

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>340-32 (COR)</b> <b>P.L. 32-176</b>	FRANK B. AGUON, JR.	AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY.	5/22/2014 3:18 p.m.	05/23/14	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			<b>Fiscal Note Requested 6/4/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	7/1/2014	AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY.	7/2/14	9:10 a.m.	7/14/2014	7/9/2014	32-176	As amended on the Floor.



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

JUL 15 2014

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 340-32 (COR) "AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY" which I signed into law on July 9, 2014 as Public Law 32-176.

*Senseramente,*

  
EDDIE BAZA CALVO

2014 JUL 15 PM 2:59

32-17-1837  
Office of the speaker  
Judith T. Won Pat - Ed.D.  
Date 7/15/14  
TIMS 2:17 PM  
RECEIVED BY MRC JAMARRZ GA

1837

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 340-32 (COR)**, "AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY," was on the 1<sup>st</sup> day of July, 2014, duly and regularly passed.



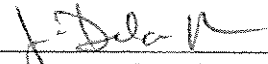
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2<sup>nd</sup> day of July,  
2014, at 9:10 o'clock A.M.



Assistant Staff Officer  
*Maga'lahi's* Office

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: JUL 09 2014

Public Law No. 32-176

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
2014 (SECOND) Regular Session

**Bill No. 340-32 (COR)**

As amended on the Floor.

Introduced by:

FRANK B. AGUON, JR.  
V. Anthony Ada  
Chris M. Dueñas  
T. C. Ada  
T. R. Muña Barnes  
B. J.F. Cruz  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT RELATIVE TO THE TRANSFER OF GUAM  
DEPARTMENT OF AGRICULTURE PROPERTY TO  
THE OFFICE OF VETERANS AFFAIRS WITH  
RESPECT TO THE BOUNDARIES OF THE GUAM  
VETERANS CEMETERY.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahån*  
3 recognizes that a memorandum of understanding, dated April 1, 2014, was made  
4 by and between the Guam Department of Agriculture (GDOA) and the Office of  
5 Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans  
6 Cemetery, located at 150 Spruance Drive in *Piti*, Guam. (Attachment A)

7           The United States Navy built a cemetery in the 1950s for the interment of

1 Guam's veterans and all other eligible persons, e.g., dependant spouses and  
2 children of Guam veterans. When the cemetery was being constructed, the  
3 boundaries of the cemetery were laid out and a fence enclosing the cemetery was  
4 constructed. The Navy turned the cemetery over to the government of Guam's  
5 control by virtue of a quitclaim deed to which was attached a map showing the  
6 cemetery boundaries. The Navy took the quitclaim deed, and the attached map to  
7 it, to the Department of Land Management where it was duly recorded.

8         Unbeknownst to the U.S. Navy and the government of Guam, the map  
9 showing the boundaries of the Guam Veterans Cemetery and the actual fenced  
10 boundary of the cemetery were not congruent. The Navy map showed the  
11 northwest boundary to be about fifty (50) feet within the cemetery's fence, and  
12 approximately twenty-four (24) graves were in the fifty (50) feet area.

13         *I Liheslaturan Guahån* further recognizes that the GDOA desired to build an  
14 access road into the *Masso* River reservoir, and hence followed the erroneous Navy  
15 map which showed the northwest boundary to be about fifty (50) feet within the  
16 cemetery's fence line. The GDOA property line showing the access road to be fifty  
17 (50) feet within the cemetery line was duly recorded. The Navy, realizing it had  
18 made a mistake, tried to record a corrected map (the Meregilliano map) wherein  
19 the actual, fenced northwest boundary of the cemetery was congruent with the  
20 cemetery property, and the GDOA boundary was outside the cemetery fence line.  
21 The Meregilliano map had never been recorded at the Department of Land  
22 Management for unknown reasons. The GDOA still owns the land fifty (50) feet  
23 inside the cemetery's fence line. This error has gone unnoticed since the return of  
24 the Veteran's Cemetery to the government of Guam's jurisdiction. (Attachment B)

25         Therefore, it is the intent of *I Liheslaturan Guahån* to resolve the  
26 aforementioned discrepancy and grant the transfer of a small portion of the Guam  
27 Department of Agriculture property to the Office of Veterans Affairs with respect

1 to the boundaries of the Guam Veterans Cemetery.

2       **Section 2. Property Transfer.** The real property described as fifty (50)  
3 feet of boundary into the northwest corner of the Guam Veterans Cemetery, Apra  
4 Harbor Reservation Area B-R1, owned by the Guam Department of Agriculture, is  
5 hereby transferred to the Office of Veterans Affairs, government of Guam, with  
6 respect to the boundaries of the Guam Veterans Cemetery. The Office of Veterans  
7 Affairs *shall* record the appropriate map showing the boundaries of the cemetery to  
8 be congruent with the actual fence line on the northwest border to be included  
9 within the cemetery boundary. All expenses in effectuating this transfer *shall* be  
10 borne by the Office of Veterans Affairs.

11       Pertinent government of Guam agencies and offices affected by the  
12 provisions contained herein *shall* work collectively with the Office of Veterans  
13 Affairs in the timely and appropriate implementation of the provisions herein. The  
14 transfer of said property *shall* become effective upon the enactment of this Act.

15       **Section 3. Severability.** *If* any provision of this Act or its application to  
16 any person or circumstance is found to be invalid or contrary to law, such  
17 invalidity shall not affect other provisions or applications of this Act which can be  
18 given effect without the invalid provisions application, and to this end the  
19 provisions of this Act are severable.

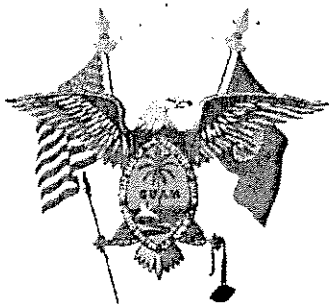
# **Attachment "A"**

**Memorandum of Understanding  
between  
the  
Office of Veterans Affairs  
and  
Department of Agriculture**

**Eddie B. Calvo**  
Governor

**Ray Tenorio**  
Lieutenant Governor

**John S. Unpingco**  
Administrator



**OFFICE OF VETERANS AFFAIRS**

Office of the Governor

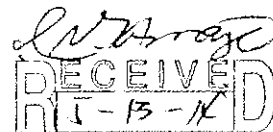
P.O. Box 2950

Hagatna, Guam 96932

Tel: (671) 475-8392

Fax: (671) 475-8392

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE  
OFFICE OF VETERANS AFFAIRS  
AND  
DEPARTMENT OF AGRICULTURE**



This Memorandum of Understanding dated April 1, 2014 is made by and between the Guam Department of Agriculture (GDOA) and the Office of Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans Cemetery, 150 Spruance Drive; Piti, Guam 96915.

