



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 19 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 274 (COR), "AN ACT TO AMEND CHAPTER 78 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO REDEFINING AND CLARIFYING THE GOVERNMENT OF GUAM'S ROLE IN THE REUSE PLANNING AND REDEVELOPMENT OF FORMER MILITARY BASES" which I have signed into law as **Public Law No. 25-167**.

This legislation includes the Legislature, i Liheslatura, in the planning and reuse of former military base land as it is returned to Guam. The Local Redevelopment Agency, which was as the Guam Economic Development Authority by Public Law No. 23-51 in 1995, will work with the Legislative Branch in these endeavors.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

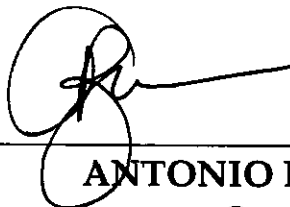
01125

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1:37 p.m.</u>
Date	<u>19 Oct 2000</u>

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

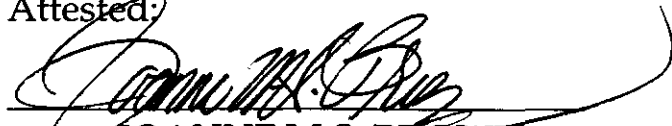
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 274 (COR) "AN ACT TO AMEND CHAPTER 78 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO REDEFINING AND CLARIFYING THE GOVERNMENT OF GUAM'S ROLE IN THE REUSE PLANNING AND REDEVELOPMENT OF FORMER MILITARY BASES," was on the 5th day of October 2000, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 9 day of October, 2000,
at 6:30 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 10.19.00

Public Law No. 25-167

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999(FIRST) Regular Session

Bill No. 274 (COR)

As substituted by the Author on the Floor
and amended.

Introduced by:

C. A. Leon Guerrero
A. C. Lamorena, V
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
L. F. Kasperbauer
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO AMEND CHAPTER 78 OF TITLE 12 OF
THE GUAM CODE ANNOTATED, RELATIVE TO
REDEFINING AND CLARIFYING THE
GOVERNMENT OF GUAM'S ROLE IN THE REUSE
PLANNING AND REDEVELOPMENT OF FORMER
MILITARY BASES.**

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

2 **Section 1.** Section 78101 of Chapter 78, Division 2 of Title 12 of the
3 Guam Code Annotated is hereby *amended* to read as follows:

1 **"Section 78101. Legislative Findings and Intent. I Liheslaturan**
2 *Guåhan* hereby finds and declares:

3 (a) that there is a need to enhance economic activity on
4 Guam by attracting financial, transshipment, telecommunications,
5 manufacturing, assembly, industrial, aviation and other activities
6 conducive to economic development and promotion in order to
7 provide a stronger, more balanced and stable economy, and that in
8 order to ensure greater accountability, and to maintain the checks
9 and balances system that is fundamental to our government, there
10 is a need for legislative oversight and approval of certain critical
11 decisions regarding the military and Federal property being
12 returned;

13 (b) that the economic well-being of the people of Guam
14 and the public and private business resources of Guam provides
15 unique economic opportunities for the redevelopment of the Ship
16 Repair Facility, the Fleet and Industrial Supply Center and other
17 facilities within Naval activities on Guam slated for closure;

18 (c) that public and private partnership is essential for
19 successful redevelopment of these military bases, and thus the
20 need to create a business-management type entity with board
21 members, management and staff experience in financing and
22 property management, and in attracting new business prospects;

23 (d) that an interim reuse and broad-based planning
24 committee is needed, and as such will differ markedly from the
25 establishment of a permanent base reuse organization whose focus

1 must be on developing and managing the 'Real Estate,' attract
2 private sector industrial clients, work with Federal agencies to
3 accelerate the environmental clean-up and permitting process,
4 maintain the roadways and common property, and provide for the
5 business-like operations and financing of a major real estate
6 holding;

7 (e) that planning, re-planning, rehabilitation,
8 redevelopment and other preparation for reuse of military bases
9 and military base property are public and governmental functions
10 that cannot be accomplished through the ordinary operations of
11 private enterprise because of the provisions of Federal law that
12 provide for the expeditious and affordable transfer of military
13 base property to an entity established by local government, and
14 the necessity for requiring the proper use of the land to best serve
15 the interests of Guam and its people;

16 (f) that there is a need to provide financing mechanisms
17 and subsidies essential for successful long term redevelopment;

18 (g) that it is the intent of *I Liheslaturan Guåhan* to establish
19 a permanent and legal multi-jurisdictional collaborative structure,
20 and to authorize a redevelopment entity capable of developing,
21 implementing and managing reuse strategies, rooted in reality, but
22 focused on opportunities and providing for a consensus outreach
23 and open public planning process that guides and coordinates
24 conversion activities, and promotes economic redevelopment at
25 these military base properties; *and*

1 (h) that the best instrument, both for completing the plans
2 for the reuse of the former military facilities and properties at
3 Apra Harbor, and for implementing these reuse plans is the Guam
4 Economic Development Authority, because it is a public
5 corporation, with its own budget, independent of taxpayers'
6 funds, directed by a board of directors made up of local
7 businessmen and women, and established to assist in the
8 implementation of an integrated program for the economic
9 development of Guam. This public instrumentality is best able to
10 develop an effective reuse strategy that will achieve the objectives
11 of this Article, which are to both create and maintain employment,
12 provide economic opportunities for private businesses, facilitate
13 the continued operation and expansion of seaport facilities, and
14 generally to take maximum advantage of Federal laws and
15 regulations allowing cost-free conveyances of surplus property
16 and facilities for public benefit and economic redevelopment
17 purposes."

18 **Section 2.** Section 78102 of Chapter 78, Division 2 of Title 12 of the
19 Guam Code Annotated is hereby *amended* to read as follows:

20 "Section 78102. **General Provisions.** Upon the enactment of
21 this Article, the Guam Economic Development Authority
22 ('Corporation') is hereby constituted as the Reuse Planning Committee
23 and as the Local Redevelopment Authority to carry out *both* planning
24 for the reuse of closed military bases, which are made available as a
25 result of the BRAC '95 closures, and to act as the legal authority to

1 implement the reuse plans, and thus shall have the powers set forth
2 herein over any property it shall acquire by lease or deed, or to
3 authorize other public entities to acquire title to the military base
4 property, *subject to approval by I Liheslaturan Guåhan.*"

5 **Section 3.** Section 78106 of Chapter 78, Division 2 of Title 12 of the
6 Guam Code Annotated is hereby *amended* to read as follows:

7 **"Section 78106. Powers of the Corporation.** The
8 enumerated powers of the Corporation shall include, but *not* be limited
9 to, those powers delegated by this Article. Such powers shall include
10 the power to:

11 (a) investigate, study and survey the area surrounding,
12 and the real property and structures that are part of a military
13 base;

14 (b) investigate, study and determine the means by which
15 military base property may be redeveloped and reused by private
16 enterprise to promote economic development, or by local
17 government, to otherwise benefit the welfare of the people of
18 Guam;

19 (c) promote the reuse of military base property in the
20 manner that best serves the interests of Guam, *subject to approval*
21 *of I Liheslaturan Guåhan;*

22 (d) cooperate with departments and agencies of the
23 government of Guam, and with other governmental entities,
24 including the Federal government, in the manner that best serves
25 the purposes of this Article;

1 (e) hold, acquire, operate, manage, lease (as lessee or
2 lessor), construct or repair, or dispose of real and personal
3 property in the name of the Corporation, *subject* to approval of *I*
4 *Liheslaturan Guåhan*;

5 (f) make and enter into contracts, including, without
6 limitation, contracts with non-profit corporations and contracts
7 with government of Guam and Federal agencies, *subject* to
8 approval of *I Liheslaturan Guåhan*;

9 (g) cooperate with the Federal government in all respects
10 concerning implementation of the final Record of Decision
11 concerning the disposal and reuse of military base property;

12 (h) make and enter into contracts with agencies or
13 departments of the Federal government for the provision of
14 caretaker services for all, or a portion of military base property
15 after closure; this power includes the power to make and enter
16 into contracts with third parties for the provision of such services
17 as deemed appropriate by the Corporation, *subject* to approval of *I*
18 *Liheslaturan Guåhan*;

19 (i) engage a full-time staff to carry out the work of the
20 Corporation; the initial staff of the Reuse Planning Committee of
21 the Corporation ('Committee') shall consist of an executive
22 director and an administrative assistant, and as more sub-
23 committees are established which need staff support, as the reuse
24 planning process involves more agencies requiring coordination,

1 redevelopment activities at the military bases, securing
2 development commitments for job creation and such purpose;

3 (n) accept contributions, grants or loans from any public
4 or private agency, individual or the Federal government, or any
5 department, instrumentality or agency thereof, for the purpose of
6 financing its activities; *and*

7 (o) take all actions necessary or appropriate to carry out
8 and implement the provisions of this Article.”

9 **Section 4.** Section 78108 of Chapter 78, Division 2 of Title 12 of the
10 Guam Code Annotated is hereby *amended* to read as follows:

11 **“Section 78108. Interim Leases.** The Corporation will enter into
12 interim leases for early transfer of all or a portion of military base
13 properties, parcels or buildings suitable for leasing which can be used
14 for redevelopment purposes, and provide job opportunities *prior to* the
15 military’s departure from a military base, which interim leases may also
16 provide income to help with the maintenance and operational cost of the
17 site, *subject to* approval of *I Liheslaturan Guåhan*. In such event any leases
18 or subleases entered into by the Corporation as lessor shall include, at a
19 minimum, substantially the following provisions:

20 (a) The sublessee shall maintain, at its own cost,
21 comprehensive general liability and property damage insurance
22 on buildings and real property in a reasonable minimum amount
23 as determined by the Corporation. A certificate of insurance
24 naming the Corporation as an additional insured evidencing such

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

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

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ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by *I Maga'lahen Guahan* this _____ day of _____, 2000,
at _____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999(FIRST) Regular Session

Bill No. 274 (COR)

As substituted by the Author on the Floor
and amended.

