



**Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina'Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

OCT 16 2015

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

Speaker

I Mina'Trentai Tres Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

*Rory J. Respicio*

**VIA: The Honorable Rory J. Respicio**

Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 180-33 (COR)**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 180-33 (COR), "An act to title Lot 5138-2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot."

Committee votes are as follows:

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

2015 OCT 16 12:11:58

*Si Yu'os ma'åse'.*

*Thomas C. Ada*

Thomas C. Ada



**Sen. Thomas Ada**

**Chairman**

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement

*I Mina Trentai Tres Na Libeslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

**COMMITTEE REPORT  
ON  
Bill No. 180-33 (COR)**

**An act to title Lot 5138-2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot**



## Sen. Thomas Ada


Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

October 12, 2015

### MEMORANDUM

To: **All Members**  
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement

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

Subject: **Committee Report on Bill No. 180-33 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 180-33 (COR), "An act to title Lot 5138-2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 180-33 (COR), As Introduced
- Public Hearing Sign-in Sheet
- Written testimony from: Benito S. Servino (Department of Integrated Services for Individuals with Disabilities)
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 180-33 (COR)
- Notices of Public Hearing
- Public Hearing Agenda

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



**Sen. Thomas Ada**  
Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guahan* • 33<sup>rd</sup> Guam Legislature

**COMMITTEE VOTE SHEET**

**Bill No. 180-33 (COR), "An act to title Lot 5138-2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot."**

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>SENATOR THOMAS C. ADA</b> Chairperson	<i>T. C. Ada</i> 10-7-15 10-12-15	✓				
<b>SENATOR RORY J. RESPICIO</b> Vice Chairperson	<i>Rory Respicio</i> 10/14/15					
<b>VICE SPEAKER BENJAMIN J.F. CRUZ</b> Member	<i>[Signature]</i>	✓				
<b>SENATOR FRANK B. AGUON, JR.</b> Member	<i>[Signature]</i> 10/14/15	✓				
<b>SENATOR DENNIS RODRIQUEZ, JR.</b> Member						
<b>SENATOR NERISSA UNDERWOOD</b> Member	<i>[Signature]</i>	✓				
<b>SENATOR FRANK BLAS, JR.</b> Member						
<b>SENATOR MARY TORRES</b> Member						
<b>SENATOR JAMES V. ESPALDON</b> Member						



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

Bill No. 180-33 (COR) was introduced on September 16, 2015 by Senator Thomas C. Ada and was subsequently referred on September 17, 2015 by the Committee on Rules to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement convened a public hearing on September 24, 2015 at 1:30 pm in *Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 180-33 (COR).

#### Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on September 17, 2015 (5-Day Notice) and again on September 21, 2015 (48-Hour Notice). Notice was also posted on the Legislative television channel.

#### Senators Present

Senator Thomas C. Ada	<i>Committee Chairperson</i>
Senator Nerissa Underwood	<i>Committee Member</i>
Senator Mary Torres	<i>Committee Member</i>
Senator V. Anthony Ada	Legislative Member

The public hearing was Called-to-Order at 1:30pm.

#### II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada called the Public Hearing to order and, as sponsor, gives an introduction of the bill.

**Chairperson Ada:** He began to explain that many years ago, the lot in Bill No. 180-33 was under the administrative jurisdiction of the Department of Vocational Rehabilitation. It was then leased to a non-profit entity and was to be used as a car wash facility to provide employment to persons with disabilities. The stipulation was that the property would come back to the government when the lease expires, which was a term of twenty years, or when the department no longer had a need for it. The lease on this property has expired so Bill 180 wants to formally ensure that the ownership and title is in the name of the Chamorro Land Trust Commission and is in its land inventory. He added that the bill further authorizes the commercial leasing of this property. He concluded by saying that the size of the property is three quarters of an acre and is valued at around 800,000 dollars.

**Ben Servino**, *Director, Department of Integrated Services for Individuals with Disabilities*: He reads his testimony in opposition of the bill (see attached written testimony).

**Chairperson Ada**: Chairman Ada, using a video monitor, displayed pictures taken yesterday at the lot. A committee staff member gave a brief description of the pictures shown. Based on the pictures, the lot is littered with solid waste including a forklift, metallic waste, trash, and acid lead batteries. He then asked Mr. Servino when the demolition for the building would take place.

**Mr. Servino**: He replied by saying that the notice to proceed has already been issued.

**Chairperson Ada**: Was that bid out through a procurement process?

**Mr. Servino**: Yes, and it was through the Department of Public Works. He explained that after the lease expired, there were people living in the buildings for a number of years. Consequently, Land Management issued an eviction notice and so they moved out.

Chairperson Ada ends the public hearing for Bill No. 180-33 (COR).

### **III. Findings and Recommendations**

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 180-33 (COR) as introduced**, with the recommendation TO DO PASS.

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

Bill No. 180-33 (cop)

Introduced by:

T.C. Ada 

**AN ACT TO TITLE  
LOT 5138-2-R3 NEW-1-1, IPAO-TUMON,  
MUNICIPALITY OF DEDEDO  
IN THE NAME OF THE CHAMORRO LAND  
TRUST COMMISSION AND TO AUTHORIZE  
THE COMMERCIAL LEASING OF SAID  
LOT.**

2015 FEB 11 11:03 AM

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that Lot No. 5138-2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo has  
4 been in neglect, uncleaned, unkempt and abandoned for over 20 years. *I*  
5 *Liheslaturan Guåhan* furthermore recognizes that Lot No. 5138-2-R3 NEW-1-1,  
6 Ipao-Tumon, Municipality of Dededo is not suitable for Chamorro Land Trust  
7 Commission agricultural or residential development, but rather more efficiently  
8 used “**commercially**” because of its prime frontage location in a prime  
9 predominantly commercial area.

