



OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT

Received By W/L

CARL T. C. GUTIERREZ  
GOVERNOR OF GUAM

4:50 PM

Date 1-2-97

JAN 02 1997

The Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE SPEAKER

Date: 1-2-97

Time: 1:35 pm

Received By: AP 104K

Print Name: Artene B. Tores

Dear Mr. Speaker:

Enclosed please find a copy of Substitute Bill No. 714 (LS), "AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP 94)", which I have signed into law today as **Public Law No. 23-141**.

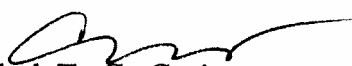
This legislation accepts the transfer of federal lands to the Department of Land Management. After this transfer, it specifies that the department will distribute the lands to the original landowners.

There are several issues which have not been addressed by this legislation, which are required by federal law in order to return land now in the hands of the federal government without payment by the original landowners of current fair market price for the land.

The legislation does not reserve any land for public purposes. It also does not take into account the homeless requirement of federal law. Although GEDA was previously selected as the government agency most able to handle the return of federal land, the Legislature substituted the Department of Land Management for this role. Although the manner of return specified in this legislation is acceptable locally, it is hoped that the legislation will not jeopardize the return of federal land because the legislation does not respond to federal requirements and therefore may subject original landowners to paying the federal government fair market value.

A copy of the Governor's message and the public law have been delivered to the Office of the Legislative Secretary.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachment

231635



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JAN 02 1997

The Honorable Hope A. Cristobal  
Acting Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By Hope  
Time 2:45  
Date 1/2/97

Dear Madame Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Substitute Bill No. 714 (LS), "AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP 94)", which I have **signed** into law today as **Public Law No. 23-141**.

Governor's message and copy of the public law have been delivered to the Office of the Speaker.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachments

231625

(for file purposes)  
only  
Same as  
DOC. NO. 231635

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 714 (LS), "AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP)," was on the 23rd day of December, 1996, duly and regularly passed.



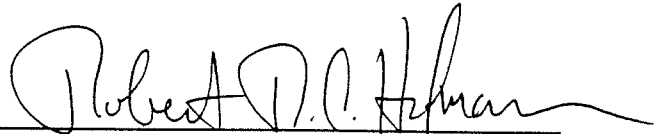
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



\_\_\_\_\_  
SONNY LUJAN ORSINI  
Senator and Legislative Secretary, Acting

-----  
This Act was received by the Governor this 23<sup>rd</sup> day of December,  
1996, at 4:55 o'clock P.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 1-2-97

Public Law No. 23-141

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) REGULAR SESSION

Bill No. 714 (LS)  
As substituted by the  
Committee on Federal & Foreign Affairs

Introduced by:

A. L. G. Santos  
M. C. Charfauros  
S. L. Orsini

AN ACT TO DEVELOP LAND-USE POLICY AND PLANS  
FOR CERTAIN PARCELS OF EXCESS FEDERAL  
PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND  
USE PLAN (GLUP).

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

2           **Section 1. Legislature Statement.** The Legislature finds that there is a  
3 need to develop certain land-use policies and plans for properties that the  
4 government of Guam will receive from their rightful original landowners  
5 through the federal government, land that the government wishes to declare  
6 surplus to or beyond its purpose and needs. The Legislature also recognizes  
7 that the government is unable to fully survey, manage, plan, and develop  
8 property currently under its jurisdiction and domain and so has elected to  
9 relieve if not assist the government from further expanding control over  
10 other land throughout the island without the mandate of the people,  
11 particularly those who hold interest in properties listed in Section 2 of this  
12 Act. Thus, the Legislature through this measure, is attempting to establish  
13 plans and mandate policy relative to properties beyond the government of  
14 Guam's justifiable needs so that proper disposition of such lands can occur.

1 . The Legislature recognizes that the properties identified in the 1994  
2 Guam Land Use Plan ("GLUP '94") will be released, namely, for public  
3 purpose and use. Upon an historical review, however, the Legislature has  
4 concluded that the government of Guam is neither the best nor most  
5 responsible guardian of lands. For surplus federal properties to best serve  
6 the community, they must be placed under progressive and responsible  
7 growth-oriented management. It is genuinely felt that it is the original  
8 landowners and their heirs who possess the drive, the know-how, the  
9 motivation and the capacity to develop these lands to their highest and best  
10 uses. It is the entrepreneurial spirit that will generate grater returns for the  
11 community as a whole, and not government or political brokerage. For  
12 instance, placing six thousand five hundred and thirty eight (6,538) acres in  
13 the hands of landowners who would subsequently pursue their development  
14 in the forms of facilities for tourism, agriculture and aquaculture, wholesale  
15 and retail trade, housing, recreation and other forms of economically  
16 stimulating activity, can increase the standard of living, jobs, income and  
17 productivity of all, thereby enhancing Guam's economic and social standing  
18 in this region of the Pacific. Furthermore, the Legislature senses that the  
19 expansion of the government's real property, gross receipts and corporate  
20 tax bases, as would be caused by the return of excess lands to their original  
21 landowners or their heirs, and such expansion is directly related to and  
22 essential in achieving the objective of public purpose and benefit. Increasing  
23 tax revenues in the long-term yields greater public benefits to all sectors of  
24 the island's economy. When compared to the option of placing excess lands  
25 under strict conservation or preservation use, or in public buildings and  
26 facilities, or under standard government practices in property management,

1 the policy of allowing the private landowners as members of the private  
2 sector to manage and facilitate the development of the returned lands is  
3 found to be less speculative and far more beneficial to the people of Guam as  
4 a whole.

5 **Section 2. Land use plan.** The Director of Land Management is hereby  
6 required to identify the exact portions of the land identified in GLUP '94 by  
7 location, acreage and ownership in preparation for their eventual return to  
8 their original landowners or the heirs, administrators, executors or other  
9 legal representatives of the landowners' original estates. Allocation of such  
10 land shall be based on the documentation of private ownership as recorded  
11 with the Department of Land Management and set out in the U.S. District  
12 Court Land Claims Cases.

