



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
L FISINAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A

1/17/89

DEC 20 1988

The Honorable Franklin J.A. Quitugua
Speaker, 19th Guam Legislature
163 Chalan Santo Papa
PO Box CB-1
Agana, GU 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1045, which has been designated as Public Law 19-34.

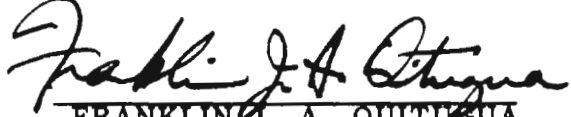
Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1045, "AN ACT MAKING APPROPRIATIONS FOR SEWER AND WATER LINES, FOR COMPUTERS AT THE UNIVERSITY OF GUAM, FOR THE GUAM COASTAL MANAGEMENT PROGRAM, FOR CERTAIN PERSONNEL AT THE PUBLIC UTILITY AGENCY OF GUAM, FOR REFURBISHING TENNIS COURTS, FOR THE PURCHASE OF BUSES AND AMBULANCES, FOR LEGISLATIVE EXPENDITURES, FOR A LEGISLATIVE AUDIT, FOR THE MERIZO CEMETERY, FOR THE GUAM MASS TRANSIT AUTHORITY, FOR AGAT UTILITIES, FOR A COMMUNITY CENTER IN CHALAN PAGO-ORDOT, FOR THE PUBLIC DEFENDER, FOR DESIGNING A SEWER LINE IN AGAT, FOR SUPPLEMENTAL RETIREMENT PURPOSES, FOR CHILDREN AND YOUTH, AUTHORIZING THE LEASE OF THE CUSHING ZOO, AND THE LEASE FOR A MUNICIPAL GOLF COURSE, AN INCREASE IN HOUSING LOANS, CERTAIN LAND SALES AND EXCHANGES, THE PROBATE ADMINISTRATION OF LAND CLAIMS, CHANGING THE DIVORCE LAWS, AUTHORIZING A HELICOPTER, CHANGING GUN REGISTRATION LAWS, INCREASING SALARIES IN EXECUTIVE, LEGISLATIVE AND JUDICIAL POSITIONS, AND FOR OTHER PURPOSES," returned to the Legislature without the approval of the Governor was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 19th day of December, 1988, agree to pass said bill notwithstanding the objections of the Governor by a vote of two-thirds of all members thereof, to wit: by a vote of sixteen (16) members.


FRANKLIN J. A. QUITUGUA
Speaker

Attested:


A. J. SONNY SHELTON
Senator and Acting Legislative Secretary

This Act was received by the Governor this 19 day of Dec, 1988,
at 10:15 o'clock p.m.


Assistant Staff Officer
Governor's Office

Public Law No. 19-34

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 1045 (LS)
As substituted by the
Committee on Rules

Introduced by:

J. T. San Agustin
H. D. Dierking
T. S. Nelson

E. P. Arriola
M. Z. Bordallo
F. J. Gutierrez
M. K. Hartsock
P. C. Lujan
D. Parkinson
F. J. A. Quitugua
F. R. Santos
A. J. Shelton
J. G. Bamba
E. M. Espaldon
M. D. A. Manibusan
J. G. Miles
J. M. Rivera
M. C. Ruth

AN ACT MAKING APPROPRIATIONS FOR SEWER AND WATER LINES, FOR COMPUTERS AT THE UNIVERSITY OF GUAM, FOR THE GUAM COASTAL MANAGEMENT PROGRAM, FOR CERTAIN PERSONNEL AT THE PUBLIC UTILITY AGENCY OF GUAM, FOR REFURBISHING TENNIS COURTS, FOR THE PURCHASE OF BUSES AND AMBULANCES, FOR LEGISLATIVE EXPENDITURES, FOR A LEGISLATIVE AUDIT, FOR THE MERIZO CEMETERY, FOR THE GUAM MASS TRANSIT AUTHORITY, FOR AGAT UTILITIES, FOR A COMMUNITY CENTER IN CHALAN PAGO-ORDOT, FOR THE PUBLIC DEFENDER, FOR DESIGNING A SEWER LINE IN AGAT, FOR SUPPLEMENTAL RETIREMENT PURPOSES, FOR CHILDREN AND YOUTH, AUTHORIZING THE LEASE OF THE CUSHING ZOO, AND THE LEASE FOR A MUNICIPAL GOLF COURSE, AN INCREASE IN HOUSING LOANS, CERTAIN LAND SALES AND EXCHANGES, THE PROBATE ADMINISTRATION OF LAND CLAIMS, CHANGING THE DIVORCE LAWS, AUTHORIZING A HELICOPTER, CHANGING GUN REGISTRATION LAWS, INCREASING SALARIES IN EXECUTIVE, LEGISLATIVE AND JUDICIAL POSITIONS, AND FOR OTHER PURPOSES.

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

2 Section 1. Machanao utilities. The following sums are hereby
3 appropriated from the General Fund to the Public Utility Agency of Guam
4 for the following projects in the district of Machanao, municipality of
5 Dededo:

6 Project:	7 Appropriation:
8 Construction of sewer line to comply 9 with Section 25, Public Law 19-19	\$640,000;
10 Upgrade of water lines	\$1,460,000.

11 Section 2. Computers. Two Hundred Thousand Dollars (\$200,000) are
12 appropriated from the General Fund to the University of Guam to purchase
13 computer hardware and software for instructional purposes in the College of
14 Business and Public Administration.

15 Section 3. Positions at PUAG. Notwithstanding any laws, rules or
16 regulations to the contrary, the Public Utility Agency of Guam is authorized
17 to fill twenty-four (24) new employment positions in the Water and Sewer
18 Divisions, which positions were created by Public Law 19-14. Five Hundred
19 Seventy-five Thousand Dollars (\$575,000) are appropriated from the General
20 Fund to the Public Utility Agency of Guam to implement this section.

21 Section 4. Disallowed costs. Twenty-four Thousand Two Hundred
22 Eight Dollars (\$24,208) are appropriated from the General Fund to the
23 Bureau of Planning to pay Federal disallowed costs under the Guam Coastal
24 Management Program.

25 Section 5. Section 23 of Public Law 18-48 is amended to read:
26 "Section 23. The sum of Forty Thousand Dollars (\$40,000) is
27 appropriated from the General Fund to the Department of Parks and
28 Recreation for the purpose of resurfacing the tennis courts located in
29 Agana and Tamuning. The sum of Five Thousand Dollars (\$5,000) is
30 hereby appropriated to refurbish the tennis courts in Agana Heights."

31 Section 6. Buses. Four Hundred Eighty Thousand Dollars (\$480,000)
32 are appropriated from the Tourist Attraction Fund to the Guam Mass Transit
33 Authority to purchase eight (8) buses for use in the public mass transit
34 system.

35 Section 7. Ambulances. Three Hundred Thousand Dollars (\$300,000)
36 are appropriated from the General Fund to the Guam Fire Department to
purchase five (5) ambulances.

1 Section 8. Condition of public vehicles. On or before February 1,
2 1989, the Department of Public Works shall submit its written report to the
3 Legislature on the condition of the ambulances, fire trucks, patrol vehicles
4 and other emergency vehicles of the government of Guam, such report to
5 include the number of such vehicles by class, the number, by class, that
6 are inoperable, and the estimated cost of making such vehicles operable.
7 The Guam Police and Fire Departments shall fully cooperate with the
8 Department of Public Works in the preparation of such report.

9 Section 9. Contracts to purchase by July 1, 1989. The
10 appropriations made in sections 2, 6 and 7 of this Act for the purchase of
11 computers, buses and ambulances, respectively, shall lapse as of July 1,
12 1989 for each such item to be so purchased for which no purchase contract
13 has been executed, and each such lapsed appropriation, or part thereof,
14 shall revert to the General Fund as of such date.

15 Section 10. Legislative expenditures. One Million Nine Hundred
16 Thirty-Three Thousand Five Hundred Dollars (\$1,933,500) are appropriated
17 from the General Fund to the Legislative Operations Fund for reimbursement
18 of state funeral expenses, lump sum payments of annual leave for calendar
19 years 1987-1988, office rental, renovation and repair expenses, and the
20 purchase of equipment for calendar year 1989. All unencumbered prior
21 appropriations to the Legislative Operations Fund shall be carried over to
22 and continue in Calendar Year 1989 for use by the Legislature.

23 Section 11. Legislative Audit. Three Hundred Eighty-Three Thousand
24 Dollars (\$383,000) are appropriated from the General Fund to the Committee
25 on Ways and Means of the Legislature to accomplish the purposes set out in
26 Section 11101 of Title 2 of the Guam Code Annotated and other related fiscal
27 monitoring activities.

