

I Mina'trentai Sais 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
229-36 (LS)	Therese M. Terlaje	AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).	12/6/21 5:32 p.m.	12/10/21	Committee on Health, Land, Justice, and Culture	1/4/22 8:30 a.m.	1/25/22 3:24 p.m. As Substituted by the Committee on Health, Land, Justice, and Culture	Request: 12/13/21 Waiver: 12/17/21	Exhibit A 1/26/22 1.26.22 Document: SBill No. 229 APPEND TO COMMITTEE REPORT.



Office of the Speaker
THERESE M. TERLAJE

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

January 21, 2022


The Honorable Tina Rose Muña Barnes

Chairperson, Committee on Rules

I Mina'trentai Sais na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña Guam, 96910

VIA: The Honorable Amanda L. Shelton 
Acting Chairperson, Committee on Rules

Subject: Committee Report on Bill No. 229-36 (LS)- As Substituted by the Committee

Håfa Adai Chairperson Muña Barnes:

Transmitted herewith is the Committee Report on **Bill No. 229-36 (LS), As Substituted by the Committee on Health, Land, Justice, and Culture** – *Introduced by Senator Therese M. Terlaje – “AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).”*

Committee votes are as follows:

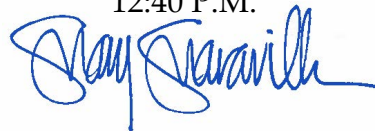
<u>6</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

COMMITTEE ON RULES

RECEIVED:

January 21, 2022

12:40 P.M.



Sincerely,



Therese M. Terlaje

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

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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

COMMITTEE REPORT

Bill No. 229-36 (LS), As Substituted by the Committee on Health, Land, Justice, and Culture

Introduced by Senator Therese M. Terlaje

“AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17 CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).”



Office of the Speaker **THERESE M. TERLAJE**

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

January 21, 2022

MEMORANDUM

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

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

Subject: Committee Report on Bill No. 229-36 (LS)- As Substituted by the Committee on Health, Land, Justice, and Culture

Transmitted herewith for your consideration is the Committee Report on **Bill No. 229-36 (LS), As Substituted by the Committee on Health, Land, Justice, and Culture – Introduced by Senator Therese M. Terlaje – “AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).”**

This report includes the following:

- Copy of COR Referral of Bill No.229-36 (LS)
- Notices of Public Hearing & Other Correspondence
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 229-36 (LS), As Introduced
- Copy of Bill No. 229-36 (LS), As Substituted by the Committee on Health, Land, Justice, and Culture
- Substitute Mark-up Version
- Copy of Fiscal Note Waiver from the Bureau of Budget & Management Research
- 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'!

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

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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

December 10, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

Attorney Ana Won Pat-Borja
Legislative Legal Counsel

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

Re: **Referral of Bill No. 229-36 (LS)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 229-36 (LS) - Therese M. Terlaje - "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."

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

I also request that the same be forwarded to the prime sponsor of the subject bill.

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





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

FIRST NOTICE of Virtual Public Hearing – Tuesday, January 4, 2022 at 8:30 a.m.

3 messages

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

Mon, Dec 27, 2021 at 8:06 AM

To: phnotice@guamlegislature.org

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

Bcc: mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairiki <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <Chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.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>, "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>, mayorernestc@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" <yamayortony@gmail.com>, "Vice Mayor Loreto V. Leones" <lloretoleones@gmail.com>, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>, jolene@postguam.com, Phil Leon Guerrero <phil@postguam.com>, Gerry Partido <gerrypartido@gmail.com>, gerry@spbgum.com, Damen Borja <damen@spbgum.com>, tlamorena@gmail.com, jsantotoma@guampdn.com, "Taitano, Joseph" <JTaitano@guampdn.com>, "John Reyes, Jr." <cltccommissioner.reyes@cltc.guam.gov>, Arlene Bordallo <cltccommissioner.bordallo@cltc.guam.gov>, "Joey Cruz Jr." <joey.cruz@cltc.guam.gov>, Pika Fejeran <pikapilarfejeran@gmail.com>, "Leevin T. Camacho" <lcamacho@guamag.org>, OAG General Counsel <generalcounsel@oagguam.org>, Camarine Ann Hopkins <camhopkins@oagguam.org>, "Stephanie E. Mendiola" <smendiola@oagguam.org>, Cltccommissioner.santos@cltc.guam.gov, "Michael F. Phillips" [REDACTED] "Joseph M. Borja" <joseph.borja@land.guam.gov>

December 27, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **FIRST NOTICE of Virtual Public Hearing – Tuesday, January 4, 2022 at 8:30 a.m.**

Buenas yan Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature’s virtual Zoom platform on **Tuesday, January 4, 2022, at 8:30 a.m.** for the following agenda item:

- **Bill No. 229-36 (LS)- Therese M. Terlaje- “AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.”** (You can view a copy of the bill on the Guam Legislature’s website: [https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20\(COR\).pdf](https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20(COR).pdf) or contact the Office of the Speaker to request a copy)

To register to provide virtual testimony, please email senatorterlajeguam@gmail.com or call 472-3586 before COB on **JANUARY 3, 2022**. Written testimony can be submitted via email to the Office of the Speaker, or hand delivered to the Guam Congress Bldg.; 163 Chalan Santo Papa, Hagåtña, Guam. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and stream online at the Guam Legislature YouTube Channel: <https://www.youtube.com/c/GuamLegislatureMedia> and will be available on the Guam Legislature YouTube after the hearing. In compliance with the Americans with Disabilities Act, Individuals needing assistance or accommodations can contact the Office of Speaker Therese M. Terlaje.

Si Yu’os Ma’åse’! We look forward to your participation!

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

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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

December 27, 2021

MEMORANDUM

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Committee on Health, Land, Justice and Culture

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[https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20\(COR\).pdf](https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20(COR).pdf) or contact the Office of the Speaker to request a copy)

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GUAM DAILY POST • MONDAY, DECEMBER 27, 2021

GDOE: Online learning may continue for high schoolers

By **Jolene Toves**
jolene@postguam.com



Joseph Sanchez

From credit recovery to getting ahead, the Guam Department of Education is looking at keeping online learning as an option, primarily for high school students.

GDOE, as well as private schools, started the online model of learning after the pandemic struck in March 2020 and forced government officials to shut down schools. Students were required to meet

with teachers via virtual classrooms.

Currently, the online model of learning is based on voluntary enrollment. It's part of the accommodation GDOE made for parents who do not feel comfortable sending their kids to school as a result of COVID-19 pandemic fears.

"But there are discussions that in the future when the COVID-19 pandemic is over and we don't have to worry about these types of accommodations, that we are looking into

maybe a longer-term permanent place for online instruction," said Deputy Superintendent of Curriculum and Instruction Joseph Sanchez.

"High school, we think it's something we want to keep. ... Whether it be for alternative education, alternative options, maybe even for credit recovery."

He added that many college students around the world are opting to attend courses online.

"So we want to make sure that students at the high school level have that opportunity to be prepared for

online instruction when they move on to post-secondary education or any type of training programs that they attempt to take as adults," Sanchez said.

Benefit for younger kids questioned

For elementary students, teachers aren't certain online learning would benefit them, Sanchez said.

"Even the experts in Early Childhood Education across the country are not sold on the idea that elementary students should have regular online instruction," he said.

He said the benefits for middle school students, who would be old enough to attend classes online regularly, is uncertain.

"Middle school is also very critical to socialization and student development," he said.

For now, the online model remains voluntary and on a first come, first served basis, according to Sanchez.

Lack of participation leads GDOE to close learning centers

By **Jolene Toves**
jolene@postguam.com

Community learning centers that were opened to provide public and private school students a safe study space with computers and internet access in the midst of the pandemic were closed because of a lack of participation.

The Guam Department of Education opened 21 learning centers throughout the island last year, but after several months of operation, it appears that they did not gain traction in the student community.



AFTER-SCHOOL CENTER: C.L. Taitano Elementary School in Sinajana was one of eight schools designated as after-school community learning centers for students from public and private schools to broaden online access. The sites were closed over the summer because of a lack of participation. Post file photo

"We are not sure if it has to do with COVID-19 and they didn't want to come during COVID-19. But at this point we closed down that particular

initiative," said Deputy Superintendent of Curriculum and Instruction Joseph Sanchez.

"We've actually revisited that strategy, even though there were some locations that were getting folks to participate and people were coming for the most part, there was very little participation," Sanchez said. "So we kind of started to rethink that strategy."

Among the options GDOE is considering are community-based initiatives.

"We may be working with some of the mayors' offices and community centers and even some of the other folks to have some of the activities going. Some are actually funded by the governor's office, so we are going to be working more in that route

where it's out in the community," Sanchez said.

In August, Gov. Lou Leon Guerrero awarded \$36.9 million for after-school activities aimed at island youth, to organizations under the Governor's Education Assistance and Youth Empowerment Grant.

Federal funds were used for 77 education-related programs to include academic and sports activities in science, technology, engineering, art and mathematics, or STEAM, fields. Funds included \$33 million in Education Stabilization Funds allocated to the Office of the Governor and unexpended grant funds from the initial \$12.5 million in the Coronavirus Aid, Relief, and Economic Security Act were identified to support these grant awards.

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPARTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

The Guam Board of Medical Examiners

Regular Virtual Board Meeting

Wednesday, December 29, 2021 at 4:00PM.
Join Zoom Meeting
<https://zoom.us/j/92411878464?pwd=ek80UjJla2U4VDBFakVONGpHSRHRldz09>
Meeting ID: 924 1187 8464 Passcode: 131037

Meeting Agenda:

I. Call to order:
(a) Roll Call (b) Confirmation of Public Notice advertised in the Guam Daily Post.

II. Adoption of Agenda:

III. Approval of Minutes: Minutes of November 17, 2021.

IV. Treasurer's Report: Mr. Philip J. Flores

V. HPLD Administrator's Report: Zenia C. Pecina, M.S.N., R.N.

VI. Chairperson's Report: Nathaniel B. Berg, M.D.
(a) Emergency Issued Licenses

VII. Old Business:

(1) Complaint(s): (1) GBME-CO-19-010
(2) GBME-CO-19-012 (3) GBME-CO-19-013
(4) GBME-CO-19-014 (5) GBME-CO-19-015
(6) GBME-CO-19-016 (7) GBME-CO-19-017
(8) GBME-CO-20-001 (9) GBME-CO-20-005
(10) GBME-CO-20-006

(11) GBME-CO-20-007 (12) GBME-CO-21-005
(13) GBME-CO-21-006 (14) GBME-CO-21-007
(15) GBME-CO-21-008 (16) GBME-CO-21-009

(b) Reinstatement of License:

(c) Application(s) for Temporary Licensure:
(d) Full Licensure Renewal(s) 2021-2023
(e) Interstate Medical Licensure Compact (IMLCC) Applicant(s)

VIII. New Business:
(a) Complaint(s): (1) GBME-CO-21-010 (2) GBME-CO-21-011
(b) Application(s) for Full Licensure
(c) Application(s) for Temporary Licensure
(d) Full Licensure Renewal(s) 2021-2023
(e) Interstate Medical Licensure Compact (IMLCC) Applicant(s)

IX. Other Business: The next Guam Board of Medical Examiners Regular Virtual Meeting is scheduled for January 12, 2021 at 4:00p.m via Zoom.

To view the names of the applicants being considered, go to: <https://guammedical.org>
To view the LIVE Streaming link: <https://facebook.com/HPLDGuam>

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds

For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication device for the Hearing/Speech Impaired (TDD) may contact 475-8339.

The Guam Academy Charter Schools (GACS) Council

will hold its Regular Month Board Meeting on

Date: Wednesday, December 29, 2021
Time: 3:30 P.M.
Place: iLearn Academy Charter School, Ukkudo Route 3, Dededo
Via Zoom Video Conference
<https://zoom.us/j/95767638041?pwd=OTdEd2Y0b0hpMDdyYkFNZkZQOFVlZz09>

AGENDA:

- I. Appointee of Mr. David Camacho
- II. Approval for Budget
- III. End of Year Report

For Special accommodations, please contact or email Grace Lujan, GACS Council Administrative Assistant at grace.lujan@doa.guam.gov or 671-475-1260

SPEAKER THERESE M. TERLAJE

I Mina 'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

COMMITTEE ON HEALTH, LAND,
JUSTICE & CULTURE

VIRTUAL PUBLIC HEARING – TUESDAY, JANUARY 4, 2022 at 8:30 A.M.

AGENDA

- **Bill No. 229-36 (LS) – Therese M. Terlaje – "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."** (You can view a copy of the bill on the Guam Legislature's website: <https://guamlegislature.com/index/bills/> or contact the Office of the Speaker to request a copy)

To register to provide virtual testimony, please email senatorterlaje@guam.gov or call 472-3586 by **JANUARY 3, 2022**. Written testimony can be submitted via email to the Office of the Speaker, or hand delivered to the Guam Congress Bldg. 163 Chalan Santa Rosa, Hagåtña, Guam. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and stream online at the Guam Legislature YouTube Channel: <https://www.youtube.com/c/GuamLegislatureMedia> and will be available on the Guam Legislature YouTube after the hearing. In compliance with the Americans with Disabilities Act, Individuals needing assistance or accommodations can contact the Office of Speaker Therese M. Terlaje. This Ad was paid with Legislature Funds.

https://ed.ton pagesu te profess ona co u /htm/5/reader/product on/pr nt_pages.aspx?ed d cdb812cf 03bb 4151 a55f c35bec9fd6d1&pages 6 Page 1 of 1



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

SECOND NOTICE of Virtual Public Hearing; Tuesday, January 4, 2022 at 8:30 a.m.

1 message

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

Fri, Dec 31, 2021 at 8:49 AM

To: phnotice@guamlegislature.org

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

Bcc: mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rlimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <Chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.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>, "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>, mayorernestc@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" <yamayortony@gmail.com>, "Vice Mayor Loreto V. Leones" <lloretoleones@gmail.com>, "Mayor Bill A. Quenga" <yonamayor2020@gmail.com>, jolene@postguam.com, Phil Leon Guerrero <phil@postguam.com>, Gerry Partido <gerrypartido@gmail.com>, gerry@spbgum.com, Damen Borja <damen@spbgum.com>, tlamorena@gmail.com, jsantotoma@guampdn.com, "Taitano, Joseph" <JTaitano@guampdn.com>, "John Reyes, Jr." <cltccommissioner.reyes@cltc.guam.gov>, Arlene Bordallo <cltccommissioner.bordallo@cltc.guam.gov>, "Joey Cruz Jr." <joey.cruz@cltc.guam.gov>, Pika Fejeran <pikapilarfejeran@gmail.com>, "Leevin T. Camacho" <lcamacho@guamag.org>, OAG General Counsel <generalcounsel@oagguam.org>, Camarine Ann Hopkins <camhopkins@oagguam.org>, "Stephanie E. Mendiola" <smendiola@oagguam.org>, Angela Santos <Cltccommissioner.santos@cltc.guam.gov>, "Michael F. Phillips" <[REDACTED]>, "Joseph M. Borja" <joseph.borja@land.guam.gov>

December 31, 2021

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Speaker Therese M. Terlaje, Chairperson
Committee on Health, Land, Justice and Culture

Subject: **SECOND NOTICE of Virtual Public Hearing; Tuesday, January 4, 2022 at 8:30 a.m.**

Buenas yan Håfa Adai,

Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Tuesday, January 4, 2022, at 8:30 a.m.** for the following agenda item:

- **Bill No. 229-36 (LS)- Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."** (You can view a copy of the bill on the Guam Legislature's website: [https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20\(COR\).pdf](https://www.guamlegislature.com/36th_Guam_Legislature/Bills_Introduced_36th/Bill%20No.%20229-36%20(COR).pdf) or contact the Office of the Speaker to request a copy)

To register to provide virtual testimony, please email senatorterlajeguam@gmail.com or call 472-3586 before COB on **JANUARY 3, 2022**. Written testimony can be submitted via email to the Office of the Speaker, or hand delivered to the Guam Congress Bldg.; 163 Chalan Santo Papa, Hagåtña, Guam. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and stream online at the Guam Legislature YouTube Channel: <https://www.youtube.com/c/GuamLegislatureMedia> and will be available on the Guam Legislature YouTube after the hearing. In compliance with the Americans with Disabilities Act, Individuals needing assistance or accommodations can contact the Office of Speaker Therese M. Terlaje.

Si Yu'os Ma'åse'! We look forward to your participation!

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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Office of the Speaker
THERESE M. TERLAJE

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

December 31, 2021

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Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: senatorterlajeguam@gmail.com | www.senatorterlaje.com
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'Dr. Li, we will remember you forever'

Messages honor late COVID-19 whistleblower

By Martin Quin Pollard
Reuters

SHANGHAI — Thousands of people left messages on the social media account of the late Chinese COVID-19 whistleblower Li Wenliang on the anniversary of the day he learned of possible pneumonia-causing virus cases in Wuhan and shared the information with fellow doctors.

On Dec. 30, 2019, Li, an ophthalmologist at a hospital in Wuhan where the Sars-CoV-2 virus outbreak was first detected, saw a medical report showing potential SARS coronavirus cases were confirmed in the city, he wrote in a post on his Weibo account on Jan. 31.

In early January, after the information on "SARS cases" was shared in a WeChat group, Li was reprimanded by



HONG KONG VIGIL: People wearing masks attend a vigil for late Li Wenliang, an ophthalmologist who died of the coronavirus at a hospital in Wuhan, in Hong Kong, China, on Feb. 7, 2020. Tyrone Siu/Reuters

the local police, according to the same Weibo post.

On Jan. 12 he went to hospital, infected with the virus that causes the COVID-19 disease and died on Feb. 7, 2020.

His death led to an outpouring of

grief on social media at a time when people were on edge about the virus and authorities were under fire over a perceived lack of transparency and a hardline approach taken to whistleblowers like Li.

Since then confidence has grown

in China's response to the pandemic, but people have continued to post to Li online, especially on certain anniversary days as they did Thursday.

"Happy new year Dr. Li, we will remember you forever," wrote a user called Tdby.

Others posted candle emojis, brief messages of thanks and exclamations of how two years have gone by so quickly, in the comments section of one of Li's posts on Weibo, China's equivalent of Twitter. Many wrote conversationally as if they were speaking to him beyond the grave.

Fang Kecheng from the Chinese University of Hong Kong said Li's Weibo microblog has become a place online where people express their feelings they are not comfortable expressing elsewhere.

"Such places for anonymous expression are needed in any society, and this is especially true in today's China," said the communication researcher.

Mainland China has reported 101,683 confirmed cases as of Dec. 28, with the death toll at 4,636.

Sick from bad food and crowded dorms, women force change at India iPhone plant

SRIPERUMBUDUR, India (Reuters) — For women who assembled iPhones at a Foxconn plant in southern India, crowded dorms without flush toilets and food sometimes crawling with worms were problems to be endured for the paycheck.

But when tainted food sickened over 250 of the workers their anger boiled over, culminating in a rare protest that shut down a plant where 17,000 had been working.

A close look by Reuters at the events before and after the Dec. 17 protest casts a stark light on living and working conditions at Foxconn, a firm central to Apple's supply chain.

The tumult comes at a time when Apple is ramping up production of its iPhone 13 and shareholders are pushing the company to provide greater transparency about labor conditions at suppliers.

Reuters spoke to six women who worked at the Foxconn plant near Chennai. All of them requested they not to be named because of fear of retaliation on the job or from police.

Workers slept on the floor in rooms, which housed between six



FOXCONN INDIA: Private security guards stand at the entrance of a closed plant of Foxconn India, which makes iPhones for Apple Inc., near Chennai on Dec. 22. Sudarshan Varadhan/Reuters

to 30 women, five of these workers said. Two workers said the hostel they lived in had toilets without running water.

"People living in the hostels always had some illness or the other — skin allergies, chest pain, food poisoning,"

another worker, a 21-year-old woman who quit the plant after the protest, told Reuters. Earlier food poisoning cases had involved one or two workers, she said.

"We didn't make a big deal out of it because we thought it will be fixed. But now, it affected a lot of people," she said.

Plant on probation

Apple and Foxconn said on Wednesday they found that some dormitories and dining rooms used for employees at the factory did not meet required standards.

The facility has been placed "on probation" and Apple will ensure its strict standards are met before the plant reopens, an Apple spokesperson said.

The spokesperson did not elaborate on the improvements that would be made for workers at the plant or the standards that would be applied.



SENATOR SABINA FLORES PEREZ

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Virtual Public Hearing (Zoom Video Conference)
Monday, January 3, 2022, at 9:00 a.m.

9:00 A.M.

Executive Appointment of Mr. Andrew Gayle to serve as a Member of the Guam Solid Waste Authority Board of Directors.

Bill No. 215-36 (COR) - Telo T. Taitague, V. Anthony Ada, Tina Rose Muña Barnes - AN ACT TO AMEND § 5127 OF SUBARTICLE C, ARTICLE 2, CHAPTER 5, DIVISION 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO COMMERCIAL LEASING OF PUBLIC REAL PROPERTY AND RELATED FACILITIES.

Bill No. 224-36 (COR) - Sabina Flores Perez, Telo T. Taitague, Joanne Brown - AN ACT TO REPEAL CHAPTER 19, DIVISION 3 OF TITLE 30, GUAM ADMINISTRATIVE RULES AND REGULATIONS AND TO ADD A NEW CHAPTER 2 TO TITLE 12, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO CLARIFYING INSURANCE CONTINUING EDUCATION.

Those interested in participating, please confirm your attendance by contacting the Office of Senator Sabina Flores Perez via email at office@senatorperez.org or via phone at 989-2968, no later than January 1, 2022, for further guidance.

Testimonies should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 Chalan Santo Papa, Hagåtña, Guam 96910, or via email to office@senatorperez.org, no later than 4pm January 7, 2022. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968. The hearing will broadcast on local television, G1A Channel 21, Docomo Channel 112-4, and stream online via i Liheslaturan Guåhan's live feed on YouTube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. We look forward to your participation!

SPEAKER THERESE M. TERLAJE

1 Mina 'trentai Sais na Liheslaturan Guåhan
36th Guam Legislature



COMMITTEE ON HEALTH, LAND, JUSTICE & CULTURE

VIRTUAL PUBLIC HEARING — TUESDAY, JANUARY 4, 2022 at 8:30 A.M.

AGENDA

- Bill No. 229-36 (LS) — Therese M. Terlaje — "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A." (You can view a copy of the bill on the Guam Legislature's website: <https://guamlegislature.com/index/bills/> or contact the Office of the Speaker to request a copy)

To register to provide virtual testimony, please email senatorterlaje@guam.gov or call 472-3586 by **JANUARY 3, 2022**. Written testimony can be submitted via email to the Office of the Speaker, or hand delivered to the Guam Congress Bldg. 163 Chalan Santo Papa, Hagåtña, Guam. All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and stream online at the Guam Legislature YouTube Channel: <https://www.youtube.com/c/GuamLegislatureMedia> and will be available on the Guam Legislature YouTube after the hearing. In compliance with the Americans with Disabilities Act, individuals needing assistance or accommodations can contact the Office of Speaker Therese M. Terlaje. This Ad was paid with Legislature Funds.



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

Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> Thu, Dec 23, 2021 at 11:00 AM
To: "John Reyes, Jr." <cltccommissioner.reyes@cltc.guam.gov>, Angela Camacho <angela.camacho@cltc.guam.gov>
Cc: Arlene Bordallo <cltccommissioner.bordallo@cltc.guam.gov>, "David B. Herrera" <dbherrera@guam.net>, Angela Santos <asantosfanohgeprutehidifende@gmail.com>, "Joey Cruz Jr." <joey.cruz@cltc.guam.gov>, Tina Tainatongo <tina.tainatongo@cltc.guam.gov>

December 23, 2021

Transmitted via Electronic Mail:**John F. Reyes, Chairperson**

CHamoru Land Trust Commission

cltccommissioner.reyes@cltc.guam.gov**Angie Camacho, Acting Administrative Director**

CHamoru Land Trust Commission

angela.camacho@cltc.guam.gov**All Commissioners**

CHamoru Land Trust Commission

SUBJECT: Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.*Hafa Adai* Chairperson Reyes, Acting Director Camacho and Commissioners:

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I kindly request your attendance to provide valuable feedback. Please confirm your attendance via email to senatorterlajeguam@gmail.com or call 472-3586. The Zoom hearing link will be sent to you as soon as it is received from the Legislature's MIS Division. I hope that you will be able to join us.



