



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

June 7, 2013

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 6/17/13
Time 4:31 PM
Received by [Signature]

32-13-02

2013
JUN 17 PM 5:22

Dear Madame Speaker:

Attached is Bill No. 125-32 (COR) entitled "***An Act to appropriate the Sum of Five Hundred Thousand Dollars from the Guam Territorial Highway Fund to the Department of Public Works for the Acquisition of Property for the Tiyan Parkway Project***" which I have signed into law as **Public Law 32-041**.

Although Bill 125-32 has been signed into law, I have done so with serious reservations over the troubling language of Section 4 concerning abandoned or unused acquired land. There is no question that Section 4 will substantially result in increasing the cost of the Tiyan Parkway to the people and the Government of Guam. Giving the original landowner, from whom the Government used public funds to purchase the property in good faith, a "right" to purchase back unused portions of the property for the original selling price even after significant improvements are made by the Tiyan Parkway project unfairly constrains and prevents the Government from being able to offset its investment and costs.

Federal agencies who have reviewed the legislation as passed have indicated a loss of confidence in the ability of Government of Guam to complete the project as estimated, due to the fact of the increased cost associated with the language of Section 4. The loss of confidence by these federal agencies in the Government of Guam's abilities places the federal funds, which amounts to \$5.8 million dollars, "at risk" of being de-appropriated.

Lastly, the language of Section 4 runs contrary to best governmental practices. Normally if the Government of Guam were to purchase or sell real property, it would rely on appraisals of the property as a benchmark in determining the property's fair market value. The language of Section 4 prevents such practice from being implemented and is therefore detrimental to the best interests of the people.

Senseramente,

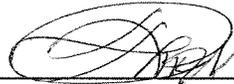
EDDIE BAZA CALVO

502

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Special Session

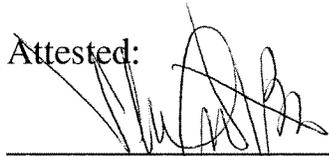
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 125-32 (LS)**, "AN ACT TO APPROPRIATE THE SUM OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FROM THE GUAM TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR THE ACQUISITION OF PROPERTY FOR THE TIYAN PARKWAY PROJECT", was on the 4th day of June, 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

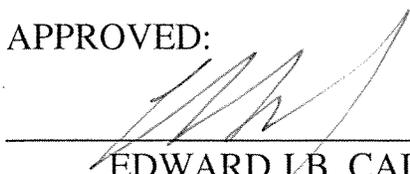
This Act was received by *I Maga'lahaen Guåhan* this 4 ^{7ca} day of June ^{7ca},
2013, at

8:50 o'clock P.M.

 G.P.D.

Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: JUN 07 2013

Public Law No. 32- 041

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 125-32 (LS)

As amended in the Committee of the Whole;
and further amended on the floor.

Introduced by:

Judith T. Won Pat, Ed.D.
T. C. Ada
T. R. Muña Barnes
R. J. Respicio
Chris M. Dueñas
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.

**AN ACT TO APPROPRIATE THE SUM OF FIVE
HUNDRED THOUSAND DOLLARS (\$500,000) FROM
THE GUAM TERRITORIAL HIGHWAY FUND TO THE
DEPARTMENT OF PUBLIC WORKS FOR THE
ACQUISITION OF PROPERTY FOR THE *TIYAN*
PARKWAY PROJECT.**

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

2 **Section 1. Appropriation.** The sum of Five Hundred Thousand Dollars
3 (\$500,000) is hereby appropriated from the un-appropriated fund balance of the

1 Guam Territorial Highway Fund to the Department of Public Works for the
2 acquisition of property for the *Tiyan* Parkway Project.

3 The Department of Public Works is hereby authorized to expend the funds
4 appropriated in this Section to purchase Lot No. 2097 (total area: 9,145 sq. meters)
5 or Lot No. 2094 and Lot No. 2094-1 (total area: 11,421 sq. meters) if the
6 landowners voluntarily agree to the sale. All lots are located in the municipality of
7 *Barrigada*. Nothing herein shall authorize eminent domain proceedings for these or
8 any other lot.

