

I Mina'trentai Sais Na Liheslaturan Gu'dhan
APPOINTMENTS

DOCUMENT NO.	APPOINTEE	POSITION	AGENCY	APPT. DATE	TERM LENGTH	COMMITTEE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	COMMITTEE REPORT FILED	SESSION DATE	DATE CONFIRMED	NOTES
36GL-22-2636	Arlene P. Bordallo	Member	Chamora Land Trust Commission	10/4/22	Three (3) Years; April 11, 2022 to April 10, 2025	Committee on Health, Land, Justice, and Culture	10/11/22	11/14/22 2:00 p.m.	12/1/22 11:40 a.m.			



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

November 29, 2022

The Honorable Amanda L. Shelton *Ashelton*
Acting Chairperson, Committee on Rules
I Mina'trentai Sais na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña Guam, 96910

RE: Committee Report on the Re-Appointment of Arlene P. Bordallo, to serve as a Member, Chamorro Land Trust Commission for a Term Length of Three (3) Years; April 11, 2022 to April 10, 2025.

Håfa Adai Acting Chairperson Shelton:

Transmitted herewith is the Committee Report on the Re-Appointment of Arlene P. Bordallo, to serve as a Member, Chamorro Land Trust Commission for a Term Length of Three (3) Years; April 11, 2022, to April 10, 2025, and which was referred to the Committee on Health, Land, Justice and Culture.

Committee votes are as follows:

<u> 7 </u>	TO CONFIRM
<u> 0 </u>	TO NOT CONFIRM
<u> 0 </u>	TO REPORT OUT ONLY
<u> 0 </u>	TO ABSTAIN
<u> 0 </u>	TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES
RECEIVED:**

November 29, 2022

10:21 A.M.

Sincerely,

Therese M. Terlaje
Speaker Therese M. Terlaje

Additional Vote Rec'd:
November 29, 2022 @ 10:21 A.M.

Revisions Rec'd:
November 30, 2022 @ 12:52 P.M.



Office of the Speaker
THERESE M. TERLAJE
I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE REPORT

Re-Appointment
Arlene P. Bordallo
to serve as a Member,
Chamorro Land Trust Commission
Three (3) Years;
April 11, 2022 to April 10, 2025



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

November 29, 2022

MEMORANDUM

To: All Members
Committee on Health, Land, Justice and Culture

From: Speaker Therese M. Terlaje *TMT*
Committee Chairperson

Subject: Committee Report on the Re-Appointment of Arlene P. Bordallo to serve as a Member of the Chamorro Land Trust Commission

Transmitted herewith for your consideration is the Committee Report on the re-appointment of **Arlene P. Bordallo, to serve as a Member of the Chamorro Land Trust Commission, for a term length of three (3) years; April 11, 2022 to April 10, 2025.**

This report includes the following:

- Copy of COR Referral of the Appointment
- Copy of the Appointment Letter to the Speaker
- Copy of the Appointment Packet & Supporting Documents
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
163 CHALAN SANTO PAPA
HAGÁTÑA, GUAM 96910
TEL 671-472-2461
COR@GUAMLEGISLATURE.ORG

October 11, 2022

MEMO

To: Rennae Meno
Clerk of the Legislature

Legal Bureau

From: Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules

Re: Referral of Re-Appointment

Håfa adai,

As Acting Chairperson of the Committee on Rules, I am forwarding the referral of the following appointment:

Appointee: Arlene P. Bordallo

Position: Member, Chamorro Land Trust Commission

The appointee's nomination packet may be referenced in the Guam Legislature's website at <http://guamlegislature.com/index/messages-and-communications/>. Please refer to the follow document:

"36GL-22-2636- Office of the Governor of Guam - Board Reappointment - Arlene P. Bordallo, Member, Chamorro Land Trust Commission.*"

Please ensure that the aforementioned appointment is referred to the **Committee on Health, Land, Justice, and Culture, chaired by Speaker Therese M. Terlaje.**

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Senator Amanda L. Shelton
Acting Chairperson, Committee on Rules



LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

October 4, 2022

Doc Type: 36GL-22-2636
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

Honorable Therese M. Terlaje
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

-10-10-2022

Time: 2:16pm
Received: [Signature]

RE: Board Reappointment

Hafa Adai Madame Speaker:

By virtue of the authority vested in me pursuant to the Organic Act of Guam and the applicable local laws, 21 GCA § 75A102, I am pleased to transmit the following appointment and supporting documents:

APPOINTEE: Arlene P. Bordallo
POSITION: Member, Chamorro Land Trust Commission
TERM LENGTH: **Three (3) Years; April 11, 2022, to April 10, 2025**

The appointment is subject to the confirmation of *I Liheslaturan Guåhan*. Please schedule a hearing at your earliest convenience.

Senseramente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc: Lt. Governor of Guam

COMMITTEE ON RULES

RECEIVED:

October 10, 2022

4:06 P.M.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

October 4, 2022

ARLENE P. BORDALLO

Hafa Adai Mrs. Bordallo:

Pursuant to my authority under the Organic Act of Guam and 21 GCA § 75A102, I am reappointing you to serve as a:

MEMBER, CHAMORRO LAND TRUST COMMISSION
Term Length: Three (3) years; April 11, 2022, to April 10, 2025

Your reappointment is a testament to your commitment to public service and the understanding of the great responsibilities that this position requires. I am confident that you will continue to fulfill your duties in a professional manner for others to follow.

Once again, I appreciate your willingness to serve in this position in an effective and productive manner to best serve the people of Guam.

As you are aware, this appointment is subject to the confirmation of *I Liheslaturan Guåhan*.

Should you have any questions, please contact Jean Taitano of the Governor's Office at (671) 473-1121.

Senseramente,

Handwritten signature of Lourdes A. Leon Guerrero in black ink.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc: *Honorable* Joshua F. Tenorio, Lt. Governor of Guam
Chairperson, Chamorro Land Trust Commission



OFFICE OF THE GOVERNOR OF GUAM Nomination and Appointment Information Sheet

The following information is required for submission to the
Speaker of *I Liheslaturan Guåhan* in accordance with Title 4, Guam Code Annotated Section 2103

NOMINEE INFORMATION

Last Name BORDALLO	First Name ARLENE	Middle Initial P
Mailing Address [REDACTED]		Apartment/Unit #
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Phone [REDACTED]	E-mail Address [REDACTED]	
Position to which Appointment is Made Member, CHamoru Land Trust Commission		
Are you a citizen of the United States? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
If no, are you authorized to work in the United States? Yes <input type="checkbox"/> No <input type="checkbox"/>		

EDUCATION

SCHOOL (Name, City and State)	DATES OF ATTENDANCE	TYPE OF DEGREE	YEAR EARNED
High School Rosary High School, San Diego, CA		High School Diploma	1969
College University of Guam		BBA	1980
Graduate School			
Other Degree			

EMPLOYMENT HISTORY

Name of Present/Last Employer and Mailing Address Hatdin Tres Flores Rosas, LLC dba: Nana's Garden & Plant Nursery & Lemai Café & Restaurant	Position Title Resident Agent
	Dates Held 2006 - Present 2017

Previous Employer and Mailing Address Family Finance Co. Inc. Hagatna, Guam	Position Title President
	Dates Held 2007 - Present

Previous Employer and Mailing Address Family Finance Co. Inc. Hagatna, Guam	Position Title Vice-President
	Dates Held 1980 - 2007

Previous Employer and Mailing Address Marianas Boats & Motors, Inc. Hagatna, Guam	Position Title Vice-President
	Dates Held 1980 - 2007

Previous Employer and Mailing Address Hotel Micronesia, Inc. Maite, Guam	Position Title Assistant Manager
	Dates Held 1970 - 1975

PRIOR GOVERNMENT OF GUAM SERVICE

Agency or Department Name Guam Department of Education		Position Title Substitute Teacher
Address	Phone No.	Dates Held 1/1970 - 6/1970

Agency or Department Name		Position Title
Address	Phone No.	Dates Held

PRIOR GOVERNMENT SERVICE (EXCLUDING GOVERNMENT OF GUAM)

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

<i>Agency or Department Name</i>		<i>Position Title</i>	
<i>Address</i>	<i>Phone No.</i>	<i>Dates Held</i>	

TRAINING

<i>INSTITUTE/SEMINARS/ON-THE-JOB TRAINING</i>	<i>DATE</i>

AWARDS

<i>List all educational, professional, civic awards, and recognition for public service:</i>

PROFESSIONAL INVOLVEMENT

<i>List involvement on a local/national/international level. List organizations, activities participated in, and offices held:</i>
Member, Board of Directors, Port Authority of Guam / <i>Chairperson</i> <i>AB</i> Member, Board of Directors, Guam Economic Development Authority

COMMUNITY / CIVIC INVOLVEMENT

List organizations, activities participated in, and offices held:

Member & former Officer, Soroptomist International of Guam, 1990 - Present
President, Guam Council of Women's Clubs, 2001 - 2002
Guam Women's Club present *AMB*

PUBLICATIONS AND PRESENTATIONS

List any published articles, papers delivered at professional meetings, etc.:

MILITARY SERVICE (Please attach Form DD-214)

<i>BRANCH</i>	<i>DATES OF SERVICE</i>	<i>RANK AT DISCHARGE</i>	<i>TYPE OF DISCHARGE</i>

OTHER INFORMATION

(1) Have you ever been found guilty of a felony in any court, whether within or without the United States?

Yes No If so, please specify in detail: _____

Address of the Court: _____

Date(s) of Conviction: _____

Specific Infraction Committed: _____

(2) Have you ever been declared mentally incompetent by any court, whether within or without the United States?

Yes No If so, please specify in detail the reasons and facts related to such declaration:

(3) Have you ever been found not guilty or not punishable in any criminal proceedings by reason of insanity?

Yes No

(4) Have you ever been confined to a mental institution for any reason?

Yes No If so, please specify in why the appointing authority believes you that you are not suffering from any mental illness or affliction:



OFFICE OF THE GOVERNOR OF GUAM

Statement of Financial Interests

(Required by 4 G.C.A. §13104.1)

TO: The Honorable Lourdes A. Leon Guerrero
Governor of Guam
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

FROM: Arlene P. Bordallo

- I have no financial interest in any business
- I do have interest(s) in the following business(es):

NAME AND ADDRESS OF BUSINESS INTEREST	TYPE AND AMOUNT OF INTEREST
Family Finance Company, Inc.	Small Loan Institute - 50%
Natdin Tres Flores Rosas, LLC. <i>AMB</i>	Restaurant/Plant Nursery - 100% <i>AB</i>

Arlene P. Bordallo
Signature

7-28-22
Date

AFFIDAVIT / DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, do hereby depose and say that: (1) I have read and reviewed the information contained in the attached Appointment/Nomination letter from the Governor of Guam; (2) that the matters contained in the Appointment/Nomination letter, together with all attachments thereto, are true and correct and that I am competent to testify to said matters; and (3) that this Declaration is made for the purpose of complying with the requirements of 4 G.C.A. Section 2103.5.

I declare under penalty of perjury under the laws of Guam (4 G.C.A. Section 4308) that the foregoing is true and correct.

Arlene P. Bordallo
Arlene P. Bordallo

Print Name and Signature

7-28-22

Date



**Government of Guam
 GUAM POLICE DEPARTMENT
 RECORDS & IDENTIFICATION SECTION
 P.O. Box 23909
 Guam Main Facility, Guam 96921**



August 4, 2022

SUBJECT: CRIMINAL HISTORY RECORD

NAME:	Arlene P. BORDALLO		
DATE OF BIRTH:	██████████	FINGERPRINT#:	██████████
■	The individual has no record of criminal conviction(s) in the Guam Police Department files that are subject to Guam law.		

*****NOTHING FOLLOWS*****

THIS INFORMATION MAY BE LIMITED TO A LOCAL CRIMINAL OFFENSE ONLY AND IS NOT INTENDED FOR USE FOR ANY LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

By Direction: km

**STEPHEN C. IGNACIO
 Chief of Police**

The absence of an original GUAM POLICE seal invalidates this police clearance.
 REVISED 04/26/19



SUPERIOR COURT OF GUAM

Guam Judicial Center | 120 West O'Brien Drive | Hagåtña, Guam 96910 | (671) 475-3370 | Fax: (671) 475-0078

Name: **ARLENE ROSE PEREZ BORDALLO**

Driver's License ID # [REDACTED]

DOB: [REDACTED]

CERTIFICATE OF SEARCH

The undersigned Clerk hereby certifies the following results of a diligent search of the records of this Court:

Criminal Cases:
No Cases Found

Civil Cases:

Request for further information may be addressed at the Records Division of the Superior Court of Guam, Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam. Hours of operation are Monday - Friday, 9:00 a.m. to 4:00 p.m. Closed Saturdays, Sundays and local/federal holidays. **Court Clearances are Non-Refundable.**

Dated:08/04/2022

Danielle T. Rosete
Clerk of Court

By: _____

Deputy Clerk II

Prepared by: John Diego



The absence of an
Original Court Seal
Invalidates this
document. 2942

**21 GCA REAL PROPERTY
CH. 75A CHAMORRO LAND TRUST COMMISSION
EFFECTIVE JANUARY 1, 2021**

**CHAPTER 75A
CHAMORRO LAND TRUST COMMISSION
EFFECTIVE JANUARY 1, 2021**

2021 NOTE: Entire chapter added by P.L. 35-112:1 (Dec. 10, 2020), which stated in part:

Section 1. A new Chapter 75A of Title 21, Guam Code Annotated, is hereby enacted, which shall mirror the existing Chapter 75 of Title 21, Guam Code Annotated, except as provided in this Act, and shall be effective January 1, 2021. The new Chapter 75A of Title 21, Guam Code Annotated, shall be codified, and renumbered by the Compiler of Laws consistent with this Act[.]

Chapter 75A therefore “mirrors” the provisions in Chapter 75, except as expressly provided by P.L. 35-112, and except for § 75104.1, which was not codified in Chapter 75A as it had been repealed by P.L. 30-074:2 (Nov. 27, 2009). References to Chapter 75 as a whole and to provisions therein were replaced with references to Chapter 75A and corresponding provisions.

Further, because legislation did not provide a title for Chapter 75A, it has been designated as “Chamorro Land Trust Commission – Effective January 1, 2021” by the Compiler to avoid confusion with the existing Chapter 75.

- § 75A100. Legislative Findings and Intent.
- § 75A101. Definitions.
- § 75A101.1. *United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust*, CV 17-00113 (D. Guam).
- § 75A101.2. Verification of Eligible Beneficiaries.
- § 75A102. Commission: Composition, Chairman, Compensation.
- § 75A103. Administration.
- § 75A104. Certain Government Lands Designated Available Lands
- § 75A105. Control by Commission of Available Lands; Return to Department.
- § 75A106. Other Officers Not to Control Chamorro Land Trust Property; Exception.
- § 75A107. Leases to Eligible Beneficiaries, Licenses.



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

First Notice of Public Hearing – Monday, November 14, 2022

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Fri, Nov 4, 2022 at 1:50 PM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, jolene@postguam.com, nick@kuam.com, Phil Leon Guerrero <phil@postguam.com>, hgilbert@guampdn.com, "Taitano, Joseph" <jtaitano@guampdn.com>, Oyaol Ngirairikl <managingeditor@glimpsesofguam.com>, jsantotoma@guampdn.com, tlamorena@gmail.com, "Mayors' Council of Guam - Admin." <mcogadmin@teleguam.net>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayor@yahoo.com, agatvice.chrisfejeran@yahoo.com, "Mayor Frankie A. Salas" <asanmainamayor@gmail.com>, June Blas <mayorbarrigada@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, "Vice Mayor Peter John S. Benavente" <onedededo@gmail.com>, hagatnamayor@hotmail.com, Mayor Anthony Chargualaf <inalahanmayor@gmail.com>, Allan Ungacta <mayorallan.ungacta@yahoo.com>, Vice Mayor Kevin AN Delgado <mangilao.vicemayor@gmail.com>, mayorerneatc@yahoo.com, mtmmayorpaco17@gmail.com, Jesse Alig <jesse.alig@pitiguam.com>, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Mayor Taitague <talofofomayor@gmail.com>, "Mayor Louise C. Rivera" <Mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Albert M. Toves" <atoves.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Mayor Anthony P. Sanchez" <ymayortony@gmail.com>, "Vice Mayor Loreto V. Leones" <lloretoleones@gmail.com>, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>

November 4, 2022

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson

Subject: **First Notice of Public Hearing – Monday, November 14, 2022, at 2:00 p.m.**

Buenas yan Håfa Adai,

The Committee on Health, Land, Justice, and Culture will convene a public hearing, on **Monday, November 14, 2022, at 2:00 p.m.** in the Guam Congress Building, Public Hearing Room, for the following agenda item:

- **RE-APPOINTMENT OF ARLENE P. BORDALLO** – MEMBER, CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022, TO APRIL 10, 2025.
Appointment Packet: https://www.guamlegislature.com/36th_Guam_Legislature/Mess_Comms_36th/Doc.%20No.%2036GL-22-2636.pdf

The public is invited to provide oral testimony on the agenda item. Written testimony may also be submitted via email senatorterlajeguam@gmail.com or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Therese M. Terlaje at (671) 472-3586 or senatorterlajeguam@gmail.com. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and livestream on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>.

Office of Speaker Therese M. Terlaje
Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan


36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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 **First notice_11.14.22_Public Hearing (2).pdf**
399K



Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

November 4, 2022

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson *Tmt*

Subject: **First Notice of Public Hearing – Monday, November 14, 2022, at 2:00 p.m.**

Buenas yan Håfa Adai,

The Committee on Health, Land, Justice, and Culture will convene a public hearing, on **Monday, November 14, 2022, at 2:00 p.m.** in the Guam Congress Building, Public Hearing Room, for the following agenda item:

- **RE-APPOINTMENT OF ARLENE P. BORDALLO** – MEMBER, CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022, TO APRIL 10, 2025. Appointment Packet: [https://www.guamlegislature.com/36th Guam Legislature/Mess Comms 36th/Doc. %20No.%2036GL-22-2636.pdf](https://www.guamlegislature.com/36th%20Guam%20Legislature/Mess%20Comms%2036th/Doc.%20No.%2036GL-22-2636.pdf)

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Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com

**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators, please send to: speaker@guamlegislature.org*

GUAM DAILY POST • FRIDAY, NOVEMBER 4, 2022

ADORABLE MALTESE
8 Weeks, First Shot, 2.6 LBS,
Male, \$700
671-777-9211

**IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE DISSOLUTION AND
WINDING UP OF OCEAN VIEW ESTATES, A
GUAM LIMITED PARTNERSHIP**

BY TERANGUE E. GILLHAM
Petitioner.

CASE NO.: CV0273-22
NOTICE OF FILING OF PETITION FOR
DISSOLUTION AND WINDING UP OF
LIMITED PARTNERSHIP

TO: ALL OF THE LIMITED PARTNERS AND
CREDITORS OF OCEAN VIEW ESTATES, A
DISSOLVED GUAM LIMITED PARTNERSHIP

PLEASE TAKE NOTICE that Terangue E. Gillham, a
limited partner in Ocean View Estates, a Guam
limited partnership, has filed a petition in the
Superior Court of Guam for an order:

1. That the Court declare the partnership dissolved;
2. That the Court order a formal accounting of the
partnership and its affairs be wound up and that the
partnership property be sold and the proceeds of
sale be distributed as provided by 18 G.C.A. §27405;
3. That a receiver be appointed by the Court to
accomplish the foregoing;
4. That the Court order the Director of Revenue &
Taxation to record the cancellation of the partnership
certificate and to file the decree for record;
5. That the Petitioner be awarded his attorneys'
fees and costs incurred in connection with this
petition from the proceeds of the sale; and
6. For such other relief as the court may deem just
and proper under the circumstances.

Any person claiming to have an interest in the
partnership or to be a creditor of the partnership may
enter appearance in the action either through
counsel or pro se by filing an entry of appearance
setting forth their name, address and interest
claimed with the Superior Court of Guam and serve a
copy thereof on the attorneys for Petitioner Terangue
E. Gillham at the address set forth below on or before
December 6, 2022. A copy of the Petition is enclosed
with any mailed copy of this Notice.


BLAIR STERLING JOHNSON & MARTINEZ
A Professional Corporation
238 Archbishop Flores St. Ste. 1008
Hagatna, Guam 96910-5205
Attn: RICHARD L. JOHNSON

RESPECTFULLY SUBMITTED: this 6th day of October, 2022.

BLAIR STERLING JOHNSON & MARTINEZ
A PROFESSIONAL CORPORATION

/S/ RICHARD L. JOHNSON
Attorneys for Petitioner Terangue E. Gillham

FUNERAL SERVICE ASSISTANT
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SPEAKER THERESE M. TERLAJE  **COMMITTEE ON HEALTH, LAND,
JUSTICE & CULTURE**

*I Mina' t'renra'i Sais na Laleslaturan Guahan
36th Guam Legislature*

PUBLIC HEARING • 2:00 P.M. • Monday, November 14, 2022

AGENDA:

- **RE-APPOINTMENT OF ARLENE P. BORDALLO to serve as a MEMBER of the CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022 TO APRIL 10, 2025**

The public is invited to provide oral testimony on the agenda item. Written testimony may be submitted via email senatorterlajegum@gmail.com or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Therese M. Terlaje at (671) 472-3586 or senatorterlajegum@gmail.com. All hearings take place in the Guam Congress Building and are broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and livestream on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>.
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All request for Scope of Services and questions will need to be emailed to the Single Point of Contact: Roberta Joyce Castro at Roberta.joyce@doa.guam.gov, no later than 3:00 p.m. Friday, November 15, 2022.