Office of the Speaker
THERESE M. TERLAJE

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

December 23, 2021

Transmitted via Electronic Mail:

John F. Reyes, Chairperson

CHamoru Land Trust Commission

cltccommissioner.reyes@cltc.guam.gov

Angie Camacho, Acting Administrative Director

CHamoru Land Trust Commission

angela.camacho@cltc.guam.gov

All Commissioners

CHamoru Land Trust Commission

SUBJECT: Invitation to Virtual Public Hearing on Bill No. 229 36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

Hafa Adai Chairperson Reyes, Acting Director Camacho and Commissioners:

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Si Yu'os Ma'åse',

Therese M. Terlaje
Therese M. Terlaje

Attachment: Copy of Bill No. 229 36 (LS)

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

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

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1 message

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> Thu, Dec 23, 2021 at 12:25 PM
To: Leevin Camacho <lcamacho@oagguam.org>, "Leevin T. Camacho" <lcamacho@guamag.org>
Cc: "Stephanie E. Mendiola" <smendiola@oagguam.org>, OAG General Counsel <generalcounsel@oagguam.org>

December 23, 2021

Transmitted via Electronic Mail:**Honorable Leevin T. Camacho**

Attorney General of Guam

Office of the Attorney General

lcamacho@guamag.org

SUBJECT: Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

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I cordially invite you or your representative to attend to provide valuable feedback. Please confirm your attendance via email to senatorterlajeguam@gmail.com or call 472-3586. The Zoom hearing link will be sent to you as soon as it is received from the Legislature's MIS Division. I hope that you will be able to join us.

Si Yu'os Ma'åse',

Therese M. Terlaje

*CC: Deputy Attorney General Stephanie Mendiola, Division of General Counsel**Attachment: Copy of Bill No. 229-36 (LS)*

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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2 attachments

 **Attorney General Leevin Camacho- Letter of Invitation- 01.4.22 PH on Bill No. 229-36 (LS)_TMT.pdf**
366K

 **Bill No. 229-36 (COR).pdf**
1264K



Office of the Speaker
THERESE M. TERLAJE

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

December 23, 2021

Transmitted via Electronic Mail:

Honorable Leevin T. Camacho

Attorney General of Guam

Office of the Attorney General

lcamacho@guamag.org

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Therese M. Terlaje

CC: Deputy Attorney General Stephanie Mendiola, Division of General Counsel

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THERESE M. TERLAJE

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Committee on Health, Land, Justice and Culture

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Transmitted via Electronic Mail:

Michael F. Phillips, Esq.

Law Officers of Phillips & Bordallo, P.C.
[REDACTED]

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

Thu, Dec 23, 2021 at 12:19 PM

To: [REDACTED]

December 23, 2021

Transmitted via Electronic Mail:**Kenneth D. Orcutt, J.D.**
[REDACTED]**SUBJECT:** Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.*Hafa Adai* Attorney Orcutt:

Happy Holidays! The Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Tuesday, January 4, 2022, beginning at 8:30 a.m.** for the following agenda item:

- **Bill No. 229-36 (LS)- Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."**

I cordially invite you to attend to provide valuable feedback. Please confirm your attendance via email to senatorterlajeguam@gmail.com or call 472-3586. The Zoom hearing link will be sent to you as soon as it is received from the Legislature's MIS Division. I hope that you will be able to join us.

Si Yu'os Ma'åse',

Therese M. Terlaje

*Attachment: Copy of Bill No. 229-36 (LS)***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



Office of the Speaker
THERESE M. TERLAJE

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

December 23, 2021

Transmitted via Electronic Mail:

Kenneth D. Orcutt, J.D.
[REDACTED]

SUBJECT: Invitation to Virtual Public Hearing on Bill No. 229 36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

Hafa Adai Attorney Orcutt:

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- **Bill No. 229-36 (LS)- Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."**

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Si Yu'os Ma'åse',


Therese M. Terlaje

Attachment: Copy of Bill No. 229 36 (LS)



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

Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

1 message

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

Thu, Dec 23, 2021 at 12:18 PM

To: Pika Fejeran [REDACTED]

December 23, 2021

Transmitted via Electronic Mail:**Pika Fejeran, former Chairperson**CHamoru Land Trust Commission
[REDACTED]**SUBJECT:** Invitation to Virtual Public Hearing on Bill No. 229-36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.*Hafa Adai* Mrs. Fejeran,

Happy Holidays! Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Tuesday, January 4, 2022, beginning at 8:30 a.m.** for the following agenda item:

- **Bill No. 229-36 (LS)- Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."**

I cordially invite you to attend to provide valuable feedback. Please confirm your attendance via email to senatorterlajeguam@gmail.com or call 472-3586. The Zoom hearing link will be sent to you as soon as it is received from the Legislature's MIS Division. I hope that you will be able to join us.

Si Yu'os Ma'åse',

Therese M. Terlaje

*Attachment: Copy of Bill No. 229-36 (LS)***Office of Speaker Therese M. Terlaje**

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan



Office of the Speaker
THERESE M. TERLAJE

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

December 23, 2021

Transmitted via Electronic Mail:

Pika Fejeran, former Chairperson
CHamoru Land Trust Commission

SUBJECT: Invitation to Virtual Public Hearing on Bill No. 229 36 (LS) on Tuesday, January 4, 2022, at 8:30 a.m.

Hafa Adai Mrs. Fejeran,

Happy Holidays! Please be advised that the Committee on Health, Land, Justice and Culture will convene a virtual public hearing, using the Legislature's virtual Zoom platform on **Tuesday, January 4, 2022, beginning at 8:30 a.m.** for the following agenda item:

- **Bill No. 229-36 (LS)- Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."**

I cordially invite you to attend to provide valuable feedback. Please confirm your attendance via email to senatorterlajeguam@gmail.com or call 472 3586. The Zoom hearing link will be sent to you as soon as it is received from the Legislature's MIS Division. I hope that you will be able to join us.

Si Yu'os Ma'åse',


Therese M. Terlaje

Attachment: Copy of Bill No. 229 36 (LS)



Office of the Speaker
THERESE M. TERLAJE

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

Virtual Public Hearing
Tuesday, January 4, 2022 at 8:30 a.m.

AGENDA

- **Bill No. 229-36 (LS)- Therese M. Terlaje- “AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.”** (You can view a copy of the bill on the Guam Legislature’s website: <https://guamlegislature.com/index/bills/> or contact the Office of the Speaker to request a copy)

All hearings broadcast on GTA TV Channel 21, Docomo Channel 117/112.4, and stream online at the Guam Legislature YouTube Channel: <https://www.youtube.com/c/GuamLegislatureMedia> and will be available on the Guam Legislature YouTube after the hearing. In compliance with the Americans with Disabilities Act, Individuals needing assistance or accommodations can contact the Office of Speaker Therese M. Terlaje.



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

Committee on Health, Land, Justice and Culture

Date: TUESDAY, JANUARY 4, 2022

Time: 8:30 AM

VIRTUAL PUBLIC HEARING- Bill No. 229-36 (LS) - Therese M. Terlaje- "AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A."

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Pika Fejeran, former Chairperson, CHamoru Land Trust Commission					X		
2	Attorney James Canto, Office of the Attorney General					X		
3	John Reyes, Chairperson, CHamoru Land Trust Commission					X		
4	Angela Camacho, Acting Director CHamoru Land Trust Commission,					X		
5	Attorney Nicolas Toft, OAG, Legal Counsel for the CHamoru Land Trust Commission					X		
6	Joey Cruz, Program Coordinator, CHamoru Land Trust					X		
7	Attorney Mike Phillips, Attorney for CLTC					X		
8	Angela Santos, Commission Member, CLTC							
9								
10								



Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 815

October 8, 2021

Lourdes A. Leon Guerrero
Governor

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

Joshua F. Tenorio
Lieutenant Governor

FROM: Acting, Administrative Director

SUBJECT: **Public Law 23-38, Paul J. Bordallo Rules and Regulations**

Commission Members

John F. Reyes, Jr.
Chairman

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

Buenas yan Håfa Adai!

The CHamoru Land Trust Commission (CLTC) would like to extend our gratitude for all the assistance you have provided the Commission with moving our programs forward. CLTC would like to request your assistance with amending the Commission's Rules and Regulations also known as the Paul J. Bordallo Rules and Regulations enacted through Public Law 23-38. The amendment would ensure compliance with the terms and conditions set forth in the Settlement Agreement between the United States v. Chamorro Land Trust Commission. Furthermore, it will ensure consistency with Chapter 75A, Title 21, Guam Code Annotated.

Attached for your review are CLTC's requested changes to the Paul J. Bordallo Rules and Regulations.

If you should have any questions or concerns please contact me at 649-5263 ext. 416.

Senseramente,

Angela Camacho

Attachment

Doc Type: _____
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

10-08-2021

Time: 3:28 pm

Received:

Section 1. Authority and Purpose

1.1 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 §7510 of Title 21, Guam Code Annotated, to govern the implementation and administration of beneficiary homeland programs.

1.2 Purpose.

These rules and regulations set forth the necessary procedures with respect to lease applications; to set out in detail the standards of eligibility; to provide for methods of inspection and review, as well as a system of notice and hearing prior to lease revocation; and, generally, to provide for certain requirements necessary to meet the goals and objectives of the beneficiary homeland programs.

1.3 Legislative Amendment.

Pursuant to the mandate of Public Law 419-35, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

Section 2. The Commission

2.1 Mission of Trustees.

The commission members, as trustees, shall: act exclusively in the interest of beneficiaries under the Act; hold and protect the trust property of beneficiaries under the Act; 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 CHamoru Land Trust Property; and, adhere to the terms of the trust as set forth in the Act.

Section 4. Definitions

(b) *Agricultural Tract* means CHamoru Land Trust Property with an area of not less than one (1) nor more than twenty (20) acres.

(c) *Agricultural use* means the use of CHamoru Land Trust Property and improvements for farming purposes.

(d) *CHamoru Land Trust Property* means all lands given the status of CHamoru Land Trust Property under the provisions of §75105 and §75A105 of Title 21, Guam Code Annotated.

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

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

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

(h) *Eligible beneficiary* means any person 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 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-year tenure need not have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means CHamoru Land Trust Property 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.

(j) *Residential Use* means the use of CHamoru Land Trust Property and improvements for the purposes of the primary domicile of the applicant.

Section 5. Application for Leases

Section 5.1 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 purpose 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 CHamoru 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.

Section 5.2 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) An eligible beneficiary.
- (b) The commission shall accept all completed applications for residential or agricultural tracts from eligible beneficiaries 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 section 6.7 before a lease award can be made.

Section 6. Leases to Eligible Beneficiaries

Section 6.4 Awards to occupants of homelands; when

- (a) Notwithstanding the provisions of section 5, subsections 5.4 through 5.10, the commission shall not serve eviction notices to individuals who presently reside and have continuously resided on CHamoru Land Trust property prior to July 12, 1995, and who qualify under the Act.

Section 6.6 Residence permitted on agricultural lot

- (a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on CHamoru Land Trust property, subject to the following conditions:

Section 6.8 Lease cancellation

- (a) The commission may cancel a lease to an eligible beneficiary, 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 CHamoru Land Trust Act;

Section 6.9 Commercial leases [Reserved]

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

Section 7. Conditions in Leases

Section 7.1 Additional conditions generally

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

Section 7.2 Industrial or commercial activities

- (a) No industrial or commercial activities shall be allowed on CHamoru Land Trust property leaseholds, except those which are authorized for license by the Act.

Section 7.5 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-CHamoru Land Trust property real property, regardless of degree of ownership.

Section 8. Loans and Funds

Section 8.1 Loans and Funds [Reserved]

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

Section 9. Successors to Lessees

Section 9.1 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 CHamoru Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

Section 9.2 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 CHamoru Land Trust property, and the commission shall be authorized to lease said land to an eligible beneficiary as provided in the Act.

9.5 Payments

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

(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 (2 1/2%) on the unpaid balance; provided, that where the commission has sufficient funds available and such payment does not unreasonably impair the CHamoru 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.



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

Letter from Speaker Therese Terlaje regarding the Paul Bordallo Rules & Regs

1 message

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

Wed, Nov 10, 2021 at 8:54 AM

To: Angela Camacho <angela.camacho@cltc.guam.gov>

Cc: "Joey Cruz Jr." <joeycruz@cltc.guam.gov>

Håfa Adai Acting Director Camacho,

Please find attached a letter from Speaker Therese Terlaje regarding the Paul Bordallo Rules & Regulations for the CLTC.

Si Yu'os Ma'åse'

Andrea C. Pellacani
Communications & Policy Analyst**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.comwebsite: www.senatorterlaje.com

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**11.10.21 TMT LTR CLTC Rules & Regs Req for Markup.pdf**

482K



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, 2021

Transmitted via Electronic Mail:

Angela Camacho, Acting Director
CHamoru Land Trust
angela.camacho@cltc.guam.gov

SUBJECT: Proposed Amendments to *The Senator Paul Bordallo Rules & Regulations for the Chamorro Land Trust*, P.L. 23-38

Håfa Adai Acting Director Camacho,

I received your letter dated October 8, 2021, regarding the CHamoru Land Trst Commission's request for assistance with amending *The Senator Paul Bordallo Rules and Regulations for the Chamorro Land Trust*, P.L. 23-38. I am happy to help expedite the effort to come into compliance with 21 GCA Chapter 75A.

To ensure that we are accurately capturing your recommendations for changes to the rules, I respectfully request for a full markup from the existing rules. This will help us clarify the amendments, deletions, and which rules you would like to remain unchanged. In its current form, it is not clear.

Thank you for your assistance and I look forward to your response.

Si Yu'os Ma'åse',

Therese M. Terlaje

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*



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

Fwd: Proposed amendments to PL 23-38

2 messages

Speaker Therese M. Terlaje <speaker@guamlegislature.org>
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Tue, Nov 16, 2021 at 3:24 PM

Office of Speaker Therese M. Terlaje

Committee on Health, Land, Justice and Culture

I Mina'trentai Sais na Liheslaturan Guåhan

36th Guam Legislature

Address: Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910T: (671) 472-3586 F: (671) 989-3590 Email: speaker@guamlegislature.orgwebsite: www.senatorterlaje.com

----- Forwarded message -----

From: **Teresa Topasna** <teresa.topasna@cltc.guam.gov>

Date: Tue, Nov 16, 2021 at 3:16 PM

Subject: Proposed amendments to PL 23-38

To: Speaker's Office <speaker@guamlegislature.org>Cc: Angela Camacho <angela.camacho@cltc.guam.gov>, Joey Cruz <joey.cruz@cltc.guam.gov>

Hafa Adai, please see attached memo regarding proposed amendments to the Senator Paul J. Bordallo Rules and Regulations, Public Law 23-38.

Thank you.

--

Teresa T. Topasna*CHamoru Land Trust Commission*

Tel: 649-5263 ext 436

**11-16-2021-Speaker Therese Terlaje-proposed amendments to PL 23-38.pdf**

1119K

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>
To: Teresa Topasna <teresa.topasna@cltc.guam.gov>

Wed, Nov 17, 2021 at 4:22 PM

Hafa Adai Teresa,

Received with thanks.

Regards,
Andrea C. Pellacani
Communications & Policy Analyst

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 96910T: (671) 472-3586 F: (671) 989-3590 Email: senatorterlajeguam@gmail.com

website: www.senatorterlaje.com

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[Quoted text hidden]



Kumision Inangokkon Tano' CHamoru *(CHamoru Land Trust Commission)*

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 815

November 15, 2021

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

John F. Reyes, Jr.
Chairman

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

(Vacant)
Commissioner

(Vacant)
Commissioner

Angela Camacho
Acting Administrative Director

TO: Speaker Therese M. Terlaje
Chairwoman, Committee on Health, Land, Justice and Culture
36th Guam Legislature

FR: Acting Administrative Director

RE: Proposed amendments to the Senator Paul J. Bordallo Rules and
Regulations, Public Law 23-38

Buenas Yan Hafa Adai!

Pursuant to your memo dated November 10, 2021, attached is a full markup
clarifying amendments and deletions to Public Law 23-38.

If you should have any questions please contact our office at (671) 649-5263
ext 815.

Senseramente,

ANGELA CAMACHO

Section 1. Authority and Purpose

1.1 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~~ beneficiary homeland programs.

1.2 Purpose.

These rules and regulations set forth the necessary procedures with respect to lease applications; to set out in detail the standards of eligibility; to provide for methods of inspection and review, as well as a system of notice and hearing prior to lease revocation; and, generally, to provide for certain requirements necessary to meet the goals and objectives of the ~~Chamorro~~ beneficiary homeland programs.

1.3 Legislative Amendment.

Pursuant to the mandate of Public Law 35-112, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

Section 2. The Commission

2.1 Mission of Trustees.

The commission members, as trustees, shall: act exclusively in the interest of beneficiaries under the Act; hold and protect the trust property for beneficiaries under the Act; 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 CHamoru Land Trust Property; and, adhere to the terms of the trust as set forth in the Act.

2.2 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.

2.3 Mailing address.

P.O. Box 2950, Agana, Guam 96910

2.4 Contact numbers.

Telephone: (671) 475-4251 – 8

Fax: (671) 477-8082

2.5 Hours.

The offices of the commission shall be open from 8:00 a.m. to 5:00 p.m., Monday through Friday, and provide for flexible hours as determined by the Commission for the convenience of the public.

2.6 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.

2.7 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.

Section 3. The Management

3.1 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.

3.2 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.

Section 4. Definitions

As used in these rules and regulations:

- (a) *Administrative Adjudication Law* means Chapter 9 of Title 5, Guam Code Annotated.
- (b) *Agricultural Tract* means ~~Chamorro homeland~~ CHamoru Land Trust Property with an area of not less than one (1) nor more than twenty (20) acres.
- (c) *Agricultural use* means the use of ~~Chamorro homeland~~ CHamoru Land Trust Property and improvements for farming purposes.
- (d) ~~Chamorro homelands~~ CHamoru Land Trust Property means all lands given the status of ~~Chamorro homelands~~ CHamoru Land Trust Property under the provisions of §75105 and §75A105 of Title 21, Guam Code Annotated.
- (e) *Chamorro Land Trust Act* or *the act* means the policy for management and disposition of ~~Chamorro homelands~~ CHamoru Land Trust Property and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.
- (f) *Commission* means the ~~Chamorro~~ CHamoru Land Trust Commission established by §75102 of Title 21, Guam Code Annotated.
- (g) *Director* means the Administrative Director of the ~~Chamorro~~ CHamoru Land Trust Commission established by §75102 of Title 21, Guam Code Annotated.
- (h) ~~Native Chamorro~~ Eligible beneficiary 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~~ 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 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-year tenure need not have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means ~~Chamorro homeland~~ CHamoru Land Trust Property 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.

(j) *Residential use* means the use of ~~Chamorro homeland~~ CHamoru Land Trust Property and improvements for the purposes of the primary domicile of the applicant.

Section 5. Application for Leases

5.1 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~~ CHamoru 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.

5.2 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~~ An eligible beneficiary.
- (b) The commission shall accept all completed applications for residential or agricultural tracts from ~~native Chamorros~~ eligible beneficiaries 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 section 6.7 before a lease award can be made.

5.3 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 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.

5.4 Residential tract applications.

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

5.5 Agricultural tract applications.

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

5.6 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 section 5.3(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 rule 6.2.

(c) An applicant who is awarded a lot shall be able to decline lots in two different villages. After decline 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.

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

5.8 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 sisters, 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.

5.9 Posting of 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.

5.10 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 the territory of 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.

Section 6. Leases to ~~Native Chamorros~~ Eligible Beneficiaries

6.1 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 (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.

6.2 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.

6.3 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;

(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.

6.4 Awards to occupants of homelands; when

(a) Notwithstanding the provisions of section 5, subsections 5.4 through 5.10, the commission shall not serve eviction notices to individuals who presently reside and have continuously resided on ~~Chamorro homelands~~ CHamoru Land Trust property prior to July 12, 1995, and who qualify under the Act.

(b) Persons presently holding land use permits and who qualify under section 5.2 will hereby maintain their home or farms, adhering to all other requirements of the Act and these rules and regulations.

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

6.6 Residence permitted on agricultural lot

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on ~~Chamorro homelands~~ CHamoru Land Trust property, 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 territorial 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, section 7.3, 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 chapter 8; 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 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.

6.7 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 territorial 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.

6.8 Lease cancellation

(a) The commission may cancel a lease to a ~~Native Chamorro~~ an eligible beneficiary, 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~~ CHamoru 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.

6.9 Commercial leases [Reserved]

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

Section 7. Conditions in Leases

7.1 Additional conditions generally

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

7.2 Industrial or commercial activities

(a) No industrial or commercial activities shall be allowed on ~~Chamorro-homeland~~ CHamoru Land Trust property leaseholds, except those which are authorized for license by the Act.

(b) No leasehold or portion thereof shall be used for commercial activities of such a nature as to constitute a nuisance. Commercial activities shall not include selling of agricultural products raised upon the premises.

7.3 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 the territory.

(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.

7.4 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.

7.5 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 CHamoru Land Trust property real property, regardless of degree of ownership.

7.6 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.

(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 maintain 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 information as the commission may require.

7.7 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.

Section 8. Loans and Funds

8.1 Loans and Funds [Reserved]

Since a source of funding for loans has not been identified, no loans shall be made by the

CHamoru Land Trust Commission until Rules and Regulations covering the same have been adopted pursuant to the Administrative Adjudication Law.

Section 9. Successors to Lessees

9.1 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~~ CHamoru Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

(b) 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.

9.2 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~~ CHamoru Land Trust property, and the commission shall be authorized to lease said land to ~~a native Chamorro~~ an eligible beneficiary as provided in the Act.

9.3 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.

9.4 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.

(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 if its name 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

9.5 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;

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

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

(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 (2 1/2%) on the unpaid balance; provided, that where the commission has sufficient funds available and such payment does not unreasonably impair the ~~Chamorro~~ CHamoru 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.

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

Section 10. Community Pastures

10.1 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.

10.2 Records.

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

10.3 Responsibilities.

(a) The lessees shall be responsible for:

- (1) Permanently branding all animals with a registered brand of the lessee;
- (2) Worming 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.