10 *I Liheslaturan Guåhan* further finds that Lot 5138-2-R3 NEW -1-1, Ipao-  
11 Tumon, Municipality of Dededo came under the jurisdiction of the Chamorro Land  
12 Trust Commission by operation of law, an expired or cancelled lease and by  
13 Section 75104 (a) and Section 75105 (a) of Chapter 75 Title 21.

1            *I Liheslaturan Guåhan* intends to grant a certificate of title for Lot No. 5138-  
2 2-R3 NEW-1-1, Ipao-Tumon, Municipality of Dededo to the Chamorro Land Trust  
3 Commission. This lot is intended for commercial leasing to be managed by the  
4 Guam Economic Development Authority as a more productive and profitable asset  
5 for the Beneficiaries of the Trust.

6            **Section 2. Issuance of Certificate of Title.** The Department of Land  
7 Management is hereby directed to issue a certificate of title for Lot No. 5138-2-R3  
8 NEW-1-1, Ipao-Tumon, Municipality of Dededo containing an area of 2,868±  
9 square meters as shown on Department of Land Management Map No. 314-FY 89  
10 attached as Exhibit A to the Chamorro Land Trust Commission. This lot is to be  
11 added into the Chamorro Land Trust Commission Lands Inventory for commercial  
12 leasing.

13            **Section 3. Exemption.** Pursuant to § 2107 of Title 2, Guam Code  
14 Annotated, and the Standing Rules of *I Mina' Trentai Tres Na Liheslaturan*  
15 *Guåhan* relative to the appraisals of land *shall not* apply to this Act.

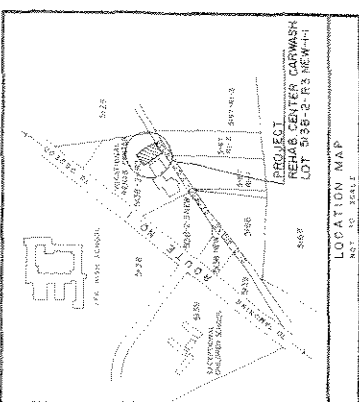
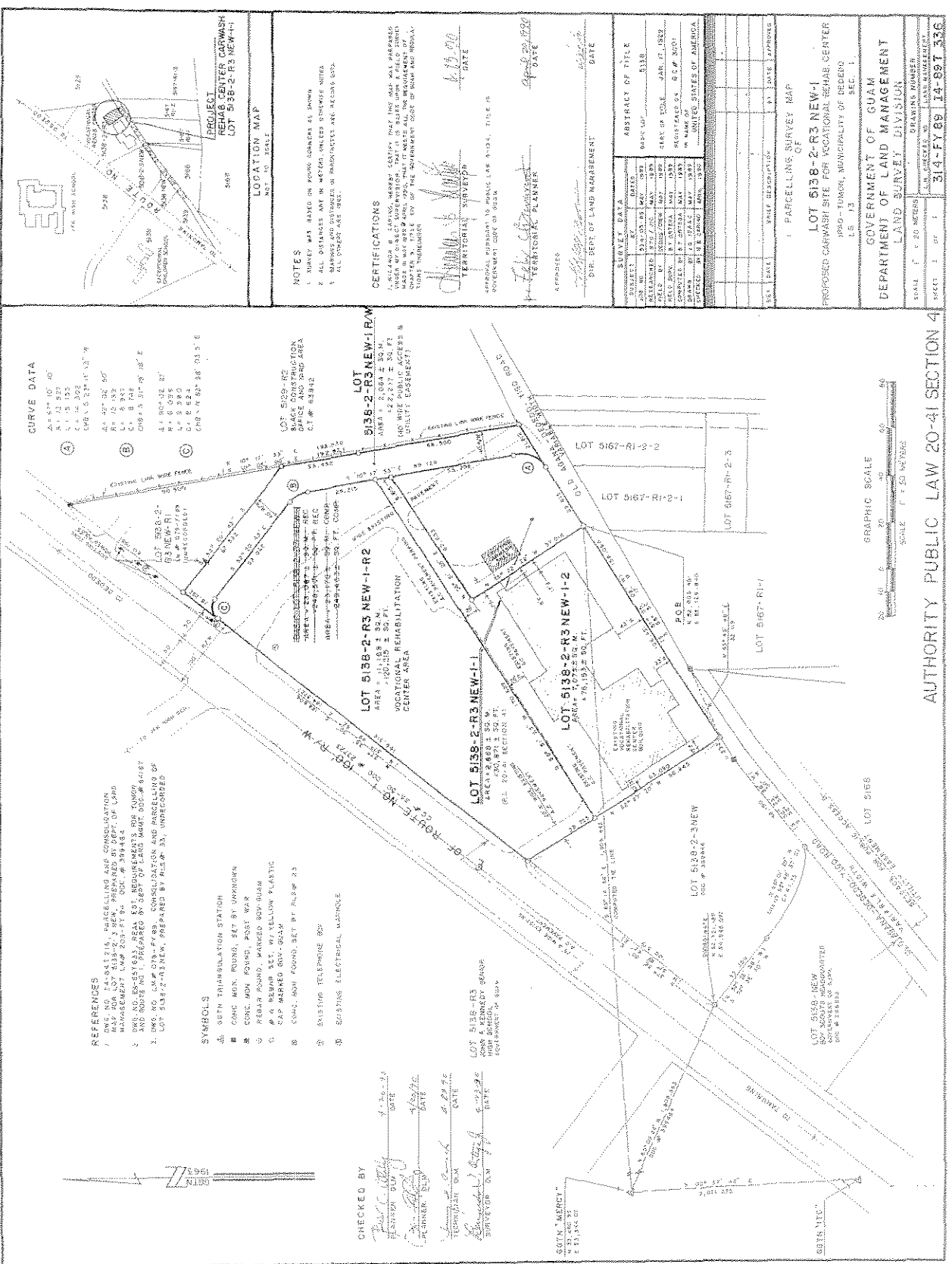
16            **Section 4. Effective Date.** This act *shall* take effect upon enactment.

