

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
334-37 (LS) As substituted; and amended on the Floor	Therese M. Terlaje Sabina Flores Perez Chris Barnett Joanne M. Brown Jesse A. Lujan Tina Rose Muña Barnes Roy A. B. Quinata Joe S. San Agustin Telo T. Taitague Amanda L. Shelton Christopher M. Dueñas Frank Blas, Jr. Thomas J. Fisher William A. Parkinson Dwayne T.D. San Nicolas	AN ACT TO ADD A NEW §75A.126 TO ARTICLE 1, CHAPTER 75A, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORU LAND TRUST COMMISSION.	8/7/24 11:01 a.m.	8/8/24	Committee on Health, Land, Justice, and Culture	Request: 8/8/24 Waiver: 8/19/24	9/3/24 10:00 a.m.	9/11/24 11:30 a.m.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
9/23/24	AN ACT TO ADD A NEW § 75A126 TO ARTICLE 1 OF CHAPTER 75A; AND A NEW § 75126 TO CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORRO LAND TRUST COMMISSION.	10/7/24	10/8/24	10/19/24	37-131	10/18/24	Received: 10/18/24 Messages and Communications Doc. No. 37GL-24-2868		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via Email to: speaker@guamlegislature.org

October 18, 2024

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

37GL-24-2868
37GL-24-2869
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

OCT 18 2024

Time: 6:04 pm
Received: [Signature]

Re: Substitute Bill No. 334-37 (LS), "AN ACT TO ADD A NEW § 75A126 TO ARTICLE 1 OF CHAPTER 75A; AND A NEW § 75126 TO CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORRO LAND TRUST COMMISSION."

Bill. No. 247-37 (COR), "AN ACT TO AMEND § 6118 OF CHAPTER 6 AND § 6A118 OF CHAPTER 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND ADD A NEW § 75107(h) OF CHAPTER 75, AND A NEW § 75A107(h) OF ARTICLE 1, CHAPTER 75A, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE APPROVAL OF LEASES FOR CERTAIN ELIGIBLE OCCUPANTS OF THE CHAMORRO LAND TRUST."

Håfa Adai Madam Speaker,

The Chamorro Land Trust Act was enacted in 1975 to establish a land restoration program to address the federal government's takings of CHamoru homelands between 1898 and 1968, by providing leases of residential and agricultural land to eligible claimants to advance the social, cultural, and economic development of our people. Unfortunately, the Chamorro Land Trust Commission ("CLTC") has struggled to live up to its promise. In the years since it was established, the CLTC has been mired in controversy, with leases being awarded inconsistently and, in some instances, contrary to Guam law. Many of these actions have resulted in clouds on unlawfully issued leases, leading to confusion and uncertainty for leaseholders and applicants.

One of these unlawful practices the CLTC previously permitted was the transfer of priority among family members, which many families did in good faith, unaware that the practice was unlawful. However, in May 2018, then Attorney General of Guam Elizabeth Barrett-Anderson determined that "there is no authority that allows an applicant during his lifetime to transfer or switch places with another applicant," and concluded that leases issued in this manner were null and void. She stated further that the CLTC could not remedy the unlawfully issued leases. In the six years since, these 2,800 leases have been in limbo, and left lessees unable to secure financing for improvements to the lots.



To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: October 18, 2024
Re: Substitute Bill No. 334-37 (LS) and Bill No. 247-37 (COR)

Page 2 of 2

Substitute Bill No. 334-37 proposes a path forward for CLTC leaseholders. The Bill authorizes the CLTC to issue new leases to eligible beneficiaries whose leases were issued in a manner contrary to law, so long as the lessee is otherwise in full compliance with the terms of their lease, as well as applicable law and regulations. This bill will provide certainty and stability to claimants who received leases in good faith and put the property to use, often investing significantly in starting farms and building homes. The bill will further require similarly-situated lessees who have not otherwise fully complied with the terms of the lease to come into compliance within 5 years.

Bill 247-37 addresses a second challenge. Many people occupy CLTC lots pursuant to land use permits that were issued to them because decades ago they were displaced largely or entirely from their own land, which was acquired by the federal government, the naval government of Guam, or the government of Guam. These displaced landowners appropriately occupy the property, but because they were issued a land use permit and not a lease, they have been unable to apply for utilities or assistance. Bill 247-37 requires the CLTC to award leases to these individuals once they demonstrate prior and continuous usage of the property.