**RECITALS:**

**WHEREAS**, the United States Navy built a cemetery in the 1950's for the interment of Guam's veterans and all other eligible persons, e.g., dependent spouse and children of Guam veterans;

**WHEREAS**, when the cemetery was being constructed, the boundaries of the cemetery were laid out and a fence enclosing the cemetery was constructed;

**WHEREAS**, the Navy turned the cemetery over to Government of Guam's control by virtue of a Quitclaim Deed to which was attached a map (Attachment 1) showing the cemetery boundaries;

**WHEREAS**, the Navy took the Quitclaim Deed and the attached map to it, to the Department of Land Management where it was duly recorded;

**WHEREAS**, unbeknownst to the Navy and the Government of Guam the map showing the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of the cemetery were not congruent;

**WHEREAS**, the Navy map showed the northwest boundary to be about fifty (50) feet within the cemetery's fence and approximately twenty four (24) graves were in the fifty (50) feet area;

Attachment "A" of



*WHEREAS*, the GDOA desired to build an access road into the Masso River reservoir and hence followed the erroneous Navy map which showed the northwest boundary to be about fifty (50) feet within the cemetery's fence line;

*WHEREAS*, the GDOA property line showing the access road to be fifty (50) feet within the cemetery line was duly recorded;

*WHEREAS*, the Navy realizing it had made a mistake, tried to record a corrected map (the Meregilliano map) wherein the actual, fenced northwest boundary of the cemetery was congruent with the cemetery property and the GDOA boundary was outside the cemetery fence line;

*WHEREAS*, the Meregilliano map had never been recorded at Department of Land Management for unknown reasons;

And, the GDOA still owns the land fifty (50) feet inside the cemetery's fence line;

*WHEREAS*, this error has gone unnoticed since the return of the Veterans Cemetery to Government of Guam jurisdiction;

*NOW*, therefore to resolve the aforementioned discrepancy, the parties to this Memorandum of Understanding agree to the following:

1. The GDOA agrees to:
  - a. The transfer of the fifty (50) feet of its boundary into the northwest corner of the cemetery to the OVA as its access road to the Masso reservoir remains undisturbed by the transfer;
  - b. As both parties hereto are line agencies of the Government of Guam the transfer will be at no cost to either party;
  - c. GDOA will cooperate with OVA to the fullest extent possible to take whatever action is necessary to effectuate said transfer such as but not limited to, obtaining approval by the Guam Legislature;
  - d. GODA hereby transfers the fifty (50) feet of property in the cemetery fence line to the Guam Veterans Cemetery.

2. The Office of Veterans Affairs agrees to:
  - a. Record the appropriate map showing the boundaries of the cemetery to be congruent with the actual fence line on the northwest border of the cemetery;
  - b. If a map is not extant showing the above, then the Office of Veterans Affairs will obtain a survey and a map at its cost only showing the actual fence line on the northwest border to be included within the cemetery boundary;
  - c. Take whatever action is necessary to effectuate this transfer, such as but not limited to, obtaining approval by the Guam Legislature;
  - d. All expenses in effectuating this transfer shall be borne by OVA;
  - e. The OVA will immediately seek Legislative approval of the transfer;
  - f. The OVA accepts the transfer of the fifty (50) feet of GDOA property.
3. Modification to this Memorandum of Understanding shall be made only upon written approval of the parties represented by the signatories to this instrument.
4. Execution - So understood and agreed to by the parties hereto. Any reference to the date of this Memorandum of Understanding shall be to the date at first stated hereinabove.

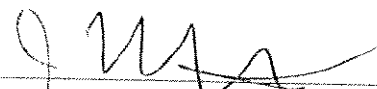
**GUAM DEPARTMENT OF AGRICULTURE**

By:   
MARIQUITA F. TAITAGUE, *Director*

5/13/14

Date: 5/13/14

**OFFICE OF VETERANS AFFAIRS**

By:   
JOHN S. UNPINGCO, *Administrator*

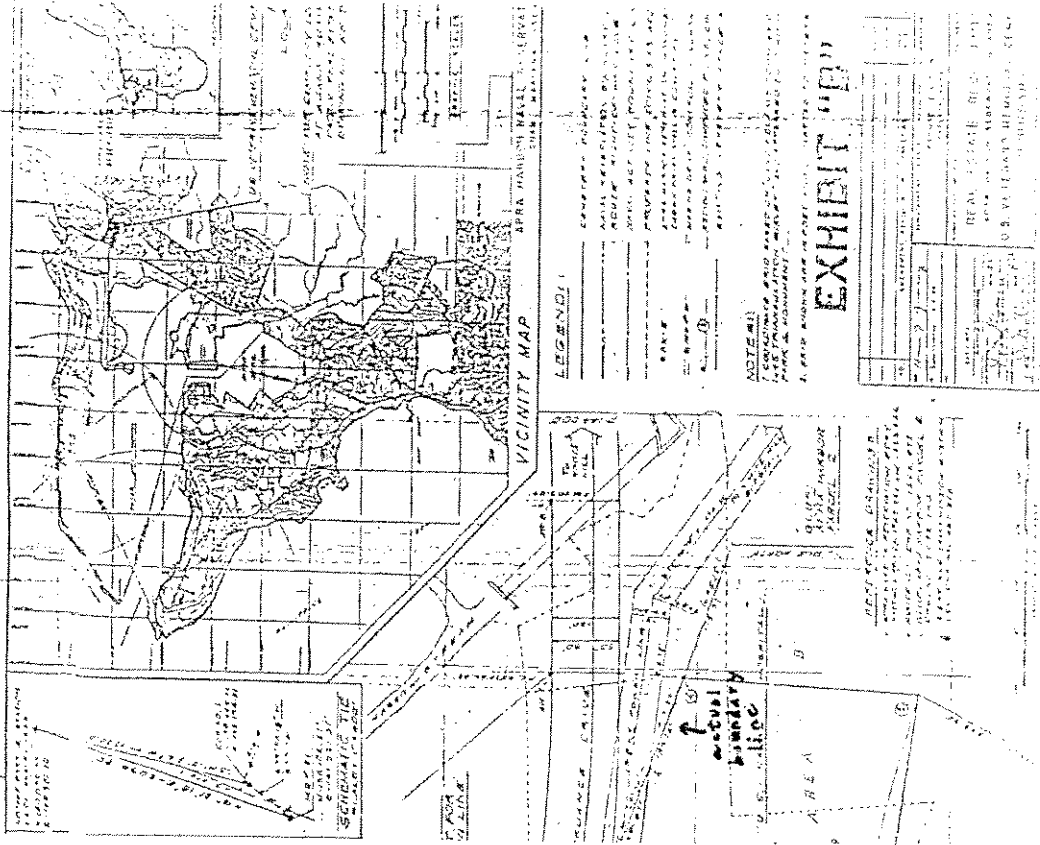
Date: 5/13/14

## **Attachment “B”**

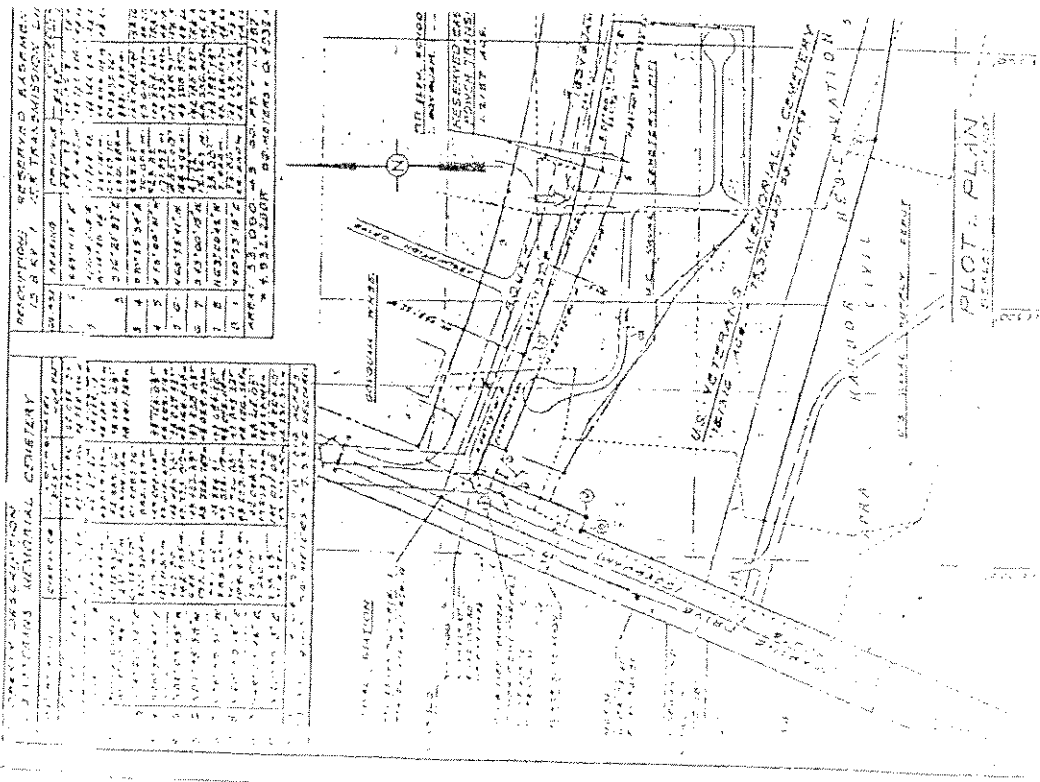
**Apra Harbor Reservation Area B-R1 Map**

