



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the Public Speaker
Vicente C. Pangelinan

DEC 06 2004

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

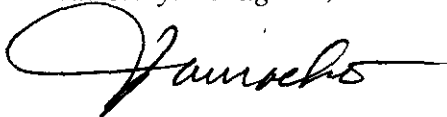
TIME: 3:30 | 1AM | 4PM
RECEIVED BY: 

The Honorable Vicente C. Pangelinan
Speaker
Mina' Bente Siete Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 251 (COR), "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY *ADDING* A NEW §80106 TO TITLE 21, GUAM CODE ANNOTATED," which I signed into law on December 2, 2004 as **Public Law No. 27-113**.

Sinseru yan Magåhet,



FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

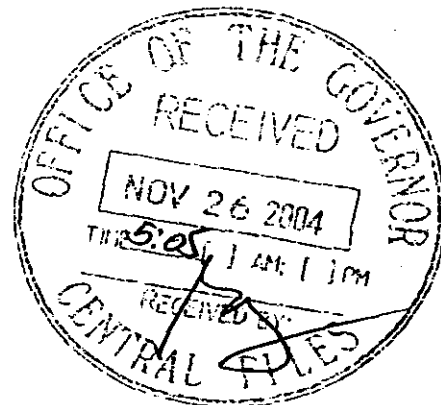
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUAHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

November 26, 2004

The Honorable Felix P. Camacho
I Maga'lahaen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 126(COR), 251(COR), 257(LS), 259(LS), 283(COR), 293(COR), 307(COR), 335(COR), 344(LS), 345(LS), 347(LS), 351(COR), 380(COR), 385(COR) & 387(COR), and Substitute Bill Nos. 282(COR), 290(COR), 324(COR) & 353(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guahan* on November 24, 2004.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Legislative Secretary

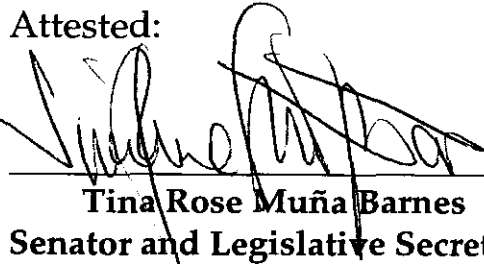
Enclosures (19)

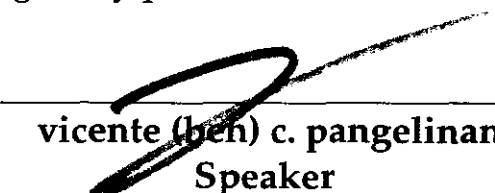
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

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

This is to certify that Bill No. 251 (COR), "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY ADDING A NEW §80106 TO TITLE 21, GUAM CODE ANNOTATED," was on the 24th day of November, 2004, duly and regularly passed.

Attested:

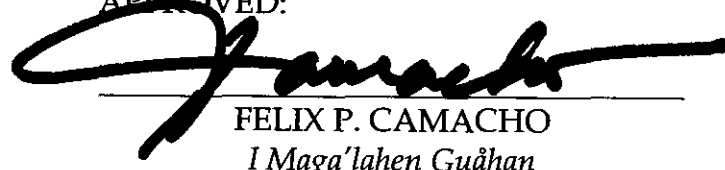

Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 26th day of November, 2004,
at 5:05 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 2, 2004

Public Law No. 27-113

I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN
2004 (SECOND) Regular Session

Bill No. 251 (COR)

As amended.

Introduced by:

Mark Forbes
v. c. pangelinan
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
Carmen Fernandez
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN *TIYAN*, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION, BY *ADDING* A NEW §80106 TO TITLE 21, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. During the process of
3 deeding properties in *Tiyan* by the Federal government to the government of
4 Guam, and associated with the closure of the former Naval Air Station, Agana

1 (Brewer Field), certain properties were transferred to the jurisdiction of the
2 Department of Public Works. This Act is intended to transfer such properties
3 to the Guam Ancestral Lands Commission so that the Commission may
4 proceed with the transfer of such properties to the estates of original
5 landowning families pursuant to the Commission's enabling legislation.

6 **Section 2. A new §80106 is hereby *added* to Title 21, Guam Code**
7 **Annotated, to read as follows:**

8 **“§80106. Transfer of property to the Guam Ancestral Lands**
9 **Commission.** *Except* in such circumstances where existing roads or
10 easements may have been transferred to the Department of Public
11 Works, any properties conveyed to the jurisdiction of the Department of
12 Public Works in the area of *Tiyan*, formerly known as Naval Air Station,
13 Agana (Brewer Field), are transferred to the Guam Ancestral Lands
14 Commission and shall be deeded to the Guam Ancestral Lands
15 Commission upon the effective date of this Act. The Guam Ancestral
16 Lands Commission shall dispose of properties transferred pursuant to
17 this Act in a manner consistent with and pursuant to the enabling
18 legislation of the Guam Ancestral Lands Commission.”



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

W. W. W.

JUN 01 2004

The 27th Guam Legislature
I MINA BENTE SIETE NA LIHESLATURAN GUAHAN
155 Hesler Street
Hagåtña, GU 96910

The Committee on Utilities and Land, to which was referred Bill No. 251 (COR) "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION," had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

<u>7</u>	To do Pass
<u>0</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A Copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman of the Committee on Utilities and Land

enclosure

Committee on Utilities and Land
I Mina'Bente Siete Na Libeslaturan Guahan

VOTING SHEET ON

Bill 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
vicente (ben) c. pangelinan Chairman		✓			
Carmen Fernandez Member		✓			
Frank Aguon, Jr. Member		✓			
Randy Cunliffe Member					
Lou Leon Guerrero Member					
Rory Respicio Member		✓			
Toni Sanford Member		✓			
Joanne Brown Member		✓			
Mark Forbes Member					
Ray Tenorio Member					



Office of the People's Speaker
Vicente (Ben) C. Pangelinan

MAR 15 2004

TIME: 9:25 (AM) (PM)
RECEIVED BY: *[Signature]*

Senator Lou Leon Guerrero RN, MPH

MAR 15 2004

MEMORANDUM

Democrat Majority Leader
Committee on Rules & Health
Chairwoman
Committee on Utilities & Land
Member
Committee on Appropriation
& Budgeting, General
Government Operations
Reorganization & Reform
Member
Committee on Community,
Culture, Recreation &
Public Broadcasting
Member
Committee on Economic
Development, Retirement,
Investments, Public Works,
& Regulatory Functions
Member
Committee on Education
& Housing
Member
Committee on Judiciary
& Transportation
Member
Committee on Youth &
Senior Citizens,
Federal & Foreign Affairs
Member

To: Speaker Vicente C. Pangelinan, Chairman,
Committee on Utilities and Land
From: Senator Lou Leon Guerrero, Chairwoman *LLG*
Committee on Rules and Health
Subject: Referral – Bill No. 251 (COR)

In accordance with Section 6.04.04.01 of the Standing Rules of the Mina' Bente Siete na Liheslaturan Guahan,

Bill No. 251 (COR) – "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION,

is referred to your Committee on Utilities and Land as the principal committee.

