

Territory of Guam
Territorion Guam

OFFICE OF THE GOVERNOR
L'FISINAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.

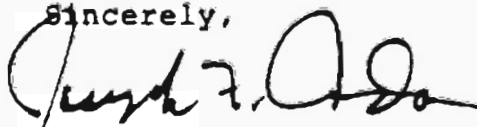
AUG 20 1990

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
155 Herman Cortez Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1459, which I have signed
into law this date as Public Law 20-205.

Sincerely,



JOSEPH F. ADA
Governor

Attachment



Commonwealth Now!

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

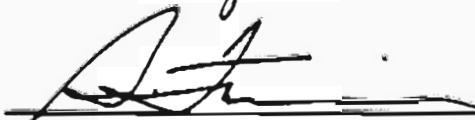
This is to certify that Substitute Bill No. 1459 (LS), "AN ACT TO APPROPRIATE ONE MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND TWENTY DOLLARS TO THE TERRITORIAL PLANNING COUNCIL FOR ITS FISCAL YEARS 1990 AND 1991 BUDGETS AND ESTABLISHING PROCEDURES FOR EXPENDING THE SAME; TO REPEAL AND REENACT §9104 AND SUBSECTION (d) OF §9107, ALL OF TITLE 12, GUAM CODE ANNOTATED, ON THE GUAM VISITORS BUREAU, TO APPROPRIATE FUNDS TO THE RESEARCH DEPARTMENT OF SAID BUREAU, AND TO APPROPRIATE FUNDS FOR LAND APPRAISALS, TO RESTORE HISTORIC FORTS IN UMATAAC, AND TO CONSTRUCT WATER AND SEWER LINES IN BARRIGADA," was on the 1st day of August, 1990, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

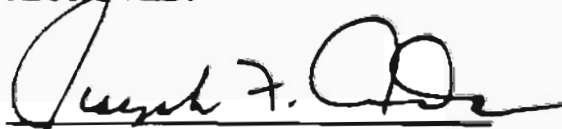
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 10th day of August, 1990, at
11:25 o'clock A.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: AUG 20 1990

Public Law No. 20-205

**TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session**

Bill No. 1459 (COR)
As substituted by the Committees
on Economic Development and Ways
and Means and as further substituted
by the Committee on Rules.

Introduced by:

E. D. Reyes
M. C. Ruth
G. Mailloux
P. C. Lujan
J. T. San Agustin
T. S. Nelson
M. D. A. Manibusan
H. D. Dierking
D. F. Brooks
F. J. A. Quitugua
M. Z. Bordallo
J. P. Aguon
E. P. Arriola
C. T. C. Gutierrez
D. Parkinson
F. R. Santos
J. G. Bamba
E. R. Duenas
E. M. Espaldon
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO APPROPRIATE ONE MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND TWENTY DOLLARS TO THE TERRITORIAL PLANNING COUNCIL FOR ITS FISCAL YEARS 1990 AND 1991 BUDGETS AND ESTABLISHING PROCEDURES FOR EXPENDING THE SAME; TO REPEAL AND REENACT §9104 AND SUBSECTION (d) OF §9107, ALL OF TITLE 12, GUAM CODE ANNOTATED, ON THE GUAM VISITORS BUREAU, TO APPROPRIATE FUNDS TO

THE RESEARCH DEPARTMENT OF SAID BUREAU, AND
TO APPROPRIATE FUNDS FOR LAND APPRAISALS, TO
RESTORE HISTORIC FORTS IN UMATAC, AND TO
CONSTRUCT WATER AND SEWER LINES IN BARRIGADA.

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

2 Section 1. Legislative findings. The Legislature, in establishing
3 comprehensive development planning for Guam through Public Law 20-147,
4 created the Territorial Planning Council (the "Council") and charged it with the
5 task of formulating a comprehensive development plan for Guam; a plan
6 which shall serve to guide the physical, social and economic growth and
7 development of the island taking into account the unique but finite human
8 and non-human resources of Guam; a plan which shall reflect the goals and
9 aspirations of the people of Guam as they relate to development and the
10 quality and standard of living desired by the people; a plan which expresses
11 the policy requirements and directives sought by the people of Guam as a
12 means of achieving rational and balanced physical and socioeconomic
13 development that would protect and sustain the present and future livelihood
14 of the island's people. The Legislature finds that §62022 of Title LXV,
15 Government Code of Guam, requires the Chairman of the Council to submit to
16 the Legislature prior to June 18, 1990 an annual fiscal year budget containing
17 a summary of personnel, administrative, contractual and all operating costs to
18 be incurred by the Council in performance of its function and responsibilities.
19 Further, the Legislature recognizes the need to support these types of master
20 planning efforts, in particular focusing on land use planning as a matter of
21 urgency, in order to achieve the goals and objectives set forth in Chapter II of
22 Title LXV of the Government Code.

23 Section 2. Such budget having been duly submitted, One Million Six
24 Hundred Twenty-Seven Thousand Twenty Dollars (\$1,627,020) are
25 appropriated from the General Fund to the Council to fund the Council's Fiscal
26 Years 1990 and 1991 budgets.

27 Section 3. The transfer authority of the Governor as set out in §48 of
28 Public Law 19-34 shall not apply to the funds appropriated in Section 2 of
29 this Act.

1 Section 4. Funds appropriated in Section 2 of this Act shall be
2 expended solely for the Council's fiscal year budgets and approved work
3 program or programs.

4 Section 5. Preference shall be given to Guam-based and Guam-licensed
5 entities or individuals with respect to any contractual, professional or
6 technical expertise or services procured by the Council and funded by Section
7 2 of this Act.

8 Section 6. The Council is authorized to encumber any unspent funds in
9 Fiscal Year 1990; provided, that such encumbrance or encumbrances result
10 from a solicitation by the Council prior to September 30, 1990.