**Meregilliano Map**

**Pineda Surveying Map**

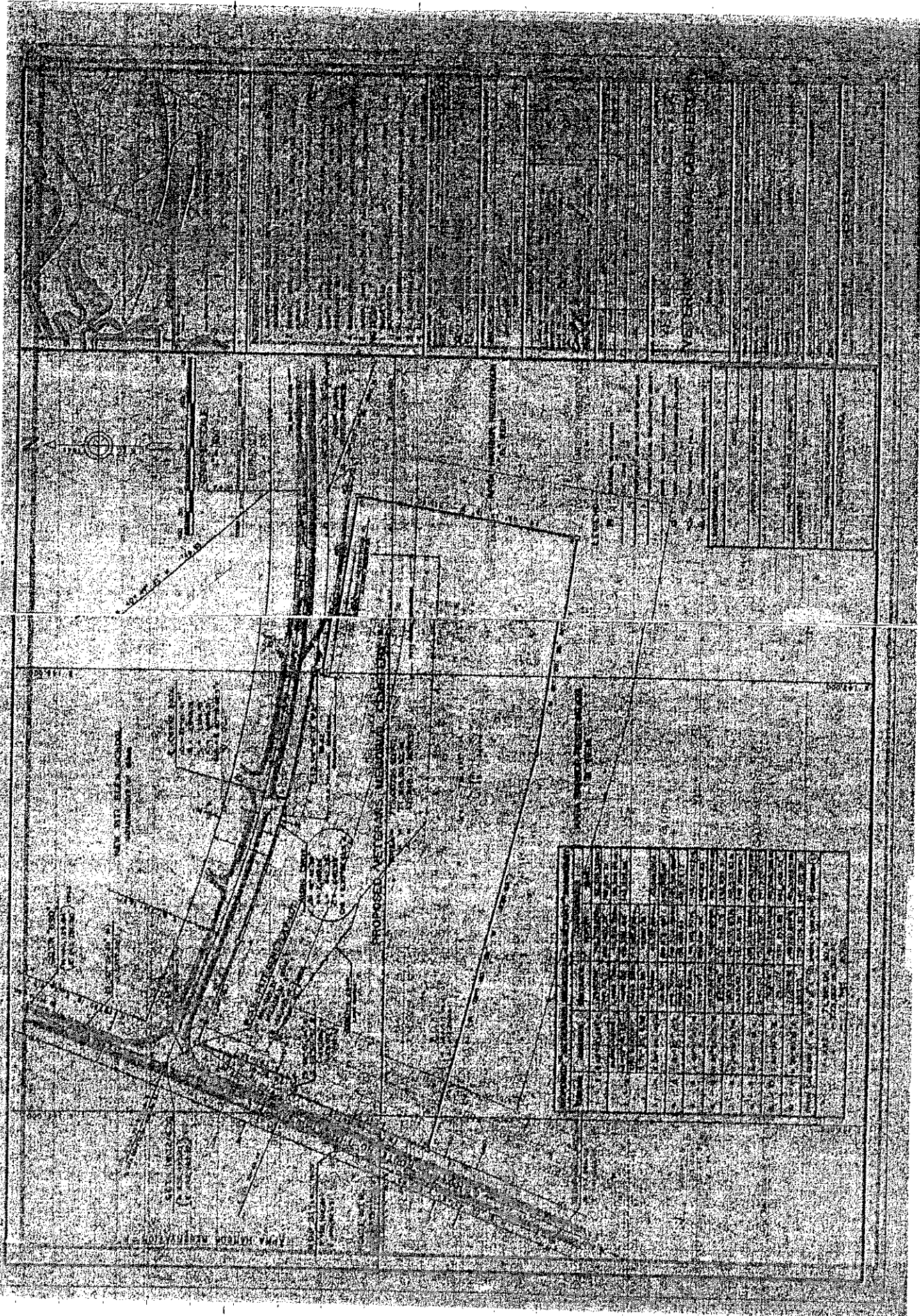


# EXHIBIT "B"

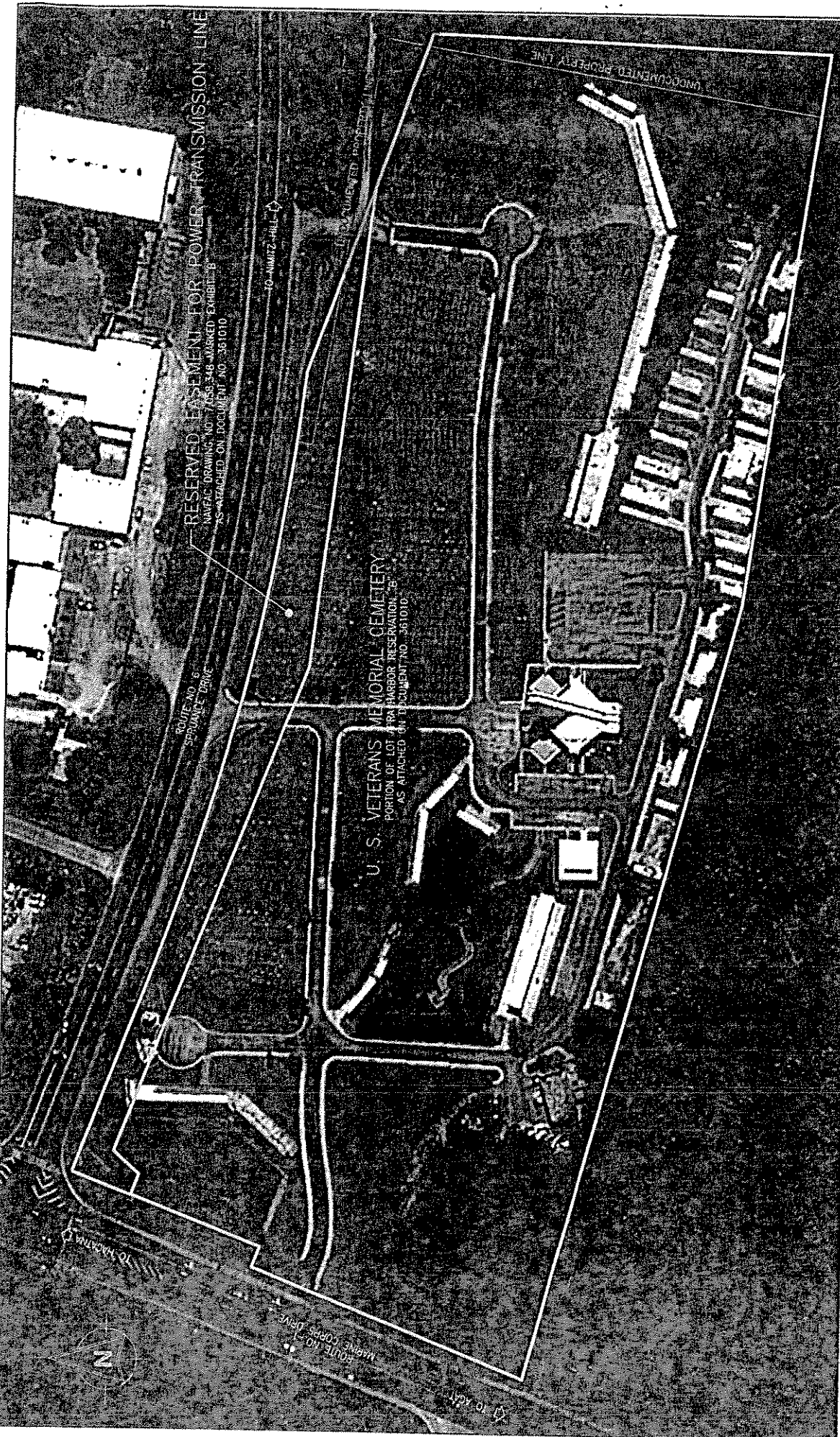


RESERVATION: RESERVOIR AREA

NO.	DATE	DESCRIPTION	AMOUNT	REMARKS
1	1/1/50	...	...	...
2	2/1/50	...	...	...
3	3/1/50	...	...	...
4	4/1/50	...	...	...
5	5/1/50	...	...	...
6	6/1/50	...	...	...
7	7/1/50	...	...	...
8	8/1/50	...	...	...
9	9/1/50	...	...	...
10	10/1/50	...	...	...
11	11/1/50	...	...	...
12	12/1/50	...	...	...
13	1/1/51	...	...	...
14	2/1/51	...	...	...
15	3/1/51	...	...	...
16	4/1/51	...	...	...
17	5/1/51	...	...	...
18	6/1/51	...	...	...
19	7/1/51	...	...	...
20	8/1/51	...	...	...
21	9/1/51	...	...	...
22	10/1/51	...	...	...
23	11/1/51	...	...	...
24	12/1/51	...	...	...
25	1/1/52	...	...	...
26	2/1/52	...	...	...
27	3/1/52	...	...	...
28	4/1/52	...	...	...
29	5/1/52	...	...	...
30	6/1/52	...	...	...
31	7/1/52	...	...	...
32	8/1/52	...	...	...
33	9/1/52	...	...	...
34	10/1/52	...	...	...
35	11/1/52	...	...	...
36	12/1/52	...	...	...
37	1/1/53	...	...	...
38	2/1/53	...	...	...
39	3/1/53	...	...	...
40	4/1/53	...	...	...
41	5/1/53	...	...	...
42	6/1/53	...	...	...
43	7/1/53	...	...	...
44	8/1/53	...	...	...
45	9/1/53	...	...	...
46	10/1/53	...	...	...
47	11/1/53	...	...	...
48	12/1/53	...	...	...
49	1/1/54	...	...	...
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51	3/1/54	...	...	...
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57	9/1/54	...	...	...
58	10/1/54	...	...	...
59	11/1/54	...	...	...
60	12/1/54	...	...	...
61	1/1/55	...	...	...
62	2/1/55	...	...	...
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65	5/1/55	...	...	...
66	6/1/55	...	...	...
67	7/1/55	...	...	...
68	8/1/55	...	...	...
69	9/1/55	...	...	...
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72	12/1/55	...	...	...
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77	5/1/56	...	...	...
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96	12/1/57	...	...	...
97	1/1/58	...	...	...
98	2/1/58	...	...	...
99	3/1/58	...	...	...
100	4/1/58	...	...	...








RESERVED EASEMENT FOR POWER TRANSMISSION LINE  
 NAVFAC DRAWING NO. 7055348 MARKED EXHIBIT B  
 IS ATTACHED ON DOCUMENT NO. 361010

U.S. VETERANS MEMORIAL CEMETERY  