While, unfortunately, these bills cannot cure the injustice experienced by many who are still waiting while others skipped the line, both existing and future lessees can rest assured that the process under which they will receive CLTC leases will comply with the law, and that their use of those properties will not be disrupted in the future.

For these reasons, I hereby sign Substitute Bill No. 334-37 into law as **Public Law No. 37-131** and I further sign Bill No. 247-37 into law as **Public Law No. 37-132**.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan
Governor of Guam

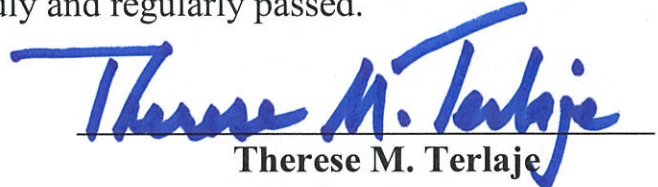
Enclosure(s): Substitute Bill No. 334-37 (LS) nka P.L. 37-131
Bill No. 247-37 (COR) nka P.L. 37-132

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

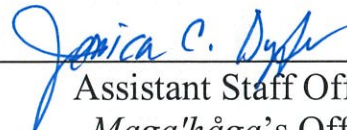
This is to certify that **Substitute Bill No. 334-37 (LS)**, "AN ACT TO ADD A NEW § 75A126 TO ARTICLE 1 OF CHAPTER 75A; AND A NEW § 75126 TO CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORRO LAND TRUST COMMISSION," was on the 7th day of October 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

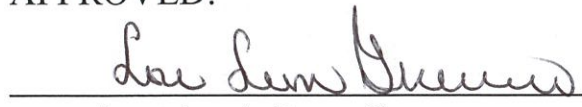
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 8th day of October, 2024, at 9:00 o'clock A.M.

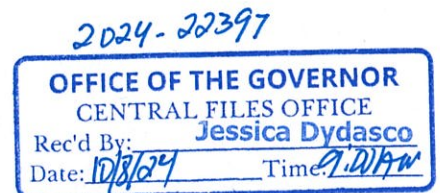

Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/18/2024

Public Law No. 37-131



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

Bill No. 334-37 (LS)

As substituted; and amended on the Floor.

Introduced by:

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

AN ACT TO *ADD* A NEW § 75A126 TO ARTICLE 1 OF CHAPTER 75A; AND A NEW § 75126 TO CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORRO LAND TRUST COMMISSION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. This Act was introduced at the
3 recommendation of the Attorney General of Guam. *I Liheslaturan Guåhan* hereby
4 finds that the opportunity for persons eligible to receive land leases and other
5 benefits from the Chamorro Land Trust Commission are stymied by practices of

1 former Commissions and their staff that have created legal clouds over nearly all
2 existing Commission leases. These legal clouds inhibit the opportunity for lessees to
3 obtain financing to build or rebuild farms and residences.

4 Where a lessee is otherwise in compliance with the terms and conditions of
5 their lease, *I Liheslaturan Guåhan* desires that the Commission remove any legal
6 clouds or other issues by issuing existing tenants new leases for a term that matches
7 the remaining term of their existing lease. The intent is that the new lease removes
8 any potential risk that a lessee that has been on the land for many years and otherwise
9 has fully complied with these obligations may have their lease terminated because
10 of a legal defect that occurred at the time the lease was initially issued.

11 *I Liheslaturan Guåhan* has also determined that the Commission and its
12 lessees shall have five (5) years to remedy these legal issues that arose at the time of
13 lease issuance. The Commission has an important role to fill in providing new
14 housing and agricultural opportunities for eligible beneficiaries. The sooner the
15 Commission can remediate its past legal issues, the more productive and efficient it
16 can be in providing new leases. The Commission shall use the lease review provided
17 for in this Act to verify that its tenants are otherwise complying with their obligations
18 under the law. While the Commission is removing as many legal clouds for existing
19 lessees as possible, *I Liheslaturan Guåhan* seeks to have the Commission continue
20 to undertake new leases with new eligible beneficiaries.

