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Legislative Secretary

OFFICE OF THE GOVERNOR  
GUAM

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 6-24-99

Time: 10:12

Rec'd by: [Signature]

Print Name: Charlene

0525/99-0187

**JUN 23 1999**

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By: [Signature]

Time: 9:55am

Date: 6.25.99

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 192 (COR), "AN ACT TO AMEND §60115 OF ARTICLE 1, CHAPTER 60 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT", which I have signed into law today as Public Law No. 25-47.

This legislation approves rules and regulations developed for the operations of the new cultural center as a meeting place for community civic organizations. Many of these organizations previously met in clubhouses at the Harmon Cliffline, which is no longer available for this use. These rules and regulations provide for numerous organizations, which form the backbone to volunteerism and civic improvement activities, as well as a wealth of cultural awareness experiences.

Very truly yours,

Madeleine Z. Bordallo  
Madeleine Z. Bordallo  
I Maga'Lahen Guåhan, Akto  
Acting Governor of Guam

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

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

00319

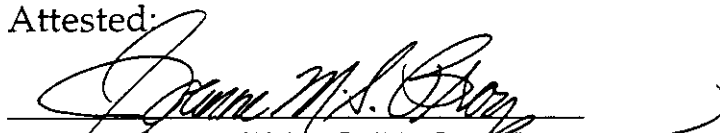
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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


This is to certify that Substitute Bill No. 192 (COR), "AN ACT TO *AMEND* §60115 OF ARTICLE 1, CHAPTER 60 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT," was on the 15<sup>th</sup> day of June, 1999, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

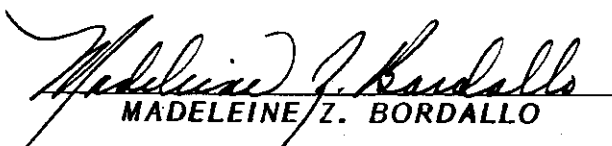
Attested:

  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 15 day of JUNE, 1999,  
at 5:53 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
MADELEINE Z. BORDALLO  
Akto *I Maga'lahaen Guahan*  
Acting Governor

Date: 6/23/99

Public Law No. PL 25-49

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

**Bill No. 192 (COR)**

As substituted by the Committee  
on Land, Agriculture, Military  
Affairs and the Arts and as  
amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND §60115 OF ARTICLE 1, CHAPTER  
60 OF TITLE 21 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE LEASING OF GOVERNMENT  
LAND RESERVED AS A CULTURAL CENTER FOR  
THE DEPARTMENT OF LAND MANAGEMENT.**

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

2           **Section 1. Legislative Findings and Intent.** The Department of Land  
3 Management, in accordance with the Administrative Adjudication Law, has  
4 prepared the rules and regulations for the implementation of the leasing of  
5 government land reserved as a cultural center as mandated by Public Law  
6 Number 22-18.

7           **Section 2.** Section 60115 of Article 1, Chapter 60 of Title 21 of the Guam  
8 Code Annotated is hereby *amended* to read as follows:

9           **“Section 60115. Review by Municipal Planning Councils.**  
10 Notwithstanding any other law, rule or regulation, all sale or leases of  
11 real property owned by the government of Guam for a term of ten (10)  
12 years or longer, *except* the leasing of government land reserved as a  
13 cultural center as mandated by Public Law Number 22-18, shall be  
14 reviewed by the Municipal Planning Council of the municipal district in  
15 which are located the premises to be sold or leased, and its opinion  
16 thereon expressed by resolution adopted by a majority of the members  
17 of council, after a public hearing thereon, such resolution to be  
18 forwarded to *I Maga’lahen Guåhan* and to *I Liheslaturan Guåhan* prior to  
19 their respective consideration of the proposed sale or lease.”

20           **Section 3. Approval of Rules and Regulations Provided by the**  
21 **Department of Land Management.** The following rules and regulations  
22 for the Department of Land Management are approved, notwithstanding any  
23 other provision of law.

1 Rules and Regulations for leasing government land reserved as a  
2 cultural center:

3 "CHAPTER 1.

4 GENERAL PROVISIONS.

5 Section 1001. Authority. These guidelines are  
6 promulgated pursuant to the rule-making procedures of the  
7 Administrative Adjudication Law, which provide at §9107 of Title 5 of  
8 the Guam Code Annotated that the meaning of 'rule' includes any  
9 'procedure or requirement of any agency ... interpreting, supplementing  
10 or implementing any law enforced or administered by it ... .'

11 Section 1002. Identity and Purpose of Reserved Land.

12 Pursuant to Public Law Number 22-18, the Department of Land  
13 Management ('Department') reserved twenty (20) acres each from Lot  
14 Number 10120-R16 in Dededo, Guam, and from Lot Number 480 in  
15 Agat, Guam for the purpose of establishing a '*cultural center*.'

16 (a) Lot 10120-17, Dededo, Guam. The twenty (20)  
17 acres which were reserved from Lot Number 10120-R16, Dededo,  
18 Guam have been parceled out of Lot Number 10120-R16, Dededo,  
19 Guam and the parceled lot is identified as Lot Number 10120-17,  
20 Dededo, Guam. The Department does *not* intend to subdivide Lot  
21 Number 10120-17, Dededo, Guam, but has instead surveyed a  
22 portion of Lot Number 10120-17, Dededo, Guam and has  
23 established within the surveyed portion, areas which are suitable  
24 for leasing. Each area to be leased is 20,000 ± square feet, as

1 shown on Land Management Drawing Number I4-97T632,  
2 recorded under Document Number 572938 in the Records  
3 Division, Department of Land Management. Water and electricity  
4 are *not* available on Lot Number 10120-17, Dededo, Guam, but  
5 within one hundred feet (100') of its southern boundary.

6 **Section 1003. Intent.** These rules are intended to provide a  
7 suitable amount of government land for leasing to qualified and eligible  
8 applicants, which are non-profit organizations and which plan to  
9 develop a '*cultural facility*,' as the term is used in these rules, within the  
10 time allotted, and which applicants show the capability and  
11 responsibility to do so. Public rights of way have been planned to give  
12 each area to be leased a means of ingress and egress.

13 *However*, all expenses for any development, including utility  
14 infrastructure not already available, are the sole responsibility and  
15 expense of the applicant or lessee.

16 **Section 1004. Interpretation of '*Cultural Center*.'** The  
17 legislative history of Public Law Number 22-18 indicates that the term  
18 '*cultural center*,' as used therein, was meant to be the same as used in the  
19 Guam Land Use Master Plan, or *I Tano'ta Plan*, as it is commonly  
20 known, ('Plan'). The Plan, which became official on April 18, 1998,  
21 *however*, does *not* define '*cultural center*' into the terms '*club*,' '*clubhouse*,'  
22 and '*private club*.' For purposes of these rules, the term '*cultural center*'  
23 shall have the same meaning as the term '*club*' defined in the Plan.

1           **Section 1005. Scope.** Section 3 of Public Law Number 22-  
2 18 contemplates that land reserved by government entities are either:  
3 (a) for development of long-term government facilities, (b) for parks and  
4 the like, or (c) for commercial leases to private interests. In accordance  
5 with §3(b) of Public Law Number 22-18, the Department will prepare a  
6 conceptual plan for the twenty (20) acres of reserved land in Dededo  
7 and for the twenty (20) acres reserved from Lot Number 480 in Agat,  
8 Guam depicting their full development as cultural centers in which  
9 long-term cultural facilities will be built. The conceptual plan will  
10 include any land leased in accordance with these rules. These rules  
11 contain the procedural guidelines for leasing land to applicants who  
12 wish to build cultural facilities at their own expense.

13           **Section 1006. Grandfather Clause.** Some legitimate non-  
14 profit organizations occupying or formerly occupying the Harmon cliff  
15 line area are *not* culturally related clubs. Notwithstanding, they may  
16 apply for a lease in accordance with these rules, so long as such non-  
17 profit organization plans to develop the leased property for its regular  
18 activities, the planned development represents a use harmonious to the  
19 rest of the area's use as a cultural center, and so long as the planned  
20 development is *not* in conflict with any other applicable law. *However,*  
21 in order to enter into a lease, any applicant grandfathered in pursuant to  
22 this rule must nevertheless meet the other eligibility criteria set out in  
23 Chapter 3, below, and must make adequate submittal as required by  
24 Chapter 6 of these rules.

1           **(a) Background History.** During hearings on the bill,  
2 which became Public Law Number 22-18 before the 22nd Guam  
3 Legislature's Committee on Housing and Community  
4 Development, the Department testified that a part of the twenty  
5 (20) acres of land in Dededo or Agat reserved for cultural centers  
6 was intended for the relocation of the legitimate non-profit  
7 organizations occupying the Harmon cliffline area.

8           **(b) Interim Limited Land Use Permits.** The  
9 Department considered the time required for these rules to  
10 undergo the Administrative Adjudication Law's rule-making  
11 procedure, and also the need of some of the Harmon cliffline non-  
12 profit organizations to have some limited use of some land for  
13 their immediate general purposes. Because §3(a) of Public Law  
14 Number 22-18 authorizes temporary uses of reserved land,  
15 guidelines for the interim temporary use of a portion of Lot  
16 Number 10120-17, Dededo, Guam, by means of limited land use  
17 permits were set by Executive Order Number 98-13. These rules  
18 recognize that such temporary use may *not* impede, delay or in  
19 any way interfere with the leases to be given pursuant to these  
20 rules. No entity with a limited land use permit, which shall apply  
21 for a lease in accordance with these rules, shall be given priority or  
22 special consideration contrary to these rules.







1 priority of receipt of the application, as such priority is provided for in  
2 Rule 2004, above.

3 **Section 3002. Proof of Eligibility.** An eligible applicant  
4 must possess all of the qualities enumerated in Rules (a) through (f),  
5 below, and must submit proof of each.

6 **Section 3003. Criteria.** To be eligible each of the following  
7 requirements must be met:

8 (a) **Status as Non-Profit Organization.** The applicant  
9 must be a legitimate non-profit organization, which shall mean for  
10 purposes herein only, an organization that is organized and  
11 operated primarily for activities which do *not* directly benefit any  
12 individual member, and as recognized by the Department of  
13 Revenue and Taxation. Copies of any articles of organization, by  
14 laws, association papers or membership agreements shall be  
15 submitted with the application, *if* available. *If* unavailable, the  
16 application must clearly indicate the reason for unavailability. In  
17 addition, a written summary of the following must be provided:  
18 the historical background of the organization, its purposes, its  
19 significant accomplishments, its chief activities and an explanation  
20 as to why the applicant is or should be considered a culturally  
21 related non-profit organization.

22 (b) **Tax Exempt Status.** The applicant need *not* be  
23 exempted from paying income taxes. *However*, a tax-exempt status  
24 will entitle the applicant to a lower rental amount on the lease

1 applied for. Therefore, *if* the applicant is *not* required to pay gross  
2 receipts taxes, it should submit a copy of its certificate of  
3 exemption issued by the Department of Revenue and Taxation. *If*  
4 the applicant is *not* required to pay income taxes, the application  
5 shall also submit a copy of a determination by the Department of  
6 Revenue and Taxation or the Internal Revenue Service indicating  
7 that the applicant is tax-exempt.

8 (c) **Culturally-Related.** The applicant shall prepare its  
9 written summary as described in Rule (a) to allow the Department  
10 to make a determination that the applicant's primary activities are  
11 culturally-related. This Section is *not* applicable to applicants  
12 subject to Rule 1006.

13 (d) **Title to or Use of other Real Property.** The  
14 government's desired outcome based upon these rules is the  
15 development of an integrated cultural center, which is  
16 representative of the diverse cultures which co-exist on Guam, in  
17 order to promote understanding and harmony amongst them.  
18 Thus, an applicant's ownership or lease of any other real property  
19 is *not* a consideration in determining the applicant's eligibility.

20 (e) **Condition of Property Under Use Permit.** *If* the  
21 applicant has an interim use permit as referred to in Rule (a)  
22 above, then at the time the lease application is submitted, the  
23 applicant must be in compliance with all the terms of the use  
24 permit in order for applicant to be eligible for a lease under these

1 rules, and the applicant must *not* owe anything to the Department  
2 for any expenses the Department may have incurred on the  
3 applicant's behalf under the use permit.

4 (f) **Contact Person and Address.** The current mailing  
5 address of the applicant, along with the name of an authorized  
6 representative, must be clearly indicated. All notices to be sent to  
7 the applicant will be mailed to the address the applicant indicates.

8 (g) **Intent to Construct.** The purpose of the lease is for  
9 the construction of an improvement, or improvements, which are  
10 cultural facilities as that term is used in these rules. The applicant  
11 must state this intent in writing. Applicants subject to Rule 1006  
12 should describe the improvement planned and state their intent to  
13 so construct.

14 (h) **Financial Responsibility.** The applicant must show  
15 its ability to finance the construction of improvements and to pay  
16 the rental value of the property. Proof may be shown by the  
17 applicant submitting the applicant's financial statements,  
18 preferably audited, for its immediately preceding two (2) fiscal  
19 years. *If* applicant is required to pay income taxes, the applicant  
20 shall submit a copy of the return filed for the last two (2) of it fiscal  
21 years.

## 22 CHAPTER 4.

### 23 DETERMINATION OF ELIGIBILITY TO LEASE.

1           **Section 4001. Determination and Effect.** The Department  
2 shall make a determination in writing as to whether or not the applicant  
3 is eligible. *If* upon review of the completed application the Department  
4 finds that the submitted application and documents sufficiently prove  
5 that the applicant is a legitimate, financially responsible non-profit  
6 organization, whose primary activities are culturally-related, and that it  
7 intends to construct a cultural facility, *except* as applicant may be  
8 exempted by Rule 1006, then the Department shall determine that the  
9 applicant is eligible to select and reserve land or lease in accordance  
10 with these rules.

11           **Section 4002. Priority to Reserve.** Upon a determination  
12 that the applicant is eligible, the Department shall place the applicant's  
13 name on a priority list in the order that the applicants are determined to  
14 be eligible. An applicant may select and reserve land for leasing in the  
15 order that its name appears on the priority list.

16           **Section 4003. Notice of Determination.** The Department  
17 shall notify each applicant by mail of the Department's determination as  
18 soon as practicable after a determination is made. *If* a negative  
19 determination is made, the reasons must be stated in the notice to the  
20 applicant. *If* the Department cannot make a determination because the  
21 application, which is initially thought to be complete, is later found to  
22 be incomplete, then the Department shall so notify the applicant.

1           **Section 4004. Appointment to Reserve.** The Department  
2 shall also provide in the notice of determination of eligibility an  
3 appointment date and time for the applicant to select and reserve land.

4           **(a) Designated Appointments.** The Department  
5 shall designate an appointment date and time for applicants in the  
6 order that the applicant's name appears on the priority list of  
7 eligible applicants. The Department shall make no more than one  
8 (1) appointment in the morning and one (1) appointment in the  
9 afternoon of any working day during normal working hours, and  
10 the appointment must be at least twenty (20) calendar days from  
11 the date the notice of determination of eligibility is mailed.

12           **(b) Time of the Essence for Appointments.** All  
13 eligible applicants are on notice that '*time is of the essence*' and that  
14 *if* the designated appointment is changed or missed, the applicant  
15 may lose its original priority status and shall acquire the priority  
16 ranking that corresponds with the newly chosen appointment date  
17 and time.

18           **(c) Changed Appointments.** At the request of the  
19 applicant, a designated appointment date and time may be  
20 changed to any other date and time available.

21           **(d) Missed Appointments.** Eligible applicants who  
22 miss an appointment are *not* automatically reassigned another  
23 appointment, but must request a new appointment. Any new  
24 appointment date and time available may be given.





1           **Section 5002.    Reservation Agreement.**    Upon selection of  
2 an area of land by an eligible applicant, the Department and applicant  
3 shall enter into an '*Agreement to Reserve*'; *provided*, that the applicant is in  
4 compliance with all the terms of their use permit, as referred to in Rule  
5 1006(b), above, *if any*, and no sums are owed to the Department upon  
6 the use permit's termination when the Agreement to Reserve is  
7 executed. The date *I Maga'lahaen Guahan* approves the Agreement to  
8 Reserve with *I Maga'lahaen Guahan's* signature shall be the effective date  
9 of the Agreement.

10           **(a)    Automatic Termination After One Year.**    The  
11 Agreement to Reserve shall automatically terminate one (1) year  
12 from its effective date, but subject to Rule 6005(a), below.

13           **(b)    License to Clear and Grade.**    The Agreement to  
14 Reserve shall give the applicant the privilege to clear and grade  
15 the property so reserved, at applicant's own risk *prior to* entering  
16 into a lease. In this respect the applicant is permitted to cut,  
17 detach, remove, burn, or otherwise clear and take away from the  
18 property all standing or fallen timber, crops, vegetation or growth  
19 of any kind whatsoever, and to grade the property so long as all  
20 required governmental approvals are first obtained. In no event  
21 shall applicant cause or allow any construction, development or  
22 improvement of any type or nature whatsoever to be built on the  
23 property, nor permit any waste, nuisance or dumping. Should the  
24 applicant *not* enter into a lease with the Department for any

1 reason, then in no event shall the expense of any clearing or  
2 grading undertaken by the applicant be considered an amount  
3 owing by the Department to the applicant.

4 (c) **Reservation Not a Lease.** The Agreement to  
5 Reserve is a limited act preliminary to the lease designed to  
6 reserve the selected area of land. By no means should the  
7 Agreement be interpreted as a lease, nor does it grant any rights to  
8 the applicant as a lessee. Before the Department gives its final  
9 approval, and before a lease with the eligible applicant is entered  
10 into, the eligible applicant must fulfill the requirements of the  
11 rules contained in Chapter 6, below, and as outlined in the  
12 Agreement to Reserve.

## 13 **CHAPTER 6.**

### 14 **REQUIREMENTS OF ENTERING INTO LEASE.**

15 **Section 6001. Submittal Required.** In order to enter into a  
16 lease or the reserved property, the eligible applicant must submit the  
17 following *prior to* the automatic termination of the Agreement to  
18 Reserve:

19 (a) **Conceptual Plan.** A conceptual plan depicting  
20 the reserved property's development as a cultural facility shall be  
21 submitted in adequate visual detail showing the improvement or  
22 improvements to be constructed, with landscaping, from all  
23 angles. The plan should include a sketch showing the location of  
24 the improvement or improvements on the land, and a sketch of

1 the floor plans or proposed building layouts with approximate  
2 square footage of floor area, the proposed parking area and, *if*  
3 *required*, any loading areas. The visual drawings should be  
4 accompanied by a written summary of the development. This  
5 conceptual plan need *not* be as detailed as an architect's or  
6 engineer's blueprints, *unless* desired, but should be professional in  
7 appearance.

8 (b) **Statement of Costs and Funding.** The eligible  
9 applicant must also submit a supporting statement, in sufficient  
10 detail, concerning the approximate cost of the development, the  
11 proposed contractor's name and license number, and the  
12 development's financing method or source of funding.

13 **Section 6002. Determination of Adequacy.** The  
14 Department shall determine, in its sole discretion, whether the  
15 conceptual plan and financing statement are adequate in detail as  
16 provided for in Rules 6001(a) and (b), and whether the applicant's  
17 financial resources are sufficient to complete the proposed  
18 development. A building in which an applicant intends to conduct its  
19 regular or special activities, as shown by applicant's historical  
20 background, shall be considered adequate as a cultural facility, even as  
21 to those applicants subject to Rule 1006, above.

22 (a) **Notice of Determination.** A written notice of  
23 determination shall be provided by mail to the applicant. *If* the  
24 submittals are determined adequate, then the notice shall indicate

1           that a lease is being prepared and that applicant must sign the  
2           lease as provided for in Rule 6004 (a), below. *If any part of any*  
3           submittal is found to be inadequate, the reason or reasons shall be  
4           provided in the notice in sufficient detail to enable the applicant to  
5           redo and bring the required submittals into compliance with the  
6           requirements of Rule 6002, above.

7           **Section 6003. Resubmittals Accepted.**     An applicant may  
8           resubmit the documentation required by Rules 6001(a) and (b), above,  
9           as many times as necessary for a determination of adequacy. Each  
10          resubmittal shall be considered a new submittal for purposes of Rule  
11          6005, below.

12          **Section 6004. Preparation of Lease.** *If the required submittals*  
13          are determined to be adequate, the Department shall as soon as  
14          practicable prepare a lease in accordance with the lease terms contained  
15          in Chapter 8, below, naming the eligible applicant as the lessee for the  
16          land reserved.

17                 **(a) Deadline to Enter Into Lease.**     *If the lease is not*  
18                 signed by the applicant within six (6) months from the date of the  
19                 notice of a favorable determination in Rule 6002(a), above, then  
20                 the lease shall be cancelled, and the land which is reserved and  
21                 which is the subject of the lease shall become available for  
22                 selection and reservation by other applicants under these rules.

23          **Section 6005. Disqualification.**           *If the Department*  
24          has *not* made a determination of adequacy within the one (1) year

1 period from the date the Agreement to Reserve is approved by I  
2 *Maga'lahaen Guåhan*, then the eligible applicant is *automatically*  
3 disqualified and the reserved land shall become available for selection  
4 and reservation by other applicants under these rules.

5 (a) **Extension of Time to Determination Date.** *If* the  
6 applicant has submitted the required documents in accordance  
7 with Rule 6002, above, within the one (1) year period, but the  
8 Department has *not* made a determination of adequacy as of the  
9 last day of the one (1) year period, then in such event, the date  
10 upon which a determination is made shall be the date upon which  
11 either a lease is prepared for the applicant, or the reserved land  
12 becomes available for selection and reservation by other eligible  
13 applicants. In the latter event, the applicant shall no longer have  
14 the right to make resubmittals in accordance with Rule 6003,  
15 above.

## 16 CHAPTER 7.

### 17 MISCELLANEOUS PROVISIONS.

18 **Section 7001. Notices to Applicant.** All notices and official  
19 correspondence to applicant shall be in writing and mailed to the  
20 address provided in the application. *If* the applicant desires, the  
21 Department may telephone the applicant's authorized representative  
22 with any information as requested. *However*, the Department is under  
23 no obligation to do so, and in no event shall any telephonic

1 communication be considered the date on which any notice to be given  
2 by the Department is given.

3 **Section 7002. Notices to Department.** All notices and  
4 anything to be submitted to the Department may be delivered by the  
5 applicant to the Department's Land Administration Division on the  
6 third floor of the building at 855 West Marine Drive in Anigua, Guam,  
7 or by mail to the Division at Post Office Box 2950, Hagatna, Guam  
8 96932.

9 **Section 7003. Applicant's Authorized Representative.**  
10 The authorized representative designated in the application shall be the  
11 sole voice of the applicant in any non-written communications with the  
12 Department. In no event is the Department obligated to entertain any  
13 communications by any person purportedly representing the applicant,  
14 but who is *not* the authorized representative designated by the applicant  
15 and on record at the Department. The statements of persons  
16 purportedly representing the applicant shall *not* be considered the  
17 official statements of the applicant.

18 **Section 7004. Change of Address or of Authorized**  
19 **Representative.** A written change of address or of authorized  
20 representative must be received by the Department *before* the change is  
21 considered effective.

22 **Section 7005. Reapplication.** *If* the applicant is *not* found  
23 eligible within the one (1) year period that the application is effective, or  
24 *if* an eligible applicant's reserved land is returned to the pool of

1 available land for any reason under Chapter 6, above, the applicant may  
2 reapply at any time so long as land is still available for purposes of these  
3 rules, and the applicant pays the regular application fee. Any applicant  
4 who reapplies must go through the entire application process as though  
5 no prior application had ever been submitted. The Department is *not*  
6 obligated to use any of applicant's submittals under a prior application.

7 **CHAPTER 8.**

8 **LEASE TERMS.**

9 **Section 8001. Significant Terms.** The Attorney General  
10 shall prepare a form of lease to be used for the reserved property, which  
11 shall protect the Department's interest in the leased premises and which  
12 shall be designed to carry out the purposes and intent of these rules.  
13 The lease shall incorporate the significant terms indicated below in this  
14 Rule 8001:

15 (a) **Term of Lease.** The term of the lease shall be fixed at  
16 twenty-five (25) years to allow for the construction of  
17 improvements and the full payment of a construction loan, *if any*,  
18 with an option to renew for an additional twenty-five (25) year  
19 renewal term.

20 (b) **Rent.** The rental rate for the leases provided in  
21 these rules, or how it is to be determined, is *not* indicated  
22 anywhere in Guam law. Public Law Number 22-18, to which the  
23 land reserved as a cultural center is subject, addresses the rental  
24 provisions of commercial leases only, setting such value in terms

1 of fair market value of the property, with payments going to the  
2 Chamorro Land Trust Commission. The Chamorro Land Trust  
3 Act indicates that the rental amount of available land *not*  
4 immediately needed and which is returned to the Department,  
5 may be leased in accordance with 21 GCA §75103(b) with the  
6 Department determining the rental amount. In accordance with  
7 these considerations, the Department has determined that the  
8 rental amount for the leases provided for in these rules shall be  
9 based on whether or not the applicant is exempt from paying  
10 income taxes, as evidenced by a determination in accordance with  
11 Rule 3003(b), above. Rent payments shall go to the Chamorro  
12 Land Trust Commission.