 PORTION OF LOT 1 FOR HARBOR PRESERVATION, '5  
 AS ATTACHED ON DOCUMENT NO. 361010

ROUTE NO. 6  
 SQUARE DRIVE



 **PINEDA SURVEYING**  
 BOUNDARY  
 TOPOGRAPHIC  
 CONSTRUCTION  
 ENGINEERING  
 HYDROGRAPHIC  
 GIS  
 P.O. BOX 12032 7000 GU #928  
 WWW.PINEDASURVEYING.COM  
 info@pinedasurveying.com  
 TEL. (871)787-1785/788-1785

Attachment "B" of  
 ...



**OFFICE OF THE SPEAKER**  
**JUDITH T. WON PAT, Ed.D.**  
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

**VICE CHAIR**

COMMITTEE ON TOURISM,  
 MUNICIPAL AFFAIRS,  
 HOUSING AND  
 RECREATION

June 30, 2014

**MEMORANDUM**

COMMITTEE ON  
 TAXATION,  
 APPROPRIATIONS, PUBLIC  
 DEBT, BANKING,  
 INSURANCE, RETIREMENT  
 AND LAND

To: Honorable Rory Respicio  
 Chairperson, Committee on Rules

**COMMISSIONER**

GUAM COMMISSION ON  
 DECOLONIZATION

From: Speaker Judith T. Won Pat, Ed.D.

GUAM FIRST  
 COMMISSION

Subject: Waiver of Public Hearing-Bill 340-32(COR)

**VICE PRESIDENT**

ASSOCIATION OF  
 PACIFIC ISLAND  
 LEGISLATURES  
 (APIIL)

After carefully evaluating the request to waive the requirement of a public hearing on-Bill No. 340-32(COR) " An act relative to the transfer of Guam Department of Agriculture property to the Office of Veterans Affairs with respect to the boundaries of the Guam Veterans Cemetery."

I certify that Bill No. 340-32 (COR) meets one of the requirements set forth in §2103(a) of Title 2 Guam Code Annotated and the requirement for a public hearing is hereby waived.

**BOARD MEMBER**

PACIFIC RESOURCES FOR  
 EDUCATION  
 AND LEARNING  
 (PREL)

Sincerely,

**LEGISLATIVE  
 REPRESENTATIVE**

Judith T. Won Pat, Ed.D.

PACIFIC ISLAND  
 DEVELOPMENT BANK  
 (PIDB)

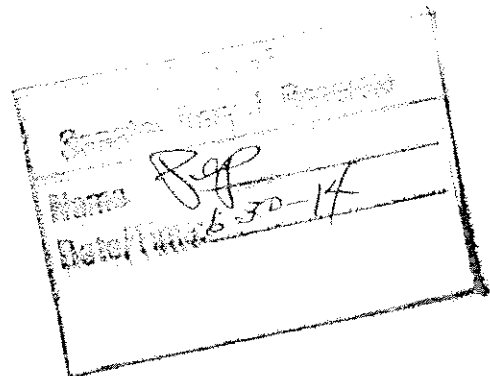
FESTIVAL OF THE  
 PACIFIC ARTS  
 (FESTPAC)

cc: Clerk of the Legislature

Clerk of the Legislature

**ACKNOWLEDGEMENT RECEIPT**

Received by: [Signature]  
 Time: 9:29 am  
 Date: 6/30/14





OFFICE OF SENATOR  
**FRANK B. AGUON, JR.**  
 CHAIRMAN, COMMITTEE ON  
 GUAM U.S. MILITARY RELOCATION | HOMELAND SECURITY | VETERANS' AFFAIRS | JUDICIARY



26 June 2014

**MEMORANDUM**

To: Speaker Judith T. Won Pat  
 From: Senator Frank B. Aguon, Jr.