/S/ Edward M. Birn,
Director, Department of Administration

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Second Notice of Public Hearing – Monday, November 14, 2022, at 2:00pm

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Thu, Nov 10, 2022 at 9:59 AM

To: phnotice@guamlegislature.org

Cc: Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: Desk Editor <deskeditor@postguam.com>, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, raygibsonshow@gmail.com, manasilva626@yahoo.com, KISH <kstokish@gmail.com>, Manuel Cruz <cruzma812@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>, jolene@postguam.com, nick@kuam.com, Phil Leon Guerrero <phil@postguam.com>, hgilbert@guampdn.com, "Taitano, Joseph" <jtaitano@guampdn.com>, Oyaol Ngirairikl <managingeditor@glimpsesofguam.com>, jsantotoma@guampdn.com, tlmorena@gmail.com, "Mayors' Council of Guam - Admin." <mcogadmin@teleguam.net>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayor@yahoo.com, agatvice.chrisfejeran@yahoo.com, "Mayor Frankie A. Salas" <asanmainamayor@gmail.com>, June Blas <mayorbarrigada@gmail.com>, Jessie Bautista <jessie.bautista007@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, "Vice Mayor Peter John S. Benavente" <onedededo@gmail.com>, hagatnamayor@hotmail.com, Mayor Anthony Chargualaf <inalahanmayor@gmail.com>, Allan Ungacta <mayorallan.ungacta@yahoo.com>, Vice Mayor Kevin AN Delgado <mangilao.vicemayor@gmail.com>, mayorerneatc@yahoo.com, mtmmayorpaco17@gmail.com, Jesse Alig <jesse.alig@pitiguam.com>, Dale Alvarez <daleealvarez@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Mayor Taitague <talofofomayor@gmail.com>, "Mayor Louise C. Rivera" <Mayorlrivera.tatuha@gmail.com>, "Vice Mayor Albert M. Toves" <atoves.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Mayor Anthony P. Sanchez" <ymayortony@gmail.com>, "Vice Mayor Loreto V. Leones" <lloretoleones@gmail.com>, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>

November 10, 2022

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson

Subject: **Second Notice of Public Hearing – Monday, November 14, 2022, at 2:00 p.m.**

Buenas yan Håfa Adai,

The Committee on Health, Land, Justice, and Culture will convene a public hearing, on **Monday, November 14, 2022, at 2:00 p.m.** in the Guam Congress Building, Public Hearing Room, for the following agenda item:

- **RE-APPOINTMENT OF ARLENE P. BORDALLO** – MEMBER, CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022, TO APRIL 10, 2025.
Appointment Packet: https://www.guamlegislature.com/36th_Guam_Legislature/Mess_Comms_36th/Doc.%20No.%2036GL-22-2636.pdf

The public is invited to provide oral testimony on the agenda item. Written testimony may also be submitted via email senatorterlajeguam@gmail.com or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building.

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Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

November 10, 2022

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson *Tmt*

Subject: **Second Notice of Public Hearing – Monday, November 14, 2022, at 2:00 p.m.**

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BOARD OF DIRECTORS REGULAR VIRTUAL BOARD MEETING:
 Thursday, November 17, 2022 • 4PM • Google Meet: meet.google.com/qrq-dijy-vwc
 Live streamed on [youtube.com/guamepa](https://www.youtube.com/guamepa)

AGENDA: I. Call to Order; II. Approval of Agenda; III. Approval of October 20, 2022 Meeting Minutes; IV. Administrator's Report; Outstanding Notices of Violation Update; V. New Notices of Violation; VI. New meeting date and adjournment

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SPEAKER THERESE M. TERLAJE COMMITTEE ON HEALTH, LAND, JUSTICE & CULTURE
I Mina 'trentái Sais na LeĦeslaturan Guáhan
 36th Guam Legislature

PUBLIC HEARING • 2:00 P.M. • Monday, November 14, 2022

AGENDA:
 • RE-APPOINTMENT OF ARLENE P. BORDALLO to serve as a MEMBER of the CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022 TO APRIL 10, 2025

The public is invited to provide oral testimony on the agenda item. Written testimony may be submitted via email senatorterlajeguam@gmail.com or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Therese M. Terlaje at (671) 472-3586 or senatorterlajeguam@gmail.com. All hearings take place in the Guam Congress Building and are broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and livestream on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>.
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NOTICE OF MEETING

The Guam Board of Accountancy will hold a virtual Board meeting on Thursday, November 17, 2022 at 4:00 p.m. This meeting is open to the public via Zoom Video Conference. Anyone desiring to join the virtual meeting may enter the following link in a browser:
 Meeting URL: <https://us06web.zoom.us/j/82234518828?pwd=YUFAWXdwczkxWUVqRDdEZWk3QmZ0Z0Z09>
 Meeting ID: 822 3451 8828 • Passcode: 529#aE6#Zn
 Our YouTube livestreaming events link for all Regular Board Meetings is available on the Board's website at: <http://www.guamboa.org/policies/activities.htm>.

- AGENDA**
- I. CALL TO ORDER
 - II. APPROVAL OF MINUTES - September 29, 2022
 - III. OLD BUSINESS
 - Guam Accountancy Endowment Fund Update
 - IV. NEW BUSINESS
 - A. Requests for Approval
 - Applications for Initial Certification & Licensure
 - Credit/NTS Extension Requests
 - V. GENERAL DISCUSSION/ANNOUNCEMENTS
 - CPA Exam into the Future: Tentative Key Dates Announced
 - NASBA Candidate Care Quarterly Report Q3 2022
 - NASBA 2022 Accounting Research Grant Recipients
 - NASBA Proposed Revisions to UAA Model Rules
 - Hong Kong MRA
 - Guam Financial Summary - September FY 2022/ October FY2023
 - VI. ADJOURNMENT

The names of applicants being considered are available on the Board's website at: <http://www.guamboa.org/policies/activities.htm>, along with other Board meeting materials. Detail materials will be available on the website one day before the meeting. Individuals requiring special accommodations or information may contact Ms. Anna Allague at the Guam Board of Accountancy at 671-647-0813 FAX: 671-647-0816 or support@guamboa.org for assistance.

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 Statement of Financial Position
 December 31, 2021

Assets		
Cash		\$6,344,511
Receivables		2,879,995
Fixed Assets		531,456
Other Assets		10,725
Total Assets		\$9,766,687
Liabilities		
Accounts Payable		\$543,585
Other Liabilities		259,150
Total Liabilities		\$802,735
Net Assets		
Net assets without donor restrictions		\$8,963,952
Total net assets		\$8,963,952
Total Liabilities and Net Assets		\$9,766,687
Revenues		
Service Revenue		\$9,916,514
Total Revenues		\$9,916,514
Expenses		
Administrative and General Program Services		\$1,694,542
Total Expenses		\$8,177,722
Revenues Less Expenses		\$1,738,792

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Office of the Speaker
THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan 36th Guam Legislature
Committee on Health, Land, Justice and Culture

Public Hearing

Guam Congress Building, Public Hearing Room
Monday, November 14, 2022. Beginning at 2:00 pm

AGENDA

2:00 PM:

- RE-APPOINTMENT OF ARLENE P. BORDALLO – MEMBER, CHAMORU LAND TRUST COMMISSION; TERM LENGTH: THREE (3) YEARS; APRIL 11, 2022, TO APRIL 10, 2025.

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

Date: **Monday, November 14, 2022**

Time: **2:00 PM**

REAPPOINTMENT OF ARLENE P. BORDALLO - MEMBER, CHAMORRO LAND TRUST COMMISSION; TERM LENGTH THREE (3) YEARS; APRIL 11, 2022, TO APRIL 10, 2025.

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	ARLENE BORDALLO	Barrigada	[REDACTED]	[REDACTED]	✓	✓		
2								
3								
4								
5								
6								
7								
8								
9								
10								

November 14, 2022

TO: Committee on Health, Land, Justice and Culture
Speaker Therese M. Terlaje, Chairwoman

FR: John Reyes, Jr. – Chairman, CHamoru Land Trust Commission

RE: Re-appointment of Arlene P. Bordallo
Member, CHamoru Land Trust Commission
Term Length: Three (3) Years; April 11, 2022 - April 10, 2025

Håfa Adai,

I am in support in the reappointment of Commissioner Arlene Bordallo as a member of the CHamoru Land Trust Commission. I've had the pleasure working with her for the past two years on the Commission.

Commissioner Bordallo is committed and dedicated in fulfilling the intent of the trust, despite its many challenges over the years. She continues to carry on the work of her late husband, who took action to secure land rights and was the author of the CHamoru Land Trust Act.

She has demonstrated her commitment and importance in attending the monthly commission meetings despite being off-island for a medical procedure. Her business acumen provides the expertise needed in dealing with complex decisions tasked by the commission. She has the passion and motivation to ensure we continue moving forward with our strategic plan and awarding long awaited leases.

I humbly ask the committee and senators' support for the reappointment of Commissioner Bordallo to the CHamoru Land Trust so we can continue to restore the Trust of our people in the commission.

Si Yu'os Ma'åse,

A handwritten signature in black ink, appearing to be 'JR' with a large, sweeping flourish extending to the right.

John Reyes, Jr.

21 GCA REAL PROPERTY
CH. 75A CHAMORRO LAND TRUST COMMISSION
EFFECTIVE JANUARY 1, 2021

- § 75A108. Conditions in Leases.
- § 75A108.1. Cottage Industry Activity Authorized.
- § 75A109. Successors to Leases.
- § 75A110. Cancellation of Leases.
- § 75A111. Community Pastures.
- § 75A112. Beneficiary Home Loan Fund; Beneficiary Home Development Fund; Chamorro Educational Fund; Beneficiary Commercial Loan Fund; Beneficiary Home Repair Loan Fund; and the Beneficiary Loan Guarantee Fund.
- § 75A113. Conditions of Loans.
- § 75A114. Insurance by Borrowers; Acceleration of Loans; Lien and Enforcement Thereof.
- § 75A115. Ejectment, when: Loan to New Lease for Improvements.
- § 75A116. Agency Review of Statutory Authority.
- § 75A117. Severability.
- § 75A118. Commission start-up fund.
- § 75A119. Identification of Land to Be Exchanged to Compensate Private Landowners.
- § 75A120. Title to Municipal Golf Course; Operation.
- § 75A121. The Establishment of ‘*Hatdin Ámot Chamorro*’.
- § 75A122. Commercial Leases and Licenses.
- § 75A123. Annual and Monthly Reports.
- § 75A124. The Chamorro Land Trust Survey and Infrastructure Fund.
- § 75A125. Designation of Biodiversity Conservation Easement.

§ 75A100. Legislative Findings and Intent.

(a) It is the intent of *I Liheslaturan Guåhan* to defend the history and purpose of the Chamorro Land Trust Act created in 1975 by Public Law 12-226 and enacted as Chapter 75 of Title 21, Guam Code Annotated. The Chamorro Land Trust Act established a land restoration program meant to rectify the unjust taking of Chamorro homelands by the United States federal government between 1898 and 1968 and provide residential and agricultural land for those persons eligible in the form of

21 GCA REAL PROPERTY
CH. 75A CHAMORRO LAND TRUST COMMISSION
EFFECTIVE JANUARY 1, 2021

Chamorro Land Trust Commission (CLTC) leases.

(b) Additionally, *I Liheslaturan Guåhan* intends to support the expansion of the program’s eligible beneficiaries to include individuals and their descendants who owned land or who ranched, farmed, or otherwise occupied the lands that were taken.

(c) *I Liheslaturan Guåhan* finds that on September 29, 2017, the United States of America filed a case against the CLTC in *United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust*, CV 17-00113 (D. Guam) (Lawsuit), alleging, among other things, violations of the U.S. Fair Housing Act.

(d) *I Liheslaturan Guåhan* further finds that on December 18, 2018, the U.S. District Court agreed with Guam that, at that pleading stage, “the court could not conclude that the Chamorro Land Trust operates as a race-based entity.” *U.S. v. Gov’t of Guam, et al.*, CV 17-00113, 2018 WL 6729629, at *1 (D. Guam Dec. 21, 2018), reconsideration denied, No. CV 17-00113, 2019 WL 1867426 (D. Guam Apr. 25, 2019). The court stated that “the record must be further developed to address the question of whether the Chamorro Land Trust operates instead as a compensatory entity that seeks to implement the return to the people of Guam of land that the United States took from them.” *Id.* Furthermore, it is possible that, “the Chamorro Land Trust includes some land that was not taken by the United States, but, if that is so, that cannot be discerned from the present record.” *Id.*

(e) Based on the state of the record, the court rejected the “United States’ contention that the court should now determine as a matter of law that Guam is violating the Fair Housing Act.” *Id.* The court further stated that the “matter requires further exploration and an expansion of the record in this case.” *Id.*

(f) *I Liheslaturan Guåhan* further finds that the Office of the Attorney General and the Governor’s representatives on behalf of the Government of Guam, Attorney Michael Phillips, and

21 GCA REAL PROPERTY
CH. 75A CHAMORRO LAND TRUST COMMISSION
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Chairperson Pika Fejeran on behalf of the CTLC, the Office of the Attorney General on behalf of the CLTC Director, and the United States entered into settlement conferences to attempt to resolve the lawsuit amicably and without further litigation. At the conclusion of a settlement conference on November 14, 2019, a settlement term sheet was agreed to in principle by the counsel for the parties and subject to approval by the respective parties. On December 26, 2019, the CLTC adopted Resolution 2019-08 which found “the settlement terms in the Agreement to be favorable for the Chamorro Land Trust Program and its beneficiaries, as it preserves the program intact and would not materially affect existing leaseholders.” Chamorro Land Trust Commission, Kumision Inangokkon Tano’ CHamoru, Resolution No. 2019-08 (2019). In addition, “the Commission found that the proposed modifications or amendments to the Chamorro Land Trust Act and the Rules and Regulations of the Chamorro Land Trust Commission would more clearly demonstrate that the Chamorro Land Trust (CLT) program is a land restoration program meant to rectify the unjust taking of Chamorro homelands by the United States federal government between 1898 and 1968, and would expand the program’s eligible beneficiaries to include individuals and their descendants who owned land or who ranched, farmed, or otherwise occupied the lands that were taken.” *Id.*

(g) On May 29, 2020, after further settlement negotiations, the Settlement Agreement between the United States of America and Government of Guam, Chamorro Land Trust Commission & Administrative Director of the Chamorro Land Trust Commission, regarding *U.S. v. Gov’t of Guam, et al.*, CV 17-00113 (D. Guam) (Settlement Agreement), was signed by the Chamorro Land Trust Commission and *I Maga'hågan Guåhan. I Liheslaturan Guåhan* further finds that the Settlement Agreement resolves the allegations contained in the lawsuit, and in it the Government of Guam does not admit liability and denies that the Chamorro Land Trust Act violates the Fair Housing Act. Settlement Agreement at ¶ 10. Part of the terms and conditions within the Settlement Agreement requires legislative and administrative changes to the Chamorro Land Trust Act and/or

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the rules and regulations of the CLTC.

(h) *I Liheslaturan Guåhan* finds that the changes proposed by this Act are therefore intended to more clearly demonstrate that the CLT program is a land restoration program meant to rectify the unjust taking of Chamorro homelands by the United States federal government between 1898 and 1968, and would expand the program's eligible beneficiaries to include individuals and their descendants who owned land or who ranched, farmed, or otherwise occupied the lands that were taken.

SOURCE: New provision added by P.L. 35-112:1 (Dec. 10, 2020).

2021 NOTE: This provision did not originate from Chapter 75. Subsection designations added pursuant to the authority granted by 1 GCA § 1606.

§ 75A101. Definitions.

When used in this title:

(a) The term *Commission* means the Chamorro Land Trust Commission.

(b) The term *Guam* means Guam.

(c) The term *Chamorro Land Trust property* means all available lands, which includes Chamorro homelands, under the control of the Chamorro Land Trust Commission under the provisions of § 75A105 of this Chapter and § 75105 of Chapter 75.

(d) The [term] *eligible beneficiary* means any person, regardless of race, color, or national origin:

(1) whose land was acquired by the United States government between 1898 and 1968, or descendants of such person; or

(2) who either occupied, farmed, or ranched land for residential or agricultural purposes for at least one (1) year immediately prior to that land being acquired by the United States government between 1898 and 1968 or descendants of such person; except that if a

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person occupied, farmed, or ranched the land on or after December 8, 1941, and the land was acquired at any time after that date and up to 1950, the one (1) year tenure need not have occurred immediately prior to acquisition by the United States government.

(e) The term *department* means the Department of Land Management.

(f) The term *Suruhana* or *Suruhanu* means a publicly recognized individual who heals through massage and the use of traditional *Chamorro* remedies that include the use of roots, leaves, bark, plants, and grass and incorporates the cultural healing process.

SOURCE: Subsections (a), (b), (e), and (f) originated from Chapter 75. Subsections (c) and (d) added by P.L. 35-112:1 (Dec. 10, 2020).

2021 NOTE: References to “territory” in subsection (b) removed pursuant to 1 GCA § 420.

§ 75A101.1. *United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, CV 17-00113 (D. Guam).*

(a) *I Liheslaturan Guåhan* hereby approves the settlement in *United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, CV 17-00113 (D. Guam)*, and the amendments to the Chamorro Land Trust law made pursuant to this Act are to strengthen the Chamorro Land Trust and in furtherance of said settlement; provided, that the settlement shall not absolve or relieve the United States of any liability for land takings or waive the historic demand of the people of Guam for return or restoration of the land; and provided further, that the settlement shall include dismissal of allegations against the government of Guam and preclude further challenge of the Chamorro Land Trust law by the same parties on the same grounds, and preclude a constitutional challenge of the provisions of the Chamorro Land Trust law, as amended or added by this Act.

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(b) Any applications for leases that have not been approved by January 1, 2021 shall be subject to the terms of the public law enacted by this Act and Chapter 75A of Title 21, Guam Code Annotated. All leases approved prior to January 1, 2021 shall be subject to the terms of Chapter 75, as amended. The enactment of Chapter 75A of Title 21, Guam Code Annotated, and this Act shall not affect the order of consideration of applications by the CLTC under Chapter 75 of Title 21, Guam Code Annotated, and pursuant to applicable rules and regulations to the same. Nothing in this Act shall affect or alter the existing priorities for awarding leases as stated in Rule 6.2 of the Senator Paul J. Bordallo Rules and Regulations for the Chamorro Land Trust Commission.

SOURCE: New provision added by P.L. 35-112:1 (Dec. 10, 2020).

2021 NOTE: This provision was not part of Chapter 75.

§ 75A101.2. Verification of Eligible Beneficiaries.

(a) Owned Land Acquired by the United States:

(1) To be eligible based on ownership of land that was acquired by the United States government between 1898 and 1968, an applicant must provide either:

(A) documentary evidence of ownership in substantially the same form as that required by the Guam Ancestral Lands Commission for ancestral land claims; or

(B) a declaration or affidavit, signed under penalty of perjury, attesting that the person owned, or is the descendant of someone who owned land that was acquired by the United States. To the extent known or reasonably ascertainable by the applicant, this declaration or affidavit shall include the location, by parcel number, address, legal description, or other legally-recognized identifier, of the land that was claimed to have been owned and the date of acquisition by the United States.

(2) The applicant shall be required to use his or her best efforts to obtain the information described above and to

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provide documentation demonstrating that he or she is the descendent of the person who owned the land. Based upon review of the documentation, declarations or affidavits, and any additional research the Commission conducts, including, but not limited to, the “Bohn files” and any other readily-available condemnation and land records, the Commission shall determine whether the applicant is an eligible beneficiary.

(b) Occupied, Farmed, or Rached Land Acquired by the United States:

(1) Persons shall be considered *eligible beneficiaries* if the United States acquired land on which they did not hold title or ownership, but that they nevertheless had either occupied, farmed, or rached land for residential or agricultural purposes for at least one (1) year immediately prior to that land being acquired by the United States government between 1898 and 1968 or descendants of such person; except that if a person occupied, farmed, or rached the land on or after December 8, 1941, and the land was acquired at any time after that date and up to 1950, the one (1) year tenure need not have occurred immediately prior to acquisition by the United States government. To be eligible under this provision, an applicant must sign a declaration or affidavit setting forth, in sufficient detail and under penalty of perjury, the following facts to the extent known or reasonably ascertainable by the applicant:

(A) the location, by parcel number, address, legal description, or other legally-recognized identifier, of the land that was claimed to have been occupied, farmed, or rached;

(B) the name of the person or persons who occupied, farmed, or rached the land;

(C) the length of time the person(s) continuously occupied, farmed, or rached the land;

(D) the legal owner of the land and the relationship between the owner and the person who

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occupied, farmed, or ranched the land, including whether any compensation or rent was paid to the owner;

(E) a description of the nature of the person's activity on the land, including whether the land was used for residential or agricultural purposes;

(F) if the land was farmed or ranched, the type of activity being conducted on the land (such as the types of crops harvested or animals raised); and

(G) whether the person improved the land in any way and the nature of such improvements.

(2) The applicant shall be required to use his or her best efforts to obtain the information described above and to provide documentation demonstrating that he or she is the descendent of the person or persons who occupied, ranched, or farmed the land. Based upon review of the documentation, declarations, or affidavits, and any additional research the Commission conducts, the Commission shall determine whether the person is an eligible beneficiary. For purposes of this provision, a person shall be deemed to have "occupied" land if he or she maintained his or her primary residence on the land.

