



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

17 APR 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guahan
Thirtieth Guam Legislature
155 Hessler Street
Hagåtña, Guam 96910

2009 APR 17 PM 4:47

Dear Speaker Won Pat:

Hafa Adai! Transmitted herewith please find Bill No. 43(COR) "AN ACT TO AMEND §2401(c) OF TITLE 1, GUAM CODE ANNOTATED, AND §60112 OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBITEM (C) TO §2107 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO TASKING I KUMISION GUÅHAN FINE'NANA AND I LIHESLATURA TO DETERMINE WHICH LAND THE FEDERAL GOVERNMENT MAY INTEND TO LEASE OR SUB-LEASE, EXCHANGE FOR OTHER LAND, OR PURCHASE, AND REPORT THEIR FINDINGS TO AND I MAGA'LAHI" which I have vetoed.

As you may be aware, Governor Camacho and I firmly believe that Public Law 29-128, which creates "I Kumision Guahan Fine Nana," is inorganic. Similarly, this law, as written, would place members of the legislative and judicial branches of government on an executive functioning commission.

Though I share your belief in a cooperative approach regarding the Guam Buildup, "The Guam First Commission" should not erode executive branch authority; doing so sets a precedent that, if continued, may jeopardize the separation of powers which is vital to our democracy. As such, Governor Camacho, in his March 18th letter stating our concerns, requested the Attorney General's legal opinion on Public Law 29-128.

At the behest of the 30th Guam Legislature's Committee on the Guam Military Buildup and Homeland Security, government officials, subject matter experts, and various members of our community illustrated the great volume of work already being done to ensure the Guam Buildup improves our people's quality of life.

36-09-0469
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 4/17/09
Time 4:25
Received by

0475

To that end, my office will send you a list of necessary policies, related to the Guam Buildup, which will help to ensure the preservation of our natural resources, the viability of our infrastructure, and the strength of our economy,

I look forward to the leadership of you and your colleagues on these matters, and hope that we continue to work cooperatively to meet the many challenges and opportunities presented by the Guam Buildup.

Sins eru yan Magâhet,

A handwritten signature in black ink, appearing to read "W. Cruz". The signature is stylized with a long horizontal stroke extending to the left.

MICHAEL W. CRUZ, M.D.
I Segundu Maga'lahañ Guåhan
Acting Governor of Guam

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 43 (COR), "AN ACT TO AMEND §2401 (c) OF TITLE 1, GCA, AND §60112 OF TITLE 21, GCA; AND TO ADD A NEW SUBITEM (C) TO §2107 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO TASKING I KUMISION GUÅHAN FINE'NANA AND I LIHESLATURA TO DETERMINE WHICH LAND THE FEDERAL GOVERNMENT MAY INTEND TO LEASE, SUB-LEASE, EXCHANGE FOR OTHER LAND, OR PURCHASE, AND REPORT THEIR FINDINGS TO I MAGA'LAHI", was on the 3rd day of April, 2009, duly and regularly passed.

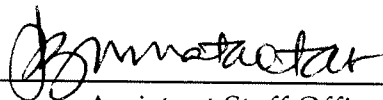


Judith T. Won Pat, Ed. D.
Speaker

Attested: 

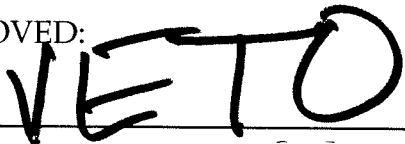
Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by I Maga'lahaen Guåhan this 6 day of April, 2009, at 4:45 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 43 (COR)

As substituted by the Committee
on the Guam Military Buildup
and Homeland Security,
and amended on the Floor.

Introduced by

Judith Paulette Guthertz, DPA
R. J. Respicio
B. J.F. Cruz
T. C. Ada
F. B. Aguon, Jr.
T. R. Muña Barnes
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed. D.

AN ACT TO *AMEND* §2401 (c) OF TITLE 1, GCA, AND §60112 OF TITLE 21, GCA; AND TO *ADD* A NEW SUBITEM (C) TO §2107 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO TASKING *I KUMISION GUÅHAN FINE'NANA* AND *I LIHESLATURA* TO DETERMINE WHICH LAND THE FEDERAL GOVERNMENT MAY INTEND TO LEASE, SUBLEASE, EXCHANGE FOR OTHER LAND, OR PURCHASE, AND REPORT THEIR FINDINGS TO *I MAGA'LAHI*.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the federal government has stated that the ongoing military buildup will result
4 in the need for land over and above that property which is already in federal hands.

1 This will mean that in order for the United States military to properly carry out
2 their mission, leases, sub-leases, land exchanges *or* purchases of local property,
3 including land owned in the name of the government of Guam, may be proposed.

4 *I Liheslatura* further finds that certain individuals may attempt to engage in
5 speculative acts in order to profit from such a need for land, by sub-leasing
6 government of Guam land for which they already have a lease, *or* plan to obtain a
7 lease for the purpose of sub-leasing to a federal government entity. Such actions,
8 should they take place, will allow a few individuals to profit at the expense of our
9 entire community.

10 *I Liheslatura* further finds that it should be the final authority in any and all
11 requests to lease, sub-lease, exchange land *or* sell property owned in the name of
12 the government of Guam, relative to federal *or* military purposes.

13 It is, therefore, the intent of *I Liheslatura* to amend public law and require
14 that *I Kumision Guåhan Fine'nana* review the federal government's needs and
15 requests for additional land, and inform *I Liheslatura* and *I Maga'lahi* of any
16 potential leases, sub-leases, land exchanges *or* requests to purchase property
17 owned in the name of the government of Guam.

18 **Section 2.** §2401 (c) of Chapter 24 of Title 1, Guam Code Annotated, is
19 *amended* to read:

20 “(c) The *Kumision* and *I Liheslatura* is also tasked with monitoring all
21 federal and international activities relative to the military expansion and
22 providing all relevant information to *I Maga'lahi* and *I Liheslatura*,
23 including information on federal needs for additional land, and any proposed
24 leases, sub-leases *or* requests to exchange land *or* purchase any land owned
25 in the name of the government of Guam. Any and all entities of the
26 government of Guam, including, but *not limited to*, its autonomous agencies,
27 public corporations, the *Chamorro* Land Trust Commission and the

1 Ancestral Lands Commission, *shall* notify the *Kumision* and *I Liheslatura*
2 within five (5) working days of any proposal, request *or* inquiry by the
3 federal government *or* any agent of the federal government, relative to the
4 use *or* need of any land owned in the name of the government of Guam.”

5 **Section 3.** A *new* subsection (c) is *added* to §2107 of Chapter 2 of Title 2,
6 Guam Code Annotated, to read:

7 “(c) Any proposed lease, sub-leases, requests to exchange land *or*
8 purchase any land owned in the name of the government of Guam to the
9 federal government *or* any agent of the federal government *shall* require the
10 approval of *I Liheslatura*.”

11 **Section 4.** §60112 of Article 1 of Chapter 60 of Title 21, Guam Code
12 Annotated, is hereby *amended* to read:

13 “§60112. **Legislative Approval Required.** Notwithstanding any
14 other provisions of law, government-owned real property *shall not* be sold,
15 leased, sub-leased, exchanged *or* otherwise transferred without the prior
16 approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which
17 specifically authorizes a particular sale, lease, exchange *or* transfer and
18 includes the real property description of the government-owned real property
19 with particularity. This Section *shall not* apply to Land Use Permits, *or*
20 residential leases by the *Chamorro* Land Trust Commission pursuant to its
21 rules and regulations, but *shall* apply to any transfer to the federal
22 government *or* any agent of the federal government of land owned in the
23 name of the government of Guam, including, but *not limited to*, its
24 autonomous agencies, public corporations, the *Chamorro* Land Trust
25 Commission and the Ancestral Lands Commission.”

26 **Section 5.** Neither the government of Guam, nor any of its instrumentalities,
27 *shall* enter into any cooperative agreement *or* memorandum of understanding, with

1 any department, agency, *or* instrumentality of the United States federal
2 government, which in any manner can be construed as providing tacit *or* expressed
3 support of federal jurisdiction over Guam land, waters, historic sites *or* artifacts, *or*
4 other Guam resources without the express approval of both *I Liheslaturan Guåhan*
5 (the Guam Legislature) and *I Maga'lahaen Guåhan* (the Governor of Guam).