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

John F. Reyes, Jr.
Chairman

Austin J. Duenas
Commissioner

Arlene P. Bordallo
Commissioner

Angela T. Santos
Commissioner

Vacant
Commissioner

Angela Camacho
Acting Administrative Director

Kumision Inangokkon Tano' CHamoru (CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 Ext. 815

REGULAR MEETING MOTION SUMMARY REPORT

CLTC Conference Room and via Google Meet

Suite 223, ITC Building, Tamuning, Guam

Thursday, June 17, 2021, 1:00PM

Public Notice: The *Guam Daily Post* on June 10, 2021 and June 15, 2021

I. CALL TO ORDER

1:12PM

II. ROLL CALL

Commissioner Arlene Bordallo – Present

Commissioner Angela Santos – Present

Commissioner Austin Duenas- Absent

Attorney Nicolas Toft- Present

Acting Administrative Director Angela Camacho – Present

Chairman John F. Reyes, Jr.- Present

III. APPROVAL OF MINUTES

April 29, 2021 – Motion made by Commissioner A. Bordallo to accept minutes of April 29, 2021, subject to corrections; 2nd by Commissioner A. Santos – Passed

May 20, 2021 – Motion made by Commissioner A. Santos to approve May 20, 2021, meeting minutes subject to correction; 2nd by Commissioner A. Bordallo – Passed

IV. NULL AND VOID LEASES UPDATE

As of June 16, 2021; No new cases – numbers remain the same

Total Cases - 104

17 Cases Adjudicated

87 Pending adjudication

File review breakdown

10 – applications applied correctly through Public Law 23-38 Section 5.8

14 – applications recommend reversion based on Public Law 23-38 Section 5.8

03 - cases recommending for Board approval

01 – case not under section 5.8 and should be under section 9.1 with a lease

01- case applied correctly based on section 9.1

40 – Total reviewed cases

69 - Overall reviewed cases

Rev. 5/17/2021

V. NEW BUSINESS

1. Constituent Matters
 - a. Annie C. Siguenza – Motion made by Commissioner A. Santos to move forward with the relocation process for Ms. Annie Cruz Siguenza; 2nd by Commissioner A. Bordallo – Passed
 - b. Donna Kay Santos - Table for further research, validation on utilities and easement.
 - c. Alfred Lizama Gogue Ceraos – request to table, pending official guidelines regarding switch of application type.
 - d. Aisha Diaz
 - i. Motion made by C. Santos to approve survey authorization for Tract 3734, Block 19, Lot 17, in the Municipality of Inalajan for Ms. Aisha Diaz; 2nd Commissioner A. Bordallo – Passed
 - ii. Motion made by Commissioner A. Santos to approve residential lease for Aisha Francine Mafnas Diaz for Tract 3734, Block 19, Lot 17, Inalajan; 2nd by Commissioner A. Bordallo – Passed
 - e. Jose Taitingfong Sayama - Tabled until CLTC receives a Request to Terminate CLTC application from Mr. Jose Sayama.
2. Commercial; Determination of Need
 - a. Lot 10125-R12-1, Municipality of Dededo
 - b. Lot 7117-4-1, Municipality of Yigo
 - c. Lot 17-1-1, Block F, Tract 9, Municipality of Barrigada
 - d. Lot 354-7 & Lot 354-R6-R/W, Municipality of InarajanMotion made by Commissioner A. Bordallo to proceed with the Determination of Need for Exceptional Term Contracts on Lot 10125-R12-1, Dededo; Lot 7117-4-1, Yigo; Lot 17-1-1, Block F, Tract 9, Barrigada; Lot 354-7 & Lot 354-R6-R/W, Inarajan; 2nd by Commissioner A. Santos - Passed
3. Inadahen I Lina'la I Kotturan CHamoru, Inc.
Request for CLTC to be Co-Applicant; DOI Energy Grant Application Motion made by Commissioner A. Santos to approve CLTC to be Co-applicants with the Inadahen I Lina'la Kutturan CHamoru Inc. with DOI Energy Grant Application; 2nd by Commissioner A. Bordallo – Passed
4. Joint Region Marianas
MOA between JRM and CLTC of Lot 11-1, Block D, Tract 9 – Discussion only
5. Affordable Housing - Tabled

VI. OLD BUSINESS

1. FY2020 Audit
 - a. Residential (1) – Tabled
 - b. Commercial Licenses
 - i. Johnny Cool
Motion made by Commissioner A. Santos to grant Mr. Johnny Cool a survey authorization for Lot 5149-6, Dededo for Mr. John Torres – 2nd. By Commissioner A. Bordallo
 - ii. Guam Racing Federation – Information update
2. Proposed Modification to the CLTC Rules & Regulations
 - i. Motion made by Commissioner A. Santos to accept the rules & regulations subject to corrections, 2nd. By Commissioner A. Bordallo – Passed
 - ii. Motion made by Commissioner A. Santos to proceed with the Public Hearing regarding the Rules and Regulations of the CLTC, 2nd by Commissioner A. Bordallo - Passed

VII. FINANCIAL REPORT Tabled

VIII. AGENCY'S REPORT

IX. COMMISSIONERS' COMMENTS

X. ADJOURNMENT

5:09PM

Next Meeting – Thursday, July 15, 2021, at 1:00PM

Chairman John F. Reyes, Jr.



Date:

6/23/21

Acting Administrative Director Angela Camacho



Date:

6/23/2021



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

Bill No. 229-36 (LS) was introduced on December 6, 2021, by Speaker Therese M. Terlaje, was subsequently referred by the Committee on Rules to the Committee on Health, Land, Justice, and Culture on December 10, 2021.

The Committee on Health, Land, Justice, and Culture convened a virtual public hearing on Tuesday, January 4, 2022 beginning at 8:30 AM in *I Liheslatura's* Virtual Public Hearing Platform.

Public Notice Requirements

Notices for this Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Monday, December 27, 2021 (5-Day Notice) and again on Friday, December 31, 2021 (48-Hour Notice). The notice was also published in the Guam Daily Post on Monday, December 27, 2021, and again on Saturday, January 1, 2022.

Senators Present:

Speaker Therese M. Terlaje, Committee Chairperson
Senator Sabina Flores Perez, Vice-Chairperson on Health, Land & Culture
Senator Telena Nelson, Vice-Chairperson on Justice, Majority Leader
Senator Telo T. Taitague, Committee Member
Senator Joanne M. Brown, Committee Member
Senator Christopher M. Duenas, Committee Member, Minority Leader
Senator V. Anthony Ada

Appearing Before the Committee:

John Reyes, Jr, Chairperson, CHamoru Land Trust Commission
Angela Santos, Commissioner, CHamoru Land Trust Commission
Angela Camacho, Acting Administrative Director, CHamoru Land Trust
Attorney Nicolas Toft, Office of the Attorney General, CLTC Counsel
Joey Cruz, Program Administrator, CHamoru Land Trust

VIRTUAL PUBLIC HEARING HELD ON JANUARY 4, 2022 AT 8:30 AM

Attorney James Canto, Office of the Attorney General
Attorney Mike Phillips, Attorney for CHamoru Land Trust
Pika Fejeran, Former Chairperson, CHamoru Land Trust Commission

Written Testimony Submitted:

None

II. SUMMARY OF TESTIMONY & DISCUSSION

The virtual public hearing on Bill No. 229-36 (LS) was called to order at **8:38 A.M.** BILL NO. 229-36(LS) “AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A” was the only item on the agenda.

Chairperson, Speaker Therese M. Terlaje: The agenda item for today's hearing is Bill No. 229-36 (LS) introduced by myself, Therese M. Terlaje. It's AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.

I'd like to acknowledge the presence of my colleagues and thank them for being here, beginning with our Minority Leader Senator Chris Duenas, Senator Anthony Ada, Senator Telo Taitague, and Senator Sabina Perez, my Co-chair of the Committee, thank you for being here.

Before we hear testimony on the bill, I'm going to begin with an introduction of the bill and I'm the primary sponsor so I will introduce the bill myself. I'm just going to recap how we got to this place today.

On September 29th, 2017, the United States of America filed a case against the CHamoru Land Trust Commission in the United States of America versus government of Guam, CHamoru Land Trust Commission and Administrative Director of the CHamoru Land Trust cv 17-00113 District Court of Guam. It's alleging among other things violations of the U.S. Fair Housing Act. The Office of the Attorney General and the Governor's representatives on behalf of the government of Guam, Attorney Michael Phillips and former Chairperson Pika Fejeran on behalf of the CHamoru Land Trust Commission, and Office of the Attorney General on behalf

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of the CHamoru Land Trust Director, and the United States entered into a settlement conference to attempt to resolve the lawsuit without further litigation. At the conclusion of the 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 26th, 2019, the CLTC adopted Resolution 2019-08 which found the settlement terms in the agreement to be favorable for the CHamoru Land Trust program and its beneficiaries as it preserves the program intact and would not materially affect existing lease holders, this is resolution 2019-08.

In addition, quote – *“the Commission found that the proposed modifications or amendments to the CHamoru Land Trust Act and the rules and regulations of the CHamoru Land Trust commission would more clearly demonstrate that the CHamoru land trust program is a land restoration program meant to rectify the unjust taking of CHamoru homelands by the United States federal government between 1898 and 1968, and would expand the programs eligible beneficiaries to include individuals and their descendants who owned land or who ranched farm or otherwise occupied the lands that were taken”* unquote.

On May 29, 2020 after further settlement negotiations the settlement agreement between the United States of America and the government of Guam, CHamoru Land Trust Commission and Administrative Director of the CHamoru Land Trust Commission, regarding U.S. versus government of Guam et al. cv 17-00113, was signed by the CHamoru Land Trust Commission and *I Maga'hågan Guåhan*.

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 CHamoru Land Trust Act violates the Fair Housing Act. Section C of the settlement agreement outlines the Legislative and Administrative changes to the CHamoru Land Trust Act and the Rules and Regulations for the CHamoru Land Trust Commission.

On December 1st, 2020, the 35th Guam legislature passed Bill 419-35 now P.L. 35-112 to approve the settlement terms in cv 17-00113. Section 4 of P.L. 35-112 states that the Senator Paul J. Bordallo Rules and Regulations for the CHamoru Land Trust Commission, enacted pursuant to 21 GCA Chapter 75, are hereby enacted as rules and regulations applicable to 21 GCA Chapter 75A, except where inconsistent. The CHamoru Land Trust Commission shall modify said rules and regulations as well as any sub regulatory rules, policy, practices, or guidance as necessary to be consistent with 21 GCA Chapter 75A as enacted by this Act.

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So, the proposed amendments to the rules contained in this bill before us today, Bill 229 are to comply with the changes in the statute and P.L. 35-112 which were mandated by the settlement agreement in the court case.

On June 23 of this year, the Committee on Land held an Oversight Hearing to discuss, specifically, the status of the implementation of P.L. 35-112 and swift confirmation of applicants eligibility to the program.

On November 15th, 2021, that CHamoru Land Trust Commission transmitted a markup of the proposed amendments to the Senator Paul Bordallo Rules and Regulations for CHamoru Land Trust Commission Chapter 6, Title 18 Guam Administrative Rules and Regulations to *I Liheslaturan Guåhan*. I want to thank the Commission for their work on these rules and regulations.

On Wednesday, November 24, the Compiler notified my office that the Senator Paul Bordallo rules and regulations for the CHamoru Land Trust Commission, P.L. 23-38, that's the 23rd Guam Legislature, as well as amendments passed in P.L. 24-31, were newly codified as Chapter 6 of Title 18 Guam Administrative Rules and Regulations. The markup rules and regulations provided by the CHamoru Land Trust Commission will be incorporated into the committee report for this bill as they've been adapted to reflect the recently codified rules and regulations. Well, the bill has been amended. So, our bill now reflects the recent codification of the Paul Bordallo Rules and Regulations and so that's the difference, that's kind of the change versus the draft that was sent to us from the CHamoru Land Trust Commission.

The stated purpose of these rules and regulations set forth the necessary procedures with respect to lease applications, detailed standards of eligibility to provide from methods of inspection and review, as well as a system of notice of hearing prior to lease revocation and generally to provide for certain requirements necessary to meet the goals and objectives of the beneficiary homelands.

So, Bill 229-36(LS) was introduced to adopt the amended rules and regulations to assure CHamoru Land Trust Commission compliance with P.L. 35-112 and the settlement agreement between the United States of America and the government of Guam the CHamoru Land Trust Commission and the Administrative Director of the CHamoru Land Trust Commission.

The fiscal note on our bill is still pending from BBMR. We received Legal Bureaus review and recommendations and I will summarize those. There were about five of them. The first was that the committee should determine whether these rules and regulations should be adopted

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as a new Chapter in the same manner as 21 GCA Chapter 75A was enacted separately from 21 GCA Chapter 75.

Secondly, if the intent of this bill is to pass the rules and regulations pursuant to 5 GCA 9303 C, which is the Administrative Adjudication Law. We recommend that the Committee revise this bill to incorporate the text of Exhibit A into the bill itself, as well as revise so that it is consistent with the standing rules.

Three, depending on what the Committee ultimately decides, it should further determine whether all references to 21 GC Chapter 75 should include corresponding references to 21 GC Chapter 75A.

Four, they're saying the use of CHamoru spelled with capital C capital H "is probably more accurate, it is not reflected in the settlement agreement, and it is unclear if using such a term will constitute a breach of the same. Based on the foregoing, all references in the bill to Chamorro homelands or any variation thereof should be revised to Chamorro Land Trust Property." Those were comments by our Legal and the Committee is concurrently considering those comments. We will, of course, consult with the Attorney General's Office, the council, Mr. Phillips from the CHamoru Land Trust Commission and Committee members.

So I'd like to begin with.., oh, let me first pause and recognize also the presence of Senator Joanne Brown. Thank you, again, Senator for coming. We have with us Senators Chris Duenas, Senator Tony Ada, Senator Telo Taitague, Senator Sabina Perez and Senator Joanne Brown, thank you.

So, since this bill is to comply with the settlement and the District Court case, I would like to begin by asking the attorneys what recent communications from the United States in regard to the settlement are there, have there been any further discussions after the settlement after we passed P.L. 35-112, if you could give us an update on that litigation. We have with us Deputy Attorney General James Canto, who represents the Attorney General's office, who represented the government of Guam and the Director of the CHamoru Land Trust Commission. We also have with us Attorney Mike Phillips, who represented the CHamoru Land Trust Commission and who was at that time represented by the Chairperson, Pika Fejeran, as well. So, if you attorneys could help us out here to give us an update on the litigation, Attorney Canto, Deputy AG.

Attorney James Canto, Office of the Attorney General: Morning, Madam Speaker, thank you. To answer your question, we have been in communication with the attorneys at the Department of Justice, who have been monitoring our progress in implementing the

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conditions of the settlement agreement, including the amendment of the Act, initially, and the development of these rules and regulations as they've gone along. In working with them at the level of the Commission up to even informing them of today's public hearing, they have been very hopeful to see that there are the development of the rules and regulations because they are integral to the settlement agreement almost as much as the amendment of the act itself was. So, they are fully informed. They have not given any comments to the bill as it is presently established because well, for whatever reason, they haven't had any comment and that's probably a good thing and just to answer the question though is to say that we've been in communication, and they've been monitoring, and I think we're all hopeful to see that these rules come to fruition.

Chairperson, Speaker Therese M. Terlaje: Thank you, Mr. Canto. Did they have any input on the draft rules and regulations or the markup rules and regulations that the Commission prepared and sent to the legislature?

Attorney James Canto, Office of the Attorney General: They had no significant comments to earlier versions. Unfortunately, when the announcement for this public hearing came out and I transmitted to them the latest version, I received auto-reply messages that all of the department of justice attorneys on this case were off for the holidays and would be returning January 3rd, which would be today in the states. I, however, do not anticipate any comments forthcoming from them, certainly none that would affect the progress of the bill as it is. The comments that they made to earlier versions were just to make sure that essentially, that it complies with the terms of the agreement and is reconciled with the amended act itself. I personally do not anticipate any concerns expressed by the DOJ, much less, any kind of pushback. I think we're all just hopeful to see this actually get to this point and get past.

Chairperson, Speaker Therese M. Terlaje: Alright. I appreciate that and if I could get copies of any comments that they've made on those markup versions, just to ensure I want to have some confidence in what we are doing. Yeah. They've generally had no objection to, I know, I won't put words in their mouth, but I just would like to see if they've some kind of evidence that they've received it and that was their comment, if any. Alright, is there anything else anyone would like to add to that in regards to communication with the United States Government on the case? Alright.

Attorney James Canto, Office of the Attorney General: Not for myself Madam Speaker, Thank you.

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Chairperson, Speaker Therese M. Terlaje: I'd like to begin with the CHamoru Land Trust Commission. Chairperson, Mr. John Reyes, did you have testimony that you would like to present.

John Reyes, Chairperson, CHamoru Land Trust Commission: Hi, good morning, Madam Speaker and all the other senators who are present today. No, I don't have formal testimony. I'm just here to support, as well with our other commissioners, and looking forward to getting the last pieces of the settlement enacted as we continue to work through our application lists and managing these leases. So, thank you.

Chairperson, Speaker Therese M. Terlaje: Alright, thank you. So, do you believe that the bill before you adequately represents necessary changes to the rules required by the settlement?

John Reyes, Chairperson, CHamoru Land Trust Commission: Yes, ma'am, yes Madam Speaker.

Chairperson, Speaker Therese M. Terlaje: Alright and if I could ask Attorney Phillips. Attorney for the CHamoru Land Trust Commission during this litigation, what are your, if you have any testimony on this bill or in regard to the sufficiency of these changes to the rules and regulations to comply with the settlement?

Attorney Mike Phillips, Attorney for CLTC: Yes, Madam Speaker, I have some comments and maybe a little bit of a contribution. I really, first of all, wanted to thank all the Senators for attending this hearing. Hi everybody. It's nice to see all of you and thank you for this invitation.

Just a couple of additions and some of them are historic and others, maybe one or two, just minor suggestions for changes. Number one, Madam Speaker, is that I've heard you give the history and I always enjoyed listening to history, but in particular about this case and one of the things that everybody should be reminded of, I think everybody's heard, but sometimes we forget, is we actually prevailed in the summary judgment stage. If we had not prevailed, the United States would not be all nice and friendly like they are today and they accept that. They accepted what happened and I can add that you were there and you saw the shock on, I'm sure everybody's face, but definitely on the United States when the judge came out and said no, absolutely not, that you can't have me rule as a matter of law that this Act, this was the former Act is unconstitutional on its face. She said absolutely not, that she cannot do that. And as the litigation continued it became clear, I think, quickly, that the idea of a land restoration, which we had suggested and the judge had expanded, I'm not going to say she adopted what we said, she actually expanded it and it was very articulate. From that point on,

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in my opinion, there was just no way that Guam was going to lose because when you look at it like that, that's exactly what we've been doing. And you can, or not you, but others may have made allegations and quite frankly misunderstandings, as one of the attorneys told me after the hearing, not knowing that, that's not an excuse. But you know, the fact is that's the truth and I think those attorneys even on the other side, they're responsible for really understanding what's going on. So that's one suggestion I would have as part of the record, the AG's office and the small contribution we made at that time really made a difference and I'm glad you were there so you know I'm not exaggerating. It was very favorable to the Act and to Guam.

The second thing I would add, and I don't remember it being in the term sheet, but I believe it's the intent and it would be an awkward situation, Madam Speaker, if somebody came to the Commission and said, you know I was working here and it's probably one of the few businesses on Guam and it was, you know, use a nice word, confiscated, and that person is told by the Commission well the word "worked" is not exactly here in that sense. That was intended and we had discussed it, and we discussed it early on and it was minor. And so for that reason, I don't think it fell into a certain category. And along with that, Madam Speaker, I'd like to add that the intent here was to expand. It was to be more inclusive. It wasn't to shrink. It wasn't to narrow, it was the complete opposite. And so, without doubt it expanded just the number of individuals that qualify, greatly. And back then, we went through the list of all those that now would qualify that didn't before, and I don't think it's necessary that I repeat it. I may not even remember everybody, but there are a number of categories that were not allowed before, that legitimately were no different than those that qualified.

So, now I believe it's expanded to a point where depending on who's interpreting it, can either be inclusive or very exclusive. If you don't find your name on a word, it's like sorry, it's not there. That was never the intent. And I'm sure you know, like I do, I've heard people come to me thinking that I have some kind of authority, that I can make suggestions or changes, and obviously I can't. But I know for a fact that the intent was not to put it on the onus of the beneficiary to track that he or she owned land or he or she's grandfather worked here or there. That was never the intent and so that is something that you might want to look at in the rules to help the Commission, because as time goes by and chairmen change, and members change, and staff change, they're left with a document that they feel, *'Hey, you know, they watch the court proceedings, you better not screw up, you better only do this.'* That was never the intent at all. I know for a fact, right now we have people that go to MARC, they go to the libraries, they actually go on Sumay, trying to find a way to show the Commission that they qualify, and I tell them, that's not the intent. In fact, it's the opposite. The moment you are able to show or share that your dad or your mom or your grandfather came from Sumay, you automatically qualify,, because they took all of Sumay. That's the way it's supposed to be.

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Now, if someone says, or what I should say, Speaker, it's unfair for me to say, for example, the Chair or the Commission are not doing their job. They've gotta be spooked. They've got all these acres of land there. Like I just can't hand it there because of the fact that somebody says that. I know that 'cause I was in the case, anybody who followed the case should know it too. But the new members of the Commission and the staff and all that, I think if you don't make it clear in the rules and regulations we, in essence, don't give them the license to do what everybody assumed and interpreted was going to be done. It's really intended that way. It's not intended to have everybody take a history lesson or do the whole genealogy thing or anything like that. There will be some cases like that where people over time are still unaware of a situation. ut you know, when you say Manenggon or you say this or that, we already know and that's a similar situation here. There are many areas on Guam that the Commission by now should know. And I'm not going to go through them. I'll use Sumay as the example, but once you say Sumay, it's over. You just welcome them in and you move to the next step. That's one suggestion that's kind of combined with the interpretation being for the record, if you "worked". So "worked on", "worked", it really was not intended to not include people that, for example, were working at a store for the requisite amount of time and then that ended because the United States took that property. That's really the same. So, whether they were living there or that definition, the ranch, the farm and all that, I believe that it includes that. So I just want to make sure that's part of the record.

Secondly or third, Madam Speaker, I don't believe that changing the spelling in any way can be interpreted as a breach. I mean, they can change their name. You know, they tell us one day they will no longer call us the United States of America, call us this, it's insignificant. You know, I have no reason to believe anybody's being disingenuous, and there's no trick here. If that's the spelling, yeah, that's harmless. I don't think that's of any serious consequence. In fact, at that time, I think our CHamoru spelling was already CH. It wasn't CHamoru, but I believe it was already CH. I don't remember that being of any consequence. I know what was important to them and that wasn't it.

Last, but not least, and I'll just mention, I know it's not part of the rules, but along with the expectation, Madam Speaker, at a time limit, you mentioned earlier, or somebody did. I think maybe I was just listening to the radio beforehand and somebody mentioned the fact that rules and regs were with the Legislature and there's kind of a law that says, if there's no action then they go into force. Well, that's good for the Legislature. I think people have accepted that it may have a downside but overall, it's positive. The same thing really has to happen with the CHamoru Land Trust because, you know, they had that burst of activity and we didn't see any before, maybe since '95, and I haven't seen any after. And so, the first thing they're going to say, rightfully so, is where's the money. And so, between money and a time limit, there has to be a happy balance because I know they're going to say, but we don't have the money. But

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at the same time, we just can't keep going and meeting like this every year and the land is not being distributed. So there really needs to be a time limit that there's that expectation.

Madam Speaker, as an attorney, they do that in court now. They give the trial judges an actual time limit to resolve cases. And you're always able to work through in case you don't. But guidelines like that, I think will help the Commission because the Act has been here since '75 and the participants have changed, you know, all the way through, and even the so-called new commission with the Chairperson Tydingco, and then Barcinas, etcetera, etcetera.hey're always going but the Act really, really doesn't. And that's what I'm hoping we can pass on to the current Commission and their staff, is a set of guidelines that empowers rather than restricts them and expands the eligibility, as was intended, rather than appearing to restrict. And while the language doesn't appear to restrict, Madam Chair, when members of the Commission or the staff believe that you have to go and prove your heritage, that's not it at all. That's where the bank, if anywhere now, the Commission should really be the place where, because it's most relevant, where if you want to know your ancestry, go there. There's no reason that they shouldn't have that information. It shouldn't be left to an applicant that apparently many believe that it's left to them. They have letters, they have directions and that's inconsistent with the settlement. That's another way of depriving people of their entitlement.

And while it's not directly on point with what's being considered today, I would just say that I think that the changes are in line with the law, from what I've seen. The one area that I probably overlooked but I couldn't find, the one area that expanded the ability to have the land maintained after the decedent who's the eligible beneficiary passes away, and there's some restrictions regarding the marriage and things like that. I guess I missed that part. And so, I just wanted to mention that because I didn't see it. So, I don't want to represent that I'm okay with it when I haven't seen it. But if you let me know where it is or the staff let me know, I'll look at it. I doubt there's any problem as we went over this with the law and it was fine. And I think that's all I've seen, Madam Speaker, based on what I've heard. I just wanted to add a couple of those points. Thank you.

Chairperson, Speaker Therese M. Terlaje: Thank you very much, Attorney Phillips. I'd like to recognize, before we go any further, the presence of Senator Telena Nelson. So, we have with us Senators Chris Duenas, Tony Ada, Senator Telo Taitague, Senator Sabina Perez, Senator Joanne Brown, and Senator Telena Nelson. And we also have with us the Chairperson of the Commission, Mr. John Reyes, who testified. And we also have other commissioners. I saw Angela Santos, another commissioner. Thank you for being here and we have the former Chairperson, Pika Fejeran. Thank you for being here, as well. Commissioner Santos, would you like to add testimony on behalf of the commission?

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Angela Santos, Commissioner, CLTC: I'm good, Madam Speaker. Thank you.

Chairperson, Speaker Therese M. Terlaje: Thank you. So, the other parties' settlements as we discussed were the Attorney General's Office on behalf of the government of Guam and the Director of the Trust. And we have the Director of the Trust here today. The Acting Director is Angela Camacho. So, Ms. Camacho, did you have testimony that you wanted to provide today?

Angela Camacho, Acting Director, CLTC: Speaker, I'd just like to thank you for your support in helping us with this bill so that we can meet this requirement by the settlement agreement. Pretty much, that's it.

Chairperson, Speaker Therese M. Terlaje: Alright. Thank you. And I know you have staff with us, Mr. Joey Leon Guerrero. I'm sorry. Joey Cruz, Program Coordinator CHamoru Land Trust Commission, instrumental in everything that we do, right Joey.?Anyways, thank you for being here, as well. Thank you, both of you, for your work on this. I think Attorney Toft who represents the Commission currently in its regular work is also here today. Thank you, Attorney Toft from the Attorney General's Office for also being here and your work on these rules.

