

I Mina'trentai Siette 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
12-37 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 60112 OF CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING PRIOR APPROVAL FROM THE LEGISLATURE BEFORE PURCHASING OR ENTERING INTO A LEASE, LICENSE, OR SUB-LEASE OF PROPERTY OWNED BY THE FEDERAL GOVERNMENT, FOREIGN GOVERNMENT, OR SUBENTITIES THEREOF FOR A TERM IN EXCESS OF FIVE (5) YEARS.	1/24/23 4:50 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) REGULAR SESSION

Bill No. 12-37 (COR)

Introduced By:

Therese M. Terlaje *Tmt*

AN ACT TO *AMEND* § 60112 OF CHAPTER 60, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING PRIOR APPROVAL FROM THE LEGISLATURE BEFORE PURCHASING OR ENTERING INTO A LEASE, LICENSE, OR SUB-LEASE OF PROPERTY OWNED BY THE FEDERAL GOVERNMENT, FOREIGN GOVERNMENT, OR SUBENTITIES THEREOF FOR A TERM IN EXCESS OF FIVE (5) YEARS.

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that legislative approval is required when
4 government-owned real property is to be sold, leased, sub-leased, exchanged or
5 otherwise transferred. However, no local statute currently exists regarding property
6 that is sold, leased, sub-leased or licensed to the government of Guam by the
7 federal government, foreign governments, or subentities thereof. The absence of a
8 local statute regarding these types of properties risks incurring obligations without
9 any public input, and counteracts a transparent and consistent policy.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to maintain consistency
11 in local policies related to the sale, lease, sublease and license of real property on
12 Guam, and ensure transparency when the government of Guam purchases or enters
13 into a lease, license, or sub-lease of property owned by the federal government,
14 foreign governments, or subentities thereof.

1 **Section 2. § 60112 of Chapter 60, Title 21, Guam Code Annotated is**
2 **hereby amended, to read:**

3 **“§ 60112. Legislative Approval Required.**

4 (a) Notwithstanding any other provisions of law,
5 government-owned real property shall not be sold, leased, sub-leased,
6 exchanged or otherwise transferred without the prior approval of *I*
7 *Liheslatura* (the Legislature) by duly enacted legislation, which
8 specifically authorizes a particular sale, lease, exchange or transfer,
9 and includes the real property description of the government-owned
10 real property with particularity, and a Department of Land
11 Management recorded map showing the alienated parcel and the
12 remaining parcel of the original lot.

13 (b) Notwithstanding any other provisions of law, the
14 government of Guam, its various departments and agencies, including
15 autonomous or semiautonomous agencies, shall not purchase or enter
16 into a lease, license, or sub-lease of property owned by the federal
17 government, foreign governments, or subentities thereof, for a term
18 in excess of five (5) years, without the prior approval of *I Liheslatura*
19 (the Legislature) by duly enacted legislation, which specifically
20 authorizes a particular sale, lease, license, or sub-lease.

21 (c) This Section shall not apply to the Land for the Landless
22 Program, or residential leases, subsistence agricultural leases and
23 subsistence aquaculture leases by the Chamorro Land Trust
24 Commission pursuant to its rules and regulations, but shall apply to
25 any transfer to the federal government or any agent of the federal
26 government of land owned in the name of the government of Guam,

1 including, but not limited to, its autonomous agencies, public
2 corporations, the Chamorro Land Trust Commission, and the Guam
3 Ancestral Lands Commission.”

4 **Section 3. Severability.** The provisions outlined in this Act are declared to
5 be separate and severable. The invalidity of any clause, sentence, paragraph,
6 subdivision, section or portion of this statute, or the invalidity of the application
7 thereof to any person or circumstance shall not affect the validity of the remainder
8 of this statute or the validity of its application to other persons or circumstances.

9 **Section 4. Effective Date.** This Act shall be effective upon enactment.