13 (c) **Income Tax Paying Applicants.** An applicant which,  
14 at the time it enters into a lease, does *not* have a determination that  
15 the applicant is exempt from paying income taxes, shall pay the  
16 fair market rental value of the leased premises, as such value is  
17 determined by the Department. Rent may be paid monthly or  
18 annually, as the Department and applicant shall mutually agree.

19 (d) **Income Tax Paying Applicants.** An applicant which,  
20 at the time it enters into a lease, is exempt from paying income  
21 taxes as evidenced by a determination from the appropriate  
22 government authority, shall pay an annual rental amount which is  
23 nominal. The nominal amount is determined to be One Hundred  
24 Dollars (\$100.00) per year for the first twenty-five (25) years and



1 Three Hundred Dollars (\$300.00) per year for each thereafter that  
2 the reserved property is under lease to the applicant.

3 (e) **Beginning Construction.** *If* the applicant enters  
4 into a lease according to these rules, the applicant shall complete  
5 its plans for development; secure or otherwise provide for  
6 financing; arrange for water, sewer and electricity infrastructure,  
7 as needed; and begin construction within one (1) year from the  
8 effective date of the lease.

9 (f) **Completing Construction.** Construction must be  
10 completed within three (3) years of the effective date of the lease.

11 (g) **Failure to Begin or Complete Construction.** Failure  
12 to begin construction within one (1) year from the effective date of  
13 the lease shall result in the *automatic* termination of the lease.  
14 Failure to complete construction within three (3) years of the  
15 effective date of the lease shall give the Department the right to  
16 terminate the lease in its sole discretion.

17 (h) **Covenant Against Gambling.** The applicant shall  
18 covenant that no gambling activities will be conducted on the  
19 leased property, *except* as the applicant may be legally licensed to  
20 carry on such activities.

21 **Section 8002. Approval of Attorney General and I**  
22 ***Maga'lahaen Guåhan.*** All leases entered into in accordance with these  
23 rules must be executed by *I Maga'lahaen Guåhan*, attested to by *I Segundu*

1        *Na Maga'lahaen Guåhan*, and approved as to form by the Attorney  
2        General.

3                **Section 8003.     Concurrence by *I Liheslaturan Guåhan*.**

4        All leases entered into in accordance with these rules must be concurred  
5        to by *I Liheslaturan Guåhan* pursuant to 21 GCA §60112."



COPY

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

June 15, 1999

The Honorable Carl T.C. Gutierrez  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Substitute Bill No. 192 (COR) which was passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 15, 1999.

Sincerely,

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure (1)

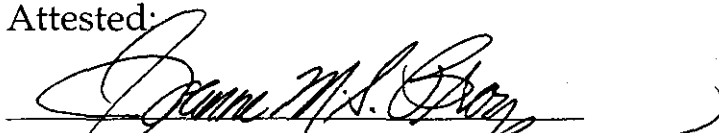
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 192 (COR), "AN ACT TO *AMEND* §60115 OF ARTICLE 1, CHAPTER 60 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT," was on the 15<sup>th</sup> day of June, 1999, 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 15 day of JUNE, 1999,  
at 5:53 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 192 (COR)**

As substituted by the Committee  
on Land, Agriculture, Military  
Affairs and the Arts and as  
amended on the Floor.

Introduced by:

M. G. Camacho

F. B. Aguon, Jr.

E. C. Bermudes

A. C. Blaz

J. M.S. Brown

E. B. Calvo

Mark Forbes

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

K. S. Moylan

V. C. Pangelinan

J. C. Salas

S. A. Sanchez, II

A. R. Unpingco

**AN ACT TO AMEND §60115 OF ARTICLE 1, CHAPTER  
60 OF TITLE 21 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE LEASING OF GOVERNMENT  
LAND RESERVED AS A CULTURAL CENTER FOR  
THE DEPARTMENT OF LAND MANAGEMENT.**

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

2           **Section 1. Legislative Findings and Intent.** The Department of Land  
3 Management, in accordance with the Administrative Adjudication Law, has  
4 prepared the rules and regulations for the implementation of the leasing of  
5 government land reserved as a cultural center as mandated by Public Law  
6 Number 22-18.

7           **Section 2.** Section 60115 of Article 1, Chapter 60 of Title 21 of the Guam  
8 Code Annotated is hereby *amended* to read as follows:

9                   **“Section 60115. Review by Municipal Planning Councils.**

10           Notwithstanding any other law, rule or regulation, all sale or leases of  
11 real property owned by the government of Guam for a term of ten (10)  
12 years or longer, *except* the leasing of government land reserved as a  
13 cultural center as mandated by Public Law Number 22-18, shall be  
14 reviewed by the Municipal Planning Council of the municipal district in  
15 which are located the premises to be sold or leased, and its opinion  
16 thereon expressed by resolution adopted by a majority of the members  
17 of council, after a public hearing thereon, such resolution to be  
18 forwarded to *I Maga’lahen Guåhan* and to *I Liheslaturan Guåhan* prior to  
19 their respective consideration of the proposed sale or lease.”

20           **Section 3. Approval of Rules and Regulations Provided by the**  
21 **Department of Land Management.** The following rules and regulations  
22 for the Department of Land Management are approved, notwithstanding any  
23 other provision of law.

1 Rules and Regulations for leasing government land reserved as a  
2 cultural center:

3 "CHAPTER 1.

4 GENERAL PROVISIONS.

5 Section 1001. Authority. These guidelines are  
6 promulgated pursuant to the rule-making procedures of the  
7 Administrative Adjudication Law, which provide at §9107 of Title 5 of  
8 the Guam Code Annotated that the meaning of 'rule' includes any  
9 'procedure or requirement of any agency ... interpreting, supplementing  
10 or implementing any law enforced or administered by it ... .'

11 Section 1002. Identity and Purpose of Reserved Land.

12 Pursuant to Public Law Number 22-18, the Department of Land  
13 Management ('Department') reserved twenty (20) acres each from Lot  
14 Number 10120-R16 in Dededo, Guam, and from Lot Number 480 in  
15 Agat, Guam for the purpose of establishing a 'cultural center.'

16 (a) Lot 10120-17, Dededo, Guam. The twenty (20)  
17 acres which were reserved from Lot Number 10120-R16, Dededo,  
18 Guam have been parceled out of Lot Number 10120-R16, Dededo,  
19 Guam and the parceled lot is identified as Lot Number 10120-17,  
20 Dededo, Guam. The Department does *not* intend to subdivide Lot  
21 Number 10120-17, Dededo, Guam, but has instead surveyed a  
22 portion of Lot Number 10120-17, Dededo, Guam and has  
23 established within the surveyed portion, areas which are suitable  
24 for leasing. Each area to be leased is 20,000 ± square feet, as

1 shown on Land Management Drawing Number I4-97T632,  
2 recorded under Document Number 572938 in the Records  
3 Division, Department of Land Management. Water and electricity  
4 are *not* available on Lot Number 10120-17, Dededo, Guam, but  
5 within one hundred feet (100') of its southern boundary.

6 **Section 1003. Intent.** These rules are intended to provide a  
7 suitable amount of government land for leasing to qualified and eligible  
8 applicants, which are non-profit organizations and which plan to  
9 develop a '*cultural facility*,' as the term is used in these rules, within the  
10 time allotted, and which applicants show the capability and  
11 responsibility to do so. Public rights of way have been planned to give  
12 each area to be leased a means of ingress and egress.

13 *However*, all expenses for any development, including utility  
14 infrastructure not already available, are the sole responsibility and  
15 expense of the applicant or lessee.

16 **Section 1004. Interpretation of '*Cultural Center*.'** The  
17 legislative history of Public Law Number 22-18 indicates that the term  
18 '*cultural center*,' as used therein, was meant to be the same as used in the  
19 Guam Land Use Master Plan, or *I Tano'ta Plan*, as it is commonly  
20 known, ('Plan'). The Plan, which became official on April 18, 1998,  
21 *however*, does not define '*cultural center*' into the terms '*club*,' '*clubhouse*,'  
22 and '*private club*.' For purposes of these rules, the term '*cultural center*'  
23 shall have the same meaning as the term '*club*' defined in the Plan.



1           **Section 1005. Scope.** Section 3 of Public Law Number 22-  
2 18 contemplates that land reserved by government entities are either:  
3 (a) for development of long-term government facilities, (b) for parks and  
4 the like, or (c) for commercial leases to private interests. In accordance  
5 with §3(b) of Public Law Number 22-18, the Department will prepare a  
6 conceptual plan for the twenty (20) acres of reserved land in Dededo  
7 and for the twenty (20) acres reserved from Lot Number 480 in Agat,  
8 Guam depicting their full development as cultural centers in which  
9 long-term cultural facilities will be built. The conceptual plan will  
10 include any land leased in accordance with these rules. These rules  
11 contain the procedural guidelines for leasing land to applicants who  
12 wish to build cultural facilities at their own expense.

13           **Section 1006. Grandfather Clause.** Some legitimate non-  
14 profit organizations occupying or formerly occupying the Harmon cliff  
15 line area are *not* culturally related clubs. Notwithstanding, they may  
16 apply for a lease in accordance with these rules, so long as such non-  
17 profit organization plans to develop the leased property for its regular  
18 activities, the planned development represents a use harmonious to the  
19 rest of the area's use as a cultural center, and so long as the planned  
20 development is *not* in conflict with any other applicable law. *However,*  
21 in order to enter into a lease, any applicant grandfathered in pursuant to  
22 this rule must nevertheless meet the other eligibility criteria set out in  
23 Chapter 3, below, and must make adequate submittal as required by  
24 Chapter 6 of these rules.

1           **(a) Background History.** During hearings on the bill,  
2 which became Public Law Number 22-18 before the 22nd Guam  
3 Legislature's Committee on Housing and Community  
4 Development, the Department testified that a part of the twenty  
5 (20) acres of land in Dededo or Agat reserved for cultural centers  
6 was intended for the relocation of the legitimate non-profit  
7 organizations occupying the Harmon cliffline area.

8           **(b) Interim Limited Land Use Permits.** The  
9 Department considered the time required for these rules to  
10 undergo the Administrative Adjudication Law's rule-making  
11 procedure, and also the need of some of the Harmon cliffline non-  
12 profit organizations to have some limited use of some land for  
13 their immediate general purposes. Because §3(a) of Public Law  
14 Number 22-18 authorizes temporary uses of reserved land,  
15 guidelines for the interim temporary use of a portion of Lot  
16 Number 10120-17, Dededo, Guam, by means of limited land use  
17 permits were set by Executive Order Number 98-13. These rules  
18 recognize that such temporary use may *not* impede, delay or in  
19 any way interfere with the leases to be given pursuant to these  
20 rules. No entity with a limited land use permit, which shall apply  
21 for a lease in accordance with these rules, shall be given priority or  
22 special consideration contrary to these rules.



1           **Section 2005. Incomplete Application.** An application is  
2 considered incomplete and contains insufficient information *if* any  
3 question is *not* answered, *if* any blank is *not* filled in as required or the  
4 appropriate documents are *not* attached.

5           **(a) Rejection.** Incomplete applications shall be rejected  
6 and returned to the applicant *immediately* by mail to the address of  
7 the applicant, as indicated, or *if* the application is delivered in  
8 person, immediately to the person so delivering. The full  
9 application with all attachments, including any fee, shall be  
10 returned as though no application had been made.

11           **Section 2006. Application's Effective Period.** The  
12 applicant's authorized representative is required to certify the truth of  
13 certain statements the applicant makes in the application. Based upon  
14 these certifications, the application is considered good for only one (1)  
15 year from the date the certifications are made. *If* the applicant does *not*  
16 enter into an Agreement to Reserve, as provided for in Rule 5002, below,  
17 within a one (1) year period from the date the application is signed by  
18 applicant's authorized representative, then the application becomes  
19 stale and the applicant must reapply in accordance with the terms of  
20 Rule 7005, below, *if* applicant still desires a lease.

21   **CHAPTER 3.**

22   **CRITERIA FOR ELIGIBILITY.**

23           **Section 3001. Priority of Review.** Completed applications  
24 will be reviewed for eligibility and acted upon by the Department in

1 priority of receipt of the application, as such priority is provided for in  
2 Rule 2004, above.

3 **Section 3002. Proof of Eligibility.** An eligible applicant  
4 must possess all of the qualities enumerated in Rules (a) through (f),  
5 below, and must submit proof of each.

6 **Section 3003. Criteria.** To be eligible each of the following  
7 requirements must be met:

8 (a) **Status as Non-Profit Organization.** The applicant  
9 must be a legitimate non-profit organization, which shall mean for  
10 purposes herein only, an organization that is organized and  
11 operated primarily for activities which do *not* directly benefit any  
12 individual member, and as recognized by the Department of  
13 Revenue and Taxation. Copies of any articles of organization, by  
14 laws, association papers or membership agreements shall be  
15 submitted with the application, *if* available. *If* unavailable, the  
16 application must clearly indicate the reason for unavailability. In  
17 addition, a written summary of the following must be provided:  
18 the historical background of the organization, its purposes, its  
19 significant accomplishments, its chief activities and an explanation  
20 as to why the applicant is or should be considered a culturally  
21 related non-profit organization.

22 (b) **Tax Exempt Status.** The applicant need *not* be  
23 exempted from paying income taxes. *However*, a tax-exempt status  
24 will entitle the applicant to a lower rental amount on the lease

1 applied for. Therefore, *if* the applicant is *not* required to pay gross  
2 receipts taxes, it should submit a copy of its certificate of  
3 exemption issued by the Department of Revenue and Taxation. *If*  
4 the applicant is *not* required to pay income taxes, the application  
5 shall also submit a copy of a determination by the Department of  
6 Revenue and Taxation or the Internal Revenue Service indicating  
7 that the applicant is tax-exempt.

8 **(c) Culturally-Related.** The applicant shall prepare its  
9 written summary as described in Rule (a) to allow the Department  
10 to make a determination that the applicant's primary activities are  
11 culturally-related. This Section is *not* applicable to applicants  
12 subject to Rule 1006.

13 **(d) Title to or Use of other Real Property.** The  
14 government's desired outcome based upon these rules is the  
15 development of an integrated cultural center, which is  
16 representative of the diverse cultures which co-exist on Guam, in  
17 order to promote understanding and harmony amongst them.  
18 Thus, an applicant's ownership or lease of any other real property  
19 is *not* a consideration in determining the applicant's eligibility.

20 **(e) Condition of Property Under Use Permit.** *If* the  
21 applicant has an interim use permit as referred to in Rule (a)  
22 above, then at the time the lease application is submitted, the  
23 applicant must be in compliance with all the terms of the use  
24 permit in order for applicant to be eligible for a lease under these

1 rules, and the applicant must *not* owe anything to the Department  
2 for any expenses the Department may have incurred on the  
3 applicant's behalf under the use permit.

4 (f) **Contact Person and Address.** The current mailing  
5 address of the applicant, along with the name of an authorized  
6 representative, must be clearly indicated. All notices to be sent to  
7 the applicant will be mailed to the address the applicant indicates.

8 (g) **Intent to Construct.** The purpose of the lease is for  
9 the construction of an improvement, or improvements, which are  
10 cultural facilities as that term is used in these rules. The applicant  
11 must state this intent in writing. Applicants subject to Rule 1006  
12 should describe the improvement planned and state their intent to  
13 so construct.

14 (h) **Financial Responsibility.** The applicant must show  
15 its ability to finance the construction of improvements and to pay  
16 the rental value of the property. Proof may be shown by the  
17 applicant submitting the applicant's financial statements,  
18 preferably audited, for its immediately preceding two (2) fiscal  
19 years. *If applicant is required to pay income taxes, the applicant*  
20 *shall submit a copy of the return filed for the last two (2) of it fiscal*  
21 *years.*

## 22 CHAPTER 4.

### 23 DETERMINATION OF ELIGIBILITY TO LEASE.

1           **Section 4001. Determination and Effect.** The Department  
2 shall make a determination in writing as to whether or not the applicant  
3 is eligible. *If* upon review of the completed application the Department  
4 finds that the submitted application and documents sufficiently prove  
5 that the applicant is a legitimate, financially responsible non-profit  
6 organization, whose primary activities are culturally-related, and that it  
7 intends to construct a cultural facility, *except* as applicant may be  
8 exempted by Rule 1006, then the Department shall determine that the  
9 applicant is eligible to select and reserve land or lease in accordance  
10 with these rules.

11           **Section 4002. Priority to Reserve.** Upon a determination  
12 that the applicant is eligible, the Department shall place the applicant's  
13 name on a priority list in the order that the applicants are determined to  
14 be eligible. An applicant may select and reserve land for leasing in the  
15 order that its name appears on the priority list.

16           **Section 4003. Notice of Determination.** The Department  
17 shall notify each applicant by mail of the Department's determination as  
18 soon as practicable after a determination is made. *If* a negative  
19 determination is made, the reasons must be stated in the notice to the  
20 applicant. *If* the Department cannot make a determination because the  
21 application, which is initially thought to be complete, is later found to  
22 be incomplete, then the Department shall so notify the applicant.



1           **Section 4004. Appointment to Reserve.** The Department  
2 shall also provide in the notice of determination of eligibility an  
3 appointment date and time for the applicant to select and reserve land.

4           **(a) Designated Appointments.** The Department  
5 shall designate an appointment date and time for applicants in the  
6 order that the applicant's name appears on the priority list of  
7 eligible applicants. The Department shall make no more than one  
8 (1) appointment in the morning and one (1) appointment in the  
9 afternoon of any working day during normal working hours, and  
10 the appointment must be at least twenty (20) calendar days from  
11 the date the notice of determination of eligibility is mailed.

12           **(b) Time of the Essence for Appointments.** All  
13 eligible applicants are on notice that *'time is of the essence'* and that  
14 *if* the designated appointment is changed or missed, the applicant  
15 may lose its original priority status and shall acquire the priority  
16 ranking that corresponds with the newly chosen appointment date  
17 and time.

18           **(c) Changed Appointments.** At the request of the  
19 applicant, a designated appointment date and time may be  
20 changed to any other date and time available.

21           **(d) Missed Appointments.** Eligible applicants who  
22 miss an appointment are *not* automatically reassigned another  
23 appointment, but must request a new appointment. Any new  
24 appointment date and time available may be given.



1 reason, then in no event shall the expense of any clearing or  
2 grading undertaken by the applicant be considered an amount  
3 owing by the Department to the applicant.

4 (c) **Reservation Not a Lease.** The Agreement to  
5 Reserve is a limited act preliminary to the lease designed to  
6 reserve the selected area of land. By no means should the  
7 Agreement be interpreted as a lease, nor does it grant any rights to  
8 the applicant as a lessee. Before the Department gives its final  
9 approval, and before a lease with the eligible applicant is entered  
10 into, the eligible applicant must fulfill the requirements of the  
11 rules contained in Chapter 6, below, and as outlined in the  
12 Agreement to Reserve.

## 13 **CHAPTER 6.**

### 14 **REQUIREMENTS OF ENTERING INTO LEASE.**

15 **Section 6001. Submittal Required.** In order to enter into a  
16 lease or the reserved property, the eligible applicant must submit the  
17 following *prior to* the automatic termination of the Agreement to  
18 Reserve:

19 (a) **Conceptual Plan.** A conceptual plan depicting  
20 the reserved property's development as a cultural facility shall be  
21 submitted in adequate visual detail showing the improvement or  
22 improvements to be constructed, with landscaping, from all  
23 angles. The plan should include a sketch showing the location of  
24 the improvement or improvements on the land, and a sketch of

1 the floor plans or proposed building layouts with approximate  
2 square footage of floor area, the proposed parking area and, *if*  
3 *required*, any loading areas. The visual drawings should be  
4 accompanied by a written summary of the development. This  
5 conceptual plan need *not* be as detailed as an architect's or  
6 engineer's blueprints, *unless* desired, but should be professional in  
7 appearance.

8 **(b) Statement of Costs and Funding.** The eligible  
9 applicant must also submit a supporting statement, in sufficient  
10 detail, concerning the approximate cost of the development, the  
11 proposed contractor's name and license number, and the  
12 development's financing method or source of funding.

13 **Section 6002. Determination of Adequacy.** The  
14 Department shall determine, in its sole discretion, whether the  
15 conceptual plan and financing statement are adequate in detail as  
16 provided for in Rules 6001(a) and (b), and whether the applicant's  
17 financial resources are sufficient to complete the proposed  
18 development. A building in which an applicant intends to conduct its  
19 regular or special activities, as shown by applicant's historical  
20 background, shall be considered adequate as a cultural facility, even as  
21 to those applicants subject to Rule 1006, above.

22 **(a) Notice of Determination.** A written notice of  
23 determination shall be provided by mail to the applicant. *If* the  
24 submittals are determined adequate, then the notice shall indicate

1 that a lease is being prepared and that applicant must sign the  
2 lease as provided for in Rule 6004 (a), below. *If* any part of any  
3 submittal is found to be inadequate, the reason or reasons shall be  
4 provided in the notice in sufficient detail to enable the applicant to  
5 redo and bring the required submittals into compliance with the  
6 requirements of Rule 6002, above.

7 **Section 6003. Resubmittals Accepted.** An applicant may  
8 resubmit the documentation required by Rules 6001(a) and (b), above,  
9 as many times as necessary for a determination of adequacy. Each  
10 resubmittal shall be considered a new submittal for purposes of Rule  
11 6005, below.

12 **Section 6004. Preparation of Lease.** *If* the required submittals  
13 are determined to be adequate, the Department shall as soon as  
14 practicable prepare a lease in accordance with the lease terms contained  
15 in Chapter 8, below, naming the eligible applicant as the lessee for the  
16 land reserved.

17 (a) **Deadline to Enter Into Lease.** *If* the lease is *not*  
18 signed by the applicant within six (6) months from the date of the  
19 notice of a favorable determination in Rule 6002(a), above, then  
20 the lease shall be cancelled, and the land which is reserved and  
21 which is the subject of the lease shall become available for  
22 selection and reservation by other applicants under these rules.

23 **Section 6005. Disqualification.** *If* the Department  
24 has *not* made a determination of adequacy within the one (1) year

1 available land for any reason under Chapter 6, above, the applicant may  
2 reapply at any time so long as land is still available for purposes of these  
3 rules, and the applicant pays the regular application fee. Any applicant  
4 who reapplies must go through the entire application process as though  
5 no prior application had ever been submitted. The Department is *not*  
6 obligated to use any of applicant's submittals under a prior application.

## 7 CHAPTER 8.

### 8 LEASE TERMS.

9 **Section 8001. Significant Terms.** The Attorney General  
10 shall prepare a form of lease to be used for the reserved property, which  
11 shall protect the Department's interest in the leased premises and which  
12 shall be designed to carry out the purposes and intent of these rules.  
13 The lease shall incorporate the significant terms indicated below in this  
14 Rule 8001:

15 (a) **Term of Lease.** The term of the lease shall be fixed at  
16 twenty-five (25) years to allow for the construction of  
17 improvements and the full payment of a construction loan, *if any*,  
18 with an option to renew for an additional twenty-five (25) year  
19 renewal term.

20 (b) **Rent.** The rental rate for the leases provided in  
21 these rules, or how it is to be determined, is *not* indicated  
22 anywhere in Guam law. Public Law Number 22-18, to which the  
23 land reserved as a cultural center is subject, addresses the rental  
24 provisions of commercial leases only, setting such value in terms

1 of fair market value of the property, with payments going to the  
2 Chamorro Land Trust Commission. The Chamorro Land Trust  
3 Act indicates that the rental amount of available land *not*  
4 immediately needed and which is returned to the Department,  
5 may be leased in accordance with 21 GCA §75103(b) with the  
6 Department determining the rental amount. In accordance with  
7 these considerations, the Department has determined that the  
8 rental amount for the leases provided for in these rules shall be  
9 based on whether or not the applicant is exempt from paying  
10 income taxes, as evidenced by a determination in accordance with  
11 Rule 3003(b), above. Rent payments shall go to the Chamorro  
12 Land Trust Commission.

13 (c) **Income Tax Paying Applicants.** An applicant which,  
14 at the time it enters into a lease, does *not* have a determination that  
15 the applicant is exempt from paying income taxes, shall pay the  
16 fair market rental value of the leased premises, as such value is  
17 determined by the Department. Rent may be paid monthly or  
18 annually, as the Department and applicant shall mutually agree.

19 (d) **Income Tax Paying Applicants.** An applicant which,  
20 at the time it enters into a lease, is exempt from paying income  
21 taxes as evidenced by a determination from the appropriate  
22 government authority, shall pay an annual rental amount which is  
23 nominal. The nominal amount is determined to be One Hundred  
24 Dollars (\$100.00) per year for the first twenty-five (25) years and

1 Three Hundred Dollars (\$300.00) per year for each thereafter that  
2 the reserved property is under lease to the applicant.

3 (e) **Beginning Construction.** *If* the applicant enters  
4 into a lease according to these rules, the applicant shall complete  
5 its plans for development; secure or otherwise provide for  
6 financing; arrange for water, sewer and electricity infrastructure,  
7 as needed; and begin construction within one (1) year from the  
8 effective date of the lease.

9 (f) **Completing Construction.** Construction must be  
10 completed within three (3) years of the effective date of the lease.

11 (g) **Failure to Begin or Complete Construction.** Failure  
12 to begin construction within one (1) year from the effective date of  
13 the lease shall result in the *automatic* termination of the lease.  
14 Failure to complete construction within three (3) years of the  
15 effective date of the lease shall give the Department the right to  
16 terminate the lease in its sole discretion.

17 (h) **Covenant Against Gambling.** The applicant shall  
18 covenant that no gambling activities will be conducted on the  
19 leased property, *except* as the applicant may be legally licensed to  
20 carry on such activities.

21 **Section 8002. Approval of Attorney General and I**  
22 *Maga'lahaen Guahan.* All leases entered into in accordance with these  
23 rules must be executed by *I Maga'lahaen Guahan*, attested to by *I Segundu*



1        *Na Maga'lahaen Guåhan*, and approved as to form by the Attorney  
2        General.

3                **Section 8003.     Concurrence by *I Liheslaturan Guåhan*.**

4        All leases entered into in accordance with these rules must be concurred  
5        to by *I Liheslaturan Guåhan* pursuant to 21 GCA §60112."



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

June 14, 1999  
( DATE )

**FILE**

Memorandum

To: Senator MARCEL G. CAMACHO

From: Clerk of the Legislature

Subject: Report on Bill No. 192 (COR)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 192 (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*  
Josephine Brennan-Badley

Attachment

KNOWLEDGEMENT RECEIVED  
By: J. R. [Signature]  
Date: 6-14-99



The Office of

**Senator Marcel G. Camacho**

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN  
**Twenty-Fifth Guam Legislature**

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910  
Suite 108A • Ada Plaza Center  
Phones (671) **479 8261 / 62 / 63 / 64**  
Facsimile (671) **472 8223**

June 11, 1999

The Honorable Antonio Unpingco, Speaker  
I Mina'Bente Singko na Liheslaturan Guahan  
155 Hesler St.  
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following: **Bill No. 192(COR): As Substituted By The Committee on Land, Agriculture, Military Affairs and the Arts, "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."** wishes to report back to the Legislature its recommendation **TO DO PASS.**

**Committee Voting Record:**

To do pass: 5

Not to pass:           

Abstain: 1

A copy of the Committee Report is attached for your consideration.

Sincerely yours,

**MARCEL G. CAMACHO**  
Chairman



The Office of

**Senator Marcel G. Camacho**

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN  
**Twenty-Fifth Guam Legislature**

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910  
Suite 108A • Ada Plaza Center  
Phones (671) **479 8261 / 62 / 63 / 64**  
Facsimile (671) **472 8223**

June 10, 1999

## MEMORANDUM

**TO: Members,**  
**Committee on Land, Agriculture, Military Affairs and the Arts**

**FR: Chairman**

**RE: BILL NO. 192(COR):** *As substituted by the Committee on Land, Agriculture, Military Affairs and the Arts, "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."*

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report of **Bill No. 192(COR)**.  
(see attached)

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

**MARCEL G. CAMACHO**  
Chairman

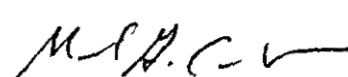

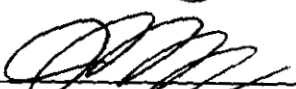



Attachments

**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS  
and the ARTS**  
**I Mina'Benta Singko Na Liheslaturan Guåhan**  
**Twenty-Fifth Guam Legisture**

**VOTING SHEET**

June 10, 1999

**RE: BILL NO. 192(COR): "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."**

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Sen. Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kaperbauer, Vice-Chair		JK ✗		X	
Senator Joanne M.S. Brown		✓			
Senator Eduardo B. Calvo		✓			
Senator Kaleo S. Moylan		✓			
Senator Simon A. Sanchez, II					
Senator Frank B. Aguon, Jr.					
Speaker Antonio "Tony" R. Unpingco, ex. officio		✓			

# VIETNAMESE-CHINESE FAMILY ASSOCIATION OF GUAM

June 10, 1999

9:00 AM

Guam Legislature Public Hearing Room

Re: Bill 192

Dear Senator Marcel Camacho,

I am Larry Do wish to thank you for your efforts together with your committee members. I remember, last Feb 14, 1997, during the meeting with Director of Land Management Mr. Tony Martinez and Ray Aflague, Land Administrator, Mr. John Gilliam, Governor's representative and Atty Deborah Rivera. They presented the drafted Rules and Regulations to us for review and comments. They solicited our input from the Federation.

Our representative Mr. John Vega made some changes to ensure the rules will not become discriminatory , but fair and agreeable to both.

Mr. Gilliam commented that the Governor wanted to start the leasing as soon as possible by means of Executive Order while awaiting for the final rules for long term lease.

All suggestions and amendments recommended by Mr. Vega were well taken and were incorporated with revised Rules and Regulations. We were informed formally by the DLM.

Therefore, I can not say anything about Bill 192 regarding the final Rules and Regulations but to say in front of you today that on behalf of the members of our association, as the president I am wholeheartedly in support for adoption. We need to build our own club House soon in order to be able to have one place for our activities especially to preserve our cultural heritage. I am also grateful for the Department of Land Management even the change of Leadership they maintain their honest efforts to help the Federation of Asian People on Guam.

Thank you,

Larry Do



**FILIPINO EDUCATORS ASSOCIATION OF GUAM**  
**P.O.Box 23745 gmf Barrigada, Guam**

June 10, 1999 Public Hearing 9AM Legislature Public Hearing Room

Senator, Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts.

Re: BILL NO. 192

I am Isabel Balaoro, a retired Administrator of the Department of Education, would like to greet you all good morning. It is really a wonderful morning for me to have this opportunity to stand before you on behalf of the Filipino Educators Association of Guam in favor of Bill No. 192 , An Act To Adopt Bill 192 which will provide guideline to the Department of Land Management in leasing land to the qualified nonprofit, civic, fraternal and cultural organizations.

History dictates that in North America Asian and Pacific traders had been trading in Aemrica as early as the 15<sup>th</sup>. Century and the by the late 1800s. Similarly Guam history reveals that Chinese, Filipinos and Japanese were trading with the Chamorro in early 1800s. Now, Asian people on Guam who are adopting Guam as their second country, share their expertise and skills into the mainstream of Guam community for economic and social progress.

Since there are land properly reserved for the interested nonprofit organizations, and secured for the establishment of a club house of nonprofit associations, it is about time now that this Bill 192 by adopted and passed into law so that the Department of Land management can start leasing out to those applicants who are financially capable and willing to comply with all requirements.

Again, on behalf of the members of the Educators Association, as the past, President of the Filipino Ladies Association and the Filipino Educators Association and Secretary of the Federation of Asian People on Guam, strongly recommend that the Speaker will certify to and the Legislative Secretary will attest the adoption of Bill 192.

Sincerely,  
  
ISABEL BALAORO

# FIL-AMERICAN PRESIDENTS CLUB OF GUAM

**Public Hearing June 10, 1999 9:00AM Legislative Public Hearing Room**

Senator Marcel G. Camacho  
Chairman, Committee on Land, Agriculture, Military Affairs and Arts

Re: BILL 192 – AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE  
TO THE LEASING OF GOVERNMENT LAND AS A CULTURAL CENTER  
FOR THE DEPARTMENT OF LAND MANAGEMENT

Good morning Senator Marcel G. Camacho, Chairman and members of this fine committee, visitors and friends.

My name is Leo Ebuena Edusada, of legal age, married, U.S. citizen and presently residing at Dededo. A former Chairman of the Filipino-American Presidents' Club of Guam, re-elected Vice President and now board of director of the Filipino Community, charter Secretary of the Federation of Asian People on Guam, charter Vice President of the Guam Galaide Lions Club, etc.

I am honored and so delighted to address this august body, to testify in favor of Bill 192, An Act Relative to the Adoption of Rules and Regulations in leasing government land by the Department of Land Management for non profit, civic, fraternal and cultural organizations.

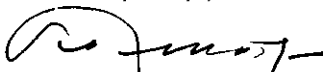
I had been with the Federation of Asian People in negotiating land from the Government of Guam for the past few years. I was present during the few meetings conducted between the Federation and Department of Land Management, Atty, Deborah Rivera and Mr. John Guillian about leasing the land to qualified applicants. If my memory doesn't fail me, I may recall when Mr. John Guillian and the Director of Land Management said that they want the leasing to start as early as 1997. However, they were still drafting the rules and regulations and the Attorney General shall review the draft prior to submitting to Guam Legislature for adjudication or for their concurrence by statute.

There were two (2) public hearings held, in compliance with the Administrative Adjudication Act at the Department of Land Management Conference Room. Some sections of the rules and regulations were discussed and changes or amendments were agreed upon by both parties.

In view of the foregoing, I strongly support without mental reservation the adoption of Bill 192 in its entirety containing the rules for leasing to the various ethnic group organizations on Guam.

Thank you.

Very truly yours,

  
LEO E. EDUSADA



## **BICOL CLUB OF GUAM**

**June 10, 1999      9:00 AM      Guam Legislature   Public Hearing Room**

**Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts**

**Honorable Senator Camacho:**

**RE: Bill 192**

**Good morning Senator Camacho and members of your committee! I am Bong Dilanco the President of Bicol Club of Guam, has been very excited to know that the Twenty-Fifth Guam Legislature is now pushing the implementation of a long term lease. By virtue of the rights vested on us by the executive Order 98-13, we have already the lot assigned to us cleared out of unnecessary trees, and grasses ready for building our structure.**

**However, the period is too short for us to stay, for it is temporary permit only. True, the Governor authorizes us to go ahead build a temporary structure until April of 2000. But for financial reason, we rather wait for your Bill 192 to be adopted so that we can build the most desired structure that will depict the characteristic of a real club house or cultural building. The Bicol Club as well as the others will build a little presentable and a structure that can resist 150- 175 M wind, this should serve as safety precautionary measure for our members in case of typhoon.**

**On behalf of the Bicol Club members and their families, I extend sincere gratitude and a heartfelt appreciation to you Mr. Chairman Camacho and members of your committee for adopting this Bill 192 so that the Public Law 20-194 and Public Law 22-18 will be implemented.**

**Respectfully yours,**

  
**BONG DILANCO  
President**

**PANGASINAN COMMUNITY INTERNATIONAL OF GUAM  
P.O. BOX 8443 TAMUNING, GUAM, 96931**

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs, and the Art

Re: Bill 192

Dear Senator Camacho:

Good morning Senator Camacho and members of your committee.

The members of the organization are very pleased for the invitation to attend the hearing for you Bill 192 which will provide the final Rules and Regulations governing the lease agreement for the lot in Lada in which we have already signed the designation of the exact boundary and markers on lot No.# 3 Block #3 of lot 10120-R17, tract 1143.

My name is Andy Padilla Jr., PCOG representative, and also President of Binalonan Association of Guam, is thankful to have this opportunity to testify on behalf of the members of both associations whose members are originally from the same province of Pangasinan, Philippines.

Personally, I have been with Mr. John Vega, in many series of meetings he has had with Director of Land Management, the Asst. Atty General, Deborah Rivera, and Mr. John Gilliam Governors representative and Mr. Ray Aflague, the Land Administrator, of the Department of Land Management discussing about the subject rules and regulations and we have agreed to them.

Last April 8, 1998 the Executive Order 98-13 was signed and issued to the Federation of Asian People on Guam giving us old occupants of Harmon Cliff Line the rights to start building our club houses in lot No. 101020-R16, which now 10120-R17 after the third survey of the area was made. All organizations at Harmon Cliff Line were grandfathered by the Executive Order to have temporary land use permit. But we found out to build a temporary structure is too expensive for a limited time of use.

It is vitally important that the various nonprofit organizations be considered in our struggles for a permanent, peaceful and appropriate place for our activities in upholding our customs, traditions and culture and share them with other ethnic groups in harmonious relationship.

On behalf of the Pangasinan Community International of Guam I am in favor for the passage of the Bill No.192 which will benefit not only Filipinos but also Chinese, Koreans, Vietnamese, Indians and Palauans and others who are interested to lease on the property.

Sincerely,

  
ANDY PADILLA  
VP PRES.

# Zambales Families

P.O. Box 11945



# Association of Guam

Tamuning, Guam 96931

## 1999 OFFICERS

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President

**ROMY ANGEL**  
Special Assistant  
to the President

**ROGER ELAYDA**  
1<sup>st</sup> Vice President

**MAR W. REYES**  
2<sup>nd</sup> Vice President

**FELICITAS ANGEL**  
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Mercedes C. Gonzales

Dolores M. Antes

Reynaldo Edosada

June 10, 1999

9:00 AM Public Hearing Room, Guam Legislature

Senator Marcel Camacho  
Chairman, Committee on Land,  
Agriculture, Military Affairs and  
the Arts

Dear Senator Camacho:

Good morning, Hafa Adai to all members of this committee. I really appreciate to have the great opportunity to testify on behalf of the Zambalinian Families of Guam on Bill No. 192 regarding the rules and regulations for lease policies and procedures.

Our association, used to be based at the Harmon Cliff Line for many years. We were advised to vacate the place because the Air Force will turn over the property to the Government of Guam. Since that time and until now we are having hard time in conducting our regular activities as an association. Our monthly board and general membership are done from one place to the other creating much inconvenience to the members.

We were issued an Executive Order 98-13 dated April 8, 1998 for temporary land use permit for two years and after the approval of the Bill No. 192 we are required to demolish our temporary building. Since there are many restrictions imposed on the condition of limited land use permit we prefer to wait for the long term lease to be approved to avoid too much expenses. In fact, we did not start doing anything to use the authority vested by the Executive Order 98-13 hoping that Bill No. 192 be adopted by the Twenty Fifth Guam Legislature sooner. We are assigned on Block 3, lot 11 on tract 1143 by the Department of Land Management.

To have a long term lease would allow us various nonprofit and cultural organizations to have the opportunity to preserve our cultural and traditional heritage. We are sharing our customs and our culture with the people of Guam and we also adopt theirs. We are willing to build our club house at our own expenses. We appreciate that there is now available water line, telephone, power and nearby sewer on the proposed lot. The Land Management has already surveyed the lots in there at Lada and had been parceled out to half acre each organization.

zamabales Assn.

Page (2) of 2

We are praying that the Twenty-Fifth Guam Legislature will adopt Bill 192 in order to completely accomplish our mission, build a permanent type of structure to preserve our culture.

We sincerely thank you all,



EDDIE SENATO

President

# INDIAN COMMUNITY OF GUAM

June 10 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts

Dear Senator Camacho:

I am Ishu Thadhani former president of Indian Community, a chartered member of the Federation of Asian People on Guam, express thank you and your committee members. I wish to greet you all good morning !

On the long years and many efforts and time spent on how to go about on the Public Law 20-194 , An Act which set aside land in the north and in the south of Guam, each consisting of 20 acres. We received the Executive Order 98-13 last April 8, 1998 after many meetings with Atty General Office, Governors representative and the Department of Land Management. It was a first step toward the grand victory according to Mr. John Vega. It is good, but it is only intended to benefit those organizations from Harrison Cliff Line.

On May 6, 1998 the Lt. Governor issued a memo directing the FAPG President and Mr. John Vega to have the concerned organization file an application and take charge of the processing for application for lease on the Federation of Asian People Village. Accordingly, Mr. John Vega has already processed nine applications from the nine organizations granted a grandfather clause which now have their own individual lots of 20,000 square feet each on lot No. 10120-R17 on tract 1143 in Lada Dededo.

But none of them started building the structure yet although few of them are already clearing their own lots. There are some restrictions imposed on temporary structure which made them think that it will be a waste of money when the time for use is too short . They prefer to wait for the permanent type lease, which your Bill No. 192 will bring forth the blessings of wonderful beginning. I am aware of the intent of the Rules and Regulations.

I thank Eddie Reyes who sponsored Public Law 22-18 cosponsored by former Speaker San Agustin reserving the lots for cultural organizations. However, the grand gratitude shall be directed to you Mr. Chairman Camacho and your committee members responsible for the finishing touch. I also extend thanks to other officials who were involved in the process.

On behalf the Indian Community on Guam, again, I fully support the passage of Bill No. 192 in order to benefit the 62,000 Asian people in Guam to consider the Filipinos, Koreans, Indians, Chinese and Vietnamese without counting the belongings.

Thank you,

ISHU THADHANI



# **PALAUAN COMMUNITY OF GUAM**

P. O. Box 8081, Tamuning  
Guam 96931

To : Senator Marcel Camacho  
Chairman, Committee on Land  
Agriculture, Military Affairs and  
The Arts

From: President of Palauan Community of Guam

Subj : Bill 192 Rules and Regulations

I am Mr. Jacob Dou, the president of the Palauan Association of Guam, good morning everyone specially the Chairman of the committee.

I am here in front of you to state my position on behalf of the members of the Palauan Community Association of Guam, that Bill 192 is very important to us so we can be able to lease a lot in the Lada area in a permanent status. Last January 15, 1999 I signed the lot markers assigned to us the Palauans at Lada by virtue of the Executive Order 98-13. But it is only for temporary use with a short limited time of use.

With this Bill 192 that Chairman Camacho and the members of the committee, are trying to enact,

I am convinced that will make everyone of us former occupants of the Harmon Cliff Line happy. We Palauans in Guam have established ourselves to enjoy our living here. We have assimilated to the Chamorro environment and way of life. We are very thankful for their hospitality and we enjoy sharing their culture as well as we try to share ours with other peoples of Guam.

We have paid our share in the survey of the subject land Lot No. 10120-R16 together with the Federation of Asian People on Guam when the survey was done through the direction of the Director of Land Management in 1993. In fact the FCG, Chinese, Koreans, Vietnamese, Indians and Lions Club have also burdened the cost of the survey.

Former Senator Eddie Reyes, was the sponsor of Public Law 22-18 which reserved the land for cultural organizations signed by Governor Ada in June 12, 1993. So that we can make use of the property, we ask your kind action to adopt the rules and regulations promulgated by the Director of Land Management and the Attorney General's Office.

Bill 192  
Testimony

Page (2)

We are in full support of Bill 192 in our belief that the provisions stated in the rules are fair and beneficial to us and the government.

Sincerely  
  
JACOB DOU

# FEDERATION OF ASIAN PEOPLE ON GUAM

226 CALAMENDO LANE  
LIGUAN TERRACE, DEDEDO  
GUAM, 96912

Public Hearing on Bill No. 192 Guam Legislature Public Hearing Room

June 10, 1999 9:00 A.M.

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts

Good Morning, Senator Camacho, Chairman and members of this committee. I am Mr. JOHN VEGA, the former President of FCG, and the Federation of Asian People On Guam, take this great opportunity to testify on the most awaited subject of our venture to gain the final step forward to leasing the government property for a long term lease.

In the past many years, we the Asian people from various ethnic of Asian countries presently residing in Guam, have realized that we do not have any identity or ideology as people. Although we consider ourselves as part of Guam's community assimilating with the Chamorros, sharing our culture and adopt their's we must maintain our own cultural and traditional heritage.

We are political partners and allies under the guidance of the United States of America. We believe that we should practice our ethnic traditions to venerate the memories of our native cultures as part of the "New Guam" and to demonstrate to the people of Guam that we desire to promote understanding, camaraderie that will enhance not only friendship, but also efforts to economic development of the island.

We believe that if we can create a conglomerate community of diverse ethnicities we can influence that local community with multitude and diversity of talents and skill that with symbiotic relationship, we can enjoy and acquire from each other as interchanging and enrichment of customs, cultures and traditions.

We Asian-Americans have demonstrated not only our adaptability to the customs, tradition and culture of our host country, but also those qualities and spirit of law abiding citizens that earn the respect and admiration by thousands of people on Guam to include the special words of appreciations and recognitions awarded to us by many Governors, Senators, Congressman and Judges past and present.

By virtue of Public Law 20-194, signed August 17, 1990 which directed the Director of Land Management to identify and submit to the Legislature within 90 days of enactment of this Act, public lands appropriate for construction of civic, nonprofit, fraternal and cultural community and family centers. The Director



Testimony on Bill No. 192  
page (2) of 2

has identified two sites, (2) one in the north of Guam and another in the south each of which consist of at least (20) twenty acres of land. It included an easement, wide public access, suitable for structural development of cultural building. The northern site of Guam containing twenty acres, have been surveyed three times. One by the Federation and the others by the Government of Guam. It has been parceled into 20,000 S.F. or 1/2 acre each as portion of lot No. 10120-R16 which is now lot No. 10120-R17.

Subsequently, another Public Law 22-18 has been enacted last June 12, 1993 specifically reserving and committing portion of lot No. 10120-R16 in the North and portion of lot No. 480 in Agat to satisfy the mandate of PL 20-194.

Absolutely these lots are not included in the inventory of the Chamorro Land Trust Commission, but rather they are under the cognizant of the DLM.

The Director of DLM and the Governor have been conducting series of meetings with the Federation of Asian People on Guam with Officers and Board of Directors emphasizing and expressing willingness for the nonprofit organizations to start leasing the land reserved for the purpose. However, the full back is the final rules and regulations which are promulgated by the DLM and the Atty. General Office need the concurrence of the Guam Legislature by Statute before the Governor can sign any lease agreement. The drafted Rules and Regulations were discussed and provisions contained therein have been concurred by us, Federation with members comprising FCG, Chinese, Indians, Koreans and Vietnamese, after proper explanations .

Therefore, on behalf of the members of the Federation including those old occupants of Harmon Cliff Line organizations , I, as their spokesman, implore your kind consideration for our quest for the approval on Bill No. 192 or adoption thereof.

The mission of the Federation is to establish a Multi-Cultural Center for a purpose not only to benefit the members of the federation but also the public and the government in general.

I have no further comments, I am willing to answer some questions if any.

Respectfully,



JOHN M. VEGA  
Representative of FAPG.

# FILIPINO COMMUNITY OF GUAM

P.O. Box 9267 Tamuning, Guam 96931

June 10, 1999      Public Hearing      9:00 AM      Legislature Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and The Arts.

Re: Bill 192- An Act to Adopt Rules and Regulations Relative to Leasing of  
Government land by the Land Management.

Hafa Adai and good morning Senator Camacho and members of your committee!

I am Mr. Emelio Uy, former president and Adviser of FCG. I am very pleased to be here for your invitation to testify on Bill 192, An Act to Adopt Rules and Regulations to be provided to the Director of Department of Land Management as guideline for leasing land to organizations specified in the Public Law No. 20-194 , for the establishment of nonprofit civic, fraternal and cultural center. This same law has set aside land in the North and South of Guam each containing no lease than 20 acres each.

Subsequently, another Public Law No. 22-18 was enacted reserving the 20 acres lot in Agat portion of lot no. 480 and 20 acres portion of lot No. 10120-R17 for cultural center for nonprofit organizations which plans to develop its cultural facility thereon.

That such rules and regulations have been cleared with the requirement of Title 21 GCA Chapter 60, Section 60111 through the Director of Land Management on October 5, 1998. Therefore, on behalf of the Filipino Community as the umbrella of about 66 other Filipino organizations, I do not hesitate to support Bill 192 in its passage.

Your decision to adopt these rules and regulations specified on this Bill 192 can be the vital springboard to achieving the long overdue dreams and aspirations of the Filipino Community of Guam and the other Asian groups in Guam.

On behalf FCG and FAPG, thank you very much.

EMELIO UY



# FILIPINO COMMUNITY OF GUAM

## Re: Bill 192-An Act to Adopt Rules and Regulations Relative to the Leasing of Government Land Reserved as Cultural Center .

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts

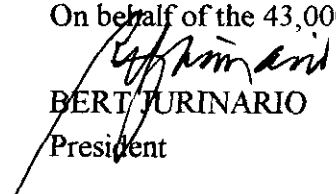
May I greet you Senator Camacho and members of your committee, good morning!

I am Bert Jurinario, current president of the Filipino Community of Guam would like to thank you all for this wonderful opportunity to testify in favor of Bill 192 An Act Relative to adopting the Rules and Regulations for Leasing Government Property under the cognizant authority of the DLM, Department of Land management in order for the agency to be able to implement Public Law 20-194, An Act setting aside land in the north and land in the south of Guam each containing at least 20 acres for the establishment of civic, nonprofit, fraternal and cultural center. To be able to implement Public Law 22-18 which reserved 20 acres on portion of lot No. 10120-R17 in Lada Dededo and 20 acres on portion of lot No. 480 in Agat for the construction of cultural centers.

It is the sole intention of the FCG as the umbrella of about 66 Filipino organizations to house them under one roof. We believe that one of the ways for unification is to have one permanent place to socialize a steady place to conduct our normal activities primarily related to cultural in characteristic.

Public Laws No. 20-194 and 22-18 can not be implemented until Bill No. 192 is adopted and passed into law. In view the foregoing, therefore, I am urgently and respectfully pleading for your kind consideration for the passage of Bill 192. Your actions will pave the smooth way for better understanding, harmonious and reliable relationship.

On behalf of the 43,000 plus Filipinos in Guam, I thank you.

  
BERT JURINARIO  
President

# **KOREAN ASSOCIATION OF GUAM**

**June 10, 1999      Public hearing      Guam Legislature      9:00AM**

**Senator Marcel Camacho  
Chairman, Committee on  
Lan, Agriculture, Military  
Affairs and the Arts**

**Dear Senator Camacho,**

**I am Dr. Moon Yun, President of Federation Asian People on Guam, would like to greet you Chairman and members of your committee, good morning !**

**I just took over the presidency last month because Mr. Charles Lee is now too busy with his business, I am glad to continue what has been done by the previous Presidents of the Federation since the time the project started when Mr. John Vega was the Chartered President of the Federation. I am very much privileged for your invitation to attend on this hearing today and I will make short testimony in full support of your Bill No. 192 regarding the rules and regulations covering leases of the portion of lots No. 480 in Agat and No. 10120-R16 in Dededo. Our association has been longing for the time to apply for long term lease and I think this is the right time.**

**On behalf also of the Federation, I believe that upon the adoption of this Bill 192, will enable the Federation to start its mission of building Multi-Cultural Center to benefit all the people of Guam.**

**I understand this project started since 1990, but full force started in 1992. We really appreciate the Filipino Community of Guam because they are the pioneers of this project. Accordingly, when the Department of Land Management allowed the visual inspection of the area, Mr. John Vega, Mr. Emelio**

Uy, Mr. Robert Kao, Mr. Ishu Tdadhani, Mr. Alvin Olivares and Ms Kim Botcher and Mr. James Ji were the people who agreed for the area be reserved for various organizations, in which later included all associations in the Harmon Cliff Line. This group represented Filipino, Chinese, Indian, Korean and Vietnamese organizations on Guam.

As the current President of the Federartion, I am fully prepared to pursue any unfinish projects which are viable and beneficial to all. In view of that I am pleading before you, Senators of the Twenty-Fifth Guam Legislature to please help us by way of passing Bill No. 192 to be enacted into law.

Sincerely,



DR. MOON YUN

President

# **ILOILO ASSOCIATION OF GUAM**

June 10, 1999 Public Hearing

9AM

Legislature Public Hearing Room

Senator, Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts.

Re: BILL NO. 192

I am Rainier Tanalgo of legal age, representing the ILOILO Association of Guam, is very please to have this opportunity to stand before you, Chairman Camacho and members of your committee for the primary purpose of testifying in favor of Bill 192, An Act to Adopt Rules and Regulations Relative to Leasing Land to the qualified nonprofit, civic, fraternal and cultural organizations.

The Iloilo Association of Guam, the mother organization of all Western Visayas Associations, is one of the interested party that could probably be able to qualify for the criteria established by the Department of Land Management.

I understand Public Law 20-194 set the land in Dededo and Agat aside and Public Law 22-18 reserved and secured the property in place. It is gratifying to know that the Committee on Land has legislated Bill 192 for the rules and regulations to be adopted so that it will provide guidelines to the Department of Land Management for leasing. There are already few applicants but no action can be taken by the Department of Land Management until the approval of Bill 192 is accomplished.

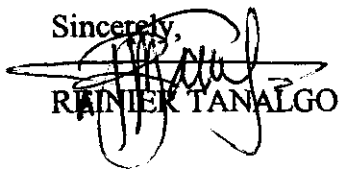
History dictates that in North America Asian and Pacific traders had been trading in America as early as the 15<sup>th</sup>. Century and by the late 1800s. Similarly Guam history reveals that Chinese, Filipinos and Japanese were trading with the Chamorro in early 1800s. Now, Asian people on Guam who are adopting Guam as their second country, share their expertise and skills into the mainstream of Guam community for economic and social progress.

Accordingly, there were many meetings already made among the Land Management, the Atty. General Office, the Governor's Office regarding these rules and regulations and since there are land properly reserved for the interested nonprofit organizations, and secured for the establishment of club houses for qualified associations. It is about time now that this Bill 192 be adopted and passed into law so that the Department of Land management can start leasing out to those applicants who are financially capable and willing to comply with the requirements.

Testimony  
Bill 192  
Page (2) of 2

**Again, on behalf of the members of the ILOILO Association, as their Spokesman, and member of the Board of Directors of FCG I strongly recommend that the Speaker will certify to and the Legislative Secretary will attest the adoption hereof of Bill 192 which will benefit not only us Filipinos, but also Chinese, Koreans, Vietnamese, Indians and other ethnic.**

Sincerely,

Sincerely,  
  
RAINIER TANALGO

## **Samarenos Association of Guam**

246 Calamendo Lane Liguán Terrace Dededo  
Guam 96912

June 10, 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts

RE: Bill 192

Good morning Senator Camacho and members of your committee.

I am Oscar Duarte, Engineer by profession, President of the Samarenos Association of Guam. I stand before you Senators of Twenty Fifth Guam Legislature on behalf of the members of the association. For many years, we have been having good times enjoying our togetherness, having fun with our members maintaining and preserving our cultural and traditional heritage.

But in 1996 the environment has changed and few members were discouraged after we were driving out of the Harmon Cliff Line. However, we were promised to have our club house be relocated in the reserved lot No. 10120-R16 in Lada. We were relieved when the Executive Order 98-13 was issued and grandfathered all old occupants of Harmon and granted us temporary land use permit. However, there are restrictions which will cost us more money. We decided to wait for the permanent lease and Bill 192 is the right answer to our problems.

Public Law 20-194 has already reserved the subject lot and Public Law 22-18 has committed the lots, so on behalf of the members of Samarenos Association I strongly support the adoption of Bill 192, which will provide guidelines to the Dept. Of Land Management in leasing land to nonprofit and cultural organizations.

Sincerely

  
OSCAR DUARTE  
President

FOR



**PHILIPPINE SCOUTS AND WORLD II VETERANS  
ASSOCIATION, GUAM CHAPTER**

To : Senatro Marcel Camacho  
Chairman, Committee On Land,  
Agriculture, Military Affairs and  
The Arts

From : Abraham Cancino, Vice Chapter Commander

Subj : Bill 192

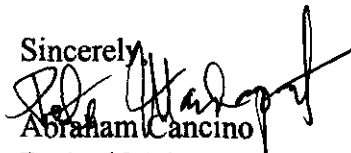
Good morning, Senator Camacho, and members of the Committee.

I am a Ret. Major, Abraham Cancino, Vice Chapter Commander of Philippines Scout and World II Veterans Association of Guam, testifying before the committee on Land, Agriculture, Military Affairs and the Arts, in favor of Bill 192, An Act to approve the rules and regulations drafted by the Department of Land Management of Guam, and the Atty General, for the purpose of providing guidelines for leasing of government property to nonprofit organizations.

An Executive Order No. 98-13 was issued by the Governor allowing the former occupants of the Harmon Cliff Line who were evicted in March 1996 and be relocated at the Lada area on lot No. 10120-R17 formerly lot 10120-R16 , tract 1143 as referred by DLM No. 95-1703 Memo for lease. We have our club house at the Harmon Cliff Line for many years where we conducted our normal activities related to fellowship and brotherhood and with a characteristic of preserving our cultural and traditional heritage.

The Bill 192 relative to providing rules and regulations as guidelines for the Department of Land Management for leasing land to various nonprofit organizations is step forward that could trigger the finalization of our efforts to lease government property for long term status.

On behalf of the members of the association I strongly support the adoption of Bill 192 to enhance benefits not only to our own fellow men, but also other ethnic groups in Guam.

Sincerely,  
  
FOR  
Abraham Cancino  
Retired Major

GUAM VISAYAS AND MINDANAO FAMILIES ASSOCIATION

June 10, 1999 Public Hearing At 9:00 AM Legislative Public Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture and  
Military Affairs and the Arts.

Dear Senator Camacho:

Hafa Adai Mr. Chairman and members of the committee ! I am Pete Yparaguerre, Acting President of Guam Visayas and Mindanao Families Association of Guam, is excited to know that Bill 192, An Act To Adopt Rules and Regulations Relative To Leasing land by Department of Land Management is finally legislated by your committee.

It is now long overdue that many nonprofit organizations are having hard time in conducting their monthly normal activities of enriching their harmonious relationship practicing their customs, and culturally related activities in order to preserve their traditional heritage.

Our association for one, is in dire need of a permanent place of ones, a place where we can really that will depict a cultural motif of our native land. In my understanding, other ethnic groups like the Chinese, Koreans, Vietnamese and Indians will build their club houses that will reflect the motif from each individual country, I also recommend that we Filipinos should have our own design to create an eloquent identity. These ideas can only happen upon the approval of Bill 192.

Therefore, I am strongly recommending that Bill 192 be adopted accordingly in order to make our plans come true.

Very sincerely,

  
PETE YPARAGUERRE

MINDORO ASSOCIATION OF GUAM

June 10, 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts

Der Senator Camacho:  
Re: Bill 192

I would like to greet you and your committee members a wonderful morning. I am Phil Garcia, the representative of Mindoro Association of Guam, take this opportunity to state my strong support on Bill 192, regarding the rules and regulations governing the lease agreement for the government property on lot No. 10120-R17 in Lada.

The year 1996 marked the date when we were terminated on our temporary lease for the reason that the land belongs to a private owner and the Air Force is bound to return them to the local government who will later take charge of the return process to the legal private owners. This brought negative impact to our association when we found out the hardship in looking for the appropriate place to hold our normal activities twice or more a monthly, and other events related to preserving our cultural and traditional heritage.

Today, is awakening that Bill 192 is bringing some relief. For quite a while now, we keep on trying to hope that the day will come for a permanent type lease. True, we got the Executive Order 98-13 giving us the authority to use our lots in Lada but only temporary structure and in fact there are some restrictions that we can not fully function with our activities with comfort. Once the long term lease will be adopted by the Guam Legislature, we have to demolish the building and return to the government in a condition as it was in the beginning. So with that reason in mind we rather have to wait for the right time to start building our club house after approval of the long term lease which in our series of discussions with the Director of the Department of Land Management, and the representative of the Governor's Office, we found out that the Legislature is the main body to concur the leasing of government property by statute.

Therefore, in view of the foregoing, on behalf of the Mindoro Association members, we support the enactment of Bill 192 to provide guidelines for the Department of Land Management.

Thank you all members of the committee.

*Phil. Garcia*

**UNITED CHINESE ASSOCIATION OF OF  
OF GUAM**

Senator Marcel Camacho  
Chairman, Committee on Land  
Agriculture, Military affairs and  
the Arts

Dear Senator Camacho:

Good morning Senator Camacho and members of the committee! I am Robert Kao former president of the United Chinese Association of Guam and Advisor, had been in pursuit with the subject lot for our club house and other improvements that will depict the characteristic of Chinese Cultural Motif.

Since 1992 when Mr John Vega , initiated the project. I were with him visiting to the office of Senator Eduard Reyes, to the Director of Land Management office, Frank Castro and to the office of Speaker and the Governor. In 1996 when I was the President of the Federation of Asian People on Guam, we made series of meetings with the Asst. Atty General, Deborah Rivera, John Gilliam, Governor's representative and the Director Land Management, Tony Martinez and Carl Aguon.

I am very thankful that the Twenty Fifth Guam Legislature most especially to your committee committee who is now working for the materialization of our project by sponsoring Bill 192 which establishes the rules and regulations for leasing portion of lots No. 480 in Agat and lot No. 10120-R16 in Dededo.

On behalf of the members of the United Chinese Association of Guam, and my own family, I support the adoption of Bill 192 so that the mission of the Federation will come true.

Thank you,



ROBERT KAO

## CEBU ASSOCIATION OF GUAM

June 10, 1999

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts

Dear Senator Camacho:

RE: Bill 192 An Act to Adopt Rules and Regulations Relative to the Leasing of Government Land Reserved as Cultural Center for the Department of Land Management  
Good morning, Senator Camacho and to the members of your committee! I am Tim Oftana, former President of Cebu Association of Guam, and currently the Chairman of the Board of Directors, testify on behalf of the Cebu Association members in favor of the adoption of Bill 192.

Our association is in great need of permanent place to conduct our monthly activities. Normally we have two meetings a month, and socializing every two weeks practice our township activity to preserve our cultural heritage and tradition.

We are financial capable of building our club house at our own expenses which will depict the characteristic of Filipino cultural motif. We are ready to comply with whatever policies necessary governing the lease agreement.

There are lots for lease as reserved by PL 20-194 and PL 22-18, but unless the rules and regulations for leasing is adopted by the Twenty Fifth Guam Legislature, we nonprofit and cultural organizations can not lease any government property from the DLM.

Therefore, I, representing the Cebu Association implore your assistance by adopting the rules and regulations contained in Bill 192 and pass them into law.

Thank you,

  
TIM OFTANA

# UNITED FILIPINO FAMILY ASSOCIATION OF GUAM

June 10, 1999      Public Hearing   On Bill 192   9:00 Legislature Public Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts.

Dear Senator Camacho:

Good morning Chairman Camacho, and members of the committee ! I am Isabelo Rayray, the past President of the United Filipino Family Association of Guam, is very happy to take this golden opportunity to testify in favor of Bill 192, An Act to adopt Rules and Regulations Relative to Leasing Land by the Department of Land Management.

Every member is longing for the good times and enjoyable moments we have had at the Club House in Harmon Cliff line. We evicted with the promise to be relocated right away at the lot in Lada, Dededo. But since 1996 we were not allowed to use the land . On April 8, 1998 the Executive Order was issued for temporary use of the land with temporary permit for two years. But we were not able to build anything although we already got the lot assigned to us. We are restricted to build a toilet. The Department recommend for us to use portable toilets. Why ? How come it is not allowed to us when it was allowed to VFW .

Anyway, Senator Camacho's Bill 192 is just the right thing for our relief. Everything will come out fair once it is adopted.

On behalf of the association members, I strongly support the Bill 192 be adopted so that the Department of Land Management will be able to facilitate leasing land to those legitimate applicants specially we, the old inhabitants of Harmon Cliff line.

Respectfully



ISABELO RAYRAY

# KNIGHTS OF COLOMBUS

June 10, 1999

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts.

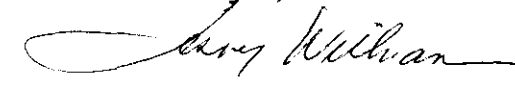
Dear Senator Camacho:

I am Art Salomes, the past Governor of the Lions Club of Guam, President of Janiuay Badiangan Association of Guam and past Gand Knight and adviser of the Knights of Columbus, Dededo Chapter, is pleased to stand before your committee in order to express my full support of Bill No. 192 which tailors the rules and regulations governing the lease agreement for government land.

It has been brewing in the minds of others how long shall Public Law 20-194, An Act That Set Aside Lots In The North and South of Guam, each containing no less that 20 acres for the primary objective of establishing civic, fraternal, nonprofit and cultural organizations. Another law PL22-18 reserved the land should be now implemented.

We are prepared and willing to comply with the criteria specified in the proposed rules. Our purpose to construct a culturally related structure. We need a permanent place to conduct our normal activities which are cultural in nature. On behalf of the members the Knights of Columbus, Janiuay Badiangan and the Lions Club I am committed to fully support Bill 192 in order for the Department of Land Management to be able to start executing the lease to legitimate orgnizations for a long term status.

Thank you,

  
for Art Salomes

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

**Bill No. 192 (COR)**

*As substituted by  
The Committee on Land,  
Agriculture, Military Affairs  
and the Arts.*

Introduced by:

M.G. Camacho

**AN ACT TO ADOPT RULES AND REGULATIONS  
RELATIVE TO THE LEASING OF GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER FOR THE  
DEPARTMENT OF LAND MANAGEMENT.**

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

**Section 1. (a). Legislative Findings and Intent.** The Department of Land Management (DLM), in accordance with the Administrative Adjudication Act has prepared the Rules and Regulations for the implementation of the leasing of government land reserved as a Cultural Center as mandated by Public Law 22-18.

**(b). Approval of rules and regulations provided by the Department of Land Management.** The following rules and regulations for the Department of Land Management are approved, notwithstanding any provision of law.

RULES AND REGULATIONS  
FOR  
LEASING GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER

CHAPTER 1

GENERAL PROVISIONS

§1001. Authority. These guidelines are promulgated pursuant to the rule-making procedures of the Administrative Adjudication Law which provide at 5 GCA Subsection 9107 that the meaning of "rule" includes any "procedure or requirement of any agency ... interpreting, supplementing or implementing any law enforced or administered by it ... ."



1 §1002. Identity and Purpose of Reserved Land. Pursuant to Guam Public Law 22-18, the  
2 Department of Land Management (“Department”) reserved twenty acres each from Lot 10120-  
3 R16 in Dededo and from Lot 480 in Agat for the purpose of establishing a “cultural center.”  
4

5 (a) Lot 10120-17, Dededo. The twenty acres which were reserved from Lot  
6 10120-R16 have been parceled out of Lot 10120-R16, and the parceled lot is identified as  
7 Lot 10120-17. The Department does not intend to subdivide Lot 10120-17, but has  
8 instead surveyed a portion of Lot 10120-17 and has established within the surveyed  
9 portion, areas which are suitable for leasing. Each area to be leased is 20,000 + square  
10 feet, as shown on Land Management Drawing Number I4-97T632, recorded under  
11 Document Number 572938 in the Records Division, Department of Land Management.  
12 Water and electricity are not available on Lot 10120-17, but within 100 feet of its  
13 southern boundary.  
14

15 §1003. Intent. These rules are intended to provide a suitable amount of government land  
16 for leasing to qualified and eligible applicants which are non-profit organizations and which plan  
17 to develop a “cultural facility,” as the term is used in these rules, within the time allotted, and  
18 which applicants show the capability and responsibility to do so. Public rights of way have been  
19 planned to give each area to be leased a means of ingress and egress.  
20

21 However, all expenses for any development, including utility infrastructure not already available,  
22 are the sole responsibility and expense of the applicant or lessee.  
23

24 §1004. Interpretation of “Cultural Center”. The legislative history of Public Law 22-18  
25 indicates that the term “cultural center” as used therein was meant to be the same as used in the  
26 Guam Land Use Master Plan, or the Y Tanota Plan as it is commonly known (the “Plan”). The  
27 Plan which became official on April 18, 1998, however, does not define “cultural center” into the  
28 terms “club”,  
29 “clubhouse”, and “private club”. For purposes of these rules, the term “cultural center” shall  
30 have the same meaning as the term “club” defined in the Plan.  
31

32 §1005. Scope. Section 3 of Public Law 22-18 contemplates that land reserved by  
33 government entities are either (a) for development of long-term government facilities, (b) for  
34 parks and the like, or (c) for commercial leases to private interests. In accordance with Section 3  
35 (b) of Public Law 22-18, the Department will prepare a conceptual plan for the twenty acres of  
36 reserved land in Dededo and for the twenty acres reserved from Lot 480 in Agat depicting their  
37 full development as cultural centers in which long-term cultural facilities will be built. The  
38 conceptual plan will include any land leased in accordance with these rules. These rules contain  
39 the procedural guidelines for leasing land to applicants who wish to build cultural facilities at  
40 their own expense.  
41

42 §1006. Grandfather Clause. Some legitimate non-profit organizations occupying or  
43 formerly occupying the Harmon cliffline area are not culturally related clubs. Notwithstanding,  
44 they may apply for a lease in accordance with these rules so long as such non-profit organization

1 plans to develop the leased property for its regular activities, the planned development represents  
2 a use harmonious to the rest of the area's use as a cultural center, and so long as the planned  
3 development is not in conflict with any other applicable law. However, in order to enter into a  
4 lease, any applicant grandfathered in pursuant to this rule must nevertheless meet the other  
5 eligibility criteria set out in Chapter 3 below and must make adequate submittal as required by  
6 Chapter 6 of these rules.

7  
8 (a) **Background History.** During hearings on the bill which became Public  
9 Law 22-18 before the 22nd Guam Legislature's Committee on Housing and Community  
10 Development, the Department testified that a part of the twenty acres of land in Dededo  
11 or Agat reserved for cultural centers was intended for the relocation of the legitimate non-  
12 profit organizations occupying the Harmon cliffline area.

13  
14 (b) **Interim Limited Land Use Permits.** The Department considered the time  
15 required for these rules to undergo the Administrative Adjudication Law's rule-making  
16 procedure and also the need of some of the Harmon cliffline non-profit organizations to  
17 have some limited use of some land for their immediate general purposes. Because  
18 Section 3 (a) of Public Law 22-18 authorizes temporary uses of reserved land, guidelines  
19 for the interim temporary use of a portion of Lot 10120-17 by means of limited land use  
20 permits were set by Executive Order No. 98-13. These rules recognize that such  
21 temporary use may not impede, delay or in any way interfere with the leases to be given  
22 pursuant to these rules. No entity with a limited land use permit, which shall apply for a  
23 lease in accordance with these rules, shall be given priority or special consideration  
24 contrary to these rules.

## 25 26 CHAPTER 2

### 27 28 APPLICATION TO LEASE

29  
30 §2001. **Form of Application.** Applications shall be on forms prepared by the  
31 Department, which are available from the Department's Land Administration Division located on  
32 the third floor of the building at 855 West Marine Drive in Anigua, Guam.

33  
34 §2002. **Application Fee.** An application fee of \$100.00 must accompany each  
35 application. The fee represents the reasonable expenses of the Department in processing the  
36 application.

37  
38 §2003. **Delivery.** Delivery of the application to the Department may be by personal,  
39 hand-delivery to the Department's Land Administration Division on the third floor of the  
40 building of 855 West Marine Drive in Anigua, Guam, or by mail to the Department's Land  
41 Administration Division at Post Office Box 2950, Hagatna, Guam 96932.

42  
43 §2004. **Intake Processing.** The Department shall review all applications immediately  
44 upon receipt, in the order received, to determine only whether they are complete and have the

1 required documentation attached. Consideration of the applicant's eligibility will be at a later  
2 time. Only completed applications shall be stamped received with the date and time, and  
3 initialed by a Department employee. The application fee shall not be received nor processed by  
4 the Department unless an application is complete.

5  
6 §2005. Incomplete Application. An application is considered incomplete and contains  
7 insufficient information if any question is not answered, if any blank is not filled in as required,  
8 or the appropriate documents are not attached.

9  
10 (a) Rejection. Incomplete applications shall be rejected and returned to the  
11 applicant immediately by mail to the address of applicant as indicated, or if the  
12 application is delivered in person, immediately to the person so delivering. The full  
13 application with all attachments, including any fee, shall be returned as though no  
14 application had been made.

15  
16 §2006. Application's Effective Period. The applicant's authorized representative is  
17 required to certify the truth of certain statements he or she makes in the application. Based upon  
18 these certifications, the application is considered good for only one year from the date the  
19 certifications are made. If the applicant does not enter into an Agreement to Reserve as provided  
20 for in Rule 5002 below within a one-year period from the date the application is signed by  
21 applicant's authorized representative, then the application becomes stale and the applicant must  
22 reapply in accordance with the terms of Rule 7005 below if applicant still desires a lease.

## 23 CHAPTER 3

### 24 CRITERIA FOR ELIGIBILITY

25  
26  
27  
28 §3001. Priority of Review. Completed applications will be reviewed for eligibility and  
29 acted upon by the Department in priority of receipt of the application as such priority is provided  
30 for in Rule 2004 above.

31  
32 §3002. Proof of Eligibility. An eligible applicant must possess all of the qualities  
33 enumerated in Rules (a) through (f) below and must submit proof of each.

34  
35 §3003. Criteria. To be eligible, each of the following requirements must be met:

36  
37 (a) Status as Non-Profit Organization. The applicant must be a legitimate  
38 non-profit organization, which shall mean for purposes herein only, an organization that  
39 is organized and operated primarily for activities which do not directly benefit any  
40 individual member. Copies of any articles of organization, by laws, association papers, or  
41 membership agreements shall be submitted with the application, if available. If  
42 unavailable, the application must clearly indicate the reason for unavailability. In  
43 addition, a written summary of the following must be provided: the historical background  
44 of the organization, its purposes, its significant accomplishments, its chief activities, and

1 an explanation as to why the applicant is or should be considered a culturally related non-  
2 profit organization.

3  
4 (b) Tax Exempt Status. The applicant need not be exempted from paying  
5 income taxes. However, a tax-exempt status will entitle the applicant to a lower rental  
6 amount on the lease applied for. Therefore, if the applicant is not required to pay gross  
7 receipts taxes, it should submit a copy of its certificate of exemption issued by the  
8 Department of Revenue and Taxation. If the applicant is not required to pay income  
9 taxes, it shall also submit a copy of a determination by the Department of Revenue and  
10 Taxation or the Internal Revenue Service indicating that the applicant is tax-exempt.

11  
12 (c) Culturally-Related. The applicant should prepare its written summary as  
13 described in Rule (a) to allow the Department to make a determination that the  
14 applicant's primary activities are culturally-related. This section is not applicable to  
15 applicants subject to Rule 1006.

16 (d) Title to or Use of other Real Property. The government's desired outcome  
17 based upon these rules is the development of an integrated cultural center which is  
18 representative of the diverse cultures which co-exist on Guam, in order to promote  
19 understanding and harmony amongst them. Thus, an applicant's ownership or lease of  
20 any other real property is not a consideration in determining its eligibility.

21  
22 (e) Condition of Property Under Use Permit. If the applicant has an interim  
23 use permit as referred to in Rule (a) above, then at the time the lease application is  
24 submitted, applicant must be in compliance with all the terms of the use permit in order  
25 for applicant to be eligible for a lease under these rules, and the applicant must not owe  
26 anything to the Department for any expenses the Department may have incurred on the  
27 applicant's behalf under the use permit.

28  
29 (f) Contact Person and Address. The current mailing address of the applicant,  
30 along with the name of an authorized representative, must be clearly indicated. All  
31 notices to be sent to the applicant will be mailed to the address the applicant indicates.