13 The Director of Land Management shall transfer to the original  
14 rightful landowners and their heirs those lands which have been identified in  
15 GLUP '94. The terms and conditions that shall govern the transfer and return  
16 of land are set out in Section 7 of this Act. The parcels of excess federal land  
17 subject to the scope and intent of this Act, either in its entirety or in part, are  
18 as follows:

19	<b>Navy Parcels:</b>	<b>Acres:</b>
20	Harmon Annex	7
21	Tanguisson Power Plant	5
22	Marine Drive	27
23	Tamuning Telephone Exchange	2
24	Agana Power Plant	2
25	NAS Officer Housing	88
26	NCTCAMS Barrigada	823

1	Nimitz Hill Enlisted Housing	120
2	Nimitz Hill (Vacant Lands)	183
3	Piti Power Plant	13
4	PWC Utilities	7
5	Sasa Valley/Tenjo Vista	568
6	Polaris Point	82
7	New Apra Heights Housing	125
8	Route 2A	15
9	Rizal Beach	16
10	Old Apra Heights Housing	13
11	NAVACTS Old Annex	102
12	Former FAA	698
13	<b>Subtotal (Navy)</b>	<b>2896 acres</b>
14		
15	<b>Air Force Parcels:</b>	<b>Acres:</b>
16	Mount Santa Rosa	1
17	Northwest Field/Route 3A	1860
18	Potts Junction	22
19	Tumon Tank Farm/Australian Cable Housing	24
20	Anderson South	1425
21	Anderson Air Force Base/	
22	Barrigada	218
23	Air Force Base/Barrigada	92
24	<b>Subtotal (Air Force)</b>	<b>3642 acres</b>
25	<b>Total</b>	<b>6538 acres</b>

1     **Section 3. Policy stated.** It is the intent of this Act to insure that the  
2 lands condemned by the federal government and deemed excess to the federal  
3 government's needs, pursuant to GLUP '94, are rightfully returned to their  
4 original owners or their heirs. The disposition of such lands shall be  
5 governed by the conditions established in this Act, and the administration,  
6 facilitation and coordination of the land transfer shall be the responsibility of  
7 the Department of Land Management ("DLM"), with the assistance and  
8 collaboration of the Chamorro Land Trust Commission (the "Commission").

9           **Section 4. Land transferred.** The lands identified in Section 2 of this Act  
10 will be transferred to their original owners or their heirs. The Director of the  
11 Department of Land Management is authorized to implement a program  
12 that will facilitate the return of such federal excess properties to their original  
13 owners or their heirs. While under the DLM, such lands shall not be treated  
14 or categorized as "available lands" for purposes of §75104 of the Chamorro  
15 Land Trust Act (Chapter 75, Title 21, Guam Code Annotated), but instead as  
16 lands under the administrative control of DLM until the government of  
17 Guam is prepared to formally transfer such properties to their original  
18 owners, heirs, administrators, executors, or other legal representatives of the  
19 owners' estates. "Formal transfer" refers to the issuance by the government  
20 of Guam of a recorded Certificate of Title bearing the respective landowner's  
21 name. Lands identified in Section 2 of this Act which are unclaimed or have  
22 no ownership or interest attached to them shall be subject to the criteria set  
23 forth in subsection (b) of §75104, Title 21, Guam Code Annotated, on the  
24 reservation of land by the government of Guam for public use within sixty  
25 (60) days of the passage of this Act.



1        **Section 5. Role of the Commission.** The Chamorro Land Trust  
2 Commission shall administer any unclaimed lands listed in Section 2 of this  
3 Act and is empowered to take or conduct all necessary coordinating actions or  
4 procedures in collaboration with the Department of Land Management to  
5 ensure that such unclaimed lands not reserved by the government of Guam  
6 are incorporated in the land trust inventory for disposition or use in  
7 accordance with the Chamorro Land Trust Act.

8        **Section 6. Terms and conditions of transfer.** The terms and conditions  
9 governing the transfer of property from the government of Guam to the  
10 original landowner, heir, administrator, executor or any legal representative  
11 of the landowner's estate are as follows:

12        (a) **Surveying of property.** The survey costs of the land identified in  
13 Section 2 of the Act shall be borne by the original landowner or his  
14 heirs. The Department of Land Management is hereby  
15 authorized to expend funds contained in the Land Survey  
16 Revolving Fund not to exceed Five Hundred Thousand Dollars  
17 (\$500,000) to assist landowners in surveying their property or  
18 properties, with the condition that DLM shall be fully reimbursed  
19 by such landowners for the cost of such survey within ninety (90)  
20 days from the date a land survey is completed. A contract must be  
21 entered into between the landowner and DLM on the repayment  
22 date and other terms and conditions governing the  
23 reimbursement of survey costs. The time to complete any survey  
24 authorized under this section shall not exceed six (6) months.

25        (b) **Exemption from Public Law 22-73.** The lands set out in Section 2  
26 of this Act are exempt from provisions of Public Law 22-73.

1       •   **Section 7. Lands exempted from this Act.** Any land that is presently  
2 utilized for public easements such as roadways, water, power, sewer, or  
3 underground telephone or communication lines or other such government  
4 utility use or infrastructure uses essential to the public's safety, welfare,  
5 health and protection is exempt from the provision of this Act and shall not be  
6 released by the government of Guam to their former owners or heirs. Lands  
7 that have been released or set aside by the federal government and the  
8 government of Guam for the construction of schools, the economic  
9 development of seaport activities, or the implementation of the Highway  
10 Masterplan of the territory of Guam shall be likewise excluded from the  
11 transfer to their original landowners or heirs, and are exempt from the  
12 provisions of this Act.

13       **Section 8. Severability.** If any of the provisions of this Act or the  
14 application thereof to any person or circumstance is held invalid, such  
15 invalidity shall not affect any other provision of application of this Act which  
16 can be given effect without the invalid provision or application, and to this  
17 end the provisions of the Act are severable.

VOTING SHEET

Bill No. 714  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK				✓
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta			✓*	
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL

18   0   1   2

CERTIFIED TRUE AND CORRECT:

*Excused*

Recording Secretary

PL 23/141

✓



Senator Hope Alvarez Cristobal  
Twenty-Third Guam Legislature  
Chairperson, Committee on Federal and Foreign Affairs

November 26, 1996

Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

VIA: Chairman, Committee on Rules

Dear Mr. Speaker:

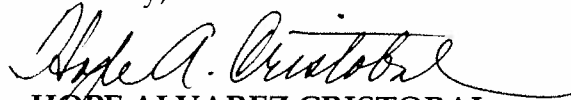
The Committee on Federal and Foreign Affairs to which was referred the **Bill 714- (A.Santos) AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP '94).**, submits its Committee Report to the Legislature with the recommendation **TO DO PASS**

The voting record is as follows:

    9     To Do Pass  
    0     Not To Pass  
    0     Abstain  
    0     To Place in Inactive File

Attached are all pertinent documents for your review.


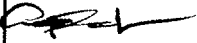
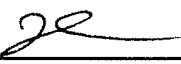
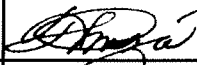
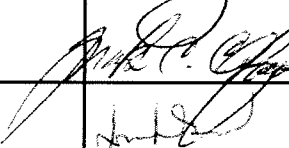





Sincerely,

  
**HOPE ALVAREZ CRISTOBAL**  
Senator

Committee on Federal & Foreign Affairs

VOTING SHEET

**BILL NO. 714 (A.Santos): AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP '94).**

Committee Members	To PASS	NOT to PASS	To ABSTAIN	To Place in INACTIVE FILE	SIGNATURE
Sen. Hope A. CRISTOBAL Chairperson	✓				
Senator Angel SANTOS Vice-Chairperson	✓				
Senator Tom ADA Member	✓				
Senator J. WON PAT-BORJA Member	✓				
Senator Mark CHARFAUROS Member	✓				
Senator L. LEON GUERRERO Member	✓				
Senator V. PANGELINAN Member	✓				
Senator Francis SANTOS Member					
Sen. E. BARRETT-ANDERSON Member					
Senator Anthony BLAZ Member	✓				
Senator Mark FORBES Member	✓				
Senator C. LEON GUERRERO Member					

