




CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUN 17 2002


The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Sais na Liheslaturan Guåhan  
Twenty-Sixth Guam Legislature  
Suite 200  
130 Aspal Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	3:45 pm
Date	6/17/02

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 256 (COR) "AN ACT TO TRANSFER RESPONSIBILITY FOR THE GUAM VETERANS CEMETERY AND THE OLD U. S. NAVAL CEMETERY IN HAGÁTÑA FROM THE DEPARTMENT OF PARKS AND RECREATION TO THE OFFICE OF VETERANS AFFAIRS, AND TO ENSURE THAT THE PROPER MAINTENANCE AND RESPECT IS PROVIDED TO THIS SHRINE TO OUR BRAVE VETERANS" which was enacted into law without the signature of the Governor, I Maga'lahaen Guåhan. This legislation is now designated as **Public Law No. 26-105**.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'Lahaen Guåhan  
Governor of Guam

Attachments: original bill for vetoed legislation or  
copy of bill for signed or overridden legislation  
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco  
Speaker

0830

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN  
2002 (SECOND) Regular Session

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

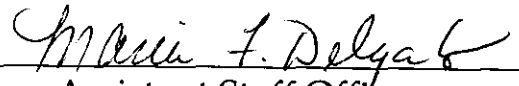
This is to certify that Substitute Bill No. 256 (COR), "AN ACT TO TRANSFER RESPONSIBILITY FOR THE GUAM VETERANS CEMETERY AND THE OLD U. S. NAVAL CEMETERY IN HAGÁTÑA FROM THE DEPARTMENT OF PARKS AND RECREATION TO THE OFFICE OF VETERANS AFFAIRS, AND TO ENSURE THAT THE PROPER MAINTENANCE AND RESPECT IS PROVIDED TO THIS SHRINE TO OUR BRAVE VETERANS," was on the 21<sup>st</sup> day of May, 2002, duly and regularly passed.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
Lawrence F. Kasperbauer  
Vice-Speaker/Acting Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 31 day of May, 2002,  
at 4:30 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahaen Guåhan*

Date: June 13, 2002

Public Law No. 26-105

Became law without the signature of  
*I Maga'lahaen Guahan*, the Governor  
of Guam

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIVED

Received By 

Time 3:45 pm

Date 6/17/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**  
**2002 (SECOND) Regular Session**

**Bill No. 256 (COR)**

As substituted by the Committee  
on Rules, General Governmental Operations,  
Reorganization and Reform, and Federal,  
Foreign and General Affairs, and further  
substituted and amended on the Floor.

Introduced by:

Mark Forbes  
L. F. Kasperbauer  
J. M.S. Brown  
J. F. Ada  
T. C. Ada  
F. B. Aguon, Jr.  
E. B. Calvo  
F. P. Camacho  
M. C. Charfauros  
L. A. Leon Guerrero  
K. S. Moylan  
V. C. Pangelinan  
A. L.G. Santos  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO TRANSFER RESPONSIBILITY FOR THE  
GUAM VETERANS CEMETERY AND THE OLD U. S.  
NAVAL CEMETERY IN HAGÁTÑA FROM THE  
DEPARTMENT OF PARKS AND RECREATION TO  
THE OFFICE OF VETERANS AFFAIRS, AND TO  
ENSURE THAT THE PROPER MAINTENANCE AND  
RESPECT IS PROVIDED TO THIS SHRINE TO OUR  
BRAVE VETERANS.**

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

2           **Section 1. Office of Veterans Affairs Authorization.**

3 Notwithstanding any other provision of law to the contrary, the Guam  
4 Veterans Cemetery and the Old U.S. Naval Cemetery in Hagåtña are hereby  
5 transferred from the oversight and custody of the Department of Parks and  
6 Recreation to the Office of Veterans Affairs. Within sixty (60) days of the  
7 enactment of this Act, the Office of Veterans Affairs shall issue a Request for  
8 Proposal for the contracting of the operation and maintenance of the Guam  
9 Veterans Cemetery and the Old U.S. Naval Cemetery in Hagåtña to a private  
10 company, in accordance with the procurement laws of Guam.

11           Provided that bids that meet the terms of the Request for Proposal and  
12 the procurement laws of Guam are submitted within thirty (30) days of the  
13 issuance of the Request for Proposal, the Office of Veterans Affairs shall  
14 award a contract pursuant to this Act and the procurement laws of Guam  
15 within thirty (30) days of the receipt of the bids. The Office of Veterans  
16 Affairs shall be responsible for monitoring the performance of such a  
17 contractor to ensure that operations and maintenance of the Guam Veterans  
18 Cemetery and the Old U.S. Naval Cemetery in Hagåtña meet high standards  
19 as appropriate to such an important shrine. The Department of Parks and  
20 Recreation shall continue to provide maintenance and operation services at  
21 the Guam Veterans Cemetery and the Old U.S. Naval Cemetery in Hagåtña  
22 until such time as the Office of Veterans Affairs has successfully awarded an  
23 operations and maintenance contract pursuant to this Section.