32  
33 (g) Intent to Construct. The purpose of the lease is for the construction of an  
34 improvement or improvements which are cultural facilities as that term is used in these  
35 rules. The applicant must state this intent in writing. Applicants subject to Rule 1006  
36 should described the improvement planned and state their intent to so construct.

37  
38 (h) Financial Responsibility. The applicant must show its ability to finance  
39 the construction of improvements and to pay the rental value of the property. Proof may  
40 be shown by the applicant submitting its financial statements, preferably audited, for its  
41 immediately preceding two fiscal years. If applicant is required to pay income taxes, it  
42 shall submit a copy of the return filed for the last two of it fiscal years.

43  
44 CHAPTER 4

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## DETERMINATION OF ELIGIBILITY TO LEASE

§4001. Determination and Effect. The Department shall make a determination in writing as to whether or not the applicant is eligible. If upon review of the completed application the Department finds that the submitted application and documents sufficiently prove that the applicant is a legitimate, financially responsible non-profit organization whose primary activities are culturally-related, and that it intends to construct a cultural facility, except as applicant may be exempted by Rule 1006 then the Department shall determine that the applicant is eligible to select and reserve land or leasing in accordance with these rules.

§4002. Priority to Reserve. Upon a determination that the applicant is eligible, the Department shall place the applicant's name on a priority list in the order that the applicants are determined to be eligible. An applicant may select and reserve land for leasing in the order that its name appears on the priority list.

§4003. Notice of Determination. The Department shall notify each applicant by mail of the Department's determination as soon as practicable after a determination is made. If a negative determination is made, the reasons must be stated in the notice to the applicant. If the Department cannot make a determination because the application which is initially thought to be complete is later found to be incomplete, then the Department shall so notify the applicant.

§4004. Appointment to Reserve. The Department shall also provide in the notice of determination of eligibility an appointment date and time for the applicant to select and reserve land.

(a) Designated Appointments. The Department shall designate an appointment date and time for applicants in the order that the applicant's name appears on the priority list of eligible applicants. The Department shall make no more than one appointment in the morning and one appointment in the afternoon of any working day during normal working hours, and the appointment must be at least twenty calendar days from the date the notice of determination of eligibility is mailed.

(b) Time of the Essence for Appointments. All eligible applicants are on notice that "time is of the essence" and that if the designated appointment is changed or missed, the applicant may lose its original priority status and shall acquire the priority ranking that corresponds with the newly chosen appointment date and time.

(c) Changed Appointments. At the request of the applicant, a designated appointment date and time may be changed to any other date and time available.

1 (d) Missed Appointments. Eligible applicants who miss an appointment are  
2 not automatically reassigned another appointment, but must request a new appointment.  
3 Any new appointment date and time available may be given.  
4

## 5 CHAPTER 5

### 6 SELECTION AND RESERVATION

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8  
9 §5001. Selection. At the appointed date and time, the eligible applicant may select any  
10 area of land which has been designated by the Department to be a part of the program under these  
11 rules and which has not been selected and reserved by any other eligible applicant.  
12

13 (a) Area and Location. The eligible applicant may reserve one of the areas,  
14 the size of which is 20,000 + square feet. If the applicant convincingly demonstrates  
15 circumstances which would require a greater area, then the Department in its sole  
16 discretion may allow the applicant to reserve additional 20,000 + square foot areas, any or  
17 all of which must be adjacent to each other. Circumstances which shall justify a greater  
18 area and which the Department shall consider pertinent include, but are not limited to, the  
19 applicant's size in membership, the frequency and type of its activities, its ideas or plans  
20 for a cultural facility, and its financial ability to carry out its proposed plans.  
21

22 (b) Site Inspection. Any applicant desiring to view the site is expected to  
23 make arrangements with Department personnel and visit the site prior to the designated  
24 appointment.  
25

26 §5002. Reservation Agreement. Upon selection of an area of land by an eligible  
27 applicant, the Department and applicant shall enter into an "Agreement to Reserve," provided  
28 that the applicant is in compliance with all the terms of its use permit as referred to in Rule 1006  
29 (b) above, if any, and no sums are owed to the Department upon the use permit's termination  
30 when the Agreement to Reserve is executed. The date the Governor approves the Agreement to  
31 Reserve with his signature shall be the effective date of the Agreement.  
32

33 (a) Automatic Termination After One Year. The Agreement to Reserve shall  
34 automatically terminate one year from its effective date, but subject to Rule 6005 (a)  
35 below.  
36

37 (b) License to Clear and Grade. The Agreement to Reserve shall give the  
38 applicant the privilege to clear and grade the property so reserved, at applicant's own risk  
39 prior to entering into a lease. In this respect, the applicant is permitted to cut, detach,  
40 remove, burn, or otherwise clear and take away from the property all standing or fallen  
41 timber, crops, vegetation, or growth of any kind whatsoever, and to grade the property so  
42 long as all required governmental approvals are first obtained. In no event shall applicant  
43 cause or allow any construction, development or improvement of any type or nature  
44 whatsoever to be built on the property, nor permit any waste, nuisance or dumping.  
45 Should the applicant not enter into a lease with the Department for any reason, then in no

1 event shall the expense of any clearing or grading undertaken by the applicant be  
2 considered an amount owing by the Department to the applicant.

3  
4 (c) Reservation Not a Lease. The Agreement to Reserve is a limited act  
5 preliminary to the lease designed to reserve the selected area of land. By no means  
6 should the Agreement be interpreted as a lease, nor does it grant any rights to the  
7 applicant as a lessee. Before the Department gives its final approval and before a lease  
8 with the eligible applicant is entered into, the eligible applicant must fulfill the  
9 requirements of the rules contained in Chapter 6 below and as outlined in the Agreement  
10 to Reserve.

## 11 CHAPTER 6

### 12 REQUIREMENTS OF ENTERING INTO LEASE

13  
14  
15  
16 §6001. Submittal Required. In order to enter into a lease on the reserved property, the  
17 eligible applicant must submit the following prior to the automatic termination of the Agreement  
18 to Reserve:

19  
20 (a) Conceptual Plan. A conceptual plan depicting the reserved property's  
21 development as a cultural facility shall be submitted in adequate visual detail showing the  
22 improvement or improvements to be constructed, with landscaping, from all angles. The  
23 plan should include a sketch showing the location of the improvement or improvements  
24 on the land, and a sketch of the floor plans or proposed building layouts with approximate  
25 square footage of floor area, the proposed parking area and, if required, any loading areas.  
26 The visual drawings should be accompanied by a written summary of the development.  
27 This conceptual plan need not be as detailed as an architect's or engineer's blueprints,  
28 unless desired, but should be professional in appearance.

29  
30 (b) Statement of Costs and Funding. The eligible applicant must also submit  
31 a supporting statement, in sufficient detail, concerning the approximate cost of the  
32 development, the proposed contractor's name and license number, and the development's  
33 financing method or source of funding.

34  
35 §6002. Determination of Adequacy. The Department shall determine, in its sole discretion,  
36 whether the conceptual plan and financing statement are adequate in detail as provided for in  
37 Rules 6001 (a) and (b), and whether the applicant's financial resources are sufficient to complete  
38 the proposed development. A building in which an applicant intends to conduct its regular or  
39 special activities as shown by applicant's historical background shall be considered adequate as a  
40 cultural facility, even as to those applicants subject to Rule 1006 above.

41  
42 (a) Notice of Determination. A written notice of determination shall be  
43 provided by mail to the applicant. If the submittals are determined adequate, then the  
44 notice shall indicate that a lease is being prepared and that applicant must sign the lease  
45 as provided for in Rule 6004 (a) below. If any part of any submittal is found to be

1 inadequate, the reason or reasons shall be provided in the notice in sufficient detail to  
2 enable the applicant to redo and bring the required submittals into compliance with the  
3 requirements of Rule 6002 above.  
4

5 §6003. Resubmittals Accepted. An applicant may resubmit the documentation required  
6 by Rules 6001 (a) and (b) above as many times as necessary for a determination of adequacy.  
7 Each resubmittal shall be considered a new submittal for purposes of Rule 6005 below.  
8

9 §6004. Preparation of Lease. If the required submittals are determined to be adequate,  
10 the Department shall as soon as practicable prepare a lease in accordance with the lease terms  
11 contained in Chapter 8 below naming the eligible applicant as the lessee for the land reserved.  
12

13 (a) Deadline to Enter Into Lease. If the lease is not signed by the applicant  
14 within six months from the date of the notice of a favorable determination in Rule 6002  
15 (a) above, then the lease shall be cancelled, and the land which is reserved and which is  
16 the subject of the lease shall become available for selection and reservation by other  
17 applicants under these rules.  
18

19 §6005. Disqualification. If the Department has not made a determination of adequacy  
20 within the one-year period from the date the Agreement to Reserve is approved by the Governor,  
21 then the eligible applicant is automatically disqualified and the reserved land shall become  
22 available for selection and reservation by other applicants under these rules.  
23

24 (a) Extension of Time to Determination Date. If the applicant has submitted  
25 the required documents in accordance with Rule 6002 above within the one-year period  
26 but the Department has not made a determination of adequacy as of the last day of the  
27 one-year period, then in such event, the date upon which a determination is made shall be  
28 the date upon which either a lease is prepared for the applicant or the reserved land  
29 becomes available for selection and reservation by other eligible applicants. In the latter  
30 event, the applicant shall no longer have the right to make resubmittals in accordance  
31 with Rule 6003 above.  
32

## 33 CHAPTER 7

### 34 MISCELLANEOUS PROVISIONS

35 §7001. Notices to Applicant. All notices and official correspondence to applicant shall be  
36 in writing and mailed to the address provided in the application. If applicant desires, the  
37 Department may telephone the applicant's authorized representative with any information as  
38 requested. However, the Department is under no obligation to do so, and in no event shall any  
39 telephonic communication be considered the date on which any notice to be given by the  
40 Department is given.  
41  
42

43 §7002. Notices to Department. All notices and anything to be submitted to the  
44 Department may be delivered by applicant to the Department's Land Administration Division on  
45



1 the third floor of the building at 855 West Marine Drive in Anigua, Guam, or by mail to the  
2 Division at Post Office Box 2950, Hagatna, Guam 96932.

3  
4 §7003. Applicant's Authorized Representative. The authorized representative designated  
5 in the application shall be the sole voice of the applicant in any non-written communications with  
6 the Department. In no event is the Department obligated to entertain any communications by any  
7 person purportedly representing the applicant but who is not the authorized representative  
8 designated by the applicant and on record at the Department. The statements of persons  
9 purportedly representing the applicant shall not be considered the official statements of the  
10 applicant.

11  
12 §7004. Change of Address or of Authorized Representative. A written change of address  
13 or of authorized representative must be received by the Department before the change is  
14 considered effective.

15  
16 §7005. Reapplication. If the applicant is not found eligible within the one-year period  
17 that the application is effective, or if an eligible applicant's reserved land is returned to the pool  
18 of available land for any reason under Chapter 6 above, the applicant may reapply at any time so  
19 long as land is still available for purposes of these rules, and the applicant pays the regular  
20 application fee. Any applicant who reapplies must go through the entire application process as  
21 though no prior application had ever been submitted. The Department is not obligated to use any  
22 of applicant's submittals under a prior application.

## 23 CHAPTER 8

### 24 LEASE TERMS

25  
26  
27  
28 §8001. Significant Terms. The Attorney General shall prepare a form of lease to be used  
29 for the reserved property, which shall protect the Department's interest in the leased premises  
30 and which shall be designed to carry out the purposes and intent of these rules. The lease shall  
31 incorporate the significant terms indicated below in this Rule 8001:

32 (a) Term of Lease. The term of the lease shall be fixed at twenty-five (25)  
33 years to allow for the construction of improvements and the full payment of a  
34 construction loan, if any, with an option to renew for an additional twenty-five (25) year  
35 renewal term.

36  
37 (b) Rent. The rental rate for the leases provided in these rules, or how it is to  
38 be determined, is not indicated anywhere in Guam law. Public Law 22-18, to which the  
39 land reserved as a cultural center is subject, addresses the rental provisions of commercial  
40 leases only, setting such value in terms of fair market value of the property, with  
41 payments going to the Chamorro Land Trust Commission. The Chamorro Land Trust Act  
42 indicates that the rental amount of available land not immediately needed and which is  
43 returned to the Department, may be leased in accordance with 21 GCA Section 75103(b)  
44 with the Department determining the rental amount. In accordance with these  
45 considerations, the Department has determined that the rental amount for the leases

1 provided for in these rules shall be based on whether or not the applicant is exempt from  
2 paying income taxes as evidenced by a determination in accordance with Rule 3003 (b)  
3 above. Rent payments shall go to the Chamorro Land Trust Commission.  
4

5 (c) Income Tax Paying Applicants. An applicant which, at the time it enters  
6 into a lease, does not have a determination that it is exempt from paying income taxes,  
7 shall pay the fair market rental value of the leased premises, as such value is determined  
8 by the Department. Rent may be paid monthly or annually as the Department and  
9 applicant shall mutually agree.  
10

11 (d) Income Tax Paying Applicants. An applicant which, at the time it enters  
12 into a lease, is exempt from paying income taxes as evidenced by a determination from  
13 the appropriate government authority, shall pay an annual rental amount which is  
14 nominal. The nominal amount is determined to be \$100 per year for the first twenty-five  
15 years and \$300 per year for each thereafter that the reserved property is under lease to the  
16 applicant.  
17

18 (e) Beginning Construction. If the applicant enters into a lease according to  
19 these rules, it shall complete its plans for development, secure or otherwise provide for  
20 financing, arrange for water, sewer and electricity infrastructure as needed, and begin  
21 construction within one year from the effective date of the lease.  
22

23 (f) Completing Construction. Construction must be completed within three  
24 years of the effective date of the lease.  
25

26 (g) Failure to Begin or Complete Construction. Failure to begin construction  
27 within one year from the effective date of the lease shall result in the automatic  
28 termination of the lease. Failure to complete construction within three years of the  
29 effective date of the lease shall give the Department the right to terminate the lease in its  
30 sole discretion.  
31

32 (h) Covenant Against Gambling. The applicant shall covenant that no  
33 gambling activities will be conducted on the leased property, except as the applicant may  
34 be legally licensed to carry on such activities.  
35

36 §8002. Approval of Attorney General and Governor. All leases entered into in  
37 accordance with these rules must be executed by the Governor, attested to by the Lieutenant  
38 Governor, and approved as to form by the Attorney General.  
39

40 §8003. Concurrence by Legislature. All leases entered into in accordance with these  
41 rules must be concurred to by the Legislature pursuant to 21 GCA Subsection 60112.  
42



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

*Senadot Mark Forbes, Gehilu  
Kabisiyon Mayuråt*

**MAY 26 1999**

**MEMORANDUM**

TO: Chairman  
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman  
Committee on Rules, Government Reform, Reorganization  
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 192

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment

OFFICE OF  
*Marcel G. Camacho*  
SENATOR  
Date 5/26 Time: 11:00a  
Received By D. FRANCISCO

I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN APR 15 1999  
1999 (FIRST) Regular Session

Bill No. 192 (COR)

Introduced by:

M.G. Camacho 

**AN ACT TO ADOPT RULES AND REGULATIONS  
RELATIVE TO THE LEASING OF GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER FOR THE  
DEPARTMENT OF LAND MANAGEMENT.**

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

**Section 1. (a). Legislative Findings and Intent.** The Department of Land Management (DLM), in accordance with the Administrative Adjudication Act has prepared the Rules and Regulations for the implementation of the leasing of government land reserved as a Cultural Center as mandated by Public Law 22-18.

**(b). Approval of rules and regulations provided by the Department of Land Management.** The following rules and regulations for the Department of Land Management are approved.

**RULES AND REGULATIONS  
FOR  
LEASING GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER**

**CHAPTER 1**

**GENERAL PROVISIONS**

§1001. Authority. These guidelines are promulgated pursuant to the rule-making procedures of the Administrative Adjudication Law which provide at 5 GCA Subsection 9107 that the meaning of "rule" includes any "procedure or requirement of any agency ... interpreting, supplementing or implementing any law enforced or administered by it ..."

§1002. Identity and Purpose of Reserved Land. Pursuant to Guam Public Law 22-18, the Department of Land Management ("Department") reserved twenty acres each from Lot 10120-R16 in Dededo and from Lot 480 in Agat for the purpose of establishing a "cultural center."

1 (a) Lot 10120-17, Dededo. The twenty acres which were reserved from Lot  
2 10120-R16 have been parceled out of Lot 10120-R16, and the parceled lot is identified as  
3 Lot 10120-17. The Department does not intend to subdivide Lot 10120-17, but has  
4 instead surveyed a portion of Lot 10120-17 and has established within the surveyed  
5 portion, areas which are suitable for leasing. Each area to be leased is 20,000 + square  
6 feet, as shown on Land Management Drawing Number I4-97T632, recorded under  
7 Document Number 572938 in the Records Division, Department of Land Management.  
8 Water and electricity are not available on Lot 10120-17, but within 100 feet of its  
9 southern boundary.

10  
11 §1003. Intent. These rules are intended to provide a suitable amount of government land  
12 for leasing to qualified and eligible applicants which are non-profit organizations and which plan  
13 to develop a "cultural facility," as the term is used in these rules, within the time allotted, and  
14 which applicants show the capability and responsibility to do so. Public rights of way have been  
15 planned to give each area to be leased a means of ingress and egress.

16  
17 However, all expenses for any development, including utility infrastructure not already available,  
18 are the sole responsibility and expense of the applicant or lessee.

19  
20 §1004. Interpretation of "Cultural Center". The legislative history of Public Law 22-18  
21 indicates that the term "cultural center" as used therein was meant to be the same as used in the  
22 Guam Land Use Master Plan, or the Y Tanota Plan as it is commonly known (the "Plan"). The  
23 Plan which became official on April 18, 1998, however, does not define "cultural center" into the  
24 terms "club",  
25 "clubhouse", and "private club". For purposes of these rules, the term "cultural center" shall  
26 have the same meaning as the term "club" defined in the Plan.

27  
28 §1005. Scope. Section 3 of Public Law 22-18 contemplates that land reserved by  
29 government entities are either (a) for development of long-term government facilities, (b) for  
30 parks and the like, or (c) for commercial leases to private interests. In accordance with Section 3  
31 (b) of Public Law 22-18, the Department will prepare a conceptual plan for the twenty acres of  
32 reserved land in Dededo and for the twenty acres reserved from Lot 480 in Agat depicting their  
33 full development as cultural centers in which long-term cultural facilities will be built. The  
34 conceptual plan will include any land leased in accordance with these rules. These rules contain  
35 the procedural guidelines for leasing land to applicants who wish to build cultural facilities at their  
36 own expense.

37  
38 §1006. Grandfather Clause. Some legitimate non-profit organizations occupying or  
39 formerly occupying the Harmon cliffline area are not culturally related clubs. Notwithstanding,  
40 they may apply for a lease in accordance with these rules so long as such non-profit organization  
41 plans to develop the leased property for its regular activities, the planned development represents  
42 a use harmonious to the rest of the area's use as a cultural center, and so long as the planned  
43 development is not in conflict with any other applicable law. However, in order to enter into a  
44 lease, any applicant grandfathered in pursuant to this rule must nevertheless meet the other

1 eligibility criteria set out in Chapter 3 below and must make adequate submittal as required by  
2 Chapter 6 of these rules.

3  
4 (a) **Background History.** During hearings on the bill which became Public  
5 Law 22-18 before the 22nd Guam Legislature's Committee on Housing and  
6 Community Development, the Department testified that a part of the twenty acres of land  
7 in Dededo or Agat reserved for cultural centers was intended for the relocation of the  
8 legitimate non-profit organizations occupying the Harmon cliffline area.

9  
10 (b) **Interim Limited Land Use Permits.** The Department considered the time  
11 required for these rules to undergo the Administrative Adjudication Law's rule-making procedure  
12 and also the need of some of the Harmon cliffline non-profit organizations to have some limited  
13 use of some land for their immediate general purposes. Because Section 3 (a) of Public Law 22-  
14 18 authorizes temporary uses of reserved land, guidelines for the interim temporary use of a  
15 portion of Lot 10120-17 by means of limited land use permits were set by Executive Order No.  
16 98-13. These rules recognize that such temporary use may not impede, delay or in any way  
17 interfere with the leases to be given pursuant to these rules. No entity with a limited land use  
18 permit, which shall apply for a lease in accordance with these rules, shall be given priority or  
19 special consideration contrary to these rules.

## 20 21 CHAPTER 2

### 22 23 APPLICATION TO LEASE

24  
25 §2001. **Form of Application.** Applications shall be on forms prepared by the Department,  
26 which are available from the Department's Land Administration Division located on the third  
27 floor of the building at 855 West Marine Drive in Anigua, Guam.

28  
29 §2002. **Application Fee.** An application fee of \$100.00 must accompany each application.  
30 The fee represents the reasonable expenses of the Department in processing the application.

31  
32 §2003. **Delivery.** Delivery of the application to the Department may be by personal, hand-  
33 delivery to the Department's Land Administration Division on the third floor of the building of  
34 855 West Marine Drive in Anigua, Guam, or by mail to the Department's Land Administration  
35 Division at Post Office Box 2950, Hagatna, Guam 96932.

36  
37 §2004. **Intake Processing.** The Department shall review all applications immediately upon  
38 receipt, in the order received, to determine only whether they are complete and have the required  
39 documentation attached. Consideration of the applicant's eligibility will be at a later time. Only  
40 completed applications shall be stamped received with the date and time, and initialed by a  
41 Department employee. The application fee shall not be received nor processed by the Department  
42 unless an application is complete.



1 amount on the lease applied for. Therefore, if the applicant is not required to pay gross  
2 receipts taxes, it should submit a copy of its certificate of exemption issued by the  
3 Department of Revenue and Taxation. If the applicant is not required to pay income  
4 taxes, it shall also submit a copy of a determination by the Department of Revenue and  
5 Taxation or the Internal Revenue Service indicating that the applicant is tax-exempt.  
6

7 (c) **Culturally-Related.** The applicant should prepare its written summary as  
8 described in Rule (a) to allow the Department to make a determination that the applicant's  
9 primary activities are culturally-related. This section is not applicable to applicants subject to  
10 Rule 1006.  
11

12 (d) **Title to or Use of other Real Property.** The government's desired outcome  
13 based upon these rules is the development of an integrated cultural center which is  
14 representative of the diverse cultures which co-exist on Guam, in order to promote  
15 understanding and harmony amongst them. Thus, an applicant's ownership or lease of any  
16 other real property is not a consideration in determining its eligibility.  
17

18 (e) **Condition of Property Under Use Permit.** If the applicant has an interim  
19 use permit as referred to in Rule (a) above, then at the time the lease application is  
20 submitted, applicant must be in compliance with all the terms of the use permit in order  
21 for applicant to be eligible for a lease under these rules, and the applicant must not owe  
22 anything to the Department for any expenses the Department may have incurred on the  
23 applicant's behalf under the use permit.  
24

25 (f) **Contact Person and Address.** The current mailing address of the applicant,  
26 along with the name of an authorized representative, must be clearly indicated. All  
27 notices to be sent to the applicant will be mailed to the address the applicant indicates.  
28

29 (g) **Intent to Construct.** The purpose of the lease is for the construction of an  
30 improvement or improvements which are cultural facilities as that term is used in  
31 these rules. The applicant must state this intent in writing. Applicants subject to Rule  
32 1006 should described the improvement planned and state their intent to so construct.  
33

34 (h) **Financial Responsibility.** The applicant must show its ability to finance the  
35 construction of improvements and to pay the rental value of the property. Proof  
36 may be shown by the applicant submitting its financial statements, preferably audited, for  
37 its immediately preceding two fiscal years. If applicant is required to pay income taxes, it  
38 shall submit a copy of the return filed for the last two of it fiscal years.  
39

#### 40 CHAPTER 4

#### 41 DETERMINATION OF ELIGIBILITY TO LEASE





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## SELECTION AND RESERVATION

§5001. Selection. At the appointed date and time, the eligible applicant may select any area of land which has been designated by the Department to be a part of the program under these rules and which has not been selected and reserved by any other eligible applicant.

(a) Area and Location. The eligible applicant may reserve one of the areas, the size of which is 20,000 + square feet. If the applicant convincingly demonstrates circumstances which would require a greater area, then the Department in its sole discretion may allow the applicant to reserve additional 20,000 + square foot areas, any or all of which must be adjacent to each other. Circumstances which shall justify a greater area and which the Department shall consider pertinent include, but are not limited to, the applicant's size in membership, the frequency and type of its activities, its ideas or plans for a cultural facility, and its financial ability to carry out its proposed plans.

(b) Site Inspection. Any applicant desiring to view the site is expected to make arrangements with Department personnel and visit the site prior to the designated appointment.

§5002. Reservation Agreement. Upon selection of an area of land by an eligible applicant, the Department and applicant shall enter into an "Agreement to Reserve," provided that the applicant is in compliance with all the terms of its use permit as referred to in Rule 1006 (b) above, if any, and no sums are owed to the Department upon the use permit's termination when the Agreement to Reserve is executed. The date the Governor approves the Agreement to Reserve with his signature shall be the effective date of the Agreement.

(a) Automatic Termination After One Year. The Agreement to Reserve shall automatically terminate one year from its effective date, but subject to Rule 6005 (a) below.

(b) License to Clear and Grade. The Agreement to Reserve shall give the applicant the privilege to clear and grade the property so reserved, at applicant's own risk prior to entering into a lease. In this respect, the applicant is permitted to cut, detach, remove, burn, or otherwise clear and take away from the property all standing or fallen timber, crops, vegetation, or growth of any kind whatsoever, and to grade the property so long as all required governmental approvals are first obtained. In no event shall applicant cause or allow any construction, development or improvement of any type or nature whatsoever to be built on the property, nor permit any waste, nuisance or dumping. Should the applicant not enter into a lease with the Department for any reason, then in no event shall the expense of any clearing or grading undertaken by the applicant be considered an amount owing by the Department to the applicant.

(c) Reservation Not a Lease. The Agreement to Reserve is a limited act preliminary to the lease designed to reserve the selected area of land. By no means should the Agreement be interpreted as a lease, nor does it grant any rights to the applicant as a lessee. Before the Department gives its final approval and before a lease with the eligible

1 applicant is entered into, the eligible applicant must fulfill the requirements of the rules  
2 contained in Chapter 6 below and as outlined in the Agreement to Reserve.

## 3 4 CHAPTER 6

### 5 6 REQUIREMENTS OF ENTERING INTO LEASE

7  
8 §6001. Submittal Required. In order to enter into a lease or the reserved property, the  
9 eligible applicant must submit the following prior to the automatic termination of the Agreement  
10 to Reserve:

11  
12 (a) **Conceptual Plan.** A conceptual plan depicting the reserved property's  
13 development as a cultural facility shall be submitted in adequate visual detail showing the  
14 improvement or improvements to be constructed, with landscaping, from all angles. The  
15 plan should include a sketch showing the location of the improvement or improvements on  
16 the land, and a sketch of the floor plans or proposed building layouts with approximate  
17 square footage of floor area, the proposed parking area and, if required, any loading areas.  
18 The visual drawings should be accompanied by a written summary of the development.  
19 This conceptual plan need not be as detailed as an architect's or engineer's blueprints,  
20 unless desired, but should be professional in appearance.

21  
22 (b) **Statement of Costs and Funding.** The eligible applicant must also submit a  
23 supporting statement, in sufficient detail, concerning the approximate cost of the  
24 development, the proposed contractor's name and license number, and the development's  
25 financing method or source of funding.

26  
27 §6002. Determination of Adequacy. The Department shall determine, in its sole discretion,  
28 whether the conceptual plan and financing statement are adequate in detail as provided for in  
29 Rules 6001 (a) and (b), and whether the applicant's financial resources are sufficient to complete  
30 the proposed development. A building in which an applicant intends to conduct its regular or  
31 special activities as shown by applicant's historical background shall be considered adequate as a  
32 cultural facility, even as to those applicants subject to Rule 1006 above.

33  
34 (a) **Notice of Determination.** A written notice of determination shall be  
35 provided by mail to the applicant. If the submittals are determined adequate, then the  
36 notice shall indicate that a lease is being prepared and that applicant must sign the lease as  
37 provided for in Rule 6004 (a) below. If any part of any submittal is found to be  
38 inadequate, the reason or reasons shall be provided in the notice in sufficient detail to  
39 enable the applicant to redo and bring the required submittals into compliance with the  
40 requirements of Rule 6002 above.

41  
42 §6003. Resubmittals Accepted. An applicant may resubmit the documentation required by  
43 Rules 6001 (a) and (b) above as many times as necessary for a determination of adequacy. Each  
44 resubmittal shall be considered a new submittal for purposes of Rule 6005 below.



1 purportedly representing the applicant shall not be considered the official statements of the  
2 applicant.

3  
4 §7004. Change of Address or of Authorized Representative. A written change of address  
5 or of authorized representative must be received by the Department before the change is  
6 considered effective.

7  
8 §7005. Reapplication. If the applicant is not found eligible within the one-year period  
9 that the application is effective, or if an eligible applicant's reserved land is returned to the pool of  
10 available land for any reason under Chapter 6 above, the applicant may reapply at any time so  
11 long as land is still available for purposes of these rules, and the applicant pays the regular  
12 application fee. Any applicant who reapplies must go through the entire application process as  
13 though no prior application had ever been submitted. The Department is not obligated to use any  
14 of applicant's submittals under a prior application.

## 15 CHAPTER 8

### 16 LEASE TERMS

17  
18  
19  
20 §8001. Significant Terms. The Attorney General shall prepare a form of lease to be used  
21 for the reserved property, which shall protect the Department's interest in the leased premises and  
22 which shall be designed to carry out the purposes and intent of these rules. The lease shall  
23 incorporate the significant terms indicated below in this Rule 8001:

24  
25 (a) Term of Lease. The term of the lease shall be fixed at twenty-five (25)  
26 years to allow for the construction of improvements and the full payment of a construction  
27 loan, if any, with an option to renew for an additional twenty-five (25) year renewal term.

28  
29 (b) Rent. The rental rate for the leases provided in these rules, or how it is to  
30 be determined, is not indicated anywhere in Guam law. Public Law 22-18, to which the  
31 land reserved as a cultural center is subject, addresses the rental provisions of commercial  
32 leases only, setting such value in terms of fair market value of the property, with  
33 payments going to the Chamorro Land Trust Commission. The Chamorro Land Trust Act  
34 indicates that the rental amount of available land not immediately needed and which is  
35 returned to the Department, may be leased in accordance with 21 GCA Section 75103(b)  
36 with the Department determining the rental amount. In accordance with these  
37 considerations, the Department has determined that the rental amount for the leases  
38 provided for in these rules shall be based on whether or not the applicant is exempt from  
39 paying income taxes as evidenced by a determination in accordance with Rule 3003 (b)  
40 above. Rent payments shall go to the Chamorro Land Trust Commission.

41  
42 (c) Income Tax Paying Applicants. An applicant which, at the time it enters  
43 into a lease, does not have a determination that it is exempt from paying income taxes,  
44 shall pay the fair market rental value of the leased premises, as such value is determined by



The Office of

**Senator Marcel G. Camacho**

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN  
**Twenty-Fifth Guam Legislature**

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910  
Suite 108A • Ada Plaza Center  
Phones (671) 479 8261 / 62 / 63 / 64  
Facsimile (671) 472 8223

Thursday, June 10, 1999  
9:00 am  
Legislature's Public Hearing Room

## AGENDA

### **I. Opening Remarks**

### **II. Confirmation**

IGNACIO T.TAINATONGO AS MEMBER, GUAM MUSEUM  
BOARD OF TRUSTEES

### **III. Bill No. 217 (COR)**

AN ACT TO CHANGE SECTIONS OF TITLE 21, DIVISION 2,  
CHAPTER 60, ARTICLE 5 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE SURVEYING PRACTICES  
ON GUAM.

### **IV. Bill No. 192 (COR)**

AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE  
TO THE LEASING OF GOVERNMENT LAND RESERVED AS A  
CULTURAL CENTER FOR THE DEP. OF LAND  
MANAGEMENT.

### **V. Bill No. 224 (COR)**

AN ACT TO AMEND SECTION 6(B) OF PUBLIC LAW 21-91,  
RELATIVE TO CORRECTLY IDENTIFYING THE LEGAL  
LOT DESCRIPTIONS OF PROPERTY SOLD TO MR. MARK V.  
PANGILINAN.

### **VI. Bill No. 229 (COR)**

AN ACT TO AMEND PUBLIC LAW 24-96 (THE GUAM  
SLAUGHTER HOUSE ACT)

### **VII. Adjournment**



**TESTIMONY SIGN-IN SHEET**  
**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS**

TESTIMONY RELATIVE TO THE PUBLIC HEARING:

Thursday, June 10, 1999

Public Hearing Room, Legislature Bldg.  
 BILL NO. 192

NAME	AGENCY / BUSINESS / SELF / ORGANIZATION	TOPIC	WRITTEN TESTIMONY	ORAL TESTIMONY	REMARKS
------	---	-------	-------------------	----------------	---------

1	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	
2	BERT JURVARIO	FILIPINO COMMUNITY OF GUAM	✓	✓	
3	Andy D. Rabilik Jr.	PCOG / PAGO	✓	✓	
4	Rene Olano	RFCOL CLUB	✓	✓	
5	Belle Barans	Advancing Education	✓	✓	
6	JANE THAI	Unions Network BSS.	✓	✓	
7	Leo E. EDUSPA	Fil-Am Professionals	✓	✓	
8	EDWARD SERRAJO	ZAMBALSA FAMILIA	✓	✓	
9	Pete Mandaner	Phil. Scouts Assn	✓	✓	
10	John Daye	FEDERATION of ASIAN PEOPLE of GUAM	✓	✓	



**TESTIMONY SIGN-IN SHEET**  
**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS and the ARTS**

TESTIMONY RELATIVE TO THE PUBLIC HEARING: **Thursday, June 10, 1999**  
**Public Hearing Room, Legislature Bldg.**  
**BILL NO. 192**

NAME	AGENCY / BUSINESS / SELF / ORGANIZATION	TOPIC	WRITTEN TESTIMONY	ORAL TESTIMONY	REMARKS
1 Thachani, S.T	Federalism of Asian People of Guam		✓	✓	
2 Frank Hernandez	Philippine Scouts		✓		
3 JACOB Dou	PALAUAN COMM. ASSOC. OF GUAM		✓		
4 Rey Retumban	BICOL Club		✓	✓	
5					
6					
7					
8					
9					
10					



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IN THE SUPERIOR  
COURT OF GUAM  
HAGATNA, GUAM

IN THE MATTER  
OF THE ESTATE  
OF  
MARIA C. PANGELINAN,  
Deceased.

PROBATE CASE  
NO. PR 92-63

NOTICE OF HEARING  
PETITION FOR LETTERS  
OF ADMINISTRATION

THIS NOTICE IS REQUIRED  
BY LAW. YOU ARE NOT  
REQUIRED TO APPEAR IN  
COURT UNLESS YOU  
DESIRE TO DO SO.

NOTICE IS HEREBY GIVEN  
that NORMAJEAN C.  
PANGELINAN-CRUZ has  
filed a Petition for Probate  
for Letters of Administration  
upon the estate of MARIA C.  
PANGELINAN, reference to  
which Petition for Probate for  
Letters of Administration  
upon the estate of MARIA C.  
PANGELINAN, reference to  
which Petition is hereby  
made for further particulars.  
A hearing on the is set for  
the day of June 23, 1999, at  
10:00 a.m. or as soon  
thereafter as the matter may  
be heard before the  
Honorable Elizabeth Barrett-  
Anderson, Judge, Superior  
Court of Guam in Hagatna,  
Guam.

Dated this 8th day  
of April 1999.

THE VANDELVELD LAW  
OFFICES, P.C.  
/S/CURTIS C. VAN DEVELD  
Attorney for Petitioner  
NORMAJEAN C.  
PANGELINAN-CRUZ



Senator

**Marcel G. Camacho**  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts

151 Pedro St., Hagatna, GU 96910 Phone: 474-8243 Fax: 472-8233

**PUBLIC HEARING**

Thurs. June 10, 1999 @ 9 A.M.

**AGENDA**

**Confirmation:** IGNACIO  
T. TAINATONGO AS MEM-  
BER, GUAM MUSEUM  
BOARD OF TRUSTEES.

**Bill No. 217(COR):** AN  
ACT TO CHANGE SECTIONS  
OF TITLE 21, DIVISION 2,  
CHAPTER 60, ARTICLE 5 OF  
THE GUAM CODE ANNO-  
TATED RELATIVE TO THE  
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**Bill No. 192(COR):** AN  
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SERVED AS A CULTURAL  
CENTER FOR THE DEPT. OF  
LAND MANAGEMENT.

**Bill No. 224(COR):** AN  
ACT TO AMEND SECTION  
6(b) OF PUBLIC LAW 21-91,  
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LOT DESCRIPTIONS OF  
PROPERTY SOLD TO MR.  
MARK V. PANGILINAN.

**Bill No. 229 (COR):** AN  
ACT TO AMEND PUBLIC  
LAW 24-96 (The Guam Stagh-  
ter House Act.)

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encouraged to attend.

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

Bill No. 192 (COR)

Introduced by:

M.G. Camacho 

**AN ACT TO ADOPT RULES AND REGULATIONS  
RELATIVE TO THE LEASING OF GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER FOR THE  
DEPARTMENT OF LAND MANAGEMENT.**

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

**Section 1. (a). Legislative Findings and Intent.** The Department of Land Management (DLM), in accordance with the Administrative Adjudication Act has prepared the Rules and Regulations for the implementation of the leasing of government land reserved as a Cultural Center as mandated by Public Law 22-18.

**(b). Approval of rules and regulations provided by the Department of Land Management.** The following rules and regulations for the Department of Land Management are approved.

RULES AND REGULATIONS  
FOR  
LEASING GOVERNMENT LAND  
RESERVED AS A CULTURAL CENTER

CHAPTER 1

GENERAL PROVISIONS

§1001. Authority. These guidelines are promulgated pursuant to the rule-making procedures of the Administrative Adjudication Law which provide at 5 GCA Subsection 9107 that the meaning of "rule" includes any "procedure or requirement of any agency ... interpreting, supplementing or implementing any law enforced or administered by it ... ."

§1002. Identity and Purpose of Reserved Land. Pursuant to Guam Public Law 22-18, the Department of Land Management ("Department") reserved twenty acres each from Lot 10120-R16 in Dededo and from Lot 480 in Agat for the purpose of establishing a "cultural center."

1 (a) Lot 10120-17, Dededo. The twenty acres which were reserved from Lot  
2 10120-R16 have been parceled out of Lot 10120-R16, and the parceled lot is identified as  
3 Lot 10120-17. The Department does not intend to subdivide Lot 10120-17, but has  
4 instead surveyed a portion of Lot 10120-17 and has established within the surveyed  
5 portion, areas which are suitable for leasing. Each area to be leased is 20,000 + square  
6 feet, as shown on Land Management Drawing Number I4-97T632, recorded under  
7 Document Number 572938 in the Records Division, Department of Land Management.  
8 Water and electricity are not available on Lot 10120-17, but within 100 feet of its  
9 southern boundary.

10  
11 §1003. Intent. These rules are intended to provide a suitable amount of government land  
12 for leasing to qualified and eligible applicants which are non-profit organizations and which plan  
13 to develop a “cultural facility,” as the term is used in these rules, within the time allotted, and  
14 which applicants show the capability and responsibility to do so. Public rights of way have been  
15 planned to give each area to be leased a means of ingress and egress.

16  
17 However, all expenses for any development, including utility infrastructure not already available,  
18 are the sole responsibility and expense of the applicant or lessee.

19  
20 §1004. Interpretation of “Cultural Center”. The legislative history of Public Law 22-18  
21 indicates that the term “cultural center” as used therein was meant to be the same as used in the  
22 Guam Land Use Master Plan, or the Y Tanota Plan as it is commonly known (the “Plan”). The  
23 Plan which became official on April 18, 1998, however, does not define “cultural center” into the  
24 terms “club”,  
25 “clubhouse”, and “private club”. For purposes of these rules, the term “cultural center” shall  
26 have the same meaning as the term “club” defined in the Plan.

27  
28 §1005. Scope. Section 3 of Public Law 22-18 contemplates that land reserved by  
29 government entities are either (a) for development of long-term government facilities, (b) for  
30 parks and the like, or (c) for commercial leases to private interests. In accordance with Section 3  
31 (b) of Public Law 22-18, the Department will prepare a conceptual plan for the twenty acres of  
32 reserved land in Dededo and for the twenty acres reserved from Lot 480 in Agat depicting their  
33 full development as cultural centers in which long-term cultural facilities will be built. The  
34 conceptual plan will include any land leased in accordance with these rules. These rules contain  
35 the procedural guidelines for leasing land to applicants who wish to build cultural facilities at their  
36 own expense.

37  
38 §1006. Grandfather Clause. Some legitimate non-profit organizations occupying or  
39 formerly occupying the Harmon cliffline area are not culturally related clubs. Notwithstanding,  
40 they may apply for a lease in accordance with these rules so long as such non-profit organization  
41 plans to develop the leased property for its regular activities, the planned development represents  
42 a use harmonious to the rest of the area’s use as a cultural center, and so long as the planned  
43 development is not in conflict with any other applicable law. However, in order to enter into a  
44 lease, any applicant grandfathered in pursuant to this rule must nevertheless meet the other

1 eligibility criteria set out in Chapter 3 below and must make adequate submittal as required by  
2 Chapter 6 of these rules.

3  
4 (a) Background History. During hearings on the bill which became Public  
5 Law 22-18 before the 22nd Guam Legislature's Committee on Housing and  
6 Community Development, the Department testified that a part of the twenty acres of land  
7 in Dededo or Agat reserved for cultural centers was intended for the relocation of the  
8 legitimate non-profit organizations occupying the Harmon cliffline area.

9  
10 (b) Interim Limited Land Use Permits. The Department considered the time  
11 required for these rules to undergo the Administrative Adjudication Law's rule-making procedure  
12 and also the need of some of the Harmon cliffline non-profit organizations to have some limited  
13 use of some land for their immediate general purposes. Because Section 3 (a) of Public Law 22-  
14 18 authorizes temporary uses of reserved land, guidelines for the interim temporary use of a  
15 portion of Lot 10120-17 by means of limited land use permits were set by Executive Order No.  
16 98-13. These rules recognize that such temporary use may not impede, delay or in any way  
17 interfere with the leases to be given pursuant to these rules. No entity with a limited land use  
18 permit, which shall apply for a lease in accordance with these rules, shall be given priority or  
19 special consideration contrary to these rules.

## 20 21 CHAPTER 2

### 22 APPLICATION TO LEASE

23  
24  
25 §2001. Form of Application. Applications shall be on forms prepared by the Department,  
26 which are available from the Department's Land Administration Division located on the third  
27 floor of the building at 855 West Marine Drive in Anigua, Guam.

28  
29 §2002. Application Fee. An application fee of \$100.00 must accompany each application.  
30 The fee represents the reasonable expenses of the Department in processing the application.

31  
32 §2003. Delivery. Delivery of the application to the Department may be by personal, hand-  
33 delivery to the Department's Land Administration Division on the third floor of the building of  
34 855 West Marine Drive in Anigua, Guam, or by mail to the Department's Land Administration  
35 Division at Post Office Box 2950, Hagatna, Guam 96932.

36  
37 §2004. Intake Processing. The Department shall review all applications immediately upon  
38 receipt, in the order received, to determine only whether they are complete and have the required  
39 documentation attached. Consideration of the applicant's eligibility will be at a later time. Only  
40 completed applications shall be stamped received with the date and time, and initialed by a  
41 Department employee. The application fee shall not be received nor processed by the Department  
42 unless an application is complete.



1 amount on the lease applied for. Therefore, if the applicant is not required to pay gross  
2 receipts taxes, it should submit a copy of its certificate of exemption issued by the  
3 Department of Revenue and Taxation. If the applicant is not required to pay income  
4 taxes, it shall also submit a copy of a determination by the Department of Revenue and  
5 Taxation or the Internal Revenue Service indicating that the applicant is tax-exempt.  
6

7 (c) Culturally-Related. The applicant should prepare its written summary as  
8 described in Rule (a) to allow the Department to make a determination that the applicant's  
9 primary activities are culturally-related. This section is not applicable to applicants subject to  
10 Rule 1006.  
11

12 (d) Title to or Use of other Real Property. The government's desired outcome  
13 based upon these rules is the development of an integrated cultural center which is  
14 representative of the diverse cultures which co-exist on Guam, in order to promote  
15 understanding and harmony amongst them. Thus, an applicant's ownership or lease of any  
16 other real property is not a consideration in determining its eligibility.  
17

18 (e) Condition of Property Under Use Permit. If the applicant has an interim  
19 use permit as referred to in Rule (a) above, then at the time the lease application is  
20 submitted, applicant must be in compliance with all the terms of the use permit in order  
21 for applicant to be eligible for a lease under these rules, and the applicant must not owe  
22 anything to the Department for any expenses the Department may have incurred on the  
23 applicant's behalf under the use permit.  
24

25 (f) Contact Person and Address. The current mailing address of the applicant,  
26 along with the name of an authorized representative, must be clearly indicated. All  
27 notices to be sent to the applicant will be mailed to the address the applicant indicates.  
28

29 (g) Intent to Construct. The purpose of the lease is for the construction of an  
30 improvement or improvements which are cultural facilities as that term is used in  
31 these rules. The applicant must state this intent in writing. Applicants subject to Rule  
32 1006 should described the improvement planned and state their intent to so construct.  
33

34 (h) Financial Responsibility. The applicant must show its ability to finance the  
35 construction of improvements and to pay the rental value of the property. Proof  
36 may be shown by the applicant submitting its financial statements, preferably audited, for  
37 its immediately preceding two fiscal years. If applicant is required to pay income taxes, it  
38 shall submit a copy of the return filed for the last two of it fiscal years.  
39

#### 40 CHAPTER 4

#### 41 DETERMINATION OF ELIGIBILITY TO LEASE



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## SELECTION AND RESERVATION

§5001. Selection. At the appointed date and time, the eligible applicant may select any area of land which has been designated by the Department to be a part of the program under these rules and which has not been selected and reserved by any other eligible applicant.

(a) Area and Location. The eligible applicant may reserve one of the areas, the size of which is 20,000 + square feet. If the applicant convincingly demonstrates circumstances which would require a greater area, then the Department in its sole discretion may allow the applicant to reserve additional 20,000 + square foot areas, any or all of which must be adjacent to each other. Circumstances which shall justify a greater area and which the Department shall consider pertinent include, but are not limited to, the applicant's size in membership, the frequency and type of its activities, its ideas or plans for a cultural facility, and its financial ability to carry out its proposed plans.

(b) Site Inspection. Any applicant desiring to view the site is expected to make arrangements with Department personnel and visit the site prior to the designated appointment.

§5002. Reservation Agreement. Upon selection of an area of land by an eligible applicant, the Department and applicant shall enter into an "Agreement to Reserve," provided that the applicant is in compliance with all the terms of its use permit as referred to in Rule 1006 (b) above, if any, and no sums are owed to the Department upon the use permit's termination when the Agreement to Reserve is executed. The date the Governor approves the Agreement to Reserve with his signature shall be the effective date of the Agreement.

(a) Automatic Termination After One Year. The Agreement to Reserve shall automatically terminate one year from its effective date, but subject to Rule 6005 (a) below.

(b) License to Clear and Grade. The Agreement to Reserve shall give the applicant the privilege to clear and grade the property so reserved, at applicant's own risk prior to entering into a lease. In this respect, the applicant is permitted to cut, detach, remove, burn, or otherwise clear and take away from the property all standing or fallen timber, crops, vegetation, or growth of any kind whatsoever, and to grade the property so long as all required governmental approvals are first obtained. In no event shall applicant cause or allow any construction, development or improvement of any type or nature whatsoever to be built on the property, nor permit any waste, nuisance or dumping. Should the applicant not enter into a lease with the Department for any reason, then in no event shall the expense of any clearing or grading undertaken by the applicant be considered an amount owing by the Department to the applicant.

(c) Reservation Not a Lease. The Agreement to Reserve is a limited act preliminary to the lease designed to reserve the selected area of land. By no means should the Agreement be interpreted as a lease, nor does it grant any rights to the applicant as a lessee. Before the Department gives its final approval and before a lease with the eligible



1 applicant is entered into, the eligible applicant must fulfill the requirements of the rules  
2 contained in Chapter 6 below and as outlined in the Agreement to Reserve.

## 3 4 CHAPTER 6

### 5 6 REQUIREMENTS OF ENTERING INTO LEASE

7  
8 §6001. Submittal Required. In order to enter into a lease or the reserved property, the  
9 eligible applicant must submit the following prior to the automatic termination of the Agreement  
10 to Reserve:

11  
12 (a) Conceptual Plan. A conceptual plan depicting the reserved property's  
13 development as a cultural facility shall be submitted in adequate visual detail showing the  
14 improvement or improvements to be constructed, with landscaping, from all angles. The  
15 plan should include a sketch showing the location of the improvement or improvements on  
16 the land, and a sketch of the floor plans or proposed building layouts with approximate  
17 square footage of floor area, the proposed parking area and, if required, any loading areas.  
18 The visual drawings should be accompanied by a written summary of the development.  
19 This conceptual plan need not be as detailed as an architect's or engineer's blueprints,  
20 unless desired, but should be professional in appearance.

21  
22 (b) Statement of Costs and Funding. The eligible applicant must also submit a  
23 supporting statement, in sufficient detail, concerning the approximate cost of the  
24 development, the proposed contractor's name and license number, and the development's  
25 financing method or source of funding.

26  
27 §6002. Determination of Adequacy. The Department shall determine, in its sole discretion,  
28 whether the conceptual plan and financing statement are adequate in detail as provided for in  
29 Rules 6001 (a) and (b), and whether the applicant's financial resources are sufficient to complete  
30 the proposed development. A building in which an applicant intends to conduct its regular or  
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32 cultural facility, even as to those applicants subject to Rule 1006 above.

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34 (a) Notice of Determination. A written notice of determination shall be  
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36 notice shall indicate that a lease is being prepared and that applicant must sign the lease as  
37 provided for in Rule 6004 (a) below. If any part of any submittal is found to be  
38 inadequate, the reason or reasons shall be provided in the notice in sufficient detail to  
39 enable the applicant to redo and bring the required submittals into compliance with the  
40 requirements of Rule 6002 above.

