



Territory of Guam
Territorion Guam

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

Rec'd by P. Cruz
12/30/94
10:45 AM

RECEIVED

OFFICE OF THE SPEAKER

DATE: 12-31-94

TIME: 12 noon

RECD BY: epv

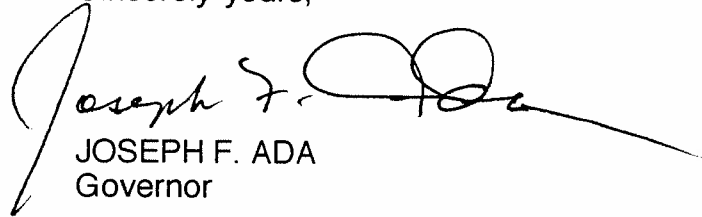
DEC 30 1994

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1161, which I have signed into law this date as
Public Law 22-157.

Sincerely yours,



JOSEPH F. ADA
Governor

220925

Attachment



Commonwealth Now!

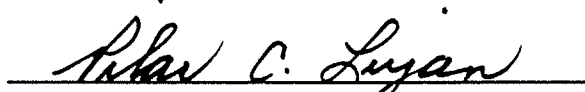
TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

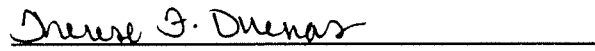
This is to certify that Substitute Bill No. 1161 (LS), "AN ACT TO REPEAL AND REENACT SUBSECTION (d) OF §75108 OF TITLE 21, GUAM CODE ANNOTATED, TO AUTHORIZE THE ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION AND THE DIRECTOR OF LAND MANAGEMENT TO APPROVE REQUESTS FOR WATER, POWER, AND TELEPHONE CONNECTIONS FROM QUALIFIED APPLICANTS OCCUPYING LAND UNDER THE CONTROL OF THE COMMISSION OR THE GOVERNMENT," was on the 9th day of December, 1994, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

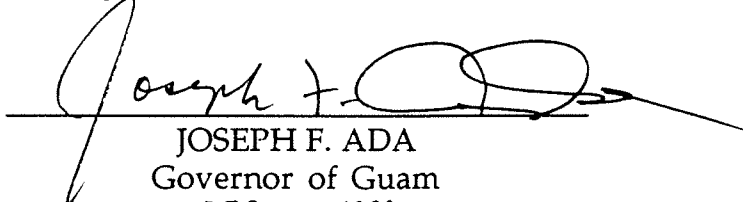
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of December, 1994, at
4:41 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam
DEC 3 1994

Date: _____

Public Law No. 22-157

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

Bill No. 1161 (LS)

As substituted by the Committee on
General Governmental Operations
& Micronesian Affairs and as further
substituted on the floor

Introduced by:

T. S. Nelson
C. T. C. Gutierrez
J. T. San Agustin

D. Parkinson
T. C. Ada
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
P. C. Lujan
V. C. Pangelinan
E. D. Reyes
F. E. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL AND REENACT SUBSECTION (d)
OF §75108 OF TITLE 21, GUAM CODE ANNOTATED,
TO AUTHORIZE THE ADMINISTRATIVE DIRECTOR
OF THE CHAMORRO LAND TRUST COMMISSION
AND THE DIRECTOR OF LAND MANAGEMENT TO
APPROVE REQUESTS FOR WATER, POWER, AND
TELEPHONE CONNECTIONS FROM QUALIFIED

APPLICANTS OCCUPYING LAND UNDER THE
CONTROL OF THE COMMISSION OR THE
GOVERNMENT.

