

Chairman

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

May 21, 2015

The Honorable Judith T. Won Pat, Ed.D.

Speaker I Mina'Trentai Tres Na Liheslaturan Guåhan 155 Hesler Place Hagåtña, Guam 96910

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

RE: Committee Report on Bill No. 92-33 (LS) As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 92-33 (LS) As Susbtituted**, An act to amend section 2 of P.L. 32-176 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.

| Committee vo | otes are as follows: |
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Si Yu'os ma'āse',

Thomas C. Ada



Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Libeslaturan Guähan • 33rd Guam Legislature

COMMITTEE REPORT ON

Bill No. 92-33 (LS)
As Substituted

"An act to amend section 2 of P.L. 32-176 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."



Chairman

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

May 21, 2015

MEMORANDUM

To: All Members

Committee on Transportation, Infrastructure, Land, Border Protection, Veterans'

Affairs and Procurement

From: Senator Thomas C. Ada

Committee Chairperson

Subject: Committee Report on Bill No. 92-33 (LS) As Substituted

Transmitted herewith for your consideration is the Committee Report on **Bill No. 92-33 (LS)** As Substituted, "An act to amend section 2 of P.L. 32-176 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."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 92-33 (LS), As Introduced
- Copy of Bill No. 92-33 (LS), As Substituted
- Public Hearing Sign-in Sheet
- Copy of written testimony/ letters
- Fiscal Note/Waiver
- COR Referral of Bill No. 92-33 (LS)
- Notices of Public Hearing
- Public Hearing Agenda

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



Chairman

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Liheslaturan Guåban * 33rd Guam Legislature

COMMITTEE VOTE SHEET

Bill No. 92-33 (LS) As Substituted, "An act to amend section 2 of P.L. 32-176 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."

| COMMITTEE MEMBERS | SIGNATURE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|---|------------|---------------|----------------|-----------------------|---------------|------------------------------------|
| SENATOR THOMAS C. ADA Chairperson | n | V | | | | |
| SENATOR RORY J. RESPICIO Vice Chairperson | Invil(1016 | * 5-21-15 | , | | | |
| VICE SPEAKER BENJAMIN J.F. CRUZ Member | 28 | | a allegarian | | | |
| SENATOR FRANK B. AGUON, JR. Member | the filt | | | | | |
| SENATOR DENNIS RODRIQUEZ, JR. Member | | | | | | |
| SENATOR NERISSA UNDERWOOD Member | | | | | | |
| SENATOR FRANK BLAS, JR. Member | +6 | | | | | |
| SENATOR MARY TORRES Member | Molon | | | | | |

Chairman

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

COMMITTEE REPORT DIGEST

1. Overview

Bill 92-33 (LS) was introduced on April 29, 2015 by Senator Thomas C. Ada and was subsequently referred on April 30, 2015 to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement. The Committee convened a public hearing on May 12, 2015 at 1:30 pm in *I Liheslaturan Guahan* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via email to all senators and all main media broadcasting outlets on May 5, 2015 (5-Day Notice) and again on May 8, 2015 (48-Hour Notice).

Senators Present

Senator Thomas C. Ada, Committee Chairperson
Sen. Frank Aguon Jr. Committee Member
Sen. Thomas A. Morrison Legislative Member
Sen. V. Anthony Ada Legislative Member

The public hearing was Called-to-Order at 1:30pm.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Chairman Ada: Starts by explaining that bill 92-33 seeks to adjust the boundary of the cemetery and move northward. There are graves that are outside (north) of the cemetery boundary and in the Department of Agriculture property. Senator Ada is amending a previous law, P.L. 32-176, which incorrectly cited the boundary in question to be in the Northwest corner of the cemetery lot. The boundary in question is in fact in the Northeast corner of the cemetery. He then calls on the Administrator of the Veterans' Affairs Office and the Director of Department of Land Management to give their testimonies.

Martin Manglona, *Admin. of the Veterans' Affairs Office*: Is here today in support of Bill 92-33 which seeks to rectify a boundary issue in the Northeast corner of the Veterans' Cemetery Lot.. Mr. Manglona commented that it is unfortunate that we have graves outside of the Veterans' cemetery boundary and it will be more fitting to relocate the cemetery boundary to include those graves within the Veterans' Cemetery lot.

Chairman Ada: Says there are about 25 graves that are located outside of the cemetery boundary. Calls on the Director of Land Management to give his testimony.

Michael Borja, *Dir. Of DLM:* Reads his written testimony(please see attached). In summary, the DLM Director stated that 'To appropriately transfer a portion of Lot B-R7 (Masso Reservoir

Conservation area) to Lot B-6 (Veterans' Cemetery), both Lots need to be surveyed, consolidated, then parceled out in a manner that appropriately locates the desired northeast boundaries of the Lot B-6 (Veterans Cemetery)'. DLM recommends the outsourcing of the survey work, but states that an appropriation of \$30,000 would be needed.

Sen. Aguon: Addressed Mr. Borja about what he mentioned in his testimony in regards to surveying Lot B-R7 initially and then carve out that piece.

Dir. Borja: That is the way the surveying works. They have to determine the full measurements of Lot B-R7 and B-6 and then combine them as one property. Then the property is split into two with the added piece to be included into Lot B-6.

Sen. Aguon: Even if it is a small piece of lot.

Dir. Borja: That is what I originally thought of, but after consulting with his Territorial Surveyor it is not possible just to include that small piece of property to Lot B-6.