Introduced by:

C. A. Leon Guerrero

A. C. Lamorena, V

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7 provide a stronger, more balanced and stable economy, and that in
8 order to ensure greater accountability, and to maintain the checks
9 and balances system that is fundamental to our government, there
10 is a need for legislative oversight and approval of certain critical
11 decisions regarding the military and Federal property being
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14 and the public and private business resources of Guam provides
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16 Repair Facility, the Fleet and Industrial Supply Center and other
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19 successful redevelopment of these military bases, and thus the
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22 property management, and in attracting new business prospects;

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25 establishment of a permanent base reuse organization whose focus

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4 maintain the roadways and common property, and provide for the
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6 holding;

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19 a permanent and legal multi-jurisdictional collaborative structure,
20 and to authorize a redevelopment entity capable of developing,
21 implementing and managing reuse strategies, rooted in reality, but
22 focused on opportunities and providing for a consensus outreach
23 and open public planning process that guides and coordinates
24 conversion activities, and promotes economic redevelopment at
25 these military base properties; and

1 (h) that the best instrument, both for completing the plans
2 for the reuse of the former military facilities and properties at
3 Apra Harbor, and for implementing these reuse plans is the Guam
4 Economic Development Authority, because it is a public
5 corporation, with its own budget, independent of taxpayers'
6 funds, directed by a board of directors made up of local
7 businessmen and women, and established to assist in the
8 implementation of an integrated program for the economic
9 development of Guam. This public instrumentality is best able to
10 develop an effective reuse strategy that will achieve the objectives
11 of this Article, which are to both create and maintain employment,
12 provide economic opportunities for private businesses, facilitate
13 the continued operation and expansion of seaport facilities, and
14 generally to take maximum advantage of Federal laws and
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24 for the reuse of closed military bases, which are made available as a
25 result of the BRAC '95 closures, and to act as the legal authority to

1 implement the reuse plans, and thus shall have the powers set forth
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3 authorize other public entities to acquire title to the military base
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12 and the real property and structures that are part of a military
13 base;

14 (b) investigate, study and determine the means by which
15 military base property may be redeveloped and reused by private
16 enterprise to promote economic development, or by local
17 government, to otherwise benefit the welfare of the people of
18 Guam;

19 (c) promote the reuse of military base property in the
20 manner that best serves the interests of Guam, *subject to approval*
21 *of I Liheslaturan Guåhan;*

22 (d) cooperate with departments and agencies of the
23 government of Guam, and with other governmental entities,
24 including the Federal government, in the manner that best serves
25 the purposes of this Article;

1 (e) hold, acquire, operate, manage, lease (as lessee or
2 lessor), construct or repair, or dispose of real and personal
3 property in the name of the Corporation, *subject* to approval of *I*
4 *Liheslaturan Guåhan*;

5 (f) make and enter into contracts, including, without
6 limitation, contracts with non-profit corporations and contracts
7 with government of Guam and Federal agencies, *subject* to
8 approval of *I Liheslaturan Guåhan*;

9 (g) cooperate with the Federal government in all respects
10 concerning implementation of the final Record of Decision
11 concerning the disposal and reuse of military base property;

12 (h) make and enter into contracts with agencies or
13 departments of the Federal government for the provision of
14 caretaker services for all, or a portion of military base property
15 after closure; this power includes the power to make and enter
16 into contracts with third parties for the provision of such services
17 as deemed appropriate by the Corporation, *subject* to approval of *I*
18 *Liheslaturan Guåhan*;

19 (i) engage a full-time staff to carry out the work of the
20 Corporation; the initial staff of the Reuse Planning Committee of
21 the Corporation ('Committee') shall consist of an executive
22 director and an administrative assistant, and as more sub-
23 committees are established which need staff support, as the reuse
24 planning process involves more agencies requiring coordination,

1 and as consultants are retained to conduct the reuse planning
2 studies, the Committee may engage additional staff as necessary;

3 (j) retain qualified consultants to assist in developing
4 reuse plans; in doing so, the Committee should identify the
5 preliminary scope of work, the technical qualifications and
6 support services of the consultants which will provide the types of
7 information needed by the Committee to develop reuse plans;

8 (k) provide for the furnishing of services, privileges,
9 works, streets, roads, public utilities or educational or other
10 facilities for, or in connection with, a project; to dedicate property
11 acquired or held by it for public works, improvements, facilities,
12 utilities and other purposes; and to agree, in connection with any
13 of its contracts, to any conditions that it deems reasonable and
14 appropriate, including, but *not* limited to, conditions attached to
15 Federal financial assistance, and to include in any contract made
16 or let in connection with any project of the Corporation provisions
17 to fulfill such of said conditions as it may deem reasonable and
18 appropriate, *subject* to approval of *I Liheslaturan Guâhan*;

19 (l) fix, maintain and revise fees, rates, rents, security
20 deposits and charges for functions, services or facilities provided
21 by the Corporation;

22 (m) adopt a master economic redevelopment and reuse
23 plan which shall include a three (3) year plan, which shall be
24 updated *prior to* the expiration of each three (3) year period,
25 establishing strategies and goals for promoting and marketing

1 redevelopment activities at the military bases, securing
2 development commitments for job creation and such purpose;

3 (n) accept contributions, grants or loans from any public
4 or private agency, individual or the Federal government, or any
5 department, instrumentality or agency thereof, for the purpose of
6 financing its activities; *and*

7 (o) take all actions necessary or appropriate to carry out
8 and implement the provisions of this Article.”

9 **Section 4.** Section 78108 of Chapter 78, Division 2 of Title 12 of the
10 Guam Code Annotated is hereby *amended* to read as follows:

11 **“Section 78108. Interim Leases.** The Corporation will enter into
12 interim leases for early transfer of all or a portion of military base
13 properties, parcels or buildings suitable for leasing which can be used
14 for redevelopment purposes, and provide job opportunities *prior to* the
15 military’s departure from a military base, which interim leases may also
16 provide income to help with the maintenance and operational cost of the
17 site, *subject to approval of I Liheslaturan Guåhan.* In such event any leases
18 or subleases entered into by the Corporation as lessor shall include, at a
19 minimum, substantially the following provisions:

20 (a) The sublessee shall maintain, at its own cost,
21 comprehensive general liability and property damage insurance
22 on buildings and real property in a reasonable minimum amount
23 as determined by the Corporation. A certificate of insurance
24 naming the Corporation as an additional insured evidencing such

1 insurance shall be delivered to the Corporation
2 contemporaneously with the execution of the sublease agreement.

3 (b) The sublessee shall *not* assign or transfer its rights
4 under the sublease agreement, or sublet the leased premises
5 without first obtaining written consent from the Corporation.

6 (c) The sublessee shall use the leased premises in a
7 careful, safe and proper manner, and shall *not* use or permit the
8 premises to be used for any purpose prohibited by the laws of the
9 United States, or the laws of Guam."

10 **Section 5.** Section 78112 of Chapter 78, Division 2 of Title 12 of the
11 Guam Code Annotated is hereby *amended* to read as follows:

12 "**Section 78112. Approval of Boundaries.** The Corporation
13 shall approve proposed new boundaries at Port Authority of Guam and
14 the inner Apra Harbor, respectively, subject to approval of *I Liheslaturan*
15 *Guåhan.*"

16 **Section 6.** Section 78113 of Chapter 78, Division 2 of Title 12 of the
17 Guam Code Annotated is hereby *amended* to read as follows:

18 "**Section 78113. Marketing Plan.** The Corporation shall
19 develop a plan for marketing the site, or sites, in order to attract the
20 desired types of economic activities, using existing marketing structures,
21 including the Guam Chamber of Commerce, *subject* to approval of *I*
22 *Liheslaturan Guåhan.*"

23 **Section 7.** Section 78115 of Chapter 78, Division 2 of Title 12 of
24 the Guam Code Annotated is hereby *amended* to read as follows:

1 **"Section 78115. Implementation of Reuse Plans.** The
2 Corporation shall work with representatives of the Port Authority of
3 Guam ('PAG') to identify military base property which should be
4 acquired by PAG for the further development, improvement, operation
5 and expansion of Guam's civilian sea ports, including property needed
6 to develop sources of revenue to sustain viable industrial and seaport
7 operations and jobs, pursuant to a Public Benefit Transfer or other
8 conveyance authorized by Federal law.

9 In addition, the Corporation, as the LRA, shall implement the
10 reuse plans for properties under the Guam Land Use Plan, 1994 ('GLUP
11 '94') declared excess to military needs under BRAC '95, as it pertains
12 *only* to Naval Activities properties deemed available for immediate
13 reuse that will enhance and improve vital seaport activities and
14 facilities. All other properties under GLUP '94 declared excess Federal
15 lands that have no relation to the economic development of seaport
16 activities shall be implemented separately from the overall Reuse Plan
17 pursuant to Public Law Number 22-145, and U.S. Public Law Number
18 103-339, wherein the desires and interests of any original landowners
19 shall be considered. Notwithstanding any other provision of law, no
20 agency of the government of Guam, including autonomous agencies,
21 receiving by title or any other conveyance, land formerly owned or
22 controlled by the United States Government, either military or civilian,
23 may use, convey or dispose of said land without approval by *I*
24 *Liheslaturan Guåhan.*"

6

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

2000 (SECOND) Regular Session

Date: 10/5/00

VOTING SHEET

S Bill No. 274 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C. <u>111</u>		# ✓			
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

14 1 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



FILE

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

September 19, 2000

(DATE)

Memorandum

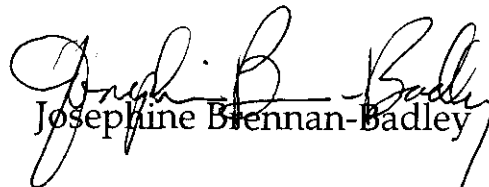
To: Senator Carlotta A. Leon Guerrero

From: Clerk of the Legislature

Subject: Report on Bill No. 274(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 274(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment

received


1999

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 274 (COR)

Introduced by:

C. A. Leon Guerrero *CLG*
A. C. Lamorena V *apl*

AN ACT TO *REPEAL AND REENACT* CHAPTER 78
OF DIVISION 2 OF TITLE 12 OF THE GUAM CODE
ANNOTATED, RELATIVE TO REDEFINING AND
CLARIFYING THE GOVERNMENT OF GUAM'S
ROLE IN THE REUSE PLANNING AND
REDEVELOPMENT OF FORMER MILITARY BASES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:
2 Section 1. Chapter 78 of Division 2 of Title 12 of the Guam Code
3 Annotated is hereby *repealed and reenacted* to read as follows:
4 "CHAPTER 78.
5 REUSE PLANNING AND REDEVELOPMENT OF
6 FORMER MILITARY BASES.
7 Section 78101. Legislative Findings and Intent.
8 Section 78102. General Provisions.
9 Section 78102.1. RPD Advisory Task Force.
10 Section 78102.2. Creation and Purpose of Reuse Planning
11 Fund.

1 Section 78103. Activities as the Reuse Planning ~~Committee~~
2 Department.

3 Section 78104. Definitions.

4 Section 78105. Delegation of Authority.

5 Section 78106. Powers of the ~~Corporation~~. Reuse Planning
6 Department.

7 Section 78107. Negation of Certain Powers.

8 Section 78108. Interim Leases.

9 Section 78109. Assets of the ~~Corporation~~. Reuse Planning
10 Department.

11 Section 78110. Funding.

12 Section 78111. Access Improvements.

13 Section 78112. Approval of Boundaries.

14 Section 78113. Marketing Plan.

15 Section 78114. Adoption of Reuse Plans.

16 Section 78115. Implementation of Reuse Plans.

17 Section 78116. Military Approval.

18
19 Section 78101. Legislative Findings and Intent. The
20 ~~Legislature~~ *Liheslaturan Guåhan* hereby finds and declares:

21 (a) That it is important to properly plan for the re-use of
22 military bases and military property released to the people of
23 Guam through the Base Realignment and Closure ("BRAC")
24 process in order to ~~That there is a need to~~ enhance economic

1 activity on Guam by ~~attracting financial, transshipment,~~
2 ~~telecommunications, manufacturing, assembly, industrial, aviation~~
3 ~~and other activities conducive to economic development and~~
4 ~~promotion in order to~~ and provide a stronger, more balanced and
5 stable economy, and that in order to ensure greater accountability,
6 and to maintain the checks and balance system that is
7 fundamental to our government there is a need for legislative
8 oversight and approval of certain critical decisions regarding the
9 property.