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) REGULAR SESSION

AUG 19 1996

Bill No. 714 (LS)

*as needs to be felt by the Committee on Federal & Foreign Affairs.*

Introduced By:

1. *A. G. Santos*  
2. *M. C. Charfawos*  
3. *Orsini*

AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN  
PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994  
GUAM LAND USE PLAN (GLUP 94)

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

2 **Section 1. Legislative statement.** The Legislature finds that there is  
3 a need to develop certain land-use policies and plans for properties that the  
4 government of Guam will receive from their rightful original landowners through  
5 the federal government, land that the government wishes to declare surplus to or  
6 beyond its purpose and needs. The Legislature also recognizes that the  
7 government is unable to fully survey, manage, plan, and develop property  
8 currently under its jurisdiction and domain and so has elected to relieve if not  
9 assist the government from further expanding control over other land throughout  
10 the island without the mandate of the people, particularly those who hold  
11 interests in properties listed in Section 2 of this Act. Thus, the Legislature  
12 through this measure, is attempting to establish plans and mandate policy  
13 relative to properties beyond the government of Guam's justifiable needs so that  
14 proper disposition of such lands can occur.

15 The Legislature recognizes that the properties identified in the Guam Land Use  
16 Plan (GLUP) "94" will be released, namely, for public purpose and use. Upon an  
17 historical review, however, the Legislature has concluded that the government of  
18 Guam is not the best nor most responsible guardian of lands. For surplus federal  
19 properties to best serve the community, they must be placed under progressive  
20 and responsible growth-oriented management. It is genuinely felt that it is the

1 original landowners and their heirs who possess drive, the know-how, the  
2 motivation and the capacity to develop these lands to their highest and best uses.  
3 It is the entrepreneurial spirit that will generate greater returns for the  
4 community as a whole and not government or political brokerage. For instance,  
5 placing six thousand five hundred and thirty eight (6,538) acres in the hands of  
6 landowners who would subsequently pursue their development in the forms of  
7 tourism, agriculture and aquaculture, wholesale and retail trade, housing,  
8 recreation and other forms of economically stimulating activity can increase the  
9 standard of living, jobs, income and productivity of all, thereby enhancing Guam's  
10 economic and social standing in this region of the Pacific. Furthermore, the  
11 Legislature senses that the expansion of the government's real property, gross  
12 receipts and corporate tax bases, as would be caused by the return of excess  
13 lands to their original landowners or their heirs, and such expansion is directly  
14 related to and essential in achieving the objective of public purpose and benefit.  
15 Increasing tax revenues in the long-term yields greater public benefits that  
16 would benefit all sectors of the island's economy. When compared to the option of  
17 placing excess lands under strict conservation or preservation use, or in public  
18 buildings and facilities, or under standard government practices in property  
19 management, the policy of allowing the private landowners as members of the  
20 private sector to manage and facilitate the development of the returned lands is  
21 found to be less speculative and far more beneficial to the people of Guam as a  
22 whole.

23 **Section 2. Land use plan.** The Director of Land Management is hereby  
24 required to identify the exact portions of the land identified in GLUP 94 by  
25 location, acreage and ownership in preparation for their eventual return to their  
26 original landowners or the heirs, administrators, executors or other legal  
27 representatives of the landowners' original estates. Allocation of such land  
28 shall be based on the documentation of private ownership as recorded with the

1 Department of Land Management and set out in the U.S. District Court Land Claims  
2 Cases.

3 The Director of Land Management shall transfer to the original rightful  
4 landowners and their heirs those lands which have been identified in GLUP 94.  
5 The terms and conditions that shall govern the transfer and return of land are set  
6 out in Section 7 of this Act. The parcels of excess federal land subject to the  
7 scope and intent of this Act either in its entirety or in part are as follows:

8 <b>Navy Parcels:</b>	<b>Acres:</b>
9 Harmon Annex	7
10 Tanguisson Power Plant	5
11 Marine Drive	27
12 Tamuning Telephone Exchange	2
13 Agana Power Plant	2
14 NAS Officer Housing	88
15 NCTCAMS Bar	823
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17 Nimitz Hill (Vacant Lands)	183
18 Piti Power Plant	13
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25 Old Apra Heights Housing	13
26 NAVACTS Old Annex	102
27 Former FAA	698
28 <b>Subtotal (Navy)</b>	<b>2896 acres</b>



1. <b>Air Force Parcels:</b>	<b>Acre</b>
2 Mount Santa Rosa	1
3 Northwest Field/Route 3A	1860
4 Potts Junction	22
5 Tumon Tank Farm/Australian Cable Housing	24
6 Andersen South	1425
7 Andersen Air Force Base/Barrigada	218
8 Air Force Base/Barrigada	92
9 <b>Subtotal (Air Force)</b>	<b>3642 acres</b>
10 <b>Total</b>	<b>6538 acres</b>

11           **Section 3. Policy stated.** It is the intent of this Act to insure that the  
12 lands condemned by the federal government and deemed excess to the federal  
13 government's needs, pursuant to GLUP 94, are rightfully returned to their original  
14 owners or their heirs. The disposition of such lands shall be governed by the  
15 conditions established in this Act, and the administration, facilitation and  
16 coordination of the land transfer shall be the responsibility of the Department of  
17 Land Management ("DLM"), with the assistance and collaboration of the Chamorro  
18 Land Trust Commission (the "Commission").

19           **Section 4. Land transferred.** The lands identified in Section 2 of this  
20 Act will be transferred to their original owners or their heirs. The Director of  
21 DLM is authorized to implement a program that will facilitate the return of such  
22 federal excess properties to their original owners or their heirs. While under the  
23 DLM, such lands shall not be treated or categorized as "available lands" for  
24 purposes of '75104 of the Chamorro Land Trust Act (Chapter 75, Title 21, Guam  
25 Code Annotated), but instead as lands under the administrative control of DLM  
26 until the government of Guam is prepared to formally transfer such properties to  
27 their original owners, heirs, administrators, executors or other legal  
28 representatives of the owners' estates. "Formal transfer" refers to the issuance  
29 by the government of Guam of a recorded Certificate of Title bearing the

1 respective landowner's name. Lands identified in Section 2 of this Act which are  
2 unclaimed or have no ownership or interest attached to them shall be subject to  
3 the criteria set forth in subsection (b) of '75104, Title 21, Guam Code Annotated,  
4 on the reservation of land by the government of Guam for public use within sixty  
5 (60) days of the passage of this Act.

6 **Section 5. Role of the Commission.** The Commission shall administer  
7 any unclaimed lands listed in Section 2 of this Act and is empowered to take or  
8 conduct all necessary coordinating actions or procedures in collaboration with  
9 DLM to ensure that such unclaimed lands not reserved by the government of Guam  
10 are incorporated in the land trust inventory for disposition or use in accordance  
11 with the Chamorro Land Trust Act.

