FILE COPY

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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

This is to certify that **Bill No. 401-31 (LS), "AN ACT TO *EXEMPT* THE MAPS OF THE *CHAMORRO* LAND TRUST LEASE SITES PREVIOUSLY APPROVED BY THE *CHAMORRO* LAND TRUST COMMISSION FROM THE REQUIREMENTS OF ARTICLE 2 OF CHAPTER 62, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SUBDIVISION AND RECORDATION PROCEDURES",** was on the 22nd day of December, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23rd day of Dec., 2011, at 10:35 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 401-31 (LS)
As amended on the Floor.

Introduced by: v. c. pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *EXEMPT* THE MAPS OF THE *CHAMORRO* LAND TRUST LEASE SITES, PREVIOUSLY APPROVED BY THE *CHAMORRO* LAND TRUST COMMISSION, FROM THE REQUIREMENTS OF ARTICLE 2 OF CHAPTER 62, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SUBDIVISION AND RECORDATION PROCEDURES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings. *I Liheslaturan Guåhan* finds that since the initial implementation of the *Chamorro* Land Trust Leasing Program (Program), the *Chamorro* Land Trust Commission (CLTC), as the Trustee to

public lands within its inventory, has *not* submitted the parceling of lands to the Guam Land Use Commission (GLUC).

From the initial inception of the Program until sometime in 2003, CLTC sketches *only* required the approval of the Administrative Director as a matter of Commission policy. Hundreds of sketches of leased parcels were processed without the approval of either the GLUC or the Department of Land Management (DLM), and further, lessees were permitted to enter upon and develop the properties for the enhancement of their livelihood. All maps were prepared and signed by duly licensed professional land surveyors

At the present time, a large number of CLTC lessees with CLTC-approved maps have requested that their maps be approved and recorded by DLM. As efforts were made to accommodate the requests, DLM remains adamant that these property maps will *not* be approved *unless* the CLTC acquires the approval of the GLUC, for properties subdivided into six (6) or more lots. Without GLUC approval, there is no likelihood that DLM will process, approve and record these maps in accordance with law.

Section 2. Legislative Intent. *I Liheslaturan Guåhan* intends to assist the hundreds of lessees of the *Chamorro* Land Trust Commission affected by the lack of approved maps by exempting maps, prepared and signed by licensed professional land surveyors, of the CLTC properties which were previously approved by the CLTC and/or its Administrative Director. Enactment of this legislation will assist in the expedient and timely processing of maps previously drawn for CLTC lessees, and consequently assist the CLTC to expeditiously process those leases and the list of applicants waiting for their maps to be approved.

It is the intent of *I Liheslaturan Guåhan* that the exemption *shall not* be applicable to any new applicants processing for maps under the CLTC for property

subdivision of two (2) or more lots, and *shall* comply with the provisions of Article 2 of Chapter 62 of Title 21, Guam Code Annotated.

Section 3. Exemption From Provisions of Article 2 of Chapter 62, Title 21, Guam Code Annotated.

(a) **Exemption.** Notwithstanding any provision of law, the *Chamorro* Land Trust Commission leased property maps, prepared and signed by professional land surveyors, which have been approved by the Administrative Director of CLTC, and which must be redrawn or updated to meet mapping requirements and submitted to the Department of Land Management for editing, final approval and recordation, are hereby *exempt* from the provisions of Article 2 of Chapter 62, Title 21, Guam Code Annotated, requiring the approval of the Guam Land Use Commission.

(b) **Approval.** Any CLTC leased property maps prepared and signed by professional land surveyors and approved by the CLTC and/or the Administrative Director of CLTC are hereby deemed approved.

(c) **Application to New Subdivisions.** Upon enactment of this Act, any new applications for subdivision of six (6) or more lots received by the CLTC *shall* comply with the provisions of Article 2 of Chapter 62 of Title 21.

Section 4. Severability. *If* any of the provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity *shall not* affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

OFFICE OF THE SPEAKER
JUDITH T. WON PAT, Ed.D.
CHAIRPERSON OF THE COMMITTEE ON EDUCATION AND PUBLIC LIBRARIES

VICE CHAIR
COMMITTEE ON TOURISM, MUNICIPAL AFFAIRS, HOUSING AND RECREATION

COMMITTEE ON TAXATION, APPROPRIATIONS, PUBLIC DEBT, BANKING, INSURANCE, RETIREMENT AND LAND

COMMISSIONER
GUAM COMMISSION ON DECOLONIZATION

GUAM FIRST COMMISSION

VICE PRESIDENT
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)

BOARD MEMBER
PACIFIC RESOURCES FOR EDUCATION AND LEARNING (PREL)

LEGISLATIVE REPRESENTATIVE
PACIFIC ISLAND DEVELOPMENT BANK (PIDB)

FESTIVAL OF THE PACIFIC ARTS (FESTPAC)

December 22, 2011

MEMORANDUM

To: Honorable Rory J Respicio
Chairperson, Committee on Rules

From: Speaker Judith T. Won Pat, Ed.D.

Subject: Waiver of Public Hearing Request on Bill No. 401-31 (LS)

After careful evaluation for a request to waive the requirements for a mandatory public hearing on Bill No. 401-31 (LS), "An act to exempt maps of the Chamorro Land Trust lease sites previously approved by the Chamorro Land Trust Commission from the requirements of Article 2, Chapter 62 of Guam Code Annotated, Relative to subdivision and recordation procedures."

I certify that Bill No. 401-31 (LS) meets a condition set forth in §2103(a) of Title 2 Guam Code Annotated that the requirement for a public hearing may be waived and in event the bill is identical to a bill introduced earlier, which later bill received a public hearing, then a public hearing for the identical bill may be waived. Bill 401-31 (LS) is an identical to Bill No. 241-31 (COR) which was heard on July 11, 2011 by the the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land, chaired by Senator Vicente C. Pangelinan.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Clerk of the Legislature