SOURCE: New provision added by P.L. 35-112:1 (Dec. 10, 2020).

2021 NOTE: This provision was not part of Chapter 75.

§ 75A102. Commission: Composition, Chairman, Compensation.

(a) There is within the government of Guam the Chamorro Land Trust Commission. The Commission shall be composed of five members to be appointed by the Governor with the confirmation of the Legislature. Commission members shall be appointed within sixty (60) days after the enactment of this Chapter. All members shall have been residents of Guam at least three (3) years prior to their appointment and at least three of the members shall be native Chamorro. Members shall serve terms of three (3) years, provided, however, that of the members first

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appointed, one shall be appointed for a term of one (1) year and two shall be appointed for terms of two (2) years. The members of the Commission shall be paid at the rate of Fifty Dollars (\$50) for each day's attendance at a meeting of the Commission, provided, however, that such compensation shall not exceed One Hundred dollars (\$100) per month. The Governor shall appoint the Chairman of the Commission from among the members thereof. The Commission shall have its first meeting within twenty (20) days after confirmation of its members.

(b) The Commission may employ such clerical and other assistants who shall be classified employees as may be necessary to effectively execute its responsibilities. In addition, the Commission shall employ and fix the compensation for an Administrative Director who shall serve in a full-time capacity and who shall exercise such powers and authority as may be delegated to him by the Commission. The Director shall be a native Chamorro. Furthermore, the Commission may employ and fix the salary of professional consultants.

(c) The Commission *shall* meet regularly on the third Thursday of every month at 1 p.m. *or* more often as determined by the Chairperson of the Commission. At its first meeting the Commission *shall* select a Vice Chairperson who *shall* conduct the meetings in the absence of the Chairman. In the absence of both the Chairperson and the Vice-Chairperson from a meeting, a quorum of the members *shall* select an Acting Chairperson to conduct the meeting until the Vice-Chairperson *or* Chairperson is in attendance. In the absence of a quorum, Minutes *shall* be prepared indicating the lack of a quorum, the date, and the members in attendance. Any appointed member of the Commission who fails to attend three (3) consecutive regular meetings, without being excused pursuant to a motion passed by the Commission, *shall* automatically be disqualified to continue serving in his *or* her position and the appointing authority *shall* then be required to appoint a replacement for said member. The Executive Director *shall* transmit to *I Maga'lahi* and *I Liheslatura* notice of three (3) unexcused absences of any member.

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2021 NOTE: Reference to “Territory” in subsection (a) removed pursuant to 1 GCA § 420.

The references to “native Chamorro” in subsections (a) and (b) were not replaced, as they refer to the commission members and director, rather than to the participants in the program.

§ 75A103. Administration.

(a) The Commission shall adopt rules, regulations, and policies in accordance with Article 3, Chapter 9 of Title 5 of the Guam Code Annotated, *Government Operations*. The Commission may accept grants, contributions, and appropriations and may make such expenditures, loans and other disbursements as are authorized by this Chapter. These disbursements shall be allowed and paid out in accordance with the direction of the Commission upon presentation to the Administrative Director of itemized vouchers therefor signed by the Commission certifying officer.* The Administrative Director shall give bond in the sum of Five Hundred Thousand Dollars (\$500,000) for the faithful performance of his duties. These funds created by § 75A112 of this Chapter shall be maintained separate and apart from any other government fund and shall be in the custody of the Commission certifying officer. The Commission shall make an annual finance and progress report to the Legislature upon the first date of each regular session thereof and such special reports as the Legislature may from time to time require.

(b) When land originally leased by the Commission is, in turn, subleased by the Commission’s lessee or sublessee, the Commission shall submit, within ten (10) days of the convening of any regular session, a written report to the Legislature which shall cover the sublease transactions occurring in the calendar year prior to the regular session and shall contain the names of the persons involved in the transaction, the size of the area under lease, the purpose of the lease, the land classification of the area under lease, the lease rental, the reason for approval of the sublease by the Commission, and the estimated net economic result accruing to the Commission lessee, and sublessee.

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(c) The Commission shall have the power and authority to invest and re-invest any of the money in any of its funds, not otherwise immediately needed for the purposes of the funds in such bonds and securities authorized in 4 GCA Chapter 8. Any interest or other earnings arising out of such investment shall be credited to and deposited in the Beneficiary Home Loan Fund.

(d) The Commission is authorized to carry on any activities it deems necessary to assist lessees in obtaining maximum utilization of leased lands, including taking any steps necessary to develop these lands for their highest and best use commensurate with the purposes for which the land is being leased as provided for in § 75A107, and assisting lessees in all phases of farming and ranching operations and the marketing of their agricultural produce and livestock. In these efforts the Commission shall coordinate its efforts with the Department of Agriculture.

(e) The Commission, may designate and plan subdivisions in accordance with the provisions of Chapter 62 of this Title 21 Guam Code Annotated, on available lands, in, adjacent to, or near any village. Subdivision lots shall be leased in accordance with § 75A107.

(f) Assistance in the Development and Administrative Implementation of Loan and Fund Programs. The Chamorro Land Trust Commission is authorized to enter into memorandums of agreement, or contract with government or private agencies or lending institutions, relative to servicing loans made or guaranteed by the Commission pursuant to §§ 75A112, 75A113 and 75A114, or other applicable provisions of this Chapter 75A, applicable law and regulation.

The Commission shall provide for in its administrative rules and regulations the processes by which non-government of Guam agencies, to include Federal agencies and instrumentalities and private lending institutions, may participate in the Commission's revolving fund and special fund programs, to the extent authorized pursuant to this Chapter 75A, applicable law and regulation.

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2021 NOTE: References to Chapter 75 and provisions in that chapter replaced with references to Chapter 75A and corresponding provisions.

References to “Territory” in subsection (a) removed pursuant to 1 GCA § 420.

The following annotation from Chapter 75 has been retained:

NOTE: *GC § 13502 contained the words “...in accordance with Public Law 12-34” at point of asterisk in subsection (a) above. The portion of the law creating the Territorial Auditor’s Office has been repealed and the functions of auditor have been shifted to other agencies of the government (P.L. 17-7). The functions of certifying officers are found in Chapter 14 of Title 4 GCA, *Public Officers and Employees*.

§ 75A104. Certain Government Lands Designated Available Lands.

(a) All government lands excluding

(1) all lands dedicated to a specific public use by law, and

(2) all lands reserved in accordance with § 60105 of this Title which reservations are submitted to and concurred in by the Legislature within ninety (90) days of the enactment of this Chapter,

are hereby designated as available lands.

(b) Any land acquired by the government by having been declared excess by the U.S. Government, or any agency thereof, after the effective date of this Chapter shall acquire the status of ancestral land and be reserved by the Director of the Department of Land Management for the extinguishment of ancestral land claims. All such lands shall be described, surveyed and mapped, and that information shall be sent to the Guam Ancestral Lands Commission to be recorded in the Excess Lands Registry.

2021 NOTE: Subsection 75104.1 “Transfer of Lot No. 237-6-1, Agaña, was repealed by P.L. 30-074:2 (Nov. 27, 2009).

§ 75A105. Control by Commission of Available Lands; Return to Department.

Upon and after the enactment of this Chapter, all available

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lands pursuant to § 75A104 of Chapter 75A and § 75104 of Chapter 75, which includes Chamorro homelands, shall immediately assume the status of Chamorro Land Trust Property and shall be under the control of the Commission to be used and disposed of in accordance with the provisions of this Chapter, except that:

(a) In case any government land is under lease, permit or agreement upon the enactment of this Chapter, such land shall not assume the status of Chamorro Land Trust Property until the lease, permit or agreement expires or the lands are withdrawn from the operation of the lease, permit or agreement. If the land is covered by a lease, permit or agreement containing a withdrawal clause, the Department shall withdraw such lands from the operation of the lease permit or agreement whenever the Commission gives notice to it that the lands are required by it for the purposes of this Chapter.

(b) Any available land as may not be immediately needed for the purposes of this Chapter, may be returned to the Department for management. Any Chamorro Land Trust Property so returned may be disposed of under a general lease only. Each such lease, whether or not stipulated therein, shall be subject to the right and duty of the Department to terminate the lease and return the lands to the Commission whenever the Commission gives notice that the lands are required by it for the purposes of this Chapter. However, no lease shall be made for a term to exceed twenty-five (25) years. All income arising out of any lease or license entered into under this Subsection shall be credited to and deposited into the Chamorro Home Loan Fund.

(c) The Department, with the approval of the Commission, or the Commission may sell to any contiguous landowner any fractional lot placed under its management which was created by the adoption of the standard block system, or bull cart trails that no longer serve the transportation function originally intended. The Chamorro

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Land Trust Commission *shall* offer any such land for sale to any contiguous landowner of such property, on written application of such owner, provided:

(1) that the land is not contiguous to government property, does not serve as a utility easement, or does not provide access to natural resources;

(2) that the sale price is based on the appraised fair market value having due regard to the fair market value of contiguous properties, and that the price be paid in full in cash equivalent;

(3) that if the property extends into property other than that belonging to the applicant, that the property to be sold *shall* be subdivided to align with the borders of such adjacent owners;

(4) that notice of the application *shall* be given to all owners of land within five hundred (500) feet adjacent to the applicant's land;

(5) that where the land to be sold adjoins land in addition to the applicant's land, and such adjacent owner timely objects to the application, the land *shall* be sold by the highest cash price bid at an auction conducted, to include the applicant and any other adjacent owner objecting, it being a condition of sale that the highest price bid is not less than the appraised fair market value; and

(6) that unless expressly provided otherwise, any use of the term "owner," in relation to interests in real property, in this Title, as well as any derivative thereof, including, but not limited to, "landowner" or "property owner," is presumed to mean an owner in fee simple or absolute fee, and to exclude any other estate or interest therein.

(d) In the management of any retained available lands not required for leasing under § 75A107, the Commission may lease or license such lands to the general public. Any

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lease or license made under this Subsection shall comply with the conditions of Subsection (b) of this Section.

(e) The Commission may, in order to consolidate its holdings or to better effectuate the purposes of this Chapter, exchange the title to available lands for land of an equal or higher value. All lands so acquired by the Commission shall assume the status of available lands as though the same were originally designated as such under 21 GCA § 75104 and 21 GCA § 75A104.

(f) The Commission shall not lease or license any available land until it is registered under the provisions of Chapter 29 of this Title (Land Title Registration Law).

(g) The Commission shall utilize Lot No. 382-R1, Inarajan, containing an area of 304.76 acres and being Chamorro Land Trust Property, only for affordable housing.

SOURCE: This provision originated from Chapter 75, with new language from P.L. 35-112:1 (Dec. 10, 2020).

§ 75A106. Other Officers Not to Control Chamorro Land Trust Property; Exception.

The powers and duties of the Governor and the department with respect to lands of Guam shall not extend to lands having the status of Chamorro Land Trust Property except as specifically provided for in this Chapter.

2021 NOTE: Reference to “territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 75A107. Leases to Eligible Beneficiaries, Licenses.

(a) The Commission is authorized to lease to eligible beneficiaries the right to the use and occupancy of a tract or tracts of Chamorro Land Trust Property within the following acreage limits per each lessee:

(1) not less than one quarter (0.25) acre, *nor more than* one half (0.50) acre for subsistence agricultural or aquaculture farming;

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(2) not less than one half (0.50) acre, *nor more than* twenty (20) acres for commercial agricultural or aquaculture use;

(3) not less than one (1) acre, *nor more than* twenty (20) acres for grazing use; and

(4) not more than one (1) acre for any class of land to be used as a residential lot.

(b) The title to lands so leased shall remain in Guam. Applications for tracts shall be made to and granted by the Commission under such regulations, not in conflict with any provision of this Chapter, as the Commission may prescribe. The Commission shall, whenever tracts are available, enter into such a lease with any applicant who, in the opinion of the Commission, is qualified to perform the conditions of such lease.

(c) The Commission is authorized to grant licenses for terms of not to exceed twenty-one (21) years in each case, to public utility companies, or corporations as telephone lines, electric power and light lines, gas mains, and the like. The Commission is also authorized to grant licenses for lots within a village in which lands are leased under the provisions of this section, to:

(1) churches, hospitals, public schools, post offices, and other improvements for public purposes;

(2) theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by lessees of the Commission or by organizations formed and controlled by said lessees).

(d) Upon direction by statute from the Legislature, the Commission shall release to the department any unleased available land designated for a public purpose. Such land will no longer be considered to be Chamorro Land Trust Property.

(e) The Commission *shall* require two (2) appraisals of any commercial property to be leased or any license to be issued as authorized by this Section. Appraisals *shall* be paid by the potential lessor or licensee, and at least one (1) appraiser *shall* be

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chosen by the Commission.

(f) Nothing herein *shall* be construed to authorize the commercial lease or the license of Chamorro Land Trust properties prior to the promulgation of rules and regulations, pursuant to the Administrative Adjudication Act or adoption by *Liheslatura* (the Legislature), to govern commercial leases and licenses.

(g) The Chamorro Land Trust Commission may also permit commercial leases to be subleased or assigned under the following provisions, and if the sublease or assignment would be beneficial for the Trust:

(1) Commercial Sublease.

(A) The master lessee of the commercial lease *shall* be permitted to sublease rooms or space within their established building structure for complementary commercial use as detailed in the master lease agreement or subject to the prior written approval of the CLTC.

(B) This provision *does not* permit the subleasing of the leased land. Said commercial sublease *shall* be allowed *only* with the prior written consent of CLTC, and *shall not* affect any duty or obligation of the master lessee to CLTC.

(2) Assignment of Commercial Lease.

(A) A commercial lease may be assigned if the provisions of the original lease, and the duties or obligations of the original lessee, *do not* change. Assignment *shall not* be permitted if the lease or license was executed less than five (5) years prior; otherwise, the lease or license *shall* be put through the competitive solicitation process.

(B) Said assignment of commercial lease *shall* be allowed *only* with the prior written consent of CLTC.

2021 NOTE: Reference to “territory” replaced with “Guam” pursuant to 1 GCA § 420.

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§ 75A108. Conditions in Leases.

Each lease made under the authority granted the Commission by the provisions of § 75A107 of this Chapter, and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease.

(a) The original lessee shall be an eligible beneficiary, not less than eighteen (18) years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred or canceled in accordance with the provisions of succeeding sections.

(b) The lessee *shall* pay a rental of One Dollar (\$1.00) a year for the tract, and the lease *shall* be for a term of ninety-nine (99) years. Payment for the full term of the lease *shall* be paid, in full, within one (1) year from the effective date of the lease. The payments of such leases may be used for the payment of surveying Chamorro Land Trust Property pursuant to § 75A108(g)(1) of this Chapter.

(1) The remaining balance on any residential or agricultural lease terminated prior to its expiration *shall* be refunded.

(c) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one (1) year after the lease is made.

(1) The lessee of agricultural lands shall plant and maintain *not less than* five (5), ten (10), fifteen (15) and twenty (20) trees per acre of land leased and lessee of grazing lands shall plant and maintain *not less than* two (2), three (3), four (4), and five (5) trees per acre of land leased during the first (1st), second (2nd), third (3rd) and fourth (4th) years, respectively, after the date of the lease. Such trees shall be of types approved by the Department of Agriculture and at locations specified by the Department of Agriculture's agent. Such planting and maintenance shall be by or under the

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immediate control and direction of the lessee. Such trees shall be furnished by the Department of Agriculture free of charge.

(2) The lessee of aquaculture lands shall install and maintain not less than three hundred (300) square foot pond, tank or pool per acre of land leased. Such pond, tank or pool shall be at a location and of a type approved by the appropriate agencies. Such aquaculture farming and maintenance shall be by or under the immediate control and direction of the lessee and is subject to local and Federal permit requirements and regulations. The Chamorro Land Trust Commission may refer applicants to the appropriate agencies including, but not limited to: the United States Army Corps of Engineers, the Department of Public Works, the Department of Land Management, the Guam Environmental Protection Agency, the Bureau of Planning, the Department of Agriculture, the Department of Parks and Recreation, the Department of Revenue and Taxation, the Guam Power Authority, the Guam Waterworks Authority and the University of Guam, College of Natural and Applied Sciences, for resources such as permitting, planning assistance, industry information and financial assistance. The University of Guam, College of Natural and Applied Sciences is the lead agency for aquaculture development, technical assistance, training and resources. Such species suitable for aquaculture may be furnished by the University of Guam Hatchery (Guam Aquaculture Development and Training Center-GADTC) for a nominal fee, as available.

(d) (1) The lessee shall thereafter, for at least such part of each year as the Commission shall by regulation prescribe, so occupy and use or cultivate the tract on his own behalf. The Administrative Director of the Commission, or the Director of Land Management with respect to non-Commission land, shall approve all requests for the extension of power, water, or

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telephone services to a qualified applicant on such applicant's request. As used in this Subsection, qualified applicant shall mean:

(A) Any person occupying land pursuant to a lease, land use permit issued, or other permission from the government of Guam, or from any agency thereof to the person occupying the land, to a relative of the person occupying the land, or to an ancestor of the person occupying the land, which land is claimed by the government of Guam and/or the Commission; or

(B) Any person who, on the effective date of the amendment to this Subsection, is actually occupying land which is claimed by the government of Guam and/or the Commission and who has actually occupied such land for more than six (6) months immediately last past.

(C) As used in this Subsection, government of Guam shall include all of the government of Guam, its agencies and instrumentalities, including autonomous agencies, except for the Commission.

(2) Water shall be metered for both private and agricultural/aquaculture use. Approval by the Administrative Director of the Commission, or the Director of Land Management, does not waive any of the utilities' requirements or restrictions for the installation of the utilities, and the qualified applicant shall be responsible for paying the actual connection fees. The application, issuance, and connection of utilities shall *not* prejudice anyone in any ejectment action, quiet title action, litigation or claim relating to the property, nor shall it be construed as an admission, nor shall it create any presumptions.

(3) The application for a utility extension pursuant to this Subsection and the connection of utilities shall

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in no way prejudice the qualified applicant in any way as to any claim or litigation relating to ownership of the land in question, the validity of any lease or land use permit, the right of the qualified applicant to occupy the property, or the qualified applicant's use of the property. By so applying for utilities, the qualified applicant is in no way admitting, recognizing or ratifying any claim which the government of Guam or the Commission may have to the land in question.

(4) The granting of a utility extension pursuant to this Subsection and the connection of utilities shall in no way prejudice the government of Guam or the Commission in any way as to any claim or litigation relating to ownership of the land in question, the validity of any lease or land use permit, the right of the qualified applicant to occupy the property, or the qualified applicant's use of the property. By so granting such a clearance, neither the government of Guam nor the Commission is in any way admitting, recognizing or ratifying any claim which the qualified applicant may have to the land in question.

(e) The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except an eligible beneficiary or beneficiaries; and then only upon the approval of the Commission, or agree so to transfer, mortgage, pledge, or otherwise hold, his interest in the tract. Such interest shall not, except in pursuance of such a transfer, mortgage, or pledge to or holding for or agreement with an eligible beneficiary or beneficiaries approved of by the Commission or for any indebtedness due the Commission or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, including loans from governmental agencies where such loans have been approved by the Commission, be subject to attachment, levy, or sale upon court process. The lessee shall not sublet his interest in the tract or improvements thereon.

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(f) The lessee shall pay all taxes assessed upon the tract and improvements thereon. The Commission may in its discretion pay such taxes and have a lien therefor as provided by § 75A114 of this Law.

(g) The lessee *shall* perform such other conditions, not in conflict with any provision of this Chapter, as the Commission may stipulate in the lease; provided, however, that an original lessee *shall* be exempt from all taxes for the first seven (7) years from the date of the lease.

(1) Thirty (30) days after the enactment of this Act, Chamorro Land Trust Property leases surveyed at the cost of the government of Guam *shall not be* eligible for the tax exemptions stipulated in this Subsection as an offset to the cost of such surveys.

(h) The Commission may assure the repayment of loans to lessees from local or Federal governmental agencies or instrumentalities, or private lending institutions where such loans have been approved by the Commission up to the limits prescribed in § 75A112 of this Chapter; provided, that the lessee has no indebtedness due the Commission and the Commission shall not make any loans to the lessee while loans from local and Federal governmental agencies or instrumentalities, or private lending institutions, and guaranteed by the Commission are outstanding; provided further, that upon receipt of notice of default in the payment of such loans, the Commission, may upon failure of lessee to cure the default within sixty (60) calendar days, cancel the lease and thereupon use its best efforts to dispose of the tract to a qualified and responsible eligible beneficiary or beneficiaries as a new lessee who will assume the obligation of the outstanding debt thereby assured, and to make payments to the local or Federal governmental agency, or instrumentality or private lending institution, from available funds either for monthly payments as they become due and payable or for the amount of the debt. In no event shall the aggregate amount assured by the Commission exceed the ability of the Chamorro

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Loan Guarantee Fund to reasonably provide security for the loans authorized.

(i) Upon completion of an application for a Chamorro Land Trust Commission lease, the lessee shall automatically and concurrently be registered with the Guam Election Commission Decolonization Registry.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A108.1. Cottage Industry Activity Authorized.

(a) In accordance with the laws of Guam, and subject to rules and regulations promulgated by the *Chamorro* Land Trust Commission, residential and agricultural leaseholders are authorized to conduct small-scale cottage industry activities, in which goods and services are produced primarily within their leased residential and agricultural lots and in which the total net income earned on those lots *does not exceed* Fifty Thousand Dollars (\$50,000) per annum. The following cottage industry activities are authorized:

- (1) Farm Produce & Light Agriculture.
- (2) Baking & Producing Foodstuff.
- (3) Arts & Crafts.
- (4) Cultural Practitioning.
- (5) Alternative Medicine (*Suruhanu/Suruhana*).
- (6) Dress Making.
- (7) Growing & Selling Plants and Flowers.
- (8) Repair of Personal Effects.

