



Territory of Guam  
Territorio Guam

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

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 9/28/93  
TIME: 2:00  
RECD BY: *[Signature]*

SEP 28 1993

LEGISLATIVE SECRETARY  
*[Signature]*

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. 71 which I have signed into law this date as  
Public Law 22-40.

Sincerely yours,

*[Signature of Joseph F. Ada]*  
JOSEPH F. ADA  
Governor of Guam

220373

Attachment

NOTATION:

COMPILER'S NOTE: Section 26021, Title XXVII, Government Code has been changed to §77125, Title 21, GCA; amended by the Compiler in order to reflect the correct citation.

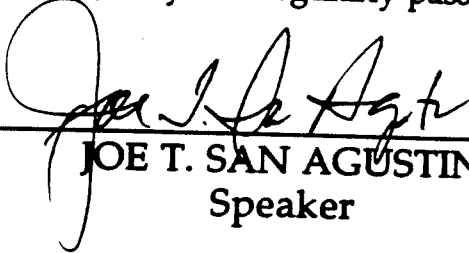


Commonwealth Now!

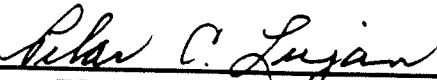
TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

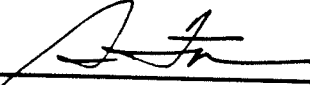
This is to certify that Substitute Bill No. 71 (LS), "AN ACT TO ADD §26021 TO TITLE XXVII, GOVERNMENT CODE, TO AUTHORIZE THE DEPARTMENT OF LAND MANAGEMENT, THE DEDEDO MUNICIPAL PLANNING COUNCIL, AND THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO NEGOTIATED ANNUAL LEASES WITH BUSINESSES AND INDIVIDUALS IN THE BUFFER ZONE OF DEDEDO WITH THE PROCEEDS EARMARKED FOR THE DEDEDO AND YIGO MUNICIPAL PLANNING COUNCILS FOR SPORTS AND RECREATIONAL FACILITIES," was on the 15th day of September, 1993, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

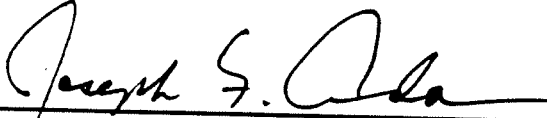
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 17<sup>th</sup> day of September  
1993, at 10:16 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: September 28, 1993

Public Law No. 22-40

**TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session**

**Bill No. 71 (LS)**

As amended by the Committee on  
General Governmental Operations  
and Micronesian Affairs, as  
substituted by the Author, and as  
further substituted by the Committee  
on Rules

**Introduced by:**

T. S. Nelson  
H. D. Dierking  
J. T. San Agustin  
T. C. Ada  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
C. T. C. Gutierrez  
P. C. Lujan  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
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 ADD §26021 TO TITLE XXVII, GOVERNMENT  
CODE, TO AUTHORIZE THE DEPARTMENT OF LAND  
MANAGEMENT, THE DEDEDO MUNICIPAL PLANNING  
COUNCIL, AND THE DEPARTMENT OF PARKS AND  
RECREATION TO ENTER INTO NEGOTIATED ANNUAL  
LEASES WITH BUSINESSES AND INDIVIDUALS IN THE  
BUFFER ZONE OF DEDEDO WITH THE PROCEEDS  
EARMARKED FOR THE DEDEDO AND YIGO MUNICIPAL**

**PLANNING COUNCILS FOR SPORTS AND RECREATIONAL FACILITIES.**

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

**Section 1.** §26021 is hereby added to Title XXVII, Government Code, to read:

"§26021. (a) **Leases authorized.** The Department of Land Management, in conjunction with the Dededo Municipal Planning Council and the Department of Parks and Recreation, is hereby authorized to enter into negotiated annual leases with various businesses and private individuals for the use of that land area in the village of Dededo known as the "buffer zone" between Marine Drive and the commercial business buildings, and situated between the Harmon Loop Road and Ysengsong Road, on the southern side of Marine Drive. Such zone shall be used for parking areas for businesses, for landscape beautification projects, and for a public market for the sale of locally-grown agricultural produce, locally-caught fish and seafood, and other locally-produced goods. No permanent structures shall be installed by lessees or vendors authorized to use this zone under this section. The Governor shall designate sufficient space in the zone for a public market for vendors of fish products, agricultural products, and other locally-produced goods to display their wares in temporary structures. Such vendors shall not pay any rent but shall keep the area assigned to them clear of trash and in a neat and sanitary condition and shall operate only in their reserved area during a six- (6-) hour per calendar day period designated by the Department of Land Management, with such vendors removing their temporary structures each evening. After the designation by the Governor of a specific area within the zone for a public market, the remaining portion of the zone may be leased for parking or landscape beautification projects.