9 All sums herein appropriated in this Act *shall not* be obligated or expended
10 until 30 days after the following is completed:

11 (a) two appraisals are submitted for all properties required to
12 complete the *Tiyan* Parkway Project Phases 1 and 2 pursuant to Title 2
13 GCA, Chapter 2, § 2107, including, but *not* limited to:

- 14 (1) Lot No. 2085 (total area: 17,494 sq. meters);
15 (2) Lot No. 2087 (total area: 39,488 sq. meters);
16 (3) Lot No. 2088 (total area: 26,609 sq. meters);
17 (4) Lot No. 2097 (total area: 9,145 sq. meters);
18 (5) Lot No. 2093 (total area: 20,864 sq. meters); and
19 (6) Lot No. 2094 and Lot No. 2094-1 (total area: 11,421 sq.
20 meters).

21 **Section 2. Unused Appropriation.** Funds *not* expended pursuant to the
22 provisions of this Act within one (1) year from the date of enactment *shall no*
23 *longer* be available to the Department of Public Works, and *shall* become available
24 for future appropriations by *I Liheslaturan Guåhan*.

25 **Section 3. Reporting Requirement.** The Director of the Department of
26 Public Works *shall* submit a report to *I Maga'lahaen Guåhan* and *I Liheslaturan*

1 *Guâhan, no later than* one hundred eighty (180) days after the date of enactment of
2 this Act, detailing all the transactions pertaining to the funds appropriated herein.

3 **Section 4. Abandoned or Unused Acquired Land.** If the *Tiyan* Parkway
4 Project is *not* constructed or acquired land remains unused for the *Tiyan* Parkway
5 Project after 5 years from the enactment of this Act, the original private
6 landowners *shall* have the right to buy back said land without paying any
7 appreciation price, but only the per square meter price received when the original
8 landowners sold the land. If the *Tiyan* Parkway Project is constructed, the original
9 landowners *shall* have the right to buy back any unused portion of the acquired
10 private land within 2 years of the completion of the *Tiyan* Parkway without paying
11 any appreciation price, but only the per square meter price received when the
12 original landowners sold the land.

13 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.



**OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.**

CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR

COMMITTEE ON TOURISM,
MUNICIPAL AFFAIRS,
HOUSING AND
RECREATION

COMMITTEE ON
TAXATION,
APPROPRIATIONS, PUBLIC
DEBT, BANKING,
INSURANCE, RETIREMENT
AND LAND

COMMISSIONER

GUAM COMMISSION ON
DECOLONIZATION

GUAM FIRST
COMMISSION

VICE PRESIDENT

ASSOCIATION OF
PACIFIC ISLAND
LEGISLATURES
(APIL)

BOARD MEMBER

PACIFIC RESOURCES FOR
EDUCATION
AND LEARNING
(PREL)

**LEGISLATIVE
REPRESENTATIVE**

PACIFIC ISLAND
DEVELOPMENT BANK
(PIDB)

FESTIVAL OF THE
PACIFIC ARTS
(FESTPAC)

May 24, 2013

MEMORANDUM

To: Honorable Tina Rose Muna –Barnes
Legislative Secretary, 32nd Guam Legislature

From: Speaker Judith T. Won Pat, Ed.D.

Subject: Waiver of Public Hearing

2013 MAY 24 AM 9:07

I respectfully request that the public hearing requirement for the following bills be waived pursuant to Section 2103(a) of 2GCA:

1. Bill no. 121-32 (LS)
2. Bill no. 122-32 (LS)
3. Bill no. 123-32 (LS)
4. Bill no. 124-32 (LS)
5. Bill no. 125-32 (LS)
6. Bill no. 127-32 (LS)

The subject matter contained in Bill nos. 121-32 (LS), 122-32 (LS), 124-32 (LS), 125-32 (LS) and 127-32 (LS) were publicly heard as items contained in Bill no. 95-32 (COR) during a hearing conducted on May 14, 2013 by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land (Committee).

A record of the public hearing proceedings for Bill no. 95-32 (COR) is available in the Committee Report submitted by the Committee to the Committee on Rules and the Clerk of the Legislature on May 23, 2013.

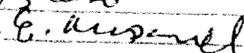
The subject matter contained in Bill no. 123-32 (LS) was publicly heard as an item contained in Bill no. 97-32 (LS) during a public hearing conducted on May 14, 2013 by the same committee referenced above.

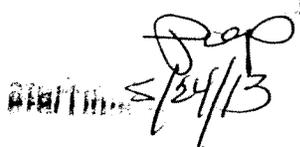
Your favorable response to this request is appreciated. Please do not hesitate to contact me at 472-3586/7.

Senseramente,


Judith T. Won Pat, Ed.D.
Speaker

cc: Clerk of the Legislature

Office of the Legislative Secretary
Senator Tina Rose Muna Barnes
Date 5-24-13
Time 9:03 am
Received by 


5/24/13