

Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 19 2010

2010 MAY 19 PM 3:42

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

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 349-30 (COR) "AN ACT TO ADD A NEW §80105 (c) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF PROPERTY UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION", which I signed into law on May 17, 2010 as Public Law 30-142.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0460

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 349-30 (COR), "AN ACT TO ADD A NEW §80105 (c) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF PROPERTY UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION", was on the 3rd day of May, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of may, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date: MAY 17 2010

Public Law No. P.L. 30-142

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 349-30 (COR)

As Substituted by the Committee on
Appropriations, Taxation, Banking, Insurance,
Retirement and Land, and amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW §80105 (c) TO CHAPTER 80
OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO THE TRANSFER OF PROPERTY UNDER THE
JURISDICTION OF THE PORT AUTHORITY OF
GUAM TO THE JURISDICTION OF THE GUAM
ANCESTRAL LANDS COMMISSION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 certain ancestral lands in the municipalities of *Piti*, *Sumay* and *Agat* were
4 condemned under Civil Action No. 5-49 by the Naval Government of Guam

1 creating the Apra Harbor Reservation Boundary. Eventually, the United States
2 quitclaimed portions of the Apra Harbor Reservation to the Government of Guam
3 in December 1984 containing certain parcels, with eventual transfer to the
4 Commercial Port of Guam, now known as the Port Authority of Guam (PAG), for
5 development. In formal conferences and legislative session meetings between the
6 PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board,
7 management, and personnel that the PAG *does not* have any future plans for the
8 development or use of certain portions of the parcels under their jurisdiction.

9 Therefore, *I Liheslatura* intends to transfer such land parcels and properties
10 to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands
11 Commission *can and shall* proceed with the return of such land parcels and
12 properties to the original landowners or their estates, pursuant to the Commission's
13 enabling legislation and mandates.

14 **Section 2.** A new §80105(c) is hereby *added* to §80105 of Chapter 80,
15 Title 21, Guam Code Annotated, to read as follows:

16 “(c) Portions of Parcel 1 South of Route 18 and contiguous to the
17 North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the
18 east, specifically original lot: No. 166, originally owned by the Estates of
19 Jose C. Leon Guerrero; Joaquin C. Leon Guerrero; Gil C. Leon Guerrero;
20 Antonio C. Leon Guerrero; Filomena C. Leon Guerrero; Wenceslao C. Leon
21 Guerrero and William C. Leon Guerrero. The property *shall* be transferred
22 and *shall* be deeded to the Guam Ancestral Lands Commission within thirty
23 (30) days of the effective date of this Act. The Guam Ancestral Lands
24 Commission *shall* within one hundred eighty (180) days dispose of the land
25 parcel and lot transferred by this Act in a manner consistent with and
26 pursuant to its enabling legislation and its mandates. All pre-condemnation
27 roads, easements and bull cart trails *shall* remain as easements for public

1 access and utilities. The transferred property *shall* be zoned “A” –
2 Agricultural zone.”

3 **Section 3.** The Department of Land Management *shall* plot, plan, design,
4 and provide within sixty (60) days of enactment an aerial overlay map delineating
5 all roads, easements, bull-cart trails, and public access as to determine such access
6 or easements’ location in relation to the return subject lot so that *no* lot is
7 landlocked. The overlay *shall* show all original lot lines generally.

8 **Section 4. Severability.** *If* any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such invalidity
10 *shall* not affect any other provision or application of this Act which can be given
11 effect without the invalid provision or application, and to this end the provisions of
12 this Act are severable.



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

April 23, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2010 APR 26 PM 4:01
JWW

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

Member
Committee on Education

RE: Committee Report on Bill No. 349-30 (COR) As Substituted

Dear Speaker Won Pat:

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Transmitted herewith is the Committee Report on Bill No.349-30 (COR) As Substituted, "An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission" and which was referred to the Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land.

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

Committee votes are as follows:

- 5 TO PASS
- _____ NOT TO PASS
- 2 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Si Yu'us Ma'åse,

vicente c. pangelinan
Chairman

COMMITTEE
REPORT
ON

BILL NO.349-30 (COR) As Substituted,
“AN ACT TO ADD A NEW §80105 (c) TO
CHAPTER 80 OF TITLE 21, GUAM
CODE ANNOTATED, RELATIVE TO
THE TRANSFER OF PROPERTIES
UNDER THE JURISDICTION OF THE
PORT AUTHORITY OF GUAM TO THE
JURISDICTION OF THE GUAM
ANCESTRAL LANDS COMMISSION”



Mina' Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 23, 2010

MEMORANDUM

To: All Members
Committee on Appropriations, Taxation, Banking, Insurance,
Retirement, and Land

From: Senator vicente "ben" c. pangelinan
Committee Chairperson

Subject: **Committee Report on Bill No.349-30 (COR) As Substituted**

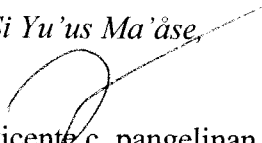
Transmitted herewith for your consideration is the Committee Report on Bill No.349-30 (COR) As Substituted, "An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission" sponsored by Senator Tina R. Muña-Barnes

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.349-30 (COR)
4. Copy of Bill No.349-30 (COR) As Substituted
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No.349-30 (COR)
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'us Ma'åse,



vicente c. pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation


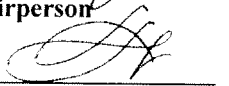
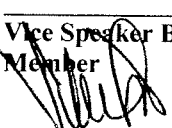
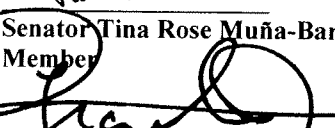
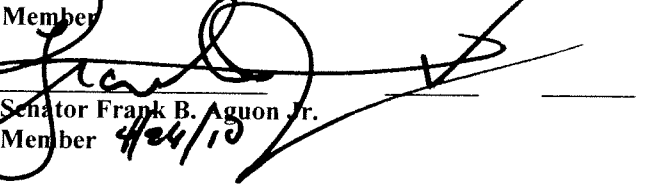
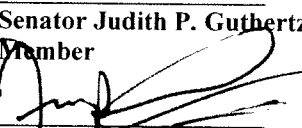
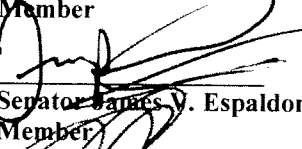
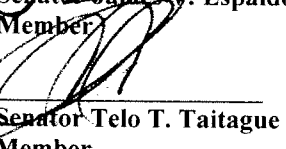

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

Bill No.349-30 (COR) As Substituted:
“An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission”

Committee Members	To Pass	Not To Pass	Report Out	Abstain	Inactive Files
 Senator vicente c. pangelinan Chairperson	✓				
 Speaker Judith T. Won Pat, Ed.D Vice Chairperson	✓				
 Vice Speaker Benjamin J.F Cruz Member					
 Senator Tina Rose Muña-Barnes Member	✓				
 Senator Frank B. Aguon Jr. Member 4/24/10					
 Senator Judith P. Guthertz Member	✓				
 Senator James V. Espaldon Member					
 Senator Telo T. Taitague Member			✓		
 Senator Frank Blas, Jr. Member			✓		



Committee Report

Bill No. 349-30 (COR): An Act to *add* a New §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated Relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land convened a public hearing on April 7, 2010 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on March 30, 2010 (5-Day Notice), and again on April 5, 2010 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator vicente "ben" pangelinan, Chairman
Speaker Judith Won Pat, Vice Chair
Senator Tina Muna Barnes , member
Senator Telo Taitague, member
Senator Adolpho B. Palacios, Sr
Senator Anthony Ada

(b) Appearing before the Committee

Mr. Chris Duenas, Director, Department of Land Management
Mr. Enrique Agustin, General Manager, Port Authority of Guam
Ms. Vivian Leon, Port Authority of Guam
Mr. Patrick Leon Guerrero
Mr. David Leon Guerrero

(c) Written Testimony Submitted

Mr. Enrique Agustin, General Manager, Port Authority of Guam
Mr. Chris Duenas, Director, Department of Land Management
Ms. Therese Hart

II. COMMITTEE PROCEEDINGS

We will now proceed to Bill No. 349, sponsored by Senator Tina Muna Barnes. We will allow the author of the bill to give an overview of the bill.

Senator Muna Barnes: *Si Yu'os Ma'ase* Mr. Chair for giving me the opportunity to speak on this. Again, the intent of this bill was that there were certain ancestral lands in the municipalities of Piti, Sumay and Agat that were condemned under the – for the benefits to the listening audience, under these ancestral lands; these lands were condemned under Civil Action No 5-49 by the Naval Government creating the Apra Harbor Reservation boundary. I just want to note for the record that the United States quitclaimed portions of the Apra Harbor Reservation to the government of Guam in December, 1984 containing these certain parcels and eventual transfer to the Commercial Port of Guam now known as the Port Authority of Guam for development.

