

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
419-35 (COR) As substituted by the Committee on Health, Tourism, Historic Preservation, Land, and Justice; and further substituted on the Floor.	Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 75A AND TO AMEND § 75109(a) OF CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PRESERVING THE LAND RESTORATION AND JUSTICE MISSION OF THE CHAMORU LAND TRUST.	10/9/20 4:57 p.m.	10/21/20	Committee on Health, Tourism, Historic Preservation, Land, and Justice	11/5/20 9:00 a.m.	11/18/20 2:59 p.m. As substituted by the Committee on Health, Tourism, Historic Preservation, Land, and Justice	Request: 10/21/20	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	11/16/20	AN ACT TO ADD A NEW CHAPTER 75A AND TO AMEND § 75109(a) OF CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PRESERVING THE LAND RESTORATION AND JUSTICE MISSION OF THE CHAMORRO LAND TRUST COMMISSION.	12/1/20	12/1/20	12/12/20	35-112	12/10/20	Received: 12/10/20 Mess and Comm. Doc. No. 35GL-20-2492	

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

December 10, 2020

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

35th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Re: Substitute Bill No. 419-35 (COR) – An Act to *Add* a New Chapter 75A and to *Amend* § 75109(a) of Chapter 75, Both of Title 21, Guam Code Annotated, Relative to Preserving the Land Restoration and Justice Mission of the Chamorro Land Trust Commission

Dear Madame Speaker:

Unlike our fellow Americans in the continental United States, our oceans are vast, but our land is precious and scarce. Guam is also the homeland of the Chamorro people, and along with the few islands in our area, the only place in the world that holds this distinction. In recognition of the importance of land to our people, the Chamorro Land Trust Commission administers a program designed to remedy unjust land takings of the past. In 2017, the United States federal government filed a lawsuit challenging the statutory parameters of the Chamorro Land Trust Program, alleging violations of the federal Fair Housing Act. Over the course of several months in 2019, the United States Department of Justice engaged in court-facilitated settlement discussions with the Government of Guam. The result was a settlement agreement that protects the integrity of the Chamorro Land Trust Program, expands its reach to better achieve its purpose, and preserves the Program for future generations.

In December of 2019, the Chamorro Land Trust Commission issued a resolution formally approving the proposed settlement terms, and in May of this year the parties entered into a settlement agreement to resolve the litigation. As a condition of the settlement, the Government of Guam must adopt specified amendments to the Chamorro Land Trust Act within one (1) year of the agreement. Substitute Bill No. 419-35 (COR), now known as **Public Law No. 35-112**, seeks to fulfil this term.


I would like to thank the Government of Guam representatives who participated in settlement discussions on behalf of our people for their hard work, diligence and perseverance. In particular, I applaud the efforts of the Civil Division of the Office of the Attorney General of Guam, especially

To: Speaker Barnes
Fr: Governor of Guam
Dated: December 10, 2020
Re: Substitute Bill No. 419-35 (COR) nka P.L. 35-112

Page 2 of 2

Assistant Attorneys General James L. Canto II and Kenneth Orcutt, who were instrumental in ensuring an equitable settlement that preserves the viability of the Chamorro Land Trust Program and the critical purpose it serves to our people now and in the future.

Senseramente,


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

Enclosure: Substitute Bill No. 419-35 (COR) *nka P.L. 35-112*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 419-35 (COR) "AN ACT TO ADD A NEW CHAPTER 75A AND TO AMEND § 75109(a) OF CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PRESERVING THE LAND RESTORATION AND JUSTICE MISSION OF THE CHAMORRO LAND TRUST COMMISSION,"** was on the 1st day of December 2020, duly and regularly passed.



Tina Rose Muña Barnes
Speaker


Attested:



Amanda E. Shelton
Legislative Secretary

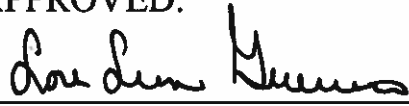
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This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:34 o'clock P.M.



Jessica Cruz
Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/10/2020

Public Law No. 35-112*

Jessica Cruz
RCVD AT CENTRAL FILE
DEC 1 '20 PM 4:34
2020-12255

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2020 (SECOND) Regular Session

Bill No. 419-35 (COR)

As substituted by the Committee on Health,
Tourism, Historic Preservation, Land and Justice;
and further substituted on the Floor.

Introduced by:

Therese M. Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

**AN ACT TO ADD A NEW CHAPTER 75A AND TO
AMEND § 75109(a) OF CHAPTER 75, BOTH OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO
PRESERVING THE LAND RESTORATION AND
JUSTICE MISSION OF THE CHAMORRO LAND TRUST
COMMISSION.**

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

2 **Section 1.** A new Chapter 75A of Title 21, Guam Code Annotated, is hereby
3 enacted, which shall mirror the existing Chapter 75 of Title 21, Guam Code
4 Annotated, except as provided in this Act, and shall be effective January 1, 2021.