Sen. Aguon: Explained that the previous legislation highlighted 50 feet as a requirement to be transferred from the Department of Agriculture to the Guam Veterans' Affairs Office. The way Senator Aguon reads it, is that the whole Lot B-R7 would be transferred to Guam Veterans' Affairs Office.

Dir. Borja: Believes the language in the bill leaves it up to the discretion of the chief surveyor to make that determination. If they did sever that piece of lot to be included in the cemetery, then there would have to in the best place possible open up another access route for Lot B-R7. There has to be an access route to avoid Lot B-R7 from being land locked.

Sen. Aguon: Says the requirement for having an access would not be necessary because that is not the portion of sliver being transferred. The intent is to transfer that small sliver that is right near the access road and not necessarily the access road itself.

Dir. Borja: He can do that and determine where the access entrance can be, so they don't have to come and revisit this issue again.

Sen. Aguon: He understands that the Guam Veterans' Office want to honor their fallen soldiers inside the cemetery gates. Senator Aguon also understands the Director Of Land Managements request for 30,000 dollars, but if you have it in the land survey revolving fund then the chairman has the authority of providing you that to utilization of those funds.

Chairman Ada: Deem Bill 92-33 as being publicly heard.

Submitted Written Testimonies:

Martin Manglona, Administrator Office of Veterans' Affairs Michael Borja, Director of Department of Land Management Matthew L.G. Sablan, Acting Director of Department of Agriculture

HI. FINDINGS AND RECOMMENDATIONS:

- (1) The Director of the Department of Land Management requests an appropriation of \$30,000 dollars to allow for professional surveying services to be contracted and for the procurement of surveying equipment needed to complete the required tasks stipulated in Bill 92-33, in order to correctly adjust the northeast boundary of the Veterans' Cemetery.
- (2) The Director of the Department of Agriculture has expressed a concern that "a reduction or loss of usage at Masso will result in the reimbursement of USFWS Federal funds." The Committee finds that the adjustment of the boundaries will not result in a reduction or loss of usage at Masso.
- (3) The Quitclaim Deed for the U.S. Veterans' Memorial Cemetery between the United States Government through the Administrator of General Services and the Territory of Guam specifically states that "no existing graves will be relocated or otherwise disturbed." Bill 92-33 seeks to adjust the boundaries to include all existing graves within the new Guam U.S. Veterans' Memorial Cemetery lot and will thus ensure that the graves are not exposed to any possibility of relocation or disturbance.

The Committee on Transportation, Infrastructure, Land, Border Protection, Veterans' Affairs and Procurement hereby reports out **Bill 92-33 (LS) As Substituted**, with the recommendation to <u>OO</u> <u>PASS</u>.

I MINA'TRENTAL TRES NA LIHESLATURAN GUÅHAN 2015 (FIRST) Regular Session

Bill No. ¶2 - 33(€€R)

Introduced by:

T.C.Ada

AN ACT AMEND SECTION 2 OF P.L. 32-176 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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

- 2 **Section 1. Intent.** *I Liheslaturan Guahan* finds that there are some Veterans' graves
- 3 outside of the property boundaries of the Guam U.S. Veterans' Memorial Cemetery.
- 4 The graves are located in the Northwest corner of Lot Apra Harbor Reservation B-
- 5 R7 (Lot B-R7), otherwise known as the Masso Reservoir Conservation Area. (See
- 6 Exhibit A)

-

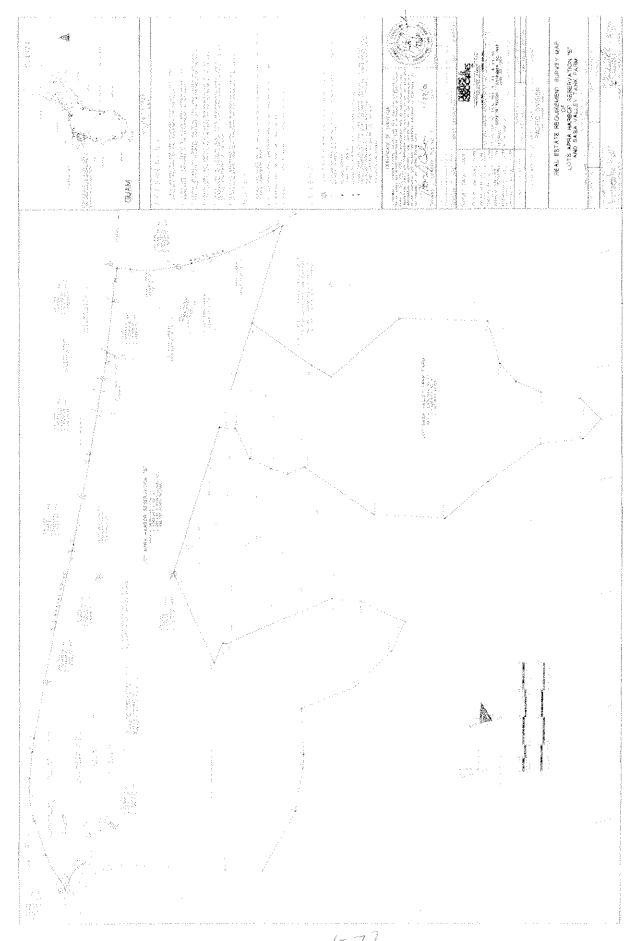
- 7 I Liheslaturan Guahan further finds that the Guam U.S. Veterans' Memorial
- 8 Cemetery is located on Lot Apra Harbor Reservation B-6 (Lot B-6). The Veterans'
- 9 graves in question are located outside the Northeast corner of Lot B-6.
- 10 I Liheslaturan Guahan intends to transfer an area in the Northwest section of
- 11 Lot B-R7 from the Masso Reservoir Conservation Area, and to consolidate the
- 12 transferred area into the Northeast section of Lot B-6. Said transfer will then ensure
- 13 that the Veterans' graves in question are situated are included, with the proper