In formal conferences and legislative sessions and meetings between the Port Authority and the Legislature it has been stated in the past that the Port Authority Board, Management and Personnel at the Port did not have any future plans for that development or use of the certain portions that were given back to the government of Guam for their jurisdictions and again, as done previously for several original land owners we were able to give some portions back to the original land owners and again, this is the same intent for that bill. In previous bills and one that was just passed recently, certain families were given back a portion. There continues to be over 7-10 estates that are still existing today and we want to say that those portions be given back to original land owners. It is the intent of this body and this bill to work closely with this august body with the Port Authority, with the folks at Land Management. But more important, my intent is to give it back – the portions that are not utilized and that are not needed by the Port – to give it back to the original land owners.

We have been successful in this 30th Guam Legislature in giving some family members back (land). We want to move forward and I see some of the families continue to come forward. We are still looking for other families that are within the listing and the intent of this is to try and give it all back to them. I hope my colleagues share my sentiments on this and give me their support if and when we get it on the legislative floor. *Si Yu'os Ma'ase* for literally taking the time for this bill, setting up it up to the forefront. I really want to extend my *Si Yu'os Ma'ase* and gratitude to you for really working with this and having a public hearing today. So, thank you.

Senator pangelinan: Thank you very much Senator Muna Barnes. We will begin with the testimony of the panel. We will start with Mr. Chris Duenas.

Mr. Duenas: Good morning Mr. Chairman, Senator Muna Barnes, Speaker Won Pat, Senator Palacios, Senator Taitague and Senator Ada. I am appearing here today – I am Chris Duenas, Director of Land Management. Basically to enter into the record, the instrument number I provided for the Senators. The instrument number under which the transfer was recorded from the Naval government to the government of Guam. This instrument number is 353601. As the Senator stated this was recorded on December 6, 1984. The reason I wanted

to do this today is because I believe this should be the guideline for which we use to understand those covenants that have been entered into with regard to the original transfer from the Naval government back to the government of Guam. I have testified now a number of times on land issues and land returns, particularly the zoning – the Dos Amantes. A lot of times Department of Land is looked upon as the bad guy in terms of easements and other covenants that were already in place and so for the record – this will be entered into the record – you will see the agreements that were made so it can be a guideline.

The Department of Land Management in my discussion with all the technical staff is always of the opinion and the idea and their stance is – our stance is that the return of lands is a land use issue and we are happy that it was zoned agriculture in terms of the land use and that is basically our official position. All the other legal matters we leave up to the Attorney General’s office and our legal counsel and we will also advise the Governor’s Office. So, that is our official position. We also provided you a copy of an agreement that was made between the Department of Education of August, 1984 and also the Port Authority of Guam after which two acres of this particular property that’s being discussed today were actually reserved as a mitigation effort for of the southern high school. As you may remember, Southern High School had to claim some wet lands to be constructed so there was an offset mitigation with regard to that and two acres – they call it a triangle, I have a sketch map – was set aside for that purpose and that mitigation.

One other concern I would like to bring up – I think this is why it’s important to enter into the record, the document number under which it was recorded is, there are number of easements that the military, US Navy probably still needs to maintain because of the fact that there is access to waterways, wharf ages and other military submerged lands that they continue to maintain and the reason why – I can imagine original landowner like I said before, with these easements and stuff sometimes Land Management is the one that, as we discussed imposed them, it’s very clear if you read through this document on the reversion that the issue with regard to easements if there is damage or anything incurred by military having to diverse easements, there is no claim for the government against those damages. So, if you are an original landowner and you are going to receive these lands back, you would probably want to set aside some sort of buffer yourself because if you put anything of value – if you were going farm and you had valuable crops or you were going to build some sort of structure adjacent to those easements, if the military had to for some reason deploy and damage those properties, at least for this covenant that exists if it were to be intact, you would have no way to recover. You would want to know that. So, you would set up a situation whereby you wouldn’t damage something of value to you.

That’s the gist of our testimony today. If you have any questions, of course I will be available.

Senator pangelinan: Thank you very much Mr. Duenas. Mr. Augustine?

Mr. Enrique Agustin, General Manager

Mr. Agustin: I would like to read my testimony for the benefit of the viewing public. (proceeded to read testimony verbatim – testimony attached).

Senator pangelinan: Thank you very much Mr. Agustine. Mr. David Leon Guerrero?

Mr. David Leon Guerrero, Representative of the Leon Guerrero Family

Mr. Leon Guerrero: My name is David Leon Guerrero, I represent the Leon Guerrero family or one of the representatives of the Leon Guerrero family and we are in full support of the bill, as it's written. It's been a long time coming for the original land owners to get their land back and we would like to thank all those associated to try and get things done. I would like to point out that in the bill, it names the estates of my uncles, my Dad and so forth. This release of parcel of Number 166 is a partial release. We've had prior release on 166 and we ask that the estate's names be changed to match the original 166 release. And that is estate of Vicente Perez Leon Guerrero, Jose Perez Leon Guerrero and Maria Perez Leon Guerrero.

Senator pangelinan. And that's for parcel 166.

Mr. Leon Guerrero: Actually it's Lot 166.

Senator pangelinan: Thank you very much. Mr. Leon Guerrero?

Patrick Leon Guerrero, Descendent of Mr. Jose Perez Leon Guerrero

Mr. Leon Guerrero: I am Patrick Leon Guerrero, also a descendent of Jose P. Leon Guerrero and we all appreciative of the efforts put forth by this body for returning the land to the original land owners. I would like to make a comment about the Commercial Port's submittal: I would appreciate it if the Port does not hold hostage to release of this property back to the original land owners in exchange for another lot. They have already testified that they have no plans, no use for anything of this property and therefore they have no problem relinquishing all rights that they have to the title to the property. But at the same time they turn around and say for relinquishing their control over the property, they would like to exchange another lot. I think that should be held in a whole different content and not be addressed by this body at this time and that we stick with legislation as written for the return of the lands. Thank you so much.

Senator pangelinan: I think Rick is doing what he would call, his fiduciary duty. Knowing Rick, we have had some discussions on this issue. I fully expected that from him and I think he needed to put that on the record, as he said. We appreciate that also. Senator Barnes?

Panel Discussion and Questions

Senator Muna Barnes: *Si Yu'os Ma'ase* Mr. Chair. I wanted to thank the Leon Guerrero family for being here and clarifying the changes from the estate of Jose C. Leon Guerrero and Joaquin C. – because you stated it's already had its parcel release, that it is now the estates of the descendents which is Vicente, Jose and Maria, right?

Mr. David Leon Guerrero: It's another portion of the original lot.

Mr. Patrick Leon Guerrero: We are asking that the way the legislation is written to remove the estates of Jose C. Leon Guerrero, Joaquin, all of our fathers and uncles and aunty and just put 166 to be released to the estate of Jose P. Vicente P....

Senator pangelinan: Those three individuals.

Mr. Patrick Leon Guerrero: Those three names.

Senator pangelinan: So, all of these get released.

Mr. David Leon Guerrero: So, instead of 10, it will now say 3.

Senator Muna Barnes: Have you been able to look at the lot as it exists today?

Mr. Patrick Leon Guerrero: We have been down there, yes. Down to the property?

Senator Muna Barnes: Yes. Has authorization be given to you to look at the place, work on the place? Have you guys done anything?

Mr. Patrick Leon Guerrero: No, we have the adjacent lot that was previously released and it's just 5 steps over and when the split Lot of 166, we got partial 166...

Mr. David Leon Guerrero: We've employed a survey company to cut out the first portion and when this came about, we asked him to hold off so that we do it all as one. So, what's being returned in possession of the Port is another part of 166.

Senator pangelinan: You've had a partial release.

Mr. David Leon Guerrero: Correct.

Senator Muna Barnes: Just based on the attempts of trying to reach the other original land owners, based on the estates – the names provided for you, are you familiar with any or is there any relation to any of the other estate's name to the different lots? That you are aware of?

Mr. David Leon Guerrero: Not that we are aware of. Are you talking about the San Nicolas family?

Senator Muna Barnes: The San Nicolas family, the Hart, the Lizama, the Manibusan, the Mendiola, the Martinez family. Just wanted to ask that, just in case.

Mr. David Leon Guerrero: We can inquire later and be more than happy to pass it on.

Senator Pangelinan: We are going to ask Land Management to see if they can provide us an additional information regarding records of these parcels. Speaker Won Pat?

Speaker Won Pat: The only question I have, only because we've not seen any of the documents, the individuals that are listed here on Lot No 166, you have indicated now that they should be deleted and the three names be included, do you have any legal documents somehow so that

Mr. David Leon Guerrero: I could provide you with a copy of the award by land recovery to the first portion of Lot 166 and that would maybe help clarify why we're asking for this?

Speaker Won Pat: I think that's really important because once we do this, it becomes a legal document and we want to make sure we are in compliance as well and that we are not doing anything contrary – although you have documentation that Vincent, Jose, Maria are the rightful heirs or owners of these properties.