1 The new Chapter 75A of Title 21, Guam Code Annotated, shall be codified, and
2 renumbered by the Compiler of Laws consistent with this Act, with the following
3 provisions added:

4 (1) The new Chapter 75A of Title 21, Guam Code Annotated, shall
5 be codified to include the following legislative intent:

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

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

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

25 *I Liheslaturan Guåhan* further finds that on December 18, 2018,
26 the U.S. District Court agreed with Guam that, at that pleading stage,
27 “the court could not conclude that the Chamorro Land Trust operates

1 as a race-based entity.” *U.S. v. Gov’t of Guam, et al.*, CV 17-00113,
2 2018 WL 6729629, at *1 (D. Guam Dec. 21, 2018), reconsideration
3 denied, No. CV 17-00113, 2019 WL 1867426 (D. Guam Apr. 25,
4 2019). The court stated that “the record must be further developed to
5 address the question of whether the Chamorro Land Trust operates
6 instead as a compensatory entity that seeks to implement the return to
7 the people of Guam of land that the United States took from them.” *Id.*
8 Furthermore, it is possible that, “the Chamorro Land Trust includes
9 some land that was not taken by the United States, but, if that is so, that
10 cannot be discerned from the present record.” *Id.*

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

16 *I Liheslaturan Guåhan* further finds that the Office of the
17 Attorney General and the Governor’s representatives on behalf of the
18 Government of Guam, Attorney Michael Phillips, and Chairperson Pika
19 Fejeran on behalf of the CTLC, the Office of the Attorney General on
20 behalf of the CLTC Director, and the United States entered into
21 settlement conferences to attempt to resolve the lawsuit amicably and
22 without further litigation. At the conclusion of a settlement conference
23 on November 14, 2019, a settlement term sheet was agreed to in
24 principle by the counsel for the parties and subject to approval by the
25 respective parties. On December 26, 2019, the CLTC adopted
26 Resolution 2019-08 which found “the settlement terms in the
27 Agreement to be favorable for the Chamorro Land Trust Program and

1 its beneficiaries, as it preserves the program intact and would not
2 materially affect existing leaseholders.” Chamorro Land Trust
3 Commission, Kumision Inangokkon Tano’ CHamoru, Resolution No.
4 2019-08 (2019). In addition, “the Commission found that the proposed
5 modifications or amendments to the Chamorro Land Trust Act and the
6 Rules and Regulations of the Chamorro Land Trust Commission would
7 more clearly demonstrate that the Chamorro Land Trust (CLT) program
8 is a land restoration program meant to rectify the unjust taking of
9 Chamorro homelands by the United States federal government between
10 1898 and 1968, and would expand the program’s eligible beneficiaries
11 to include individuals and their descendants who owned land or who
12 ranched, farmed, or otherwise occupied the lands that were taken.” *Id.*

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

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

9 (2) The new Chapter 75A of Title 21, Guam Code Annotated, shall
10 include the following language in a new section:

11 ***“United States of America v. Government of Guam, Chamorro***
12 ***Land Trust Commission, and Administrative Director of the***
13 ***Chamorro Land Trust, CV 17-00113 (D. Guam).***

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

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

13 (3) The new Chapter 75A of Title 21, Guam Code Annotated, shall
14 replace all references to “Chamorro” and “native Chamorro,” (or any
15 variations thereof) with “beneficiary” and “eligible beneficiary,” respectively.
16 References to “Chamorro homelands” shall be replaced with “Chamorro Land
17 Trust Property,” except as provided in the new 21 GCA §§ 75A101(c) and
18 75A105. References to the “Chamorro Land Trust Act,” “Chamorro Land
19 Trust Commission,” “Hatdin Āmot Chamorro,” “Chamorro traditional
20 healing or medicine,” “Chamorro heritage and culture,” “traditional
21 Chamorro medicines,” “Chamorro healing arts,” and “traditional Chamorro
22 remedies” need not be revised. The Compiler of Laws is authorized to
23 conform Chapter 75A of Title 21, Guam Code Annotated, with this Section.

24 (4) § 75A101(c) of Chapter 75A, Title 21, Guam Code Annotated,
25 *shall* read as follows:

26 “(c) The term *Chamorro Land Trust property* means all
27 available lands, which includes Chamorro homelands, under the control

1 of the Chamorro Land Trust Commission under the provisions of §
2 75A105 of this Chapter and § 75105 of Chapter 75.”

