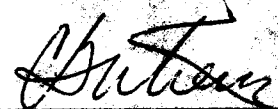


SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

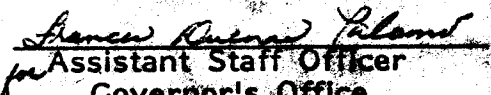
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

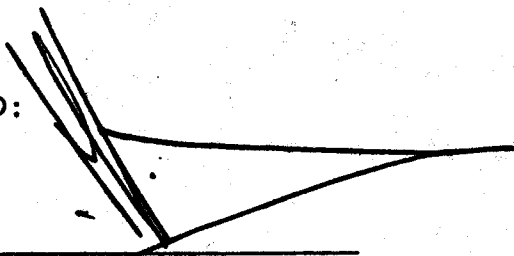
This is to certify that Substitute Bill No. 750, "AN ACT TO ADD A NEW CHAPTER V TO TITLE II OF THE CODE OF CIVIL PROCEDURE RELATIVE TO ESTABLISHING A JUDICIAL BUILDING FUND AND TO AUTHORIZE THE PLANNING, CONSTRUCTION, FURNISHING AND EQUIPMENT OF A JUDICIAL BUILDING, AND FOR OTHER PURPOSES," was on the 7th Day of December 1984, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

Attested:   
TED S. NELSON  
Senator and Acting Legislative Secretary

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This Act was received by the Governor this 10<sup>th</sup> day of December 1984, at 4:55 o'clock p.m.

  
for Assistant Staff Officer  
Governor's Office

APPROVED:   
RICARDO J. BORDALLO  
Governor of Guam

With the exception of Section 3 in which I have vetoed, appropriating the sum of \$10,000.00 dollars to the Superior Court of Guam as a contingency fund for the Presiding Judge.

Date: 12/21/84 2:55 p.m.  
Public Law No. 17-82

SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

Bill No. 750  
Substitute by Committee on  
Federal, Foreign and Legal Affairs

Introduced by:

F. R. Santos  
J. T. San Agustin

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AN ACT TO ADD A NEW CHAPTER V TO TITLE II OF  
THE CODE OF CIVIL PROCEDURE RELATIVE TO  
ESTABLISHING A JUDICIAL BUILDING FUND AND TO  
AUTHORIZE THE PLANNING, CONSTRUCTION,  
FURNISHING AND EQUIPMENT OF A JUDICIAL  
BUILDING, AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter V is added to Title II of the Code of Civil  
3 Procedure to read: )

4 "CHAPTER V

5 JUDICIAL BUILDING FUND

6 Section 189. Judicial Building Fund. There is hereby created a  
7 Judicial Building Fund for the Superior Court of Guam. All money  
8 collected for the Fund shall be deposited in interest-earning bank  
9 accounts as provided in Sections 189.2 and 189.4 of this Chapter.

10 Section 189.1 Fund Sources. All income and interest earned on  
11 such income received by the Superior Court of Guam for the filing of  
12 documents, or imposition of fines, which is not specifically  
13 appropriated for other purposes shall be deposited in the Judicial  
14 Building Fund. All interest income earned by the Superior Court from  
15 interest bearing bank accounts not part of the Judicial Building Fund  
16 shall likewise be deposited in the Judicial Building Fund as provided in  
17 Section 189.4 of this Chapter.

18 Section 189.2. Separation of Accounts. The Superior Court of  
19 Guam shall establish an account or accounts for the Judicial Building  
20 Fund, separate and apart from that of the Government of Guam  
21 General Fund accounts and the existing accounts of the Superior

1 Court. The new account or accounts established for the Fund  
2 together with the interest earned thereon shall be for the sole purpose  
3 of financing the planning, construction, furnishing and equipment of a  
4 new Judicial Building for the Superior Court of Guam, and shall be  
5 used for no other purpose.

6 Section 189.3. Reporting Requirements. The Judicial Building  
7 Fund shall be under the stewardship of the Judicial Council. The  
8 Judicial Council shall prepare, or cause to be prepared, full statements  
9 of accounts of all money received and expended out of the account or  
10 accounts of the Building Fund, and shall transmit such report to the  
11 Legislature each fiscal year, together with the Budget Request of the  
12 Superior Court for the ensuing fiscal year.

