#### EIGHTEENTH GUAM LEGISLATURE 1985 (FIRST) Regular Session

#### CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 399 (LS), "AN ACT CREATING THE VETERANS CEMETERY TASK FORCE," was on the 25th day of September, 1985, duly and regularly passed.

Speaker

Attested:

JOHN P. AGUON Senator and

Acting Legislative Secretary

This Act was received by the Governor this 27 day of September, 1985, at <u>3:06</u> o'clock p.m.

> Assistant Staff Officer Governor's Office

APPROVED:

EDWARD D. REYES

Acting Governor of Guam

2:5-5 PM

Public Law No. 18-19

36) Leger

#### EIGHTEENTH GUAM LEGISLATURE 1985 (FIRST) Regular Session

Bill No. 399 (LS) Substitute by Committee on Federal, Foreign & Legal Affairs

Introduced by:

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- E. R. Duenas J. F. Ada
- J. P. Aguon
- F. F. Blas
- J. M. Rivera J. G. Bamba
- A. R. Unpingco
- F. J. Gutierrez
- M. D. A. Manibusan
- T. V. C. Tanaka F. R. Santos
- E. P. Arriola
- C. T. C. Gutierrez
- A. C. Lamorena III
- P. C. Lujan
- T. S. Nelson
- D. Parkinson
- F. J. Quitugua
- J. T. San Agustin

#### AN ACT CREATING THE VETERANS CEMETERY TASK FORCE.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Findings. The General Services Administration has released excess federal lands to the Territory of Guam for use as a veterans cemetery. The Veterans Administration has made funding available for construction of the cemetery. The Government of Guam has to prepare plans for construction of the cemetery and assume responsibility for administration of it when it is completed. Section 2. There is created within the Government of Guam the

Veterans Cemetery Task Force. The Task Force shall have nine members. All members shall be veterans of the United States Armed Services.

Governor shall appoint the members from nominees submitted to him as follows:

1 2

- (a) Guam Armed Forces veterans organizations may nominate not less than six (6) people of which three shall be appointed;
- (b) the Commissioner's Council may nominate not less than four (4) people (who need not be Commissioners) of which two (2) shall be appointed;
- (c) Guam Armed Forces retirees organizations may nominate not less than six (6) people of which three shall be appointed; and
- (d) the Guam Veterans Office may nominate not less than two (2) people of which one (1) shall be appointed.

The members shall be appointed by the Governor with the advice and consent of the Legislature.

Members of the Task Force shall serve terms of three years. At the first meeting of the Task Force the members by lot shall determine three who shall serve three year terms, three who shall serve two year terms and three who shall serve one year terms. Thereafter, all members shall serve three year terms. A vacancy shall be filled upon nomination of the same groups as the person leaving office. The vacancy shall be filled for the unexpired term of the person leaving office. The Task Force members shall be compensated in the amount of Fifty Dollars (\$50.00) for attending a Task Force meeting, such compensation not to exceed One Hundred Dollars (\$100.00) per month.

Section 3. Annually the members of the Task Force shall elect from among their membership a chairperson. Members of the Task Force shall receive per diem in accordance with law.

Section 4. The Guam Veterans Office shall provide necessary staff support to the Veterans Cemetery Task Force.

Section 5. The Veterans Cemetery Task Force shall review and modify, if necessary, plans for the establishment of the Veterans Cemetery on Guam and do what is necessary to satisfy the Veterans Administration requirements for release of funds for the cemetery. Prior to commencing its work, the Task Force shall obtain all documents, studies and plans for the Veterans Cemetery prepared by past government agencies. The Task

Force shall review the previous studies and plans to determine if they are still appropriate and may make changes as deemed necessary.

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Section 6. Within ninety days after its members take office the Task Force shall present its review of the plans for the cemetery to the Governor and the Legislature. Further, the Task Force shall advise what, if any, local funding is required for the Veterans Cemetery and shall advise what further work must be done to fulfill the Veterans Administration's requirements for release of the funds.

Section 7. Within six months the Task Force shall submit to the Governor and the Legislature final plans for the Veterans Cemetery. The presentation shall include a recommendation on how the cemetery should be managed, either through a specific Government of Guam department or under private contract. The Task Force shall recommend rules pertaining to the administration of the cemetery.

Section 8. In accordance with the Administrative Adjudication Act, the Task Force shall adopt rules governing qualifications for burial in the cemetery and any fees for services rendered by the government for internment. Any rule so adopted shall be in accordance with federal law.

