



Sen. Thomas Ada
Chairman

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

November 18, 2016

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

2016 NOV 18 PM 5:07

RE: Committee Report on Bill No. 360-33 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 360-33 (COR) **“An act to transfer Lot 427, Municipality of Talofofu with an area of 3,243 ± square meters from the Administrative Jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the Talofofu Substation.”**

Committee votes are as follows:

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

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 • 33rd Guam Legislature

**COMMITTEE REPORT
ON
Bill No. 360-33 (COR)**

“An act to transfer Lot 427, Municipality of Talofoyo with an area of 3,243 ± square meters from the Administrative Jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the Talofoyo Substation.”



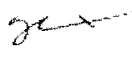
Sen. Thomas Ada
Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
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November 18, 2016

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. 360-33 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 360-33 (COR)
**“An act to transfer Lot 427, Municipality of Talofofu with an area of 3,243 ± square meters
from the Administrative Jurisdiction of the Chamorro Land Trust Commission to the
Guam Power Authority for the purpose of expanding the Talofofu Substation.”**

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 360-33 (COR), As Introduced
- Public Hearing Sign-in Sheet
- Written testimonies
- Copy of Fiscal Note Request
- Copy of Fiscal Note
- COR Referral of Bill No. 360-33 (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 Libeslaturan Guåhan • 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 360-33 (COR) "An act to transfer Lot 427, Municipality of Talofofu with an area of 3,243 ± square meters from the Administrative Jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the Talofofu Substation."

| COMMITTEE MEMBERS | SIGNATURE AND DATE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|--|---|------------|-------------|------------------------------|------------|---------------------------|
| SENATOR THOMAS C. ADA Chairperson | | <i>yes</i> | | | | |
| SENATOR RORY J. RESPICIO Vice Chairperson | <i>Rory Respicio</i> | | | <i>no</i> <i>11/16/16</i> | | |
| VICE SPEAKER BENJAMIN J.F. CRUZ Member | | | | | | |
| SENATOR FRANK B. AGUON, JR. Member | | | | | | |
| SENATOR DENNIS RODRIQUEZ, JR. Member | <i>DR</i> | | | <i>✓</i> <i>11/17</i> | | |
| SENATOR NERISSA UNDERWOOD Member | <i>N Underwood</i> <i>11/17/16</i> | | | <i>NU</i> | | |
| SENATOR FRANK BLAS, JR. Member | <i>FB</i> | | | <i>✓</i> | | |
| SENATOR MARY TORRES Member | <i>11/16/16</i> <i>M Torres</i> | | | <i>✓</i> | | |
| SENATOR JAMES V. ESPALDON Member | <i>James V. Espaldon</i> <i>11/17/16</i> | | | <i>✓</i> | | |



Sen. Thomas Ada

Chairman

Committee on Transportation, Infrastructure, Lands,
Border Protection, Veterans' Affairs and Procurement
I Mina Trentai Tres Na Libeslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 360-33 (COR) was introduced on July 29, 2016 by Senator Thomas C. Ada and was subsequently referred on August 1, 2016 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 October 26, 2016 at 9:30am in *I Liheslaturan's* Public Hearing Room to receive public testimony on Bill No. 360-33 (COR).

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on October 19, 2016 (5-Day Notice) and again on October 24, 2016 (48-Hour Notice).

Senators Present

| | |
|--------------------|------------------------------|
| Sen. Thomas C. Ada | <i>Committee Chairperson</i> |
| Sen. Jim Espaldon | <i>Committee Member</i> |

The public hearing/information briefing was Called-to-Order at 9:34am.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairperson Ada: Chairperson Ada explains that both Bills 360-33 and 361-33 will be heard simultaneously because they both have to deal with GPA. He explains that Director Michael Borja from Land Management has submitted written testimony in support of both bills, but with some minor modifications. Chairperson Ada asked if GPA has had a chance to look at DLM's testimony. If the bill is to be amended, GPA will be notified of it. He then calls on GPA to provide their testimony.

John Benavente, General Manager GPA: In support of both bills 360-33 and 361-33 (see written testimonies).

Chairperson Ada: He presumed there were some preliminary discussions between GPA and DLM for compensation that would be given to CLTC for the property.

John Benavente: He is not sure there is any compensation for the Lot in Bill 360-33. GPA has been there since 1973. There will be compensation for the second parcel that GPA is acquiring in Bill 361-33.

Chairperson Ada: He makes it clear that the lot GPA is currently sitting on will not be compensated and just be an administrative transfer.