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

2 **Section 1. Legislative intent.** On April 29, 1992, the Governor of Guam
3 issued a memorandum informing various government agencies and
4 departments to cease and desist from issuing utility hook-up approvals to
5 holders of land use permits. However, on April 20, 1993, amendments to the
6 Chamorro Land Trust Act ("the Act") were signed into law. Subsection §75108
7 (c) of the Act states: "**The Lessee shall occupy and commence to use or**
8 **cultivate the tract as his home or farm within one year after the lease is**
9 **made.**" As the successor to the Department of Land Management and the sole
10 agency now responsible for issuing leases of government land, the Chamorro
11 Land Trust Commission is responsible to uphold the law and to ensure that
12 the lessees are not discriminated against because they do not outright own
13 their land. They are entitled to power for their homes, water for their
14 personal needs and for agriculture, and telephones for their safety and
15 convenience. For the Chamorro Land Trust Commission to deprive these
16 individuals of these necessities would be a miscarriage of justice.

17 **Section 2. Amendment.** Subsection (d) of §75108, Title 21, Guam Code
18 Annotated, is repealed and reenacted to read:

19 "(d) The lessee shall thereafter, for at least such part of each year
20 as the Commission shall by regulation prescribe, so occupy and use or
21 cultivate the tract on his own behalf. The Administrative Director of
22 the Commission, or the Director of Land Management with respect to
23 non-Commission land, shall approve all requests for the extension of
24 power, water, or telephone services to a qualified applicant on such

1 applicant's request. As used in this subsection, "qualified applicant"
2 shall mean:

3 (1) Any person occupying land pursuant to a lease, land use
4 permit issued, or other permission from the government of Guam
5 or from any agency thereof to the person occupying the land, to a
6 relative of the person occupying the land, or to an ancestor of the
7 person occupying the land, which land is claimed by the
8 government of Guam and/or the Commission; or

9 (2) Any person who, on the effective date of the amendment
10 to this subsection, is actually occupying land which is claimed by
11 the government of Guam and/or the Commission and who has
12 actually occupied such land for more than six (6) months
13 immediately last past.

14 (3) As used in this subsection, "government of Guam" shall
15 include all of the government of Guam, its agencies and
16 instrumentalities, including autonomous agencies, **except** for the
17 Commission.

18 Water shall be metered for both private and agricultural use. Approval by the
19 Administrative Director of the Commission or the Director of the Land
20 Management does **not** waive any of the utilities' requirements or restrictions
21 for the installation of the utilities, and the qualified applicant shall be
22 responsible for paying the actual connection fees. The application, issuance,
23 and connection of utilities shall not prejudice anyone in any ejection action,
24 quiet title action, litigation or claim relating to the property, nor shall it be
25 construed as an admission nor shall it create any presumptions.

26 (A) The application for a utility extension pursuant to this
27 subsection and the connection of utilities shall in no way prejudice

1 the qualified applicant in any way as to any claim or litigation
2 relating to ownership of the land in question, the validity of any lease
3 or land use permit, the right of the qualified applicant to occupy the
4 property, or the qualified applicant's use of the property. By so
5 applying for utilities, the qualified applicant is in no way admitting,
6 recognizing or ratifying any claim which the government of Guam or
7 the Commission may have to the land in question.

8 (B) The granting of a utility extension pursuant to this
9 subsection and the connection of utilities shall in no way prejudice
10 the government of Guam or the Commission in any way as to any
11 claim or litigation relating to ownership of the land in question, the
12 validity of any lease or land use permit, the right of the qualified
13 applicant to occupy the property, or the qualified applicant's use of
14 the property. By so granting a such a clearance, neither the
15 government of Guam nor the Commission is in any way admitting,
16 recognizing or ratifying any claim which the qualified applicant may
17 have to the land in question."

18 **Section 3. Appropriation.** Five Hundred Thousand Dollars
19 (\$500,000) are hereby authorized to be appropriated from the General
20 Fund to the Commission to fund the extensions of power, water, or
21 telephone services as authorized in this Act.