#### EIGHTEENTH GUAM LEGISLATURE

(P.C. 18-14)	ROLL CALL SHEET						
Bill No.: 399 DATE: 9/25/85							
Resolution No.:		,					
QUESTION:							
SENATOR	AYE	NAY	NOT	ABSENT			
J. F. Ada	1						
J. P. Aguon							
E. P. Arriola							
J. G. M. Bamba							
F. F. Blas							
H. D. Dierking				:			
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J. T. San Agustin	L						
F. R. Santos	- Spanner						

T. V. C. Tanaka

A. R. Unpingco



# F. R. SANTOS Chairman, Committee on Federal, Foreign and Legal Affairs

### Kighteenth Guam Legislature

P.G. Box CB-1 Agana, Guam U.S.A. 96910

September 20, 1985

The Honorable Carl T.C. Gutierrez, Speaker 18th Guam Legislature P. O. Box CB-1 Agana, Guam 96910

Dear Speaker Gutierrez:

The Committee on Federal, Foreign and Legal Affairs recommends that Bill No. 399, as substituted by the Committee on Federal, Foreign and Legal Affairs, be passed with the following votes:

 To do pass
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 To not pass
 0

 Abstain
 0

 Off Island
 0

Sincerely,

F.R. SANTOS

Attachments



## Kighteenth Guam Legislature

月.第.3 Box UB-1

Agana, Guam A.S.A. 96910

SENATOR F. R. SANTOS Chairman, Committee on Federal, Foreign and Legal Affairs BILL NO. 399 As Substituted By The Committee On Federal, Foreign And Legal Affairs

"AN ACT CREATING THE VETERANS CEMETERY TASK FORCE"
VOTE SHEET

MEMBER	TO DO PASS	TO NOT PASS	ABSTAIN	COMMENTS
CHAIRMAN FRANK R. SANTOS				
SENATOR JOE T SAN AGUSTIN				
SENATOR JOE T. SAN AGUSTIN VICE CHAZRMAN	V			
SENATOR JOSEPH F. ADA				
SENATOR JOHN P. AGUON	-V			
SENATOR ELIZABETH P. ARRIOLA				
Marilyn MANTEUSAN SENATOR MARYLYN MANTEUSAN				
SENATOR TED S. NELSON	<u> </u>			
Athitugua				
SENATOR FRANKLIN J. QUITUGUA				
SENATOR THOMAS V.C. TANAKA				



# Æighteenth Guam Legislature

月.仍. Box CB-1 Agana, Guam U.S.A. 96910

F. R. SANTOS
Chairman, Committee on Federal,
Foreign and Legal Affairs

Committee Report on Substitute Bill No. 399

"AN ACT CREATING THE VETERANS CEMETERY TASK FORCE"

Senator Frank R. Santos, Chairman of the Committee on Federal, Foreign and Legal Affairs convened the public hearing on Bill No. 399, an act creating the Veterans Cemetery Task Force on July 17, 1985 at 09:10 a.m. Present at the commencement of the hearing was Chairman Santos. Attending later in the hearing were other members of the Committee, Senators John P. Aguon, Ted S. Nelson and Joseph F. Ada; sitting in was Senator Edward R. Duenas.

#### I. Legislative History

The Government of the United States of America, as represented by the General Services Administration (GSA) on the interim Territory of Guam, has released excess land, formerly used by the Federal Government for U.S. national defence purposes, and has returned said land to Guam for use as a veterans cemetery. Currently, funding for construction of the cemetery is available through the Veterans Administration. The Government of Guam was charged with the task of preparing the construction plans for the cemetery and assuming responsibility for administering the cemetery when it is completed.

II. Intent Of Substitute Bill No. 399

The principle purpose of Bill No. 399 is to establish a Veterans Cemetery Task Force comprised of U.S. Veterans, to review and modify current plans for the establishment of a Veterans Cemetery for the interim Territory of Guam, and to perform the necessary task to satisfy Veterans Administration requirements for release of funds for the cemetery.

#### III. Analysis

Section one (1) highlights the legislative history of Bill No. 399.

Section two(2) establishes the Veterans Cemetery Task Force and defines the structure and the membership of the Task Force.

Section three(3) calls for the annual election of a chairperson from within the membership of the Task Force, and establishes that Task Force members shall receive per diem in accordance with law.

Section four(4) ensures that the Task Force shall be provided with necessary staff support from the Guam Veterans Office.

Section five (5) allows the Task Force to review and make neces sary modifications for plans to establish a Veterans Cemetery on Guam and to satisfy the Veterans Administration requirements for funding. If a September 30, 1985 deadline is not met, the Task Force may see the loss of certain federal monies.