So again, if I can just clarify Attorney Canto, do you feel that the proposed rules adequately address, well, you said that they've adequately addressed a settlement agreement. think they reflect adequately on the provisions regarding transfer after a lessee dies.

Attorney Nicolas Toft, OAG, Legal Counsel for the CLTC: If I can chime in, Nicolas Toft CLTC here.

Chairperson, Speaker Therese M. Terlaje: Sure, Attorney Toft.

Attorney Nicolas Toft, OAG, Legal Counsel for the CLTC: To address Attorney Phillip's concerns, a lot of that was contained in the bill. Sorry, yeah, Bill No. 419-35 that enacted the Chapter 75A of the Title 21 Code Annotated. So those were not included in this current set of proposed changes to the rules and regulations because they were already covered.

Chairperson, Speaker Therese M. Terlaje: Okay. So, alright and without those being echoed or mirrored in the rules, you think that's sufficient? That's enough?

Attorney Nicolas Toft, OAG, Legal Counsel for the CLTC: I do, yes.

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Chairperson, Speaker Therese M. Terlaje: Alright, Attorney Canto, do you agree with that?

Attorney James Canto, Office of the Attorney General: I do concur, Madam Speaker.

Chairperson, Speaker Therese M. Terlaje: Alright, Attorney Phillips, would you say that that was adequate then? That the transfer requirements and who's eligible for transfer of these properties when a lessee dies is very clearly spelled out in the existing law, and I guess that would govern,? Mr. Phillips?

Attorney Mike Phillips, Attorney for CLTC: Just based on my experience Madam Speaker, no. Every time I've worked with agencies, it's their operation. So, you know, you have your enabling legislation and then you have your personnel rules, right? And so generally the personnel rules are thick, right. I mean, half of you there have managed, or maybe more, managed departments and everybody's familiar with what I'm saying. But I'm not giving a legal opinion on that. I'm really just giving based on my experience. You cover everything. And oftentimes, the interpretations of the rules, right? We're all kind of familiar with that, with the Chevron issue where departments and agencies are entitled to interpret or give definitions. For example, towards, if that department or agency has a particular expertise in that area. And so in this case I think people are, for example, if you don't mention that and you leave it to the applicant to find it in the law, that really puts both the staff in an awkward position and the applicant.

So, I would always think of it as a, or suggest respectfully, that we think of it as a flow chart for an applicant, on how they find this or that. Most provisions of law when you hand it to an agency, they develop their operating procedures, their rules and regulations, etcetera, etcetera. So, I would suggest that to the extent that the Commission and the Legislature can, that you'd go ahead, and especially when it's consistent, you go ahead and repeat it and give the staff at the Commission permission in essence, and guidance because otherwise both they and the applicants are going to go back to the law. Yeah. So, I don't think it's absolutely necessary, but I think from a practical standpoint it would be more complete.

Chairperson, Speaker Therese M. Terlaje: Alright. Thank you. Can the attorneys here please testify as to whether you think this needs to be a separate chapter, separate from the original rules and regulations or the same as we had done, a separate Chapter 75 A, to deal with new leases going forward, and not to impact those prior leases. Do you feel that these rules should do the same? Should these rules only impact those new rules pursuant to Chapter 75, I mean, those new leases pursuant to Chapter 75 A. Or, should these Paul Bordallo Rules and Regulations be amended to impact even the prior leases? Attorney Canto, if I could begin with you.

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Attorney James Canto, Office of the Attorney General: Thank you, Madam Speaker. I don't know that the placement in a particular chapter or categorization will affect the legal effect of the language. In terms of your question, however, about whether it should affect leases prior to the effective date of the settlement agreement, that's something I would have to think about. Just because there are circumstances that arise regarding whether lease applications that were submitted prior to the change in the law are approved by the Commission after the effective date of the agreement. And I think it's important to note that it's the act of approving a lease application that actually invokes the settlement agreement. So that may actually be fruitful to do, to have it applied to prior leases in terms of the effect of the rules and regulations. That's something I want to look into and communicate to your office in the very near future once I have a concrete result, if that's alright.

Chairperson, Speaker Therese M. Terlaje: Okay, good. I would appreciate input from everyone regarding that. We did send that concern to the CHamoru Land Trust Commission Acting Director so that we could, that seems a technical issue that I really want resolved. The bill that was passed, so the current public law enacted a new chapter so that it would not affect existing leases, and it was only to affect new leases going forward, and that was set to be consistent with the settlement. So, we want to know the effect of these rules as well or who these should affect. Would anyone like to comment on that before I move to the next issue?

Attorney Mike Phillips, Attorney for CLTC: Madam Speaker, I would.

Chairperson, Speaker Therese M. Terlaje: Yes, sure Mr. Phillips.

Attorney Mike Phillips, Attorney for CLTC: Yes, you know, the way it was handled in the law I think is similar here with regard to the fact that we're very clear it does not apply. The requirements going forward do not apply retroactively. At the same time, the Legislature is always free to get commissioners to adopt rules for its general operations. So, someone comes along and says, well you didn't have to do that, we did it anyway. I think the Legislature and you can have the input of all the parties there. It needs to be made clear for the record whether you're doing that because you made it very clear and did a good job of ensuring that, with regard to the law, that for those that are already taken care of, so to speak, it does not apply.

And if the Legislature intends to do the same here, there might be some provisions that you have in here that are not necessarily required by the settlement. I haven't seen any, but for the most part, this is a settlement agreement kind of action. And so, if you're gonna limit that, I would state it and make it clear because again, we're not talking about Chairman Reyes or anybody like. We're talking about the next year, and the next year and the next staff member. And we want to give them guidance so nobody says, I don't know what to do so I can't do

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anything. And that's a very scary position to be in as a government employee officer. They need the authority to act. So, I would suggest you just make that clear, Madam Speaker. But I would suggest that there's no need to do anything more than what was done in the law with regard to the rules and regulations as required. But the Legislature, of course, is free to change rules, as is the commission. And so as long as we just make it clear that this is not done as a requirement of the settlement, that this is just what we've decided, then I don't think there can be any opposition to that.

Chairperson, Speaker Therese M. Terlaje: Attorney Toft, did you want to give separate testimony on the bill or anyone else on behalf of the CHamoru Land Trust Commission, that they want to offer testimony?

Attorney Nicolas Toft, OAG, Legal Counsel for the CLTC: No, I think I'll do the same thing as Attorney Canto did and make my comments in an email later after I do research on that same issue.

Chairperson, Speaker Therese M. Terlaje: Alright, thank you. So, on the bill, we do also have the former chairperson, Pika Fejeran to testify, Ms. Fejeran please proceed.

Pika Fejeran, Former Chairperson, CLTC: Good morning, everybody. Thank you, Speaker, for extending the invitation to join this public hearing. It is really nice to be on here and see all of you, especially all members in the Commission that are there now, the new Acting Director, all you beautiful Senators. Thank you, guys, for having me. You know, this bill is the necessary step to get these Paul Bordallo Rules in line with the settlement agreement. It's basically just changes in the language, pretty simple, straightforward. But then it also more clearly defines the purpose of the CHamoru Land Trust, which is to return land to those whose land was taken regardless of race, color, or national origin. So, then it also expands eligibility. Back in, I think it was 2019, when I was still on the Commission and I was working with Attorney Phillips, Attorney Toft, Attorney Canto, and we were sitting in there, working out these details, I still strongly believe that the settlement was a win for the CHamoru Land Trust Commission. It was a win for our people. And I'm really happy to see that the new Commission has worked really hard to ensure that the CHamoru Land Trust is following the settlement agreement so that, you know, we can finally one day put the lawsuit behind us and move forward and really work hard, and focus on getting land to the families that really need the land.

Regarding the effect of these changes on existing leases, if I can just comment on that. I echo Attorney Phillips' statement. In the settlement agreement, it was very clear that the changes were not to be retroactive. They were only for new leases moving forward so it would be more

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clearly defined in the laws. I'm not sure. I definitely defer to the Attorney Generals to give that guidance, but that's my understanding. It's supposed to be not retroactive. It's supposed to be moving forward, sorry. I fully support this bill with that consideration kind of relooked at. Thank you. Thank you, Speaker Terlaje. I appreciate all the work you've done and continue to do for the CHamoru Land Trust.

Chairperson, Speaker Therese M. Terlaje: Thank you very much. I also am grateful for your work. I think we're here today because of your participation in those settlement agreements, and the recognition of this as a restoration program is a huge win for Guam, Si Yu'os Ma'åse'. Of course, thank you to the Commission for your continued work. I'm going to open it up for the other senators now. But before I do, if I could just get an update, maybe from the Commission itself, as to how are you treating applicants now. We have had a waiting list since 1995 and we had an oversight hearing to see how we were determining eligibility because we had received many calls at that time with people being told that they were no longer eligible, or they had to prove that they were eligible. And so, we tried to ensure that there were some tools available to the Commission itself, so that they would be able to make that determination quickly. We discussed Sumay in particular, at the time, as being one of those areas that is very obvious. If someone mentions they were from Sumay, their family were from Sumay, we would hope that the commissioners had a general knowledge of that and would be able to act swiftly on those things and there are no questions. But if we could just get an update as to how we are moving forward on our existing waiting list since 1995, how we're moving forward with new leases under the new statute and in particular, the eligibility. Are we insisting that applicants go and verify their own eligibility or are we taking it at the commission level and able to do that based on the knowledge we have of Guam's history? Maybe I'll ask the Director or the Chairperson. Chair, Mr. Reyes.

John Reyes, Chairperson, CHamoru Land Trust Commission: Thank you, Madam Speaker, I'm going to pass it over to Angie or Joey since they have been really working with our land agents to ensure that you know, the legwork is done by the land agents and the commission. So I'll pass it over to Angie. She's been the integral part as well with Joey to make sure that is the case.

Chairperson, Speaker Therese M. Terlaje: Alright, thank you Chairman Reyes. So, Director Camacho.

Angela Camacho, Acting Director, CLTC: Sure. Thank you, Speaker. So, since our oversight hearing, we coordinated a training between Guam Ancestral Lands Commission and a couple of our staff so that they're more knowledgeable on the research. We do ask applicants if they could just assist us with providing names of their parents, their grandparents and we basically

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do as much as we can to find the connection between the person whose land was taken or farmed. As much as possible we really try to show it through documentation, but there is that attestation where they could just say that this is where their family lived, and this is who lived there. But it's kind of a good exercise as well and it's creating conversations within families, I noticed, where there's this discussion about who their great-grandparents are and things like that. And we're not trying to make it difficult, but we are making sure that when the Attorney General's office calls our office, we're able to provide some type of documentation to show that we are following the settlement agreement. And then I will also ask Joey to add to this discussion if you don't mind.

Chairperson, Speaker Therese M. Terlaje: Mr. Cruz.

Joey Cruz, Program Coordinator, CLTC: Good morning, Madam Speaker, Senators. In addition to what Ms. Camacho had mentioned, we were also working with the MARC library to try to obtain information they have from the census and all that other great stuff, to try to create a database internally and also to incorporate information from the Guam Ancestral Lands Commission. Just recently the board had passed our strategic plan and within our strategic plan, we're creating Standard Operating Procedures that would also address or cover some of the concerns mentioned by Attorney Phillips, where we have a standard process where whether the board changes or employees changes, the process won't change.

Chairperson, Speaker Therese M. Terlaje: Thank you, Mr. Cruz, I appreciate your work and the consistency we're trying to go for here. I'm hoping that none of those results in a delay. I agree with Director Camacho that the affidavits, according to the law, we're supposed to be sufficient and the guiding document. But alright, I'm going to open that now for questions or comments by senators. I'll call them in the order that they appeared. Senator Duenas.

Senator Christopher M. Duenas: *Si Yu'os Ma'åse'*, Madam Speaker. *Håfa Adai* to everyone and what a great way to start our new year. Happy New Year to everyone. Speaker, I just want to start by recognizing your leadership on this issue and I am in full support of Bill 229 as it moves through the process. I'd like to thank everyone, you know, for this, what I consider a watershed moment and a landmark case really for Guam on this settlement agreement going forward, and all the work that was put into it. I know that this sets out the rules and regulations so that we have, you know, the operational structure going forward as per the settlement agreement. And you know, as Joey mentioned, and the Director mentioned and that the Chairpersons had mentioned, that you know, the operations are going to be something we're going to continue to work with you on going forward.

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Attorney Phillips put it right. I mean, we gotta get moving and we've got to start issuing land and having the resources to develop the properties properly. But today is about the rules and regulations and about the settlement agreement, and I guess my only comment would be listening to Attorney Canto to basically incorporate whatever or at least review whatever possible responses will come from the federal side in terms of the agreement. But I think Attorney Canto put it well, so far, so good, in terms of no news is good news and hopefully that continues. But as we move forward, Madam Speaker, you know, that would be my only review of course, to make sure that we continue to operate in the spirit and in what was laid out for the agreement. But I think we're well on track going forward with that.

Pika, I would be remiss if I didn't recognize you. I know you do your Pika's best, and you have your interpretation of what your best accomplishments are, or were or are going to be in life. But, I contend that this is one of your best accomplishments, if not the best. So, I thank you for your efforts and your work.

So, Madam Speaker, I just wanted to continue to watch the development as we go forward and finally hear this on the floor. But to date it sounds like everything is in place and moving forward and I want to just congratulate everyone on that.

I guess I did have one question for maybe Attorney Toft. In your review of the meetings and the continuing evolution of the process, do you feel as though the current statute and operations of CLTC are moving forward? And of course this will be maybe the final combination of the complement on the process of the operations of CLTC reviewing cases and administering distribution.

Attorney Nicolas Toft, OAG, Legal Counsel for the CLTC: I feel like this is a necessary step as far as getting CLTC's feet under it and moving forward to the future. I do feel like there are potentially other changes to the rules that CLTC could use to really kind of speed things along, and we are in the process of moving on that as well. If you've watched any of our meetings, we are discussing certain other changes to the rules that don't have anything to do with the federal suit but that we think would improve the efficiency of what's going on with CLTC, and really allow us to take bigger strides ahead. But I think we should keep those things separate from this just for clarity's sake, moving forward and also just to get this part of it done and behind us at this time.

Senator Christopher M. Duenas: I agree, and I thank you for that because I think the Speaker has basically put it forward eloquently as well that, you know, the day-to-day operations in the business need to continue. But you're right. I think that for all of us, there's going to be a certain comfort level to knowing that we're operating under the structure of the settlement

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agreement and you're right in terms of, Joey, I want to thank you for, and Angela, you know, and Angie, the last oversight hearing. That's a good update today that you've operated under what we've asked you to do in the last oversight, to make sure that you're flushing out really all of the operational issues going forward so that we can, you know, basically get into a flow of where we really are clear on these rules, regulations and issuances so that we can carry it out and really, you know, finally realize the true intent.

So, I want to just thank everybody for their work and Madam Speaker, maybe at the conclusion of this issue, you know, this bill passage, and when it finally does then I'm sure you will do this, but I'd like to regroup once again with CLTC and kind of maybe, maybe do a hearing at their place and basically kind of get a feel for the operational functioning and everything else now that we can be assured that we're really *la'la* moment, *mo'na*, as they say, we're moving forward. So that's all the comments that I have for now. Like I said, please, Deputy Attorney General, I'm sure you will, Canto, just keep us abreast of any updates so that we can get that information quickly and move on anything we may need to address. But hopefully, you know, we've pretty much got it covered. And of course on the floor, we'll see what the final iteration will be. *Si Yu'os Ma'åse*, Madam Speaker, for the opportunity to just make a few comments on this. And once again, thank you, Pika, and thank you, John, Mr. Reyes, for your continued work going forward. You've always been responsive to us, and I appreciate that.

Chairperson, Speaker Therese M. Terlaje: Thank you very much, Senator Duenas, Minority Leader. I now recognize Senator Tony Ada.

Senator V. Anthony Ada: Thank you, Madam Chair, and to everyone on the Zoom meeting here. Thank you to the Commission and to the attorneys for all the hard work that's placed into the rules here. You know, I tend to agree with the Attorney Mike Phillips on the lineal transfer provision on whether we incorporate it into the rules and probably perhaps other things that I might've missed going through it. Maybe if Attorney Toft or the Chairman can answer the questions that I may have here. How do we address the current waiting list and the existing leases for those now who do not qualify under the new law?

Attorney James Canto, Office of the Attorney General: Madam Speaker, I can answer that if you'd like.

Chairperson, Speaker Therese M. Terlaje: Attorney Canto, please.

Attorney James Canto, Office of the Attorney General: And this has come up in discussion just a few minutes ago. But there is, just to be clear, no retroactive effect in terms of the way

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the law has been amended, as it would potentially impact leases that were approved and issued before the date of the settlement agreement, June 4th, 2020. So, Senator Ada, to answer your question for those existing leases, there is no effect. They are unchanged.

Senator V. Anthony Ada: Okay and how about the current waiting lists for those individuals that are on an occurring waiting list that do not qualify under the new law? What happens to them?

Attorney James Canto, Office of the Attorney General: Well, the way that the law has restructured the program, to be more true to its nature as a land restoration program, if they are not, if applicants who are in line, because like I said the demarcation for purposes of the settlement agreement is when a lease is approved for issuance by the Commission. So, those applicants who have applied and are in a waiting line, but have not had a lease approved and issued to them, they would have to fall under the new requirements, which hopefully, as has been said, can be accomplished by virtue of the oral history of their family being able to attest if necessary because of a lack of documentary evidence. One thing that was acknowledged and the DOJ had to be educated about is the fact that there are no significant paper trails necessarily for all families who were displaced and therefore that's why the self-attestation aspect is there, And hopefully that oral history exists within their family to be able to say, yes, we came from this area or I'm going to send it to someone who actually occupied or ranched that land. So hopefully those will be, they will be qualified in that respect. For those who don't have that history, then no, they would not be eligible even if they're in the waiting line now because they do not have a lease that's already approved for the date of the settlement.

Senator V. Anthony Ada: Okay, I see, thank you. Yeah, and you know, like I said, I'd like to thank all those that worked hard on this and hopefully we'll be able to get this through and get these provisions passed and continue on with issuing out leases to our people. Thank you, Madam Chair, for giving me the opportunity and I appreciate it.

Chairperson, Speaker Therese M. Terlaje: *Si Yu'os Ma'åse'* Senator Ada. Senator Taitague.

Senator Telo T. Taitague: *Si Yu'os Ma'åse'*, Madam Chair, I mean Madam Speaker, well Speaker and Chair, and thank you everyone for being here today. You know, Pika, it's always a pleasure to see you here and the work that you've done is continuing on. And I'd like to thank, also, Angie Camacho for seeing through to that, especially the resolution which I have a question regarding the resolution that was signed on December 26th, 2019 by Pika, then the Chairwoman and the Director signed on it. With regards to number three it mentions that the CHamoru Land Trust resolution mandates training for the CHamoru Land Trust leadership

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and staff. So what type of training has been conducted to date, and has there been any requirements to meet the continuing training? So, Angie, can you answer that please?

Angela Camacho, Acting Director, CLTC: Sure, thank you, Senator. So as part of the requirement of the settlement, all of our staff has completed the Fair Housing Training. So, that is the start. So we will continue, as we hire additional staff that would be a requirement.

Senator Telo T. Taitague: Okay and also, you know, I think there's something also mandating the ethics classes with you guys, and I hope it follows through. It's very important, you know, we don't want to see what happened several years ago with people jumping the line and there were issues of certain circumstances where people who were in leadership positions had family members going to the front of the line and we want to make sure that doesn't happen. I think that you know, some of this stuff in this resolution is going to be very helpful moving forward. And again, I thank you Pika for having that insight and those who are sitting on the board at the time. And I'd like to thank you, too, Mr. Reyes, for your leadership as well as the Chairman in seeing this through. This is the second piece of the puzzle. You know Guam Code Annotated was solidified and now going to the GARR. Though I think there might be a couple of changes maybe to this Legislation and to incorporate some of the concerns. So, I look forward to that, Madam Chair and keeping abreast to what's going on.

Any kind of emails being sent from the Attorney General's Office are greatly appreciated. I know that attorney Toft is providing a testimony later on. I'd like to review that, as well. But to the current CHamoru Land Trust board members, *Si Yu'os Ma'åse'*. Thank you so much. And, of course, Joey, I would be remiss, I have to say thank you very much for all your hard work. I know it's very difficult, you know, what you're doing, as well. I know Angie, you're short staffed, and hopefully we can look into that and provide some support to the CHamoru Land Trust. But thank you everyone. It's a win-win according to Pika. Feels like it was a win-win. According to Attorney Canto, good to see you as always, this was a win for Guam. So, let's make sure that win is not in any way damaged at all moving forward.

So, *Si Yu'os Ma'åse'*, Angela, and *Dangkulo na Si Yu'os ma'åse'*. Thank you, Madam Chair.

Chairperson, Speaker Therese M. Terlaje: Thank you, Senator Taitague. As to the funding for staff I just want to note here, if I could take this opportunity, that we did try to squeeze in a little bit more money, thanks to the Appropriations Chair and the work of the Commission, for additional positions this year. I told him, give them the money this year. They will show us what they can do with this money and we will get results. So, I put my neck on the line there promising that we are going to get some results as far as these applications, planning as to which subdivisions are going to be made, and we are very much hoping though that ARP

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funding is going to be used for infrastructure for the CHamoru Land Trust. You know we passed the submerged lease bill that would give some additional revenues for infrastructure, but we need massive amounts of infrastructure to be brought to these properties and the surrounding properties to increase housing and businesses in the area. So, I'm still hoping to see some ARP funding allocated for those purposes, as well. Senator Perez you're recognized.

Senator Sabina F. Perez: *Si Yu'os ma'åse'*, Madam Speaker, and for seeing this through, and the line of questioning, I really appreciate the dialogue that has transpired thus far. You know, Pika, I do remember in the last term, meeting with me and this is potentially one of the stumbling blocks in order to get the lands you disbursed to our people. So, you know, thank you, too, for all your persistence in all this, and thank you to everyone here that has played a role to get to this point. I see that this bill is an important bill in regards to complying with the settlement agreement and if any way we can improve it, you know, I think I appreciate some of the recommendations by Attorney Phillips. And maybe I can ask this question, the question was asked or if this was sufficient, but I think maybe perhaps in the SOP, I think this is where it would require, you know, greater, I guess, streamlining of it, as well as clarity. I think clarity is so important when implementing these laws and regulations. And so I think that anything that we can do to improve that process, whether it's the database, the internal database that would assist with applicants and showing that they have the right to land restoration, I think that would be very helpful. The other thing, I guess, is time limits. Maybe Attorney Phillips, if you can provide some input as to what you see, or what do you recommend as far as time limits in implementing this?

Attorney Mike Phillips, Attorney for CLTC: So, I think, Senator, if you look at the generations that have passed starting from the top, let's say '75, some people consider 10, 15 years a generation, let's say it's 20. So, you've had a few generations already pass. But what has happened to our island is not just about numbers, I would say. Who knows, right? But a large percentage of the beneficiaries have left the island and you know, you can blame them, or they can look back and say, that was supposed to be in operation since '75. The answer is yes, it was. So, that was supposed to be working since 1995. Again, yes, it was. So that's supposed to be happening today. Yes, it was. But we didn't. Right? Tough luck, stand in line. I would ask them, because I think that it's one thing for someone to say I'm 18 and I'm getting married, and can you hurry? Or it's another thing for a grandmother to say, you know, I was actually 20 when you guys started to talk about that, and I told my grandkids don't even try. And when you look at those examples, because they're all true-life examples. I think it gives guidelines that I would suggest are not very different from the Superior Court where they've got six months and you are allowed to provide exceptions when those exceptions come.

