


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

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Bill No. 134-31(LS)

Introduced by:

Adolpho B. Palacios, Sr. 

Judith T. Won Pat, Ed.D. 

Judi P. Guthertz, DPA 

F.F. Blas, Jr. 

AN ACT TO RENUMBER §59111 AND TO ADD NEW §§59111 AND 59111.1 THROUGH 59111.9 TO CHAPTER 59 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM POLICE DEPARTMENT HEADQUARTERS BUILDING FUND, AND TO IDENTIFYING SOURCES OF REVENUE REQUIRED TO PAY OBLIGATIONS AUTHORIZED THROUGH §59103 AND §59110 OF THIS CHAPTER.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 *I Liheslaturan Guahan* finds that the Memorandum of Agreement (MOA)  
4 between the Guam Police Department (GPD) and the Antonio B. Won Pat Guam  
5 International Airport (GIAA) relating to rent payments in excess of one and a half million  
6 dollars (\$1,500,000.00) to GIAA, mandates the relocation of the GPD Headquarters  
7 presently located in the area of Neptune Avenue, Tiyan, Guam by September 30, 2011.  
8 GIAA has taken the position that the Federal Aviation Administration (FAA) will hold  
9 the government of Guam to this MOA, and failure to conform to the provisions contained  
10 within the referenced MOA will result in GIAA losing its ability to receive federal funds  
11 and a revocation of its international airport operations license.

1            *I Liheslaturan Guåhan* finds that GIAA has already issued two letters to GPD for  
2 the government of Guam’s arrears in ground rent payments to GIAA and that a third such  
3 letter will most likely result in legal action to evict GPD from Tiyan property under the  
4 control of GIAA. *I Liheslaturan Guåhan* also recognizes that the government of Guam  
5 continues to experience financial challenges, which make it difficult for GPD to make  
6 good on ground rent payments to GIAA.

7            It is the intent of *I Liheslaturan Guåhan* to identify revenue streams as viable  
8 sources of repayment needed to secure financing, available by law, for the construction or  
9 acquisition of a facility for the Guam Police Department Headquarters.

10           **Section 2. §59111 is hereby *renumbered* to read as “§59112” and new §§59111**  
11 **and 59111.1 through 59111.9 are hereby *added* to Chapter 59 of Title 5 Guam Code**  
12 **Annotated.**

13           **“§59111. Creation of Guam Police Department (GPD) Headquarters**  
14 **Building Fund; Revenue Sources for Repayment of Obligations.**

15           There is hereby created, separate and apart from other funds of the government of  
16 Guam, a reserve fund known as the ‘*GPD Headquarters Building Fund*’. This Fund *shall*  
17 not be commingled with the General Fund or any other fund of the government of Guam.  
18 The *GPD Headquarters Building Fund* shall be exempted from *I Maga’låhen Guåhan’s*  
19 transfer authority and *may* not be borrowed against except as otherwise provided herein.

20           **§59111.1. Use of Fund.**

21           Proceeds from the *GPD Headquarters Building Fund* shall be used exclusively as  
22 a source of repayment for obligations authorized through §59103 and §59110 of this  
23 Chapter.

1           **§59111.2. Administration.** The Chief of Police *shall* account for and administer  
2 the *GPD Headquarters Building Fund*. The Chief of Police *shall* prepare and submit, to  
3 the Speaker of *I Liheslaturan Guåhan*, monthly reports reflecting all transactions and  
4 other information summarizing the financial condition of this fund.

5           **§59111.3. Creation of the Criminal Petty Misdemeanor and Misdemeanor**  
6 **Fine Procedures.**

7           GPD, in collaboration with the Unified Judiciary of Guam and the Office of the  
8 Attorney General of Guam, is hereby authorized to create and implement rules and  
9 regulations for the Criminal Petty Misdemeanor and Misdemeanor Fine Procedures  
10 subject to the Administrative Adjudication Act commencing within one hundred twenty  
11 (120) days from the date of enactment of this Act.

12           **§59111.4. Reservation of Misdemeanor Fines for the Guam Law Library.**

13           Recognizing that misdemeanor fines represent a significant part of the funding for  
14 the Guam Law Library provided by 7 GCA §9211, the average amount of such fines paid  
15 to the Law Library annually over the past five years, not to exceed \$63,000 per year,  
16 *shall* be paid to the Guam Library before any such funds are used for the purposes of this  
17 Act.

18           **§59111.5. Red Light and Speed Electronic Camera System.**

19           Red Light and speed electronic camera system is defined as a device that *may* be  
20 mounted at traffic light intersections or other roadway intersections to detect violations of  
21 traffic laws. GPD is authorized to install such devices along Guam intersections and *may*  
22 promulgate rules and regulations, subject to the Administrative Adjudication Act, that  
23 *may* be needed to implement this Section.

1           **§59111.6. Traffic Citation Surcharge.**

2           All traffic citations issued *shall* have a five percent (5%) surcharge of which *shall*  
3 be deposited into the *GPD Headquarters Building Fund* and *shall* be subject to the  
4 provisions of this Act.

5           **§59111.7. Deposits.**

6           (a) As provided by and subject to the provisions of this Act, fines generated from  
7 the Criminal Petty Misdemeanor and Misdemeanor Fine Procedures, fees  
8 collected by GPD, Red Light and Speed Electronic Camera System traffic  
9 citation fines, five percent (5%) traffic citation surcharge, and funds  
10 committed by *I Maga'låhen Guahån* *shall* be deposited into the *GPD*  
11 *Headquarters Building Fund*. All amounts deposited into the *GPD*  
12 *Headquarters Building Fund* *shall* be used solely for the purposes provided in  
13 this Act.

14           (b) All fines generated under this Act *shall* be paid at the Superior Court of  
15 Guam. Prior to any deposits required by this section, the Superior Court of  
16 Guam shall deduct twenty percent (20%) and use such funds for the increased  
17 demands and administrative costs upon the Judiciary of Guam associated with  
18 the implementation of this Act. Such deduction *shall* not apply to fines  
19 collected through §59111.3, and to amounts reserved in §59111.4.

20           **§59111.8. Fees.**

21           All fees collected by GPD, and are not part of the Police Services Fund, *shall* be  
22 deposited into the *GPD Headquarters Building Fund* and *shall* be subject to the  
23 provisions of this Act.

1           **§59111.9. I Maga'låhen Guåhan.**

2           *I Maga'låhen Guåhan* is hereby authorized to commit or transfer any funding  
3 source within his/her authority to the *GPD Headquarters Building Fund*. Such funds,  
4 once committed, *shall* be subject to the provisions of this Act.

5           **§59112. Severability.**

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

10           **Section 3. Effective Date.**

11           The provisions contained herein *shall* be effective upon the enactment of this Act.