21 **Section 2.** A new § 75A126 is hereby *added* to Article 1 of Chapter 75A,
22 Title 21, Guam Code Annotated, to read:

23 **“§ 75A126. Review and Remediation of Existing Leases.**

24 (a) The Commission is directed to review each lease it has entered
25 into prior to the effective date of this Section with an eligible beneficiary and
26 identify whether the issuance of the lease occurred contrary to any law or
27 regulation of the Commission. The Commission shall also determine whether

1 the current lessee is in compliance with the terms of their lease, including
2 complying with §§ 75A108 and 75A109 of this Article. The Commission shall
3 serve the lessee with a notice of the Commission's determination under this
4 Subsection (a) at the lessee's address of record on file with the Commission.

5 (b) If the Commission makes a finding that:

6 (1) the lease was issued in a manner contrary to the
7 regulations of the Commission; and

8 (2) the lessee is otherwise in full compliance with the terms of
9 their lease, the law, and the Commission's regulations, the Commission
10 shall issue the lessee a new lease for a term to equal the terms of the
11 lessee's existing lease. Any other provisions of a new lease shall be
12 substantially the same as the terms of any prior lease.

13 (3) For purposes of this Section, *full compliance* means that
14 the lessee has complied with all other legal obligations to obtain and
15 maintain their lease except for compliance with laws or regulations
16 regarding the initial issuance of the lease. For purposes of determining
17 full compliance as required by Subsection 2 of this Section, a lessee
18 whose lease exceeds the authorized acreage limits set out at §
19 75A107(a) and who is otherwise in compliance with all other lease
20 obligations shall be deemed in full compliance with the terms of the
21 lease. Any new lease issued to a lessee whose original lease exceeds the
22 authorized acreage limits set out at § 75A107(a) shall require that the
23 leased acreage comply with the authorized acreage limits of §
24 75A107(a) as enacted at the time of original award or a maximum of
25 two (2) acres, not later than a transfer of the lease to other than a spouse
26 pursuant to § 75A109(a) or 18 GARR, Chapter 6A, § 6A128. The
27 Commission and a lessee are authorized to enter into a lease

1 modification at any time to bring the leased acreage into compliance
2 with the authorized acreage limits of § 75A107(a). The Commission
3 and a lessee are authorized to enter into a commercial agriculture or
4 aquaculture lease, if applicable, for acreage exceeding two (2) acres in
5 the original lease.

6 (c) If the Commission makes a finding that:

7 (1) the lease was issued in a manner consistent or contrary to
8 the regulations of the Commission; and

9 (2) the lessee is otherwise not in full compliance with the
10 terms of their lease, the law, or the Commission's regulations, the
11 Commission shall issue the lessee a Notice to Remediate. The Notice
12 to Remediate shall identify the lessee's noncompliance with the terms
13 of their lease and shall direct the lessee to come into compliance within
14 one (1) year. Any Notice to Remediate shall be appealable in
15 accordance with the Commission's regulations. If the lessee comes into
16 compliance, the Commission shall issue the lessee a new lease in
17 accordance with Subsection (b) of this Section. If the lessee fails to
18 come into full compliance with the Notice to Remediate, the
19 Commission shall seek to terminate any leasehold claims the lessee
20 may have, in accordance with the Commission's regulations.

21 (3) For purposes of this Section, *full compliance* means that
22 the lessee has complied with all other legal obligations to obtain and
23 maintain their lease except for compliance with laws or regulations
24 regarding the initial issuance of the lease. For purposes of determining
25 full compliance as required by Subsection 2 of this Section, a lessee
26 whose lease exceeds the authorized acreage limits set out at §
27 75A107(a) and who is otherwise in compliance with all other lease

1 obligations shall be deemed in full compliance with the terms of the
2 lease. Any new lease issued to a lessee whose original lease exceeds the
3 authorized acreage limits set out at § 75A107(a) shall require that the
4 leased acreage comply with the authorized acreage limits of §
5 75A107(a) as enacted at the time of original award or a maximum of
6 two (2) acres, not later than a transfer of the lease to other than a spouse
7 pursuant to § 75A109(a) or 18 GARR, Chapter 6A, § 6A128. The
8 Commission and a lessee are authorized to enter into a lease
9 modification at any time to bring the leased acreage into compliance
10 with the authorized acreage limits of § 75A107(a). The Commission
11 and a lessee are authorized to enter into a commercial agriculture or
12 aquaculture lease, if applicable, for acreage exceeding two (2) acres in
13 the original lease.