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But generally, I think someone in a situation like this, you may not be familiar with this, but there came a time at Land Management, I don't know what it is today, when attorneys needed a certificate of title for land in order to be used. For example, as security when our clients need an alternative to bail. And there was a time with Land Management, I don't know what it is today, where it would take over a year. And somebody in the legislature passed a law that gave them 24 hours and, you know, I've never had a problem. I've never had a problem. Land Management's able to do it. Now, I don't ask them very often but the times I do, they're able to comply with the law and I'll tell you what the difference is, not the individuals, it's the law. The law says do it. The judges, I'm not going to say they apologize, but they let us know, hey, those are the rules. When we say, your honor, you've got to be kidding and I don't really say it like that, but you know what I mean. They look at us and say those are the rules and everybody just, you know, adapts to those rules. So, I think at first, it'd be rough for the Commission because it's like, hey, you know, you're kind of changing the rules in the middle of the game, and now we have this. But on the other hand, short of GMH, that's gotta be the most critical area or one of the most critical areas that we've just got to get going. You know, I'm not pointing fingers at anybody. I'm just saying that we haven't, right? We haven't since 1975. So, we've got to do it now and no more excuses. I mean, you know, I would add one general provision I think everybody really needs to understand. There was nothing wrong with the Act. It's just that the Guam Legislature had the foresight to implement it as opposed to the Congress. If the Congress had done the same thing, there'd be nothing wrong with it. They have the authority to do it. So, we're not doing anything that or weren't doing anything that's immoral or racist or anything like that. We're not and the record needs to be clear. So, when people come in, nobody needs to be spooked, really. I mean if, for example, Senator Duenas, if you tell me you're a *Goyu*, I know your history, right.

But with all due respect to the commission members, they can sign up and say, hey, I'm not *difunto* Tony Blas. Right? I wasn't hired for that. You can't expect a staff for the commission to have this kind of interest or this kind of passion. They don't, you know. That's not what they were hired for. Now in fairness, if we make that a requirement, then you can hold them to it. So, I would suggest really listening to some of the responses. Yeah, that's just, you know, if you don't have that interest, you're not going to get it because the rules say you need to know this. Develop a group that can answer that question for the Commission so there's no excuse. And, you know, I may be joking a little bit, but I would suggest if you have someone like *difunto* Tony Blas on it, you have Joe Borja and others that really understand this, come to us and we'll tell you. I mean, when they come to me with examples, I'm like oh my God, you can't figure this one out. With the caveat of, this is really as an example, I haven't found one person that I can't find a way for them to qualify if they're actually part of that group. I haven't. Before, we found a number of people that were improperly excluded. I haven't found one yet and of course there's going to be somebody. I'm not saying that. This is a lot bigger than before

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but at the same time, you're including so many people and it was designed really this way, that if anybody was affected by it and we all know, you know, the groups that were, they're going to be included.

But rather than asking the staff to become experts on this or become passionate about it, I suggest that that'd be somebody else. And with all due respect to our judges, I don't think a single one of them would have asked for the six-month requirement. They wouldn't, but they comply with it. So, you know, that's the way it goes and you know, being the bad guy kind of is sometimes necessary. And don't take away the hard work that's being done, but at the end of the day, you know, I think anybody, any family waiting more than six months... for what? Something's wrong. And everybody should be able to tell them what is the problem, It can't be the pile. I remember when Pika took care of that pile. There's a huge pile and I don't think she was doing anything else in life. She just dedicated her time to go through that pile and that's the way it has to be. Is everybody doing that? I doubt it. Probably not, but yeah, that has to be. I mean, I never suggested that to Pika she just did it on her own. She just took a whole stack, dived in, and straightened out everything. And I'm sure she had great support from the Commission. But yeah, you know, you can't teach that as you say

So, if we assign some of those tasks to people that do have this knowledge and are passionate about it. That's fine, then it's kind of like specialization of labor. The commission members and the staff, they do what they do, you know, probably really good. But now we've got this extra part in here that is really going to benefit everybody, but they're not experts in it and so either, one, make them experts in it. But that's tough, right? Or two, just set a group of people where we can prove it.

One guy that I know beats me and tops me is Joe Borja. During his deposition, and I apologize, I don't have the deposition or the line. But for those that were there, we were competing with regard to the percentage and the dates. As Joe Borja said, you guys know, didn't say it this way, but in essence said, do you know that at one point the United States condemned the whole island and then gave it back? I didn't know that I don't doubt Joe. I haven't looked it up, but if that's true, then that really eliminates a whole bunch of research. I don't know that to be true, my numbers have always been in the high sixties, that percentage. And I know the areas, but I've never considered myself an expert, in fact, when dealing with the U.S. attorneys, I told them I'm a student. Everybody's supposed to know, this is just basic stuff. You get this off the internet, you get it from your families. Yeah, I don't think our applicants should need to speak to their grandparents. A lot of them are not here. It just scares them. You know, it's like, oh my God, I got to go prove this. No, if you're from *Sumay*, if you're *Goyu*, we know all of this. We should take pride in having this information. But I think for practicality purposes, we have a group that can answer that question and then we have the Commission do what

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they do best. They're dealing with the land, we've gotta tax them now with a huge political historic addition to their work. And I'm sure they're having trouble before, now we've added this. And I don't think anybody was screened when they were hired, for the settlement agreement. Right. It's not like attorneys and even Senators were hired, so to speak, when a whole new problem comes, we're expected to become experts in that area. Not so with the government employees. They're hired for certain things in certain areas. That would be my suggestion. I think we have people on Guam. I would suggest Joe Borja, chair that commission. I think it can happen fast. Well, when my friends told me, I was sent to the John Bohn files. I'm like, oh my gosh, that's not where you want to send the applicants. The John Bohn files, oh, God bless them. I mean, I don't know the way they described it. They go into a room and it's like, no, we shouldn't do that to them. Yeah, call Joe. Call me, and if I can't help then I tell you Joe Borja can help. Yeah, and I bet you and well I know, there's people that know more than me. I don't know if anybody knows more than Joe Borja. But there's people that know more than me. You put a group of people together and they can go through that like that and say absolutely, absolutely.

But it's easier, probably, to bring the one or two that you don't think qualify and let's see. Because I haven't seen anyone, I haven't seen an example that works, I'm sure there is, but it's so small, so minute. With that in mind, things should be rolling. Right. Things should be rolling every time something comes up that one goes out, but things really, really, need to be rolling. So, since you asked, I'll say six months, Senator.

Senator Sabina F. Perez: Great. Well, thank you for that response. We definitely need to bring people into the room that can catalyze this, and I do believe with my interactions with Director Borja, he has a wealth of knowledge and can really help the situation along. So, thank you. Thank you so much for the response.

Attorney Mike Phillips, Attorney for CLTC Of course. If I may, every time you say six months, or I say six months, then it just means that the budget, the money, the resources that the CHamoru Land Trust needs goes up. Because if you say Mike, if we have 10 years, we can do it with this many people. But if you want stuff done in six months, then they need the priority and resources that they've deserved since 1975, really. And so we're way behind. We need to catch up. So, whatever they need, we should give them more because they need to catch up. And I know it costs money so, it's always going to be a question if that's really a priority. Are we willing to give them the resources? 'Cause it's easy to say do it, right? That won't work because it can't, they can't do it and they could never do six months. It's a great thing if they have the resources. But if they don't have the resources, they can't do it and it would be a mess to even impose that on them because then we're setting them up for failure. It's not their fault. Yeah. So again, with that caveat that, you know, we've got to give them the

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resources. ut boy, give them the resources and hold them accountable. That is win-win, that's absolutely win-win. And it's generational. Think of all of our people. Gosh, we've got places like Vallejo and San Diego that I think have more people from Guam than we have and it's like, wow, that is sad. If we had those developments working, I really don't think they would find that need as easily. Of course, people would still leave, but it wouldn't be for lack of a place to stay. And that's what our people are entitled to. That can't be an issue, not a place to stay. You've got that. And so with that, I would respectfully suggest that the two come together and the Legislature decide how much of a priority really is this because that's where the check needs to be made to the Trust.

Senator Sabina F. Perez: Thank you so much, Attorney Phillips. I really greatly appreciate your recommendations. I'm sure the Chair is taking note, as well as the Commission. So hopefully we can have another round table regarding this.

Attorney Mike Phillips, Attorney for CLTC: Oh, thank you.

Senator Sabina F. Perez: But I appreciate the time. *Si Yu'os ma'åse'*, Madam Speaker.

Chairperson, Speaker Therese M. Terlaje: *Si Yu'os ma'åse'*, Senator Perez. Senator Brown.

Senator Joanne M. Brown: Thank you very much, Madam Speaker. And certainly, I join my other colleagues in congratulating all the parties that are here in this hearing this morning that contributed to essentially strengthening the foundation for the Land Trust. And I don't necessarily know that more of our people really understand what would have happened, you know, in a challenge to the legality of the Land Trust. And certainly, Attorney Phillips had outlined that had this been a Congressional action, it would not have been an issue as they've done in other areas, but certainly not in the case of Guam. So certainly, to our attorneys that were involved in moving this process forward, I think it's a very good step forward. And I'm hopeful, I'm not going to belabor this, Madam Speaker, this morning, but I'm hopeful that as a result of it, that the Land Trust itself takes this opportunity in moving forward to continue not only to implement the leases. But of course, for me it's always been an issue with regards to compliance, to make sure that the lands are being used as they're intended. Because there are many, many, many individuals that can't [inaudible] specifically now were not able to use the same word saying those of us that are descendants of the indigenous CHamoru's. But for those potential applicants that fall into what the definition is defines those that are eligible. That, you know, we ensure the Land Trust is being properly run and managed. And that has not been the history. The history of the Land Trust has been very controversial. And you know, I'm very critical because I spent some time before, goodness... 10, 11 years ago, going through and working with the CHamoru Land Trust at their request when I was at the

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University of Guam. And I just want to see the Land Trust properly implement its program, properly ensure and regulate that those that are recipients are also complying with the requirements of the Land Trust. Because there are many individuals in this community and even those, you know, Attorney Phillips had mentioned, that don't live on Guam and are in California and other places in the world, that will never have the opportunity to ever have Land Trust property. They themselves may not have inherited land here and may never have that chance. Their children or grandchildren may never have that chance because, obviously there's limits to the amount of property that the Land Trust has in its inventory.

And so, you know, I hate to be critical, but at the same time, I think this is a wonderful opportunity moving forward to ensure that there's compliance and that there's not continued abuse and misuse of Land Trust property and those that, you know, didn't properly fall in line, you know, running to the head of the line and taking land, essentially taking land that they should not have taken. Because there were others that were in line before them that had applied that should have been considered and been given that opportunity.

So, I certainly look forward to seeing the Land Trust grow from this. And like I said, ultimately properly implement the programs as was intended, as was envisioned by those that moved this issue forward all those many years ago. And I think if we see that. I think that's the best thing we can pass on to our children and our grandchildren.

So, with that, thank you again to everyone who's been a part of this and certainly good to see Pika. I know I've never really had a chance to talk to Pika, but her work during her tenure at the Land Trust, you know, it's noted, The amount of effort she herself personally invested in wanting to see compliance at the Land Trust certainly is remembered and certainly well appreciated. So, thank you again, and thank you, Madam Speaker, and certainly happy new year to everyone. I think we look forward to a better year this year. Thank you, Madam Speaker.

Chairperson, Speaker Therese M. Terlaje: Thank you very much. Senator Brown. Senator Nelson, our Majority Leader, you are recognized.

Senator Telena Cruz Nelson: Thank you. Madam Speaker. I don't have any questions at this time, but I just want to also acknowledge the amazing work that the CHamoru Land Trust Commission has done. Also, Pika and Joey for their hard work during this monumental case. I mean, this was very huge and also, I remember going through it. It was a little bit scary, you know. We didn't want to, we wanted to make sure that the CHamoru Land Trust was recognized properly. We wanted to make sure that those that lost their lands during the occupation times that, you know, the families and the beneficiaries received that land back.

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And so you know, a huge congratulations again. I mean, this is truly a memorial for our island and a testament to all of your hard work. And I know, Pika, you probably didn't sleep a lot, I'm sure these things kept you up at night. But great work and thank you to the Commission for continuing to do the job that you do. I know it is not easy. I know you get a lot of calls asking when, what part of the line am I in, where's my number? So, thank you so much for your continued service to the people of Guam. And Attorneys, thank you as well, for working and making this a true victory for the people. So, thank you very much. Thank you, Madam Speaker.

Chairperson, Speaker Therese M. Terlaje: Thank you very much, Senator Nelson. And again, thank you to all the Senators who spent time this morning, recognizing the importance of the progress that CHamoru Land Trust Commission must make, and hopefully we will demand that they make, as well, quicker. I agree, it has to happen. And we are all here for the same purpose. All of us are dedicated to that. To all of you Commissioners, thank you for your service. Director and staff, I know you've been working very hard under extreme circumstances. And I, too, am wishing you the best in this upcoming year and wishing for all of us huge progress for this Commission.

And again to follow up before we conclude, if we could get from the Attorney General's Office communication with the United States, your communications since the settlement agreement or since we passed the law incorporating the terms of the settlement agreement. And if we could get from any one, any additional testimony especially on the application of these rules to existing leases, and if we should do that or not. For sure we will apply these rules going forward to the new leases, right? And then any other issues that have been brought up, if you'd like to clarify. I, of course, want to thank again, I don't think I can thank enough, those attorneys who worked on the case, and the commissioners at the time who went through, and Senator Nelson was there with us. We even had a hearing on it, on whether the Attorney General's office was going to defend this lawsuit or not. That's how we got involved way back then. Because we were worried they were not, they would not defend it. And they did, and they did an excellent job.

And I want to thank Attorney General Elizabeth Barrett Anderson who committed to that, who agreed. And for Attorney Phillips and for the commissioners who hired Attorney Phillips, and assured that we would have a history of Guam in those settlement discussions. I think that was very crucial. We can spend all day here talking about the history of Guam and the land takings and the need to restore justice as much as possible.

And again, I want to commend the Senators who preceded us, those beginning with Paul Bordallo back in the seventies, who insisted that we were going to take care of our people,

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even when the United States was not going to take care of them, and that we were going to bring justice where justice was not done. And we're still in this pursuit, all of us together. I want to thank all of you who are here today for showing that commitment and putting in the hard work to do that.

So, if there's nothing further, we will continue to accept testimony. I'd like to close the testimony by January 18th so that I can get this bill onto the session agenda, possibly, and get these rules in place so that we can fulfill our requirements under the settlement agreement. Please submit testimonies to my office at the Guam Legislature in the Guam Congress building or through the email at senatorterlajeguam@gmail.com.

This public hearing is now adjourned. The time is 10:01 AM and Happy New Year! Take care.

Virtual Public Hearing adjourned: 10:01.

III. FINDINGS & RECOMMENDATIONS

- Bill 229-36(LS) was introduced to adopt the amended Paul Bordallo Rules & Regulations for the Chamorro Land Trust Commission to assure compliance with P.L. 35-112 and the settlement agreement between the United States of America and the government of Guam, the CHamoru Land Trust Commission, and the Administrative Director of the CHamoru Land Trust Commission.
- Legal Bureau advised on four major concerns with the bill.
 - The committee should determine whether these rules and regulations should be adopted as a new Chapter in the same manner as 21 GCA Chapter 75A was enacted separately from 21 GCA Chapter 75.
 - That the Committee revise this bill to incorporate the text of Exhibit A into the bill itself, as well as revise so that it is consistent with the standing rules.
 - Depending on what the Committee ultimately decides, it should further determine whether all references to 21 GC Chapter 75 should include corresponding references to 21 GC Chapter 75A.
 - That the use of the word CHamoru is not reflected in the settlement agreement, and it is unclear if using such term will constitute a breach of the same.
- The Office of the Attorney General testified that they have been in contact with the Department of Justice (DOJ) but the DOJ has not provided any comments to the bill as introduced, which the Deputy AG had determined to be positive and provided no significant comments to earlier versions of proposed rules & regulations. The Committee Chairperson requested for copies of the communications.

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- The Attorney for the CLTC, during litigation, testified that the Judge on the case would not rule on if the Act was unconstitutional on its face and that the judge had expanded on the idea of land restoration, and that it be included with the record. The Attorney requested that the onus not be put on the beneficiary to track that he/she owned land or their heritage. He requested to put something in the rules to set a time limit guideline and to set up a task force of people with institutional knowledge to assist in determining eligibility through genealogy or historical knowledge of land in order to simplify and expedite the process even for future commissions and staff of the CLTC. In addition, he advised that the provision to maintain land after the decedent who is the eligible beneficiary passes away was not included in the rules, however, the current CLTC attorney advised that it was not included in the rules because it was covered in 21 GCA Chapter 75A and that would be sufficient. The Deputy AG representing the Office of the Attorney General concurred.
- The Attorney for the CLTC during litigation testified that the requirements going forward do not apply retroactively. The former Chairperson of the CLTC concurred stating that it was for new leases moving forward so it would be more clearly defined in the laws.
- The Acting Director and staff for the CLTC testified that staff has been trained by the Guam Ancestral Lands Commission and are working with MARC so that they are more knowledgeable on the research. In addition, they are asking applicants to provide names of their parents and grandparents and that they are doing as much as they can to find the connections through documentation, but there is also an attestation for beneficiaries to confirm where their family lived. The Director advised that they are not trying to make it difficult but are trying to ensure they can provide some documentation for compliance purposes._____
- The Committee has adopted recommendations from the Legal Bureau as follows:
 - To adopt a new Chapter 6A in 18 GARR which mirrors Chapter 6 except where provided in the bill.
 - To incorporate the amendments into the body of the bill
 - Included citations for both 21 GCA Chapter 75 and Chapter 75A as applicable
 - Changed all references of Chamorro to be consistent with both existing statute as well as the settlement.

The Committee on Health, Land, Justice and Culture hereby reports out **Bill No. 229-36(LS) As Substituted, Introduced by Therese M. Terlaje - "AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES**

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COMMITTEE REPORT ON BILL NO. 229-36(LS) – THERESE M. TERLAJE – AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.

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REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC),” with the recommendation
TO DO PASS.

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I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 229-36 (LS)

Introduced by:

Therese M. Terlaje *Tmt*

AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO *I LIHESLATURAN GUÅHAN* BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.

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

2 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guåhan finds
3 that on September 29, 2017, the United States of America filed a case against the
4 Chamorro Land Trust Commission in United States of America v. Government of
5 Guam, Chamorro Land Trust Commission, and Administrative Director of the
6 Chamorro Land Trust, CV 17-00113 (D. Guam) (Lawsuit), alleging, among other
7 things, violations of the U.S. Fair Housing Act.

8 I Liheslaturan Guåhan further finds that the Office of the Attorney General
9 and the Governor's representatives on behalf of the Government of Guam, Attorney
10 Michael Phillips, and Chairperson Pika Fejeran on behalf of the CLTC, the Office
11 of the Attorney General on behalf of the CLTC Director, and the United States
12 entered into settlement conferences to attempt to resolve the lawsuit amicably and
13 without further litigation. At the conclusion of a settlement conference on
14 November 14, 2019, a settlement term sheet was agreed to in principle by the counsel
15 for the parties and subject to approval by the respective parties. On December 26,

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

14 On May 29, 2020, after further settlement negotiations, the Settlement
15 Agreement between the United States of America and Government of Guam,
16 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
17 Trust Commission, 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 Commission and
19 I Maga'hågan Guåhan. I Liheslaturan Guåhan further finds that the Settlement
20 Agreement resolves the allegations contained in the lawsuit, and in it the
21 Government of Guam does not admit liability and denies that the Chamorro Land
22 Trust Act violates the Fair Housing Act. Section C of the Settlement Agreement
23 outlines the legislative and administrative changes to the Chamorro Land Trust Act
24 and/or the rules and regulations of the CLTC.

25 *I Liheslaturan* further finds that the 35th Guam Legislature passed Bill 419-35
26 (COR), now P.L. 35-112, to approve the settlement terms in CV 17-00113 (D.
27 Guam). Section 4 of P.L. 35-112 states that “The Senator Paul J. Bordallo Rules

1 and Regulations for the Chamorro Land Trust Commission enacted pursuant to 21
2 GCA Chapter 75 are hereby enacted as rules and regulations applicable to 21 GCA
3 Chapter 75A, except where inconsistent. The Chamorro Land Trust Commission
4 shall modify said rules and regulations as well as any sub-regulatory rules, policies,
5 practices, or guidance as necessary to be consistent with 21 GCA Chapter 75A, as
6 enacted by this Act.”

7 *I Liheslaturan Guåhan* further finds that on November 15, 2021, the
8 Chamorro Land Trust Commission transmitted its proposed amendments to the
9 “Senator Paul Bordallo Rules and Regulations for Chamorro Land Trust
10 Commission”, Chapter 6, Title 18, Guam Administrative Rules & Regulations. The
11 stated purpose of these Rules and Regulations set forth the necessary procedures
12 with respect to lease applications; to set out detail standards of eligibility; to provide
13 for methods of inspection and review as well as a system of notice of hearing prior
14 to lease revocation; and, generally, to provide for certain requirements necessary to
15 meet the goals and objectives of the beneficiary homelands.

16 It is the intent of *I Liheslaturan Guåhan* to adopt the amended rules and
17 regulations to assure CLTC compliance with P.L. 35-112 and the settlement
18 agreement between the United States of America and Government of Guam,
19 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
20 Trust Commission.

21 **Section 2.** Notwithstanding any other provision of law, *I Liheslaturan*
22 *Guåhan* does hereby adopt the proposed amendments to the Senator Paul Bordallo
23 Rules and Regulations for Chamorro Land Trust Commission, originally adopted by
24 Public Law 23-38, amended by Public Law 24-318, and codified as Chapter 6, Title
25 18, Guam Administrative Rules and Regulations, as transmitted to *I Liheslaturan*
26 *Guåhan* by the Chamorro Land Trust Commission, attached hereto as EXHIBIT A.

EXHIBIT A

SENATOR PAUL BORDALLO RULES
AND REGULATIONS FOR CHAMORRO
LAND TRUST COMMISSION

TITLE 18 GUAM ADMINISTRATIVE
RULES AND REGULATIONS

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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~~Eligible Beneficiaries: Residential tract leases; awards..

§ 6116. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Awards; when, order. Agricultural tract leases.

§ 6117. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Award of lease; lessee’s performance.

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

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- § 6119. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Agricultural tract leases.
- § 6120. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Residence permitted on agricultural lot.
- § 6121. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Livestock and crops.
- § 6122. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Lease cancellation.
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lands.
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- § 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
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- § 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 12226, 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

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implementation and administration of ~~Chamorro~~beneficiary homeland programs.

(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~~beneficiary homeland programs.

Legislative Amendment.

(c) Pursuant to the mandate of Public Law 35-112, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

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~~CHamoru Land Trust Property; 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.

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(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 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:

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

(b) *Agricultural Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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 homelands~~ CHamoru Land Trust Property and improvements for farming purposes.

(d) ~~Chamorro homelands~~ CHamoru Land Trust Property means all lands given the status of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru Land Trust Property and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.

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

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

(h) ~~Native Chamorro~~ *Eligible beneficiary* 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, regardless of race, color, or national origin:

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(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 or 1968 or descendants of such person; except that if a 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-year tenure need not to have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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.

(j) *Residential use* means the use of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru 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.

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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~~ An eligible beneficiary.

(b) The commission shall accept all completed applications for residential or agricultural tracts from ~~native Chamorros~~ eligible beneficiaries 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.

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

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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.

§ 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.

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(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 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.

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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.

**§ 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~~ Eligible Beneficiaries:
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.

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(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 (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 Eligible Beneficiaries; 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 firstserved 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 Eligible Beneficiaries; 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:

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- (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;
- (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~~ Eligible Beneficiaries: 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~~ CHamoru Land Trust Property 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~~ Eligible Beneficiaries: 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.

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(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 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~~ Eligible Beneficiaries:
Residence permitted on agricultural lot.**

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on ~~Chamorro homelands~~ Chamoru Land Trust Property, 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

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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 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~~ Eligible Beneficiaries:
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:

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- (1) any wetland on the lease property is *not* drained, filled or otherwise destroyed;
- (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. 240318:4 (Dec. 28, 1998).

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

**§ 6122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
Lease cancellation.**

(a) The commission may cancel a lease to a ~~native Chamorro~~ an eligible beneficiary, 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~~ CHamoru 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~~ Eligible Beneficiaries:
Commercial leases. [Reserved]**

No commercial leases shall be entered into by the ~~Chamorro~~CHamoru 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~~CHamoru 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 homelands~~CHamoru Land Trust Property 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~~ CHamoru Land Trust property 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.

(b) Except as otherwise provided in the lease, the commission may require a lessee of an agricultural lot to have under

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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~~ Chamorro Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

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(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~~CHamoru Land Trust property, and the commission shall be authorized to lease said land to ~~a native Chamorro~~an eligible beneficiary 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.

(b) An appraisal made pursuant to this section shall be made by three appraisers, subject to the exception of lessee waiver

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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.

