

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

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Bill No. 334-37 (LS) As substituted; and amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 7, 2024					
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin					✓	✓
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

13

0

**Not
Voting/
Abstained**

**Out
During
Roll Call**

2

Absent

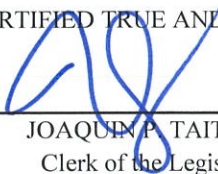
2

Excused

Aye

Nay

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

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

Bill No. 334-37 (LS)

As substituted; and amended on the Floor.

*

Introduced by:

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

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

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

2 **Section 1. Legislative Findings and Intent.** This Act was introduced at the
3 recommendation of the Attorney General of Guam. *I Liheslaturan Guåhan* hereby
4 finds that the opportunity for persons eligible to receive land leases and other

1 benefits from the Chamorro Land Trust Commission are stymied by practices of
2 former Commissions and their staff that have created legal clouds over nearly all
3 existing Commission leases. These legal clouds inhibit the opportunity for lessees to
4 obtain financing to build or rebuild farms and residences.

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

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

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

24 **“§ 75A126. Review and Remediation of Existing Leases.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (g) When the Commission executes a new lease pursuant to
25 Subsection (b) of this Section the Commission may execute such additional
26 documents as may be necessary to reaffirm any loans or loan guarantees that

1 the lessee may have previously entered into with the consent of the
2 Commission.

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

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

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

22 **"§ 75126. Review and Remediation of Existing Leases.**

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

1 complying with §§ 75108 and 75109 of this Chapter. The Commission shall
2 serve the lessee with a notice of the commission's determination under this
3 Subsection (a) at the lessee's address of record on file with the Commission.

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

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

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

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

1 75107(a). The Commission and a lessee are authorized to enter into a
2 commercial agriculture or aquaculture lease, if applicable, for acreage
3 exceeding two (2) acres in the original lease.

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

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

7 (2) the lessee is otherwise not in full compliance with the
8 terms of their lease, the law, or the Commission's regulations, the
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27 lease issued to a lessee whose original lease exceeds the authorized

1 acreage limits set out at § 75107(a) shall require that the leased acreage
2 comply with the authorized acreage limits of § 75107(a) as enacted at
3 the time of original award or a maximum of two (2) acres, not later than
4 a transfer of the lease to other than a spouse pursuant to § 75109(a) or
5 18 GARR, Chapter 6, § 6128. The Commission and a lessee are
6 authorized to enter into a lease modification at any time to bring the
7 leased acreage into compliance with the authorized acreage limits of §
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11 (d) The Commission shall complete the requirements of Subsection
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11 beneficiary shall retain their priority for additional leases. If the Commission
12 has offered an eligible beneficiary three (3) leases and the eligible beneficiary
13 declines each opportunity to lease, the eligible beneficiary shall be deemed to
14 have terminated their rights to any benefits provided by the Commission.”

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

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