

Section 7. The provisions of this Act shall take effect immediately upon enactment.

Section 8. A new §13213.6 is added to the Government Code to read:

"§13213.6. Anonas Drive in the municipality of Tamuning which intersects Ipao Road and Paseo de Oro is renamed the 'Carmen Memorial Drive'."

Section 9. Sections 31.35 and 31.37 of the Criminal and Correctional Code are repealed.

PUBLIC LAW 14-138

Bill No. 494S

Enacted: August 25, 1978

Governor's Action: Approved

Riders: Yes

Introduced by:

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AN ACT TO ADD A NEW CHAPTER X-A TO TITLE XIV OF THE GOVERNMENT CODE TO PROVIDE FOR THE DEVELOPMENT OF AS-TUMBO SUBDIVISION.

Preamble

- Section 1 Adds new Chap. X-A to Title XIV GC.
 - §13940 General Definitions
 - §13941 Subdivisions Identified
 - §13942 Transfer to GHURA
 - §13943 Development of Subdivision
 - §13944 Authorization to sell lots for less than fair market value to bona fide residents
 - §13945 Selection of Buyers
 - §13946 Same: time period
 - §13947 Disposal of property for use in accordance with plan
 - §13948 As-Tumbo Subdivision Fund
 - §13949 Direction to Land Management to provide written notification re eligibility of lots
 - §13950 Direction to the Board to establish rules
- Section 2 Exempts P.L. 12-108 from As-Tumbo Subdivision.
- Section 3 Adds Subsec. (7) to §11970 providing GCC with the authority to employ its own legal counsel.
- Section 4 Section 3 becomes retroactive from November 11, 1977.
- Section 5 Clarifies Section 3 of this Act.
- Section 6 Sources of funding for said legal services.
- Section 7 Amends P.L. 14-132, Pt. Five, Sec. 4C relative to the expenditure of revenues collected by UOG.

WHEREAS, for the past six (6) years, residents of As-Tumbo have awaited government action to provide them with a residential subdivision; and

WHEREAS, Guam Housing and Urban Renewal Authority is charged with providing good quality residential areas in Guam; and

WHEREAS, the need exists for provision of residential lots; and

WHEREAS, As-Tumbo is an ideal area for development; now, therefore,

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

Section 1. new Chapter X-A is added to Title XIV of the Government Code to read:

"CHAPTER X-A

Development of As-Tumbo Subdivision

§13940. General Definitions.

As used in this Chapter:

- (1) 'Authority' means the Guam Housing and Urban Renewal Authority.

(2) 'Board' means the Board of Commissioners of the Guam Housing and Urban Renewal Authority.

(3) 'Plan' means a subdivision plan, which includes but is not limited to a comprehensive development plan for a residential subdivision. The plan shall include the platting of lots, mapping, layout and design of all street and utilities. The plan shall also include open space and recreational facilities sufficient to meet the needs of the residents of the subdivision. The plan shall be in substantial conformance with the provisions of Title XIX of this Code, except where the Board finds such provisions impractical. The plan shall provide adequate protection of the sink hole and safety margin around the sink hole, inclusive of plans to prevent any development in the sink hole or safety margin around the sink hole.

The plan shall include provisions for relocation of persons displaced by the construction of the subdivision and a provision for paying relocation expenses to such individuals.

(4) The plan mentioned in (3) above shall, to the greatest extent possible, include provisions for Federal funding. Specifically, the Authority is directed to use Six Hundred Thousand Dollars (\$600,000) made available or to be made available to it by the Secretary of the United States Department of Housing and Urban Development as a disbursement from the Secretary's discretionary funds.

(5) 'Family' means two (2) or more persons related by blood or marriage living together as a household, the head of which is a United States citizen or permanent resident.

(6) 'Single person' means an adult who is unmarried, widowed, divorced or is living separately from his spouse in accordance with a decree of separate maintenance entered by a court of competent jurisdiction.

§13941. Subdivisions Identified.

'As-Tumbo Subdivision' as used in this Chapter means the cadastral Lot Nos. 10121-83, 10124-1, Part of Lot 10123 as shown on Land Management Map No. 364-FY74, said land located in the area known as As-Tumbo in the municipality of Dededo.

§13942. Transfer to Guam Housing and Urban Renewal Authority.

Notwithstanding any other provision of law, all title and interest in the subdivision defined in §13941 of this Chapter is hereby transferred to the Guam Housing and Urban Renewal Authority. The Governor shall, within thirty (30) days of the passage of this Act, cause the necessary deeds and other papers to be executed and recorded at the Department of Land Management, government of Guam, to reflect the fact that title to said subdivision has been transferred to the Guam Housing and Urban Renewal Authority.

§13943. Development of Subdivision.

The Authority is authorized and directed to cause the development of the subdivision in accordance with the subdivision plan and in order to do so, may enter into contracts with other government agencies or private companies for all necessary services.

