

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
246-37 (COR) As amended on the Floor	Therese M. Terlaje Chris Barnett Roy A. B. Quinata Telo T. Taitague Frank Blas, Jr. Joanne M. Brown Joe S. San Agustin	AN ACT TO AMEND § 6A117 OF CHAPTER 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO THE LEASE AWARD OF THE CHAMORRO LAND TRUST LEASES.	2/15/24 4:17 p.m.	2/19/24	Committee on Health, Land, Justice, and Culture	Request: 2/19/24 2/23/24	2/27/24 8:30 a.m.	5/17/24 2:27 p.m.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	LAPSED	NOTES	
6/24/24	AN ACT TO AMEND § 6A117 OF CHAPTER 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE LEASE AWARD OF THE CHAMORRO LAND TRUST LEASES.	7/10/24	7/10/24	7/22/24	37-111	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2384		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

Doc Type: 37GL-24-2384
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

Transmitted via Email to: speaker@guamlegislature.org

July 22, 2024

JUL 22 2024

Time: 10:46 pm
Received: [Signature]

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

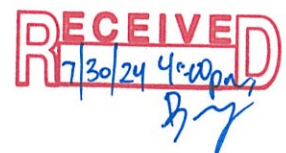
Re: Bill No. 246-37 (COR) – AN ACT TO AMEND § 6A117 OF CHAPTER 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE LEASE AWARD OF THE CHAMORRO LAND TRUST LEASES.

Håfa Adai Madam Speaker,

For the reasons provided below, Bill No. 246-37 (COR) will lapse into law without my signature. My administration supports this legislation's general intent of providing guidance to the *Chamorro* Land Trust Commission on how to determine if an applicant is qualified to meet their obligations to occupy and use the land as required in the proposed lease, and if the applicant is not qualified the Commission can proceed to the next applicant on the list. However, the issue is this bill purports to amend rules and regulations. As I have noted many times before, this action violates the separation of powers doctrine, which prohibits legislation that amends executive rules and regulations, just as it prohibits an agency from amending legislative enactments.

Pursuant to 10 GCA §§ 75103, 75107(b), 75A103 and 75A107(b), amendments to *the Senator Paul Bordallo Rules and Regulations for Chamorro Land Trust Commission* should have been accomplished through formal rulemaking process by the Chamorro Land Trust Commission, the agency charged with implementing regulations to meet the requirements of the Chamorro Land Trust program. Under the separation of powers doctrine, each branch of government must operate in distinct, clearly defined spheres. The Organic Act of Guam charges the Executive Branch with powers to issue "regulations" not in conflict with any applicable law, including Guam's rulemaking laws.

Conversely, the Legislature is charged with drafting and passing "bills." Rulemaking and law-making are separate and distinct roles as provided by the Organic Act of Guam. Bill No. 228-37's proposed amendments to Guam's Administrative Rules and Regulations infringe on well-established principles.



To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 22, 2024
Re: Bill No. 246-37 (COR)

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While it is within the Legislature's authority to pass a bill containing the provisions in Bill No. 246-37, once the Legislature delegates rulemaking authority to an agency, as it has with the Chamorro Land Trust Commission, it must honor such delegation and not interfere with agency rulemaking unless the agency's rulemaking power is otherwise rescinded.

For the reasons noted above, Bill No. 246-37 (COR) will lapse into law without my signature as **Public Law 37-111**.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 246-37 (COR) nka P.L. 37-111 (LAPSED)

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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


This is to certify that **Bill No. 246-37 (COR)**, “AN ACT TO AMEND § 6A117 OF CHAPTER 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE LEASE AWARD OF THE *CHAMORRO* LAND TRUST LEASES,” was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock p.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-111

2024-21938
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By:
Date: 7/10/24 Time: 4:22pm

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 246-37 (COR)

As amended on the Floor.

Introduced by:

Therese M. Terlaje
Chris Barnett
Roy A. B. Quinata
Telo T. Taitague
Frank Blas, Jr.
Joanne M. Brown
Joe S. San Agustin
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Dwayne T.D. San Nicolas
Amanda L. Shelton

**AN ACT TO AMEND § 6A117 OF CHAPTER 6A, TITLE
18, GUAM ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO THE LEASE AWARD
OF THE CHAMORRO LAND TRUST LEASES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** § 6A117 of Chapter 6A, Title 18, Guam Administrative Rules
3 and Regulations, is hereby *amended* to read as follows:

4 “§ 6A117. **Leases to Eligible Beneficiaries: Award of Lease;**
5 **Lessee’s Performance.**

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

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

4 (1) approved loan or financing for the construction of a
5 residence, or a conditional letter of intent or the equivalent;

6 (2) contract between the applicant and a construction
7 company for the construction of a residential dwelling;

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

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

14 (c) In the event that the applicant is unable to provide
15 sufficient proof as stated in § 6A117(b) the Commission may proceed
16 to process the next applicant for a lease award that is able to provide
17 the sufficient proof needed.”