Section six(6) requires the Task Force to, within 90 days afte assuming office, present a review of the cemetery plans to the Governor and the Legislature; and to, further, advise if any local funding is required and whether further work must be done to meet requirements of the Veterans Administration, for the release of funds.

Section seven(7) requires the Task Force to submit final plans

for the cemetery to the Governor and the Legislature, and to recommend how the cemetery should be managed.

Section eight(8) establishes that the Task Force shall adopt rules governing qualification for burial in the cemetery, in accordance with the Administrative Adjudication Act.

#### IV. A Summary Outline Of The Public Hearing

- (A) Mr. John Palomo, Director of Parks and Recreation was the first witness to deliver testimony on Bill 399. He stated the following in his oral testimony:
  - The Governor has accepted ownership of the site for the proposed Veterans Cemetery.
  - 2) Development plans are being completed.
  - 3) Is essential to complete the bidding process by early September 1985 to receive the maximum available grants for construction of the Vets Cemetery.
  - 4) No time to create a project review body since the effective time for such input has already passed.
  - 5) Opposes passage (reflects the view of the current Administration).
- (B) Mr. Ed Guerrero, Acting President, U.S. Armed Forces Retirees Association of Guam (USAFRA)

In written testimony before the Committee Mr. Guerrero included these relevant points:

- 1) Veterans want a part in the planning of "their own cemetery."
- 2) Supports the "task force" concept.
- 3) Feels the Governor's appointed task force has neglected USAFRA's interests in the cemetery project.
- 4) Is relieved that the Veterans Administration rejecte

Task Force, because such plans were hastily submitted.

#### 5) RECOMMENDATIONS

- (a) Suggests that the Governor's Task Force remain a temporary body until Oct. 30, thereafter, the Veterans Cemetery Task Force, to be created by Bill 399, will assume control of the project's future.
- (b) Line 9, Sec. 2 of the Bill specify that the membership of the Task Force be composed of "U.S. Veterans".
- (c) Proposes deletion of lines 25 through 29 of Section 3.
- (d) Line 4, Section 4 should read: "...any local funding is required to complete the Veterans Cemetery; and shall advise what further work must be done to fulfill the Veterans Administration's requirements for release of the funds.'

(SEE ATTACHMENT 1 FOR THE COMPLETE TEXT OF MR. GUERRERO'S TESTI-MONY)

(C) Mr. Juan R. Cepeda, former U.S. Army Sgt.

In his oral testimony, Mr. Cepeda said the following:

- The Administration had the Vets Cemetery proposal since '83 but did not act until '85.
- Veterans, in general, were not contacted until July '85; there was an Administrative Task Force in operation by that time.
- 3) RECOMMENDATIONS

The Honoreble F.R. Sentos
Chairmán, Committee on Federa. Foreign and Legal Affairs
Testimony 8ill 399
July 17, 1985
Page 2

Veterans Administration it was considered "unacceptable".

There are good people within the Governor's task force with the objective to meet the scheduled dataline of 30 September 1985, as established by the Veterans Administration. We are confident the dataline will be met.

Accordingly, to assure that the dateline will be met. USAFRA recommends that the Governor's task force shall remain temporarily in place until 30 October 1985. Hereafter, the Veterans Cametery Task Force established by the proposed law shall be activated and continue the project in coordination with the Department of Parks and Recreation, Bureau of Planning, Veteran Affairs Office, and Department of Public Works.

It is further recommended that Line #9, Section 2 of Bill 399 should read: "...tery Task Force. The task force shall have nine U.S. Veterans as members. Three of the mem-".

In addition, lines 25, 26, 27, 28 and 29 should be deleted as its entirety. It is also recommended that Line #4 to Section 4 should read: "...any, local funding is required to complete the Veterans Cemetery; and shall advise what further work must be done to fulfill the Veterans Administration's requirements for release of the funds."

In summary. Bill 399 is considered sound and provides for representations by law. which ensures for a unilateral voice representing the U.S. Veterans community on Guam. USAFRA supports the establishment of a Guam Veterans Cemetery when the imput. contribution. and participation of the veterans on Guam are incorporated into the master plan for the cemetery.