§13944. Notwithstanding any law, rule or regulation to the contrary, the Authority is authorized to sell lots within the subdivision established by this Chapter for less than fair market value. Such sales shall be made only to bona fide residents of Guam, family or a single person who was, for the two (2) years immediately prior to the effective date of this Act, without fee title to any developable real property within the Territory and whose income does not exceed the limits established for a low-income family or a single person residing in low rent housing projects operated by the Authority. Such sales shall be in accordance with the following preferences:

(1) First preference shall be given to those families residing within the subdivision area under a Land Management Land Use Permit or to families who reside under a Land Management Land Use Permit or Department of Agriculture Land Use Permit on government land which has been designated as a water conservation area as indicated on the Bureau of Planning Land and Water Natural Resources Map.

(2) Second preference shall be given to those families or single persons who are, pursuant to a Land Management Land Use Permit, residing on government land designated as a low density area on the Bureau of Planning Land and Water Natural Resources Map.

(3) Third preference shall be given to the other eligible families residing on government land under a Land Management Land Use Permit.

(4) Fourth preference shall be given to tenants of low-rent housing programs operated by the Guam Housing Corporation or the Authority.

§13945. Selection of Buyers.

The Authority shall, by resolution, establish an application period or periods of reasonable length. During the application period, the Authority shall accept applications purchase lots within the subdivision. After the close of the application period, the Authority shall review all applications and for applicant families or single persons who are four eligible assign preferences to each application. Within each preference, a priority number shall be assigned. Said priority number shall be established by lot. The Authority shall dispose of the lots by selling them first to first preference families or single persons in the order of their respective priority numbers. When all families or single persons submitting first preference applications have been offered lots, the remaining lots shall then be offered in the same manner to second preference applicant families or single persons with any remaining lots then offered in the same manner to third preference applicant families or single persons and if any lots then remain, such lots are to be offered to fourth families in the same manner. The priority number system shall be used to determine which purchaser shall be entitled to which lot and shall also govern in the case that there are more purchasers in a preference category than lots available.

§13946. Same: Time Period.

The sale of lots shall begin as soon as practicable after the close of the application period. After determination of eligibility, each applicant shall, prior to the expiration of a time set by the Authority, make arrangement to purchase his lot. The Authority shall time the expiration of the application period and the other time periods involved in such a manner that contracts for sale of all lots will have been entered into by the estimated date of completion for the subdivision.

§13947. Disposal of Property for Use in Accordance With Plan.

Subject to such requirements and procedures as may be imposed as a condition of and which shall in any event prevail:

(a) The Authority may sell real property or any interest therein acquired by it and may enter into contracts with respect thereto in the subdivision area for residential use in accordance with the subdivision plan subject to such covenants, conditions and restrictions, including covenants running with the land as it may deem to be in the public interest or necessary to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this Chapter, provided that such sale may be only after the approval of the subdivision plan and installation of sewer lines.

(b) The purchasers and their successors and assigns shall be obligated to devote such real property only to the same specified in the subdivision plan and may be obligated to comply with such other requirements as the Authority may determine to be in the public interest or the Federal government may determine to be necessary as a condition of Federal aid, including the obligations to begin and to complete within a reasonable time any improvements on such real property required by the subdivision plan and the new uses specified therein; provided that any obligation to begin construction of improvements shall not apply to mortgagees and others who acquire an interest in such property as the result of the enforcement of any lien or claim thereon.

(c) The Authority is authorized to sell the lots in the subdivision authorized by this Chapter at less than fair market value of the lots provided that the price of a lot shall not exceed Two Thousand Five Hundred Dollars (\$2,500). In determining the fair value of lots in the subdivision for uses in accordance with the subdivision plan, the Authority shall take into account and give consideration to the following:

- (1) uses provided in the plan;
- (2) the restrictions upon the lots in the subdivision area;
- (3) the covenants, conditions and obligations assumed by the purchaser and the Authority; and
- (4) the objectives of the plan.

(d) The Authority in any instrument of conveyance to a purchaser may provide that such purchaser shall be without the power to sell, lease or otherwise transfer the real property without the prior written consent of the Authority until he has completed the construction of any and all improvements which he has obligated himself to construct thereon and the Authority may provide, in any such instrument of conveyance, that such real property shall revert to or revest in the Authority, at its discretion, upon breach or violation of any condition, covenant, restriction, undertaking or other requirements relating to the use of the property or otherwise without relieving any purchaser and successors or assigns of any obligation assumed by such purchaser and without liability on the part of the Authority for any claim arising from such reversion.

or reversion. The Authority, upon a certification by it to a court of competent jurisdiction that any purchaser, their successors and assigns has breached or violated any condition, covenant, restriction, undertaking or requirement, shall be entitled to immediate relief (without bond or liability for damages) restraining and enjoining any such breach or violation, pending the determination of the issues in the controversy.

(e) The inclusion in any such contract or conveyance to a purchaser of any of the covenants, restrictions or conditions provided in Subsections (a), (b), (c) and (d), including the incorporation by reference therein of the provisions of a subdivision plan or any part thereof shall not prevent the filing of such contract or conveyance in the Department of Land Management in such a manner as to afford actual or constructive notice thereof.