17            **Section 5.** If any provision of this law or its application to any person or  
18 circumstance is found to be invalid or contrary to law, such invalidity *shall not*  
19 affect other provisions or applications of this law, which can be given effect  
20 without the invalid provisions or application and to this end the provisions of this  
21 act are severable.



Bill No.

Exhibit A



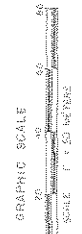
PROJECT  
 PROPOSED GARWASH  
 LOT 5138-2-R3 NEW-1-1

NOTES  
 1. SURVEY WAS BASED ON YOUNG CORNERS AS SHOWN  
 2. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED  
 3. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED  
 4. ALL DISTANCES ARE IN METERS UNLESS OTHERWISE NOTED

CERTIFICATIONS  
 I, [Signature], TERRITORIAL SURVEYOR  
 DO HEREBY CERTIFY THAT THIS MAP WAS MADE AND  
 UNDER MY DIRECT SUPERVISION, THAT I AM A LICENSED  
 SURVEYOR AND THAT I AM A MEMBER OF THE PROFESSIONAL  
 SURVEYING SOCIETY OF THE TERRITORY OF GUAM AND  
 THAT I AM A MEMBER OF THE PROFESSIONAL SURVEYING SOCIETY OF THE  
 UNITED STATES OF AMERICA.

DATE: 1/10/00  
 DATE: 1/10/00

ABSTRACT OF TITLE	
ABSTRACT NO.	5138
DATE OF TITLE	JAN. 17, 1962
IN NAME OF	MUNICIPALITY OF GUAM
IN NAME OF	UNITED STATES OF AMERICA



AUTHORITY PUBLIC LAW 20-41 SECTION 4

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement  
 Public Hearing  
 September 24, 2015  
 1:30 p.m.  
 / Liheslaturan Guåhan, Hagåtña

**Bill No. 180-33 (COR) – T.C. Ada**

An act to title Lot 5138-2-R3 NEW-1-1, *Ipa-o-Tumon*, Municipality of *Dededo* in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER	EMAIL ADDRESS
<i>Ted Nelson</i>	<i>Sill</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>727-9757</i>	
<i>Ben S. Servin</i>	<i>DISB</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>898-8225</i>	<i>ben.to.servin@disb.guam.gov</i>



Benito "Ben" Servino  
DIRECTOR

## Department of Integrated Services for Individuals with Disabilities

Dipattamenton Programa Para I Maninutet  
Government of Guam



Eddie Baza Calvo  
GOVERNOR

Ray Tenorio  
LIEUTENANT  
GOVERNOR

September 24, 2015

DISID Ref. No. 01509-1679

### Honorable Senator Thomas C. Ada

Chairperson, Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement  
33rd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

**Subject: Testimony on Bill No. 180-33 (COR) – T.C. Ada**

**AN ACT TO TITLE LOT 5138-2-R3 NEW-1-1, *IPAO-TUMON*,  
MUNICIPALITY OF *DEDEDO* IN THE NAME OF THE CHAMORRO LAND  
TRUST COMMISSION AND TO AUTHORIZE THE COMMERCIAL  
LEASING OF SAID LOT.**

*Buenas yan Hafa Adai* Senator Ada and Members of the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement

For the record, my name is Ben S. Servino, and I serve as the Director for the Department of Integrated Services for Individuals with Disabilities (DISID).

After being off-island for over 10 years and returning back to be appointed to my position in 2011, I had wondered why the property across from JFK had been left abandoned for so many years.

Through my document research and discussions with Mrs. Rosanne Ada, the former DISID Director, I had found that the property across from JFK was officially identified as the Vocational Rehabilitation Center site (Lot 5138-2-R3) which comprised a total area of 24,073 square meters.

On August 22, 1988, an administrative transfer of Lot 5138-2-R3 was executed between the Government of Guam and the Department of Guam Rehabilitation and was recorded under Document No 402469. The lot description identified on Document No. 402469 was listed in error as 5136-2-R3 but was amended to correct the lot number as Lot 5138-2-R3 (please refer to Exhibit A: Document 743207).

The property was initially split into two parcels and identified as Parcel A, which was comprised of the front grassy area with an area of 13, 282 square meters and Parcel B which was comprised of the back structural areas which included the old Vocational Rehabilitation Center and Car Wash with an area of 10,791 square feet (Please refer to Exhibit B).

The property (Lot No. 5138-2-R3) was then subdivided and Parcel A was split into two lots: Lot No. 5138-2-R3 NEW-1-R2 which as comprised of the front grassy area, was reduced to an area of 11, 168 square meters and a 40" wide public access and utility easement was established and identified as Lot No. 5138-2-R3 NEW-1R/W with an area of 2,064 square meters.