Mr. Patrick Leon Guerrero: The reason we're requesting this is because it will save us one more trip to Land Management to do title research and everything that is required because we already have established the estates of Jose P, Maria P and Vicente P that's already established with Ancestral Lands.

Senator Pangelinan: This will just go back to the Ancestral Lands and they would do the distribution. I hesitate in making that change because it still has to go through there and that's how you got the original and they have all the records. I don't think there will be any delay.

Speaker Won Pat: Thank you very much for that Mr. Chairman. That was also my concern. Mr. Duenas had wanted to know too, with other documents that you have for 166 that would actually show all of the land owner's names.

Mr. Duenas: According to our staff, as the Chairman mentioned our understanding is that this will go back to Ancestral Lands, they will conduct once again a public hearing so any claimants to that property would have to appear at that time and stake their claim. Then, further research can be done in our Records Division and we can sort that out. But, typically that process is completely conducted by Ancestral Lands as their responsibility. We will support them should they request any documentation that we have in the Records Division but normally they would carry out that entire process through the public hearing process.

Speaker Won Pat: Mr. Agustin, you have indicated that there's an interest of the Port to try and do a land exchange in particular – you feel that Parcel 1 would be the ideal. How much of these properties are basically a part of Parcel 1 that you've indicated an interest to do a land exchange?

Mr. Agustin: No Madam Speaker, if you look at the map highlighted to the right with purple and then the borders in blue, those are Parcel 1. The Parcel 1 Apra Harbor that we're talking about is basically if you are coming out of the Port Authority, there's a traffic light there. Diagonal to the right is the area that's known as the old commissary junction. That is currently being used by a company, Kwik Space. That is the piece of property that we would like. Also, within Parcel 1 on the draft that we gave you, there are some lots there that are not assigned to any families. So, I just wanted to point that out that if those are not going to be given out to any families that those remain for the Port.

Speaker Won Pat: So, if I heard you correctly, looking at the map everything that is outlined in purple or highlighted in this whole area are not affected in terms of what the Port wants to use.

Mr. Agustin: This particular outline shows on the master plan as open space. Open space are those properties or real estate that we don't have immediate use. It's difficult to develop because they are wetlands or the soil is just difficult to turn into industrial uses. We are in support of giving the properties back to the rightful owners. But on the same token we will be needing properties that are going to be needed in the future and the best property that we would like to look at as an exchange is the one that we just described as the lot – 5.3 acres that Kwik Space is using.

Speaker Won Pat: Have your office or the Board approached the Congresswoman - or indicated anything to the Legislature to request an amendment of the language that's in the quitclaim?

Vivian Leon, Port Authority of Guam

Ms. Leon: We sent a letter to the Governor dated September 23, 2009 requesting the assistance of his office and to ask Congresswoman Bordallo to assist us in removing these restrictive provisions in the deed.

Speaker Won Pat: Have you contacted the Legislature for a resolution to send to Congress, as well?

Ms. Leon: I believe we also provided a copy to the Legislature. It was a resolution that the Board approved.

Speaker Won Pat: Are you saying it was around that time, September 23, 2009?

Ms. Leon: Correct.

Speaker Won Pat: Mr. Duenas, in your testimony you have also indicated that the military continues to maintain an easement and the concern is that the lands are returned and there should be a need later on to traverse the area that there may be some damage to the property – more importantly I was just concerned: why is the government of Guam making this plea for the military, why didn't they just do it themselves. I think we should be more concerned about our side of the house and our local land owners verses us going there to defend the military use of these easements.

Mr. Duenas: My concern and what I am trying to do is to protect our people and the people who would get the land back. Because it is clearly stated in this covenant and they will maintain that easement, that they would not be held liable for any.... I think it's important as a guideline if the Leon Guerreros' or others who would receive their property back, that they would understand they might want to place a buffer for themselves knowing that probably this covenant would be maintained. If they would to put something of value adjacent to that easement, there is a possibility that it could be damaged and they could not be compensated for it.

I was just simply pointing out that these are some of the technical aspects of when these agreements are made and I am sure the military will maintain that easement that they should be aware of and that's why I wanted to enter it into the record. That stood out to me in reading the agreement that was entered into. Because if that were my property, I would sure want to know that when this legislation were put up because I would not want to put up anything of value next to that because probably this will still hold strong.

Speaker Won Pat: Looking at the map that was provided, can you tell us exactly where is that?

Mr. Duenas: The main one would be Route 18. That basically is that 100 foot easement that takes off of Route 1 and goes all the way like I said, they have aids to navigation, lots of things are listed in this agreement. It would be mainly adjacent to Route 18.

Speaker Won Pat: Is there any other alternative route that the military can access rather than having to go into any of these private properties?

Mr Duenas: Actually, right now that easement is established and it's a straight shot to their assets which is basically the fuel pier and other submerged lands that they have. The technical staff from the Port can address that. But, I think that would remain intact. That was the concern also – this happened again with the Dos Amantes in terms of the legislation and return. There's a designation and even our concern – which we have no problem with under Section 3. Land Management would do a tabletop and I am glad the land owners already have their surveyors and the like. We would do a tabletop in terms of all the requirements in this legislation, but then of course the further detailed surveying would be done by the families because the government cannot survey private property. But, even in the legislation when it mentions bull cart trails and everything to be intact, in our opinion, you are going to have difficulties if you enforce all the way back to the original layouts if it is going to be conflicting with the current easements. Those are always our concerns that these

are issues that we don't want to jeopardize the good intent of the legislation to give the land back by the US Navy coming back and say, "wait a minute, we want to make sure those easements stay in intact". We just trying to help the process along.

Speaker Won Pat: Mr. Agustin or Mr Duenas, maybe you could answer this, I know you've given us a copy of this document 353601 and I have not been able to read the entire document. In your statement, Mr. Agustin, you have indicated that as part of the quitclaim deed it states that in the event of any breach of the terms and conditions set forth herein regardless of such a breach, the Secretary can immediately demand a reversion of the properties. In your reading and knowledge of this quitclaim deed, what type of breach could either the private owners or the government of Guam have may violated to actually result in a reversionary.

Mr. Duenas: As I stated earlier, we believe at the Department of Land Management that this is consistently a land use issue. Obviously we are in full support of the families, the highest and best use, the land cries for its owner. The bottom line is that in a land use scenario we believe that the transfer to ancestral lands and original land owners is something that is appropriate and can happen, provided that you don't breach the intentions of how it was transferred back to the government – that's the sensitive part. Land use – I don't think the Military or anybody else will argue with the family's ability to have their land and use it to the best and highest use. But, if it conflicts with the terms and conditions under which they had set out in giving it back to the local government, then I think that's what would spur a problem. Other than that, especially since it was returned zoned as agriculture, that all makes sense. I personally don't think it would be a violation. But, if you start undoing easements and things like that, then you're going to run into a problem.

Speaker Won Pat: In this case, the law says it will revert back to ancestral lands and once it goes to private hands, then there is nothing which then the Secretary of Navy would be able to come back to the government for any type of breach because it is privately owned. A private owner can – within government regulations – do what they please with their lands.

Mr. Duenas: That's right. Then you have the local government which is Land Management which administers the Guam Land Use Commission and any other further usage of the property would be under the same process that a private land owner owning property somewhere else - would approach in terms of wanting to do something outside of agriculture once it is in private hands. But then the local government becomes the regulatory body which says what can and cannot happen under land use plans. And that's another issue – you have wetlands here – these are all the things outlined in the clauses. I am sure the Leon Guerreros' and the others understand how to use that property notwithstanding the fact that it has those issues. All we're trying to do is to make sure that we follow things as set out so there isn't any violations and once it is in private hands then we can work with them as a local government.

Mr. Patrick Leon Guerrero: We have already received military excess lands returned back to our family and they did come along with some conditions, rights of way, existing accesses and we are very accustomed to dealing with the military on these access points and

we don't have any real issues regarding access through existing right of ways that they have already previously established and I think that's exactly what's here about the road way and the pipe line, the fuel pipe line seems to be the only access they want to retain for theirs. It doesn't really impede on Lot 166, but our experience has been they are actually good neighbors.

Senator pangelinan: Thank you very much. Senator Palacios, did you have any questions?

Senator Palacios: Thank you very much Mr. Chairman. I listened to the presentation of Land Management in relation to the quitclaim deed. I think it's very critical. I just want to know if there is any property under this bill affected by the quitclaim deed with the restrictions and those things?

Mr. Duenas: All of it, basically.

Senator Palacios: The conveyance – the part I am looking at on page 4 – is there any parcel that is actually dedicated to the Port Authority? It speaks of the Port Authority master plan prepared in 1981. I am thinking in terms of - if this is dedicated, for example to the Port Authority for the exclusive use of Port Authority purpose, would the exchange of land allow that also? Meaning that what is deeded to the Port Authority, if it is exchanged to another property then the next owner of that may develop that property, would that be consistent with the deed of conveyance?