(b) The *Chamorro* Land Trust Commission shall, pursuant to the Administrative Adjudication Act, promulgate rules and regulations governing cottage industry activities. These rules and regulations shall include environmental considerations to protect the quality of life for surrounding residents.

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§ 75A109. Successors to Lessees.

(a) (1) Upon the death of the lessee, his interest in the tract or tracts and the improvements thereon, including growing crops (either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts), shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee, husband and wife, children, widows or widowers of the brothers and sisters, or nieces and nephews, the lessee shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death. Such person or persons must be qualified to be a lessee of Chamorro Land Trust Property; provided, that such person or persons need not be eighteen (18) years of age; provided, further, however, that, if the person designated by the lessee:

(A) is the lessee's spouse;

(B) has been married to the lessee for at least the past seven (7) years;

(C) is residing on the property with the lessee in a structure that has been approved as a residence at the time of the lessee's death; and

(D) is not an eligible beneficiary as defined under this Act, such person shall, upon the death of the lessee, receive a life estate in the remainder of the lease, and upon termination of the life estate, assignment of the lessee's remaining interest in the lease shall be governed by the applicable provisions of the Chamorro Land Trust Act as if the lessee had died without designating his or her spouse as a beneficiary.

(2) Such designation must be in writing, must be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time and shall be filed with the Commission and approved by the Commission in order to be effective to vest such interests in the successor or successors named.

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(3) In the absence of such a designation as approved by the Commission, the Commission shall select from the relatives of the lessee in the order named above as limited by the foregoing paragraph one (1) or more persons who are qualified to be lessees of Chamorro Land Trust Property except as hereinabove provided, as the successor or successors of the lessee's interest in the tract or tracts, and upon the death of the lessee, his interest shall vest in the person or persons so selected. The Commission may select such a successor or successors after the death of the lessee, and the rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such lessee.

(4) In the case of the death of a lessee leaving no such relative qualified to be a lessee of Chamorro Land Trust Property, the land subject to the lease shall resume its status as unleased Chamorro Land Trust Property and the Commission is authorized to lease such land to an eligible beneficiary or beneficiaries as provided in this Chapter.

(5) Upon the death of a lessee leaving no such relative qualified to be a lessee of Chamorro Land Trust Property homelands, or the cancellation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall appraise the value of all such improvements and growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness to the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the deceased lessee or the previous lessee. Such payment shall be made out of the loan fund and shall be considered an advance therefrom reimbursable out of payments made by the successor or successors to the tract involved. Such appraisal shall be made by three (3) appraisers, one (1) of which shall be named by the Commission, one (1) by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two (2)

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appraisers hereinbefore mentioned.

(b) After the cancellation of a lease by the Commission in accordance with the provisions of § 75A110 or § 75A114 of this Chapter, or the surrender of a lease by a lessee, the Commission is authorized to transfer the lease or to issue a new lease to any qualified beneficiary regardless of whether or not he is related in any way by blood or marriage to the previous lessee.

(c) Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor subject to the approval of the Superior Court. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold: provided, that said guardian shall, in so representing such successor or successors, comply with the provisions of this Chapter and the stipulations and provisions contained in the lease, except that said guardian need not be an eligible beneficiary as defined in § 75101 of this Chapter.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

Subsection designations altered/added in subsection (a) pursuant to the authority granted by 1 GCA § 1606.

§ 75A110. Cancellation of Leases.

Whenever the Commission has reason to believe that any condition enumerated in § 75A108 or any provision of § 75A109 of this Chapter has been violated, the Commission shall give due notice and afford opportunity for a hearing to the lessee of the tract in respect to which the alleged violation relates or to the successor of the lessee's interest therein, as the case demands. If upon such hearing the Commission finds that the lessee or successor has violated any condition in respect to the leasing of such tract, the Commission may declare his interest in the tract and all improvements thereon to be forfeited and the lease in respect thereto canceled and shall thereupon order the tract to be vacated within a reasonable time. The right to the use and occupancy of the Chamorro Land Trust Property contained in such tract shall thereupon revert in the Commission and the

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Commission may take possession of the tract and the improvements thereon.

§ 75A111. Community Pastures.

The Commission shall, when practicable, provide from the Chamorro Land Trust Property a community pasture adjacent to each village.

§ 75A112. Beneficiary Home Loan Fund; Chamorro Home Development Fund; Beneficiary Educational Fund; Beneficiary Commercial Loan Fund; Beneficiary Home Repair Loan Fund; and the Beneficiary Loan Guarantee Fund.

(a) There are hereby established three (3) revolving funds to be known as the Beneficiary Home Loan Fund, the Beneficiary Commercial Loan Fund and the Beneficiary Home Repair Fund and four (4) special funds to be known as the Beneficiary Home Development Fund, the Beneficiary Educational Assistance Fund, Chamorro Land Trust Operations Fund and the Beneficiary Loan Guarantee Fund.

(b) Beneficiary Home Loan Fund. There is hereby authorized to be appropriated from the Unappropriated Surplus of the General Fund the sum of One Million Dollars (\$1,000,000) as initial capital to said Fund. In furtherance of the purposes herein, the Commission may do any one or more of the following with moneys from this Fund and any borrowed moneys under (6) herein below.

(1) The Commission may extend the benefits of the Fund only to eligible beneficiaries as defined in this Chapter.

(2) The Commission may loan, or guarantee the repayment of or otherwise underwrite any authorized loan, up to a maximum amount not to exceed the financial ability of the borrower to satisfy the indebtedness as approved by the lender; provided, that where, upon the death of a lessee living on Chamorro Land Trust Property who leaves no relatives qualified to be a lessee of Chamorro Land Trust Property, or in the event of the cancellation of a lease by the

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lessee or by the Commission for cause, then the Commission shall be authorized to make payment and to permit assumption of loans, subject to the provisions of § 75A113(b).

(3) Where the dwelling is on Chamorro Land Trust Property, anything in the Chapter to the contrary notwithstanding, either the Commission or other governmental agencies may make loans, and the loans made in connection with the repair or maintenance or purchase or erection or improvement of dwellings shall be subject to, all applicable provisions of the Chapter, including but not limited to the provisions of §§ 75A107, 75A108, 75A109, 75A110, 75A113, 75A114 and 75A116, and to such legislative amendments of the Chapter herein or thereafter enacted, provided such amendments do not change the qualifications of lessees or constitute a reduction or impairment of the Beneficiary Home Loan Fund, or Beneficiary Home Development Fund or otherwise required the consent of the United States. Loans made to lessees by governmental agencies shall be approved by the Commission, and the Commission may assure the payment of such loans, provided that the Commission shall reserve the following rights, among others: the right of succession to the lessee's interest and assumption of the contract of loan; right to require that written notice be given to the Commission immediately upon default or delinquency of the lessee; and any other rights necessary to protect the monetary and other interests of the Commission.

(4) Where the dwelling is on non-Chamorro Land Trust Property, anything in the Chapter to the contrary notwithstanding, either the Commission or financial institutions may make loans, and in connection with such loans, the Commission shall be governed by, and the loans made in connection with the repair or maintenance or purchase or erection or improvement of dwellings shall be subject to, such terms and conditions as the Commission may, by rules and regulations promulgate, provided, the Commission shall require any loan made or guaranteed or

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otherwise underwritten to be secured adequately and suitably by a first or second mortgage or other securities;

(5) The Commission shall establish interest rate or rates at two and one-half per cent (2½%) a year or higher, in connection with authorized loans on Chamorro Land Trust Property or non-Chamorro Land Trust Property, and where the going rate of interest on loans made by financial institutions to eligible beneficiaries is higher, pay from the Fund or the moneys borrowed, the difference in interest rates;

(6) The Commission may borrow and deposit funds into a special revolving account for the purposes of repairing, maintaining, purchasing, erecting or improving dwellings on Chamorro Land Trust Property and non-Chamorro Land Trust Property and related purposes from financial institutions, governmental, or private;

The Commission may purchase or otherwise acquire, or agree so to do, before or after default, any notes and mortgages or other securities, covering loans under this program made by financial institutions, and guarantee the repayment of or otherwise underwrite the loans, and accept the assignment of any notes and mortgages or other securities in connection therewith;

(7) The Commission may exercise the functions and reserved rights of a lender of money or mortgagee of residential property in all loans by financial institutions made to beneficiaries under this program. The functions and reserved rights shall include but not be limited to, the purchasing, repurchasing, servicing, selling, foreclosing, buying upon foreclosure, guaranteeing the repayment or otherwise underwriting, of any loan, protecting of security interest, and after foreclosure, the repairing, renovating or modernization and sale of the property covered by the loan and mortgage, to achieve the purposes of this program while protecting the monetary and other interests of the Commission.

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(c) Beneficiary Home Development Fund. Twenty-five percent (25%) of the amount of moneys covered into the Beneficiary Home Loan Fund annually shall be transferred into the Beneficiary Home Development Fund. The moneys in said development fund shall be available, with the prior written approval of the Governor for construction of sanitary sewage facilities for the construction of roads through and over Chamorro Land Trust Property, and for other non-revenue producing improvements.

(d) Match moneys. The Commission is authorized and empowered to use moneys in the development fund, with the prior written approval of the Governor, to match Federal funds available for the same purposes and to that end is authorized to enter into such undertakings, agree to such conditions, transfer funds therein available for such expenditures and to perform such other acts and things, as may be necessary or required, as a condition to securing match funds for such projects or works.

(e) Beneficiary Education Assistance Fund. Ten percent (10%) of the amount of moneys covered into the Beneficiary Home Loan Fund annually shall be transferred into the Beneficiary Educational Assistance Fund. The Department of Education shall establish and direct educational projects after consultation with the University of Guam and the Commission which shall be directed primarily for the educational improvement of the children of lessees, which shall be funded with this Fund with prior written approval of the Governor.

(f) Beneficiary Commercial Loan Fund. The Commission is authorized to create a Fund out of which loans may be made to those holding leases issued under § 75107 of this Chapter. The loans shall be for theaters, garages, service stations, markets, stores, and other mercantile establishments and these shall all be owned by lessees or by organizations formed and controlled by said lessees. The amount and duration of loans from this Fund at any one time to any lessee, or successor or successors in interest, shall be determined by the Commission on the basis of the proposed operations of lessee(s) and the security available, provided that where, upon the death of a lessee leaving no

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relative qualified to be a lessee of Chamorro Land Trust Property, or the cancellation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall make the payment provided for by § 75109(a). The amount of any such payment made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, shall be considered as part or all, of any such loan to the successor or successors, without limitations as to any pre-established maximum amount but subject to provisions of Paragraph (b) of § 75A113.

(g) Beneficiary Home Repair Loan Fund. There is hereby authorized to be appropriated from the Unappropriated Surplus of the General Fund the sum of One Hundred Thousand Dollars (\$100,000) for the Beneficiary Home Repair Loan Fund. The moneys in this Fund shall be used to make loans in amounts not in excess of Five Thousand Dollars (\$5,000) to lessees for repairs to their existing homes and for necessary additions to such homes due to increase in family size. Such loans may be made for periods not to exceed five (5) years.

(h) The Beneficiary Loan Guarantee Fund. The Commission is authorized to create a Fund out of which loans made by governmental agencies or lending institutions to those holding leases or licenses issued under § 75A107 of this Chapter may be guaranteed. This guarantee may be for home or commercial loan purposes. The loan guarantees shall be subject to the restrictions imposed by §§ 75A108 and 75A113 of this Act.

The Commission's guarantee of repayment shall be adequate security for a loan under any Guam law prescribing the nature, amount, or form of security, or requiring security upon which loans may be made. This guarantee shall include, but not be limited to, loans secured or obtained through the CIP and other programs of the Federal Home Loan Bank of Seattle, United States Federal agencies and instrumentalities, or any other public or private lending institution or program duly authorized to do business on Guam.

(1) Loan Default Remedy. In the event of a loan default, the Commission shall offer and reassign to the next

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qualified applicant the opportunity to assume any loan in default guaranteed by the Beneficiary Loan Guarantee Fund. The Commission shall pursue this remedy to avert a loan default prior to making any direct repayment of a loan and accrued interest with funds from the Beneficiary Loan Guarantee Fund.

(2) For purposes of this Section, a mortgage is considered in default when payments due upon the mortgage have not been satisfactorily tendered for a period of one hundred twenty (120) calendar days. The lending institutions shall provide to the Commission advance notice of a potential default in instances where payments due upon a mortgage have not been satisfactorily tendered for a period of sixty (60) calendar days. In cases where the mortgage or loan is obtained through the lending programs of United States agencies and instrumentalities, the period a loan is deemed to be in default if payments due upon the mortgage have not been satisfactorily tendered are determined by the applicable laws, rules and regulations of the respective programs.

(3) Upon notification of the default of a loan guaranteed by the Beneficiary Loan Guarantee Fund, the Commission shall, during the period pending reassignment of the loan or the determination of the Commission to directly repay the loan and accrued interest due, bring current the payments due the lender with funds so reserved for such purposes in the Beneficiary Loan Guarantee Fund. The aggregate amount of the payments made by the Commission to bring the loan current may be recovered by the Commission by adding such amount to the principal amount of the loan being reassigned to and assumed by a qualified beneficiary. All funds so expended and subsequently recovered shall be deposited in the Beneficiary Loan Guarantee Fund.

(i) Applicable Taxes on Chamorro Land Trust Property. Notwithstanding any other provision of law:

(1) Taxes on Chamorro Land Trust Land. The holder

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of any lease or license for the occupation or beneficial use of Chamorro Land Trust Property *shall* be subject to all applicable taxes on the lessee's or licensee's interest in the land and on any improvements to any land so leased or licensed. Taxes assessed *shall* be collected by the Department of Revenue and Taxation, which *shall* maintain a separate record for all such taxes collected.

(2) Deposit and Earmarking of Funds Collected. All taxes identified in Item 1 of Subsection (i) of this Section *shall* be deposited in the Beneficiary Loan Guarantee Fund, and is earmarked to carry out the purposes set forth pursuant to this Chapter.

(j) The Chamorro Land Trust Operations Fund. The Commission shall create a Fund called the Chamorro Land Trust Operations Fund (Fund), which shall be maintained separate and apart from any other funds and is subject to *I Liheslaturan Guåhan's* appropriation beginning in Fiscal Year 2006. Notwithstanding any other provision requiring the deposit of proceeds to other funds, the Fund shall receive the proceeds of all land use permits, monetary contributions and fees. The Commission shall create, within thirty (30) days of enactment, a reconciliation of all accounts in which such proceeds were deposited and shall transfer the remaining balances to the Fund. The Fund shall be used for the operational expenses of the Chamorro Land Trust Commission.

The Commission shall report on a quarterly basis to the Speaker of *I Liheslaturan Guåhan* the revenues collected and expended from the Fund and post the same on the Commission's website. The Fund shall be subject to audit by the Guam Public Auditor.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A113. Conditions of Loans.

Except as otherwise provided in § 75A112, each contract of loan under this chapter with the lessee or any successor or

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successors to his interest shall be held subject to the following conditions whether or not stipulated in the contract loan:

(a) The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semi-annual or annual as may be determined by the Commission in each case. The term of any loan shall not exceed thirty (30) years. Payments of any sum in addition to the required installments, or payment of the entire amount of the loan, may be made at any time within the term of the loan. All unpaid balances of principal shall bear interest at the rate of two and one-half percent (2½ %) a year for loans made directly from the Beneficiary Home Loan Fund, or at the rate of two and one-half percent (2½%), or higher, as established by law, rule or regulation for other loans made or guaranteed by the Commission, payable periodically or upon demand as the Commission may determine. The payment of any installment due shall be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of two and one-half percent (2½%) a year, or higher, as established by law, rule or regulation for other loans made or guaranteed by the Commission, on the unpaid principal. Notwithstanding any other provision of law, rule, regulation or this Chapter 75A, this Subsection (a) shall not diminish nor relieve the Commission of its obligation to assure or effect the periodic or full repayment of loans issued to a lessee by local or Federal governmental agencies or instrumentalities or private lending institutions, where such loans have been guaranteed by the Commission.

(b) In the case of the death of a lessee the Commission shall, in any case, permit the successor or successors to the tract to assume the contract of loan. In case of the cancellation of a lease by the Commission or the surrender of a lease by the lessee, the Commission may, at its option declare all installments upon the loan immediately due and payable, or permit the successor or successors to the tract to assume the contract of loan. The Commission may, in such

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cases where the successor or successors to the tract assume the contract of loan, waive the payment, wholly or in part, of interest already due and delinquent upon said loan, or postpone the payment of any installment thereon, wholly or in part, until such later date as it deems advisable. Such postponed payment shall, however, continue to bear interest at the rate of two and one-half percent (2½%) a year on the unpaid principle. Further, the Commission may, if it seems advisable and for the best interest of the lessees, write-off and cancel, wholly or in part, the contract of the deceased lessee, or previous lessee, as the case may be, where such loans are delinquent and deemed uncollectible. Such write-off and cancellation shall be made only after an appraisal of all improvements and growing crops on the tract involved, such appraisal to be made in the manner and as provided for by § 75A109(a). In every case, the amount of such appraisal, or any part thereof, shall be considered as part or all, as the case may be, of any loan to such successor or successors.

(c) No part of the moneys loaned shall be devoted to any purpose other than those for which the loan is made.

(d) The borrower or the successor to his interest, shall comply with such other conditions, not in conflict with any provision of this Chapter, as the Commission may stipulate in the contract of loan.

(e) The borrower or the successor to his interest shall comply with the conditions enumerated in § 75A108 and with the provisions of § 75A109 of this Chapter in respect to the lease of any tract.

(f) Whenever the Commission shall determine that a borrower is delinquent in the payment of any indebtedness to the Commission, it may require such borrower to execute an assignment to it, not to exceed, however, the amount of the total indebtedness of such borrower, including the indebtedness to others the payment of which has been assured by the Commission of all moneys due or to become due to such borrower by reasons of any agreement or

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contract, collective or otherwise, to which the borrower is a party. failure to execute such an assignment when requested by the Commission shall be sufficient ground for cancellation of the borrower's lease or interest therein.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A114. Insurance by Borrowers: Acceleration of Loans; Lien and Enforcement Thereof.

The Commission may require the borrower to insure, in such amount as the Commission may prescribe, any livestock, machinery, equipment dwellings and permanent improvements purchased or constructed out of any moneys loaned by the Commission; or, in lieu thereof, the Commission may directly take out such insurance and add the cost thereof to the amount of principal payable under the loan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in Paragraphs (b), (d), (e), or (f) of § 75A113 of this Chapter, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest, as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition, the Commission may declare all principal and interest of the loan immediately due and payable notwithstanding any provisions in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in any lease, growing crops, either on his tract or in any collective contract or program, livestock, machinery and equipment purchased with moneys loaned by the Commission, and in any dwellings, or other permanent improvements paid by the Commission, and of all indebtedness of the borrower, the payment of which has been assured by the Commission, including loans from governmental agencies where such loans have been approved by the Commission. Such lien shall have priority over any other obligation for which the property subject to the lien may be security. The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in the property subject to the lien to be forfeited, any lease held by the borrower canceled, and shall

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thereupon order such lease-hold premises vacated and the property subject to the lien surrendered within a reasonable time. The right to the use and occupancy of the Chamorro Land Trust Property contained in such lease shall thereupon revert in the Commission which may take possession of the premises covered therein and the improvements and growing crops thereon: provided that the Commission shall pay to the borrower any difference which may be due him after the appraisal provided for in Paragraph (a) of § 75A109 of this Title has been made.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A115. Ejectment, When: Loan To New Lessee For Improvements.

In case the lessee or borrower or the successor to his interest in the tract, as the case may be, fails to comply with any order issued by the Commission under the provisions of § 75A110 or § 75A114 of this Chapter, the Commission may bring action of ejectment or other appropriate proceedings for the enforcement of said order. Any tract forfeited under the provisions of § 75110 or § 75A114 of this Chapter may be again leased by the Commission as authorized by the provisions of the § 75A107 of this Chapter, except that the value, in the opinion of the Commission, of all improvement made in respect to such tract by the original lessee or any successor to his interest therein shall constitute a loan by the Commission to the new lessee. Such loan shall be subject to the provisions of this section §§ 75A113 and 75A114 to the same extent as loans made by the Commission from the Beneficiary Home Loan Fund.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A116. Agency Review of Statutory Authority.

All agencies, departments, boards, commissions, and other instrumentalities of the territorial government shall review their present statutory authority, administrative regulations and current planning policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full cooperation with the purposes and

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provisions of this Chapter and shall propose to the Commission not later than ninety (90) days after the enactment of this Chapter measures as may be necessary to bring their planning authority and policies into conformity with the intent, purposes, and procedures set forth in this chapter.

§ 75A117. Severability.

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

§ 75A118. Commission Start-Up Fund.

Five Hundred Thousand Dollars (\$500,000) are appropriated from the General Fund to the Chamorro Land Trust Commission to initiate the business of the Commission in a manner consistent with the purpose and intent of this Chapter.