28 Section 12. Merizo Public Cemetery. One Hundred Twenty-Five
29 Thousand Eight Hundred Eighty Dollars (\$125,880) are hereby appropriated
30 from the General Fund to the Department of Land Management (the
31 "Department") for the Merizo Public Cemetery, in accordance with the
32 provisions of Public Law 16-17. The balance of the appropriation made in
33 Section 20 of Public Law 19-19 is transferred to the Department and the
34 appropriations made in this section and in said Section 20 of Public Law
35 19-19, totaling Two Hundred Twenty-Five Thousand Eight Hundred Eighty
36 Dollars (\$225,880), shall be used by the Department for the purchase of Lot

1 No. 141, municipality of Merizo, to provide access and parking for such
2 Cemetery.

3 Section 13. Expenses of Guam Mass Transit Authority. One Hundred
4 Sixteen Thousand Thirty-Four Dollars (\$116,034) are hereby appropriated
5 from the General Fund to the Guam Mass Transit Authority for its
6 administrative and operational expenses for the period January 1, to March
7 31, 1989. All funds appropriated hereunder which are unexpended as of
8 March 31, 1989 shall revert to the General Fund. Upon receipt of any
9 Federal funding during the period covered by the appropriation contained
10 in this section, the amount of appropriation from the General Fund shall be
11 correspondingly reduced by such amount of Federal funding. The Director
12 of Budget and Management Research shall enforce the provisions of this
13 section on Federal funding.

14 Section 14. Lease of Cushing Zoo. The Governor is authorized to
15 execute a lease to James W. Cushing of a portion of Lot 5133-1, Tumon,
16 Dededo, Guam, for use as a zoo, botanical garden and marine exhibit under
17 the following terms and conditions: One Thousand Dollars (\$1,000) per
18 month rent, 20-year term, and maximum area of two thousand (2,000)
19 square meters.

20 Section 15. Restrooms at Agat. Twenty-Eight Thousand Dollars
21 (\$28,000) are appropriated from the General Fund to the Department of
22 Public Works to construct public toilet facilities at the Agat Roundtable
23 Park.

24 Section 16. Housing loans. §§4202 and 4203 of Title 12, Guam Code
25 Annotated, are repealed and a new §4202 is added thereto to read:

26 "§4202. Loans by the Corporation. The Housing Corporation is
27 authorized to make loans under this Chapter to low and moderate
28 income families for the purchase or construction of their residential
29 homes. All loans made by the Housing Corporation shall be subject to
30 the following limitations:

31 (a) The maximum loan authorized for the purchase or
32 construction of a residential home shall be ninety-seven percent (97%)
33 of the appraised value of the property and improvements.

34 (b) The minimum living areas for residential homes the subject of
35 Housing Corporation loans shall be eight hundred thirty (830) square
36 feet for two (2) bedroom-one-(1) bath homes, one thousand (1,000)

1 square feet for three (3) bedroom-one-(1) bath homes, one thousand
2 two hundred sixty (1,260) square feet for three (3) bedroom-two-(2)
3 bath homes, and one thousand three hundred eighty (1,380) square
4 feet for four (4) bedroom-two-(2) bath homes."

5 Section 17. Land Exchange. Notwithstanding any other provision of
6 law, the Governor may exchange Lot No. 131 Rev., Unit 1, Dededo, Guam,
7 containing an area of $\pm 2,065$ square meters (the "Government Property")
8 with Lots No. 2014-1, 2014-2, 2014-3 and 2014-R3, Dededo, Guam,
9 containing an aggregate area of $\pm 2,103$ square meters (the "Private
10 Property") subject to the following conditions:

11 (a) The owner of the Private Property shall demolish the existing
12 structures thereon;

13 (b) Public access to the beach adjacent to the Government Property
14 shall not be blocked or impeded;

15 (c) The owner of the Private Property shall develop a beach park
16 thereon, as coordinated with the Department of Parks and Recreation;

17 (d) No exchange shall occur until the Private Property is owned by
18 one entity.

19 The Director of Land Management and the Attorney General shall take
20 all action necessary to effectuate the foregoing land exchange, and the
21 Governor shall execute the deed of exchange and any other documents
22 necessary thereto. The provisions of Section 3 of Public Law 12-61 do not
23 apply to this land exchange.

24 Section 18. Legislative findings and appropriation for Agat. The
25 Legislature finds that funds previously appropriated for the construction of
26 water lines and fire hydrants in the R. R. Cruz Subdivision in Agat have
27 reverted to the General Fund although the construction of these vital
28 facilities is necessary to maintain public health, sanitation and safety within
29 such subdivision. Accordingly, Two Hundred and Fifty Thousand Dollars
30 (\$250,000) are appropriated from the General Fund to the Public Utility
31 Agency of Guam for the installation of a six-inch (6") water line to replace
32 a two-inch (2") line to carry water into the R. R. Cruz Subdivision in Agat
33 and for the construction of two (2) fire hydrants in such subdivision.

34 Section 19. Community Center in Chalan Pago-Ordot. Three Hundred
35 Thousand Dollars (\$300,000) are appropriated from the General Fund to the
36 Department of Public Works to construct a community center for the

1 municipality of Chalan Pago-Ordot. Such sums as are necessary for the
2 operation of such community center are hereby authorized to be
3 appropriated from the General Fund to the Department of Parks and
4 Recreation.

5 Section 20. Civic Center. Section 1 of Public law 17-84 is amended to
6 read:

7 "Section 1. Notwithstanding any other provisions of law, the
8 government of Guam is authorized to convey for One Dollar (\$1) to the
9 Civic Center of Guam Foundation for the construction of a cultural
10 facility all title and interest of the Government of Guam in that parcel
11 of land designated as Lot No. 87-5-1 in the Municipality of Agana,
12 Territory of Guam as shown in Drawing No. JN062-6-83 5K No. 1413H
13 prepared by the Department of Land Management; provided, that in
14 the event that the Civic Center of Guam Foundation does not construct
15 a cultural facility within ten (10) years from the date of conveyance of
16 the subject property, then Lot No. 87-5-1 shall revert to the
17 government of Guam; and further provided that if at any time the said
18 property is no longer being used for a cultural center, the property
19 shall revert to the government of Guam. These covenants shall be
20 contained in any deed issued by the government of Guam."

21 Section 21. Land Sale in Yona. The Governor is authorized to sell a
22 portion of Lot No. 195, formerly a portion of Tract "I", Tagachan, Yona,
23 Guam, as shown on L.M. Document No. 222-FY 88, containing approximately
24 470 square meters, to abutting landowners, Mr. and Mrs. Jesus S. Leon
25 Guerrero. The sale price of such property shall be its fair market value as
26 determined by the Department of Land Management. The landowners shall
27 pay all survey costs, and the Director of Land Management and the
28 Attorney General shall take all necessary action to effectuate such sale.
29 Section 3 of Public Law 12-61 does not apply to the land sale authorized by
30 this section, which sale is hereby approved by the Legislature.

31 Section 22. Guam Visitors Bureau. Subsection (e) of §9106 of Title
32 12, Guam Code Annotated, is repealed and reenacted to read:

33 "(e) "Neither an elected director nor the twelfth (12th) director
34 shall serve more than two consecutive terms."

35 Section 23. (A) Lease of Land to Municipal Golf Course. The
36 Governor is authorized to lease Lot No. 10122-12, Dededo, Guam, containing

1 an area of approximately 800,800 square meters (the "Property") to Guam
2 Municipal Golf, Inc., a Guam corporation ("Tenant") for a period not to
3 exceed fifty (50) years, pursuant to the general provisions of a commercial
4 lease agreement approved by the Director of Land Management on May 6,
5 1988, but subject to the following additional conditions:

6 (a) That Tenant is qualified to construct and manage a municipal
7 golf facility, and will charge affordable rates and afford adequate
8 access to the facility for residents of Guam; that no current land use
9 permittee shall be displaced as a result of such lease; that no portion
10 of the Property may be used for purposes unrelated to municipal golf;
11 that Tenant shall not sell, mortgage, sublease, assign, encumber,
12 hypothecate, or otherwise transfer its interest in the Property without
13 the prior consent of the Governor and the Legislature. Any attempted
14 alienation of any interest in the Property without such prior consent
15 shall be void.

16 (b) To ensure affordable rates and adequate access to Guam
17 residents, Tenant shall establish a schedule of fees and preferential
18 course reservation periods to reasonably accommodate the demand of
19 Guam residents for golf facilities. Guam resident rates shall be
20 comparable to rates charged in comparable municipal facilities in the
21 mainland United States, while non-resident rates may reflect the
22 demand in the Guam tourist market. Because resident rates and
23 preferential course reservation periods are required as a condition of
24 this lease, Tenant is a public utility, subject to public regulation.

25 (c) Tenant shall not be eligible to receive a qualifying
26 certificate, public program grant, tax holiday, exemption from
27 applicable environmental law, rule or regulation, or any other
28 commercial or tourist development incentive under Guam law or
29 regulations. Tenant is eligible for grants of a training or educational
30 nature.