14 (d) The Commission shall complete the requirements of Subsection
15 (a) no later than December 31, 2027.

16 (e) The Commission shall complete the requirements of Subsections
17 (b) and (c) not later than December 31, 2029.

18 (f) Where the Commission makes a finding that a lessee should be
19 issued a new lease pursuant to Subsection (b) of this Section, but the lessee
20 has not executed a new lease by December 31, 2029, the Commission shall
21 seek to terminate any leasehold claims the lessee may have, in accordance
22 with the Commission's regulations.

23 (g) When the Commission executes a new lease pursuant to
24 Subsection (b) of this Section the Commission may execute such additional
25 documents as may be necessary to reaffirm any loans or loan guarantees that
26 the lessee may have previously entered into with the consent of the
27 Commission.

1 (h) Where the Commission has determined that any land subject to
2 a Commission lease is unregistered, the Commission shall move to register
3 the land pursuant to Title 21, Chapter 29. Upon registration, if the lessee is
4 otherwise in full compliance with the terms of the lease, the law, and the
5 Commission's regulations, the Commission shall issue the lessee a new lease
6 pursuant to Subsection (b) of this Section. Where the lessee is not in full
7 compliance with the terms of the lease, the law, or the Commission's
8 regulations, the Commission shall issue a Notice to Remediate pursuant to
9 Subsection (c) of this Section.

10 (i) The Commission shall use its best efforts to issue new leases to
11 eligible beneficiaries who have not received a Commission lease concurrent
12 with its duties under this Section. Where the Commission offers a lease to an
13 eligible beneficiary who declines the lease offer, in writing, the eligible
14 beneficiary shall retain their priority for additional leases. If the Commission
15 has offered an eligible beneficiary three (3) leases and the eligible beneficiary
16 declines each opportunity to lease, the eligible beneficiary shall be deemed to
17 have terminated their rights to any benefits provided by the Commission.”

18 **Section 3.** A new § 75126 is hereby *added* to Chapter 75 of Title 21, Guam
19 Code Annotated, to read:

20 **“§ 75126. Review and Remediation of Existing Leases.**

21 (a) The Commission is directed to review each lease it has entered
22 into prior to the effective date of this Section with an eligible beneficiary and
23 identify whether the issuance of the lease occurred contrary to any law or
24 regulation of the Commission. The Commission shall also determine whether
25 the current lessee is in compliance with the terms of their lease, including
26 complying with §§ 75108 and 75109 of this Chapter. The Commission shall

1 serve the lessee with a notice of the commission's determination under this
2 Subsection (a) at the lessee's address of record on file with the Commission.

3 (b) If the Commission makes a finding that:

4 (1) the lease was issued in a manner contrary to the
5 regulations of the Commission; and

6 (2) the lessee is otherwise in full compliance with the terms of
7 their lease, the law and the Commission's regulations, the Commission
8 shall issue the lessee a new lease for a term to equal the terms of the
9 lessee's existing lease. Any other provisions of a new lease shall be
10 substantially the same as the terms of any prior lease.

11 (3) For the purpose of this Section, *full compliance* means that
12 the lessee has complied with all other legal obligations to obtain and
13 maintain their lease except for compliance with laws or regulations
14 regarding the initial issuance of the lease. For purposes of determining
15 full compliance as required by Subsection 2 of this Section, a lessee
16 whose lease exceeds the authorized acreage limits set out at § 75107(a)
17 and who is otherwise in compliance with all other lease obligations
18 shall be deemed in full compliance with the terms of the lease. Any new
19 lease issued to a lessee whose original lease exceeds the authorized
20 acreage limits set out at § 75107(a) shall require that the leased acreage
21 comply with the authorized acreage limits of § 75107(a) as enacted at
22 the time of original award or a maximum of two (2) acres, not later than
23 a transfer of the lease to other than a spouse pursuant to § 75109(a) or
24 18 GARR, Chapter 6A, § 6128. The Commission and a lessee are
25 authorized to enter into a lease modification at any time to bring the
26 leased acreage into compliance with the authorized acreage limits of §
27 75107(a). The Commission and a lessee are authorized to enter into a

1 commercial agriculture or aquaculture lease, if applicable, for acreage
2 exceeding two (2) acres in the original lease.