12 **Section 6. Terms and conditions of transfer.** The terms and  
13 conditions governing the transfer of property from the government of Guam to  
14 the original landowner, heir, administrator, executor or any legal representative  
15 of the landowner's estate are as follows:

16 **(a) Surveying of property.** The survey costs of the land identified in  
17 Section 2 of this Act shall be borne by the original landowner or his heirs. DLM is  
18 hereby authorized to expend funds contained in the Land Survey Revolving Fund  
19 not to exceed Five Hundred Thousand Dollars (\$500,000) to assist landowners in  
20 surveying their property or properties, with the condition that DLM shall be fully  
21 reimbursed by such landowners for the cost of such surveys within ninety (90)  
22 days from the date a land survey is completed. A contract must be entered into  
23 between the landowner and DLM on the repayment date and other terms and  
24 conditions governing the reimbursement of survey costs. The time to complete  
25 any survey authorized under this section shall not exceed six (6) months.

26 **(b) Lease of property authorized.** ~~Lands conveyed under this Act to~~  
27 ~~their original owners or heirs may be leased for farming, commercial,~~  
28 ~~recreational, tourism, aquaculture, mariculture, or other forms of business or~~  
29 ~~economic ventures; provided, that no less than fifty-one percent (51%) of the~~

1 ownership in the venture undertaking the lease remains under the control of the  
2 landowner or his heirs.

3 **(c) Exemption from Public Law 22-73.** The lands set out in Section 2  
4 of this Act are exempt from the provisions of Public Law 22-73.

5 **Section 7. Lands exempted from this Act.** Any land that is presently  
6 utilized for public easements such as roadways, water, power, sewer or  
7 underground telephone or communication lines or other such government utility  
8 use or infrastructure uses essential to the public's safety, welfare, health and  
9 protection is exempt from the provisions of this Act and shall not be released by  
10 the government of Guam to their former owners or heirs. Lands that have been  
11 released or set aside by the federal government and the government of Guam for  
12 the construction of schools, the economic development of seaport activities, or  
13 the implementation of the Highway Masterplan of the territory of Guam shall be  
14 likewise excluded from transfer to their original landowners or heirs, and are  
15 exempt from the provisions of this Act.

16 **Section 8. Severability.** If any of the provisions of this Act or the  
17 application thereof to any person or circumstance is held invalid, such invalidity  
18 shall not affect any other provision or application of this Act which can be given  
19 effect without the invalid provision or application, and to this end the provisions  
20 of this Act are severable."

21

Twenty-Third Guam Legislature  
Committee on Federal and Foreign Affairs

**COMMITTEE REPORT ON BILL NO. 714**

**“AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR  
CERTAIN PARCELS OF EXCESS FEDERAL PROPERTIES  
IDENTIFIED IN THE 1994 GUAM LAND USE PLAN (GLUP 94)”**

Prepared by the Committee on Federal and Foreign Affairs

Senator Hope A. Cristobal, Chairperson

Publicly Heard:  
November 20, 1996  
9:00 a.m. to 5:30 p.m.  
Public Hearing Room, Temporary Legislature Building  
155 Hesler Street  
Agana, Guam

## **COMMITTEE ON FEDERAL AND FOREIGN AFFAIRS:**

1. SENATOR HOPE A. CRISTOBAL, CHAIRPERSON
2. SENATOR ANGEL L.G. SANTOS, CO-CHAIRPERSON
3. VICE SPEAKER TED S. NELSON
4. SENATOR THOMAS C. ADA
5. SENATOR JUDITH WON PAT-BORJA
6. SENATOR FRANCIS SANTOS
7. SENATOR MARK CHARFAUROS
8. SENATOR LOU LEON GUERRERO
9. SENATOR VICENTE PANGELINAN
10. SENATOR ELIZABETH BARRETT-ANDERSON
11. SENATOR ANTHONY BLAZ
12. SENATOR MARK FORBES
13. SENATOR CARLOTTA LEON GUERRERO

### **I. OVERVIEW:**

Bill 714 was introduced by Senator Angel Santos and referred by the Committee on Rules to the Committee on Federal and Foreign Affairs on August 26, 1996. The Committee on Federal and Foreign Affairs conducted a Public hearing at 9:30 a.m. to 5:30 p.m., Wednesday November 20, 1996 which was heard in the Public Hearing room of the Guam Legislature's Temporary Building in Agana.

### **COMMITTEE MEMBERS PRESENT WERE:**

1. Senator Hope Cristobal, Chairperson
2. Senator Angel Santos, Vice-Chairperson
3. Senator Vicente Pangelinan
4. Senator Tom Ada
5. Senator Judith Won Pat-Borja

### **II. LEGISLATIVE INTENT & BACKGROUND OF BILL**

The Legislature finds a need to develop certain land use plans and laws regarding federal land returns of excess lands. It was felt that the Government of Guam is unable to fully manage, survey, plan and develop properties currently under its jurisdiction and control. Therefore, the legislature elected to release it for expansion and use by the landowners feeling that private sectors better opportunities and increase revenues for the government in the form of taxes.

### III. SUMMARY OF TESTIMONY AND RECOMMENDATIONS:

a) Testimony for the Government

The Department of Land Management was invited to the hearing and did not show up, however GEDA Administrator, Mr. Ed Untalan, was present for Reuse Plan for GLUP '94 Properties. He indicated that he can't say whether he supports Bill 714.

b) Testimony for the Public:

1. G. Ricardo Salas of Salas Agency Corporation, is in favor of Bill 714. He doesn't like the GLUP '94 plan nor does he agree that GEDA should administer such excess lands. He doesn't want the Chamorro Land Trust to be given any more lands nor for the Government of Guam to be given any exemption as noted under the bill.

2. David Munoz, heir, Tiyan Property, in favor of Bill 714. His basic testimony are the following:

- a.) his family was chased out of their lands and moved from place to place in the jungle.
- b.) he feels the needs of families like him have been forgotten. His family lost 35 hectares of land at Tiyan.
- c.) the government seems to protect outside interests more than those of its own people. Government needs to be sensitive to needs like his.
- d.) feels a more fair policy is to return property to landowners first.
- e.) he has documents to prove his ownership.
- f.) he wants justice and to improve the quality of his family's life. He was given some \$690+ dollars. He prefers land return under the GLUP return process rather than the BRAC process.

3. Ben Garrido, heir, Harmon Cliffline, Barrigada, NCTAMS in favor of Bill 714. Mr. Garrido's basic statements:
  - 1) He doesn't accept the GLUP '94 Plan because its a plan depicting the use of stolen lands. He feels it is not just government that knows how to count money
  - 2) There is no federal excess lands. These lands were stolen Chamorro lands.
  - 3) Eminent Domain is a concept applied upon people to allow the government to steal land legitimately.
  - 4) Guam doesn't have a constitution. We are still pretty much a colony marking 100 years of colonial rules.
  - 5) No one including the federal government will admit they stole lands. The military razed our lands and his father was held and forced to affix his thumb print by military people on documents. He's not against the federal government or Americans but only against the system. He feels people like him are after maligned as being racist whenever they express their thoughts on land issues.
4. Amanda Santos in favor of Bill 714 - We have 9 children and we rented a house for 20 years because we didn't have any land. Our father in law, Angel Borja Santos gave me a mandate to continue to fight for land return before he died (consisting of 3 hectares taken by the federal government.) He told the federal government to use the land until they do not need it, and then return it (written testimony.) Their property is in Dededo and is in the Reuse Plan for GLUP '94 Properties.
5. Anita San Nicolas - I am here to go against the Reuse Plan for GLUP '94 Properties. My father Felipe Mafnas and sister Barbara Bosun and child are living on government property which is not right because my father used to own property where Naval Hospital is now. My father also owned property in Agana, that is being used by the Government of Guam for roadways(written-

testimony). He said they have Agana property being used by the Government of Guam near GCIC.