(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

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payment does not unreasonably impair the ~~Chamorro~~Chamoru 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~~Chamoru 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 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.

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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.

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 229-36 (LS)

As Substituted by the Committee on Health,
Land, Justice and Culture.

Introduced by:

Therese M. Terlaje

AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that on September 29, 2017, the U.S. filed a case against the Government of Guam and the Chamorro Land Trust Commission (CLTC) in *U.S. v. Government of Guam, Chamorro Land Trust Commission, and Administrative Director of the Chamorro Land Trust*, 17-cv-001113 (D. Guam) (Lawsuit), alleging, among other things, violations of the U.S. Fair Housing Act.

1 *I Liheslaturan Guåhan* further finds that the Office of the Attorney General,
2 on behalf of the Government of Guam and Administrative Director of the CLTC,
3 Attorney Michael Phillips, on behalf of the CLTC and Pika Fejeran, Chairperson of
4 the CLTC, and the U.S. Assistant Attorney General, on behalf of the U.S., engaged
5 in attempts to settle and resolve the Lawsuit amicably and without further litigation.
6 At the conclusion of the settlement conference on November 14, 2019, a settlement
7 term sheet was agreed to in principle by and between counsel for the parties and
8 subject to approval by the respective parties. On December 26, 2019, the CLTC
9 adopted Resolution 2019-08 which found “the settlement terms in the Agreement to
10 be favorable for the Chamorro Land Trust Program and its beneficiaries, as it
11 preserves the program intact and would not materially affect existing leaseholders.”
12 Chamorro Land Trust Commission, Kumision Inangokkon Tano’ CHamoru,
13 Resolution No. 2019-08 (2019). In addition, “the Commission found that the
14 proposed modifications or amendments to the Chamorro Land Trust Act and the
15 Rules and Regulations of the Chamorro Land Trust Commission would more clearly
16 demonstrate that the Chamorro Land Trust (CLT) program is a land restoration
17 program meant to rectify the unjust taking of Chamorro homelands by the United
18 States federal government between 1898 and 1968, and would expand the program’s
19 eligible beneficiaries to include individuals and their descendants who owned land
20 or who ranched, farmed, or otherwise occupied the lands that were taken.” *Id.*

21 On May 29, 2020, the “Settlement Agreement Between the United States of
22 America and Government of Guam, Chamorro Land Trust Commission &
23 Administrative Director of the Chamorro Land Trust Commission” (Settlement
24 Agreement), was signed by *I Maga'hågan Guåhan* and the Administrative Director
25 of the CLTC. *I Liheslaturan Guåhan* further finds that the Settlement Agreement
26 resolves the allegations contained in the Lawsuit, and the Government of Guam does
27 not admit liability and denies that the Chamorro Land Trust Act violates the Fair

1 Housing Act. Section IV(C) of the Settlement Agreement outlines the legislative
2 and administrative changes to the Chamorro Land Trust Act and/or the rules and
3 regulations of the CLTC.

4 *I Liheslatura* further finds that the 35th Guam Legislature passed Bill 419-35
5 (COR) to approve the settlement terms of the Lawsuit. Pub. L. No. 35-112. Section
6 4 of Pub. L. 35-112 states that, “The Senator Paul J. Bordallo Rules and Regulations
7 for the Chamorro Land Trust Commission enacted pursuant to 21 GCA Chapter 75
8 are hereby enacted as rules and regulations applicable to 21 GCA Chapter 75A,
9 except where inconsistent. The Chamorro Land Trust Commission shall modify said
10 rules and regulations as well as any sub-regulatory rules, policies, practices, or
11 guidance as necessary to be consistent with 21 GCA Chapter 75A, as enacted by this
12 Act.”

13 *I Liheslaturan Guåhan* further finds that on November 15, 2021, the CLTC
14 transmitted its proposed amendments to the “Senator Paul Bordallo Rules and
15 Regulations for Chamorro Land Trust Commission”, of Chapter 6, Title 18, Guam
16 Administrative Rules & Regulations (Rules and Regulations). The Rules and
17 Regulations provide procedures with respect to lease applications, standards of
18 eligibility, methods of inspection and review, and requirements of notice and a
19 hearing prior to lease revocation; and, generally, provide for certain requirements
20 necessary to meet the goals and objectives of the Chamorro Land Trust property.

21 It is the intent of *I Liheslaturan Guåhan* to adopt the amended rules and
22 regulations to assure CLTC compliance with P.L. 35-112 and the Settlement
23 Agreement.

24 **Section 2.** § 75A109(c) of Chapter 75A, Title 21, Guam Code Annotated
25 is hereby *amended* to read:

1 “(c) Should any successor or successors to a tract be a minor or
2 minors, the Commission may appoint a guardian therefor subject to
3 the approval of the Superior Court. Such guardian shall be authorized
4 to represent the successor or successors in all matters pertaining to the
5 leasehold: provided, that said guardian shall, in so representing such
6 successor or successors, comply with the provisions of this Chapter
7 and the stipulations and provisions contained in the lease, except that
8 said guardian need not be an eligible beneficiary as defined in §75101
9 75A101 of this Chapter.

10 **Section 3.** Section 4 of P.L. 35-112 is hereby *amended* to read:

11 “Section 4. ~~The Senator Paul J. Bordallo Rules and Regulations for the~~
12 ~~Chamorro Land Trust Commission enacted pursuant to 21 GCA~~
13 ~~Chapter 75 are hereby enacted as rules and regulations applicable to~~
14 ~~21 GCA Chapter 75A, except where inconsistent. The Chamorro Land~~
15 ~~Trust Commission shall modify said rules and regulations as well as~~
16 ~~any sub-regulatory rules, policies, practices, or guidance as necessary~~
17 ~~to be consistent with 21 GCA Chapter 75A, as enacted by this Act.~~
18 Notwithstanding any other provision of law, a new Chapter 6A of
19 Title 18 of the Guam Administrative Rules and Regulations is hereby
20 enacted as the rules and regulations applicable to 21 GCA Ch. 75A,
21 Title 18, which shall mirror the existing Chapter 6 of Title 18 of the
22 Guam Administrative Rules and Regulations, the Senator Paul J.
23 Bordallo Rules and Regulations for the Chamorro Land Trust
24 Commission, except as provided in this Act. The new Chapter 6A of
25 Title 18 of the Guam Administrative Rules & Regulations and

1 amendments may be codified and renumbered by the Compiler of
2 Laws.”

3 **Section 4.** § 6A101 of Chapter 6A, Title 18, Guam Administrative Rules and
4 Regulations *shall* read:

5 **“§ 6A101. Authority and Purpose.**

6 (a) Authority. Pursuant to the mandate of Public Law 12-226,
7 now codified as Chapter 75 of Title 21, Guam Code Annotated, these
8 rules and regulations are promulgated as authorized by §75103 of Title
9 21, Guam Code Annotated to govern the implementation and
10 administration of Chamorro ~~homeland~~ Land Trust property programs.

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

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

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

17 (3) generally, to provide for certain requirements
18 necessary to meet the goals and objectives of the Chamorro
19 ~~homeland~~ Land Trust property programs.

20 (c) Legislative Amendment. Pursuant to the mandate of
21 Section 4 of Pub. L. 35-112, the Chamorro Land Trust Commission
22 has adopted and modified the Senator Paul J. Bordallo Rules and
23 Regulations , codified as 18 GARR Chapter 6, in a new Chapter 6A,
24 to be consistent with and applicable to 21 GCA Chapter 75A as
25 enacted by Pub. L. 35-112.”

1 **Section 5.** § 6A102 of Chapter 6A, Title 18, Guam Administrative Rules and
2 Regulations *shall* read:

3 “§ 6A102. The Commission.

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

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

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

10 (3) maintain and uphold their fiduciary responsibilities
11 to the beneficiaries, and exercise such care and skill as a person
12 of ordinary prudence would exercise in dealing with one’s own
13 property in the management of Chamorro ~~homelands~~ Land Trust
14 property; and,

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

17 (b) Offices. The commission offices are located at Buildings
18 903, 905, and 907, Tiyan Barrigada, Guam or whatever successor office
19 it might relocate to in the future.

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

21 (d) Contact numbers. Telephone: (671) 475-4251-8, Fax:
22 (671) 477-8082

23 (e) Hours. The offices of the commission shall be open from
24 8:00a.m. to 5:00p.m., Monday through Friday, and provide for flexible

1 hours as determined by the Commission for the convenience of the
2 public.

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

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

11 **Section 6.** § 6A104 of Chapter 6A, Title 18, Guam Administrative Rules and
12 Regulations *shall* read:

13 **“§ 6A104. Definitions.**

14 As used in these rules and regulations:

15 (a) Administrative Adjudication Law means Chapter 9 of Title
16 5, Guam Code Annotated.

17 (b) Agricultural Tract means Chamorro-homelands Land
18 Trust property with an area of not less than one quarter (0.25) acre, nor
19 more than twenty (20) acres.

20 (1) Subsistence Agriculture means the production of
21 crops for home consumption on an agricultural tract with an area
22 of not less than one quarter (0.25) acre, nor more than one half
23 (0.50) acre.

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

4 (c) Agricultural use means the use of ~~Chamorro-homelands~~ Land
5 Trust property and improvements for farming purposes.

6 (d) Chamorro-homelands Land Trust property means all lands given
7 the status of Chamorro-homelands Land Trust property under the
8 provisions of § 75105 of Chapter 75 and § 75A105 of Chapter 75A, of
9 Title 21, Guam Code Annotated.

10 (e) Chamorro Land Trust Act or the ~~a~~Act means the policy for
11 management and disposition of Chamorro-homelands Land Trust
12 property and related programs found in Chapter 75A of Title 21, Guam
13 Code Annotated or any part thereof.

14 (f) Commission means the Chamorro Land Trust Commission
15 established by § 75102 of Chapter 75 and § 75A102 of Chapter 75A, of
16 Title 21, Guam Code Annotated.

17 (g) Director means the Administrative Director of the Chamorro
18 Land Trust Commission established by § 75102 of Chapter 75 and §
19 75A102 of Chapter 75A, of Title 21, Guam Code Annotated.

20 (h) Native-Chamorro Eligible beneficiary means any person
21 who became a U.S. Citizen by virtue of the authority and enactment of
22 the Organic Act of Guam or descendants of such person, regardless of
23 race, color, or national origin:

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

1 (2) who occupied, farmed, or ranched land for
2 residential or agricultural purposes for at least one (1) year
3 immediately prior to that land being acquired by the United
4 States government between 1898 and 1968, or descendants of
5 such person; except that if the person occupied, farmed, or
6 ranching the land on or after December 8, 1941, and the land
7 was acquired at any time after that date and up to 1950, the one-
8 year tenure need not have occurred immediately prior to
9 acquisition by the United States government.

10 (i) Residential Tract means Chamorro–homelands Land Trust
11 property with an area of not less than ten thousand (10,000) square feet
12 nor more than one (1) acre, or such other area which may be specified
13 by zoning, subdivision, or environmental policies.

14 (j) Residential use means the use of Chamorro–homelands Land
15 Trust property and improvements for the purposes of the primary
16 domicile of the applicant.”

17 **Section 7.** § 6A106 of Chapter 6A, Title 18, Guam Administrative Rules and
18 Regulations *shall* read:

19 **“§ 6A106. Application for Leases: Qualification of applicants.**

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

- 22 (1) at least eighteen (18) years of age; and
23 (2) a native ChamorroAn eligible beneficiary.

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

4 (c) In addition to the qualifications required in subsection (a), a
5 person applying for an agricultural lease may be required to comply
6 with § 6A121 before a lease award can be made.”

7 **Section 8.** § 6A110 of Chapter 6A, Title 18, Guam Administrative Rules and
8 Regulations *shall* read:

9 “§ 6A110. Application for Leases: Village and island-wide
10 waiting lists.

11 (a) Applicants will be placed on the respective island-wide
12 residential and/or agricultural tract waiting list in the order specified in
13 § 6107(a) and § 6A107(a).

14 (b) In the event a new residential subdivision is opened, applicants
15 on the island-wide waiting list shall be considered for award in
16 accordance with § 6116 and § 6A116.

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

20 On or before the 15th day of every month, a copy of the priority
21 listing for the previous month as of the last day of the month shall be
22 recorded at the Department of Land Management.”

23 **Section 9.** § 6A112 of Chapter 6A, Title 18, Guam Administrative Rules and
24 Regulations *shall* read:

25 “§ 6A112. Application for Leases: Transfer of application rights.

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

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

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

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

21 ~~An applicant may designate a relative qualified under the Act~~
22 ~~pursuant to 21 GCA § 75A109 which provides that:~~

23 (1) ~~Upon the death of the lessee, his interest in the tract~~
24 ~~or tracts and the improvements thereon, including growing~~
25 ~~crops (either on the tract or in any collective contract or~~
26 ~~program to which the lessee is a party by virtue of his interest in~~

1 the tract or tracts), shall vest in the relatives of the decedent as
2 provided in this paragraph. From the following relatives of the
3 lessee, husband and wife, children, widows or widowers of the
4 brothers and sisters, or nieces and nephews, the lessee shall
5 designate the person or persons to whom he directs his interest
6 in the tract or tracts to vest upon his death. Such person or
7 persons must be qualified to be a lessee of Chamorro Land
8 Trust Property; provided, that such person or persons need not
9 be eighteen (18) years of age; provided, further, however, that,
10 if the person designated by the lessee:

11 (A) is the lessee's spouse;

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

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

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

25 (2) Such designation must be in writing, must be
26 specified at the time of execution of such lease with a right in
27 such lessee in similar manner to change such beneficiary at any

1 time and shall be filed with the Commission and approved by
2 the Commission in order to be effective to vest such interests in
3 the successor or successors named.

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

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

22 (5) Upon the death of a lessee leaving no such relative
23 qualified to be a lessee of Chamorro Land Trust Property
24 homelands, or the cancellation of a lease by the Commission, or
25 the surrender of a lease by the lessee, the Commission shall
26 appraise the value of all such improvements and growing crops
27 and shall pay to the legal representative of the deceased lessee,

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

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

19 (c) Should any successor or successors to a tract be a minor or
20 minors, the Commission may appoint a guardian therefor subject to
21 the approval of the Superior Court. Such guardian shall be authorized
22 to represent the successor or successors in all matters pertaining to the
23 leasehold: provided, that said guardian shall, in so representing such
24 successor or successors, comply with the provisions of this Chapter
25 and the stipulations and provisions contained in the lease, except that
26 said guardian need not be an eligible beneficiary as defined in 21
27 GCA Ch. 75 § 75A101.

1 **Section 10.** § 6A115 of Chapter 6A, Title 18, Guam Administrative Rules
2 and Regulations *shall* read:

3 “§ 6A115. Leases to Native Chamorros Eligible Beneficiaries:
4 Residential tract leases; awards.

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

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

12 (c) Lot size for a residential tract lease to be awarded shall be not
13 less than 10,000 square feet with public sewer connection available nor
14 less than one-half (1/2) acre with no public sewer connection available,
15 but in neither case shall be more than one (1) acre; or lot size for a
16 residential tract lease shall be specified by zoning, subdivision,
17 environmental, or administrative policies, but in no circumstance may
18 the area exceed one (1) acre.”

19 **Section 11.** § 6A116 of Chapter 6A, Title 18, Guam Administrative Rules
20 and Regulations *shall* read:

21 “§ 6A116. Leases to Native Chamorros Eligible Beneficiaries:
22 Awards; when, order.

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

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

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

6 (1) Those who do not own land anywhere;

7 (2) Those who own one (1) acre or less anywhere;

8 (3) Those who own more than one (1) acre anywhere.”

9 **Section 12.** § 6A117 of Chapter 6A, Title 18, Guam Administrative Rules
10 and Regulations *shall* read:

11 “§ 6A117. Leases to Native Chamorros Eligible Beneficiaries:
12 Award of lease; lessee’s performance.

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

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

19 (1) Approved loan or financing for the construction of
20 a residence, or a conditional letter of intent or the equivalent;

21 (2) Contract between the applicant and a construction
22 company for the construction of a residential dwelling;

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

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

5 **Section 13.** § 6A118 of Chapter 6A, Title 18, Guam Administrative Rules
6 and Regulations *shall* read:

7 **“§ 6A118. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
8 **Awards to occupants of homelands; when.**

9 (a) Notwithstanding the provisions of §§ 6108 to 6114 and §§ 6A108
10 to 6A114, the commission shall not serve eviction notices to individuals
11 who presently reside and have continuously resided on Chamorro
12 homelands Land Trust property prior to July 12,1995, and who qualify
13 under the Act.

14 (b) Persons presently holding land use permits and who qualify
15 under ~~§ 6106~~ § 6A106 will hereby maintain their home or farms,
16 adhering to all other requirements of the Act and these rules and
17 regulations.”

18 **Section 14.** § 6A119 of Chapter 6A, Title 18, Guam Administrative Rules
19 and Regulations *shall* read:

20 **“§ 6A119. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
21 **Agricultural tract leases.**

22 (a) Whenever agricultural tracts are available, the commission
23 shall award agricultural tract leases to applicants who, in the opinion of
24 the commission, are qualified to perform the conditions of such leases.

1 The commission’s opinion as to the applicant’s qualification shall be
2 based on criteria specified in the Act.

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

5 (c) The lessee shall plant and maintain not less than five, ten, fifteen,
6 and twenty trees per acre of land leased during the first, second, third,
7 and fourth years, respectively, after the date of the lease. Such trees
8 shall be of types approved, and provided free of charge, by the
9 Department of Agriculture and at locations specified by the Department
10 of Agriculture’s agent. Such planting and maintenance shall be by or
11 under the immediate control and direction of the lessee.”

12 **Section 15.** § 6A120 of Chapter 6A, Title 18, Guam Administrative Rules
13 and Regulations *shall* read:

14 “§ 6A120. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
15 **Residence permitted on agricultural lot.**

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

19 (1) The lessee has actively cultivated or developed at
20 least two-thirds of the agricultural tract at all times;

21 (2) Approval by the commission; and

22 (3) Conformance to all Guam zoning and building
23 requirements.

24 (b) A lessee possessing a residential tract lease may construct
25 a residence on the lessee’s agricultural tract; provided that, the lessee

1 complies with all other conditions imposed by this section ~~§ 6126~~ §
2 6A126, and:

3 (1) Lessee makes prior arrangements to surrender or
4 transfer the residential tract lease upon the completion of
5 construction of the residence on the lessee's agricultural tract.
6 Should it be feasible, the lessee may relocate the present house;

7 (2) Lessee must be financially able to assume the cost
8 of relocation or construction of the new residence plus any
9 related expenses necessary to maintain the agricultural tract. The
10 commission may assist the lessee under ~~§ 6131~~ § 6A131; and

11 (3) In the event the lessee surrenders the residential
12 tract lease, the net proceeds thereof shall be first credited to any
13 loan granted by the commission for the construction of a home
14 on the agricultural tract.

15 (c) The commission shall not be liable for expenses incurred
16 by the lessee for amenities brought to the tract. The commission shall
17 not provide nor be required to provide such amenities, except as it may
18 determine in the planned development of its lands.

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

22 **Section 16.** § 6A121 of Chapter 6A, Title 18, Guam Administrative Rules and
23 Regulations *shall* read:

24 **“§ 6A121. Leases to Native Chamorros Eligible Beneficiaries:**

25 **Livestock and crops.**

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

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

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

9 (2) Approval by the commission;

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

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

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

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

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

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

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

4 (4) approval by the Commission; and

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

7 **Section 17.** § 6A122 of Chapter 6A, Title 18, Guam Administrative Rules and
8 Regulations *shall* read:

9 **“§ 6A122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**

10 **Lease cancellation.**

11 (a) The commission may cancel a lease to a native Chamorro
12 an eligible beneficiary, as specified by § 75110 § 75A110 of the Act
13 and the Administrative Adjudication Law, for the following reasons:

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

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

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

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

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

1 **Section 18.** § 6A123 of Chapter 6A, Title 18, Guam Administrative Rules and
2 Regulations *shall* read:

3 **“§ 6A123. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
4 **Commercial leases. [Reserved]**

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

9 **Section 19.** § 6A125 of Chapter 6A, Title 18, Guam Administrative Rules and
10 Regulations *shall* read:

11 **“§ 6A125. Conditions in Leases: Industrial or commercial**
12 **activities.**

13 (1) No industrial or commercial activities shall be allowed on
14 Chamorro-homelands Land Trust property leaseholds, except those
15 which are authorized for license by the Act.

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

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

20 **Section 20.** § 6A128 of Chapter 6A, Title 18, Guam Administrative Rules and
21 Regulations *shall* read:

22 **“§ 6A128. Conditions in Leases: Transfer of leases.**

23 Requests for transfers will be considered for approval only if the
24 lessee has held such lease for a period of at least seven years, unless
25 the commission, in its considered opinion, finds that an emergency

1 exists which makes transfer imperative. A lessee may transfer the
2 leasehold to any individual who qualifies under the Act, and is at
3 least eighteen (18) years old. The transferee must immediately
4 occupy the residential tract or use or cultivate the agricultural tract.
5 Failure to occupy or use such tract within sixty (60) days from date
6 of transfer shall constitute grounds for cancellation of such lease. A
7 transferee may own an interest in non Chamorro ~~homelands~~ Land
8 Trust ~~real~~ property, regardless of degree of ownership.”

9 **Section 21.** § 6A132 of Chapter 6A, Title 18, Guam Administrative Rules and
10 Regulations *shall* read:

11 **“§ 6A132. Successors to Lessees: Designation of successors.**

12 (a) A lessee shall, upon execution of the lease, designate the person in
13 whom lessee directs the interest in the tract to vest upon death.
14 Such person must be qualified to succeed to Chamorro ~~homelands~~
15 Land Trust property as provided by ~~the Act~~ Pub. L. 35-112, and
16 these rules. A lessee may elect to provide for the surrender of the
17 lot upon death and may select a recipient for the proceeds from the
18 surrender. A lessee’s designation under this section may be
19 changed at any time by the lessee.

20 (2b) Such designation shall be made as specified in the Act with the
21 right in the lessee to change the beneficiary at any time, if filed
22 with and approved by the commission.”

23 **Section 22.** § 6A133 of Chapter 6A, Title 18, Guam Administrative Rules and
24 Regulations *shall* read:

25 **“§ 6A133. Successors to Lessees: Reversion to the commission.**

1 Where a lessee dies having failed to designate a successor, the
2 commission may select a successor as provided in the Act.
3 Otherwise, the lease shall be cancelled. The land subject to the lease
4 shall resume its status as unleased Chamorro ~~homelands~~ Land Trust
5 property, and the commission shall be authorized to lease said land
6 to a ~~native Chamorro~~ an eligible beneficiary as provided in the Act
7 21 GCA Ch. 75A.
8

EXHIBIT A

SENATOR PAUL BORDALLO RULES
AND REGULATIONS FOR CHAMORRO
LAND TRUST COMMISSION

TITLE 18 GUAM ADMINISTRATIVE
RULES AND REGULATIONS

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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~~Eligible Beneficiaries: Residential tract leases; awards..

§ 6116. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Awards; when, order. Agricultural tract leases.

§ 6117. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Award of lease; lessee’s performance.

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

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- § 6119. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Agricultural tract leases.
- § 6120. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Residence permitted on agricultural lot.
- § 6121. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Livestock and crops.
- § 6122. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Lease cancellation.
- § 6123. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
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 12226, 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

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implementation and administration of ~~Chamorro~~beneficiary homeland programs.

(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~~beneficiary homeland programs.

Legislative Amendment.

(c) Pursuant to the mandate of Public Law 35-112, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

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~~CHamoru Land Trust Property; 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.

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(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 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:

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

(b) *Agricultural Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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 homelands~~ CHamoru Land Trust Property and improvements for farming purposes.

(d) ~~Chamorro homelands~~ CHamoru Land Trust Property means all lands given the status of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru Land Trust Property and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.

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

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

(h) ~~*Native Chamorro*~~ *Eligible beneficiary* 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, regardless of race, color, or national origin:

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(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 or 1968 or descendants of such person; except that if a 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-year tenure need not to have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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.

(j) *Residential use* means the use of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru 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.

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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~~ An eligible beneficiary.

(b) The commission shall accept all completed applications for residential or agricultural tracts from ~~native Chamorros~~ eligible beneficiaries 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.

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

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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.

§ 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.

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(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 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.

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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.

**§ 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~~ Eligible Beneficiaries:
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.