11 Section 7. Funds appropriated to the Council for contractual use or
12 purposes as authorized in Section 2 of this Act shall be expended in
13 accordance and compliance with the established rules and regulations for
14 bidding and procurement of government of Guam contractual services and
15 shall not in any instance be expended for personnel, equipment, materials,
16 supplies or other non-contractual budget items not authorized herein.

17 Section 8. Funds for contractual purposes appropriated to the Council
18 under Section 2 of this Act are authorized to be expended beyond Fiscal Years
19 1990 and 1991.

20 Section 9. The Director of the Bureau of Planning shall provide the
21 Council with the administrative and logistical needs of the Council, and shall
22 enter into contracts and initiate procurement actions as directed by the
23 Council.

24 Section 10. The unclassified and other non-permanent positions
25 identified in this section are hereby created within the Council and shall be
26 funded together with other Council expenditures in the following manner:

	<u>FY1990</u>	<u>FY1991</u>
27		
28 Personnel:	\$ 0	\$ 188,480
29 Executive Assistant,		
30 Administrative Assistant/Secretary		
31 Land Use Planner,		
32 Economist/Planner,		
33 Social/Environmental Planner		
34 Messenger Clerk.		

1	Personnel Benefits:	0	56,540
2	Equipment:	63,000	0
3	Computer/printer,		
4	copier,		
5	furniture.		
6	Materials and supplies:	1,800	14,400
7	Stipends:	400	2,400
8	Contractual:	0	1,250,000
9	Baseline surveys, resource inventory		
10	data preparation, mapping, studies		
11	as required.		
12	Public information and education:	<u>0</u>	<u>50,000</u>
13	TOTAL:	\$65,200	\$1,561,820

14 Section 11. Compensation for the Director of the Bureau of Planning
15 shall be the same as that of the Director of Land Management, effective upon
16 the passage of this Act.

17 Section 12. §9104 of Title 12, Guam Code Annotated, is repealed and
18 reenacted to read:

19 "§9104. Purpose.

20 The purpose of the Bureau shall be:

21 (a) To promote Guam's visitor industry in such manner as it
22 deems most reasonably appropriate, including providing and
23 disseminating information and materials promoting Guam as a visitor
24 destination;

25 (b) To promote local interest and participation at all levels of the
26 visitor industry;

27 (c) To assist, when requested, both government and private
28 entities in the development, implementation and promotion of programs
29 to further education, training, employment assistance and
30 entrepreneurial development;

31 (d) To promote local cultural activities for residents;

32 (e) To promote items of local manufacture;

33 (f) To promote and assist in the development of adequate tourist
34 facilities and attractions;

1 (g) To assist appropriate government of Guam agencies in the
2 enforcement of applicable laws, rules and regulations relating to the
3 visitor industry;

4 (h) To work with other entities to collect, analyze, evaluate and
5 regularly publish comprehensive data on the visitor industry; and

6 (i) To engage in all lawful activities to promote tourism reasonable
7 or incidental thereto.”

8 Section 13. Subsection (d) of §9107 of Title 12, Guam Code Annotated,
9 is repealed and reenacted to read:

10 “(d) Work with other entities to collect, analyze and evaluate
11 pertinent data on the visitor industry developed by itself, other
12 governmental and private agencies and publish and disseminate
13 comprehensive statistics and other data on a monthly, quarterly and
14 yearly basis. Data shall, as reasonably available, include the number of
15 visitors, expenditures by visitors, points of origin and destination, hotel
16 occupancy, taxes collected, jobs created and lost, percentage of U.S. and
17 permanent residents employed at all levels in the visitor industry, and
18 any and all other relevant information related to tourism and the visitor
19 industry. Notwithstanding any other provision of law, all government
20 agencies shall coordinate with the Bureau in providing the data and
21 other information required herein so as to become an agency source for
22 the dissemination of visitor industry statistics and information;”

23 Section 14. Three Hundred Eighty-Six Thousand Eight Hundred Ninety-
24 One Dollars (\$386,891) are appropriated from the Tourist Attraction Fund to
25 the Guam Visitors Bureau for Fiscal Year 1991 for start-up costs and as the
26 annual operating budget of a new Research Department within the Guam
27 Visitors Bureau. The sum appropriated pursuant to this section shall be
28 allocated as follows:

	ONE-TIME START-UP COSTS	ANNUAL OPERATING BUDGET
29		
30		
31		
32		
33		
34		
CONTRACTED PERSONNEL		
Research Manager		65,000.00
relocation	10,000.00	
CLASSIFIED PERSONNEL		

1	Research/Systems Analyst II (PR-42)		
2	salary and benefits		23,377.00
3	Administrative Officer (PR-42)		
4	salary and benefits		23,377.00
5	Administrative Secretary II		
6	salary and benefits		17,137.00
7	EXPENSES		
8	Computer equipment	30,000.00	
9	Office furniture and improvements	15,000.00	
10	Office rental		10,000.00
11	Supplies and printing	3,000.00	15,000.00
12	Travel and training		5,000.00
13	Visitor industry reference library	15,000.00	5,000.00
14	CONTRACT RESEARCH PROJECTS		
15	Arrival questionnaire processing		40,000.00
16	Quarterly exit surveys		60,000.00
17	Monthly and annual statistical reports		25,000.00
18	As-needed visitor industry studies and		
19	analyses		<u>25,000.00</u>
20		<u>\$73,000.00</u>	<u>\$313,891.00</u>

21 Section 15. Sections 12, 13 and 14 of his Act shall take effect on
22 October 1, 1990.

23 Section 16. One Hundred Thousand Dollars (\$100,000) are hereby
24 appropriated from the General Fund to the Legislature's Operations Fund for
25 land appraisals and for other purposes.