VOTING SHEET
(as revised)

Bill No. 1161

12/9/94
(Date)

Resolution No. _____

Question: _____

| Senators | Aye | No | Declined to Vote | Required to vote | Excused from voting | ABSENT/OUT DURING ROLL CALL |
|------------------------|-----|----|------------------|------------------|---------------------|-----------------------------|
| Ada, Thomas C. | ✓ | | | | | |
| AGUON, John P. | ✓ | | | | | |
| ARRIOLA, Elizabeth P. | ✓ | | | | | |
| BAMBA, George J. | ✓ | | | | | |
| BLAZ, Anthony C. | ✓ | | | | | |
| BORDALLO, Madeleine Z. | | | | | | ✓ |
| BROOKS, Doris F. | ✓ | | | | | |
| CAMACHO, Felix P. | ✓ | | | | | |
| DIERKING, Hermina D. | ✓ | | | | | |
| GUTIERREZ, Carl T. C. | ✓ | | | | | |
| LUJAN, Pilar C. | ✓ | | | | | |
| MANIBUSAN, M. D. A. | ✓ | | | | | |
| NELSON, Ted S. | ✓ | | | | | |
| PANGELINAN, Vicente C. | ✓ | | | | | |
| PARKINSON, Don | ✓ | | | | | |
| REYES, Edward D. | ✓ | | | | | |
| SAN AGUSTIN, Joe T. | ✓ | | | | | |
| SANTOS, Francis E. | ✓ | | | | | |
| SHIMIZU, David L. G. | ✓ | | | | | |
| TANAKA, Thomas V. C. | ✓ | | | | | |
| UNPINGCO, Antonio R. | ✓ | | | | | |

TOTAL

| | | | | |
|----|--|--|--|---|
| 20 | | | | 1 |
|----|--|--|--|---|

Committee on General Governmental Operations & Micronesian Affairs
Twenty-Second Guam Legislature
297-B West O'Brien Drive Agana GU 96910

25 November 1994

Honorable Joe T. San Agustin
Speaker
22nd Guam Legislature
155 Hessler St.
Agana Guam 96910

Dear Mr. Speaker:

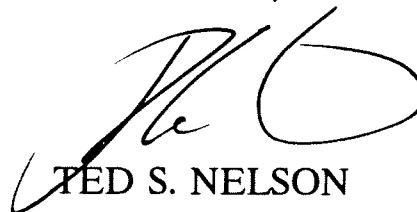
The Committee on General Governmental Operations and Micronesian Affairs, to which was referred Bill No. 1161 (*An Act to amend 21 GCA §75108 (d) to authorize the Director of the Chamorro Land Trust Commission to approve requests for water, power, telephone connections to land under the control of the Commission*) has had the same consideration and now wishes to report back the same with recommendation **to do pass**.

The Committee votes are as follows:

| | |
|---------------------------|----------|
| To do pass | <u>8</u> |
| Not to pass | <u>0</u> |
| To place in inactive file | <u>0</u> |
| To report out only | <u>0</u> |
| Other | <u>0</u> |

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

Sincerely,

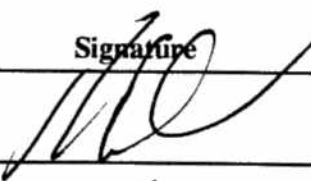
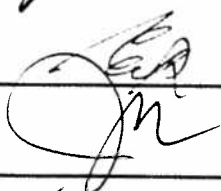
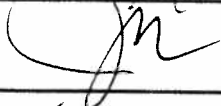

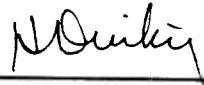
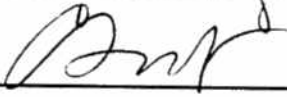
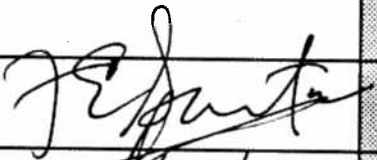



TED S. NELSON

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
VOTE SHEET ON BILL NO. 1161**

**AN ACT TO AMEND 21 GCA §75108 (D) TO AUTHORIZE THE
DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION TO
APPROVE REQUESTS FOR WATER, POWER, AND TELEPHONE
CONNECTIONS TO LAND UNDER THE CONTROL OF THE
COMMISSION**