Mr. Duenas: In the General Manager's presentation, you may have heard that. We hold fast at the Department of Land Management that land returned - and it's clear on the first page, the grantee is the government of Guam. Unless the Port Authority - and we are working with them on these issues – unless the Port Authority goes in and there is an executive order which gives them the parcels of land under their master plan, unless they go in and actually record those properties for usage, that's when it actually becomes the Port Authority's property. The intent is for the Port, however the land is still held by the government of Guam overall. We will not violate that term or condition based on the fact that the Port has already stated their position and we believe that the land belongs to the government of Guam so the government of Guam by virtue of Land Management, Ancestral Lands, Chamorro Land Trust and the like can execute whatever decisions it would like if there is no actual claim and recorded instrument for the Port.

Senator Palacios: So, actually any action taken by the local government, such action would have to be consistent or at least reconcile if there is any conflict, must be reconciled with the quitclaim provisions. Otherwise, the local decision will not prevail in light of the provision of the quitclaim deed.

Mr. Duenas: That is a legal argument and that's why we didn't want to get into that.

Senator Palacios: Because if this was executed in 1984 and it's provisions provided by the Navy when turning over, those conditions are attached and I would think they were

agreed upon. My observation is that those are critical points that any action taken cannot be in conflict with that or the conflict has to be reconciled either by amending the quitclaim deed through the US Congress. Otherwise, without those resolutions, it may not be a valid action. I am just estimating.

Mr. Duenas: We have so much precedent now with regard to the return. At some point in time we're going to have to answer this question as an island overall. We cannot piece meal; say it's Ok to return this property, in my opinion to certain individuals and not... because of this provision and all this and that. I think we have to determine and the determination I think that Land Management has made in talking to my staff, this is always a land use issue. Meaning the precedence has been sent with regard to return. If the government consents to what's being done, as long as you meet the terms and conditions that are laid out in the transfer, you are not in violation of the reversion as long as you stick to the conditions.

Senator Palacios: I am just concerned of course that the action we take, for example with reference to this bill do not result in the reversion of the property.

Mr. Duenas: We are very concerned about that, too. That's why we have always said if it's going to go to a legal question, perhaps we'll go to the Attorney General's Office or this body may want to do that to set the record straight once and for all. That's why we hesitate and we don't take a legal position. We do it on the basis of a land use basis, which is sensible.

Senator pangelinan: Senator Taitague?

Senator Taitague: Thank you Mr. Chair. It always gives me great joy when I come before a public hearing and see the families who have the opportunity and the chance of receiving their land back and I stand in full support of that. But there is one question that I have to ask the original land owners and hopes that you do get this property back. You do realize - and I would like you for you to answer my question - you do realize that because of this quitclaim provision, the property could go once again back to the military without hesitation and whatever work you've done on the property you do realize you could stand to lose it again, very quickly.

Mr. Patrick Leon Guerrero: From my understanding of that clause, I would think that only if we were to try and impede Navy access and as I mentioned earlier, our experience with the Navy, we have roadways on our returned lands, we have pipelines, water lines, sewer lines through our property for military operations. The Leon Guerrero family has a lot of experience with dealing with the Navy on these issues. We have done our part to support all of their causes because of the benefits we've received when acquiring our land. I would think that the adjacent land owners would also benefit by this legislation would reciprocate similar fashion because the roadway access would improve access to their own property because they wouldn't be landlocked the way the maps looks now. There would be access throughout just about every lot. So, you already have a right of way going through, although it's going through their lots, I would think that it would be more beneficial to them to keep the right of way there and not want to impede military access. I think the clause, the way I

understand it would be if there would be any impedance to military access that they could invoke that authority.

Senator Taitague: Mr. (David) Leon Guerrero? Do you realize that it's not just impeding. If you were to step on the boundaries or block them from anything, because of the quitclaim deed, it specifies that if it is not used for the original intent, it can be taken back. That's what my question is. Not whether you are being a good neighbor. Just the mere fact of using..

Mr. David Leon Guerrero: We fully understand the possibility of that happening. However, that is for us to worry about. I'd like to add that during the process of the land being returned, post quitclaim from Ancestral Lands we have to hire a surveyor and with the surveyor and the Department of Land Management Planning and Surveying Section, they ensure that in the plotting of the map, all of those accesses, utility easements are addressed. From our experience, we have had a lot that came back as one lot but was split into two. The sewer line was actually cut out so that's not ours. And that was military sewer line. So, the process with the government agencies are in place to address these possibilities.

Mr. Patrick Leon Guerrero. We know that... because they clearly identify for us where the underground infrastructure is; we know we cannot build over that. So, those are basically the only restricting limitations and being able to get 10 acres back and limit 20 feet by 400 feet, it is a small sacrifice and we'll be able to work around it. Like I said, we've been doing it for years now with the Navy and they've been really good neighbors – not that difficult to deal with them on those issues.

Senator Taitague: Thank you very much.

Senator pangelinan: Senator Ada?

Senator Tony Ada: Yes, Mr. Chairman. Mr. Agustin, you stated that lot – the 5.8 acres where Kwik Space currently occupies, do you know if that lot is leased and how long that lease is for?

Senator pangelinan: It is under lease. Yes, it's a 5 year lease renewable, I think for 3-5year period, I am not sure. But, it's under lease – it's a portion called the crown lands under Ancestral Lands of which is not eligible to be returned to original land owners and that is part of the land bank of the Ancestral Lands and the lease payments from the land bank will be paid out to those land owners whose properties are not able to be returned because they have been retained by the government of Guam when they were returned.

Senator Tony Ada: Thank you Mr Chair. Also, you stated here to build a new administration building, where would that be located if you are not successful in getting this 5.8 acres – where would the new administration building be placed?

Mr. Agustin: Currently, we would like to have the administration building remain where it is. But, in the future, the military is not going to be coming here a few years from now but

20, 40, 50 years from now, there'll be more people coming to Guam, more military coming to Guam, we would need as much of the real estate in the Port proper to develop that into a terminal instead of an administrative area. So, we were looking long term - that 5.8 acres of property is the ideal place to put workers instead of having them down at the terminal. Not all the Port Authority employees do actually do terminal work.

Senator Tony Ada: Thank you very much.

Senator pangelinan: Thank you very much. Mr. Duenas, that's a novel theory on the reversionary clause. It's a good approach. Do you have anything in writing or any discussion or any legal guidance, maybe not a legal opinion but a legal guidance that the issue of the reversionary clause is a land use issue and not a ownership issue?

Mr. Duenas: I could have the Planning Division do a write up on that issue. It's more just a oral history that's being discussed. That is to not complicate the matter and also to be clear that's the official position that we believe the Department of Land Management should be in and how we should proceed.

Senator pangelinan: No, I like it. It always supports the position we have in terms of the ultimate determination of these properties.

Mr. Duenas: Senator, this is exactly why we take this approach as well because we want to work with the original land owners and we want to work with all of the parties so that we stay in the guidelines and we have the best possible outcome. So if we go from that approach....

Senator pangelinan: The reason why I say it's novel is because it's not novel in that it's new because that position has always been out there, but it's novel in that that's going to be the legal argument for the reversionary clause and I wanted to see if there had been some kind of guidance because we've always requested from the Attorney General's Office on these issues of giving the properties back and what their options are. We recognize and we've debated the issue and if that's the issue then, we have to take a look at the Tiyan Parkway land owners and resolve those matters. And if it's a land use issue - is that why we are running into that issue because DPW subscribes to this issue that it's a land use issue and not an ownership issue? What I wanted to know if there is legal guidance out there that different department and agencies are using to guide their actions with regards to how their approaching these properties that have been returned through the ancestral lands process.

Mr. Duenas: That is exactly what our planners are discussing as well. Had that issue been worked out to where it was a land issue first and you work through all the issues and then you did the returns, then you wouldn't have had any problems because you would have worked it out already.

Senator pangelinan: That's very simple because then we could just amend the 2030 Master Plan and say, No Parkway there and then it's not a land use issue anymore. Because it's consistent with the Guam Transportation Master Plan.

Mr. Duenas: I think you have to deal with what's already in the books. That would be the conflict.

Senator pangelinan: But the reversionary clause and the use issue, it's to be returned for a parkway and pursuant to the adopted Highway Master Plan. If the adopted Highway Master Plan does not have a parkway there, then there's no land use issue and no reversionary clause.

Mr. Duenas: That could be debated in a public hearing.

Senator pangelinan: That's exactly why I'm saying I want to see if there's some legal guidance there with regards to that position.

Mr. Duenas: We'll put our opinion on paper and how we address it. What you would get into is public use. What would be in the best interest of the public and that is actually a better way to negotiate with the federal government as well, too.

Senator pangelinan: I agree. Those that are opposed to some of this issue and there are some government agencies, I hate to say it are using it from an ownership issue that if the ownership transfers then it's not consistent with the grant and the return of the property to the government of Guam and that the government of Guam must forever hold it as title holder to the property. That's how they bolster their argument that we need to keep these properties and we can't give them back to the original land owners because the reversionary clause is an ownership issue and not a land use issue. So, that's the difference. Again I am looking for some legal guidance issued by the government of Guam attorneys, wherever they are located to look at this and build a record on this matter.