(a) The Commission shall establish a place of business and shall appoint and employ an Administrative Director who shall serve in a full-time capacity, and shall provide such Administrative Director with the necessary personnel and resources to carry on the work of the Commission as provided for in § 75A102(b) of this Chapter. The salary of the Administrative Director shall be determined by the Commission as provided for in said § 75A102(b) and shall not exceed the sum of Fifty-Five Thousand Dollars (\$55,000) per annum.

(b) Funds available under this section shall not be utilized to directly fund the programs set out in paragraphs (b), (c), (d), (e), (f), (g) and (h) of § 75A112 of this Chapter.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A119. Identification Of Land To Be Exchanged To Compensate Private Landowners.

The Commission, with the assistance of the Director of Land Management, the Director of Public Works, the Director of

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Agriculture, and the Director of Parks and Recreation, shall identify land under its jurisdiction which may be utilized by the Governor in exchanging property with private landowners whose lands have been expropriated by the government of Guam for public purposes prior to December 31, 1993, and for which no compensation has been paid to such private landowners.

§ 75A120. Title to Municipal Golf Course; Operation.

(a) Transfer of title of golf course to Commission. Title to and jurisdiction over that parcel of government-owned real property in the municipality of Dededo encompassing the Guam Municipal Golf Course, described as Lot No. 10122-12, containing an area of 829,124± square meters, less 28,328 ± square meters set aside as easements for the use of the Guam Power Authority and the Guam Waterworks Authority are hereby transferred to the Chamorro Land Trust Commission which shall act as administrator of the lease to Guam Municipal Golf Course, Inc., and shall receive all payments thereunder. All other terms of the lease agreement executed on January 17, 1989 (the "Lease") between the government of Guam and the Guam Municipal Golf Course, Inc. (the "Golf Course") shall remain in effect, except that references to the Department of Land Management shall be deemed to refer to the Chamorro Land Trust Commission (the "Commission").

(b) Rules. The Commission shall establish rules and regulations for the use of the lease payments described in subparagraph (a) of this section in accordance with the procedures set out in the Administrative Adjudication Law. The Commission shall annually publish a properly audited financial statement in a newspaper of general circulation. Nothing in this section shall be deemed a ratification of the Lease or of any actions of the Golf Course.

SOURCE: Added by P.L. 22-76:1.

2021 NOTE: Reference to Public Utility Agency of Guam was replaced with Guam Waterworks Authority pursuant to P.L. 23-119:3 (July 31, 1996).

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§ 75A121. The Establishment of ‘*Hatdin Ámot Chamorro*’.

(a) The *Chamorro* Land Trust Commission *shall* designate and make available a parcel of land in the northern part of the island that *shall* be designated as a Biodiversity Conservation Easement for the purpose of transplanting and cultivating herbal plants, and establishing *Hatdin Ámot Chamorro*.

(b) Block 3, Tract 1722 in the municipality of Mangilao, as shown on Land Management Instrument No. 880762 (Exhibit A), *shall* be designated as a Biodiversity Conservation Easement for the purpose of providing land for *Hatdin Ámot Chamorro*.

(c) The *Chamorro* Land Trust Commission, in consultation with the *Hâya* Foundation (a non-profit organization dedicated to the preservation of the *Chamorro* healing arts), is hereby directed to establish the criteria, application, and operational procedures of *Hatdin Ámot Chamorro*. The procedures *shall* establish the parameters for the usage of the parceled lot and a list of plants to be cultivated. To qualify to use a parcel of *Hatdin Ámot Chamorro*, an applicant must be an individual eligible for residential lease of *Chamorro* Land Trust Commission land, and either:

(1) be a member or officer of a non-profit organization registered with the Department of Revenue and Taxation, whose charter includes the advancement of *Chamorro* traditional healing or medicine, or the advancement of *Chamorro* heritage and culture; or

(2) be a *Suruhana* or *Suruhanu*, or an apprentice, or a student of traditional *Chamorro* medicines.

Preference *shall* be given to an applicant who meets more than one (1) of the qualifications in this Subsection.

§ 75A122. Commercial Leases and Licenses.

(a) Definitions.

(1) *Commercial lease* is a leasehold interest in real property between the CLTC and a tenant (hereinafter

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referred to as “Commercial Lessee”) for the commercial use of real property under the management of the CLTC.

(2) *Commercial license* is an agreement between a tenant (hereinafter referred to as the “Commercial Licensee”) and the CLTC which permits certain activity to be conducted upon real property in the inventory of the CLTC, but does not confer upon the licensee any title or leasehold interest, and is terminable upon cessation of the approved activity. Pursuant to § 75A107(c) of Chapter 75A, Title 21 GCA, the Commission is authorized to grant licenses for terms not to exceed twenty-one (21) years in each case, to:

(A) public utility companies, or corporations as telephone lines, electric power and light lines, gas mains, and the like; or

(B) for lots within a village in which lands are leased under the provisions § 75A107(a) of Chapter 75A, Title 21 GCA, to:

(i) churches, hospitals, public schools, post offices, and other improvements for public purposes; or

(ii) theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which *shall* be owned by the § 75107(a) lessees of the Commission or by organizations formed and controlled by said lessees).

(3) *Commercial use* means commercial agriculture, commercial aquaculture, and any permitted use or a conditional use expressly allowed on an “A,” “R1,” “R2,” “C,” “P,” “S-1,” or “PF” zoned property pursuant to §§ 61304, 61305, 61306, 61307, 61308, 61312 and 61313 of Article 3, Chapter 61 of Title 21 GCA. Commercial use includes mineral extraction when specifically approved by the CLTC and *I Liheslaturan Guåhan* (the Guam Legislature). The appropriate regulatory clearances will be required for all commercial uses of CLTC lands.

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(4) *Tenant* means an applicant who has been approved for either a commercial lease or license, and can also be referred to as a “Commercial Lessee or Commercial Licensee” in this Act.

(b) Designation of Available Land for Commercial Use.

(1) Notwithstanding § 75A107(f) of Chapter 75A of Title 21, Guam Code Annotated, and Section 6.9 of Exhibit A of Public Law 23-38, the CLTC may declare and designate that certain lands, not to exceed nine percent (9%) of the total remaining unassigned Chamorro Land Trust Commission land area inventory, “are not required for § 75107 leases to native Chamorros for residential, subsistence agriculture, or subsistence aquaculture, and are available for commercial leasing or licensing to the general public pursuant to § 75105(d) of Chapter 75, Title 21 GCA.” Said declaration *shall* be in the form of a Board Resolution approved by the Commissioners at a duly scheduled meeting of the CLTC held after a CLTC public hearing on the specific lot and area of land to be designated. The approved CLTC resolution *shall* be transmitted to *I Liheslaturan Guåhan* within thirty (30) days from the date of passage of the resolution.

(2) *I Liheslaturan Guåhan shall* have sixty (60) days to review the Resolution declaring the list of available lots identified in this Subsection, and may conduct public hearings on said lot list during this sixty (60)-day period.

(3) The lots identified in this Subsection may be leased or licensed by the CLTC to the general public pursuant to § 75A105(d) of Chapter 75A of Title 21, Guam Code Annotated, for commercial use and for a term not to exceed twenty-five (25) years; or licensed pursuant to § 75A107(c) of Chapter 75A, Title 21, Guam Code Annotated, for a term not to exceed twenty-one (21) years, unless otherwise approved by *I Liheslaturan Guåhan* for a longer term.

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(4) The CLTC *shall not* initiate any solicitations for commercial leasing or licensing until at least sixty (60) days have elapsed from the date *I Liheslaturan Guåhan* received the transmittal of the CLTC Resolution and list in accordance with this Section.

(5) Notwithstanding § 75A105(b) of Chapter 75A of Title 21, Guam Code Annotated, all income arising out of any lease or license of those properties declared in this Subsection *shall* be credited to and deposited in the Chamorro Land Trust Survey and Infrastructure Fund until 2020, and to the Chamorro Home Loan Fund thereafter.

(6) Any solicitation for interest or proposals, prior to the enactment of this Act, for commercial activity on CLTC land with the intent of entering into a commercial lease *shall* be null and void.

(c) Lease Agreement Stipulations. The execution of commercial lease agreements or licenses of the available properties identified pursuant to this Section *shall* be subject, at a minimum, to the following stipulations:

(1) Notice of Land Designated to be Available for Commercial Use. Solicitation for the leasing or licensing of land designated as available for commercial use *shall* be published at least thirty (30) days prior to the deadline for submittal of proposals from prospective lessees or licensees. Notice *shall* be posted on the websites of the CLTC and the Department of Land Management (DLM) continuously, and through any methods of electronic publication capable of providing notice to the general public, and at least once in a newspaper of general circulation.

(2) Award of Lease through Competitive Bid. The lease or license for the commercial use of CLTC land designated as available for commercial activity *shall* be awarded through a competitive bid process to entities determined to be responsible and responsive, as defined in Guam's procurement law, to the requirements stipulated by the CLTC. However, in the event that a designated available

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land has an existing commercial activity by virtue of a previous authorization, this Act *shall not* be interpreted to invalidate existing commercial leases or licenses where lessee or licensee has not defaulted during the entire term of the lease or license, and lessee or licensee has complied with the laws of Guam. At the expiration of a lease or license, and all options to renew that lease or license, the CLTC *shall* reconsider its designation as available land and comply with all other provisions of this Act.

(3) Unsolicited Proposals. The CLTC may also accept unsolicited proposals for the development and commercialization of CLTC land designated as available for commercial use, but must subsequently place such proposals to competitive solicitation.

(4) Posting of Awards. Awards of leases and licenses *shall* be posted, within five (5) working days from the date of award, on the CLTC and DLM websites for the term of the lease.

(5) Minimum Annual Rent. Annual rent *shall be no less than* ten percent (10%) of the current appraisal of fair market value of the land that is to be leased. Rent *shall* escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value of the land being leased, but in no event shall rent be lower than the rent charged during the previous five (5) year period. The rent to be charged on any request to exercise an option to renew an existing lease *shall* also be based on the current appraisal of the fair market value of the land at the time the option to renew is exercised.

(6) Participation Rent.

(A) Definition. The tenant pays to the CLTC a mutually agreed upon percentage of the revenues generated above a mutually agreed upon revenue threshold.

(B) Applicability. Participation rent *shall* be applicable from the fifth (5th) anniversary date to the

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last day of the lease. The annual participation rent *shall* be made in four (4) equal quarterly installments.

(7) Advance Rental Payment. CLTC may require accelerated or advanced rental payments as a condition of the lease.

(8) Rent Amendments and Payment Schedules. Tenants may submit written requests for temporary reductions in rent. Tenants *shall* submit audited financial statements covering the previous three (3) year period as supporting documents. CLTC *shall* consider the current financial position of the tenant and the prospect for improvements in the tenant's financial position, market conditions, the benefit to the Trust in temporarily reducing the rent, and such other information as may be required in considering tenant's request for rent reductions. Any rent reductions authorized by CLTC *shall not* exceed one (1) year but may, upon written application by the tenant, be extended by the Commission if such extension would be beneficial for the Trust. As temporary rent reductions are intended to assist tenants over a short period of time, tenants must agree in writing that such temporary reductions shall in no way affect the annual amounts due or the schedule of rent escalations for future option terms identified in the lease agreement. Requests for rent reductions *shall* be subject to Commission approval. The CLTC *shall not* allow the exercise of options for additional terms unless all past due rent is paid. All amendments of rent and payment schedules *shall* be fully documented.

(9) Payment Plans. Requests to develop a payment plan for back rent *shall* be submitted in writing with the reasons for the request. In addition, tenants *shall* submit a copy of its audited financial statements covering the previous three (3) year period. Payment plans must include a provision for payment of interest on the unpaid balance. In addition, payment plans must contain the requirement that late fees using the industry standard be paid, in the event the lessee *does not* make payments as scheduled, and if the

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lessee is *not* deemed to be in breach of the lease. Financial institutions must be provided with copies of approved payment plans if estoppel, mortgage or other such agreements require such notification. To the extent possible, payment plans for outstanding rent must be paid off within the fiscal year to avoid budgetary problems within CLTC.

(10) Taxes and Assessments. Tenants *shall* pay all taxes and assessments lawfully levied against the leased premises and against any business conducted thereon or in connection therewith. Tenant *shall* also pay all charges for utility services furnished or provided to the leased premises.

(11) Interest for Late Payment. All rent in arrears *shall* bear interest at a rate of four percent (4%) per annum in excess of the prime rate, calculated daily and compounded monthly, without demand, from the date it should have been paid to CLTC, until actual payment to CLTC.

(12) Environmental Site Assessment (ESA). Prospective tenants *shall* be required to prepare at their own expense, a Phase I Environmental Site Assessment (ESA) of the leased property to serve as a baseline of conditions at the site prior to the start of the lease. The comprehensiveness of the assessment *shall* be determined by CLTC in collaboration with the Guam Environmental Protection Agency. The Phase I ESA *shall* be referenced in any lease or license agreement for the property. Prior to the issuance of any agreement, tenants or prospective tenants must conduct a Phase I ESA of the site at tenant's expense.

(13) Condition of Land After Use Period. At the end of the lease or license period, or upon termination, tenant *shall* restore the land to baseline levels established at the start of their lease or license, or better/higher environmental levels agreed upon in the lease or license, and *shall* bear all expenses relating to such restoration and Phase I and Phase II evaluations. However, in the case where mineral extraction or the extraction of natural resources at the site was authorized initially in the lease or license agreement, the site *shall* be returned to the CLTC in the better/higher

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environmental end-state that was agreed upon at the beginning of the lease or license. CLTC *shall* require that a performance bond be provided to ensure that the property is returned in an acceptable end-state, but that said bond *shall not* relieve the lessee of the responsibility of returning the land to the required baseline state.

(14) Tenant Requirements. All lease and license agreements *shall* require tenants and subtenants to have business liability insurance that indemnifies and holds CLTC harmless, and *shall* require the tenant to respond to CLTC requests for information on a timely basis.

(15) Improvements to CLTC Property. All lease and license agreements *shall* require that any improvements made to or upon the real property *shall* belong in title to the CLTC upon termination or expiration of the lease or license, and that any removal required by the CLTC of improvements or items remaining on the property *shall* be the responsibility of the tenant at no cost to the CLTC.

(16) Processing Fees. Tenants *shall* pay for those expenses associated with the processing of leases, amendments, assignments, estoppels, consents or other such documents, including, but not limited to, attorneys' fees, appraisal fees, title report fees, survey fees, credit report fees, recording fees, and documentation fees, but *not* including CLTC staff time. Payment of fees *shall* be made prior to document recordation or pick up.

(17) Business License. Applicants must be licensed to do business in Guam prior to the execution of a lease or license, and all tenants must maintain a valid license to do business in Guam during the term of their lease or license.

(18) Compliance with Environmental Laws. All activities on leased or licensed available real property *shall* be in compliance and maintained in accordance with existing environmental laws. Failure to comply with environmental laws *shall* be a material default by tenant.

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(19) Events of Default; Termination. In any of the following events (each an “Event of Default”):

(A) if rent or any part thereof shall not be paid on any day when such payment is due, CLTC may, at any time thereafter, give notice of such failure to the lessee, and if the failure is not remedied by the lessee within five (5) days after the giving of such notice; or

(B) if the lessee shall fail or neglect to perform or comply with any of the terms, covenants or conditions contained in the lease (other than the covenants to pay rent) on the part of the lessee to be performed or observed, CLTC may, at any time thereafter, give notice of such failure or neglect to the lessee and the lessee:

(i) if the matter complained of in such notice is capable of being remedied by the payment of money, has not corrected the matter complained of within a period of five (5) days after the giving of such notice; or

(ii) if the matter complained of in such notice is not capable of being remedied by the payment of money has not corrected the matter complained of within a period of twenty (20) days after the giving of such notice, or if a period of more than such twenty (20) days is reasonably required to remedy, with reasonable diligence, the matters complained of in such notice, has not forthwith commenced to remedy the same and diligently prosecute the remedying of the same to completion;

(iii) if an event of insolvency shall have occurred with respect to the lessee, or

(iv) a breach of an obligation by the lessee which has resulted in cancellation of insurance coverage where the lessee has not prior to or concurrent with such cancellation replaced such

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coverage with comparable coverage or breach of an obligation where there has been a notice of cancellation of insurance coverage which has not been cured and where the lessee has not, within the period of time set out in such notice (or within ten (10) days where no period is set out therein) replaced such coverage with comparable coverage or which is otherwise a breach of the obligations respecting insurance; or

(v) abandonment of the project by the lessee; or then the CLTC, at its option, may terminate the lease by notice to the lessee, in which event such termination *shall* be effective immediately upon the delivery of such notice and may enter upon the property with or without process of law and take possession thereof.

(20) Right to Cure Defaults. Without limiting any other remedies the CLTC may have arising out of a lease or at law in respect of any default in the performance of the lessee's obligations under a lease, the CLTC *shall* have the right, in the case of any default and without any re-entry or termination of a lease, to enter upon the property and cure or attempt to cure such default (but this *shall not* obligate the CLTC to cure or attempt to cure any such default or, after having commenced to cure or attempt to cure such default, prevent the lessor from ceasing to do so) and the lessee *shall* promptly reimburse to the CLTC any expense incurred by the CLTC in so doing and the same *shall* be recoverable as rent.

2021 NOTE: References to provisions in Chapter 75 replaced with references to corresponding provisions in Chapter 75A.

§ 75A123. Annual and Monthly Reports.

(a) The Guam Economic Development Authority *shall* prepare an annual report for presentation to the Commission summarizing the benefits received by CLTC on activities of the commercial leasing program for the fiscal year. The annual report *shall* contain findings on employment, payroll, gross

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receipts taxes paid, local purchases made, and total and annual capital investments by tenants and their sub-tenants, if any. The report *shall not* contain proprietary information of tenants. The report *shall* also contain a projection of revenues over the next five (5)-year time period, and a discussion on outstanding issues and recommendations. The report *shall* be submitted *no later than* December 31 covering the previous fiscal year ending September 30. A copy of the annual report *shall* be submitted to the Speaker of *I Liheslaturan Guåhan* and *I Maga'låhen Guåhan*.

(b) The CLTC *shall* provide monthly reports on the revenue, surveying, and infrastructure being made from the leasing or licensing of CLTC lands pursuant to this Act to *I Maga'låhen Guåhan*, the Speaker of *I Liheslaturan Guåhan*, and the Office of Public Accountability.

§ 75A124. The Chamorro Land Trust Survey and Infrastructure Fund.

The Chamorro Land Trust Commission *shall* create a special fund called the *Chamorro Land Trust Survey and Infrastructure Fund* (Fund), which *shall* be maintained separate and apart from any other funds and *shall not* be subject to the transfer authority of *I Maga'låhen Guåhan*.

(a) Notwithstanding any other provision requiring the deposit of proceeds to other funds, the Fund *shall* receive:

(1) the proceeds of all sales of bull cart trails, substandard lots, irregular lots, remnants, splinter lots, fractional lots, easement purchase remnants, and easement condemnation remnants belonging to the government of Guam; and

(2) the proceeds of commercial leases or licenses executed after October 2015.

(b) Expenditures from the Fund *shall* be made pursuant to a resolution by the CLTC, and *shall* be restricted to the following expenditures:

(1) for the subdivision, surveying, mapping and

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registration of tracts of residential and agricultural land in the CLTC property inventory; and

(2) for the construction of infrastructure, to include access roads, water, and power utilities, to service CLTC residential and agricultural tracts of land.

(c) The Commission *shall* report on a quarterly basis to the Speaker of *I Liheslaturan Guåhan* as to the revenues collected and expended from the Fund, and post the same on the website of the Chamorro Land Trust Commission. The Fund *shall* be subject to audit by the Guam Public Auditor.

§ 75A125. Designation of Biodiversity Conservation Easement.

(a) Notwithstanding any law, provision, rule, or regulation, the Chamorro Land Trust Commission (CLTC) is hereby authorized to designate Lot 5133-1-2, municipality of *Tamuning*, consisting of 1,024± square meters, as shown on L.M. Checked No. 258FY89, as a Biodiversity Conservation Easement (Easement) for the purposes of promoting awareness, conservation, and preservation of species survival by providing refuge, sanctuary, and habitat restoration for wildlife.

(b) The Chamorro Land Trust Commission is authorized to execute a lease for the Easement with James Walter Cushing and Barbara Benavente Cushing—as joint tenants in common with rights of survivorship—and their successors, as provided in 21 GCA § 75109, (hereinafter Cushings), for thirty (30) years at an annual rental rate of One Dollar (\$1.00) per year; *provided*, that they continue to support and advocate for greater awareness through biological study and education of animal care; encourage and promote awareness, conservation, and preservation of species survival by providing refuge, sanctuary, and habitat restoration for wildlife; engage in conservation practices of endemic species of flora and fauna; educate the public on conservation efforts; and, promote awareness and appreciation of flora and fauna through live exhibitions. The

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Cushings may elect to renew the lease for a second term of ten (10) years subject to express legislative concurrence. Upon completion of the second term lease, the Cushing Zoo may elect to renew the lease for one (1) subsequent ten (10) year term, subject to express legislative concurrence.

(c) The Cushings are additionally authorized to operate a for-profit zoo, botanical garden, or marine display on the property, consistent with other requirements of this Section, and may partner with one (1) or more non-profit organizations in the pursuit of their goals for the Easement. The Cushings must maintain compliance with the United States Department of Agriculture and federal and local environmental laws.

(d) If the Cushings are no longer lessees of this property, the Easement *shall* be declared null and void and the property *shall* be consolidated with Lot 5133-1-R2 (*Matapang Beach Park*).