3 (c) If the Commission makes a finding that:

4 (1) the lease was issued in a manner consistent or contrary to
5 the regulations of the Commission; and

6 (2) the lessee is otherwise not in full compliance with the
7 terms of their lease, the law, or the Commission's regulations, the
8 Commission shall issue the lessee a Notice to Remediate. The Notice
9 to Remediate shall identify the lessee's noncompliance with the terms
10 of their lease and shall direct the lessee to come into compliance within
11 one (1) year. Any Notice to Remediate shall be appealable in
12 accordance with the Commission's regulations. If the lessee comes into
13 compliance, the Commission shall issue the lessee a new lease in
14 accordance with Subsection (b) of this Section. If the lessee fails to
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16 Commission shall seek to terminate any leasehold claims the lessee
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26 lease issued to a lessee whose original lease exceeds the authorized
27 acreage limits set out at § 75107(a) shall require that the leased acreage

1 comply with the authorized acreage limits of § 75107(a) as enacted at
2 the time of original award or a maximum of two (2) acres, not later than
3 a transfer of the lease to other than a spouse pursuant to § 75109(a) or
4 18 GARR, Chapter 6, § 6128. The Commission and a lessee are
5 authorized to enter into a lease modification at any time to bring the
6 leased acreage into compliance with the authorized acreage limits of §
7 75107(a). The Commission and a lessee are authorized to enter into a
8 commercial agriculture or aquaculture lease, if applicable, for acreage
9 exceeding two (2) acres in the original lease.

10 (d) The Commission shall complete the requirements of Subsection
11 (a) no later than December 31, 2027.

12 (e) The Commission shall complete the requirements of Subsections
13 (b) and (c) not later than December 31, 2029.

14 (f) Where the Commission makes a finding that a lessee should be
15 issued a new lease pursuant to Subsection (b) of this section, but the lessee
16 has not executed a new lease by December 31, 2029, the Commission shall
17 seek to terminate any leasehold claims the lessee may have, in accordance
18 with the Commission's regulations.

19 (g) When the Commission executes a new lease pursuant to
20 Subsection (b) of this Section the Commission may execute such additional
21 documents as may be necessary to reaffirm any loans or loan guarantees that
22 the lessee may have previously entered into with the consent of the
23 Commission.

24 (h) Where the Commission has determined that any land subject to
25 a Commission lease is unregistered, the Commission shall move to register
26 the land pursuant to Title 21, Chapter 29. Upon registration if the lessee is
27 otherwise in full compliance with the terms of the lease, the law, and the

1 Commission's regulations, the Commission shall issue the lessee a new lease
2 pursuant to Subsection (b) of this Section. Where the lessee is not in full
3 compliance with the terms of the lease, the law, or the Commission's
4 regulations, the Commission shall issue a Notice to Remediate pursuant to
5 Subsection (c) of this Section.

6 (i) The Commission shall use its best efforts to issue new leases to
7 eligible beneficiaries who have not received a Commission lease concurrent
8 with its duties under this Section. Where the Commission offers a lease to an
9 eligible beneficiary who declines the lease offer, in writing, the eligible
10 beneficiary shall retain their priority for additional leases. If the Commission
11 has offered an eligible beneficiary three (3) leases and the eligible beneficiary
12 declines each opportunity to lease, the eligible beneficiary shall be deemed to
13 have terminated their rights to any benefits provided by the Commission.”

14 **Section 4. No Waiver of Criminal Liability.** Issuance of a new lease
15 pursuant to this Act does not constitute a waiver of any criminal liability associated
16 with the issuance of an original lease.

17 **Section 5. Severability.** If any provision of this Act or its application to any
18 person or circumstance is found to be invalid or inorganic, such invalidity shall not
19 affect other provisions or applications of this Act that can be given effect without
20 the invalid provision or application, and to this end the provisions of this Act are
21 severable.