24           **Section 2. Appropriation.** Two Hundred Thousand Dollars  
25 (\$200,000.00) is appropriated from the General Fund to fund the contract

1 authorized by § 1 of this Act. The Office of Veterans Affairs shall report,  
2 when the contract has been entered, to the Speaker of *I Liheslaturan Guåhan* the  
3 amount and terms of the contract. The sum of Seventy-five Thousand Dollars  
4 (\$75,000.00) is appropriated from the General Fund to the Department of  
5 Public Works for the purpose of erecting signage and markers designating  
6 Route 10 as the Vietnam Veterans Highway.

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



# MINA' BENTE SAIS NA LIHE LATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,  
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gebilu  
Kabisiyon Mayurát*

Speaker Antonio R. Unpingco  
I Mina' Bente Sais Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

*W-105*

Dear Mr. Speaker:

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 256, was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 256, as substituted:** "An act to transfer responsibility for the Guam's Veteran's Cemetary from the Department of Parks and Recreation to the Office of Veterans Affairs, and to ensure that the proper maintenance and respect is provided to this shrine to our brave veterans".

The voting record is as follows:

TO PASS

8

NOT TO PASS

0

ABSTAIN

0

TO PLACE IN INACTIVE FILE

0

TO REPORT OUT

0

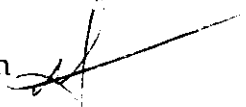
Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
MARK FORBES

Attachments

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman 

**SUBJECT:** Committee Report- BILL NO. 256, as substituted: "An act to transfer responsibility for the Guam's Veteran's Cemetery from the Department of Parks and Recreation to the Office of Veterans Affairs, and to ensure that the proper maintenance and respect is provided to this shrine to our brave veterans"

Transmitted herewith for your information and action is the report on Bill No. 256, as substituted, from the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 256, as substituted
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

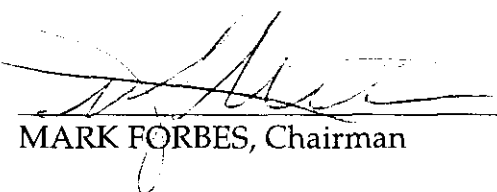
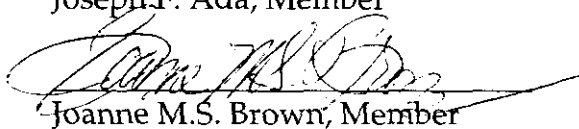
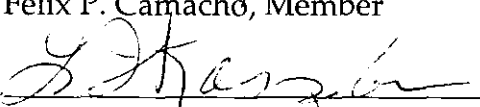
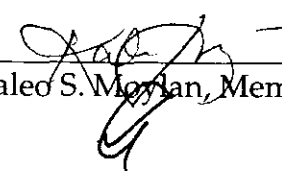
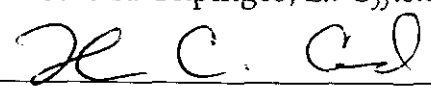
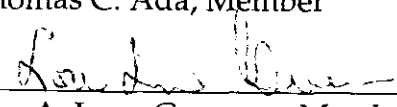
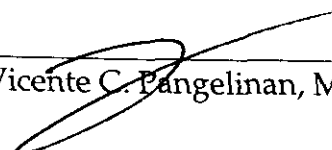
**MARK FORBES**

Attachments

Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal,  
Foreign and General Affairs  
I Mina' Bente Sais Na Liheslaturan Guåhan

**Voting Record**

BILL NO. 256, as substituted: "An act to transfer responsibility for the Guam's Veteran's Cemetary from the Department of Parks and Recreation to the Office of Veterans Affairs, and to ensure that the proper maintenance and respect is provided to this shrine to our brave veterans"

TO	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>	<u>REPORT OUT</u>
 MARK FORBES, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joseph F. Ada, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Eddie B. Calvo, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Felix P. Camacho, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lawrence F. Kasperbauer, Ph. D., Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Kaleo S. Morlan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Antonio R. Unpingco, <i>Ex-Officio Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Thomas C. Ada, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vicente C. Pangelinan, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN**

**COMMITTEE ON RULES, GENERAL GOVERNMENTAL  
OPERATIONS, REORGANIZATION AND REFORM, AND  
FEDERAL, FOREIGN AND GENERAL AFFAIRS**

**SENATOR MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT  
ON  
BILL NO. 256, as substituted**

**"An act to transfer responsibility for the Guam's Veteran's  
Cemetery from the Department of Parks and Recreation to the  
Office of Veterans Affairs, and to ensure that the proper  
maintenance and respect is provided to this shrine to our brave  
veterans"**

## **I. OVERVIEW**

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs held a public hearing at 10:00 a.m. on February 12, 2002 in the Public Hearing Room, I Liheslaturan Guahan. Public notice was given in the February 7, 2002 edition of the Pacific Daily News.

