

*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
93-36 (LS)	Tina Rose Muña Barnes James C. Moylan	AN ACT TO <i>REPEAL</i> §§ 29168 AND 29169 OF CHAPTER 29, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT THAT ANY DEED OR INSTRUMENT CONVEYING REGISTERED LAND IN TRUST UPON CONDITION OR UPON LIMITATIONS CONTAIN THE WORDS "WITH POWER OF SALE" IN ORDER TO EMPOWER THE TRUSTEE OR TRANSFEREE OF SUCH REGISTERED LAND TO DEAL WITH THE SAME WITHOUT COURT ORDER.	3/22/21 2:37 p.m.	3/26/21	Committee on Health, Land, Justice, and Culture			Request: 3/29/21  4/1/21	



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

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April 1, 2021

# MEMO

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

**From:** **Vice Speaker Tina Rose Muña Barnes**  
Chairperson, Committee on Rules

**Re:** **Fiscal Note**

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*Buenas yan Håfa adai.*

Attached, please find the fiscal note for the following bill:

**Bill No. 93-36 (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  
Fiscal Note of Bill No. 93-36 (LS)**

**"BILL NO. 93-36 (LS) IS AN ACT TO REPEL §§29168 AND 29169 OF CHAPTER 29, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT THAT ANY DEED OR INSTRUMENT CONVEYING REGISTERED LAND IN TRUST UPON CONDITION OR UPON LIMITATIONS CONTAIN THE WORDS "WITH POWER OF SALE" IN ORDER TO EMPOWER THE TRUSTEE OR TRANSFEREE OF SUCH REGISTERED LAND TO DEAL WITH THE SAME WITHOUT COURT ORDER."**

Department/Agency Appropriation Information	
Dept./Agency Affected: The Judiciary of Guam	Dept./Agency Head: Kristina L. Baird, Administrator
Department's General Fund (GF) appropriation(s) to date:	\$29,444,760
Department's Other Fund appropriation(s) to date: Safe Street Fund	\$100,837
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$29,545,597</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	Special Fund:	Total:
FY 2020 Unreserved Fund Balance	\$0	\$0	\$0
FY 2021 Adopted Revenues	\$0	0	0
FY 2021 Appro. (P.L. 35-99)	\$0	0	0
Sub-total:	\$0	0	0
Less appropriation in Bill	\$0	0	0
<b>Total:</b>	<b>\$0</b>	<b>0</b>	<b>0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	\$0	1/	\$0	\$0	\$0	\$0
Special Fund	\$0	1/	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_  
/X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No  
/X/ Requested agency comments not received by due date: / / Other:

Analyst: <u>Katherine Parkinson-Borja</u>	Date: <u>2/30/21</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>MAR 31 2021</u>
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**Notes:**  
1/ The proposed legislation intends to repeal §§29168 and 29169 of Chapter 29, Title 21, Guam Code (GCA), relative to the words "with power of sale" contained in land trusts. Currently §29168 of Chapter 29, Title 21, GCA states that a trustee or transferee has the power to deal with the land as owner thereof if such trust includes the words "with power of sale". §29169 of Chapter 29, Title 21, GCA states that the trustee is required to have a court order to deal with the land if the trust does not contain the words "with power of sale". By repealing both sections of GCA, the court will no longer be involved in cases relative to the trustees' power to deal with the land contained in their trust.  
  
Absent additional information to any fees implemented by the court in their dealings with such cases, as well as the resources required to assist with such cases, the Bureau is unable to determine the approximate financial impact at this time.