3 (5) § 75A101(d) of Chapter 75A, Title 21, Guam Code Annotated,
4 *shall* read as follows:

5 “(d) The *eligible beneficiary* means any person, regardless of
6 race, color, or national origin:

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

10 (2) who either occupied, farmed, or ranched land for
11 residential or agricultural purposes for at least one (1) year
12 immediately prior to that land being acquired by the United
13 States government between 1898 and 1968 or descendants of
14 such person; except that if a person occupied, farmed, or ranched
15 the land on or after December 8, 1941, and the land was acquired
16 at any time after that date and up to 1950, the one (1) year tenure
17 need not have occurred immediately prior to acquisition by the
18 United States government.”

19 (6) § 75A105 of Chapter 75A, Title 21, Guam Code Annotated, shall
20 read as follows:

21 “§ 75A105. **Control by Commission of Available Lands;**
22 **Return to Department.**

23 Upon and after the enactment of this Chapter, all available
24 lands pursuant to § 75A104 of Chapter 75A and § 75104 of
25 Chapter 75, which includes Chamorro homelands, shall
26 immediately assume the status of Chamorro Land Trust Property
27 and shall be under the control of the Commission to be used and

1 disposed of in accordance with the provisions of this Chapter,
2 except that:

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

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

1 (c) The Department, with the approval of the
2 Commission, or the Commission may sell to any
3 contiguous landowner any fractional lot placed under its
4 management which was created by the adoption of the
5 standard block system, or bull cart trails that no longer
6 serve the transportation function originally intended. The
7 Chamorro Land Trust Commission *shall* offer any such
8 land for sale to any contiguous landowner of such
9 property, on written application of such owner, provided:

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

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

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

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

24 (5) that where the land to be sold adjoins land in
25 addition to the applicant's land, and such adjacent owner
26 timely objects to the application, the land *shall* be sold by
27 the highest cash price bid at an auction conducted, to

1 include the applicant and any other adjacent owner
2 objecting, it being a condition of sale that the highest price
3 bid is not less than the appraised fair market value; and

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

11 (d) In the management of any retained available lands
12 not required for leasing under § 75A107, the Commission may
13 lease or license such lands to the general public. Any lease or
14 license made under this Subsection shall comply with the
15 conditions of Subsection (b) of this Section.

16 (e) The Commission may, in order to consolidate its
17 holdings or to better effectuate the purposes of this Chapter,
18 exchange the title to available lands for land of an equal or higher
19 value. All lands so acquired by the Commission shall assume the
20 status of available lands as though the same were originally
21 designated as such under 21 GCA § 75104 and 21 GCA §
22 75A104.

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

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

4 (7) The new Chapter 75A of Title 21, Guam Code Annotated, *shall*
5 include the following language in a new section:

6 **“Verification of Eligible Beneficiaries.**

7 (a) Owned Land Acquired by the United States:

8 (1) To be eligible based on ownership of land that was
9 acquired by the United States government between 1898 and
10 1968, an applicant must provide either:

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

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

23 (2) The applicant shall be required to use his or her best
24 efforts to obtain the information described above and to provide
25 documentation demonstrating that he or she is the descendent of
26 the person who owned the land. Based upon review of the
27 documentation, declarations or affidavits, and any additional

1 research the Commission conducts, including, but not limited to,
2 the “Bohn files” and any other readily-available condemnation
3 and land records, the Commission shall determine whether the
4 applicant is an eligible beneficiary.

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

7 (1) Persons shall be considered *eligible beneficiaries* if
8 the United States acquired land on which they did not hold title
9 or ownership, but that they nevertheless had either occupied,
10 farmed, or rached land for residential or agricultural purposes
11 for at least one (1) year immediately prior to that land being
12 acquired by the United States government between 1898 and
13 1968 or descendants of such person; except that if a person
14 occupied, farmed, or rached the land on or after December 8,
15 1941, and the land was acquired at any time after that date and
16 up to 1950, the one (1) year tenure need not have occurred
17 immediately prior to acquisition by the United States
18 government. To be eligible under this provision, an applicant
19 must sign a declaration or affidavit setting forth, in sufficient
20 detail and under penalty of perjury, the following facts to the
21 extent known or reasonably ascertainable by the applicant:

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

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

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

3 (D) the legal owner of the land and the
4 relationship between the owner and the person who
5 occupied, farmed, or ranched the land, including whether
6 any compensation or rent was paid to the owner;

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

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

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

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

25 (8) § 75A109(a) of Chapter 75A, Title 21, Guam Code Annotated,
26 *shall* read as follows:

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

14 (1) is the lessee’s spouse;

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

17 (3) is residing on the property with the lessee in a
18 structure that has been approved as a residence at the time of the
19 lessee’s death; and