10 (b) That the economic well-being of the people of Guam
11 and the public and private business resources of ~~the Territory~~
12 Guam provides unique economic opportunities for the
13 redevelopment of the Ship Repair Facility, the Fleet and Industrial
14 Supply Center and other facilities within Naval activities ~~in~~ on
15 Guam slated for closure.

16 (c) That public and private partnership is essential for
17 successful redevelopment of these military bases and thus the
18 need to create a department within the government of Guam to
19 promote these ends ~~business-management type entity with board~~
20 ~~members, management and staff experience in financing and~~
21 ~~property management and in attracting new business prospects.~~

22 (d) That an interim reuse and broad-based planning
23 ~~committee~~ department is needed and as such will differ markedly
24 from the establishment of a permanent base reuse organization

1 whose focus must be on developing and managing the 'real
2 estate,' attract private sector industrial clients, work with Federal
3 agencies to accelerate the environmental clean-up and permitting
4 process, maintain the roadways and common property and
5 provide for the business-like operations and financing of a major
6 real estate holding.

7 (e) That planning, re-planning, rehabilitation,
8 redevelopment and other preparation for reuse of military bases
9 and military base property are public, and governmental functions
10 that cannot be accomplished through the ordinary operations of
11 private enterprise because of the provisions of Federal law that
12 provide for the expeditious and affordable transfer of military base
13 property to an entity established by local government, and the
14 necessity for requiring the proper use of the land to best serve the
15 interests of ~~the territory~~ Guam and its people.

16 (f) That there is a need to provide financing mechanisms
17 and subsidies essential for successful long term redevelopment.

18 (g) That it is the intent of ~~the Legislature~~ I Liheslaturan
19 Guáhan to establish a ~~permanent~~ temporary and legal ~~multi-~~
20 ~~jurisdictional~~ collaborative structure, formed within the scope of
21 legislative budgeting oversight for all monies generated and
22 expended, and to authorize a redevelopment entity capable of
23 developing, implementing and managing reuse strategies, rooted
24 in reality, but focused on opportunities and providing for a

1 its operations and activities as contained in this Chapter, and shall
2 have a limited existence to be dissolved on September 30, 2002.

3 (j) That all meetings of the RPD shall be conducted
4 pursuant to the Open Government Law, Chapter 8 of Title 5 of the
5 Guam Code Annotated, and all documents regulated pursuant to
6 the Sunshine Act, Chapter 10 of Title 5 of the Guam Code
7 Annotated, as amended.

8 (k) That on September 30, 2002 the RPD shall be
9 dissolved, unless otherwise extended by legislative action.

10 Section 78102. General Provisions. Upon the enactment of
11 this article Chapter, the ~~Guam Economic Development Authority ("the~~
12 ~~Corporation")~~ Reuse Planning Department ('RPD') is hereby created and
13 authorized ~~constituted as the Reuse Planning Committee and as the~~
14 ~~Local Redevelopment Authority~~ to carry out both planning for the reuse
15 of closed military bases which are made available as a result of the
16 BRAC '95 closures and to act as the legal authority to implement the
17 reuse plans, and thus shall have the powers set forth herein over any
18 property it shall acquire by lease or deed or to authorize other public
19 entities to acquire title to the Military Base Property. The former Guam
20 Economic Development Authority's ('GEDA's') Reuse Planning
21 Committee and Local Redevelopment Authority assets, contract rights
22 and obligations, and personnel shall be transferred to the RPD.

23 Section 78102.1. RPD Advisory Task Force. A 'RPD Advisory
24 Task Force' is hereby created consisting of nineteen (19) members to

1 provide advice to the RPD relative to its duties under this Chapter. The
2 members of the task force established herein are:

3 (1) *I Maga'lahaen Guåhan*

4 (2) *Speaker, I Liheslaturan Guåhan*

5 (3) *Chairperson, Committee on Economic Development,*
6 *or its equivalent legislative committee;*

7 (4) *Chairperson, Committee on Transportation, or its*
8 *equivalent legislative committee;*

9 (5) *One (1) representative of the Legislative Minority, to*
10 *be chosen by the Minority Members;*

11 (6) *Guam's Delegate to Congress;*

12 (7) *Chairperson, Board of Directors, Guam Chamber of*
13 *Commerce;*

14 (8) *Chairperson, Board of Directors, Port Authority of*
15 *Guam;*

16 (9) *Chairperson, Board of Directors, Guam Economic*
17 *Development Authority;*

18 (10) *Commander, Naval Forces Marianas, Advisor;*

19 (11) *eight (8) representatives of the community at large*
20 *who are not employees of either the Federal or local government,*
21 *to be selected by *I Maga'lahaen Guåhan*; and*

22 (12) *one (1) representative who is either a homeless*
23 *persons provider.*

1 Section 78102.2. Creation and Purpose of Reuse Planning
2 Fund.

3 There is hereby created the 'Reuse Planning Fund' ('Fund'). All monies
4 received under this Subsection or from whatever other source by the
5 RPD shall be deposited in the Fund for appropriation by I Liheslaturan
6 Guåhan.

7 Section 78103. Activities as the Reuse Planning ~~Committee~~
8 Department. The ~~Corporation, in its capacity as the Reuse Planning~~
9 ~~Committee ('Committee')~~ RPD shall only include, but are not limited to,
10 the following:

11 (a) creation of a three (3) year economic redevelopment or
12 reuse plan, subject to legislative review, modification and
13 approval;

14 (b) creation of an annual business plan, subject to
15 legislative review, modification and approval;

16 (c) conducting community outreach activities, which shall
17 include public education and information;

18 (d) applying for and administering grants from any source
19 for activities related to the ~~Corporation's~~ RPD's functions, subject
20 to legislative oversight and appropriation for monies received
21 from said grants;

22 (e) coordinating the environmental remediation and
23 clean-up mandated by Federal and Guam statutes;

1 (f) creation of a set of rules, organizational structure and
2 operating procedures for developing the reuse plans pursuant to
3 the Administrative Adjudication Law;

4 ~~(g) Creation of subcommittees in order to develop reuse~~
5 ~~guidance on specific issues, utilizing, as necessary, persons with~~
6 ~~relevant skills and knowledge.~~

7 ~~(h)(g)~~ conduct all meetings of the committee RPD
8 openly, pursuant to the Guam Sunshine Law the Open
9 Government Law, Chapter 8 of Title 5 of the Guam Code
10 Annotated;

11 (h) Make all its documents public pursuant to the
12 Sunshine Act, Chapter 10 of Title 5 of the Guam Code Annotated,
13 as amended; and

14 (i) expenditure of monies only by appropriation by I
15 Liheslaturan Guåhan, be the monies received from direct
16 appropriation, grants, revenues generated from properties, or
17 otherwise arising from the activities of the RPD.

18 Section 78104. Definitions. For purposes of this Article
19 Chapter:

20 (a) 'Military Base' means a DOD military Installation ~~in~~ on
21 Guam that is scheduled for closing or is to be completely or
22 partially closed, as a result of the BRAC '95 recommendations.

1 (b) *'Military Base Property'* means real and personal
2 property that is currently or was formerly part of a Military Base
3 and is subject to reuse.

4 (c) *'Local Redevelopment Authority'* ('LRA') shall also
5 mean and be equivalent to the RPD, which shall be ~~means that~~
6 ~~division of the Corporation~~ able to receive property under an
7 Economic Development Conveyance from DOD to enter into
8 interim leases or early transfers of parcels for undertaking early
9 reuses *prior* to the departure of the military from the closed base.

10 (d) *'Reuse Planning Department Committee'* (~~Committee~~
11 ~~RPD'~~) means that government of Guam department ~~division of the~~
12 ~~Corporation~~ charged with planning the reuse of military bases and
13 military base property available through the BRAC process. As
14 such, it is eligible to apply and receive planning and
15 organizational grants from the DOD Office of Economic
16 Adjustment. The RPD shall be deemed an 'Agency' for purposes
17 of the Open Government Law, Chapter 8 of Title 5 of the Guam
18 Code Annotated.

19 (e) *'PAG'* means the Port Authority of Guam.

20 (f) *'DOD'* means the U.S Department of Defense.

21 (g) *'Base Commander'* means the military or Naval officer
22 in command of the Military Base being closed in Guam pursuant
23 to the BRAC process.

1 (h) 'BRAC '95' means the U.S. Base Closure and
2 Realignment Commission's final decision announced in 1995 as it
3 affects certain Military Bases ~~in~~ on Guam.

4 (i) 'OEA Project Manager' means that person appointed
5 by the Office of Economic Adjustment of DOD who coordinates
6 and guides Guam's adjustment to the Military Base closures
7 brought about through the BRAC process.

8 (j) 'Reuse Plan' means the plan prepared by the Reuse
9 ~~Planning Committee RPD or the Local Redevelopment Authority~~
10 for the reuse or redevelopment of the Military Bases ~~in~~ on Guam
11 affected by BRAC '95.

12 ~~(k) Guam Steering Committee means that committee~~
13 ~~created by Executive Order No. 95-17, executed September 15,~~
14 ~~1995, which committee is charged with planning the reuse of~~
15 ~~Military Bases and Military Base Property available to Guam~~
16 ~~through the BRAC '95 process.~~

17 (k) 'HUD' means the U.S. Department of Housing and
18 Urban Development.