| 1 | setback, within the new Lot to be owned by the U.S. Veterans' Memorial Cemetery |
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| 2 | property. |
| 3 | |
| 4 | Section 2. Section 2 of P.L. 32-176 is amended to read as follows: |
| 5 | "Section 2. Property Transfer. (1) The real property described as fifty |
| 6 | (50) feet of boundary into the northwest corner of the Guam <u>U.S.</u> Veterans |
| 7 | Memorial Cemetery, Lot Apra Harbor Reservation Area B-R47, owned by the |
| 8 | Guam Department of Agriculture, is hereby transferred to the Office of Veterans |
| 9 | Affairs, government of Guam, with respect to the boundaries of the Guam |
| 10 | Veterans Cemetery. |
| II | (2) The Director of the Department of Land Management is hereby directed |
| 12 | to survey, consolidate and map the transferred Northwest corner portion of Lot B- |
| 13 | R7 into the Northeast corner of Lot B-6 so that the Guam U.S. Veterans' Memorial |
| 14 | Cemetery and existing gravesites are on one Lot. Said map shall be recorded at the |
| 15 | public documents Records Library in the Department of Land Management. |
| 16 | . The Office of Veterans Affairs shall record the appropriate map showing |
| 17 | the boundaries of the cemetery to be congruent with the actual fence line on the |
| 18 | northwest-border to be included within the cemetery boundary. All expenses in |
| 19 | effectuating this transfer shall be borne by the Office of Veterans Affairs. |
| 20 | (3) The size and configuration of the property to be transferred determining |
| 21 | the Cemetery's new NORTHEAST boundary, shall be at the discretion of the |
| 22 | Chief of Cadastre, Department of Land Management to accomplish the needed |
| 23 | transfer. During the survey, consolidation and mapping, all existing easements |
| 24 | shall remain and be respected. |
| 25 | (4) The transfer of said property shall become effective upon the approval. |
| 26 | acceptance and signature of the DLM consolidation map by the Administrator of |
| 27 | the Office of Veterans' Affairs. |

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

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



Bill No. \$2-33 Exhibit A

I MINA'TRENTAI TRESNA LIHESLATURAN GUÅHAN 2015(FIRST) Regular Session

| Bil | l No. | 92-33 | (CC) | OR) | |
|-----|-------|---------|------|-----|--------|
| As | Subs | tituted | by | the | Author |

| Introduced by: | T.C.Ada |
|----------------|---------|
| <u> -</u> | |

AN ACT TO AMEND SECTION 2 OF P.L. 32-176RELATIVE TO THE SURVEY AND TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM U.S. VETERANS CEMETERY AND TO APPROPRIATE THE SUM OF THIRTY THOUSAND DOLLARS (\$30,000) TO COMPLETE THE PROVISIONS OF THIS ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

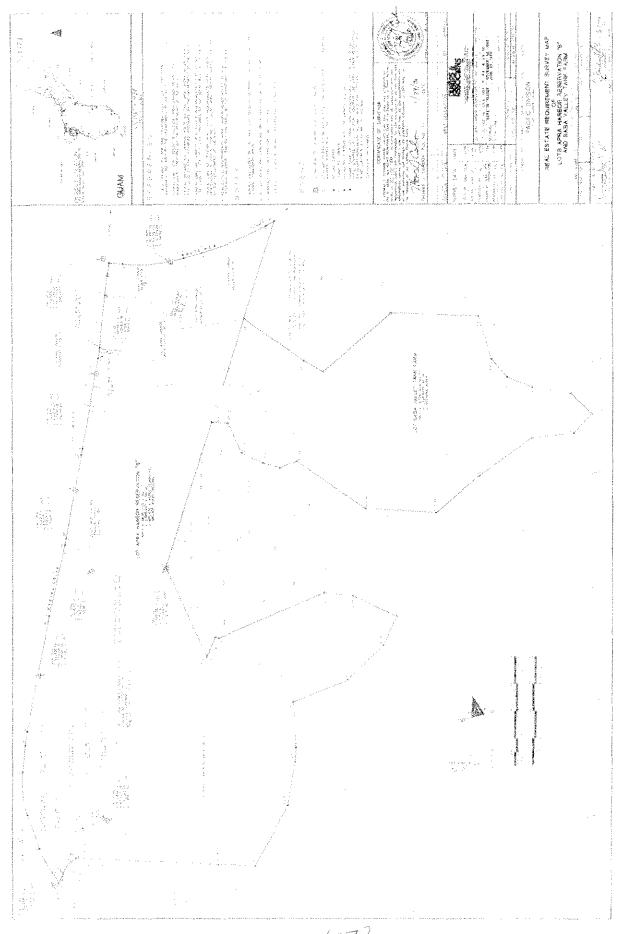
- 2 Section 1. Findings and Intent. I Liheslaturan Guahanfinds that there are some
- 3 Veterans' graves outside of the property boundaries of the Guam U.S. Veterans'
- 4 Memorial Cemetery. The graves are located in the Northwest corner of Lot Apra
- 5 Harbor Reservation B-R7(Lot B-R7), otherwise known as the Masso Reservoir
- 6 Conservation Area. (See Exhibit A)

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- 7 I Liheslaturan Guahan further finds that the Guam U.S. Veterans' Memorial
- 8 Cemetery is located on Lot Apra Harbor Reservation B-6 (Lot B-6). The Veterans'
- 9 graves in question are located outside the Northeast corner of Lot B-6.
- 10 I Liheslaturan Guahanintends to transfer an area in the Northwest section of
- 11 Lot B-R7 from the Masso Reservoir Conservation Area, and to consolidate the
- 12 transferred area into the Northeast section of Lot B-6. Said transfer will then ensure
- 13 that the Veterans' graves in question are situated and included, with the proper

| 1 | setback, within the new Lot to be owned by the U.S. Veterans' Memorial Cemetery |
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| 2 | property. |
| 3 | |
| 4 | Section 2. Section 2 of P.L. 32-176 is amended to read as follows: |
| 5 | "Section 2. Property Transfer.(1)Theportion of the real property described |
| 6 | as fifty (50) feet of boundary into in the northwest corner of the Guam <u>U.S.</u> Veterans |
| 7 | Memorial Cemetery, Lot Apra Harbor Reservation Area B-R47, owned by the |
| 8 | Guam Department of Agriculture, is hereby transferred to the Office of Veterans' |
| 9 | Affairs, government of Guam, with respect to the boundaries of the Guam |
| 10 | Veterans Cemetery. |
| 11 | (2) The Director of the Department of Land Management shallcause the |
| 12 | survey, consolidation and mapping of Lots B-R7 and B-6 for the purpose of re- |
| 13 | defining the Northeast boundary of Lot B-6 so that existing gravesites lying |
| 14 | outside of Lot B-6 (Guam U.S. Veterans' Cemetery) can be included within the |
| 15 | new Lot B-6. The revised maps shall be recorded at the public documents Records |
| 16 | Library in the Department of Land Management. |
| 17 | .The Office of Veterans Affairs shall record the appropriate map showing |
| 18 | the boundaries of the cemetery to be congruent with the actual fence line on the |
| 19 | northwest border to be included within the cemetery boundary. All expenses in |
| 20 | effectuating this transfer shall be borne by the Office of Veterans Affairs. |
| 21 | (3) The size and configuration of the property to be transferred determining |
| 22 | the Cemetery's new NORTHEAST boundary, shall be at the discretion of the |
| 23 | Chief of Cadastre, Department of Land Management to accomplish the needed |
| 24 | transfer. All existing easements shall remain and be respected. |
| 25 | (4) The transfer of said property shall become effective upon the approval. |
| 26 | acceptance and signature of the consolidation and severance map by the |
| 27 | Administrator of the Office of Veterans' Affairs. |

| 1 | (5) The sum of Thirty Thousand Dollars (\$30,000) is hereby appropriated |
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| 2 | fromany excess revenue collections and deposits into the Land Survey Revolving |
| 3 | Fund (LSRF)or from the FY2016 projected collections and deposits into the |
| 4 | LSRF, pursuant to 21 GCA Ch 60 \$60602 (b), for the purpose of contracting |
| 5 | professional surveying services or procuring needed survey equipment to |
| 6 | accomplish the provisions and intent of this Act. |
| 7 | (6) Pertinent government of Guam agencies and offices affected by the |
| 8 | provisions contained herein shall work collectively with the Office of Veterans |
| 9 | Affairs in the timely and appropriate implementation of the provisions herein. The |
| 10 | transfer of said property shall become effective upon the enactment of this Act. |
| 1 | |
| 12 | Section 3. Severability.If any provision of this Act or its application to |
| 13 | any person or circumstance is found to be invalid or contrary to law, such |
| 14 | invalidity shall not affect other provisions or applications of this Act which can be |
| 15 | given effect without the invalid provisions application, and to this end the |
| 16 | provisions of this Act are severable. |



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Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement Public Hearing May 12, 2015 1:30 p.m. I Liheslaturan Guåhan, Hagåtña

Bill No. 92-33(LS) T.C.Ada

An act to amend section 2 of P.L. 32-176 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.

| NAME (please print) MICUAOL BOKJA | AGENCY/ ORGANIZATION | ORAL TESTIMONY | WRITTEN TESTIMONY | IN FAVOR | NOT IN FAVOR | CONTACT NUMBER |
|---|-------------------------|--|--|--|-----------------|--|
| MICUAEL BORJA | LAND MGT | | L- | | | |
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Eddie B. Calvo Governor

Ray Tenorio Lieutenant Governor

Martin A. Manglona Administrator



OFFICE OF VETERANS AFFAIRS Office of the Governor

P.O. Box 2950 Hagatna, Guam 969232 Tel: (671) 475-8392 Fax: (671) 475-8392

from MARTIN A. MANGLONA

Administrator
Office of Veterans Affairs

Senator Tom Ada, Chairman of Committee on Veterans Affairs and Distinguished Senators.

We are here today to discuss the acquisition of property adjacent to the Guam Veterans Cemetery at Piti for expansion as we look to our needs in the future.

At the current rate of utilization of about 100 grave sites annually, the Guam Veterans Cemetery will reach capacity over the next 20 years, with our current availability of around 700 single crypts and 800 double plots for veterans and their dependents.

However, our usage is postured to increase as we lose veterans and their dependents from World War II, Korean and Vietnam wars, and all subsequent wars, compelling us to plan for the future.

Acquisition of this property will enhance the longevity of the Guam Veterans Cemetery for more than 50 years with the current and anticipation rates of usage.

Another advantage in acquiring this property is that it will enable us to use the adjacent property to reroute the water run-off so that it no longer floods our current facilities during heavy rains.

In closing, I am in support of the proposed bills for the reasons so stated.

MARTIN ADA MANGLONA

Administrator

Office of Veterans Affairs



DIPĀTTAMENTON MINANEHAN TĀNO' (Department of Land Management) GUBETNAMENTON GUÄHAN (Government of Guam)



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

RAY TENORIO Lieutenant Governor

Governor

MICHAEL J.B. BORJA

DAVID V. CAMACHO Deputy Director

May 6, 2015

Senator Thomas C. Ada 33rd Guam Legislature Chairman, Committee on Transportation, Infrastructure, Lands, Border Protection, Veteran's Affairs and Procurement 173 Aspinall Ave, Ste 207 Hagatna, Guam 96910

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

SUBJECT:

Testimony on Bill No. 92-33 (LS) - AN ACT TO AMEND SECTION 2 OF P.L. 32-176 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.

http://dim.guam.gov

Website:

E-mail Address:

dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

> Facsimile: 671-649-5383

Buenas yan Hafa Adai!

The Department of Land Management supports the intent of Bill No. 92-33 to correctly and to properly define the transfer of property to ensure the integrity of the Guam Veteran's Cemetery grounds. However, the while the full benefit of this transfer does not include the Department of Land Management, the sole burden of its execution rests on it.

To appropriately transfer a portion of Lot B-R7, also known as the Masso Reservoir Conservation Area, to Lot B-6, the total area of almost 225,000 square meters of land needs to be fully surveyed. Additionally, when a portion of Lot B-R7 is transferred to Lot B-6, an adjacent portion of that area also needs to be identified as an easement to allow access to land locked Lot B-7. Due to the condition of the land and terrain, this is a labor-intensive and time consuming task.

As a result, the Department of Land Management recommends the appropriation of thirty thousand dollars (\$30,000) to engage in the professional services of a survey company to conduct the surveying duties necessary to complete the requirements of this bill. Other details of this transfer can and will be conducted in-house, such as validating property ownership and finalizing and recording all maps.

Thank you for allowing me to submit this testimony.

Senseramente

671–734–6570 03:43:43 p.m. 05–20–2015 1 /7



Edward J.B. Calvo Governor

Raymond S. Tenorio Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



Aquatic & Wildlife Resources 735-3955/56; Fax 734-6570

Forestry & Soil Resources 300-7976; Fax 734-0111

Plant Nursery 300-7974

Plant Inspection Facility 472-1426; 475-1427; Fax 477-9487



Matthew L.G. Sablan
Acting Director

Jessie B. Palican Deputy Director

May 18, 2015

The Honorable Thomas C. Ada
Senator
Chairperson
Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans'
Affairs, and Procurement
33rd Guam Legislature
173 Aspinall Ave.
Hagatna, GU 96910

Re: Bill 92-33, A Bill To An Act To Amend Section 2 Of P.L. 32-176 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

Hafa Adai Senator Ada and Committee:

The Department is not opposed to the intent of Bill 92-33, which serves to allow additional access to the Veteran's Cemetery by amending Section 2 of PL. 32-176 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. The Department of Agriculture is not opposed to the intent of the Bill, which serves to allow additional access to the Veterans Cemetery. We highly encourage the committee to include in the bill language that ensures access to the Masso Reservoir is not impeded or eliminated. The Department has sought improvements to the Masso Reservoir with the intent of making it available to the public for recreational freshwater fishing. The reservoir has the added bonus of being a home to the endangered Moorhen. Various educational events such as Kid's Fishing Derbies and educational tours have been held at the reservoir.

There are several points we would like to emphasize:

1. The adjacent property was previously known as Alpha Bravo Parcel No. 2 was previous owned by the Department of the Navy. It was originally constructed for the sole purpose of providing an ample supply of water to DOD. As the reservoir was constantly inundated by soil run-off and erosion, the Navy-DOD closed the reservoir down, eventually transferring the property to the Government of Guam.

It was transferred to the Government of Guam. The transfer was made with a "reversionary clause" stating that the property was to be used solely for the enhancement of conservation on Guam. The area is now known as the Masso Reservoir.

