

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

<b>Bill No. 228-37 (COR)</b> As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 23, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓	II				
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**

**15**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

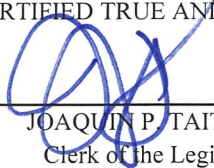
**0**

**Absent**

**0**

**Excused**

CERTIFIED TRUE AND CORRECT:

  
 JOAQUIN P. TAITAGUE  
 Clerk of the Legislature

I = Pass

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**2024 (SECOND) Regular Session**

**Bill No. 228-37 (COR)**

As amended by the Committee on Health,  
Land, Justice, and Culture; and further  
amended on the Floor.

\*

Introduced by:

Therese M. Terlaje  
Joanne Brown  
Chris Barnett  
Telo T. Taitague  
Roy A. B. Quinata  
Sabina Flores Perez  
Joe S. San Agustin

**AN ACT TO *AMEND* § 75A109(a) OF ARTICLE 1,  
CHAPTER 75A AND § 75109(a)(1) OF CHAPTER 75,  
TITLE 21, GUAM CODE ANNOTATED; AND *REPEAL*  
AND *REENACT* §§ 6A112 AND 6A132 OF CHAPTER 6A,  
AND *REPEAL* AND *REENACT* § 6112 AND *AMEND* § 6132  
OF CHAPTER 6, TITLE 18, GUAM ADMINISTRATIVE  
RULES AND REGULATIONS, RELATIVE TO  
SUCCESSORS TO *CHAMORRO* LAND TRUST LESSEES  
AND APPLICANTS.**

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

2        **Section 1.** § 75A109(a) of Article 1, Chapter 75A, Title 21, Guam Code  
3 Annotated, is hereby *amended* to read as follows:

4            “§ 75A109.        **Successors to Lessees and Applicants.**

5                    (a)    (1)    Upon the death of the lessee or applicant, his  
6                    interest in the tract or tracts and the improvements thereon, including  
7                    growing crops (either on the tract or in any collective contract or

1 program to which the lessee is a party by virtue of his interest in the  
2 tract or tracts), shall vest in the relatives of the decedent as provided in  
3 this paragraph. From the following relatives of the lessee or applicant,  
4 spouse, children, grandchildren, parents, grandparents, siblings,  
5 widows or widowers of the children or siblings, or nieces and nephews,  
6 the lessee or applicant shall designate the person or persons to whom  
7 he directs his interest in the tract or tracts to vest upon his death. Such  
8 person or persons must be qualified to be a lessee of *Chamorro* Land  
9 Trust Property; provided, that such person or persons need not be  
10 eighteen (18) years of age; provided, further, however, that, if the  
11 person designated by the lessee:

12 (A) is the lessee's spouse;

13 (B) has been married to the lessee for at least the past  
14 seven (7) years;

15 (C) is residing on the property with the lessee in a  
16 structure that has been approved as a residence at the time of the  
17 lessee's death; and

18 (D) is not an eligible beneficiary as defined under this  
19 Act, such person shall, upon the death of the lessee, receive a life  
20 estate in the remainder of the lease, and upon termination of the  
21 life estate, assignment of the lessee's remaining interest in the  
22 lease shall be governed by the applicable provisions of the  
23 *Chamorro* Land Trust Act as if the lessee had died without  
24 designating his or her spouse as a beneficiary.

25 (2) Such designation must be in writing, must be  
26 specified at the time of execution of such lease or  
27 application with a right in such lessee or applicant in

1 similar manner to change such beneficiary at any time and  
2 shall be filed with the Commission and approved by the  
3 Commission in order to be effective to vest such interests  
4 in the successor or successors named. A lessee may elect  
5 to provide for the surrender of the lot upon death and may  
6 select a recipient for the proceeds from the surrender.

7 (3) In the absence of such a designation as  
8 approved by the Commission, the Commission shall select  
9 from the relatives of the lessee in the order named above  
10 as limited by the foregoing paragraph one (1) or more  
11 persons who are qualified to be lessees of *Chamorro* Land  
12 Trust Property except as hereinabove provided, as the  
13 successor or successors of the lessee's interest in the tract  
14 or tracts, and upon the death of the lessee, his interest shall  
15 vest in the person or persons so selected. The Commission  
16 may select such a successor or successors after the death  
17 of the lessee, and the rights to the use and occupancy of  
18 the tract or tracts may be made effective as of the date of  
19 the death of such lessee.

20 (4) In the case of the death of a lessee or  
21 applicant leaving no such relative qualified to be a lessee  
22 of *Chamorro* Land Trust Property, the land subject to the  
23 lease shall resume its status as unleased *Chamorro* Land  
24 Trust Property and the Commission is authorized to lease  
25 such land to an eligible beneficiary or beneficiaries as  
26 provided in this Chapter.

1 (5) Upon the death of a lessee leaving no such  
2 relative qualified to be a lessee of *Chamorro* Land Trust  
3 Property homelands, or the cancellation of a lease by the  
4 Commission, or the surrender of a lease by the lessee, the  
5 Commission shall appraise the value of all such  
6 improvements and growing crops and shall pay to the legal  
7 representative of the deceased lessee, or to the previous  
8 lessee, as the case may be, the value thereof, less any  
9 indebtedness to the Commission, or for taxes, or for any  
10 other indebtedness the payment of which has been assured  
11 by the Commission, from the deceased lessee or the  
12 previous lessee. Such payment shall be made out of the  
13 loan fund and shall be considered an advance therefrom  
14 reimbursable out of payments made by the successor or  
15 successors to the tract involved. Such appraisal shall be  
16 made by three (3) appraisers, one (1) of which shall be  
17 named by the Commission, one (1) by the previous lessee  
18 or the legal representative of the deceased lessee, as the  
19 case may be, and the third shall be selected by the two (2)  
20 appraisers hereinbefore mentioned.”

21 **Section 2.** § 75109(a)(1) of Chapter 75, Title 21, Guam Code  
22 Annotated, is hereby *amended* to read as follows:

23 **“§ 75109. Successors to Lessees.**

24 (a) [No text.]

25 (1) Upon the death of the lessee, his interest in  
26 the tract or tracts and the improvements thereon, including  
27 growing crops (either on the tract or in any collective

1 contract or program to which the lessee is a party by virtue  
2 of his interest in the tract or tracts), shall vest in the  
3 relatives of the decedent as provided in this paragraph.  
4 From the following relatives of the lessee, spouse,  
5 children, grandchildren, parents, grandparents, siblings  
6 widows or widowers of children or siblings, or nieces and  
7 nephews, the lessee shall designate the person or persons  
8 to whom he directs his interest in the tract or tracts to vest  
9 upon his death. Such person or persons must be qualified  
10 to be a lessee of *Chamorro* homelands; provided, that such  
11 person or persons need not be eighteen (18) years of age;  
12 provided, further, however, that, if the person designated  
13 by the lessee:

14 (A) is the lessee's spouse;

15 (B) has been married to the lessee for at  
16 least the past seven (7) years;

17 (C) is residing on the property with the  
18 lessee in a structure that has been approved as a  
19 residence at the time of the lessee's death; and

20 (D) is not an eligible beneficiary as defined  
21 under this Act, such person shall, upon the death of  
22 the lessee, receive a life estate in the remainder of  
23 the lease, and upon termination of the life estate,  
24 assignment of the lessee's remaining interest in the  
25 lease shall be governed by the applicable provisions  
26 of the *Chamorro* Land Trust Act as if the lessee had