1 Portions of the zone to be used for parking shall be leased at their fair market  
2 value, with first priority given to those who operate commercial businesses  
3 near or adjacent to the southern border of the zone. Portions of the zone to be  
4 used for landscape beautification projects shall be leased at nominal rents. A  
5 lessee of such a landscaping parcel shall work with the Department of Parks  
6 and Recreation and the Dededo Municipal Council in drawing up plans for  
7 such landscaping. All such leases shall contain, at a minimum, the following  
8 terms: (i) No such lease shall have a term longer than one (1) year nor shall it  
9 contain any option to renew such term; (ii) each such lease is cancellable  
10 without compensation, on thirty (30) days notice by the government of Guam  
11 in the event its premises are needed for road-widening, or for utility  
12 installation; and (iii) no such lease, or any portion of the premises covered  
13 thereby, shall be sold, assigned, sublet or hypothecated.

14 (b) **Earmarking proceeds for Dededo and Yigo.** All proceeds  
15 from such leases shall be earmarked for the exclusive use of the  
16 Dededo and Yigo Municipal Planning Councils (two-thirds to Dededo  
17 and one-third to Yigo) for the upkeep and maintenance of sports and  
18 recreational facilities. The Department of Administration shall  
19 establish an interest-bearing bank account specifically for such  
20 Municipal Planning Councils in which shall be deposited any surplus  
21 funds generated by the leases to fund additional sports and  
22 recreational facilities for Dededo and Yigo."

**TWENTY-SECOND GUAM LEGISLATURE**  
**1993 (FIRST) Regular Session**

Date: 9/15/93

**VOTING SHEET**

Bill No. 71  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
<del>SANTOS, Francisco R.</del>				
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 20 0 0 0



# SENATOR TED S. NELSON

*Chairman*

Committee on General Governmental Operations & Micronesian Affairs

Twenty-Second Guam Legislature

297-B West O'Brien Drive, Agaña, Guam 96910

Telephones: 472-3446 ~ 8/472-3501

April 30, 1993

Honorable Joe T. San Agustin  
Speaker  
21st Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

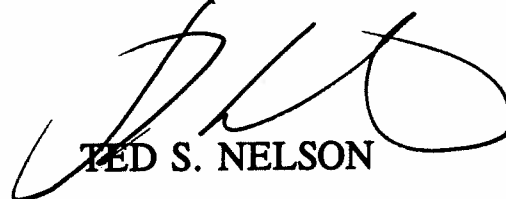
The Committee on General Governmental Operations and Micronesian Affairs, to which **Bill No. 71** (*An Act to authorize the Department of Public Works to enter into contracts with businesses and individuals for lease of Buffer Zone in the Village of Dededo, with proceeds to be used for upkeep and maintenance of sports and recreational facilities in Dededo and Yigo*) was referred back to the Committee, wishes to amend the previously submitted cover letter.

The Committee votes are as follows:

To do pass	<u>6</u>
Not to pass	<u>1</u>
To place in inactive file	—
Abstain	—

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

Sincerely,



TED S. NELSON

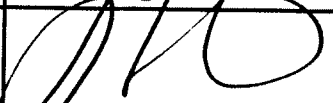

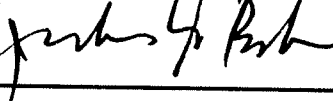
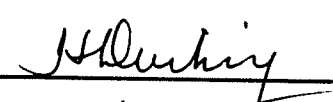
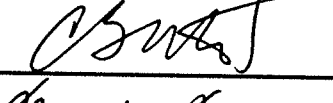


Enclosures

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS**  
Twenty-Second Guam Legislature