EDWARD A. GUERRERO Acting President, USAFRA

Wa

USAFRA Testimony reference Bill No. 399

July 17, 1985

to the

Committee on Federal, Foreign and legal Affairs



### U.S. Armed Forces

# Retirees Association of Guam, U.S.A.

" Strong - Ready - Willing "

POST OFFICE BOX 74, NAS AGANA, FPO SAN FRANCISCO, CALIFORNIA 94457

July 17, 1985

The Honorable F. R. Santos Cheirman, Committee on Federal, Foreign and Legal Affairs Eighteenth Guam Legislature P.O. Box CB-1 Agana, Guam 98910

Dear Mr. Chairman:

My name is Mr. Ed Guerrero, Acting President of the U.S. Armed Forces Retirees
Association of Guam, U.S.A. (USAFRA). On behalf of the members of USAFRA I would like
to thank you for inviting our organization to submit testimony relative to Bill No. 399 AN
ACT CREATING THE VETERANS CEMETERY TASK FORCE.

Mr. Chairman. USAFRA has been very active on the subject of the Guam Veterans Cemetery. It intends to continue its efforst in support of the Veterans Cemetery for Guam. As understood, the Veterans Administration's relationship to the proposed Guam Veteran's Cemeteries is based on a Federal Assistance Program to aid in establishing, expanding, or improving an identified cemetery designed for veterans.

A united veterans group recently met right here in this session hall, and endorsed a task force concept composed of Veterans supposely appointed by the Governor. On those premises, the group was supportive to the concept for the Task Force. However, we are not naive to think that the recommendations of the task force formed by the Governor would be accepted.

The Veterans. Mr. Chairman, only want to ensure that they would be given the opportunity to participate and contribute in the planning process towards "their own cemetery".

We the Veterans, have been neglected or ignored on this veterans cametery project. And we definitely are disappointed.

These rationale would appear to be emotional. But the issue is an emotional one. This administration attempted to "ram-rod" their proposed package through, but thanks to the

Attachment (1)

advise what, if an local funding is require for the Veterans Cemeter and shall advise what further work must be done to fulfill the Veterans Administration's requirements for release of the funds.

Section 7. Within six months the Task Force shall submit to the Governor and the Legislature final plans for the Veterans Cemetery. The presentation shall include a recommendation on how the cemetery should be managed, either through a specific Government of Guam department or under private contract. The Task Force shall recommend rules pertaining to the administration of the cemetery.

Section 8. In accordance with the Administrative Adjudication Act, the Task Force shall adopt rules governing qualifications for burial in the cemetery and any fees for services rendered by the government for internment. Any rule so adopted shall be in accordance with federal law.

- not less than six( people of which three shall be appointed; and

(d) the Guam Veterans Office may nominate not less than two(2) people of which one(1) shall be appointed.

The members shall be appointed by the Governor with the advice and consent of the Legislature.

Members of the Task Force shall serve terms of three years.

At the first meeting of the Task Force the members by lot shall determine three who shall serve three year terms, three who shall serve two year terms and three who shall serve one year terms. Thereafter, all members shall serve three year terms. A vacancy shall be filled upon nomination of the same groups as the person leaving office.

The vacancy shall be filled for the unexpired term of the person leaving office.

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Section 3. Annually the members of the Task Force shall elect from among their membership a chairperson. Members of the Task Force shall receive per diem in accordance with law.

Section 4. The Guam Veterans Office shall provide necessary staff support to the Veterans Cemetery Task Force.

Section 5. The Veterans Cemetery Task Force shall review and modify, if necessary, plans for the establishment of the Veterans Cemetery on Guam and do what is necessary to satisfy the Veterans Adminiatration requirements for release of funds for the cemetery. Prior to commencing its work, the Task Force shall obtain all documents, studies and plans for the Veterans Cemetery prepared by past government agencies. The Task Force shall review the previous studies and plans to determine if they are still appropriate and may make changes as deemed necessary.

Section 6. Within ninety days after its members take office the Task Force shall present its review of the plans for the cemetery to the Governor and the Legislature. Further, the Task Force shall

Substitute Bill 399 by the Committee on Federal, Foreign and Legal Affairs

Introduced by:

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E. R. Duenas

J. F. Ada

J. P. Aguon F. F. Blas J. M. Rivera

J. G. Bamba

A. R. Unpingco

F. J. Gutierrez

M. D. A. Manibusan

T. V. C. Tanaka

AN ACT CREATING THE VETERANS CEMETERY TASK FORCE.

#### BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Findings. The General Services Administration has released excess federal lands to the Territory of Guam for use as a veterans cemetery. The Veterans Administration has made funding available for construction of the cemetery. The Government of Guam has to prepare plans for construction of the cemetery and assume responsibility for administration of it when it is completed.