19 Section 78105. Delegation of Authority. The RPD
20 ~~Corporation~~ shall consult with ~~delegate to~~ PAG and the Guam
21 Economic Development Authority ~~and/or the Guam Steering~~
22 Committee in regards to all planning and management activities and
23 responsibilities to such Military Bases and Military Base Property as will
24 be leased and/or acquired by PAG. ~~In connection with any such~~

1 (e) lease or dispose of government real property, subject
2 to legislative review, modification and approval;

3 (f) make and enter into contracts, including, without
4 limitation, contracts with non-profit corporations and contracts
5 with government of Guam and Federal agencies;

6 (g) cooperate with the Federal government in all respects
7 concerning implementation of the final Record of Decision
8 concerning the disposal and reuse of Military Base Property;

9 (h) make and enter into contracts with agencies or
10 departments of the Federal government for the provision of
11 caretaker services for all or a portion of Military Base Property
12 after closure, subject to legislative review, modification and
13 approval (This power includes the power to make and enter into
14 contracts with third parties for the provision of such services as
15 deemed appropriate by the RPD Corporation, and subject to
16 legislative review, modification and approval);

17 (i) engage a full-time staff to carry out the work of the
18 RPD Corporation. (The initial staff of the ~~Reuse Planning~~
19 ~~Committee RPD of the Corporation~~ (“Committee”) shall consist of
20 an executive director and an administrative assistant, and as more
21 subcommittees are established which need staff support, as the
22 reuse planning process involves more agencies requiring
23 coordination, and as consultants are retained to conduct the reuse
24 planning studies, the ~~Committee~~ RPD may engage additional staff

1 as necessary. The staff for the RPD upon enactment of this Act
2 shall come from GEDA and its Reuse Planning Committee already
3 handling such reuse planning functions.);

4 (j) retain *bona fide*, qualified consultants to assist in
5 developing reuse plans (In doing so, the RPD Committee should
6 identify the preliminary scope of work, the technical qualifications
7 and support services of the consultants which will provide the
8 types of information needed by the Committee RPD to develop
9 reuse plans. The consultants shall not include law firms.);

10 (k) provide for the furnishing of services, privileges,
11 works, streets, roads, public utilities or educational or other
12 facilities for or in connection with a project; to dedicate property
13 acquired or held by it for public works, improvements, facilities,
14 utilities and purposes, subject to legislative review, modification
15 and approval; and to agree, in connection with any of its contracts,
16 to any conditions that it deems reasonable and appropriate
17 including, but not limited to, conditions attached to Federal
18 financial assistance, and to include in any contract made or let in
19 connection with any project of the ~~Corporation~~ RPD provisions to
20 fulfill such of said conditions as it may deem reasonable and
21 appropriate, so long as legislative approval is obtained for any
22 agreements encumbering government of Guam real property;

23 (l) fix, maintain, and revise fees, rates, rents, security
24 deposits, and charges for functions, services, or facilities provided

1 by the RPD Corporation, subject to legislative review,
2 modification and approval;

3 (m) adopt a master economic redevelopment and reuse
4 plan, subject to legislative review, modification and approval,
5 which shall include a three (3) year plan, which shall be updated
6 prior to the expiration of each three (3) year period, establishing
7 strategies and goals for promoting and marketing redevelopment
8 activities at the Military Bases, securing development
9 commitments for job creation and such purpose; and

10 (n) accept contributions, grants, or loans from any public
11 or private agency, individual, or the Federal government or any
12 department, instrumentality, or agency thereof, for the purpose of
13 financing its activities after appropriation by I Liheslaturan
14 Guahan.

15 Section 78107. Negation of Certain Powers. In

16 determining what implied powers the ~~Committee~~ RPD has under §2965
17 §78106, herein, it shall be clearly understood the ~~Committee~~ RPD shall
18 not have the following powers, in addition to the other restrictions
19 which may be expressly contained within this Chapter:

- 20 (a) taxation;
- 21 (b) condemnation or eminent domain;
- 22 (c) creation of general obligation debt;
- 23 (d) zoning or other governmental powers over land use.

1 (e) enforcing of building, fire code, public health or safety
2 regulations;

3 (f) control and acceptance of public rights of way;

4 (g) leasing, selling, transferring or otherwise encumbering
5 government of Guam real property without the approval of I
6 Liheslaturan Guåhan; and

7 (i) expending funds which have not been expressly
8 appropriated by I Liheslaturan Guåhan.

9 Section 78108. Interim Leases. The ~~Corporation will~~ RPD may
10 enter into interim leases or early transfer of all or a portion of Military
11 Base Properties, parcels or buildings suitable for leasing, subject to
12 legislative review, modification and approval, which can be used for
13 redevelopment purposes and provide job opportunities prior to the
14 military's departure from a Military Base, which interim leases may also
15 provide income to help with the maintenance and operational cost of
16 the site. In such event, any leases or subleases entered into by the
17 ~~Corporation~~ RPD as lessor shall include, at a minimum, substantially
18 the following provisions:

19 (a) The sublessee shall maintain, at its own cost,
20 comprehensive general liability and property damage insurance
21 on buildings and real property in a reasonable minimum amount
22 as determined by the ~~Corporation~~ RPD. A certificate of insurance
23 naming the ~~Corporation~~ RPD as an additional insured evidencing

1 such insurance shall be delivered to the ~~Corporation~~ RPD
2 contemporaneously with the execution of the sublease agreement.

3 (b) The sublessee shall *not* assign or transfer its rights
4 under the sublease agreement or sublet the leased premises
5 without first obtaining written consent from the ~~Corporation~~ RPD.

6 (c) The sublessee shall use the leased premises in a
7 careful, safe and proper manner and shall *not* use or permit the
8 premises to be used for any purpose prohibited by the laws of the
9 United States, or the laws of Guam.

10 (d) The lease or sublease shall not be executed nor
11 modified without the express authorization and consent of I
12 *Liheslaturan Guåhan*.

13 Section 78109. Assets of the ~~Corporation~~ Reuse Planning
14 Department. The ~~Corporation~~ RPD shall maintain an asset
15 inventory list for any and all real or personal property acquired by the
16 ~~Corporation~~ RPD by lease, purchase, donation or Federal conveyance.
17 This list shall designate how the asset was acquired, the date of
18 acquisition, and the date of any sale or other disposition of any asset
19 transferred by the RPD ~~Corporation~~, together with the amount of
20 consideration received or paid by the RPD ~~Corporation~~. All military
21 property book lists shall be examined by the RPD ~~Corporation~~ for items
22 marked as surplus.

23 Section 78110. Funding. The RPD ~~Corporation~~ shall obtain
24 planning funding from the DOD Office of Economic Adjustment and



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

13 SEP 2008

Speaker Antonio R. Unpingco
I Mina' Bente Singko Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 274, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 274**, "An Act to Repeal and Reenact Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, Relative to Redefining and Clarifying the Government of Guam's Role in the Reuse Planning and Redevelopment of Former Military Bases."

The voting record is as follows:

TO PASS

NOT TO PASS

ABSTAIN

TO PLACE IN INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

MARK FORBES

Attachments



MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asuntan Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayuråt*

13 SEP 2000

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report- BILL NO. 274, "An Act to Repeal and Reenact Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, Relative to Redefining and Clarifying the Government of Guam's Role in the Reuse Planning and Redevelopment of Former Military Bases."

Transmitted herewith for your information and action is the report on Bill No. 274, from the Committee on Rules, Government Reform, Reorganization and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 274
4. Public Hearing Sign-in Sheet
5. Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

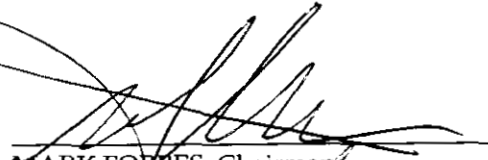
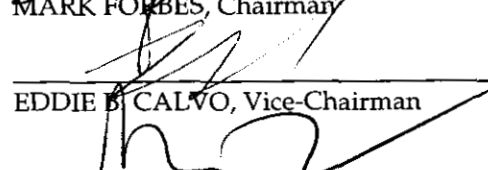
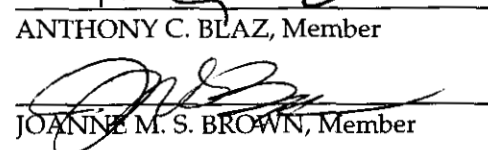
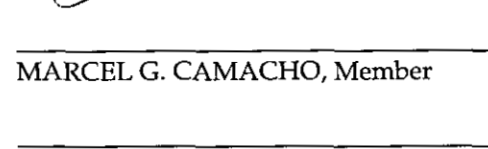
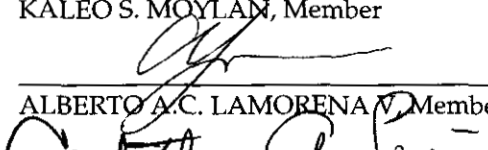
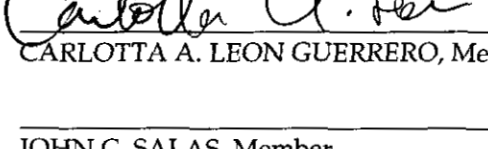
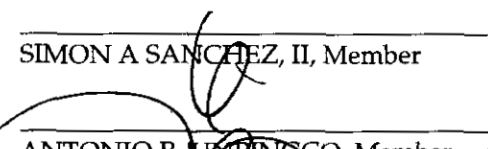
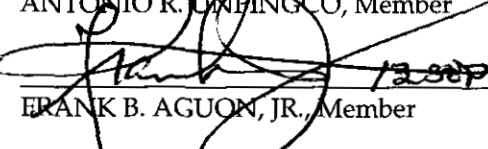
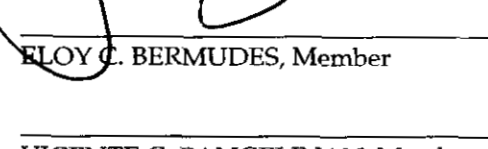

MARK FORBES

Attachments

Committee on Rules, Government Reform, Reorganization and Federal Affairs
I Mina' Bente Singko Na Liheslaturan Guåhan

Voting Record

BILL NO. 274, "An Act to Repeal and Reenact Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, Relative to Redefining and Clarifying the Government of Guam's Role in the Reuse Planning and Redevelopment of Former Military Bases."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓			
 EDDIE B. CALVO, Vice-Chairman	✓			
 ANTHONY C. BLAZ, Member				
 JOANNE M. S. BROWN, Member	✓			
MARCEL G. CAMACHO, Member				
LAWRENCE F. KASPERBAUER, Member				
KALEO S. MOYLAN, Member				
 ALBERTO A.C. LAMORENA, Member	✓			
 CARLOTTA A. LEON GUERRERO, Member	✓			
JOHN C. SALAS, Member				
 SIMON A. SANCHEZ, II, Member	✓			
 ANTONIO R. LIMFINGCO, Member				
 FRANK B. AGUON, JR., Member	✓			
ELOY C. BERMUDEZ, Member				
VICENTE C. PANGELINAN, Member				

12 SEPT 02

Marion Rios, of the Guam Landowners United, testified before the Committee **in support of** Bill 274 with recommended changes: that the future of land is better regulated in the interim by the Legislature than by the Governor, that the Limited Reuse Authority shouldn't be part of a department, that the use of land needs to be specifically states (don't use it for golf courses), and that when Guam has the deed, it needs to be returned to the original landowners. She said the Ancestral Lands Commission conflicts with BRAC, and that the committee should be staffed with more citizen representatives.

Ted Santos Taijeron, Familian Felisa, testified before the Committee **in support of** Bill 274 with changes: it should specifically name SRF and Nimitz Hill, don't just say military bases; it should decommission GEDA and give it back to the Legislature; and it should state that the desires and interests of the original landowners shouldn't be "considered" but it should go back to the original landowners.

Tony Artero, concerned citizen, testified before the Committee **in support of** Bill 274 with a correction: the returned titles should go back to those it was taken from, not to other parties, because this doesn't reconcile earlier takings.

Catherine Flores McCollum for Juan Martinez Flores, Flores Ritidian, testified before the Committee **against** Bill 274, stating that the Ancestral Lands Commission should receive all returned lands, which should go to original landowners. She said she will not stop fighting for the use of Ritidian.

Patricia Garrido, member of the public, testified before the Committee **against** Bill 274, stating that she supports the control of the fishing industry, but that there seems to be conflicting information about original landowners. She said that Res. 196 does not state the return of land to BRAC or GLUP, it states the return of land to original landowners. She said no one will outlive Nation Chamoru, and that the Legislature should kill BRAC.