Date: 6/30/14  
 Time: 8:55am  
 Received by: [Signature]

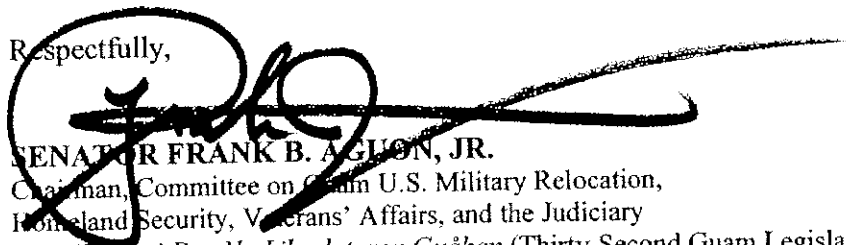
Subject: Waiver of Public Hearing for Bill No. 340-32 (COR)

I am kindly requesting to waive a public hearing for Bill No. 340-32 (COR) an act relative to the transfer of Guam Department of Agriculture Property to the Office of Veterans Affairs with respect to the boundaries of the Guam Veterans Cemetery.

Bill No. 340-32 (COR) resolves previous map discrepancies and grants transfer of a small portion of the Guam Department of Agriculture property to the Office of Veterans Affairs respecting the boundaries of the Guam Veterans Cemetery. Additionally, Mr. John Unpingco, Administrator for the Office of Veterans Affairs has requested via email (please see attached) to waive a public hearing for Bill No. 340-32 (COR) so the department may be able to move forward with the completion of the renovation and expansion of the Guam Veterans Cemetery.

Your approval of my request to waive a public hearing would be greatly appreciated. Should you have any further questions please feel free to contact me. *Un Dangkolo' Na Si Yu'os Ma'ase'*

Respectfully,

  
 SENATOR FRANK B. AGUON, JR.  
 Chairman, Committee on Guam U.S. Military Relocation,  
 Homeland Security, Veterans' Affairs, and the Judiciary  
 Mina'Trentai Dos Na Liheslaturan Guåhan (Thirty-Second Guam Legislature)

Attached:  
 Request (Email) from Mr. John Unpingco, Administrator of the Office of Veterans Affairs

CC: Honorable Senators, 32<sup>nd</sup> Guam Legislature  
 Senator Vicente "ben" C. Pangelinan, Chairman, Committee on Appropriations  
 Public Debt, Legal Affairs, Retirement, Public Parks  
 Recreation, Historic Preservation & Land

I Mina'Trentai Dos Na Liheslaturan Guåhan  
 Phone: (671)475-GUM1/2 (4861/2) | Fax: (671)475-GUM3 (4863)  
 155 Hesler Place Hagatna, Guam 96910 | Email: aguon4guam@gmail.com

[www.frankaguonjr.com](http://www.frankaguonjr.com)





Frank Aguon, Jr. <aguon4guam@gmail.com>

---

**(no subject)**

1 message

---

**John Unpingco** <john.unpingco@gvao.guam.gov>  
To: aguon4guam@gmail.com

Thu, Jun 26, 2014 at 11:10 AM

Dear Senator,

I write to you to ask that the hearing on the cemetery, Bill 340-32 COR, be waived. It is absolutely urgent that this bill be passed as quickly as possible. As you know, we have a contractor working on the expansion and improvement of the Guam Veterans Cemetery. Part of the improvement is a fence to be built around cemetery property. The contractor has progressed to the point where the fence is at the disputed property. In order to prevent a contractor claim for damages and delay, Bill 340-32 must be passed, giving us (*Guam Veterans Cemetery*) that sliver of property.

I am prepared to testify on this as is the Director of the Department of Agriculture (*the present owner of the sliver*). As soon as the hearing is scheduled, or better yet if the hearing is waived, we shall proceed. Please use your best efforts to get either a hearing or a waiver of a hearing on this bill.

Sincerely,

/s/

John Unpingco



***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

July 1, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahren Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY *J. Dela Rosa*  
TIME *9:10 am* DATE *7/2/14*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 249-32 (COR), 312-32 (LS), 316-32 (LS), 317-32 (LS), 318-32 (COR), 319-32 (LS), 340-32 (COR) and 355-32 (COR), which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on July 1, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosures (8)

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2014 (SECOND) Regular Session**

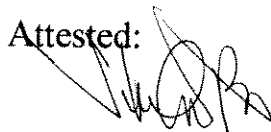
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 340-32 (COR)**, "AN ACT RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY," was on the 1<sup>st</sup> day of July, 2014, duly and regularly passed.



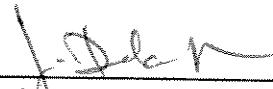
**Judith T. Won Pat, Ed.D.  
Speaker**

Attested:



**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'lahen Guåhan* this July day of July, 2014, at 9:10 o'clock A.M.



**Assistant Staff Officer  
*Maga'lahi's Office***

APPROVED:

**EDWARD J.B. CALVO  
*I Maga'lahen Guåhan***

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

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

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
2014 (SECOND) Regular Session

**Bill No. 340-32 (COR)**

As amended on the Floor.

Introduced by:

FRANK B. AGUON, JR.  
V. Anthony Ada  
Chris M. Dueñas  
T. C. Ada  
T. R. Muña Barnes  
B. J.F. Cruz  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT RELATIVE TO THE TRANSFER OF GUAM  
DEPARTMENT OF AGRICULTURE PROPERTY TO  
THE OFFICE OF VETERANS AFFAIRS WITH  
RESPECT TO THE BOUNDARIES OF THE GUAM  
VETERANS CEMETERY.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahân*  
3 recognizes that a memorandum of understanding, dated April 1, 2014, was made  
4 by and between the Guam Department of Agriculture (GDOA) and the Office of  
5 Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans  
6 Cemetery, located at 150 Spruance Drive in *Piti*, Guam. (Attachment A)

7           The United States Navy built a cemetery in the 1950s for the interment of

1 Guam's veterans and all other eligible persons, e.g., dependant spouses and  
2 children of Guam veterans. When the cemetery was being constructed, the  
3 boundaries of the cemetery were laid out and a fence enclosing the cemetery was  
4 constructed. The Navy turned the cemetery over to the government of Guam's  
5 control by virtue of a quitclaim deed to which was attached a map showing the  
6 cemetery boundaries. The Navy took the quitclaim deed, and the attached map to  
7 it, to the Department of Land Management where it was duly recorded.

8 Unbeknownst to the U.S. Navy and the government of Guam, the map  
9 showing the boundaries of the Guam Veterans Cemetery and the actual fenced  
10 boundary of the cemetery were not congruent. The Navy map showed the  
11 northwest boundary to be about fifty (50) feet within the cemetery's fence, and  
12 approximately twenty-four (24) graves were in the fifty (50) feet area.