Joey Duenas, Chairman of CCU: He explains the property was supposed to be transferred in 1993 and somehow it never made it. The property has been maintained and used by GPA. They are willing to pay for the additional property right behind it which is what Bill 361-33 intends to do.

Chairperson Ada: He explains that Bill 360-33 is just correcting a transfer that should have been made along time ago. Chairperson Ada asked if they could explain why GPA needs the additional property directly behind the current substation.

John Benavente: Reads his written testimony in support of Bill 361-33(see attached).

Chairperson Ada: He would like to note two things pointed out in DLM testimony. First is a resolution passed by the CLTC on August 18, 2016 meeting which stated that the transfer of property by CLTC to GPA shall be compensated to the CLTC for said lot in bill 360-33. This is quite different then what GPA was expecting and asked if it had changed since their last discussion with CLTC.

Graham Botha, GPA legal counsel: They did speak with Director Borja and at the time it was clear that there would be no compensation for the property. It was agreed upon for compensation for the new property which is on bill 361-33.

Chairperson Ada: He explains they will need to sit down with the CLTC in regards to their conditions that were stipulated in DLM testimonies for both bills. In bill 361, DLM suggested a reversionary clause be put in the bill. The property transferred shall be used for the intended purpose within 5 years or the land goes back to the CLTC. Chairperson Ada asked GPA, if they see them completing their project within the 5-year window.

John Benavente: He replies yes and in fact the bid is out on the market already.

Chairperson Ada: He then asks senator Espaldon if he has any questions.

Sen. Espaldon: He asked GPA's legal counsel if he had received DLM's testimonies prior to today's hearing.

Graham Botha: He replies no they have not until this morning.

Sen. Espaldon: He explains on item #3 on DLM's testimony it indicates that CLTC shall grant GPA a "Grant of Right of Way" and asked if this was necessary because GPA has had control of the lot. 421 since 1973.

Graham Botha: He explains they needed the right of way access to the property in order to have the surveyor and appraiser to enter in advance for bill 361-33. In bill 360-33 there is already an existing license that covers it.

Chairperson Ada: He says it looks like the 5 conditions from DLM is copied and paste for both bills. So, only 2 conditions would apply for the property on bill 360-33 according to the chairperson. He then explains they would also review the resolution to be consistent.

Joey Duenas: He explains the lot regarding bill 360-33 has been used by GPA since 1973. GPA had already been occupying the property and had pre dated the CLTC. GPA never got the paperwork done for the property and ended up in the CLTC lands inventory. He believes the lot has been given to GPA and therefore CLTC should not be compensated for it. GPA fully understands that CLTC must be compensated for the lot in bill 361-33.

Chairperson Ada: He thanks GPA and Mr. Duenas and moves on to the next item on the agenda.

Written Testimony Received:

Michael Borja, *Director of Land Management*

John Benavente, *GM for GPA*

Findings and Recommendations:

The committee finds that Lot. 427 containing an area of $\pm 3,243$ in the municipality of Talofofu is currently under the CLTC lands inventory list. The committee furthermore finds that, On August 18, 2016 a resolution was passed by the CLTC requiring compensation from GPA for Lot. 427.

The committee finds that it is not necessary to add a reversionary clause section into Bill 360-33 as recommended by DLM, because GPA will be compensating DLM for the property.

The Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement, hereby reports out **Bill 360-33 (COR) as introduced**, with the recommendation to report out only.

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 360-33 (COR)

Introduced by:

T. C. Ada 

**AN ACT TO TRANSFER LOT 427, MUNICIPALITY OF
TALOFOFO WITH AN AREA OF 3,243± SQUARE
METERS FROM THE ADMINISTRATIVE JURISDICTION
OF THE CHAMORRO LAND TRUST COMMISSION TO
THE GUAM POWER AUTHORITY FOR THE PURPOSE
OF EXPANDING THE *TALOFOFO* SUBSTATION.**

2016 JUL 29 PM 4:18



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

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds
3 §8203 of Title 12 of the Guam Code Annotated provides that the Guam Power
4 Authority (GPA) is authorized to acquire lands for the purposes of constructing,
5 improving, equipping, maintaining, repairing, renewing, replacing and reconstructing
6 the electrical system of GPA.

7 *I Liheslaturan Guåhan* finds that the Guam Power Authority (GPA) has
8 identified property, under the administrative jurisdiction of the Chamorro Land Trust
9 Commission (CLTC), for the purpose of expanding the *Talofof* Electrical Substation,
10 preparing the site for the future construction of an Energy Storage System. These
11 improvements are essential in meeting current and future growth demands for
12 electrical generation and distribution to the Island Wide Power System (IWPS).