31 (d) The Attorney General is directed to incorporate conditions
32 (a) through (c) in the final commercial lease agreement between the
33 government of Guam and Tenant in such a manner as to facilitate
34 enforcement thereof. The Governor shall execute all necessary
35 documents to effectuate such lease. Such lease is approved by the
36 Legislature.

1 (B) Public Utility Commission. Subsection (a) of Section 1200 of Title
2 12, Guam Code Annotated, is amended to read as follows:

3 "(a) 'Public Utility' means the Guam Power Authority, the Guam
4 Telephone Authority, the Public Utility Agency of Guam, or any
5 private golf course management corporation leasing public property
6 providing preferential golf course rates and reservations to Guam
7 residents."

8 (C) Regulation. Guam Municipal Golf, Inc., is subject to regulation
9 by the Public Utilities Commission (the "Commission") to review and
10 establish reasonable access, rates and fees for resident users of its
11 golf facilities, and the Commission shall be the investigative and
12 regulatory agent of the government to ensure affordable rates and
13 adequate access to such golf facilities by residents of Guam.

14 Section 24. (A) Land Claims Awards. A new Chapter 49 is added to
15 Title 15 of the Guam Code Annotated to read:

16 "CHAPTER 49

17 Probate Administration of Guam Land Claims Awards

18 §4901. Legislative Findings. Pursuant to Section 1424c of Title
19 48, United States Code, a judgment has been entered in the District
20 Court of Guam, in Civil Action No. C-81-0112 RFP, approving the
21 settlement of numerous claims for compensation in respect to the land
22 acquisitions by the United States of America after World War II.
23 Additional claims under 48 U.S.C. Section 1424c may, in the future,
24 also be settled. There are presently proceeds of settlement in excess
25 of \$42,000,000, with interest, awaiting distribution to approximately
26 5,100 former landowners, the great majority of whom are deceased.
27 The Legislature finds that special amendments to the Probate Code of
28 Guam permitting expeditious administration of compensation awards at a
29 minimum of cost are in the public interest, as such will encourage the
30 prompt release of substantial sums into the economy of the territory.

31 §4902. Scope And Applicability of Chapter. (a) The term "land
32 claims award", as used in this Chapter, shall mean any monetary
33 compensation paid by the United States of America pursuant to 48
34 U.S.C. Section 1424c or a successor statute.

1 (b) Land claims awards are subject to administration in the same
2 manner as is directed in relation to other property, except as
3 expressly provided in this Chapter.

4 (c) This Chapter shall only apply in cases where it is alleged
5 that the sole asset of a decedent's estate subject to administration is a
6 land claims award.

7 §4903. Subsequent Administration of Land Claims Awards.
8 Letters testamentary or of administration, or of administration which
9 the will annexed, shall issue in probate cases in which an estate has
10 been finally settled, for the purpose of administration on a land claims
11 award. The Superior Court shall reopen the original probate
12 proceedings and issue such letters to the persons entitled thereto in
13 the same order and manner as is directed in relation to original letters
14 of administration.

15 §4094. Distribution of Land Claims Awards Directly To Issue of
16 Deceased Heirs. (a) No separate administration on the share of a
17 deceased heir, legatee or devisee in a land claims award shall be
18 necessary; such share shall instead be distributed directly to his heirs
19 at law, provided that the following conditions are met:

20 (1) The petition for letters testamentary or of
21 administration, or administration with the will annexed, or if a
22 personal representative has already been appointed as of the
23 effective date of this Chapter, then the first petition for
24 preliminary or final distribution to be filed after the effective
25 date of this Chapter, shall include the names, addresses,
26 relationships and ages of the heirs at law of each deceased heir;

27 (2) Said petition shall state, as to each deceased heir whose
28 share will be distributed directly, that to the best of the
29 petitioner's knowledge the deceased heir died intestate and that
30 no proceedings for administration upon said heir's estate are
31 pending;

32 (3) Notice of the hearing on said petition shall be given as
33 provided in §4905 of this Title, and said notice shall list the
34 estates of all deceased heirs whose shares will be distributed
35 directly to their heirs at law;

1 (4) Notice of the hearing on said petition shall also be
2 given to the heirs at law of each deceased heir;

3 (5) Notice of the hearing on said petition shall also be
4 given to the creditors of each deceased heir in the manner
5 provided and to the same extent required by §4906 of this Title
6 in relation to awards subject to separate administration; and

7 (6) No party interested in the estate of any deceased heir
8 named in the petition requests administration on the share of the
9 deceased heir in the ordinary course, provided that said request
10 is made in writing and is served upon the petitioner or the Clerk
11 of the Superior Court before the entry of a decree of preliminary
12 or final distribution.

13 (b) In the event a timely request is made for administration
14 in the ordinary course on the share of a deceased heir, by a
15 party interested in said share, or if a valid and timely creditor's
16 claim is filed against the share of any deceased heir, the share
17 shall be distributed to the personal representative of the estate of
18 the deceased heir or, if none has been appointed, deposited in
19 the name of said estate with the Clerk, Superior Court of Guam.

20 (c) The delivery of a land claims award, or any share therein,
21 directly to the heirs at law of a deceased heir, in accordance with a
22 decree of preliminary or final distribution made under the provisions of
23 this section, is a full discharge of the personal representative in
24 relation to the sum so delivered, and when the decree becomes final it
25 binds and concludes all parties in interest with respect to both the
26 decedent's estate and the estate of the deceased heir.

27 §4905. Notices Concerning Administration Of Land Claims Award.

28 (a) Notice of the hearing on a petition for letters testamentary or of
29 administration with the will annexed, or for an order setting aside a
30 land claims award pursuant to §4909 of this Chapter, or for
31 preliminary or final distribution filed under §4904(a)(1) of this
32 Chapter, shall be given by publishing notice of such hearing in a
33 daily newspaper of general circulation in Guam for one (1) day, not
34 more than ten (10) calendar days prior to the date set for such
35 hearing. Notice of the hearing on any of the aforesaid petitions, on

1 any petition for preliminary or final distribution, or on any other
2 petition, application or other paper for which a hearing is required,
3 shall also be given as provided in §3401(b) of this Title, except that
4 such notice shall be served personally or delivered by first class U.S.
5 mail, postage prepaid, not less than thirty (30) calendar days prior to
6 the time set for hearing the petition. Registered or certified mailing
7 of said notice shall not be required. The aforesaid notices shall
8 contain the name of the estate, the name of each deceased heir's estate
9 if direct distribution is requested, the name of the petitioner,
10 applicant or moving party, the nature of the petition, application or
11 paper (referring to the petition, application, or paper for further
12 particulars), and shall state the time and place at which the petition,
13 application or other paper will be heard.

14 (b) Proof of the giving of notice, as provided in this section,
15 must be made at the hearing; and if it appears to the satisfaction of
16 the Superior Court that said notice has been regularly given, the
17 Superior Court shall so find in its order, and such order, when it
18 becomes final, shall be conclusive upon all persons.

19 (c) The inability of a petitioner or personal representative to
20 deliver or mail notice of a petition for letters or for a decree of
21 preliminary or final distribution to each person entitled to such notice
22 shall not preclude the issuance of letters or entry of a decree of
23 preliminary or final distribution, if the Superior Court determines that
24 notice cannot with due diligence be given for lack of information
25 concerning the identity, location or mailing address of every person
26 entitled to notice.

27 (d) Notice required to be given to a minor or incompetent person
28 who has no legal guardian may be given as provided in the preceding
29 subsection (a) to such minor or incompetent person in care of a parent
30 or, if none, then in care of any person of legal age with whom the
31 minor or incompetent person resides. An award, or share therein,
32 distributed to minor or incompetent person who has no legal guardian
33 shall be delivered as provided in §3023 of this Title.

34 §4906. Notice, etc. of Claims. (a) Notice, presentation and
35 payment of creditor's claims shall be undertaken in proceedings
36 governed by this Chapter, except as follows:

1 (1) In the case of a proceeding re-opened under §4903 of
2 this Chapter, or in the case of a deceased heir's estate
3 previously subject to probate administration as to which direct
4 distribution of the deceased heir's share of an award is proposed,
5 no notice to creditors shall be given and no creditor's claims shall
6 be allowed or approved; provided, however, that if a creditor's
7 claim approved in the original proceedings remains unsatisfied,
8 notice by registered mail of the reopened proceedings shall be
9 given to such creditor and the balance of his approved claim shall
10 be paid if a written request for payment is filed or presented
11 within sixty (60) days of said mailing.

12 (2) In original proceedings, and in the case of a deceased
13 heir's estate that was not previously subject to probate
14 administration, as to which direct distribution is proposed, notice
15 to creditors shall be given as provided in Chapter 25 of this
16 Title, except that notice shall be published, pursuant to §§2503
17 and 2505 of this Title, in only one (1) issue of a daily newspaper
18 of general circulation in Guam. In proceedings under §4904 of
19 this Chapter, such notice shall also list the estates of each
20 deceased heir whose share is proposed to be distributed directly,
21 and shall require all persons having a claim against any of said
22 estates to file, before the entry of a decree of preliminary or
23 final distribution, a written request for separate administration on
24 the deceased heir's estate, with the Clerk of the Superior Court.