Joe Pangelinan, Land Owners United, testified before the Committee **in support of** Bill 274.

Milli Garrido Sgambelluri Artero, member of the public, testified before the Committee **in support of** Bill 274.

III. RECOMMENDATION

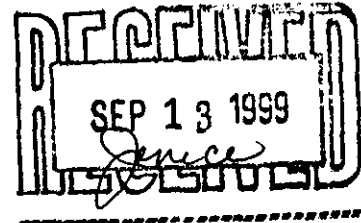
The Committee on Rules, Government Reform, Reorganization and Federal Affairs, to which Bill No. 274 was referred does hereby submit its findings and recommendations to I Mina' Bente Singko Na Liheslaturan Guahan **TO DO PASS BILL NO. 274**, "An Act to Repeal and Reenact Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, Relative to Redefining and Clarifying the Government of Guam's Role in the Reuse Planning and Redevelopment of Former Military Bases."



Madeline F. Bordallo
Lieutenant Governor

September 10, 1999

The Honorable Mark Forbes
Chairman, Committee on Rules, Government Reform,
Reorganization & Federal Affairs
Mina'Bente Singko Na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam



Hafa Adai Senator Forbes:

On behalf of the BRAC GovGuam Steering Committee, I am pleased to provide comments to your committee relative to Bill 274 - "AN ACT TO REPEAL AND REENACT CHAPTER 78 OF DIVISION 2 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO REDEFINING AND CLARIFYING THE GOVERNMENT OF GUAM'S ROLE IN THE REUSE PLANNING AND REDEVELOPMENT OF FORMER MILITARY BASES." I wish to thank you and the members of your committee for this opportunity afforded me today.

General Overview

Bill 274 removes the Local Redevelopment Authority responsibilities of BRAC from the Guam Economic Development Authority (GEDA) and vests these responsibilities into a new department called the "Reuse Planning Department" (RPD), which sunsets on September 30, 2002, unless otherwise extended. All reuse plans, land alienation and funding activities of the RPD would require legislative approval based upon Bill 274's Legislative findings and intent which state in part, "...and that in order to ensure greater accountability, and to maintain the checks and balance system that is fundamental to our government, there is a need for legislative oversight and approval of certain critical decisions regarding the property."

Comments

- The bill repeals and reenacts Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, however, my office could find no such existing Chapter 78 which this bill is supposed to repeal. Should public law 23-51, which empowered GEDA with BRAC reuse responsibilities, not be addressed within the context of this proposed legislation, then a serious directional approach will occur. Additionally, Title 12 of the Guam Code Annotated contains laws referring to "Autonomous Agencies", would the RPD as contained in Bill 274 qualify as an "Autonomous Agency"?

Testimony of Bill 274 (COR) to be used as a tool to right the historic wrong that has plagued our island community since World War II.

With yet another innocent victim of a gruesome murder, I ask myself, What kind of a community do we have?

Although it is a fact, many of you disagree with me. First and foremost, however, under all is the LAND, which is the issue here in Bill 274. Who controls the land has all the power to control others. Those in power are always economically very well off while the working classes, especially those without land or those who are denied the use of their land, especially while paying the taxes I might add, are always struggling to make ends meet. If the people here in this hearing who are not paying property tax on the property they are fighting for are angry and are crying, you have no idea of my anguish and my frustration having paid taxes for decades and denied my economic freedoms all these years.

That is why we are living in a community that is plague with disorder and crimes including heinous crime are out of control.

For the longest time, since I was a boy, I was bothered by the blatant disregard to the rule of law and the democratic principles starting with the one at the top. And it goes on to this day. Orchestrated cover up of the desecration of the sanctity of private property have virtually been perfected, by those in power, regardless which party in office, for 55 years now.

It has come to past that Pay Checks are considered sacred and have become the object of our community's perfection even without actually working.

The *balance today*, in our community, may be found in the argument by some who believe they are owned by our federal government - a result of the destruction of private property interests after WWII and the federal welfare handouts that took a strong political foothold, not to mention free food through foodstamps and free medical care.

Today, many people on Guam are in a constant struggle between two conflicting orientations: The common belief that a person must earn his or her keep v.s. the pervasive influence of government handouts, which now ironically includes real property by way of concrete home for a dollar or vacant parcels of land for a dollar a year for 99 years. The Land Scam that was started by the federal government goes on.

It is on account of this type of leadership that causes our island community to continue to spiral downward. The new found utopia in our community, to great many people, is simply, No Visible Means of Support Equals a True Sign of Success. This is the creation of our "leaders."

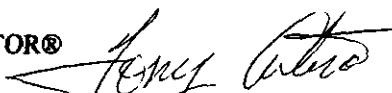
Let me say to you that there is no amount of money from the federal government or from any other country that can satisfy greed. But the leadership of our island community seems to consistently beg for money from anybody and everywhere and continue to ignore the fundamental problem as evident by some of the language in this Bill 274 similar to many others Bills pertaining to the land, its ownership and the rights thereto, as long as the pay checks and the handouts are still coming.

Senators, the unwritten, "Declaration Of Dependence" is echoed so eloquently by our former Delegate to Congress, Mr. Ben Blaz, when he said . . . "We have met the enemy, and the enemy is us." In addition, Mr. Demosthenes, the ancient Greek Orator, said, "Nothing is so easy as to deceive one's self; for what we wish, that we readily believe.

Please allow me to ask you this. Can any of you show me in any of our sacred documents: the Constitution, the Bill of Rights, and our laws, both federal and local, that when Party A takes from Party B, and then Party A gives it to Party C, that Party B now reconcile.

The law of the land is Private Property Rights . . . Protect Them! Here's a simple formula: Free the land - Free the people. A national politician increased his popularity when he said, "It's the economy stupid." Thank you.

Tony Artero, REALTOR®
The Freedom Fighter



1 activity on Guam by ~~attracting financial, transshipment,~~
2 ~~telecommunications, manufacturing, assembly, industrial, aviation~~
3 ~~and other activities conducive to economic development and~~
4 ~~promotion in order to~~ and provide a stronger, more balanced and
5 stable economy, and that in order to ensure greater accountability,
6 and to maintain the checks and balance system that is
7 fundamental to our government there is a need for legislative
8 oversight and approval of certain critical decisions regarding the
9 property.

10 (b) That the economic well-being of the people of Guam
11 and the public and private business resources of ~~the Territory~~
12 Guam provides unique economic opportunities for the
13 redevelopment of the Ship Repair Facility, the Fleet and Industrial
14 Supply Center and other facilities within Naval activities ~~in~~ on
15 Guam slated for closure.

16 (c) That public and private partnership is essential for
17 successful redevelopment of these military bases and thus the
18 need to create a department within the government of Guam to
19 promote these ends ~~business-management-type entity with board~~
20 ~~members, management and staff experience in financing and~~
21 ~~property management and in attracting new business prospects.~~

22 (d) That an interim reuse and broad-based planning
23 ~~committee~~ department is needed and as such will differ markedly
24 from the establishment of a permanent base reuse organization

1 whose focus must be on developing and managing the 'real
2 estate,' attract private sector industrial clients, work with Federal
3 agencies to accelerate the environmental clean-up and permitting
4 process, maintain the roadways and common property and
5 provide for the business-like operations and financing of a major
6 real estate holding.

7 (e) That planning, re-planning, rehabilitation,
8 redevelopment and other preparation for reuse of military bases
9 and military base property are public, and governmental functions
10 that cannot be accomplished through the ordinary operations of
11 private enterprise because of the provisions of Federal law that
12 provide for the expeditious and affordable transfer of military base
13 property to an entity established by local government, and the
14 necessity for requiring the proper use of the land to best serve the
15 interests of ~~the territory~~ Guam and its people.

16 (f) That there is a need to provide financing mechanisms
17 and subsidies essential for successful long term redevelopment.

18 (g) That it is the intent of ~~the Legislature~~ I Liheslaturan
19 Guáhan to establish a ~~permanent~~ temporary and legal ~~multi-~~
20 ~~jurisdictional~~ collaborative structure, formed within the scope of
21 legislative budgeting oversight for all monies generated and
22 expended, and to authorize a redevelopment entity capable of
23 developing, implementing and managing reuse strategies, rooted
24 in reality, but focused on opportunities and providing for a

1 consensus outreach and open public planning process that guides
2 and coordinates conversion activities and promotes economic
3 redevelopment at these military base properties.

4 (h) That the best instrument both for completing the plans
5 for the reuse of the former military facilities and properties at
6 Apra Harbor, subject to legislative approval, and for
7 implementing these reuse plans is the Reuse Planning Department
8 ('RPD') ~~Guam Economic Development Authority because it is a~~
9 ~~public corporation, with its own budget, independent of~~
10 ~~taxpayers' funds, directed by a board of directors made up of local~~
11 ~~businessmen and women, and established to assist in the~~
12 ~~implementation of an integrated program for the economic~~
13 ~~development of Guam.~~ This public instrumentality department is
14 best able to develop an effective reuse strategy that will achieve
15 the objectives of this article Chapter, which are to both create and
16 maintain employment, provide economic opportunities for private
17 businesses, facilitate the continued operation and expansion of
18 seaport facilities and generally to take maximum advantage of
19 Federal laws and regulations allowing cost free conveyances of
20 surplus property and facilities for public benefit and economic
21 redevelopment purposes.

22 (i) That the RPD shall be subject to the legislative
23 appropriations authority for all monies spent and received from

1 its operations and activities as contained in this Chapter, and shall
2 have a limited existence to be dissolved on September 30, 2002.

3 (j) That all meetings of the RPD shall be conducted
4 pursuant to the Open Government Law, Chapter 8 of Title 5 of the
5 Guam Code Annotated, and all documents regulated pursuant to
6 the Sunshine Act, Chapter 10 of Title 5 of the Guam Code
7 Annotated, as amended.

8 (k) That on September 30, 2002 the RPD shall be
9 dissolved, unless otherwise extended by legislative action.

10 Section 78102. General Provisions. Upon the enactment of
11 this article Chapter, the ~~Guam Economic Development Authority ("the~~
12 ~~Corporation")~~ Reuse Planning Department ('RPD') is hereby created and
13 authorized ~~constituted as the Reuse Planning Committee and as the~~
14 ~~Local Redevelopment Authority~~ to carry out both planning for the reuse
15 of closed military bases which are made available as a result of the
16 BRAC '95 closures and to act as the legal authority to implement the
17 reuse plans, and thus shall have the powers set forth herein over any
18 property it shall acquire by lease or deed or to authorize other public
19 entities to acquire title to the Military Base Property. The former Guam
20 Economic Development Authority's ('GEDA's') Reuse Planning
21 Committee and Local Redevelopment Authority assets, contract rights
22 and obligations, and personnel shall be transferred to the RPD.