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(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 (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 Eligible Beneficiaries; 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 firstserved 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 Eligible Beneficiaries; 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:

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- (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;
- (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~~ Eligible Beneficiaries: 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~~ CHamoru Land Trust Property 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~~ Eligible Beneficiaries: 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.

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(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 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~~ Eligible Beneficiaries:
Residence permitted on agricultural lot.**

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on ~~Chamorro homelands~~ Chamoru Land Trust Property, 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

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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 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~~ Eligible Beneficiaries:
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:

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- (1) any wetland on the lease property is *not* drained, filled or otherwise destroyed;
- (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. 240318:4 (Dec. 28, 1998).

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

**§ 6122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
Lease cancellation.**

(a) The commission may cancel a lease to a ~~native Chamorro~~ an eligible beneficiary, 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~~ CHamoru 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~~ Eligible Beneficiaries:
Commercial leases. [Reserved]**

No commercial leases shall be entered into by the ~~Chamorro~~CHamoru 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~~CHamoru 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 homelands~~CHamoru Land Trust Property 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~~ CHamoru Land Trust property 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.

(b) Except as otherwise provided in the lease, the commission may require a lessee of an agricultural lot to have under

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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~~ Chamorro Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

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(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~~CHamoru Land Trust property, and the commission shall be authorized to lease said land to ~~a native Chamorro~~an eligible beneficiary 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.

(b) An appraisal made pursuant to this section shall be made by three appraisers, subject to the exception of lessee waiver

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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.

(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

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payment does not unreasonably impair the ~~Chamorro~~Chamoru 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~~Chamoru 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 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.

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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.

COMMITTEE MARKUP

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session

Bill No.

Introduced by:

Therese M. Terlaje

~~AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÁHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A~~ § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÁHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).

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

2 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guáhan finds
3 that on September 29, 2017, the United States of America filed a case against the
4 Chamorro Land Trust Commission in United States of America v. Government of
5 Guam, Chamorro Land Trust Commission, and Administrative Director of the

1 Chamorro Land Trust, CV 17-00113 (D. Guam) (Lawsuit), alleging, among other
2 things, violations of the U.S. Fair Housing Act.

3 I Liheslaturan Guåhan further finds that the Office of the Attorney General
4 and the Governor’s representatives on behalf of the Government of Guam, Attorney
5 Michael Phillips, and Chairperson Pika Fejeran on behalf of the CLTC, the Office
6 of the Attorney General on behalf of the CLTC Director, and the United States
7 entered into settlement conferences to attempt to resolve the lawsuit amicably and
8 without further litigation. At the conclusion of a settlement conference on
9 November 14, 2019, a settlement term sheet was agreed to in principle by the counsel
10 for the parties and subject to approval by the respective parties. On December 26,
11 2019, the CLTC adopted Resolution 2019-08 which found “the settlement terms in
12 the Agreement to be favorable for the Chamorro Land Trust Program and its
13 beneficiaries, as it preserves the program intact and would not materially affect
14 existing leaseholders.” Chamorro Land Trust Commission, Kumision Inangokkon
15 Tano’ CHamoru, Resolution No. 2019-08 (2019). In addition, “the Commission
16 found that the proposed modifications or amendments to the Chamorro Land Trust
17 Act and the Rules and Regulations of the Chamorro Land Trust Commission would
18 more clearly demonstrate that the Chamorro Land Trust (CLT) program is a land
19 restoration program meant to rectify the unjust taking of Chamorro homelands by
20 the United States federal government between 1898 and 1968, and would expand
21 the program’s eligible beneficiaries to include individuals and their descendants who
22 owned land or who ranched, farmed, or otherwise occupied the lands that were
23 taken.” Id.

24 On May 29, 2020, after further settlement negotiations, the Settlement
25 Agreement between the United States of America and Government of Guam,
26 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
27 Trust Commission, regarding U.S. v. Gov’t of Guam, et al., CV 17-00113 (D. Guam)

1 (Settlement Agreement), was signed by the Chamorro Land Trust Commission and
2 I Maga'hågan Guåhan. I Liheslaturan Guåhan further finds that the Settlement
3 Agreement resolves the allegations contained in the lawsuit, and in it the
4 Government of Guam does not admit liability and denies that the Chamorro Land
5 Trust Act violates the Fair Housing Act. Section C of the Settlement Agreement
6 outlines the legislative and administrative changes to the Chamorro Land Trust Act
7 and/or the rules and regulations of the CLTC.

8 *I Liheslaturan* further finds that the 35th Guam Legislature passed Bill 419-35
9 (COR), now P.L. 35-112, to approve the settlement terms in CV 17-00113 (D.
10 Guam). Section 4 of P.L. 35-112 states that “The Senator Paul J. Bordallo Rules
11 and Regulations for the Chamorro Land Trust Commission enacted pursuant to 21
12 GCA Chapter 75 are hereby enacted as rules and regulations applicable to 21 GCA
13 Chapter 75A, except where inconsistent. The Chamorro Land Trust Commission
14 shall modify said rules and regulations as well as any sub-regulatory rules, policies,
15 practices, or guidance as necessary to be consistent with 21 GCA Chapter 75A, as
16 enacted by this Act.”

17 *I Liheslaturan Guåhan* further finds that on November 15, 2021, the
18 Chamorro Land Trust Commission transmitted its proposed amendments to the
19 “Senator Paul Bordallo Rules and Regulations for Chamorro Land Trust
20 Commission”, Chapter 6, Title 18, Guam Administrative Rules & Regulations. The
21 stated purpose of these Rules and Regulations set forth the necessary procedures
22 with respect to lease applications; to set out detail standards of eligibility; to provide
23 for methods of inspection and review as well as a system of notice of hearing prior
24 to lease revocation; and, generally, to provide for certain requirements necessary to
25 meet the goals and objectives of the beneficiary homelands.

26 It is the intent of *I Liheslaturan Guåhan* to adopt the amended rules and
27 regulations to assure CLTC compliance with P.L. 35-112 and the settlement

1 agreement between the United States of America and Government of Guam,
2 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
3 Trust Commission.

4 **Section 2.** ~~Notwithstanding any other provision of law, *Liheslaturan*~~
5 ~~*Guåhan* does hereby adopt the proposed amendments to the Senator Paul Bordallo~~
6 ~~Rules and Regulations for Chamorro Land Trust Commission, originally adopted~~
7 ~~by Public Law 23-38, amended by Public Law 24-318, and codified as Chapter 6,~~
8 ~~Title 18, Guam Administrative Rules and Regulations, as transmitted to *L*~~
9 ~~*Liheslaturan Guåhan* by the Chamorro Land Trust Commission, attached hereto as~~
10 ~~EXHIBIT A. § 75A109(c) of Chapter 75A, Title 21, Guam Code Annotated is~~
11 ~~hereby amended to read:~~

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12 “(c) Should any successor or successors to a tract be a minor or
13 minors, the Commission may appoint a guardian therefor subject to
14 the approval of the Superior Court. Such guardian shall be authorized
15 to represent the successor or successors in all matters pertaining to the
16 leasehold: provided, that said guardian shall, in so representing such
17 successor or successors, comply with the provisions of this Chapter
18 and the stipulations and provisions contained in the lease, except that
19 said guardian need not be an eligible beneficiary as defined in ~~§75101~~
20 75A101 of this Chapter.

21 **Section 3.** Section 4 of P.L. 35-112 is hereby *amended* to read:

22 “Section 4. ~~The Senator Paul J. Bordallo Rules and Regulations for the~~
23 ~~Chamorro Land Trust Commission enacted pursuant to 21-GCA~~
24 ~~Chapter 75 are hereby enacted as rules and regulations applicable to~~
25 ~~21-GCA Chapter 75A, except where inconsistent. The Chamorro Land~~
26 ~~Trust Commission shall modify said rules and regulations as well as~~

1 any sub-regulatory rules, policies, practices, or guidance as necessary
2 to be consistent with 21 GCA Chapter 75A, as enacted by this Act.
3 Notwithstanding any other provision of law, a new Chapter 6A of
4 Title 18 of the Guam Administrative Rules and Regulations is hereby
5 enacted as the rules and regulations applicable to 21 GCA Ch. 75A,
6 Title 18, which shall mirror the existing Chapter 6 of Title 18 of the
7 Guam Administrative Rules and Regulations, the Senator Paul J.
8 Bordallo Rules and Regulations for the Chamorro Land Trust
9 Commission, except as provided in this Act. The new Chapter 6A of
10 Title 18 of the Guam Administrative Rules & Regulations and
11 amendments may be codified and renumbered by the Compiler of
12 Laws.”

13 **Section 4. § 6A101 of Chapter 6A, Title 18, Guam Administrative Rules and**
14 **Regulations shall read:**

15 **“§ 6A101. Authority and Purpose.**

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

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

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

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

1 (3) generally, to provide for certain requirements necessary to
2 meet the goals and objectives of the Chamorro-homeland Land
3 Trust property programs.

4 (c) Legislative Amendment. Pursuant to the mandate of
5 Section 4 of Pub. L. 35-112, the Chamorro Land Trust Commission
6 has adopted and modified the Senator Paul J. Bordallo Rules and
7 Regulations , codified as 18 GARR Chapter 6, in a new Chapter 6A,
8 to be consistent with and applicable to 21 GCA Chapter 75A as
9 enacted by Pub. L. 35-112.”

10 Section 5. § 6A102 of Chapter 6A, Title 18, Guam Administrative Rules and
11 Regulations shall read:

12 “§ 6A102. The Commission.

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

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

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

19 (3) maintain and uphold their fiduciary responsibilities
20 to the beneficiaries, and exercise such care and skill as a person
21 of ordinary prudence would exercise in dealing with one’s own
22 property in the management of Chamorro-homelands Land Trust
23 property; and,

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

1 (b) Offices. The commission offices are located at Buildings 903,
2 905, and 907, Tiyan Barrigada, Guam or whatever successor office it
3 might relocate to in the future.

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

5 (d) Contact numbers. Telephone: (671) 475-4251-8, Fax:
6 (671) 477-8082

7 (e) Hours. The offices of the commission shall be open from
8 8:00a m. to 5:00p.m., Monday through Friday, and provide for flexible
9 hours as determined by the Commission for the convenience of the
10 public.

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

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

19 **Section 6.** § 6A104 of Chapter 6A, Title 18, Guam Administrative Rules and
20 Regulations shall read:

21 **“§ 6A104. Definitions.**

22 As used in these rules and regulations:

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

1 (b) *Agricultural Tract* means Chamorro-homelands Land Trust
2 property with an area of not less than one quarter (0.25) acre, nor more
3 than twenty (20) acres.

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

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

11 (c) *Agricultural use* means the use of Chamorro-homelands Land
12 Trust property and improvements for farming purposes.

13 (d) Chamorro-homelands Land Trust property means all lands given
14 the status of Chamorro-homelands Land Trust property under the
15 provisions of § 75105 of Chapter 75 and § 75A105 of Chapter 75A, of
16 Title 21, Guam Code Annotated.

17 (e) *Chamorro Land Trust Act* or ~~the~~ *Act* means the policy for
18 management and disposition of Chamorro-homelands Land Trust
19 property and related programs found in Chapter 75A of Title 21, Guam
20 Code Annotated or any part thereof.

21 (f) *Commission* means the Chamorro Land Trust Commission
22 established by § 75102 of Chapter 75 and § 75A102 of Chapter 75A, of
23 Title 21, Guam Code Annotated.

24 (g) *Director* means the Administrative Director of the Chamorro
25 Land Trust Commission established by § 75102 of Chapter 75 and §
26 75A102 of Chapter 75A, of Title 21, Guam Code Annotated.

1 (h) ~~Native—Chamorro Eligible beneficiary~~ means any person who
2 became a U.S. Citizen by virtue of the authority and enactment of the
3 Organic Act of Guam or descendants of such person, regardless of race,
4 color, or national origin:

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

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

17 (i) ~~Residential Tract~~ means Chamorro—~~homelands~~ Land Trust
18 property with an area of not less than ten thousand (10,000) square feet
19 nor more than one (1) acre, or such other area which may be specified
20 by zoning, subdivision, or environmental policies.

21 (j) ~~Residential use~~ means the use of Chamorro—~~homelands~~ Land
22 Trust property and improvements for the purposes of the primary
23 domicile of the applicant.”

24 Section 7. § 6A106 of Chapter 6A, Title 18, Guam Administrative Rules and
25 Regulations shall read:

26 “§ 6A106. Application for Leases: Qualification of applicants.

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

3 (1) at least eighteen (18) years of age; and

4 (2) ~~a native Chamorro~~An eligible beneficiary.

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

8 (c) In addition to the qualifications required in subsection (a), a
9 person applying for an agricultural lease may be required to comply
10 with § 6A121 before a lease award can be made.”

11 **Section 8.** § 6A110 of Chapter 6A, Title 18, Guam Administrative Rules and
12 Regulations shall read:

13 **“§ 6A110. Application for Leases: Village and island-wide**
14 **waiting lists.**

15 (a) Applicants will be placed on the respective island-wide
16 residential and/or agricultural tract waiting list in the order specified in
17 § 6107(a) and § 6A107(a).

18 (b) In the event a new residential subdivision is opened, applicants
19 on the island-wide waiting list shall be considered for award in
20 accordance with § 6116 and § 6A116.

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

1 On or before the 15th day of every month, a copy of the priority
2 listing for the previous month as of the last day of the month shall be
3 recorded at the Department of Land Management.”

4 Section 9. § 6A112 of Chapter 6A, Title 18, Guam Administrative Rules and
5 Regulations shall read:

6 “§ 6A112. Application for Leases: Transfer of application rights.

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

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

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

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

1 An applicant may designate a relative qualified under the Act
2 pursuant to 21 GCA § 75A109 which provides that:

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

17 (A) is the lessee's spouse;

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

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

23 (D) is not an eligible beneficiary as defined under this
24 Act, such person shall, upon the death of the lessee,
25 receive a life estate in the remainder of the lease, and
26 upon termination of the life estate, assignment of the
27 lessee's remaining interest in the lease shall be

1 governed by the applicable provisions of the
2 Chamorro Land Trust Act as if the lessee had died
3 without designating his or her spouse as a beneficiary.

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

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

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

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

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

25 (c) Should any successor or successors to a tract be a minor or
26 minors, the Commission may appoint a guardian therefor subject to
27 the approval of the Superior Court. Such guardian shall be authorized

1 to represent the successor or successors in all matters pertaining to the
2 leasehold: provided, that said guardian shall, in so representing such
3 successor or successors, comply with the provisions of this Chapter
4 and the stipulations and provisions contained in the lease, except that
5 said guardian need not be an eligible beneficiary as defined in 21
6 GCA Ch. 75 § 75A101.

7 Section 10. § 6A115 of Chapter 6A, Title 18, Guam Administrative Rules
8 and Regulations shall read:

9 “§ 6A115. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
10 Residential tract leases; awards.

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

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

18 (c) Lot size for a residential tract lease to be awarded shall be not
19 less than 10,000 square feet with public sewer connection available nor
20 less than one-half (1/2) acre with no public sewer connection available,
21 but in neither case shall be more than one (1) acre; or lot size for a
22 residential tract lease shall be specified by zoning, subdivision,
23 environmental, or administrative policies, but in no circumstance may
24 the area exceed one (1) acre.”

25 Section 11. § 6A116 of Chapter 6A, Title 18, Guam Administrative Rules
26 and Regulations shall read:

1 **“§ 6A116. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
2 **Awards; when, order.**

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

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

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

11 (1) Those who do not own land anywhere;

12 (2) Those who own one (1) acre or less anywhere;

13 (3) Those who own more than one (1) acre anywhere.”

14 **Section 12. § 6A117 of Chapter 6A, Title 18, Guam Administrative Rules**
15 **and Regulations shall read:**

16 **“§ 6A117. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
17 **Award of lease; lessee’s performance.**

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

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

1 (1) Approved loan or financing for the construction of a
2 residence, or a conditional letter of intent or the equivalent;

3 (2) Contract between the applicant and a construction
4 company for the construction of a residential dwelling;

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

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

11 **Section 13.** § 6A118 of Chapter 6A, Title 18, Guam Administrative Rules
12 and Regulations shall read:

13 “§ 6A118. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
14 Awards to occupants of homelands; when.

15 (a) Notwithstanding the provisions of §§ 6108 to 6114 and §§ 6A108
16 to 6A114, the commission shall not serve eviction notices to individuals
17 who presently reside and have continuously resided on Chamorro
18 homelands Land Trust property prior to July 12, 1995, and who qualify
19 under the Act.

20 (b) Persons presently holding land use permits and who qualify
21 under ~~§ 6106~~ § 6A106 will hereby maintain their home or farms,
22 adhering to all other requirements of the Act and these rules and
23 regulations.”

24 **Section 14.** § 6A119 of Chapter 6A, Title 18, Guam Administrative Rules
25 and Regulations shall read:

1 **“§ 6A119. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
2 **Agricultural tract leases.**

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

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

10 (c) The lessee shall plant and maintain not less than five, ten, fifteen,
11 and twenty trees per acre of land leased during the first, second, third,
12 and fourth years, respectively, after the date of the lease. Such trees
13 shall be of types approved, and provided free of charge, by the
14 Department of Agriculture and at locations specified by the Department
15 of Agriculture’s agent. Such planting and maintenance shall be by or
16 under the immediate control and direction of the lessee.”

17 **Section 15. § 6A120 of Chapter 6A, Title 18, Guam Administrative Rules**
18 **and Regulations shall read:**

19 **“§ 6A120. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
20 **Residence permitted on agricultural lot.**

21 (a) Residences shall be permitted upon agricultural tracts. Only one
22 residence will be permitted per lessee on Chamorro ~~homelands~~ Land
23 Trust property, subject to the following conditions:

24 (1) The lessee has actively cultivated or developed at least
25 two-thirds of the agricultural tract at all times;

1 (2) Approval by the commission; and

2 (3) Conformance to all Guam zoning and building
3 requirements.

4 (b) A lessee possessing a residential tract lease may construct a
5 residence on the lessee's agricultural tract; provided that, the lessee
6 complies with all other conditions imposed by this section ~~§ 6126~~ §
7 6A126, and:

8 (1) Lessee makes prior arrangements to surrender or transfer
9 the residential tract lease upon the completion of construction of
10 the residence on the lessee's agricultural tract. Should it be
11 feasible, the lessee may relocate the present house;

12 (2) Lessee must be financially able to assume the cost of
13 relocation or construction of the new residence plus any related
14 expenses necessary to maintain the agricultural tract. The
15 commission may assist the lessee under ~~§ 6131~~ § 6A131; and

16 (3) In the event the lessee surrenders the residential tract lease,
17 the net proceeds thereof shall be first credited to any loan granted
18 by the commission for the construction of a home on the
19 agricultural tract.

20 (c) The commission shall not be liable for expenses incurred by the
21 lessee for amenities brought to the tract. The commission shall not
22 provide nor be required to provide such amenities, except as it may
23 determine in the planned development of its lands.

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

4 **Section 16. § 6A121 of Chapter 6A, Title 18, Guam Administrative Rules and**
5 **Regulations shall read:**

6 **“§ 6A121. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**
7 **Livestock and crops.**

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

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

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

16 (2) Approval by the commission;

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

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

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

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

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

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

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

11 (4) approval by the Commission; and

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

14 **Section 17. § 6A122 of Chapter 6A, Title 18, Guam Administrative Rules and**
15 **Regulations shall read:**

16 **“§ 6A122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:**

17 **Lease cancellation.**

18 (a) The commission may cancel a lease to ~~a native Chamorro~~ an
19 eligible beneficiary, as specified by ~~§ 75110~~ § 75A110 of the Act and
20 the Administrative Adjudication Law, for the following reasons:

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

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

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

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

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

9 Section 18. § 6A123 of Chapter 6A, Title 18, Guam Administrative Rules and
10 Regulations shall read:

11 “§ 6A123. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
12 Commercial leases. [Reserved]

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

17 Section 19. § 6A125 of Chapter 6A, Title 18, Guam Administrative Rules and
18 Regulations shall read:

19 “§ 6A125. Conditions in Leases: Industrial or commercial
20 activities.

21 (2) No industrial or commercial activities shall be allowed on
22 Chamorro-homelands Land Trust property leaseholds, except those
23 which are authorized for license by the Act.

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

1 (4) Commercial activities shall not include selling of agricultural
2 products raised upon the premises.”

3 Section 20. § 6A128 of Chapter 6A, Title 18, Guam Administrative Rules and
4 Regulations shall read:

5 “§ 6A128. Conditions in Leases: Transfer of leases.

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

17 Section 21. § 6A132 of Chapter 6A, Title 18, Guam Administrative Rules and
18 Regulations shall read:

19 “§ 6A132. Successors to Lessees: Designation of successors.

20 (a) A lessee shall, upon execution of the lease, designate the person in
21 whom lessee directs the interest in the tract to vest upon death.
22 Such person must be qualified to succeed to Chamorro ~~homelands~~
23 Land Trust property as provided by ~~the Act~~ Pub. L. 35-112, and
24 these rules. A lessee may elect to provide for the surrender of the
25 lot upon death and may select a recipient for the proceeds from the

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surrender. A lessee’s designation under this section may be
changed at any time by the lessee.

(2b) 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.”

Section 22. § 6A133 of Chapter 6A, Title 18, Guam Administrative Rules and
Regulations shall read:

“§ 6A133. 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~~ Land Trust
property, and the commission shall be authorized to lease said land
to ~~a native Chamorro~~ an eligible beneficiary as provided in ~~the Act~~
21 GCA Ch. 75A.

Deleted: 1

EXHIBIT A

SENATOR PAUL BORDALLO RULES
AND REGULATIONS FOR CHAMORRO
LAND TRUST COMMISSION

TITLE 18 GUAM ADMINISTRATIVE
RULES AND REGULATIONS

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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~~Eligible Beneficiaries: Residential tract leases; awards..

§ 6116. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Awards; when, order. Agricultural tract leases.

§ 6117. Leases to ~~Native Chamorros~~Eligible Beneficiaries: Award of lease; lessee’s performance.

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

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- § 6119. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Agricultural tract leases.
- § 6120. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Residence permitted on agricultural lot.
- § 6121. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Livestock and crops.
- § 6122. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Lease cancellation.
- § 6123. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
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 12226, 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

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implementation and administration of ~~Chamorro~~beneficiary homeland programs.

(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~~beneficiary homeland programs.

Legislative Amendment.

(c) Pursuant to the mandate of Public Law 35-112, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

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~~CHamoru Land Trust Property; 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.

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(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 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:

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

(b) *Agricultural Tract* means ~~Chamorro homelands~~CHamoru Land Trust Property 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 homelands~~CHamoru Land Trust Property and improvements for farming purposes.

(d) ~~Chamorro homelands~~CHamoru Land Trust Property means all lands given the status of ~~Chamorro homelands~~CHamoru Land Trust Property 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~~CHamoru Land Trust Property and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.

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

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

(h) ~~*Native Chamorro*~~ *Eligible beneficiary* 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, regardless of race, color, or national origin:

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(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 or 1968 or descendants of such person; except that if a 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-year tenure need not to have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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.

(j) *Residential use* means the use of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru 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.

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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~~ An eligible beneficiary.

(b) The commission shall accept all completed applications for residential or agricultural tracts from ~~native Chamorros~~ eligible beneficiaries 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.

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

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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.

§ 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.

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(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 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.

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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.

**§ 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~~ Eligible Beneficiaries:
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.

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(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 (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 Eligible Beneficiaries; 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 firstserved 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 Eligible Beneficiaries; 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:

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- (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;
- (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~~ Eligible Beneficiaries: 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~~ CHamoru Land Trust Property 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~~ Eligible Beneficiaries: 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.

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(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 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~~Eligible Beneficiaries:
Residence permitted on agricultural lot.**

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on ~~Chamorro homelands~~Chamoru Land Trust Property, 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

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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 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~~ Eligible Beneficiaries:
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:

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- (1) any wetland on the lease property is *not* drained, filled or otherwise destroyed;
- (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. 240318:4 (Dec. 28, 1998).

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

**§ 6122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
Lease cancellation.**

(a) The commission may cancel a lease to a ~~native Chamorro~~ an eligible beneficiary, 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~~ CHamoru 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~~ Eligible Beneficiaries:
Commercial leases. [Reserved]**

No commercial leases shall be entered into by the ~~Chamorro~~CHamoru 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~~CHamoru 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 homelands~~CHamoru Land Trust Property 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~~ CHamoru Land Trust property 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.