26 Section 17. Twenty-Five Thousand Dollars (\$25,000) are hereby
27 appropriated from the General Fund to the Department of Parks and
28 Recreation (the "Department") for a study of the restoration and improvement
29 of Fort Santo Angel, Fort San Jose and Fort Soledad, all located in the
30 municipality of Umatac. Upon completion of the study, the Department shall
31 submit to the Governor and to the Legislature its report, documenting the
32 current condition of these historic structures, their original appearances, and
33 the extent of work needed for their stabilization, restoration and
34 development.

1 Section 18. (a) Fifty Thousand Dollars (\$50,000) are hereby
2 appropriated from the General Fund to the Public Utility Agency of Guam
3 ("PUAG") for the installation of a water line connection on Route 16 in Lower
4 Barrigada Heights, on Lot No. 5212-3-10 and the surrounding areas
5 (collectively, the "Area").

6 (b) Fifty Thousand Dollars (\$50,000) are hereby appropriated from the
7 General Fund to PUAG for the installation of a sewer line connection in the
8 Area.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

25 July 1990

SPEAKER JOE T. SAN AGUSTIN
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

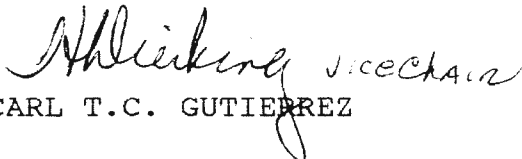
Dear Mr. Speaker:

The Committees on Economic Development and Ways & Means, to which was referred BILL NO. 1459 [An Act to appropriate the Sum of One Million Six Hundred Seventy-Eight Thousand Five Hundred Dollars (\$1,678,500) From the General Fund to the Territorial Planning Council for the Council's Fiscal Year 1990 and 1991 Budget and for Other Purposes], wish to report back to the Legislature with their recommendation **TO PASS SUBSTITUTE BILL NO. 1459**. The voting record is as follows:

TO PASS	<u>17</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
OFF-ISLAND	<u>1</u>

Copies of the Joint Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


CARL T.C. GUTIERREZ


EDWARD D. REYES

Attachments.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

23 July 1990

MEMORANDUM

TO: Members, Committee on Economic Development
Members, Committee on Ways & Means

FROM: Chairman, Committee on Economic Development
Chairman, Committee on Ways & Means

SUBJECT: Joint Committee Report - Bill No. 1459


Transmitted herewith for your information and action is the Committees on Economic Development and Ways & Means' Joint Report on Bill No. 1459 [An Act to appropriate the sum of one million six hundred twenty-seven thousand twenty dollars (\$1,627,020) from the General Fund to the Territorial Planning Council for the Council's Fiscal Year 1990 and 1991 Budget and for other purposes].


The narrative report is accompanied by the following:

1. Bill No. 1459;
2. Committee on Economic Development and Ways & Means Joint Voting Sheet;
3. Written Testimony; and
4. Substitute Bill No. 1459.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Your attention and cooperation in this matter are greatly appreciated.


CARL T.C. GUTIERREZ
Chairman, Committee on Ways &
Means


EDWARD D. REYES
Chairman, Committee on Economic
Development

Attachments.

COMMITTEE ON ECONOMIC DEVELOPMENT
 COMMITTEE ON WAYS & MEANS
 20th Guam Legislature

BILL NO. 1459.- AN ACT TO APPROPRIATE THE SUM OF ONE MILLION SIX HUNDRED TWENTY-SEVEN THOUSAND TWENTY DOLLARS (\$1,627,020) FROM THE GENERAL FUND TO THE TERRITORIAL PLANNING COUNCIL FOR THE COUNCIL'S FISCAL YEAR 1990 AND 1991 BUDGET AND FOR OTHER PURPOSES

	TO PASS	NOT TO PASS	REPORT OUT ONLY	INACTIVE FILE	OFF- ISLAND
<i>ED Reyes</i> EDWARD D. REYES, chairman	✓				
<i>Carl T.C. Gutierrez</i> CARL T.C. GUTIERREZ, Chairman	✓				
<i>John P. Aguon</i> JOHN P. AGUON	✓				
<i>Elizabeth P. Arriola</i> ELIZABETH P. ARRIOLA	✓				
<i>Madeleine Z. Bordallo</i> MADELEINE Z. BORDALLO	✓				
<i>Herminia D. Dierking</i> HERMINIA D. DIERKING	✓				
<i>Pilar C. Lujan</i> PILAR C. LUJAN	✓				
<i>Ted S. Nelson</i> TED S. NELSON	✓				
<i>Don Parkinson</i> DON PARKINSON					
<i>Franklin J.A. Quitugua</i> FRANKLIN J.A. QUITUGUA	✓				
<i>Joe T. San Agustin</i> JOE T. SAN AGUSTIN	✓				
<i>Francisco R. Santos</i> FRANCISCO R. SANTOS	✓				
<i>George Banda</i> GEORGE BANDA	✓				
<i>Doris F. Brooks</i> DORIS F. BROOKS	✓				
<i>Ernesto M. Espaldon</i> ERNESTO M. ESPALDON					✓
<i>Marilyn D. Manibusan</i> MARILYN D. MANIBUSAN	7/24/90 Mila				
<i>Martha C. Ruth</i> MARTHA C. RUTH	7/24/90				
<i>Gordon Mailloux</i> GORDON MAILLOUX	✓				

JOINT COMMITTEE REPORT

BILL NO. 1459 - AN ACT TO APPROPRIATE THE SUM OF ONE MILLION SIX HUNDRED SEVENTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$1,678,500) FROM THE GENERAL FUND TO THE TERRITORIAL PLANNING COUNCIL FOR THE COUNCIL'S FISCAL YEAR 1990 AND 1991 BUDGET AND FOR OTHER PURPOSES

CONDUCTED BY THE COMMITTEES ON
ECONOMIC DEVELOPMENT
AND
WAYS & MEANS

29 JUNE 1990

I. INTRODUCTION

The Committee on Economic Development in conjunction with the Committee on Ways & Means conducted a public hearing on Bill No. 1459 and Bill No. 1459 (as substituted by the author). The hearing was held at the Public Hearing Room of the 20th Guam Legislature, Pacific Arcade Building, Agana.

Joint Committee Members in attendance were Senator Edward D. Reyes, Chairman of the Committee on Economic Development; Senator Carl T.C. Gutierrez, Chairman of the Committee on Ways & Means; and Senators Elizabeth Arriola, Pilar Lujan, Gordon Mailloux, Frank Santos, and Martha Ruth.

II. TESTIMONY

Mr. Peter P. Leon Guerrero, Director of the Bureau of Planning and Executive Secretary of the Territorial Planning Council (TPC), and Mr. Charles P. Crisostomo, Chairman of the TPC and Administrator of the Guam Economic Development Authority (GEDA) provided both written and oral testimony in favor of Bill No. 1459.

Mr. Frank L.G. Castro, Director of the Department of Land Management and member of the TPC, submitted written testimony supporting Bill No. 1459. Mr. Castro's testimony was transmitted to the Committee on Economic Development on 29 June 1990.

Mayor Vicente Bernardo, Mayor of Yona and a member of the TPC, appeared before the Committees and testified orally in favor of the Bill.

III. COMMITTEE FINDINGS

Mr. Leon Guerrero expressed his position that Public Law 20-147 does, in fact, mandate several requirements which impact significantly on the Bureau of Planning. First, the Legislature, through PL 20-147, affirms

the Bureau's role in developing a Comprehensive Master Plan for Guam. Secondly, the Act complements previously approved master planning efforts for southern Guam as mandated in PL 19-38.

The advantage to the overall approach is that it eliminates piecemeal land-use planning for the island, while allowing for cost savings as a result of benefits derived from applied techniques.

Mr. Leon Guerrero briefed the Committees on the work done thus far on the Southern Master Plan, as well as what the TPC envisions with respect to Bill No. 1459.

Mr. Crisostomo delivered his testimony and spoke at length about the need for comprehensive planning; the history and impact of Guam's economic progress without the concept of growth management in place; and the need to establish, through the TPC, a viable policy framework and a foundation for present and future planning initiatives. Mr. Crisostomo also emphasized to the Committees the importance of having a legally adopted land-use plan complete with development criteria and zoning requirements/mandates. Without these components, there is no mechanism in place to guide the island's social, economic and physical development. There is no system from which entities, such as the Territorial Land-Use Commission, can receive direction.

Mr. Crisostomo briefly addressed the TPC's budgetary requirements as contained in Bill No. 1459 and stressed the need for the Committees' support if we are indeed serious about rationally planned and managed growth for the Territory.

Mayor Bernardo appeared before the Committees to also lend support for Bill No. 1459. Mayor Bernardo informed the Committees that he is the designee of the Mayor's Council serving on the Territorial Planning Council. He asked that the Committees fully consider the proposed measure and offered to respond to any questions they might have.

IV. COMMITTEE RECOMMENDATIONS

Chairman Gutierrez questioned the timing of the Bill and the length of time it would take for the TPC to actually become operational. He pointed out the fast-approaching end of the fiscal year and recommended that the TPC look at the \$876,100 FY1990 proposed appropriation and identify where adjustments can be made. Chairman Gutierrez mentioned budget line-items consisting of equipment, material and supplies, stipends, and contractual as parts of the budget to reconsider.

Chairman Gutierrez proposed that the TPC specifically identify its start-up or one-time costs and place all other budget item requirements in FY1991 since there are less than two months before the new fiscal year begins, assuming that the Legislature acts on the measure during the 30 September 1990 session. In essence, Chairman Gutierrez's recommendation would result in a restructuring of the TPC budget in the manner as follows:

	<u>FY1990</u>	<u>FY1991</u>
Personnel	\$ 0	\$ 188,480
Personnel Benefits	0	56,540
Equipment	63,000	0
Materials & Supplies	1,800	14,400
Stipends	400	2,400
Contractual	0	1,250,000
Public Information & Education	0	50,000
TOTAL:	<u>\$65,200</u>	<u>\$1,561,820</u>

Chairman Gutierrez also recommended that the Bill contain language that would allow the TPC to encumber the sum of money needed before the end of the fiscal year and have that sum available 01 October 1990. Chairman Gutierrez expressed his concern to put an expiration date, with regards to the TPC's budget, in the Bill.

Chairman Reyes concurred with Chairman Gutierrez's proposal and further stated that the key to this matter is incorporating language in the Bill which would allow funds to be available whatever might be realistically needed or can be expended by the TPC but with an authorization or caveat to encumber.

Senator Lujan expressed her agreement with Chairman Gutierrez's approach and inquired about the status of employees, whether they would be classified. Mr. Leon Guerrero stated that the positions would be unclassified. Senator Lujan cited the advantage of not permanently establishing these positions, thereby freeing up funds for existing classified positions.

Senator Arriola also agreed with Chairman Gutierrez's concerns about the nearing of the end of the fiscal year. Additionally, Senator Arriola stated that with regards to securing contractual services and the possibility of hiring off-island experts, there is a need to obtain and retain local input, particularly pertaining to planning.

Senator Santos questioned the TPC's general feeling to recruit off-island contractual services to undertake the project. Mr. Crisostomo stated that the TPC would like to contract a local firm which has an affiliation with experts most likely coming from off-island. Senator Santos inquired whether Guam has the local capability, and Mr. Leon Guerrero responded that there are areas within the project which can be done locally, but reinforced Mr. Crisostomo's point that with some local firms being affiliated with off-island experts, you have the sensitivity not present with an off-island contractor. So there would be the local participation and sensitivity, and also the expertise not available locally and that can probably expedite the process. The TPC's view would be to go with local expertise first. Senator Santos requested this to be incorporated into the statute so that the intent is clear. Mr. Leon Guerrero stated his agreement. Mr. Crisostomo recommended that the language should state that preference be given to local firms, but not to restrict the TPC in so tightly to exclude securing expertise not available locally. Senator Santos asked to whom the ultimate product would belong; Mr. Crisostomo replied that it would be the government of Guam's property.