A copy of this bill may be obtained from the office of the Clerk of the Legislature.

Also in accordance with Section 7.01 of the Standing Rules, it shall be the duty of the Chairperson of each standing committee, or the designated hearing officer, to notify the Speaker, the Chairwoman of the Committee on Rules and the Executive Director, the date, time, subject matter, number and title of the bill or resolution for which a public hearing will be held.

Thank you.

cc: Senator M. Forbes, Author, Bill No. 251 (COR)
Clerk of the Legislature

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

BILL 251 (COR)

“AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.”

Public hearing was held by the Committee on Utilities and Land on Tuesday, May 4, 2004, at the Guam Legislature Public Hearing Room, at 9 a.m.

Witness Summary

Name	Representing	Testimony (written or oral)	Testimony (against or for)
Mr. Ronald Teehan	Self	Oral	For
Mr. Rufo Lujan	Self	Oral	For
Ms. Millie Artero	Guahan Land Owners United	Oral/Written	For
Mr. Jose Guerrero	Self	Oral	For
Ms. Catherine McCollum	Family at Tiyan	Oral	For
Ms. Anita Atalig	Self	Oral	For
Mr. Ray Torres	Self	Oral	Neither
Mr. Tony Artero	Self	Oral/ Written	For
Ms. Juanita Cruz	Family at Tiyan	None	For
Ms. Amparo Rupley	Self	None	For
Mr. Adam Quinata	Family	None	For
Ms. Merlyn Punzalan	Family at Tiyan	None	For
Ms. Bobbie P. Taitano	Family at Tiyan	None	For
Ms. Rose Quintanilla	Blas Family at Tiyan	None	For
Ms. Anita Flores Orlino	Flores at Tiyan	None	For
Mr. John Quinata	Family	None	For
Mr. Florencio S. Rupely	Self	None	For
Mr. Vicente U. Garrido	Self	None	For

Ms. Ramona B. Dirige	Self	None	For
Ms. Rosa Blas Rupcly	Family at Tiyan	None	For
Ms. Glorina R. Perez	Family	None	For
Ms. Josefina T. Munoz	Family	None	For
Mr. Joseph T. Soriana	Family	None	For
Mr. Benny Crawford	Family	None	For
Mr. Jose U. Garrido	Self	None	For
Ms. Henry M. Ecalvia	Self	None	For
Mr. Anthony I. Rupely	Family	None	For
Ms. Rosita Abuan	Family	None	For
Mr. Jose Mendiola	Family	None	For
Ms. Delfina Santa Romana	Family	None	For
Mr. Joe Pangelinan	Family	None	For
Mr. Thomas A.G. Atalig	Son	None	For
Mr. Danny Orino	Family	None	For
Ms. Cynthia U. Jackson	DPW Office of Right-of -Way	Written	Against
Mr. Victor D. Duenas	DPW-Highway Planning	Written	Against
Mr. John Duenas	Duenas & Assc.	Written	Against
Mr. Jose Morcilla, Jr.	CIP-Office of the Governor	Written	Against
Ms. Roberta Quichocho	Charlie Clan/Maria Manibusan Perez	None	For
Ms. Josefina Perez	Charlie Clan	None	For
Mr. David Torres	Charlie Clan	None	For
Mr. William Quichocho	Charlie Clan	None	For
Ms. Julia Quichocho	Charlie Clan	None	For

Committee on Utilities and Land
I Mina 'Bente Siete Na Liheslaturan Guahan

Bill 251 (COR)

“AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.”

The Committee on Utilities and Land, to which was referred Bill 251 (COR), “AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION,” conducted a public hearing on Tuesday, May 4, 2004, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance were Vice Chair Carmen Fernandez, Vice Speaker Frank B. Aguon Jr., Senators Lou Leon Guerrero, Toni Sanford, Joanne Brown, Mark Forbes, Robert Klitzkie, and Tina Muna Barnes.

Speaker/Chairman: We'd like to go ahead and proceed then with the next item in the agenda and thank every one's indulgence for waiting to resolve ... On Bill 251, we have a quite a number of individuals that wish to testify and we'd like to encourage everyone to please articulate their position briefly if possible, but we're here to listen to you. Bill 251 is “An Act To Transfer Property Under The Jurisdiction Of The Department Of Public Works That Are Located In Tiyan Alternately Know As The Naval Air Station (Brewer Field) To The Jurisdiction Of The Ancestral Lands Commission.” The Guam Ancestral ... we'll go ahead and call them in the order of sign-up at least that I have here. I'd like to call maybe five witnesses at a time. The first witness signed up according to the records I have here is Mr. Ronald Teehan, Mr. Rufo Lujan, Millie Artero, Jose Guerrero and Catherine McCollum.

Mildred Artero: Mr. Speaker, could we hear from Public Works first if they have anybody here testifying for Public Works?

Speaker/Chairman: Sure, there are. I did see somebody. Okay, is everyone that signed up before Public Works in agreement that we would go ahead ... All right, I just want to make sure. All right, would the representatives from Public Works please step forward to

the witness table? ... Ms. Jackson, is the Department of Public works going present any testimony on Bill 251?

Ms. Cynthia Jackson: Speaker, we were.

Speaker/Chairman: Please go ahead.

Ms. Cynthia Jackson: Okay we came to listen in and unfortunately with the time restraints we had to leave, but our intention was to submit a written testimony on behalf of the Department of Public Works and state our position.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: We didn't, we didn't.

Mr. Victor Pangelinan: We just heard about this bill yesterday afternoon.

Speaker/Chairman: Did we send the Department of Public Works a letter? When did we send it to them? We sent a letter last week to the Department.

Mr. Victor Pangelinan: I believe the letter was forwarded to our Guam Housing Division and it wasn't forwarded to our office.

Ms. Cynthia Jackson: Yea.

Mr. Victor Pangelinan: Highway Planning, Rights-of-Way.

Ms. Cynthia Jackson: I represent the Rights-of-Way Office and Survey Section. Victor represents the Planning Division. Both are section has intimate knowledge of the working plans of the Department for this area.

Male voice: ****NOT ABLE TO PICK-UP WHAT WAS SAID****

Ms. Cynthia Jackson: Understood, understood.

Speaker/Chairman: I just wanna say, are you here to represent the Director? Were you instructed by the Director to ...

Ms. Cynthia Jackson: We met with him yesterday.

Speaker/Chairman: You met with him yesterday?

Ms. Cynthia Jackson: We were informed about, I was informed about this meeting or this bill yesterday morning when I had a meeting with the Director of Land Management.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And that was the first news of this ...

Speaker/Chairman: All right.

Ms. Cynthia Jackson: Upon that, I contacted Victor and ...

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: We both saw the director and we wanted to get his position on this.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: Us to proceed.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And he said, yes, put a position in and tell it.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: So ...

Sen. Forbes: So, I want to be able to clear about this because the very first thing I'm going to do after this testimony is call up Joe.

Ms. Cynthia Jackson: He's sick.

Sen. Forbes: Well, I know how to get a hold of Joe.

Mrs. Cynthia Jackson: I realize that.