RECOMMENDATION TO DO PASS

| Committee Members | Signature | To Do Pass | Not To Pass | Place in the Inactive File | Abstain |
|---|---|---------------|----------------|-------------------------------------|---------|
| Senator Ted S. Nelson Chairman |  | ✓ | | | |
| Senator Edward D. Reyes Vice-Chairman |  | ✓ | | | |
| Speaker Joe T. San Agustin Ex-Officio Member |  | ✓ | | | |
| Senator Thomas C. Ada Member |  | ✓ | | | |
| Senator J. George Bamba Member | | | | | |
| Senator Anthony C. Blaz Member | | | | | |
| Senator Herminia D. Dierking Member |  | ✓ | | | |
| Senator Carl T.C. Gutierrez Member |  | ✓ | | | |
| Senator Marilyn D.A. Manibusan Member | | | | | |
| Senator Vicente C. Pangelinan Member | | | | | |
| Senator Francis E. Santos Member |  | ✓ | | | |
| Senator Thomas V.C. Tanaka Member |  | ✓ | | | |

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
TWENTY-SECOND GUAM LEGISLATURE
155 HESSLER STREET, Agana Guam 96910**

COMMITTEE REPORT

ON

BILL No. 1161

An Act to amend subsection (d) of §75108, Title 21, Guam Code Annotated to authorize the Director of the Chamorro Land Trust Commission to approve requests for water, power and telephone connections to land under the control of the Commission.

COMMITTEE MEMBERS

Chairman: Ted S. Nelson

Vice Chairman: Edward D. Reyes

Ex-Officio Member: Speaker Joe T. San Agustin

**Thomas C. Ada
Herminia D. Dierking
Carl T. C. Gutierrez
Vicente C. Pangelinan
Francis E. Santos**

**J. George Bamba
Anthony J. Blas
Felix P. Camacho
Marilyn D. A. Manibusan
Thomas V. C. Tanaka**

COMMITTEE REPORT

BILL NO. 1161

An Act to amend subsection (d) of §75108 Title 21, Guam Code Annotated to authorize the Director of the Chamorro Land Trust Commission to approve requests for water, power and telephone connections to land under the control of the Commission.

I. BACKGROUND

Bill No. 1161 is an Act to guarantee that those legal tenants of land leased by the Chamorro Land Trust Commission shall enjoy those basic utilities which are assured to all other land users of Guam, namely, water, power and telephone. Without these necessities, it is almost impossible to create a home in the true sense of the word. The leases are for agricultural purposes but yet water is not necessarily provided to the property. The present Executive Order, issued on April 29, 1992, prohibits the public utilities from providing services. The Chamorro Land Trust Act (Title 21, Guam Code Annotated) was signed into law by the Governor one year later, on April 20, 1993. §75108 (c) of this Act states: **"The lessee shall occupy and commence to use or cultivate AS HIS HOME or farm within one year after the lease is made."** Bill 1161 would require the utility agencies to provide service, with the actual end hook-up being at the expense of the lessee. Without power, water and telephone, the land could never be used as a HOME.

A public hearing was held on Bill 1161, October 20, 1994, at the Community Center in the village of Mangilao. Everyone present testified in favor of immediate passage of Bill No. 1161.

II. SUMMARY OF TESTIMONY.

TESTIFYING: Representatives from the Chamorro Land Trust Commission, Ben Mesa, citizen, representative from GPA, representative from Department of Agriculture.

All testimony presented was oral and was in favor of enactment of Bill 1161. The only negative testimony was from GPA who was opposed because of the additional unfunded costs of extending to the leased property. GPA states that installation of a pole would cost about \$3,000 each.

Lessees stated that in many cases, neighbors are sharing the same power source by means of extension cords. The safety of this method is strongly questioned. The Commission representative said that they would be looking into this situation shortly.

III FINDINGS

The Committee finds that it is appropriate to pass Bill 1161, if for no other reason than to make the intentions of the Chamorro Land Trust Act a reality. Enactment will ensure that unauthorized extensions of power and water will no longer be needed and the safety of the lessees and their families can be assured.

