



FILE COPY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
THIRTY THIRD GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

June 20, 2016

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 141-33 (COR), 249-33 (COR), 282-33 (COR), 293-33 (COR), 298-33 (COR), 311-33 (COR), 313-33 (COR), 314-33 (COR), 315-33 (COR), 320-33 (COR), 321-33 (COR), and 323-33 (COR); and Substitute Bill Nos. 30-33 (COR), 291-33 (COR), 296-33 (COR), 302-33 (LS), 304-33 (LS), 305-33 (LS), 306-33 (LS), 307-33 (LS), 308-33 (LS), and 309-33 (LS), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on June 17, 2016.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (22)

*PO<sup>2</sup> R.S. McCarroll*  
*6/20/16*  
*5:35 pm*

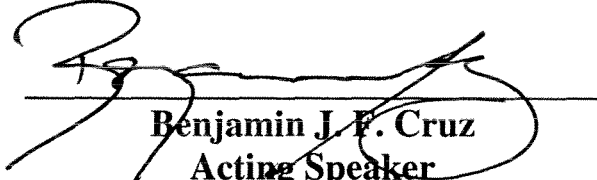
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN  
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

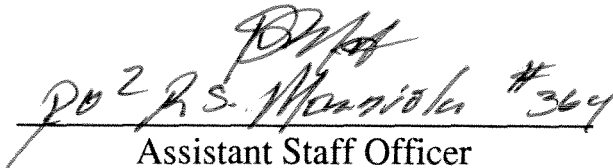
This is to certify that Bill No. 321-33 (COR), "AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 33-104, RELATIVE TO EXTENDING THE PAYMENT PERIOD FOR THE EXPIRED LAND FOR THE LANDLESS CONTRACTS; TO WAIVE THE TEN (10) YEAR WAITING PERIOD PRIOR TO THE TRANSFER OF PROPERTY FOR EXCEPTIONAL CASES; TO PROVIDE A WAIVER FOR EXISTING RESIDENTS OF AFFECTED LOTS; AND TO PROVIDE FOR A JOURNAL VOUCHER TRANSFER OF FUNDS," was on the 17<sup>th</sup> day of June 2016, duly and regularly passed.

Attested  


Tina Rose Muña Barnes  
Legislative Secretary

  
Benjamin J. F. Cruz  
Acting Speaker

This Act was received by *I Maga'låhen Guåhan* this 20<sup>th</sup> day of JUNE,  
2016, at 5:35 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 321-33 (COR)**

As amended by the Committee on Transportation,  
Infrastructure, Lands, Border Protection, Veterans'  
Affairs and Procurement.

Introduced by:

T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 33-104, RELATIVE TO EXTENDING THE PAYMENT PERIOD FOR THE EXPIRED LAND FOR THE LANDLESS CONTRACTS; TO WAIVE THE TEN (10) YEAR WAITING PERIOD PRIOR TO THE TRANSFER OF PROPERTY FOR EXCEPTIONAL CASES; TO PROVIDE A WAIVER FOR EXISTING RESIDENTS OF AFFECTED LOTS; AND TO PROVIDE FOR A JOURNAL VOUCHER TRANSFER OF FUNDS.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3        Public Law 33-104 extended the time period to cure and remedy defaulted ten (10)-year  
4        contracts in the various *Land for the Landless* programs, and also authorized the transfer

1 of unpaid *Land for the Landless* subdivisions into the Chamorro Land Trust Commission  
2 lands inventory. According to data provided by the Department of Land Management  
3 (DLM), out of the three hundred ninety-one (391) defaulted accounts in the *Land for the*  
4 *Landless* program, thirty-nine (39) accounts were paid in full while forty-one (41)  
5 respondents requested for an appeal to the default notice letters.

6 *I Liheslaturan Guåhan* further finds that many of the respondents appealed to the  
7 default notice letters due to personal hardship, medical situations, and in some cases, the  
8 original applicant-assignee of the subject lot of the defaulted contract currently resides  
9 on the affected property.

10 It is the intent of *I Liheslaturan Guåhan* to extend the payment period of those  
11 who have responded to the notices and allow them sufficient time to pay their balance  
12 on the *Land for the Landless* default account.