Parcel B was also split up into two lots and identified as Lot 5138-2-R3 NEW-1-2 which comprised the Guam Vocational Rehabilitation Center structure with an area of 7,075 square meters and as Lot 5138-2-R3 NEW-1-1 which comprised the car wash structure with an area of 2,868 square meters and is the subject property referenced in this Bill 180-33.

With the enactment of Public Law 24-16, the Department of Guam Rehabilitation was placed as a Division under the Department of Integrated Services for Individuals with Disabilities and a request was submitted to the Governor on July 18, 2006 to approve the amendment to Document No. 402469 and transfer administrative jurisdiction of the property to DISID so that the Department could apply for and receive federal, local, and private grants and proceed in seeking funding to construct an "Inclusion for ALL" Public Facility on the property.

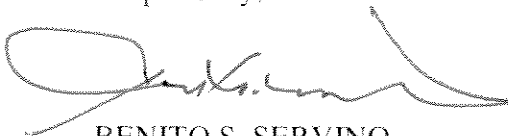
On August 22, 2006, Lot No 5138-2-R3NEW-1-2 and Lot No. 5138-2-R3NEW-1-R2 was administratively transferred to DISID. Lot No. 5138-2R3-NEW-1-1 was not included in the transfer because the Guam Rehabilitation and Workshop Center lease on the property was still in effect and would not to expire until May 31, 2013.

We fully agree that Lot No. 5138-2R3 NEW-1-1 is a prime commercial property as cited under Bill 180-33 (COR) however, we are concerned that since the property was initially transferred to the Department of Guam Rehabilitation (now DISID) back in 1988, we truly believe that more research should be done to confirm if the reversion to the Chamorro Land Trust Commission applies to this property.

As you are aware, DISID is currently pursuing Public/Private Partnership options to develop the property and as we move forward with our plans, we are willing to work out a possible MOU arrangement which would be mutually beneficial for both the Clients of our Department and the CLTC Trust.

On behalf of DISID, I thank you and the committee for allowing me this opportunity to provide some historic background on the property and to share our concern.

Respectfully,



BENITO S. SERVINO  
Director, DISID

748807

**DEPARTAMENTON MINANEHAN TANO'**  
(Department of Land Management)  
**GUBETNAMEN GUAHAN**  
(Government of Guam)

FELIX P. CAMACHO  
Governor of Guam

JOSEPH M. BORJA  
Director

KALEO S. MOYLAN  
Lieutenant Governor of Guam

Deputy Director



July 18, 2006

**MEMORANDUM**

To: Governor of Guam  
From: Director, Department of Land Management  
Subject: ADMINISTRATIVE TRANSFER OF GOVERNMENT LAND FOR DEPARTMENT OF INTEGRATED SERVICES

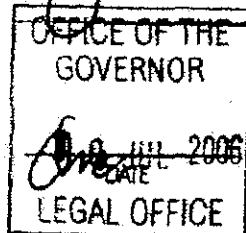
On August 22, 1988, an Administrative Transfer of Lot No. 5136-2-R3, Dededo was executed between the Government of Guam and the Department of Guam Rehabilitation, recorded under Document No. 402469.

The lot description identified on Document No. 402469, is in error and should be amended to read Lot No. 5138-2-R3, Municipality of Dededo, containing an area of 24,073 square meters, as shown and delineated on Land Management Drawing No. 14-84T216.

With the enactment of Public Law 24-16, the Department of Guam Rehabilitation has now become a division of the Department of Integrated Services for Individuals with Disabilities (DISID). Therefore, DISID is now requesting that the lot be transferred for their administrative jurisdiction to allow their department to apply for and receive federal, local and private grants.

With your approval of the above amendments to Document No. 402469, it will enable DISID to proceed with their project, Guam "Inclusion for All" Public Facility.

*Joseph M. Borja*  
Joseph M. Borja



Approved By:

*Felix P. Camacho*

FELIX P. CAMACHO  
Governor of Guam

Date: 7/21/6

CFD .0706.0614

**EXHIBIT "A"**

Street Address:  
55 W. Marine Corps  
Drive  
Agaña, Guam  
96910

Mailing Address:  
P.O. Box 2950  
Agaña, Guam 96932

E-mail Address:  
dlm@mail.gov.gu

Telephone  
671-475-5263

Facsimile  
671-477-0883

(SPACE ABOVE THIS LINE FOR RECORDERS USE)


In the Matter of Lot No. 5138-2-R3NEW-1-2 )  
And Lot No. 5138-2-R3NEW-1-R2, Municipality of ) ADMINISTRATIVE TRANSFER  
Dededo to be Administratively Transferred to the ) AND JURISDICTION  
Department of Integrated Services )

Pursuant to Title 21, GCA, Chapter 60, Section 60104, Real Property, the Governor of Guam hereby approves the administrative transfer and jurisdiction of the following described properties to the Department of Integrated Services for future developments as proposed by their department as shown on the attached EXHIBIT "A".

Lot No. 5138-2-R3NEW-1-2, Municipality of Dededo, containing an area of 7,075± square meters or 76,153± square feet, as shown on Land Management Check No. 314FY89, Land Management No. I4-89T336, recorded under Document No. 433062.

Lot No. 5138-2-R3NEW-1-R2, Municipality of Dededo, containing an area of 11,168± square meters or 120,215± square feet, as shown on Land Management Check No. 314FY89, Land Management No. I4-89T336, recorded under Document No. 433062.