25 (b) Nothing herein shall be construed as permitting revival of a
26 creditor's claim barred by any statute of limitations or other rule of
27 law.

28 §4907. Security For Performance Of Representatives. The
29 provisions of Chapter 20, Subchapter B, of this Title, concerning
30 security for the faithful performance of a personal representative shall
31 not apply to this Chapter, provided that the land claims award is
32 deposited with a federally insured depository under a court order
33 prohibiting any charge or withdrawal except as may be directed in a
34 certified order or decree of the Superior Court.

1 §4908. Delivery Of Land Claims Award, Or Share Therein, To
2 Nonresidents. A land claims award, or any share therein, assigned or
3 distributed upon administration of a decedent's estate to a person
4 residing out of Guam may be delivered by registered or certified U.S.
5 mail, postage prepaid, with return receipt, to the last known address
6 of the nonresident assignee or distributee, and upon such mailing the
7 personal representative shall not be personally liable for any loss
8 arising from nonreceipt thereof, except for willful misconduct. If the
9 award or any share therein, after mailing as aforesaid, is returned to
10 the personal representative unclaimed, the same shall be deposited with
11 the Clerk of the Superior Court in the name of the nonresident
12 assignee or distributee, pursuant to §3023 of this Title, unless the
13 Superior Court orders delivery by such other means as it deems
14 appropriate, compliance with which shall also discharge the personal
15 representative from any liability whatsoever.

16 §4909. Summary Distribution Of Land Claims Awards Not
17 Exceeding \$20,000. (a) A land claims award not exceeding \$20,000
18 after deduction of costs and attorney's fees awarded or authorized by
19 the District Court of Guam may be set aside to a decedent's heirs at
20 law, provided that no proceedings for administration upon the
21 decedent's estate are then pending.

22 (b). A verified petition, together with a prayer that the award
23 be set aside as provided herein, may be presented by any heir at law
24 of the decedent or any heir at law of a deceased heir. The petition
25 shall contain allegations showing that this section is applicable and
26 shall state, as far as known to petitioner, the names, mailing
27 addresses, relationships and ages of each heir at law of the decedent,
28 as well as each heir at law of any deceased heirs, and their respective
29 fractional interests in the award. The petition shall further state,
30 without qualification, that if the petition be granted the petitioner will
31 distribute the award with due diligence to the persons named in the
32 petition, according to their respective interests.

33 (c) No person to whom an award, or any portion thereof, is set
34 aside pursuant to this section shall be personally liable for the
35 unsecured debts of the decedent or the debts of any deceased heir
36 whose share of the award is paid directly to his heirs at law, unless

1 an action at law or proceeding in equity or in probate to recover such
2 debts is commenced within one (1) year from entry of the decree
3 setting aside the award. Such liability shall not, in any event, exceed
4 the amount received by the person charged the debts as his share of
5 the award. If an action at law or proceeding to collect such debts is
6 commenced within the time allowed, as aforesaid, the person or persons
7 charged may assert any defenses, counterclaims or set-offs that would
8 have been available to the decedent or deceased heir if he had not
9 died.

10 (d) Notice of the hearing on the petition authorized by this
11 section shall be given as provided in §4905 of this Chapter.

12 (e) If, upon hearing the petition authorized in this section, the
13 Superior Court finds that the award, after deduction of all costs and
14 attorney's fees allowed by the District Court of Guam, does not exceed
15 the sum of \$20,000, it shall by appropriate decree assign the award to
16 the petitioner with a directive to pay the same to the persons named in
17 the petition according to their respective interests therein. The
18 decree shall further direct that proof of compliance therewith, by
19 affidavit or declaration under penalty of perjury, be filed by the
20 petitioner within thirty (30) days after entry of said decree.

21 (f) An award set aside pursuant to this section, or any share
22 therein, may be disbursed, in accordance with the Superior Court's
23 decree, to nonresident persons as provided in §4908 of this Chapter.

24 (g) No person shall be liable for nondelivery of any award set
25 aside pursuant to this section, or of a share therein, except for willful
26 misconduct, unless an action at law or proceeding in equity or in
27 probate to recover the same is commenced within three (3) years from
28 entry of the decree setting aside the award.

29 (h) If any award set aside pursuant to this section, or share
30 therein, cannot be paid or delivered in accordance with the Superior
31 Court's decree, for lack of information as to the identity, location or
32 mailing address of the person entitled thereto, the same shall be
33 deposited in the name of such person with the Clerk of the Superior
34 Court; such deposit is a full discharge of the petitioner as to any
35 liability whatsoever in relation to the sum so deposited.

1 (i) No administrator's fee shall be allowed, nor shall any court
2 fees pursuant to Rule 91, Superior Court Rules of Civil Procedure, be
3 assessed, with respect to an award set aside pursuant to this section.
4 The Superior Court shall award a reasonable attorney's fee out of the
5 estate in cases governed by this section, in lieu of statutory
6 attorney's fees pursuant to §2811 of this Title.

7 §4910. Delivery Of Land Claims Awards Not Exceeding \$2,000
8 Without Administration. (a) No probate administration is required
9 upon a land claims award not exceeding \$2,000 after deduction of costs
10 and attorney's fees awarded or authorized by the District Court of
11 Guam.

12 (b) The District Court of Guam may order delivery of such
13 award to any person claiming to be a successor of the decedent
14 entitled to the award, or a portion thereof, upon being presented a
15 death certificate for the decedent, or such other proof of entitlement
16 to succession as the court may require, and an affidavit of the
17 successor stating that:

18 (1) the award does not exceed \$2,000 after deduction of
19 costs and attorney's fees awarded or authorized by the District
20 Court of Guam;

21 (2) no probate proceedings or petition to commence such
22 proceedings are pending in Guam;

23 (3) the applicant is a successor-in-interest of the decedent
24 entitled to collect the award and explaining the relationship of the
25 applicant to the decedent; and

26 (4) the applicant will, upon collection of the award,
27 endeavor in good faith and with reasonable diligence to distribute
28 the award to those entitled by law to shares therein.

29 (c) No person delivering an award exempt from administration
30 under this section, pursuant to an order of the District Court of Guam
31 for such delivery, shall be liable for any loss or damage whatsoever to
32 anyone, or be responsible for seeing to the proper distribution of the
33 award, or is required to inquire into the truth of any statement in the
34 affidavit. Any person to whom an award is delivered pursuant to this
35 section is answerable and accountable therefor to any personal

1 representative of the decedent's estate or to any other person having
2 a superior right to the award or any portion thereof.

3 (d) The District Court of Guam may refuse to deliver an award
4 pursuant to this section and require delivery of the award to a
5 personal representative if it determines such refusal is in the best
6 interests of the persons entitled to the award, or the court may
7 condition delivery upon proof of such notice of the claim as it deems
8 appropriate.

9 §4911. No Administration If Title To Condemned Land Was
10 Subject Of Prior Administration. A decree of preliminary or final
11 distribution purporting to distribute a parcel of real property that had
12 been condemned either before or after the decedent's death, but prior
13 to entry of such decree, passes title to the land claims award with
14 respect to the property taken to those persons to whom the parcel is
15 distributed by the decree, and is a binding and conclusive
16 determination of the persons entitled to the land claims award for said
17 property; no further administration is required upon the decedent's
18 estate in respect of said award. The Superior Court may reopen the
19 proceedings for the sole purpose of consolidating administration upon
20 the estates of deceased heirs, pursuant to §§4903 and 4904 of this
21 Chapter, but shall not vacate, set aside or in any way modify the
22 terms of the prior decree purporting to distribute the condemned land,
23 except in case of fraud, misrepresentation made to the court, heirs
24 omitted from the proceedings, or lack of notice.

25 §4912. Discretion of Court. Notwithstanding the provisions of
26 this Chapter, any judge of the Superior Court may determine and
27 order, at his or her discretion, that a particular estate with land
28 claims be administered under the provisions of this Code applicable to
29 other estates without land claims."

30 (B) Rule Change. Rule 91(A) (6) is added to the Superior Court
31 Rules of Civil Procedure to read:

32 "Rule 91(A) (6). Reduced Court Fees For Administration Of Land
33 Claims Awards. The fee payable out of the estate pursuant to Rule
34 91(A) (5), for probate administration on a land claims award shall be
35 the sum equal to ten percent (10%) of the amount otherwise payable
36 under said Rule. A single fee, computed as aforesaid, shall be

1 assessed against each award. No additional fee shall be assessed
2 against any portion of an award distributed to the estate of a deceased
3 heir, for separate administration thereon, if said portion was included
4 in computing the fee for administration upon the estate of the deceased
5 heir's predecessor."