Senator Mailloux stated that perhaps the Legislature could implement an emergency appropriation if a consultant is selected by 30 September 1990. Chairman Reyes stated that the Bill could contain language should that possibility occur, and the TPC could proceed and make the commitment with the consultant. Mr. Crisostomo replied that administratively services may be solicited without money available, although the TPC would want to be certain money is available through passage of the Bill.

Senator Ruth recommended adding a new section to the Bill requesting departments and agencies to provide plans that are needed so that, if mandated, agencies will provide the Council with whatever master plans regarding their specific areas are available, thus speeding up the process. Mr. Leon Guerrero responded that this recommendation/process is reflected already in PL 20-147 under §62014.

Senator Lujan recommended that the TPC should coordinate with the AG's Office for a legal counsel, as the AG's Office will be seeking attorneys from off-island. The TPC may specify the requirements.

V. SUMMARY AND CONCLUSION

1. Revise Bill No. 1459 to fully incorporate recommendations of the joint Committees as provided above.
2. Incorporate in Bill No. 1459 (as substituted by the Committees on Economic Development and Ways & Means) language and figures which specifically address adjustments relative to the fiscal year's 30 September 1990 ending; preference in contracting locally-based and licensed planning firms; status of employees as unclassified or contractual and provisions that would allow for the carry-over of funds between FY1990 and FY1991.

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Bill No. 1459
As Substituted by the Committees on
Economic Development and Ways & Means

Introduced By: E.D. Reyes
M.C. Ruth
G. Mailloux
P.C. Lujan

[Handwritten signatures: E.D. Reyes, M.C. Ruth, G. Mailloux, P.C. Lujan, and others]
AN ACT TO APPROPRIATE THE SUM OF ONE MILLION SIX
HUNDRED TWENTY-SEVEN THOUSAND TWENTY DOLLARS
(\$1,627,020) FROM THE GENERAL FUND TO THE TERRITORIAL
PLANNING COUNCIL FOR THE COUNCIL'S FISCAL YEAR 1990
AND 1991 BUDGET AND FOR OTHER PURPOSES

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

2 SECTION 1. Legislative Findings. The Legislature, in establishing
3 the Comprehensive Development Planning Act for Guam through Public Law 20-
4 147, created the Territorial Planning Council and charged the Council with
5 the task of formulating a comprehensive development plan for the Territory
6 of Guam; a plan which shall serve to guide the physical, social and
7 economic growth and development of the island taking into account the
8 unique but finite human and non-human resources of the Territory; a plan
9 which shall reflect the goals and aspirations of the people of Guam as
10 they relate to development and the quality and standard of living desired
11 by the people; a plan which expresses the policy requirements and
12 directives sought by the people of Guam as a means of achieving rational
13 and balanced physical and socio-economic development that would protect
14 and sustain the present and future livelihood of the island's people. The
15 Legislature finds that Subsection 62022 of Public Law 20-147 mandates the
16 Chairman of the Territorial Planning Council to submit to the Legislature
17 prior to June 18, 1990 an annual fiscal year budget containing a summary
18 of personnel, administrative, contractual and all operating costs to be

1 incurred by the Council in performance of their function and
2 responsibilities. Further, the Legislature recognizes the need to support
3 the types of master planning efforts, and in particular, focusing on land
4 use planning as a matter of urgency, which would achieve the goals and
5 objectives as set forth in the Comprehensive Development Planning Act of
6 Guam.

7 SECTION 2. There is appropriated from the General Fund to the
8 Territorial Planning Council the sum of One Million Six Hundred Twenty-
9 Seven Thousand Twenty Dollars (\$1,627,020) for the purpose of funding the
10 Council's fiscal years 1990 and 1991 budget.

11 SECTION 3. The transfer authority of the Governor as cited in §43 of
12 Public Law 19-34 shall not apply to funds appropriated herein.

13 SECTION 4. Funds appropriated in this Act shall be expended solely
14 for the Territorial Planning Council's fiscal year budget and adopted work
15 program or programs.

16 SECTION 4.1. Preference shall be given to Guam-based and Guam-
17 licensed entities or individuals with respect to any contractual,
18 professional or technical expertise or services procured by the
19 Territorial Planning Council or the expenditure of funds for said
20 expertise or services funded in this Act.

21 SECTION 4.2. The Territorial Planning Council is hereby authorized
22 to encumber any unspent funds in fiscal year 1990 provided that such
23 encumbrance or encumbrances result from a solicitation by the Territorial
24 Planning Council prior to 30 September 1990.

25 SECTION 5. Funds appropriated to the Territorial Planning Council
26 for contractual use or purposes as authorized in this Act shall be
27 expended in accordance and compliance with the established rules and
28 regulations for bidding and procurement of government of Guam contractual
29 services and shall not in any instance be expended for personnel,

1 equipment, materials, supplies or other non-contractual budget items not
2 authorized herein.

3 SECTION 6. Funds for contractual purposes appropriated to the
4 Territorial Planning Council under this Act are authorized to be expended
5 beyond fiscal years 1990 and 1991.

6 SECTION 7. The Director of the Bureau of Planning shall provide the
7 Territorial Planning Council with the administrative and logistical needs
8 of the Council, and shall enter into contracts and initiate procurement
9 actions as directed by the Council.