Sen. Forbes: I'm going to call up Joe and I'm going to find out if the position that you're gonna describe (a) represents the position of the Director of Public Works and, more critical, and (b) represents the position of the Governor of Guam.

Speaker/Chairman: Let me just say for the record we sent the letter hand-carried, I believe, to the Director of Public Works. Did we hand-carry the letter? It was faxed and then we sent it out on ... April 23rd is when we informed the Acting Director of the Department of Public Works. I apologize that you were not informed but the protocol is that we inform the director, so ...

Ms. Cynthia Jackson: Understood.

Speaker/Chairman: I think we provided due notice to the director when we scheduled the hearing to that. So, given that is there a position of the Department on this bill ...

Sen. Forbes: It is the Department's position.

Speaker/Chairman: At this time ...

Mr. Victor Pangelinan: I'd rather not comment, I would like ... the Director of Public Works ... state the position ...

Speaker/Chairman: All right.

Mr. Victor: ... of the department.

Speaker/Chairman: So you don't have a position on behalf of the department at this time, you have not formulated your position. Well, the department hasn't at this time authorized a release of its position on Bill 251. Is that probably more accurate?

Ms. Cynthia Jackson: I'll, okay, it could be more accurate because we ...

Speaker/Chairman: Okay, make it more accurate, then.

Ms. Cynthia Jackson: We, well to be very accurate ...

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: We prepared our statements based on our work and everything that we know about this, okay.

Speaker/Chairman: Based upon your responsibility.

Ms. Cynthia Jackson: But we have not presented that position to the director.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: In formality.

Speaker/Chairman: All right.

Ms. Cynthia Jackson: He has not reviewed it.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: And so, therefore, we may not be able to say in full in honesty.

Speaker/Chairman: Right, it's not an authorized position at this time by the department. Okay.

Ms. Cynthia Jackson: But he does know our position. We have informed him. We gave him our recommendations.

Speaker/Chairman: He's just not prepared at this time to give the department's position, then, based on the review of your recommendation and your work.

Ms. Cynthia Jackson: Correct.

Speaker/Chairman: Okay, all right, that's fine, we understand that. Okay, so given that the department will not or does not have an official testimony or position on this bill at this time, we'll go head and dismiss you or you're free to give me an unofficial position but I wanna be also fair in terms of your responsibility and your need to answer to the director, so ...

Ms. Cynthia Jackson: Just for the record, Speaker.

Speaker/Chairman: Okay.

Ms. Cynthia Jackson: Personally, I speak for myself here, the intent of the bill in giving back the property to the ancestral owners ... I'm all for that. There are certain parts and it's our responsibility as government servants at this point and we're just acting out of our responsibility to protect, because we are given a fiduciary responsibility over these easements over these properties. So our stand would be as our fiduciary responsibility.

Speaker/Chairman: Well, we understand where, you know, the need for you to comment on regards to the interest of the government and we certainly understand that. Senator Forbes, did you just wanna ...

Sen. Forbes: Furthermore, we also understand, I want you guys to understand that I am sympathetic to the fact that your position must be based on the master plan that has existed up to this point, must be made on policy decisions that had been made up to this point. But I think the reason why the Chairman and the Speaker is insistent and correctly so insistent that the testimony be officially transmitted from the director is that sometimes what happens in pieces of legislation and the enactment thereof is that policies change. And, you know, we are talking about a policy change here whereas once upon a time, the policy of the Government of Guam may have been a devotion to the notion of a parkway running through Tiyan. That may not be the case in very short order, so we recognize ... that, you know, in carrying out the responsibilities you're talking about, you inevitably must be married to the policies that have existed to this point in time, that govern this kind of stuff with respect to Public Works. But I just hope that you'll also appreciate the fact that it is possible ... happens for policy decisions to change.

Ms. Cynthia Jackson: Oh, we do.

Sen. Forbes: Okay.

Ms. Cynthia Jackson: We do.

Mr. Victor Pangelinan: I'd just like to also say for the record that this property which is referred to as the Tiyan Parkway is part of the 2010 Master Plan. Currently, the plan is being updated to 2020. So I just wanted to mention that.

Speaker/Chairman: There's an opportunity to review that.

Mr. Victor Pangelinan: Yes.

Speaker/Chairman: Okay, all right, good. Thank you very much, si Yu'os ma'ase'. We'll now go ahead then and receive testimonies from members of the public. Again, Mr. Ronald Teehan, Mr. Rufo Lujan, Ms. Millie Artero, Jose Guerrero and Catherine McCollum. Thank you very much. Please proceed.

Mr. Ronald Teehan: Thank you, Mr. Chairman. For the record, my name is Ronald Franquez Teehan. I'm here to testify in favor of Bill 251. As Senator Forbes stated, policies change in the manner in which we have historically addressed various land-taking issues and the return have evolved throughout the years. Original landowners and the heirs deal with a variety of statutes and rules and regulations. Some provided direct return. The original landowners, their heirs, others setup structures where trust will be established and others are left with nothing but hope that somewhere down the road they would eventually be included in the return process or considered for some type of compensation or offset for what they lost. During the Twenty-Third Guam Legislature, during that period, we had the Kumiteha Para Tiyan and ... that was addressing the "BRAC" process at that time. And I and several others, Joe Borja, who was here earlier Leland Bettis, Mr. Leon Guerrero of Robert Underwood's office, we were outnumbered but we took the position that we wanted to take advantage of an opportunity within the "BRAC" process which allowed for the return of released lands to be released to Native Americans. Well, by extension in our status here, we could have used that opportunity. However, like I said, we were gravely outnumbered and instead, interests like the airport Authority, GEDA and others were very aggressive in their efforts to obtain these lands. However, fortunately, it has not ended there. We have since established the Ancestral Lands Commission which again, I was an interim member prior to being fully enacted into law. And these various approaches have been both. Landowners are very grateful for the efforts that have been taken. At the same time, many have been distressed because there is no one-plan-fits-all. And, unfortunately, because of the different means of conveyance, we will never have one-form-fits-all until we have some rectification of the situation at the federal level. Now some are arguing whether ... We recently heard statements ... by the present administration and the past administration that any release of lands that were designated in our negotiations during the "BRAC" process, to have the lands reserved for the airport. If we changed that now, we jeopardize those properties and the feds could end up taking it back. Likewise, we designated during that process

certain properties for use, be it for Public Works ... what have you. Standing by the wayside, landowners are watching this, but things evolve and we've gone where we had numerous countless legislative resolutions stating the public position, almost every legislature that we want it to go, to the original owners or to the extent possible, address the injustice that they have experienced. Now, whether or not this would be challenged down the road, who knows. Possibly, but the question comes: Do we tell ourselves no or let them tell us no? I think we tell ourselves yes and move forward with it. I anticipate down the road we will be addressing other means of mitigating these circumstances, the history of land. Let's face it, land on Guam among the Chamoru people is the most heartfelt issue out there. It's very contentious and as my grandmother said to me all my life: I don't care how much land, money you have, if you do not have land, you have nothing. Within our culture, land is sacred, and if this is one more step in a process of seeing justice for our people, so be it, let's take that step. Let's not tell ourselves no. They tell us no down the road, so be it. Let's move forward with it. Thank you.

