



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 23 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By <u>Joni Gumatanta</u>
Time <u>4:35 p.m.</u>
Date <u>10-23-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 300 (COR), "AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND/OR GUAM HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION, RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC.", which I have signed into law today as **Public Law No. 24-101.**

This legislation satisfies a judgment in a lawsuit against the government of Guam.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00505

Office of the speaker
ANTONIO R. UNPINGCO
Date: 11-23-97
Time: 15:35
Rec'd by: [Signature]
Print Name: Charlene Duques

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 300 (COR), "AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND/OR GUAM HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION, RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC.," was on the 9TH day of October, 1997, duly and regularly passed.



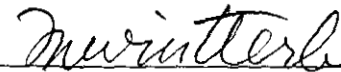
ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 17th day of October, 1997, at
4:35 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-23-97

Public Law No. 24-101

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 300 (COR)

As substituted by the
Committee on Finance and
Taxation and as amended on
the Floor.

Introduced by:

F. B. Aguon, Jr.
E. Barrett-Anderson
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco

AN ACT TO APPROPRIATE EIGHT HUNDRED
SEVENTY-SEVEN THOUSAND THREE HUNDRED
FORTY-FIVE DOLLARS (\$877,345.00) FROM THE
GENERAL FUND AND/OR GUAM HIGHWAY
FUND TO THE DEPARTMENT OF
ADMINISTRATION, RELATIVE TO
COMPLIANCE TO A LAWFUL JUDGEMENT
AGAINST THE GOVERNMENT OF GUAM AND

PAYMENT DUE TO JAPAN PACIFIC
DEVELOPMENT CO., INC.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Intent and Findings.** The Guam Legislature
3 finds that a judgement was recently rendered by the Superior Court of Guam
4 dated December 19, 1996, in which the government of Guam was ordered to
5 remit payment to Japan Pacific Development Co., Inc. in the amount of One
6 Million One Hundred Thousand Dollars (\$1,100,000). The Guam Legislature
7 further finds that the government had previously rendered a payment in the
8 sum of Two Hundred Forty-six Thousand Six Hundred Fifty-five Dollars
9 (\$246,655.00) to the aforementioned party, leaving the balance that is due in
10 the amount of Eight Hundred Fifty-three Thousand Three Hundred Forty-five
11 Dollars (\$853,345.00). Therefore, this Act would appropriate the said sums of
12 money for the express purpose of insuring that this judgement is settled as
13 expediently as possible.

14 **Section 2. Appropriation of Eight Hundred Fifty-three Thousand**
15 **Three Hundred Forty-five Dollars (\$853,345.00).** The sum of Eight Hundred
16 Fifty-three Thousand Three Hundred Forty-five Dollars (\$853,345.00) is
17 hereby appropriated from the General Fund and/or Guam Highway Fund to
18 the Department of Administration for the express purpose of expeditiously
19 satisfying a judgement lawfully entered against the government of Guam on
20 December 19, 1996, in the case of Japan Pacific Development, Co., Inc., vs.
21 Government of Guam.

22 The sum of Twenty-four Thousand Dollars (\$24,000.00) is hereby
23 additionally appropriated from the General Fund to the Department of

1 Administration for the payment of interest due to the corporation on the
2 aforementioned outstanding obligation.

3 The Department of Administration shall remit such payment to the
4 aforementioned party no later than thirty (30) days following the enactment of
5 this Act.

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Date: _____

VOTING SHEET

Bill No. _____

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C. //		✓		
AGUON, Frank B., Jr.				
BARRETT-ANDERSON, Elizabeth				
BLAZ, Anthony C.				
BROWN, Joanne M. S. ///		✓		
CAMACHO, Felix P. //	✓			
CAMACHO, Francisco P.	✓			
CHARFAUROS, Mark C.	✓	✓		
CRUZ, Edwardo J.	✓			
FLORES, William B. S.M. //	✓			
FORBES, Mark				
KASPERBAUER, Lawrence F.	✓			
LAMORENA, Albert C., V	✓			
LEON GUERRERO, Carlotta //	✓			
LEON GUERRERO, Lou		✓		
PANGELINAN, Vicente C.		✓		
SALAS, John C.	✓			
SANTOS, Angel L. G.	✓	✓		
SANTOS, Francis E.		✓		
UNPINGCO, Antonio R.	✓			
WON PAT-BORJA, Judith		✓		

TOTAL

14 7 _____ _____

CERTIFIED TRUE AND CORRECT:

 Clerk of the Legislature



TWENTY-FOURTH GUAM LEGISLATURE

Office of the Vice-Speaker

ANTHONY C. BLAZ

**LEGISLATIVE
COMMITTEE
MEMBERSHIP**

Chairman
Finance & Taxation
Vice-Chairman
Rules,
Government Reform
& Federal Affairs

Education

Natural Resources

Health &
Human Services

Tourism, Economic
Development & Cultural
Affairs

Judiciary,
Public Safety &
Consumer Protection

Transportation,
Telecommunications, &
Micronesian Affairs

MEMBERSHIP

Guam Finance
Commission

Commission on Self
Determination

September 30, 1997

The Honorable Speaker Antonio R. Unpingco
24th Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Finance and Taxation now reports its findings on Bill No. 300(COR), "An Act to Appropriate Eight Hundred Seventy-seven Thousand Three Hundred Forty-five Dollars (\$877,345.00) from the General Fund and or Territorial Highway Fund to the Department of Administration Relative to Compliance to a Lawful Judgement Against the Government of Guam and Payment Due to Japan Pacific Development Co., Inc.," to the full Legislature with the recommendation TO DO PASS.

Votes of the committee members are as follows:

To Pass	<u>11</u>
Not To Pass	<u>1</u>
Inactive File	_____
Abstained	_____
Off-Island	_____
Not Available	_____



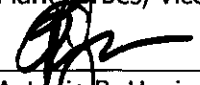

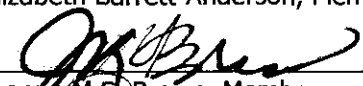


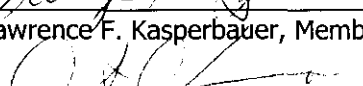
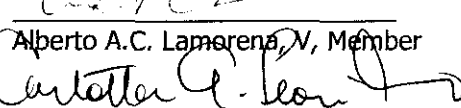
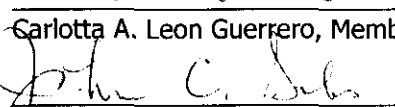
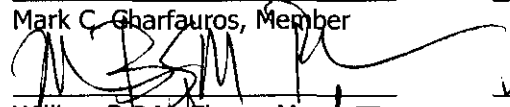

Copies of the Committee Report and all pertinent documents are attached for your information.

Anthony C. Blaz

Attachments

Committee on Finance and Administration
 Voting Sheet on
 Substitute Bill No. 300

"AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND/OR TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC."

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Anthony C. Blaz, Chairperson	✓			
 Mark Forbes, Vice Chairperson	✓			
 Antonio R. Uppingco, Ex-Officio	✓			
 Elizabeth Barrett-Anderson, Member	✓			
 Joanne M.S. Brown, Member	✓			
 Edwardo J. Cruz, Member	✓			
 Lawrence F. Kasperbauer, Member	X			
 Alberto A.C. Lamorena, Member	✓			
 Carlotta A. Leon Guerrero, Member	✓			
 John C. Salas, Member	✓			
Thomas C. Ada, Member				
Mark C. Garfauros, Member				
 William B. Flores, Member	✓			
 Francis E. Santos, Member		✓		



Committee on Finance & Taxation
Vice Speaker Anthony C. Blaz, Chairman

***Committee Report on
Bill No. 300***

"AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND OR TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC."

**Committee on Finance and Taxation
Report on Substitute Bill No. 300**

"AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND OR TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC."

PUBLIC NOTICE:

Pursuant to the requirements of the Standing Rules, notice of the Public Hearing on Bill No. 300 was published in the Pacific Daily News on Sunday, September 28, 1997.

PUBLIC HEARING:

The Committee on Finance and Taxation conducted a public hearing on Monday, September 27, 1997 at 4:30 PM in the Legislature's Public Hearing Room to hear testimonies on Bill No. 300.

MEMBERS PRESENT:

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

Senator Elizabeth Barrett-Anderson
Senator Edwardo Cruz
Senator William B.S.M. Flores
Senator Lawrence Kasperbauer
Senator Alberto Lamorena, V
Senator Francis Santos

Other Senators present were:

Senator Frank B. Aguon, Jr.
Senator Lou Leon Guerrero
Senator Vicente C. Pangelinan

PROVIDING PUBLIC TESTIMONY ON THE BILL:

Jonny C. Reyes, Japan Pacific Development
John Denorcey, Department of Administration

BACKGROUND :

Bill proposes to provide the necessary funds for a judgment lawfully entered against the government of Guam and appropriate a balance of \$853,345.00 to the Department of Administration to expeditiously satisfy this judgment. Additionally, the bill authorizes an appropriation of \$24,000.00 to the corporation for interest due.