**VOTE SHEET ON BILL NO. 71**

*An Act to authorize the Department of Public Works to enter into contracts with businesses and individuals for lease of Buffer Zone in the Village of Dededo, with proceeds to be used for upkeep and maintenance of sports and recreational facilities in Dededo and Yigo.*

**RECOMMENDATION TO DO PASS AS AMENDED**

Committee Members	Signature	To Do Pass	Not to Pass	Abstain	To Place in Inactive File
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 Thomas V.C. Tanaka Member					





# SENATOR TED S. NELSON

*Chairman*

Committee on General Governmental Operations & Micronesian Affairs

Twenty-Second Guam Legislature

297-B West O'Brien Drive, Agaña, Guam 96910

Telephones: 472-3446 ~ 8/472-3501

April 6, 1993

Honorable Joe T. San Agustin  
Speaker  
21st Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Mr. Speaker:

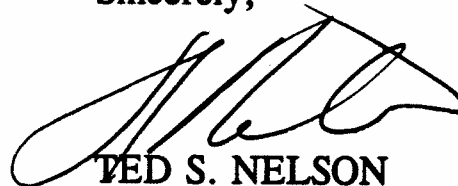
The Committee on General Governmental Operations and Micronesian Affairs, to which was referred **Bill No. 71** (*An Act to authorize the Department of Public Works to enter into contracts with businesses and individuals for lease of Buffer Zone in the Village of Dededo, with proceeds to be used for upkeep and maintenance of sports and recreational facilities in Dededo and Yigo*) has had the same consideration and now wishes to report back the same with the recommendation to **do pass as amended**.

The Committee votes are as follows:

To do pass	<u>4</u>
Not to pass	<u>1</u>
To place in inactive file	<u>0</u>
Abstain	<u>1</u>

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

Sincerely,



TED S. NELSON



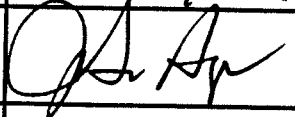
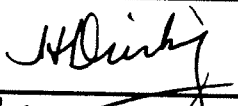
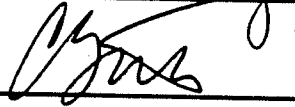
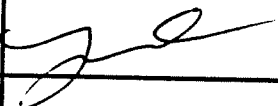
Enclosures

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS**  
Twenty-Second Guam Legislature

**VOTE SHEET ON BILL NO. 71**

*An Act to authorize the Department of Public Works to enter into contracts with businesses and individuals for lease of Buffer Zone in the Village of Dededo, with proceeds to be used for upkeep and maintenance of sports and recreational facilities in Dededo and Yigo.*

**RECOMMENDATION TO DO PASS AS AMENDED**

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

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS**  
Twenty-Second Guam Legislature

**COMMITTEE REPORT**

**ON**

**BILL NO. 71**

*An Act to authorize the Department of Public Works to enter into contracts with businesses and individuals for lease of Buffer Zone in the Village of Dededo, with proceeds to be used for upkeep and maintenance of sports and recreational facilities in Dededo and Yigo.*

**COMMITTEE MEMBERS:**

Chairman: Ted S. Nelson

Vice-Chairman: Edward D. Reyes

Ex-Officio Member: Speaker Joe T. San Agustin

Herminia D. Dierking  
Carl T.C. Gutierrez  
Vicente C. Pangelinan

J. George Bamba  
Anthony C. Blaz  
Thomas V.C. Tanaka

PROFILE ON  
BILL NO. 71

**Official Title:** AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO CONTRACTS WITH BUSINESSES AND INDIVIDUALS FOR LEASE OF BUFFER ZONE IN THE VILLAGE OF DEDEDO, WITH PROCEEDS TO BE USED FOR UPKEEP AND MAINTENANCE OF SPORTS AND RECREATIONAL FACILITIES IN DEDEDO AND YIGO

**Date Introduced:** January 4, 1993

**Main Sponsor(s):** T.S. Nelson

**Referral:** Committee on General Governmental Operations and Micronesian Affairs on January 15, 1993.

**Committee Public Hearing:** 6:30 p.m. Tuesday, March 2, 1993 at the Dededo Community Center, Municipality of Dededo.

**Recommendation:** To do pass as amended.

**COMMITTEE FINDINGS**

The Committee finds that, there is a need to address the buffer zone area in the village of Dededo by:

1. Beautifying the buffer zones by implementing a landscaping program.
2. Providing an area for vendors to sell their products.