6 (C) Appropriation. One Hundred Fifty Thousand Dollars (\$150,000)
7 are appropriated from the General Fund to the Public Defender Corporation
8 to provide legal services for probate administration of land claims awards,
9 as authorized in the Subsection (A) of this Section.

10 (D) Public Defender. §60003.1 is added to the Government Code of
11 Guam to read:

12 "§60003.1. Public Defender Assistance In Connection With
13 Recovery And Probate Of Land Claims Awards. The Public Defender
14 is authorized to provide legal services in connection with the recovery
15 of settlement shares and probate administration of land claims awards,
16 to persons who are unable to obtain the legal services of a private
17 attorney. No such services shall be provided unless the applicant
18 therefor shall have produced proof, in form and substance approved
19 by the Public Defender, that no less than three (3) private attorneys
20 have declined to provide the requested services. The Public Defender
21 shall not, in any event, represent any person who opposes or objects
22 to, or who intends to oppose or object to, an application for payment
23 of a settlement share, a petition for letters of administration or for
24 preliminary or final distribution, or a petition pursuant to §4906 of
25 Title 15 of the Guam Code Annotated, the subject of which is a land
26 claims award."

27 (E) Severability. If any provision of this section or the application
28 thereof to any person or circumstances is held invalid, the remainder
29 of this section and the application to other persons not similarly
30 situated or to different circumstances shall not be affected thereby.

31 Section 25. Lease of Car Wash site. The Governor shall lease to the
32 Guam Rehabilitation and Workshop Center, Inc., a non-profit corporation
33 ("Tenant"), for One Dollar (\$1) per year, that portion of Lot 5138-2-R3,
34 Dededo, Guam upon which such corporation has constructed a structure
35 used for a car wash (the "Property") under the following conditions:

1 (a) The Property shall be used for a car wash at which not less than
2 ninety percent (90%) of the employees who operate it are handicapped or
3 disabled.

4 (b) The Property shall revert to the government of Guam if
5 Tenant is dissolved, if the improvements on the Property are destroyed, or
6 if handicapped or disabled workers are not employed as required in
7 subsection (a) of this section.

8 (c) The term of the lease shall be for twenty (20) years unless
9 earlier terminated for cause.

10 (d) Tenant shall carry liability insurance indemnifying the government
11 for any injuries to persons or damage to property occurring on the
12 Property.

13 (e) Access to the Property by employees and customers across
14 government property is authorized.

15 (f) Tenant shall pay all water, power and other utility attributable to
16 the Property.

17 Section 26. Sewer line in Agat. Seventy-Five Thousand Dollars
18 (\$75,000) are appropriated from the General Fund to the Public Utility
19 Agency of Guam to design a sewer line extension from the Pagachao
20 Subdivision to the Santa Ana Chapel in Agat, Guam.

21 Section 27. Helicopter. The Governor is authorized to enter into a
22 municipal-type lease-purchase agreement with a helicopter manufacturer to
23 procure a six- (6-) passenger helicopter for the Guam Fire Department for
24 fire-fighting, air-sea rescue and air ambulance purposes.

25 Section 28. Residency Requirements in Divorce Actions. (a) Sections
26 128 and 129 of the Civil Code of Guam are amended to read as follows:

27 "§128. Residence of parties. A divorce or dissolution of
28 marriage may be granted if one of the parties has been a resident of
29 Guam for at least ninety (90) days immediately preceding the filing of
30 a complaint for divorce, or dissolution of marriage. For purposes of
31 this section, a person shall be deemed a resident if one of the parties
32 has been assigned with the U.S. Military to a unit on Guam or a ship
33 home-ported in Guam for at least ninety (90) days immediately
34 preceding the filing of a complaint for divorce or dissolution of
35 marriage or if one of the parties is physically present in Guam for at
36 least ninety (90) days immediately preceding the filing of a complaint

1 for divorce or dissolution of marriage. Physical presence by one of
2 the parties in Guam for a period of ninety (90) days prior to filing of
3 the action for divorce or dissolution of marriage shall give rise to a
4 conclusive presumption of compliance with this section. The parties
5 may conclusively waive any objections which they may have as to the
6 jurisdiction of the court to grant a divorce or dissolution of marriage
7 to either one or both of the parties, which waiver shall conclusively
8 bar any future attack upon the jurisdiction of the court to grant a
9 divorce or dissolution of marriage to the parties pursuant to the
10 provisions of the codes of Guam, and the court shall grant a divorce
11 or dissolution of marriage based upon the consent of the Defendant
12 regardless of whether either of the parties meet any of the foregoing
13 residency requirements, and shall grant a divorce or dissolution of
14 marriage even if neither party is a resident of Guam upon the consent
15 of the Defendant. All consents or complaints for divorce or dissolution
16 of marriage must be acknowledged or verified before a Notary Public
17 or other officer authorized to administer oaths within the United States
18 if signed in the United States, acknowledged or verified before a
19 consular officer of the United States or other United States official
20 authorized to take oaths if signed outside the United States, or if
21 signed outside of the United States, have a notarized acknowledgement
22 or verification by a foreign notary which is authenticated by a United
23 States consular officer.

24 §129. Residence, presumption of jurisdiction. In actions for
25 dissolution of marriage, neither the domicile nor residence of the
26 husband shall be deemed to be the domicile or residence of the wife.
27 For the purposes of such an action, each may have a separate domicile
28 or residence depending upon proof of the fact and not upon legal
29 presumptions. Physical presence in Guam for ninety (90) days
30 next preceding the commencement of the action or next preceding
31 the entry of the final decree of divorce shall give rise to a
32 conclusive presumption of residence in Guam as required by
33 Section 128 of the Civil Code of Guam. Allegations and proof of
34 residence or other compliance with the requirements of Section 128
35 of the Civil Code of Guam need not be plead or proved in any
36 divorce or dissolution of marriage granted upon the consent of

1 the Defendant, and the court need make no findings as to
2 residency of any party to a divorce or dissolution of marriage or
3 as to compliance with the requirements of Section 128 of the Civil
4 Code of Guam in any divorce or dissolution of marriage granted
5 upon the consent of the Defendant. Residency must be pled and
6 proved in all divorces or other actions for dissolutions of
7 marriage to which the defendant does not consent. Only the
8 parties (i.e., the husband or wife), and no other person nor the
9 court can raise the issue of nor object to the jurisdiction of the
10 Superior Court of Guam in an action for divorce or dissolution of
11 marriage, residence of the parties, or other compliance with
12 Section 128 of the Civil Code of Guam in any case where the
13 defendant has consented to the divorce or dissolution of marriage.
14 The Superior Court of Guam is presumed to have jurisdiction over
15 any action for divorce or dissolution of marriage which may be
16 filed in the Superior Court of Guam and to which the defendant
17 consents."

18 (b) The preceding subsection (a) shall take effect sixty (60) days
19 after the effective date of this Act, shall be prospective in effect, and shall
20 effect only divorces filed more than sixty (60) days after the effective date
21 of this Act. All divorces filed prior to such effective date of subsection
22 (a) of this section shall be governed by the law in effect on the date filed.

23 Section 2. Change in Gun Registration. §60110 of Title 10, Guam
24 Code Annotated, is amended to read:

25 "§60110. Registration. Any person purchasing, receiving by
26 gift, device or otherwise, acquiring or otherwise coming into
27 permanent possession of a firearm, the possession of which is
28 permitted by this chapter, shall register the same with the Department
29 within three (3) working days after acquiring said firearm on the
30 forms specified by the Department. Such facts and information shall
31 be given so as to enable the Department to record for identification
32 purposes the firearm so registered. It shall be unlawful for any
33 person to own or possess any firearm which has not been registered.
34 No firearm may be registered by the Department unless the person
35 presenting the firearm also displays current identification card
36 evidencing his eligibility to own, possess, use or carry the firearm

1 presented for inspection as to the facts required for registration.
2 Any firearm registration which expires on or after March 1, 1988 or
3 which is thereafter issued under this chapter shall be permanent for
4 as long as the registrant retains the firearm. The Chief of Police
5 shall promulgate rules and regulations establishing a permanent
6 firearms identification card and a reasonable fee to cover the cost
7 incurred."

8 Section 30. Identification Card. Subsection (c) of Section 60114 of
9 Title 10, Guam Code Annotated is amended and subsection (d) is added to
10 such section to read:

11 "(c) No person shall use, display, or carry with the intent to
12 use or display, an identification card which has been suspended or
13 revoked, or for which a duplicate has been issued, or which has been
14 defaced or altered. No person shall use any of the above for the
15 purpose of obtaining any firearm.

16 (d) The registered owner shall report to the Guam Police
17 Department the loss, theft, sale or transfer of a firearm within three
18 (3) working days thereof."

19 Section 31. Supplemental retirement payments. The supplemental
20 retirement payments funded by Section 13, Chapter X, Public law 19-10,
21 are hereby extended to all retirees and survivors eligible to receive
22 benefits as of October 1, 1988. Two Million Dollars (\$2,000,000) are hereby
23 appropriated from the General Fund to the Government of Guam Retirement
24 Fund for such payments.