Mr. Duenas: And the local government would always do almost exactly what the federal government did – they would take into consideration what is the public need, as well. Like what happened here where that easement – clearly you have to have that easement, you could never get to their submerged land asset if you didn't have that easement going through. Same thing as you have the parkway issue is; an issue for the public because you have to have alternate routes of travel. So, if you would have worked it out at the beginning and had that worked out, then the other returns wouldn't be an issue.

Senator pangelinan: Thank you very much ladies and gentlemen. That concludes the hearing on Bill No. 349. Any other comments from the general public on this matter? If not, we will proceed with the next item on the agenda.

II. FINDINGS & RECOMMENDATIONS

A Fiscal Note for Bill No. 349-30 (COR) was requested by the Committee on April 1, 2010. (See attached letter)

Pursuant to 2 GCA, Subsection 9105, the Committee did not receive the Fiscal Note within fourteen (14) days, therefore, the Fiscal Note is hereby waived.

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports Bill No. 349-30(COR), as Substituted with the recommendation **TO PASS**.

**I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session**

Bill No. 349-30(cor)

Introduced by:

T.R Muña Barnes

5/16/10 15:15 WMA

**AN ACT TO ADD A NEW §80105 (c) TO CHAPTER 80
OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO THE TRANSFER OF PROPERTIES UNDER THE
JURISDICTION OF THE PORT AUTHORITY OF
GUAM TO THE JURISDICTION OF THE GUAM
ANCESTRAL LANDS COMMISSION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that certain ancestral lands in the municipalities of *Piti*, *Sumay* and *Agat* were condemned under Civil Action No. 5-49 by the Naval Government of Guam creating the Apra Harbor Reservation Boundary. Eventually, the United States quitclaimed portions of the Apra Harbor Reservation to the Government of Guam in December 1984 containing certain parcels, with eventual transfer to the Commercial Port of Guam now known as the Port Authority of Guam (PAG) for development. In formal conferences and legislative session meetings between the PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board, management, and personnel that the PAG *does not* have any future plans for the development or use of certain portions of the parcels under their jurisdiction.

Therefore, *I Liheslatura* intends to transfer such land parcels and properties to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands Commission *can and shall* proceed with the return of such land parcels and

1 **and Arthur Theodore Bergquist, all in the Municipality of Piti.** The
2 properties *shall* be transferred and *shall* be deeded to the Guam Ancestral
3 Lands Commission within thirty (30) days of the effective date of this Act.
4 The Guam Ancestral Lands Commission *shall* within one hundred eighty
5 (180) days dispose of the land parcels and lots transferred by this Act in a
6 manner consistent with and pursuant to its enabling legislation and its
7 mandates. All pre-condemnation roads, easements and bull cart trails *shall*
8 remain as easements for public access and utilities. The transferred
9 properties *shall* be zoned “A” – Agricultural zone.”

10 **Section 3.** The Department of Land Management *shall* plot, plan, design,
11 and provide within sixty (60) days of enactment an aerial overlay map
12 delineating all roads, easements, bull-cart trails, and public access as to
13 determine such access or easements’ location in relation to the return subject
14 lot so that *no* lot is landlocked. The overlay *shall* show all original lot lines
15 generally.

16 **Section 4. Severability.** *If* any of the provisions of this Act or the
17 application thereof to any person or circumstance is held invalid, such
18 invalidity *shall* not affect any other provision or application of this Act
19 which can be given effect without the invalid provision or application, and to
20 this end the provisions of this Act are severable.

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Bill No. 349-30 (COR)

As Substituted by the Committee on
Appropriations, Taxation, Banking, Insurance,
Retirement and Land

Introduced by:

T.R Muña Barnes

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9 development. In formal conferences and legislative session meetings between the
10 PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board,
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12 development or use of certain portions of the parcels under their jurisdiction.

1 Therefore, *I Liheslatura* intends to transfer such land parcels and properties
2 to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands
3 Commission *can and shall* proceed with the return of such land parcels and
4 properties to the original landowners or their estates, pursuant to the Commission’s
5 enabling legislation and mandates.

6 **Section 2.** A new §80105(c) is hereby *added* to §80105 of Chapter 80,
7 Title 21, Guam Code Annotated, to read as follows:

8 “(c) Portions of Parcel 1 South of Route 18 and contiguous to the
9 North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the
10 east, specifically original lots: ~~No. 135-1 originally owned by the Estate of~~
11 ~~Caridad Quitugua Hart, No. 136 originally owned by the Estate of~~
12 ~~Encarnacion Perez Mendiola, No. 136-A originally owned by the Estate~~
13 ~~of Encarnacion Perez Mendiola, No. 136 A-1 originally owned by the~~
14 ~~Estate of Encarnacion Perez Mendiola, No. 136 A-2 originally owned by~~
15 ~~the Estate of Caridad Quitugua Hart, No. 137 originally owned by the~~
16 ~~Estates of Vicente and Josefina Martinez, No. 166 originally owned by~~
17 ~~the Estates of Jose C. Leon Guerrero; Joaquin C. Leon Guerrero; Gil C.~~
18 ~~Leon Guerrero; Antonio C. Leon Guerrero; Filomena C. Leon~~
19 ~~Guerrero; Wenceslao C. Leon Guerrero and William C. Leon~~
20 ~~Guerrero, and Portions of the following lots: No. 127 originally owned~~
21 ~~by the Estates of Maria Salas San Nicolas; Antonia Salas San Nicolas;~~
22 ~~Carlina San Nicolas Rapolla; Joaquin Salas San Nicolas Estate; Juan~~
23 ~~Salas San Nicolas; Maria Salas San Nicolas Cedula No. 8383, Dolores~~
24 ~~Wusstig San Nicolas; Rosario San Nicolas Iriarte; Consolacion Salas~~
25 ~~San Nicolas; Ignacia San Nicolas Afleje; Dolores C. San Nicolas; Ana~~
26 ~~San Nicolas Sanford, No. 128 originally owned by the Estate of Tibureio~~
27 ~~Ada Santos, No. 129 originally owned by the Estate of Emilia M. Notley,~~

1 ~~No. 131 originally owned by the Estate of Magdalena Quitugua Iglesias,~~
2 ~~No. 132 originally owned by the Estate of Vicente Quitugua Lizama, No.~~
3 ~~133 originally owned by the Estates of Mary Louise Bergquist Hunter~~
4 ~~and Arthur Theodore Bergquist, all in the Municipality of Piti.~~ The
5 properties *shall* be transferred and *shall* be deeded to the Guam Ancestral
6 Lands Commission within thirty (30) days of the effective date of this Act.
7 The Guam Ancestral Lands Commission *shall* within one hundred eighty
8 (180) days dispose of the land parcels and lots transferred by this Act in a
9 manner consistent with and pursuant to its enabling legislation and its
10 mandates. All pre-condemnation roads, easements and bull cart trails *shall*
11 remain as easements for public access and utilities. The transferred
12 properties *shall* be zoned “A” – Agricultural zone.”

13 **Section 3.** The Department of Land Management *shall* plot, plan, design,
14 and provide within sixty (60) days of enactment an aerial overlay map
15 delineating all roads, easements, bull-cart trails, and public access as to
16 determine such access or easements’ location in relation to the return subject
17 lot so that *no* lot is landlocked. The overlay *shall* show all original lot lines
18 generally.

19 **Section 4. Severability.** *If* any of the provisions of this Act or the
20 application thereof to any person or circumstance is held invalid, such
21 invalidity *shall* not affect any other provision or application of this Act
22 which can be given effect without the invalid provision or application, and to
23 this end the provisions of this Act are severable.



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
Wednesday, April 7, 2010
BILL NO. 349-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
CHRIS DUEÑAS	DLM	727-1329	duenasenator@gmail.com	✓	✓		
ERIQUE AGUIAR Pete	Gm PAG	477-5931		✓	✓		
VIVIAN LEON	DGM RDC	477-5999			✓		



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
Wednesday, April 7, 2010
BILL NO. 349-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
David Leon Guerrero	P.O. Box 1564 Hagåtña, Guam 96932	472-3472 398-1670	dleon.guerrero@ yahoo.com		✓	✓
Patricio Leon Guerrero	Same	689-2398			✓	

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PORT AUTHORITY OF GUAM
ATURIDAT I PUETTON GUAHAN
Jose D. Leon Guerrero Commercial Port
GOVERNMENT OF GUAM

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FELIX P. CAMACHO
Governor of Guam

MICHAEL W. CRUZ
Lieutenant Governor

April 7, 2010

The Honorable Vicente C. Pangelinan
Chairman, Committee on Appropriations, Taxation,
Banking, Insurance, Retirement, and Land
I Mina' Trenta Na Liheslaturan Guåhan
Quan Building, Suite 101
324 W. Soledad Avenue
Hagåtña, Guam 96910

Re: Testimony on Bill No. 349-30 (COR) - An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

Hafa Adai Mr. Chairman and Members of the Committee:

I want to thank you for this opportunity to provide testimony on behalf of the Jose D. Leon Guerrero Commercial Port regarding Bill No. 349-30 (COR) - An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission. For the record, my name is Enrique J.S. Agustin, General Manager for the Jose D. Leon Guerrero Commercial Port.

