

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
221-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.	11/13/13 5:07 p.m	11/14/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			Fiscal notes Received 12/17/13



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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Member

Senator
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Member

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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

December 17, 2013

Memorandum

To: Rennae Meno
Clerk of the Legislature

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

Subject: Fiscal Notes /Waivers

2013 DEC 17 PM 2:29

Hafa Adai!

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

FISCAL NOTES:

- Bill No. 173-32(LS)
- Bill No. 208-32(COR)
- Bill No. 213-32(COR)
- Bill No. 221-32(COR)
- Bill No. 227-32(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'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

DEC 06 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 173-32(LS), 208-32(COR), 213-32(COR), 221-32(COR) and 227-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

Bureau of Budget & Management Research
Fiscal Note of Bill No. 221-32 (COR)

AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL ("R-1") TO COMMERCIAL ("C"), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Land Management	Dept./Agency Head: David Camacho, Acting Director
Department's General Fund (GF) appropriation(s) to date:	358,375
Department's Other Fund (Specify) appropriation(s) to date: Land Survey Revolving Fund	\$3,145,845
Total Department/Agency Appropriation(s) to date:	\$3,504,220

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Carl Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund, Guam Highway Fund	\$8,729,536
Total Department/Agency Appropriation(s) to date:	\$19,964,873

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (P.L. 31-233)	\$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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

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

Analyst: Jason Baza Date: 12/2/13 Director: John A. Rios Date: DEC 06 2013
Jason W. Baza, BMA I John A. Rios, Director

Footnotes:
1/ See attached comments.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 221-32 (COR)
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Land Survey Revolving Fund	<u>\$60</u>	\$0	\$0	\$0	\$0
DPW Building & Design Fund	<u>\$12,000</u>	\$0	\$0	\$0	\$0
Territorial Education Facilities Fund	<u>\$9,610</u>	<u>\$9,610</u>	<u>\$9,610</u>	<u>\$9,610</u>	<u>\$9,610</u>
Total	\$21,670	\$9,610	\$9,610	\$9,610	\$9,610

Comments:

1/ Should this proposed legislation become law, there is a potential of revenues generated in the form of building permits, real property taxes, and a business licence through the proposed zone change of Lot No. 1106-2NEW, containing an area of 172,292± square feet, from a Single Family Dwelling Zone (R1) to a Commercial Zone (C) for the purpose of establishing a medical and health care clinic. The proposed legislation would establish the said lot to be restricted, but not limited to, doctor's office(s), doctor's clinic, pharmacy, medical laboratory, radiological, physical therapy, and similar medically related applications. This would require building permits to construct such facilities, and thus would increase the value of real property taxes due to the Department of Revenue and Taxation. Assuming that a doctor's clinic was to be built inclusive of a medical laboratory, radiology division, physical therapy division, and pharmacy (similar to the likes of the TakeCare facility in Tamuning) with an estimated gross square feet count at approximately 20,000 square feet, the Bureau estimates that the Department of Public Works will receive \$12,000-\$15,000 of revenues generated in the form of a building permit. Per Department of Rev & Tax appraisal rates, the appraised value of the facility would be \$2,000,000. This would impose a building tax rate (0.388%) of \$7,760 and an additional land tax rate (0.0875%) of \$1,750. Also, a business license would be required for a medical facility in regards to accepting payment from patients, which would cost \$100 for such license. With the given information, the Bureau estimates that the amount of \$9,610 will be received Department of Revenue and Taxation in the form of additional real property taxes and a business license. Also, the Bureau estimates that there is the potential of revenue in the form of a zone change amendment (\$50) and certification of zoning (\$10) amounting to the total of \$60 to be received by the Department of Land Management.



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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

November 14, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER


MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Vicente (Ben) C. Pangelinan
Member

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: **Referral of Bill No. 221-32(COR)**

Vice-Speaker
Benjamin J.F. Cruz
Member

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 221-32(COR)**.

Legislative Secretary
Tina Rose Muña Barnes
Member

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*.

Senator
Frank Blas Aguon, Jr.
Member

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

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

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

BILL NO. 22 -32 (COR)

Introduced by:

D.G. Rodriguez, Jr. 

AN ACT RELATIVE TO RE-ZONING LOT NO. 1106-2NEW, LOCATED IN THE MUNICIPALITY OF MANGILAO, FROM SINGLE-FAMILY RESIDENTIAL (“R-1”) TO COMMERCIAL (“C”), FOR PURPOSES OF ESTABLISHING A MEDICAL CLINIC AND HEALTH CARE RELATED COMMERCIAL ACTIVITY.