1 *I Liheslaturan Guåhan* finds that the Guam Power Authority has commissioned
2 a 25.65 MW solar farm through NRG Energy (independent power producer) and a 275
3 KW wind turbine renewable energy as part of its integrated resource plan; and

4 *I Liheslaturan Guåhan* finds that the construction and installation of an Energy
5 Storage System facility at the selected site will provide significant power output
6 stabilization from the *Dandan* Solar facility and wind turbine, thus firming the net
7 power output.

8 *I Liheslaturan Guåhan* finds that considering the present and future ability of
9 GPA to operate the Island Wide Power System, GPA desires to include Lot 427,
10 Municipality of *Talofoyo* for the *Talofoyo* Electrical Substation Expansion and it
11 desires that the CLTC convey to GPA, and such action is deemed in the best interest
12 of both parties and necessary for the Land Registration.

13 **Section 2. Authorization to Transfer Land to the Guam Power Authority**
14 **(GPA).** Notwithstanding any other provision of law, rule or regulation, *I Liheslaturan*
15 *Guåhan* authorizes the Chamorro Land Trust Commission (CLTC) to transfer the
16 existing *Talofoyo* Electrical Substation property containing an area of three thousand
17 two hundred forty three (3,243) square meters, more or less, Lot 427, Municipality of
18 *Talofoyo*, as shown on the Land Registration survey Map of Lot 427, Municipality of
19 *Talofoyo* prepared by TG Engineers, filed under instrument No. 806752 (See exhibit
20 A) for the construction of a new Energy Storage System (ESS Parcel). GPA shall,
21 upon acquiring the Conditional Grant Deed, submit to the court the Land Registration
22 of the property and all Land Registration expenses shall be borne by GPA.

23 (a). GPA shall pay for the appraisal of the property by two different
24 appraisers certified to do business on Guam, which shall be selected by the
25 Administrative Director of the Chamorro Land Trust Commission.

1 (b). GPA shall have the property surveyed and registered at its own
2 expense.

3 (c). GPA shall work with the Chamorro Land Trust Commission (CLTC)
4 to determine an appropriate compensation for the property to include preferably
5 but not limited to purchase at fair market value, in-kind service exchange of
6 equal value or a combination of options to be approved by GPA, the
7 Consolidated Commission (CCU) and the (CLTC). GPA and CLTC will have
8 one hundred and eighty (180) days to finalize the compensation agreement.

9 **Section 3. Proceeds.** All proceeds made from the sale of Lot 427 shall be
10 deposited into the *Chamorro Land Trust Infrastructure and Survey Fund*, identified as
11 Department of Administration Revenue Account Number 3669-57001.

12 **Section 4. Rezoning.** Lot 427, Municipality of *Talofofo*, is hereby
13 rezoned from Agricultural (A) to Public Facility (PF) for the purpose of expanding the
14 *Talofofo* Substation and constructing the Energy Storage System.

15 **Section 5. Effective Date.** This act shall take effect upon enactment.

16 **Section 6. Severability.** If any of provision of this law or its application to
17 any person or circumstance is found to be invalid or contrary to law, such invalidity
18 *shall not* affect other provisions or applications of this law, which can be given effect
19 without the invalid provisions or applications and to this end the provisions of this act
20 are severable.



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

October 25, 2016

The Honorable Thomas C. Ada
Senator, 33th Guam Legislature
Ada Plaza Center, Suite 207
173 Aspinall Ave.
Hagatña, Guam 96910

Dear Senator Ada,

The Guam Power Authority provides the following testimony in favor of Bill 360-33 relative to conveyance of Government Property to GPA for the existing Talofofo Substation.

GPA has been utilizing the site for the Talofofo Substation for many years. On April 26, 1973, a land use permit application was submitted to the Department of Land Management for a specific public use by GPA. This application designated 3,243 square meters within Government Lot Parcel "A" for GPA's Talofofo Diesel Power Plant and Power Substation. The goal of the acquisition of portions of the Government property was essential in order to provide relief to load demands from Southern Guam.

On July 15, 1992, under P.L. 21-117, GPA was granted emergency procurement authority for generating equipment as a response to the increased demands of the IWPS. This included a 9.6 Mega Watt unit to be located on the Talofofo Substation site with an in-service date of May 31, 1993 with a commitment to generate, transmit and distribute the electricity produced from the Talofofo unit to southern villages. P.L. 21-117 also included the conveyance of property to GPA. Unfortunately, the Talofofo Substation site was omitted in the transfer of properties.