10 SECTION 8. The unclassified and other non-permanent positions
11 identified in this Section are hereby created within the Territorial
12 Planning Council and shall be funded together with other Council
13 expenditures in the manner as follows:

	<u>FY1990</u>	<u>FY1991</u>
14 Personnel	\$ 0	\$ 188,480
15 Personnel Benefits	0	56,540
16 Equipment	63,000	0
17 Materials & Supplies	1,800	14,400
18 Stipends	400	2,400
19 Contractual	0	1,250,000
20 Public Information & Education	<u>0</u>	<u>50,000</u>
21		
22 TOTAL:	\$65,200	\$1,561,820

23 SECTION 9. The compensation for the Director of the Bureau of
24 Planning shall be equivalent to the salary of the Director of the
25 Department of Land Management effective upon the passage of this Act.

TESTIMONY OF PETER P. LEON GUERRERO
DIRECTOR, BUREAU OF PLANNING
ON
BILL NO. 1459
BEFORE THE JOINT COMMITTEES OF
ECONOMIC DEVELOPMENT AND WAYS AND MEANS

JUNE 29, 1990

Hafa Adai Mr. Chairman, Madam Chairperson and members of this joint committee hearing. I am pleased to present testimony on Bill No. 1459, relative to appropriating an operating budget to the Territorial Planning Council, for the purpose of developing a land use master plan for the Territory.

As director of the Bureau of Planning, and member and executive secretary to the Council, I appear before you to express my support for the Bill. As you know, Public Law 20-147, which replaces Public Law 12-200, as amended, reaffirms the role of the Bureau as staff to the Council. I firmly believe that this affirmation of the Bureau's role is indeed consistent with the intent of this Legislature, and I wish to commend this body for its foresight. The Bureau of Planning is in full support of the development of a comprehensive plan, and recognizes the urgency for its preparation.

In previous testimonies, I expressed my preference for a total land use plan for Guam, rather than a plan focussing only on Southern Guam. Public Law 20-147 accomplishes this. This is not to say the Bureau has been idle on the mandate to focus on a Southern Guam Master Plan. In coordination with the Department of Labor, and in preparation for the Current Labor Force Survey, a residential land use inventory was recently completed covering the entire island. This information will be useful in the development of an islandwide and southern master plan.

In this connection, a Geographic Information System-oriented, computer-based mapping program of Southern Guam is presently underway. As required by Public Law 19-38 (Southern Guam Master Plan), a lot-line mapping program encompassing Asan, Piti, Agat, Santa Rita, Umatac, Merizo, Inarajan, Talofofu and Yona is slated for completion by the end of September, this year. A pilot data-base component of the GIS project is being undertaken, which would execute the querying feature of the system for a certain portion of Agat Village. The data base will encompass information on existing land use; flood zones; ownership; seashore reserve; appraised value; soils type; infrastructure; and Census Block Group Number.

The lot-line mapping project is a monumental effort. Just for the Southern Guam, we estimate approximately 10,000 lots to be digitized. There are approximately 40,000 lots covering the entire island. Much have yet to be done to complete the lot-line maps for

the remainder of the island; a project that is long overdue. The process of extracting the information from survey maps, and then digitizing each individual parcel on to the GIS cost around \$10-12 per lot. This estimate does not include the creation of relational data base files that identify other relevant information about that lot, such as existing land use, zoning and infrastructure availability. Funding the lot-line mapping effort for the south was derived from direct appropriations from last year's budget law, from a specific line item in the Bureau's operating budget, and from federal Coastal Zone Management Program outlays. We do not anticipate using any of the funds to be appropriated through Bill 1459 for the GIS project, but we hope to return to the Legislature with an appropriations package specifically for this purpose.

With respect to the earlier reference to Census Block Group Number, the Bureau has also coordinated with the U.S. Bureau of Census in the designation of Census Block Areas (enumeration districts) so as to ensure that the GIS and the Census computer maps can be inter-related. This means that upon compilation of the 1990 Census, we would be able to generate demographic information that can be related to land use and geographic information.

In addition, the Bureau has been working in coordination with the Department of Agriculture on a revision to the Guam Public Land Use Plan, particularly with respect to conservation areas. The result of this effort too will be an element in the preparation of the Guam Land Use Plan.

Here too, many other information will be useful both for day-to-day decision-making and, more importantly, in land use planning activities. Inclusion of such overlay data as **hazard areas** (airport accident potential zones, slide and erosion zones); **water resources** (sole source aquifer and groundwater protection zones, surface water reservoirs and dams); **cultural areas** (archaeological sites, historic sites, prehistoric sites); and **unique terrestrial ecosystems** (terrestrial pristine ecological communities, wildlife refuges, wetlands, limestone forests, critical habitats), to mention a few, are critical information kept by various agencies, but the routine integration of these information on to a common base map have yet to be instituted. The GIS mapping project would facilitate the institution of such a process government-wide.


Clearly, many information have yet to be collected, compiled and analyzed. Mechanisms for the collection of these information; depository for compilation; and the crucial process of information analyses are steps that will be taken upon financing of this land use planning effort.

The land use planning process, as you may imagine, will require the combined efforts of existing departments and agencies with a key staff dedicated exclusively towards the plan's development, along with the services of a team of planning consultants specializing in a variety of development and land use issues. We view this approach as the most advantageous method for expediting

this important process. The funding arrangement reflected in the Bill, in our view, takes this plan development approach into consideration.

We at the Bureau of Planning stand ready to serve the Council, given our available resources. The Bureau could not possibly perform this function on its own, but with the necessary guidance from the Council, an augmented staff, and planning consultancy support, I believe that we, along with the rest of the Government of Guam agencies, are eager to launch and complete this process as soon as possible.

Thank you Mr. Chairman and Madam Chair for giving me this opportunity to testify.