While the Port Authority of Guam supports the intent of this legislation, we do have some concerns that we feel need to be addressed before moving forward. Specifically, we feel that there needs to be further clarification on the lots identified in this legislation and whether all of them fall within the purview of the Port Authority of Guam. If the lots are all identified to be within Parcel 1 and Parcel 2 of the areas, then the lots actually belong to the Government of Guam although the Port Authority of Guam was given administrative control over the lands via an Executive Order.

With regards to the lots within our administrative control, the Port Authority of Guam does not object to the return to the Ancestral Land owners. The lands contained in Parcel 1 and Parcel 2 are not identified as a part of our immediate growth. We have not utilized these areas because many of them are wet lands and because of the deed conditions placed upon them when they were returned to the Government of Guam. Specifically, there is a reversionary clause in the Quitclaim Deed which was executed on December 6, 1984 when the lands were conveyed to the Government of Guam. A section of the Quitclaim Deed states, "*The lands hereby conveyed shall be used and developed by the Grantee only in accordance with that certain 'Commercial Port of Guam Master Plan, As Revised' dated February 1981 and prepared for the Port Authority of Guam by Maruyama and Associates, Ltd., Guam/Dravo Van Houten, Inc., New York, a copy of*

which is made part hereof by reference, or as said Master Plan may hereafter be amended with the approval of the Secretary of the Navy, or his designee (hereinafter referenced to as "Secretary"). The Quitclaim Deed further states that "In the event of any breach of the terms and conditions set forth hereinabove, as determined by the Secretary, regardless of the cause of such breach, all right, title and interest in and to the lands hereby conveyed, in their then existing conditions, including all improvements thereon, shall be at the option of the Secretary revert to and become the property of the United States immediately upon demand made in writing by the Secretary."

As a result of our concerns over this language and the pending transfer of the property back to the Ancestral Lands Commission, we recommend that the Governor and the Legislature solicit the assistance of Guam's Delegate to the United States Congress to introduce a bill to amend Section 818 of the U.S. Public Law 96-418, as amended, relative to removing the restrictive provisions on the use of said property and reversionary clause in said Quitclaim Deed. We believe that without this language being amended by Congress, the use of the property by the Ancestral Lands Commission or the original land owners could be in jeopardy.

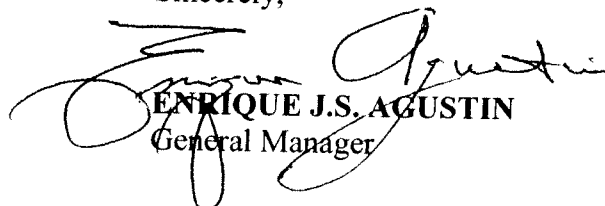
Furthermore, due to our agency's aggressive efforts to modernize our facility to prepare for the growth of our community and our region and the need to expand our Port-related facilities, we respectfully request that the Legislature consider the possibility of exchanging property under the jurisdiction of the Guam Ancestral Lands Commission, preferably in the vicinity of Piti, to be used by the Port Authority of Guam for our Modernization Program.

As you know, the Port has been moving forward for the past few years on an aggressive effort to modernize our island's only commercial sea port. We have launched this effort in order to prepare our community for our natural organic growth and for the planned military buildup. An ideal land exchange would be for the Port Authority of Guam to be given Apra Harbor Parcel No. 1, also known as the Old Commissary Junction, Municipality of Piti. This lot contains 5.835 acres of Marine Drive frontage land directly across the entrance to Route 11 which leads to the Port Authority of Guam. This lot is what we consider the "Window to the Port" and is an ideal location for potential development such as a new Port Administration building, chassis storage due to the displacement from the upcoming construction or even for a bonded warehouse.

Mr. Chairman, so much work has already been done by the hard-working men and women of the Port Authority of Guam along with you and your colleagues and our community partners to move forward with our modernization and upgrade our facilities. And while we support the return of the ancestral lands within our administrative control through this proposed legislation, we respectfully ask that you consider authorizing a land exchange between the Port Authority of Guam and the Ancestral Lands Commission. We believe that Apra Harbor Parcel No. 1 would be the ideal lot for the exchange.

On behalf of the Port Authority of Guam, I thank you for the opportunity to present testimony regarding Bill No. 349-30 (COR).

Sincerely,


ENRIQUE J.S. AGUSTIN
General Manager



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guahan)



FELIX P. CAMACHO
 Governor of Guahan

CHRISTOPHER M. DUENAS
 Director

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guahan

MICHAEL C. JAMES
 Deputy Director

Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Website:
<http://dlm.guam.gov>

E-mail Address:
dldir@dlm.guam.gov

Telephone:
 671-649-LAND (5263)

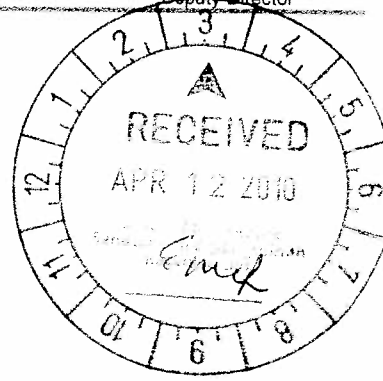
Facsimile:
 671-649-5383

April 8, 2010

Honorable Vicente C. Pangelinan
 Chairman, Committee on Land
Mina' Trenta Na Liheslaturan Guahan
 324 West Soledad Avenue, Suite 100
 Hagåtña, Guam 96910

Ref: DLM Comment on Bill: 349-30 (COR)

Bueñas Yan Hafa Adai Honorable Senator "Ben" Pangelinan



BILL 349-30 (COR) – AN ACT TO ADD A NEW §80105 (c) TO CHAPTER 80 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSFER OF PROPERTIES UNDER THE JURISDICTION OF THE PORT AUTHORITY OF GUAM TO THE JURISDICTION OF THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

We have reviewed Bill 349-30 (cor) and have no objections. We support the the Bill since the primary intent is for transfer and therefore, an "ownership" action.

From a Planning perspective, we also do not object to the Bill. However, we caution that the returned parcels lie in Wetland Areas or Areas of Particular Concerns (APCs). Thus, any future Development such as the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parceling; change in the intensity of use of water, ecology related thereto or of access thereto; construction or reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility, and the removal of significant vegetation, will require submittal of a Wetland Permit application via Guam Seashore Protection Commission review.



Continuation of Letter

RE: DLM Comment on Bill: 349-30 (COR)


April 8, 2010

Page 2 of 2

We applaud this Body in concurrently establishing the zoning designation of "A" Agricultural for the returned subject parcels.

We are appreciative of the opportunity to provide our comments. Contact Planning Division at 649-5263, should you have additional questions or need further clarification.

Senseramente,


Christopher M. Duenas
Director

Cc: Planning Division, DLM
Land Administration, DLM

Testimony in support of Bill 349

For the record, I am Therese Mary Hart. My father is Pedro Quitugua Hart, the son of Caridad Quitugua Hart and Guillermo Mendiola Hart. My mother is Teresita Santos Quenga, the daughter of Ana Ada Santos and Jose San Nicolas Quenga. My family is from the village of Piti. My mother's clan is better known as Familian Tiburcio.

Recently, Bill 349 was introduced by Senator Tina Muna Barnes. I am in support of Bill 349 as my grandmother, Caridad Quitugua Hart and the Tiburcio family are identified and named in the bill.

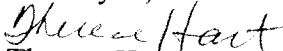
Specifically, Lot Nos. 128PI- Guam Land Claims Listed Owner: Santos-Tiburcio Ada

Specifically, Lot 135-1PI; 136A-2PI

Land has always been a precious commodity to our Chamorro people and this has always been a recognized right for original landowners.

I ask that members of the 30th Guam Legislature support the passage of this bill.

Thank you,



Therese Hart

P.O. Box 911

Hagatna, Guam 96932

671.898.3063

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Office of
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Committee on Appropriations,
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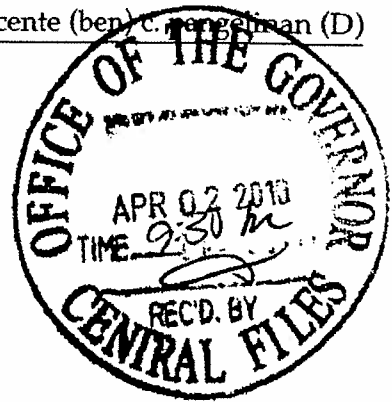
Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

April 1, 2010

Honorable Felix Camacho
Governor of Guam
Office of the Governor
Adelup, Guam

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Re: Public Hearing Notice

Hafa Adai Governor Camacho,

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am on Wednesday, April 7, 2010** at the Guam Legislature's Public Hearing Room.. The following bills are on the agenda:

Bill No. 345-30 (COR): (Taitague) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

MATT

(pending)
Bill No. 349-30 (COR): (Muna Barnes) An Act to *add* a New §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated Relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

Bill

(pending)
Bill No. 350-30 (COR): (pangelinan) An Act to repeal Section 30106 (c) of Chapter 30 Title 11 of the Guam Code Annotated Relative to exemptions from Hotel Occupancy Tax.