IV RECOMMENDATION

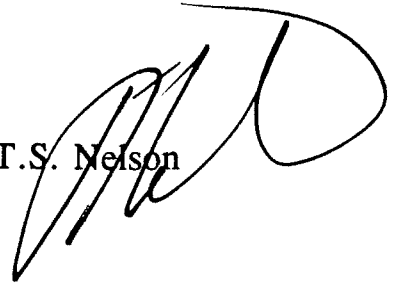
The Committee on General Governmental Operations and Micronesian Affairs hereby reports out Bill 1161 to the Twenty-Second Guam Legislature with the recommendation **TO DO AMEND AND TO DO PASS AS AMENDED.**

TWENTY-SECOND GUAM LEGISLATURE
1994 (Second) Regular Session

Bill No. 1161
(As substituted by
Comm GGO&MA)

Introduced by:

T.S. Nelson



AN ACT TO AMEND SUBSECTION (d) OF §75108
OF TITLE 21, GUAM CODE ANNOTATED TO
AUTHORIZE THE DIRECTOR OF THE CHAMORRO
LAND TRUST COMMISSION TO APPROVE
REQUESTS FOR WATER, POWER, AND
TELEPHONE CONNECTIONS TO LAND UNDER
THE CONTROL OF THE COMMISSION

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

3 **Section 1. Legislative intent.** On April 29, 1992, the Governor of
4 Guam issued a memorandum informing various government agencies and
5 departments to cease and desist from issuing utility hook-up approvals to
6 holders of land use permits. However, on April 20, 1993, amendments to
7 the Chamorro Land Trust Act (the Act) were signed into law. Subsection
8 §75108 (c) of the Act states: "**The lessee shall occupy and commence to**

1 use or cultivate the tract as his home or farm within one year after the
2 lease is made." As the successor to the Department of Land Management
3 and the sole agency now responsible for issuing leases of government land,
4 the Chamorro Land Trust Commission is responsible to uphold the law and
5 to ensure that the lessees are not discriminated against because they do not
6 outright own their land. They are entitled to power for their homes, water
7 for their personal needs and for agriculture, and telephones for their safety
8 and convenience. For the Chamorro Land Trust Commission to deprive
9 these individuals of these necessities would be a miscarriage of justice.

10 **Section 2.** Amendment of subsection (d) of §75108, Title 21, Guam Code
11 Annotated is amended to read as follows:

12 "(d) The lessee shall thereafter, for at least such part of each year as
13 the Commission shall by regulation prescribe, so occupy and use or
14 cultivate the tract on his own behalf. The Administrative Director of
15 the Commission shall approve all requests for the extension of power,
16 water, or telephone services to the lessee's tract, by the lessee and
17 those farmers and families who have legitimate land use permits and
18 who are qualified under the Chamorro Land Trust Act, . . . Water
19 shall be metered further for private and agricultural use. Approval by

1 the Commission does not waive any requirement or restriction for
2 installation and the lessee shall be responsible for the actual
3 connection fee."



GOVERNMENT OF GUAM
AGANA GUAM 96910

URGENT

MEMORANDUM

APR 23 1992

TO: General Manager GPA
Director of Land Management/
Director of Public Works
Director of Agriculture

FROM: The Governor

RE: Agricultural Land Use Permits



I know we are all aware of the rules and regulations concerning Agricultural Land Use Permits, referred to in Chamoru as "arrendo".

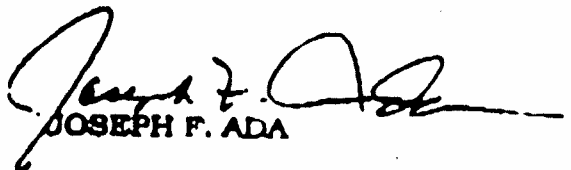
We are aware for example that the law has prohibitions against use of these properties for residential purposes. A twelve by twelve structure, for use as a tool shed or temporary shelter from the sun, or similar use, is permitted. Permanent residential or commercial structures are not.

Nonetheless, we are aware of certain circumstances in which building permits have been approved and utilities installed on houses and buildings possibly used for commercial purposes.