Senators present at the public hearing were:

Senator Mark Forbes, Chairman

Senator Joanne Brown, Member

Senator Ben Pangelinan, Member

## **II. SUMMARY OF TESTIMONY**

Individuals appearing before the Committee to present oral and written testimony on the bill are as follows:

Ben Guerrero, Veteran's Affairs Office (Oral)

Victoria R. Laganse, Veteran's Affairs Office (Oral)

Joe Taitano, veteran (Oral)

Fred Mendiola, retired Air Force, president of Air Force Retirees Association (Oral)

Jose Ulloa Garrido, veteran (Oral)

Peter C. Siguenza Sr., retired Marine Corps (Oral)

Trini Torres (Oral)

Adolph P. Sgambelluri, President, NAUS Guam Chapter (Written)

Ben Guerrero, Veteran's Affairs Office, testified before the Committee on Bill No. 256. He stated that Veteran's Affairs Office lacks personnel as it is, including two volunteers in the office. He said that the number of veterans and their families coming into the office have tripled, and said the office is busy, doing research and helping veterans. Senator Pangelinan asked if it is a better fit to put the Veteran's Cemetery under the Veteran's Affairs Office, and Guerrero responded that yes, it would be a better fit, but that they need more funding and staff to fulfill the office's objectives.

Joe Taitano, retired 30 years military, testified before the Committee on Bill No. 256. He said that he's concerned that this bill is only passing blame from one agency to another. He asked why the maintenance of the cemetery couldn't be contracted out whether it's done by Veteran's Affairs or the Department of Parks and Recreation. He also said that it's important that there are people who just take care of the cemetery, not borrowed from or loaned out from another task.

Fred Mendiola, retired Air Force, president of Air Force Retirees Association, testified before the Committee in favor of Bill No. 256. He said it is a well thought of plan to transfer the care of the cemetery to the Veteran's Affairs Office.

Peter C. Siguenza Sr., retired Marine Corps, testified before the Committee in favor of Bill No. 256. He said the Veteran's Affairs Office's main responsibility under the bill is to monitor the contract, so they don't need more personnel. He suggests that the "private company" referred to in the bill be one that is in the business of maintaining cemeteries. He added that if the contractor doesn't succeed, they should be fired.

Jose Ulloa Garrido, an army veteran and army reserve retiree, testified before the Committee on Bill No. 256. He said that he is an ally of the U.S., not a zombie of the U.S. He said he will look forward for the best situation to give his dead comrades the respect they deserve.

Victoria R. Laganse, Veteran's Affairs Office, testified before the Committee on Bill No. 256. She said that if the Legislature gives her office the funds, they will find the right company to contract it out. She said that they need to also look at the Naval Cemetery at SLC.

Trini Torres, citizen, testified before the Committee against Bill No. 256. She asked if funds were given to the Department of Parks and Recreation to do the maintenance of the cemetery. She said she doesn't favor the transfer.

Adolph P. Sgambelluri, President, NAUS Guam Chapter, submitted written testimony to the Committee in favor of Bill No. 256, with amendments. He wrote that the bill has merit, and cited problems with the Gutierrez administration failing to follow up on a federal grant program that could assist in improving the Guam Veterans Cemetery. He said the cemetery has been fraught with problems for several years, being used as a storage place for junk, the chapel being closed, and maintenance and grounds keeping minimal. He said that the Office of Veterans Affairs could better superintend the operation of the cemeteries because its focus is veterans and not parks. He had a number of suggestions for the bill that involved permanently codifying this transfer of responsibility as well as including a 60-day transitional provision.

### III. FINDINGS AND RECOMMENDATION

The Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs finds that Bill No. 256, as substituted, is an overdue measure given the amount of respect and honor that our veterans on Guam deserve.

Accordingly, the Committee on Rules, General Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs, to which Bill No. 256 was referred does hereby submit its findings and recommendations to I Mina' Bente Sais Na Liheslaturan Guahan **TO DO PASS BILL NO. 256, as substituted**: "An act to transfer responsibility for the Guam's Veteran's Cemetery from the Department of Parks and Recreation to the Office of Veterans Affairs, and to ensure that the proper maintenance and respect is provided to this shrine to our brave veterans".



