

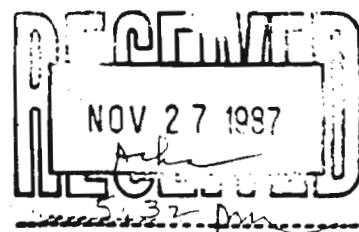


Territory of Guam

OFFICE OF THE GOVERNOR

AGANA, GUAM 96910

U.S.A.



The Honorable Franklin J.A. Quitugua
Speaker, Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

I am transmitting herewith Bill 389, which I have signed into law this day, with modifications through item veto.

Bill 389 presented me with an extreme dilemma. As you are well aware, the improvement of our Island infrastructure ... especially with respect to providing our people with clean and plentiful drinking water...is one of the highest priorities of this administration. It is difficult to turn down the opportunity that presents itself ... the opportunity to bring further resources to bear against this problem which affects such a large number of our citizens.

On the other hand, we do not have sufficient revenue at this time to support this appropriation.

It is the proverbial problem of a bird in hand perhaps being worth more than two in the bush. Although we are unable to spend these funds until, one way or another, our revenue posture improves ... dare I risk an outright veto which forces us to return to the legislature in several months time and discuss the need for this appropriation in the midst of an election campaign?

Further, I have been given to understand that if we do not fund PUAG at the levels originally requested by the administration, we will incur substantial penalty in lost federal funds from the Environmental Protection Agency. This may amount to as much as \$10 million over the next few years.

Under these circumstances, I feel little alternative but to do the following:

002583

To sign Bill 389 into law, with some modifications through item veto as I said earlier. However, I have simultaneously directed the Bureau of Budget and Management Research to impound all funds appropriated herein until revenue can be identified to support them, however long that may be. Until such time as this can be accomplished ... until such time as these funds can be expended without increasing the deficit this government is burdened with ... these funds will not be released to the affected agencies.

You are aware that this authority is implicit under Public Law 15-27, which created the Bureau of Budget and Management Research.

This is not an easy decision, but it is the only responsible one to be made. We cannot spend money we do not have ... yet water is a priority.

Through this decision, we will be able to put these funds to use, at such time as revenues become identified for them. We are hopeful that our continuing program to cut the costs of government will make this possible at a timely date.

There remain, nonetheless, a few portions of Bill 389 which are grossly deficient. As an example, section 11, (drafted by Senator Parkinson, I believe) which permits the Legislature to appoint persons to positions in the Executive Branch if a vacancy exists for more than 90 days, is wholly void and contrary to the Organic Act of Guam. This view has been supported by many Supreme Court decisions, and I assure you that any attempt on the Legislature's part to make such appointments will be immediately challenged in court.

There are many appointments that I have made that remain languishing in various committees. This inaction has hampered functions in several key areas in the Executive Branch.

There is another obvious technical error in this Bill which must be addressed. The language in Section 2 does not make sense. Perhaps a word has been inadvertently omitted, and perhaps as well, the intention of the paragraph could be better understood were it comprised of two long sentences, rather than one incredibly long sentence. At any rate, I strongly suggest that someone take a look at this section and have it redrafted and placed in the next bill that passes legislative deliberation.

Finally, the following changes have been made to Bill 389 through item veto.

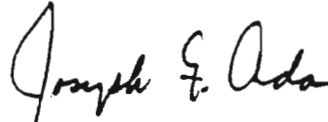
The Honorable Franklin J.A. Quitugua
Page Three

On page two, line 27, the amount (\$585,000.00) has been changed to zero (0).

This change is necessary, as the project in question will be addressed under the \$53 million water improvement bond already authorized by the legislature. It will be more cost-efficient to deal with these matters on a comprehensive basis, rather than piecemeal. In any event, this matter will be addressed.

On page three, line 21, the amount (\$8,261,420) has been changed to \$8,198,300.

Sincerely,



JOSEPH F. ADA
Governor

19 397

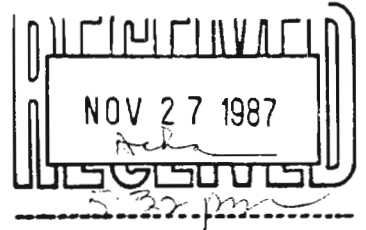
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11/30/07

8:30 a.m.

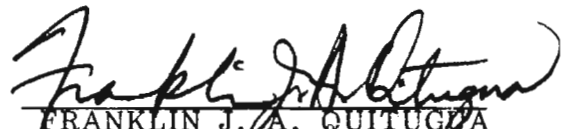


NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

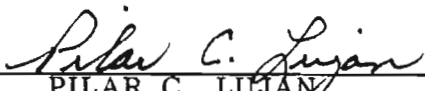


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

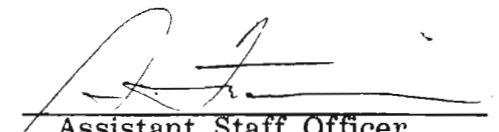
This is to certify that Substitute Bill No. 389, "AN ACT TO REPEAL AND REENACT SECTION 1 OF PUBLIC LAW 18-35 TO REVISE LOT DESIGNATIONS AND LAND AREAS INVOLVED IN A LAND EXCHANGE BETWEEN THE GOVERNMENT OF GUAM AND MR. & MRS. CHARLES HAMBLEY; AND TO AMEND SECTION 3 OF PUBLIC LAW 18-35 TO CHANGE THE LOT DESIGNATION AND LAND AREA OF GOVERNMENT OF GUAM REAL PROPERTY TRANSFERRED TO THE GUAM ASSOCIATION OF RETIRED PERSONS, INC., AND FOR OTHER PURPOSES", was on the 12TH DAY OF NOVEMBER, 1987, duly and regularly passed.


FRANKLIN J. A. QUITUGUA
Speaker

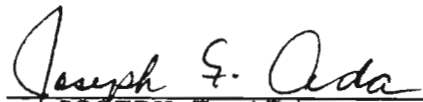
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 16th day of Nov., 1987,
at 1:00 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: November 27, 1987

Public Law No. 19-11

*With the exceptions
noted in the accompanying
letter of transmittal.*



NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 389
Substitute
Committee on Housing &
Community Development

Introduced by:

F. R. Santos
T. S. Nelson
E. P. Arriola

J. G. Bamba
M. Z. Bordallo
H. D. Dierking
E. R. Duenas
E. M. Espaldon
F. J. Gutierrez
M. K. Hartsock
A. C. Lamorena III
P. C. Lujan
M. D. A. Manibusan
J. G. Miles
D. Parkinson
J. F. Quan
F. J. A. Quitugua
J. M. Rivera
M. C. Ruth
J. T. San Agustin
A. J. Shelton

AN ACT TO REPEAL AND REENACT SECTION
1 OF PUBLIC LAW 18-35 TO REVISE LOT
DESIGNATIONS AND LAND AREAS INVOLVED
IN A LAND EXCHANGE BETWEEN THE
GOVERNMENT OF GUAM AND MR. & MRS.
CHARLES HAMBLEY; AND TO AMEND
SECTION 3 OF PUBLIC LAW 18-35 TO
CHANGE THE LOT DESIGNATION AND LAND
AREA OF GOVERNMENT OF GUAM REAL
PROPERTY TRANSFERRED TO THE GUAM
ASSOCIATION OF RETIRED PERSONS, INC.,
AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 1 of P. L. 18-35 is repealed and reenacted to read
3 as follows:
4 "Section 1. The Governor of Guam is authorized to exchange
5 Government of Guam real property, Lot 1A and Lot 1B, Tract 261,

1 Pigua Subdivision, Merizo, containing a total area of 1,680 square
2 meters, more or less, as shown on Land Management Drawing No.
3 I4-87T288, and having a fair market value of Sixteen Thousand Seven
4 Hundred Twenty Dollars (\$16,720.00), with Lot 425-1G, Alileng,
5 Merizo, containing an area of 1,360 square meters, more or less, as
6 shown in Land Management Drawing No. 056 FY87 and having a fair
7 market value of Five Thousand Four Hundred Forty Dollars
8 (\$5,440.00). The difference in value of Eleven Thousand Two
9 Hundred Eighty Dollars (\$11,280.00) will be paid by the applicant."
10 Section 2. Section 3 of P. L. 18-35 is amended to read as follows:

11 "Section 3. Notwithstanding any other provision of law, the
12 Governor of Guam is authorized to convey for One Dollar (\$1.00) to
13 the Guam Association of Retired Persons, Inc., all title and interest of
14 the Government of Guam in that parcel of land designated as Lot No.
15 1507-3-R1, in the Municipality of Agana, containing an area of 5,126
16 square meters, more or less, for the purpose of constructing a
17 clubhouse for the Guam Association of Retired Persons, Inc. does not
18 construct a clubhouse within five (5) years from the date of
19 conveyance of the subject property, then Lot No. 1507-3-R1 shall
20 revert to the Government of Guam at no cost to the government; and
21 further provided that if at any time the said property is no longer
22 being used for a clubhouse for the Guam Association of Retired
23 Persons, Inc., the property shall revert to the Government of Guam.
24 These covenants shall be contained in any Deed issued by the
25 Government of Guam to the Guam Association of Retired Persons, Inc."

26 Section 3. The sum of Five Hundred Eighty-Five Thousand Dollars
27 ~~(\$585,000.00)~~ ^{-0- Pida} is appropriated from the General Fund to the Public Utility
28 Agency of Guam for the design and construction of a six-inch (6") water
29 distribution line in Ipan-Talofofu in the Camp Dealy area to serve
30 approximately One Hundred Forty (140) homes.

31 Section 4. There is hereby appropriated the sum of Fifty-Nine
32 Thousand Seventy-Five Dollars (\$59,075.00) from the General Fund to the
33 Department of Land Management for the acquisition by the Government of
34 Guam of that parcel of land in the municipality of Agana Heights identified

1 on the Department of Land Management Record as Document No. 35063
2 consisting of one thousand five hundred fifty-three and sixty-eight
3 hundredths (1,553.68) square meters for community and recreational
4 facilities, in accordance with Section 18(a) of Public Law 18-48.

5 Section 5. The sum of Two Hundred Thousand Dollars (\$200,000) is
6 appropriated from the General Fund to the Department of Public Works for
7 the purpose of constructing an addition to the Dededo Community Center.

8 Section 6. The Board of Control for the Department of Vocational
9 Rehabilitation shall expend funds appropriated in Chapter II, Part XXXII of
10 the Fiscal Year '88 Budget Act for the purpose of contracting for the
11 operation of the Workshop Center in accordance with the provisions of
12 Public Law 18-32. No more than twenty-five percent (25%) of the funds
13 appropriated in Chapter II, Part XXXII shall be expended in any one
14 quarter of the fiscal year until such time as the contract is implemented
15 which shall be no later than March 1, 1988.

16 Section 7. Notwithstanding any other provision of law not less than
17 One Hundred Fifty Thousand Dollars (\$150,000) shall be allocated by the
18 Committee on Rules of the Nineteenth Guam Legislature for each Committee
19 or Senatorial office's Operations during calendar year 1988.

20 Section 8. The sum of Eight Million Two Hundred Sixty One Thousand
21 Four Hundred Twenty Dollars ~~(\$8,261,420)~~ ^{8,198,300 J. A. A.} is appropriated from the General
22 Fund to the Public Utility Agency of Guam for the purpose of funding
23 capital and operational needs of the agency for Fiscal Year 1988.

24 Section 9. Notwithstanding any other provision of law, the Executive
25 Branch shall implement the transfer of personnel and operational funding
26 for certain Accounting, Collection, Cashier and Data Processing Support
27 Units from the Department of Administration to the Public Utility Agency of
28 Guam. The following provisions shall apply to the transfer:

29 (a) The transfer shall be completed no later than December 31,
30 1987.

31 (b) No employee affected by this transfer shall be downgraded
32 or receive any downward adjustment in pay or classification.
33 Employees affected by this Act shall have the option to remain with the
34 Department of Administration.

1 (c) All personnel and operational funding transferred under this
2 Act shall be consolidated under the Commercial/Fiscal Division of the
3 Public Utility Agency of Guam. Funding transfer shall be inclusive of
4 vacancies resulting from those employees who exercise their option to
5 remain at the Department of Administration.

6 (d) The amount of \$551,245, appropriated in the General
7 Appropriations Act of 1988, shall be transferred from the Department
8 of Administration Accounting Support Branch to the Public Utility
9 Agency of Guam Commercial-Fiscal Division in the same categories as
10 are set out in the General Appropriations Act of 1988. The transfer
11 of authorized FTE positions shall not exceed 21.

12 (e) The amount of \$217,295 appropriated in the General
13 Appropriations Act of 1988, shall be transferred from the Department
14 of Administration Data Processing Division to the Public Utility Agency
15 of Guam Commercial/Fiscal Division in the same categories as are set
16 forth in the General Appropriations Act of 1988. The transfer of FTE
17 positions shall not exceed 7.

18 Section 10. Section 6804 of the Government Code is amended to read:

19 "Section 6804. Exceptions. The provisions of this Act shall not
20 apply to the accounting operations of the Public Utility Agency of
21 Guam, the Guam Power Authority, the Guam Telephone Authority, the
22 Guam Airport Authority, the Guam Housing and Urban Renewal
23 Authority, the Guam Housing Corporation, the Guam Economic
24 Development Authority, the Judicial Branch, the Legislative Branch,
25 the Guam Community College, the Department of Education, the
26 University of Guam and the Guam Mass Transit Authority."

27 Section 11. A new 4 GCA §2103.3 is added to read:

28 "§2103.3. Excessive duration of vacancies. Appointment by
29 Speaker. If a vacancy on any board or commission, which is to be
30 filled by appointment of the Governor, occurs for longer than ninety
31 (90) days without transmittal to the Legislature of documents indicating
32 the Governor's choice to fill the vacancy, then the Speaker of the
33 Legislature shall appoint someone to fill the vacancy, with the advice
34 and consent of the Legislature, by transmitting the documents

1 indicating the appointment to the Legislative Secretary and to the
2 Governor. Any appointment to fill a vacancy which is made by the
3 Speaker pursuant to this Section shall not become void due to a later
4 appointment by the Governor to fill the same vacancy. If any portion
5 or application of this Section is held invalid with respect to any board
6 or commission, such portion or application that remains valid for any
7 other board or commission shall remain in effect. This Section shall
8 apply to any vacancy existent on the effective date of which this
9 Section has occurred for longer than ninety (90) days either before or
10 after the effective date of this Section."

11 Section 12. The sum of One Hundred Twenty Thousand Dollars
12 (\$120,000) is appropriated from the General Fund to the Department of
13 Agriculture for the purchase of an incinerator.

14 Section 13. The sum of Twenty Thousand Dollars, (\$20,000), is
15 appropriated from the General Fund for the operation of the Thirteenth
16 Guam Youth Congress.

17 Section 14. The sum of Three Hundred Thousand Dollars (\$300,000),
18 is appropriated from the General Fund to the Department of Labor for the
19 Workman's Compensation Fund.

20 Section 15. 9 GCA §80.48(e) is added to read:

21 "(e) Except for inmates participating in the Work and Educational
22 Programs, all inmates sentenced to the custody of the Department of
23 Corrections and in the Adult Correctional Facility shall be issued
24 uniforms which they shall wear at all times they are outside the
25 facility. The uniform shall be prominently marked to indicate that the
26 person wearing it is an inmate. The uniforms shall at the least have
27 the letter "P" permanently marked on the front and back of the shirt
28 or top portion of the uniform. All inmates including those in the Work
29 and Educational Programs shall have as many haircuts as necessary to
30 maintain a short style so that hair does not extend over the ear or
31 over the shirt collar of the uniform. No beards shall be worn by
32 inmates."

1 Section 16. 9 GCA §81.10 is repealed and reenacted to read:

2 "§81.10. Work Credit (a) Any person in custody may work at
3 cleaning up littered areas, parks and beaches or other types of work
4 details beneficial to the island of Guam, provided that the Director of
5 Corrections:

6 (1) determines that the person meets the following eligibility
7 requirements that he:

8 (i) has not been convicted of a second degree felony
9 or higher which is homicide, criminal sexual conduct,
10 robbery or escape as set forth in Chapters 16, 25, 40 and
11 58 of this Title, respectively; and

12 (ii) is physically able to do such work.

13 (b) The Director shall provide supervision of the work detail.

14 (c) The person's sentence shall be reduced by one (1) day for
15 each forty hours of work done.

16 (d) The Directors of the Departments of Public Works and Parks
17 and Recreation shall cooperate with the Director of Corrections in
18 choosing sites for work.

19 (e) Inmates who were eligible to work in previous work detail
20 programs shall only participate in work governed by this Section if
21 they qualify."

22 Section 17. The sum of Thirty-Five Thousand Dollars (\$35,000.00) is
23 appropriated from the General Fund to the Guam Police Department for the
24 completion of the Agana Detention Facility renovation project, and includes
25 renovation of the remaining six (6) cells, installation of metal bunks,
26 tables, stools and shelving, installation of shower and toilet facilities for
27 "C" Cell Block, relocation of iron gates in "D" and "C" Cell Blocks to
28 enclose shower and toilet facilities, repair or replace inoperative cell door
29 locks. The installation of metal surveillance mirrors to see prisoners in cell
30 block areas and the establishment of a no contact visitation area. Of the
31 sum appropriated Five Thousand Dollars (\$5,000.00) is allocated for the
32 purchase of office equipment and supplies. Any funds not used in the
33 renovation project shall revert back to the General Fund.

1 Section 18. Notwithstanding any law, rule or regulation, the
2 Department of Education is authorized to expend from FY '87 lapsed funds
3 the sum of Sixty-five thousand five hundred nineteen dollars and
4 seventy-eight cents (\$65,519.78) as sums due plaintiff in Special
5 Proceedings Case No. 352-82, Kathy Brown v. Civil Service Commission, as
6 mandated by the Court.

7 Section 19. The sum of Twenty Five Thousand Dollars, (\$25,000), is
8 appropriated from the General Fund to the Department of Youth Affairs, to
9 fund the programs of Sanctuary.

10 Section 20. Notwithstanding any law, rule or regulation, effective
11 October 1, 1987, the classified positions of Clinical Administrator and Mental
12 Health Administrator are hereby established within the Department of Mental
13 Health and Substance Abuse.

14 (b) The Civil Service Commission is directed to assign appropriate
15 pay ranges to these positions within thirty (30) days upon enactment of
16 this Act.

17 Section 21. Notwithstanding any other provision of law, the Public
18 Utility Agency of Guam is authorized to pay prior year's obligations from
19 FY 1988 appropriations.

20 Section 22. Severability. If any of the provisions of this Act, or the
21 application thereof to any person or circumstance, is held invalid, such
22 invalidity shall not affect any other provision or application of this Act
23 which can be given effect without the invalid provision or application, and
24 to this end the provisions of this Act are severable.

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 389

DATE: 11/12/89

Res. No. _____

QUESTION: _____

SENATOR	AYE	NAY	NOT VOTING	ABSENT
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>				out
<u>H. D. Dierking</u> ---			✓	
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>				absent
<u>F. J. Gutierrez</u>				out
<u>M. K. Hartsock</u>	✓			
<u>A. C. Lamorena III</u>	✓			
<u>P. C. Lujan</u> +	✓			
<u>M. D. A. Manibusan</u> +	✓			
<u>J. G. Miles</u>	✓			
<u>T. S. Nelson</u> --- *		✓		
<u>D. Parkinson</u>	✓			
<u>J. F. Quan</u>	✓			
<u>F. J. Quitugua</u>	✓			
<u>J. M. Rivera</u>	✓			
<u>M. C. Ruth</u> +	✓			
<u>J. T. San Agustin</u>	✓			
<u>F. R. Santos</u>	✓			
<u>A. J. Shelton II</u>	✓			

AYE: 16 NAY: 1 NOT VOTING: 2 ABSENT: 3

NINETEENTH GUAM LEGISLATURE
1987 (First) Regular Session

6 11/12/87

Bill No. 389
(Substitute Bill
by Committee)

Introduced by: FR. Santos
T.S.N.

AN ACT TO REPEAL AND REENACT SECTION 1
OF PUBLIC LAW 18-35 TO REVISE LOT DESIG-
NATIONS AND LAND AREAS INVOLVED IN A
LAND EXCHANGE BETWEEN THE GOVERNMENT
OF GUAM AND MR. & MRS. CHARLES HAMBLEY;
AND TO AMEND SECTION 3 OF PUBLIC LAW
18-35 TO CHANGE THE LOT DESIGNATION
AND LAND AREA OF GOVERNMENT OF GUAM
REAL PROPERTY TRANSFERRED TO THE GUAM
ASSOCIATION OF RETIRED PERSONS, INC.

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

2 Section 1. Section 1 of P.L. 18-35 is repealed and
3 reenacted to read as follows:

4 Section 1. The Governor of Guam is authorized to ex-
5 change Government of Guam real property, Lot 1A and Lot 1B,
6 Tract 261, Pigua Subdivision, Merizo, containing a total
7 area of 1,680 square meters, more or less, as shown on Land
8 Management Drawing No. I4-87T288, and having a fair market
9 value of Sixteen Thousand Seven Hundred Twenty Dollars
10 (\$16,720.00), with Lot 425-1G, Alileng, Merizo, containing
11 an area of 1,360 square meters, more or less, as shown in
12 Land Management Drawing No. 056 FY87 and having a fair
13 market value of Five Thousand Four Hundred Forty Dollars
14 (\$5,440.00). The difference in value of Eleven Thousand
15 Two Hundred Eighty Dollars (\$11,280.00) will be paid by the

16 *FRS* applicant.

17
18
19
20

1 Section 2. Section 3 of P.L. 18-35 is amended to read
 2 as follows:
 3 ^{FPS} Section 3. Notwithstanding any other provision of law,
 4 the Governor of Guam is authorized to convey for One Dollar
 5 (\$1.00) to the Guam Association of Retired Persons, Inc., all
 6 title and interest of the Government of Guam in that parcel
 7 of land designated as Lot No. 1507-3, in the Municipality
 8 of Agana, Territory of Guam of an area of 5,348 square meters + Lot
 9 Lot No. 1507-3-R1, in the Municipality of Agana, containing
 10 an area of 5,126 square meters, more or less, for the purpose
 11 of constructing a clubhouse for the Guam Association of Retired
 12 Persons, Inc. does not construct a clubhouse within five (5)
 13 years from the date of conveyance of the subject property,
 14 then Lot No. 1507-3 shall revert to the Government of Guam
 15 then Lot No. 1507-3-R1 shall revert to the Government of Guam
 16 at no cost to the government; and further provided that if at
 17 any time the said property is no longer being used for a
 18 clubhouse for the Guam Association of Retired Persons, Inc.,
 19 the property shall revert to the Government of Guam. These
 20 covenants shall be contained in any Deed issued by the
 21 Government of Guam to the Guam Association of Retired Persons, Inc."

22 AGSO Section 3. \$585,000 appropriation to Puag.
 23 FSC Section 4. \$59,075 " for Land acquisition in
 24 JTSA Section 5. \$200,000 approp. to DPW for addition to Dededo
 25 mkm Section 6. Board of Control for Dept. of Voc. Rehab. ...
 26 ACL Section 7. ... allocating of not less than \$150,000 by Committee
 27 DP Section 8. approp. of \$3,261,020 to Puag.
 28 mkm Section 9. ...
 LP Section 10. ...
 JFR Section 11. Excessive duration of vacation.
 Section 12. \$120,000 approp. to Agana.
 (See back)

DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM

AGANA

April 20, 1987

Honorable Senator F. R. Santos
Chairman,
Committee on Housing and Community
Development
19th Guam Legislature
Agana, Guam 96910

Dear Mr. Chairman:

Our presence before you and your committee is to testify on the following:

Bill No. 41

"AN ACT TO REPEAL AND REENACT SECTION 13525.1 OF THE GOVERNMENT CODE RELATIVE TO THE EXCHANGE OF LAND FOR THE JUDICIAL BUILDING AND FOR OTHER PURPOSES".

Section 1: The intent of this provision is commendable. It is needed for expeditious purposes should the property owners disagree on the exchange. The method of compensation in the form of a Deed of Exchange to be deposited in court in lieu of cash will indeed provide avenue in fulfilling section 1241 of the Code of Civil Procedure due to the government financial dilemma. However, there are questions which we would like to address to this committee relative to an interest which will be accruing when the method of compensation is in the form of Deed of Exchange deposited in court instead of cash. In this respect, who is obligated to pay the interest? Are we to assume that the court will pay the interest accrued? What will be the interest? Section 1 of Bill 41 failed to address these issues. In the interest of all parties concerned, we ask that those issues should be stated in the provision of this Act. In addition, the phrase "shall be effective only upon approval of the Legislature" should be deleted as intended under the provision of Bill 407. Since the matter is to be handled by the Court all legal requirements will be fulfilled.

Section 2. The GUMA MAMI INC., is in direly need of a property to establish a fix location and thus, relieved the problem of moving from one district to another. The conveyance of Lots 14, 15 and 16, Block No. 3, Tract 139, Maga-Mangilao, Municipality of Barrigada, will enable GUMA MAMI INC., a non-profit organization, to effectively and successfully carry out its objective. These parcels will provide avenues to seek funding from the Federal Government (HUD) for the purpose of constructing homes to house handicapped people.

5

Section 3. This section should reflect as an amendment of Public Law 18-35 which enacted for the purpose of conveying Lot 1503-7 to the Retired Person Inc. A Grant Deed was officially executed on October 10, 1986 and recorded under Document No. 376995. However, we have discovered that the area cited under the provision of Public Law 18-35 included that portion currently within the swimming pool. In view of this situation, amendment of the Deed is necessary to clear cloudiness of title for the Retired Person Inc., to fulfill this intention as well as to avoid future legal question, we ask that this section should reflect as an amendment of Public Law 18-35. The Lot designation should read as Lot No. 1507-3-R1 instead of Lot 1507-3. Likewise, the area should reflect ~~5,126[±] square meters~~ instead of 5,348[±] square meters. For the purpose mentioned herein, we are providing this committee a copy of the revised map.

✓ Bill No. 389

"AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 18-35 AUTHORIZING THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY OWNED BY MR. AND MRS. CHARLES HAMBLEY".

The amendment is needed to correct the intent of the intent of the exchange. It was discovered that the word "portion" was omitted when Public Law 18-35 was enacted. In the absence of such word, it will mean that the whole lot of 425 be conveyed to the government in exchange with government parcels in Pigua Merizo. It should be noted that the government's parcels for exchange have been properly described or designated as Lot 1A and 1B, Tract 261, Pigua, Merizo, which are delineated on the Drawing No. I4-87T288. In this respect, the aforesaid lots should be added in the act.

Bill No. 407

" AN ACT TO AMEND SECTIONS 189.1 AND 189.5 OF THE CODE OF CIVIL PROCEDURE AND SECTION 13525.1 OF THE GOVERNMENT CODE RELATIVE TO THE JUDICIAL BUILDING FUND AND RELATED PURPOSES.

Since Section 3 of this Act is identical with Bill No. 41, our position remain the same as stated earlier. Sections 1 and 2 of this Act would be best addressed by the Judiciary.

Resolution No. 45

"RELATIVE TO REQUESTING THE GOVERNOR OF GUAM THE TERRITORIAL PLANNING COMMISSION, AND THE DEPARTMENT OF LAND MANAGEMENT TO GIVE THE SURVEY, MAPPING AND REGISTRATION OF ALL GOVERNMENT-OWNED LAND PRIORITY STATUS".

We fully support the Resolution, not only because the context covered one of our primary departmental goal and objective but most importantly, because the accomplishment of this project will highly benefit the people of Guam.

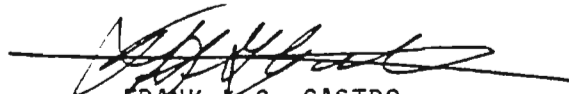
Section 13970, Title XIV, Chapter XII of the Government Code of Guam mandated that all government real properties must be surveyed, mapped and registered for the acquisition of titles. Therefore, as there remains a considerable percentage of the government-owned lands still pending such necessary actions, we must take the positive move of entering into an acceleration concept for the expedient accomplishment of the program. To continue to neglect actions on this matter would be to allow the compounding of problems and this we must endeavor to resolve.

With the preceding regards, we have identified approximately 6,846 acres of government lands in Yigo, Dededo, Barrigada, Yona, Asan, Agat, Merizo, Umatac and Talofofo which we thought should be made a part of the proposed "Accelerated Land Survey and Registration Program". For a breakdown list of these parcels, please refer to the attached tabulation.

Given the necessary funding, we recommend that the attached listed parcels be surveyed and mapped by reputable and qualified private contractor(s) while Land Management Surveyors are left to continue to work on other land surveys not listed under the accelerated land survey project.

If the above presentation are given consideration, we recommend passage of said bills as well as Resolution No. 45. Thank you for giving us the opportunity to comment on the matter affecting the Department of Land Management.

Sincerely yours,



FRANK L.G. CASTRO
Acting Director

TRACT/LOT NUMBER
OR OTHER
IDENTIFICATION

LAND
LOCATION

AREA IN
ACRES

Pagat Land Area	Yigo	1,069
No. 10162	Dededo	97
No. 5397	Barrigada	164
Fadian Quarry Site	Barrigada	44
No. 470	Yona	610
Lot E (Tagachang Beach Park)	Yona	104
#468	Asan	99
#469	Asan	72
Lot EA	Agat	247
Lot FA	Agat	218
Lot P31.1 (PART)	Agat	126
Lot No. 414	Talofoyo	301
Lot No. 416	Talofoyo	318
Lot No. 516	Merizo	48
Parcel No. 1	Merizo	137
Parcel No. 2	Merizo	1,149
Parcel No. 3	Merizo	483
Annang Bay	Merizo	16
Pigo Beach	Merizo	10
Lot No. 270	Umatac	133
Lot No. 105	Umatac	175
Territorial Seashore Park	Umatac	1,710

EIGHTEENTH GUAM LEGISLATURE
1986 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 708 (COR), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY OWNED BY MR. AND MRS. CHARLES HAMBLEY, AND FOR OTHER PURPOSES," was on the 19th day of May, 1986, duly and regularly passed.

CARL T. C. GUTIERREZ
Speaker

Attested:

ELIZABETH P. ARRICLA
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of May, 1986, at 3:57 o'clock p.m.

Assistant Staff Officer
Governor's Office

APPROVED:

RICARDO J. BORDALLO
Governor of Guam

Date: May 30, 1986

Public Law No. 1:55pm
18-35

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 708 (COR)

Introduced by:

P. C. Lujan
C. T. C. Gutierrez
T. S. Nelson

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

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO
EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY
OWNED BY MR. AND MRS. CHARLES HAMBLEY, AND
FOR OTHER PURPOSES.

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

2 Section 1. The Governor of Guam is authorized to exchange
3 Government of Guam real property ^{Lat 1A, Tract 261 + Lot 1B, Tract 261} situated between Lot No. 1, Tract 261,
4 ^{containing a total area of 1,680 ± s.m., more or less as shown on} Pigua Subdivision, ^{Mz} and the Staff Housing in Merizo, Guam, having a fair
5 market value of Sixteen Thousand Seven Hundred Twenty Dollars
6 (\$16,720.00), with ^{a portion of} Lot No. 425, ^{1G} Alilang, Municipality of Merizo, Guam, having a fair market value of Five Thousand Four Hundred Forty Dollars
7 (\$5,440.00). The difference in value of ²⁸⁰ Eleven Thousand Two Hundred
8 Eighty ~~Two~~ Dollars (\$11,282.00) will be paid by the qualified applicants.
9

Land Mgt. Drawing No. I4-87 T288 w/

Lot 425-1G, Alilang, Mz, containing an area of 1,360 ± s.m.
as shown in LMD No. 056 FY87 # 1

1 Section 2. The Governor is authorized to convey Government of Guam
2 real property described as Lot No. 6, Block No. 27 Extension, New Agat
3 Village, Municipality of Agat, Guam containing an area of 710 square
4 meters, more or less as shown on Land Management Drawing No. C4-70T529,
5 to Juanita Terlaje for Two Thousand Five Hundred Dollars (\$2,500).

6 Section 3. Notwithstanding any other provision of law, the Governor
7 of Guam is authorized to convey for One Dollar (\$1.00) to the Guam
8 Association of Retired Persons, Inc., all title and interest of the
9 Government of Guam in that parcel of land designated as Lot No. 1507-3, in
10 the Municipality of Agana, Territory of Guam of an area of 5,348 square
11 meters + for the purpose of constructing a clubhouse for the Guam
12 Association of Retired Persons, Inc. provided, that in the event that the
13 Guam Association of Retired Persons, Inc. does not construct a clubhouse
14 within five (5) years from the date of conveyance of the subject property,
15 then Lot No. 1507-3 shall revert to the Government of Guam at no cost to
16 the government; and further provided that if at any time the said property
17 is no longer being used for a clubhouse for the Guam Association of Retired
18 Persons, Inc., the property shall revert to the Government of Guam.
19 These covenants shall be contained in any Deed issued by the Government
20 of Guam to the Guam Association of Retired Persons, Inc.

EIGHTEENTH GUAM LEGISLATURE
1985 (FIRST) Regular Session

Bill No. 708 (COR)

Introduced by:

P. C. Lujan
C. T. C. Gutierrez
T. S. Nelson

PL-18-35-1

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

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO
EXCHANGE GOVERNMENT OF GUAM REAL PROPERTY
OWNED BY MR. AND MRS. CHARLES HAMBLEY, AND
FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. The Governor of Guam is authorized to exchange
3 Government of Guam real property situated between Lot No. 1, Tract 261,
4 Pigua Subdivision and the Staff Housing in Merizo, Guam, having a fair
5 market value of Sixteen Thousand Seven Hundred Twenty Dollars
6 (\$16,720.00), with ^{A PORTION OF} Lot No. 425, ^{DESIGNATED AS LOT 425-16,} Alilang, Municipality of Merizo, Guam
7 having a fair market value of Five Thousand Four Hundred Forty Dollars
8 (\$5,440.00). The difference in value of Eleven Thousand Two Hundred
9 Eighty Two Dollars (\$11,282.00) will be paid by the qualified applicants.