Speaker/Chairman: Thank you very much, Mr. Teehan. Mr. Lujan's not here. Mrs. Artero, again I just want to stress that there is a lot of people waiting to testify. So the bill basically would transfer those properties, transfer to the Department of Public Works to the Ancestral Lands Commission to be deeded to the original landowners as required under the Act, so that's the discussion here, not whether or not that's the best way to do it, but whether or not we should do that. Thank you very much.

Mrs. Mildred Artero: Good morning, Mr. Speaker, and this august body. Thank you for the opportunity to testify on Bill 251. I'm sorry, my name is Mildred Artero, for the record. I am the President for Guahan Landowners United. Before I proceed, though, I would like to take this time to thank Mr. Speaker, Senator Forbes, and Senator Lou for their untiring support in righting the wrongs on the land-takings. Your offices have been most helpful. Senator Aguon and Senator Brown, thank you, too, for supporting us in the floor as members of the previous legislature. To the new members, we look forward to your support on this bill. We, the landowners, have diligently worked to bring this issue to the attention of our lawmakers locally. In the interest of time, I am requesting that a copy of the final report of the Tiyan Task Force pursuant to Public Law 26-100 that was presented to the Twenty-Sixth Guam Legislature be made available to this committee as our input from your copy. Mr. Speaker or Senator Forbes, as you know its about two inches thick. That's a lot of money and we don't have any more money. It is a comprehensive report. The landowners met for weeks at Adelup. It includes, among others, a write-up from an airport consultant delineating an airport layout plan according to strict FAA requirements, and in closing I ... to Ron Teehan's testimony. (See Written Testimony)

Speaker/Chairman: Thank you very much, Mrs. Artero. Mr. Guerrero.

Mr. Jose Guerrero: Good morning, Mr. Speaker, my name is Jose Guerrero. You can't beat those two speeches, so my question is twofold. When and how soon can you give us the land back? Thank you.

Speaker/Chairman: Thank you very much. We are moving on that process and I think that we wanna make it, make sure when it's given back to you, that, number one, it belongs to you as an original landowner to so that you don't have any other challenges down the line. But this government is committed to that process and we're seeing some of the returns of the land back right now and we still got a long way to go, but we won't stop. Thank you.

Mr. Jose Guerrero: We'll be waiting.

Speaker/Chairman: Okay. Ms. McCollum.

Mrs. Catherine McCollum: Thank you, Mr. Speaker, senators. I fully support Bill 251 and stand behind it one hundred percent. I'm a former commissioner of the Ancestral Lands Commission and have seen the process through, also protest, and being in a lot of activists for land rights, I do fully support Mr. Joe Borja in his nomination for Director of Land Management. I do want to put that for the record, when I came here I noticed he was up for Director of Land Management. And as a Director of the Ancestral Lands Commission he did a fantastic job. And I want to commend him fully and I do believe that he is the best candidate for this position. Next is the Tiyan Land Trust. When the Tiyan Land Trust was first implemented—well, I shouldn't say it was implemented—it was first brought into law, it was never really implemented. Government agencies moved into the Tiyan properties and the landowners were never fully compensated. To date, there are numerous government agencies that have moved into the property and the landowners have never seen compensation. And I believe that if this bill goes into law, 251, and they still want to maintain themselves on that property, they should fully compensate the landowners in a fair market value rental property if that's what the landowners want. Also a little of the history. As the senators had noted, that the parkway was up until a certain point a big issue and now with the land return on the Tiyan side of the NAS officers' housing they also returned the Parkway area that was supposed to be for Parkway to the original landowners. So as far as I'm concerned, that Parkway should be null and void, which takes us then to the properties that are on the Department of Public Works side and since the Parkway is null and void on the NAS officers side, then they should just do away with the parkway altogether and just return those properties to the original landowners. I do want to stress that the return of properties are already bringing much needed income to our economy by hiring lawyers for probate cases, surveyors, title companies for abstracts, land management fees for recording and construction companies, East-West rental for the use of machinery equipment to bulldoze properties and level them. And I believe that this is a move forward to increase the economy in our island. There is a lot of positive things to the return of land. And it will still continue. I hope that you will see the rest of Tiyan back to the original landowners. Thank you. And the land return to the original landowners is one way of correcting the right, righting the wrong, as Mr. Artero would always say. Thank you.

Speaker/Chairman: Thank you, si Yu'os ma'ase'. Any members of the panel wish to ask questions? Senator Klitzkie.

Sen. Klitzkie: I would just make the observation, Mr. Speaker, that anything that tends to generate fees for lawyers can't be all bad.

Speaker/Chairman: Thank you very much, Senator Klitzkie.

Mrs. Catherine McCollum: Oh Senator, there was one issue that I wanted to bring forth when Princess Rupely, had decided to stand her ground and to stake claim her land as an original landowner. She did have a big confrontation with a Mr. Martinez from the Department of Public Works. With that, Mr. Rufo Lujan had taken the issue to the Department of, the Director of Department of Public Works and the Director of Public Works was really in support of trying to get the Legislature to bring the bill forward. Because, apparently, it was just tucked aside for a while and because we heard that the bill was coming into place and so when we informed the director, he was kind of surprised and said that if a bill is going to be on the table for the return of land, then why are we harrassing the landowners.

Speaker/Chairman: Well, I think because we just all want to ensure that we follow the process here and we don't want to kind of create any kind of chaos, but until such time, I guess, that the property is returned, every single owner has an interest and I think we all recognize that interest and formulize that

Mrs. Catherine McCollum: Yes.

Speaker/Chairman: And formulize that interest in the returns process by the Ancestral Land Commission as you are much are very well aware off.

Mrs. Catherine McCollum: Yes.

Speaker/Chairman: With that, thank you.

Mrs. Catherine McCollum: Yes, yes sir.

Speaker/Chairman: All right, thank you very much, si Yu'os ma'ãse'. We'll go ahead and ask the next set of individuals: Anita Atalig, Mr. Ray Torres, I saw Ray earlier this ... if he's not here, Tony, Mr. Tony Artero and Mr. or, I'm sorry, Ms. Juanita Cruz, she's not here. Amparo Rupely, is she ... Okay, we will for the record. though, note the names of the people who testify who have indicated support ... Adam Quinata has signed up. Who has indicated ... Marilyn Punzalan. Okay, all right, Bobbie Taitano. Is Bobbie Taitano here? Okay, for the bill, we'll just note that then, if you don't ... Rose Quintanilla, for the bill, okay, we have Anita Orlino. She was here earlier for the bill. Okay, Johnny Quinata. He's for the bill. Did you want to testify? Okay, Mr. Rupely. Is that Florencio? Okay, he's for the bill. Mr. Ben Garrido? Okay, all right. Ramona Dirige. Okay, Anita, why don't we go ahead and then read it.

Mrs. Anita Atalig: Good Morning.

Speaker/Chairman: Good Morning.