2013 NOV 13 PM 5:07



BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that the subject Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO, is presently zoned “R-1” – Single-family residential zone. The subject Lot is fronting Route 10, Mangilao. The property immediately to the northern side of the subject lot, but separated from the lot by a road, is zoned “C” (Commercial), and is being utilized as a commercial retail store (KNS Market). There are other commercial lots in the immediate area, but not necessarily contiguous to the subject Lot. To the east of the subject Lot, separated by Route 10, is another active commercial lot (Champion Sporting).

I Liheslaturan Guåhan finds that it is the intent of the owners to utilize the subject lot *solely* for medically related commercial purposes. In consideration of the expanding economy and medical needs of the population of Mangilao, and residents of southern Guam, the utilization of the property for medical services is

1 consistent and appropriate, and the application from its present zone to
2 Commercial (“C”) would enable the designated property to provide economic
3 movement developing in the area for a needed private medical facility related
4 health care service purposes.

5 The municipality of Mangilao has an expanding population base, and is the
6 site of the Guam Community College and the University of Guam. The
7 populations health care demands are constantly increasing. A private medical
8 clinic providing needed medical services to the community would be compatible
9 with increasing the healthcare demands. Further, residents of the southern &
10 south-eastern areas of Guam are essentially residing in medically underserved
11 areas, and this proposed development would place additional medical services
12 within a much more convenient location, reducing the need to travel to Tamuning
13 and other central locations.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to support the expanded
15 use of existing properties in Guam that would provide economic benefits to
16 property owners, and most importantly positively contribute to the creation of jobs
17 by way of providing needed medical services t to the community.

18 It is, further, the intent of *I Liheslaturan Guåhan* that the rezoning of Lot
19 No. 1106-2NEW, MUNICIPALITY OF MANGILAO, be *solely* restricted for any
20 category of medically related commercial activities.

21 **Section 2. Re-Zoning of Lot No. 1106-2NEW, located in the**
22 **municipality of Mangilao, from Single Family Residential Zone (“R-1”) to**
23 **Commercial (“C”).** Lot No. 1106-2NEW, MUNICIPALITY OF MANGILAO
24 (formerly Municipality of Barrigada), TERRITORY OF GUAM, containing an
25 area of approximately 172,292 +/- Sq. Ft., is hereby re-zoned from Residential

1 (“R-1”) to Commercial (“C”). The real property map for Lot No. 1106-2NEW,
2 MUNICIPALITY OF MANGILAO (formerly Municipality of Barrigada), is
3 hereby incorporated and appended to this Act as EXHIBIT “A”.

4 **Section 3. Commercial Use Restricted for Medically Related**
5 **Enterprises.** (a) The subject Lot No. 1106-2NEW, MUNICIPALITY OF
6 MANGILAO (formerly Municipality of Barrigada), zoned “C” pursuant to this
7 Act, is restricted to medically related commercial activities. For the purposes of
8 this Act, *medically related commercial activity* shall include, but is not limited to,
9 doctors office(s), doctors clinic, pharmacy, medical laboratory, radiological,
10 physical therapy, and similar medically related applications.

11 (b) Commercial utilization of the subject property for any non-medical
12 related purposes will require a zoning variance for any other intended purposes
13 *prior* to conducting any other category of commercial activity.

14 **Section 4. Effective Date.** This Act shall become immediately effective
15 upon enactment.

