

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

JUL 08 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is 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," which was signed into law on June 30, 2016, as Public Law 33-176.

2016 JUL 12 AM 10:49

Senseramente,


EDDIE BAZA CALVO

33-16-1768
Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 7-11-16
Time: 12:45pm
Received By: DML

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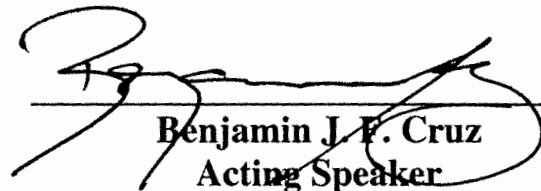
**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session**

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 17th 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 20th day of June,
2016, at 5:25 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUN 30 2016

Public Law No. 33-176

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'lâhi* (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.