41  
42 §6003. Resubmittals Accepted. An applicant may resubmit the documentation required by  
43 Rules 6001 (a) and (b) above as many times as necessary for a determination of adequacy. Each  
44 resubmittal shall be considered a new submittal for purposes of Rule 6005 below.

1 §6004. Preparation of Lease. If the required submittals are determined to be adequate,  
2 the Department shall as soon as practicable prepare a lease in accordance with the lease terms  
3 contained in Chapter 8 below naming the eligible applicant as the lessee for the land reserved.  
4

5 (a) Deadline to Enter Into Lease. If the lease is not signed by the applicant  
6 within six months from the date of the notice of a favorable determination in Rule 6002 (a)  
7 above, then the lease shall be cancelled, and the land which is reserved and which is the  
8 subject of the lease shall become available for selection and reservation by other applicants  
9 under these rules.  
10

11 §6005. Disqualification. If the Department has not made a determination of adequacy  
12 within the one-year period from the date the Agreement to Reserve is approved by the Governor,  
13 then the eligible applicant is automatically disqualified and the reserved land shall become  
14 available for selection and reservation by other applicants under these rules.  
15

16 (a) Extension of Time to Determination Date. If the applicant has submitted the required  
17 documents in accordance with Rule 6002 above within the one-year period but the Department  
18 has not made a determination of adequacy as of the last day of the one-year period, then in such  
19 event, the date upon which a determination is made shall be the date upon which either a lease is  
20 prepared for the applicant or the reserved land becomes available for selection and reservation by  
21 other eligible applicants. In the latter event, the applicant shall no longer have the right to make  
22 resubmittals in accordance with Rule 6003 above.  
23

## 24 CHAPTER 7

### 25 MISCELLANEOUS PROVISIONS

26 §7001. Notices to Applicant. All notices and official correspondence to applicant shall be  
27 in writing and mailed to the address provided in the application. If applicant desires, the  
28 Department may telephone the applicant's authorized representative with any information as  
29 requested. However, the Department is under no obligation to do so, and in no event shall any  
30 telephonic communication be considered the date on which any notice to be given by the  
31 Department is given.  
32  
33

34 §7002. Notices to Department. All notices and anything to be submitted to the  
35 Department may be delivered by applicant to the Department's Land Administration Division on  
36 the third floor of the building at 855 West Marine Drive in Anigua, Guam, or by mail to the  
37 Division at Post Office Box 2950, Hagatna, Guam 96932.  
38  
39

40 §7003. Applicant's Authorized Representative. The authorized representative designated  
41 in the application shall be the sole voice of the applicant in any non-written communications with  
42 the Department. In no event is the Department obligated to entertain any communications by any  
43 person purportedly representing the applicant but who is not the authorized representative  
44 designated by the applicant and on record at the Department. The statements of persons

1 purportedly representing the applicant shall not be considered the official statements of the  
2 applicant.

3  
4 §7004. Change of Address or of Authorized Representative. A written change of address  
5 or of authorized representative must be received by the Department before the change is  
6 considered effective.

7  
8 §7005. Reapplication. If the applicant is not found eligible within the one-year period  
9 that the application is effective, or if an eligible applicant's reserved land is returned to the pool of  
10 available land for any reason under Chapter 6 above, the applicant may reapply at any time so  
11 long as land is still available for purposes of these rules, and the applicant pays the regular  
12 application fee. Any applicant who reapplies must go through the entire application process as  
13 though no prior application had ever been submitted. The Department is not obligated to use any  
14 of applicant's submittals under a prior application.

## 15 16 CHAPTER 8

### 17 18 LEASE TERMS

19  
20 §8001. Significant Terms. The Attorney General shall prepare a form of lease to be used  
21 for the reserved property, which shall protect the Department's interest in the leased premises and  
22 which shall be designed to carry out the purposes and intent of these rules. The lease shall  
23 incorporate the significant terms indicated below in this Rule 8001:

24  
25 (a) Term of Lease. The term of the lease shall be fixed at twenty-five (25)  
26 years to allow for the construction of improvements and the full payment of a construction  
27 loan, if any, with an option to renew for an additional twenty-five (25) year renewal term.

28  
29 (b) Rent. The rental rate for the leases provided in these rules, or how it is to  
30 be determined, is not indicated anywhere in Guam law. Public Law 22-18, to which the  
31 land reserved as a cultural center is subject, addresses the rental provisions of commercial  
32 leases only, setting such value in terms of fair market value of the property, with  
33 payments going to the Chamorro Land Trust Commission. The Chamorro Land Trust Act  
34 indicates that the rental amount of available land not immediately needed and which is  
35 returned to the Department, may be leased in accordance with 21 GCA Section 75103(b)  
36 with the Department determining the rental amount. In accordance with these  
37 considerations, the Department has determined that the rental amount for the leases  
38 provided for in these rules shall be based on whether or not the applicant is exempt from  
39 paying income taxes as evidenced by a determination in accordance with Rule 3003 (b)  
40 above. Rent payments shall go to the Chamorro Land Trust Commission.

41  
42 (c) Income Tax Paying Applicants. An applicant which, at the time it enters  
43 into a lease, does not have a determination that it is exempt from paying income taxes,  
44 shall pay the fair market rental value of the leased premises, as such value is determined by

1 the Department. Rent may be paid monthly or annually as the Department and applicant  
2 shall mutually agree.

3  
4 (d) Income Tax Paying Applicants. An applicant which, at the time it enters  
5 into a lease, is exempt from paying income taxes as evidenced by a determination from the  
6 appropriate government authority, shall pay an annual rental amount which is nominal.  
7 The nominal amount is determined to be \$100 per year for the first twenty-five years and  
8 \$300 per year for each thereafter that the reserved property is under lease to the applicant.  
9

10 (e) Beginning Construction. If the applicant enters into a lease according to  
11 these rules, it shall complete its plans for development, secure or otherwise provide for  
12 financing, arrange for water, sewer and electricity infrastructure as needed, and begin  
13 construction within one year from the effective date of the lease.  
14

15 (f) Completing Construction. Construction must be completed within three  
16 years of the effective date of the lease.  
17

18 (g) Failure to Begin or Complete Construction. Failure to begin construction  
19 within one year from the effective date of the lease shall result in the automatic termination  
20 of the lease. Failure to complete construction within three years of the effective date of  
21 the lease shall give the Department the right to terminate the lease in its sole discretion.  
22

23 (h) Covenant Against Gambling. The applicant shall covenant that no  
24 gambling activities will be conducted on the leased property, except as the applicant may  
25 be legally licensed to carry on such activities.  
26

27 §8002. Approval of Attorney General and Governor. All leases entered into in accordance  
28 with these rules must be executed by the Governor, attested to by the Lieutenant Governor, and  
29 approved as to form by the Attorney General.  
30

31 §8003. Concurrence by Legislature. All leases entered into in accordance with these  
32 rules must be concurred to by the Legislature pursuant to 21 GCA Subsection 60112.  
33

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 6/15/99

## VOTING SHEET

Bill No. 192 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.					✓
BERMUDES, Eulogio C.	✓				
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

13    0    0    0    2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



The Office of

**Senator Marcel G. Camacho**

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN  
Twenty-Fifth Guam Legislature**

**Chairman, Committee on Land, Agriculture, Military Affairs and the Arts**

173 Aspinall Avenue, Hagåtña, Guam 96910  
Suite 108A • Ada Plaza Center  
Phones (671) **479 8261 / 62 / 63 / 64**  
Facsimile (671) **472 8223**

June 11, 1999

The Honorable Antonio Unpingco, Speaker  
I Mina' Bente Singko na Liheslaturan Guahan  
155 Hesler St.  
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, to which was referred the following: **Bill No. 192(COR): As Substituted By The Committee on Land, Agriculture, Military Affairs and the Arts, "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."** wishes to report back to the Legislature its recommendation **TO DO PASS.**

**Committee Voting Record:**

To do pass: 5

Not to pass:       

Abstain: 1

A copy of the Committee Report is attached for your consideration.

Sincerely yours,

**MARCEL G. CAMACHO**  
Chairman



The Office of

**Senator Marcel G. Camacho**

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN  
Twenty-Fifth Guam Legislature**

**Chairman, Committee on Land, Agriculture, Military Affairs and the Arts**

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June 10, 1999

## MEMORANDUM

**TO: Members,**  
**Committee on Land, Agriculture, Military Affairs and the Arts**

**FR: Chairman**

**RE: BILL NO. 192(COR):** *As substituted by the Committee on Land, Agriculture, Military Affairs and the Arts, "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."*

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report of **Bill No. 192(COR)**.  
(see attached)

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

**MARCEL G. CAMACHO**  
Chairman

Attachments

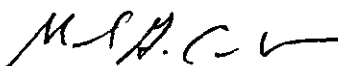
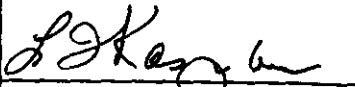
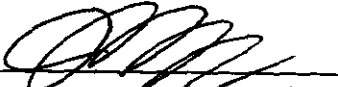
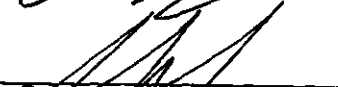


**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS  
and the ARTS**

**I Mina'Benta Singko Na Liheslaturan Guåhan  
Twenty-Fifth Guam Legisture**

**VOTING SHEET**

June 10, 1999

**RE: BILL NO. 192(COR): "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."**

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	NOT TO PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Sen. Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kaperbauer, Vice-Chair		JK ✗		X	
Senator Joanne M.S. Brown		✓			
Senator Eduardo B. Calvo		✓			
Senator Kaleo S. Moylan		✓			
Senator Simon A. Sanchez, II					
Senator Frank B. Aguon, Jr.					
Speaker Antonio "Tony" R. Unpingco, ex. officio		✓			



**Committee on Land, Agriculture, Military Affairs and the Arts  
Marcel G. Camacho, Chairman**

**PUBLIC HEARING  
June 10, 1999**

**Committee Report**

The hearing for the Committee on Land, Agriculture, Military Affairs and the Arts was called to order at 9:10 am, by the Chairman, Senator Marcel G. Camacho.

**BILL NO. 192 (COR): "AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE TO THE LEASING OF GOVERNMENT LAND RESERVED AS A CULTURAL CENTER FOR THE DEPARTMENT OF LAND MANAGEMENT."**

**Senators Present:** Marcel G. Camacho, Larry F. Kasperbauer, Joanne M.S. Brown

**Testimony Provided by:**

Mr. Andy Padilla, Pangasinan Community	(Written/Oral)
Mr. Rey Retumban, Bicol Club	(Written/Oral)
Ms. Belle Balaoro, Filipino Educators Assn.	(Written/Oral)
Ms. Jane Hua, Vietnamese/Chinese Family Assn.	(Written/Oral)
Mr. Leo Edusada, Fil-American Presidents Club	(Written/Oral)
Mr. Edward Senato, Zamabales Assn.	(Written/Oral)
Mr. John Vega, Fed. Of Asian People of Guam	(Written/Oral)
Mr. Ishu Thadhani, Indian Community of Guam	(Written/Oral)
Mr. Jacob Dou, Palauan Community of Guam	(Written/Oral)
Mr. Frank Honorario	(Written)
Mr. Bert Jurinario	(Written)
Dr. MoonYun, Korean Assn. Of Guam	(Written)
Mr. Pete Mandapat	(Written)
Mr. Rainier Tanalgo, Iloilo Assn.	(Written)
Mr. Oscar Duarte, Samarenos Assn.	(Written)
Mr. Abraham Cancino, Philippine Scouts	(Written)
Mr. Pete Yparaguerre, Guam Visayas and Mindanao Assn.	(Written)
Mr. Phil Garcia, Mindoro Assn. Of Guam	(Written)
Mr. Robert Kao, United Chinese Assn. Of Guam	(Written)
Mr. Tim Oftana, Cebu Assn. Of Guam	(Written)
Mr. Isabelo RayRay, United Filipino Family Assn. Of Guam	(Written)
Mr. Art Salomes, Knights of Colombus	(Written)

**Summary of Testimony:**

**Sen. Camacho:** I know all of you have been waiting for this for many, many years since the actual reservation of the land was back in the 22nd Guam Legislature. The rules and regulations have been developed by the Dept. of Land Management, they have been submitted to the Atty. General's office for review. I wanted to have one final hearing on this so if there were any other comments we could address them before the Legislature acts on it.

**Ms. Hua:** Read written testimony of Mr. Larry Do, Vietnamese-Chinese Family Association of Guam. (See attached)

**Ms. Balaoro:** Read her written testimony. (See attached)

**Mr. Edusala:** Read his written testimony. (See attached)

**Mr. Retumban:** Read the written testimony of Mr. Bong Dilanco, Bicol Club of Guam. (See attached)

**Mr. Padilla:** Read his written testimony. (See attached)

**Mr. Senato:** Read his written testimony. (See attached)

**Mr. Thadhani:** Read his written testimony. (See attached)

**Mr. Dou:** Read his written testimony. (See attached)

**Mr. Vega:** Read his written testimony. (See attached)

**Sen Camacho:** Thank you Mr. Vega. I know you have worked very hard to insure that rule and regulations were adopted and I'm glad to see it is under the 25th Guam Legislature's term that we finally see a close to this. I will do everything possible to make sure this bill is passed.

**The Committee recommends TO DO PASS.**

# VIETNAMESE-CHINESE FAMILY ASSOCIATION OF GUAM

June 10, 1999

9:00 AM

Guam Legislature Public Hearing Room

Re: Bill 192

Dear Senator Marcel Camacho,

I am Larry Do wish to thank you for your efforts together with your committee members. I remember, last Feb 14, 1997, during the meeting with Director of Land Management Mr. Tony Martinez and Ray Aflague, Land Administrator, Mr. John Gilliam, Governor's representative and Atty Deborah Rivera. They presented the drafted Rules and Regulations to us for review and comments. They solicited our input from the Federation.

Our representative Mr. John Vega made some changes to ensure the rules will not become discriminatory , but fair and agreeable to both.

Mr. Gilliam commented that the Governor wanted to start the leasing as soon as possible by means of Executive Order while awaiting for the final rules for long term lease.

All suggestions and amendments recommended by Mr. Vega were well taken and were incorporated with revised Rules and Regulations. We were informed formally by the DLM.

Therefore, I can not say anything about Bill 192 regarding the final Rules and Regulations but to say in front of you today that on behalf of the members of our association, as the president I am wholeheartedly in support for adoption. We need to build our own club House soon in order to be able to have one place for our activities especially to preserve our cultural heritage. I am also grateful for the Department of Land Management even the change of Leadership they maintain their honest efforts to help the Federation of Asian People on Guam.

Thank you,

Larry Do



**FILIPINO EDUCATORS ASSOCIATION OF GUAM**  
**P.O.Box 23745 gmf Barrigada, Guam**

June 10, 1999 Public Hearing 9AM Legislature Public Hearing Room

Senator, Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts.

Re: BILL NO. 192

I am Isabel Balaoro, a retired Administrator of the Department of Education, would like to greet you all good morning. It is really a wonderful morning for me to have this opportunity to stand before you on behalf of the Filipino Educators Association of Guam in favor of Bill No. 192 , An Act To Adopt Bill 192 which will provide guideline to the Department of Land Management in leasing land to the qualified nonprofit, civic, fraternal and cultural organizations.

History dictates that in North America Asian and Pacific traders had been trading in Aemrica as early as the 15<sup>th</sup>. Century and the by the late 1800s. Similarly Guam history reveals that Chinese, Filipinos and Japanese were trading with the Chamorro in early 1800s. Now, Asian people on Guam who are adopting Guam as their second country, share their expertise and skills into the mainstream of Guam community for economic and social progress.

Since there are land properly reserved for the interested nonprofit organizations, and secured for the establishment of a club house of nonprofit associations, it is about time now that this Bill 192 by adopted and passed into law so that the Department of Land management can start leasing out to those applicants who are financially capable and willing to comply with all requirements.

Again, on behalf of the members of the Educators Association, as the past, President of the Filipino Ladies Association and the Filipino Educators Association and Secretary of the Federation of Asian People on Guam, strongly recommend that the Speaker will certify to and the Legislative Secretary will attest the adoption of Bill 192.

Sincerely,  
  
ISABEL BALAORO

# FIL-AMERICAN PRESIDENTS CLUB OF GUAM

Public Hearing June 10, 1999 9:00AM Legislative Public Hearing Room

Senator Marcel G. Camacho  
Chairman, Committee on Land, Agriculture, Military Affairs and Arts

Re: BILL 192 - AN ACT TO ADOPT RULES AND REGULATIONS RELATIVE  
TO THE LEASING OF GOVERNMENT LAND AS A CULTURAL CENTER  
FOR THE DEPARTMENT OF LAND MANAGEMENT

Good morning Senator Marcel G. Camacho, Chairman and members of this fine committee, visitors and friends.

My name is Leo Ebuén Edusada, of legal age, married, U.S. citizen and presently residing at Dededo. A former Chairman of the Filipino-American Presidents' Club of Guam, re-elected Vice President and now board of director of the Filipino Community, charter Secretary of the Federation of Asian People on Guam, charter Vice President of the Guam Galaide Lions Club, etc.

I am honored and so delighted to address this august body, to testify in favor of Bill 192, An Act Relative to the Adoption of Rules and Regulations in leasing government land by the Department of Land Management for non profit, civic, fraternal and cultural organizations.

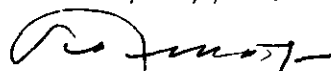
I had been with the Federation of Asian People in negotiating land from the Government of Guam for the past few years. I was present during the few meetings conducted between the Federation and Department of Land Management, Atty, Deborah Rivera and Mr. John Guilliam about leasing the land to qualified applicants. If my memory doesn't fail me, I may recall when Mr. John Guilliam and the Director of Land Management said that they want the leasing to start as early as 1997. However, they were still drafting the rules and regulations and the Attorney General shall review the draft prior to submitting to Guam Legislature for adjudication or for their concurrence by statute.

There were two (2) public hearings held, in compliance with the Administrative Adjudication Act at the Department of Land Management Conference Room. Some sections of the rules and regulations were discussed and changes or amendments were agreed upon by both parties.

In view of the foregoing, I strongly support without mental reservation the adoption of Bill 192 in its entirety containing the rules for leasing to the various ethnic group organizations on Guam.

Thank you.

Very truly yours,

  
LEO E. EDUSADA

## **BICOL CLUB OF GUAM**

**June 10, 1999      9:00 AM      Guam Legislature   Public Hearing Room**

**Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts**

**Honorable Senator Camacho:**


**RE: Bill 192**

**Good morning Senator Camacho and members of your committee! I am Bong Dilanco the President of Bicol Club of Guam, has been very excited to know that the Twenty-Fifth Guam Legislature is now pushing the implementation of a long term lease. By virtue of the rights vested on us by the executive Order 98-13, we have already the lot assigned to us cleared out of unnecessary trees, and grasses ready for building our structure.**

**However, the period is too short for us to stay, for it is temporary permit only. True, the Governor authorizes us to go ahead build a temporary structure until April of 2000. But for financial reason, we rather wait for your Bill 192 to be adopted so that we can build the most desired structure that will depict the characteristic of a real club house or cultural building. The Bicol Club as well as the others will build a little presentable and a structure that can resist 150- 175 M wind, this should serve as safety precautionary measure for our members in case of typhoon.**

**On behalf of the Bicol Club members and their families, I extend sincere gratitude and a heartfelt appreciation to you Mr. Chairman Camacho and members of your committee for adopting this Bill 192 so that the Public Law 20-194 and Public Law 22-18 will be implemented.**

**Respectfully yours,**

  
**BONG DILANCO**  
**President**

**PANGASINAN COMMUNITY INTERNATIONAL OF GUAM  
P.O. BOX 8443 TAMUNING, GUAM, 96931**

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs, and the Art

Re: Bill 192

Dear Senator Camacho:

Good morning Senator Camacho and members of your committee.

The members of the organization are very pleased for the invitation to attend the hearing for you Bill 192 which will provide the final Rules and Regulations governing the lease agreement for the lot in Lada in which we have already signed the designation of the exact boundary and markers on lot No.# 3 Block #3 of lot 10120-R17, tract 1143.

My name is Andy Padilla Jr., PCOG representative, and also President of Binalonan Association of Guam, is thankful to have this opportunity to testify on behalf of the members of both associations whose members are originally from the same province of Pangasinan, Philippines.

Personally, I have been with Mr. John Vega, in many series of meetings he has had with Director of Land Management, the Asst. Atty General, Deborah Rivera, and Mr. John Gilliam Governors representative and Mr. Ray Aflague, the Land Administrator, of the Department of Land Management discussing about the subject rules and regulations and we have agreed to them.

Last April 8, 1998 the Executive Order 98-13 was signed and issued to the Federation of Asian People on Guam giving us old occupants of Harmon Cliff Line the rights to start building our club houses in lot No. 101020-R16, which now 10120-R17 after the third survey of the area was made. All organizations at Harmon Cliff Line were grandfathered by the Executive Order to have temporary land use permit. But we found out to build a temporary structure is too expensive for a limited time of use.

It is vitally important that the various nonprofit organizations be considered in our struggles for a permanent, peaceful and appropriate place for our activities in upholding our customs, traditions and culture and share them with other ethnic groups in harmonious relationship.

On behalf of the Pangasinan Community International of Guam I am in favor for the passage of the Bill No.192 which will benefit not only Filipinos but also Chinese, Koreans, Vietnamese, Indians and Palauans and others who are interested to lease on the property.

Sincerely,

  
ANDY PADILLA  
VP PRES.

# Zambales Families

P.O. Box 11945



# Association of Guam

Tamuning, Guam 96931

## 1999 OFFICERS

**EDWARD B. SENATO**  
President

**ROMY ANGEL**  
Special Assistant  
to the President

**ROGER ELAYDA**  
1<sup>st</sup> Vice President

**MAR W. REYES**  
2<sup>nd</sup> Vice President

**FELICITAS ANGEL**  
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**CATHERINE ACOSTA**  
Asst. Secretary

**JOSEFINA NOVILLA**  
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Asst. Treasurer

**ALMARIO U. ENCIO**  
Auditor

**SENY QUEZADA**  
Public Relations Officer

**JUN R. MAGALING**  
Sgt.-At-Arms

**AURORA ROJAS**  
Sgt.-At-Arms

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Elisa D. Portacio

Mercedes C. Gonzales

Dolores M. Antes

Reynaldo Edosada

June 10, 1999

9:00 AM Public Hearing Room, Guam Legislature

**Senator Marcel Camacho**  
Chairman, Committee on Land,  
Agriculture, Military Affairs and  
the Arts

Dear Senator Camacho:

Good morning, Hafa Adai to all members of this committee. I really appreciate to have the great opportunity to testify on behalf of the Zambalinian Families of Guam on Bill No. 192 regarding the rules and regulations for lease policies and procedures.

Our association, used to be based at the Harmon Cliff Line for many years. We were advised to vacate the place because the Air Force will turn over the property to the Government of Guam. Since that time and until now we are having hard time in conducting our regular activities as an association. Our monthly board and general membership are done from one place to the other creating much inconvenience to the members.

We were issued an Executive Order 98-13 dated April 8, 1998 for temporary land use permit for two years and after the approval of the Bill No. 192 we are required to demolish our temporary building. Since there are many restrictions imposed on the condition of limited land use permit we prefer to wait for the long term lease to be approved to avoid too much expenses. In fact, we did not start doing anything to use the authority vested by the Executive Order 98-13 hoping that Bill No. 192 be adopted by the Twenty Fifth Guam Legislature sooner. We are assigned on Block 3, lot 11 on tract 1143 by the Department of Land Management.

To have a long term lease would allow us various nonprofit and cultural organizations to have the opportunity to preserve our cultural and traditional heritage. We are sharing our customs and our culture with the people of Guam and we also adopt theirs. We are willing to build our club house at our own expenses. We appreciate that there is now available water line, telephone, power and nearby sewer on the proposed lot. The Land Management has already surveyed the lots in there at Lada and had been parceled out to half acre each organization.



zamabales Assn.

Page (2) of 2

We are praying that the Twenty-Fifth Guam Legislature will adopt Bill 192 in order to completely accomplish our mission, build a permanent type of structure to preserve our culture.

We sincerely thank you all,



EDDIE SENATO

President

# INDIAN COMMUNITY OF GUAM

June 10 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts

Dear Senator Camacho:

I am Ishu Thadhani former president of Indian Community, a chartered member of the Federation of Asian People on Guam, express thank you and your committee members. I wish to greet you all good morning !

On the long years and many efforts and time spent on how to go about on the Public Law 20-194 , An Act which set aside land in the north and in the south of Guam, each consisting of 20 acres. We received the Executive Order 98-13 last April 8, 1998 after many meetings with Atty General Office, Governors representative and the Department of Land Management. It was a first step toward the grand victory according to Mr. John Vega. It is good, but it is only intended to benefit those organizations from Harrison Cliff Line.

On May 6, 1998 the Lt. Governor issued a memo directing the FAPG President and Mr. John Vega to have the concerned organization file an application and take charge of the processing for application for lease on the Federation of Asian People Village. Accordingly, Mr. John Vega has already processed nine applications from the nine organizations granted a grandfather clause which now have their own individual lots of 20,000 square feet each on lot No. 10120-R17 on tract 1143 in Lada Dededo.

