

*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
247-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	Therese M. Terlaje Chris Barnett Joanne M. Brown Roy A. B. Quinata Tina Rose Muña Barnes Jesse A. Lujan Frank Blas, Jr.	AN ACT TO AMEND § 6118 AND 6A118 OF CHAPTER 6 AND 6A, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO THE APPROVAL OF LEASES FOR CERTAIN ELIGIBLE OCCUPANTS OF THE CHAMORRO LAND TRUST.	2/15/24 4:17 p.m.	2/19/24	Committee on Health, Land, Justice, and Culture	Request: 2/19/24  Waiver: 2/26/24	2/27/24 2:00 p.m.	9/12/24 10:19 a.m.	As amended Committee on Health, Land, Justice, and Culture
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	9/23/24	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.	10/7/24	10/8/24	10/19/24	37-132	10/18/24	Received:10/18/24 Messages and Communications Doc. No. 37GL-24-2869	

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](mailto: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]

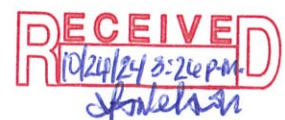
**Re: Substitute Bill No. 334-37 (LS), "AN ACT TO ADD A NEW § 75A126 TO ARTICLE 1 OF CHAPTER 75A; AND A NEW § 75126 TO CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REMOVING LEGAL CLOUDS ON THE EXISTING LEASES ISSUED BY THE CHAMORRO LAND TRUST COMMISSION."**

**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)

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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 GUÁHAN*  
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*

This is to certify that **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,” was on the 7<sup>th</sup> day of October 2024, duly and regularly passed.

  
Therese M. Terlaje  
Speaker


Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 8<sup>th</sup> 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. 37-132

2024-22401  
OFFICE OF THE GOVERNOR  
CENTRAL FILES OFFICE  
Rec'd By: Jomichael C. Quinata  
Date: 10-8-24 Time: 9:00 AM

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

**Bill No. 247-37(COR)**

As amended by the Committee on Health,  
Land, Justice, and Culture; and further  
amended on the Floor.

Introduced by:

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

**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.**

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

2 **Section 1. Legislative Findings and Intent.** This Act was introduced at the  
3 request of the Administrative Director of the Chamorro Land Trust Commission. *I*  
4 *Liheslatura* finds that Land Use Permits (LUPs) were issued from 1952 to 1975 for

1 (a) persons who have had all of their land acquired by the United States, the U.S.  
2 Naval Government of Guam, or the government of Guam, and who have owned no  
3 other land since January 1, 1946; and (b) persons who have had a substantial portion  
4 of their land acquired by the United States, or the U.S. Naval Government since July  
5 1, 1944, and the remaining portion of the whole land is not adequate or sufficient for  
6 reasonable agricultural or residential purposes.

7 Those displaced landowners eligible for LUPS are also likely to be eligible  
8 CLTC beneficiaries since the implementation of the Chamorro Land Trust Act as a  
9 land restoration program meant to rectify the unjust taking of lands by the U.S.  
10 government between 1898 and 1968. Despite all LUP properties subsequently being  
11 transferred to CLTC, pursuant to the implementation of § 6118 of Chapter 6, Title  
12 18, Guam Administrative Rules and Regulations of the Chamorro Land Trust rules  
13 and regulations in 1995, those CLTC-eligible persons holding LUPs and maintaining  
14 homes or farms and adhering to all the requirements of the Chamorro Land Trust  
15 Act rules and regulations were allowed to remain on the CLTC properties and not  
16 be evicted.

17 While these displaced landowners are allowed to continue to occupy the  
18 property, without a lease they are not bound to the same terms and enforcement as  
19 other CLTC lessees and are unable to apply for utilities, SBA assistance, or FEMA  
20 assistance when necessary after disasters. Allowing these landowners who were  
21 displaced by federal land takings and currently occupy CLTC lands to receive a  
22 formal lease is consistent with the CLTC mission and eligibility criteria.

23 **Section 2.** § 6118 of Chapter 6, Title 18, Guam Administrative Rules and  
24 Regulations, is hereby *amended* to read:

25 **“§ 6118. Leases to Native Chamorros: Awards to Occupants of**  
26 **Homelands; When.**

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

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

9 (c) The Commission shall award leases to those that qualify  
10 under Subsection (b) of this Section and § 6106, regardless of the date  
11 and time of the application.

12 (d) In order to determine prior and continuous usage, an  
13 applicant must submit a government-issued document indicating the  
14 start date of continuous usage, including, but not limited to, a Land Use  
15 Permit (LUP) or Mayor’s certification.”

16 **Section 3.** § 6A118 of Chapter 6A, Title 18, Guam Administrative Rules  
17 and Regulations, is hereby *amended* to read:

18 **“§ 6A118. Leases to Eligible Beneficiaries: Awards to Occupants**  
19 **of Homelands; When.**

20 (a) Notwithstanding the provisions of §§ 6108 to 6114 and §§  
21 6A108 to 6A114, the Commission shall not serve eviction notices to  
22 individuals who presently reside and have continuously resided on  
23 Chamorro Land Trust property prior to July 12,1995, and who qualify  
24 under the Act.

25 (b) Persons presently holding land use permits and who  
26 qualify under § 6A106 will hereby maintain their home or farms,

1 adhering to all other requirements of the Act and these rules and  
2 regulations.

3 (c) The Commission shall award leases to those that qualify  
4 under Subsection (b) of this Section and § 6A106, regardless of the date  
5 and time of the application.

6 (d) In order to determine prior and continuous usage, an  
7 applicant must submit a government-issued document indicating the  
8 start date of continuous usage, including, but not limited to, a Land Use  
9 Permit (LUP) or Mayor’s certification.”

10 **Section 4.** A new Subsection (h) is added to § 75107 of Chapter 75, Title  
11 21, Guam Code Annotated, to read:

12 “(h) The Commission shall not serve eviction notices to individuals  
13 who presently reside and have continuously resided on Chamorro Land Trust  
14 property prior to July 12,1995, and who are eligible under the Act.

15 (1) Persons issued land use permits prior to July 12, 1995, and  
16 who qualify under this Subsection or their successor pursuant to §  
17 75109 of this Chapter will hereby maintain their home or farms,  
18 adhering to all other requirements of the Act and the rules and  
19 regulations. The Commission shall award leases to those that qualify  
20 under this Subsection, regardless of the date and time of the application.

21 (2) In order to determine prior and continuous usage, an  
22 applicant must submit a government-issued document indicating the  
23 start date of continuous usage, including, but not limited to, a Land Use  
24 Permit (LUP) or Mayor’s certification.”

25 **Section 5.** A new Subsection (h) is added to § 75A107 of Article 1, Chapter  
26 75A, Title 21, Guam Code Annotated, to read:



1           “(h) The Commission shall not serve eviction notices to individuals  
2 who presently reside and have continuously resided on Chamorro Land Trust  
3 property prior to July 12,1995, and who are eligible under the Act.

4           (1) Persons issued land use permits prior to July 12, 1995, and  
5 who qualify under this Subsection or their successors pursuant to §  
6 75A109 of this Chapter will maintain their home or farms, adhering to  
7 all other requirements of the Act and the rules and regulations. The  
8 Commission shall award leases to those that qualify under this  
9 Subsection, regardless of the date and time of the application.

10          (2) In order to determine prior and continuous usage, an  
11 applicant must submit a government-issued document indicating the  
12 start date of continuous usage, including, but not limited to, a Land Use  
13 Permit (LUP) or Mayor’s certification.”