23 Section 78102.1. RPD Advisory Task Force. A 'RPD Advisory
24 Task Force' is hereby created consisting of nineteen (19) members to

1 provide advice to the RPD relative to its duties under this Chapter. The
2 members of the task force established herein are:

3 (1) *I Maga'lahaen Guåhan*

4 (2) *Speaker, I Liheslaturan Guåhan*

5 (3) *Chairperson, Committee on Economic Development,*
6 *or its equivalent legislative committee;*

7 (4) *Chairperson, Committee on Transportation, or its*
8 *equivalent legislative committee;*

9 (5) *One (1) representative of the Legislative Minority, to*
10 *be chosen by the Minority Members;*

11 (6) *Guam's Delegate to Congress;*

12 (7) *Chairperson, Board of Directors, Guam Chamber of*
13 *Commerce;*

14 (8) *Chairperson, Board of Directors, Port Authority of*
15 *Guam;*

16 (9) *Chairperson, Board of Directors, Guam Economic*
17 *Development Authority;*

18 (10) *Commander, Naval Forces Marianas, Advisor;*

19 (11) *eight (8) representatives of the community at large*
20 *who are not employees of either the Federal or local government,*
21 *to be selected by *I Maga'lahaen Guåhan*, and*

22 (12) *one (1) representative who is either a homeless*
23 *persons provider.*

1 Section 78102.2. Creation and Purpose of Reuse Planning
2 Fund.

3 There is hereby created the 'Reuse Planning Fund' ('Fund'). All monies
4 received under this Subsection or from whatever other source by the
5 RPD shall be deposited in the Fund for appropriation by I Liheslaturan
6 Guáhan.

7 Section 78103. Activities as the Reuse Planning ~~Committee~~
8 Department. The ~~Corporation, in its capacity as the Reuse Planning~~
9 ~~Committee ('Committee')~~ RPD shall only include, but are not limited to,
10 the following:

11 (a) creation of a three (3) year economic redevelopment or
12 reuse plan, subject to legislative review, modification and
13 approval;

14 (b) creation of an annual business plan, subject to
15 legislative review, modification and approval;

16 (c) conducting community outreach activities, which shall
17 include public education and information;

18 (d) applying for and administering grants from any source
19 for activities related to the ~~Corporation's~~ RPD's functions, subject
20 to legislative oversight and appropriation for monies received
21 from said grants;

22 (e) coordinating the environmental remediation and
23 clean-up mandated by Federal and Guam statutes;

1 (f) creation of a set of rules, organizational structure and
2 operating procedures for developing the reuse plans pursuant to
3 the Administrative Adjudication Law;

4 ~~(g) Creation of subcommittees in order to develop reuse~~
5 ~~guidance on specific issues, utilizing, as necessary, persons with~~
6 ~~relevant skills and knowledge.~~

7 (h)(g) conduct all meetings of the committee RPD
8 openly, pursuant to the Guam Sunshine Law the Open
9 Government Law, Chapter 8 of Title 5 of the Guam Code
10 Annotated;

11 (h) Make all its documents public pursuant to the
12 Sunshine Act, Chapter 10 of Title 5 of the Guam Code Annotated,
13 as amended; and

14 (i) expenditure of monies only by appropriation by I
15 Liheslaturan Guåhan, be the monies received from direct
16 appropriation, grants, revenues generated from properties, or
17 otherwise arising from the activities of the RPD.

18 Section 78104. Definitions. For purposes of this Article
19 Chapter:

20 (a) 'Military Base' means a DOD military Installation ~~in~~ on
21 Guam that is scheduled for closing or is to be completely or
22 partially closed, as a result of the BRAC '95 recommendations.

1 (b) *'Military Base Property'* means real and personal
2 property that is currently or was formerly part of a Military Base
3 and is subject to reuse.

4 (c) *'Local Redevelopment Authority'* ('LRA') shall also
5 mean and be equivalent to the RPD, which shall be ~~means that~~
6 ~~division of the Corporation~~ able to receive property under an
7 Economic Development Conveyance from DOD to enter into
8 interim leases or early transfers of parcels for undertaking early
9 reuses *prior* to the departure of the military from the closed base.

10 (d) *'Reuse Planning Department Committee'* (~~Committee~~
11 ~~RPD'~~) means that government of Guam department ~~division of the~~
12 ~~Corporation~~ charged with planning the reuse of military bases and
13 military base property available through the BRAC process. As
14 such, it is eligible to apply and receive planning and
15 organizational grants from the DOD Office of Economic
16 Adjustment. The RPD shall be deemed an 'Agency' for purposes
17 of the Open Government Law, Chapter 8 of Title 5 of the Guam
18 Code Annotated.

19 (e) *'PAG'* means the Port Authority of Guam.

20 (f) *'DOD'* means the U.S Department of Defense.

21 (g) *'Base Commander'* means the military or Naval officer
22 in command of the Military Base being closed in Guam pursuant
23 to the BRAC process.

1 (h) 'BRAC '95' means the U.S. Base Closure and
2 Realignment Commission's final decision announced in 1995 as it
3 affects certain Military Bases ~~in~~ on Guam.

4 (i) 'OEA Project Manager' means that person appointed
5 by the Office of Economic Adjustment of DOD who coordinates
6 and guides Guam's adjustment to the Military Base closures
7 brought about through the BRAC process.

8 (j) 'Reuse Plan' means the plan prepared by the Reuse
9 Planning Committee RPD ~~or the Local Redevelopment Authority~~
10 for the reuse or redevelopment of the Military Bases ~~in~~ on Guam
11 affected by BRAC '95.

12 ~~(k) Guam Steering Committee means that committee~~
13 ~~created by Executive Order No. 95-17, executed September 15,~~
14 ~~1995, which committee is charged with planning the reuse of~~
15 ~~Military Bases and Military Base Property available to Guam~~
16 ~~through the BRAC '95 process.~~

17 (k) 'HUD' means the U.S. Department of Housing and
18 Urban Development.

19 Section 78105. Delegation of Authority. The RPD
20 ~~Corporation~~ shall consult with ~~delegate to~~ PAG and the Guam
21 Economic Development Authority ~~and/or the Guam Steering~~
22 Committee in regards to all planning and management activities and
23 responsibilities to such Military Bases and Military Base Property as will
24 be leased and/or acquired by PAG. ~~In connection with any such~~

1 ~~delegation, the Corporation shall assist, coordinate and provide the~~
2 ~~support necessary, as the case may be, in obtaining grants to carry out~~
3 ~~such planning and management services.~~

4 Section 78106. Powers of the Corporation Reuse Planning
5 Department. The enumerated powers of the RPD Corporation shall
6 ~~include but not~~ be limited to those powers delegated by ~~this article~~
7 under this Chapter. Such powers shall only include the power to:

8 (a) investigate, study and survey the area surrounding
9 and the real property and structures that are part of a Military
10 Base;

11 (b) investigate, study and determine the means by which
12 Military Base Property may be redeveloped and reused by private
13 enterprise to promote economic development or by local
14 government to otherwise benefit the welfare of the people of
15 Guam;

16 ~~(c) Promote the reuse of Military Base Property in the~~
17 ~~manner that best serves the interests of Guam.~~

18 ~~(d)~~(c) cooperate with departments and agencies of the
19 government of Guam and of other governmental entities,
20 including the Federal government, in the manner that best serves
21 the purposes of this ~~article~~ Chapter;

22 ~~(e)~~(d) hold, acquire, operate, manage, lease (as lessee
23 or lessor), construct or repair, or dispose of ~~real and government~~
24 ~~personal property in the name of the Corporation~~ RPD;

1 (e) lease or dispose of government real property, subject
2 to legislative review, modification and approval;

3 (f) make and enter into contracts, including, without
4 limitation, contracts with non-profit corporations and contracts
5 with government of Guam and Federal agencies;

6 (g) cooperate with the Federal government in all respects
7 concerning implementation of the final Record of Decision
8 concerning the disposal and reuse of Military Base Property;

9 (h) make and enter into contracts with agencies or
10 departments of the Federal government for the provision of
11 caretaker services for all or a portion of Military Base Property
12 after closure, subject to legislative review, modification and
13 approval (This power includes the power to make and enter into
14 contracts with third parties for the provision of such services as
15 deemed appropriate by the RPD Corporation, and subject to
16 legislative review, modification and approval);

17 (i) engage a full-time staff to carry out the work of the
18 RPD Corporation. (The initial staff of the ~~Reuse-Planning~~
19 ~~Committee~~ RPD of the Corporation (~~“Committee”~~) shall consist of
20 an executive director and an administrative assistant, and as more
21 subcommittees are established which need staff support, as the
22 reuse planning process involves more agencies requiring
23 coordination, and as consultants are retained to conduct the reuse
24 planning studies, the ~~Committee~~ RPD may engage additional staff

1 as necessary. The staff for the RPD upon enactment of this Act
2 shall come from GEDA and its Reuse Planning Committee already
3 handling such reuse planning functions.);

4 (j) retain *bona fide*, qualified consultants to assist in
5 developing reuse plans (In doing so, the RPD Committee should
6 identify the preliminary scope of work, the technical qualifications
7 and support services of the consultants which will provide the
8 types of information needed by the Committee RPD to develop
9 reuse plans. The consultants shall not include law firms.);

10 (k) provide for the furnishing of services, privileges,
11 works, streets, roads, public utilities or educational or other
12 facilities for or in connection with a project; to dedicate property
13 acquired or held by it for public works, improvements, facilities,
14 utilities and purposes, subject to legislative review, modification
15 and approval; and to agree, in connection with any of its contracts,
16 to any conditions that it deems reasonable and appropriate
17 including, but not limited to, conditions attached to Federal
18 financial assistance, and to include in any contract made or let in
19 connection with any project of the ~~Corporation~~ RPD provisions to
20 fulfill such of said conditions as it may deem reasonable and
21 appropriate, so long as legislative approval is obtained for any
22 agreements encumbering government of Guam real property;

23 (l) fix, maintain, and revise fees, rates, rents, security
24 deposits, and charges for functions, services, or facilities provided

1 by the RPD Corporation, subject to legislative review,
2 modification and approval;

3 (m) adopt a master economic redevelopment and reuse
4 plan, subject to legislative review, modification and approval,
5 which shall include a three (3) year plan, which shall be updated
6 prior to the expiration of each three (3) year period, establishing
7 strategies and goals for promoting and marketing redevelopment
8 activities at the Military Bases, securing development
9 commitments for job creation and such purpose; and

10 (n) accept contributions, grants, or loans from any public
11 or private agency, individual, or the Federal government or any
12 department, instrumentality, or agency thereof, for the purpose of
13 financing its activities after appropriation by I Liheslaturan
14 Guåhan.

15 Section 78107. Negation of Certain Powers. In
16 determining what implied powers the ~~Committee~~ RPD has under §2965
17 §78106, herein, it shall be clearly understood the ~~Committee~~ RPD shall
18 *not* have the following powers, in addition to the other restrictions
19 which may be expressly contained within this Chapter:

- 20 (a) taxation;
- 21 (b) condemnation or eminent domain;
- 22 (c) creation of general obligation debt;
- 23 (d) zoning or other governmental powers over land use.

1 (e) enforcing of building, fire code, public health or safety
2 regulations;

3 (f) control and acceptance of public rights of way;

4 (g) leasing, selling, transferring or otherwise encumbering
5 government of Guam real property without the approval of I
6 *Liheslaturan Guåhan*, and

7 (i) expending funds which have *not* been expressly
8 appropriated by *I Liheslaturan Guåhan*.