13 Section 189.4. Interest Bearing Accounts. The Superior Court  
14 of Guam is hereby authorized to deposit money in any of its accounts  
15 other than those established pursuant to Section 189.2 of this Chapter  
16 into interest-earning checking or savings accounts. All interest so  
17 earned shall be withdrawn from the checking or savings accounts and  
18 deposited into the account or accounts of the Judicial Building Fund at  
19 the end of each calendar quarter. A report of all interest so earned  
20 and deposited into the Judicial Building Fund shall be transmitted to  
21 the Legislature at the end of each fiscal year.

22 Section 189.5. Authorization to borrow. The Judicial Council is  
23 authorized by this Section to enter into a loan agreement on behalf of  
24 the Government of Guam for the sole purpose of financing the  
25 planning, construction, furnishing and equipment of a new Judicial  
26 Building and to secure such loan by proceeds from the Judicial  
27 Building Fund. The Judicial Council shall enter into such an  
28 agreement subject to the concurrence of the Governor in writing and  
29 the Legislature by resolution, and the members shall not incur any  
30 personal liability for any loan agreement lawfully entered into. The  
31 loan agreement shall become effective as of the date the Legislature  
32 concurs by resolution. 12 GCA §2103(k) shall not apply to the loan  
33 obtained pursuant to this Chapter.

1           Section 189.6. Legislative Appropriations. The Legislature may,  
2 from time to time, appropriate funds from the General Fund for deposit  
3 in the Judicial Building Fund. Such funds, when appropriated, shall  
4 be paid directly to the Judicial Building Fund.

5           Section 189.7. Review Agent. The Judiciary shall retain an  
6 independent Value Engineering Consultant as their review agent for  
7 the purpose of ascertaining cost effectiveness and other related goals  
8 provided by value engineering studies."

9           Section 2. A new Section 13525.1 of the Government Code of Guam is  
10 added to read:

11           "Section 13525.1. Exchange of land in lieu of cash payment. (a)  
12 Notwithstanding the provisions of Section 13525, owners of Lots located  
13 in Agana within the boundaries of O'Brien Drive, Route No. 7,  
14 Esperanza Street and the government property occupied by the  
15 Superior Court of Guam, which area is required for the construction of  
16 a court house parking lot, may apply to the Director of Land  
17 Management for government-owned land to be exchanged, totally or  
18 partially, in lieu of cash payment, for the land required by the  
19 Judiciary. If government-owned land has been designated for  
20 development or agricultural usage as identified in the Guam Public  
21 Land Use Plan and is not otherwise needed for public purposes, the  
22 Director of Land Management, with the approval of the Governor, may  
23 make an exchange of such property for cash to equalize respective  
24 values of such property upon approval of the Legislature by  
25 resolution.

26           (b) With the approval of the Governor and the Legislature by  
27 resolution, and the owner thereof, the Director of Land Management  
28 may for a period to expire July 1, 1987, exchange government-owned  
29 land which has been designated for development or agricultural usage  
30 as identified in the Guam Public Land Use Plan and is not otherwise  
31 needed for a public purpose for privately owned land of equal value  
32 located within the boundaries of O'Brien Drive, Route No. 7,  
33 Esperanza Street and the government property currently occupied by  
34 the Superior Court of Guam.

1 (c) The Attorney General shall formulate such rules, regulations  
2 and procedures as are necessary to effectuate the aims and intent of  
3 this section, and no exchange of land shall be consummated until the  
4 regulations and procedures hereby authorized shall have been adopted  
5 and promulgated pursuant to the provisions of the Administrative  
6 Adjudication Act. Such regulations and procedures shall include,  
7 among others, a provision that a public hearing on the proposed  
8 exchange of land be conducted by the Director, notice of which shall  
9 be published in a newspaper of general circulation in Guam at least ten  
10 (10) days before the hearing, which notice shall contain a brief  
11 description of the proposed exchange, including the values of the  
12 properties to be exchanged and the purpose or purposes for which the  
13 private land is to be acquired.

