

Territory of Guam

Territorio Guam

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

SEP 14 1989

Recording Sec'y

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

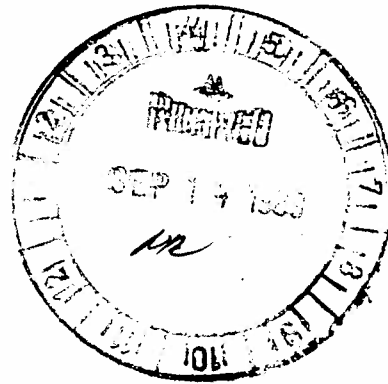
Transmitted herewith is Bill No. 680, which I have signed into law this date as Public Law 20-69.

Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

Attachment

200461



TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 680 (COR), "AN ACT TO AMEND §§13651 AND 13652 OF THE GOVERNMENT CODE ON LAND EXCHANGES IN THE PENITENTIARY AREA", was on the 31st day of August, 1989, 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 2 day of SEP, 1989,
at 135 o'clock P.m.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: September 14, 1989

Public Law No. 20-69

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 680 (COR)

Introduced by:

G. Mailloux
T. S. Nelson
M. D. A. Manibusan

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
D. Perkinson
F. J. A. Quitugua
E. D. Reyes
M. C. Ruth
J. T. San Agustin
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO AMEND §§13651 AND 13652 OF
THE GOVERNMENT CODE ON LAND
EXCHANGES IN THE PENITENTIARY AREA.

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

2 Section 1. §13651 of the Government Code is amended to read:

3 "§13651. The Governor is authorized to exchange government
4 land on a value-for-value basis for private land, either with or without
5 buildings, owned on the effective date of this Act and located within
6 the five-hundred (500) foot perimeter of the present site of the
7 existing Department of Corrections penitentiary facility, namely within
8 a five-hundred foot radius of the perimeter of the penitentiary site as
9 shown on preliminary drawing No. 14-80T122-A, Land Management data
10 number 35-FY81, excluding the area designated on such map for a
11 ponding basin."

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Section 2. §13652 of the Government Code is amended to read:

"§13652. The Governor is authorized to exchange government land on a value-for-value basis for portions of basic lot number 5384 located in Land Square 19, §4, in Sabanan, Magas, Municipality of Barrigada, known as the following: Lot No. 5384-3 as shown on drawing H-105Y63 made by Horatio G. Carolina and dated December 13, 1963, Lot No. 5384-6-1 as shown on drawing no. M222-353 made by Juan R. Mesa and recorded under Land Management date no. 917-FY72, Lots Nos. 5384-6-2, 5384-R11 and 5384-6-2 as shown on drawing no. SDCO 39-1176 made by Vicente C. Sian, Jr. and recorded on December 9, 1976 under instrument 274298, Lot Nos. 5384-7, 5384-9, 5384-8, and 5384-10 as shown on drawing no. 7310-11 made by Gregorio S. Torres, Jr., recorded under Land Management Data No. 244-FY74 and Lot No. 5384-2 as shown on the map prepared by Juan T. Untalan, recorded under Document No. 400-71, and Lot No. 5384-1 containing an area of 1827.21 square meters as shown on the map prepared by Juan T. Untalan, licensed surveyor, and all other private land described in Section 13651 of this Chapter."

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 680

Date: 8/31/89

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	✓			



SENATOR GORDON MAILLOUX

CHAIRMAN, COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
TWENTIETH GUAM LEGISLATURE

August 23, 1989

Vice-Chairman on the committee on Health, Welfare and Ecology

Member of the Committees on:

• General Governmental Operation

• Economic Development

• Justice, Judiciary & Criminal Justice

• Energy, Utilities and Consumer Protection

• Youth, Human Resources, Senior Citizen & Cultural Affairs

Ethics

Honorable Joe T. San Agustin
Speaker
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Housing and Community Development, to which was referred BILL NO. 680, "AN ACT TO REPEAL AND REENACT SECTION 2 § 13651 AND TO AMEND SECTION 3 § 13652 OF THE GOVERNMENT CODE (P.L. 17-54) RELATIVE TO LAND EXCHANGE", has had the same under consideration, and now wishes to report back the same, with the recommendation to do pass.

The Committee votes are as follows:

TO DO PASS	<u>9</u>
NOT TO PASS	<u>-0-</u>
ABSTAIN	<u>-0-</u>
NOT VOTING	<u>2</u>
TO REPORT OUT ONLY	<u>-0-</u>

A copy of the Committee Report and other pertinent documents are enclosed for your perusal.

Sincerely,

Gordon Mailloux
GORDON MAILLOUX

Enclosure:

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

VOTING SHEET

BILL NO. 680

AN ACT TO REPEAL AND REENACT SECTION 2 § 13651 AND TO AMEND SECTION 3 § 13652 OF THE GOVERNMENT CODE (P.L. 17-54) RELATIVE TO LAND EXCHANGE.