The solution to this problem is simple communication. Let us start talking to each other about this more frequently. If any of your employees processing a permit or an application for service should have any suspicion about whether or not the applicant in question actually owns the property upon which they are attempting to build, questions should be asked of the appropriate government entity able to provide the information.

We all know what the law requires here and I insist that we go the extra mile in insuring that the law is followed in all these cases. It may require the Planning Division, for example, to check carefully with their fellow colleagues in the Department of Land Management to be sure they are not approving plans for a structure illegally being placed on government land, but I feel that this is the least that we can expect.

Let's all work together and avoid any potential mistakes.


JOSEPH F. ADA





DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANI')

GOVERNMENT OF GUAM
P.O. BOX 2950
AGANA, GUAM 96910

TEL: (671) 475-LAND/FAX: (671) 477-0883



JOSEPH F. ADA
Governor

F. L.G. CASTRO
Director

FRANK P. BLAS
Lieutenant Governor

JOAQUIN A. ACEVEDO
Deputy Director

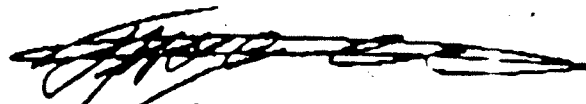
May 5, 1992

Memorandum

To: All Division Heads and Staff of Land Management
From: Director of Land Management
Subject: Building permit, Power and Telephone Hook-up Applications and other matters of concerned

It is the policy of this Department that effective immediately, no application for any of the subject mentioned matter to any of the Agricultural Land Use Permit Sites shall be cleared by this Department. However, it must be clear to all that this policy shall not apply to any RESIDENTIAL LAND USE PERMITS.

It is also the policy of this Department that only planners on Counter Duty shall clear and stamp plans, permits, license and other matters which requires the Department's action and no other Planners not assigned to counter duty is authorized to act on such matters. Official stamp of the Department shall only be released to Planners on counter duty.


F. L.G. CASTRO

cc: The Governor
Director of Public Works
Director of Agriculture
General Manager, Guam Power Authority
General Manager, Guam Telephone Authority



NOV 29 '94

TWENTY-SECOND GUAM LEGISLATURE
1994 (Second) Regular Session

Bill No. 1161(LS)

Introduced by:

T.S. Nelson



AN ACT TO AMEND 21 GCA §75108 (d) TO
AUTHORIZE THE DIRECTOR OF THE
CHAMORRO LAND TRUST COMMISSION TO
APPROVE REQUESTS FOR WATER, POWER
AND TELEPHONE CONNECTIONS TO LAND
UNDER THE CONTROL OF THE COMMISSION

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

3 **Section 1. Legislative intent.** On April 29, 1992, the Governor of
4 Guam issued a memorandum informing various government agencies and
5 departments to cease and desist from issuing utility hook-up approvals
6 to holders of land use permits. However, on April 20, 1993, the
7 Chamorro Land Trust Act was signed into law. 21 GCA §75108 (c) of
8 this Act states: **"The lessee shall occupy and commence to use or**
9 **cultivate the tract as his home or farm within one year after the lease**

1 is made." As the successor to the Department of Land Management
2 and the sole agency now responsible for issuing leases to government
3 land, the Chamorro Land Trust Commission is responsible to uphold the
4 law and to ensure that the lessees are not discriminated against because
5 they do not outright own their land. They are entitled to power for their
6 home, water for their personal needs and for agriculture, and telephones
7 for their safety and convenience. For the Chamorro Land Trust
8 Commission to deprive these individuals of these necessities would be a
9 total miscarriage of justice.

10 **Section 2. Amendment of 21 GCA §75108 (d).** 21 GCA §75108 (d) of
11 the Chamorro Land Trust Act of 1993 is amended to read as follows:

12 "(d) The lessee shall thereafter, for at least such part of each year
13 as the Commission shall by regulation prescribe, so occupy and use
14 or cultivate the tract on his own behalf. **The Director of the**
15 **Commission shall approve all requests for power, water and/or**
16 **telephone extensions for the lessee. The water extension shall**
17 **consist of a meter for private use and one for agricultural use.** "