The Department of Land Management in conjunction with the Dededo Municipal Planning Council and the Department of Parks and Recreation are to work hand-in-hand in the implementation of this program.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
AND MICRONESIAN AFFAIRS**

**Public Hearing:** 6:30 p.m. Tuesday, March 2, 1993  
Dededo Community Center

**Committee Members Present:** Senator T.S. Nelson, Chairman  
Senator E.D. Reyes, Vice Chairman  
Senator V.C. Pangelinan, member  
Senator D.F. Brooks

**AGENDA:**

**Bill No. 71: AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO CONTRACTS WITH BUSINESSES AND INDIVIDUALS FOR LEASE OF BUFFER ZONE IN VILLAGE OF DEDEDO, WITH PROCEEDS TO BE USED FOR UPKEEP AND MAINTENANCE OF SPORTS AND RECREATIONAL FACILITIES IN DEDEDO AND YIGO**

The Chairman called the hearing to order at 6:34 p.m., and made welcoming remarks to the members of the general public as well as the government officials. Prior to hearing the testimonies of the witnesses, the Chairman called on Mayor Jose A. Rivera to make his opening remarks. Briefly, Mayor Rivera thanked the Chairman and the members of the committee for giving the opportunity to the residents of Dededo to share their concerns regarding the issue of the "Buffer Zones".

**TESTIMONIES & DISCUSSION:**

**BILL NO. 71**

**Jose A. Rivera - Mayor, Municipality of Dededo**

Mayor Rivera provided the committee with a written testimony. (Enclosed) Mayor Rivera emphasized that if the Buffer Zones consist of park areas from Harmon Loop to Gas Express, then these areas are under the jurisdiction of the Department of Land Management and are located in the Municipality of Dededo. Therefore, any authorized negotiations for contractual leases between businesses

or individuals should rest with the Department of Land Management and the Dededo Municipal Planning Council. In his prepared statement, Mayor Rivera made several amendments to Bill No. 71. The proposed amendments are as follows:

**Section 1.** The Department of Land Management, in conjunction with the Dededo Municipal Planning Council is authorized to enter into negotiated contractual annual leases with various businesses and private individuals for use of that land area in Dededo village known as the Buffer Strip Zone in which part shall be dedicated to parking areas for businesses and part to be leased for landscaping beautification spots abutting businesses along the Buffer Strip.

**Section 2.** All proceeds from these leases shall be earmarked for the exclusive use of the Dededo Municipal Planning Council with proper documentation and justification for upkeep and maintenance of village sports and recreational facilities in Dededo. Any surplus funds generated by these contracts shall be placed in an interest bearing bank account channelled through the Department of Administration for the purpose of creating additional sports and recreational facilities in Dededo with the assistance of the Department of Parks and Recreation.

Due to the rapid development of residential dwellings and the need for additional recreational facilities in the village of Dededo, Mayor Rivera emphasized the importance that the funds generated from the leases be dedicated for the exclusive use by the Dededo Municipal Planning Council.

**Frank L.G. Castro - Director, Department of Land Management**

Director Castro provided the committee with a verbal testimony. The department is in support of the intent of Bill No. 71. Director Castro informed the committee that to his understanding the initial intent of the buffer zones in Dededo is similar to the 1A buffer strip in Agana. (Basically an additional Rights of Way) Director Castro continued that it was his impression that the jurisdiction of the buffer zones was within the Rights of Way Division at the Department of Public Works. However, if it is the intent of the committee that the responsibility be transferred to the Department of Land Management, Director Castro pledged his full cooperation.

**Ben Servino - Dededo Resident**

Provided the committee with a verbal testimony. Mr. Servino's testimony was in full support of Bill No. 71. Mr. Servino asked that the committee consider the following recommendations:

1. Priority for leases to be given to the business owners who are adjacent to the buffer zone areas, and that the lease agreement be in effect for a period of five (5) years as oppose to the year to year renewal.
2. In the event that the sale of agricultural produce, fish and seafoods are authorized, a mandatory provision should be incorporated that portable toilets and trash bins be provided by the vendors through a cost sharing method.
3. Any temporary structures should be secured (taken down) at the end of the day.
4. Government of Guam agencies/departments to play an active role in the monitoring of vendors.
5. That the concern for adequate parking be address to include accessible parking for individuals with disabilities.

In conclusion, Mr. Servino asked that the committee take his recommendations into consideration.

**Francis Taitano - Rights of Way Division, DPW**

Mr. Taitano explained to the committee that as long as he has been with the Department of Public Works, the issue of the buffer zones have always been under the purview of the Department of Land Management which is generally the position of the Department of Public Works. Mr. Taitano continued that the intent of the buffer zones in the Liguán Terrace area for example, serve as a buffer or "safety zone" to separate a high densely travelled highway from a residential area.

At this time, the Chairman allowed for questions and/or comments by the members of the committee.

**Senator Brooks:** Commented that due to a lack of enforcement, buffer zones have become accessible for vendors to set-up their businesses in the Anigua area as an example. Senator Brooks further questioned DPW officials whether or not the buffer zones have been included in the Highway Master Plan as an additional Rights of Way, and what is the long term plan, if any with respect to the buffer zones.

**Francis Taitano:**

Responded that the 2010 Highway Master Plan has not reached its final stage for distribution to the Guam Legislature. In addition to that, the businesses that are now in place in the Anigua area, were there prior to the establishment of the Rights of Way Division. Mr. Taitano continued that the 2010 Highway Master Plan does not address the need for the expansion of the roadway in Anigua. Mr. Taitano agreed with the concept of a year to year lease or some short term lease.

**Senator Brooks:**

Questioned as to the proposed process, rules and regulations for land use permittees to utilize government-owned property, and how would recommendations by previous witnesses be monitored.

**Director Castro:**

Responded that the proposed bill in its present form will be sufficient to address the permitting process. Director Castro emphasize that there should be no permanent structures constructed in the buffer zone areas.

**Mayor Rivera:**

Expounded on an existing Public Law that authorized vendors to sell their products along Marine Drive in the vicinity of the Sateena Mall for seven (7) hours. Mayor Rivera continued that there is no section of the law that provides for the monitoring of these vendors. Mayor Rivera reiterated that any funds generated by this venture should remain for the youth of Dededo.

**Senator Reyes:**

Commented on the need for the vendors to be allowed to sell their products. Senator Reyes is not in agreement with the concept of leasing the buffer zones to the business sector, for the reason that 20 years from now, the population of Dededo will either double or triple and that space is very critical in the village of Dededo. Senator Reyes requested that Director Castro identify 2 or 3 acres of government-owned property to meet the need of the vendors. Once government property has been identified and funding has been provided, a "Public Market" type facility would be constructed as oppose to a "Flea Market" environment.



**Mayor Rivera:** Stated that he is not against the vendors, however, with respect to the vendors located by the intersection to Harmon Loop, there are no toilet facilities for the vendors or their customers which in turn creates a health hazard.

**Senator Pangelinan:** Commented that the buffer zones should remain as a green space.

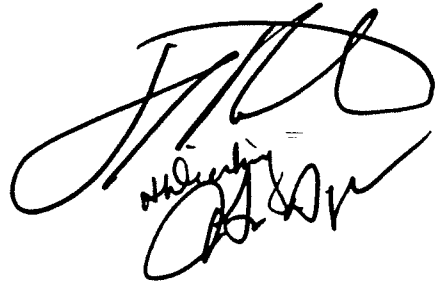
**Mayor Rivera:** Agreed that the green space should continue and that perhaps a portion of the buffer zone dedicated as parking areas while the remainder be utilized as a green space.

For the record, written testimony was submitted by the Mr. Peter P. Leon Guerrero, Director of the Bureau of Planning. (Enclosed)

This concludes the summary of the testimonies provided by government officials, representatives of the private sector and members of the general public on Bill No. 71.

**TWENTY-SECOND GUAM LEGISLATURE**  
**1993 (FIRST) Regular Session**

Bill No. 71  
As amended by the Committee on  
General Governmental Operations  
and Micronesian Affairs



**AN ACT TO AUTHORIZE THE DEPARTMENT OF LAND  
MANAGEMENT, IN CONJUNCTION WITH THE DEDEDO  
MUNICIPAL PLANNING COUNCIL AND THE DEPARTMENT OF  
PARKS AND RECREATION, TO ENTER INTO CONTRACTS WITH  
BUSINESSES AND INDIVIDUALS FOR THE LEASE OF THE B U F F E R  
ZONE IN THE VILLAGE OF DEDEDO**

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

2           Section 1. The Department of Land Management, in conjunction with the  
3 Dededo Municipal Planning Council and the Department of Parks and Recreation  
4 is hereby authorized to enter into negotiated contractual annual leases with  
5 various businesses and private individuals for the use of that land area in the  
6 village of Dededo known as the "buffer zone" between Marine Drive and the  
7 commercial business buildings. No temporary nor permanent construction is to  
8 be erected in this zone which shall be dedicated to parking areas for businesses,  
9 landscape beautification projects and for a public market for the sale of locally  
10 grown agricultural produce and locally caught fish and seafood.

11           Section 2. All proceeds from these leases shall be earmarked for the  
12 exclusive use of the Dededo Municipal Planning Council for the upkeep and  
13 maintenance of sports and recreational facilities. Any surplus funds generated by  
14 these contacts shall be placed in an interest bearing bank account for the purpose  
15 of creating additional sports and recreational facilities in the village of Dededo.  
16 The Department of Administration shall establish an account specifically for the  
17 village of Dededo.

## ANALYSIS: BILL NO. 71 DEDEDO BUFFER ZONE

As in the case of the previous version of Bill No. 71 sponsored by Senator Nelson, much of the language in the current version of Bill No. 71 is confusing and contradictory. This is partly because some of the same language from the previous Nelson bill is carried forward into this current version and thus contains many of the same confusions and contradictions. There are essentially three points regarding the new bill which should be noted.

### 1) Lines 11-14

**"No temporary or permanent facilities may be erected in such zone which shall be used for parking areas for businesses, for landscape beautification projects, and for a public market for the sale of locally grown agricultural produce and locally caught fish and seafood."**

This language is similar to the previous version of the Nelson Bill. It is confusing. One way of reading this sentence, is that it prohibits the erection of facilities for parking, landscaping, and a public market. All other types of facilities would be allowed.

It would appear though that the intent is to **restrict** the use of this zone to only parking, landscaping, and a public market. Assuming this though, the language also prohibits the erection of temporary and permanent facilities. Well, what type of facilities are there besides temporary or permanent? The current statute only prohibits the erection of a "permanent structure." If the idea is to prohibit all facilities, both temporary and permanent, how can you use the zone for parking, landscaping or a public market? **A vendor in the public market will not be able to erect even a tent under this language.** At the very least, this entire provision should be rewritten to clarify this point.

If the intent is to restrict construction for parking, landscaping, and public market use, then **non-agricultural vendors**, such as clothing vendors, would be **prohibited**. This is a substantial change from the current law (P.L. 20-215).

2) Line 14, Page1-Line1, Page 2

**"Such zone shall be divided into two (2) parcels, with the southern twenty feet (20') of the zone to be used for parking only and to be leased at its fair market values, with first priority given to those who operate commercial businesses south of the zone. The remaining portion of the zone shall be used only for landscape beautification projects and to be leased at nominal rents."**

Having divided the zone into two parts, one for parking and one for landscaping, where exactly are we to put the public market? The net effect of this language is to kick out all vendors including farmers.

3) Absence of operation hours provision.

Unlike the previous version of the Nelson bill and the current statute (P.L. 20-215), there is no proviso for hours of operation for vendors. Then again, as noted in item 2), there is no opportunity for vendors to use the zone anyway.

Indeed, the entire wording of the bill could lead to accusations that it's sole intent is to kick out the small vendors so that the larger businesses along Marine Drive can use this strip to support their businesses with more parking and landscaping.

P.L. NO. 20-215

cultural preservation. This conflict was recently demonstrated in the denial by the Department of Parks and Recreation of a vendor permit for a carabao cart service. It is the Legislature's finding that such a service would enhance our local parks and is exactly the kind of attraction which should be promoted in support of Guam's tourist industry. For this reason, the Legislature finds that the regulations issued by the Department of Parks and Recreation in this area are not in the best interests of the community and require corrective action. Accordingly, a new 26013.6 is added to the Government Code to read:

"26013.6. Other Permits. Notwithstanding any other provision of law and in addition to those vendor permits currently allowed, the Department of Parks and Recreation is authorized to issue up to five (5) park vendor permits per park for vendors of those goods, products and services certified by the Guam Council on the Arts and Humanities to be an enhancement of local culture and of the goal of cultural preservation. Fees for the park vendors authorized in this section shall be the same as for other park vendors."