PETER P. LEON GUERRERO
Director
Bureau of Planning

TESTIMONY OF CHARLES P. CRISOSTOMO
CHAIRMAN, TERRITORIAL PLANNING COUNCIL
ON
BILL NO. 1459
BEFORE THE JOINT COMMITTEES ON ECONOMIC DEVELOPMENT
AND WAYS AND MEANS

JUNE 29, 1990

Good afternoon, Mr. Chairman and Members of this Joint Committee Hearing. On behalf of the Territorial Planning Council, I am very pleased to appear before you to present testimony on Bill No. 1459, which proposes to appropriate an operating budget to the Council in carrying out its mandate to formulate a comprehensive development plan for the Territory.

On behalf of the Members of the Council, I also wish to note to the Committees that Substitute Bill 1459, as presented by Senator Reyes, Chairman of the Economic Development Committee, is the product of bi-partisan cooperation. This effort is clear recognition by our community leaders that a master plan is urgently needed, if we are to harness, manage and direct the growth of our island.

The pace of our island's development is of immediate concern. This tremendous interest in development of Guam while having had an overall positive effect on the economy, the lifestyle and the growth of our island has the potential to create a series of negative impacts. We simply need to analyze, plan and implement a rational strategy that takes advantage of this economic opportunity that has presented itself that benefits the residents of Guam first and others second.

As we begin the process of work on this plan however, we will need to initiate a series of interim measures that prevent environmental damage to our land, air and marine resources. Interim measures that slow the spiralling land costs, the siltation of reef, the strain on our infrastructure. We cannot continue to play a game of "catch up", instead we must take the lead in directing the development of Guam, that should include the preservation of our cultural and social values and practices; improved and efficient government services; decent and affordable housing; a well designed roadway system; the best educational programs we can formulate; and the judicious management of our public lands.

Variations of growth management concepts have been put forth by proponents from different quarters: development moratoria, zoning moratoria, TPC-approvals conditioned on availability of infrastructure, and so forth. All these ideas, some of which have been implemented, are indicators of the absence of a comprehensive plan. Public Law 20-147 has set the framework for instituting such a plan. Governor Ada recently organized the Territorial Planning Council, pursuant to the public law, for this express purpose. To carry out this weighty responsibility, the Council has been meeting to discuss strategies, budgets and organization.

Part of the first order of business taken up by the Council is the issue of establishing a policy framework, within which a plan can be embodied. The necessity for dealing with policy issues was viewed as critical underlying foundation in attempting to formulate any subsequent plans called for in the public law. To this end, the Bureau of Planning is now compiling statements of policy, intent, purpose, and similar verbage derived from existing statutes governing the mission of the various government agencies. These policy statements will be analyzed and presented to the Council for deliberation, and their eventual presentation to the people of Guam, before adoption by the Governor and the Legislature. The process of collecting and analyzing these statements will proceed while concurrent activities continue in the data collection on existing land uses.

Inventory of existing land uses and other pertinent factors affecting those lands is a basic necessity in a land use planning process. This too is an ongoing effort of the Bureau, primarily focussed on Southern Guam, where a statute is already in place stipulating the development of a plan for the South. The Appropriations Bill being heard today pays particular attention to the process of developing a land use plan for all of Guam. As intended by Public Law 20-147, and interpreted by the Council, the process of developing the land use plan will

accomplish the requirements of Section 62020, Plan Elements (a) land use, (b) community design, (c) transportation, (f) public lands, (j) conservation, (n) development policy, and (p) policy statements. The Council will be deliberating further on the details of the plan's content and a scope of work will be drawn. In order to implement the scope of work, funds and organizational arrangements will have to be identified. Substitute Bill 1459 reflects the consensus of the Members present during the Special Meeting of June 18, 1990, outlining generally the budgetary requirements to carry out a planning process over the next eighteen (18) months.

Mr. Chairman, I wish to express my support and the support of the Council Members to Substitute Bill 1459, appropriating the sum of \$1,678,500 from the General Fund to the Territorial Planning Council for the Council's Operating budget covering the remainder of Fiscal Year 1990 and Fiscal Year 1991. The enclosed version of Bill No. 1459 represents the provisions and budgetary elements as adopted by the Members of the Council present at the June 18, 1990 special meeting. Features of this appropriations Bill are as follows:

- * Recognizes the urgency of focusing on land use planning as one of the Comprehensive Development Plan's key elements in this master planning process;

- * Recognizes the importance of availing the Council with the necessary budgetary resource to carry out the complex process of land use planning and thus appropriating the entire sum needed to satisfactorily undertake the process by funding Fiscal Years 1990 and 1991 budgets;
- * Allows contractual funds to be expended beyond Fiscal Year 1991 and only for purposes which carry out the mandates of the Council;
- * Mandates the director of the Bureau of Planning to provide the Council with administrative and logistical needs, and thus empowers the Director of Planning to enter into contracts and initiate procurement actions as directed by the Council;
- * Creates unclassified positions to include an Executive Assistant; three (3) upper level Planners; and Administrative Assistant/Secretary; and a Clerk;
- * Appropriates for the five (5) Fiscal Year quarter periods \$294,500 for personnel and benefits; \$84,000 for equipment, supplies and board stipends; and \$1,300,000 for the development of the Guam Land Use Plan and public information/education efforts associated with the plan's development; and

- * Raises the salary of the director of the Bureau of Planning to that equivalent with the director of the Department of Land Management.

I am confident that with Legislative approval of this important measure, the Council will undertake its mandate in the most expeditious manner.

I am equally confident that with the Bureau of Planning assuming the administrative and staffing role of the Council's directions, institutional knowledge and guidance will extend beyond the process of developing this and other elements of the Comprehensive Development Plan. The Bureau's role assumes even greater importance when viewed from the need to continually monitor and evaluate policies, plans, programs and projects that guide our Territory through the next decade. I affirm my support to the intent and mandate addressing this issue as expressed by the Legislature contained in Public Law 20-147.