9 Section 78108. Interim Leases. The ~~Corporation will~~ RPD may
10 enter into interim leases or early transfer of all or a portion of Military
11 Base Properties, parcels or buildings suitable for leasing, subject to
12 legislative review, modification and approval, which can be used for
13 redevelopment purposes and provide job opportunities prior to the
14 military's departure from a Military Base, which interim leases may also
15 provide income to help with the maintenance and operational cost of
16 the site. In such event, any leases or subleases entered into by the
17 ~~Corporation~~ RPD as lessor shall include, at a minimum, substantially
18 the following provisions:

19 (a) The sublessee shall maintain, at its own cost,
20 comprehensive general liability and property damage insurance
21 on buildings and real property in a reasonable minimum amount
22 as determined by the ~~Corporation~~ RPD. A certificate of insurance
23 naming the ~~Corporation~~ RPD as an additional insured evidencing

1 such insurance shall be delivered to the ~~Corporation~~ RPD
2 contemporaneously with the execution of the sublease agreement.

3 (b) The sublessee shall *not* assign or transfer its rights
4 under the sublease agreement or sublet the leased premises
5 without first obtaining written consent from the ~~Corporation~~ RPD.

6 (c) The sublessee shall use the leased premises in a
7 careful, safe and proper manner and shall *not* use or permit the
8 premises to be used for any purpose prohibited by the laws of the
9 United States, or the laws of Guam.

10 (d) The lease or sublease shall *not* be executed nor
11 modified without the express authorization and consent of *I*
12 *Liheslaturan Guåhan*.

13 Section 78109. Assets of the ~~Corporation~~ Reuse Planning
14 Department. The ~~Corporation~~ RPD shall maintain an asset
15 inventory list for any and all real or personal property acquired by the
16 ~~Corporation~~ RPD by lease, purchase, donation or Federal conveyance.
17 This list shall designate how the asset was acquired, the date of
18 acquisition, and the date of any sale or other disposition of any asset
19 transferred by the RPD Corporation, together with the amount of
20 consideration received or paid by the RPD Corporation. All military
21 property book lists shall be examined by the RPD Corporation for items
22 marked as surplus.

23 Section 78110. Funding. The RPD Corporation shall obtain
24 planning funding from the DOD Office of Economic Adjustment and

1 thereafter shall obtain implementation funding from various sources
2 such as the Economic Development Administration of the U.S.
3 Department of Commerce and other various DOD conversion programs,
4 and various funding programs with the government of Guam. Such
5 funding shall be deposited into the Reuse Planning Fund and may be
6 appropriated by I Liheslaturan Guåhan. In the event that funding is
7 restricted pursuant to a Federal requirement I Liheslaturan Guåhan shall
8 appropriate the funds pursuant to its conditions.

9 Section 78111. Access Improvements. The
10 ~~Corporation~~ RPD shall work with the Department of Public Works, the
11 Guam Mass Transit Authority, the Public Utility Agency of Guam, the
12 Guam Power Authority, the Guam Telephone Authority and PAG, as
13 appropriate, to improve access to a site in order to make it competitively
14 marketable.

15 Section 78112. Approval of Boundaries. The ~~Corporation~~
16 RPD shall approve proposed new boundaries at PAG and the inner
17 Apra Harbor, subject to legislative review and approval, respectively.

18 Section 78113. Marketing Plan. The ~~Corporation~~ RPD shall
19 develop a plan for marketing the sites or sites in order to attract the
20 desired types of economic activities, using existing marketing structures,
21 including the Guam Chamber of Commerce.

22 Section 78114. Adoption of Reuse Plans. The ~~Corporation~~
23 RPD shall submit to ~~the Governor~~ I Maga'lahaen Guåhan any reuse plan
24 completed and adopted by the RPD Committee. Upon approval, ~~the~~

1 ~~Governor~~ I Maga'lahaen Guahan shall transmit the proposed reuse plan
2 to ~~the Legislature~~ I Liheslaturan Guahan for review and approval by
3 statute within sixty (60) calendar days of receipt by the Speaker. If ~~the~~
4 ~~Legislature~~ I Liheslaturan Guahan does *not* act upon the proposed plan
5 within such period, the plan shall be deemed approved. After approval,
6 the plan shall be submitted by ~~the Governor~~ I Maga'lahaen Guahan to
7 HUD and DOD for approval and subsequently incorporated by the
8 ~~Territorial~~ Guam Planning Commission into the comprehensive master
9 plan for Guam and by the ~~Territorial~~ Guam Land Use Commission into
10 the ~~territorial~~ Guam zoning systems for lands covered by the plan, as
11 zoned by the plan. *However*, zoning approval and compliance of the
12 Reuse Plan shall be deferred until such time as the negotiated fair
13 market value purchase price, the economic development conveyance, or
14 the public benefit conveyance is approved by the Federal government,
15 including an understanding as to how public infrastructure will be
16 financed for the site.

17 Section 78115. Implementation of Reuse Plans. The RPD
18 ~~Corporation~~ shall work with representatives of GEDA and PAG to
19 identify Military Base Property which should be acquired by PAG for
20 the further development, improvement, operation and expansion of
21 Guam's civilian sea ports, including property needed to develop sources
22 of revenue to sustain viable Industrial and seaport operations and jobs,
23 pursuant to a Public Benefit Transfer or other conveyance authorized by
24 Federal law. In addition, the RPD Corporation, ~~as the LRA~~, shall

1 implement the reuse plans for properties under the Guam Land Use
2 Plan, 1994 ('GLUP '94') declared excess to military needs under BRAC
3 '95, as it pertains only to Naval Activities properties deemed available
4 for immediate reuse that will enhance and improve vital seaport
5 activities and facilities. All other properties under GLUP '94 declared
6 excess Federal lands that have no relation to the economic development
7 of seaport activities shall be implemented separately from the overall
8 Reuse Plan pursuant to Public Law Number 22-145 and U.S. Public Law
9 Number 103-339, wherein the desires and interest of any original
10 landowners shall be considered.

11 Section 78116. Military Approval. The ~~Corporation~~ RPD
12 shall submit to the appropriate military branch each reuse plan
13 approved by ~~the Governor~~ I Maga'lahaen Guåhan in time to become the
14 'preferred action' for the Base closure environmental impact statement."

15 Section 2. Transition. All plans which may have been
16 already developed within §78103 of Title 12 shall within thirty (30) days of
17 enactment of this Act submitted to *I Liheslaturan Guåhan* for its review,
18 modification and approval within ninety (90) days and two (2) Legislative
19 Days, otherwise the plan shall be deemed approved. All rules, organizational
20 structure and operating procedures under §78103(f) *not* promulgated under
21 the Administrative Adjudication Law ("AAL") shall begin the process of
22 adoption under the AAL. The existing rules, structure and operating
23 procedures shall continue until modified under the AAL. All prior
24 obligations executed and rights conferred in the name of the Guam Economic

1 Development Authority's Reuse Planning Committee and the Local
2 Redevelopment Authority shall be assumed by the Reuse Planning
3 Department. Personnel, assets and resources of GEDA's Reuse Planning
4 Committee and former Local Redevelopment Authority shall be transferred to
5 the Reuse Planning Department.

6 Section 3. Reuse Planning Department Budget. The first proposed
7 budget for the Reuse Planning Department shall be submitted to *I*
8 *Liheslaturan Guáhan* within thirty (30) days of enactment of this Act.

9 Section 4. Severability. *If* any provision of this Law or its
10 application to any person or circumstance is found to be invalid or contrary to
11 law, such invalidity shall *not* affect other provisions or applications of this
12 Law which can be given effect without the invalid provisions or application,
13 and to this end the provisions of this Law are severable.

**Committee on Rules, Government Reform, Reorganization
and Federal Affairs**

Senator Mark Forbes, Chairman

Public Hearing

Wednesday, September 15, 1999

10:00am

I Liheslaturan Guahan, Hagåtña

Bill No. 274 "AN ACT TO REPEAL AND REENACT CHAPTER 78 OF DIVISION 2 OF TITLE 12 OF THE GUAM CODE ANNOTATED, RELATIVE TO REDEFINING AND CLARIFYING THE GOVERNMENT OF GUAM'S ROLE IN THE REUSE PLANNING AND REDEVELOPMENT OF FORMER MILITARY BASES."

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
PATTY GARRIDO	Self	✓			✓	649-3087
TONY ARTERO	ARTERO REALTY	✓	✓	✓ WITH CORRECTION		472/985
Michael Landrum United	GLOU	✓	✓	✓ with corrections		477-1021
Millie Sobere	private citizen	✓	✓	✓ w/changes		477 1985
Joe Pangelinan	" "	✓		✓ "		734-24722450
Antonia Ann P. Ada	Private citizen			✓ w/changes		472-1161
Parram Pangelinan	private citizen			✓ w/changes		734-1069
FRANCISCO S. Pangelinan	Private citizen			✓ w/changes		734-1069

M. Rio
not providing testimony



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

*Senadot Mark Forbes, Gehilu
Kabisiyon Mayurát*

WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 474 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 474.

MARK FORBES
Chairman,
Committee on Rules, Government Reform,
Reorganization and Federal Affairs

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NOTICE OF SALE UNDER POWER OF SALE IN MORTGAGE

On March 28, 1991, ANTONIETTE R. ESTRADA and LUDVICO A. ESTRADA JR. ("Mortgagors"), gave to BANCORP FINANCE OF HAWAII-GUAM, INC. ("Mortgagee") a Promissory Note in the principal sum of \$48,000.00. Payment of said Note is secured by a Mortgage to MORTGAGEE dated March 28, 1991, under document Number 452523. Such mortgage affects the following described real property:

Lot No. 8, Block No. 18, Tract 122, Unit XV, Dedede, Guam, Estate No. 17301, when on said lot is marked and designated on Map Drawing No. 3008-913, as recorded in the Department of Land Management, Government of Guam on June 5, 1970 under Document No. 95206.

Area: 6,625 Square Feet
Certificate of Title No. 79470

The MORTGAGORS have defaulted in payment of the Note secured by the mortgage and, by reason of said default, MORTGAGEE issued and recorded a Notice of Default and of Acceleration of Indebtedness on June 2, 1999, under Document Number 604544.

NOTICE IS HEREBY GIVEN, pursuant to Section 2932 of the Civil Code of Guam, that MORTGAGEE will on September 9, 1999 at 10:30 o'clock A.M. at the Office of the mayor of Dedede, under the power of sale contained in the mortgage, sell the above-described parcel of real property at a public auction to the highest bidder to satisfy the obligations secured by said mortgage. The sale shall commence at the time above stated and continue until the above parcel is sold, or the secured indebtedness has been satisfied.

The sale shall be without warranty as to the title interest to be conveyed or as to the priority of the mortgage, other than MORTGAGEE is the lawful holder of such mortgage. The purchase price shall only be payable by cash, certified check or cashier's check paid at the time and place of sale. There is due to MORTGAGEE as of May 24, 1999 upon the Note and secured by the said mortgage the sum of \$40,283.04, for principal and accrued interest at the rate provided by the Note, exclusive of attorney's fees and costs. Interest will continue to accrue upon the Note until the date of sale.

