

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) REGULAR SESSION

2007 AUG 10 PM 1:18

Bill No. 157 (EC)

Introduced by:

J.P. Guthertz
R.J. Respicio
T.R. Muña Barnes
D.L.G. SHIMIZU

AN ACT TO AMEND TITLE 21 GUAM CODE
ANNOTATED CHAPTER 80 § 80105 TO
GUARANTEE LANDOWNER COMPENSATION
FOR ANY GOVERNMENT DEMOLITION OR
DESTRUCTION OF STRUCTURES IN TIYAN.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Intent.** *I Liheslaturan Guåhan* hereby
3 reaffirms the 'Ancestral Property Right' of landowners to fully use and
4 enjoy properties that have been deemed excess by the United States
5 Government.

6 *I Liheslaturan Guåhan* finds that the enactment of Public Law 22-
7 145 created a process for the assertion and protection of ancestral
8 property rights for ancestral landowners of *Tiyan* whose properties
9 were returned pursuant to 'The Guam Excess Lands Act.' This process
10 was expanded to address all ancestral land owner claims with the
11 passage of 'The Guam Ancestral Lands Act' pursuant to Public Law 25-
12 45, as amended by Public Laws 25-178, 25-180, 27-113, and 28-133.
13 However, other excess federal properties have been deeded to the

1 government of Guam for specific purposes, including excess
2 properties in *Tiyan* that were first assigned to the Federal Highways
3 Administration and Federal Aviation Administration, and
4 subsequently deeded to the government of Guam for highways and
5 economic conveyance purposes respectively.

6 *I Liheslaturan Guåhan* finds that in 2005, *I Maga'lahren Guåhan*,
7 acting in behalf of the Government of Guam, effectuated deeds and
8 transferred title to certain property in *Tiyan* pursuant to the '*The*
9 *Guam Ancestral Lands Act*' as mandated by Chapter 80 of 21 GCA.
10 Both the Federal Highway Administration and the Federal Aviation
11 Administration have threatened to sanction and withhold federal
12 funds from the Department of Public Works and the Antonio B. Won
13 Pat Guam International Airport Authority as a consequence of
14 violating the provisions of the deeds agreed to by the government of
15 Guam. *I Liheslaturan Guahan* finds that the issuance of deeds by *I*
16 *Maga'lahren Guahan*, in the absence of local statutes establishing a
17 Trust and a process to address such concerns, effectively obligates the
18 Government of Guam to compensate landowners for any corrective
19 action necessary for compliance with government of Guam
20 obligations with federal authorities.

1 The Government of Guam, through the Department of Public
2 Works and Antonio B. Won Pat Guam International Airport
3 Authority, have announced plans to comply with the terms of the
4 deeds without displacing any ancestral land owners, and the
5 installation of safety and perimeter fencing and the planned
6 demolition of certain structures on East Sunset Boulevard and other
7 areas continues. However, it is the intent of *I Liheslaturan Guåhan* to
8 provide compensation to ancestral landowners for the value of the
9 structures to be demolished.

10 **Section 2.** § 80105 of 21 GCA, Chapter 80 is hereby *amended* as
11 follows:

12 **“§ 80105. Transfer of Property to the Guam Ancestral**
13 **Lands Commission.** (a) Except in such circumstances where
14 existing roads or easements may have been transferred to the
15 Department of Public Works, any properties conveyed to the
16 jurisdiction of the Department of Public Works in the area of
17 Tiyan, formerly known as Naval Air Station, Agana (Brewer
18 Field), are transferred to the Guam Ancestral Lands
19 Commission and shall be deeded to the Guam Ancestral Lands
20 Commission upon the effective date of this Act. The Guam
21 Ancestral Lands Commission shall dispose of properties

1 transferred pursuant to this Act in a manner consistent with
2 and pursuant to the enabling legislation of the Guam Ancestral
3 Lands Commission.

4 (b) Properties and structures that have been returned to
5 original landowners in *Tiyan* shall not be demolished or in any
6 way destroyed by the Guam Airport Authority, the Department
7 of Public Works, government contractors or any other entity
8 acting on behalf of Government of Guam departments,
9 agencies, or instrumentalities, unless a Compensation
10 Agreement has been approved and executed between the
11 Government of Guam and the landowner of such property.
12 Compensation Agreements shall adequately compensate the
13 landowner for the value lost as a result of the demolition and
14 destruction thereof."

15 **Section 3. Suspension of Government Road and Fencing**
16 **Construction Project in *Tiyan*.** Any ongoing or future government
17 road construction or fencing projects initiated on East Sunset
18 Boulevard and on any other roads in *Tiyan*, which limit original
19 landowner access to transferred properties and structures, shall cease
20 until a Compensation Agreement between landowners and the

1 Government of Guam is approved and executed pursuant to 21GCA
2 § 80105.

3 **Section 4. Compensation Agreements.** Within 60 days of
4 enactment, the Director of Public Works and the Executive Manager
5 of the Antonio B. Won Pat Guam International Airport Authority
6 shall provide *I Liheslaturan Guåhan* with a detailed report on the cost
7 for the Compensation Agreements mandated by 21GCA, Chapter 80,
8 § 80105(b). The report shall include the following:

- 9 1. Names and contact information for ancestral landowners
10 identified for compensation;
- 11 2. Property description and specific locations of the affected
12 structures;
- 13 3. Land registration information specifying the history of
14 ownership and identifying whether the property is
15 subject to the deed conveyed by the Federal Highways
16 Administration, the Federal Aviation Administration, or
17 by any other means;
- 18 4. Recommended funding source for the Compensation
19 Agreement, including the identification of federal funds,
20 eligibility to add on the costs for the Compensation
21 Agreement with the costs for the federally mandated

1 projects, and any unused and available bond funds
2 eligible for reprogramming.

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