Section 10. Legislative Findings. The Legislature finds that the Dededo Buffer Strip, belonging to the government of Guam, is currently being used by local farmers and vendors for sale, on a small scale, of agricultural produce and other goods. The Legislature further finds that this use has been allowed to continue on an informal basis for a considerable length of time, and that it is in the public interest that these farmers and vendors be allowed to continue this activity on the Dededo Buffer Strip without charge. Accordingly, the Governor of Guam is hereby authorized to allow vendors to use, for periods not to exceed six (6) hours per calendar day, the Dededo Buffer Strip, free of charge, for the sale of agricultural produce and other goods. No permanent structure shall be installed by the vendors authorized to use the Buffer Strip under this section.

Section 11. Twenty-Six Thousand Five Hundred Dollars (\$26,500) are hereby appropriated from the General Fund to the Department of Corrections to pay its outstanding obligations for petroleum products.

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PUBLIC LAW NO. 20-216

Bill No. 1525 (COR)

Date Became Law: Aug. 22, 1990

Governor's Action: Approved

Introduced by:

J.T. San Agustin

J.P. Aguon

H.D. Dierking

C.T.C. Gutierrez

T.S. Nelson

F.J.A. Quitugua

D. Parkinson

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

**Bill No. 71 (LS)**

As amended by the Committee on  
General Governmental Operations  
and Micronesian Affairs, as  
substituted by the Author, and as  
further substituted by the Committee  
on Rules

**Introduced by:**

T. S. Nelson  
H. D. Dierking  
J. T. San Agustin  
T. C. Ada  
J. P. Aguon  
E. P. Arriola  
M. Z. Bordallo  
C. T. C. Gutierrez  
P. C. Lujan  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
F. R. 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 ADD §26021 TO TITLE XXVII, GOVERNMENT  
CODE, TO AUTHORIZE THE DEPARTMENT OF LAND  
MANAGEMENT, THE DEDEDO MUNICIPAL PLANNING  
COUNCIL, AND THE DEPARTMENT OF PARKS AND  
RECREATION TO ENTER INTO NEGOTIATED ANNUAL  
LEASES WITH BUSINESSES AND INDIVIDUALS IN THE  
BUFFER ZONE OF DEDEDO WITH THE PROCEEDS  
EARMARKED FOR THE DEDEDO AND YIGO MUNICIPAL

PLANNING COUNCILS FOR SPORTS AND RECREATIONAL FACILITIES, TO REPEAL SUBSECTIONS (d) (e) AND (f) OF SECTION 26 OF CHAPTER 3, MISCELLANEOUS APPROPRIATIONS OF THE GENERAL APPROPRIATIONS ACT OF 1993, AND TO ADD A NEW SUBSECTION (d) TO SAID SECTION 26 TO FUND THE PIGUA SUBDIVISION PROJECT; AND TO REAPPROPRIATE FIVE HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED TWENTY-NINE DOLLARS FROM THE APPROPRIATION MADE IN SECTION 33 OF PUBLIC LAW 20-220 (NORTHERN AND SOUTHERN HIGH SCHOOLS) TO THE PUBLIC UTILITY AGENCY OF GUAM TO EXTEND WATER LINES TO PRIVATE RESIDENCES.

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

2           **Section 1.** §26021 is hereby added to Title XXVII, Government Code, to  
3 read:

4           "§26021. (a) **Leases authorized.** The Department of Land  
5 Management, in conjunction with the Dededo Municipal Planning Council  
6 and the Department of Parks and Recreation, is hereby authorized to enter  
7 into negotiated annual leases with various businesses and private individuals  
8 for the use of that land area in the village of Dededo known as the "buffer  
9 zone" between Marine Drive and the commercial business buildings, and  
10 situated between the Harmon Loop Road and Ysengsong Road, on the  
11 southern side of Marine Drive. No temporary or permanent facilities may be  
12 erected in such zone which shall be used for parking areas for businesses, for  
13 landscape beautification projects, and for a public market for the sale of  
14 locally grown agricultural produce and locally caught fish and seafood. Such  
15 zone shall be divided into two (2) parcels, with the southern twenty feet (20')  
16 of the zone to be used for parking only and to be leased at its fair market  
17 values, with first priority given to those who operate commercial businesses  
18 south of the zone. The remaining portion of the zone shall be used only for