<u>Committee Members</u>	<u>To Do Pass</u>	<u>To Not Pass</u>	<u>Abstain</u>	<u>Off-Island</u>	<u>To Report Out Only</u>
<u>Gordon Mailloux</u> GORDON MAILLOUX Chairman	✓				
<u>Madeleine Z. Bordallo</u> MADELEINE Z. BORDALLO Vice-Chair	✓				
<u>John P. Aguon</u> Member					
<u>Elizabeth P. Arriola</u> Member	✓				
<u>Pilar C. Lujan</u> Member	✓				
<u>Ted S. Nelson</u> Member	✓				
<u>Don Parkinson</u> Member					
<u>Eddie D. Reyes</u> Member	✓				
<u>Francisco R. Santos</u> Member	✓				
<u>J. George Bamba</u> Member					
<u>Marilyn D.A. Manibusan</u> Marilyn D.A. MANIBUSAN Member	✓ 8/23/89 mdm				

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

PUBLIC HEARING MINUTES ON BILL NO. 680

AN ACT TO REPEAL AND REENACT SECTION 2 s 13651
AND TO AMEND SECTION 3 s 13652 OF THE GOVERNMENT
CODE (P.L. 17-54) RELATIVE TO LAND EXCHANGE.

DATE: JUNE 14, 1989
TIME: 9 A.M.
PLACE: LEGISLATIVE SESSION HALL

Members Present: Chairperson Gordon Mailloux; Member Ted S. Nelson.

Witnesses Present: Mr. Frank L.G. Castro, Director of Department of Land Management; Mr. Fred Natividad and Mr. Juan C. White.

SUMMARY OF TESTIMONY

All witnesses recommended amendment to and passage of Bill 680. This Bill, with the recommended amendments, would correct the inequities caused Mr. Fred Natividad and Mr. Juan C. White.

Mr. Castro: In support of Bill 680, and to include a provision that whether or not the property is improved property owners should be entitled to exchange, and the exchange should be on a value for value basis.

The prior law which authorized the payment and exchange of lands affected by the Department of Correction specified that properties with improvements can receive both money and land exchange. It was silent whether the Government can exchange properties without improvements, as such is the case with Mr. Natividad. Somehow, Mr. Natividad was inadequately compensated and Mr. White was missed.

Mr. Natividad testified that in 1982 the Government bulldozed his ranch. In 1983, he was informed that he cannot exchange his property so he agreed to receive \$2,500 in return because he thought it was the only thing he could do. In 1984, he found out that his neighbors were able to land exchange and receive cash as well.

Mr. White testified that he has two lots, one with improvement and another without. Ever since he received the notice that his property is to be condemned, he has not been able to do anything on his property because he does not know what to expect next.

Chairperson Mailloux noted that changes will be made as requested by Department of Land Management.

ATTACHMENTS

1. Bill No. 680, as referred to the Committee.
2. Attendance Sheet.

AMENDMENTS TO GOVERNMENT DEFENSE

Committee on Housing & Community Development
Report on Bill No. 680

FINDINGS:

The Committee to which was referred Bill No. 680 finds that:

1. Mr. Juan C. White and Mr. Fred Natividad had their lots condemned for expansion of Department of Corrections in the year 1982.

1. P. L. 17-54 specified that property with improvements can receive both money and land exchange. It did not state if the government can exchange property without improvements.

2. Department of Land Management is in favor of the bill but include a provision that whether or not the property is improved the owners should be entitled to land exchange on a value for value basis.

3. Mr. Natividad was informed in 1983 that he could not exchange his property so he agreed to receive \$2500. In 1984 he found out that other neighbors had been compensated with money and land exchange.

4. Mr. White was not compensated monetarily or by land exchange. He had two lots, one with improvement and one without.

RECOMMENDATION:

The Committee on Housing and Community Development, to which was referred Bill No. 680, AN ACT TO REPEAL AND REENACT SECTION 2 13651 AND TO AMEND SECTION 3 13652 OF THE GOVERNMENT CODE (P.L. 17-54) RELATIVE TO LAND EXCHANGE," has had the same under consideration, and now wishes to report back the same with the recommendation to substitute Bill No. 680 to include the provision that whether or not the property is improved property owners should be entitled to exchange land on a value for value basis.

known as the following: Lot number 5384-3 as shown on drawing H-105Y63 made by Horatio G. Carolina and dated December 13, 1963, checked by land management on December 13, 1983 by F.G.B., Lot number 5384-6-1 as shown on drawing number M222-353 made by Juan R. Mesa and recorded under Land Management data number 917-FY72, Lot numbers 5384-6-2, 5384-R11 and 5384-6-2 as shown on drawing number SDCO 39-1176 made by Vicente C. Sian, Jr. and recorded on December 9, 1976 under instrument 274298 and Lot numbers 5384-7 and 5384-8, 5384-9, and 5384-10 as shown on drawing number 7310-11 made by Gregorio S. Torres, Jr. recorded under Land Management data number 244-FY74. All other private land described in Section 13651 of this Chapter.