Section 2. There is created within the Government of Guam the Veterans Cemetery Task Force. The Task Force shall have nine members. All members shall be veterans of the United States Armed Services. The Governor shall appoint the members from nominees submitted to him as follows:

- (a) Guam Armed Forces veterans organizations may nominate not less than six(6) people of which three shall be appointed;
- (b) the Commissioner's Council may nominate not less than four(4) people(who need not be Commissioners) of which two(2) shall be appointed;
  - (c) Guam Armed Forces retirees organizations may nominate

- members; no political affiliation and/or influence.
- (b) Prospective members of the Task Force should be carefully screened.
- (c) Final concurrence on the approval of the cemetery project can only come from Veterans.
- (D) Mr. Larry Stotts orally emphasized the need for the passage of Bill 399 with particular concern for the following point
  - There is a need for careful scrutiny of prospective members of the Task Force; make sure there is no political involvement.
- (E) Senator Edward R. Duenas voiced the following concerns:
  - There is a need to make allowance for individuals whose expertise may be needed by the Task Force. SUGGESTION:
    - --In such a case, it was suggested that such an individual be admitted as an advisor to the Task Force.
  - 2) How true is the Sept. 30 DEADLINE? Why is the Governor's Task Force acting so hastily?
- (F) Mr. Bill Sablan, member of the Vietnam Veterans Association, had the following to say:
  - Checked and found out that Sept. 30 is an ongoing date this was verified in a telephone conversation between USAFRA President, Mr. A. Sgambelluri and one of the Directors of Parks and Cemeteries under the Veterans Administration; said that an extension is permissible if:
    - (a) There is some sort of litigation involved; or
    - (b) There is input yet to be submitted.

- 2) That Mr. A. Sgambelluri will follow-up on the question of the Sept. 30 deadline while in the States.
- (G) Mr. John Palomo (again) noted the following:
  - The Sept. 30 deadline is crucial because of the three-year limitation on particular funding earmarked by Congress about four years ago.
  - 2) In '82, there was an "authorization" for \$1.6 million to be put in a reserve for construction... IF the Sept. 30 deadline is not met the \$1.6 million will be forfeited, not the other available funds.

#### V. Summary And Recommendation

The Committee is aware of the dispute between the Governor's cemetery task force and various U.S. Veterans on Guam over the planning and creation of the Veterans Cemetery, as witnessed at the public hearing on Bill No. 399. Thus, the Committee has initiated a compromise in the form of substitute Bill 399, so that the disputing parties may resolve their differences.

The Committee, therefore, after hearing all testimonies on Bill 399, have met and deliberated on the subject of creating a Veterans Cemetery Task Force and have decided to recommend the following:

(1) That Bill No. 399, "AN ACT CREATING THE VETERANS CEMETERY TASK FORCE", be passed by the Eighteenth Guam Legislature

MAY 17 '85

EIGHTEENTH GUAM LEGISLATURE 1985 (FIRST) Regular Session

Bill No. 399 (45)

Introduced by:

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AN ACT CREATING THE VETERANS CEMETERY TASK FORCE.

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BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Findings. The General Services Administration has released federal excess lands to the territory of Guam for use as a veterans cemetery. the Veterans Administration has made available funding for construction of the cemetery. The local government has to prepare plans for construction of the cemetery prior to the release of the federal funds.

Section 2. There is within the Government of Guam the Veterans Cemetery Task Force. The Task Force shall have nine members. Three of the members shall be appointed by the Governor, two by the Speaker of the Legislature, two by the minority Leader of the Legislature, one by the Commissioners Council, and two by the local veterans groups. The Task Force shall exist until the completion of the construction phase of the cemetery. Task Force members shall not receive any per diem or compensation while serving. The Task Force shall elect a chairman from among its members.

Section 3. The Veterans Cemetery Task Force shall prepare or cause to be prepared necessary plans and specifications for the construction of the Veterans Cemetery on Guam and to do what is necessary to satisfy the Veterans Administration's requirements for the release of funds for the cemetery. Prior to commencing its work the Task Force shall obtain all documents, studies and plans and specifications for the Veterans Cemetery prepared in the past. The Task Force shall review the plans and studies previously done to determine if they are still applicable and make necessary recommendations for any changes as needed.

Section 3. Within thirty days after its appointment the Task Force shall advise the Governor and the Legislature of the status of the receipt of federal lands and funds. Further, the Task Force shall advise what further work must be done to fulfill the Veterans Administration's requirements for release of the funds.

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Section 4. Within ninety days after its appointment the Task Force shall present preliminary plans for completion of the cemetery to the Governor and Legislature. Further the Task Force shall advise what, if any, local funding is required to complete the Veterans Cemetery.

Section 5. Within six months of its appointment the Task Force shall submit final plans for completion of the cemetery to the Governor and Legislature.

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