But none of them started building the structure yet although few of them are already clearing their own lots. There are some restrictions imposed on temporary structure which made them think that it will be a waste of money when the time for use is too short . They prefer to wait for the permanent type lease, which your Bill No. 192 will bring forth the blessings of wonderful beginning. I am aware of the intent of the Rules and Regulations.

I thank Eddie Reyes who sponsored Public Law 22-18 cosponsored by former Speaker San Agustin reserving the lots for cultural organizations. However, the grand gratitude shall be directed to you Mr. Chairman Camacho and your committee members responsible for the finishing touch. I also extend thanks to other officials who were involved in the process.

On behalf the Indian Community on Guam, again, I fully support the passage of Bill No. 192 in order to benefit the 62,000 Asian people in Guam to consider the Filipinos, Koreans, Indians, Chinese and Vietnamese without overlooking the belmians.

Thank you,

ISHU THADHANI



# **PALAUAN COMMUNITY OF GUAM**

P. O. Box 8081, Tamuning  
Guam 96931

To : Senator Marcel Camacho  
Chairman, Committee on Land  
Agriculture, Military Affairs and  
The Arts

From: President of Palauan Community of Guam

Subj : Bill 192 Rules and Regulations

I am Mr. Jacob Dou, the president of the Palauan Association of Guam, good morning everyone specially the Chairman of the committee.

I am here in front of you to state my position on behalf of the members of the Palauan Community Association of Guam, that Bill 192 is very important to us so we can be able to lease a lot in the Lada area in a permanent status. Last January 15, 1999 I signed the lot markers assigned to us the Palauans at Lada by virtue of the Executive Order 98-13. But it is only for temporary use with a short limited time of use.

With this Bill 192 that Chairman Camacho and the members of the committee, are trying to enact,

I am convinced that will make everyone of us former occupants of the Harmon Cliff Line happy. We Palauans in Guam have established ourselves to enjoy our living here. We have assimilated to the Chamorro environment and way of life. We are very thankful for their hospitality and we enjoy sharing their culture as well as we try to share ours with other peoples of Guam.

We have paid our share in the survey of the subject land Lot No. 10120-R16 together with the Federation of Asian People on Guam when the survey was done through the direction of the Director of Land Management in 1993. In fact the FCG, Chinese, Koreans, Vietnamese, Indians and Lions Club have also burdened the cost of the survey.

Former Senator Eddie Reyes, was the sponsor of Public Law 22-18 which reserved the land for cultural organizations signed by Governor Ada in June 12, 1993. So that we can make use of the property, we ask your kind action to adopt the rules and regulations promulgated by the Director of Land Management and the Attorney General's Office.

Bill 192  
Testimony

Page (2)

We are in full support of Bill 192 in our belief that the provisions stated in the rules are fair and beneficial to us and the government.

Sincerely,  
  
JACOB DOU

# FEDERATION OF ASIAN PEOPLE ON GUAM

226 CALAMENDO LANE  
LIGUAN TERRACE, DEDEDO  
GUAM, 96912

Public Hearing on Bill No. 192 Guam Legislature Public Hearing Room

June 10, 1999 9:00 A.M.

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts

Good Morning, Senator Camacho, Chairman and members of this committee. I am Mr. JOHN VEGA, the former President of FCG, and the Federation of Asian People On Guam, take this great opportunity to testify on the most awaited subject of our venture to gain the final step forward to leasing the government property for a long term lease.

In the past many years, we the Asian people from various ethnic of Asian countries presently residing in Guam, have realized that we do not have any identity or ideology as people. Although we consider ourselves as part of Guam's community assimilating with the Chamorros, sharing our culture and adopt their's we must maintain our own cultural and traditional heritage.

We are political partners and allies under the guidance of the United States of America. We believe that we should practice our ethnic traditions to venerate the memories of our native cultures as part of the "New Guam" and to demonstrate to the people of Guam that we desire to promote understanding, camaraderie that will enhance not only friendship, but also efforts to economic development of the island.

We believe that if we can create a conglomerate community of diverse ethnicities we can influence that local community with multitude and diversity of talents and skill that with symbiotic relationship, we can enjoy and acquire from each other as interchanging and enrichment of customs, cultures and traditions.

We Asian-Americans have demonstrated not only our adaptability to the customs, tradition and culture of our host country, but also those qualities and spirit of law abiding citizens that earn the respect and admiration by thousands of people on Guam to include the special words of appreciations and recognitions awarded to us by many Governors, Senators, Congressman and Judges past and present.

By virtue of Public Law 20-194, signed August 17, 1990 which directed the Director of Land Management to identify and submit to the Legislature within 90 days of enactment of this Act, public lands appropriate for construction of civic, nonprofit, fraternal and cultural community and family centers. The Director

Testimony on Bill No. 192  
page (2) of 2

has identified two sites, (2) one in the north of Guam and another in the south each of which consist of at least (20) twenty acres of land. It included an easement, wide public access, suitable for structural development of cultural building. The northern site of Guam containing twenty acres, have been surveyed three times. One by the Federation and the others by the Government of Guam. It has been parceled into 20,000 S.F. or 1/2 acre each as portion of lot No. 10120-R16 which is now lot No. 10120-R17.

Subsequently, another Public Law 22-18 has been enacted last June 12, 1993 specifically reserving and committing portion of lot No. 10120-R16 in the North and portion of lot No. 480 in Agat to satisfy the mandate of PL 20-194.

Absolutely these lots are not included in the inventory of the Chamorro Land Trust Commission, but rather they are under the cognizant of the DLM.

The Director of DLM and the Governor have been conducting series of meetings with the Federation of Asian People on Guam with Officers and Board of Directors emphasizing and expressing willingness for the nonprofit organizations to start leasing the land reserved for the purpose. However, the full back is the final rules and regulations which are promulgated by the DLM and the Atty. General Office need the concurrence of the Guam Legislature by Statute before the Governor can sign any lease agreement. The drafted Rules and Regulations were discussed and provisions contained therein have been concurred by us, Federation with members comprising FCG, Chinese, Indians, Koreans and Vietnamese, after proper explanations .

Therefore, on behalf of the members of the Federation including those old occupants of Harmon Cliff Line organizations , I, as their spokesman, implore your kind consideration for our quest for the approval on Bill No. 192 or adoption thereof.

The mission of the Federation is to establish a Multi-Cultural Center for a purpose not only to benefit the members of the federation but also the public and the government in general.

I have no further comments, I am willing to answer some questions if any.

Respectfully,



JOHN M. VEGA

Representative of FAPG.

# FILIPINO COMMUNITY OF GUAM

P.O. Box 9267 Tamuning, Guam 96931

June 10, 1999      Public Hearing      9:00 AM      Legislature Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and The Arts.

Re: Bill 192- An Act to Adopt Rules and Regulations Relative to Leasing of  
Government land by the Land Management.

Hafa Adai and good morning Senator Camacho and members of your committee!  
I am Mr. Emelio Uy, former president and Adviser of FCG. I am very pleased to be here for  
your invitation to testify on Bill 192, An Act to Adopt Rules and Regulations to be provided to  
the Director of Department of Land Management as guideline for leasing land to  
organizations specified in the Public Law No. 20-194 , for the establishment of nonprofit  
civic, fraternal and cultural center. This same law has set aside land in the North and South of  
Guam each containing no lease than 20 acres each.

Subsequently, another Public Law No. 22-18 was enacted reserving the 20 acres lot in Agat  
portion of lot no. 480 and 20 acres portion of lot No. 10120-R17 for cultural center for non-  
profit organizations which plans to develop its cultural facility thereon.

That such rules and regulations have been cleared with the requirement of Title 21 GCA  
Chapter 60, Section 60111 through the Director of Land Management on October 5, 1998.  
Therefore, on behalf of the Filipino Community as the umbrella of about 66 other Filipino  
organizations, I do not hesitate to support Bill 192 in its passage.

Your decision to adopt these rules and regulations specified on this Bill 192 can be the vital  
springboard to achieving the long overdue dreams and aspirations of the Filipino Community  
of Guam and the other Asian groups in Guam.

On behalf FCG and FAPG, thank you very much.

EMELIO UY



# FILIPINO COMMUNITY OF GUAM

## Re: Bill 192-An Act to Adopt Rules and Regulations Relative to the Leasing of Government Land Reserved as Cultural Center .

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts

May I greet you Senator Camacho and members of your committee, good morning!  
I am Bert Jurinario, current president of the Filipino Community of Guam would like to thank you all for this wonderful opportunity to testify in favor of Bill 192 An Act Relative to adopting the Rules and Regulations for Leasing Government Property under the cognizant authority of the DLM, Department of Land management in order for the agency to be able to implement Public Law 20-194, An Act setting aside land in the north and land in the south of Guam each containing at least 20 acres for the establishment of civic, nonprofit, fraternal and cultural center. To be able to implement Public Law 22-18 which reserved 20 acres on portion of lot No. 10120-R17 in Lada Dededo and 20 acres on portion of lot No. 480 in Agat for the construction of cultural centers.

It is the sole intention of the FCG as the umbrella of about 66 Filipino organizations to house them under one roof. We believe that one of the ways for unification is to have one permanent place to socialize a steady place to conduct our normal activities primarily related to cultural in characteristic.

Public Laws No. 20-194 and 22-18 can not be implemented until Bill No. 192 is adopted and passed into law. In view the foregoing, therefore, I am urgently and respectfully pleading for your kind consideration for the passage of Bill 192. Your actions will pave the smooth way for better understanding, harmonious and reliable relationship.

On behalf of the 43,000 plus Filipinos in Guam, I thank you.

  
BERT JURINARIO  
President



# **KOREAN ASSOCIATION OF GUAM**

**June 10, 1999      Public hearing      Guam Legislature      9:00AM**

**Senator Marcel Camacho  
Chairman, Committee on  
Lan, Agriculture, Military  
Affairs and the Arts**

**Dear Senator Camacho,**

**I am Dr. Moon Yun, President of Federation Asian People on Guam, would like to greet you Chairman and members of your committee, good morning !**

**I just took over the presidency last month because Mr. Charles Lee is now too busy with his business, I am glad to continue what has been done by the previous Presidents of the Federation since the time the project started when Mr. John Vega was the Chartered President of the Federation. I am very much privileged for your invitation to attend on this hearing today and I will make short testimony in full support of your Bill No. 192 regarding the rules and regulations covering leases of the portion of lots No. 480 in Agat and No. 10120-R16 in Dededo. Our association has been longing for the time to apply for long term lease and I think this is the right time.**

**On behalf also of the Federation, I believe that upon the adoption of this Bill 192, will enable the Federation to start its mission of building Multi-Cultural Center to benefit all the people of Guam.**

**I understand this project started since 1990, but full force started in 1992. We really appreciate the Filipino Community of Guam because they are the pioneers of this project. Accordingly, when the Department of Land Management allowed the visual inspection of the area, Mr. John Vega, Mr. Emelio**

Uy, Mr. Robert Kao, Mr. Ishu Tdadhani, Mr. Alvin Olivares and Ms Kim Botcher and Mr. James Ji were the people who agreed for the area be reserved for various organizations, in which later included all associations in the Harmon Cliff Line. This group represented Filipino, Chinese, Indian, Korean and Vietnamese organizations on Guam.

As the current President of the Federartion, I am fully prepared to pursue any unfinish projects which are viable and beneficial to all. In view of that I am pleading before you, Senators of the Twenty-Fifth Guam Legislature to please help us by way of passing Bill No. 192 to be enacted into law.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Moon Yun", written over the typed name.

DR. MOON YUN

President

# **ILOILO ASSOCIATION OF GUAM**

June 10, 1999 Public Hearing

9AM

Legislature Public Hearing Room

Senator, Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts.

Re: BILL NO. 192

I am Rainier Tanalgo of legal age, representing the ILOILO Association of Guam, is very please to have this opportunity to stand before you, Chairman Camacho and members of your committee for the primary purpose of testifying in favor of Bill 192, An Act to Adopt Rules and Regulations Relative to Leasing Land to the qualified nonprofit, civic, fraternal and cultural organizations.

The Iloilo Association of Guam, the mother organization of all Western Visayas Associations, is one of the interested party that could probably be able to qualify for the criteria established by the Department of Land Management.

I understand Public Law 20-194 set the land in Dededo and Agat aside and Public Law 22-18 reserved and secured the property in place. It is gratifying to know that the Committee on Land has legislated Bill 192 for the rules and regulations to be adopted so that it will provide guidelines to the Department of Land Management for leasing. There are already few applicants but no action can be taken by the Department of Land Management until the approval of Bill 192 is accomplished.

History dictates that in North America Asian and Pacific traders had been trading in America as early as the 15<sup>th</sup>. Century and by the late 1800s. Similarly Guam history reveals that Chinese, Filipinos and Japanese were trading with the Chamorro in early 1800s. Now, Asian people on Guam who are adopting Guam as their second country, share their expertise and skills into the mainstream of Guam community for economic and social progress.

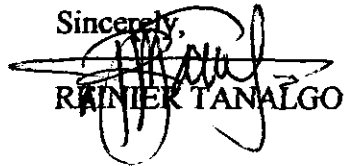
Accordingly, there were many meetings already made among the Land Management, the Atty. General Office, the Governor's Office regarding these rules and regulations and since there are land properly reserved for the interested nonprofit organizations, and secured for the establishment of club houses for qualified associations. It is about time now that this Bill 192 be adopted and passed into law so that the Department of Land management can start leasing out to those applicants who are financially capable and willing to comply with the requirements.

Testimony  
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Page (2) of 2

Again, on behalf of the members of the ILOILO Association, as their Spokesman, and member of the Board of Directors of FCG I strongly recommend that the Speaker will certify to and the Legislative Secretary will attest the adoption hereof of Bill 192 which will benefit not only us Filipinos, but also Chinese, Koreans, Vietnamese, Indians and other ethnic.

Sincerely,

Sincerely,

  
RAINIER TANALGO

## Samarenos Association of Guam

246 Calamendo Lane Liguán Terrace Dededo  
Guam 96912

June 10, 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts

RE: Bill 192

Good morning Senator Camacho and members of your committee.

I am Oscar Duarte, Engineer by profession, President of the Samarenos Association of Guam. I stand before you Senators of Twenty Fifth Guam Legislature on behalf of the members of the association. For many years, we have been having good times enjoying our togetherness, having fun with our members maintaining and preserving our cultural and traditional heritage.

But in 1996 the environment has changed and few members were discourage after we were driving out of the Harmon Cliff Line. However, we were promised to have our club house be relocated in the reserved lot No. 10120-R16 in Lada. We were relieved when the Executive Order 98-13 was issued and grandfathered all old occupants of Harmon and granted us temporary land use permit. However, there are restrictions which will cost us more money. We decided to wait for the permanent lease and Bill 192 is the right answer to our problems.

Public Law 20-194 has already reserved the subject lot and Public Law 22-18 has committed the lots, so on behalf of the members of Samarenos Association I strongly support the adoption of Bill 192, which will provide guidelines to the Dept. Of Land Management in leasing land to nonprofit and cultural organizations.

Sincerely,

  
OSCAR DUARTE

FOR President

**PHILIPPINE SCOUTS AND WORLD II VETERANS  
ASSOCIATION, GUAM CHAPTER**

To : Senatro Marcel Camacho  
Chairman, Committee On Land,  
Agriculture, Military Affairs and  
The Arts

From : Abraham Cancino, Vice Chapter Commander

Subj : Bill 192

Good morning, Senator Camacho, and members of the Committee.

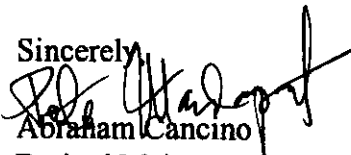
I am a Ret. Major, Abraham Cancino, Vice Chapter Commander of Philippines Scout and World II Veterans Association of Guam, testifying before the committee on Land, Agriculture, Military Affairs and the Arts, in favor of Bill 192, An Act to approve the rules and regulations drafted by the Department of Land Management of Guam, and the Atty General, for the purpose of providing guidelines for leasing of government property to nonprofit organizations.

An Executive Order No. 98-13 was issued by the Governor allowing the former occupants of the Harmon Cliff Line who were evicted in March 1996 and be relocated at the Lada area on lot No. 10120-R17 formerly lot 10120-R16 , tract 1143 as referred by DLM No. 95-1703 Memo for lease. We have our club house at the Harmon Cliff Line for many years where we conducted our normal activities related to fellowship and brotherhood and with a characteristic of preserving our cultural and traditional heritage.

The Bill 192 relative to providing rules and regulations as guidelines for the Department of Land Management for leasing land to various nonprofit organizations is step forward that could trigger the finalization of our efforts to lease government property for long term status.

On behalf of the members of the association I strongly support the adoption of Bill 192 to enhance benefits not only to our own fellow men, but also other ethnic groups in Guam.

Sincerely,

for   
Abraham Cancino  
Retired Major

GUAM VISAYAS AND MINDANAO FAMILIES ASSOCIATION

June 10, 1999 Public Hearing At 9:00 AM Legislative Public Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture and  
Military Affairs and the Arts.

Dear Senator Camacho:

Hafa Adai Mr. Chairman and members of the committee ! I am Pete Yparaguerre, Acting President of Guam Visayas and Mindanao Families Association of Guam, is excited to know that Bill 192, An Act To Adopt Rules and Regulations Relative To Leasing land by Department of Land Management is finally legislated by your committee.

It is now long overdue that many nonprofit organizations are having hard time in conducting their monthly normal activities of enriching their harmonious relationship practicing their customs, and culturally related activities in order to preserve their traditional heritage.

Our association for one, is in dire need of a permanent place of ones, a place where we can really that will depict a cultural motif of our native land. In my understanding, other ethnic groups like the Chinese, Koreans, Vietnamese and Indians will build their club houses that will reflect the motif from each individual country, I also recommend that we Filipinos should have our own design to create an eloquent identity. These ideas can only happen upon the approval of Bill 192.

Therefore, I am strongly recommending that Bill 192 be adopted accordingly in order to make our plans come true.

Very sincerely,

  
PETE YPARAGUERRE

MINDORO ASSOCIATION OF GUAM

June 10, 1999

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs and the Arts

Der Senator Camacho:

Re: Bill 192

I would like to greet you and your committee members a wonderful morning. I am Phil Garcia, the representative of Mindoro Association of Guam, take this opportunity to state my strong support on Bill 192, regarding the rules and regulations governing the lease agreement for the government property on lot No. 10120-R17 in Lada.

The year 1996 marked the date when we were terminated on our temporary lease for the reason that the land belongs to a private owner and the Air Force is bound to return them to the local government who will later take charge of the return process to the legal private owners. This brought negative impact to our association when we found out the hardship in looking for the appropriate place to hold our normal activities twice or more a monthly, and other events related to preserving our cultural and traditional heritage.

Today, is awakening that Bill 192 is bringing some relief. For quite a while now, we keep on trying to hope that the day will come for a permanent type lease. True, we got the Executive Order 98-13 giving us the authority to use our lots in Lada but only temporary structure and in fact there are some restrictions that we can not fully function with our activities with comfort. Once the long term lease will be adopted by the Guam Legislature, we have to demolish the building and return to the government in a condition as it was in the beginning. So with that reason in mind we rather have to wait for the right time to start building our club house after approval of the long term lease which in our series of discussions with the Director of the Department of Land Management, and the representative of the Governor's Office, we found out that the Legislature is the main body to concur the leasing of government property by statute.

Therefore, in view of the foregoing, on behalf of the Mindoro Association members, we support the enactment of Bill 192 to provide guidelines for the Department of Land Management.

Thank you all members of the committee.

*Phil. Garcia*



**UNITED CHINESE ASSOCIATION OF OF  
OF GUAM**

Senator Marcel Camacho  
Chairman, Committee on Land  
Agriculture, Military affairs and  
the Arts

Dear Senator Camacho:

Good morning Senator Camacho and members of the committee! I am Robert Kao former president of the United Chinese Association of Guam and Advisor, had been in pursuit with the subject lot for our club house and other improvements that will depict the characteristic of Chinese Cultural Motif.

Since 1992 when Mr John Vega , initiated the project. I were with him visiting to the office of Senator Eduard Reyes, to the Director of Land Management office, Frank Castro and to the office of Speaker and the Governor. In 1996 when I was the President of the Federation of Asian People on Guam, we made series of meetings with the Asst. Atty General, Deborah Rivera, John Gilliam, Governor's representative and the Director Land Management, Tony Martinez and Carl Aguon.

I am very thankful that the Twenty Fifth Guam Legislature most especially to your committee committee who is now working for the materialization of our project by sponsoring Bill 192 which establishes the rules and regulations for leasing portion of lots No. 480 in Agat and lot No. 10120-R16 in Dededo.

On behalf of the members of the United Chinese Association of Guam, and my own family, I support the adoption of Bill 192 so that the mission of the Federation will come true.

Thank you,



ROBERT KAO

# CEBU ASSOCIATION OF GUAM

June 10, 1999

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts

Dear Senator Camacho:

RE: Bill 192 An Act to Adopt Rules and Regulations Relative to the Leasing of Government Land Reserved as Cultural Center for the Department of Land Management  
Good morning, Senator Camacho and to the members of your committee! I am Tim Oftana, former President of Cebu Association of Guam, and currently the Chairman of the Board of Directors, testify on behalf of the Cebu Association members in favor of the adoption of Bill 192.

Our association is in great need of permanent place to conduct our monthly activities. Normally we have two meetings a month, and socializing every two weeks practice our township activity to preserve our cultural heritage and tradition.

We are financial capable of building our club house at our own expenses which will depict the characteristic of Filipino cultural motif. We are ready to comply with whatever policies necessary governing the lease agreement.

There are lots for lease as reserved by PL 20-194 and PL 22-18, but unless the rules and regulations for leasing is adopted by the Twenty Fifth Guam Legislature, we nonprofit and cultural organizations can not lease any government property from the DLM.

Therefore, I, representing the Cebu Association implore your assistance by adopting the rules and regulations contained in Bill 192 and pass them into law.

Thank you,

  
TIM OFTANA

# UNITED FILIPINO FAMILY ASSOCIATION OF GUAM

June 10, 1999      Public Hearing   On Bill 192   9:00 Legislature Public Hearing Room

Senator Marcel Camacho  
Chairman, Committee on  
Land, Agriculture, Military  
Affairs, and the Arts.

Dear Senator Camacho:

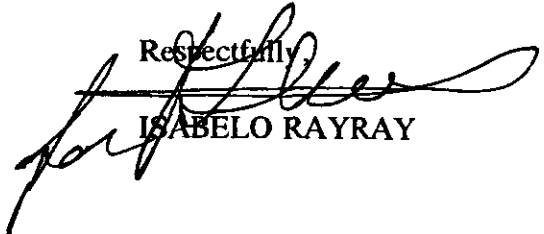
Good morning Chairman Camacho, and members of the committee ! I am Isabelo Rayray, the past President of the United Filipino Family Association of Guam, is very happy to take this golden opportunity to testify in favor of Bill 192, An Act to adopt Rules and Regulations Relative to Leasing Land by the Department of Land Management.

Every member is longing for the good times and enjoyable moments we have had at the Club House in Harmon Cliff line. We evicted with the promise to be relocated right away at the lot in Lada, Dededo. But since 1996 we were not allowed to use the land . On April 8, 1998 the Executive Order was issued for temporary use of the land with temporary permit for two years. But we were not able to build anything although we already got the lot assigned to us. We are restricted to build a toilet. The Department recommend for us to use portable toilets. Why ? How come it is not allowed to us when it was allowed to VFW .

Anyway, Senator Camacho's Bill 192 is just the right thing for our relief. Everything will come out fair once it is adopted.

On behalf of the association members, I strongly support the Bill 192 be adopted so that the Department of Land Management will be able to facilitate leasing land to those legitimate applicants specially we, the old inhabitants of Harmon Cliff line.

Respectfully,



ISABELO RAYRAY

# KNIGHTS OF COLOMBUS

June 10, 1999

Senator Marcel Camacho  
Chairman, Land, Agriculture  
Military Affairs and the Arts.

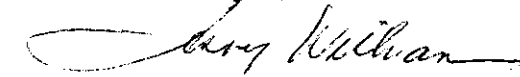
Dear Senator Camacho:

I am Art Salomes, the past Governor of the Lions Club of Guam, President of Janiuay Badiangan Association of Guam and past Gand Knight and adviser of the Knights of Columbus, Dededo Chapter, is pleased to stand before your committee in order to express my full support of Bill No. 192 which tailors the rules and regulations governing the lease agreement for government land.

It has been brewing in the minds of others how long shall Public Law 20-194, An Act That Set Aside Lots In The North and South of Guam, each containing no less that 20 acres for the primary objective of establishing civic, fraternal, nonprofit and cultural organizations. Another law PL22-18 reserved the land should be now implemented.

We are prepared and willing to comply with the criteria specified in the proposed rules. Our purpose to construct a culturally related structure. We need a permanent place to conduct our normal activities which are cultural in nature. On behalf of the members the Knights of Columbus, Janiuay Badiangan and the Lions Club I am committed to fully support Bill 192 in order for the Department of Land Management to be able to start executing the lease to legitimate orgnizations for a long term status.

Thank you,

  
for Art Salomes