Over the years, GPA completed significant improvement activities to maintain the Talofofo Substation and Diesel Plant. These items included substation improvements, diesel plant refurbishment, and generation protection and fire protection projects. Most recently, GPA invested in a \$700,000.00 RICE/MAC emission control which now places the plant in compliance with EPA.

The Talofofo Substation and Diesel Plant site continues to be an important asset to the Island Wide Power System. The conveyance of the property to GPA is essential to ensuring that GPA has a defensible right to the property and satisfying our bond covenants.

GPA is committed to completing the conditions set forth in Bill 360-33 relative to the acquisition of this property that will serve the mission of the Authority well into the future. Thus, GPA is in full support of Bill 360-33.

I would like to also take this opportunity to thank Land Management and Chamorro Land Trust Commission for their utmost assistance and support of this Bill.

Thank you for the opportunity to submit this testimony for this important endeavor. We look forward to working with you to find ways to improve service to our rate payers.

Sincerely,

JOHN M. BENAVENTE, P.E.
General Manager



DIPATTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guahan)



EDDIE BAZA CALVO
 Governor of Guahan

MICHAEL JB BORJA
 Director

RAY TENORIO
 Lieutenant Governor of Guahan

DAVID V. CAMACHO
 Deputy Director

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

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

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

E-mail Address:
dlmdir@land.guam.gov

Telephone:
 671-649-LAND (5263)

Facsimile:
 671-649-5383

October 24, 2016

Senator Thomas C. Ada
 33rd Guam Legislature
 Chairman, Committee on Transportation,
 Infrastructure, Lands, Border Protection,
 Veteran's Affairs and Procurement
 173 Aspinall Ave, Ste 207
 Hagatna, Guam 96910

SUBJECT: Bill No. 360-33– AN ACT TO TRANSFER LOT 427, MUNICIPALITY OF TALOFOFO WITH AN AREA OF 3,243± SQUARE METERS FROM THE ADMINISTRATIVE JURISDICTION OF THE CHAMORRO LAND TRUST COMMISSION TO THE GUAM POWER AUTHORITY FOR THE PURPOSE OF EXPANDING THE TALOFOFO SUBSTATION.

Buenas Yan Hafa Adai!

This bill proposes the transfer of Chamorro Land Trust Commission (CLTC) land from its inventory for the purpose of expanding the Guam Power Authority's Talofofu Electrical Substation.

Based on the bill and its exhibits, the following was determined:

1. Lot 427, Municipality of Talofofu, was never transferred to GPA.
2. Lot 427 is unregistered land and is approximately 3,243 square meters.
3. This bill lacks a reversionary clause for non-use of the land or failure to complete compensation.

Because Lot 427, Talofofu, is not a registered parcel of land, it is essential this parcel must be registered prior to completing the transfer of the property.

At their August 18, 2016 regularly scheduled meeting, the CLTC board of commissioners approved CLTC Resolution 2016-14 which stated the following:



1. CLTC, recognizing GPA's need for the land to serve the public's good, approves and declares Lot 427, Talofofo, be available and designated for the Guam Power Authority.
2. Guam Power Authority shall be fully responsible for all land surveys and land registration.
3. CLTC shall grant GPA a "Grant of Right of Way" (later corrected to "Right of Entry") for Lot 427, Talofofo.
4. Bill No. 360-33 shall include a section entitled "Reversionary Clause" that the properties transferred shall be used for the intended purpose within five years or the land shall be returned to the Chamorro Land Trust Commission.
5. The transfer of the property to GPA shall be with compensation to CLTC.

Based on CLTC Resolution No. 2016-14, the Chamorro Land Trust Commission supports Bill No. 360-33 with modifications added.

Thank you very much for permitting me to provide this testimony.

Senseramente,

A handwritten signature in black ink, appearing to read 'Michael J.B. Borja', with a horizontal line extending to the right.

