FILE COPY

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 43 (COR), "AN ACT TO *AMEND* §2401 (c) OF TITLE 1, GCA, AND §60112 OF TITLE 21, GCA; AND TO *ADD* A NEW SUBITEM (C) TO §2107 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO TASKING *I KUMISION GUÅHAN FINE'NANA* AND *I LIHESLATURA* TO DETERMINE WHICH LAND THE FEDERAL GOVERNMENT MAY INTEND TO LEASE, SUB-LEASE, EXCHANGE FOR OTHER LAND, *OR* PURCHASE, AND REPORT THEIR FINDINGS TO *I MAGA'LAHI*,"** returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 1st day of May, 2009, to pass said Bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of Ten (10) Members.

Judith T. Won Pat, Ed. D.
Speaker

Attested:

Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 01 day of May, 2009, at 5:15 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 43 (COR)
As substituted by the Committee
on the Guam Military Buildup
and Homeland Security,
and amended on the Floor.

Introduced by

Judith Paulette Guthertz, DPA
R. J. Respicio
B. J.F. Cruz
T. C. Ada
F. B. Aguon, Jr.
T. R. Muña Barnes
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Adolpho B. Palacios, Sr.
v. c. pangelinan
M. J. Rector
Ray Tenorio
Telo Taitague
Judith T. Won Pat, Ed. D.

AN ACT TO *AMEND* §2401 (c) OF TITLE 1, GCA, AND §60112 OF TITLE 21, GCA; AND TO *ADD* A NEW SUBITEM (C) TO §2107 OF TITLE 2, GUAM CODE ANNOTATED, RELATIVE TO TASKING *I KUMISION GUÅHAN FINE'NANA* AND *I LIHESLATURA* TO DETERMINE WHICH LAND THE FEDERAL GOVERNMENT MAY INTEND TO LEASE, SUB-LEASE, EXCHANGE FOR OTHER LAND, *OR* PURCHASE, AND REPORT THEIR FINDINGS TO *I MAGA'LAHI.*

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the federal government has stated that the ongoing military buildup will result in the need for land over and above that property which is already in federal hands.

This will mean that in order for the United States military to properly carry out their mission, leases, sub-leases, land exchanges *or* purchases of local property, including land owned in the name of the government of Guam, may be proposed.

I Liheslatura further finds that certain individuals may attempt to engage in speculative acts in order to profit from such a need for land, by sub-leasing government of Guam land for which they already have a lease, *or* plan to obtain a lease for the purpose of sub-leasing to a federal government entity. Such actions, should they take place, will allow a few individuals to profit at the expense of our entire community.

I Liheslatura further finds that it should be the final authority in any and all requests to lease, sub-lease, exchange land *or* sell property owned in the name of the government of Guam, relative to federal *or* military purposes.

It is, therefore, the intent of *I Liheslatura* to amend public law and require that *I Kumision Guåhan Fine'nana* review the federal government's needs and requests for additional land, and inform *I Liheslatura* and *I Maga'lahi* of any potential leases, sub-leases, land exchanges *or* requests to purchase property owned in the name of the government of Guam.

Section 2. §2401 (c) of Chapter 24 of Title 1, Guam Code Annotated, is *amended* to read:

"(c) The *Kumision* and *I Liheslatura* is also tasked with monitoring all federal and international activities relative to the military expansion and providing all relevant information to *I Maga'lahi* and *I Liheslatura,* including information on federal needs for additional land, and any proposed leases, sub-leases *or* requests to exchange land *or* purchase any land owned in the name of the government of Guam. Any and all entities of the government of Guam, including, but *not limited to,* its autonomous agencies, public corporations, the *Chamorro* Land Trust Commission and the

Ancestral Lands Commission, *shall* notify the *Kumision* and *I Liheslatura* within five (5) working days of any proposal, request *or* inquiry by the federal government *or* any agent of the federal government, relative to the use *or* need of any land owned in the name of the government of Guam."

Section 3. A *new* subsection (c) is *added* to §2107 of Chapter 2 of Title 2, Guam Code Annotated, to read:

"(c) Any proposed lease, sub-leases, requests to exchange land *or* purchase any land owned in the name of the government of Guam to the federal government *or* any agent of the federal government *shall* require the approval of *I Liheslatura."*

Section 4. §60112 of Article 1 of Chapter 60 of Title 21, Guam Code Annotated, is hereby *amended* to read:

"§60112. Legislative Approval Required. Notwithstanding any other provisions of law, government-owned real property *shall not* be sold, leased, sub-leased, exchanged *or* otherwise transferred without the prior approval of *I Liheslatura* (the Legislature) by duly enacted legislation, which specifically authorizes a particular sale, lease, exchange *or* transfer and includes the real property description of the government-owned real property with particularity. This Section *shall not* apply to Land Use Permits, *or* residential leases by the *Chamorro* Land Trust Commission pursuant to its rules and regulations, but *shall* apply to any transfer to the federal government *or* any agent of the federal government of land owned in the name of the government of Guam, including, but *not limited to,* its autonomous agencies, public corporations, the *Chamorro* Land Trust Commission and the Ancestral Lands Commission."

Section 5. Neither the government of Guam, nor any of its instrumentalities, *shall* enter into any cooperative agreement *or* memorandum of understanding, with

any department, agency, *or* instrumentality of the United States federal government, which in any manner can be construed as providing tacit *or* expressed support of federal jurisdiction over Guam land, waters, historic sites *or* artifacts, *or* other Guam resources without the express approval of both *I Liheslaturan Guåhan* (the Guam Legislature) and *I Maga'lahen Guåhan* (the Governor of Guam).