All rights are reserved to reject any and all bids, to cancel the sale, or to extend the date, time and place of sale of said property.

Dated this 5th day of August, 1999.

CARBUILDO BORDALLO & BROOKS LLP
Suite 101, 251 Terry Street
Hagåtña, Guam
Counsel for Bancorp Finance of Hawaii Guam, Inc.
/s/ TERENCE M. BROOKS
GUAM, U.S.A. |

On this 5th day of August, 1999, before me, a Notary Public, personally appeared TERENCE M. BROOKS, known to me to be the attorney for BANCORP FINANCE OF HAWAII-GUAM, INC., and the person whose name is subscribed to the foregoing NOTICE OF SALE UNDER POWER OF SALE IN MORTGAGE, and acknowledged to me that he executed the same as attorney and counsel for BANCORP FINANCE OF HAWAII-GUAM, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

/s/ ANIELLE T. ROSETE
NOTARY PUBLIC
in and for Guam U.S.A.
My Commission Expires: May 12, 2001
222, Brg 41 Hagåtña, Guam 96912

Notice of Public Hearing
Committee on Rules, Government Reform, Reorganization and Federal Affairs

SENATOR MARK FORBES, CHAIRMAN

10:00 am, Friday, September 3, 1999

AGENDA

BILL NO. 258 An act to reduce the Legislature's FY2000 operating budget and cap personnel for each senatorial office.

BILL NO. 274 An act to repeal and reenact Chapter 78 of Division 2 of Title 12 of the Guam Code Annotated, relative to redefining and clarifying the government of Guam's role in the reuse planning and redevelopment of former military bases.

The Committee will be conducting a hearing on the Fiscal Year 2000 budgets for the following entities:

- Commission on Self-Determination
- Guam Election Commission

The Committee will also be conducting a hearing on the exempt documents lists submitted by the following entities:

- Commission on Self-Determination
- Guam Legislature
- Guam Election Commission

Hearing will take place in the Conference Room
Office of Senator Mark Forbes, 1 Legislature Building, Hagåtña, Guam
The Public is Invited to Participate

Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Forbes at 472-3512.

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IN THE SUPERIOR COURT OF GUAM IN THE MATTER OF THE ESTATE OF DOROTHEA F. MARTINEZ, Deceased.

Case No.: PR152-96

NOTICE OF HEARING

NOTICE is hereby given that **JOSEPH ANTHONY MARTINEZ**, as Administrator of the estate of the above-named decedent, has filed a Petition for Final Distribution reference to which is made further particulars, and that the time and place of hearing the same has been set for **Aug. 31, 1999** at the hour of 10:00 A.M. in the courtroom of the Superior Court of Guam located on 120 West O'Brien Drive at the Guam Judicial Center in Hagåtña, Guam.

Dated: July 23, 1999

ALFRED M. BORLIAS
Clerk of the Superior Court of Guam
BY: Evelyn L. Cabrera
DEPUTY CLERK

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The University of Guam is soliciting bids for **PARTIAL REMOVAL AND REPAINTING OF EXISTING EXTERIOR AND INTERIOR WALLS/CEILING OF THE UNIVERSITY OF GUAM FIELDHOUSE.**

The specifications, together with all the necessary forms, are set forth in the Invitation to Bid No. UOG P26-99. Copies may be obtained with a non-refundable fee of \$20.00 at the Procurement Office, UOG Administration Building, Mangilao, Guam.

A pre-bid conference will be held on September 10, 1999 at 9:00 a.m. at the University of Guam Fieldhouse.

All bids should be received at the Procurement Office, on or before 2:00 p.m., September 16, 1999, and will be opened and read at that time and place.

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President

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MARIGADA DUPLEX: 3br/2ba, each unit, a total of four units on a 1 acre lot, across Price Center behind O.L.O.P. Memorial Office asking price \$398,000

MARIGADA HIGHRISE HOUSE: 4br/2ba, 592.19 sqm lot, 181 Colaboracion St. executive homes in the area, asking price \$239,500.

YONA HOUSE: 5br/1ba, +678.30 sqm lot, 110 Agraya St. corner Fruiting St. 4 across Yona 7-Day Supermarket, along Green Supermarket, 3V House Video \$139,500

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MARIGADA Zoned M-1: 8,000 sqm. in Harmon Industrial park with view, power, water, sewer near the site, asking \$600,000 at \$75/sqm.

MARIGADA Zoned M-1: 17,370 sqm. fronting Route 16 & has access to Harmon Industrial park, with view, power, water, sewer near the site, asking \$1,382,750 at \$79/sqm.

CHALAN PAGO LAND: in the vicinity of 30 San Miguel Eban School, across to Naki St. across Shell Sta. in Chalan Pago. 140,021 sqm asking \$3,300,000. Potential for a 64 unit hotel area or 128 unit quarter acre subdivision. Call Ramon at 472-2122/649-2121 • V. pager 720-9021 & Brian • R. Ordoz

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NOTICE OF COMPLETION

Michael Q. & Esther T.G. Aguon, the "Owner" own in fee simple the following property: Lot No. 3-4 Tract No. 3331 Umatac, Guam. The contractor, Guam Yooshin Corporation, on August 13, 1999 has completed construction of a residential unit on said property.

Dated: August 18, 1999

Owner:
/s/ Michael Q. Aguon
/s/ Esther T.G. Aguon

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GOVERNMENT MEETINGS

GWIA WORKING SESSION: 10 a.m., Sept. 13, GEDA conference room, fifth floor, ITC Building, Tamuning.
GWIA JOINT BUDGET WORKING SESSION: 4 p.m., Sept. 13-14, Building 150, Lower E. Sunset Blvd., Tiyon.
BOARD OF COSMETOLOGY: 10 a.m., Sept. 13, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyon. Agenda copies available at 1304 E. Sunset Blvd. Those with disabilities who need special accommodations, etc., should call 475-0251/2.

MASS TRANSIT AUTHORITY BOARD OF DIRECTORS: 6 p.m., Sept. 14, center's conference room. Those with disabilities who need special accommodations, etc., should call Ramona Perez, 475-4682 or TTY 475-7401.

GUJC: Sept. Rescheduled meeting 1:30 p.m., Sept. 14. For more information, call 475-5212.

HISTORIC PRESERVATION REVIEW BOARD: Noon, Sept. 14, Umatac outdoor library nomination to Guam/National Register of Historic Places. Public invited.

COMMITTEE ON EDUCATION: Public

hearing 9 a.m., Sept. 14, Ilihesaturan Guahan, Hagåtña. Bill 302. For more information, call office of Vice Speaker LF. Kasperbauer, 475-5437.

BOARD OF DENTAL EXAMINERS: 6 p.m., Sept. 15, Guam Hotel Oluro's, Tohokan Restaurant.

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM, MUNICIPAL AND COMMUNITY AFFAIRS: Mark-up meeting with Department of Parks and Rec. and DPW 9 a.m., Sept. 15, Ilihesaturan Guahan public hearing room, Hagåtña. For more information, call office of Sen. Eddie Colvo, 472-4040/4318.

CIVIL SERVICE COMMISSION: 5:30 p.m., Sept. 15, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Continuation of adverse action appeal of Cleopatra C. Manzan vs. GWHIA, dismissal, hearing on merits; general business. For more information, call 475-1300/01.

MAYORS COUNCIL OF GUAM: Special meeting 10 a.m., Sept. 15, council's conference room, RJB complex, Adakup. For more information, call Mel

vo Dela Pena, 472-6904.
GCC BOARD OF TRUSTEES: 6 p.m., Sept. 15, president's conference room, administration building, Mangilao. Agenda copies available by calling 735-5637. Those with disabilities who need special accommodations, etc., should call Jon Milligan, 735-5582/3 or TDD 734-8324 or -5236.

ANCESTRAL LANDS COMMISSION: 6 p.m., Sept. 15, commission's conference room, A St., building 109, Tiyon. Agenda copies available by calling 477-1184.

HOUSING CORPORATION AND RENTAL CORPORATION BOARD OF DIRECTORS: 10 a.m., Sept. 15, Building 6-500 E. Sunset Blvd., Tiyon. For more information, call 475-4927.

RETIREMENT FUND BOARD OF TRUSTEES: 5:30 p.m., Sept. 15, Retirement Fund conference room, Maite. Those with disabilities who need special accommodations, etc., should call 475-8900/01.

COMMITTEE ON RULES, GOVERNMENT REFORM, REORGANIZATION AND FEDERAL AFFAIRS: Public hearing 10 a.m., Sept. 15, Sen. Mark Forbes' conference room, Ilihesaturan Guahan, Hagåtña. Bills 258, 274, FY 2000 budgets, Sunshine Act exemption lists for Commission on Self-Determination and Election Commission. Those with disabilities who need special accommodations, etc., should call 472-3407/8.

BOARD OF EXAMINERS FOR PHARMACY: 8 a.m., Sept. 16, Health Professional Licensing office, 1302 E. Sunset

▲ See Meetings, Page 7

Teachers create ways around book shortage

By Jojo Santo Tomas
 Pacific Daily News

The Department of Education is about a million dollars away from getting textbooks to all students who need them, said Eloise Sanchez, administrator for the department's Division of Curriculum and Instruction.

Before the current school year began, island schools were clamoring for math, language arts and reading workbooks, as well as social studies textbook for all grade levels.

Most of the workbooks were purchased and delivered to the schools in time for the second week of school, but the order for social studies textbooks remains on hold until money is released to pay for them, Sanchez said.

"We needed to prioritize. We communicated with each school," Sanchez said. "We asked what would best assist the teachers, and given our tests scores, the areas that we needed the most help were in language arts, reading and math."

Social studies textbooks, which cost between \$50-\$60 each, are now top priority, Sanchez said. While the department awaits money to pay for them, teachers are finding ways around the shortage.

"Around this time of the year, we usually get the grievance calls from each of the schools," she said. "But

Whatever

so far, we haven't gotten any. The teachers are getting creative." Sanchez said schools have coordinated among themselves to see which have textbook shortages and which have spare books, and do the best with what they have.

Sanchez said many teachers are also using the textbooks they have as resources, and instead of making daily assignments from within the book, they build lesson plans around subject themes.

For example, using the ocean as a theme, students can learn about the ocean animals for science, locate them for geography, count sea creatures for math, and memorize coral and fish for reading and spelling.

Sanchez said libraries and various computer courses are increasing the demand for electronic media, such as CD-ROMS for storybooks and encyclopedias. She said each school, depending on its needs, will receive between \$5,000 and \$25,000 for each library.

Sanchez said DOE's textbook budget for fiscal year 2000 includes a \$2.8 million request for new textbooks and \$2.8 million for re-orders.

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Do you believe your ancestor was an ape and that the theory of evolution has any validity? The following verses shed abundant light on these questions.

Genesis 1:26a "And God said, Let us make man in our image, after our likeness..."

Genesis 2:7 "And the LORD God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul."

Job 33:4 "The spirit of God hath made me, and the breath of the Almighty hath given me life."

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