13 *I Liheslaturan Guahån* further recognizes that the GDOA desired to build an  
14 access road into the *Masso* River reservoir, and hence followed the erroneous Navy  
15 map which showed the northwest boundary to be about fifty (50) feet within the  
16 cemetery's fence line. The GDOA property line showing the access road to be fifty  
17 (50) feet within the cemetery line was duly recorded. The Navy, realizing it had  
18 made a mistake, tried to record a corrected map (the Meregilliano map) wherein  
19 the actual, fenced northwest boundary of the cemetery was congruent with the  
20 cemetery property, and the GDOA boundary was outside the cemetery fence line.  
21 The Meregilliano map had never been recorded at the Department of Land  
22 Management for unknown reasons. The GDOA still owns the land fifty (50) feet  
23 inside the cemetery's fence line. This error has gone unnoticed since the return of  
24 the Veteran's Cemetery to the government of Guam's jurisdiction. (Attachment B)

25 Therefore, it is the intent of *I Liheslaturan Guahån* to resolve the  
26 aforementioned discrepancy and grant the transfer of a small portion of the Guam  
27 Department of Agriculture property to the Office of Veterans Affairs with respect

1 to the boundaries of the Guam Veterans Cemetery.

2       **Section 2. Property Transfer.** The real property described as fifty (50)  
3 feet of boundary into the northwest corner of the Guam Veterans Cemetery, Apra  
4 Harbor Reservation Area B-R1, owned by the Guam Department of Agriculture, is  
5 hereby transferred to the Office of Veterans Affairs, government of Guam, with  
6 respect to the boundaries of the Guam Veterans Cemetery. The Office of Veterans  
7 Affairs *shall* record the appropriate map showing the boundaries of the cemetery to  
8 be congruent with the actual fence line on the northwest border to be included  
9 within the cemetery boundary. All expenses in effectuating this transfer *shall* be  
10 borne by the Office of Veterans Affairs.

11       Pertinent government of Guam agencies and offices affected by the  
12 provisions contained herein *shall* work collectively with the Office of Veterans  
13 Affairs in the timely and appropriate implementation of the provisions herein. The  
14 transfer of said property *shall* become effective upon the enactment of this Act.

15       **Section 3. Severability.** *If* any provision of this Act or its application to  
16 any person or circumstance is found to be invalid or contrary to law, such  
17 invalidity shall not affect other provisions or applications of this Act which can be  
18 given effect without the invalid provisions application, and to this end the  
19 provisions of this Act are severable.

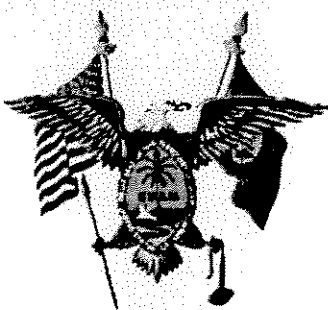
# **Attachment "A"**

**Memorandum of Understanding  
between  
the  
Office of Veterans Affairs  
and  
Department of Agriculture**

**Eddie B. Calvo**  
*Governor*

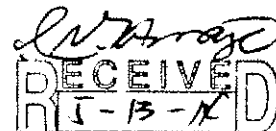
**Ray Tenorio**  
*Lieutenant Governor*

**John S. Unpingco**  
*Administrator*



**OFFICE OF VETERANS AFFAIRS**  
Office of the Governor  
P.O. Box 2950  
Hagatna, Guam 96932  
Tel: (671) 475-8392  
Fax: (671) 475-8392

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE  
OFFICE OF VETERANS AFFAIRS  
AND  
DEPARTMENT OF AGRICULTURE**



This Memorandum of Understanding dated April 1, 2014 is made by and between the Guam Department of Agriculture (GDOA) and the Office of Veterans Affairs (OVA) with respect to the boundaries of the Guam Veterans Cemetery, 150 Spruance Drive; Piti, Guam 96915.

**RECITALS:**

**WHEREAS**, the United States Navy built a cemetery in the 1950's for the interment of Guam's veterans and all other eligible persons, e.g., dependent spouse and children of Guam veterans;

**WHEREAS**, when the cemetery was being constructed, the boundaries of the cemetery were laid out and a fence enclosing the cemetery was constructed;

**WHEREAS**, the Navy turned the cemetery over to Government of Guam's control by virtue of a Quitclaim Deed to which was attached a map (Attachment 1) showing the cemetery boundaries;

**WHEREAS**, the Navy took the Quitclaim Deed and the attached map to it, to the Department of Land Management where it was duly recorded;

**WHEREAS**, unbeknownst to the Navy and the Government of Guam the map showing the boundaries of the Guam Veterans Cemetery and the actual fenced boundary of the cemetery were not congruent;

**WHEREAS**, the Navy map showed the northwest boundary to be about fifty (50) feet within the cemetery's fence and approximately twenty four (24) graves were in the fifty (50) feet area;



**WHEREAS**, the GDOA desired to build an access road into the Masso River reservoir and hence followed the erroneous Navy map which showed the northwest boundary to be about fifty (50) feet within the cemetery's fence line;

**WHEREAS**, the GDOA property line showing the access road to be fifty (50) feet within the cemetery line was duly recorded;

**WHEREAS**, the Navy realizing it had made a mistake, tried to record a corrected map (the Meregilliano map) wherein the actual, fenced northwest boundary of the cemetery was congruent with the cemetery property and the GDOA boundary was outside the cemetery fence line;

**WHEREAS**, the Meregilliano map had never been recorded at Department of Land Management for unknown reasons;

And, the GDOA still owns the land fifty (50) feet inside the cemetery's fence line;

**WHEREAS**, this error has gone unnoticed since the return of the Veterans Cemetery to Government of Guam jurisdiction;

**NOW**, therefore to resolve the aforementioned discrepancy, the parties to this Memorandum of Understanding agree to the following:

1. The GDOA agrees to:
  - a. The transfer of the fifty (50) feet of its boundary into the northwest corner of the cemetery to the OVA as its access road to the Masso reservoir remains undisturbed by the transfer;
  - b. As both parties hereto are line agencies of the Government of Guam the transfer will be at no cost to either party;
  - c. GDOA will cooperate with OVA to the fullest extent possible to take whatever action is necessary to effectuate said transfer such as but not limited to, obtaining approval by the Guam Legislature;
  - d. GODA hereby transfers the fifty (50) feet of property in the cemetery fence line to the Guam Veterans Cemetery.

2. The Office of Veterans Affairs agrees to:
  - a. Record the appropriate map showing the boundaries of the cemetery to be congruent with the actual fence line on the northwest border of the cemetery;
  - b. If a map is not extant showing the above, then the Office of Veterans Affairs will obtain a survey and a map at its cost only showing the actual fence line on the northwest border to be included within the cemetery boundary;
  - c. Take whatever action is necessary to effectuate this transfer, such as but not limited to, obtaining approval by the Guam Legislature;
  - d. All expenses in effectuating this transfer shall be borne by OVA;
  - e. The OVA will immediately seek Legislative approval of the transfer;
  - f. The OVA accepts the transfer of the fifty (50) feet of GDOA property.
3. Modification to this Memorandum of Understanding shall be made only upon written approval of the parties represented by the signatories to this instrument.
4. Execution - So understood and agreed to by the parties hereto. Any reference to the date of this Memorandum of Understanding shall be to the date at first stated hereinabove.