I am very honored, as Chairman of the Territorial Planning Council, to submit the Council's endorsement of Substitute Bill 1459 and engage in a fruitful discussion with you on this important measure.

Thank you for the opportunity to present my testimony.



CHARLES P. CRISOSTOMO

Chairman

Territorial Planning Council



DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
AGANA, GUAM 96910

June 29, 1990

Senator Edward D. Reyes
Chairman, Committee on
Economic Development
Twentieth Guam Legislature
Agana, Guam 96910

Subject: Legislative Bill No. 1459

Dear Mr. Chairman:

The intent and purposes of Bill 1459 are well intended and are highly required if the functions of TPC is to succeed. With regards to SECTION 9 of the said Bill, I believe that its only proper and fitting that the Legislature gives the intent its favorable consideration.

Thank you and it must go on record that I am totally in favor for passage of Bill 1459.

Sincerely,

A handwritten signature in black ink, appearing to read "F. L. G. CASTRO", written over a horizontal line.

F. L. G. CASTRO
Director, Department of
Land Management



Commonwealth Now!

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 1459

Date: 8/1/90

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas	✓			
E. M. Espaldon				✓
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

(22)

(1)

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Bill No. 1459 (LS)

Introduced

Introduced By: E.D. Reyes
M.C. Ruth
G. Mailloux

MAY 21 '90

AN ACT TO APPROPRIATE THE SUM OF EIGHT HUNDRED THIRTY-THREE THOUSAND NINE HUNDRED DOLLARS (\$833,900) FROM THE GENERAL FUND TO THE TERRITORIAL PLANNING COUNCIL FOR THE COUNCIL'S FISCAL YEAR 1990 OPERATING BUDGET AND FOR OTHER PURPOSES

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

2 SECTION 1. Legislative Findings. The Legislature, in establishing
3 the Comprehensive Development Planning Act for Guam through Public Law 20-
4 147, created the Territorial Planning Council and charged the Council with
5 the task of formulating a comprehensive development plan for the Territory
6 of Guam; a plan which shall serve to guide the physical, social and
7 economic growth and development of the island taking into account the
8 unique but finite human and non-human resources of the Territory; a plan
9 which shall reflect the goals and aspirations of the people of Guam as
10 they relate to development and the quality and standard of living desired
11 by the people; a plan which expresses the policy requirements and
12 directives sought by the people of Guam as a means of achieving rational
13 and balanced physical and socio-economic development that would protect
14 and sustain the present and future livelihood of the island's people. The
15 Legislature finds that Subsection 62022 of Public Law 20-147 mandates the
16 Chairman of the Territorial Planning Council to submit to the Legislature
17 prior to June 18, 1990 an annual fiscal year budget containing a summary
18 of personnel, administrative and all operating costs to be incurred by the
19 Council in performance of their function and responsibilities. Further,
20 the Legislature recognizes the need to support the types of master
21 planning efforts which would achieve the goals and objectives as set forth

1 in the Comprehensive Development Planning Act of Guam.

2 SECTION 2. There is appropriated from the General Fund to the
3 Territorial Planning Council the sum of Eight Hundred Thirty-Three
4 Thousand Nine Hundred Dollars (\$833,900) for the purpose of funding the
5 Council's fiscal year 1990 budget.

6 SECTION 3. There is authorized to be appropriated the sum of Seven
7 Hundred Seventy-Six Thousand Dollars (\$776,000) for the purpose of funding
8 the Territorial Planning Council's fiscal year 1991 budget.

9 SECTION 4. Funds appropriated or authorized to be appropriated in
10 this Act shall be expended solely for the Territorial Planning Council's
11 fiscal year budget and adopted work program or programs and shall not be
12 transferred to any entity or instrumentality of the government of Guam
13 without specific approval of the Legislature.

14 SECTION 5. Funds appropriated to the Territorial Planning Council
15 for contractual use or purposes as authorized in this Act shall be
16 expended in accordance with and without exemption to the established rules
17 and regulations for bidding and procurement of government of Guam
18 contractual services and shall not in any instance be expended for
19 personnel, equipment, materials, supplies or other non-contractual budget
20 items not authorized herein.

21 SECTION 6. Funds for contractual purposes appropriated to the
22 Territorial Planning Council under this Act are authorized to be expended
23 during the current and subsequent fiscal years, provided that said funds
24 are applied to the Council's programs or projects which require greater
25 than one (1) fiscal year to complete or for programs or projects whose
26 completion date or dates are phased periodically.

27 SECTION 7. Funds appropriated under this Act shall be allocated in
28 the manner as follows:

<u>PERSONNEL</u>	<u>FY 1990</u>	<u>FY 1991</u>
Executive Director		\$ 60,000
Administrative Assistant/Secretary		28,000
Three (3) Planners:		132,000

Land-Use Planner		
Economist/Planner		
Social/Environmental Planner		
Messenger Clerk		<u>16,000</u>
SUBTOTAL:	\$ 59,000	\$236,000
 <u>EQUIPMENT</u>		
Computer/Printer	\$ 28,000	\$ 0
Copier	12,000	0
Furniture	<u>6,000</u>	<u>0</u>
SUBTOTAL:	\$ 46,000	\$ 0
 <u>MATERIAL & SUPPLIES</u>		
\$1000 x 3 Months	\$ 3,000	
\$1000 x 12 Months		\$ 12,000
 <u>STIPENDS</u>		
\$300 x 3 Months	\$ 900	
\$300 x 12 Months		\$ 3,600
 <u>CONTRACTUAL</u>		
Baseline Surveys, Resource Inventory, Data Preparation, Mapping, Studies (as required) and Public Education	\$725,000	
Guam Land-Use Plan		<u>525,000</u>
SUBTOTAL:	\$725,000	\$525,000
 <u>GRAND TOTAL:</u>	 <u>\$833,900</u>	 <u>\$776,000</u>