25 Section 32. Child and Youth Programs. (a) Sixty-Seven Thousand
26 Four Hundred Fifty-Four Dollars (\$67,454) are appropriated from the
27 General Fund to the Department of Public Health and Social Services to
28 fund the Child Care Cooperative Program of Inetnon Famaguon for the
29 remainder of the 1988 fiscal year. All funds from such appropriation not
30 expended at the end of such fiscal year are hereby carried over to the 1989
31 fiscal year.

32 (b) Twenty-Eight Thousand Dollars (\$28,000) are appropriated from
33 the General Fund for the operations of the Guam Youth Congress. All
34 funds from the appropriation to the Guam Youth Congress made in Section
35 13 of Public Law 19-11 not expended at the end of the term of such
36 Congress are hereby carried over.

1 Section 33. Hospital positions. Section 6209 of Title 4, Guam Code
2 Annotated, is amended to read:

3 "Section 6209. (a) Within the Department of Public Health and
4 Social Services the following classified positions are created and given
5 annual compensation as follows:

6 POSITION	7 COMPENSATION
8 General Practitioner	\$50,000 - \$60,000
9 Physician Specialist (Board Eligible)	\$54,000 - \$64,000
10 Physician Specialist (Board Certified)	\$58,000 - \$68,000

11 (b) The Civil Service Commission is hereby directed to assign an
12 appropriate pay range for the position of Nurse Practitioner under the
13 Option 1 Salary Schedule; provided, however, that persons presently
14 occupying the position shall not have their present salary reduced.
15 Once an appropriate salary level is assigned by the Commission,
16 persons employed as Nurse Practitioners shall be compensated at such
17 level retroactive to october 1, 1987."

18 Section 34. Director pay raises. Subsection (1) of Subparagraph B
19 of §6206, Guam Code Annotated, is amended as follows:

20 "Directors

21 Director of Administration	\$50,000
22 Director of Agriculture	40,000
23 Director of Commerce	40,000
24 Director of Corrections	50,000
25 Director of Education	45,000
26 Director of Labor	40,000
27 Director of Land Management	45,000
28 Director of Public Health and Social Services	45,000
29 Chief of Police	50,000
30 Fire Chief	50,000
31 Director of Public Works	45,000
32 Director of Revenue & Taxation	45,000
33 Director of Bureau of Budget & Management	
34 Research	45,000
35 Director of Civil Service Commission	40,000
Director of Bureau of Planning	40,000

1	Director of Civil Defense Office	40,000
2	Director of Guam Environmental Protection	
3	Agency	40,000
4	Director of Parks & Recreation	40,000
5	Director of Youth Affairs	40,000
6	Director of Vocational Rehabilitation	40,000
7	Director of Department of Mental Health	
8	and Substance Abuse	40,000
9	Territorial Librarian	40,000
10	Director of the Guam Council on the	
11	Arts and Humanities	40,000
12	Chief Officer of the Public Utility Agency	45,000
13	Director of Agency for Human Resources	
14	Development	40,000
15	Attorney General	50,000

16 Section 35. Judges' Pay raises. Section 81 of the Civil Procedure
17 Code is amended to read:

18 "§81. Composition of Court. The Superior Court shall consist of
19 a presiding judge and five (5) additional judges. The annual salary of
20 the presiding judge shall be Eighty-Five Thousand (85,000) and the
21 annual salary of the other judges shall be Eighty-Three Thousand
22 Dollars (\$83,000)."

23 Section 36. Senator's compensation. Section 1106 of Title 2, Guam
24 Code Annotated, is amended to read:

25 "§1106. Legislative Compensation and Allowances.

26 Compensation of each member of the Guam Legislature shall be
27 paid in twenty-six (26) equal installments at the rate per annum of
28 fifty percent (50%) of the annual salary of a judge of the Superior
29 Court; the compensation of the Speaker of the Guam Legislature shall
30 be paid in twenty-six (26) equal installments at the rate per annum of
31 fifty percent (50%) of the annual salary of the presiding judge of the
32 Superior Court. Such compensation shall be paid out of funds to be
33 appropriated by the Guam Legislature."

1 Section 37. Pay raise for Commissioners. Subparagraph C of §6206,
2 Title 4, Guam Code Annotated, is amended to read:

3 "C. Commissioners

4 Assistant Commissioner	\$23,000
5 Municipal Commissioner	25,000

6 Section 38. Pay raises for executive officers. Subparagraph A of
7 §6206, Title 4, Guam Code Annotated, is amended to read:

8 "A. OFFICE OF THE GOVERNOR AND
9 LIEUTENANT GOVERNOR

10 Governor of Guam	\$75,000
11 Lieutenant Governor of Guam	70,000
12 Special Assistants to the Governor and	
13 Lieutenant Governor, not to exceed	43,000
14 Staff Assistants to the Governor and	
15 Lieutenant Governor, not to exceed	40,000
16 Press Secretaries to the Governor and	
17 Lieutenant Governor, not to exceed	41,000
18 Chief of Staff to the Governor, not to exceed	45,000

19 Section 39. Subsection (2) of Subparagraph B of Title 4, Guam Code
20 Annotated, is repealed and reenacted to read:

21 "(2) Deputy directors, except for the deputy director of
22 Education - one (1) for each department enumerated in subsection (1)
23 of Subparagraph B, not to exceed a sum \$4,000 less than that for
24 their respective directors."

25 Section 40. Effective date of pay raises. The pay raises provided in
26 Sections 34, 35, 36, 37, 38 and 39 of this Act shall be effective as of
27 December 31, 1988.

28 Section 41. Cultural/Heritage Committee Grants in Aid. Section 19 of
29 Public law 19-19 is repealed and reenacted to read as follows:

30 "Section 19. A new Section G is added to Chapter II, Part XX of Public
31 Law 19-1 as follows:

	General Fund	Other Fund	Federal Fund	Total
Cultural/Heritage Committee				
1. Grants-in-Aids		\$55,000		
Total		\$55,000		\$55,000"

7 Section 42. Department of Education pay range reassignments. (a)
8 The following reassignment of pay range is effective from October 1, 1986
9 to September 30, 1987 for the following positions:

	Option II Pay Range	
TITLE	From	To
Physical Therapist I	30	34
Physical Therapist II	36	38

14 (b) The following reassignment of pay ranges is effective October 1,
15 1987 for the following positions:

	Option II Pay Range	
TITLE	From	To
Physical Therapist I	34	40
Physical Therapist II	42	46

20 (c) The following reassignment of pay ranges and the implementation
21 of Option I rather than Option II is effective August 15, 1986 for the
22 following positions:

	Option II Pay Range	
TITLE	From	To
Headstart Teachers	13-22	22-44
Vocational Instructors	29-36	22-44

27 (d) Such sums as are necessary to fund the requirements for the
28 implementation of subsections (a), (b), and (c) of this section for the
29 Department of Education may be expended from any lapsed funds of the
30 Department of Education for fiscal year 1988.

31 (e) For purposes of this section, the terms Option I and Option II
32 refer to the same terms as used in the Civil Service Commission
33 Classification and Pay Maintenance Review Task Force Phase I Report dated
34 November 7, 1985.

1 Section 43. Transfer Authority. The Governor is authorized to
2 transfer up to fifteen percent (15%) of funds within and between object
3 classifications within the budgets of the various departments and agencies
4 of the government of Guam for which funds are appropriated by the
5 Legislature. Notice of each such transfer and justification therefor shall be
6 delivered to the Speaker of the Legislature by the Governor no less than
7 seven (7) days before the effective date of such a transfer.

8 Section 44. Sale of Dededo lot. The Governor is authorized to sell
9 Lot 26, Block 16, Dededo, Guam to Jose R. Duenas and Rosario Duenas, at
10 its fair market value as previously negotiated and accepted by the
11 government and the applicants. The government of Guam shall retain a
12 sewerline easement over the lot.

