

I MINA'BENTE ÑUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 341 (EC)

Introduced by:

R.J. RESPICIO
B.J.F. CRUZ
J.P. GUTHERTZ
D.L.G. SHIMIZU
T.R. MUÑA BARNES
A.B. PALACIOS
v.c. pangelinan
J.T. WON PAT (15)

AN ACT TO AMEND TITLE 21 GUAM CODE
ANNOTATED CHAPTER 15 § 15105 RELATIVE TO
REQUIRING LEGISLATIVE AUTHORIZATION
FOR THE EXERCISE OF EMINENT DOMAIN BY
THE GOVERNMENT OF GUAM

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings.** *I Liheslaturan Guåhan* finds that the
3 current eminent domain statute as contained in 21 GCA §15105 allows the
4 government of Guam to condemn property upon authorization and
5 appropriation of funds by the Congress of the United States without
6 concurring authorizing legislation by *I Liheslaturan Guahan*.

7 *I Liheslaturan Guahan* finds that the condemnation of private property
8 by the government of Guam is an issue that must be handled locally given
9 the historic nature of federal and local government land condemnations,
10 many of which remain complex and unresolved. To that end, *I Liheslaturan*
11 *Guahan* desires to amend the eminent domain statutes so that all exercises
12 of eminent domain by the government of Guam are done with explicit
13 authorization by *I Liheslaturan Guahan*.

14 Section 2. Section 15105 of Chapter 15, of Title 21 of the Guam Code
15 Annotated is hereby *amended* to read as follows:

1 **“Section 15105. Funding for Exercise of Eminent Domain. (a)**

2 The power of Eminent Domain may be exercised by the government
3 of Guam upon authorization and appropriation by the Guam
4 Legislature of funds necessary for payment of just compensation.
5 Such power shall be exercised by the Governor of Guam. If the
6 Legislature enacts and the Governor approves an appropriation of
7 funds for a specific public use, such appropriation shall be deemed to
8 include the authorization for condemnation of private property for
9 such use.

10 (b) The power of Eminent Domain may also be exercised by
11 the government of Guam upon authorization and appropriation of
12 funds by the Congress of the United States for public use within the
13 Territory of Guam. An appropriation by the Congress of the United
14 States for a specific public use and corresponding authorization by
15 the Guam Legislature via duly enacted legislation shall be deemed to
16 authorize the acquisition by condemnation or otherwise of private
17 property for such use.”

18 **Section 3. Effective Date.** This Act shall take effect upon enactment.

19 **Section 4. Severability.** *If* any provision of this Law or its application
20 to any person or circumstance is found to be invalid or contrary to law,
21 such invalidity shall *not* affect other provisions or applications of this Law
22 which can be given effect without the invalid provisions or application,
23 and to this end the provisions of this Law are severable.