- 2. The Masso Reservoir is located on a 29.5-acre parcel of land known as Apra Parcel No. 2, in the village of Piti, in the territory of Guam. Apra Parcel No. 2 was part of the Apra Harbor Naval Reservation. The Navy condemned the parcel on November 30, 1938 (Civil case No. 5-49). According to Navy records, the parcel was the property of the Government of Guam (river just west of the confluence of the north and south forks of the Masso River). The purpose of the reservoir was to provide drinking water to Naval Base Guam. The Navy abandoned the reservoir in 1951, citing chronic sedimentation issues, which made the reservoir not feasible as a drinking water source.
- 3. On January 12, 1976, a cooperative agreement between the Navy, the Department of the Interior, and the Government of Guam was signed. This agreement designates the Masso area as a fish and wildlife conservation and protection area, and names the Director of the Department of Agriculture as the government of Guam representative to administer the conditions of this agreement. The reservoir sat abandoned until 1978, when the Guam Department of Agriculture rehabilitated the reservoir, in order to turn it into a sport fishing facility. The reservoir was dredged, and stocked with fish. After two years, the project was abandoned, as vandalism caused the death of all the fish in the reservoir.
- In the year 2000, the Department of Defense returned Apra Parcel #2 to the 4. Government of Guam. In 2006, the governor transferred the parcel to the Guam Department of Agriculture. A sportfish grant was secured to convert the abandoned reservoir in to a sport fishing facility. Rehabilitation of the Masso Reservoir began in 2010. The reservoir was dredged, with approximately 15,000 cubic yards of material removed. A 200 foot long fishing platform was installed, and the reservoir was stocked with native fish; Kuhlia rupestris. Two sediment traps were installed on the south fork of the Masso River, to help reduce sediment input in to the reservoir. This work began in January 2010, and was completed by September of 2011. The total grant was approximately \$540,000 dollars. Subsequently, the Department of Agriculture, through the Division of Aquatic and Wildlife Resources, then had obtained additional funds through the USFWS Sport Fish Restoration Program to continue to enhance the Masso Reservoir.
- 5. In addition to these improvements to the reservoir, the reservoir is home to at least 2-3 pairs of the Endangered Common moorhen, known locally as Pulattat. the reservoir remains filled with water, moorhen are seen throughout the year.

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- 6. Forest Restoration measures that include the planting of seedling acacias, and other species of plants to stabilize the soil in this hilly area, and protect the adjacent Piti Bomb-Holes Marine Preserve from soil erosion and siltation. Partnership with Guam FSRD, and the Guam Nature Alliance, and Bureau of Statistics and Plans, have resulted in over 10,000 seedlings in the surrounding foothills. These conservation efforts have helped to improve the quality of the Piti Bomb-Holes MPA.
- 7. A reduction, or loss of usage at Masso will result in the Government of Guam reimbursing the Federal government - USFWS, of funds used for the improvements.

Thank you for providing us the opportunity to provide testimony on Bill 92-33 to the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs, and Procurement.

Sincerely,

MATTHEW L.G. SABLAN

Acting

Attachment(s):

ee: Bureau of Statistics and Plans Department of Parks and Recreation

apred cor com relition of one a or usa, The c first that the abjustment of the howlain loss not himein a regationty the uracyc at Morrow ord in the HoA countest will the Out dem trut on adjuting by move.

COMMITTEE ON RULES



I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature 155 Hesler Place, Hagåtńa, Guam 96910 • www.guamlegislature.com E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator Rory J. Respicio CHAIRPERSON MAJORITY LEADER

Senator Thomas C. Ada Vice Chairperson Assistant Majority Leader

Speaker Judith T.P. Won Pat, Ed.D. Member

> Vice-Speaker Benjamin J.F. Cruz Member

Legislative Secretary Tina Rose Muna Barnes Member

Senator Dennis G. Rodriguez, Jr. Member

> Senator Frank Blas Aguon, Jr. Member

Senator Michael F.Q. San Nicolas Member

Senator Nerissa Bretania Underwood Member

> V. Anthony Ada MINORITY LEADER

Mary C. Torres MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on Bill No. 92-33 (LS) – T. C. Ada, "AN ACT TO AMEND SECTION 2 OF P.L. 32-176 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." – on May 6, 2015. COR hereby certifies that BBMR confirmed receipt of this request May 7, 2015 at 10:00 A.M.

COR further certifies that a response to this request was not received. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 92-33 (LS) to be included in the committee report on said bill, is hereby waived.

Certified by:

Senator Rory J. Respicio

Chairperson, Committee on Rules

RMM J. Respicer

May 22, 2015

Date

155 Hesler Place, Hagatha, Guam 96910 • www.guamlegislature.com E-mail: roryforguam@gmail.com • Tel; (671)472-7679 • Fax: (671)472-3547

Senator

Rory J. Respicio CHAIRPERSON MAJORITY LEADER

May 6, 2015

Senator

Thomas C. Ada VICE CHAIRPERSON ASSISTANT MAJORITY LEADER

joey.calvo@bbmr.guam.gov

VIA E-MAIL

Speaker Judith T.P. Won Pat. Ed.D.

Member

Vice-Speaker Benjamin J.F. Cruz Member

Legislative Secretary Tina Rose Muna Barnes Member

Senator Dennis G. Rodriguez, Jr. Member

> Senator Frank Blas Aguon, Jr. Member

Senator Michael F.Q. San Nicolas Member

Senator Nerissa Bretania Underwood Member

> V. Anthony Ada MINORITY LEADER

Mary C. Torres MINORITY MEMBER Jose S. Calvo Director Bureau of Budget & Management Research P.O. Box 2950 Hagåtña, Guam 96910

RE: Request for Fiscal Notes - Bill Nos. 91-33(LS) through 95-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of I Mina'trentai Tres Na Liheslaturan Guåhan's most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio

1 Comy J. Respicio

Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

| Bill Nos. | Sponsor | Title |
|-------------|---|--|
| 91-33 (LS) | M.C. Torres | AN ACT TO AMEND §70115, §70116 AND §70117 OF CHAPTER 70 TITLE 11 GUAM CODE ANNOTATED RELATIVE TO THE ISSUANCE OF BUSINESS LICENSES. |
| 92-33 (LS) | T, C. Ada | AN ACT TO AMEND SECTION 2 OF P.L. 32-176 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. |
| 93-33 (LS) | T. C. Ada FRANK B. AGUON, JR. R. J. Respicio | AN ACT TO RESERVE IN PERPETUITY THE CROWN LANDS PORTION OF "LOT APRA HARBOR RESERVATION B-5" (RETURNED FEDERAL EXCESS LANDS) FOR THE FUTURE EXPANSION OF THE GUAM U.S. VETERANS' MEMORIAL CEMETERY. |
| 94-33 (COR) | Frank F. Blas, Jr. | AN ACT TO ADD \$1037 TO CHAPTER 10 OF TITLE I GUAM CODE ANNOTATED TO DECLARE AN ANNUAL WAR SURVIVOR DAY FOR GUAM. |
| 95-33 (COR) | Michael F.Q. San Nicolas FRANK B. AGUON, JR. Brant T. McCreadie | AN ACT TOAMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADDA NEW 11 GCA §103104(a)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND TO AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015." |

COMMITTEE ON RULES

Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com E-mail: roryforgusm@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator Rory J. Respicio CHAIRPERSON MAIORITY LEADER

April 30, 2015

Senator Thomas C. Ada VICE CHAIRPERSON ASSISTANT MAJORITY LEADER

To: Rennae Meno

MEMORANDUM

Speaker Judith T.P. Won Pat, Ed.D. Member Clerk of the Legislature

Vice-Speaker Benjamin J.F. Cruz Member

Attorney Therese M. Terlaje Legislative Legal Counsel

Legislative Secretary

Senator Rory J. Respicio From:

Tina Rose Muna Barnes Member Chairperson, Committee on Rules

Senator Dennis G. Rodriguez, Jr. Subject: Referral of Bill No. 92-33(LS)

Senator

Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 92-33(LS).

Frank Blas Aguon, Jr. Member Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of I Mina'trentai Tres Na Liheslaturan Guåhan.

Senator Michael F.Q. San Nicolas Member Should you have any questions, please feel free to contact our office at 472-7679.

Senator Nerissa Bretania Underwood Member

Si Yu'os Ma'åse!

V. Anthony Ada MINORITY LEADER Attachment

Mary C. Torres MINORITY MEMBER

I Mina'Trentai Tres 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 |
|-------------|---------|--|--------------------|------------------|------------------------|---------------------------|-----------------------------------|--------------|
| | | AN ACT TO AMEND SECTION 2 OF P.L. 32-176 | • • | 04/30/15 | Committee on | | | |
| | | RELATIVE TO THE TRANSFER OF GUAM | 3:10 p.m. | | Transportation, | · | | |
| 02.22 (10) | | DEPARTMENT OF AGRICULTURE PROPERTY TO | | | Infrastructure, Lands, | - | | |
| 92-33 (LS) | | THE OFFICE OF VETERANS AFFAIRS WITH | | | Border Protection, | - | | |
| | | RESPECT TO THE BOUNDARIES OF THE GUAM | | | Veterans' Affairs and | | | |
| | | VETERANS CEMETERY. | | | Procurement | | | |



Charlene Flores <flores@senatorada.org>

1st Notice of Public Hearing for May 12, 2015 at 1:30pm

Blaine Dydasco

bdydasco@senatorada.org>

Tue, May 5, 2015 at 8:46 AM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, Eric Palacios <Eric.Palacios@epa.guam.gov>, glenn.leonguerrero@dpw.guam.gov, teresa.topasna@land.guam.gov, Michael Borja <michael.borja@land.guam.gov>, dlmdir@land.guam.gov, John Unpingco <john.unpingco@gvao.guam.gov>, afcmsgt24@yahoo.com, Brent Tibbatts

*Casem" <Jhoana.Casem@land.guam.gov>, law@guamag.org, mcogadmin@teleguam.net, jon.calvo@mail.house.gov, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>

Cc: Coy Torres <coy@senatorada.org>, Charlene Flores <flores@senatorada.org>, Cyrus Luhr <cyrus@senatorada.org>, Blaine Dydasco <bdydasco@senatorada.org>, Juliette Gillham <juliette@senatorada.org>

May 5, 2015

<u>MEMORANDUM</u>

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, Chairperson

Subject: 1st Notice of Public Hearing: May 12, 2015 at 1:30 p.m.

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Tuesday, May 12, 2015 at 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

1:30 p.m.

Bill No. 90-33(LS) T.R.Muña Barnes

An act to approve tract 9, Block F, Lot 14, Barrigada, with and area of 10,049.75 square meters, as a suitable lot relative to effectuating a land exchange between the Department of Public Health and Social Services and the Chamorro Land Trust Commission for the purposes of constructing a Foster Care Facility pursuant to Public Law 32-226.

Bill No. 92-33(LS) T.C.Ada

An act to amend section 2 of P.L. 32-176 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. 93-33(LS) T.C.Ada

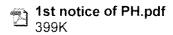
An act to reserve in perpetuity the Crown Lands portion of "Lot Apra Harbor Reservation B-5" (Returned Federal Excess Lands) for the future expansion of the Guam U.S. Veterans' Memorial Cemetery.

Res No. 83-33(LS) T.C.Ada

To request the U.S. Government to transfer "Lot Apra Harbor Reservation B-7" to the Government of Guam to be reserved in perpetuity for the future expansion of the Guam U.S. Veterans' Memorial Cemetery and the Masso Reservoir Conservation Area.