(f) Real property acquired by the Authority which, in accordance with the provisions of the subdivision plan is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the subdivision plan.

(g) Where necessary, the Authority shall assist applicants in arranging for financing of such purchase at terms favorable to the applicant and in so doing, the Authority is directed to take cognizance of such programs as are available from the Farmer's Home Administration, Federal Housing Administration, Veterans Administration, Guam Housing Corporation and other Federal and local lenders and guarantors, both public and private.

§13948. As-Tumbo Subdivision Fund.

The sum of Three Hundred Thousand Dollars (\$300,000) is hereby transferred from the revolving fund created by Section 3 of P.L. 14-5 as amended by P.L. 14-57, 14-92 and 14-137, to the Guam Housing and Urban Renewal Authority (GHURA) for the purpose of establishing the As-Tumbo Subdivision Revolving Fund. The money in said revolving fund shall be used for the purpose of meeting current obligations incurred in the development or construction of the subdivision in this Chapter. The Board shall authorize current payments to its contractors or suppliers and proceeds of sales of lots in the subdivision shall be deposited in the fund. Any balance remaining at the conclusion of the project shall be paid over to the General Fund.

§13949. The Director of Land Management shall give written notification to all tenants under Land Use Permits and the Agricultural Permit Program that they may be eligible for a lot in the subdivision and shall furnish a list of such tenants to the Authority on the first day of the application period established in §13946 of the Act.

§13950. The Board shall promulgate reasonable rules and regulations to effect the purpose of this Act."

Section 2. The provisions of P.L. 12-108 (§13500 et seq. of the Government Code also known as the 'Chamorro Land Trust Act') shall have no application to As-Tumbo Subdivision.

Section 3. Subsection (7) is added to §11970 of the Government Code to read:

"(7) For such legal services as it may require, the College may employ or retain its own counsel and legal staff."

Section 4. Section 3 of this Act shall be effective from November 11, 1977.

Section 5. The Legislature finds that the Guam Community College and Board was granted "all the powers necessary and convenient to carry out and perform the purposes and provisions of this Title" by the introductory paragraph to §11970 of the Government Code. Thus, the College has had the power to retain legal counsel from the beginning of its operation. The amendment of Section 3 of this Act is only for the purpose of further clarifying the extent of the powers of the College and Board.

Section 6. Notwithstanding any provision of law, rule or regulation to the contrary, all expenditures made by the Community College for legal services during fiscal year 1978 are deemed authorized as of November 11, 1977 and ratified. Notwithstanding any law, rule or regulation to the contrary, expenditures from the FY79 appropriation made to the Community College in P.L. 14-132 are authorized for payment of legal services rendered to the Community College prior to July 1, 1978. Notwithstanding any provision of law, rule or regulation to the contrary, payment for legal services rendered to the Community College on or after July 1, 1978 are authorized from appropriations for fiscal year 1979 made to the Community College in P.L. 14-132.

Section 7. Section 4C of Part Five of P.L. 14-132 is hereby amended to read as follows:
"C. The University of Guam is hereby authorized to expend additional revenues derived from tuitions and fees and from other sources to supplement the appropriations made above University programs."

PUBLIC LAW 14-139

Bill No. 32S
Enacted: August 28, 1978
Governor's Action: Approved
Riders: Yes

Introduced by: E.R. Duenas
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AN ACT TO REPEAL CHAPTER XIV, TITLE X AND TO REENACT A NEW CHAPTER XIV, TITLE X, ALL OF THE GOVERNMENT CODE OF GUAM RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF SENIOR CITIZENS WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

- Section 1 Repeals Chap. XIV, Title X, GC.
- Section 2 New Chapter XIV; Title X, GC: Division of Senior Citizens.
 - §9980 Citation
 - §9981 Definitions
 - §9982 Establishment
 - §9983 Duties and Responsibilities
 - §9984 Guam Council on Senior Citizens
 - §9985 Council Powers
 - §9986 Council Meetings
 - §9987 Chief Administrative Officer
 - §9988 Functions
 - §9990 Appropriations & Expenditures
 - §9991 Federal Grants
 - §9992 Division of Senior Citizens Auxiliary Service and Development Fund
 - §9993 Annual Report
 - §9994 Voluntary Services

Section 3 Effective date.

Section 4 Amends P.L. 14-117 appropriation to DOE for temporary classrooms.

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

Section 1. Chapter XIV, Title X, of the Government Code is hereby repealed in its entirety.

Section 2. A new Chapter XIV, Title X, of the Government Code is hereby reenacted to read as follows:

"CHAPTER XIV

Division of Senior Citizens

§9980. Citation.

This Chapter may be cited as the 'Senior Citizens Act of 1978'.

§9981. Definitions.

- (a) 'Division' means the Division of Senior Citizens.
- (b) 'Administrator' means the head of the division to be known as the Senior Citizens Administrator.
- (c) 'Council' means the Guam Council on Senior Citizens.
- (d) 'Senior Citizen' means any person fifty-five (55) years of age or older.
- (e) 'Director' means the Director of the Department of Public Health and Social Services.