**GUAM DEPARTMENT OF AGRICULTURE**

By:   
MARIQUITA F. TATTAGUE, *Director*

5/13/14

Date: 5/13/14

**OFFICE OF VETERANS AFFAIRS**

By:   
JOHN S. UNPINGCO, *Administrator*

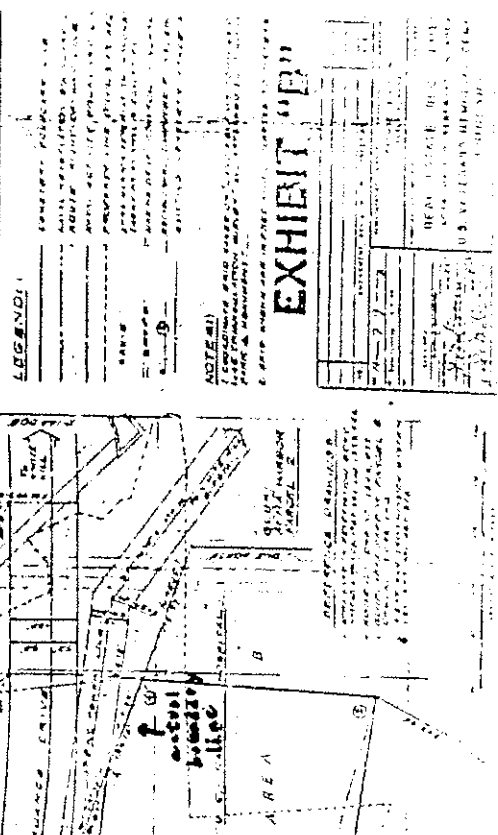
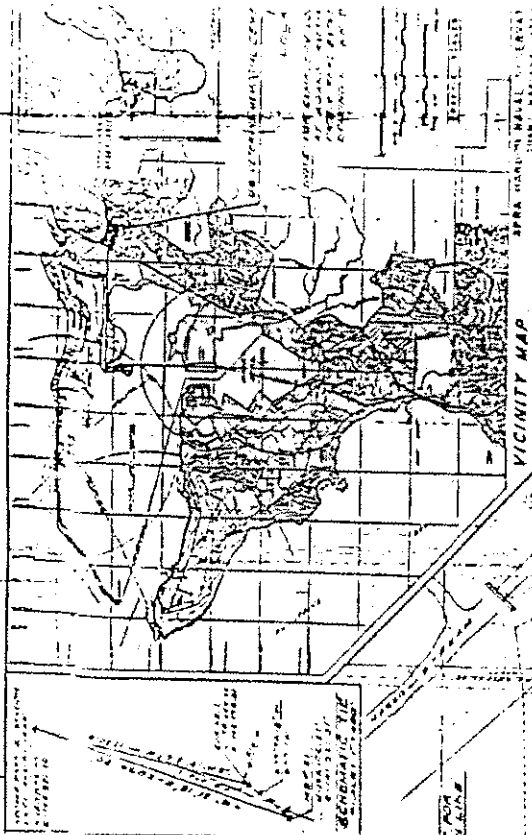
Date: 5/13/14

## **Attachment "B"**

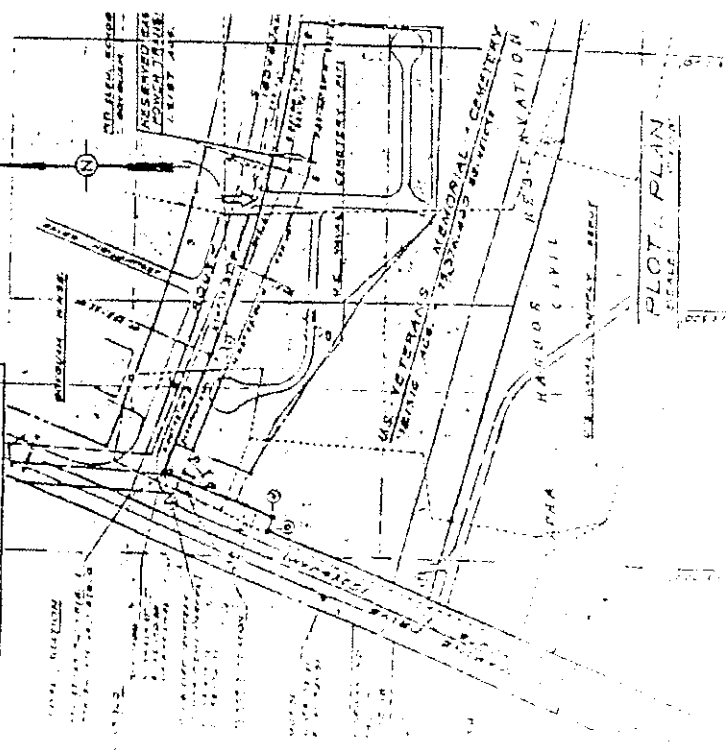
**Apra Harbor Reservation Area B-R1 Map**

**Meregilliano Map**

**Pineda Surveying Map**



SECTION	SECTION NUMBER	SECTION NAME	SECTION AREA	SECTION PERCENTAGE	SECTION TOTAL
1	1	SECTION 1	100.00	100.00	100.00
2	2	SECTION 2	100.00	100.00	100.00
3	3	SECTION 3	100.00	100.00	100.00
4	4	SECTION 4	100.00	100.00	100.00
5	5	SECTION 5	100.00	100.00	100.00
6	6	SECTION 6	100.00	100.00	100.00
7	7	SECTION 7	100.00	100.00	100.00
8	8	SECTION 8	100.00	100.00	100.00
9	9	SECTION 9	100.00	100.00	100.00
10	10	SECTION 10	100.00	100.00	100.00
11	11	SECTION 11	100.00	100.00	100.00
12	12	SECTION 12	100.00	100.00	100.00
13	13	SECTION 13	100.00	100.00	100.00
14	14	SECTION 14	100.00	100.00	100.00
15	15	SECTION 15	100.00	100.00	100.00
16	16	SECTION 16	100.00	100.00	100.00
17	17	SECTION 17	100.00	100.00	100.00
18	18	SECTION 18	100.00	100.00	100.00
19	19	SECTION 19	100.00	100.00	100.00
20	20	SECTION 20	100.00	100.00	100.00
21	21	SECTION 21	100.00	100.00	100.00
22	22	SECTION 22	100.00	100.00	100.00
23	23	SECTION 23	100.00	100.00	100.00
24	24	SECTION 24	100.00	100.00	100.00
25	25	SECTION 25	100.00	100.00	100.00
26	26	SECTION 26	100.00	100.00	100.00
27	27	SECTION 27	100.00	100.00	100.00
28	28	SECTION 28	100.00	100.00	100.00
29	29	SECTION 29	100.00	100.00	100.00
30	30	SECTION 30	100.00	100.00	100.00
31	31	SECTION 31	100.00	100.00	100.00
32	32	SECTION 32	100.00	100.00	100.00
33	33	SECTION 33	100.00	100.00	100.00
34	34	SECTION 34	100.00	100.00	100.00
35	35	SECTION 35	100.00	100.00	100.00
36	36	SECTION 36	100.00	100.00	100.00
37	37	SECTION 37	100.00	100.00	100.00
38	38	SECTION 38	100.00	100.00	100.00
39	39	SECTION 39	100.00	100.00	100.00
40	40	SECTION 40	100.00	100.00	100.00
41	41	SECTION 41	100.00	100.00	100.00
42	42	SECTION 42	100.00	100.00	100.00
43	43	SECTION 43	100.00	100.00	100.00
44	44	SECTION 44	100.00	100.00	100.00
45	45	SECTION 45	100.00	100.00	100.00
46	46	SECTION 46	100.00	100.00	100.00
47	47	SECTION 47	100.00	100.00	100.00
48	48	SECTION 48	100.00	100.00	100.00
49	49	SECTION 49	100.00	100.00	100.00
50	50	SECTION 50	100.00	100.00	100.00






RESERVED EASEMENT FOR POWER TRANSMISSION LINE  
NAVEDA DRAWING NO. 17000-1000-00-1000  
AS ATTACHED TO DOCUMENT NO. 361010