Accordingly, effective this 22nd day of August, 2006, the Department of Integrated Services shall commence with the administrative jurisdiction of Lot No. 5138-2-R3NEW-1-2 and Lot No. 5138-2-R3NEW-1-R2, Municipality of Dededo.


  
\_\_\_\_\_  
Joseph M. Borja  
Director, Department of Land Management

ACKNOWLEDGEMENT

City of Hagatna ) ss

On this 22nd day of August, 2006, before me, the undersigned notary personally appeared Joseph M. Borja, Director, Department of Land Management, the person whose name is signed on the document herein, 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 year first above written.

  
\_\_\_\_\_  
Teresa T. Topasna

Teresa T. Topasna  
NOTARY PUBLIC  
in and for Guam U.S.A.  
My Commission Expires: July 28, 2009  
P.O. Box 2950, Hagatna, Guam 96832

Attachment 1

Island of Guam, Government of Guam  
Department of Land Management Office of the Recorder

File for Record is Instrument No. 743207

On the Year 2004 Month 9 Day 26 Time 10:30

Recording Fee De - Office Receipt No. \_\_\_\_\_

Deputy Recorder [Signature]



Department of Land Management  
GOVERNMENT OF GUAM  
AGANA, GUAM 96910

AUG 11 1988



Memorandum

To: The Governor  
From: Director of Land Management  
Subject: Administrative Transfer of Government Land  
for Guam Rehabilitation Center

The Department of Guam Rehabilitation is requesting an official document reflecting that the Government Land, Lot No. 5136-2-R3, Dededo, containing an area of 24,073 square meters, more or less, as shown and delineated on Land Management Drawing No. I4-84T216, as revised June 13, 1988, in which a Rehabilitation Center is currently situated be provided.

To ensure that use is properly documented, your approval, pursuant to Section 13004, Chapter I, Title XIV, as amended by Public Law 12-226, Government Code of Guam is hereby solicited.

*[Signature]*  
F. L.G. CASTRO  
Acting

APPROVED:

*[Signature]*  
Joseph F. Ada  
Governor of Guam

TERRITORY OF GUAM, DEPARTMENT OF LAND MANAGEMENT  
OFFICE OF THE RECORDER  
INSTRUMENT NUMBER 402469

Date: AUG 12 1988

This instrument was filed for record on 22

Jay of Aug 19 1988

It is duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_

Recording Fee \_\_\_\_\_ Other No. \_\_\_\_\_

*[Signature]*  
Deputy Recorder

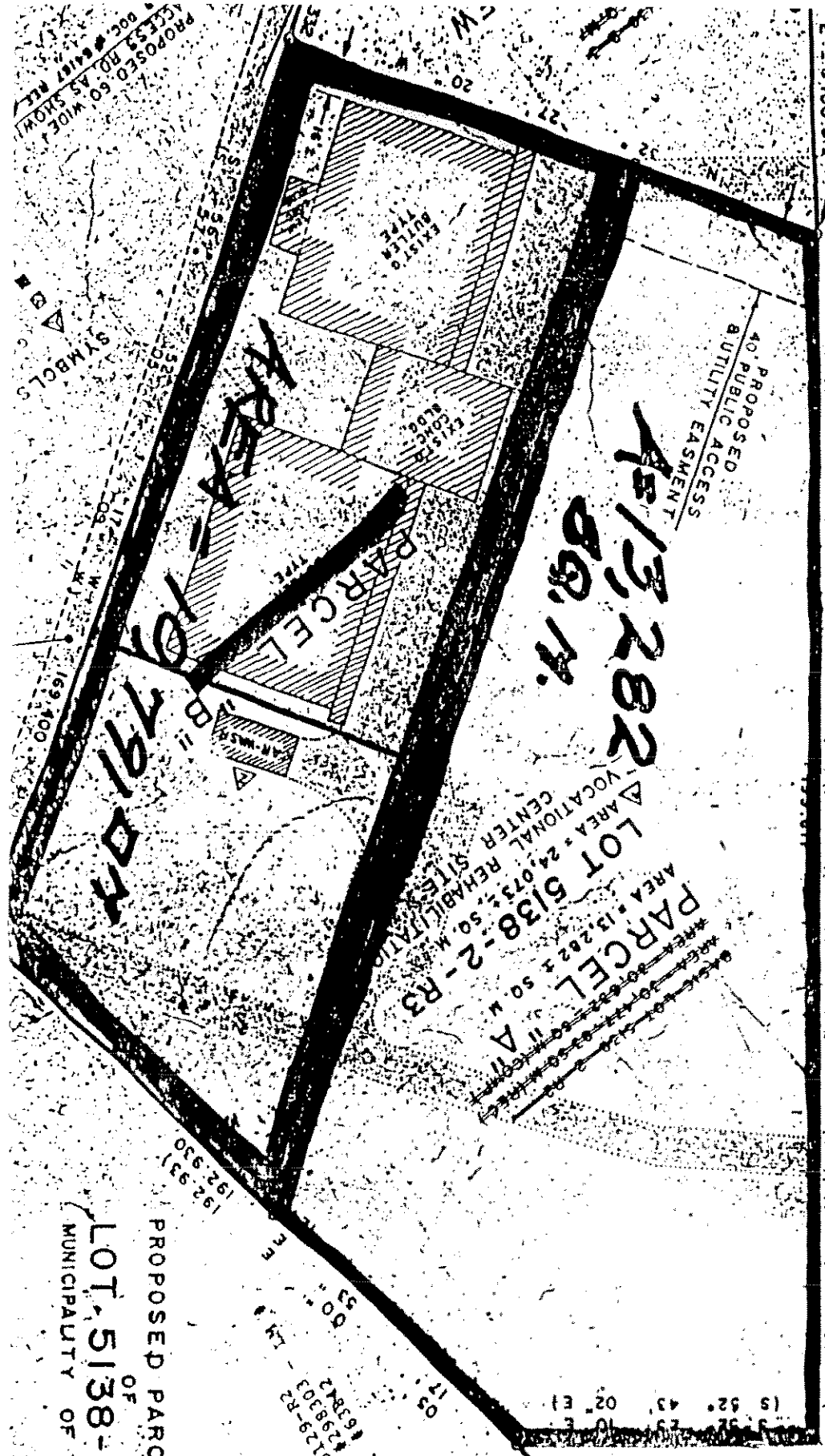


← G — OF — ROUTE — NO. 1 — 100' — R/W —

CC # 35 - 50 DOC # 23723

E 100.519  
N 37.5  
E 49.215  
N 42  
E 50  
E 245

ATTACHMENT NO. 3  
Reference for  
Section VI



PROPOSED PARCELLING  
OF  
LOT 5138-2-R3  
MUNICIPALITY OF DEDEDO

Exhibit "B"

PROPOSED 60' WIDE  
ACCESS RD AS SHOWN  
DOC # 8418 REC

SYMBOLS

1979104

As/13,282  
88.11 N.

PARCEL  
AREA - 13,282 ± SQ. M.  
LOT 5138-2-R3  
VOCATIONAL REHABILITATION  
CENTER SITE

PROPOSED  
PUBLIC ACCESS  
UTILITY EASEMENT

LOT 5138-2-R3  
DOC # 238303  
DOC # 63812

192.930  
192.931

15 52. 43 02' E)



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guáhan* • The 33rd 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

September 30, 2015

## Memorandum

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

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

**Subject:** **Fiscal Note and Fiscal Note Waiver**

*Hafa Adai!*

Attached please find the fiscal note and fiscal note waiver for the bill numbers listed below. Please note that the fiscal note and fiscal note waiver are issued on the bills as introduced.

**FISCAL NOTE:**  
Bill No. 180-33(COR)

**FISCAL NOTE WAIVER:**  
Bill No. 179-33(COR)

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

*Si Yu'os ma'ãse'!*

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

2015 SEP 30 PM 1:22

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 180-33 (COR)**

**AN ACT TO TITLE LOT 5138-2-R3 NEW-1-1, IPAO-TUMON, MUNICIPALITY OF DEDEDO IN THE NAME OF THE CHAMORRO LAND TRUST COMMISSION AND TO AUTHORIZE THE COMMERCIAL LEASING OF SAID LOT.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Chamorro Land Trust Commission	Dept./Agency Head: Michael Borja, Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Chamorro Land Trust Operations Fund	<u>1,006,799</u>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,006,799</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181 thru 33-07)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

Analyst: Jason Baza Date: 9/23/15 Director: Jose S. Calvo Date: SEP 30 2015  
Jason Baza, BMA Jose S. Calvo, Director

Notes:  
See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 180-33 (COR)

The intent of the proposed legislation is to issue the certificate of title for Lot No. 5138-2-R3 NEW-1-1, Ipao-Tumon, in the municipality of Dededo containing an area of 2,868± square meters to the Chamorro Land Trust Commission. The cited lot will be added to the Chamorro Land Trust Commission Land Inventory for the intended purpose of issuing a commercial lease for the property.

It should be noted that there is proposed legislation, specifically Bill No. 175-33 (COR), that addresses the rules and regulations for commercial leases. If Bill No. 175-33 (COR) is passed and becomes law, then the aforementioned property will be subject to the revenue generating provisions contained in the rules and regulations for commercial leases.

Revenue generating provisions from the proposed rules and regulations include imposing rent expenses for the commercial lease to be based upon the fair market value of the property as determined by the average of two appraisals pursuant to P.L. 31-44. A key provision in Bill 175-33 (COR) is that the rent expense shall be no less than nine percent (9%) of the original appraisal of fair market value and shall escalate at five year intervals based upon the established fair market value for the subject property. Another key provision is the CLTC's obligation to pay the Guam Economic Development Authority (GEDA) in an amount no more than 3% of the annual lease payments collected during the first year of the public-public partnership between the CLTC and GEDA. An increase to the CLTC land inventory will also increase the base value from which the 3% payment will be derived from. However, absent feedback from the CLTC, it is uncertain on if they are amenable to this percentage and/or the arrangement with GEDA.

Transferring the certificate of title for Lot No. 5138-2-R3 NEW-1-1, Ipao-Tumon, in the municipality of Dededo will increase the CLTC's land inventory designated for commercial leases. Although the transfer provides an additional revenue generating source, the Bureau cannot determine an estimated amount of revenues to be received due to not having access to information regarding the fair market value based on two appraisals for the subject property and the estimated gross annual income from the use of the property through a commercial lease.



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd 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

Speaker

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

Vice-Speaker

Benjamin J.F. Cruz  
Member

Legislative Secretary

Tina Rose Muna Barnes  
Member

Senator

Dennis G. Rodriguez, Jr.  
Member

Senator

Frank Blas Aguon, Jr.  
Member

Senator

Michael F.Q. San Nicolas  
Member

Senator

Nerissa Bretania Underwood  
Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

September 17, 2015

### MEMORANDUM

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

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

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

**Subject: Referral of Bill No. 180-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 180-33(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 Tres 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 Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
180-33 (COR)	T. C. Ada	AN ACT TO TITLE LOT 5138-2-R3 NEW-1-1, IPAO-TUMON, MUNICIPALITY OF DEDEDO IN THE NAME OF THE CHAMORRO LAND TRUST COMMISSION AND TO AUTHORIZE THE COMMERCIAL LEASING OF SAID LOT.	09/16/15 4:11 p.m.	09/17/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and	09/24/15 1:30 p.m.		



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## 1st Notice of Public Hearing September 24, 2105

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Blaine Dydasco <bdydasco@senatorada.org>

Thu, Sep 17, 2015 at 9:20 AM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, maria.flores@revtax.guam.gov, glenn.leonguerrero@dpw.guam.gov, Michael Borja <michael.borja@land.guam.gov>, benito.servino@disid.guam.gov, David Leddy <dleddy@guamchamber.com.gu>, Chace Anderson <candersongbb@gmail.com>, alfred.leonguerrero@gmai.com, john.camacho@revtax.guam.gov, maria.flores@revtax.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, Alicia Fejeran <avfejeran@gmail.com>, felix.benavente@dpw.guam.gov, joaquin.blaz@dpw.guam.gov, roderick.r.leonguerrero.mil@mail.mil, jbrown@portguam.com, frpangelinan@portguam.com, jcuntalan@portguam.com, Ronnie Santos <ronnie.santos@clb.guam.gov>, eduardo.ordonez@clb.guam.gov, jjohnson@hawaiianrock.com, info@perezbroinc.com, markm@blackguam.com, vivian@angogostrucking.com, mr.rubbishman@gmail.com, trucking@ambyth.guam.net, main@coretechintl.com, samuel.kim@fe.navy.mil, lisa.cauley@fe.navy.mil, martin\_manglona@yahoo.com, afcmst24@yahoo.com, albert.t.manglona2.mil@mail.mil, john.blas@westcare.com, Joseph Borja <jborja@senatorada.org>, Peter Tran <peter@senatorada.org>, Coy Torres <coy@senatorada.org>, Juliette Gillham <juliette@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

September 17, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1<sup>st</sup> Notice of Public Hearing: Thursday, September 24, 2015 at 9:00 a.m. and 1:30 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Thursday, September 24, 2015 at 9:00 a.m. and 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guåhan*. The agenda is as follows:

#### 9:00 am

#### Bill No. 147-33 (COR) – T.C. Ada

An act to amend §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to add a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

1:30 pm

Bill No. 181-33 (COR) – T.C. Ada

An act to amend § 3102.1 of Chapter 3 of Title 16 Guam Code Annotated, relative to waiver of fees for spouse and legal guardian of 100% disabled veterans and for Goldstar Widows/Widowers and parents.

Bill No. 180-33 (COR) – T.C. Ada

An act to title Lot 5138-2-R3 NEW-1-1, *Ipao-Tumon*, Municipality of *Dededo* in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot.

Bill No. 170-33 (COR) – T.R. Muña Barnes/V.A. Ada/B.T.McCreadie/D.G. Rodriguez, Jr.

An act to authorize the Department of Integrated Services for Individuals with Disabilities (DISID) to enter into a memorandum of understanding with the Guam Trades Academy for the construction of the Guam Regional Workforce training and development center.

Bill No. 131-33 (COR) – V.A. Ada/B.T. McCreadie

An act authorizing the Department of Integrated Services for Individuals with Disabilities DISID to partner with a private educational entity for the purpose of reconstructing the former department/division of vocational rehabilitation facility to provide services for individuals with disabilities and job training programs.

Bill No. 179-33 (COR) – T.C. Ada

An act to add a new Subsection (d) to §2107 of Chapter 2, Title 2, of the Guam Code Annotated to require a Department of Land Management recorded map be included in land bills.

Testimony on **Bill No. 147-33 (COR)**, **Bill No. 181-33 (COR)**, **Bill No. 180-33(COR)** **Bill No. 170-33 (COR)**, **Bill No. 131-33(COR)**, **Bill No. 179-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org) or via facsimile to (671) 473-3303 until **Thursday, October 1, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.

--  
Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature*  
Office (671) 473-3301





## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

September 17, 2015

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## 2nd Notice of Public Hearing

Blaine Dydasco <bdydasco@senatorada.org>

Mon, Sep 21, 2015 at 2:52 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, maria.flores@revtax.guam.gov, glenn.leonguerrero@dpw.guam.gov, Michael Borja <michael.borja@land.guam.gov>, benito.servino@disid.guam.gov, David Leddy <dleddy@guamchamber.com.gu>, Chace Anderson <candersongbb@gmail.com>, alfred.leonguerrero@gmai.com, john.camacho@revtax.guam.gov, maria.flores@revtax.guam.gov, pedro.leonguerrero@cqa.guam.gov, raffaele.sgambelluri@cqa.guam.gov, Alicia Fejeran <avfejeran@gmail.com>, felix.benavente@dpw.guam.gov, joaquin.blaz@dpw.guam.gov, roderick.r.leonguerrero.mil@mail.mil, jbrown@portguam.com, frpangelinan@portguam.com, Jountalan@portguam.com, Ronnie Santos <ronnie.santos@clb.guam.gov>, eduardo.ordonez@clb.guam.gov, Jere Johnson <jjohnson@hawaiianrock.com>, info@perezbroinc.com, markm@blackguam.com, vivian@angogostrucking.com, mr.rubbishman@gmail.com, trucking@ambyth.guam.net, main@coretechintl.com, samuel.kim@fe.navy.mil, lisa.cauley@fe.navy.mil, martin\_manglona@yahoo.com, afcmstg24@yahoo.com, albert.t.manglona2.mil@mail.mil, john.blas@westcare.com, Joseph Borja <jborja@senatorada.org>, Peter Tran <peter@senatorada.org>, Coy Torres <coy@senatorada.org>, Juliette Gillham <juliette@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>

September 21, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing: Thursday, September 24, 2015 at 9:00 a.m. and 1:30 p.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Thursday, September 24, 2015 at 9:00 a.m. and 1:30 p.m.** This meeting will take place in the public hearing room of *Liheslaturan Guåhan*. The agenda is as follows:

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**1:30 pm**

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--  
Blaine Dydasco  
Policy Analyst  
Office of Senator Tom C. Ada  
*I Mina' Trentai Tres Na Liheslaturan Guahan-33rd* Legislature  
Office (671) 473-3301

 **2nd Notice of Public Hearing.pdf**  
632K



## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

September 21, 2015

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Public Hearing Notice Listserv  
*phnotice@guamlegislature.org (Media, All Senators, and Staff)*

Updated: August 31, 2015

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amchorja@gmail.com	editor@saipantribune.com	kcharfauros74@gmail.com
amier@mvguam.com	edpocague@judiwonpat.com	ken.kelly@gmail.com
ang.duenas@gmail.com	eflores@senatorbjcruz.com	keepinginformed.671@gmail.com
ann@toduguam.com	elena.garcia@senatorbjcruz.com	kelly.toves@mail.house.gov
ataligba@gmail.com	emqcho@gmail.com	kennyfg@guamlegislature.org
av@guamlegislature.org	eo@guamrealtors.com	kenq@kuam.com
avon.guam@gmail.com	etajalle@guamlegislature.org	khmg@hbcguam.net
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bdydasco@senatorada.org	fbtorres@judiwonpat.com	koreatv@kuentos.guam.net
bernice@tinamunabarnes.com	fes22744@gmail.com	kstokish@gmail.com
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bnkelman@guampdn.com	frank.blasjr@gmail.com	law@guamag.org
brantforguam@gmail.com	frank@judiwonpat.com	legislativecounsel@guamlegislature.org
bruce.lloyd.media@gmail.com	frank@mvguam.com	leling@judiwonpat.com
bshringi@moylans.net	gerry@mvguam.com	life@guampdn.com
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## Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,  
Border Protection, Veterans' Affairs and Procurement  
*I Mina Trentai Tres Na Liheslaturan Guåhan* • 33<sup>rd</sup> Guam Legislature

### AGENDA

#### **PUBLIC HEARING**

**Monday, September 24, 2015**

**Public Hearing Room, *I Liheslaturan Guåhan***

The agenda is as follows:

#### **9:00am**

#### **Bill No. 147-33 (COR) – T.C. Ada**

An act to amend §§ 5101, 5104, 5107, 5109, 5112, and 5114, and to add a new § 5118, all of Chapter 5, Title 16, Guam Code Annotated, relative to the authorities and responsibilities of the Department of Revenue and Taxation and the Department of Public Works to enforce weight limits and safe operations of commercial vehicles on Guam's highways; establishing penalties for violations; establishing permit requirements; and establishing a truck enforcement screening station (TESS) facility fund.

Testimony on the **Bill No. 147-33 (COR)**, should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Monday, October 1, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.



## Sen. Thomas Ada

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Committee on Transportation, Infrastructure, Lands,  
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### AGENDA

#### PUBLIC HEARING

Monday, September 24, 2015

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

**1:30pm**

**Bill No. 181-33 (COR) – T.C. Ada**

An act to amend § 3102.1 of Chapter 3 of Title 16 Guam Code Annotated, relative to waiver of fees for spouse and legal guardian of 100% disabled veterans and for Goldstar Widows/Widowers and parents.

**Bill No. 131-33 (COR) – V.A. Ada/B.T. McCreddie**

An act authorizing the Department of Integrated Services for Individuals with Disabilities DISID to partner with a private educational entity for the purpose of reconstructing the former department/division of vocational rehabilitation facility to provide services for individuals with disabilities and job training programs.

**Bill No. 170-33 (COR) – T.R. Muña Barnes/V.A. Ada/B.T. McCreddie/D.G. Rodriguez, Jr.**

An act to authorize the Department of Integrated Services for Individuals with Disabilities (DISID) to enter into a memorandum of understanding with the Guam Trades Academy for the construction of the Guam Regional Workforce training and development center.

**Bill No. 180-33 (COR) – T.C. Ada**

An act to title Lot 5138-2-R3 NEW-1-1, *Ipao-Tumon*, Municipality of *Dededo* in the name of the Chamorro Land Trust Commission and to authorize the commercial leasing of said lot.

**Bill No. 179-33 (COR) – T.C. Ada**

An act to add a new Subsection (d) to §2107 of Chapter 2, Title 2, of the Guam Code Annotated to require a Department of Land Management recorded map be included in land bills.

Testimony on the **Bill No. 181-33 (COR)**, **Bill No. 180-33 (COR)**, **Bill No. 170-33 (COR)**, **Bill No. 131-33 (COR)**, **Bill No. 170-33 (COR)** should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to [flores@senatorada.org](mailto:flores@senatorada.org), or via facsimile to (671) 473-3303 until **Monday, October 1, 2015 at 5:00pm**. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Charlene Flores at 473-3301. Please feel free to contact my office should you have any questions or concerns.