ROLL CALL SHEET

Bill No. _____

DATE: 12-19-88

Res No. _____

QUESTION: 1. To L 0056 ... 24x

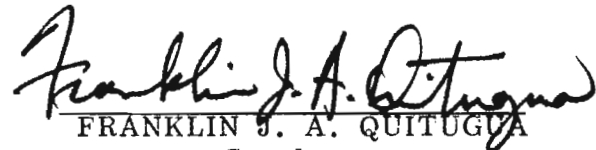
	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo		✓		
H. D. Dierking	✓			
E. R. Duenas		✓		
E. M. Espaldon	✓			
F. J. Gutierrez	✓			
M. K. Hartsock	✓			
P. C. Lujan				✓
M. D. A. Manibusan	✓			
J. G. Miles	✓			
T. S. Nelson	✓			
D. Parkinson	✓	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

16 2 1

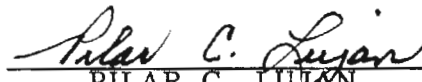
NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

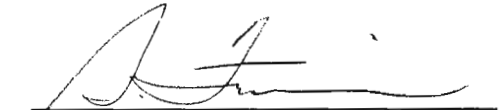
This is to certify that Substitute Bill No. 1045 (LS), "AN ACT MAKING APPROPRIATIONS FOR SEWER AND WATER LINES, FOR COMPUTERS AT THE UNIVERSITY OF GUAM, FOR THE GUAM COASTAL MANAGEMENT PROGRAM, FOR CERTAIN PERSONNEL AT THE PUBLIC UTILITY AGENCY OF GUAM, FOR REFURBISHING TENNIS COURTS, FOR THE PURCHASE OF BUSES AND AMBULANCES, FOR LEGISLATIVE EXPENDITURES, FOR A LEGISLATIVE AUDIT, FOR THE MERIZO CEMETERY, FOR THE GUAM MASS TRANSIT AUTHORITY, FOR AGAT UTILITIES, FOR A COMMUNITY CENTER IN CHALAN PAGO-ORDOT, FOR THE PUBLIC DEFENDER, FOR DESIGNING A SEWER LINE IN AGAT, FOR SUPPLEMENTAL RETIREMENT PURPOSES, FOR CHILDREN AND YOUTH, AUTHORIZING THE LEASE OF THE CUSHING ZOO, AND THE LEASE FOR A MUNICIPAL GOLF COURSE, AN INCREASE IN HOUSING LOANS, CERTAIN LAND SALES AND EXCHANGES, THE PROBATE ADMINISTRATION OF LAND CLAIMS, CHANGING THE DIVORCE LAWS, AUTHORIZING A HELICOPTER, CHANGING GUN REGISTRATION LAWS, INCREASING SALARIES IN EXECUTIVE, LEGISLATIVE AND JUDICIAL POSITIONS, AND FOR OTHER PURPOSES," was on the 21st day of November, 1988, duly and regularly passed.


FRANKLIN J. A. QUITUGUA
Speaker

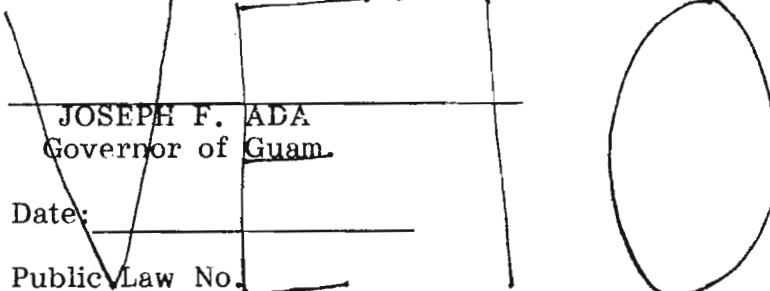
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 23rd day of November, 1988,
at 4:55 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam
Date: _____
Public Law No. _____

ROLL CALL SHEET

Bill No. 1045

DATE: 11-21-88

Res No. _____

QUESTION: _____

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

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SENATOR
HERMINIA D. DIERKING
GUAM LEGISLATURE

October 26, 1988

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

Dear Mr. Speaker:

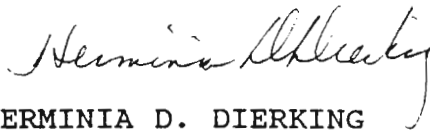
The Committee on Ways and Means, to which Bill 1045 was referred, wishes to report its findings and recommendations.

The Committee's voting record is as follows:

TO DO PASS	<u>-12-</u>
NOT TO PASS	<u>-0-</u>
TO REPORT OUT ONLY	<u>-0-</u>
ABSTAIN	<u>-0-</u>
OFF-ISLAND	<u>-0-</u>

A copy of the Committee Report and all pertinent documents are attached.

Sincerely yours,


HERMINIA D. DIERKING

Attachments



SENATOR

HERMINIA D. DIERKING

GUAM LEGISLATURE

COMMITTEES:

CHAIRWOMAN
Ways & Means

VICE CHAIRWOMAN
General Governmental
Operations

MEMBER:

Economic Development
& Banking

Energy, Utilities &
Consumer Protection

Federal, Foreign &
Legal Affairs

Health, Welfare &
Ecology

Housing & Community
Development

Justice, Judiciary &
Criminal Justice

Rules

Tourism, Transportation
& Communications

Youth, Senior Citizens,
Cultural Affairs &
Human Resources

October 26, 1988

MEMORANDUM

To: Committee Members, Committee on Ways & Means

From: Chairperson, Committee on Ways and Means

Subj: Voting on the Passage of Bill 1045,
"AN ACT TO APPROPRIATE \$640,000 FOR
THE CONSTRUCTION OF A SEWER LINE IN
THE MACHANAO SUBDIVISION AND FOR OTHER
PURPOSES"

Please find the attached voting sheet on the Passage
of Bill 1045.

The Committee Report and other pertinent data are
also attached for your perusal.

Herminia Dierking
HERMINIA D. DIERKING

COMMITTEE ON WAYS AND MEANS
 COMMITTEE REPORT
 ON

BILL 1045 (LS) AS SUBSTITUTED BY THE
 COMMITTEE ON WAYS AND MEANS

"AN ACT TO APPROPRIATE \$640,000 FOR THE CONSTRUCTION
 OF A SEWER LINE IN THE MACHANAO SUBDIVISION AND FOR
 OTHER PURPOSES"

MEMBERS	TO PASS	TO NOT PASS	ABSTAIN	OFF- ISLAND	TO REPORT OUT ONLY	TO PLACE IN INACTIVE FILE
<i>H. D. Dierking</i> SEN. H. D. DIERKING, CHAIRPERSON	✓					
<i>T. S. Nelson</i> SEN. T. S. NELSON, VICE-CHAIRPERSON						
<i>E. P. Arriola</i> SEN. E. P. ARRIOLA	✓					
<i>P. C. Lujan</i> SEN. P. C. LUJAN	✓					
<i>Marilyn Manibusan</i> SEN. M. D. A. MANIBUSAN	✓					
<i>D. Parkinson</i> SEN. D. PARKINSON	✓					
<i>Martha Ruth</i> SEN. M. C. RUTH	<i>Sur</i> 10/27/38					
<i>J. T. San Agustin</i> SEN. J. T. SAN AGUSTIN	✓					
<i>J. G. Bamba</i> SEN. J. G. BAMBA	✓					
<i>F. R. Santos</i> SEN. F. R. SANTOS	✓					
<i>M. Z. Bordallo</i> SEN. M. Z. BORDALLO	✓					
<i>F. J. Quitugua</i> SPKR. F. J. QUITUGUA, EX-OFFICIO	✓					

COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORT

BILL 1045

AS SUBSTITUTED BY THE
COMMITTEE ON WAYS AND MEANS

OCTOBER 26, 1988

"AN ACT TO APPROPRIATE \$640,000 FOR THE
CONSTRUCTION OF A SEWER LINE IN THE MACHANAO
SUBDIVISION AND FOR OTHER PURPOSES"

The Committee on Ways and Means, chaired by Senator Herminia D. Dierking, conducted a joint public hearing with the Committee on Utilities and Consumer Protection on Bill 1045 (LS).

The public hearing was held at the Astumbo Community Center on October 20, 1988, at 7:25 P.M.

The Senators in attendance were Senator Herminia D. Dierking, Chairperson of the Committee on Ways and Means; Senator Don Parkinson, Chairperson on the Committee on Utilities and Consumer Protection; Senator Ted S. Nelson, Vice Chairperson of the Committee on Ways and Means; Senator Joe T. San Agustin, Senator George Bamba, Senator Marilyn Manibusan, Senator Martha Ruth, and Senator Franklin Gutierrez.

Senator Dierking opened the hearing and welcomed approximately fifty-five residents of the affected Machanao area present.

BACKGROUND

Section 14 of Public Law 19-19 recently rezoned the entire Machanao area from "Agricultural" to "Residential." This Section also provides that the new "Residential" zone can only take effect upon the installation and operational use of a sewer system which is adequate to protect the water lens of the area.

TESTIMONIES

Pat Quinata, Commissioner of Dededo (oral)

Commissioner Quinata supports Bill 1045, however, she offered an amendment to the Bill to upgrade the water lines in the affected area and to include a sewer project in the Mogfog area.

Jose A. Rivera, Assistant Commissioner of Dededo (written testimony attached)

Assistant Commissioner Rivera supports Bill 1045, however, he feels that the Senators should look into the existing subdivision laws and obligate the developers or contractors in the placement of any needed infrastructure before selling a property or property dwelling combination.

Jose Cepeda, Resident

Mr. Cepeda is in support of Bill 1045, and recommended that if additional amounts are required for additional individuals and families to hook into the system that it is the government's responsibility to provide that.