6. T. Unsiog - heir, Sasa Valley, Piti is in favor of Bill 714. He has 6 children and he doesn't like the Reuse Plan for GLUP '94 Properties. Only one of his kids have land and he wants his land back to give to his children, his 7 acres of land, which haven't been used by the military for 52 years.
7. Angel C. Santos - is in favor of Bill 714. His father's property is in Mogfog which he bought before World War II. They also lost land in Agana Heights, Mongmong, and Agana. They asked for land exchange but they weren't given any land exchange because Governor Guerrero said there was no government land available for exchange. They are only asking only for their father's land in Mogfog, land which he didn't sell but was taken. I went to occupy some of that Mogfog land but I am ashamed of the consequences should it be brought to the attention of the media because I respect the federal government. He feels the landtakings were unfair and he doesn't like the Reuse Plan for GLUP '94 Properties.
8. Enrique R. Cruz - is in favor of Bill 714. He was given \$300.00 for land in Agana that he didn't want to give up and told he can't build on his small lot size. He was told his land would be taken even if he didn't take the money. He's not in favor of the Government of Guam Resuse Plan for GLUP '94 Properties.
9. Ed L.G. Benavente - provided a written statement from Nasion Chamoru. His basic message is that the Chamorro Nation opposes the signing of Executive Order 96-19 which gives GEDA authority to formulate a Land Use Plan for Excess Federal Lands identified under the 1994 Guam Land Use Plan (GLUP 94). They want all lands to be returned back to the original land owners. They also support bills 707, 714, 750, and 765 as these bills provide a timely redress to a long injustice suffered by our people. They whole heartedly and vehemently support the immediate passage of such bills into law and encourage each member of the committee and entire legislative body to support all of the above bills.
10. Francisco Jesus Cruz, heir, original landowner, Lot 254-1 Asan in favor of Bill 714. He informs the public that, Lot 254-1 consisting of 3,239,348 square meters in Asan which houses the Fleet



Weather Center, the Fire Station and a few housing units is claimed by the heirs of Rosa Jesus Cruz, the original land owner. The property was condemned by the federal government in 1946 yet about 807 acres of the said property remained vacant showing the taking was unnecessary. Additionally, there was no justification for this land taking such as a land use plan even a description of what they planned to use the property that our family valued. Victimized by the federal government through the condemnation, we had hardship acquiring land for ourselves and our children. The Chamorro tradition is to pass land down from generation to generation. Unfortunately, we did not have the chance to follow this tradition. With the help of the wonderful senators of the 23rd legislators, perhaps there's a chance for the return of our ancestral lands. We are expressing interest in the above land for our heirs.

11. Roman Jesus Cruz, heir, original landowner, Lot 254-1 Asan in favor of Bill 714. He is testifying on the GLUP '94 Navy Reuse Plan and Bill 714. Their properties were taken in 1946 in Nimitz Hill.

#### **IV. Summary of Senators' concerns, questions and comments:**

##### **Bill 714 seeks to:**

1. Develop a land use policy and plan for properties returned to the Government of Guam from the Federal Government with respect to excess/surplus properties.
2. It directs the director of the Department of Land Management to transfer the lands identified under the GLUP plan to the landowners and heirs consisting of some 6,538 acres.
3. It states a simple policy of return under Section 3.
4. Allows for land transfer by Director of Land Management.
5. Defined another role of Chamorro Land Trust Commission to receive unclaimed lands derived from transfer authority. Lands not claimed by landowners and government transfers are to be transferred to the Chamorro Land Trust Commission.
6. Specifies the terms and conditions of the transfer allowing for a survey of property and that costs will be borne by landowner with Land Survey Revolving Funds used as a source of survey moneys. This section also allows landowners to lease properties. Properties identified under this law are exempted from Public

Law 22-73 with respect to their inclusion on the listing of lands to be researched and included on the special study.

7. Lands utilized for roadways, water, power and sewer or other government uses are exempted from this Act, meaning that those pieces of property can be exempted and returned to the landowners.
8. Allows a severability provision.

**The only concerns raised were respect to:**

- a) Senator Santos prefers that the regular GSA process be used rather than the BRAC process for excess land returns. The BRAC return process wishes economic revitalization issues in the reuse proposal.
- b) Senator Cristobal was most concerned about the following areas:
  1. Changing federal policies on return with little or no compensation under a rural, public use, and a discounted or negotiated price under an economic development conveyance. She feels the Government of Guam Administration officials need to qualify that Guam needs to be given these land returns under a no pay venue because of the large impact of federal military down-sizing affecting 6,300 employees and revenue losses in the millions from the loss of federal activities.
  2. Item b) under Section 6 of Bill 714 is an inappropriate provision because once a land owner obtains title or ownership to his/her property he/she is pretty much free as to what he wishes to do with his/her property; unless the government puts a condition on that usage by law or regulation. She asked the panel of people testifying and all felt this provision should be stricken out.

**V. SUMMARY OF COMMITTEE'S RECOMMENDATIONS AND FINDINGS IN BILL:**

The Committee on Federal and Foreign Affairs finds that the policy statement found under Bill 714 is not comprehensive in nature and does not fully examine the "big" picture of federal land returns. The issue of historical injustice suffered by many landowners is a difficult and complex issue which needs to be addressed in a straight forward manner to address the issues of equity, justice, and fairness to citizens whose lands have been taken without due process, when they lack full knowledge about their individual rights as citizens and as a people and where both the federal and local governments took advantage of a generally peaceful, simple living and law abiding citizens who had limited exposure and knowledge about government, their citizenship

rights, the law and the land taking process. At the same time, we recognize also that the Government as a whole needs to examine the broader picture of land needs for future generations and the communities' general needs for schools, government facilities, etc.

Although Bill 714 is still fairly basic and lacking comprehensiveness, we recommend that it be approved for submittal to the Legislative body as a whole for review and discussion. We foresee that land issues need extensive opportunities for review and collaboration and hope it will take place. The whole issue of land returns needs to be examined from a systems perspective.

Hence, we recommend that this bill be reported out of the Committee but that under Section 6, item b) be deleted in its entirety and the bill be amended and reported out as Substitute Bill 714 as substituted by the Committee on Federal and Foreign Affairs. We recommend that Bill 714 be passed as expended upon by the Committee as a whole.