SCALE AND  
SPACING SIZE

U. S. VETERANS MEMORIAL CEMETERY  
PORTION OF LOT 10000 RESERVATION "B"  
AS ATTACHED TO DOCUMENT NO. 361010



 **PINEDA SURVEYING**  
BOUNDARY  
TOPOGRAPHIC  
CONSTRUCTION  
ENGINEERING  
HYDROGRAPHIC  
P.O. BOX 15052 7600 00 1000  
WWW.PINEDASURVEYING.COM  
TEL: (971) 707-1700 / FAX: 1705

Attachment "B" of



**OFFICE OF THE SPEAKER**  
**JUDITH T. WON PAT, Ed.D.**  
 CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

**VICE CHAIR**

COMMITTEE ON TOURISM,  
 MUNICIPAL AFFAIRS,  
 HOUSING AND  
 RECREATION

June 30, 2014

COMMITTEE ON  
 TAXATION,  
 APPROPRIATIONS, PUBLIC  
 DEBT, BANKING,  
 INSURANCE, RETIREMENT  
 AND LAND

**MEMORANDUM**

**COMMISSIONER**

GUAM COMMISSION ON  
 DECOLONIZATION

To: Honorable Rory Respicio  
 Chairperson, Committee on Rules

GUAM FIRST  
 COMMISSION

From: Speaker Judith T. Won Pat, Ed.D.

Subject: Waiver of Public Hearing-Bill 340-32(COR)

**VICE PRESIDENT**

ASSOCIATION OF  
 PACIFIC ISLAND  
 LEGISLATURES  
 (APIL)

After carefully evaluating the request to waive the requirement of a public hearing on-  
 Bill No. 340-32(COR) " An act relative to the transfer of Guam Department of  
 Agriculture property to the Office of Veterans Affairs with respect to the boundaries  
 of the Guam Veterans Cemetery."

I certify that Bill No. 340-32 (COR) meets one of the requirements set forth in  
 §2103(a) of Title 2 Guam Code Annotated and the requirement for a public hearing is  
 hereby waived.

**BOARD MEMBER**

PACIFIC RESOURCES FOR  
 EDUCATION  
 AND LEARNING  
 (PREL)

Sincerely,

**LEGISLATIVE  
 REPRESENTATIVE**

PACIFIC ISLAND  
 DEVELOPMENT BANK  
 (PIDB)

Judith T. Won Pat, Ed.D.

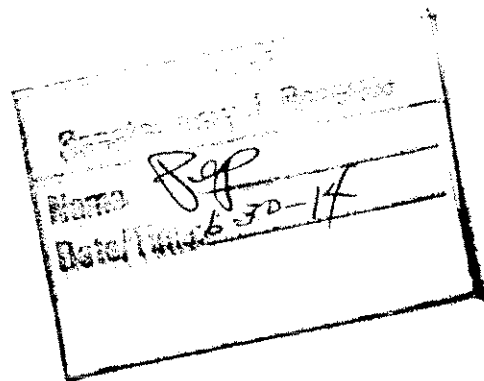
FESTIVAL OF THE  
 PACIFIC ARTS  
 (FESTPAC)

cc: Clerk of the Legislature

Clerk of the Legislature

**ACKNOWLEDGEMENT RECEIPT**

Received by: [Signature]  
 Time: 9:21 AM  
 Date: 6/30/14





OFFICE OF SENATOR  
**FRANK B. AGUON, JR.**

CHAIRMAN, COMMITTEE ON

GUAM U.S. MILITARY RELOCATION | HOMELAND SECURITY | VETERANS' AFFAIRS | JUDICIARY



26 June 2014

**MEMORANDUM**

To: Speaker Judith T. Won Pat

From: Senator Frank B. Aguon, Jr.

Subject: Waiver of Public Hearing for Bill No. 340-32 (COR)

6.30.14  
S. Aguon  
[Handwritten signature and date]

I am kindly requesting to waive a public hearing for Bill No. 340-32 (COR) an act relative to the transfer of Guam Department of Agriculture Property to the Office of Veterans Affairs with respect to the boundaries of the Guam Veterans Cemetery.

Bill No. 340-32 (COR) resolves previous map discrepancies and grants transfer of a small portion of the Guam Department of Agriculture property to the Office of Veterans Affairs respecting the boundaries of the Guam Veterans Cemetery. Additionally, Mr. John Unpingco, Administrator for the Office of Veterans Affairs has requested via email (please see attached) to waive a public hearing for Bill No. 340-32 (COR) so the department may be able to move forward with the completion of the renovation and expansion of the Guam Veterans Cemetery.

Your approval of my request to waive a public hearing would be greatly appreciated. Should you have any further questions please feel free to contact me. *Un Dangkolo' Na Si Yu'os Ma'ase'*

Respectfully,

[Handwritten signature of Senator Frank B. Aguon, Jr.]

**SENATOR FRANK B. AGUON, JR.**  
Chairman, Committee on Guam U.S. Military Relocation,  
Homeland Security, Veterans' Affairs, and the Judiciary  
*Mina'Trentai Dos Na Liheslaturan Guåhan* (Thirty-Second Guam Legislature)

**Attached:**

Request (Email) from Mr. John Unpingco, Administrator of the Office of Veterans Affairs

CC: Honorable Senators, 32<sup>nd</sup> Guam Legislature  
Senator Vicente "ben" C. Pangelinan, Chairman, Committee on Appropriations  
Public Debt, Legal Affairs, Retirement, Public Parks  
Recreation, Historic Preservation & Land

*I Mina'Trentai Dos Na Liheslaturan Guåhan*  
Phone: (671)475-GUM1/2 (4861/2) | Fax: (671)475-GUM3 (4863)  
155 Hesler Place Hagatna, Guam 96910 | Email: aguon4guam@gmail.com

[www.frankaguonjr.com](http://www.frankaguonjr.com)





Frank Aguon, Jr. <aguon4guam@gmail.com>

---

**(no subject)**

1 message

---

**John Unpingco** <john.unpingco@gvao.guam.gov>

Thu, Jun 26, 2014 at 11:10 AM

To: aguon4guam@gmail.com

Dear Senator,

I write to you to ask that the hearing on the cemetery, Bill 340-32 COR, be waived. It is absolutely urgent that this bill be passed as quickly as possible. As you know, we have a contractor working on the expansion and improvement of the Guam Veterans Cemetery. Part of the improvement is a fence to be built around cemetery property. The contractor has progressed to the point where the fence is at the disputed property. In order to prevent a contractor claim for damages and delay, Bill 340-32 must be passed, giving us (*Guam Veterans Cemetery*) that sliver of property.

I am prepared to testify on this as is the Director of the Department of Agriculture (*the present owner of the sliver*). As soon as the hearing is scheduled, or better yet if the hearing is waived, we shall proceed. Please use your best efforts to get either a hearing or a waiver of a hearing on this bill.

Sincerely,

/s/

John Unpingco

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

BILL NO. 340-32 (COR)

Speaker Antonio R. Unipingo Legislative Session Hall

DATE: 7/1/14

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN					✓ Ex.
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

14  
Yea

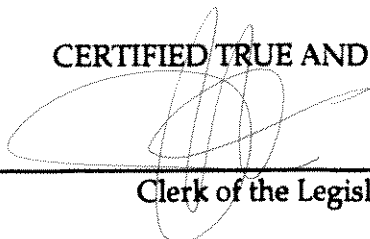
Nay

Not Voting/  
Abstained

Out During  
Roll Call

1 Ex.  
Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass