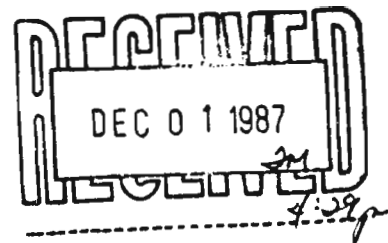




Territory of Guam
OFFICE OF THE GOVERNOR
AGANA, GUAM 96910
U.S.A.



DEC 1 1987

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

Dear Mr. Speaker:

I am transmitting Bill No. 41 (LS) which I have signed into Public Law 19-13 today with one modification through item veto.

The primary purpose of Bill No. 41 is to allow this government to participate in the efforts by Guma Mami, Inc. to provide badly-needed housing to shelter mentally retarded or physically handicapped adults. We understand that Guma Mami is in the process of applying for federal financial assistance for the purpose of constructing homes for its clientele and the conveyance of the property in Mangilao will greatly assist Guma Mami in its efforts.

I have reduced the appropriation in Section 7 from \$100,000 to \$77,000 for overtime pay for the payroll employees of the Department of Administration. In approving the reduced amount, I have instructed the Director of Administration to look hard within its budgetary ceiling to find the necessary funds for this purpose. Additionally, I have directed the Bureau of Budget and Management Research to impound this pool of funds appropriated herein until such time that the revenues to support this appropriation are clearly identified.

There is one provision of Bill No. 41 which I hope the Legislature will take a second look at, that being Section 11 of the bill dealing with liability of officers, directors and employees for corporate gross receipts taxes. This section makes these three categories of employees personally liable for payments of corporate GRT in the same manner as the liability for payments of U.S. withholding taxes to the government. In this case, we are talking about two different types of situations. Withholding taxes are actually a portion of the salaries paid by the corporation held in trust by the corporation for payment to the government. Since it is a trust of money that actually belongs to the employee, the penalties are severe. GRT is not a trust of other people's money, it is a tax on corporation income like income tax and, therefore, should not have the same type of penalty.

This one section also holds employees liable for actions of their directors and officers, although they might not be in a position to influence the action of their superiors. This unfairly burdens the employee with the consequences of actions taken over which they have no control. The same could hold true for officers and directors who are not in a position to know of, or have influence over actions which makes them liable. I strongly feel that this section needs to be written with tighter and more specific language.

002610

Speaker Quitugua
12/1/87

Section 3 of the bill as it applies to restraints on alienation of fee titles is unconstitutional. It is doubtful that Section 3 was intended to restrain transfers of fee interests, however, as written it could be interpreted as an attempt to do so. Therefore, we strongly urge the Legislature to clarify Section 3 as applicable to interests less than fee.

The following change is the only one made to Bill No. 41 through item veto:

On page 3, line 23, the amount (\$100,000) has been reduced to seventy-seven thousand dollars (\$77,000).

Thank you for your understanding and concern for the people of this Territory.

Sincerely,



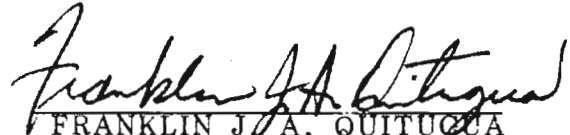
FRANK F. BLAS
Acting Governor
190401

Ricard Segal
12/1/87
8:30am
A.C.


NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

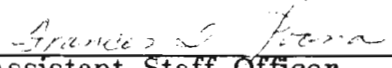
This is to certify that Substitute Bill No. 41 (LS), "AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO TRANSFER TITLE OF CERTAIN GOVERNMENT OF GUAM REAL PROPERTY TO THE GUMA MAMI, INC. FOR THE PURPOSE OF PROVIDING SHELTER FOR MENTALLY RETARDED OR PHYSICALLY HANDICAPPED ADULTS AND FOR OTHER PURPOSES", was on the 18th day of November, 1987, duly and regularly passed.


FRANKLIN J. A. QUITUCCA
Speaker


Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of November, 1987,
at 7:45 o'clock A.m.



Assistant Staff Officer
Governor's Office

APPROVED:


FRANK F. BLAS, Acting
Governor of Guam

Date: December 1, 1987

Public Law No. 19-13

*with the exception
noted in the
accompanying letter
of transmittal.*


1 (c) Section 27 and Section 28 of P. L. 18-32 are repealed.

2 (d) The provisions of this Section shall not apply to any person
3 occupying the position of Vice-President of Guam Community College
4 pursuant to the provisions of Section 5 of P. L. 18-12, and who is
5 continuing to occupy that position on the effective date of this
6 Section. The provisions of this Section shall apply to any vacancy in
7 the position of Vice-President of Guam Community College which was
8 renamed pursuant to Section 4 of P. L. 18-12 occurring after the
9 effective date of this Section, and shall apply to any person filling
10 such vacancy after the effective date of this Section.

11 Section 6. New §§2117 and 2117.1 are added to 12 GCA Chapter 2 to
12 read:

13 "§2117. Rules and Regulations. The corporation shall review and
14 revise its existing standard operating procedures and create rules and
15 regulations for the Corporation regarding loans, qualifying certificates
16 and all other functions and operations of the Corporation according to
17 provisions of the Administrative Adjudication Act. The Corporation
18 shall complete this process within one year from the enactment of this
19 provision into law.

20 §2117.1. Amendments. Any subsequent change in the rules and
21 regulations shall be made in accordance with provisions of the
22 Administrative Adjudication Act."

23 Section 7. The sum of ^{SEVENTY-SEVEN Thousand Dollars ✓} ~~One Hundred Thousand Dollars~~ ^{# 77,000 ✓} ~~(\$100,000)~~ is
24 hereby appropriated from the General Fund to the Department of
25 Administration for the purpose of overtime compensation to Payroll Division
26 employees.

27 Section 8. Subsection (a) of Section 19001 of the Government Code,
28 added in Section 16 of Chapter XI of Public Law 19-10, is amended to read:

29 "(a) Repayment may be made over a period of sixty (60) months
30 or less. The Director shall use his discretion in determining the
31 length of time for repayment."

32 Section 9. The second paragraph of Section 19002 of the Government
33 Code, added in Section 17 of Chapter XI of Public Law 19-10, and the first
34 paragraph of Section 19547 of the Government Code, added in Section 21 of

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 41 (LS)
Substitute
Committee on Rules

Introduced by:

P. C. Lujan
T. S. Nelson
J. F. Quan

AN ACT TO AUTHORIZE THE GOVERNOR OF
GUAM TO TRANSFER TITLE OF CERTAIN
GOVERNMENT OF GUAM REAL PROPERTY TO
THE GUMA MAMI, INC. FOR THE PURPOSE
OF PROVIDING SHELTER FOR MENTALLY
RETARDED OR PHYSICALLY HANDICAPPED
ADULTS 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 transfer title of Lot
3 Nos. 14, 15, and 16, Block No. 3, Tract 139, Maga, Mangilao, Municipality
4 of Barrigada, Guam, containing an area of 1,237.99 square meters, 1,242.33
5 square meters, and 1,247.37 square meters, respectively, as shown on Land
6 Management Drawing No. 11-65-B405, to the Guma Mami Inc. for the
7 construction of housing to shelter mentally retarded or physically
8 handicapped adults. Said transfer shall provide that if, after five (5)
9 years of the transfer, any of the real property transferred shall not be
10 used and maintained for the aforesaid purpose, or if any of the real
11 property shall cease to be used and maintained for such purpose, or if any
12 part shall be used for any other purpose inconsistent with providing shelter
13 for mentally retarded or physically handicapped adults, then all rights, title
14 and interest in and to the property and improvements thereof shall revert
15 to and re-vest in the Government of Guam.
16 Section 2. A new Section 13009 is added to the Government Code to
17 read:
18 "§13009. Conveyance of a life estate regarding government-owned
19 real property; prohibition. Notwithstanding any other provision of

1 law, government-owned real property shall not be conveyed directly or
2 indirectly in the form of a life estate. The transfer of any future life
3 estate of government-owned real property shall be deemed void and
4 such interest of the transaction shall automatically revert to the
5 government of Guam."

6 Section 3. A new Section 13924.1 is added to the Government Code of
7 Guam to read:

8 "\$13924.1. Selling of vested interest in government real-property
9 to a third party. (a) Notwithstanding any other provision of law, no
10 person, firm or corporation who possesses a vested interest in
11 government real property as a result of a particular transfer,
12 transaction, lease, rent, land use permit or temporary use duly
13 authorized by the government of Guam may convey such interest to a
14 third party not stated in the authorized agreement.

15 (b) Any transfer contrary to this Section shall be deemed null
16 and void unless approved by a specific statute approving the specific
17 transaction.

18 (c) Any interest obtained by any person, firm or corporation in
19 violation of this Section shall automatically revert to the government of
20 Guam."

21 Section 4. Unexpended funds from the appropriation of Two Hundred
22 Fifty Thousand Dollars (\$250,000) made to the Department of Law and
23 carried over to Fiscal Year 1988 pursuant to Section 98 of Public Law 19-5
24 may be expended by the Attorney General for personnel services and
25 operating expenses for any division in the Department of Law.

26 Section 5. (a) Subsection (c) of 17 GCA §31113, added in Section 4
27 of P. L. 18-12, is amended to read:

28 "(c) The title of the classified position of Deputy Provost
29 established by P. L. 17-27, Section 3, shall be Vice-President."

30 (b) Subsection (d) of 17 GCA §31113, added in Section 26 of
31 P. L. 18-32, is repealed and reenacted to read:

32 "(d) The Vice-President shall be compensated according to
33 a salary schedule set by the Board of Trustees."

1 Chapter XI of Public Law 19-10, are amended by adding at the end thereof
2 the following:

3 "Notwithstanding any other provision of law, no such hearing
4 shall be public unless requested by the taxpayer, provided that any
5 appeal through the courts shall be public."

6 Section 10. Section 19546 of the Government Code, added in Section
7 20 of Chapter XI of Public Law 19-10, is amended to read:

8 "Section 19546. Statute of Limitations for collections. The
9 statute of limitations for collections of unpaid taxes due on gross
10 receipts tax returns shall be seven (7) years after the return is filed.
11 For amendment, correction, adjustment, challenge, determination of
12 correctness of the amount of taxes paid, or audit of income reported
13 and the correctness of the amount of tax liability shown on the gross
14 receipts tax returns, the statute of limitations shall be three (3) years
15 after filing and payment of taxes due. There shall be no statute of
16 limitations on unfiled gross receipts tax returns or on the collection of
17 taxes on revenues not shown or reported on Gross Receipts Tax
18 Returns."

19 Section 11. Section 19548 of the Government Code, added in Section
20 24 of Chapter XI of Public Law 19-10, is amended to read:

21 "Section 19548. Liability of officers, directors and employees for
22 corporate gross receipts taxes. In the case of a corporation, the
23 officers, directors, and employees thereof, the liability of such
24 directors, officers and employees of the corporation for unpaid gross
25 receipts taxes payable by the corporation shall be the same as the
26 liability for directors, officers, and employees of a corporation for
27 unpaid U. S. wage withholding tax, as indicated in the Internal
28 Revenue Code of the United States."



Seventeenth Guam Legislature

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

Bill No. 41

SENATOR F. R. SANTOS

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. 41 be reported out to the legislature with following votes:

To do pass	<u>5</u>
To do not pass	<u>0</u>
Abstain	<u>0</u>
Off-Island	<u>0</u>
To report out	<u>0</u>

Sincerely,

F. R. Santos

Attachments



Nineteenth Guam Legislature

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

BILL NO. 41

VOTE SHEET

<u>MEMBERS</u>	<u>TO DO PASS</u>	<u>TO NOT PASS</u>	<u>ABSTAIN</u>	<u>OFF ISLAND</u>	<u>TO REPORT C</u>
<i>[Signature]</i> MR. FRANK R. SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. PILAR LUJAN -CHAIRPERSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. TED S. NELSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. JOE T. SAN AGUSTIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>off island</i> MR. ELIZABETH J. ARRIOLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. HERMINIA DIERKING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. PEDRO SANCHEZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. JIM MILES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. MARCHA RUTH	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i> MR. ERNESTO ESPALDON	<input 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. 41: An Act to authorize the Governor of Guam to transfer certain Government of Guam real property to Guma Mami, Inc., for the purpose of providing shelter for mentally retarded or physically handicapped adults.

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

PURPOSE

Bill No. 41: This bill had three purposes:

(1) To authorize a land exchange between Government of Guam with those private land owners whose properties were within the planned Judicial Building Site; where the owners were unwilling to accept government land in exchange, it provided for direct condemnation for the promulgation of rules and regulations by the office of the Attorney General, for an offset against purchase price or appraised value by obligations owed the Government of Guam by the private land owners, and for the imposition of tax liability on fractional lot owners with land in the proposed site.

(2) To authorize the transfer of government land to Guma Mami, giving this non-profit organization a fee simple determinable, i.e. should Guma Mami use the property for a purpose other than what was intended in the original legislation, title would revert to the Government of Guam.

(3) To authorize the transfer of government of Guam property in Agana to the Guam Association of Retired Persons, Inc. for the purpose of constructing a clubhouse for the GARP, Inc. The interest transferred would be a fee simple determinable, with a reversionary clause, should the property cease to be used for the purpose originally intended.

COMMITTEE ACTION/RECOMMENDATION:

BILL NO. 41: Only Section 2 of the original bill is retained. That section deals with the transfer of land to the Guma Mami with a reversionary clause.

Section 1, dealing with Judicial Building and treatment of land owners with property adjoining the proposed Judicial Building Center site, is deleted and incorporated in Bill 407.

Section 3, is deleted and incorporated into Bill 389, the Hambley land exchange, because both call for amendments or repeal and reenactment of P.L. 18-35.

NINETEENTH GUAM LEGISLATURE
1987 (First) Regular Session

Bill No. 41

Introduced by:

Pilar C. Lujan

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM
TO TRANSFER TITLE OF CERTAIN GOVERNMENT
OF GUAM REAL PROPERTY TO THE GUMA MAMI,
INC. FOR THE PURPOSE OF PROVIDING SHELTER
FOR MENTALLY RETARDED OR PHYSICALLY HAN-
DICAPPED ADULTS.

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

2 Section 1. The Governor of Guam is authorized to transfer
3 title of Lot Nos. 14, 15, and 16, Block No. 3, Tract 139, Maga,
4 Mangilao, Municipality of Barrigada, Guam, containing an area
5 of 1,237.99 square meters, 1,242.33 square meters, and 1,247.37
6 square meters, respectively, as shown on Land Management
7 Drawing No. 11-65-B405, to the Guma Mami Inc. for the construc-
8 tion of housing to shelter mentally retarded or physically han-
9 dicapped adults. Said transfer shall provide that if any of the
10 real property transferred shall not be used and maintained for
11 the aforesaid purpose, or if any of the real property shall
12 cease to be used and maintained for such purpose, or if any
13 part shall be used for any other purpose inconsistent with
14 providing shelter for mentally retarded or physically handicapped
15 adults, then all rights, title and interest in and to the
16 property and improvements thereof shall revert to and re-vest
17 in the Government of Guam.

18

19

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 129, 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.

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 13625.1 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 PROPERTY 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.

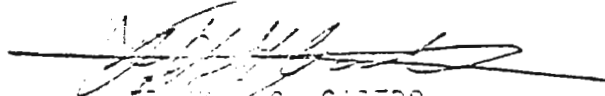
Section 13970, Title XIV, Chapter XII of the Government Code of Guam mandated that all government real properties must be surveyed, mapped and registered for the acquisition of titles. Therefore, as there remains a considerable percentage of the government-owned lands still pending such necessary actions, 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 G. CASTRO
Acting Director

TRACT/LOT NUMBER
OR OTHER
IDENTIFICATION

LAND
LOCATION

AREA IN
ACRES

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	213
Lot P31.1 (PART)	Agat	126
Lot No. 414	Talofofa	301
Lot No. 416	Talofofa	313
Lot No. 516	Merizo	46
Parcel No. 1	Merizo	137
Parcel No. 2	Merizo	1,143
Parcel No. 3	Merizo	111
Parcel No. 4	Merizo	111
Parcel No. 5	Merizo	111
Parcel No. 6	Merizo	111
Parcel No. 7	Merizo	111
Parcel No. 8	Merizo	111
Parcel No. 9	Merizo	111
Parcel No. 10	Merizo	111
Parcel No. 11	Merizo	111
Parcel No. 12	Merizo	111
Parcel No. 13	Merizo	111
Parcel No. 14	Merizo	111
Parcel No. 15	Merizo	111
Parcel No. 16	Merizo	111
Parcel No. 17	Merizo	111
Parcel No. 18	Merizo	111
Parcel No. 19	Merizo	111
Parcel No. 20	Merizo	111
Parcel No. 21	Merizo	111
Parcel No. 22	Merizo	111
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Parcel No. 26	Merizo	111
Parcel No. 27	Merizo	111
Parcel No. 28	Merizo	111
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Parcel No. 30	Merizo	111
Parcel No. 31	Merizo	111
Parcel No. 32	Merizo	111
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Parcel No. 34	Merizo	111
Parcel No. 35	Merizo	111
Parcel No. 36	Merizo	111
Parcel No. 37	Merizo	111
Parcel No. 38	Merizo	111
Parcel No. 39	Merizo	111
Parcel No. 40	Merizo	111
Parcel No. 41	Merizo	111
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Parcel No. 91	Merizo	111
Parcel No. 92	Merizo	111
Parcel No. 93	Merizo	111
Parcel No. 94	Merizo	111
Parcel No. 95	Merizo	111
Parcel No. 96	Merizo	111
Parcel No. 97	Merizo	111
Parcel No. 98	Merizo	111
Parcel No. 99	Merizo	111
Parcel No. 100	Merizo	111

A.J. SONNY SHELTON
SENATOR
CHAIRMAN, COMMITTEE ON RULES



19TH GUAM LEGISLATURE

P.O. BOX CB-1 AGANA, GUAM 96910 TELEPHONE:(671)472-3408,472-3409

Vice-Chairman
COMMITTEE ON ENERGY, UTILITIES
AND CONSUMER PROTECTION
Member
COMMITTEE ON EDUCATION
COMMITTEE ON TOURISM,
TRANSPORTATION AND COMMUNICATION
COMMITTEE ON ECONOMIC
DEVELOPMENT AND BANKING
COMMITTEE ON FEDERAL, FOREIGN
AND LEGAL AFFAIRS

July 7, 1987

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


Dear Mr. Speaker:

The Committee on Rules at its Rules Meeting on Monday, July 6, 1987, approved the placement of Bill No. 41 on the Second Reading File; and hereby transmits to the full Legislature Bill No. 41 as Passed by the Committee on Housing & Community Development and further Substituted by the Committee on Rules.

The Committee voting record for passage of Substitute Bill No. 41 is as follows:

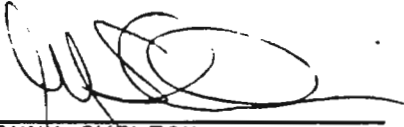
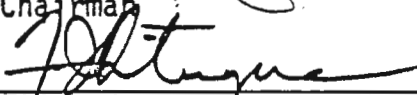

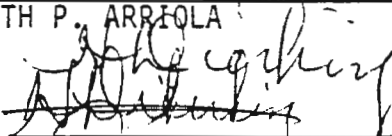


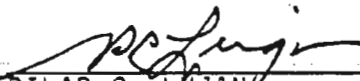
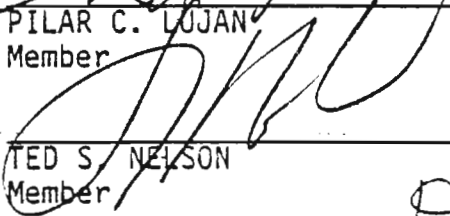

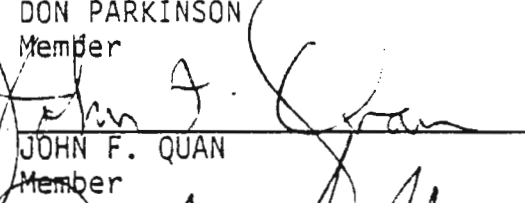
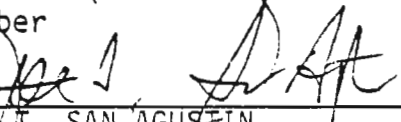
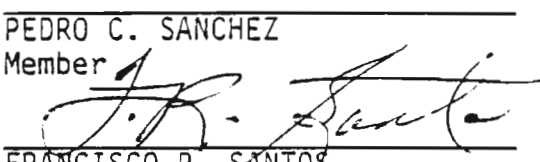
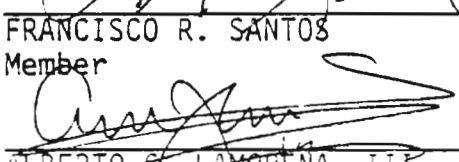
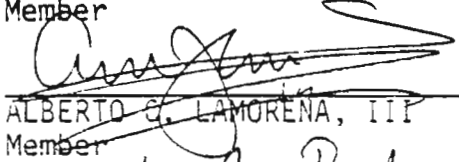

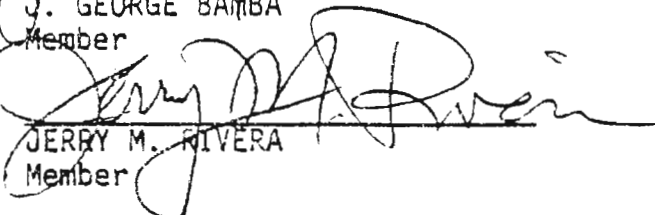
TO DO PASS	<u>14</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>1</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
ABSENT	<u>1</u>

A copy of the report and all other pertinent documents are attached for your information.


A. J. SONNY SHELTON
Chairman

Attachments

VOTING SHEET on Bill 41 as Passed by the Committee on Housing & Community Development and further Substituted by the Committee on Rules on July 6, 1987.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 A. J. SONNY SHELTON Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FRANKLIN J.A. QUITUGUA Speaker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ELIZABETH P. ARRIOLA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 HERMINIA D. DIERKING Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FRANKLIN J. GUTIERREZ Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 MARCIA K. HARTSOCK Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 PILAR C. LOJAN Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TED S. NELSON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 DON PARKINSON Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN F. QUAN Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOE T. SAN AGUSTIN Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 PEDRO C. SANCHEZ Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 FRANCISCO R. SANTOS Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ALBERTO C. LAMORENA, III Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 J. GEORGE BAMBA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JERRY M. RIVERA Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

COMMITTEE REPORT
COMMITTEE ON RULES
ON BILL NO. 41

AN ACT TO AUTHORIZE THE GOVERNOR OF GUAM TO TRANSFER TITLE OF CERTAIN GOVERNMENT OF GUAM REAL PROPERTY TO THE GUMA MAMI, INC. FOR THE PURPOSE OF PROVIDING SHELTER FOR MENTALLY RETARDED OR PHYSICALLY HANDICAPPED ADULTS.

The Committee on Rules met at 2:00 p.m. on Monday, July 6, 1987, and a motion was made to place Bill No. 41 on the Second Reading File for session agenda. During the discussion of Bill No. 41, a substitute version was made adding a new Section 2 and a new Section 3 to the bill as follows:

1. Section 2 added to the bill adds a new Section 13009 to the Government Code indicating that the conveyance of a life estate in real property belonging to the government of Guam is prohibited and that the transfer of such life estate is deemed null and void and shall automatically revert to the government of Guam.

2. The new Section 3 added to the bill adds a new Section 13924.1 to the Government Code indicating that a party who obtains a vested interest in real property owned by the government may not transfer such real property to a third person unless that transaction to a third person is specifically authorized in the authorizing agreement. Transactions in violation of this prohibition are void unless a specific statute approving this specific transaction authorizes them and interests obtained in violation of this section automatically revert to the government of Guam.

After adoption of the two sections above-described, the Sections were incorporated into a Substitute Bill No. 41 by the Committee on Rules and placed on the Second Reading File on the Session Agenda.

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 41

DATE: 11/18/87

Res. No. _____

QUESTION: Message

SENATOR	AYE	NAY	NOT VOTING	ABSENT
<u>E. P. Arriola</u>	✓			
<u>J. G. Bamba</u>	✓			
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u>	✓			
<u>E. M. Espaldon</u>				✓
<u>F. J. Gutierrez</u>	✓			
<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>	✓			

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19

2

JUN 15 '87

NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 41

Introduced by:

PILAR C. LUJAN *P. Lujan*

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.

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

2 Section 1. Section 13525.1 of the Government Code, as enacted
3 pursuant to Public Law 17-82, is repealed and reenacted to read:

4 "Section 13525.1 (a) Exchange of land in lieu of cash payment.
5 With the approval of the Governor, the Legislature and the owner
6 thereof, the Director of Land Management may, for a period to expire
7 July 1, 1987, exchange government-owned land which has been
8 designated for development or agricultural usage as identified in the
9 Guam Public Land Use Plan and is not otherwise needed for a public
10 purpose for privately owned land of equal value located within the
11 boundaries of O'Brien Drive, Route No. 7, Esperanza Street and the
12 government property currently occupied by the Superior Court of
13 Guam which is required for the public purpose of erecting a judicial
14 building and attendant facilities.

