA  
(AGENDA)**

***Komfitmasion Siha:*  
(Confirmation Hearing)**

**Mr. Pelagio S. Sardoma, Member for the Board of Equalization  
Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

***Priniponi Siha:*  
(Bills)**

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(WITHDRAWN)~~**

**Bill No. 29-32 (COR) An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.**

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Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

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## **POSTPONED UNTIL FURTHER NOTICE**

**~~HINEKUNGO' INILAO  
(OVERSIGHT HEARING)~~**

**~~Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan  
(Guam Legislature Public Hearing Room)~~**

**~~alas dos gi despues di tala åni  
(2:00 PM)~~**

## **~~UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS~~**

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