Mrs. Anita Atalig: Hi, my name is Anita Guerrero Atalig, originally ... In San Diego, she came to visit us, yes, she was in San Diego. Anyhow, even Senator Klitzkie, you were at Liberation Ball at San Diego, yes. Nice. Right, we're having another one. Our first tabulation turned in twenty-eight thousand dollars so we're making pretty good money. Anyway, for the new senators that don't know me, two years ago I came to Guam and I lobbied with some of the senators for the repeal of the Tiyan Trust that became Public Law 26-100. And in the thirteenth hour, at six o'clock, the evening they passed the bill that became Public- Law 26-100. And that's what Mrs. Artero was citing, that the airport probably ... in compliance to that Public Law they haven't responded to the issues that were addressed in the Public Law 26-100. So I left Guam again and later last year, I came again and stayed five months. You know, I'm home, but I don't have a home. I want, I'm pretty soon going to own Continental because I keep paying to come to Guam for this issue. I have paper here in my hand of ... My father's name is Pedro Guerrero and Concepcion Guerrero and they own a property over there, Lot 2087 and 2087-1. All the families of the Chilenko's from Agaña to Barrigada. I own a title here that used to be white, it is now yellow. That says that the certificate of title belongs to my mom and dad. In 1991, I filed at the District Court a reservation of rights for that property in the event it was ever released. I don't know if they ever entertained this but I did file. Anyhow, I'm here on the positive side because I already voiced my opinion two years ago and they know and that's how come senator, the Speaker here was my right hand. I literally pulled him out of his office to come and join us at my town meeting because the Barrigada commissioner entertains my, you know, my needs because although I don't vote, you know, the rest I support him for his election. I like horoscopes, ladies and gentlemen, my horoscope for the month of May says lucky number eight. Let me just tell you a story about myself. In 1938, my father bought this property. It's not inherited property, it's purchased. He purchased it at a hundred dollars a hectare for eight hectares, because he had eight children. Okay, that's my lucky number. I was eight years old when my father passed away because of this issue when they condemned their property illegally. We were nationals, ladies and gentlemen. The United States had no rights to come in and condemn properties on national property. And then they turn around and they gave us the Organic Act which none of our families know how to digest—the Organic Act, you know. They just slap us the Organic Act to make the wrong the right. So I was eight years old when he died. In 1953 my father passed away. Now do you know how old I am? I'm 58 years old. That's a lucky number again. Eight, that's me. Last Saturday, I buried my brother. He was doing, he was with me during this quest that I do. I buried him. He would never see the result of this issue that we have been working on and from twelve children that my father had. We're now down to eight, so everything in my horoscope is saying my lucky number is eight. And all I'm asking from you ladies and gentlemen that it only takes eight of you to pass this bill to make become public law, so hopefully by May 8, before I depart, you guys will pass this law. So that I can go home in May 12th and say, yippy, we own Tiyan finally. So if you do your homework and hurry up and make my number eight, lucky number eight, come true, that is what my horoscope say and I ask that please when DOC moves out of that property or the Department of Public Works moves out of that property assure us owners

that they don't break the property down like the rest of the other buildings. It's going to cost us a lot of money to repair the rest of the other buildings if GIAA returns it to us. Because, you know, they vandalized. They used it. They exit and they vandalized it and I think it is a sin to commit an act like that. It's criminal for me if you ladies and gentlemen give it back to us, it's going to cost us money to repair those buildings because of the way the Government of Guam exited those properties. And I thank you, Mr. Pangelinan and Mr. Forbes, for offering this Bill 251 so that we can at least see part of Tiyan being returned to us and I applaud to you all, ladies and gentlemen, for your ... to expedite this thing. Thank you very much.

Speaker/Chairman: Tony, Mr. Artero.

Mr. Antonio Artero: First, I must say that I have to commend the earlier speaker for being so brief and I hope that I can be accommodated.

Speaker/Chairman: Well, if you can confine it to the matter of the bill.

Mr. Antonio Artero: I'll try, sir.

Speaker/Chairman: All right.

Mr. Antonio Artero: My name is Antonio Artero, I am here to testify in Bill 251 with recommendation. In addition, I would like to ask one question. We obviously need to be honest, sincere and represent everybody fairly. My question is, where are the champions of doing the right thing? For the record, GovGuam has been creating problems in the past sixty years for it posterity and us. Honorable Chairman and exalted senators, once again as a concerned citizen I am here in this public hearing pleading in earnest, begging you as public servants to do the one fundamentally right thing required to safeguard the public welfare, health, safety, and prosperity of Guam, which has been neglected and ignored for quite some time, neglecting and ignoring the fundamental wrong for several decades have made the havoc of World War II appear small. By the chaos we face today, for us on Guam, where America's day begins, World War II and the so-called Cold War were the government excuses to further mistreat Guam and its people. In a prolonged and ugly manner our fight to regain our individual economic freedom after fighting in World War II for freedom has been bigger, harder and going on sixty years with three generations of casualties and it's still far from over. There is no excuse for the mistreatment of Guam and its people. We have been mustering up our support in helping our country in all its conflicts in defending the freedom even of other countries. But as Americans indigenous of Guam we are still denied our freedom even after fighting for the very freedom we shed blood defending. Since World War II.

Speaker/Chairman: Tony, can we can we get to the bill? I mean, we would be very happy to include all of those comments for the record.

Mr. Antonio Artero: And I will submit it to you, Mr. Speaker.

Speaker/Chairman: Yes.

Mr. Antonio Artero: I'd like to finish this first page then go to my closing.

Speaker/Chairman: Okay.

Mr. Antonio Artero: Thank you. Since World War II the key issue on Guam has been and still is the denial of the individuals' economic freedom, which starts with the common denominator for all creatures of God on earth, the land, its rights thereto and its fruits thereof. After sixty years of waiting in deliverance, waiting in denial and facing the impossible dream, Guam has moved from the havoc of World War II to peace but to misery with poverty and plagued with violent crimes, including by minors. The conditions on Guam today are visibly showing a dismal failure even the even a casual observer can clearly see that our environmental and economic is dreadful. People are even dying at a younger age which signals that a serious crime against humanity have been committed but covered up the best possible way through handout and not productive government jobs for votes. The status quo is slowly killing every living thing ahead of time, but we fool ourselves, saying it's like that everywhere. I don't agree. If that were true, Guam would have not experienced the recent exodus, obviously, other jurisdictions. Obviously in other jurisdiction the fundamental right to economic freedom and justice are protected and respected. That is how the other jurisdictions safeguard their welfare, health, safety, and prosperity. So I'll just forget the other two, three pages and do my closing.

Speaker/Chairman: We will include it in there.