1 landscape beautification projects and to be leased at nominal rents. A lessee  
2 of such a landscaping parcel shall work with the Department of Parks and  
3 Recreation and the Dededo Municipal Council in drawing up plans for such  
4 landscaping. All such leases shall contain, at a minimum, the following terms:  
5 (i) No such lease shall have a term longer than one (1) year nor shall it contain  
6 any option to renew such term; (ii) each such lease is cancellable without  
7 compensation, on thirty (30) days notice by the government of Guam in the  
8 event its premises are needed for road-widening, or for utility installation;  
9 and (iii) no such lease, or any portion of the premises covered thereby, shall be  
10 sold, assigned, sublet or hypothecated.

11 (b) **Earmarking proceeds for Dededo and Yigo.** All proceeds from such  
12 leases shall be earmarked for the exclusive use of the Dededo and Yigo  
13 Municipal Planning Councils (two-thirds to Dededo and one-third to Yigo)  
14 for the upkeep and maintenance of sports and recreational facilities. The  
15 Department of Administration shall establish an interest-bearing bank  
16 account specifically for such Municipal Planning Councils in which shall be  
17 deposited any surplus funds generated by the leases to fund additional sports  
18 and recreational facilities for Dededo and Yigo.

19 **Section 2.** Subsections (d), (e) and (f) of Section 26 of Chapter 3,  
20 Miscellaneous Appropriations, of the General Appropriations Act of 1993 as  
21 amended, are hereby repealed and a new subsection (d) is hereby added to  
22 Section 26 to read as follows:

23 "(d) Two Million, Three Hundred Two Thousand Eight  
24 Hundred Dollars (\$2,302,800) to the Department of Public Works  
25 ("DPW") for the Pigua Subdivision expansion project on Lot Nos. 440-  
26 1 and 505-10, Merizo (the "Project"). Such funding shall be available  
27 until October 1, 1995. Any balance of the appropriation shall be



1 divided between the Public Utility Agency of Guam to install water  
2 and sewer facilities at the Project and the Guam Power Authority to  
3 install electric power facilities at the Project."

4 **Section 3. Appropriation to the Public Utility Agency of Guam. Five**  
5 **Hundred Forty-Four Thousand Nine Hundred Twenty-Nine Dollars**  
6 **(\$544,929) are hereby appropriated from Section 33 of Public Law 20-220**  
7 **(Northern/Southern High School Project) to a fund to be entitled the "Water**  
8 **Connection Revolving Fund" to be administered by the Public Utility Agency**  
9 **of Guam and to be used to extend water lines to all private residential and**  
10 **agricultural users on Guam that do not have potable water service.**

JAN 04 93

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 71 (LS)

Introduced by:

T. S. Nelson

AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC WORKS TO ENTER INTO CONTRACTS WITH BUSINESSES AND INDIVIDUALS FOR LEASE OF BUFFER ZONE IN VILLAGE OF DEDEDO, WITH PROCEEDS TO BE USED FOR UPKEEP AND MAINTENANCE OF SPORTS AND RECREATIONAL FACILITIES IN DEDEDO AND YIGO

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

2 Section 1. The Department of Public Works, in conjunction with the Mayors of the  
3 villages of Dededo and Yigo, is authorized to enter into negotiated contractual annual leases  
4 with various businesses and private individuals for the use of that land area in those villages  
5 known as the "buffer zones" between Marine Drive and the commercial business buildings.  
6 No permanent construction is to be erected in this zone which shall be dedicated to parking  
7 areas for businesses and for a public market for the sale of locally grown vegetables and  
8 locally caught fish and seafood.

9 Section 2. All proceeds from these leases shall be earmarked for the exclusive use  
10 of the Mayors of Dededo and Yigo for the upkeep and maintenance of village sports and  
11 recreational facilities. Any surplus funds generated by these contracts shall be placed in an  
12 interest bearing bank account for the purpose of creating additional sports and recreational  
13 facilities in those villages.