(e) The Cushings may partner with a non-profit organization in the operations and management of the Biodiversity Conservation Easement and activities on the premises, but the lease *shall not* be sold, transferred, assigned, or subleased.

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CHAPTER 6

**SENATOR PAUL BORDALLO
RULES AND REGULATIONS FOR
CHAMORRO LAND TRUST COMMISSION**

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995), pursuant to the authority granted by 21 GCA §§ 75103 and 75107.

2021 NOTE: Pursuant to P.L. 35-112:4, these rules and regulations “are hereby enacted as rules and regulations applicable to 21 GCA Chapter 75A, except where inconsistent.”

- § 6101. Authority and Purpose.
- § 6102. The Commission.
- § 6103. The Management.
- § 6104. Definitions.
- § 6105. Application for Leases: Forms.
- § 6106. Application for Leases: Qualification of applicants.
- § 6107. Application for Leases: Application processing.
- § 6108. Application for Leases: Residential tract applications.
- § 6109. Application for Leases: Agricultural tract applications.
- § 6110. Application for Leases: Village and island-wide waiting lists.
- § 6111. Application for Leases: Contract for award; priority.
- § 6112. Application for Leases: Transfer of application rights.
- § 6113. Application for Leases: Posting lessee awards.
- § 6114. Application for Leases: Applicant current information.
- § 6115. Leases to Native Chamorros: Residential tract leases; awards..
- § 6116. Leases to Native Chamorros: Awards; when, order. Agricultural tract leases.
- § 6117. Leases to Native Chamorros: Award of lease; lessee’s performance.
- § 6118. Leases to Native Chamorros: Awards to occupants of homelands; when.

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- § 6119. Leases to Native Chamorros: Agricultural tract leases.
- § 6120. Leases to Native Chamorros: Residence permitted on agricultural lot.
- § 6121. Leases to Native Chamorros: Livestock and crops.
- § 6122. Leases to Native Chamorros: Lease cancellation.
- § 6123. Leases to Native Chamorros: Commercial leases. [Reserved]
- § 6124. Conditions in Leases: Additional conditions generally.
- § 6125. Conditions in Leases: Industrial or commercial activities.
- § 6126. Conditions in Leases: Building requirements.
- § 6127. Conditions in Leases: Contracts covering leased lands.
- § 6128. Conditions in Leases: Transfer of leases.
- § 6129. Conditions in Leases: Occupancy and other requirements.
- § 6130. Conditions in Leases: Sublease prohibited.
- § 6131. Loans and Funds. [Reserved.]
- § 6132. Successors to Lessees: Designation of successors.
- § 6133. Successors to Lessees: Reversion to the commission.
- § 6134. Successors to Lessees: Notice to successors.
- § 6135. Successors to Lessees: Appraisals.
- § 6136. Successors to Lessees: Payments
- § 6137. Successors to Lessees: Cancellation and surrender.
- § 6138. Community Pastures: Location of community pastures.
- § 6139. Community Pastures: Records.
- § 6140. Community Pastures: Responsibilities.

§ 6101. Authority and Purpose.

(a) Authority. Pursuant to the mandate of Public Law 12-226, now codified as Chapter 75 of Title 21, Guam Code Annotated, these rules and regulations are promulgated as authorized by §75103 of Title 21, Guam Code Annotated, to govern the implementation and administration of Chamorro homeland programs.

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(b) Purpose. These rules and regulations set forth the necessary procedures with respect to lease applications;

(1) to set out in detail the standards of eligibility;

(2) to provide for methods of inspection and review, as well as a system of notice and hearing prior to lease revocation; and,

(3) generally, to provide for certain requirements necessary to meet the goals and objectives of the Chamorro homeland programs.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as §§ 1.1 and 1.2 of Exhibit A, renumbered and designations added pursuant to 1 GCA § 1606.

§ 6102. The Commission.

(a) Mission of Trustees. The commission members, as trustees, shall:

(1) act exclusively in the interest of beneficiaries under the Act;

(2) hold and protect the trust property for beneficiaries under the Act;

(3) maintain and uphold their fiduciary responsibilities to the beneficiaries, and exercise such care and skill as a person of ordinary prudence would exercise in dealing with one's own property in the management of Chamorro homelands; and,

(4) adhere to the terms of the trust as set forth in the Act.

(b) Offices. The commission offices are located at Buildings 903, 905, and 907, Tiyan Barrigada, Guam or whatever successor office it might relocate to in the future.

(c) Mailing address. P.O. Box 2950, Agana, Guam 96910

(d) Contact numbers. Telephone: (671) 475-4251-8, Fax: (671) 477-8082

(e) Hours. The offices of the commission shall be open from 8:00a.m. to 5:00p.m., Monday through Friday, and provide for

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flexible hours as determined by the Commission for the convenience of the public.

(f) Personnel. All personnel on the commission's staff are under the direction of and are responsible to the director. The director, subject to law and civil service rules, shall select and discharge personnel for the commission's staff. The commission shall be informed of all changes in staff personnel.

(g) Absence, disability of director. Whenever the director is absent or disabled from performing the duties of his office, the deputy shall assume the duties of the director.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as §§ 2.1 to 2.7 of Exhibit A, renumbered and designations added pursuant to 1 GCA § 1606.

§ 6103. The Management.

(a) Director to sign for commission. All orders and other action of the commission shall be authenticated or signed by the director. The director shall approve and sign all vouchers and assignment of funds to be received under tract leases. After approval of the commission, the director shall sign all licenses, leases, loan contracts, personnel actions, procurement and purchase forms, contracts with other governmental agencies and commission resolutions. The Chairperson of the Commission shall countersign on behalf of the Commission where approval of the Commission is required.

(b) Director responsible for administration. The director shall have full charge of and responsibility for the administration and execution of all actions approved by the commission and in effectuating commission policy.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as §§ 3.1 and 3.2 of Exhibit A, renumbered and designations added pursuant to 1 GCA § 1606.

§ 6104. Definitions.

As used in these rules and regulations:

(a) *Administrative Adjudication Law* means Chapter 9 of Title 5, Guam Code Annotated.

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(b) *Agricultural Tract* means Chamorro homelands with an area of not less than one quarter (0.25) acre, nor more than twenty (20) acres.

(1) *Subsistence Agriculture* means the production of crops for home consumption on an agricultural tract with an area of not less than one quarter (0.25) acre, nor more than one half (0.50) acre.

(2) *Commercial Agriculture* means the production of crops for commercial sale on an agricultural tract with an area of not less than one half (0.50) acre.

(c) *Agricultural use* means the use of Chamorro homeland and improvements for farming purposes.

(d) *Chamorro homelands* means all lands given the status of Chamorro homelands under the provisions of § 75105 of Title 21, Guam Code Annotated.

(e) *Chamorro Land Trust Act* or *the act* means the policy for management and disposition of Chamorro homelands and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.

(f) *Commission* means the Chamorro Land Trust Commission established by § 75102 of Title 21, Guam Code Annotated.

(g) *Director* means the Administrative Director of the Chamorro Land Trust Commission established by § 75102 of Title 21, Guam Code Annotated.

(h) *Native Chamorro* means any person who became a U.S. Citizen by virtue of the authority and enactment of the Organic Act of Guam or descendants of such person.

(i) *Residential Tract* means Chamorro homeland with an area of not less than ten thousand (10,000) square feet nor more than one (1) acre, or such other area which may be specified by zoning, subdivision, or environmental policies.

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(j) *Residential use* means the use of Chamorro homeland and improvements for the purposes of the primary domicile of the applicant.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 4 of Exhibit A, renumbered pursuant to 1 GCA § 1606. Subsection (b) amended by P.L. 24-0318:3 (Dec. 28, 1998).

§ 6105. Application for Leases: Forms.

Forms. Beginning on November 1, 1995, subject to approval of the Rules and Regulations, applications for residential or agricultural leases shall be made on forms, consistent with the Act and these rules and regulations, provided by the commission and shall be made under oath. Falsification of a material fact for the purposes of making the applicant qualified on an application form shall be grounds for removal of the applicant's name from the waiting list, or cancellation of any lease awarded the applicant, and may subject the applicant to liability for perjury. The Chamorro Land Trust Commission shall publish, at least three (3) times in a daily newspaper of general circulation, notice of the November 1, 1995, initial date for receiving applications.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6106. Application for Leases: Qualification of applicants.

(a) Applicants for residential or agricultural tract leases shall provide the commission with documented proof that the applicant is:

- (1) at least eighteen (18) years of age; and
- (2) a native Chamorro.

(b) The commission shall accept all completed applications for residential or agricultural tracts from native Chamorros who are at least eighteen (18) years old.

(c) In addition to the qualifications required in subsection (a), a person applying for an agricultural lease may be required to comply with § 6121 before a lease award can be made.

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SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.2 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6107. Application for Leases: Application processing.

(a) Applications shall be dated and signed by the applicant and by an authorized commission representative. The commission shall acknowledge in writing receipt of all properly completed applications. An incomplete application shall be returned to the applicant with instructions necessary to properly complete the application. Completed applications shall be time stamped, and if accepted, assigned a numerical designation, and filed in the order of receipt. Additions, corrections or deletions may be made only with the approval of the applicant and the director. A copy of the application shall be made available to the applicant. Except as otherwise provided in this chapter, a numerical designation shall not be reassigned to any other person. The applicant shall pay a one-time processing fee of \$50.00 to the commission within 30 days from application submittal.

(b) Within thirty days after the submission and filing of the completed application and all such other documents as the commission shall require of the applicants, and any investigation the commission shall require of the applicants, and any investigation the commission may conduct, the director shall make a determination as to whether the applicant qualifies as an applicant. Such determination shall be based upon the application form, birth, marriage, and death certificates, and any investigation the commission may conduct consistent with the Act and these rules and regulations. An applicant who disagrees with any action taken by the commission shall have thirty days from receipt of written notice of such action within which to petition the commission for appearance before the next regular meeting of the commission concerning the action taken on the application, at which time the Commission shall hear and review the application and it shall make an independent decision on the matter.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.3 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

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§ 6108. Application for Leases: Residential tract applications.

Applications for residential tract leases shall be made for one lot only. One island-wide residential tract waiting list shall be maintained.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.4 of Exhibit A, renumbered and subsection designation omitted pursuant to 1 GCA § 1606.

§ 6109. Application for Leases: Agricultural tract applications.

For application purposes, the commission shall establish and maintain an island-wide waiting list for designated agricultural tracts.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.5 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6110. Application for Leases: Village and island-wide waiting lists.

(a) Applicants will be placed on the respective island-wide residential and/or agricultural tract waiting list in the order specified in § 6107(a).

(b) In the event a new residential subdivision is opened, applicants on the island-wide waiting list shall be considered for award in accordance with § 6116.

(c) An applicant who is awarded a lot shall be able to decline lots in two different villages. After declining a third award, an applicant's name shall be removed from the waiting list.

(d) On or before the 15th day of every month, a copy of the priority listing for the previous month as of the last day of the month shall be recorded at the Department of Land Management.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.6 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6111. Application for Leases: Contract for award; priority.

Applicants shall be considered for award in the order in which their completed applications were received by the commission; provided that awards shall first be made according

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to ranking in existing priority waiting lists in that order until those waiting lists are exhausted.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.7 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6112. Application for Leases: Transfer of application rights.

(a) An applicant may designate a relative qualified under the Act to include husband and wife, children, widows or widowers of the brothers and sister, or nieces and nephews to succeed to the applicant's application rights upon the death of the applicant. Upon the death of an applicant who dies without designating a successor, the application rights may be succeeded by the qualified relative as provided in (1) and (2) in this section upon application therefor. In the absence of such a designation, the commission may

(1) Designate, in its absolute discretion, a successor from among the applicants for succession to the application rights of the deceased applicant in the order named in this paragraph (a); or

(2) Allow an unqualified spouse to designate a qualified child to succeed to the deceased applicant's application rights.

Requests for succession to application rights shall be made to the commission in writing not later than 180 days after the death of the applicant; otherwise, the application will be cancelled and the applicant's name removed from the waiting list.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.8 of Exhibit A, renumbered pursuant to 1 GCA § 1606

§ 6113. Application for Leases: Posting lessee awards.

The commission shall post, in every municipal mayor's office and once in a publication of general circulation, the names, file numbers, and dates of application of all who receive lease awards within two weeks after awards are made. They shall remain posted for a period of sixty (60) days.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.9 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

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§ 6114. Application for Leases: Applicant current information.

(a) An applicant for awards must notify the commission, in writing, of any change in address or other information contained in the application within fifteen calendar days of such change. Whenever the commission initiates action for awards, all applicants whose application information is not current will be given ninety (90) days written notice to update the information. Written notice shall either be served personally upon the applicant or be sent to the applicant by registered mail addressed to his mailing address, as indicated on the applications. If notice is not personally served, it shall also be published once in a daily newspaper of general circulation in Guam within three days of the date the notice is mailed out. If the applicant does not furnish the information necessary to facilitate the award within 90 days of notice, the commission shall remove the applicant from the award list and the applicant must re-apply as a new applicant.

(b) The applicant may appeal the commission's decision to remove his name from any award list as provided by the Administrative Adjudication Law.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 5.10 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

2021 NOTE: Reference to "territory" removed pursuant to 1 GCA § 420.

§ 6115. Leases to Native Chamorros: Residential tract leases; awards.

(a) Whenever residential tracts are available, the commission shall award residential tract leases to applicants who, in the opinion of the commission, are qualified to perform the conditions of such leases. The commission's opinion as to the applicant's qualification shall be based on criteria specified in the Act.

(b) The lessee shall occupy and commence to use the tract as his home within one year after the lease is made.

(c) Lot size for a residential tract lease to be awarded shall be not less than 10,000 square feet with public sewer connection available nor less than one-half (1/2) acre with no public sewer connection available, but in neither case shall be more than one

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(1) acre; or lot size for a residential tract lease shall be specified by zoning, subdivision, environmental, or administrative policies, but in no circumstance may the area exceed one (1) acre.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6116. Leases to Native Chamorros: Awards; when, order.

(a) Whenever homeland lots are available, the commission shall award leases to applicants who meet the qualification requirements specified herein and contained in the Act.

(b) The commission shall award lots on a first-come first-served basis at the discretion of the applicant.

(c) In addition to (a) and (b) above, the commission shall prioritize awards for residential tracts to applicants in the following descending order:

- (1) Those who do not own land anywhere;
- (2) Those who own one (1) acre or less anywhere;
- (3) Those who own more than one (1) acre anywhere.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.2 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6117. Leases to Native Chamorros: Award of lease; lessee's performance.

(a) The commission shall, whenever tracts are available, enter into such a lease with any applicant who, in the opinion of the commission, is qualified to perform the conditions of such lease.

(b) In determining whether an applicant is qualified to occupy, commence construction, or use a residence, any of the following shall be sufficient proof for the commission to find compliance:

- (1) Approved loan or financing for the construction of a residence, or a conditional letter of intent or the equivalent;
- (2) Contract between the applicant and a construction company for the construction of a residential dwelling;

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(3) Equivalent evidence of the applicant's intent and ability to construct a residential dwelling; or

(4) Equivalent evidence of the applicant's intent and ability to fulfill pre-existing requirements entered into between other parties with respect to the residential dwelling the applicant wishes to occupy.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.3 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6118. Leases to Native Chamorros: Awards to occupants of homelands; when.

(a) Notwithstanding the provisions of §§ 6108 to 6114, the commission shall not serve eviction notices to individuals who presently reside and have continuously resided on Chamorro homelands prior to July 12, 1995, and who qualify under the Act.

(b) Persons presently holding land use permits and who qualify under § 6106 will hereby maintain their home or farms, adhering to all other requirements of the Act and these rules and regulations.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.4 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6119. Leases to Native Chamorros: Agricultural tract leases.

(a) Whenever agricultural tracts are available, the commission shall award agricultural tract leases to applicants who, in the opinion of the commission, are qualified to perform the conditions of such leases. The commission's opinion as to the applicant's qualification shall be based on criteria specified in the Act.

(b) The lessee shall occupy and commence to use the tract to cultivate as his farm, within one year after the lease is made.

(c) The lessee shall plant and maintain not less than five, ten, fifteen, and twenty trees per acre of land leased during the first, second, third, and fourth years, respectively, after the date of the lease. Such trees shall be of types approved, and provided free of charge, by the Department of Agriculture and at locations specified by the Department of Agriculture's agent. Such planting

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and maintenance shall be by or under the immediate control and direction of the lessee.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.5 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6120. Leases to Native Chamorros: Residence permitted on agricultural lot.

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on Chamorro homelands, subject to the following conditions:

- (1) The lessee has actively cultivated or developed at least two-thirds of the agricultural tract at all times;
- (2) Approval by the commission; and
- (3) Conformance to all Guam zoning and building requirements.

(b) A lessee possessing a residential tract lease may construct a residence on the lessee's agricultural tract; provided that, the lessee complies with all other conditions imposed by this section, § 6126, and:

- (1) Lessee makes prior arrangements to surrender or transfer the residential tract lease upon the completion of construction of the residence on the lessee's agricultural tract. Should it be feasible, the lessee may relocate the present house;
- (2) Lessee must be financially able to assume the cost of relocation or construction of the new residence plus any related expenses necessary to maintain the agricultural tract. The commission may assist the lessee under § 6131; and
- (3) In the event the lessee surrenders the residential tract lease, the net proceeds thereof shall be first credited to any loan granted by the commission for the construction of a home on the agricultural tract.

(c) The commission shall not be liable for expenses incurred by the lessee for amenities brought to the tract. The commission

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shall not provide nor be required to provide such amenities, except as it may determine in the planned development of its lands.

(d) Upon cancellation, surrender, or transfer of the agricultural tract, the lessee shall relinquish the entire leasehold interest including the residence.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.6 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

2021 NOTE: Reference to “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 6121. Leases to Native Chamorros: Livestock and crops.

(a) Lessees may raise animals intended for consumption on their agricultural leasehold to supply immediate family needs.

(b) Lessees may raise animals on a commercial basis on their agricultural leasehold only after the following conditions are met:

(1) Submission of a plan for commercial production of animals which shall include, but not be limited to, projections for production, methods of production, sanitation control measures, and proximity to surrounding residences;

(2) Approval by the commission;

(3) Conformance to all Guam zoning and health laws and rules; and

(4) The operation is restricted to confined feeding and not for open grazing.

(c) Agricultural tract lessees may raise crops for fodder to be used only for animals on the lot. A portion of the lot may be utilized to raise vegetables or fruit crops for consumption by the lessee’s immediate family.

(d) Lessees may grow crops on a commercial basis on their agricultural leasehold only after the following conditions are met:

(1) any wetland on the lease property is *not* drained, filled or otherwise destroyed;

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(2) lessees follow Rules and Regulations governing agricultural chemicals established by the Guam Environmental Protection Agency;

(3) submission of a plan for commercial crop production which shall include, but not be limited to, projections for production and methods of production;

(4) approval by the Commission; *and*

(5) conformance to all Guam zoning and health laws and rules.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.7 of Exhibit A, renumbered pursuant to 1 GCA § 1606. Subsection (d) added by P.L. 24-0318:4 (Dec. 28, 1998).

2021 NOTE: Reference to “territorial” replaced with “Guam” pursuant to 1 GCA § 420.

§ 6122. Leases to Native Chamorros: Lease cancellation.

(a) The commission may cancel a lease to a native Chamorro, as specified by § 75110 of the Act and the Administrative Adjudication Law, for the following reasons:

(1) Violation by the lessee of a condition enumerated in the Chamorro Land Trust Act;

(2) Violation of a condition enumerated in the lease agreement;

(3) Violation of a condition enumerated in these rules and regulations; or

(4) Intentional falsification of material information by the lessee on application for financial assistance submitted to the commission.

(b) No lease shall be cancelled without first affording the lessee the right to a hearing as prescribed in the Administrative Adjudication Law.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.8 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

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§ 6123. Leases to Native Chamorros: Commercial leases. [Reserved]

No commercial leases shall be entered into by the Chamorro Land Trust Commission until Rules and Regulations covering the same have been adopted pursuant to the Administrative Adjudication Law.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 6.9 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

2021 NOTE: The bracketed notation “Reserved” was part of Exhibit A attached to P.L. 23-038. This notation was not added by the Compiler.

§ 6124. Conditions in Leases: Additional conditions generally.

In addition to the conditions in leases set forth in the Chamorro Land Trust Act, and in the lease document, all lessees shall be subject to the restrictions set forth in this section.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6125. Conditions in Leases: Industrial or commercial activities.

No industrial or commercial activities shall be allowed on Chamorro homeland leaseholds, except those which are authorized for license by the Act.

(2) No leasehold or portion thereof shall be used for commercial activities of such a nature as to constitute a nuisance.

(3) Commercial activities shall not include selling of agricultural products raised upon the premises.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.2 of Exhibit A, renumbered and designation added pursuant to 1 GCA § 1606.

§ 6126. Conditions in Leases: Building requirements.

(a) No building structure or improvement may be constructed on the premises without written approval from the commission. Such an approval shall be considered only after submission of a plan as to design, materials, and probable value and use of the structure to be built on the leasehold. Such building structures or improvements must meet building and zoning codes and other ordinances and regulations of Guam.

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(b) The commission shall provide assistance to the lessee in understanding the building code requirements which would render the proposed building or other improvement suitable for approval.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.3 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

2021 NOTE: Reference to “the territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 6127. Conditions in Leases: Contracts covering leased lands.

No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third person on lands covered by lessee’s lease for the cultivation of crops or the raising of livestock.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.4 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6128. Conditions in Leases: Transfer of leases.

