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CH. 9.5 JUDICIAL BUILDING FUND

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JUDICIAL BUILDING FUND**

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**§ 9501. Judicial Building Fund.**

There is hereby created a Judicial Building Fund for the Superior Court of Guam. All money collected for the Fund shall be deposited in interest earning bank accounts as provided in § 9503 and § 9505 of this Chapter.

**SOURCE:** CCP § 189 added by P.L. 17-0082:1 (Dec. 21, 1984).

**§ 9502. Fund Sources.**

(a) All income and interest earned on such income received by the Courts for the filing of documents, or imposition of fines based on the fee schedule in existence as of September 12, 2002, except as otherwise mandated by 7 GCA Chapter 9, Article 2 and 8 GCA Chapter 161 relative to the Guam Law Library and the Criminal Injuries Compensation, respectively, and from rent paid by other tenants or government departments or agencies occupying the Judicial Building shall be deposited in the Judicial Building Fund. All interest income earned by the Courts from interest bearing bank accounts not part of the Judicial Building Fund shall likewise be deposited in the Judicial Building Fund as provided in § 9505 of this Chapter.

(b) Subject to approval by the Judicial Council, the Superior Court may charge reasonable fees for providing certain services or programs that the court determines are necessary for the proper administration of justice.

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Revenue received from such programs may be deposited within revolving accounts set up to support the programs or in the Judicial Building Fund, as the Council may provide.

(c) All increase in fees, fines or revenues approved by the Supreme Court of Guam or the Judicial Council and collected by the Courts of Guam, which are over and above the fee schedule in existence as of September 12, 2002, shall be deposited into the Judicial Client Services Fund.

**SOURCE:** CCP § 189.1 added by P.L. 17-082:1 (Dec. 21, 1984); amended by P.L. 19-006:1 (Aug. 26, 1987). Subsection (c) added by P.L. 26-152:IV:17. Amended by P.L. 27-55:1.

**2016 NOTE:** Reference to the “Territorial Law Library” changed to “Guam Law Library” pursuant to 1 GCA § 420 (added by P.L. 24-089 (Oct. 7, 1997).

P.L. 27-138:4 (Dec. 30, 2004) amended and moved 9 GCA Chapter 86 (Criminal Injuries Compensation) to 8 GCA Chapter 161, and the reference were changed to correspond to the new citation.

**§ 9503. Separation of Accounts.**

The Superior Court of Guam shall establish an account or accounts for the Judicial Building Fund, separate and apart from that of the government of Guam General Fund accounts and the existing accounts of the Superior Court. The new account or accounts established for the Fund together with the interest earned thereon shall be for the sole purpose of financing the planning, construction, furnishing and equipment of a new Judicial Building for the Superior Court of Guam, and shall be used for no other purpose.

**SOURCE:** CCP § 189.2 added by P.L. 17-082:1 (Dec. 21, 1984).

**§ 9504. Reporting Requirements.**

The Judicial Building Fund shall be under the stewardship of the Judicial Council. The Judicial Council shall prepare, or cause to be prepared, full statements of accounts of all money received and expended out of the account or accounts of the Building Fund, and shall transmit such report to the Legislature each fiscal year, together with the Budget Request of the Superior Court for the ensuing fiscal year.

**SOURCE:** CCP § 189.3 added by P.L. 17-082:1 (Dec. 21, 1984).

**§ 9505. Interest Bearing Accounts.**

The Superior Court of Guam is hereby authorized to deposit money in any of its accounts other than those established pursuant to § 9503 of this

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Chapter into interest earning checking or savings accounts. All interest so earned shall be withdrawn from the checking or savings accounts and deposited into the account or accounts of the Judicial Building Fund at the end of each calendar quarter. A report of all interest so earned and deposited into the Judicial Building Fund shall be transmitted to the Legislature at the end of each fiscal year.

