

I MINA'TRENTAI UNU NA LIHESLATURAN GUAHAN  
2011 (FIRST) Regular Session

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WMM  
AP

Bill No. 77-31 (cor)  
Introduced by:

ADOLPHO B. PALACIOS, SR.  
JUDITH T. WON PAT, ED. D.

AN ACT RELATIVE TO ESTABLISHING A FINANCING MECHANISM FOR THE CONSTRUCTION AND MAINTENANCE OF A PERMANENT HEADQUARTERS AND ADMINISTRATIVE BUILDING FACILITY FOR THE GUAM POLICE DEPARTMENT; THROUGH AMENDING §77134 OF CHAPTER 77, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 The *Liheslaturan Guahan* finds that the Guam Police Department  
4 is confronted with a restricted timeline to identify a building facility  
5 for the conduct of its headquarters and administrative office  
6 operations due to an impending termination of its existing lease  
7 arrangement with the Antonio B. Won Pat Guam International  
8 Airport Authority. This situation highlights the need for the Guam  
9 Police Department to apply its effort and resources on the  
10 identification, construction, purchase or lease-to-own of a permanent  
11 facility for the operations of the Department. Thus, it is critical that  
12 the government of Guam aggressively pursue options available and

1 within its means to ensure that the Guam Police Department realize a  
2 permanent headquarters and administrative office building facility  
3 within the foreseeable near future.

4 The *Liheslaturan Guahan* further finds that the “Public Safety  
5 Facilities Construction Initiative Act of 2005” was enacted more than  
6 five (5) years ago, which primarily set forth the framework for  
7 establishing an arrangement on the construction or acquisition of a  
8 building facility that would be sufficient to accommodate the  
9 permanent facility needs of the pertinent public safety agency; but it  
10 lacked the identification and dedication of a financing mechanism to  
11 allow the respective government of Guam entity to aggressively  
12 proceed with the planning and eventual realization of its permanent  
13 headquarters and administrative office facilities.

14 Therefore, it is the intent of the *Liheslaturan Guahan* to work  
15 collectively with the Guam Police Department to realize a permanent  
16 home for the agency. This provision would identify and dedicate the  
17 funding mechanism necessary to initiate the financing and eventual  
18 construction of a permanent headquarters and administrative office  
19 building complex for one of Guam’s premiere public safety agencies.  
20 The construction of a permanent headquarters and administrative  
21 facility would result in annualized cost-savings associated with  
22 existing lease payment obligations, and would ensure that the people  
23 of Guam and the government of Guam would benefit from the

1 construction of a permanent headquarters facility which would be  
2 owned by the community.

3 **Section 2. Dedication of Revenues Generated through the**  
4 **“Police Services Fund” for the Financing and Construction of a**  
5 **Permanent Headquarters and Administrative Building Complex for**  
6 **the Guam Police Department.**

7 §77134 of Chapter 77, Article 1, Title 10, Guam Code  
8 Annotated, relative to the Guam Police Department is hereby  
9 amended to read as follows:

10 **“§ 77134. Fees.**

11 (a) The Chief of Police may prescribe in accordance with the  
12 Administrative Adjudication Law fees to be charged and collected by  
13 the Department that are directly related to the need of the agency to  
14 recover administrative costs in servicing the public. These fees shall  
15 be deposited in a special account known as the Police Services Fund  
16 (hereafter referred to as the “Fund”), established separate and apart  
17 from the General Fund to be administered by the Director of  
18 Administration for the benefit of the Guam Police Department. All  
19 proceeds from the Police Services Fund shall heretofore be  
20 continuously appropriated annually to the Guam Police Department  
21 for the primary purpose of financing the annualized debt or lease  
22 payments required for the effective and timely implementation of the  
23 Public Safety Facilities Construction Initiative Act of 2005 (Chapter

1 59, Title 5, Guam Code Annotated), as applicable to the Guam Police  
2 Department. Funds generated and accumulated in excess of the  
3 aforementioned annualized debt service or lease payments from the  
4 Fund shall be subject to appropriation by the *Liheslaturan Guahan*. The  
5 ~~Guam Legislature shall make appropriations from the Police Services~~  
6 ~~Fund~~ for the purpose of funding the general operational needs of the  
7 Guam Police Department on a fiscal year basis. These funds, ~~once~~  
8 ~~appropriated to the Department,~~ are not subject to the transfer  
9 authority of the Governor.

10 (b) As used in this Subsection, administrative costs in servicing  
11 the public means costs incurred in providing administrative services,  
12 such as issuing licenses or permits, providing police clearances for  
13 private parties and taking finger prints, but does not include  
14 performing essential crime prevention and law enforcement duties  
15 described in Section 77103 of this Chapter.”

16 **Section 3. Effective Date.**

17 The funding set aside provision for the Police Services Fund  
18 contained herein shall be effective Ninety (90) days from the  
19 enactment of this Act.

20 Any Rules and Regulations promulgated by the Guam Police  
21 Department in the adoption or adjustment of fees and charges to be  
22 deposited into the Police Services Fund as a result of provisions

1 contained herein shall be effective upon the date specified per  
2 existing statutory mandate.

3 **Section 4. Severability.**

4 If any provision of this Act or its application to any person or  
5 circumstance is found to be invalid or contrary to law, such invalidity  
6 shall not affect other provisions or applications of this Act which can  
7 be given effect without the invalid provisions application, and to this  
8 end the provisions of this Act are severable.