Mr. Antonio Artero: Freedom and justice is the responsibility of everyone including the media but especially those who are elected by their people and their appointees without righting the fundamental wrong. The taxpayers' money is paid on piecemeal, patch-up solutions to the system of the problem. Meanwhile, the fundamental problem ignored becomes compounded and compounds much more with the passage of sixty years. For my recommendation and for expediency, other bills are necessary to do eight other things and they are simply we're addressing now the return of all the illegally taken lands. The government should take only the lands that are absolutely vital for its operations in exchange for just compensation. Number two, provide funds necessary for the required probate appraisals and survey because the government made these people poor by the forceful taking of their lands. Without just compensation, the people are now trying to hock something else to borrow money so that they can pay the lawyers the surveyors and appraisers. That is not right, so the government should come up with the lack of money to solve, to really solve this problem by providing funds for that. Number three, just compensation. Justly compensate all whose lands who were illegally taken after World War II for sixty years of denial of private property rights. Four, clean up all hazardous waste and toxic debris and that of World War II. Believe me, like what Mrs. Artero showed you, and how thick that books—I have two of them, only on Urunao beach dumping of toxic waste World War II debris. Number six, correct all government encroachment in privately owned lands that is all over Guam. Number seven, amend or

repeal the Organic Act of Guam. The content of my presentation supports why I'm saying this in my conclusion and I hope that you folks will read it and understand why. Number eight, I would suggest to hold off festivities on the false "liberation" until the land-taking issue comes to a satisfactory closure for everyone that is involved on this debacle. What we are dealing here today is just the latest chapter of the legal wrangling in the blatant desecration under the U.S. flag and on U.S. soil, no less, we are now discovering our American dream sixty years after World War II. Not only, not yet, but definitely no the longer can we ignore this fundamental wrong. The more trouble we become about our situation our otherwise beautiful island paradise. I say yes to Bill 251. Do it. It's about time, then continue on this land-taking issue until everyone receives their equitable treatment to include those landowners who's under the runway of the airport. Again, we need to be honest, sincere, and represent everyone fairly. GovGuam has to put a stop to the creation of more and more disorder. Start fixing the problems created in the past sixty years and do a dignified closure on this land-taking issue through and arms-length transaction for our posterity and us. Thank you. (See Written Testimony)

Speaker/Chairman: Thank you very much, Mr. Artero. Mr. Garrido.

Mr. Vicente Garrido: I came here to testify in support of Senator Mark Forbes's bill. I am always standing for Chamoru lands that were taken by thieves and they are still here. I am from Harmon Cliffline, the ones that are older than me experienced the land-takings by force and that it was going to be returned. It is now more than fifty years. There are some being returned, but not all. The ones that are in the fences in Harmon, I don't know what the plans are. Whoever the governor is and whatever they are going to do, good luck and God bless, because we will not sleep on this if there are plans by the Government of Guam. We will take a stand and it will not be a good one. That is our plan and we just want to let you know I support this bill. Those are lands owned by original landowners. Those lands shall be returned to the original landowners. Those lands don't belong to the Americans. Even before the war ... Chamoru lands, so they should give the land back to the Chamorus so that they can use, utilize it. If that is the plan, to give the lands to the Ancestral Lands Commission, then make it quick. Let's not have any games and other plans for the lands to be used. Those are my beliefs all the time and I am still standing still now and protesting. Although I am quiet right now, I am listening and I will speak up and stand up. I will tell you that I will die down a Chamoru. I am not an American and I will never claim myself to be an American. I am proud to be a Chamoru and I am telling all of you that. Yes, give the lands back to the original landowners at Tiyan because they have been waiting. It's great that Craddick is done here, because he said he has been waiting outside in regards to the water. But the original landowners have been waiting for more than fifty years for their lands. If they were supposed to be heard first then they should be heard. Don't pass them and let Craddick in. Have respect for all if there is no water, because the water problem has been a problem for a long time. The biggest problem we have here is outsiders. Even if you put more booster pumps there will still be problems because of the outsiders. Look at yesterday's newspaper. Yes, I understood what you said.

Speaker/Chairman: Mr. Garrido, when we were doing the hearing on the water, you should have testified on that. Let's make it quick in regards to returning the land.

Mr. Vicente Garrido: With all due respect to you, Mr. Speaker, because you are in a rush, cause for more than fifty years these people have been waiting a long time for their lands to be returned.

Speaker/Chairman: Si Yu'os ma'ase'. I hope it's not in the Twenty Eighth Legislature and it's the Twenty Seventh. Others have also signed up to testify. Rosa Rupely for the bill, Doreena Perez for the bill, Josephine Munoz for the bill. Mr. Benny Crawford signed up in favor of the bill, Mr. Garrido. Both Jose and Vicente signed up for the bill. Mr. Henry Eclavea signed up for the bil. If I call your name and you wish to give verbal comments, please just come up. Mr. Anthony Rupely also signed up for the bill, Rosita Abuan signed up in favor, Mr. Jose Mendiola is in favor. Delfin Santa Romana also signed up in favor. The other members of the Public that signed up is Mr. Joe Pangelinan. Joe, are you going to testify? Okay. Come forward. Thomas Atalig signed up in favor. Mr. Danny Orlino also signed up in favor, as Cynthia Jackson and Victor Pangelinan represented the Department of Public Works. Mr. John Dueñas of Dueñas & Associates is submitting a testimony against the bill and Mr. Jose Morcilla of the CIP office of the Governor is submitting written testimony against the bill. Ms. Roberta Quichocho signed up in favor. Mr. David Toves signed up in favor, Mr. William Quichocho signed up in favor and Ms. Julia Quichocho also signed up in favor, so those are the individuals who have signed up and expressed their position one way or the other. Joe, you now, just you.

Mr. Jose Pangelinan: Excuse me, my elders and my brothers and sisters, sometimes I don't think I need this microphone. To make a long story short, I am an old pioneer in federal land-takings, like I said to make a long story short.

Speaker/Chairman: Joe.

Mr. Jose Pangelinan: I am in favor, I am happy that Mark Forbes introduced the bill and I am sure those of you out there that are listening are in favor of the bill. Yes, I am in favor of the bill and I hope to God that we put and end to this and let this property and the heirs of the Chamorus that lands were tanked for national defense and it is coming back and definitely it is going back to the original landowners. Si Yu'os ma'ase' to all of you that are here. Let's put this issue to rest.

Speaker/Chairman: Si Yu'os ma'ase'.

Mr. Jose Pangelinan: Because even me, I will be resting.

Speaker/Chairman: Si Yu'os ma'ase', Mr. Pangelinan. If there is nobody else going to testify on Bill 251 ...

Findings and Recommendation

The Committee on Utilities and Land, to which was referred Bill 251 (COR), "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION," recommends that the legislation be passed.

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
 Committee on Utilities and Land

Witness Sign in Sheet

BILL No. 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
Ronald Teehno	Self	oral	for
Rufu Lujan		oral	for
Millie Artero	Guahan ^{Land Owners} United	Oral	FOR
Jose Guerrero	SELF	oral	FOR
Catherine McCollum	Family @ Tiyon	oral	For
Anita Atalig	Self	oral	For
RAY TORRES	Self	ORAL	Neither
TONY ARTERO	SELF	ORAL & WRIT.	FOR
Juanita Cruz	Family @ Tiyon	none	For
Amparo Rupley	self	none	for
ADAM QUINATA	family	NONE	FOR
Marilyn Pungla	family @ Tiyon		FOR
Robbup. Gutano	family of Tiyon		FOR
Rose Quintanilla	family of Tiyon (Blas)		For

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN

Committee on Utilities and Land

Witness Sign in Sheet

BILL No. 251 (COR): "AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION."

