



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan

Speaker

Committee on Utilities and land

Chairman

llwek

JUN 01 2004

The 27th Guam Legislature

I MINA BENTE SIETE NA LIHESLATURAN GUAHAN

155 Hesler Street

Hagåtña, GU 96910

The Committee on Utilities and Land, to which was referred Bill No. 251 (COR) "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION," had had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

<u>7</u>	To do Pass
<u>0</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A Copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

vicente (ben) c. pangelinan

Speaker & Chairman of the Committee on Utilities and Land

enclosure

155 Hesler St., Hagåtña, GU 96910

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Committee on Utilities and Land
I Mina'Bente Siete Na Liheslaturan Guahan

VOTING SHEET ON

Bill 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Member					
Frank Aguon, Jr. Member		✓			
Randy Cunliffe Member					
Lou Leon Guerrero Member					
Rory Respicio Member					
Toni Sanford Member		✓			
Joanne Brown Member		✓			
Mark Forbes Member					
Ray Tenorio Member					



Office of the People's Speaker
Vicente (Ben) C. Pangelinan

MAR 15 2004

TIME: 9:25 (AM) (PM)
RECEIVED BY: *[Signature]*

Senator Lou Leon Guerrero RN, MPH

MAR 15 2004

MEMORANDUM

To: Speaker Vicente C. Pangelinan, Chairman,
Committee on Utilities and Land

From: Senator Lou Leon Guerrero, Chairwoman *LLG*
Committee on Rules and Health

Subject: Referral – Bill No. 251 (COR)

In accordance with Section 6.04.04.01 of the Standing Rules of the Mina' Bente Siete na Liheslaturan Guahan,

Bill No. 251 (COR) – “AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION,

is referred to your Committee on Utilities and Land as the principal committee.

A copy of this bill may be obtained from the office of the Clerk of the Legislature.

Also in accordance with Section 7.01 of the Standing Rules, it shall be the duty of the Chairperson of each standing committee, or the designated hearing officer, to notify the Speaker, the Chairwoman of the Committee on Rules and the Executive Director, the date, time, subject matter, number and title of the bill or resolution for which a public hearing will be held.

Thank you.

cc: Senator M. Forbes, Author, Bill No. 251 (COR)
Clerk of the Legislature

Democrat Majority Leader

Committee on Rules & Health
Chairwoman

Committee on Utilities & Land
Member

Committee on Appropriation
& Budgeting, General
Government Operations
Reorganization & Reform
Member

Committee on Community,
Culture, Recreation &
Public Broadcasting
Member

Committee on Economic
Development, Retirement,
Investments, Public Works,
& Regulatory Functions
Member

Committee on Education
& Housing
Member

Committee on Judiciary
& Transportation
Member

Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member

27th Guam Legislature

155 Hesler Street Hagaña, Guam 96910

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Introduced
JAN 16
Forbes

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

Bill No. 251 (COR)

Office of the People's Speaker
Joseph B. Pangelinan

Introduced by:

MAR 15 2004

Mark Forbes
v.c. pangelinan

TIME: 4:00 / JAN 15 PM
RECEIVED BY: *[Signature]*

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings. During the process of deeding properties in Tiyan by the federal government to the government of Guam and associated with the closure of the former NAS Agana (Brewer Field), certain properties were transferred to the jurisdiction of the Department of Public Works. This act is intended to transfer such properties to the Guam Ancestral Land Commission so that the Commission may proceed with the transfer of such properties to the estates of original landowning families pursuant to the Commission's enabling legislation.

1 Section 2. Transfer of property to the Guam Ancestral Lands
2 Commission. Except in such circumstances where existing roads or
3 easements may have been transferred to the Department of Public Works, any
4 properties conveyed to the jurisdiction of the Department of Public Works in
5 the area of Tiyan, formerly known as Naval Air Station, Agana (Brewer Field),
6 are transferred to the Guam Ancestral Lands Commission and shall be deeded
7 to the Guam Ancestral Lands Commission upon the effective date of this act.
8 The Guam Ancestral Lands Commission shall dispose of properties
9 transferred pursuant to this act in a manner consistent with and pursuant to
0 the enabling legislation of the Guam Ancestral Lands Commission.

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

BILL 251 (COR)

“AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.”

Public hearing was held by the Committee on Utilities and Land on Tuesday, May 4, 2004, at the Guam Legislature Public Hearing Room, at 9 a.m.

Witness Summary

Name	Representing	Testimony (written or oral)	Testimony (against or for)
Mr. Ronald Teehan	Self	Oral	For
Mr. Rufo Lujan	Self	Oral	For
Ms. Millie Artero	Guahan Land Owners United	Oral/Written	For
Mr. Jose Guerrero	Self	Oral	For
Ms. Catherine McCollum	Family at Tiyan	Oral	For
Ms. Anita Atalig	Self	Oral	For
Mr. Ray Torres	Self	Oral	Neither
Mr. Tony Artero	Self	Oral/ Written	For
Ms. Juanita Cruz	Family at Tiyan	None	For
Ms. Amparo Rupley	Self	None	For
Mr. Adam Quinata	Family	None	For
Ms. Merlyn Punzalan	Family at Tiyan	None	For
Ms. Bobbie P. Taitano	Family at Tiyan	None	For
Ms. Rose Quintanilla	Blas Family at Tiyan	None	For
Ms. Anita Flores Orlino	Flores at Tiyan	None	For
Mr. John Quinata	Family	None	For
Mr. Florencio S. Rupely	Self	None	For
Mr. Vicente U. Garrido	Self	None	For

Ms. Ramona B. Dirige	Self	None	For
Ms. Rosa Blas Rupely	Family at Tiyan	None	For
Ms. Glorina R. Perez	Family	None	For
Ms. Josefina T. Munoz	Family	None	For
Mr. Joseph T. Soriana	Family	None	For
Mr. Benny Crawford	Family	None	For
Mr. Jose U. Garrido	Self	None	For
Ms. Henry M. Ecalvia	Self	None	For
Mr. Anthony I. Rupely	Family	None	For
Ms. Rosita Abuan	Family	None	For
Mr. Jose Mendiola	Family	None	For
Ms. Delfina Santa Romana	Family	None	For
Mr. Joe Pangelinan	Family	None	For
Mr. Thomas A.G. Atalig	Son	None	For
Mr. Danny Orlino	Family	None	For
Ms. Cynthia U. Jackson	DPW Office of Right-of -Way	Written	Against
Mr. Victor D. Duenas	DPW-Highway Planning	Written	Against
Mr. John Duenas	Duenas & Assc.	Written	Against
Mr. Jose Morcilla, Jr.	CIP-Office of the Governor	Written	Against
Ms. Roberta Quichocho	Charlie Clan/Maria Manibusan Perez	None	For
Ms. Josefina Perez	Charlie Clan	None	For
Mr. David Torres	Charlie Clan	None	For
Mr. William Quichocho	Charlie Clan	None	For
Ms. Julia Quichocho	Charlie Clan	None	For

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

Bill 251 (COR)

“AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.”

The Committee on Utilities and Land, to which was referred Bill 251 (COR), “AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION,” conducted a public hearing on Tuesday, May 4, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance were Vice Chair Carmen Fernandez, Vice Speaker Frank B. Aguon Jr., Senators Lou Leon Guerrero, Toni Sanford, Joanne Brown, Mark Forbes, Robert Klitzkie, and Tina Muna Barnes.

Speaker/Chairman: We’d like to go ahead and proceed then with the next item in the agenda and thank every one’s indulgence for waiting to resolve ... On Bill 251, we have a quite a number of individuals that wish to testify and we’d like to encourage everyone to please articulate their position briefly if possible, but we’re here to listen to you. Bill 251 is “An Act To Transfer Property Under The Jurisdiction Of The Department Of Public Works That Are Located In Tiyon Alternatively Know As The Naval Air Station (Brewer Field) To The Jurisdiction Of The Ancestral Lands Commission.” The Guam Ancestral ... we’ll go ahead and call them in the order of sign-up at least that I have here. I’d like to call maybe five witnesses at a time. The first witness signed up according to the records I have here is Mr. Ronald Teehan, Mr. Rufo Lujan, Millie Artero, Jose Guerrero and Catherine McCollum.

Mildred Artero: Mr. Speaker, could we hear from Public Works first if they have anybody here testifying for Public Works?

Speaker/Chairman: Sure, there are. I did see somebody. Okay, is everyone that signed up before Public Works in agreement that we would go ahead ... All right, I just want to make sure. All right, would the representatives from Public Works please step forward to

the witness table? ... Ms. Jackson, is the Department of Public works going present any testimony on Bill 251?

Ms. Cynthia Jackson: Speaker, we were.

Speaker/Chairman: Please go ahead.

Ms. Cynthia Jackson: Okay we came to listen in and unfortunately with the time restraints we had to leave, but our intention was to submit a written testimony on behalf of the Department of Public Works and state our position.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: We didn't, we didn't.

Mr. Victor Pangelinan: We just heard about this bill yesterday afternoon.

Speaker/Chairman: Did we send the Department of Public Works a letter? When did we send it to them? We sent a letter last week to the Department.

Mr. Victor Pangelinan: I believe the letter was forwarded to our Guam Housing Division and it wasn't forwarded to our office.

Ms. Cynthia Jackson: Yea.

Mr. Victor Pangelinan: Highway Planning, Rights-of-Way.

Ms. Cynthia Jackson: I represent the Rights-of-Way Office and Survey Section. Victor represents the Planning Division. Both are section has intimate knowledge of the working plans of the Department for this area.

Male voice: ****NOT ABLE TO PICK-UP WHAT WAS SAID****

Ms. Cynthia Jackson: Understood, understood.

Speaker/Chairman: I just wanna say, are you here to represent the Director? Were you instructed by the Director to ...

Ms. Cynthia Jackson: We met with him yesterday.

Speaker/Chairman: You met with him yesterday?

Ms. Cynthia Jackson: We were informed about, I was informed about this meeting or this bill yesterday morning when I had a meeting with the Director of Land Management.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And that was the first news of this ...

Speaker/Chairman: All right.

Ms. Cynthia Jackson: Upon that, I contacted Victor and ...

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: We both saw the director and we wanted to get his position on this.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: Us to proceed.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And he said, yes, put a position in and tell it.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: So ...

Sen. Forbes: So, I want to be able to clear about this because the very first thing I'm going to do after this testimony is call up Joe.

Ms. Cynthia Jackson: He's sick.

Sen. Forbes: Well, I know how to get a hold of Joe.

Mrs. Cynthia Jackson: I realize that.

Sen. Forbes: I'm going to call up Joe and I'm going to find out if the position that you're gonna describe (a) represents the position of the Director of Public Works and, more critical, and (b) represents the position of the Governor of Guam.

Speaker/Chairman: Let me just say for the record we sent the letter hand-carried, I believe, to the Director of Public Works. Did we hand-carry the letter? It was faxed and then we sent it out on ... April 23rd is when we informed the Acting Director of the Department of Public Works. I apologize that you were not informed but the protocol is that we inform the director, so ...

Ms. Cynthia Jackson: Understood.

Speaker/Chairman: I think we provided due notice to the director when we scheduled the hearing to that. So, given that is there a position of the Department on this bill ...

Sen. Forbes: It is the Department's position.

Speaker/Chairman: At this time ...

Mr. Victor Pangelinan: I'd rather not comment, I would like ... the Director of Public Works ... state the position ...

Speaker/Chairman: All right.

Mr. Victor: ... of the department.

Speaker/Chairman: So you don't have a position on behalf of the department at this time, you have not formulated your position. Well, the department hasn't at this time authorized a release of its position on Bill 251. Is that probably more accurate?

Ms. Cynthia Jackson: I'll, okay, it could be more accurate because we ...

Speaker/Chairman: Okay, make it more accurate, then.

Ms. Cynthia Jackson: We, well to be very accurate ...

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: We prepared our statements based on our work and everything that we know about this, okay.

Speaker/Chairman: Based upon your responsibility.

Ms. Cynthia Jackson: But we have not presented that position to the director.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: In formality.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: He has not reviewed it.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And so, therefore, we may not be able to say in full in honesty.

Speaker/Chairman: Right, it's not an authorized position at this time by the department. Okay.

Ms. Cynthia Jackson: But he does know our position. We have informed him. We gave him our recommendations.

Speaker/Chairman: He's just not prepared at this time to give the department's position, then, based on the review of your recommendation and your work.

Ms. Cynthia Jackson: Correct.

Speaker/Chairman: Okay, all right, that's fine, we understand that. Okay, so given that the department will not or does not have an official testimony or position on this bill at this time, we'll go head and dismiss you or you're free to give me an unofficial position but I wanna be also fair in terms of your responsibility and your need to answer to the director, so ...