TWENTIETH GUAM LEGISLATURE
 1989 (FIRST) REGULAR SESSION

Bill No. 680

Introduced by:


 G. Mailloux

AN ACT TO REPEAL AND REENACT SECTION 2
 § 13651 AND TO AMEND SECTION 3 § 13652
 OF THE GOVERNMENT CODE (P.L. 17-54) RELAT-
 TIVE TO LAND EXCHANGE

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

Section 2. §13651 is repealed and reenacted to read:

§13651. The Governor is authorized to exchange government land on an area for area basis for private land either with or without buildings on the effective date of this act and located within a five-hundred (500) foot perimeter of the present site of the new Guam penitentiary facility, namely within a five-hundred foot radius of the perimeter of the penitentiary site as shown on preliminary drawing No. 14-80T122-A, Land Management data number 35-FY81, excluding the area designated on such map for a ponding basin.

Section 3 §13652 is amended to read:

§13652. The Governor is authorized to exchange government land on an area for area basis for portions of basic lot number 5384 located in land square 19, section 4, in Sabanan, Magas, Municipality of Barrigada,

known as the following: Lot number 5384-3 as shown on drawing H-105Y63 made by Horatio G. Carolina and dated December 13, 1963, checked by land management on December 13, 1983 by F.G.B., Lot number 5384-6-1 as shown on drawing number M222-353 made by Juan R. Mesa and recorded under Land Management data number 917-FY72, Lot numbers 5384-6-2, 5384-R11 and 5384-6-2 as shown on drawing number SDCO 39-1176 made by Vicente C. Sian, Jr. and recorded on December 9, 1976 under instrument 274298 and Lot numbers 5384-7 and 5384-8, 5384-9, and 5384-10 as shown on drawing number 7310-11 made by Gregorio S. Torres, Jr. recorded under Land Management data number 244-FY74. All other private land described in Section 13651 of this Chapter.

ATTENDANCE SHEET

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

DATE: June 14, 1989

BILL NO.: 680

AN ACT TO REPEAL AND REENACT SECTION 2 & 13651 AND TO AMEND SECTION 3 & 13652 OF THE GOVERNMENT CODE (P.L. 17-54) RELATIVE TO LAND EXCHANGE.

NAME

Print:

Frank Castillo
Juan C. White
Frank Castillo
Juan C. White

Sign:

[Handwritten signatures]

Written:

TESTIMONY

Oral:

[Handwritten checkmarks]

AGENCY/INTEREST GROUP

[Handwritten signature]

COMMENT

Favor:

[Handwritten arrows pointing to Favor and Against]

Against:

Introduced

MAY 23 '89

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Bill No. 1280 (COR)

Introduced by:


G. Mailloux

AN ACT TO REPEAL AND REENACT SECTION 2
§ 13651 AND TO AMEND SECTION 3 § 13652
OF THE GOVERNMENT CODE (P.L. 17-54) RELAT-
TIVE TO LAND EXCHANGE

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

Section 2. §13651 is repealed and reenacted to read:

§13651. The Governor is authorized to exchange government land on an area for area basis for private land either with or without buildings on the effective date of this act and located within a five-hundred (500) foot perimeter of the present site of the new Guam penitentiary facility, namely within a five-hundred foot radius of the perimeter of the penitentiary site as shown on preliminary drawing No. 14-80T122-A, Land Management data number 35-FY81, excluding the area designated on such map for a ponding basin.

Section 3 §13652 is amended to read:

§13652. The Governor is authorized to exchange government land on an area for area basis for portions of basic lot number 5384 located in land square 19, section 4, in Sabanan, Magas, Municipality of Barrigada,

known as the following: Lot number 5384-3 as shown on drawing H-105Y63 made by Horatio G. Carolina and dated December 13, 1963, checked by land management on December 13, 1983 by F.G.B., Lot number 5384-6-1 as shown on drawing number M222-353 made by Juan R. Mesa and recorded under Land Management data number 917-FY72, Lot numbers 5384-6-2, 5384-R11 and 5384-6-2 as shown on drawing number SDCO 39-1176 made by Vicente C. Sian, Jr. and recorded on December 9, 1976 under instrument 274298 and Lot numbers 5384-7 and 5384-8, 5384-9, and 5384-10 as shown on drawing number 7310-11 made by Gregorio S. Torres, Jr. recorded under Land Management data number 244-FY74. All other private land described in Section 13651 of this Chapter.