STATEMENT

April 20, 1987

Committee On Housing and Community Development
Statement For Committee Members, Committee Hearing

Chairman, Committee Members;

My name is Charles Clark Hambley and with me, is my wife, Ana Aguigui Hambley.

The eighteenth Guam Legislature passed Bill No. 708 (cor) on the 19th day of May 1986 and said Bill was approved by the Governor of Guam on the 30th day of May, 1986 at 1:55 P.M. and became Public Law 18-35.

Section 1 of Public Law 18-35 was worded incorrectly, as it stated that Lot No. 425 Alileng Municipality of Merizo, Guam was exchanged for Government Of Guam Land between Lot No. 1, Tract 261, Pigua Subdivision, and the Staff Housing in Merizo, Guam ; when in fact, the Government was exchanged only a portion of Lot 425 and not the whole Lot No. 425 Alileng Municipality of Merizo, Guam.

All other paperwork, concerning this exchange, reflects that only a portion of Lot No. 425 Alileng Municipality of Merizo, Guam was exchanged, this includes maps, deed etc.

This error was noticed by the Guam Attorney General's Office, and was brought to our attention and we were informed it should be corrected so that no future problems on ownership would arise over the remaining portion of Lot 425 Alileng, Merizo, Guam.

We have been with this whole matter since 24 August 1984, hopefully the requested amendment to Public Law 18-35, Section I, will bring the matter to a close ; which both my wife and myself would greatly appreciate.

Thank You,

Charles Clark Hambley
Charles Clark Hambley
Ana Aguigui Hambley
Ana Aguigui Hambley

DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM

AGANA

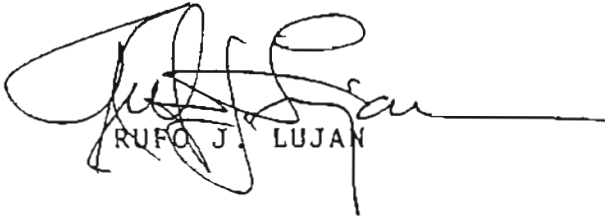
DEC 30 1986

Memorandum

To: Attorney General
From: Director of Land Management
Subject: Deed of Exchange
Charles C. and Ana A. Hambley

Submitted for your review and action is subject Deed of Exchange, pursuant to Public Law 18-35.

Upon affixing your signature, please return said instrument for our submission to the Governor.


RUFU J. LUJAN

Attachment

RECEIVED

gt
ATTORNEY GENERAL'S OFFICE

RECEIVED

87
gt
ATTORNEY GENERAL'S OFFICE



GOVERNMENT OF GUAM
AGANA, GUAM 96910

1/20/87
L-ADM -
Review &
and recording.
It appears we
know down &
know what the
is needed.
Nevertheless,
The document
must be retype
to reflect
present
data.

January 13, 1987

Memorandum (Informational) Ref: PUAG 87-0002
To: Director, Department of Land Management
From: Attorney General *JMT*
Subject: Deed of Exchange of Government Property for Lot 425,
Merizo

We are returning the proposed Deed of Exchange between the Government of Guam and Mr. and Mrs. Charles Hambley for the following reason.

Public Law 18-35 section 1 provides that the Government of Guam shall exchange government property with the owner of Lot 425. The proposed deed provides only for exchange of a portion of Lot 425, specifically 425-1G.

This memorandum is informational only and is not issued as an opinion of the Attorney General. For a faster response to any inquiry about this memorandum, please use the reference number shown.

OFFICE OF THE ATTORNEY GENERAL

By: *Robert H. Kono*
ROBERT H. KONO
Assistant Attorney General

Attachment



1-16-87
3:25 P

RHK002/vsc

MR & MRS C. HAMBLEY
MCB BOX 16195
MERIZO, GUAM 96916
TELEPHONE: 8288201

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 389

Introduced by:


F. R. Santos

AN ACT TO AMEND SECTION 1 OF PUBLIC
LAW 18-35 AUTHORIZING THE GOVERNOR OF
GUAM TO EXCHANGE GOVERNMENT OF GUAM
REAL PROPERTY OWNED BY MR. AND MRS.
CHARLES HAMBLEY

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. Section 1 of Public Law 18-35 is amended to read as
3 follows:
4 "Section 1. The Governor of Guam is authorized to exchange
5 Government of Guam real property situated between Lot No. 1, Tract
6 261, Pigua Subdivision and the Staff Housing in Merizo, Guam, having
7 a fair market value of Sixteen Thousand Seven Hundred Twenty
8 Dollars (\$16,720.00), with a portion of Lot No. 425, designated as Lot
9 425-1G, Alilang, Municipality of Merizo, Guam having a fair market
10 value of Five Thousand Four Hundred Forty Dollars (\$5,440.00). The
11 difference in value of Eleven Thousand Two Hundred Eighty Two
12 Dollars (\$11,282.00) will be paid by the qualified applicants."

DEED OF EXCHANGE

THIS DEED, made and entered into this _____ day of _____ of 19____, in the Municipality of Agana, Territory of Guam, by and between the GOVERNMENT OF GUAM, Party of the First Part, and Charles C. Hambley married to Ana A. Hambley U.S. Citizens, resident of the Territory of Guam, Party of the Second Part, do declare that they did, and do by these presents make an exchange of Real Property as authorized by Public Law 18-35:1 and on the express terms and conditions hereinafter set forth.