(b) Except as otherwise provided in the lease, the commission may require a lessee of an agricultural lot to have under

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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~~ Chamorro Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

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(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~~CHamoru Land Trust property, and the commission shall be authorized to lease said land to ~~a native Chamorro~~an eligible beneficiary 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.

(b) An appraisal made pursuant to this section shall be made by three appraisers, subject to the exception of lessee waiver

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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.

(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

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payment does not unreasonably impair the ~~Chamorro~~Chamoru 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~~Chamoru 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 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.

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CH. 6 CHAMORRO LAND TRUST COMMISSION

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.



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

December 17, 2021

MEMO

To: **Rennae Meno**
Clerk of the Legislature

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

Re: **Fiscal Note Waiver for Bill No. 229-36 (LS)**

Håfa adai,

Attached, please find the fiscal note waiver for the following bill:

Bill No. 229-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

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.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

DEC 17 2021

Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules
I Mina'trentai Sais Na Liheslaturan Guåhan
Thirty-Sixth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai, Vice Speaker Muña Barnes:

The Bureau requests that Bill No. 229-36(LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 229-36(LS) is an act to amend Chapter 6, Title 18, Guam Administrative Rules and Regulations as transmitted by the Chamorro Land Trust Commission (CLTC), relative to defining eligible beneficiaries for the Chamorro Land Trust (CLT) program. According to the bill's legislative findings and intent, in 2019, there was an attempt to resolve a 2017 lawsuit alleging violations of the U.S. Fair Housing Act (among other things) without further litigation after one of the settlement conferences. This led the Commission to amend the Rules and Regulations to expand and define the terms of eligibility of individuals and their descendants qualified for the CLT program. By doing so, the Commission has amended the terms "Native Chamorro" to "Eligible Beneficiaries" and "Chamorro homelands" to "CHamoru Land Trust Property."

This bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.



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

Bill No. 229-36 (LS), As Substituted by the Committee on Health, Land, Justice, and Culture –
Introduced by Senator Therese M. Terlaje – “AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Speaker Therese M. Terlaje Chairperson	<i>Therese M. Terlaje</i> 01/21/22	✓				
Senator Sabina Flores Perez Vice Chairperson of Health, Land and Culture	E-VOTE 01/21/22	✓				
Senator Telena C. Nelson Vice Chairperson of Justice						
Vice Speaker Tina Muña Barnes Member	E-VOTE 01/21/22	✓				
Senator Joanne M. Brown Member	E-VOTE 01/21/22	✓				
Senator Christopher M. Dueñas Member	E-VOTE 01/21/22			✓		
Senator Amanda L. Shelton Member						
Senator Telo T. Taitague, Member	E-VOTE 01/21/22	✓				
Senator Jose “Pedo” Terlaje Member	E-VOTE 01/21/22	✓				

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

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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: BILL 229-36 (LS) AS SUBSTITUTED BY THE COMMITTEE

8 messages

Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> Fri, Jan 21, 2022 at 11:16 AM
 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 Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Hafa Adai, Committee Members:

Please see the attached Committee Report for Bill No. 229-36 (LS), *As Substituted by the Committee on Health, Land, Justice, and Culture* – Introduced by Speaker Therese M. Terlaje – “AN ACT TO AMEND § 75A109(c) of CHAPTER 75A, TITLE 21 AND SECTION 4 OF P.L. 35-112, AND TO ADD A NEW CHAPTER 6A OF TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO COMPLYING WITH LEGISLATIVE AND ADMINISTRATIVE CHANGES REQUIRED UNDER THE SETTLEMENT AGREEMENT MADE BY AND BETWEEN THE UNITED STATES OF AMERICA AND GOVERNMENT OF GUAM, CHAMORRO LAND TRUST COMMISSION & ADMINISTRATIVE DIRECTOR OF THE CHAMORRO LAND TRUST COMMISSION, IN UNITED STATES V. GOVERNMENT OF GUAM, ET AL. (D. GUAM), CIVIL NO. 17-CV-001113, AS TRANSMITTED TO I LIHESLATURAN GUAHAN BY THE CHAMORRO LAND TRUST COMMISSION (CLTC).”

Please indicate your preferred action, based on the following options.

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 229-36 (LS)- As Substituted by the Committee, which will be filed with the Committee on Rules.

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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 **Committee Report on Bill No. 229-36 (LS).pdf**
23008K

Senator Telo Taitague <senatortelot@gmail.com>

Fri, Jan 21, 2022 at 11:23 AM

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>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

to do pass

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

36th Guam Legislature

Suite 309 DNA Building

[238 Archbishop Flores St.](#)

[Hagatna, Guam 96910](#)

Tel: (671) 989-8356

Email: senatortelot@gmail.com

[Quoted text hidden]

Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Fri, Jan 21, 2022 at 11:42 AM

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>, "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 Pedro

Terlaje <senatorpedo@senatorjpterlaje.com>

To do pass.



Sins eru yan Minagåhet,

Office of the Vice Speaker • Tina Rose Muña Barnes

Committee on Rules

Committee on Public Accountability, Human Resource, Guam Buildup, Hagåtña Revitalization, Regional Affairs, Public Library, Telecommunications, and Technology

36th Guam Legislature

I Mina'trentai Sais na Liheslaturan Guåhan

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senatormunabarnes@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hægu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as senatormunabarnes@guamlegislature.org yan despues destrosa tod u siha I kopian mensåhi. Si Yu'os ma'åse'.

[Quoted text hidden]

Sabina Perez <sabina@senatorperez.org>

Fri, Jan 21, 2022 at 11:55 AM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Cc: 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 Pedro

Terlaje <senatorpedo@senatorjpterlaje.com>

To do pass.

On Fri, Jan 21, 2022 at 11:16 AM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

[Quoted text hidden]

--



Senator Sabina Perez

Office of Senator Sabina Perez

36th Guam Legislature • *I Mina'Trentai Sais na Liheslaturan Guåhan*

Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning

Tel: (671) 989-2968

Email: sabina@senatorperez.org

Website: senatorperez.org

Office of Senator Joanne M. Brown <office@senatorjoannebrown.com> Fri, Jan 21, 2022 at 12:20 PM
To: Sabina Perez <sabina@senatorperez.org>
Cc: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>, 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>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Hafa Adai,
To Do Pass.

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](#)
Capitol Plaza Building, Suite 103
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Hafa Adai! Except with respect to public records exempt from disclosure by express provisions of the law, please be advised that, as an official office of the Legislative Branch of the Government of Guam, this electronic communication, is subject to the laws, rules and regulations governing the Sunshine Reform Act, and any other processes and procedures carried out in the spirit of an open and transparent government.

[Quoted text hidden]

Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com> Fri, Jan 21, 2022 at 12:21 PM
To: "Office of Senator Joanne M. Brown" <office@senatorjoannebrown.com>
Cc: "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Chris Duenas <senatorchrisduenas@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Telena C. Nelson" <senatorcnelson@gmail.com>, Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

To do pass.

[Quoted text hidden]

--

The Office of Senator Jose "Pedo" Terlaje

Committee on Public Safety, Emergency Response,
Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature
I Mina'trentai Sais na Liheslaturan Guåhan

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910
 Tel: (671) 989-5301/ 3218
 Email: senatorpedo@senatorjpterlaje.com

Office of Senator Joanne M. Brown <office@senatorjoannebrown.com>
 To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Fri, Jan 21, 2022 at 12:23 PM

Hafa Adai,
 To Do Pass.

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
 Capitol Plaza Building, Suite 103
 Hagåtña, Guam 96932
 Telephone: (671) 647-1409

Hafa Adai! Except with respect to public records exempt from disclosure by express provisions of the law, please be advised that, as an official office of the Legislative Branch of the Government of Guam, this electronic communication, is subject to the laws, rules and regulations governing the Sunshine Reform Act, and any other processes and procedures carried out in the spirit of an open and transparent government.

On Fri, Jan 21, 2022 at 11:16 AM Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com> wrote:

[Quoted text hidden]

Chris Duenas <senatorchrisduenas@gmail.com>

Fri, Jan 21, 2022 at 12:25 PM

To: Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>
 Cc: "Office of Senator Joanne M. Brown" <office@senatorjoannebrown.com>, "Amanda S. Shelton" <senatorshelton@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, "Office of Senator Telena C. Nelson" <senatorcnelson@gmail.com>, Sabina Perez <sabina@senatorperez.org>, Senator Sabina Perez <office@senatorperez.org>, Senator Telena Cruz Nelson <senatorcnelson@guamlegislature.org>, Senator Telo Taitague <senatortelot@gmail.com>, "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Hafa Adai,

To Report Out Only.

Si Yu'os Ma'åse',



Office of Senator Christopher M. Dueñas
 36th Guam Legislature
I Mina' trentai Sais Na Liheslaturan Guåhan
 (671) 989-9554 - 116 Chalan Santo Papa, Hagatna
senatorchrisduenas@gmail.com

|  @senatorduenas

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[Quoted text hidden]



James L. Canto II <jcanto@oagguam.org>

RE: [EXTERNAL] Re: U.S. v. Guam

1 message

Martinson, Alan (CRT) <Alan.Martinson@usdoj.gov>

Tue, Jan 4, 2022 at 8:33 AM

To: "James L. Canto II" <jcanto@oagguam.org>, "Lapertosa, Max (CRT)" <Max.Lapertosa@usdoj.gov>

Cc: "Legomsky, Kathryn (CRT)" <Kathryn.Legomsky@usdoj.gov>

Jamie,

Happy New Year!

We have just a couple of comments, which are in the attached.

Thank you,

Alan

Alan Martinson
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Housing and Civil Enforcement Section
Direct Line: (202) 616-2191

From: James L. Canto II <jcanto@oagguam.org>

Sent: Wednesday, December 22, 2021 10:01 PM

To: Lapertosa, Max (CRT) <Max.Lapertosa@usdoj.gov>

Cc: Martinson, Alan (CRT) <Alan.Martinson@usdoj.gov>; Legomsky, Kathryn (CRT) <Kathryn.Legomsky@usdoj.gov>

Subject: Re: [EXTERNAL] Re: U.S. v. Guam

Alan:

Seasons Greetings! Please see the attached proposed legislative Bill No. 220-36 (COR) authored by Speaker Terlaje, which intends to codify new rules and regulations for the CLTC to align with the amendment to the Chamorro Land Trust Act. Public hearing is set for January 4, 2022. Please review the Bill and let me know if you have any concerns in advance of the scheduled public hearing. Thank you.

Best regards,

Jamie

1.26.22 Document: SBill No. 229 APPEND TO COMMITTEE REPORT.
I Mina'trentai Sais 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
229-36 (LS)	Therese M. Terlaje	AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE RULES AND REGULATIONS AS TRANSMITTED TO I LIHESLATURAN GUÅHAN BY THE CHAMORRO LAND TRUST COMMISSION, ATTACHED HERETO AS EXHIBIT A.	12/6/21 5:32 p.m.						Exhibit A

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 229-36 (LS)

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO AMEND CHAPTER 6, TITLE 18, GUAM
 ADMINISTRATIVE RULES AND REGULATIONS AS
 TRANSMITTED TO *I LIHESLATURAN GUÅHAN* BY
 THE CHAMORRO LAND TRUST COMMISSION,
 ATTACHED HERETO AS EXHIBIT A.**

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

2 **Section 1. Legislative Findings and Intent.** I Liheslaturan Guåhan finds
 3 that on September 29, 2017, the United States of America filed a case against the
 4 Chamorro Land Trust Commission in United States of America v. Government of
 5 Guam, Chamorro Land Trust Commission, and Administrative Director of the
 6 Chamorro Land Trust, CV 17-00113 (D. Guam) (Lawsuit), alleging, among other
 7 things, violations of the U.S. Fair Housing Act.

8 I Liheslaturan Guåhan further finds that the Office of the Attorney General
 9 and the Governor's representatives on behalf of the Government of Guam, Attorney
 10 Michael Phillips, and Chairperson Pika Fejeran on behalf of the CLTC, the Office
 11 of the Attorney General on behalf of the CLTC Director, and the United States
 12 entered into settlement conferences to attempt to resolve the lawsuit amicably and
 13 without further litigation. At the conclusion of a settlement conference on
 14 November 14, 2019, a settlement term sheet was agreed to in principle by the counsel
 15 for the parties and subject to approval by the respective parties. On December 26,

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

14 On May 29, 2020, after further settlement negotiations, the Settlement
15 Agreement between the United States of America and Government of Guam,
16 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
17 Trust Commission, 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 Commission and
19 I Maga'hågan Guåhan. I Liheslaturan Guåhan further finds that the Settlement
20 Agreement resolves the allegations contained in the lawsuit, and in it the
21 Government of Guam does not admit liability and denies that the Chamorro Land
22 Trust Act violates the Fair Housing Act. Section C of the Settlement Agreement
23 outlines the legislative and administrative changes to the Chamorro Land Trust Act
24 and/or the rules and regulations of the CLTC.

25 *I Liheslaturan* further finds that the 35th Guam Legislature passed Bill 419-35
26 (COR), now P.L. 35-112, to approve the settlement terms in CV 17-00113 (D.
27 Guam). Section 4 of P.L. 35-112 states that “The Senator Paul J. Bordallo Rules

1 and Regulations for the Chamorro Land Trust Commission enacted pursuant to 21
2 GCA Chapter 75 are hereby enacted as rules and regulations applicable to 21 GCA
3 Chapter 75A, except where inconsistent. The Chamorro Land Trust Commission
4 shall modify said rules and regulations as well as any sub-regulatory rules, policies,
5 practices, or guidance as necessary to be consistent with 21 GCA Chapter 75A, as
6 enacted by this Act.”

7 *I Liheslaturan Guåhan* further finds that on November 15, 2021, the
8 Chamorro Land Trust Commission transmitted its proposed amendments to the
9 “Senator Paul Bordallo Rules and Regulations for Chamorro Land Trust
10 Commission”, Chapter 6, Title 18, Guam Administrative Rules & Regulations. The
11 stated purpose of these Rules and Regulations set forth the necessary procedures
12 with respect to lease applications; to set out detail standards of eligibility; to provide
13 for methods of inspection and review as well as a system of notice of hearing prior
14 to lease revocation; and, generally, to provide for certain requirements necessary to
15 meet the goals and objectives of the beneficiary homelands.

16 It is the intent of *I Liheslaturan Guåhan* to adopt the amended rules and
17 regulations to assure CLTC compliance with P.L. 35-112 and the settlement
18 agreement between the United States of America and Government of Guam,
19 Chamorro Land Trust Commission & Administrative Director of the Chamorro Land
20 Trust Commission.

21 **Section 2.** Notwithstanding any other provision of law, *I Liheslaturan*
22 *Guåhan* does hereby adopt the proposed amendments to the Senator Paul Bordallo
23 Rules and Regulations for Chamorro Land Trust Commission, originally adopted by
24 Public Law 23-38, amended by Public Law 24-318, and codified as Chapter 6, Title
25 18, Guam Administrative Rules and Regulations, as transmitted to *I Liheslaturan*
26 *Guåhan* by the Chamorro Land Trust Commission, attached hereto as EXHIBIT A.

EXHIBIT A
SENATOR PAUL BORDALLO RULES
AND REGULATIONS FOR CHAMORRO
LAND TRUST COMMISSION
TITLE 18 GUAM ADMINISTRATIVE
RULES AND REGULATIONS

18 GARLAND MANAGEMENT
CH. 6 CHAMORRO LAND TRUST COMMISSION

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~~ Eligible Beneficiaries: Residential tract leases; awards..

§ 6116. Leases to ~~Native Chamorros~~ Eligible Beneficiaries: Awards; when, order. Agricultural tract leases.

§ 6117. Leases to ~~Native Chamorros~~ Eligible Beneficiaries: Award of lease; lessee’s performance.

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

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CH. 6 CHAMORRO LAND TRUST COMMISSION

- § 6119. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Agricultural tract leases.
- § 6120. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Residence permitted on agricultural lot.
- § 6121. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Livestock and crops.
- § 6122. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
Lease cancellation.
- § 6123. Leases to ~~Native Chamorros~~Eligible Beneficiaries:
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 12226, 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

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implementation and administration of ~~Chamorro~~beneficiary homeland programs.

(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~~beneficiary homeland programs.

Legislative Amendment.

(c) Pursuant to the mandate of Public Law 35-112, Section 4, the CHamoru Land Trust Commission has modified these rules and regulations to be consistent with 21 GCA Chapter 75A as enacted by the same Public Law.

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~~CHamoru Land Trust Property; 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.

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(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 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:

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

(b) *Agricultural Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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 homelands~~ CHamoru Land Trust Property and improvements for farming purposes.

(d) ~~Chamorro homelands~~ CHamoru Land Trust Property means all lands given the status of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru Land Trust Property and related programs found in Chapter 75 of Title 21, Guam Code Annotated or any part thereof.

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

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

(h) ~~*Native Chamorro*~~ *Eligible beneficiary* 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, regardless of race, color, or national origin:

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(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 or 1968 or descendants of such person; except that if a 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-year tenure need not to have occurred immediately prior to acquisition by the United States government.

(i) *Residential Tract* means ~~Chamorro homelands~~ CHamoru Land Trust Property 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.

(j) *Residential use* means the use of ~~Chamorro homelands~~ CHamoru Land Trust Property 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~~ CHamoru 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.

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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~~ An eligible beneficiary.

(b) The commission shall accept all completed applications for residential or agricultural tracts from ~~native Chamorros~~ eligible beneficiaries 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.

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

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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.

§ 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.

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(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 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.

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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.

§ 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~~ Eligible Beneficiaries:
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.

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(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 (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 Eligible Beneficiaries; 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 firstserved 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 Eligible Beneficiaries; 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:

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- (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;
- (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~~ Eligible Beneficiaries: 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~~ CHamoru Land Trust Property 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~~ Eligible Beneficiaries: 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.

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(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 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~~ Eligible Beneficiaries:
Residence permitted on agricultural lot.**

(a) Residences shall be permitted upon agricultural tracts. Only one residence will be permitted per lessee on ~~Chamorro homelands~~ Chamoru Land Trust Property, 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

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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 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~~ Eligible Beneficiaries:
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:

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- (1) any wetland on the lease property is *not* drained, filled or otherwise destroyed;
- (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. 240318:4 (Dec. 28, 1998).

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

**§ 6122. Leases to ~~Native Chamorros~~ Eligible Beneficiaries:
Lease cancellation.**

(a) The commission may cancel a lease to a ~~native Chamorro~~ an eligible beneficiary, 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~~ CHamoru 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~~ Eligible Beneficiaries:
Commercial leases. [Reserved]**

No commercial leases shall be entered into by the ~~Chamorro~~CHamoru 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~~CHamoru 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 homelands~~CHamoru Land Trust Property 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~~ CHamoru Land Trust property 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.

(b) Except as otherwise provided in the lease, the commission may require a lessee of an agricultural lot to have under

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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~~ Chamorro Land Trust property as provided by the Act, the revisions of Bill No. 419-35, 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 designation under this section may be changed at any time by the lessee.

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(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~~CHamoru Land Trust property, and the commission shall be authorized to lease said land to ~~a native Chamorro~~an eligible beneficiary 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.

(b) An appraisal made pursuant to this section shall be made by three appraisers, subject to the exception of lessee waiver

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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.

(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

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payment does not unreasonably impair the ~~Chamorro~~Chamoru 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~~Chamoru 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 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.

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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

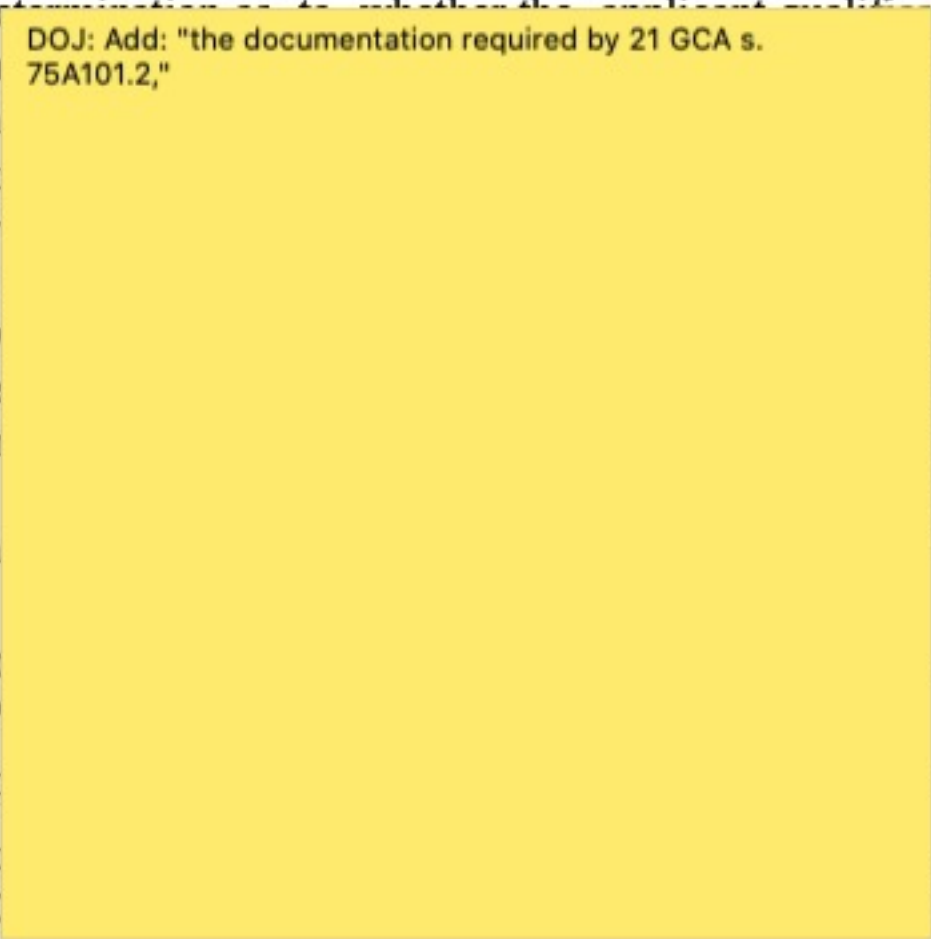
(4) Arranging for removal of animals at least forty-eight (48) hours in advance of the move with the commission.

(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.

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make a determination as to whether the applicant qualifies as
an applicant for the Commission's review of the application as
application of the provisions of the Act with
investigation and these rules and regulations with
and these rules and regulations with
any action taken by the Commission
receipt of a receipt from the Commission
the Commission
of the Commission
at which the Commission
application
matter.



SOURCE:
renumbered

§ 6108. Application for Leases:

Application for Leases:
lot only. Commission
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.**



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

Follow up for Testimony on Bill 229-36 CLTC Rules

Nicolas Toft <Nicolas.Toft@land.guam.gov>
To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Thu, Jan 20, 2022 at 4:15 PM

Hafa Adai Senator Terlaje,

I have no further testimony on Bill 229-36, it is my belief that these new rules will not impact any existing leases that the CLTC has issued.

Sincerely,

Nicolas E. Toft

From: Speaker Therese M. Terlaje <senatorterlajeguam@gmail.com>
Sent: Thursday, January 20, 2022 3:31 PM
To: Stephanie E. Mendiola <smendiola@oagguam.org>
Cc: James L. Canto II <jcanto@oagguam.org>; Nicolas Toft <Nicolas.Toft@land.guam.gov>; Nicolas E. Toft <ntoft@oagguam.org>; OAG General Counsel <generalcounsel@oagguam.org>
Subject: Re: Follow up for Testimony on Bill 229-36 CLTC Rules

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1/26/22, 10:39 AM



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

Follow up for Testimony on Bill 229-36 CLTC Rules

Stephanie E. Mendiola <smendiola@oagguam.org>

Fri, Jan 21, 2022 at 3:55 PM

To: "Speaker Therese M. Terlaje" <senatorterlajeguam@gmail.com>

Cc: "James L. Canto II" <jcanto@oagguam.org>, Nicolas Toft <Nicolas.Toft@land.guam.gov>, "Nicolas E. Toft" <ntoft@oagguam.org>, OAG General Counsel <generalcounsel@oagguam.org>

Buenas Andrea,

Thank you for your patience. Attached is a copy of DOJ's comments on Bill 229. We don't have formal written testimony on the measure but we are in support of the measure, as discussed during oral testimony/comments provided during the public hearing.

Si Yu'os ma'ase',

si Stephanie E. Mendiola

General Counsel/Deputy Attorney General

--

Division of General Counsel

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DOJ Email, Comments - Bill No. 229-36 (COR).pdf

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