**SOURCE:** CCP § 189.4 added by P.L. 17-082:1 (Dec. 21, 1984).

**§ 9506. Authorization to Borrow.**

The Judicial Council is authorized by this Section to enter into a loan agreement on behalf of the Government of Guam for the sole purpose of financing the planning, construction, furnishing and equipment of a new Judicial Building and to secure such loan by proceeds from the Judicial Building Fund, and, if necessary, to secure repayment of the loan by mortgage on the building. The Judicial Council shall enter into such an agreement subject to the concurrence of the Governor in writing and the Legislature by statute, and the members shall not incur any personal liability for any loan agreement lawfully entered into. The loan agreement shall become effective as of the date the Legislature concurs by statute. Title 12 GCA 2103(k) shall not apply to the loan obtained pursuant to this Chapter.

**SOURCE:** CCP § 189.5 added by P.L. 17-082:1 (Dec. 21, 1984); amended by P.L. 19-006:2 (Aug. 26, 1987).

**NOTE:** The Legislature concurred with the loan and established the effective date of the loan by P.L. 19-019:8 and 9 (Aug. 22, 1988).

**§ 9507. Legislative Appropriations.**

The Legislature may, from time to time, appropriate funds from the General Fund for deposit in the Judicial Building Fund. Such funds, when appropriated, shall be paid directly to the Judicial Building Fund.

**SOURCE:** CCP § 189.6 added by P.L. 17-082:1 (Dec. 21, 1984).

**§ 9508. Review Agent.**

The Judiciary shall retain an independent Value Engineering Consultant as their review agent for the purpose of ascertaining cost effectiveness and other related goals provided by value engineering studies.

**SOURCE:** CCP § 89.7 added by P.L. 17-082:1 (Dec. 21, 1984).

**NOTE:** P.L. 17-082:2, as amended by P.L. 19-006:3, added § 13525.1 to the Government Code authorizing land acquisition for the court building and land

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exchange rather than payment for willing landowners whose lands were taken under this authorization.

**§ 9509. Partial Diversion of Fund.**

Notwithstanding any other provision of law, rule or regulation, a maximum of Twenty Thousand Dollars per year from the amounts not used of financing the planning, construction, furnishing and equipment of the judicial building for the Superior Court of Guam, shall be available from the Judicial Building Fund for the Hero Scholarship Program Fund pursuant to Chapter 15[, Article 12] of Title 17 of the Guam Code Annotated.

**SOURCE:** Added as an uncodified section by P.L. 26-101:4 (June 7, 2002).

**2016 NOTE:** P .L. 28-149:II:VI:5 (Sept. 30, 2006) recodified and moved 17 GCA Chapter 25, Hero Scholarship Program to 17 GCA Chapter 15, Article 12. The reference were changed to correspond to the new citation.

**§ 9510. Forensic Science Laboratory.**

(a) (1) The Judicial Council is hereby authorized to provide for the design, construction and collateral equipment of a forensic science laboratory by entering into a financing arrangement with the U.S. Department of Agriculture, or other financing source, with a lower cost of funds, *not to exceed*, Seven Million Three Hundred Thousand Dollars (\$7,300,000) for a term *not to exceed* forty (40) years.

(2) If the Judicial Council deems it in the best interest of the Community, it may delegate or assign any or all of the following tasks of design, construction, purchase of collateral equipment and negotiation and/or execution of financial instruments to the Guam Community College. The terms of any debt *shall* be approved by the Judicial Council to ensure that the fund's ability to repay the Judicial Building Loan (Government of Guam Promissory Note to Farmers Home Administration – Superior Court Note) is *not* adversely affected. Repayment of any loan or other commitment shall be made utilizing funds from the Judicial Building Fund.

(3) The Judicial Council is authorized, when obtaining the financing for the forensic science laboratory, as described in this Subsection, to consolidate the Seven Million Three Hundred Thousand Dollars (\$7,300,000) with existing obligations of the Judicial Building Fund, up to a maximum total of Eleven Million Dollars (\$11,000,000), in order to realize savings in its annual payment obligation for these loans.

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(b) Any financial arrangement to provide for the design, construction and collateral equipment of a forensic science laboratory shall be subject to the approval of the secured creditor of the Judicial Building Fund. The Judicial Council shall, without jeopardizing reserves for existing obligations, be required to maintain reserves sufficient to assure that loan installments, if any, are paid on time; for emergency maintenance; for extensions to facilities; and for replacement of short-lived assets with a useful life significantly less than the repayment period of any loan or the term, or any other financial arrangement.