WHEREAS, the Party of the Second Part, paid in full the difference in value amount to ELEVEN THOUSAND TWO HUNDRED EIGHTY TWO DOLLARS AND NO CENTS (\$11,282.00) to the Party of the First Part.

Now, therefore, the Party of the First Part does hereby grant, transfers, convey, set over and deliver into the Party to the Second Part, the following described property to wit:

Two (2) lots, each containing an area of 836+ square meters, as shown on Land Management Drawing No. C4-64T459, more particularly situated between Lot No. 1, Tract 261 and existing housing in Merizo, Municipality of Merizo (Reference: Land Management Drawing No. I4-77T04 for Pigua Subdivision, Merizo). Note: Survey and mapping will be initiated by Land Management.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder or remainders, rents, issue and profits thereof.

An for and in consideration of the foregoing Party of the Second Part, does hereby grant, transfer, convey, set over and deliver unto the Party of the First Part, the following property to wit:

Lot 425-1G, containing an area of 1,360+ square meters, Municipality of Merizo, as shown on Land Management Drawing No. 056 FY87 (Department of Public Works Drawing No. 86-T08). Note: Approved map will be recorded at later date.

To have and to hold the said properties, the one to the other their heirs, and assigns forever, free from any liens, mortgages, or encumbrance.



Nineteenth Guam Legislature

P.O. Box CB-1
Agana, Guam H.S.A. 96910

SENATOR F. R. SANTOS

Substitute Bill No. 389

CHAIRMAN
Committee on Housing
& Community Development

VICE-CHAIRMAN
Committee on Health, Welfare
& Ecology
Committee on Justice, Judiciary
& Criminal Justice

May 7, 1987

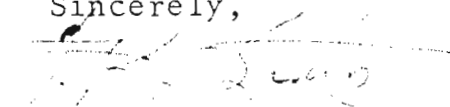
The Honorable Franklin J. Quitugua
Speaker
P.O. Box CB-1
Agana, Guam 96910

Dear Speaker Quitugua:

The Committee on Housing and Community Development recommends that Bill No. 389, as substituted, by the Committee be passed. Votes of the Committee are as follow:

To do pass	<u>9</u>
To not pass	<u>0</u>
Abstain	<u> </u>
Off Island	<u>1</u>
To report out	<u> </u>

Sincerely,


F. R. Santos

Attachments





Nineteenth Guam Legislature

P.O. Box CB-1
Agana, Guam H.S.A. 96910

VOTE SHEET

BILL NO. 389

<u>MEMBERS</u>	<u>TO DO</u> <u>PASS</u>	<u>TO NOT</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>OFF ISLAND</u>	<u>TO REPORT ON</u>
<u><i>Frank R. Santos</i></u> CHAIRMAN, FRANK R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Pilar C. Lujan</i></u> ENATOR PILAR LUJAN VICE-CHAIRPERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Ted S. Nelson</i></u> ENATOR TED S. NELSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Joe T. San Agustin</i></u> ENATOR JOE T. SAN AGUSTIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>off island</i></u> ENATOR ELIZABETH B. ARRIOLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u><i>Hermenia Dierking</i></u> ENATOR HERMINIA DIERKING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Pedro Sanchez</i></u> ENATOR PEDRO SANCHEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Jim Miles</i></u> ENATOR JIM MILES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Martha Ruth</i></u> ENATOR MARTHA RUTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u><i>Ernesto Espaldon</i></u> ENATOR ERNESTO ESPALDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

COMMITTEE REPORT ON THE FOLLOWING BILL:

BILL NO. 389 (Substitute Bill by Committee):
An act to repeal and reenact
Section 1 of Public Law 18-35 to
revise lot designations and land
areas involved in a land exchange
between the Government of Guam and
Mr. & Mrs. Hambley; and to amend
Section 3 of Public Law 18-35 to
change the lot designation and land
area of Government of Guam real pro-
perty transferred to the Guam Associ-
ation of Retired Persons, Inc.

Public Hearing Date: April 20, 1987
10:00 a.m.
Legislative Session Hall

PURPOSE

Bill No. 389: The purpose of this bill is to correct a couple errors made in the drafting of P.L. 18-35, regarding lot designation and computation of the purchase price difference.

The effect of the wording in P.L. 18-35 was to exchange Lot 425 in its entirety with Government of Guam land located between Lot No. 1, Tract 261, Pigua Subdivision and the Staff Housing in Merizo. The drafting error was caught by the Attorney General's Office and, since the enactment of P.L. 18-35, the Department of Land Management has surveyed, mapped and put more precise lot designations to the land areas being exchanged. This land transaction involved the exchange of 1,680 square meters of GovGuam real property with 1,360 square meters of property owned by Mr. & Mrs. Hambley. The Hambleys stood to gain 320 square meters from this exchange for which they paid \$11,280, not \$11, 282. The GovGuam Lots 1A and 1B were appraised by Land Management at \$12 per square meter and the Hambley property was privately appraised at \$4 per square meter. That portion of the Hambley property involved in the exchange is designated as Lot No. 425-1G, Alileng, Merizo.

The Department of Land Management testified in favor of this technical amendment. There were no testimonies against the bill.

COMMITTEE ACTION/RECOMMENDATION:

BILL NO. 389: There is a substitute bill by the committee. A second section is added, authorizing the transfer of GovGuam property to the Guam Association of Retired Persons and describing the lot numbers and area contained more precisely. The first section revises the lot designations and area contained in each lot, which are subjects of the land exchange between GovGuam and the Hambleys.

APR 06 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 389 (COR)

Introduced by:

F. R. Santos

AN ACT TO AMEND SECTION 1 OF PUBLIC
LAW 18-35 AUTHORIZING THE GOVERNOR OF
GUAM TO EXCHANGE GOVERNMENT OF GUAM
REAL PROPERTY OWNED BY MR. AND MRS.
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