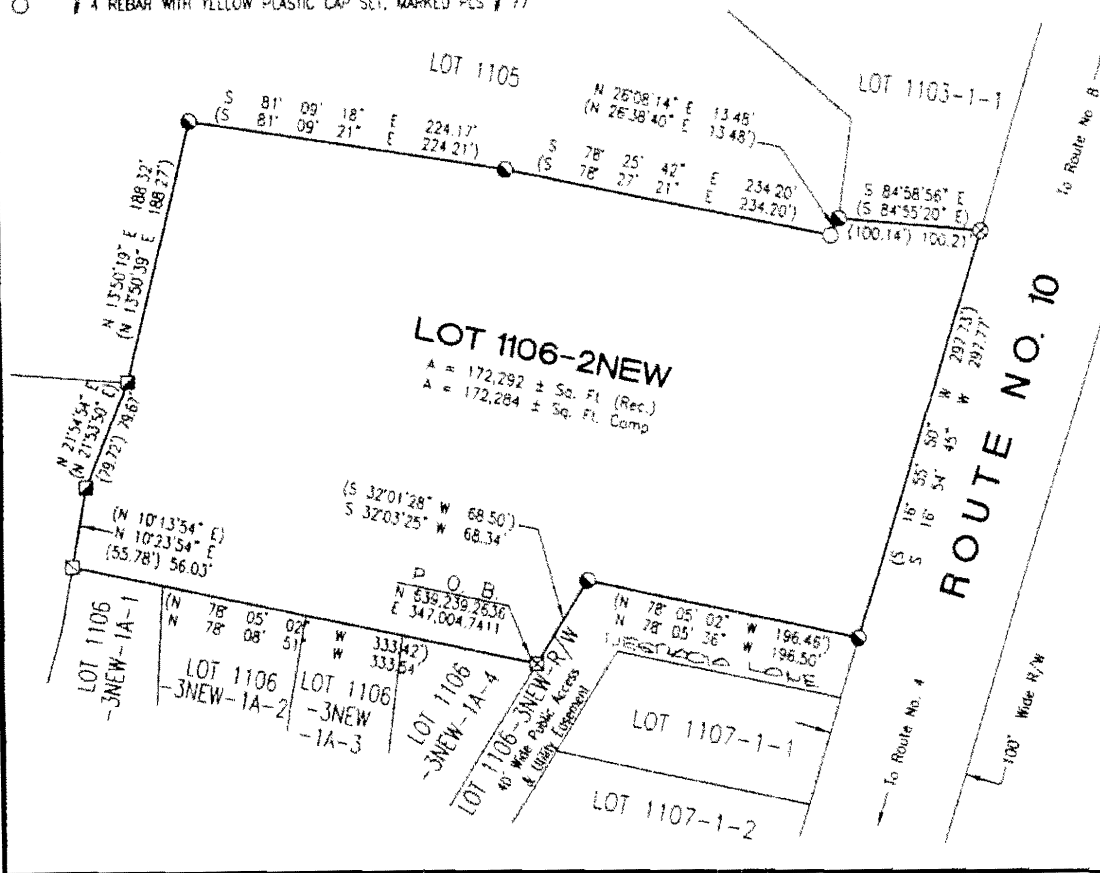
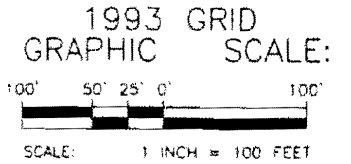
EXHIBIT "A"

LEGEND:

- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 27
- 4" x 4" CONCRETE MONUMENT FOUND, MARKED RLS / 23
- ⊗ 4" x 4" CONCRETE MONUMENT FOUND, BROKEN TOP
- 4 REBAR WITH PLASTIC CAP FOUND, MARKED RLS / 62
- ⊙ 4 REBAR FOUND, BROKEN CAP
- 4 REBAR WITH YELLOW PLASTIC CAP SET, MARKED PLS / 77

NOTES:

- 1 SURVEY WAS BASED ON FOUND PROPERTY CORNERS AS SHOWN
- 2 ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED
- 3 BEARINGS AND DISTANCES IN PARENTHESIS ARE RECORD DATA, ALL OTHERS ARE 1993 GRID



REFERENCE:

1. CONSOLIDATION & PARCELLING SURVEY OF LOTS 1106-3 & 1106-2, MUNICIPALITY OF BARRIGADA, PREPARED BY RLS / 18.

CERTIFICATION:

I, VIRGILIO P. OLIVARES, HEREBY CERTIFY THAT THIS SURVEY SKETCH WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT WAS BASED UPON A FIELD SURVEY MADE IN SEPTEMBER 2012.



Virgilio P. Olivares 09-20-12
VIRGILIO P. OLIVARES, P. L. S. # 77 DATE

EXP. DATE: 04/30/2013

RETRACEMENT SURVEY SKETCH

OF LOT 1106-2NEW

MUNICIPALITY OF MANGILAO
(FORMERLY MUNICIPALITY OF BARRIGADA)

V. P. OLIVARES SURVEYING, LLC

CERTIFICATE OF AUTHORIZATION NO. 261
PROFESSIONAL LAND SURVEYOR NO. 77



P.O. BOX 4740 HAGATNA, GUAM 96932

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