# National Association for Uniformed Services

GUAM CHAPTER (NAUS)  
Post Office Box 2009, Agaña, Guam 96910

FEB 19 2002

Senator Mark Forbes  
Chairman, Committee on Rules, General  
Government Operations, Reorganization and  
Reform and Federal, Foreign and General Affairs  
25<sup>th</sup> Guam Legislature  
155 Hesler Street  
Hagatna, Guam 96910

Dear Mr. Chairman,

The purpose of this letter is to endorse the merit of Bill 256, and to cite problems which the Gutierrez administration failed to followup as provided within the State Cemetery Grants Program (SCGP), a 50-50 federal/state matching grant program which can assist in establishing, expanding, or improving state veterans' cemeteries in areas not served by a national cemetery. The Guam Veterans Cemetery qualifies.

Please note, our Veterans Cemetery for Guam has been fraught with problems for the past several years. The cemetery grounds have been used as a storage place for junk. The chapel has been closed for years. Maintenance and grounds keeping have been at best sporadic, or minimal.

Perhaps the Office of Veterans Affairs (OVA) could better superintend the operation of the cemeteries at Piti and East Agaña since the focus of the Office is veterans not parks.

Bill 256 appears to attempt a transfer of the maintenance of the Veterans Cemetery to the OVA. This would seem to be a salutary undertaking—so much so that it would seem that a properly drafted bill that would enact an unquestionably permanent law is required. To that end we make the following suggestions:

1. Repeal 21 GCA §77113 (c).
2. Repeal and reenact 10 GCA §67103 (f) by striking the current language and adding language similar to 21 GCA §77113 (c) to make it clear that the OVA has responsibility for the Veterans Cemetery.

Page 2  
Letter - Senator Forbes  
February 19, 2002

3. Add a new 10 GCA §67103.1 containing language similar to 21 GCA §77112.1 to define required maintenance and provide a mechanism to enter into a contract or contracts for such maintenance. NB that we recommend that the language in 21 GCA §77112.1 relating to "a person, family or nonprofit organization **not**, repeat **not**, be adopted; a commercial maintenance company or companies being preferable.
4. Add a new 10 GCA §67103.2 to provide quarterly inspections of the Veterans' Cemetery by the Veterans Cemetery Task Force created by PL 18-19 § 2, reports to the Governor of the findings of such inspections and the publication of such findings.
5. Codify § 2 and 3 of PL 18-19.
6. Include transitional provisions to provide for an orderly transfer of functions, funds, equipment and responsibilities from the Department of Parks and Recreation to the OVA to include an effective date no earlier than sixty (60) days from the enactment of the bill into law.

Sincerely,



**ADOLF P. SGAMBELLURI**  
U.S. Marine Corps (Retired)  
President, NAUS Guam Chapter

copy to: OVA, Guam  
All Veterans Organizations

6

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 5/21/02

## VOTING SHEET

S Bill No. 256(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.					✓
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.					✓
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.					✓
WON PAT, Judith T.					✓

TOTAL

11      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      4

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



# MINA 'I ENTE SAIS NA LIHES. ATURAN GUAHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hinirát, Rifotma yan Rinueba,  
yan Asunton Fidirát, Taotao Hiyong yan Hinirát

*Senadot Mark Forbes, Gebilu  
Kabisiyon Mayurát*

## WAIVER OF FISCAL NOTE

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 256 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 256.

\_\_\_\_\_  
MARK FORBES

Chairman,

Committee on Rules, General Governmental Operations,  
Reorganization and Reform, and Federal, Foreign  
and General Affairs

7/10/02 12:00

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN**

**2002 (SECOND) Regular Session**

**Bill No. 256**

Introduced by:

M. Forbes 

**AN ACT TO TRANSFER RESPNSIBILITY FOR THE GUAM'S VETERANS' CEMETERY FROM THE DEPARTMENT OF PARKS AND RECREATION TO THE OFFICE OF VETERANS AFFAIRS, AND TO ENSURE THAT THE PROPER MAINTENANCE AND RESPECT IS PROVIDED TO THIS SHRINE TO OUR BRAVE VETERANS.**

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

**Section 1.** Notwithstanding any other provision of law to the contrary, the Guam Veterans Cemetery is hereby transferred from the oversight and custody of the Department of Parks and Recreation to the Office of Veterans Affairs. The Office of Veterans Affairs shall contract the operation and maintenance of the Guam Veterans Cemetery to a private company, in accordance with the procurement laws of Guam, and shall be responsible for monitoring the performance of such a contractor to ensure that operations and maintenance of the Guam Veterans Cemetery meets high standards as appropriate to such an important shrine. The Department of Parks and Recreation shall continue to provide maintenance and operation services at the Guam Veterans Cemetery until such time as the Office of Veterans Affairs has successfully awarded an operations and maintenance contract pursuant to this section.