November 20, 1996

To: The 23rd Guam Legislature, Committee on Federal and Foreign Affairs

**Testimony on Reuse Plan, Bill No. 714, An Act to Develop a Land use Policy and Plans for Certain Parcels of Excess Federal Properties Identified in the 1994 Land Use Plan (GLUP).**

The Public is hereby informed that the parcel of land designated as Lot 254-1, area of 3,239,348.67 square meters, situated in the municipality of Asan, Guam, which the old Quonset hut, the Fleet Weather Center, the Fire Station, and a few housing units is situated occupying 20% of said described property and the remaining area is vacant in Nimitz Hill, is claimed by the heirs of ROSA JESUS CRUZ who is the original owner of said described property. Said described property was wrongfully and forcefully taken by the federal government in 1946 through condemnation. An estimated 80% of the said described property remain vacant after the land taking, making the land taking apparently unnecessary. Additionally, there were no supportive justification by the federal government for this land taking such as a land use plan or even a scribble description of what they had planned to use on this land that our families most value. Victimized by the federal government, throughout the years after the condemnation of our land, we (the families and heirs of Rosa Jesus Cruz) had hardship in acquiring land for ourselves and for our children. The Chamorro tradition is that we inherit land from our ancestors and it is passed down from generation to generation. Unfortunately, we (families and heirs of Rosa Jesus Cruz) did not have the chance to follow this tradition. With the help of the wonderful Senators of the 23rd Legislators, perhaps there could still be that chance that we have so long waited for and that the return of our ancestral land could finally be a reality.

The heirs of Rosa Jesus Cruz, original owner of Lot 254-1, municipality of Asan, Guam, expresses a strong interest for the return of federal excess land to the estate of Rosa Jesus Cruz. There are nine (9) heirs of the said described property with many adult children, and grandchildren. Please see attached Claim of Interest filed by the Administratrix of Lot 254-1, Asan, Guam.

  
FRANCISCO JESUS CRUZ HEIR

Date: 11/20/96

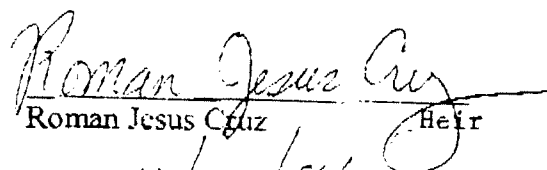
MAILING ADDRESS: P.O. BOX 3661  
AGANA, GUAM 96932  
TELEPHONE: 477-2536

To: The 23rd Guam Legislature, Committee on Federal and Foreign Affairs

**Testimony on Reuse Plan, Bill No. 714, An Act to Develop a Land use Policy and Plans for Certain Parcels of Excess Federal Properties Identified in the 1994 Land Use Plan (GLUP).**

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The heirs of Rosa Jesus Cruz, original owner of Lot 254-1, municipality of Asan, Guam, expresses a strong interest for the return of federal excess land to the estate of Rosa Jesus Cruz. There are nine (9) heirs of the said described property with many adult children and grandchildren. Please see attached Claim of Interest filed by the Administratrix of Lot 254-1, Asan, Guam.

  
Roman Jesus Cruz Heir

Date: 11/20/96

Mailing Address: P.O. Box 4422  
Agana, Guam 96910

Telephone: 653-5689

RECORDATION  
DEPARTMENT  
OF  
LAND  
MANAGEMENT

RECORDATION DEPARTMENT  
OFFICE OF THE REGISTRAR  
507493  
This instrument was filed for record on 28  
Day of April 1994 at 439  
and duly recorded in Book \_\_\_\_\_ at Page \_\_\_\_\_  
Recording Fee 1.00 Volunter No. \_\_\_\_\_  
Deputy Registrar

CLAIM OF INTEREST

THIS INSTRUMENT IS MADE ON THIS 26th day of April 1994, by DOLORES JESUS CRUZ, Administratrix of the Estate of ROSA JESUS CRUZ, whose mailing address is P.O. Box 396 Agana, Guam 96910.

RECITALS

WHEREAS, the above referenced individual is the original land owner of the parcel of land officially designated as follows:

Lot No. 254-1, area of 3,239,348.67 +/- square meters, situated in the Municipality of Asan, Guam.

WHEREAS, the above referenced original land owner of the parcels desires to give public notice of meritorious legal claim and title to said lands.

NOW, THEREFORE, including the recitals stated above, the above referenced individual states and declares the following:

1. That original land owner maintains a meritorious legal and title to areas of land as previously described.
2. That should said lands be declared excess land by the military, original land owner demands that said lands be returned to the Estate of Rosa Jesus Cruz.

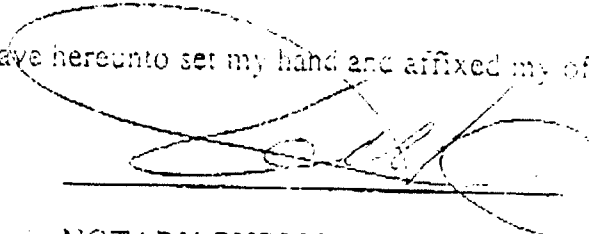
Dolores Jesus Cruz  
DOLORES JESUS CRUZ, Administratrix  
of the Estate of Rosa Jesus Cruz

TERRITORY OF GUAM )  
CITY OF AGANA )

On this 26th day of April, 1994, before me a Notary Public in and for the TERRITORY OF GUAM personally appeared Dolores Jesus Cruz

... of Rosa Jesus Cruz, and she acknowledged to me that she executed the foregoing instrument on behalf of the said estate, as her voluntary act and deed for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



BENJAMIN S. GALARRUF, JR.  
NOTARY PUBLIC

NOTARY PUBLIC

In and for the Territory of Guam  
My commission expires: 8/20/97

My commission expires: 2-21-97

# NASION CHAMORU

P.O. BOX 1609  
AGANA, GUAM 96932  
Ph: 734-8018

November 19, 1996

Senator Hope A. Cristobal (D)  
Chairperson, Committee on Federal  
and Foreign Affairs  
Suite 201 Quan Bldg.  
326 West Soledad Ave.  
Agana, Guam 96910

Hafa Adai Madam Chair:

First of all Chamoru Nation opposes the signing of Executive Order 96-19 which gives the authority to GEDA to formulate a Land Use Plan for Excess Federal Lands identified under the 1994 Guam Land Use Plan (GLUP 94). It is our position that all lands be returned back to original land owners as a result of the land takings by the Federal Government.

In our analyses of all the proposed legislation heard before your committee, we have found that relative to bills 707, 714, 750 and 765, that such bills provides a timely redress to a long injustice suffered by our people. The Chamoru Nation wholeheartedly and vehemently supports the immediate passage of such bills into law. We hope to encourage each member of your committee and the entire legislative body to support all the bills enumerated above. Thank you for your time.

