




Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
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Office of the People's Speaker
vicente (ben) c. pangelinan

JAN 05 2004

TIME: 2:48 (AM) (1PM)
RECEIVED BY: 

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

05 JAN 2004

The Honorable Vicente C. Pangelinan
Speaker
I Mina' Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

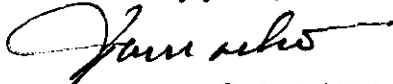
Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 60 (COR), "AN ACT TO AMEND SUBSECTION (c) of SECTION 4101 OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS OF PERSONS WITH DISABILITIES AND PERSONS BORN ON GUAM WHOSE EIGHTEENTH (18TH) BIRTHDAY WAS PRIOR TO ENACTMENT OF THE ORGANIC ACT," which I have signed into law on December 22, 2003, as Public Law 27-61.

I commend Senator Lawrence F. Kasperbauer's intent to assist the disadvantaged in seeking gainful employment in the government of Guam. As Senator Kasperbauer recognized, the current law prevents people who may be unable to obtain their high school diploma or GED certificate because of their age or disability from applying for positions that they would otherwise qualify. Bill No. 60 exempts Summer Youth Employment and Training participants, persons with disabilities, and persons born on Guam whose eighteenth (18th) birthday was prior to enactment of the Organic Act from the government of Guam employment education requirements. However, the reference in Bill No. 60 to exempt those "born on Guam" before the enactment of the Organic from certain education requirements for government of Guam employment is restrictive. There is no special purpose in restricting the exemption to only persons "born on Guam." There could be a number of persons of similar age on Guam in similar circumstances that were not born on Guam. Furthermore, a prior Attorney General Opinion stated that the blanket education requirement, itself, violated recent U.S. Supreme Court rulings unless it can be shown that the requirement has

a particular relevancy to the job in question. I urge *I Liheslaturan Guåhan* to amend the legislation to recognize all persons whose eighteenth (18th) birthday was prior to enactment of the Organic Act or repeal the blanket education requirement and ensure that employment requirements would be commensurate with a government of Guam position.

Sincerely yours,



FELIX P. CAMACHO

I Maga 'lahen Guåhan

Governor of Guam

Attachment: original attached for vetoed bill

cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

December 10, 2003

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 60(COR), 62(COR), 78(LS), 107(COR), 139(COR), 154(COR) and 182(LS), and Substitute Bill Nos. 11(COR), 23(COR), 32(COR), 66(LS), 156(COR), 169(LS) and 171(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on December 6, 2003.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (14)

CFI# 1203-4250

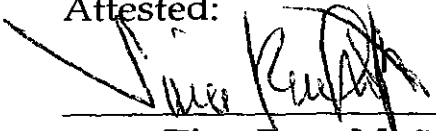
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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

This is to certify that Bill No. 60 (COR), "AN ACT TO AMEND SUBSECTION (c) OF SECTION 4101 OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS OF PERSONS WITH DISABILITIES AND PERSONS BORN ON GUAM WHOSE EIGHTEENTH (18TH) BIRTHDAY WAS PRIOR TO ENACTMENT OF THE ORGANIC ACT," was on the 6th day of December, 2003, duly and regularly passed.

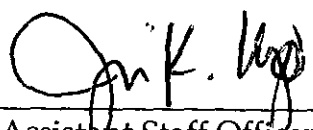
vicente (ben) c. pangelinan
Speaker

Attested:



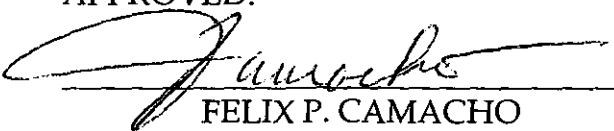
Tina Rose Muña Barnes
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 10th day of December, 2003, at 4:50
o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 12/22/03

Public Law No. 27-61

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 60 (COR)

As amended on the Floor.

Introduced by:

L. F. Kasperbauer
T. R. Muña Barnes
C. Fernandez
Ray Tenorio
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford

AN ACT TO AMEND SUBSECTION (c) OF SECTION 4101 OF ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE GOVERNMENT OF GUAM EMPLOYMENT EDUCATION REQUIREMENTS OF PERSONS WITH DISABILITIES AND PERSONS BORN ON GUAM WHOSE EIGHTEENTH (18TH) BIRTHDAY WAS PRIOR TO ENACTMENT OF THE ORGANIC ACT.

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

2 **Section 1.** Subsection (c) of Section 4101 of Article 1, Chapter 4 of Title
3 4 of the Guam Code Annotated, as *added* by Public Law 26-87, is hereby
4 *amended* to read as follows:

1 “(c) All employment in the service of the government of Guam
2 shall have, as a reasonable measure of job performance, the *minimum*
3 requirement of a high school diploma or a successful completion of a
4 General Educational Development (“GED”) Test, or any equivalent of a
5 general education high school program, or a successful completion of a
6 certification program, from a recognized accredited or certified
7 vocational technical institution, in a specialized field required for the
8 job.

9 This Subsection shall *not* be applicable to the Summer Youth
10 Employment and Training Act, a person with a disability which would
11 prevent him or her from complying with this Section, or a person born
12 on Guam whose eighteenth (18th) birthday was prior to August 1, 1950,
13 and shall *only* apply to individuals hired *after* May 17, 2002.”



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

FEB 06 2004

The Honorable Vicente C. Pangelinan
Speaker
I Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 207 (COR), "AN ACT TO REZONE LOT NO. 7061-8 FROM PLANNED UNIT DEVELOPMENT DISTRICT ("PUD") TO AGRICULTURAL ("A") ZONE," which I signed into law on February 6, 2004 as **Public Law 27-62**.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kaleo S. Moylan".

KALEO S. MOYLAN
I Maga'låhen Guåhan Para Pa'go
Acting Governor of Guam

Attachment: copy attached of signed bill

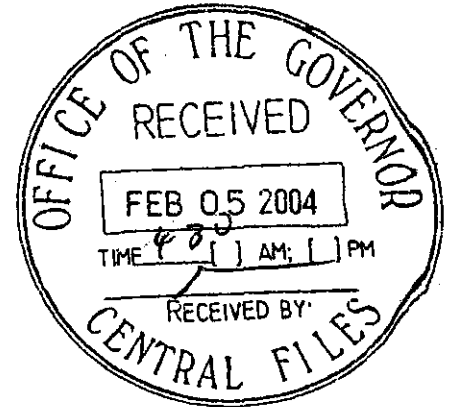
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

February 5, 2004

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 108(COR), 207(COR), 221(COR) and 232(COR), and Substitute Bill Nos. 9(COR), 71(LS), 93(COR), 151(COR), 167(LS), 180(LS), 196(COR) and 210(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on February 4, 2004.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

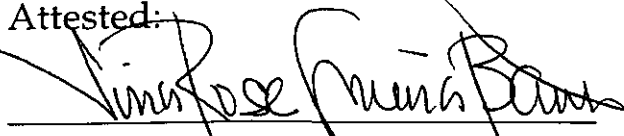
Enclosures (12)

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

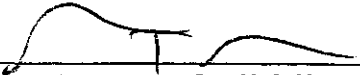
This is to certify that Bill No. 207 (COR), "AN ACT TO REZONE LOT NO. 7061-8 FROM PLANNED UNIT DEVELOPMENT DISTRICT ("PUD") TO AGRICULTURAL ("A") ZONE," was on the 4th day of February, 2004, duly and regularly passed.

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 5 day of February, 2004,
at 4³⁰ o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


KALEO S. MOYLAN
I Maga'lahaen Guåhan, Para Pa'go

Date: FEB 04, 2004

Public Law No. 27-62

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 207 (COR)

As amended by the
Committee on Utilities and Land.

Introduced by:

v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
C. Fernandez
F. R. Cunliffe
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

**AN ACT TO REZONE LOT NO. 7061-8 FROM PLANNED
UNIT DEVELOPMENT DISTRICT ("PUD") TO
AGRICULTURAL ("A") ZONE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that during the early 1970s, property in the municipality of Yigo that had been
4 zoned Agricultural ("A"), was rezoned as a Planned Unit Development
5 District ("PUD") and purchased by a land developer for the purpose of
6 constructing a planned subdivision. The developer subsequently built only a

1 portion of the overall rezoned district intended for Planned Unit Development
2 District.

3 The remaining undeveloped land area was defaulted by the land
4 developer, causing the neighborhood and the Yigo community hardship
5 because improvements that are required by PUD regulations had not been
6 completed before the developer went into default. As a result of the default
7 by the land developer, the landowner encumbered the mandated provisions
8 of the land-use laws pertaining to PUD zones. Even though the developer did
9 not complete the required improvements, the restrictions and regulations for a
10 PUD zone, which are specified in Title 21 of the Guam Code Annotated, have
11 remained in effect for the property. This situation has unfairly constrained
12 the owners of the property from making use of their land.

13 A portion of the undeveloped land area zoned PUD is Lot No. 7061-8,
14 which now belongs to Mr. Juan Taitano, who is an heir of one of the
15 property's original owners. Mr. Taitano proposes a parental subdivision in
16 order to execute a Deed of Gift to his children to inherit the family estate.
17 However, the current PUD zoning of this parcel burdens Mr. Taitano with the
18 hundreds of thousands of dollars for full development costs of infrastructure
19 required for a PUD before he can distribute his property by parental division
20 and grant his children their family estate, pursuant to Guam Code Annotated,
21 Title 21, Chapter 62 (Subdivision Law) and Chapter 61 (Zoning Law).

22 In order to move forward with the parental division, Mr. Taitano would
23 have applied to the Guam Land Use Commission for a rezoning of the
24 property. However, since there is no evidence that the subject parcel of Mr.
25 Taitano was zone-changed by the Commission, and other sources indicate

1 that the PUD zone change was made through a public law, Mr. Taitano is not
2 able to apply for the zone change with the Guam Land Use Commission.
3 Instead, a public law would have to be enacted in order to change the zoning
4 of the property back to an Agricultural ("A") zone.

5 Therefore, *I Liheslaturan Guåhan* finds that, in the interest of fairness to
6 the community, it is necessary to enact a public law that removes from the
7 said property the strict application of the PUD provisions mandated under
8 Title 21 of the Guam Code Annotated.

9 **Section 2. Lot Rezoning.** Notwithstanding any provision of law, Lot
10 No. 7061-8, located in the municipality of Yigo, is hereby rezoned from
11 Planned Unit Development District ("PUD") to Agricultural ("A") zone.