(c) The physical structure(s) of the forensic science laboratory shall be constructed on property of the Guam Community College and shall house the Forensic Division of the Guam Police Department.

(d) Any monies reimbursed for expenses incurred for the design and construction of the forensic science laboratory shall revert to the Judicial Building Fund.

(e) *I Liheslaturan Guåhan* [The Legislature] encourages the Judicial Council to explore and identify any and all potential financing sources or grants, including, but not limited to, any Federal government instrumentalities or private financial lending sources, for construction of the forensic science laboratory.

(f) Subject to the appropriate security measures, the Guam Community College shall collaborate with the University of Guam ('University') in allowing the University to utilize the forensic science laboratory building for classes and training by the University.

**SOURCE:** Added by P.L. 26-124:2 as § 9109. Renumbered by Compiler because § 9109 is already occupied. Subsection (a) amended by P.L. 29-113:VI:44 (Sept. 30, 2008).

**§ 9511. Maintenance of Judicial Center and Forensic Science Building and Equipment.**

*After* the debt service obligations are met to repay any debts funded by the Judicial Building Fund, such remaining sums as are needed for maintaining the Judicial Center and Forensic Science Building *shall* be expended from available funds in the Judicial Building Fund.

**SOURCE:** Added by P.L. 29-113:VI:45 (Sept. 30, 2008).

**§ 9512. Additional Authorization to Borrow.**

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(a) (1) The Judicial Council is further authorized to enter into a financing arrangement to include a loan agreement or line of credit on behalf of the government of Guam to provide for:

(A) Judiciary of Guam facility repairs, improvements, and acquisition of real property;

(B) any projects or acquisitions delineated in the Judiciary of Guam Master Plan approved by Judicial Council Resolution No. JC 10-021;

(C) repair of the Gregorio G. Perez Crime Lab not to exceed Three Hundred Fifty Thousand Dollars (\$350,000); and

(D) purchase of computer equipment and case management software for the Office of the Attorney General of Guam not to exceed Three Hundred Fifty Thousand Dollars (\$350,000).

(2) The terms of the loan agreement or line of credit authorized under this Section shall be approved by the Judicial Council and shall be subject to approval of the secured creditor of the Judicial Building Fund. The Judicial Council is authorized when obtaining the financing authorized by this Section to consolidate such loan amount with the existing obligations of the Judicial Building Fund up to a maximum total of Fifteen Million Dollars (\$15,000,000). Repayment of any loan shall be made utilizing funds from the Judicial Building Fund, and may be secured by a pledge of the Judicial Building Fund.

(b) The amounts earmarked for the Guam Police Department and the Office of the Attorney General of Guam shall be disbursed by the Judiciary pursuant to a Memorandum of Understanding with the Judiciary of Guam no later than one (1) year after the loan proceeds are available.

(c) The Judicial Council shall, without jeopardizing reserves for existing obligations, be required to maintain reserves sufficient to assure that loan installments, if any, are paid on time; for emergency maintenance; for extensions to facilities; and for replacement of short-lived assets with a useful life significantly less than the repayment period of any loan or the term, or any other financial arrangement.

(d) Section 50103(k) of Article 1, Chapter 50 of Title 12 GCA shall not apply to the loans obtained pursuant to this Chapter.

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(e) The term of the loan authorized by this Section, including any consolidation with existing obligations of the Judicial Building Fund under the loan authorized and outstanding under § 9510(a), shall not exceed forty (40) years from the date of the loan or consolidation.

(f) Waiver of Sovereign Immunity. Notwithstanding any substantive or procedural provision of Chapter 6 of Title 5, Guam Code Annotated, the government of Guam shall not be entitled to immunity from any suit or action in contract on any indebtedness authorized hereby. For the purposes of this provision only, immunity is waived as to the award of attorney fees and related costs in connection with any suit brought to enforce any right or obligation incurred under the loan authorized hereby, or in connection with the enforcement of any agreement, note or pledge that arises directly from the indebtedness authorized hereby.

**SOURCE:** Added by P.L. 33-066:XII:31 (Sept. 5, 2015).

**2016 NOTE:** Subsection and subitem designations were added to adhere to the Compiler's general codification and alpha-numeric schemes pursuant to 1 GCA § 1606.

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