Dangkolo na si Yu'os Ma'ase'

Buen Salut, Biba Taotao Tano', Biba Guahan



Nasion Chamoru, Maga'lahi



## BILL 714

This bill seeks to:

1. Develop a land use policy and plan for properties returned to GovGuam from the Federal Government with respect to excess/surplus properties.
2. It directs Land Management Director to transfer the lands identified under the GLUP plan to the landowners and heirs consisting of some 6,538 acres.
3. It states a simple policy of return under Section 3.
4. Allows for land transfer by Director of Land Management.
5. Define role of Chamorro Land Trust Commission in unclaimed lands derived from transfer authority. Lands not claimed by landowners and government are to be transferred to the Chamorro Land Trust Commission.
6. Specifies the terms and conditions of the transfer a) allowing for a survey of property and that costs will be borne by landowner with Land Survey Revolving Funds used as a source of survey moneys. This section also allows landowners to lease properties. Properties identified under this law are exempted from Public Law 22-73.
7. Lands utilized for roadways, water, power and sewer or other government uses are exempted from this Act, meaning that these pieces of property don't go to the landowners.
8. Allows a severability provision.

## BILL 714

### Questions to ask:

1. Is the author of this bill referring only to the 6,538 acres under the GLUP excess lands review? What about the 3,200 acres authorized by Congress under a special legislation which all together are now affected by the BRAC activities?
2. Should the Government receive any reimbursement from landowners for Government of Guam expenses incurred in securing land returns?
3. Shouldn't a land use policy attempt to examine land return issues from the Government and community's needs and landowners needs and perspective. Also, how can Government of Guam deal fairly or with equity in the case of those landowners who will not likely in the future to be able to get their lands back? Should this land return issue also examine "economic revitalization factors?"
4. What is the community's view point about land returns?

# COMMITTEE ON FEDERAL & FOREIGN AFFAIRS

Senator Hope A. Cristobal, Chair

## PUBLIC HEARING

**BILL 714-** An act to develop a land use policy and plans for certain parcels of excess federal properties identified in the 1994 Guam Land Use Plan (GLUP).

WEDNESDAY, NOVEMBER 20, 1996

9:00 AM

NAME	AGENCY	ORAL	WRITTEN	IN FAVOR	AGAINST	CONTACT #
G. RICARDO SARTAS	SPURS (Army Camp)	✓		✓		477-2536
JASON MASON (No testimony)	Pacific, CSO					475-5169
RUTHANN C. QUINTANA	Private GLUP	✓	✓			477-2536
DAVID MUÑOZ	Heir, NAS, Tiyan	✓		✓		477-
Dr. Sanido	Heir, Harmon Cliffline Barrigada, NCTAMS	✓		✓		
Amanda Santos				✓		
Anta Sunvencia				✓		
Therese	Heir, Sasa Valley Piti	✓		✓		
Angel C. Sant		✓		✓		734-5091
<del>Francisco J. Cruz</del>		✓		✓		
Ed L.G. Behavente Chamoru Nation	Chamoru Nation		✓	✓		-
Francisco Jesus Cruz	Heir, Original Landowner Lot 254-1, Asan		✓	✓		477-2536
Roman Jesus Cruz	Heir, Original Landowner Lot 254-1, Asan		✓	✓		653-5689

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**Twenty-Third Guam Legislature  
Committee on Internal and  
Foreign Affairs  
SENATOR HOPE A. CRISTOBAL  
Chairperson**

9:00am, Wednesday, November 20, 1996  
155 Hesler Street, Agana



**Agenda**

**1. Confirmation hearing on the  
appointment of  
Colonel Benny Paulino**  
to the position of Adjutant General,  
Guam National Guard.

**2. Reuse Plan for  
GLUP '94 Properties**  
*All original landowners and the  
homeless are invited to present  
testimonies.*

**3. BILL 707-(H.A.Cristobal)**  
An act to require the Department of Revenue  
and Taxation to conduct an audit of property  
tax payments for the past twenty years to  
identify and publish a listing of people and  
amounts to be refunded. Repeals the statute of  
limitations so property owners will be able to  
collect the monies owed to them.

**4. BILL 714-(A.Santos)**  
An act to develop a land use policy and plans  
for certain parcels of excess federal properties  
identified in the 1994 Guam Land Use  
Plan(GLUP).

**5. BILL 750-(H.Cristobal)**  
An act to compensate landowners whose lands  
have been taken by the Government of Guam  
and its agencies without due process and just  
compensation since 1945. Addresses property  
taxes on government easements.

**6. BILL 765-(H.A.Cristobal)**  
An act to create a commission on  
decolonization for the implementation and  
exercise of Chamorro self-determination.

**All interested parties should attend.**

For more information contact the  
Office of Senator Hope Alvarez Cristobal at  
Phone:472-3581/2/3 Fax:472-3585

PDN ad  
on 11/16/96  
and 11/18/96

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) REGULAR SESSION

Introduced

AUG 19 1996

Bill No. 714 (LS)

Introduced By:

1. A. G. Santos  
2. M. C. Charfauros  
3. Orsini

AN ACT TO DEVELOP LAND-USE POLICY AND PLANS FOR CERTAIN  
PARCELS OF EXCESS FEDERAL PROPERTIES IDENTIFIED IN THE 1994  
GUAM LAND USE PLAN (GLUP 94)

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

2 **Section 1. Legislative statement.** The Legislature finds that there is  
3 a need to develop certain land-use policies and plans for properties that the  
4 government of Guam will receive from their rightful original landowners through  
5 the federal government, land that the government wishes to declare surplus to or  
6 beyond its purpose and needs. The Legislature also recognizes that the  
7 government is unable to fully survey, manage, plan, and develop property  
8 currently under its jurisdiction and domain and so has elected to relieve if not  
9 assist the government from further expanding control over other land throughout  
10 the island without the mandate of the people, particularly those who hold  
11 interests in properties listed in Section 2 of this Act. Thus, the Legislature  
12 through this measure, is attempting to establish plans and mandate policy  
13 relative to properties beyond the government of Guam's justifiable needs so that  
14 proper disposition of such lands can occur.

15 The Legislature recognizes that the properties identified in the Guam Land Use  
16 Plan (GLUP) "94" will be released, namely, for public purpose and use. Upon an  
17 historical review, however, the Legislature has concluded that the government of  
18 Guam is not the best nor most responsible guardian of lands. For surplus federal  
19 properties to best serve the community, they must be placed under progressive  
20 and responsible growth-oriented management. It is genuinely felt that it is the

1 original landowners and their heirs who possess the drive, the know-how, the  
2 motivation and the capacity to develop these lands to their highest and best uses.  
3 It is the entrepreneurial spirit that will generate greater returns for the  
4 community as a whole and not government or political brokerage. For instance,  
5 placing six thousand five hundred and thirty eight (6,538) acres in the hands of  
6 landowners who would subsequently pursue their development in the forms of  
7 tourism, agriculture and aquaculture, wholesale and retail trade, housing,  
8 recreation and other forms of economically stimulating activity can increase the  
9 standard of living, jobs, income and productivity of all, thereby enhancing Guam's  
10 economic and social standing in this region of the Pacific. Furthermore, the  
11 Legislature senses that the expansion of the government's real property, gross  
12 receipts and corporate tax bases, as would be caused by the return of excess  
13 lands to their original landowners or their heirs, and such expansion is directly  
14 related to and essential in achieving the objective of public purpose and benefit.  
15 Increasing tax revenues in the long-term yields greater public benefits that  
16 would benefit all sectors of the island's economy. When compared to the option of  
17 placing excess lands under strict conservation or preservation use, or in public  
18 buildings and facilities, or under standard government practices in property  
19 management, the policy of allowing the private landowners as members of the  
20 private sector to manage and facilitate the development of the returned lands is  
21 found to be less speculative and far more beneficial to the people of Guam as a  
22 whole.