MIKE

(pending)
Bill No. 351-30 (COR): (pangelinan) An Act to Add a New Article 3 of Chapter 36 to Title 18 Guam Code Annotated Relative to the establishment of a Secure and Fair Enforcement for Mortgage Licensing Act.

MIKE

This letter invites you to provide written and/or oral testimony. Please do not hesitate to contact me should you have any questions or comments.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase,

vicente c. pangelinan
Senator

CFI 0410 01310

bill 345-30 (COR)
completed w/29/10
by senator Ben Pangelinan



COMMITTEE ON RULES

I Mina' Trenta na Libeslaturan Guåhan • 30th Guam Legislature

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March 22, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio *[Signature]*
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 348-30(COR) and 349-30(COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 348-30(COR) and 349-30(COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

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I Mina 'Trenta Na Liheslaturan Guåhan
Bill Log Sheet
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B348-30 (COR)	B.J.F. Cruz	An act to add a new §4127. to Article 1 of Chapter 4 of Title 4 of the Guam Code Annotated relative to time off for children's educational activities.	3/22/10 8:35 a.m.	3/22/10	Committee on Labor, the Public Structure, Public Libraries and Technology			
B349-30 (COR)	T. R. Muña Barnes	An act to add a new §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated, relative to the transfer of properties under the jurisdiction of the Port authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.	3/22/10 10:15 a.m.	3/22/10	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

March 31, 2010

Memorandum

To: All Senators
From: Senator vicente c. pangelinan
Re: Public Hearing - FIRST NOTICE

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **9:00am on Wednesday, April 7, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

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Bill No. 349-30 (COR): (Muna Barnes) An Act to *add* a New §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated Relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

Bill No. 350-30 (COR): (pangelinan) An Act to repeal Section 30106 (c) of Chapter 30 Title 11 of the Guam Code Annotated Relative to exemptions from Hotel Occupancy Tax.

Bill No. 351-30 (COR): (pangelinan) An Act to Add a New Article 3 of Chapter 36 to Title 18 Guam Code Annotated Relative to the establishment of a Secure and Fair Enforcement for Mortgage Licensing Act.

For copies of the bill, you can log onto www.guamlegislature.com or www.senbenp.com

Si Yu'os Ma'ase,

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First Notice for Public Hearing for Wednesday, April 7, 2010 beginning at 9:00am. Please see attached.

--
Lisa Cipollone
Chief of Staff
Office of Senator ben c. pangelinan
(671) 473-4236
cipo@guamlegislature.org

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Wed, Mar 31, 2010 at 12:25 PM

Public Hearing - First Notice

guamlegislature.org

**Public Hearing Notice
Wednesday, April 7, 2010
Guam Legislature Public Hearing Room**

**Agenda
9:00am**

Bill No. 345-30 (COR): (Taitgue) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

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For copies of bills, you can log onto <http://guamlegislature.com>. If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236, email at senbenp@guam.net or log onto www.senbenp.com

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Yes, Sorry. Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land.

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cipo@guamlegislature.org

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For clarification, The Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land will be conducting the public hearing.

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Thx. Catriona

From: Lisa Cipollone <cipo@guamlegislature.org>
Date: Wed, 31 Mar 2010 12:28:41 +1000
To: "Melyan, Catriona" <cmelyan@guam.gannett.com>
Conversation: Public Hearing - First Notice
Subject: Re: Public Hearing - First Notice

Yes, Sorry. Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land.

On Wed, Mar 31, 2010 at 12:27 PM, Melyan, Catriona <cmelyan@guam.gannett.com> wrote:
Thanks. Is there a particular committee holding the hearing??

Catriona

From: Lisa Cipollone <cipo@guamlegislature.org>
Date: Wed, 31 Mar 2010 12:25:57 +1000
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Conversation: Public Hearing - First Notice
Subject: Public Hearing - First Notice

Public Hearing Notice
Wednesday, April 7, 2010
Guam Legislature Public Hearing Room

Agenda
9:00am

Bill No. 345-30 (COR): (Taitgue) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

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THIRTIETH GUAM LEGISLATURE



Senator Vicente "ben" c. pangelinan
Office of the People

Public Hearing Notice
Wednesday, April 7, 2010
Guam Legislature Public Hearing Room

Agenda
9:00am

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44	M	42:07.14	1164	Virgilio Estacion	30	GM	49:58.11	1244	John B.	35	SM	55:35.11
7	Y	42:08.71	1165	Mike Hayden	52	GM	50:01.01	1245	Zane Irlin	18	J	55:36.62
16	J	42:10.18	1166	Nate Respicio	68	S	50:04.55	1246	Dwight Bernard	51	GM	55:37.06
25	O	42:10.58	1167	Darien Blas	21	O	50:07.40	1247	James Howard Jr.	8	Y	55:37.68
7	Y	42:11.30	1168	Austin Domingo	10	Y	50:10.42	1248	Jake Bernars	15	J	55:38.12
31	SM	42:12.58	1169	Travis Mesa	19	J	50:10.87	1249	Frederick Aladarj	14	J	55:39.71
12	Y	42:15.90	1170	Eddie Sato	46	M	50:11.93	1250	Kyle Deleon	6	Y	55:46.54
		42:18.02	1171	Maynard	14	J	50:14.71	1251	Robert Quindara	17	J	55:50.40
0	Y	42:27.96	1172	Michael S. Racuyal	27	O	50:15.18	1252	Jean DeLeon	31	SM	55:52.24
20	O	42:30.98	1173	Casey	8	Y	50:15.49	1253	Anne Quinslary	20	O	55:54.43
41	M	42:34.68	1174	Myles Monez	40	M	50:18.62	1254	Joe L. Flores	42	M	55:56.21
27	O	42:35.11	1175	Alporeno Q.	46	M	50:20.30	1255	2nd Life	58	GM	55:56.81
20	O	42:36.17	1176	Bing An	45	M	50:26.55	1256	Jason S.	26	O	56:11.49
11	Y	42:38.90	1177	Andrew Limfureco	21	O	50:28.33	1257	John Mafnas	42	M	56:12.52
54	GM	42:42.31	1178	Ellas Abulencia	13	Y	50:31.36	1258	Troy Torres	29	O	56:12.89
9	Y	42:45.34	1179	Rj Ubaldo	10	Y	50:41.67	1259	Angelo O.	6	Y	56:13.34
14	J	42:45.67	1180	Kody	7	Y	50:59.34	1260	Ron Abshire	54	GM	56:18.26
48	M	42:49.30	1181	No Name			51:13.65	1261	R. Niel	81	Mko	56:30.34
10	Y	42:51.46	1182	Jon J.	11	Y	51:14.34	1262	Raymond Sinamban	34	SM	56:30.99
45	M	43:00.43	1183	Marvin	34	SM	51:15.55	1263	Chede M. Lumahan	22	O	56:37.37
6	Y	43:02.02	1184	Noli V.	53	GM	51:21.46	1264	Mharc Mendoza	8	Y	56:48.30
46	M	43:03.11	1185	Ret Gabriel Flores	12	Y	51:24.20	1265	Brian Arceo	23	O	56:50.14
6	Y	43:03.58	1186	Rocilio Mendoza	16	J	51:25.08	1266	Pat Wolff	61	S	56:50.87
58	GM	43:11.55	1187	Emmanuel E.	16	J	51:26.21	1267	Juan	45	M	56:53.86
36	SM	43:14.21	1188	Amiel Alba	15	J	51:28.74	1268	Danny Pobre	59	GM	56:55.08
45	M	43:18.84	1189	Joffin Kebekol	49	M	51:31.62	1269	RSEL	4	Y	56:55.55
42	M	43:23.30	1190	No Name			51:35.21	1270	Jim Blend	66	S	56:56.93
42	M	43:31.93	1191	Saxon Isim	10	Y	51:41.18	1271	Edden T.	9	Y	56:58.68
45	M	43:32.84	1192	Giordan Kho	11	Y	51:45.02	1272	Matthew Ecijan	7	Y	57:00.77
16	J	43:35.21	1193	William Guinaltu	32	SM	51:45.84	1273	Christian Ecijan	9	Y	57:01.08
21	Y	43:35.80	1194	Carlo T.	20	O	51:47.26	1274	Darwin Ecijan	45	M	57:05.81
40	M	43:40.40	1195	Micalah	10	Y	51:50.46	1275	Antonio Cura	75	Mko	57:09.30
46	M	43:40.71	1196	Justin De Guzman	5	Y	51:51.08	1276	Renegena Mendiola	12	Y	57:10.46
34	SM	43:42.40	1197	Kris Zablan	14	J	51:54.93	1277	Alex Menritoe Jr.	17	J	57:18.99
11	Y	43:42.96	1198	Duc Dao	58	GM	51:56.78	1278	Arton Valencia	18	J	57:20.24
7	Y	43:44.78	1199	Robert Torres	31	SM	51:59.96	1279	KC	22	O	57:21.34
37	SM	43:49.32	1200	Douglas Venton	15	J	52:00.99	1280	Aaron	7	Y	57:26.46
49	M	43:52.87	1201	Jesus V. Bernal	52	GM	52:03.49	1281	Armedo Lev	30	SM	57:27.55
46	M	44:01.18	1202	EJ Sto Domingo	17	J	52:05.40	1282	Kenneth B. Duenas	47	M	57:34.96
46	M	44:05.21	1203	Seichiro Tajihce	70	Mko	52:13.49	1283	Vincent Sonafede	36	SM	57:35.43
49	M	44:08.58	1204	Christian DeGuzman	10	Y	52:14.46	1284	Javin Takai	14	J	57:39.51
10	Y	44:13.14	1205	No Name	0	Y	52:15.52	1285	Steven Esmeralda	17	J	57:52.08
10	Y	44:13.86	1206	Emmanuel Estebat	17	J	52:18.30	1286	Jon Talavera	13	Y	57:52.56
		44:18.96	1207	No Name			52:26.90	1287 to 1329	--- Names were not provided.			
		44:27.49	1208	Pablo S. Rotnao Jr.	50	GM	52:38.46					
3	Y	44:27.77										
0	Y	44:28.49										
36	SM	44:29.81										
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60	S	47:57.65										
47	M	48:16.40										
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57	GM	48:26.46										
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19	J	48:28.74										

