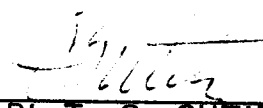


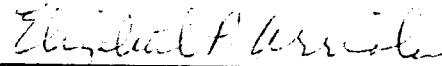
SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 561, "AN ACT TO ADD NEW SECTIONS 13650 THROUGH 13657 TO CHAPTER VII OF TITLE XIV OF THE GOVERNMENT CODE RELATIVE TO CREATING A PROTECTIVE ZONE SURROUNDING THE PERIMETER OF THE NEW PENITENTIARY SITE," was on the 25th day of May 1984, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

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This Act was received by the Governor this 3<sup>rd</sup> day of May  
1984, at 10:15 o'clock A.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
RICARDO J. BORDALLO  
Governor of Guam

Date: June 11, 1984

Public Law No. 2:50 pm  
P.L. 17-54

SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

Bill No. 561  
Substitute by Committee on  
Economic Development, Housing  
& Community Development

Introduced by:

C. T. C. Gutierrez  
P. C. Lujan  
M. D. A. Manibusan

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J. F. Ada  
J. F. Quan  
M. K. Hartsock  
F. J. Quitugua  
E. P. Arriola  
J. T. San Agustin  
E. R. Duenas  
F. R. Santos  
T. S. Nelson  
A. R. Unpingco  
A. C. Lamorena III  
J. H. Underwood  
F. J. Gutierrez  
J. P. Aguon  
D. Parkinson

AN ACT TO ADD NEW SECTIONS 13650 THROUGH 13657  
TO CHAPTER VII OF TITLE XIV OF THE GOVERNMENT  
CODE RELATIVE TO CREATING A PROTECTIVE ZONE  
SURROUNDING THE PERIMETER OF THE NEW  
PENITENTIARY SITE.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. A new Section 13650 is added to the Government Code of  
3 Guam to read:

4 §13650. Legislative Intent. The construction in progress on the  
5 site acquired in Mangilao by the government for the new facility of the  
6 Guam Penitentiary has brought to light the fact that surrounding  
7 residents' homes are located too close to the perimeter of the new  
8 facility. Not only has the construction caused considerable air  
9 pollution and wastewater buildup on area residents' property, but even  
10 after construction is completed it is noted that an access road to the

1 new penitentiary will be within six (6) feet from some residents, and  
2 the fencing perimeter will be within twelve (12) to twenty (20) feet  
3 from some residents. This excessive proximity of residents' homes to  
4 the perimeter of the new facility calls into question the ability of the  
5 Department of Corrections to provide adequately for the health and  
6 safety of the future inmates as well as the health and safety of the  
7 surrounding residents. The Penitentiary site has also been  
8 characterized as small by the Final Penitentiary Feasibility Plan,  
9 limiting space needed for rehabilitation purposes. Noting that the  
10 federal prison system is authorized by law to acquire additional land  
11 surrounding federal prisons essential to the protection of the health or  
12 safety of the inmates, it is the intent of this Act to create a protective  
13 zone surrounding the perimeter of the new penitentiary site and  
14 provide land and buildings which may be used for rehabilitation  
15 purposes."

16 Section 2. A new Section 13651 is added to the Government Code of  
17 Guam to read:

18 "§13651. The Governor is authorized to exchange government  
19 land on an area-for-area basis for private land upon which homes are  
20 located on the effective date of this Act and located within a  
21 five-hundred (500) foot perimeter of the present site of the new Guam  
22 Penitentiary facility, namely within a five-hundred (500) foot radius of  
23 the perimeter of the penitentiary site as shown on preliminary drawing  
24 No. 14-80T122-A, Land Management data number 35-FY81, excluding  
25 the area designated on such map for a ponding basin."

26 Section 3. A new Section 13652 is added to the Government Code of  
27 Guam to read:

28 §13652. The Governor is authorized to exchange Government land  
29 on an area-for-area basis for portions of basic lot number 5384 located  
30 in land square 19, Section 4, in Sabanan, Magas, Municipality of  
31 Barrigada, known as the following: Lot number 5384-3 as shown on  
32 drawing number H-105Y63 made by Horatio G. Carolina and dated  
33 December 13, 1963, checked by Land Management on December 13, 1983  
34 by F.G.B., Lot number 5384-6-1 as shown on drawing number

1 M222-353 made by Juan R. Mesa and recorded under Land Management  
2 data number 917-FY72, Lot numbers 5384-6-2, 5384-R11, 5384-11 and  
3 5384-6-2 as shown on drawing number SDCO.39-1176 made by Vicente  
4 C. Sian, Jr. and recorded on December 9, 1976 under instrument  
5 274298 and Lot numbers 5384-7, 5384-8, 5384-9, and 5384-10 as shown  
6 on drawing number 7310-11 made by Gregorio S. Torres, Jr. recorded  
7 under Land Management data number 244-FY74."

8 Section 4. A new Section 13653 is added to the Government Code of  
9 Guam to read:

10 "§13653. The Governor is authorized to purchase homes located  
11 on private land described in Sections 13651 and 13652 of this Chapter  
12 on a replacement cost basis. The cost shall be established by two  
13 independent appraisals to be obtained and paid for by the Department  
14 of Land Management."

15 Section 5. A new Section 13654 is added to the Government Code of  
16 Guam to read:

17 "§13654. The land exchanges authorized by Section 13652 of this  
18 Chapter, and the purchase of homes located on private land described  
19 in Section 13652 which is authorized by Section 13653 of this Chapter,  
20 shall be negotiated and accomplished within ninety (90) days of the  
21 effective date of this Act."

22 Section 6. A new Section 13655 is added to the Government Code of  
23 Guam read:

24 "§13655. The land exchanges authorized by Section 13651 of this  
25 Chapter, and the purchase of homes located on private land described  
26 in Section 13651 which is authorized by Section 13653 of this Chapter,  
27 shall be negotiated within one hundred eighty (180) days of the  
28 effective date of this Act. Land exchanges and purchase of homes  
29 under this section shall be at the option of private landowners and  
30 private homeowners who, after notice by the Department of Land  
31 Management, shall notify the Department of their intention to take part  
32 in this exchange."

33 Section 7. A new Section 13656 is added to the Government Code of  
34 Guam to read:

1           "§13656. There is authorized to be appropriated such sums as  
2 may be required to implement this Act. The Governor shall submit  
3 within ninety (90) days to the Speaker of the Guam Legislature a  
4 request for funding this authorization as it pertains to Section 13654 of  
5 this Chapter."

6           Section 8. A new Section 13657 is added to the Government Code of  
7 Guam to read:

8           "§13657. The Department of Land Management shall expend any  
9 balance of the appropriation made by Section 5 of Public Law 15-140,  
10 as amended, for the payment of just compensation to the owners of  
11 real property in Mangilao whose real properties have been used by the  
12 government for the Sabanan Magas Road and for utility improvements  
13 along the road. In the alternative, if there is no unexpended balance  
14 in the appropriation, then the Governor shall request an appropriation  
15 to pay just compensation for the property taken or exchange property  
16 for government of Guam land on a value for value basis."