Ms. Cynthia Jackson: Just for the record, Speaker.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: Personally, I speak for myself here, the intent of the bill in giving back the property to the ancestral owners ... I'm all for that. There are certain parts and it's our responsibility as government servants at this point and we're just acting out of our responsibility to protect, because we are given a fiduciary responsibility over these easements over these properties. So our stand would be as our fiduciary responsibility.

Speaker/Chairman: Well, we understand where, you know, the need for you to comment on regards to the interest of the government and we certainly understand that. Senator Forbes, did you just wanna ...

Sen. Forbes: Furthermore, we also understand, I want you guys to understand that I am sympathetic to the fact that your position must be based on the master plan that has existed up to this point, must be made on policy decisions that had been made up to this point. But I think the reason why the Chairman and the Speaker is insistent and correctly so insistent that the testimony be officially transmitted from the director is that sometimes what happens in pieces of legislation and the enactment thereof is that policies change. And, you know, we are talking about a policy change here whereas once upon a time, the policy of the Government of Guam may have been a devotion to the notion of a parkway running through Tiyan. That may not be the case in very short order, so we recognize ... that, you know, in carrying out the responsibilities you're talking about, you inevitably must be married to the policies that have existed to this point in time, that govern this kind of stuff with respect to Public Works. But I just hope that you'll also appreciate the fact that it is possible ... happens for policy decisions to change.

Ms. Cynthia Jackson: Oh, we do.

Sen. Forbes: Okay.

Ms. Cynthia Jackson: We do.

Mr. Victor Pangelinan: I'd just like to also say for the record that this property which is referred to as the Tiyan Parkway is part of the 2010 Master Plan. Currently, the plan is being updated to 2020. So I just wanted to mention that.

Speaker/Chairman: There's an opportunity to review that.

Mr. Victor Pangelinan: Yes.

Speaker/Chairman: Okay, all right, good. Thank you very much, si Yu'os ma'ase'. We'll now go ahead then and receive testimonies from members of the public. Again, Mr. Ronald Teehan, Mr. Rufo Lujan, Ms. Millie Artero, Jose Guerrero and Catherine McCollum. Thank you very much. Please proceed.

Mr. Ronald Teehan: Thank you, Mr. Chairman. For the record, my name is Ronald Franquez Teehan. I'm here to testify in favor of Bill 251. As Senator Forbes stated, policies change in the manner in which we have historically addressed various land-taking issues and the return have evolved throughout the years. Original landowners and the heirs deal with a variety of statutes and rules and regulations. Some provided direct return. The original landowners, their heirs, others setup structures where trust will be established and others are left with nothing but hope that somewhere down the road they would eventually be included in the return process or considered for some type of compensation or offset for what they lost. During the Twenty-Third Guam Legislature, during that period, we had the Kumiteha Para Tiyan and ... that was addressing the "BRAC" process at that time. And I and several others, Joe Borja, who was here earlier Leland Bettis, Mr. Leon Guerrero of Robert Underwood's office, we were outnumbered but we took the position that we wanted to take advantage of an opportunity within the "BRAC" process which allowed for the return of released lands to be released to Native Americans. Well, by extension in our status here, we could have used that opportunity. However, like I said, we were gravely outnumbered and instead, interests like the airport Authority, GEDA and others were very aggressive in their efforts to obtain these lands. However, fortunately, it has not ended there. We have since established the Ancestral Lands Commission which again, I was an interim member prior to being fully enacted into law. And these various approaches have been both. Landowners are very grateful for the efforts that have been taken. At the same time, many have been distressed because there is no one-plan-fits-all. And, unfortunately, because of the different means of conveyance, we will never have one-form-fits-all until we have some rectification of the situation at the federal level. Now some are arguing whether ... We recently heard statements ... by the present administration and the past administration that any release of lands that were designated in our negotiations during the "BRAC" process, to have the lands reserved for the airport. If we changed that now, we jeopardize those properties and the feds could end up taking it back. Likewise, we designated during that process

certain properties for use, be it for Public Works ... what have you. Standing by the wayside, landowners are watching this, but things evolve and we've gone where we had numerous countless legislative resolutions stating the public position, almost every legislature that we want it to go, to the original owners or to the extent possible, address the injustice that they have experienced. Now, whether or not this would be challenged down the road, who knows. Possibly, but the question comes: Do we tell ourselves no or let them tell us no? I think we tell ourselves yes and move forward with it. I anticipate down the road we will be addressing other means of mitigating these circumstances, the history of land. Let's face it, land on Guam among the Chamoru people is the most heartfelt issue out there. It's very contentious and as my grandmother said to me all my life: I don't care how much land, money you have, if you do not have land, you have nothing. Within our culture, land is sacred, and if this is one more step in a process of seeing justice for our people, so be it, let's take that step. Let's not tell ourselves no. They tell us no down the road, so be it. Let's move forward with it. Thank you.

Speaker/Chairman: Thank you very much, Mr. Teehan. Mr. Lujan's not here. Mrs. Artero, again I just want to stress that there is a lot of people waiting to testify. So the bill basically would transfer those properties, transfer to the Department of Public Works to the Ancestral Lands Commission to be deeded to the original landowners as required under the Act, so that's the discussion here, not whether or not that's the best way to do it, but whether or not we should do that. Thank you very much.

Mrs. Mildred Artero: Good morning, Mr. Speaker, and this august body. Thank you for the opportunity to testify on Bill 251. I'm sorry, my name is Mildred Artero, for the record. I am the President for Guahan Landowners United. Before I proceed, though, I would like to take this time to thank Mr. Speaker, Senator Forbes, and Senator Lou for their untiring support in righting the wrongs on the land-takings. Your offices have been most helpful. Senator Aguon and Senator Brown, thank you, too, for supporting us in the floor as members of the previous legislature. To the new members, we look forward to your support on this bill. We, the landowners, have diligently worked to bring this issue to the attention of our lawmakers locally. In the interest of time, I am requesting that a copy of the final report of the Tiyan Task Force pursuant to Public Law 26-100 that was presented to the Twenty-Sixth Guam Legislature be made available to this committee as our input from your copy. Mr. Speaker or Senator Forbes, as you know its about two inches thick. That's a lot of money and we don't have any more money. It is a comprehensive report. The landowners met for weeks at Adelup. It includes, among others, a write-up from an airport consultant delineating an airport layout plan according to strict FAA requirements, and in closing I ... to Ron Teehan's testimony. (See Written Testimony)

Speaker/Chairman: Thank you very much, Mrs. Artero. Mr. Guerrero.

Mr. Jose Guerrero: Good morning, Mr. Speaker, my name is Jose Guerrero. You can't beat those two speeches, so my question is twofold. When and how soon can you give us the land back? Thank you.

Speaker/Chairman: Thank you very much. We are moving on that process and I think that we wanna make it, make sure when it's given back to you, that, number one, it belongs to you as an original landowner so that you don't have any other challenges down the line. But this government is committed to that process and we're seeing some of the returns of the land back right now and we still got a long way to go, but we won't stop. Thank you.

Mr. Jose Guerrero: We'll be waiting.

Speaker/Chairman: Okay. Ms. McCollum.

Mrs. Catherine McCollum: Thank you, Mr. Speaker, senators. I fully support Bill 251 and stand behind it one hundred percent. I'm a former commissioner of the Ancestral Lands Commission and have seen the process through, also protest, and being in a lot of activists for land rights, I do fully support Mr. Joe Borja in his nomination for Director of Land Management. I do want to put that for the record, when I came here I noticed he was up for Director of Land Management. And as a Director of the Ancestral Lands Commission he did a fantastic job. And I want to commend him fully and I do believe that he is the best candidate for this position. Next is the Tiyan Land Trust. When the Tiyan Land Trust was first implemented—well, I shouldn't say it was implemented—it was first brought into law, it was never really implemented. Government agencies moved into the Tiyan properties and the landowners were never fully compensated. To date, there are numerous government agencies that have moved into the property and the landowners have never seen compensation. And I believe that if this bill goes into law, 251, and they still want to maintain themselves on that property, they should fully compensate the landowners in a fair market value rental property if that's what the landowners want. Also a little of the history. As the senators had noted, that the parkway was up until a certain point a big issue and now with the land return on the Tiyan side of the NAS officers' housing they also returned the Parkway area that was supposed to be for Parkway to the original landowners. So as far as I'm concerned, that Parkway should be null and void, which takes us then to the properties that are on the Department of Public Works side and since the Parkway is null and void on the NAS officers side, then they should just do away with the parkway altogether and just return those properties to the original landowners. I do want to stress that the return of properties are already bringing much needed income to our economy by hiring lawyers for probate cases, surveyors, title companies for abstracts, land management fees for recording and construction companies, East-West rental for the use of machinery equipment to bulldoze properties and level them. And I believe that this is a move forward to increase the economy in our island. There is a lot of positive things to the return of land. And it will still continue. I hope that you will see the rest of Tiyan back to the original landowners. Thank you. And the land return to the original landowners is one way of correcting the right, righting the wrong, as Mr. Artero would always say. Thank you.

Speaker/Chairman: Thank you, si Yu'os ma'ase'. Any members of the panel wish to ask questions? Senator Klitzkie.

Sen. Klitzkie: I would just make the observation, Mr. Speaker, that anything that tends to generate fees for lawyers can't be all bad.

Speaker/Chairman: Thank you very much, Senator Klitzkie.

Mrs. Catherine McCollum: Oh Senator, there was one issue that I wanted to bring forth when Princess Rupely, had decided to stand her ground and to stake claim her land as an original landowner. She did have a big confrontation with a Mr. Martinez from the Department of Public Works. With that, Mr. Rufo Lujan had taken the issue to the Department of, the Director of Department of Public Works and the Director of Public Works was really in support of trying to get the Legislature to bring the bill forward. Because, apparently, it was just tucked aside for a while and because we heard that the bill was coming into place and so when we informed the director, he was kind of surprised and said that if a bill is going to be on the table for the return of land, then why are we harrassing the landowners.

Speaker/Chairman: Well, I think because we just all want to ensure that we follow the process here and we don't want to kind of create any kind of chaos, but until such time, I guess, that the property is returned, every single owner has an interest and I think we all recognize that interest and formulize that

Mrs. Catherine McCollum: Yes.

Speaker/Chairman: And formulize that interest in the returns process by the Ancestral Land Commission as you are much are very well aware off.

Mrs. Catherine McCollum: Yes.

Speaker/Chairman: With that, thank you.

Mrs. Catherine McCollum: Yes, yes sir.

Speaker/Chairman: All right, thank you very much, si Yu'os ma'ase'. We'll go ahead and ask the next set of individuals: Anita Atalig, Mr. Ray Torres, I saw Ray earlier this ... if he's not here, Tony, Mr. Tony Artero and Mr. or, I'm sorry, Ms. Juanita Cruz, she's not here. Amparo Rupely, is she ... Okay, we will for the record. though, note the names of the people who testify who have indicated support ... Adam Quinata has signed up. Who has indicated ... Marilyn Punzalan. Okay, all right, Bobbie Taitano. Is Bobbie Taitano here? Okay, for the bill, we'll just note that then, if you don't ... Rose Quintanilla, for the bill, okay, we have Anita Orlino. She was here earlier for the bill. Okay, Johnny Quinata. He's for the bill. Did you want to testify? Okay, Mr. Rupely. Is that Florencio? Okay, he's for the bill. Mr. Ben Garrido? Okay, all right. Ramona Dirige. Okay, Anita, why don't we go ahead and then read it.

Mrs. Anita Atalig: Good Morning.

Speaker/Chairman: Good Morning.