Public Hearing deliberations confirmed that an appropriation is necessary to satisfy this judgment. No objections to the bill were made.

FINDINGS:

Bill 300 (COR) is necessary for the government of Guam to meet its financial obligations per legal judgment under Superior of Guam Civil Case No. CV1785-93. The government should not delay any further this court mandated settlement.

COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature **to do pass Substitute Bill 300-** "AN ACT TO APPROPRIATE EIGHT HUNDRED SEVENTY-SEVEN THOUSAND THREE HUNDRED FORTY-FIVE DOLLARS (\$877,345.00) FROM THE GENERAL FUND AND OR TERRITORIAL HIGHWAY FUND TO THE DEPARTMENT OF ADMINISTRATION RELATIVE TO COMPLIANCE TO A LAWFUL JUDGEMENT AGAINST THE GOVERNMENT OF GUAM AND PAYMENT DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC."

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7 9/15/97
Wch

Bill Number: 300 (COR)
Amendatory Bill: No

Date Received: August 27, 1997
Date Reviewed: September 09, 1997

Department/Agency Affected: Administration
Department/Agency Head: Michael J. Reidy
Total FY Appropriation to Date: \$10,927,870

Bill Title (preamble): AN ACT RELATIVE TO APPROPRIATING THE SUM NECESSARY TO SATISFY THE OUTSTANDING BALANCE DUE TO JAPAN PACIFIC DEVELOPMENT CO., INC. IN COMPLIANCE TO A JUDGMENT LAWFULLY ENTERED AGAINST THE GOVERNMENT OF GUAM.

Change in Law: N/A

Bill's Impact on Present Program Funding:
Increase _____ Decrease _____ Reallocation _____ No Change XXX

Bill is for:
Operations XXX Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A - IF NO, ADD'L AMOUNT REQUIRED \$ _____
AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST [Signature] DATE 9/9/97 DIRECTOR Joseph L. Rivera, Acting DATE SEP 12 1997

FOOTNOTES:

1/ Bill Number 300(COR) is an act relative to appropriating the sum necessary to satisfy the outstanding balance due to Japan Pacific Development Co., Inc. in compliance to a judgment lawfully entered against the Government of Guam. The fiscal impact of this bill exceeds the 95% mandatory cap on General Fund appropriations as required by P.L. 23-14.

FILED

DEC 19 9 53 AM '96

IN THE SUPERIOR COURT OF GUAM
TERRITORY OF GUAM

JAPAN PACIFIC DEVELOPMENT CO.,
INC., et al.,

Plaintiffs,

vs.

GOVERNMENT OF GUAM, et al.,

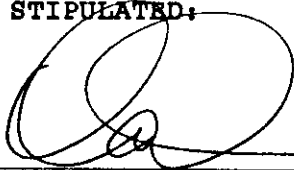
Defendants.

SUPERIOR COURT
CIVIL CASE NO. CV1785193

STIPULATED JUDGMENT

The plaintiffs and defendant government of Guam hereby stipulate to Judgment against the government of Guam for 1.1 million dollars less the sum of \$246,655.00 previously paid to the plaintiff.

SO STIPULATED:



CALVIN E. HOLLOWAY, SR.
Attorney General
Attorney for Government of Guam

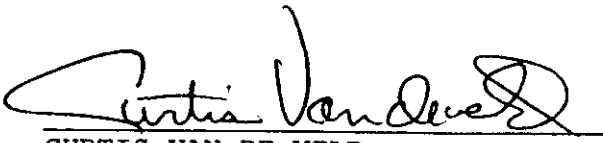
Date:

10/1/96

OFFICE OF THE ATTORNEY GENERAL

Territory of Guam
Suite 2-200E, Judicial Center Building
120 West O'Brien Drive
Agaña, Guam 96910
TEL: 475-3324 FAX: 475-3213

THE VAN DE VELD LAW OFFICES



By:

CURTIS VAN DE VELD
Attorney for Plaintiff

Date:

10-23-96

IT IS SO ORDERED:

DEC 19 1996

I do hereby certify that the foregoing is a true and correct copy of the original on file in the office of the clerk of the Superior Court, Guam
Dated at Agaña, Guam

DEC 19 1996


Clerk, Superior Court of Guam

Original Signed By:
FRANCES TYDINGCO-GATEWOOD

HONORABLE FRANCES TYDINGCO-GATEWOOD
Judge, Superior Court of Guam