Requests for transfers will be considered for approval only if the lessee has held such lease for a period of at least seven years, unless the commission, in its considered opinion, finds that an emergency exists which makes transfer imperative. A lessee may transfer the leasehold to any individual who qualifies under the Act, and is at least eighteen (18) years old. The transferee must immediately occupy the residential tract or use or cultivate the agricultural tract. Failure to occupy or use such tract within sixty (60) days from date of transfer shall constitute grounds for cancellation of such lease. A transferee may own an interest in non-Chamorro homelands real property, regardless of degree of ownership.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.5 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6129. Conditions in Leases: Occupancy and other requirements.

(a) The time period by which a lessee is required to occupy a residential lot or to commence to use or to cultivate an agricultural lot shall be stipulated in the lease.

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(b) Except as otherwise provided in the lease, the commission may require a lessee of an agricultural lot to have under development, cultivation, or use at least two-thirds of the usable acreage at all times.

(c) Lessees shall be responsible for maintaining their premises secure from fire, theft, and vandalism and shall comply with the requirements of their lease at all times.

(d) A lessee who does not have a house on the lot shall provide the commission with a current mailing address and such other information as the commission may require.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.6 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6130. Conditions in Leases: Sublease prohibited.

The lessee shall not sublet his interest in the tract or improvements thereon. Violation of this provision shall constitute grounds for cancellation of such lease.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 7.7 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6131. Loans and Funds. [Reserved]

Since a source of funding for loans has not been identified, no loans shall be made by the Chamorro Land Trust Commission until Rules and Regulations covering the same have been adopted pursuant to the Administrative Adjudication Law.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 8.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

2021 NOTE: The bracketed notation “Reserved” was part of Exhibit A attached to P.L. 23-038. This notation was not added by the Compiler.

§ 6132. Successors to Lessees: Designation of successors.

(a) A lessee shall, upon execution of the lease, designate the person in whom lessee directs the interest in the tract to vest upon death. Such person must be qualified to succeed to Chamorro homelands as provided by the Act and these rules. A lessee may elect to provide for the surrender of the lot upon death and may select a recipient for the proceeds from the surrender. A lessee’s

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designation under this section may be changed at any time by the lessee.

(2) Such designation shall be made as specified in the Act with the right in the lessee to change the beneficiary at any time, if filed with and approved by the commission.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6133. Successors to Lessees: Reversion to the commission.

Where a lessee dies having failed to designate a successor, the commission may select a successor as provided in the Act. Otherwise, the lease shall be cancelled. The land subject to the lease shall resume its status as unleased Chamorro homelands, and the commission shall be authorized to lease said land to a native Chamorro as provided in the Act.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.2 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6134. Successors to Lessees: Notice to successors.

Upon the death of a lessee having no designated successor, the commission shall publish such fact by publishing a notice at least once in each of four successive weeks in a newspaper of general circulation. The notice shall state briefly that all persons claiming to be relatives of the lessees qualified to succeed to the lease shall present themselves at the commission with proof of their qualification, within four months from the first day of publication of the notice or be forever barred from succeeding to the lease. Those persons failing to present themselves within four months from the first day of publication of the notice shall be forever barred from succeeding to the lease in question.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.3 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6135. Successors to Lessees: Appraisals.

(a) Upon the death of a lessee leaving no individual qualified to be a successor lessee, if the commission is unable to designate a successor, or upon the cancellation or the surrender of a lease, the commission shall appraise the value of all improvements of the tract or tracts.

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(b) An appraisal made pursuant to this section shall be made by three appraisers, subject to the exception of lessee waiver described herein, one of whom shall be named by the commission, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers herein before mentioned. The previous lessee or the designated representative of the deceased lessee shall bear the cost of its named appraiser. The cost of the third appraiser shall be shared equally between the commission and the previous lessee or legal representative of the deceased lessee. The previous lessee or legal representative of the deceased lessee may waive the three-man appraisal in favor of the sole appraisal made by the commission, or a compromise sole appraisal made by the commission, or a compromise valuation made between the commission and lessee.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.4 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6136. Successors to Lessees: Payments.

(a) The commission shall pay to the legal representative, administrator or executor of the deceased lessee or to the previous lessee, as the case may be, the appraisal value less:

- (1) Any indebtedness to the commission;
- (2) Taxes;
- (3) Any other indebtedness, the payment of which has been assured by the commission;
- (4) Any costs incurred by the commission for upkeep and cleaning of the leased premises; and
- (5) For any crops or improvements the commission demands removed;

(b) Payments provided in subsection (a) shall be made out of the Chamorro home loan fund and shall be considered an advance therefrom, reimbursable out of payments by the transferee or new lessee to the tract involved.

(c) The commission may make the payment only after a new lessee is found and upon commencement of the new lease.

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(d) Payments shall be made in equal annual increments over a period of five years, and shall bear interest at the rate of two and one-half percent (2½%) on the unpaid balance; provided, that where the commission has sufficient funds available and such payment does not unreasonably impair the Chamorro home loan fund, the commission may pay the entire amount or fraction thereof as it deems proper, but in no case less than twenty percent (20%) per year for five years.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.5 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6137. Successors to Lessees: Cancellation and surrender.

(a) Upon receipt of written notification of a lessee's intent to surrender, the commission shall process the same. The commission may forego acceptance of a surrender until a new lessee is found and it is determined by the commission that sufficient funds are available in the Chamorro home loan fund to meet the payments required. At all times until acceptance of surrender, the lessee shall remain responsible for the demised leasehold together with any improvements thereon, and shall remain liable for all taxes, assessments and charges of whatever kind and nature, on said tract and improvements thereon.

(b) Upon the cancellation or surrender of a residential tract, should it be determined by the commission that the residence constructed on the premises is in such disrepair that demolition of the structure is required, the lessee shall be allowed to sell said structure within ninety (90) days from the date of the cancellation or acceptance of surrender; provided that any proceeds be first used to satisfy any indebtedness to the commission, taxes, or any other indebtedness the payment of which has been assured by the commission, or any costs incurred by the commission for upkeep and cleaning of the leased premises. Sale of the structure shall not cause harm or affect in any way rights to the underlying property. Lessee shall repair and restore all damage to the Premises caused by removal of any alterations, additions, improvements or fixtures in the Premises. Lessee's obligations under this provision shall survive the expiration or termination of the Lease. If lessee fails to have structure removed, the

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commission may demolish the structure and the cost thereof shall be assessed the lessee.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 9.6 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6138. Community Pastures: Location of community pastures.

The commission, when practicable and as authorized under the Act, shall maintain community pastures in such locations as it may determine.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 10.1 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6139. Community Pastures: Records.

A record of all stock in community pastures shall be kept by the commission.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 10.2 of Exhibit A, renumbered pursuant to 1 GCA § 1606.

§ 6140. Community Pastures: Responsibilities.

(a) The lessees shall be responsible for:

(1) Permanently branding all animals with a registered brand of the lessee;

(2) Removing and testing all animals and confirming district origin;

(3) Removing sick, diseased or severely injured animals; and

(4) Arranging for removal of animals at least forty-eight (48) hours in advance of the move with the commission.

(b) The commission shall be responsible for managing and supervising the operation to ensure equal access and use of the pastures.

SOURCE: Added by P.L. 23-038:2 (Sept. 14, 1995) as § 10.3 of Exhibit A, renumbered pursuant to 1 GCA § 1606.



Office of the Speaker Therese M. Terlaje

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Health, Land, Justice and Culture convened a public hearing on Monday November 14, 2022, at 2:00 PM utilizing *I Liheslatura's* Public Hearing Room. The item on the agenda was the consideration of the reappointment of Arlene P. Bordallo to serve as a Member of the CHamoru Land Trust Commission (CLTC), and whose appointment history is as follows:

- Appointed by *I Maga'hågan Guåhan* on October 4, 2022, for Three (3) years; from April 11, 2022, to April 10, 2025;
- Appointment packet forwarded to *I Liheslatura* on October 10, 2022; Appointment packet forwarded to this Committee for public consideration on October 11, 2022.

Public Notice Requirements

In compliance with Open Government law, notices for this Public Hearing were published in the Guam Daily Post and the Government of Guam Public Notice Portal on **Friday, November 4, 2022 (5-Day Notice), and Thursday, November 10, 2022 (48-Hour Notice)**, and is being livestreamed via the Guam Legislature's YouTube Channel. Public Notices were also disseminated via email to all senators and all main media broadcasting outlets.

Senators Present

Speaker Therese M. Terlaje, Chairperson

Appearing before the Committee

Arlene P. Bordallo, CHamoru Land Trust Commission (CLTC) Appointee

Written Testimony Submitted

Mr. John Reyes, Jr., Chairman, CHamoru Land Trust Commission (CLTC)

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 2:09 PM.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Good afternoon and Håfa Adai. The committee on Health, Land, Justice and Culture is now called to order. Today is **Monday, November 14th, 2022**, and the time is **2:09 PM**. In compliance with Open Government law, Notices for this Virtual Public Hearing were published in the Guam Daily Post on **Friday, November 4**, and on **Thursday, November 10, 2022**, and posted to the Government of Guam Public Notice Portal. Notices were also disseminated via email to all senators and all main media broadcasting outlets.

There's only one agenda item that will be heard today is the Reappointment of **Arlene P. Bordallo** to serve as a Member, Chamoru Land Trust Commission, for a term length of three (3) years; April 11, 2022 to April 10, 2025.

Individuals testifying shall first be recognized by the Chair before speaking and begin by stating their name for record-keeping purposes.

Alright, so this would be Arlene P. Bordallo's second term, if confirmed, to the CHamoru Land Trust Commission. At her previous appointment hearing, we went over the history of the land trust and how many years it had taken since it was enacted sponsored by the late Senator Paul Bordallo who was the author of the CHamoru Land Trust Act. That was in 1975.

The Act was passed unanimously by the 12th Guam Legislature. After about 20 years, it was not implemented until I Nasion Chamoru, under the leadership of Difunto Senator Angel Santos, Difunto Maga'lahi Ed Benavente, and their wives, and many others, that an education and advocacy campaign urging the Governor at that time to implement the Trust.

The Governor refused to implement, and a suit was filed by Attorneys Mike Phillips, Michael Bordallo, and myself. This was a pro bono lawsuit on behalf of Angel Santos and Nasion CHamoru to compel implementation of the Act.

The AG at that time had argued that the Trust was unconstitutional. A hearing was held at the same time that hundreds led a protest and campout on the grounds of Adelup.

A decision was made in 1992 by then Judge Benjamin Cruz that the law was valid and ordered the Governor to implement the Act and appoint the first Commissioners.

Several years later in 1995, when Angel Santos was a senator, he introduced the rules and regulations for the Trust. Those were adopted at the time and of course had been amended slightly over the years.

The CHamoru Land Trust Commission is responsible for the disposition of what was then termed “CHamoru Homelands” pursuant to mandates to advance the social, cultural and economic development and well-being of the CHamoru people by way of residential, agricultural and commercial land distribution and economic assistance programs.

In the settlement of the lawsuit for the case “Chamorro Land Trust Commission in United States of America v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust, CV 17-00113 - “the Commission found that the proposed modifications or amendments to the Chamorro Land Trust Act and the Rules and Regulations of the Chamorro Land Trust Commission would more clearly demonstrate that the Chamorro Land Trust program is a land restoration program meant to rectify the unjust taking of Chamorro homelands by the United States federal government between 1898 and 1968, and would expand the program’s eligible beneficiaries to include individuals and their descendants who owned land or who ranched, farmed, or otherwise occupied the lands that were taken.”

On May 29, 2020, after further settlement negotiations, the Settlement Agreement was signed by the Chamorro Land Trust Commission and I Maga'hågan Guåhan, which resolves the allegations contained in the lawsuit. In it the Government of Guam does

not admit liability and denied that the Chamorro Land Trust Act violates the Fair Housing Act.

The 35th Guam Legislature passed Bill 419-35, now P.L. 35-112, to approve the settlement. Subsequently, changes to the Senator Paul Bordallo Rules & Regulations for Chamorro Land Trust Commission were made to assure that CLTC compliance with P.L. 35-112 and the settlement agreement between the United States of America and Government of Guam, Chamorro Land Trust Commission & Administrative Director of the Chamorro Land Trust Commission.

It is the Commission's mission to carry on any activities necessary to inform and assist in obtaining maximum utilization of lands, including development of lands to their highest and best use, in all phases of Residential and Agricultural leasing, and Commercial leasing.

For the record, for today's confirmation hearing, we have received written testimony from the Chairman, the current chairman of the CHamoru Land Trust Commission, Mr. John Reyes, Jr. In favor and support. In part, he says:

Commissioner Bordallo is committed and dedicated in fulfilling the intent of the trust despite its many challenges over the years. She continues to carry on the work of her late husband who took action to secure land rights and was the author of the CHamoru Land Trust Act.

She has demonstrated her commitment and importance in attending the monthly commission meetings despite being off-island for a medical procedure. Her business acumen provides the expertise needed in dealing with complex decisions tasked by the commission. She has the passion and motivation to ensure we continue moving forward with our strategic plan and awarding long awaited leases.

I humbly ask the committee and senators' support for the reappointment of Commissioner Bordallo to the CHamoru Land Trust so we can continue to restore the Trust of our people in the commission. Si Yu'os Ma'ase, John Reyes, Jr.

Committee Report Digest – Re-appointment of Arlene P. Bordallo
Public Hearing held Monday, November 14, 2022

We will now hear from the nominee herself. Ms. Bordallo if you would you like to present testimony? Please turn on the microphone. Just in the middle there's a button. Okay, thank you. That's good. Sorry, one more time. Thank you.

ARLENE P. BORDALLO, APPOINTEE: Good afternoon Speaker Therese Terlaje. Thank you for giving me the opportunity to get my reappointment in the CHamoru Land Trust Commission. Hafa Adai to yourself, Senator Sabina Perez, Member of the Committee on Health, Land, Justice, and Culture and senators of the Liheslatura Guahan and my fellow Guamanians. I am here before you today humbly asking your support for another term as a member of the CHamoru Land Trust Commission. Kumision Inangokkon Tano' CHamoru.

The work of the commission is vitally important to the people of Guam in that readdressing the historic injustice of the land takings by the U.S. Government from the last century and I wish to continue contributing to this readdressing effort as a member of the Commission.

I have come to appreciate the dedication and hard work of my fellow members and staff. Much work lies ahead but the work that we have accomplished so far makes me brim from optimism and pride that the people of Guam have an ever-nurturing homeland, safe and secured for future generations.

Once again I humbly ask for your approval of my appointment. Thank you yan Si Yu'os Ma'ase. Arlene Bordallo.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Si Yu'os Ma'ase Ms. Bordallo and also for your service for the previous term on this commission. And I know that it's been some tough work...they have very long meetings on this commission. So I want to just...So part of the nomination package shows your kind of resume and I'm just gonna read excerpts of it so,

Received Bachelor of Business Administration Degree at the University of Guam – 1980

Currently the President of Marianas Finance since 2007

Formerly the Vice-President of Marianas Finance Company, Inc. and Marianas Boats and Motors

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Former member and Chairperson of the Port Authority of Guam Board of Directors

Former member of the Guam Economic Development Authority Board of Directors

Member and former officer Soroptimist International of Guam

President of the Guam Council of Women's Club, prior president

And presently a member of the Guam's Women's Club

And again so this would be your second term to this commission and these terms looks like they are, sorry three years. So this would be a three-year term and alright....I'm gonna ask you a couple of questions for the record and...

Do you have any continuing business or other conflicts of interests that may affect your ability to perform your duties as a Commissioner?

COMMISSIONER ARLENE P. BORDALLO, APPOINTEE: I have no....I just want to make a correction. The company that I run is Family Finance not Marianas Finance.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Not Marianas Finance...Family Finance.

COMMISSIONER ARLENE P. BORDALLO, APPOINTEE: Yes

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: My apologies. Thank you for making that correction. And, alright

Will there be challenges to you attending Commission meetings?

ARLENE P. BORDALLO, APPOINTEE: Not right now. My ability, I'm okay for now.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay great. As a returning member to the Commission, what are some of the things that you hope to accomplish in the next 3 years ?

ARLENE P. BORDALLO, APPOINTEE: Well, you know we have about a hundred applicants that we have to go through and I hope that you know, the department accomplishes you know what we have to do to take of those clients.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Why do you say a hundred applicants?

ARLENE P. BORDALLO, APPOINTEE: These are the ones that were put as you know we have to go through the applications.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Those are the next one-hundred?

ARLENE P. BORDALLO, APPOINTEE: Yea, well that's the first one-hundred that was not approved.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. Alright. It's been a while now since the Commission have had a permanent administrative director and I wanted to know... so we have right now an acting administrative director, what are your thought on having a permanent administrative director and the commission moving forward with hiring one? This is something not.. that doesn't go through the legislature, it's strictly on the commission and the commissioners to appoint one. How do you see this?

ARLENE P. BORDALLO, APPOINTEE: I would like to see an administrator appointed as soon as possible.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Alright, are you able to advocate that for that at your board that a search be made or whatever steps the board wants to do?

ARLENE P. BORDALLO, APPOINTEE: Yes

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: What is the status of the CLTC offices in the ITC Building?

ARLENE P. BORDALLO, APPOINTEE: They're under...I don't know what's the arrangement as far as being there whether they're under Land Management's lease...I'm not too sure.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Is it your understanding that the offices are still open?

ARLENE P. BORDALLO, APPOINTEE: To my knowledge.. (nodded)

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Our office has received reports that the phones are not being answered. Are you aware of anything about phones?

ARLENE P. BORDALLO, APPOINTEE: As far as the management of the office, I'm not too...I'm not too aware of.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Alright.

ARLENE P. BORDALLO, APPOINTEE: As far as the operations.....

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Well yea...You should be aware that we receive many phone calls in our office regarding the CHamoru Land Trust...I would say those are the number one amount of calls that I receive. So there are complaints of phones not being answered, their questions.....(pause) Right. Yes so, we get complaints regarding the phone calls not being answered. And I know this is not your job, this is an administrative job but the commissioners directly supervise the director, the acting director and the staff. So according to the statute, it's the commissioners, the commission itself that's authorized to hire the administrative director. And so its phone calls, it's not getting answers to their particular questions when they do reach someone. Like no responses on their particular cases. Of course we have a lot of complains regarding the void, the ones that were deemed years ago by the Attorney General to be void the leases and apparently staff at the commission have been telling people whenever they have an issue with that "oh you have to call the legislature" or something like this. And I don't know where they're getting that

direction and I'm asking you, the board members to please correct that. This is a, you know, you guys have the authority to deal with those things.

ARLENE P. BORDALLO, APPOINTEE: Well, that's very important to have a manager to manage the office. So I'm sorry to hear that, that they're throwing the problems to the Guam Legislature. You got to... That is why in order to have an administrator, not as an acting, the person has to be responsible for the operation of CHamoru Land Trust.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. So there's an October 25, 2022 article in The Daily Post that says the CHamoru Land Trust Commission Office at ITC has been close due to inoperable air-conditioning system and the presence of mold and these issues postpone the regularly scheduled meeting that was supposed to take place on October 20th. Staff are assigned to the Department of Land Management and the Guam Ancestral Land Commission until it is safe to return to the CLTC office. I will follow up with the Acting Director on that but I just wanted to know if you are aware of these things when they happen. If any impediment to them getting that taken care of.

ARLENE P. BORDALLO, APPOINTEE: That October 20th meeting, I was only aware of it by the published article on the same day as the meeting. I didn't learn about the mold in the building for that particular office until the following day or two when it was in the newspaper. I was not aware of that. I don't go into the office to try to manage their operation. I strictly come to my meetings on the days that I am supposed to.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: That makes sense. But you know, I think the commissioner should be aware of what's going on because when you have meetings and you're dealing with complains, you should be aware of everything that those people have been facing as well.

COMMISSIONER ARLENE P. BORDALLO, APPOINTEE: Well like I said, Administrator should inform us. I don't get any information only my packet one week before the meeting time. So I don't know what goes in the office.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. Alright. So I'm gonna ask you now... This one is in regards to mineral extraction. At your previous confirmation

hearing, you testified that if there was a need for mineral extraction that it should be a legislative decision to make.

COMMISSIONER ARLENE P. BORDALLO, APPOINTEE: Yea.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And that we knew at the time that the 34th Guam Legislature passed Public Law 34-142 which authorized a new lease for the Guam Racing Federation up to 50 years but prohibited mineral extraction. But we now see that in lieu of negotiating a new lease under the new terms, they were allowed to continue under the old lease all this time and apparently it looks to us from testimony in a previous hearing showing photos that mineral extraction continues on CHamoru Land Trust property.

What became issues at the time or what was questioned was the permitting from DPW accounting for the royalties, over-extraction and backfilling after the fact. I think there was a Notice to Cease issued by the Acting Director that I'm not aware of anything that have transpired after that. It says to remedy the unauthorized use of CLTC property by Smithbridge, they offered to pay fifty-one cents per linear foot. If the total would....going forward and escape assessment fee of sixty-four thousand, that they offered to pay this amount going forward and escape assessment fee of sixty-four thousand some for 69 months of prior use. And so going forward it would be a \$935, that's our estimates of settlement. Have you discussed this matter as a board if....?

ARLENE P. BORDALLO, APPOINTEE: That has not come up to us as a board.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Smithbridge settlement has not?

ARLENE P. BORDALLO, APPOINTEE: No.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Alright. And the mineral extraction?

ARLENE P. BORDALLO, APPOINTEE: That I know is the law but as far as who did it, I'm not too sure.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay.