Mrs. Anita Atalig: Hi, my name is Anita Guerrero Atalig, originally ... In San Diego, she came to visit us, yes, she was in San Diego. Anyhow, even Senator Klitzkie, you were at Liberation Ball at San Diego, yes. Nice. Right, we're having another one. Our first tabulation turned in twenty-eight thousand dollars so we're making pretty good money. Anyway, for the new senators that don't know me, two years ago I came to Guam and I lobbied with some of the senators for the repeal of the Tiyan Trust that became Public Law 26-100. And in the thirteenth hour, at six o'clock, the evening they passed the bill that became Public Law 26-100. And that's what Mrs. Artero was citing, that the airport probably ... in compliance to that Public Law they haven't responded to the issues that were addressed in the Public Law 26-100. So I left Guam again and later last year, I came again and stayed five months. You know, I'm home, but I don't have a home. I want, I'm pretty soon going to own Continental because I keep paying to come to Guam for this issue. I have paper here in my hand of ... My father's name is Pedro Guerrero and Concepcion Guerrero and they own a property over there, Lot 2087 and 2087-1. All the families of the Chilenko's from Agaña to Barrigada. I own a title here that used to be white, it is now yellow. That says that the certificate of title belongs to my mom and dad. In 1991, I filed at the District Court a reservation of rights for that property in the event it was ever released. I don't know if they ever entertained this but I did file. Anyhow, I'm here on the positive side because I already voiced my opinion two years ago and they know and that's how come senator, the Speaker here was my right hand. I literally pulled him out of his office to come and join us at my town meeting because the Barrigada commissioner entertains my, you know, my needs because although I don't vote, you know, the rest I support him for his election. I like horoscopes, ladies and gentlemen, my horoscope for the month of May says lucky number eight. Let me just tell you a story about myself. In 1938, my father bought this property. It's not inherited property, it's purchased. He purchased it at a hundred dollars a hectare for eight hectares, because he had eight children. Okay, that's my lucky number. I was eight years old when my father passed away because of this issue when they condemned their property illegally. We were nationals, ladies and gentlemen. The United States had no rights to come in and condemn properties on national property. And then they turn around and they gave us the Organic Act which none of our families know how to digest—the Organic Act, you know. They just slap us the Organic Act to make the wrong the right. So I was eight years old when he died. In 1953 my father passed away. Now do you know how old I am? I'm 58 years old. That's a lucky number again. Eight, that's me. Last Saturday, I buried my brother. He was doing, he was with me during this quest that I do. I buried him. He would never see the result of this issue that we have been working on and from twelve children that my father had. We're now down to eight, so everything in my horoscope is saying my lucky number is eight. And all I'm asking from you ladies and gentlemen that it only takes eight of you to pass this bill to make become public law, so hopefully by May 8, before I depart, you guys will pass this law. So that I can go home in May 12th and say, yippy, we own Tiyan finally. So if you do your homework and hurry up and make my number eight, lucky number eight, come true, that is what my horoscope say and I ask that please when DOC moves out of that property or the Department of Public Works moves out of that property assure us owners

that they don't break the property down like the rest of the other buildings. It's going to cost us a lot of money to repair the rest of the other buildings if GIAA returns it to us. Because, you know, they vandalized. They used it. They exit and they vandalized it and I think it is a sin to commit an act like that. It's criminal for me if you ladies and gentlemen give it back to us, it's going to cost us money to repair those buildings because of the way the Government of Guam exited those properties. And I thank you, Mr. Pangelinan and Mr. Forbes, for offering this Bill 251 so that we can at least see part of Tiyan being returned to us and I applaud to you all, ladies and gentlemen, for your ... to expedite this thing. Thank you very much.

Speaker/Chairman: Tony, Mr. Artero.

Mr. Antonio Artero: First, I must say that I have to commend the earlier speaker for being so brief and I hope that I can be accommodated.

Speaker/Chairman: Well, if you can confine it to the matter of the bill.

Mr. Antonio Artero: I'll try, sir.

Speaker/Chairman: All right.

Mr. Antonio Artero: My name is Antonio Artero, I am here to testify in Bill 251 with recommendation. In addition, I would like to ask one question. We obviously need to be honest, sincere and represent everybody fairly. My question is, where are the champions of doing the right thing? For the record, GovGuam has been creating problems in the past sixty years for it posterity and us. Honorable Chairman and exalted senators, once again as a concerned citizen I am here in this public hearing pleading in earnest, begging you as public servants to do the one fundamentally right thing required to safeguard the public welfare, health, safety, and prosperity of Guam, which has been neglected and ignored for quite some time, neglecting and ignoring the fundamental wrong for several decades have made the havoc of World War II appear small. By the chaos we face today, for us on Guam, where America's day begins, World War II and the so-called Cold War were the government excuses to further mistreat Guam and its people. In a prolonged and ugly manner our fight to regain our individual economic freedom after fighting in World War II for freedom has been bigger, harder and going on sixty years with three generations of casualties and it's still far from over. There is no excuse for the mistreatment of Guam and its people. We have been mustering up our support in helping our country in all its conflicts in defending the freedom even of other countries. But as Americans indigenous of Guam we are still denied our freedom even after fighting for the very freedom we shed blood defending. Since World War II.

Speaker/Chairman: Tony, can we can we get to the bill? I mean, we would be very happy to include all of those comments for the record.

Mr. Antonio Artero: And I will submit it to you, Mr. Speaker.

Speaker/Chairman: Yes.

Mr. Antonio Artero: I'd like to finish this first page then go to my closing.

Speaker/Chairman: Okay.

Mr. Antonio Artero: Thank you. Since World War II the key issue on Guam has been and still is the denial of the individuals' economic freedom, which starts with the common denominator for all creatures of God on earth, the land, its rights thereto and its fruits thereof. After sixty years of waiting in deliverance, waiting in denial and facing the impossible dream, Guam has moved from the havoc of World War II to peace but to misery with poverty and plagued with violent crimes, including by minors. The conditions on Guam today are visibly showing a dismal failure even the even a casual observer can clearly see that our environmental and economic is dreadful. People are even dying at a younger age which signals that a serious crime against humanity have been committed but covered up the best possible way through handout and not productive government jobs for votes. The status quo is slowly killing every living thing ahead of time, but we fool ourselves, saying it's like that everywhere. I don't agree. If that were true, Guam would have not experienced the recent exodus, obviously, other jurisdictions. Obviously in other jurisdiction the fundamental right to economic freedom and justice are protected and respected. That is how the other jurisdictions safeguard their welfare, health, safety, and prosperity. So I'll just forget the other two, three pages and do my closing.

Speaker/Chairman: We will include it in there.

Mr. Antonio Artero: Freedom and justice is the responsibility of everyone including the media but especially those who are elected by their people and their appointees without righting the fundamental wrong. The taxpayers' money is paid on piecemeal, patch-up solutions to the system of the problem. Meanwhile, the fundamental problem ignored becomes compounded and compounds much more with the passage of sixty years. For my recommendation and for expediency, other bills are necessary to do eight other things and they are simply we're addressing now the return of all the illegally taken lands. The government should take only the lands that are absolutely vital for its operations in exchange for just compensation. Number two, provide funds necessary for the required probate appraisals and survey because the government made these people poor by the forceful taking of their lands. Without just compensation, the people are now trying to hock something else to borrow money so that they can pay the lawyers the surveyors and appraisers. That is not right, so the government should come up with the lack of money to solve, to really solve this problem by providing funds for that. Number three, just compensation. Justly compensate all whose lands who were illegally taken after World War II for sixty years of denial of private property rights. Four, clean up all hazardous waste and toxic debris and that of World War II. Believe me, like what Mrs. Artero showed you, and how thick that books—I have two of them, only on Urunao beach dumping of toxic waste World War II debris. Number six, correct all government encroachment in privately owned lands that is all over Guam. Number seven, amend or

repeal the Organic Act of Guam. The content of my presentation supports why I'm saying this in my conclusion and I hope that you folks will read it and understand why. Number eight, I would suggest to hold off festivities on the false "liberation" until the land-taking issue comes to a satisfactory closure for everyone that is involved on this debacle. What we are dealing here today is just the latest chapter of the legal wrangling in the blatant desecration under the U.S. flag and on U.S. soil, no less, we are now discovering our American dream sixty years after World War II. Not only, not yet, but definitely no the longer can we ignore this fundamental wrong. The more trouble we become about our situation our otherwise beautiful island paradise. I say yes to Bill 251. Do it. It's about time, then continue on this land-taking issue until everyone receives their equitable treatment to include those landowners who's under the runway of the airport. Again, we need to be honest, sincere, and represent everyone fairly. GovGuam has to put a stop to the creation of more and more disorder. Start fixing the problems created in the past sixty years and do a dignified closure on this land-taking issue through and arms-length transaction for our posterity and us. Thank you. (See Written Testimony)

Speaker/Chairman: Thank you very much, Mr. Artero. Mr. Garrido.

Mr. Vicente Garrido: I came here to testify in support of Senator Mark Forbes's bill. I am always standing for Chamoru lands that were taken by thieves and they are still here. I am from Harmon Cliffline, the ones that are older than me experienced the land-takings by force and that it was going to be returned. It is now more than fifty years. There are some being returned, but not all. The ones that are in the fences in Harmon, I don't know what the plans are. Whoever the governor is and whatever they are going to do, good luck and God bless, because we will not sleep on this if there are plans by the Government of Guam. We will take a stand and it will not be a good one. That is our plan and we just want to let you know I support this bill. Those are lands owned by original landowners. Those lands shall be returned to the original landowners. Those lands don't belong to the Americans. Even before the war ... Chamoru lands, so they should give the land back to the Chamorus so that they can use, utilize it. If that is the plan, to give the lands to the Ancestral Lands Commission, then make it quick. Let's not have any games and other plans for the lands to be used. Those are my beliefs all the time and I am still standing still now and protesting. Although I am quiet right now, I am listening and I will speak up and stand up. I will tell you that I will die down a Chamoru. I am not an American and I will never claim myself to be an American. I am proud to be a Chamoru and I am telling all of you that. Yes, give the lands back to the original landowners at Tiyan because they have been waiting. It's great that Craddick is done here, because he said he has been waiting outside in regards to the water. But the original landowners have been waiting for more than fifty years for their lands. If they were supposed to be heard first then they should be heard. Don't pass them and let Craddick in. Have respect for all if there is no water, because the water problem has been a problem for a long time. The biggest problem we have here is outsiders. Even if you put more booster pumps there will still be problems because of the outsiders. Look at yesterday's newspaper. Yes, I understood what you said.

Speaker/Chairman: Mr. Garrido, when we were doing the hearing on the water, you should have testified on that. Let's make it quick in regards to returning the land.

Mr. Vicente Garrido: With all due respect to you, Mr. Speaker, because you are in a rush, cause for more than fifty years these people have been waiting a long time for their lands to be returned.

Speaker/Chairman: Si Yu'os ma'ase'. I hope it's not in the Twenty Eighth Legislature and it's the Twenty Seventh. Others have also signed up to testify. Rosa Rupely for the bill, Doreena Perez for the bill, Josephine Munoz for the bill. Mr. Benny Crawford signed up in favor of the bill, Mr. Garrido. Both Jose and Vicente signed up for the bill. Mr. Henry Eclavea signed up for the bil. If I call your name and you wish to give verbal comments, please just come up. Mr. Anthony Rupely also signed up for the bill, Rosita Abuan signed up in favor, Mr. Jose Mendiola is in favor. Delfin Santa Romana also signed up in favor. The other members of the Public that signed up is Mr. Joe Pangelinan. Joe, are you going to testify? Okay. Come forward. Thomas Atalig signed up in favor. Mr. Danny Orlino also signed up in favor, as Cynthia Jackson and Victor Pangelinan represented the Department of Public Works. Mr. John Dueñas of Dueñas & Associates is submitting a testimony against the bill and Mr. Jose Morcilla of the CIP office of the Governor is submitting written testimony against the bill. Ms. Roberta Quichocho signed up in favor. Mr. David Toves signed up in favor, Mr. William Quichocho signed up in favor and Ms. Julia Quichocho also signed up in favor, so those are the individuals who have signed up and expressed their position one way or the other. Joe, you now, just you.

Mr. Jose Pangelinan: Excuse me, my elders and my brothers and sisters, sometimes I don't think I need this microphone. To make a long story short, I am an old pioneer in federal land-takings, like I said to make a long story short.

Speaker/Chairman: Joe.

Mr. Jose Pangelinan: I am in favor, I am happy that Mark Forbes introduced the bill and I am sure those of you out there that are listening are in favor of the bill. Yes, I am in favor of the bill and I hope to God that we put and end to this and let this property and the heirs of the Chamorus that lands were tanked for national defense and it is coming back and definitely it is going back to the original landowners. Si Yu'os ma'ase' to all of you that are here. Let's put this issue to rest.

Speaker/Chairman: Si Yu'os ma'ase'.

Mr. Jose Pangelinan: Because even me, I will be resting.

Speaker/Chairman: Si Yu'os ma'ase', Mr. Pangelinan. If there is nobody else going to testify on Bill 251 ...

Findings and Recommendation

The Committee on Utilities and Land, to which was referred Bill 251 (COR), "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION," recommends that the legislation be passed.

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
 Committee on Utilities and Land

Witness Sign in Sheet

BILL No. 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
Ronald Teehan	Self	oral	for
Rufu Lujan		oral	for
Millie Artero	Guahan ^{Land Owners} United	Oral	For
José Guesseró	SELF	oral	FOR
Catherine McCollum	Family @ Tiyán	oral	For
Anita Atalig	Self	oral	For
RAY TORRES	Self	oral	Neither
TONY ARTERO	SELF	ORAL & WRIT.	FOR
Juanita Cruz	Family @ Tiyán	none	For
Amparo Rupley	Self	none	for
ADAM QUINATA	family	NONE	for
Marilyn Pungla	family @ Tiyán		FOR
Roberto Quintana	family of Tiyán		FOR
Rose Quintavilla	family of Tiyán (Blas)		For

Witness Sign in Sheet

[illegible]

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
Committee on Utilities and Land

Witness Sign in Sheet

BILL No. 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
Rosa Blas Ruyber	Family Tiyan	none	for
Ysabella B. Ruyber	Family	None	for
Jacqueline M. Ruyber	Family	none	For
Joseph F. Serrano	Family	none	for
Blanca Crawford	Family	none	FOR
Vicente M. GARRIDO	Self	none	for
Jose M. GARRIDO	Self	none	for
Henry M. GARRIDO	"		FOR
Anthony J. Ruyber	family		for
Rosita Aguon	family		for
Jose Mendiala	"		for
Alfina Dr. Romero	"		for

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN

Committee on Utilities and Land

Witness Sign in Sheet

BILL No. 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
JOE PANGELINAN	FAMILY		FOR
Thomas A.G. Atalg	son		FOR
Danny Orfino	Family		for
CYNTHIA U. JACKSON	DPW- ^{office} Right-of-way	will be forwarding ^{to committee} written	AGAINST
VICTOR D. PANGELINAN	DPW - Highway Planning	will be forwarding ^{to committee} written	AGAINST
JOHN DUCHAS	DUCHAS ASSOC.	WRITTEN	AGAINST
JOSE MORCILLA JR.	CIP- OFFICE OF THE GOV.	WRITTEN	AGAINST
Robert Quichocho	Charlie Chan ^{Marin} ^{member} ^{Perez}		For
Jose Perez	Julie Dan		for
David TOVES	" "		for
William Quichocho	" "		For
Julie Quichocho	" "		For

Bill 251

Sign in for testimony

name

Position

JOE PANGELINER

Fork

Testimony on Bill 251

May 4, 2004

My Name is Antonio Artero. I am here to testify in favor of Bill 251 with recommendations. In addition, I would like to ask one question. We obviously need to be honest, sincere, and represent everyone fairly. My question is, where are the champions of doing the right thing??? For the record, GovGuam has been creating problems in the past sixty years for its posterity and us.

Honorable Chairman and exalted Senators, once again as a concerned citizen I am here in this "public hearing" pleading in earnest, begging you as "public servants" to do the one fundamentally right thing required to safeguard the public welfare, health, safety and prosperity of Guam, which has been neglected and ignored for quite sometime. The conditions throughout the island are the testimony.

Neglecting and ignoring a fundamental wrong for several decades have made the havoc of World War II appear small by the chaos we face today. For us on Guam, where America's day begins, World War II and the so-called "Cold War" were the government's excuses to further mistreat Guam and its people in a prolonged and ugly manner. Our fight to regain our individual economic freedoms after fighting in World War II for freedom has been bigger, harder, and going on sixty years with three generations of casualties and it's still far from over.

There is no excuse for the mistreatment of Guam and its people. We have been mustering up our support in helping our country in all its conflicts in defending the freedom even of other countries. But as Americans indigenous of Guam, we are still denied our freedom even after fighting for the very freedom we shed blood defending.

Since World War II, the Key Issue on Guam has been and still is the **denial** of the **individuals' economic freedoms**, which starts with the common denominator for all the creatures of God on earth - the land, it's rights thereto and its fruits thereof. After sixty years of waiting for deliverance, living in denial, and facing the impossible dream Guam has moved from the havoc of World War II to peace but to misery, with poverty, and plagued with violent crimes, including by minors.

The conditions on Guam today are visibly showing a dismal failure. Even a casual observer can clearly see that our environmental and economic situation is dreadful. People are even dying at a younger age, which signals that a serious crime against humanity have been committed, but covered up in the best possible way through handouts and nonproductive government "jobs" for votes. The status quo is slowly killing every living thing ahead of time, but we fool ourselves saying, "it's like that everywhere." I don't agree. If that were true, Guam would not have experienced the recent exodus. Obviously in other jurisdictions the fundamental rights to economic

freedom and justice are protected and respected. That is how the other jurisdictions safeguard their welfare, health, safety, and prosperity.

The residents of Guam fought passionately for freedom in World War II. They braved the brutal tortures and even deaths by remaining loyal to America when Japan attacked and occupied Guam in 1941. I was there. Many of us eagerly helped U.S. Navy personnel escape capture in spite of the dreadful consequences when caught. My parents did it for about two years. We were lucky. The War ended in 1944 with a resounding victory for freedom.

After the War, however, the government immediately and illegally took the cultivated and productive two-thirds of Guam, extinguishing the livelihood of the island. Literally, it kept Guam under siege, the people hostage, and poor. **Being shackled is the irony of winning the War for freedom, but losing economic freedoms.** Then fraud, waste, abuse, and greed were made politically correct under the Organic Act of Guam. The Organic Act encouraged the fundamental wrong to be ignored. Yet, the government has been celebrating "Guam's Liberation" every year, with festivities and a parade on Marine Drive despite the compromised freedom the island's people still endure.

Guam definitely needs a dignified closure of World War II, which is the antidote for such painful lack of proper recognition and just treatment. Guam's significant contribution to ending the War early, which saved millions of lives, must be a piece of our country's history and not its dirty little secret.

Our dreadful situation began with World War II, followed immediately by the Cold War, and continues to be spurred on by the 1950 Organic Act. By design, the Organic Act promotes corruption, individualism and selfishness. What went around for decades has come around, but the wrong remains. Greed has panicked the worst into double dipping, and the best fell victim to the system that is doomed to collapse. Practically everyone is living in denial under some form of handouts. That is the long and short of it.

The people expect and deserve justice, domestic tranquility, and protection of property rights no less. But with the fundamental rights denied and replaced with handouts by GovGuam, the government becomes unable to deliver even the most basic of services – clean drinking water. Guam has been in a rollercoaster of chaos in every component of our island community. The people have been putting up with this rollercoaster of hope and despair for decades. Hopelessness will never end unless the fundamental wrong is righted. Please understand that putting the people before self is what leadership is all about.

Freedom means uninhibited fundamental right and handouts means freedom denied. Handouts, however, have been the status quo since after World War II and the

reason for the confusion. Please note also that there is no amount of money from handouts through grants or any other handout programs can cover up a dismal failure.

In order to safeguard Guam's welfare, health, safety, and prosperity it is essential that the fundamental rights to life and individual economic freedoms must first be restored, protected, and respected. This is what the people you represent have elected you to do, but due to greed and widespread corruption, fundamental rights have been neglected, denied, and ignored for six decades. Surely we're not moving forward.

Take the land for a \$1.00 per year for 99 years for example. That act falls under the divide and conquer set-up. What is it costing the taxpayers for the government to collect that dollar??? Why didn't you just give them the deed and collect the tax like you do with the real property taxpayers, which would be much more than \$1.00. Furthermore, you can also collect another assessment to pay for the cost involved in providing the amenities of the infrastructure like is normally done in other jurisdictions

Please understand also that the status quo forces people not only to be beholden to those who hold the purse string, but also has created the fear of reprisal in people should they blow the whistle on fraud, waste, and abuse. So Guam remains in a perpetual downward spiral.

Know and understand that the most commonly accepted economic theories worldwide recognize real property as being one of the most powerful driving forces behind a country's prosperity. Freedom to use one's land makes money available to adequately fund hospital, school, public health, public safety, and other basic government services. This is however conditional on the sanctity of private property being properly organized, protected, and respected.

On Guam, individual economic freedoms have been and still are denied. The very government that purports freedom and justice worldwide blatantly violates the sanctity of private property on Guam. It actually took the Guahan Landowners United, Inc. a grass root organization, without funding I might add, but with the passion for this historic fundamental wrong to be righted pushed the officials into proper action several years ago. I'm sure some of you remember that. Two laws subsequently were passed, but not without years of struggle and many long hours beyond midnight for the land titles of the federally declared "surplus lands" to be transferred back to the rightful owners. And even so, the officials still showed their unwillingness to do the right thing. Anguish built up and more push followed, but the job is still unfinished, which is why we are here again today.

Frankly, I have never been able to see how we can "move forward" in any aspect of our lives with a fundamental wrong firmly intact because it is considered politically correct. Yet, much too often we are told, "This is the way forward." Look, the negligence can't

be covered up any more. I hope that you too can now see for yourself like the casual observer that we are all caught up between the rock and the hard spot. We have bacteria in our drinking water, increasing numbers of polluted beaches even with the creation of EPA, increasing numbers of bankruptcy and mortgage foreclosures and no where to go but further downward. The military had to open their own school after so many wakeup calls. And yes, the Guam Memorial Hospital is as sick as its patients.

Freedom and justice is the responsibility of everyone including the media, but especially those who are elected by the people and their appointees. Without righting the fundamental wrong, the taxpayers' money is spent on piecemeal patch up solutions to the symptoms of the problem. Meanwhile, the fundamental problem ignored becomes compounded and compounds much more with the passage of sixty years.

As for my recommendation and for expediency, other Bills are necessary to:

- 1) Return all the illegally taken lands. Take only those lands that are absolutely vital for government operation in exchange for just compensation.
- 2) Provide the funds necessary for the required probates, appraisals, and surveys because the government made these people poor by the forceful taking of their lands without just compensation.
- 3) Justly compensate all whose lands were illegally taken after World War II for sixty years denial of private property rights.
- 4) Clean up all hazardous waste and toxic debris including that of World War II.
- 5) Create a comprehensive land use plan.
- 6) Correct all government encroachment on privately owned lands.
- 7) Amend or replace the Organic Act of Guam.
- 8) Hold off all festivities on the false "liberation" until the land taking issue comes to a satisfactory closure for everyone involved in this debacle.

What we are dealing here today is just the latest chapter of the legal wrangling in the blatant desecration of the sanctity of private property by the government under the U.S. flag on U.S. soil no less. Are we now discovering our American dream sixty years after World War II? Not only not yet, but definitely no!

The longer we ignore this fundamental wrong the more troubled we become about our situation in our otherwise beautiful island paradise. I say yes, to Bill 251. Do it! It's about time. Then continue on this land taking issue until everyone received their equitable treatment to include those landowners whose land is under the runway of the airport. Again, we need to be honest, sincere, and represent everyone fairly.

GovGuam has to put a stop to the creation of more and more disorder; start fixing the problems created in the past sixty years, and do a dignified closure to this land taking issue through an arms length transaction for our posterity and us.

Testimony on Bill 251

May 4, 2004

My Name is Mildred Artero, President of Guahan Landowners United, Inc. I am here to testify on behalf of the members in favor of Bill 251.

Mr. Speaker and members of this august body, thank you for this opportunity to testify on Bill 251.

Before I proceed, I would like to take this time to thank you, Mr Speaker, Senator Forbes, and Senator Lou for your untiring support in trying to right the wrongs on the land taking. Your offices have been most helpful.

Senator Aguon and Senator Brown, thank you too for supporting us on the floor as members of the previous legislature.

To the new members, we look forward to your support on this Bill.

May this Bill be the beginning of subsequent laws in righting the historic wrong on the land taking, which has had a perennial negative effect on our local socioeconomic and environment.

We, the landowners, have vigorously worked for many years to bring this fundamental issue to the attention of our lawmakers. In the interest of time, I am requesting that a copy of the final report of the Tiyan Task Force, pursuant to PL 26-100, which was presented to the 26th Guam Legislature be made available to this committee as our input from your copy, Mr. Speaker, or Senator Forbes.'

As you know, that report is about two inches thick, which represents great deal of time, efforts, and money to prepare. It is a comprehensive report. The landowners met for weeks in the conference room at Adelup diligently working on that report. That report includes among others a thorough and factual insight from an airport consultant, delineating an airport layout plan according to strict FAA requirements.

Thank you for your attention.

Mildred Artero

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

Bill No. 251 (COR)

Introduced by:

Mark Forbes
v.c. pangelinan

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings. During the process of deeding properties in Tiyan by the federal government to the government of Guam and associated with the closure of the former NAS Agana (Brewer Field), certain properties were transferred to the jurisdiction of the Department of Public Works. This act is intended to transfer such properties to the Guam Ancestral Land Commission so that the Commission may proceed with the transfer of such properties to the estates of original landowning families pursuant to the Commission's enabling legislation.

Section 2. Transfer of property to the Guam Ancestral Lands Commission. Except in such circumstances where existing roads or easements may have been transferred to the Department of Public Works, any properties conveyed to the jurisdiction of the Department of Public Works in the area of Tiyan, formerly known as Naval Air Station, Agana (Brewer Field), are transferred to the Guam Ancestral Lands Commission and shall be deeded to the Guam Ancestral Lands Commission upon the effective date of this act. The Guam Ancestral Lands Commission shall dispose of properties transferred pursuant to this act in a manner consistent with and pursuant to the enabling legislation of the Guam Ancestral Lands Commission.

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

Bill No. 251 (COR)

Introduced by:

Mark Forbes
v.c. pangelinan

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings. During the process of deeding properties in Tiyan by the federal government to the government of Guam and associated with the closure of the former NAS Agana (Brewer Field), certain properties were transferred to the jurisdiction of the Department of Public Works. This act is intended to transfer such properties to the Guam Ancestral Land Commission so that the Commission may proceed with the transfer of such properties to the estates of original landowning families pursuant to the Commission's enabling legislation.

Section 2. Transfer of property to the Guam Ancestral Lands Commission. Except in such circumstances where existing roads or easements may have been transferred to the Department of Public Works, any properties conveyed to the jurisdiction of the Department of Public Works in the area of Tiyan, formerly known as Naval Air Station, Agana (Brewer Field), are transferred to the Guam Ancestral Lands Commission and shall be deeded to the Guam Ancestral Lands Commission upon the effective date of this act. The Guam Ancestral Lands Commission shall dispose of properties transferred pursuant to this act in a manner consistent with and pursuant to the enabling legislation of the Guam Ancestral Lands Commission.

Island of Guam, Government of Guam
Department of Land Management, Office of The Recorder

File for record is Instrument No. 630525

on the year 20 07, Month 12, Day 04, Time 4:17

Recording Fee - 0000 Receipt No. _____

Deputy Recorder [Signature]



Mina'Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

Joseph W. Duenas
Acting Director, Department of Public Works
542 N. Marine Drive
Tamuning, GU 96913

Dear Mr. Duenas:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

APR 23 2004

Joseph M. Borja
Acting Director, Department of Land Management
P.O. Box 2950
Hagatna, GU 96910

Dear Mr. Borja:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on the following bills:

- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your testimony on these bills would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

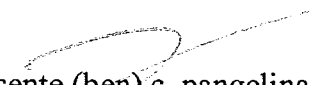
Eddie Benavente
Executive Director
Guam Ancestral Lands Commission
588 West O'Brien Drive Ste. 101
Anigua, GU 96910

Dear Mr. Benavente:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

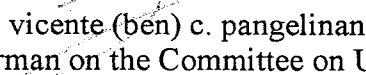
Anita Orlino
Chairperson, Guam Ancestral Lands Commission
588 West O'Brien Drive Ste. 101
Anigua, GU 96910

Dear Ms. Orlino:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004, at 9 a.m. in the Public Hearing Room of the Guam Legislature Building on **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Your testimony on this bill would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on the Committee on Utilities and Land



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

Anthony Godwin
President, Guam Board of Realtors
P.O. Box 12158
Tamuning, GU 96931

Dear Mr. Godwin:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your comments and suggestions on any of the above-referenced matters are greatly appreciated.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land

155 Hesler St., Hagåtña, GU 96910

Tel: (671) 472-3552 / 4 - Fax: (671) 472-3556 - Email: senben@kuentos.guam.net



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

The Honorable Scott D. Duenas
President, Mayors Council of Guam
P.O. Box 786
Hagatna, GU 96932

Dear Mayor Duenas:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your comments and suggestions on any of the above-referenced matters are greatly appreciated.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

The Honorable Felix Perez Camacho
I Maga' Lahen Guahan
Office of the Governor of Guam
Suite 408 Pacific News Building
238 Archbishop Flores Street
Hagatna, GU 96910

Dear Governor Camacho:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

The appropriate government agencies are invited to testify on the aforementioned items.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land

cc: Lt. Governor



The People

Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

The Honorable Douglas Moylan
Attorney General
Department of Law
Dipattamenton Lai
120 W O'Brien Drive
Suite 2-200E
Hagatna, GU 96910

Dear General Moylan:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your comments and suggestions on any of the above-referenced matters are greatly appreciated.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land

155 Hesler St., Hagatna, GU 96910

Tel: (671) 472-3552/4 - Fax: (671) 472-3556 - Email: senben@kuentos.guam.net



Office of

Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan

Speaker

Committee on Utilities and Land

Chairman

The People

APR 23 2004

MEMORANDUM

TO: Chair, Committee on Rules
Executive Director

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 5/04/04

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

cc: Protocol



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

MEMORANDUM

TO: All Committee Members

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 5/04/04

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your presence would be greatly appreciated.



The People

Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 23 2004

MEMORANDUM

TO: All Senators

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 5/04/04

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Tuesday, May 4, 2004 at 9 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

- Confirmation Hearing for Ms. **Annie R. Perez** as a member of the Chamorro Land Trust Commission;
- Confirmation Hearing for Mr. **Joseph M. Borja** as the Director of the Department of Land Management;
- **Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION"; and
- **Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Your presence would be greatly appreciated.

Public Hearing 9:00 a.m., Tuesday, May 4, 2004

A G E N D A

- I. Call to Order:
- II. Announcement & Introduction of Members:
- III. Executive Appointments:

Department of Land Management

Chamorro Land Trust Commission

° Mr. Joseph Martinez Borja, Director
Department of Land Management

° Ms. Annie R. Perez, Member
Chamorro Land Trust Commission

IV. Legislative Measures:

- ° Bill No. 251: "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."
- ° Bill No. 288: "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGGON MEMORIAL FOUNDATION Lot No. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGGON RETENTION CAMPS OF WORLD WAR II, BY ADD A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

**** Joint Hearing by Committee on Utilities and Land &
Committee on Appropriations & Budgeting, General Government Operations
Reorganization & Reform:**

- ° Bill No. 281: "AN ACT TO APPROPRIATE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE GENERAL FUND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REHABILITATING THE SANTA RITA BOOSTER PUMP AND THE CONSTRUCTION OF NEW WATER TRANSMISSION LINES, ALL INTENDED TO IMPROVE WATER PRESSURE AND WATER SERVICE TO RESIDENTS OF SANTA RITA AND TO PERMIT I MAGA'LAHEN GUÁHAN TO DEFRAY SUCH EXPENSE TO THE GENERAL FUND VIA REVERSION OF ANY UNOBILIGATED OR LEFTOVER FUNDS IN VARIOUS CAPITAL IMPROVEMENT BONDS."

- V. Remarks:
- VI. Adjournment:

INVITATION FOR BID

Replace/Upgrade Airport Landside Areas Miscellaneous Repairs Industrial Park and Airport Access Road

PROJECT NO. GIAA-FY02-16-2B27 DR 1446 GU/PW No. 1430

The A.B. Won Pat Guam International Airport Authority (GIAA), a public corporation and autonomous agency of the Government of Guam, will receive sealed bids to Replace/Upgrade Airport Landside Areas and make Miscellaneous Repairs Industrial Park and Airport Access Road at the Won Pat International Airport. Bids will be received as described in the Contract document until 2:00 P.M., May 12, 2004 (Guam Standard Time). At the time of the GIAA Executive Meeting, at which time and place all bids will be publicly opened and read aloud at the GIAA Terminal Conference Room. Bids received after 2:00 P.M. will not be considered.

All bids must be accompanied by a bid security in the amount of 10% of the total bid price. Bid security may be a bid bond, certified check or cashier's check made payable to the Guam International Airport Authority. A non-refundable amount of One Hundred Fifty Dollars (\$150.00) in cash or cashier's check is required as payment for bid documents, which can be obtained from the GIAA Administration office. The sureties of all bonds shall be such surety company or companies as are approved by GIAA and are authorized to transact business in the Territory of Guam. The penal amount of the bond shall not exceed the surety's underwriting limit. A released true copy of Certificate of Authority is also required.

GIAA hereby certifies that it will immovably insure that Small Business Concerns and Small Disadvantaged Business Concerns will be afforded equal opportunity to submit bids in response to this invitation, and will not be discriminated on the grounds of race, color, and national origin in the consideration for award of contract.

A pre-bid meeting will be held at the GIAA Board Conference Room, Terminal, Guam, on Thursday, May 6, 2004 (Guam Standard Time).

The GIAA reserves the right to reject any and all bids and to have any and all bidders, and to list and/or non-compliance of conditions of the contract proposals, which in GIAA's opinion, constitute a material breach of the Authority's conditions.

Additional information can be obtained from: Mr. Vincent C. Pangelinan, Director, Superior Court, at (671) 333-3433, or by fax at (671) 333-3434.

EDITH C. PANGELINAN
Acting Executive Director



Mina 'Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan

Office of the People

Speaker

Chairman, Committee on Utilities and Land

Public Hearing
Tuesday, May 4, 2004
9:00 a.m.

Confirmation Hearing

- Ms. Annie R. Perez as a member of the Chamorro Land Trust Commission
- Mr. Joseph M. Borja as the Director of the Department of Land Management

Bills

- Bill 251**, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWERY FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."
- Bill 288**, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."

Joint Hearing by the Committee on Utilities and Land and the Committee on Appropriations & Budgeting, General Government Operations, Reorganization & Reform:

- Bill 281**, "AN ACT TO APPROPRIATE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE GENERAL FUND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REHABILITATING THE SANTA RITA SPRINGS BOOSTER PUMP AND THE CONSTRUCTION OF NEW WATER TRANSMISSION LINES, ALL INTENDED TO IMPROVE WATER PRESSURE AND WATER SERVICE TO RESIDENTS OF SANTA RITA AND TO PERMIT I MAGALAHEN GUAHAN TO DEFRAY SUCH EXPENSE TO THE GENERAL FUND VIA REVERSION OF ANY UNOBLIGATED INTEREST OR LEFTOVER FUNDS IN VARIOUS CAPITAL IMPROVEMENT BONDS."

The hearing will take place at the Guam Legislature Public Hearing Room located in Hagåtña. Individuals requiring special accommodations, auxiliary aid or services are asked to contact the Office of Speaker Vicente (ben) c. pangelinan @ 472-3555/472. Written testimonies may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3556 or electronically sent to scnben@kuentos.guam.net, or a form may be filled out at www.guam.net/scnben.

Ad paid for by government funds.

SCOREBOARD

▲ Continued from Page 34

35, Collins 2-7 0-4, Kidd 5-10 10-11 20, Kites 4-10 1-2 10, Rogers 2-7 3-4 7, A. Williams 2-3 0-1 4, Armstrong 1-3 0-0 2, Harris 0-3 4-4 4, Scalabrino 0-0 0-0 0, Totals 34-73 31-41 100.

NEW YORK (9)

Hardaway 5-15 5-7 17, J. Thomas 5-10 4-4 14, Mohammed 1-4 1-2 3, Anderson 2-5 0-0 4, Marbury 11-25 7-11 31, Baker 5-8 2-2 12, F. Williams 4-9 1-1 11, Sweetney 0-1 2-2 2, Johnson 0-1 0-0 0, Totals 33-79 23 94.

New Jersey 21 25 22 28 100
New York 21 25 22 28 94
3-Point Goals—New Jersey 1-9 (Kidd) 1-3, Kidd 0-1, Jefferson 0-2, Rogers 0-3, New York 2-7 (F. Williams 2-6, Marbury 2-7, Hardaway 2-7, Johnson 0-1). Fouled out—Mohammed.

Baker, Rebounds—New Jersey 55 (Martin 13), New York 48 (K. Thomas 15). Assists—New Jersey 18 (Kidd 7), New York 22 (Marbury 7). Total fouls—New Jersey 21, New York 33. Technicals—New Jersey Defensive Three Second, Jefferson, New Jersey coach Frank K. Thomas, F. Williams, Marbury, A—19,763.

At Memphis, Tenn.

SAN ANTONIO (110)

Bowen 4-6 0-2 10, Duncan 10-18 6-6 28, Nease 4-6 0-0 8, Parker 8-15 7-10 28, Turkoglu 1-3 0-6, Horry 4-7 2-14, Ginobili 2-3 0-6 10, Hart 3-3 0-0 6, D. Brown 0-1 1-2 1, Rosa 0-1 0-0 0, Ward 0-0 0-0 0, Willis 0-0 0-0 0, Totals 37-83 25-34 110.

MEMPHIS (97)

Posey 6-13 8-8 20, Gashi 10-15 2-2 22, Wright 2-5 0-2 4, Williams 4-10 2-13, Miller 3-9 0-8, Battier 2-5 2-6, Swin 3-6 0-0 6, Wells 1-3 2-4, Watson 5-9 3-13, Outlaw 0-0 1-2 1, Humphrey 0-0 0-0 0, Totals 36-75 20-23 97.
San Antonio 32 25 30 23 110
Memphis 21 24 27 25 97
3-Point Goals—San Antonio 11-17 (Parker 4-5, Horry 4-5, Bowen 2-2, Turkoglu 1-3, Ginobili 0-1, D. Brown 0-1), Memphis 5-16 (Williams 3-7, Miller 2-6, Battier 0-1, Watson 0-2). Fouled out—New York Rebounds—San Antonio 40 (Duncan, Horry 8), Memphis 37 (Posey 11). Assists—San Antonio 25 (Parker 13), Memphis 19 (Williams 8). Total fouls—San Antonio 21, Memphis 30. Technicals—San Antonio coach Popovich, Ginobili, Wells, A—19,351 (19,000).

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF GUAM USA

SHELL GUAM, INC.,
a Guam Corporation,
Plaintiff,

FV PALAU MARU NO. 1
Defendant,

and
RRG INTERNATIONAL, INC.,
Plaintiff-in-Intervention.

CIVIL CASE NO. CIV03-00029

NOTICE OF UNITED STATES MARSHAL'S SALE

BY THE VIRTUE OF AN ORDER OF SALE issued out of the above entitled Court dated April 15, 2004, and commanding me to make sale of the Defendant Vessel FV Palau Maru No. 1, her rigging, tackle, apparel, furniture, engines, net and fishing gear and all other necessities thereto appertaining and belonging. NOTICE IS HEREBY GIVEN THAT ON:

WEDNESDAY, APRIL 28, 2004 AT THE HOUR OF 2:00 O'CLOCK P.M., DEFENDANT VESSEL FV PALAU MARU NO. 1, WILL BE SOLD AT PUBLIC AUCTION AS IS WHERE IS to the highest and best bidder. The Defendant Vessel FV Palau Maru No. 1 may be inspected by contacting Oceanair Enterprises, Inc. at Suite 113, 1026 Cabras Highway, Piti, Guam, USA 96915. Telephone: (671) 477-5490. TERMS: A deposit of 10% cash or certified check for the amount bid shall be paid on the date of sale, upon condition that the balance of the bid is paid as provided in Local Admiralty Rule 14(b) and upon condition the deposit shall be forfeited by the bidder and applied to the cost of this action if the balance of the bid is not paid when due. Plaintiff Shell Guam, Inc. in this action is authorized to bid any part of its Judgment lien and costs without making a deposit to secure its bid.

Dated at Hagåtña, Guam USA this 20th day of April 2004.

UNITED STATES MARSHAL SERVICE

By: /s/ JOAQUIN L.G. SALAS

United States Marshal

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE

OF

ERIC JOHN BELL

Deceased.

PROBATE CASE NO. PRO13003

NOTICE OF RENDERING ACCOUNT FOR FINAL SETTLEMENT AND PETITION FOR DISTRIBUTION

Notice is hereby given that GEORGE R. BELL, executor of the estate of ERIC JOHN BELL, deceased, has rendered and presented for final settlement, and filed in said court, his account of such administration, together with a petition for the final distribution of said estate, and that May 12, 2004, at 10:00 a.m. of said day, in the courtroom, Superior Court of Guam, Hagåtña, Guam, has been set for the settlement of said account and the hearing of said petition for distribution, and all persons interested in said estate are notified then and there to appear and show cause, if any they have, why the said account should not be settled and allowed, and why distribution of said estate should not thereupon be immediately made to the persons entitled thereto without further notice of proceedings. Reference is hereby made to the said account and petition for further particulars.

Dated: April 22, 2004

Pauline U. Camacho,
CLERK, SUPERIOR COURT OF GUAM

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE

OF

CECILIA MUNA GUZMAN,

Deceased.

PROBATE CASE NO. PRO038-04

NOTICE OF HEARING ON PETITION FOR LETTERS OF ADMINISTRATION

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

NOTICE IS HEREBY GIVEN that ANTHONY J.M. GUZMAN has filed herein a Petition for Letters of Administration upon the Estate of Cecilia Muna Guzman, Deceased, and the time and place of said hearing is in the Superior Court of Guam on May 06, 2004, at the hour of 10 a.m., and all persons interested are hereby notified to appear and show cause, if any they have, why the Petition should not be granted. Reference is made to said petition for further particulars.

DATED: MAR 26 2004

RICHARD B. MARTINEZ,
Clerk of Court, Superior Court of Guam

By: Pauline U. Camacho
(Deputy Clerk)



Superior Court of Guam BID SC-04-02

The Superior Court of Guam is accepting Bid Proposals for vehicles set forth in Bid Invitation No. SC-04-02.

Interested and qualified vendors may pick up copies of the specifications at the Procurement Office located at the Basement level, Room No. B-200 of the Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam beginning Tuesday, April 27, 2004 from 8:00 a.m. to 5:00 p.m.

All bids should be submitted to the Procurement Office no later than 2:00 p.m., Friday, May 7, 2004. All bids will be opened and read at the Administrative Director's Conference Room, first floor, Guam Judicial Center at that time and date.

For more information, please contact Jesse M. Lefever, Court Procurement Officer III at 475-3290.

/s/ Perry C. Taitano
Administrator of the Courts

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(to establish a list)

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Anesthesiologist	Emergency Room Physician
Medical Oncologist	Staff Nurse Training Officer

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This high-energy position calls for a person who is comfortable with change and willing to do "whatever it takes".

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If this sounds like something you would be interested in, stop by our office at LMS at 194 Old San Vitores Road Tumon, Guam 96913 671-647-2617 Phone and fill out an application or fax us your resume to 647-2618 or email us at lms@guam.net

Public Defender Service Corporation
BID INVITATION

BID PDSC 01-FY2004

The Public Defender Service Corporation is accepting bid proposals for **Lease of Office Space** as set forth in Bid Invitation No. PDSC 01-FY2004.

Interested and qualified vendors may pick up copies of the Specifications at the Public Defender Service Corporation office located on the Second Floor of the Guam Judicial Center Annex, 110 West O'Brien Drive, Hagatna, Guam beginning Friday, April 30, 2004 from 8:00 a.m. to 5:00 p.m.

A Pre-Bid Conference will be held on Tuesday, May 18, 2004 at 2:00 p.m. at the Public Defender Service Corporation Conference Room, located on the Second Floor of the Guam Judicial Center Annex, 110 West O'Brien Drive, Hagatna, Guam.

All bids should be submitted to the PDSC Fiscal Office no later than 1:45 p.m. Friday, May 28, 2004. All bids will be opened and read at the Justice Monessa G. Lujan Appellate Courtroom, Supreme Court of Guam, Third Floor, Guam Judicial Center at 2:00 p.m., Friday, May 28, 2004.

BERNADETTE S.N. CHARGUALAF
Administrative Director

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Aturidat Kinalamten Hanon Guahan
Government of Guam
Post Office Box 3010, Hagatna, Guam 96932
Phone: (671) 479-7823 • Fax: (671) 479-7879

(This ad is paid for by the U.S. Environmental Protection Agency)

REQUEST FOR PROPOSALS

The Guam Waterworks Authority (GWA) is soliciting proposals from qualified and interested consulting firms to provide and in depth evaluation and **FACILITIES PLAN/ASSESSMENT OF OLD AGAT (AREAS "A" and "B")**.

The scope of services will include all engineering disciplines necessary for the preparation of facilities plan/assessment report for the project based on scope of work contained herein. Copies of the scope of work are available at GWA Engineering Division, CIP Sewer Section. Interested consulting firms must submit U.S. Government Forms SF 254 and 255 in triplicate (5 copies), indicating specific emphasis on their experience with projects similar in nature, no later than **May 7, 2004** to the General Manager, Guam Waterworks Authority 578 North Marine Drive, Upper Tumon, Guam. A copy of the valid Certificate of Business issued by the Professional Engineer, Architect and Land Surveyors (PEALS) Board of the Board of Territory of Guam be also submitted.

An A/E Selection Committee will convene soon after the deadline for submission to evaluate the proposal of each firm. Based on the evaluation candidate firm may be called in for an interview. Firms which have submitted Forms 254 and 255 to GWA within the past six (6) months are not required to submit those forms again if no changes have occurred. However, a letter stating that their previous 254 and 255 submittal on what date remain unchanged, shall be submitted.

Guam Waterworks Authority notifies all prospective A/E's that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority enterprises will be afforded full opportunity to submit proposal as required by the federal guidelines and will not be discriminated against on the grounds of race, color and national origin in consideration of an award. For further information please call the General Manager at 647-2603.

/s/ DAVID R. CRADDICK
General Manager

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MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN

vicente (ben) c. pangelinan
Speaker

Office of the People
Chairman, Committee on Utilities and Land

Public Hearing
Tuesday, May 4, 2004
9:00 a.m.

Confirmation Hearing

- Ms. Annie R. Perez as a member of the Chamorro Land Trust Commission
- Mr. Joseph M. Borja as the Director of the Department of Land Management

Bills

- **Bill 251, "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."**
- **Bill 288, "AN ACT TO AUTHORIZE THE GOVERNOR TO LEASE TO THE MANENGON MEMORIAL FOUNDATION LOT NO. 208 ESTATE NO. 278, MUNICIPALITY OF YONA, DEEDED TO THE GOVERNMENT OF GUAM BY MR. DWIGHT LOOK WITH THE SPECIFIC CONDITION THAT THE PROPERTY BE UTILIZED TO ESTABLISH A MEMORIAL OF THE MANENGON RETENTION CAMPS OF WORLD WAR II, BY ADDING A NEW ARTICLE 13 TO CHAPTER 68 OF TITLE 21, GUAM CODE ANNOTATED."**

Joint Hearing by the Committee on Utilities and Land, and the Committee on Appropriations & Budgeting, General Government Operations, Reorganization & Reform:

- **Bill 281, "AN ACT TO APPROPRIATE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) FROM THE GENERAL FUND TO THE GUAM WATERWORKS AUTHORITY FOR THE PURPOSE OF REHABILITATING THE SANTA RITA SPRINGS BOOSTER PUMP AND THE CONSTRUCTION OF NEW WATER TRANSMISSION LINES, ALL INTENDED TO IMPROVE WATER PRESSURE AND WATER SERVICE TO RESIDENTS OF SANTA RITA AND TO PERMIT I MAGALAHEN GUAHAN TO DEFRAY SUCH EXPENSE TO THE GENERAL FUND VIA REVERSION OF ANY UNOBLIGATED INTEREST OR LEFTOVER FUNDS IN VARIOUS CAPITAL IMPROVEMENT BONDS."**

The hearing will take place at the Guam Legislature Public Hearing Room located in Hagatna. Individuals requiring special accommodations, auxiliary aid or services are asked to contact the Office of Speaker vicente (ben) c. pangelinan @ 472-3555/472. Written testimonies may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3556 or electronically sent to guamnet@guam.net or a form may be filled out at www.guam.net/com/senben.

Ad paid for by government funds.

NOTICE OF SALE UNDER MORTGAGE

NOTICE IS HEREBY GIVEN, pursuant to 18 G.C.A. §36113, Paragraph (l) of the below described mortgage and the Notice of Default recorded on January 25, 2002 as Instrument No. 650578, that the mortgage ("Mortgage") executed on February 10, 1991 by ENRIQUE M. CHARGUALAF and TEODORA R. CRUZ, ("Mortgagors"), in favor of U.S. Small Business Administration, and filed for record in the Department of Land Management, Government of Guam, on April 25, 2001 as Instrument No. 453600, will be FORECLOSED pursuant to a POWER OF SALE contained in the Mortgage.

The Mortgage was assigned to LPP MORTGAGE, LTD. ("Mortgagee") by means of an Assignment of Mortgage, which was executed on June 19, 2001 and recorded with the Department of Land Management, Government of Guam, on January 2, 2002 as Instrument No. 646569.

The property described below will be sold, **WITHOUT WARRANTY BEING GIVEN**, express or implied, regarding title, possession, rights of redemption or encumbrances, to the highest bidder at public auction, to be held at the courthouse for the United States District Court, District Court of Guam, 520 West Soledad Avenue, Hagatna, Guam 96910 at 2:00 p.m. on May 14, 2004, in order to satisfy the amount due on the Mortgage and its promissory note at the time of the sale. Terms of the sale are cash, certified check or other terms deemed acceptable by Mortgagee. The Mortgagee reserves the right to bid all or part of the amount due on the Mortgage at the time of the sale, to reject any bid made at the sale and to withdraw this notice and postpone the sale from time to time.

The property subject to the mortgage and to be sold at sale is as follows:

Lot No. 402, P.O. 2-7102, 55, Tract No. 176, Santa Rita (formerly Agat), Guam, Estate No. 17196, Suburban, as said lot is marked and designated on Map Drawing No. CSS-0093-83, dated June 14, 1983 and recorded on August 5, 1983 in the Department of Land Management, Government of Guam, as Instrument No. 340140. Area: 2,607.54+ square meters. The amount due the Mortgagee is for the sum of \$51,286.25, accrued interest as of April 13, 2004 of \$3,936.99, interest at the rate of 4% from April 13, 2004 to the date of full payment, attorney fees, and costs of this sale.

The undersigned are the attorneys for the Mortgagee and hereby give notice that they are attempting to collect a debt and any information that is obtained will be used for that purpose.

Dated: April 14, 2004.

McCULLY & BEGGS, P.C.
Attorneys for LPP Mortgage Ltd.
By: /s/ MARK S. BEGGS
GUAM

On this 14th day of April, 2004, before me, the undersigned Notary, personally appeared, MARK S. BEGGS, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose, as attorney for LPP MORTGAGE, LTD.

/s/ MAUREEN E. TAITANO
NOTARY PUBLIC
in and for Guam, U.S.A.
My Commission Expires: August 9, 2005
Ste. 200, 139 Murray Blvd., Hagatna

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Committee on Utilities and Land

Tuesday, May 4, 2004

Public Hearing for Bill No. 251 (COR)

"AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

	Present	Absent	Off-Island	Excused
vicente (ben) c. pangelinan	✓	_____	_____	_____
Carmen Fernandez	✓	_____	_____	_____
Frank B. Aguon, Jr.	✓	_____	_____	_____
Lou Leon Guerrero	✓	_____	_____	_____
Rory Respicio	_____	_____	_____	_____
Toni Sanford	✓	_____	_____	_____
Joanne Brown	✓	_____	_____	_____
Mark Forbes	✓	_____	_____	_____
Randall Cunliffe	_____	_____	_____	_____
Ray Tenorio	_____	_____	_____	_____

Larry Kasperbauer	_____	_____	_____	_____
Robert Klitzkie	✓	_____	_____	_____
Jesse Lujan	_____	_____	_____	_____
Tina Muna-Barnes	✓	_____	_____	_____
John Quinata	_____	_____	_____	_____

Attending Staff

Karen Quitlong	✓	Roque Aguon	✓	Frances Flores	_____
Ed Pocaigue	✓	Dan Ybarra	✓		

Office of the People's Speaker
Vicente (Ben) C. Pangelinan

MAY 04 2004

Testimony on Bill No.251

TIME: 12:30 () AM () PM
RECEIVED BY: 

Speaker Pangelinan, I offer the following comments on Bill No 251, an act to transfer properties under the jurisdiction of the Department of Public Works that are located in Tiyan, alternatively known as the former Naval Air Station, Agana, Brewer Field, to the jurisdiction of the Guam Ancestral Lands Commission. My name is Joe Morcilla, the former Director of the Department of Public Works.

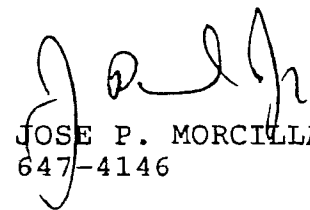
First and foremost, the subject property was deeded over to the Government of Guam and not specifically the Department of Public Works. However, according to the deed, the property was deeded over to the Government of Guam for the purpose of providing property for roadway expansion purposes, namely the proposed Tiyan Parkway. Based on the Guam Highway Transportation Plan, the proposed roadway will serve as a connector for Routes 1, 8 and 16, a vital link to the completion of the island's overall highway network.

Secondly, the transfer of the property to the Government of Guam holds the specific restriction that the property be used as part of an expansion of the island's highway system. Any other use of the property or disposal thereof, may jeopardize actual ownership of the property and revert back to the federal government.

Thirdly, the proposed Tiyan Parkway is one of the most important highway expansion proposals as it serves to mitigate the increasing traffic counts at Routes 1, 8 & 16, plus it will provide better response time for emergency vehicles needing to access any of the three routes. As an example, ambulances coming from the villages of Maite, Toto, Barrigada and Mangilao traveling to Guam Memorial Hospital will save valuable minutes accessing the hospital through the proposed parkway. This could be said for sections of Dededo & Harmon as well.

Overall, the construction of the Tiyan Parkway is a very necessary component of our island roadway system. Any plans to stifle this project will only result in what is common amongst all out utility agencies, our inability to upgrade our infrastructure system. Please note that our land transportation system has a very direct impact to our island's economic, social, environmental and physical planning goals. The efficient and effective movement of goods and services on this island relies heavily on our land transportation network. We must make that our primary consideration in the outcome of this bill and offer an alternative means of providing equitable compensation to the original landowners.

Thank you for the opportunity to submit testimony on this bill.


JOSE P. MORCILLA JR.
647-4146



Website: www.dnaguam.com
E-mail: dna@dnaguam.com

May 4, 2004

Honorable Speaker Vicente Pangelinan

Twenty-Seventh Guam Legislature

155 Hessler Street

Hagatna, Guam 96910

Subject: **Bill 251:** An Act to Transfer Properties Under the Jurisdiction of the Department of Public Works That Are Located in Tiyan to the Jurisdiction of the Guam Ancestral Lands Commission

Re: **Testimony in Opposition to Bill 251**

Hafa Adai Speaker Pangelinan

I wish to register my OPPOSITION to Bill 251 which seeks to transfer properties in Tiyan under the jurisdiction of the Department of Public Works to the Guam Ancestral Lands Commission.

Our firm, Duenas & Associates, Inc. (D&A), a few years ago under a contract with the Guam Economic Development Authority (GEDA), prepared a Federal Highway Administration (FHWA) Property Conveyance Application to effect the transfer of a 120-foot wide right of corridor through Tiyan (Brewer Field/NAS Agana) properties for purpose of adding and establishing a critical bypass to Marine Corps Drive as part of our islandwide highway system. The corridor, referred to as the Laderan Tiyan Parkway, is in the process of being incorporated into the update of the Guam Highway Master Plan, a project our firm is undertaking under a contract with the Department of Public Works (DPW).

This bill, as both our firm and DPW understand it, seeks to transfer the Laderan Tiyan Parkway right of way corridor to the Ancestral Lands Commission for uses which we assume are quite unrelated to an arterial highway, the purpose for which the properties were conveyed to DPW.

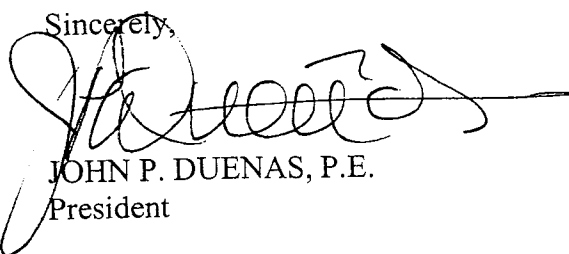
My opposition to bill is based on the following:

1. The reason for requesting a transfer from FHWA of the properties which make up the Laderan Tiyan Parkway right of way corridor will become a mere pretense and makes the entire property conveyance application process a sham transaction. This action by the legislature will abrogate the conveyance and trigger the reversionary clause which we are certain is a provision of the transfer documents.

2. The use of the Laderan Tiyan Parkway right of corridor as a critical link in Guam's highway system is in the overall best interests of the people of Guam. The function of this corridor to serve as a bypass to Marine Corps Drive, from Route 8 to Route 10A, is intended to relieve anticipated future serious traffic congestion forecast to occur along the Route 1 highway corridor through East Agana and Tamuning.
3. The Laderan Tiyan Parkway will also serve as an important corridor for major utility and storm drainage infrastructure serving Guam International Airport Authority and other properties in Tiyan.

The intent of the bill is short-sighted and not, at least in our opinion, in the service of the public interest. We strongly recommend against the passage of this bill.

Sincerely,



JOHN P. DUENAS, P.E.
President



Office of the People's Speaker
Vicente (ben) C. Pangelinan

MAY 05 2004

TIME: 11:30 (✓) AM () PM
RECEIVED BY: [Signature]

GOVERNOR
Felix P. Camacho
LT. GOVERNOR
Kaleo S. Moylan



ACTING DIRECTOR
Joseph W. Duenas
DEPUTY DIRECTOR
Michael C. James

MEMORANDUM

May 5, 2004

Speaker Vicente (Ben) C. Pangelinan
Chairman
Committee on Utilities and Land
155 Hesler St.
Hagatna, GU 96910

SUBJECT: BILL # 251(COR)- AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOW AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION

Dear Mr. Speaker,

Buenas yan Hafa Adai! Thank you for your invitation to prepare testimony on Bill #251 (COR). Although I am personally in favor of returning land back to original land owners, it was recently brought to my attention that there are several serious concerns that may have gone overlooked as far as the Government of Guam's ability to execute the intent of this bill.

Attached you will find a Quit Claim Deed signed on November 16, 2000 between the United States of America, Federal Highway Administration, and the Government of Guam. Upon review of the deed, it is made very clear that there are specific conditions that were made by the Federal Government to the Government of Guam with regards to transportation. On page 5 of the deed there exists a reversionary clause which states

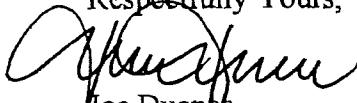
"When transportation need for the land herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the GRANTEE shall give notice of the fact to the Secretary of Transportation and the right, title, and interest in said property herein granted shall **immediately** revert to the full control of the United States of America."

Additionally, you will find a legal opinion from Calvo and Clark, LLP to GEDCA, regarding this same issue, and pending plans in the Guam Highway Master Plan to construct a major roadway through this general area connecting Route 8 to Marine Drive.

Unfortunately, it appears the unfavorable consequence of executing Bill #251 could mean the repossession of this property by the Federal Government, thus negatively impacting both the Government of Guam and the original land owners.

Should you have any questions or concerns, please do not hesitate to contact me.

Respectfully Yours,


Joe Duenas
Acting Director

Cc: *Governor Camacho*
Lt. Governor Moylan
27th Guam Legislature
Director, Land Management
Director, Ancestral Lands Commission
Director, Chamorro Land Trust Commission

Xx: *Director's Chrono*

QUITCLAIM DEED

THIS DEED, made this 16th day of November, 2000 by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the GOVERNMENT OF GUAM, hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, certain property at the former U.S. Naval Air Station, Agana, Guam, under the jurisdiction of the Department of the NAVY, is being processed for release from Federal ownership under the Defense Base Closure and Realignment Act of 1990, (Public Law No. 101-510), 10 U.S.C. § 2687 note, as amended; and

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. § 317), to obtain ownership of certain of the above described lands to expand the Federal Aid Highway System of Guam; and

WHEREAS, the DEPARTMENT has determined that the land covered by the application is reasonable and necessary for use as a highway in the Territory of Guam; and

WHEREAS, the Department of the NAVY has agreed to the terms of this conveyance as outlined herein;

NOW, THEREFORE, the DEPARTMENT as authorized by Section 317 of Title 23 United States Code, and in compliance with all requirements imposed or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Sta. 252; 42 U.S.C. §§ 2000d-2000d-4) does hereby grant and convey to the GRANTEE in fee simple the lands and improvements of the UNITED STATES described as follows:

a. That certain real property lying and being in the Territory of Guam, formerly known as the U.S. Naval Air Station, Agana (portion), consisting of:

(i) "Lot Naval Air Station Agana-12", (Parkway), consisting of an area of 2,881,204 square feet or 267,674 square meters or 66.143 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, as shown on Document

Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

(ii) "Lot Naval Air Station Agana-24", (Corsair Avenue), consisting of an area of 261,695 square feet or 24,312 square meters or 6.008 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive;

(iii) "Lot Naval Air Station Agana-25", (Mariner Avenue), consisting of an area of 1,022,394 square feet or 94,984 square meters or 23.471 acres, more or less, as described in Exhibit "A", attached hereto and made a part hereof, as shown on Document Number 624410, recorded in the Department of Land Management of the Government of Guam, comprising NAVFAC Drawing Numbers 7942087 through 7942122, inclusive.

The aforementioned lots are hereinafter referred to as the "LAND".

b. All improvements owned by the UNITED STATES located on the LAND. The improvements conveyed hereunder are hereinafter referred to as the "IMPROVEMENTS".

The LAND and IMPROVEMENTS and easements conveyed or assigned hereunder shall be collectively called the "PROPERTY" hereinafter.

TO HAVE AND TO HOLD the same, together with all and singular the rights and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest or claim whatsoever of the UNITED STATES, either in law or in equity, in and to the PROPERTY described above, SUBJECT TO THE RESERVATIONS, LIMITATIONS, REVERSIONS, EXCEPTIONS, RESTRICTIONS AND CONDITIONS set forth in this instrument.

RESERVING, HOWEVER, to the UNITED STATES, and its assigns, easements in perpetuity for all existing utilities within the property herein granted, and in addition, as the same shall be applicable in accordance with the estates hereby granted, the further right in perpetuity to construct, install, reconstruct, operate, maintain and remove water, oil, gas, fuel or other pipelines, drainage and sewer systems, power and telephone transmission lines, and all things incident thereto in, on, under and over the PROPERTY granted herein, together with all necessary rights and privileges necessary for full enjoyment of the foregoing, including, without limitation, the right of ingress

to persons or damages to property which may arise from or be incident to the exercise of right hereunder by GRANTEE, its officers, agents, servants, employees, or others who may be on the property at their invitation or the invitation of any one of them arising from GRANTEE's use of the easement premises hereunder; and

g. GRANTEE shall hold the UNITED STATES harmless from any and all suits or claims which may result from the use of easement premises by GRANTEE, its officers, agents, servants, employees, or others who may be on the property at their invitation or the invitations of any of them arising from GRANTEE's use of the easement premises hereunder.

PROVIDED, FURTHER, that if the GRANTEE (or succeeding owner of the property), plans to conduct any construction or ground-disturbing activities at any and all of the above identified easement premises parcels as described in this paragraph (except for installation of a roadway as discussed in the preceding paragraph), GRANTEE shall first establish to the UNITED STATES' satisfaction that GRANTEE's proposed activities will not adversely affect easement rights of the UNITED STATES in these areas. GRANTEE shall obtain the UNITED STATES' prior written permission before commencing any such activity and be responsible for any damage to UNITED STATES' facilities as a result of GRANTEE's project. The approval of the UNITED STATES shall not be unreasonably withheld and would be provided by the UNITED STATES agency that has jurisdiction over the easement rights reserved herein.

This transfer is subject to the following conditions and reservations:

1. The GRANTEE, in consideration of the conveyance of said land, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (a) no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such land hereby conveyed, (b) the GRANTEE shall use said land so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation, in effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

2. When transportation need for the land herein granted shall no longer exist and the area has been reasonably

rehabilitated to protect the public and environment, the GRANTEE shall give notice of that fact to the Secretary of Transportation and the right, title, and interest in said property herein granted shall immediately revert to the full control of the United States of America.

3. No part of the rights granted by this easement may be conveyed or transferred by Grantee without the express, written consent of the Department or its successors or assigns.

Environmental Provisions.

1. Applicability. The provisions in this Section apply only to the LAND conveyed in fee simple by this Quitclaim Deed, to include the easement interests reserved by the DEPARTMENT.

2. Definitions. Whenever used in this Quitclaim Deed, the terms "hazardous substance", "release", "removal", "remediation action" and "response" have the meanings given such terms under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended (CERCLA).

3. Environmental Documents. The UNITED STATES has prepared certain reports that describe environmental conditions of the LAND, and various investigative, cleanup or other response actions taken with respect to such conditions, which reports are listed in Exhibit "B", attached hereto and made a part hereof, and in additional documents referenced in said reports. GRANTEE acknowledges and agrees that it has received and reviewed and/or been provided access to such reports and documents listed in Exhibit "B", and that such reports and documents provide various notices with respect to the LAND.

4. Notice Required by 42 U.S.C. § 9620(h)(1)-(3). In accordance with 42 U.S.C. § 9620(h)(1) through (3), and all regulations promulgated thereunder, the following notice of hazardous substances with respect to the LAND is provided:

The UNITED STATES has made a complete search of U.S. Department of the NAVY files and records to identify, to the extent such information is available: (i) the names and types of hazardous substances stored for one year or more, or known to have been released, or disposed of, on the LAND; (ii) the estimated quantity in kilograms and pounds of each of such hazardous substances stored for one year or more, or known to have been released or disposed of, on the LAND; and (iii) the time, as described by dates, that such storage, release or disposal occurred. The results of this identification are summarized in the table below. The



GUAM

ECONOMIC DEVELOPMENT AUTHORITY**ATURIDAD INADII ANTON IKUNUMIHA GUAHAN**

FACSIMILE TRANSMISSION


GUAM ANCESTRAL LANDS COMMISSION
Kumision I Tano' Saino-ta
Government of Guam
Received by: Joey LG
Date: 9/19/03 Time: 9:10

To: Mr. Joey Leon Guerrero
Guam Ancestral Lands Commission

Date: September 17, 2003

Fax No.: 475-9165

No. of Pages: 7, including this one

From: Larry Toves 
Real Property Division

Subject: Legal Opinions - Tiyan Highway Deed Transfer

Hafa Adai Joey. In furtherance to our last conversation on the subject matter, attached for your information are two legal opinions that we obtained previously during our BRAC days concerning the Tiyan Highway Deed. This might give some insight on what the Commission can expect during the process of trying to get this parcel back for uses other than highways. Call me at 647-4347 if you have any questions.

If you experience difficulty with transmission, please contact:

Telephone: (671) 647-4347 Facsimile: (671) 649-4146

E-mail: ltoves@guameda.net

Suite 226 ITC Building • 590 South Marine Drive • Tamuning, Guam 96911 • Internet: www.iftech.net/c/geda

TO: Edward G. Untalan
Administrator
Guam Economic Development Authority
Aturidat Inadilanton Ikonumihia Guahan

CC:

FROM: Calvo and Clark, LLP
Jani Jones P.L. Corp.

FILE: GEDA-Tiyan

DATE: October 18, 2001

RE: TIYAN HIGHWAY DEED- ESTATE CONVEYED; "NEED" DEFINE

Question: What type of estate was conveyed by the Tiyan Highway Quitclaim Deed and what rules apply to this type of condition?

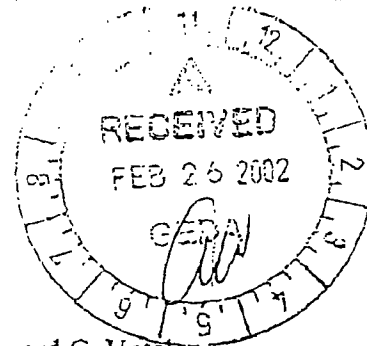
Answer: The Department of Transportation granted to the government of Guam a fee simple determinable with a possibility of reverter. See below for characteristics.

Analysis: The United States acting by and through the Department of Transportation, Federal Highway Administration ("FHWA") granted to the government of Guam a fee simple interest in certain real property in Tiyan (the "Lands"). The transfer was made subject to the following condition:

When transportation need for the land herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the GRANTEE shall give notice of that fact to the Secretary of Transportation and the right, title, and interest in said property herein shall immediately revert to the full control of the United States of America.

The fee simple interest conveyed by FHWA is limited by the condition that the transportation need

CALVO AND CLARK, LLP
MEMORANDUM



TO: Michael Cruz
BRAC Project Director
Guam Economic Development Authority
Aturidad Inadilanton Ikunumiha Guahan

CC: Edward G. Untalan

FROM: Calvo and Clark, LLP
Janalynn M. Cruz *JMC*

FILE: GEDA - Tiyan

DATE: February 25, 2002

RE: TIYAN HIGHWAY DEED - LAND USE RESTRICTIONS

Question: Based on the provisions of the Tiyan Highway Deed, how can the lands deeded to the government of Guam be used until such time that the lands are used for a highway.

Answer: The Tiyan Highway Deed contains a number of restrictions on use of the land. See below for further explanation.

Analysis:

General Restrictions

The Tiyan Highway Deed¹ does not contain a general restriction on the use of the property conveyed to the government of Guam (the "Lands") and the improvements on the Lands. As discussed below, however, the Deed does contain use restrictions on certain portions of the Lands. In addition, as discussed in a previous memorandum (dated October 18, 2001), once the transportation need for the Lands no longer exists, the Lands automatically revert to the U.S.

¹ The Tiyan Highway Deed discussed in this memorandum was executed on November 16, 2000 by the United States through the Department of Transportation, Federal Highway Administration, and the Government of Guam.

RE: TIYAN HIGHWAY DEED - LAND USE RESTRICTIONS
DATE: FEBRUARY 23, 2002
PAGE: 2 OF 3

Restriction on use of U.S.'s easements

As part of the conveyance, the U.S. reserved specific easements ("Easement Parcels") on the Lands. The Deed contains restrictions on the ability of the government of Guam (or its successor in interest) to construct or conduct ground disturbing activities on the Easement Parcels and requires the government of Guam to obtain the U.S.'s approval prior to commencing any construction. In particular the Deed at page 5 provides:

[I]f the GRANTEE (or succeeding owner of the property), plans to conduct any construction or ground disturbing activities at any and all of the above identified easement premises parcels . . . GRANTEE shall first establish to the UNITED STATES' satisfaction that GRANTEE's proposed activities will not adversely affect easement rights of the UNITED STATES in these areas. GRANTEE shall obtain the UNITED STATES' prior written permission before commencing any such activity and be responsible for any damage to UNITED STATES' facilities as a result of GRANTEE's project.

Thus, if the government of Guam plans to construct or destroy the ground on the Easement Parcels, it must first show that its project will not adversely affect the easement rights of the U.S. and it must obtain the written permission of the U.S. to go forward with the project.

Restriction on Land Use

The Deed limits use of certain portions of the Lands to industrial use. Industrial use is defined in the Deed as any use except residential use. The following portion of the Lands are restricted to industrial use only:

All portions of the LAND identified as Point of Interest (POI) - 26 and any other response action sites approved for no further response action (NFRA) (said POI site is shown in Exhibit "D" Figure D-1,

RE: TIYAN HIGHWAY DEED- ESTATE CONVEYED; "NEED" DEFINE
DATE: October 18, 2001
PAGE: 2 OF 3

for the Lands must exist. This type of estate is commonly known as a fee simple determinable with a possibility of reverter ("FSD"). A grant of a FSD usually includes language providing that upon the happening of a stated event, the land is to revert to the grantor. The stated event can either be the happening or the non-happening of a specified occurrence.

A FSD may last forever (fee aspect) or it may end on the happening of an event (determinable aspect). A FSD has all the attributes of a fee simple, except that it is subject to being defeated by the happening of the condition that is to terminate the estate. The grantee holds the estate as if a tenant in fee simple and may transfer or assign the estate, subject to the condition. The grantor of a FSD has no estate in the property except a possibility of reverter. Once the event occurs upon which the FSD is limited, the property automatically reverts to the grantor or its successors in interest without any action required by the grantor. In determining whether the condition has occurred, the rule of strict construction applies.

Since a FSD was conveyed to the government of Guam, the government of Guam holds the Lands as if a fee simple were conveyed. Once the need for transportation no longer exists and the Lands have been reasonably rehabilitated, GovGuam must inform FHWA and the Lands automatically revert to the United States. The United States (whether acting through the FHWA or through the Navy) need not take any affirmative steps to terminate the estate.

Question: What constitutes "need" for the purposes of the condition contained in the Quitclaim Deed?

5- 5-04; 11:07 AM, DPV 10/1 6495178 # 14/ 14

Testimony on Bill No.251

Speaker Pangelinan, I offer the following comments on Bill No 251, an act to transfer properties under the jurisdiction of the Department of Public Works that are located in Tiyan, alternatively known as the former Naval Air Station, Agana, Brewer Field, to the jurisdiction of the Guam Ancestral Lands Commission. My name is Joe Morcilla, the former Director of the Department of Public Works.

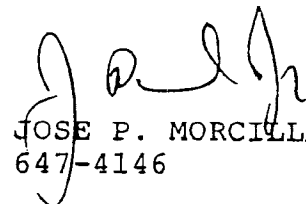
First and foremost, the subject property was decided over to the Government of Guam and not specifically the Department of Public Works. However, according to the deed, the property was decided over to the Government of Guam for the purpose of providing property for roadway expansion purposes, namely the proposed Tiyan Parkway. Based on the Guam Highway Transportation Plan, the proposed roadway will serve as a connector for Routes 1, 8 and 16, a vital link to the completion of the island's overall highway network.

Secondly, the transfer of the property to the Government of Guam holds the specific restriction that the property be used as part of an expansion of the island's highway system. Any other use of the property or disposal thereof, may jeopardize actual ownership of the property and revert back to the federal government.

Thirdly, the proposed Tiyan Parkway is one of the most important highway expansion proposals as it serves to mitigate the increasing traffic counts at Routes 1, 8 & 16, plus it will provide better response time for emergency vehicles needing to access any of the three routes. As an example, ambulances coming from the villages of Maite, Toto, Barrigada and Mangilao traveling to Guam Memorial Hospital will save valuable minutes accessing the hospital through the proposed parkway. This could be said for sections of Dededo & Harmon as well.

Overall, the construction of the Tiyan Parkway is a very necessary component of our island roadway system. Any plans to stifle this project will only result in what is common amongst all out utility agencies, our inability to upgrade our infrastructure system. Please note that our land transportation system has a very direct impact to our island's economic, social, environmental and physical planning goals. The efficient and effective movement of goods and services on this island relies heavily on our land transportation network. We must make that our primary consideration in the outcome of this bill and offer an alternative means of providing equitable compensation to the original landowners.

Thank you for the opportunity to submit testimony on this bill.


JOSE P. MORCILLA JR.
647-4146