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

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

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

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

25 Upon the death of a lessee leaving no such relative
26 qualified to be a lessee of Chamorro Land Trust Property, or the
27 cancellation of a lease by the Commission, or the surrender of a

1 lease by the lessee, the Commission shall appraise the value of
2 all such improvements and growing crops and shall pay to the
3 legal representative of the deceased lessee, or to the previous
4 lessee, as the case may be, the value thereof, less any
5 indebtedness to the Commission, or for taxes, or for any other
6 indebtedness the payment of which has been assured by the
7 Commission, from the deceased lessee or the previous lessee.
8 Such payment shall be made out of the loan fund and shall be
9 considered an advance therefrom reimbursable out of payments
10 made by the successor or successors to the tract involved. Such
11 appraisal shall be made by three (3) appraisers, one (1) of which
12 shall be named by the Commission, one (1) by the previous
13 lessee or the legal representative of the deceased lessee, as the
14 case may be, and the third shall be selected by the two (2)
15 appraisers hereinbefore mentioned.”

16 **Section 2.** Chapter 75 of Title 21, Guam Code Annotated, *shall* remain
17 intact for leases approved prior to January 1, 2021.

18 **Section 3.** § 75109(a) of Chapter 75, Title 21, Guam Code Annotated, is
19 *amended* to read:

20 “(a) Upon the death of the lessee, his interest in the tract or tracts and
21 the improvements thereon, including growing crops (either on the tract or in
22 any collective contract or program to which the lessee is a party by virtue of
23 his interest in the tract or tracts), shall vest in the relatives of the decedent as
24 provided in this paragraph. From the following relatives of the lessee, husband
25 and wife, children, widows or widowers of the brothers and sisters, or nieces
26 and nephews, the lessee shall designate the person or persons to whom he
27 directs his interest in the tract or tracts to vest upon his death. Such person or

1 persons must be qualified to be a lessee of Chamorro homelands; provided,
2 that such person or persons need not be eighteen (18) years of age; provided,
3 further, however, that, if the person designated by the lessee:

4 (1) is the lessee's spouse;

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

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

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

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

22 In the absence of such a designation as approved by the Commission,
23 the Commission shall select from the relatives of the lessee in the order named
24 above as limited by the foregoing paragraph one (1) or more persons who are
25 qualified to be lessees of Chamorro homelands except as hereinabove
26 provided, as the successor or successors of the lessee's interest in the tract or
27 tracts, and upon the death of the lessee, his interest shall vest in the person or

1 persons so selected. The Commission may select such a successor or
2 successors after the death of the lessee, and the rights to the use and occupancy
3 of the tract or tracts may be made effective as of the date of the death of such
4 lessee.

5 In the case of the death of a lessee leaving no such relative qualified to
6 be a lessee of Chamorro homelands, the land subject to the lease shall resume
7 its status as unleased Chamorro homelands and the Commission is authorized
8 to lease such land to a native Chamorro or Chamorros as provided in this
9 Chapter.

10 Upon the death of a lessee leaving no such relative qualified to be a
11 lessee of Chamorro homelands, or the cancellation of a lease by the
12 Commission, or the surrender of a lease by the lessee, the Commission shall
13 appraise the value of all such improvements and growing crops and shall pay
14 to the legal representative of the deceased lessee, or to the previous lessee, as
15 the case may be, the value thereof, less any indebtedness to the Commission,
16 or for taxes, or for any other indebtedness the payment of which has been
17 assured by the Commission, from the deceased lessee or the previous lessee.
18 Such payment shall be made out of the loan fund and shall be considered an
19 advance therefrom reimbursable out of payments made by the successor or
20 successors to the tract involved. Such appraisal shall be made by three (3)
21 appraisers, one (1) of which shall be named by the Commission, one (1) by
22 the previous lessee or the legal representative of the deceased lessee, as the
23 case may be, and the third shall be selected by the two (2) appraisers
24 hereinbefore mentioned.”

25 **Section 4.** The Senator Paul J. Bordallo Rules and Regulations for the
26 Chamorro Land Trust Commission enacted pursuant to 21 GCA Chapter 75 are
27 hereby enacted as rules and regulations applicable to 21 GCA Chapter 75A, except

1 where inconsistent. The Chamorro Land Trust Commission shall modify said rules
2 and regulations as well as any sub-regulatory rules, policies, practices, or guidance
3 as necessary to be consistent with 21 GCA Chapter 75A, as enacted by this Act.

4 **Section 5. Severability.** If any provision of this Act or its application to any
5 person or circumstance is found to be invalid or contrary to law, such invalidity shall
6 not affect other provisions or applications of this Act that can be given effect without
7 the invalid provision or application, and to this end the provisions of this Act are
8 severable.