15 (b) If owners of privately owned lands within the area described
16 in Subsection (a) of this Section do not agree to exchange their land
17 for government land of equal value, the Governor shall take their
18 property in accordance with Title V of Part III of the Code of Civil
19 Procedure. For the purposes of this Section 13525.1 only, the
20 estimated compensation required to be deposited with the court
21 pursuant to Section 1241 of the Code of Civil Procedure, or any part

1 thereof, may be in the form of a Deed of Exchange. The Deed of
2 Exchange shall exchange the property taken for government property
3 of a stated appraised value and shall be effective only upon approval
4 of the Legislature. Upon application of the parties in interest, the
5 Deed of Exchange may be delivered by the court. The delivery by
6 the court shall constitute a complete transfer and acceptance of all
7 interests contained in the deed. The parties in interest shall execute
8 their property transfer in the Deed of Exchange before delivery is
9 complete. Interest on the value of the property shall accrue in the
10 same manner as if the deposit in the court of the estimated
11 compensation were in money.

12 (c) The Attorney General shall formulate such rules, regulations
13 and procedures as are necessary to effectuate the aims and intent of
14 this section, and no exchange of land shall be consummated until the
15 regulations and procedures hereby authorized shall have been adopted
16 and promulgated pursuant to the provisions of the Administrative
17 Adjudication Law. Such regulations and procedures shall include,
18 among others, a provision that a public hearing on the proposed
19 exchange of land be conducted by the Director, notice of which shall
20 be published in a newspaper of general circulation in Guam at least ten
21 (10) days before the hearing, which notice shall contain a brief
22 description of the proposed exchange, including the purpose or
23 purposes for which the private land is to be acquired.

24 (d) Obligations due the government of Guam by owners of
25 property within the boundaries described in Subsection (a) of this
26 Section may be wholly or partially offset in an amount equal to the
27 value of such land exchanged. Such obligations may include real
28 estate tax liability, gross receipt tax liability, interest due the
29 government of Guam on any of the aforementioned obligations, plus
30 rental or lease of government of Guam land for agricultural or other
31 purposes.

32 (e) Fractional lots within the boundaries of the property
33 described in Subsection (a) of this Section which have not been taxed
34 within the past five years shall be assumed to have a tax obligation to

1 the government of Guam based on current fair market value of the
2 land at the time of the exchange.

3 (f) Any exchange of government-owned land after the effective
4 date of this Subsection in violation of the publication provisions of
5 Subsection (c) of this Section shall be invalid and any deed of
6 exchange executed or recorded under any such violation shall be
7 void."

8 Section 2. The Governor of Guam is authorized to transfer title of Lot
9 Nos. 14, 15 and 16, Block No. 3, Tract 139, Maga, Mangilao, Municipality
10 of Barrigada, Guam, containing an area of 1,237.99 sq. meters, 1,242.33
11 sq. meters and 1,247.37 sq. meters respectively, as shown on drawing no.
12 11-65B405, to the Guma Mami Inc. for the construction of housing to shelter
13 mentally retarded or physically handicapped adults. Said transfer shall
14 provide that if any of the real property transferred shall not be used and
15 maintained for the aforesaid purpose, or if any of the real property shall
16 cease to be used and maintained for such purpose, or if any part shall be
17 used for any other purpose inconsistent with providing shelter for mentally
18 retarded or physically handicapped adults, then all rights, title and
19 interest in and to the property and improvements thereof shall revert to
20 and revert in the government of Guam.

21 Section 3. Notwithstanding any other provision of law, the Governor
22 of Guam is authorized to convey for One Dollar (\$1.00) to the Guam
23 Association of Retired Persons, Inc., all title and interest of the
24 government of Guam in that parcel of land designated as Lot No. 1507-3, in
25 the Municipality of Agana, territory of Guam, with an area of 5,348⁺ square
26 meters, for the purpose of constructing a clubhouse for the Guam
27 Association of Retired Persons, Inc.; provided that in the event that the
28 Guam Association of Retired Persons, Inc. does not start constructing a
29 clubhouse within five (5) years from the date of conveyance of the subject
30 property, then Lot No. 1507-3 shall revert back to the government of
31 Guam; and further provided that if at any time the said property is no
32 longer being used for a clubhouse for the Guam Association of Retired
33 Persons, Inc., the property shall revert back to the government of Guam.

1 These covenants shall be contained in any Deed issued by the government
2 of Guam to the Guam Association of Retired Persons, Inc.