Testimony on **Bill No. 90-33** (LS), **Bill No. 92-33**(LS), **Bill No. 93-33**(LS) and **Res No. 83-33**(LS) should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to bdydasco@senatorada.org, or via facsimile to (671) 473-3303 until **Tuesday, May 19, 2015 at 5:00pm.** Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Blaine Dydasco at 473-3301. Please feel free to contact my office should you have any questions or concerns.

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature
Office (671) 473-3301





Charlene Flores <flores@senatorada.org>

2nd Public Hearing Notice

Blaine Dydasco

bdydasco@senatorada.org>

Thu, May 7, 2015 at 12:56 PM

To: phnotice@guamlegislature.org, phmaterials@guamlegislature.org, Media <media@senatorada.org>, Eric Palacios <Eric.Palacios@epa.guam.gov>, glenn.leonguerrero@dpw.guam.gov, teresa.topasna@land.guam.gov, Michael Borja <michael.borja@land.guam.gov>, dlmdir@land.guam.gov, John Unpingco <john.unpingco@gvao.guam.gov>, afcmsgt24@yahoo.com, Brent Tibbatts

*Spent.tibbatts@gmail.com>, "Jhoana M. Casem" <Jhoana.Casem@land.guam.gov>, law@guamag.org, mcogadmin@teleguam.net, jon.calvo@mail.house.gov, Cristina Gutierrez <Cristina.Gutierrez@land.guam.gov>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>

Cc: Cyrus Luhr <cyrus@senatorada.org>, Charlene Flores <flores@senatorada.org>, Coy Torres <coy@senatorada.org>

May 7, 2015

<u>MEMORANDUM</u>

To: All Senators, Media, and Stakeholders

Fr: Senator Thomas C. Ada, Chairperson

Subject: 2nd Notice of Public Hearing: May 12, 2015 at 1:30 p.m.

Please be advised that the Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affair, and Procurement will be conducting a public hearing on **Tuesday**, **May 12, 2015 at 1:30 p.m.** This meeting will take place in the public hearing room of *I Liheslaturan Guahan*. The agenda is as follows:

1:30 p.m.

Bill No. 90-33(LS) T.R.Muña Barnes

An act to approve tract 9, Block F, Lot 14, Barrigada, with and area of 10,049.75 square meters, as a suitable lot relative to effectuating a land exchange between the Department of Public Health and Social Services and the Chamorro Land Trust Commission for the purposes of constructing a Foster Care Facility pursuant to Public Law 32-226.

Bill No. 92-33(LS) T.C.Ada

An act to amend section 2 of P.L. 32-176 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. 93-33(LS) T.C.Ada

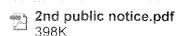
An act to reserve in perpetuity the Crown Lands portion of "Lot Apra Harbor Reservation B-5" (Returned Federal Excess Lands) for the future expansion of the Guam U.S. Veterans' Memorial Cemetery.

Res No. 83-33(LS) T.C.Ada

To request the U.S. Government to transfer "Lot Apra Harbor Reservation B-7" to the Government of Guam to be reserved in perpetuity for the future expansion of the Guam U.S. Veterans' Memorial Cemetery and the Masso Reservoir Conservation Area.

Testimony on Bill No. 90-33 (LS), Bill No. 92-33(LS), Bill No. 93-33(LS) and Res No. 83-33(LS) should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to bdydasco@senatorada.org, or via facsimile to (671) 473-3303 until Tuesday, May 19, 2015 at 5:00pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Blaine Dydasco at 473-3301. Please feel free to contact my office should you have any questions or concerns.

Blaine Dydasco
Policy Analyst
Office of Senator Tom C. Ada
I Mina' Trentai Tres Na Liheslaturan Guahan-33rd Legislature
Office (671) 473-3301



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Chairman

Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement I Mina Trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

AGENDA PUBLIC HEARING Tuesday, May 12, 2015 Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

1:30 p.m.

Bill No. 90-33(LS) T.R. Muña Barnes

An act to approve tract 9 block F, Lot 14 Barrigada with and area of 10,049.75 square meters, as a suitable lot relative to effectuating a land exchange between the Department of Public Health and Social Services and the Chamorro Land Trust Commission for the purposes of constructing a Foster Care Facility pursuant to Public Law 32-226.

Bill No. 92-33(LS) T.C.Ada

An act to amend section 2 of P.L. 32-176 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. 93-33(LS) T.C.Ada

An act to reserve in perpetuity the Crown Lands portion of "Lot Apra Harbor Reservation B-5"(Returned Federal Excess Lands) for the future expansion of the Guam U.S. Veterans' Memorial Cemetery.

Res No. 83-33(LS) T.C.Ada

To request the U.S. Government to transfer "Lot Apra Harbor Reservation B-7" to the Government of Guam to be reserved in perpetuity for the future expansion of the Guam U.S. Veterans' Memorial Cemetery and the Masso Reservoir Conservation Area.

Testimony on **Bill No. 90-33** (LS), **Bill No. 92-33**(LS), **Bill No. 93-33**(LS) and **Res No. 83-33**(LS) should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until **Tuesday, May 19, 2015 at 5:00pm.** Individuals requiring special accommodations, auxiliary aids, or services should submit their request to Blaine Dydasco at 473-3301. Please feel free to contact my office should you have any questions or concerns.