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THIRTIETH GUAM LEGISLATURE
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 Office of the People

Public Hearing Notice
Wednesday, April 7, 2010
Guam Legislature Public Hearing Room

Agenda
9:00am

Bill No. 345-30 (COR): (Taitgue) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

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Senator vicente (ben) c. pangelinan (D)

April 5, 2010

Memorandum

To: All Senators

From: ~~Senator vicente c. pangelinan~~

Re: Public Hearing - SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Banking, Insurance,
Retirement, and Land

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Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing on numerous bills beginning at **9:00am on Wednesday, April 7, 2010** at the Guam Legislature's Public Hearing Room. The following bills are on the agenda:

Bill No. 345-30 (COR): (Taitague) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

Bill No. 349-30 (COR): (Muna Barnes) An Act to *add* a New §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated Relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

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Bill No. 351-30 (COR): (pangelinan) An Act to Add a New Article 3 of Chapter 36 to Title 18 Guam Code Annotated Relative to the establishment of a Secure and Fair Enforcement for Mortgage Licensing Act.

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Mon, Apr 5, 2010 at 2:23 PM

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
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 Mon, Apr 5, 2010 at 2:37 PM
 Public Hearing - Second Notice
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Public Hearing Notice
Wednesday, April 7, 2010
Guam Legislature Public Hearing Room

Agenda
9:00am

Bill No. 345-30 (COR): (Taitgue) An Act to add a New Article 2 to Chapter 30 of 5GCA Relative to authorizing the office of the Attorney General to recover costs associated with providing statutorily mandated legal services to agencies and programs that are not supported by the tax-base of the government of Guam.

Bill No. 349-30 (COR): (Muna Barnes) An Act to add a New §80105 (c) to Chapter 80 of Title 21, Guam Code Annotated Relative to the transfer of properties under the jurisdiction of the Port Authority of Guam to the jurisdiction of the Guam Ancestral Lands Commission.

Bill No. 350-30 (COR): (pangelinan) An Act to repeal Section 30106 (c) of Chapter 30 Title 11 of the Guam Code Annotated Relative to exemptions from Hotel Occupancy Tax.

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Chief of Staff
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
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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

Senator vicente "ben" c. pangelinan
Office of the People

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Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE

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I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

SBill No. 349-30(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.					EA
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray					EA
WON PAT, Judith T.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

**I MINA 'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session**

Bill No. 349-30(cor)

Introduced by:

T.R Muña Barnes

SI 1617 2010-11-15
MM

**AN ACT TO ADD A NEW §80105 (c) TO CHAPTER 80
OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO THE TRANSFER OF PROPERTIES UNDER THE
JURISDICTION OF THE PORT AUTHORITY OF
GUAM TO THE JURISDICTION OF THE GUAM
ANCESTRAL LANDS COMMISSION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that certain ancestral lands in the municipalities of *Piti*, *Sumay* and *Agat* were condemned under Civil Action No. 5-49 by the Naval Government of Guam creating the Apra Harbor Reservation Boundary. Eventually, the United States quitclaimed portions of the Apra Harbor Reservation to the Government of Guam in December 1984 containing certain parcels, with eventual transfer to the Commercial Port of Guam now known as the Port Authority of Guam (PAG) for development. In formal conferences and legislative session meetings between the PAG and *I Liheslatura* (the Legislature), it has been stated by the PAG board, management, and personnel that the PAG *does not* have any future plans for the development or use of certain portions of the parcels under their jurisdiction.

Therefore, *I Liheslatura* intends to transfer such land parcels and properties to the Guam Ancestral Lands Commission so that the Guam Ancestral Lands Commission *can and shall* proceed with the return of such land parcels and

1 properties to the original landowners or their estates, pursuant to the Commission’s
2 enabling legislation and mandates.

3 **Section 2.** A new §80105(c) is hereby *added* to §80105 of Chapter 80,
4 Title 21, Guam Code Annotated, to read as follows:

5 “(c) Portions of Parcel 1 South of Route 18 and contiguous to the
6 North of Apra Harbor Parcel 6, also abutting Marine Corps Drive on the
7 east, specifically original lots: **No. 135-1 originally owned by the Estate of**
8 **Caridad Quitugua Hart, No. 136 originally owned by the Estate of**
9 **Encarnacion Perez Mendiola, No. 136-A originally owned by the Estate**
10 **of Encarnacion Perez Mendiola, No. 136 A-1 originally owned by the**
11 **Estate of Encarnacion Perez Mendiola, No. 136 A-2 originally owned by**
12 **the Estate of Caridad Quitugua Hart, No. 137 originally owned by the**
13 **Estates of Vicente and Josefina Martinez, No. 166 originally owned by**
14 **the Estates of Jose C. Leon Guerrero; Joaquin C. Leon Guerrero; Giñ C.**
15 **Leon Guerrero; Antonio C. Leon Guerrero; Filomena C. Leon**
16 **Guerrero; Wenceslao C. Leon Guerrero and William C. Leon**
17 **Guerrero, and Portions of the following lots: No. 127 originally owned**
18 **by the Estates of Maria Salas San Nicolas; Antonia Salas San Nicolas;**
19 **Carlina San Nicolas Rapolla; Joaquin Salas San Nicolas-Estate; Juan**
20 **Salas San Nicolas; Maria Salas San Nicolas – Cedula No. 8383, Dolores**
21 **Wusstig San Nicolas; Rosario San Nicolas Iriarte; Consolacion Salas**
22 **San Nicolas; Ignacia San Nicolas Afleje; Dolores C. San Nicolas; Ana**
23 **San Nicolas Sanford, No. 128 originally owned by the Estate of Tiburcio**
24 **Ada Santos, No. 129 originally owned by the Estate of Emilia M. Notley,**
25 **No. 131 originally owned by the Estate of Magdalena Quitugua Iglesias,**
26 **No. 132 originally owned by the Estate of Vicente Quitugua Lizama, No.**
27 **133 originally owned by the Estates of Mary Louise Bergquist Hunter**

1 **and Arthur Theodore Bergquist, all in the Municipality of Piti.** The
2 properties *shall* be transferred and *shall* be deeded to the Guam Ancestral
3 Lands Commission within thirty (30) days of the effective date of this Act.
4 The Guam Ancestral Lands Commission *shall* within one hundred eighty
5 (180) days dispose of the land parcels and lots transferred by this Act in a
6 manner consistent with and pursuant to its enabling legislation and its
7 mandates. All pre-condemnation roads, easements and bull cart trails *shall*
8 remain as easements for public access and utilities. The transferred
9 properties *shall* be zoned “A” – Agricultural zone.”

10 **Section 3.** The Department of Land Management *shall* plot, plan, design,
11 and provide within sixty (60) days of enactment an aerial overlay map
12 delineating all roads, easements, bull-cart trails, and public access as to
13 determine such access or easements’ location in relation to the return subject
14 lot so that *no* lot is landlocked. The overlay *shall* show all original lot lines
15 generally.

16 **Section 4. Severability.** *If* any of the provisions of this Act or the
17 application thereof to any person or circumstance is held invalid, such
18 invalidity *shall* not affect any other provision or application of this Act
19 which can be given effect without the invalid provision or application, and to
20 this end the provisions of this Act are severable.