Name	Representing	Testimony (written/oral)	Testimony (against/for)
Anita Flores Olino	Flores Family	-	for
John Quinata	family	none	for
Francis S. Lopez	Self		
Vicente M. Garza	Self		for
ROMANA P. DINGES	Self	None	FIN

TWENTY-SEVENTH GUAM LEGISLATURE
I MINA 'BENTE SIETE NA LIHESLATURAN GUAHAN
 Committee on Utilities and Land

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Name	Representing	Testimony (written/oral)	Testimony (against/for)
Rosa Blas Ruyby	Family Tiyan	none	for
Esperina B. Ruyby	Family	None	for
Jacqueline Mung	Family	none	For
Joseph F. Soriano	Family	none	for
Benjamin Crawford	Family	none	FOR
Vicente M. GARRIDO	Self	none	for
Jose M. GARRIDO	Self	none	for
Henry McELVIA	"		FOR
Anthony J. Ruyby	family		for
Rosita Aboan	family		for
Jose Mendicela	"		for
Belgica Sr. Romero	"		for

TWENTY-SEVENTH GUAM LEGISLATURE
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Name	Representing	Testimony (written/oral)	Testimony (against/for)
JOE PANGELINAN	FAMILY		FOR
Thomas A.G. Atalg	son		FOR
Danny Orliwa	Family		for
CYNTHIA W. JACKSON	DPW- ^{office} Right-of-way	will be forwarding written to committee	AGAINST.
VICTOR D. PANGELINAN	DPW - Highway Planning	will be forwarding written to committee	AGAINST
JOHN DUEÑAS	DUEÑAS : ASSOC.	WRITTEN	AGAINST
JOSE MORCELLA JR.	CIP- OFFICE OF THE GOV.	WRITTEN	AGAINST
Roberto Quichocho	Charlie Chan ^{March} ^{man} ^{Party}		FOR
Jeffrey Perez	Julie Dan		for
DAVID TOVES	" "		for
William Quichocho	" "		FOR
Julie Quichocho	" "		FOR

Bill 251

Sign in for testimony

name

JOE PAUGELINKA

Position

FOR

Testimony on Bill 251

May 4, 2004

My Name is Antonio Artero. I am here to testify in favor of Bill 251 with recommendations. In addition, I would like to ask one question. We obviously need to be honest, sincere, and represent everyone fairly. My question is, where are the champions of doing the right thing??? For the record, GovGuam has been creating problems in the past sixty years for its posterity and us.

Honorable Chairman and exalted Senators, once again as a concerned citizen I am here in this "public hearing" pleading in earnest, begging you as "public servants" to do the one fundamentally right thing required to safeguard the public welfare, health, safety and prosperity of Guam, which has been neglected and ignored for quite sometime. The conditions throughout the island are the testimony.

Neglecting and ignoring a fundamental wrong for several decades have made the havoc of World War II appear small by the chaos we face today. For us on Guam, where America's day begins, World War II and the so-called "Cold War" were the government's excuses to further mistreat Guam and its people in a prolonged and ugly manner. Our fight to regain our individual economic freedoms after fighting in World War II for freedom has been bigger, harder, and going on sixty years with three generations of casualties and it's still far from over.

There is no excuse for the mistreatment of Guam and its people. We have been mustering up our support in helping our country in all its conflicts in defending the freedom even of other countries. But as Americans indigenous of Guam, we are still denied our freedom even after fighting for the very freedom we shed blood defending.

Since World War II, the Key Issue on Guam has been and still is the **denial** of the **individuals' economic freedoms**, which starts with the common denominator for all the creatures of God on earth - the land, it's rights thereto and its fruits thereof. After sixty years of waiting for deliverance, living in denial, and facing the impossible dream Guam has moved from the havoc of World War II to peace but to misery, with poverty, and plagued with violent crimes, including by minors.

The conditions on Guam today are visibly showing a dismal failure. Even a casual observer can clearly see that our environmental and economic situation is dreadful. People are even dying at a younger age, which signals that a serious crime against humanity have been committed, but covered up in the best possible way through handouts and nonproductive government "jobs" for votes. The status quo is slowly killing every living thing ahead of time, but we fool ourselves saying, "it's like that everywhere." I don't agree. If that were true, Guam would not have experienced the recent exodus. Obviously in other jurisdictions the fundamental rights to economic

freedom and justice are protected and respected. That is how the other jurisdictions safeguard their welfare, health, safety, and prosperity.

The residents of Guam fought passionately for freedom in World War II. They braved the brutal tortures and even deaths by remaining loyal to America when Japan attacked and occupied Guam in 1941. I was there. Many of us eagerly helped U.S. Navy personnel escape capture in spite of the dreadful consequences when caught. My parents did it for about two years. We were lucky. The War ended in 1944 with a resounding victory for freedom.

After the War, however, the government immediately and illegally took the cultivated and productive two-thirds of Guam, extinguishing the livelihood of the island. Literally, it kept Guam under siege, the people hostage, and poor. **Being shackled is the irony of winning the War for freedom, but losing economic freedoms.** Then fraud, waste, abuse, and greed were made politically correct under the Organic Act of Guam. The Organic Act encouraged the fundamental wrong to be ignored. Yet, the government has been celebrating "Guam's Liberation" every year, with festivities and a parade on Marine Drive despite the compromised freedom the island's people still endure.

Guam definitely needs a dignified closure of World War II, which is the antidote for such painful lack of proper recognition and just treatment. Guam's significant contribution to ending the War early, which saved millions of lives, must be a piece of our country's history and not its dirty little secret.

Our dreadful situation began with World War II, followed immediately by the Cold War, and continues to be spurred on by the 1950 Organic Act. By design, the Organic Act promotes corruption, individualism and selfishness. What went around for decades has come around, but the wrong remains. Greed has panicked the worst into double dipping, and the best fell victim to the system that is doomed to collapse. Practically everyone is living in denial under some form of handouts. That is the long and short of it.

The people expect and deserve justice, domestic tranquility, and protection of property rights no less. But with the fundamental rights denied and replaced with handouts by GovGuam, the government becomes unable to deliver even the most basic of services – clean drinking water. Guam has been in a rollercoaster of chaos in every component of our island community. The people have been putting up with this rollercoaster of hope and despair for decades. Hopelessness will never end unless the fundamental wrong is righted. Please understand that putting the people before self is what leadership is all about.

Freedom means uninhibited fundamental right and handouts means freedom denied. Handouts, however, have been the status quo since after World War II and the

reason for the confusion. Please note also that there is no amount of money from handouts through grants or any other handout programs can cover up a dismal failure.

In order to safeguard Guam's welfare, health, safety, and prosperity it is essential that the fundamental rights to life and individual economic freedoms must first be restored, protected, and respected. This is what the people you represent have elected you to do, but due to greed and widespread corruption, fundamental rights have been neglected, denied, and ignored for six decades. Surely we're not moving forward.