14 (d) Obligations due the Government of Guam by owners of  
15 property within the boundaries described in Subsections (a) and (b)  
16 of this section may be wholly or partially offset in an amount equal to  
17 the value of such land exchanged. Such obligations may include real  
18 estate tax liability, gross receipts tax liability, interest due the  
19 Government of Guam on any of the aforementioned obligations, plus  
20 rental or lease of Government of Guam land for agricultural or other  
21 purposes.

22 (e) Fractional lots within the boundaries of the property  
23 described in Subsections (a) and (b) of this section which have not  
24 been taxed within the past five years shall be assumed to have a tax  
25 obligation to the Government of Guam based on current fair market  
26 value of the land at the time of the exchange.

27 (f) Any exchange of government-owned land after the effective  
28 date of this subsection in violation of the publication provisions of  
29 subsection (b) of this section shall be invalid and any deed of  
30 exchange executed or recorded under any such violation shall be  
31 void."

32 Section 3. The sum of ~~ten thousand dollars (\$10,000)~~ **VETOED** is hereby  
33 appropriated from the General Fund to the Superior Court of Guam as a  
34 contingency fund for the Presiding Judge.

1 Section 4. The sum of Two Hundred Eighty-five Thousand Dollars  
2 (\$285,000) is appropriated from the General Fund to the Commissioner's  
3 Council Municipal Fund for fiscal year 1985 operations, prorated at \$15,000  
4 per Commissioner.

5 Section 5. The introductory sentence of 4 GCA Section 8122 (b) is  
6 repealed and reenacted to read:

7 "(b). Automatic increases in annuity. Effective July 1, 1984 any  
8 member who retired from service since September 1, 1972 and is  
9 entitled to benefits under this Chapter shall receive a One Hundred  
10 Dollar (\$100) automatic increase in his annual annuity, and shall  
11 receive each year on the anniversary date of his retirement or  
12 entitlement, an automatic increase in his annual annuity, to be  
13 computed as follows:"

14 Section 6. The introductory sentence of 4 GCA Section 8135 (b) is  
15 repealed and reenacted to read:

16 "(b). Automatic increase in annuity. Effective July 1, 1984, any  
17 survivor annuitant who first becomes entitled to receive benefits since  
18 September 1, 1972 and is entitled to benefits under this Chapter shall  
19 receive a One Hundred Dollar (\$100) automatic increase on his annual  
20 annuity, and shall receive each year on the anniversary date of his  
21 retirement or entitlement, an automatic increase in his annual annuity,  
22 to be computed as follows:"

23 Section 7. The amount of Fifty-three Thousand, Seven Hundred  
24 Fifty-nine Dollars and Eight Cents (\$53,759.08) is hereby appropriated from  
25 the General Fund to the Commissioner's Council for the purpose of paying  
26 annual leave lump sum payments for Commissioners, Assistant  
27 Commissioners, Administrative Assistants, and Municipal Clerks.

28 Section 8. Agana Pool Improvements. The Director, Department of  
29 Parks and Recreation, is hereby directed to upgrade, repair and otherwise  
30 improve the Agana Swimming Pool and take whatever measures are necessary  
31 to eliminate hazardous conditions and protect the public from injury or  
32 disease, specifically, to resurface the bottom of the pool; to provide  
33 non-slip surfaces in the bathhouses; to enclose the chlorine and filter  
34 facility; to install a water spray system to curtail the growth of algae; to

1 install an automatic chemical controller to maintain clean water; to install  
2 automatic-close drain valves, to install a hollow block wall around the pool  
3 to prevent unwanted debris from entering the pool and contaminating the  
4 water; and to take any other action necessary to effectuate the purposes of  
5 this Section.

6 Section 9. There is hereby appropriated from the General Fund the  
7 sum of One Hundred Thousand Dollars (\$100,000) to the Department of  
8 Parks and Recreation for the purpose of implementing the repairs and  
9 improvements required by Section 8 of this Act.