13 **Section 2.** Section 2 of Public Law 33-104 is hereby *amended* to read as  
14 follows:

15 **“Section 2. Notification of Purchasers Under the Land for the**  
16 **Landless Who Had Defaulted and Remedy.**

17 (a) The Director of the Department of Land Management  
18 (Department) *shall* exercise his best efforts to notify purchasers who  
19 had defaulted on contracts under the *Land for the Landless* program to  
20 submit, at the purchaser’s option, an appeal to rescind the default. The  
21 appeal must provide justification on why the default should be  
22 rescinded. Said notifications from the Department of Land  
23 Management *shall* be sent via certified mail, and accomplished within  
24 forty-five (45) days of enactment of this Act.

25 (b) Purchasers, or their legal beneficiaries, *shall* be given  
26 thirty (30) days from the date of receipt of the notice to submit their  
27 appeal and justification to the Department. The Department *shall* have

1 forty-five (45) days to review the appeals and to make a determination.  
2 Appeals that *do not* receive a determination within the forty-five (45)  
3 days *shall* be deemed approved.

4 (c) If the Department finds the justification to be reasonable  
5 or pursuant to Subsection (b) above, and the purchaser, or his/her legal  
6 beneficiary, is still eligible under the program's guidelines, the  
7 Department *shall* give the purchaser the opportunity to rectify the  
8 default within one hundred eighty (180) days from the date of notice  
9 that the default has been rescinded. However, the purchaser, or his/her  
10 legal beneficiaries, *shall* be required to place, within thirty (30) days of  
11 receipt of the notice that the default has been rescinded, a minimum  
12 deposit of ten percent (10%) of the balance due.

13 (d) The remedy available to the purchaser, or his/her legal  
14 beneficiary, *shall* be to pay the full amount of the balance due on the  
15 initial Two Thousand Five Hundred Dollars (\$2,500) purchase price  
16 and any interest penalty, as described in Subsection (e) below.

17 (e) An interest penalty *shall* be assessed on the unpaid balance  
18 at an annual percentage rate (APR) of four and one half percent (4.5%)  
19 from the date that the last payment was made or should have been made.

20 (f) Funds received *shall* be deposited into the *Chamorro Land*  
21 *Trust Survey and Infrastructure Fund*.

22 (g) Re-entry. Every deed of conveyance of a lot under this  
23 Act *shall* contain a right of re-entry by the government if the grantee  
24 sells or leases any of the conveyed property within ten (10) years after  
25 the date of execution of the deed by *I Maga'låhi* (the Governor).

26 (h) Limitations in Deed. Each deed conveying a lot pursuant  
27 to this Act *shall* contain a reversionary clause to the government if the

1 grantee sells or leases any of the conveyed property within ten (10)  
2 years after the date of execution of the deed, or if the grantee inherits  
3 or otherwise acquires other land in Guam, in addition to the conveyed  
4 lot, and at the time of such subsequent acquisition of land the grantee  
5 has not constructed any structure on the conveyed lot.

6 (i) If complete payment of the account was made ten (10)  
7 years or more ago, but through some administrative error or some other  
8 reason a deed of conveyance failed to be signed, the ten (10)-year  
9 waiting period before any subsequent transfer can be made is hereby  
10 waived and the deed of conveyance *shall* be issued immediately  
11 without any reference to the waiting period. The furnishing of proof,  
12 which may include canceled checks, receipts, or account ledger, shall  
13 be the responsibility of the applicant.

14 (j) If upon a field inspection of the subject lot of the expired  
15 contract the Department finds that the original assignee-applicant for  
16 that lot is found to be currently residing on the lot, then the Department  
17 *shall* give the purchaser the opportunity to rectify the default by  
18 December 31, 2016. Interest *shall* continue to accrue in the payment  
19 extension period and the provisions in Subsection (c) of this Section  
20 *shall* apply.

21 (k) Notwithstanding any law, provision, rule, or regulation, the  
22 Department of Land Management is hereby authorized to transfer, by  
23 journal voucher, Five Thousand Dollars (\$5,000.00) to reimburse the  
24 Department for postal and publication expenses related to the  
25 administration of Public Law 33-104. The transfer *shall* come from the  
26 *Chamorro Land Trust Survey and Infrastructure Fund* identified as

1 Department of Administration Revenue Account Number 3669-57001,  
2 CLT-Sale of Government Land.”

3 **Section 3. Severability.** If any provision of this law or its application to  
4 any person or circumstance is found to be invalid or contrary to law, such invalidity  
5 *shall not* affect other provisions or applications of this law that can be given effect  
6 without the invalid provisions or applications and to this end the provisions of this  
7 law are severable.