Senator San Agustin related to Commissioner Quinata that the water lines in the Machanao area are already there, and the water line is an entirely separate thing; so it is a matter of putting a different water line pipe size. He also mentioned that Mogfog is presently "Agricultural" zone so it requires new legislation and requires another public hearing. He further stated that the Legislature will attempt to do it one at a time and to examine further if Mogfog and other areas require any special legislation.

Senator Nelson asked if the Public Utility Agency of Guam (PUAG) and the Guam Environmental Protection Agency (GEPA) Representatives were present. Senator Dierking said they were and would be called to testify later on. Senator Nelson made comments to the effect that the Governor tried to discourage farmers to grow in the area because of contamination of water lens, but that it was not the case. He stated that the contamination is in Andersen Air Force Base Area.

Senator Bamba asked Assistant Commissioner Rivera if there are any other areas in Dededo without sewer to protect the water lens. According to Mr. Rivera, there are some 600 families under the land lease agreement without sewer. Senator Bamba's concerned about the Bill was whether it was sufficient for Machanao or should it be done on a piecemeal basis.

Melchor Demaricut, Chief Engineer, PUAG (written testimony of Chief Officer, Anthony Blaz, attached)

Mr. Demaricut testified in behalf of Anthony G. Blaz, Chief

Officer, PUAG. He was in support of the Bill, however, recommended that the appropriation be increased to \$2,040,000.

Senator Joe T. San Agustin

Senator San Agustin stated that in 1978, the Territorial Planning Commission (TPC) conditionally approved that the developer must provide public sewer. He questioned why the government allowed the sale of the lots within the last ten years without a sewer. He further mentioned that the government didn't even impose upon the developer to bring the sewer in violation of the TPC's conditional approval. The estimate of \$640,000 was made by the engineer of the subdivision. He asked how the government came up with the \$2,000,000. He also stated, "it appears that PUAG is asking for an additional cost for something else. It is possible that the government could have over estimated. The variance was too much", according to Senator San Agustin. "The plan was to tie in with the original plan which would lower the cost, but this is not the case with your planning and estimating in accommodating adjacent areas ... hitch hiking!"

Senator Martha Ruth

Senator Ruth asked if PUAG could provide the Committee on the type of planning and how they arrived at an estimate of 1.7 Million Dollars. Mr. Demaricut, answered, "\$200,000 for the pump station, and \$1.5 Million for the sewer line."

Senator George Bamba

Senator Bamba asked if the \$640,000 was adequate for the Machanao subdivision alone. Mr. Demaricut answered no and that PUAG had not arrived at one yet. Mr. Demaricut further stated that future sewer projects around the area will not affect Machanao if expansion is required later.

Charles Crisostomo, Administrator, GEPA (written testimony attached)

Balente Almanzor

Mr. Almanzor asked "why is the sewer line ahead of the fresh water line? The water line should take priority. We need water and fire hydrant for the health and safety of our children."

Senator Marilyn Manibusan

Senator Manibusan commented that the above concern was addressed by PUAG's recommendation. To up grade the 2" water lines to 6" at a cost of \$1,450,000 and federal requirements are that for every feet of water lines there must be fire hydrant.

Leo Llarenas, Resident

Mr. Llarenas is in support of Bill 1045. He commented that the \$640,000 was good for now and if more money is required, to address that later.

FINDINGS AND RECOMMENDATIONS

The Committee finds that without the construction of a sewer system, the rezoning from Agricultural to Residential in Machanao cannot take effect as specified in P.L. 19-19. The Committee further feels that the upgrading of the water lines in that area is another priority that should be addressed at this time. Therefore, an appropriation of One Million Four Hundred Fifty Thousand Dollars (\$1,450,000) to the Public Utility Agency of Guam is additionally addressed.

Section 3 of the Bill appropriates \$200,000 to the University of Guam to purchase computer hardware and software.

Section 4 of the Bill authorizes the Public Utility Agency of Guam to fill twenty-four (24) new positions created by Public Law 19-14.

Section 5 of the Bill appropriates Five Hundred Seventy-Five Thousand Dollars (\$575,000) to implement Section 4.

Sections 6 and 7 authorizes the Bureau of Planning to utilize funds appropriated in P.L. 19-10, II, XXVI to continue the operations of the Coastal Zone Management program. These expenditures shall be reimbursed upon the receipt of federal funds for the program.

Section 8 amends Section 23 of P.L. 18-48 for the resurfacing of tennis courts in Agana and Tamuning.

Section 9 appropriates the sum of \$92,000 to the Department of Public Health and Social Services for the senior center operations.

Section 10 appropriate \$480,000 to the Guam Mass Transit System from the Tourist Attraction Fund to purchase eight (8) buses.

Section 11 appropriates \$180,000 to the Guam Fire Department to purchase three (3) ambulances.

The Committee hereby recommends to the full Legislature the passage of Bill 1045 as substituted.

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

Bill No. 1045 (LS)
As substituted by the
Committee on Ways & Means

Introduced by:

J.T. San Agustin
H.D. Dierking
T.S. Nelson

E.P. Arriola
M.Z. Bordallo
F.J. Gutierrez
M.K. Hartsock
P.C. Lujan
D. Parkinson
F.J. Quitugua
F.R. Santos
A.J. Shelton
J.G. Bamba

AN ACT TO APPROPRIATE \$640,000 FOR THE
CONSTRUCTION OF A SEWER LINE IN THE MACHANAO
SUBDIVISION AND FOR OTHER PURPOSES.

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

2 Section 1. The sum of Six Hundred Forty Thousand Dollars
3 (\$640,000) is appropriated from the General Fund to the Public
4 Utility Agency of Guam for the construction of a sewer line in
5 Machanao, Dededo to comply with the requirements of Section 15 of
6 Public Law 19-19.

7 Section 2. The sum of One Million Four Hundred Fifty
8 Thousand Dollars (\$1,450,000) is appropriated from the General Fund
9 to the Public Utility Agency of Guam for the upgrade of the water
10 lines in the Machanao area, Dededo.

11 Section 3. The sum of Two Hundred Thousand Dollars
12 (\$200,000) is appropriated from the General Fund to the University

1 of Guam to purchase computer hardware and software for
2 instructional purposes in the College of Business and Public
3 Administration.

4 Section 4. Notwithstanding any provisions of law, rules or
5 regulations, the Public Utility Agency of Guam is authorized to
6 fill twenty-four (24) new water and sewer positions created by
7 Public Law 19-14.

8 Section 5. The sum of Five Hundred Seventy Five Thousand
9 Dollars (\$575,000) is appropriated from the General Fund to the
10 Public Utility Agency of Guam to implement Section 4 of this Act.

11 Section 6. The Bureau of Planning is authorized to utilize
12 funds appropriated pursuant to P.L. 19-10, II, XXVI for the purpose
13 of continuing the operations of the Coastal Zone Management
14 program.

15 Section 7. All General Fund expenditures authorized pursuant
16 to Section 6 of this Act shall be reimbursed upon receipt of
17 federal funds for the Coastal Zone Management program.

18 Section 8. Section 23 of Public Law 18-48 is amended to
19 read:

20 "Section 23. The sum of Forty Thousand Dollars (\$40,000)
21 is appropriated from the General Fund to the Department of
22 Parks and Recreation [and, of that sum, Twenty-Eight Thousand
23 Dollars (\$28,000) shall be used] for the purpose of
24 resurfacing the tennis courts located in Agana and [Twelve
25 Thousand Dollars (\$12,000) shall be used to resurface the
26 tennis courts in] Tamuning."

1 Section 9. The sum of Ninety-Two Thousand Dollars (\$92,000)
2 is appropriated from the General Fund to the Division of Senior
3 Citizens of the Department of Public Health and Social Services to
4 fund the shortfall in the FY'89 budget for the senior center
5 operations.

6 Section 10. The sum of Four Hundred Eighty Thousand Dollars
7 (\$480,000) is appropriated from the Tourist Attraction Fund to the
8 Guam Mass Transit Authority for the purpose of purchasing eight (8)
9 buses to be used in the public mass transit system.

10 Section 11. The sum of One Hundred Eighty Thousand Dollars
11 (\$180,000) is appropriated from the General Fund to the Guam Fire
12 Department for the purpose of purchasing three (3) ambulances.

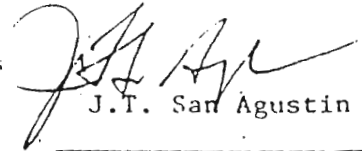
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SEP 15'

NINETEENTH GUAM LEGISLATURE
1988 (SECOND) SESSION

Bill No. 1045(LS)
Introduced by:


J.T. San Agustin

AN ACT TO APPROPRIATE \$640,000 FOR THE CONSTRUCTION
OF A SEWER LINE IN THE MACHANAO SUBDIVISION.

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

Section 1. The sum of Six Hundred Forty Thousand Dollars (\$640,000) is hereby appropriated from the General Fund to the Public Utility Agency of Guam for the construction of a sewer line in Machanao, Dededo to comply with the requirements of Section 15 of Public Law 19-19.