Take the land for a \$1.00 per year for 99 years for example. That act falls under the divide and conquer set-up. What is it costing the taxpayers for the government to collect that dollar??? Why didn't you just give them the deed and collect the tax like you do with the real property taxpayers, which would be much more than \$1.00. Furthermore, you can also collect another assessment to pay for the cost involved in providing the amenities of the infrastructure like is normally done in other jurisdictions

Please understand also that the status quo forces people not only to be beholding to those who hold the purse string, but also has created the fear of reprisal in people should they blow the whistle on fraud, waste, and abuse. So Guam remains in a perpetual downward spiral.

Know and understand that the most commonly accepted economic theories worldwide recognize real property as being one of the most powerful driving forces behind a country's prosperity. Freedom to use one's land makes money available to adequately fund hospital, school, public health, public safety, and other basic government services. This is however conditional on the sanctity of private property being properly organized, protected, and respected.

On Guam, individual economic freedoms have been and still are denied. The very government that purports freedom and justice worldwide blatantly violates the sanctity of private property on Guam. It actually took the Guahan Landowners United, Inc. a grass root organization, without funding I might add, but with the passion for this historic fundamental wrong to be righted pushed the officials into proper action several years ago. I'm sure some of you remember that. Two laws subsequently were passed, but not without years of struggle and many long hours beyond midnight for the land titles of the federally declared "surplus lands" to be transferred back to the rightful owners. And even so, the officials still showed their unwillingness to do the right thing. Anguish built up and more push followed, but the job is still unfinished, which is why we are here again today.

Frankly, I have never been able to see how we can "move forward" in any aspect of our lives with a fundamental wrong firmly intact because it is considered politically correct. Yet, much too often we are told, "This is the way forward." Look, the negligence can't

be covered up any more. I hope that you too can now see for yourself like the casual observer that we are all caught up between the rock and the hard spot. We have bacteria in our drinking water, increasing numbers of polluted beaches even with the creation of EPA, increasing numbers of bankruptcy and mortgage foreclosures and no where to go but further downward. The military had to open their own school after so many wakeup calls. And yes, the Guam Memorial Hospital is as sick as its patients.

Freedom and justice is the responsibility of everyone including the media, but especially those who are elected by the people and their appointees. Without righting the fundamental wrong, the taxpayers' money is spent on piecemeal patch up solutions to the symptoms of the problem. Meanwhile, the fundamental problem ignored becomes compounded and compounds much more with the passage of sixty years.

As for my recommendation and for expediency, other Bills are necessary to:

- 1) Return all the illegally taken lands. Take only those lands that are absolutely vital for government operation in exchange for just compensation.
- 2) Provide the funds necessary for the required probates, appraisals, and surveys because the government made these people poor by the forceful taking of their lands without just compensation.
- 3) Justly compensate all whose lands were illegally taken after World War II for sixty years denial of private property rights.
- 4) Clean up all hazardous waste and toxic debris including that of World War II.
- 5) Create a comprehensive land use plan.
- 6) Correct all government encroachment on privately owned lands.
- 7) Amend or replace the Organic Act of Guam.
- 8) Hold off all festivities on the false "liberation" until the land taking issue comes to a satisfactory closure for everyone involved in this debacle.

What we are dealing here today is just the latest chapter of the legal wrangling in the blatant desecration of the sanctity of private property by the government under the U.S. flag on U.S. soil no less. Are we now discovering our American dream sixty years after World War II? Not only not yet, but definitely no!

The longer we ignore this fundamental wrong the more troubled we become about our situation in our otherwise beautiful island paradise. I say yes, to Bill 251. Do it! It's about time. Then continue on this land taking issue until everyone received their equitable treatment to include those landowners whose land is under the runway of the airport. Again, we need to be honest, sincere, and represent everyone fairly.

GovGuam has to put a stop to the creation of more and more disorder; start fixing the problems created in the past sixty years, and do a dignified closure to this land taking issue through an arms length transaction for our posterity and us.

Testimony on Bill 251

May 4, 2004

My Name is Mildred Artero, President of Guahan Landowners United, Inc. I am here to testify on behalf of the members in favor of Bill 251.

Mr. Speaker and members of this august body, thank you for this opportunity to testify on Bill 251.

Before I proceed, I would like to take this time to thank you, Mr Speaker, Senator Forbes, and Senator Lou for your untiring support in trying to right the wrongs on the land taking. Your offices have been most helpful.

Senator Aguon and Senator Brown, thank you too for supporting us on the floor as members of the previous legislature.

To the new members, we look forward to your support on this Bill.

May this Bill be the beginning of subsequent laws in righting the historic wrong on the land taking, which has had a perennial negative effect on our local socioeconomic and environment.

We, the landowners, have vigorously worked for many years to bring this fundamental issue to the attention of our lawmakers. In the interest of time, I am requesting that a copy of the final report of the Tiyan Task Force, pursuant to PL 26-100, which was presented to the 26th Guam Legislature be made available to this committee as our input from your copy, Mr. Speaker, or Senator Forbes.'

As you know, that report is about two inches thick, which represents great deal of time, efforts, and money to prepare. It is a comprehensive report. The landowners met for weeks in the conference room at Adelup diligently working on that report. That report includes among others a thorough and factual insight from an airport consultant, delineating an airport layout plan according to strict FAA requirements.

Thank you for your attention.

Mildred Artero

**MINA'BENTE SIETE NA LIHESLATURAN GUAHAN
2004 (SECOND) Regular Session****Bill No. 251 (COR)**

Introduced by:

Mark Forbes
v.c. pangelinan

AN ACT TO TRANSFER PROPERTIES UNDER THE JURISDICTION OF THE DEPARTMENT OF PUBLIC WORKS THAT ARE LOCATED IN TIYAN, ALTERNATIVELY KNOWN AS THE FORMER NAVAL AIR STATION, AGANA (BREWER FIELD), TO THE JURISDICTION OF THE GUAM ANCESTRAL LANDS COMMISSION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Findings. During the process of deeding properties in Tiyan by the federal government to the government of Guam and associated with the closure of the former NAS Agana (Brewer Field), certain properties were transferred to the jurisdiction of the Department of Public Works. This act is intended to transfer such properties to the Guam Ancestral Land Commission so that the Commission may proceed with the transfer of such properties to the estates of original landowning families pursuant to the Commission's enabling legislation.

Section 2. Transfer of property to the Guam Ancestral Lands Commission. Except in such circumstances where existing roads or easements may have been transferred to the Department of Public Works, any properties conveyed to the jurisdiction of the Department of Public Works in the area of Tiyan, formerly known as Naval Air Station, Agana (Brewer Field), are transferred to the Guam Ancestral Lands Commission and shall be deeded to the Guam Ancestral Lands Commission upon the effective date of this act. The Guam Ancestral Lands Commission shall dispose of properties transferred pursuant to this act in a manner consistent with and pursuant to the enabling legislation of the Guam Ancestral Lands Commission.

MINA'BENTE SIETE NA LIHESLATURAN GUAHAN
2004 (SECOND) Regular Session

Bill No. 251 (COR)

Introduced by:

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Island of Guam, Government of Guam
Department of Land Management, Office of The Recorder

File for record is Instrument No. 630525
on the year 2010, Month 12, Day 04, Time 4:17

Recording Fee - 00000 Receipt No. _____

Deputy Recorder [Signature]