ARLENE P. BORDALLO, APPOINTEE: I'm not aware.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Alright so that was several years ago when there was, I would say, a big crisis at the CHamoru Land Trust where the Chairperson at the time decided to do a review of all the leases to decide which ones were determined by the Commissioners, the Board versus just the Director, which ones were in compliance with the law, which ones had jumped the line, which ones were exceeding the amount authorized by law or by the commissioners. All those things. And so they came up with lists at that time. This was years ago, that said kind of conforming and non-conforming. So we had some non-conforming and some of those, I believe the AG said could be made conforming. Some of those, the Attorney General for the Commissioners said were void, had to be for they were deemed void. But it looks to me now that the Commission, when I reviewed your minutes, is going again over some people that were already determined conforming and making new determinations, now years later, that they're non-conforming again. And this is causing huge, like another crisis for the CHamoru Land Trust.

ARLENE P. BORDALLO, APPOINTEE: Right

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Because nobody's ending up with any security and you know putting investment into these properties and I'm sure you know the hardship because they come to your meetings and they describe this.

Do you support overturning prior decisions, you know where they deem these properties conforming and then years later....

ARLENE P. BORDALLO, APPOINTEE: Non-conforming?

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Yea.

ARLENE P. BORDALLO, APPOINTEE: Those should be taken out and brought to the board to either discontinue their leases. If they constantly ignore, you know, the rules, then they should cut them out.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. Thank you. There's an article in the PDN published in October that noted that the CLTC was going to consider a resolution asking the legislature to allow for line-swaps so the leasing can resume. I just want to know your interpretation of the proposed rule on this, and how do you see this process being implemented?

ARLENE P. BORDALLO, APPOINTEE: Well, Speaker, we have to follow the rules on, on the law that the legislature has put up and we'll follow that. That's all I can...

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: But it, it sounds like the commission has decided that it is in favor of line-swaps and wants the legislature to approve those?

ARLENE P. BORDALLO, APPOINTEE: Normally I would take that up with the legal and get his opinion before a decision is made.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: All right. Well, the article makes it sound like a decision was made, so....

ARLENE P. BORDALLO, APPOINTEE: I see.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: All right. Maybe I'll call a hearing just for that then if that's the case. I have not received any formal letters from the CHamoru Land Trust requesting that. I only read it in the, their minutes, that that's what they are asking the legislature.

Okay, there's a resolution up for consideration to delegate certain authorities to the Administrative Director. This resolution gives authority to the director to authenticate and sign on behalf of the commission, licenses, leases, loan contracts, personnel actions, procurement and purchase forms, contracts with other governmental agencies and

commission resolutions and having full charge of and responsibility for the administration and execution of all actions approved by the commission and in effectuating commission policy.

It also gives authority to the director to approve eligible beneficiaries to CHamoru Land Trust Commission, in accordance to the eligibility requirement as it states on Chapter 75 (a) and on the standard operating procedures. Do you think this means that the director is going to approve these things and then they will not be proposed in front of the commission or the director approves based on commission's action?

ARLENE P. BORDALLO, APPOINTEE: Things should be approved by the commission.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. Well, the reason why I'm asking is because remember when that crisis happened several years ago? That was one of the main findings, was that the director was acting without commission approval on many leases in many regards, and that became the new operating procedure that that would not happen anymore, that everything was gonna come before the commission, I'm sure it can be streamlined and expedited in different ways, but that the leases for sure should be approved by the commission for sure.

ARLENE P. BORDALLO, APPOINTEE: Right. Yes.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. Alright. So I don't know if you're aware when we were in the budget hearings and we had an oversight hearing of the CHamoru Land Trust. One of the things we talked about was, you know, which tracts of land were they going to concentrate on? Which big tracts subdivide and issue out new leases on? You know, I'm looking for this because there are other tracts that were somewhat issued or divided, but because of the way it was done have so many problems, right?

ARLENE P. BORDALLO, APPOINTEE: Yeah.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: So I'm looking for these new tracts to be divided and issued out some new leases and it's really not happened. And

so we've tried to ensure that if they can prioritize which tracts of land can be divided either because there's infrastructure in the area, those would be priority, or then we could fund the infrastructure to the area or prioritize bringing infrastructure in one when you get the revenue from the submerged cables. Right?

ARLENE P. BORDALLO, APPOINTEE: Yeah.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: So, yeah. Do you foresee these types of projects happening?

ARLENE P. BORDALLO, APPOINTEE: That, that is the direction that they were supposed to do. So as far as the work being done, I don't know where they're at right now because supposedly they were supposed to get some federal funding for infrastructure or whatever, you know, allowed.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Alright. I would ask, since this is your second term on the board, if you could help me in being...you know, and really urging to see regular reports on this, regular status updates, regular progress, and really pushing the product rest and if there's any impediment that it be brought to whoever's attention is necessary, mine, the governor's, anyone, so that we can get over those impediments as soon as possible. These are, these are to lease out lands that are next to available infrastructure, divide them up, you know, and divide them up in a suitable way where, where there's access, and we don't have any of those problems that we have on so many of these older lots.

ARLENE P. BORDALLO, APPOINTEE: Right.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Yeah. So I'm hoping if you could please, just, you know, I know it's not your job to do daily, but I think the board, the commissioners play a huge role in really urging the directors and the staff to, you know, keep on focus on, on that. And I would like to see those new leases being issued, new lots being subdivided, infrastructure being accessible, while we continue to deal with all the problem areas. I just don't want to get stuck dealing only with the problem areas and then these new leases are not being issued.

ARLENE P. BORDALLO, APPOINTEE: Yes.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: I think we can do both at the same time. And you know, we've got families leaving every day because of non-affordable housing and this is our way to make, you know, to give them access to affordable housing. So I feel like it's a rush for me.

ARLENE P. BORDALLO, APPOINTEE: That's very true Speaker. People are leaving our island and it's sad because the housing market has gone up and I don't know how our people are going to survive living in Guam. That's definitely a problem here and, I hope that, that the CHamoru Land Trust staff see that this is a crisis right now.

Our people are leaving and it's sad. And that's, you know, the idea that CHamoru Land Trust is for the poor people that can't afford to own land. And it's just so sad and it's... We have to work harder. The staff has to work harder to get this thing done so that people don't leave us.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Thank you. I hope you can continue to urge them. It takes, you know, it takes all of us to continue to urge and to point out and to see the progress. To praise the progress.

ARLENE P. BORDALLO, APPOINTEE: Yeah.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And to keep reminding us all, you know, I think we could all use the reminder of the reality, right?

ARLENE P. BORDALLO, APPOINTEE: Right.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: While we're in a meeting or even in here, the reality's not necessary in our face. But, you know, you know it in the industry that you're in, I'm sure you see this, that the struggle that people are going through. So we did, in our budget, I think we did find last budget, and I think this one too, continue to, to try to increase the level a little bit for additional staffing.

ARLENE P. BORDALLO, APPOINTEE: Yeah

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And that was supposed to be, yeah, to help to concentrate on these projects. Alright.

ARLENE P. BORDALLO, APPOINTEE: I see your concern, Speaker and I do want to see that done.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Thank you. Then we'll work together.

ARLENE P. BORDALLO, APPOINTEE: Yes and sometimes just call on a work session.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay.

ARLENE P. BORDALLO, APPOINTEE: For you, the staff and also the directors, board of directors.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: All right. There's, you've been following the commercial leases and I know that in the past there were issues with collections.

ARLENE P. BORDALLO, APPOINTEE: Yes

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Some issues were just way too low valuations, I think.

ARLENE P. BORDALLO, APPOINTEE: Yeah.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And so of course there is not enough money coming in to even cover operations, let alone to get infrastructure in. So I'm really hoping with some of the changes that we're making, increasing the values of these commercial leases, that the board will do its part to ensure that, you know, the accounting that you listen to it every week or whenever, every month, and you, you ensure that no one's getting too far behind, that we're the government or the people are gonna lose out, or that no one is no other deals are being made that the, the commission's not aware of or that, and that we're getting value.

So some of these don't come through us. They, they're only on your table, and I'm asking you to reconsider the valuation of these properties. We were able to increase the value, for example, of submerged lands from \$10,000, or in one case, \$5,000. The other one was proposed \$10,000. We increased that to \$100,000 per cable, which would mean \$600,000.

That's the difference in the valuation. And so I'm asking you, you're the businesswoman on this to push for the higher valuations of commercial properties if they need it, and this is an ideal location for them, then hopefully you will be able to push for those higher values. So I would ask the commission's entire cooperation and trying to do that because yeah, the more money, the money for the submerged cables, for example, is going directly to infrastructure, but you know, our needs for infrastructure, those are overwhelming, so...

ARLENE P. BORDALLO, APPOINTEE: Yes, it's very expensive.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: Okay. The.. Alright, I've already talked to you about the constituent concerns. They also said there's also a problem with surveys, so I think this is a problem. Some of these, constituents or the CHamoru Land Trust lessees, have been told to go and survey their own properties. Some of these are not getting approvals, some of these, surveys.... Actually, this, this has affected everybody on Guam. Some of the surveyors have passed away before the maps were approved.

ARLENE P. BORDALLO, APPOINTEE: Yea.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And so those people who had paid are kind of in a dilemma now of how... we're hoping, right? with the infrastructure money, it's called the Survey and Infrastructure Fund.

ARLENE P. BORDALLO, APPOINTEE: Okay.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And we are hoping you know that the CHamoru Land Trust..... We had talked years ago about hiring surveyors, right? So that we could survey at our own costs, you know, as much property as

possible, subdivide as much as possible. But I know that for the past few years, the CHamoru Land Trust and the Guam Department of Land Management have actually shared teams when it comes to surveying. There's not enough people, I guess, certified for independent teams.

ARLENE P. BORDALLO, APPOINTEE: Right.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: And so the work is kind of, take turns, I guess is a good way to describe it, but it's not full force for the CHamoru Land Trust in particular. So this is an issue. I've talked to Guam Community College about, you know, increasing the courses under this work programs for surveying technicians.

ARLENE P. BORDALLO, APPOINTEE: Right.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: But we, but it's the getting those engineers, the certified.

ARLENE P. BORDALLO, APPOINTEE: Yes.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: That still is an issue so we're trying to get, more interest in it at the, you know, college level so that more people can go into this field's high demand right now.

ARLENE P. BORDALLO, APPOINTEE: Definitely. Yeah.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: So that I can understand why there may be delays, but if you could please, also, just you know, continue to hear the reports on that and continue to hear whether your CHamoru Land Trust work is being, you know, equally prioritized I guess, when we're sharing duties. Or you know, if it's going to be put aside, please find out why, when, and, you know, how are we going to justify that to those that are waiting.

You know, if, if we've never, I've never seen an RFP put out for surveyors, for example, to, you know.....maybe that has happened, I just haven't seen it, but just, maybe a

creative thinking on, on the commission's part or, or the, you know, staff how to get more land survey faster or to resolve those pending surveys that are still pending.

Alright. Of course we still have violations of land use by the lessees, right? They're using their land in violation, they're, ... This is still an issue and so I know that this has been before the commissioners of, you know, who's going to do this enforcement, how often, right? And, and the assistance that you need to get that done.

And, and the other part of that is it's using your property in ways that are not allowed. That's one. Second, for example is ensuring that those who have agricultural leases comply with the terms of the agriculture. And then third, the big one is this illegal dumping. So unfortunately the CHamoru Land Trust where there's vacant lands or adjacent to leases, there's a lot of illegal dumping.

And I know that, you know, EPA, they've gone in, tried to clean it up, but ultimately, yeah, this is a problem for the CHamoru Land Trust Commission. I know we've talked about solutions of island wide, how to take care of illegal dumping by providing trash services. The other one I could only think of was, you know, if it's private property, sometimes they put up fences to prevent the illegal dumping.

This could be done perhaps on some CHamoru Land Trust, but it would take money away from surveying the land and doing the other things, bringing in real infrastructure as opposed to putting up fences. So, . So I know, you know, those are still issues, still being debated, but I just, I just don't want you to lose sight yet because the, the illegal dumping, if there's a way that they can come up with, that would be great.

I know that EPA did say at one hearing that they had put up cameras, but that was not a viable solution for them because the cameras always got vandalized or stolen. So they don't rely on those. I don't know. So this is a, this is continues to be another CHamoru Land Trust Commission issue that just needs to be addressed and I know there's a lot of them, but yeah, still one. Okay.

Do you have any other, are you feel free, as a commission member to suggest ways of, different ways of dealing with things that they've been dealing with?

ARLENE P. BORDALLO, APPOINTEE: I do some suggestions but you know, I don't know if they come through with it.

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: All right. All right. Well, I'm gonna just urge you one more time Yeah. To get into the details if you have to with the director so that, you know, maybe you would be able to advise them on some other things to try. You know, some of these we know from past years are not working and we need to look for other solutions. So yeah, each member, I think of the commissions is really important in that way, in that they bring in their own eyes and their own experience and, and their own suggestions so that, so that, you know, the experience of the director and the staff has expanded by that.

All right, Well, I'm gonna thank you for your willingness to serve again on this commission. Again, I know that that meetings of this commission are very long because they deal with general policies and then they get into constituent or lessee matters, particular leases, and those who are coming to you asking for commercial leases. Lots of matters on one. And this happens regularly.

ARLENE P. BORDALLO, APPOINTEE: Right

SPEAKER THERESE M. TERLAJE, CHAIRPERSON: I think at one point they were even doubling up their meetings twice a month because there was so much work that they had to get done.

And I can see the agendas. They continue to be full of resolving old problems, you know, new problems, and then, you know, trying to make some progress in the long run. So, I'm grateful for your service and I, I want to encourage you to please don't be discouraged and continue to give them your experience because you really do have experience in some of these areas and the reality, keep reminding all of us about the reality that that people at Guam are facing and why it's urgent, why this work is urgent.

I want to thank you for, reminding us of course, of, you know, the purpose of the trust and you know, that we have to stay diligent and deliberative, as to its success and the goal of issuing residential leases I think should be paramount. And I want to thank you for your support of that.

So Si Yu'os Ma'ase Ms. Bordallo. I'm looking forward to your swift confirmation.

And there be no additional individuals to present testimony, this committee will consider this confirmation duly heard. So the public hearing is now adjourned and the time is 2:55 PM. Si Yu'os Ma'ase

The public hearing was adjourned at 2:55 PM.

III. FINDINGS AND RECOMMENDATION

The Committee on Health, Land, Justice and Culture finds:

- This would be Mrs. Bordallo's second term as a commissioner of the Chamoru Land Trust. She was initially confirmed by the 35th Guam Legislature for a term of three (3) years, in 2019.
- Written testimony was submitted from Mr. John Reyes, Jr., Chairperson of the CHamoru Land Trust Commission, in full support of the appointment noting Mrs. Bordallo's commitment and dedication in fulfilling the intent of the trust despite many challenges over the years and that she continues to carry on the work of her late husband who took action to secure land rights and was the author of the Chamorro Land Trust Act.
- The Chairperson's testimony also noted that Mrs. Bordallo's business acumen provides the expertise needed in dealing with complex decisions tasked by the commission.
- Written testimony submitted by the appointee expressed her desire to readdress the historic injustices of land takings by the U.S. Government and wishes to continue contributing as a member of the CLTC. She emphasized the important work that lies ahead of the commission but is optimistic and proud that the people of Guam have an ever-nurturing homeland, safe and secured for future generations.
- Mrs. Bordallo addressed the extended length of time since the CLTC last had a permanent administrative director testifying that she would like to see a permanent administrative director as soon as possible and committed to advocate to take the necessary steps forward. The appointee also addressed that

Committee Report Digest – Re-appointment of Arlene P. Bordallo
Public Hearing held Monday, November 14, 2022

it is important to have a manager to manage the office, a permanent administrator, not acting, has to be responsible for the operation of the CLTC.

- Mrs. Bordallo committed to urging the administrative director and staff to keep focus on moving forward with new leases being issued, new lots being subdivided, infrastructure being accessible, while continuing to deal with problem areas. Mrs. Bordallo noted that the housing market has gone up and that she hopes the CLTC staff see that the housing issue is a crisis right now.
- The Committee on Land chairperson urged a more proactive role and diligence by commissioners in other matters such as the valuation of commercial leases, the legality of mineral extractions, delegation of authority proposed for the administrative director, surveys of CLTC property, illegal dumping on CLTC property,
- The chairperson also noted her gratitude for the appointee's service and provided encouragement to lending the appointee's expertise, for reminding everyone of the purpose of the Trust, and to stay diligent and deliberate to issuing residential leases which should be paramount.

The Committee on Health, Land, Justice and Culture hereby reports on the appointment of **Arlene P. Bordallo** to serve as a Member of the CHamoru Land Trust Commission, with the recommendation **To Do Confirm**.



Office of the Speaker THERESE M. TERLAJE

I Mina'trentai Sais na Liheslaturan Guåhan | 36th Guam Legislature
Committee on Health, Land, Justice and Culture

COMMITTEE VOTE SHEET

**Re-appointment of Arlene P. Bordallo,
To serve as a Member, Chamorro Land Trust Commission
Term Length: Three (3) years; April 11, 2022 to April 10, 2025**

	SIGNATURE	TO DO CONFIRM	TO NOT CONFIRM	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Speaker Therese M. Terlaje Chairperson	<i>Therese M. Terlaje</i> 11/28/22	X				
Senator Sabina Flores Perez Vice Chairperson of Health, Land and Culture	E-VOTE 11.29.22	X				
Senator Telena C. Nelson Vice Chairperson of Justice						
Vice Speaker Tina Muña Barnes Member						
Senator Joanne M. Brown Member	E-VOTE 11.28.22	X				
Senator Christopher M. Dueñas Member	E-VOTE 11.28.22	X				
Senator Amanda L. Shelton Member	E-VOTE 11.28.22	X				
Senator Telo T. Taitague, Member	E-VOTE 11.28.22	X				
Senator Jose "Pedo" Terlaje Member	E-VOTE 11.28.22	X				

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**For transmittal of official Messages & Communications to the Guam Legislature to be distributed to all Senators,
please send to: speaker@guamlegislature.org*



Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

Mon, Nov 28, 2022 at 12:13 PM

To: Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telena C. Nelson" <senatorcnelson@gmail.com>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

Hafa Adai Committee Members:

Please see attached Committee Report for Arlene P. Bordallo to serve as a Member, CHamoru Land Trust Commission.

Please indicate your preferred action, based on the following options:

- To Do Confirm;
- To Not Confirm;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response as soon as possible. Your responses will be logged into the Committee Report Vote Sheet for Arlene P. Bordallo which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!

Respectfully,
Andrea C. Pellacani
Communications & Policy Analyst

Office of Speaker Therese M. Terlaje Committee on Health, Land, Justice and Culture

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36th Guam Legislature

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

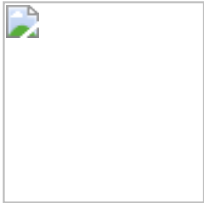
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Office of Senator Amanda L. Shelton <officeofsenatorshelton@guamlegislature.org> Mon, Nov 28, 2022 at 12:44 PM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Cc: Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telena C. Nelson" <senatortcnelson@gmail.com>, Senator Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Honorable Joanne M. Brown" <office@senatorjoannebrown.com>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

To Do Confirm

Si Yu'os Ma'åse'.**Office of the People • Senator Amanda L. Shelton**
Legislative Secretary & Chairwoman, Committee on
Air Transportation, Parks, Tourism, Higher Education,
and the Advancement of Women, Youth, and Senior
Citizens**36th Guam Legislature**[163 Chalan Santo Papa, Hagåtña, Guam 96910](#)

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Senator Telo Taitague <senatortelot@gmail.com>

Mon, Nov 28, 2022 at 12:52 PM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

To Do Confirm

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

36th Guam Legislature

Suite 309 DNA Building

[238 Archbishop Flores St.](#)

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Office of Senator Joanne M. Brown <office@senatorjoannebrown.com>

Mon, Nov 28, 2022 at 1:33 PM

To: "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>

Cc: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telena C. Nelson" <senatorcnelson@gmail.com>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Chris Duenas <senatorchrisduenas@gmail.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Hafa Adai,
To Do Confirm.

Very Respectfully,

Tracey Aguerro

Office Manager

Office of Senator Joanne M. Brown | *I Mina' Trentai Sais Na Liheslaturan* Guåhan (36th Guam Legislature)[120 Father Dueñas Avenue](#)

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Senator Pedo Terlaje <senatorpedo@senatorjpterlaje.com>

Mon, Nov 28, 2022 at 2:00 PM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

To do confirm

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Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>

REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Chris Duenas <senatorchrisduenas@gmail.com>

Mon, Nov 28, 2022 at 6:11 PM

To: "Office of Senator Joanne M. Brown" <office@senatorjoannebrown.com>

Cc: "Office of Senator Amanda L. Shelton" <officeofsenatorshelton@guamlegislature.org>, "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, "Office of Senator Telena C. Nelson" <senatorcnelson@gmail.com>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

To do confirm.

Si Yu'os Ma'åse',**Office of Senator Christopher M. Dueñas**

36th Guam Legislature

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REQUEST FOR E-VOTE: ARLENE P. BORDALLO, CHAMORU LAND TRUST COMMISSION

Office of Senator Sabina Perez <office@senatorperez.org>
To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Tue, Nov 29, 2022 at 11:26 AM

To do confirm.

On Mon, Nov 28, 2022 at 12:14 PM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:
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--

Office of Senator Sabina Flores Perez

Committee on the Environment, Revenue & Taxation, Labor, Procurement, and Statistics, Research, and Planning

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