23 **Section 2. Land use plan.** The Director of Land Management is hereby  
24 required to identify the exact portions of the land identified in GLUP 94 by  
25 location, acreage and ownership in preparation for their eventual return to their  
26 original landowners or the heirs, administrators, executors or other legal  
27 representatives of the landowners' original estates. Allocation of such land  
28 shall be based on the documentation of private ownership as recorded with the

1 Department of Land Management and set out in the U.S. District Court Land Claims  
2 Cases.

3 The Director of Land Management shall transfer to the original rightful  
4 landowners and their heirs those lands which have been identified in GLUP 94.  
5 The terms and conditions that shall govern the transfer and return of land are set  
6 out in Section 7 of this Act. The parcels of excess federal land subject to the  
7 scope and intent of this Act either in its entirety or in part are as follows:

8 <b>Navy Parcels:</b>	<b>Acres:</b>
9 Harmon Annex	7
10 Tanguisson Power Plant	5
11 Marine Drive	27
12 Tamuning Telephone Exchange	2
13 Agana Power Plant	2
14 NAS Officer Housing	88
15 NCTCAMS Bar	823
16 Nimitz Hill Enlisted Housing	120
17 Nimitz Hill (Vacant Lands)	183
18 Piti Power Plant	13
19 PWC Utilities Dept.	7
20 Sasa Valley/Tenjo Vista	568
21 Polaris Point	82
22 New Apra Heights Housing	125
23 Route 2A	15
24 Rizal Beach	16
25 Old Apra Heights Housing	13
26 NAVACTS Old Annex	102
27 Former FAA	698
28 <b>Subtotal (Navy)</b>	<b>2896 acres</b>

29

Air Force Parcels:	Acres:
1 Mount Santa Rosa	1
3 Northwest Field/Route 3A	1860
4 Potts Junction	22
5 Tumon Tank Farm/Australian Cable Housing	24
6 Andersen South	1425
7 Andersen Air Force Base/Barrigada	218
8 Air Force Base/Barrigada	92
9 <b>Subtotal (Air Force)</b>	<b>3642 acres</b>
10 <b>Total</b>	<b>6538 acres</b>

11 **Section 3. Policy stated.** It is the intent of this Act to insure that the  
12 lands condemned by the federal government and deemed excess to the federal  
13 government's needs, pursuant to GLUP 94, are rightfully returned to their original  
14 owners or their heirs. The disposition of such lands shall be governed by the  
15 conditions established in this Act, and the administration, facilitation and  
16 coordination of the land transfer shall be the responsibility of the Department of  
17 Land Management ("DLM"), with the assistance and collaboration of the Chamorro  
18 Land Trust Commission (the "Commission").

19 **Section 4. Land transferred.** The lands identified in Section 2 of this  
20 Act will be transferred to their original owners or their heirs. The Director of  
21 DLM is authorized to implement a program that will facilitate the return of such  
22 federal excess properties to their original owners or their heirs. While under the  
23 DLM, such lands shall not be treated or categorized as "available lands" for  
24 purposes of '75104 of the Chamorro Land Trust Act (Chapter 75, Title 21, Guam  
25 Code Annotated), but instead as lands under the administrative control of DLM  
26 until the government of Guam is prepared to formally transfer such properties to  
27 their original owners, heirs, administrators, executors or other legal  
28 representatives of the owners' estates. "Formal transfer" refers to the issuance  
29 by the government of Guam of a recorded Certificate of Title bearing the



1 respective landowner's name. Lands identified in Section 2 of this Act which are  
2 unclaimed or have no ownership or interest attached to them shall be subject to  
3 the criteria set forth in subsection (b) of '75104, Title 21, Guam Code Annotated,  
4 on the reservation of land by the government of Guam for public use within sixty  
5 (60) days of the passage of this Act.

6 **Section 5. Role of the Commission.** The Commission shall administer  
7 any unclaimed lands listed in Section 2 of this Act and is empowered to take or  
8 conduct all necessary coordinating actions or procedures in collaboration with  
9 DLM to ensure that such unclaimed lands not reserved by the government of Guam  
10 are incorporated in the land trust inventory for disposition or use in accordance  
11 with the Chamorro Land Trust Act.

12 **Section 6. Terms and conditions of transfer.** The terms and  
13 conditions governing the transfer of property from the government of Guam to  
14 the original landowner, heir, administrator, executor or any legal representative  
15 of the landowner's estate are as follows:

16 **(a) Surveying of property.** The survey costs of the land identified in  
17 Section 2 of this Act shall be borne by the original landowner or his heirs. DLM is  
18 hereby authorized to expend funds contained in the Land Survey Revolving Fund  
19 not to exceed Five Hundred Thousand Dollars (\$500,000) to assist landowners in  
20 surveying their property or properties, with the condition that DLM shall be fully  
21 reimbursed by such landowners for the cost of such surveys within ninety (90)  
22 days from the date a land survey is completed. A contract must be entered into  
23 between the landowner and DLM on the repayment date and other terms and  
24 conditions governing the reimbursement of survey costs. The time to complete  
25 any survey authorized under this section shall not exceed six (6) months.

26 **(b) Lease of property authorized.** Lands conveyed under this Act to  
27 their original owners or heirs may be leased for farming, commercial,  
28 recreational, tourism, aquaculture, mariculture, or other forms of business or  
29 economic ventures; provided, that no less than fifty-one percent (51%) of the

1 ownership in the venture undertaking the lease remains under the control of the  
2 landowner or his heirs.

3 **(c) Exemption from Public Law 22-73.** The lands set out in Section 2  
4 of this Act are exempt from the provisions of Public Law 22-73.

5 **Section 7. Lands exempted from this Act.** Any land that is presently  
6 utilized for public easements such as roadways, water, power, sewer or  
7 underground telephone or communication lines or other such government utility  
8 use or infrastructure uses essential to the public's safety, welfare, health and  
9 protection is exempt from the provisions of this Act and shall not be released by  
10 the government of Guam to their former owners or heirs. Lands that have been  
11 released or set aside by the federal government and the government of Guam for  
12 the construction of schools, the economic development of seaport activities, or  
13 the implementation of the Highway Masterplan of the territory of Guam shall be  
14 likewise excluded from transfer to their original landowners or heirs, and are  
15 exempt from the provisions of this Act.

16 **Section 8. Severability.** If any of the provisions of this Act or the  
17 application thereof to any person or circumstance is held invalid, such invalidity  
18 shall not affect any other provision or application of this Act which can be given  
19 effect without the invalid provision or application, and to this end the provisions  
20 of this Act are severable."

21