MICHAEL J.B. BORJA

Director

Attachment

CLTC Resolution No. 2016-14



**CHAMORRO LAND TRUST COMMISSION
RESOLUTION NO. 2016-14**

***Declaration and Designation of Land
for Guam Power Authority Infrastructure Development***

WHEREAS, the Chamorro Land Trust Commission (*hereafter CLTC*), in accordance with Title 21, Section 75105, declares the need to make land available for Guam Power Authority (GPA) infrastructure development;

WHEREAS, the CLTC board of commissioners recognizes GPA's need for land, currently used as the Talofof Electrical Substation, to be assigned under its authority;

WHEREAS, the CLTC board of commissioners recognizes and acknowledges GPA's immediate need to prepare, survey and register the desired land and authorizes the execution of a "Grant of Right-Of-Way" until law is enacted to assign the property to GPA;

WHEREAS, the CLTC board of commissioners requires the land assignment be compensated at a rate and/or process to be determined at a later date to be set in the law assigning the property to GPA;

WHEREAS, on August 18, 2016, the CLTC board of commissioners at their regularly scheduled meeting, Tamuning, Guam, reviewed and approved by a motion to designate, as available, the proposed land as necessary for the public good to be assigned to the Guam Power Authority by legislative action, as described in Bill No. 360-33:

The existing Talofof Electrical Substation property containing an area of ±3,243 square meters, Lot 427, Municipality of Talofof, as shown on the Land Registration survey map filed under Instrument No. 806758, for the expansion of the Talofof Electrical Substation.

NOW THEREFORE BE IT RESOLVED,

1. The Chamorro Land Trust Commission Board of Commissioners approves the listed land and declares this land to be available and designated property for the Guam Power Authority infrastructure development who shall be fully responsible for any and all land surveys and land registration, as necessary;
2. The Chamorro Land Trust Commission authorizes the execution of a "Grant of Right-of-Way" for the designated property identified above to the Guam Power Authority;
3. The Chamorro Land Trust Commission Board of Commissioners requires Bill No. 360-33 include a "Reversionary Clause" that the properties transferred shall be used for the intended purpose within five years or the land shall be returned to the CLTC land inventory; and
4. The Chamorro Land Trust Commission Board of Commissioners transmits this Resolution to *Liheslaturan Guahan* with its recommendation to include the designated property in legislation to assign it to the Guam Power Authority with compensation to be determined within a specified period listed in the enacted law.

DULY AND REGULARLY ADOPTED BY THE CHAMORRO LAND TRUST COMMISSION THIS 18TH DAY OF AUGUST 2016.

**PASCUAL A. SABLAN, Chairman
Chamorro Land Trust Commission**

Date: Aug. 23, 2016

**MICHAEL J. BORJA, Administrative Director
Chamorro Land Trust Commission**

Date: AUG 22, 2016



COMMITTEE ON RULES

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

August 26, 2016

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Fiscal Notes and Fiscal Note Waiver

Hafa Adai!

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

FISCAL NOTES:

- Bill No. 360-33(COR)
- Bill No. 361-33(COR)
- Bill No. 362-33(COR)

FISCAL NOTE WAIVER:

- Bill No. 365-33(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'åse'!

2016 Aug 26 10:19:21
HAWAII

Bureau of Budget & Management Research
Fiscal Note of Bill No. 360-33 (COR)

AN ACT TO TRANSFER LOT 427, MUNICIPALITY OF TALOFOFO WITH AN AREA OF 3,243± SQUARE METERS FROM THE ADMINISTRATIVE JURISDICTION OF THE CHAMORRO LAND TRUST COMMISSION TO THE GUAM POWER AUTHORITY FOR THE PURPOSE OF EXPANDING THE TALOFOFO SUBSTATION.

Department/Agency Appropriation Information

| | |
|---|--|
| Dept./Agency Affected: Chamorro Land Trust Commission | Dept./Agency Head: Michael J. B. 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 | 1,424,311 |
| Total Department/Agency Appropriation(s) to date: | \$1,424,311 |

Fund Source Information of Proposed Appropriation

| | General Fund: | (Specify Special Fund): | Total: |
|--|---------------|-------------------------|------------|
| FY 2015 Unreserved Fund Balance | | \$0 | \$0 |
| FY 2016 Adopted Revenues | \$0 | \$0 | \$0 |
| FY 2016 Appro. (P.L. 33-66 thru _____) | \$0 | \$0 | \$0 |
| Sub-total: | \$0 | \$0 | \$0 |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | \$0 | \$0 | \$0 |

Estimated Fiscal Impact of Bill

| | One Full Fiscal Year | For Remainder of FY 2016 (if applicable) | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
|--|----------------------|--|---------|---------|---------|---------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Chamorro Land Trust Survey and Infrastructure Fund | 1/ | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | 1/ | \$0 | \$0 | \$0 | \$0 | \$0 |

- 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: / X / Yes / / No
 / X / Requested agency comments not received by due date / / Other:

Analyst: Jason Baza Date: 8/22/16 Director: Jose S. Calvo Date: AUG 24 2016
 Jason Baza, BMA II Jose S. Calvo, Director

Notes:
 1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 360-33 (COR)

The proposed legislation intends to transfer a portion of Lot 427 in the municipality of Talofofo from the administrative jurisdiction of the Chamorro Land Trust Commission (CLTC) to the Guam Power Authority (GPA) for the purpose of expanding the Talofofo substation to construct an Energy Storage System.

Sections 2(a) and 2(b) stipulate that the GPA will be responsible for covering the cost of the appraisal of the property by two different appraisers as well as the cost of the property survey and registration.

Although compensation for the transfer of CLTC property to the GPA is not specifically outlined, Section 2(c) stipulates that the two parties will determine the appropriate method of compensation to include, but not limited to, purchase at fair market value, in-kind service exchange of equal value, or a combination of the two options. All compensation options shall be approved by the GPA, CLTC, and the Consolidated Commission on Utilities (CCU). The compensation agreement between the GPA and CLTC must be finalized within 180 days after the enactment of the proposed legislation.

Because the GPA does not receive appropriations from the Government of Guam, having GPA cover the cost of the appraisals, survey, and registration of the subject property will not have an impact on any of the Government of Guam's finances.

As previously mentioned, the CLTC will receive an appropriate compensation for the transfer of the subject property. However, because the specific terms of compensation have not been outlined or agreed upon at the time of preparing comments, the Bureau is unable to determine if the compensation is equal, more, or less than the value of the subject property.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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MAJORITY LEADER

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MINORITY LEADER


Mary C. Torres
MINORITY MEMBER

August 1, 2016

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 360-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 360-33(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 |
|--------------|-----------|--|-----------------------|---------------|--|---------------------|-----------------------------|--------------|
| 360-33 (COR) | T. C. Ada | AN ACT TO TRANSFER LOT 427, MUNICIPALITY OF TALOFOFO WITH AN AREA OF 3,243± SQUARE METERS FROM THE ADMINISTRATIVE JURISDICTION OF THE CHAMORRO LAND TRUST COMMISSION TO THE GUAM POWER AUTHORITY FOR THE PURPOSE OF EXPANDING THE TALOFOFO SUBSTATION. | 07/29/16 4:18 p.m. | 08/01/16 | Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement | | | |



1st Notice of Public Hearing and Information Briefing: Wednesday, October 26, 2016 at 9:30 a.m.

1 message

Charlene Flores <flores@senatorada.org>

Wed, Oct 19, 2016 at 8:30 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dlmdir@land.guam.gov>, teresa.topasna@land.guam.gov, Margarita.Borja@land.guam.gov, Dale Alvarez <daleealvarez@gmail.com>, talofofomayor@gmail.com, Umatac Mayor <umatacmao@gmail.com>, kenjoeada@yahoo.com, mayoremestc@yhao.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, jbenavente@gpagwa.com, agumataotao@gpagwa.com, mcbordallo@guamwaterworks.org, vangie@guamwaterworks.org, bobbiec@guamwaterworks.org, jeffcharjohnson@hotmail.com, jtduenas@hotmail.com, Lou Sablan <lsablan@gpagwa.com>, Lou Palomo <lpalomo@guampuc.com>

October 19, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **1st Notice of Public Hearing and Information Briefing: Wednesday, October 26, 2016 at 9:30 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing and information briefing on **Wednesday, October 26, 2016 at 9:30 a.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

9:30 AM

Bill No. 360-33 (COR) – T.C. Ada

An act to transfer lot 427, Municipality of *Talofofo* with an area of 3,243± square meters from the administrative jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the *Talofofo* substation.

Bill No. 361-33 (COR) – T.C. Ada

An act to transfer a portion of Lot 421-R26, tentatively identified as “Lportion 421-77” Municipality of *Talofof* with an area of 2,100± square meters from the Chamorro Land Trust inventory to the Guam Power Authority for the purpose of expanding the *Talofof* substation.

Information Briefing on Guam Power Authority: Status of Power Generation

Bill No. 387-33 (COR) – T.C. Ada

An act to rezone Lot No. 8, Tract 25305, Municipality of *Yona* and Lot No. 402-R10-2-10-1, Municipality of *Santa Rita*, from Agricultural (A) zone to a Public Facility (PF) zone for the purpose of constructing two (2) sewer lift stations.

Testimony on **Bill No. 360-33 (COR)**, **Bill No. 361-33 (COR)** and **Bill No. 387-33 (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 office@senatorada.org, or via facsimile to (671) 473-3303 until **4:00pm, Thursday, November 03, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--
Charlene Flores
Policy Analyst
Office of Senator Thomas C. Ada
I Mind'trentai Tres na Libeslaturan Guåhan - 33rd Guam Legislature
671-473-3301

4 attachments

- **1st Notice.pdf**
393K
- **Bill No. 360-33 (COR).pdf**
558K
- **Bill No. 361-33 (COR).pdf**
541K
- **Bill No. 387-33 (COR).pdf**
2543K



Sen. Thomas Adan

Chairman

Committee on Transportation, Information and Local
Government, Pension, Veterans' Affairs and Procurement,
Office of the President, Legislative Center, 3rd Floor, Room 303

October 19, 2016

MEMORANDUM

To: All Senator, Media and Stakeholder
From: Senator Thomas C. Adan, *Chairperson*
Subject: 1st Notice of Public Hearing and Information Briefing
Wednesday, October 26, 2016 at 9:30 a.m.

Please be advised that the committee on Transportation, Information and Local Government, Pension, Veterans' Affairs and Procurement will be conducting a public hearing and information briefing on Wednesday, October 26, 2016 at 9:30 p.m. The hearing will take place in the public hearing room of *Edith Shellman Cardona*. The agenda is as follows:

9:30 AM

Bill No. 300-33 (COR) - T.C. Adan

An act to transfer lot 17, Municipality of *Talofoto* with an area of 3,147 square meter, from the administrative jurisdiction of the Chamorro Land Force Command to the Guam Power Authority for the purpose of expanding the *Talofoto* substation.

Bill No. 301-33 (COR) - T.C. Adan

An act to transfer a portion of Lot 421-R 76, tentatively identified as *Epocan* lot 17, Municipality of *Talofoto* with an area of 1,000 square meter, to the Chamorro Land Force Command to the Guam Power Authority for the purpose of expanding the *Talofoto* substation.

Information Briefing on Guam Power Authority, Status of Power Generation

Bill No. 302-33 (COR) - T.C. Adan

An act to give lot 307-A, Tract 2500, Municipality of *Yona* and lot 307-B, Tract 2500, Municipality of *Yona*, Home Agricultural System a Public Utility of the Government for the purpose of constructing two (2) power distribution lines.

Comments on Bill No. 300-33 (COR), Bill No. 301-33 (COR) and Bill No. 302-33 (COR), should be addressed to Senator Thomas C. Adan, *Chairperson* and will be accepted via hand delivery to our office, one month, at the Main Legislative Building, 1000 Soledad St., *Harapan*, Guam 96910, or e-mail to senator@tcad.an.gov.gu, on or before 5:00 p.m. and 4:00pm, Thursday, November 03, 2016. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services, including sign language, Office of Senator Tom Adan, 1-7-16.



Senator Tom Ada

Richard Salas <rsalas@senatorada.org>

2nd Notice of Public Hearing and Information Briefing: Wednesday, October 26, 2016 at 9:30am

1 message

Blaine Dydasco <bdydasco@senatorada.org>

Mon, Oct 24, 2016 at 9:17 AM

To: Media <media@senatorada.org>, phnotice@guamlegislature.org, Michael Borja <michael.borja@land.guam.gov>, DLMDIR <dldir@land.guam.gov>, Teresa Topasna <teresa.topasna@land.guam.gov>, Margarita.Borja@land.guam.gov, Dale Alvarez <daleaalvarez@gmail.com>, talofofomayor@gmail.com, Umatac Mayor <umatacmo@gmail.com>, kenjoeada@yahoo.com, mayorerneatc@yahoo.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Agat <agatmayorsoffice@hotmail.com>, ksusuico@yahoo.com, jbenavente@gpagwa.com, Antonio S Gumataotao <agumataotao@gpagwa.com>, mcbordallo@guamwaterworks.org, Vangie Lujan <vangie@guamwaterworks.org>, Bobbie Cruz <bobbiec@guamwaterworks.org>, jeffcharjohnson@hotmail.com, jtduenas@hotmail.com, Lou Sablan <lsablan@gpagwa.com>, Lou Palomo <lpalomo@guampuc.com>

Cc: Joseph Borja <jborja@senatorada.org>, Charlene Flores <flores@senatorada.org>, Peter Tran <peter@senatorada.org>, Richard Salas <rsalas@senatorada.org>

October 24, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson*

Subject: **2nd Notice of Public Hearing and Information Briefing: Wednesday, October 26, 2016 at 9:30 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing and information briefing on **Wednesday, October 26, 2016 at 9:30 a.m.** This meeting will take place in the public hearing room of *Liheslaturan Guahan*. The agenda is as follows:

9:30 AM

Bill No. 360-33 (COR) – T.C. Ada An act to transfer lot 427, Municipality of *Talofofo* with an area of 3,243± square meters from the administrative jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the *Talofofo* substation.

Bill No. 361-33 (COR) – T.C. Ada An act to transfer a portion of Lot 421-R26, tentatively identified as "Lportion 421-77" Municipality of *Talofoto* with an area of 2,100± square meters from the Chamorro Land Trust inventory to the Guam Power Authority for the purpose of expanding the *Talofoto* substation.

Information Briefing on Guam Power Authority: Status of Power Generation





Bill No. 387-33 (COR) – T.C. Ada An act to rezone Lot No. 8, Tract 25305, Municipality of *Yona* and Lot No. 402-R10-2-10-1, Municipality of *Santa Rita*, from Agricultural (A) zone to a Public Facility (PF) zone for the purpose of constructing two (2) sewer lift stations.

Testimony on **Bill No. 360-33 (COR)**, **Bill No. 361-33 (COR)** and **Bill No. 387-33 (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 office@senatorada.org, or via facsimile to (671) 473-3303 until **4:00pm, Thursday, November 03, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

--

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

4 attachments

-  **Bill No. B360-33 (COR)-7.pdf**
251K
-  **Bill No. B361-33 (COR)-3.pdf**
221K
-  **Bill No. B387-33 (COR)-3.pdf**
2707K
-  **2nd notice.pdf**
399K



Sen. Thomas Ada

Chairman


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

I Mina Trentai Tres Na Libeslaturan Guåban • 33rd Guam Legislature

October 24, 2016

MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, *Chairperson* 

Subject: **2nd Notice of Public Hearing and Information Briefing: Wednesday, October 26, 2016 at 9:30 a.m.**

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement will be conducting a public hearing and information briefing on **Wednesday, October 26, 2016 at 9:30 a.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

9:30 AM

Bill No. 360-33 (COR) – T.C. Ada

An act to transfer lot 427, Municipality of *Talofof* with an area of 3,243± square meters from the administrative jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the *Talofof* substation.

Bill No. 361-33 (COR) – T.C. Ada

An act to transfer a portion of Lot 421-R26, tentatively identified as “Lportion 421-77” Municipality of *Talofof* with an area of 2,100± square meters from the Chamorro Land Trust inventory to the Guam Power Authority for the purpose of expanding the *Talofof* substation.

Information Briefing on Guam Power Authority: Status of Power Generation

Bill No. 387-33 (COR) – T.C. Ada

An act to rezone Lot No. 8, Tract 25305, Municipality of *Yona* and Lot No. 402-R10-2-10-1, Municipality of *Santa Rita*, from Agricultural (A) zone to a Public Facility (PF) zone for the purpose of constructing two (2) sewer lift stations.

Testimony on **Bill No. 360-33 (COR)**, **Bill No. 361-33 (COR)** and **Bill No. 387-33 (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 office@senatorada.org, or via facsimile to (671) 473-3303 until **4:00pm, Thursday, November 03, 2016**. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Tom Ada at 473-3301.

Public Hearing Notice Listserv
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Updated: September 27, 2016

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Public Hearing Notice Listserv
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Updated: September 27, 2016

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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 • 33rd Guam Legislature

AGENDA

PUBLIC HEARING/INFORMATION BRIEFING

Thursday, October 27, 2016

Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

9:30am

Bill No. 360-33 (COR) – T.C. Ada

An act to transfer lot 427, Municipality of *Talofof* with an area of 3,243± square meters from the administrative jurisdiction of the Chamorro Land Trust Commission to the Guam Power Authority for the purpose of expanding the *Talofof* substation.

Bill No. 361-33 (COR) – T.C. Ada

An act to transfer a portion of Lot 421-R26, tentatively identified as “Lportion 421-77” Municipality of *Talofof* with an area of 2,100± square meters from the Chamorro Land Trust inventory to the Guam Power Authority for the purpose of expanding the *Talofof* substation.

Information Briefing on Guam Power Authority: Status of Power Generation

Bill No. 387-33 (COR) – T.C. Ada

An act to rezone Lot No. 8, Tract 25305, Municipality of *Yona* and Lot No. 402-R10-2-10-1, Municipality of *Santa Rita*, from Agricultural (A) zone to a Public Facility (PF) zone for the purpose of constructing two (2) sewer lift stations.