

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

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FAMILL

Bill No. 30-31 (LS) ^(COR)

Introduced by:

C. Duenas
M. S. Taijeron
F. F. Blas, Jr.
V. A. Ada

An Act to place the Ancestral Lands Commission and the Chamorro Land Trust Commission under the administrative supervision and control of the Department of Land Management.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Statement and Intent. The statutory purposes of the Department of Land Management (DLM) are divided amongst five (5) divisions: the Land Survey Division, the Land Records Division, the Land Planning Division, the Land Administration Division, and the Geographical Information System/Land Information Systems (GIS/LIS) Division.

The Land Survey Division maintains and supplements a land Square Grid System (1993 Guam Geodetic Network and land Cadastral Map); establishes an accurate land cadastre system through the use of Geographic Information System and Computer Aided Design and Drafting technology; prepares maps in digital format; accurately surveys land boundaries of all lands owned, controlled, or in the possession of the government of Guam, or of private land(s) which are to be acquired through purchase, land exchange or condemnation; maps all real property belonging to the government of Guam for which Certificates of Title have not been issued which are necessary for land registration of such properties; and conducts Area Platting or Re-Platting.

The Land Records Division processes and accepts any instrument or judgment affecting the title to or possession of real property and miscellaneous instruments pursuant to the applicable Chapters under 21GCA; conducts research for the preparation of abstract of title(s) in the initiation of land registrations of government land claims in coordination with the Land Survey Division; and establishes "registries" for all ancestral lands.

The Land Planning Division administers the Zoning Law, which purpose is to protect and promote the public health, safety and general welfare of the people of Guam, by seeking to

1 encourage the most appropriate use of land, provide adequate open spaces about buildings for light
2 and air, prevent undue concentrations of population, and to assure adequate provisions for
3 community utilities and facilities such as water, schools, parks and other public requirements;
4 controls and regulates the development and/or subdivision of any land for any purpose whatsoever in
5 order to provide for the orderly growth and harmonious development of Guam; insures adequate
6 traffic circulation through coordinated streets, roads and highway systems; achieves individual
7 property lots of maximum utility and livability; secures adequate provisions for water supply,
8 drainage, sanitary sewerage and other health requirements; permits the conveyance of land by
9 accurate legal descriptions; and provides logical procedures for achievement of this purpose.

10 The Land Administration Division administers and facilitates government land dispositions
11 in accordance with all applicable public laws in effect and/or to be enacted; oversees and administers
12 land leases, exchanges, sales and issues Land Use Permits; coordinates and secures land appraisals
13 and negotiates with any entities for its attainment; maintains and monitors terms and conditions of
14 government parcels; maintains and accounts for all revenues received; and provides monthly reports
15 of said accounts to Department of Administration.

16 The Geographical Information System/Land Information Systems Division maintains the
17 DLM's computerized hardware/software on database servers; maintains all DLM's workstations
18 hardware/software and peripherals such as plotters, faxes, scanners, copiers, recording devices,
19 projectors and all multi-functional devices; assists in DLM's efforts in capturing and converting
20 data; reviews and ensures DLM's GIS/LIS programs maintain current technology; ensures that fees
21 as it affects "electronic copies" or data are relevant; applies for federal grants or local community
22 assistance programs in order to accomplish or meet its on-going or future departmental projects.

23 The Chamorro Land Trust Commission (CLTC) was created with closely related functions to
24 DLM since it administers lands in the form of leases; plans for land uses such as determining parcels
25 for agricultural, residential or commercial uses in the issuance of licenses; plans for the development
26 of subdivisions, plans for the survey of unregistered lands and land registration proceedings; and
27 invests or re-invests any of the monies collected through leases and licenses for the furtherance of its
28 purpose.

29 The Ancestral Lands Commission also has closely related functions such as establishing and
30 maintaining five (5) registries to record accurate information in the settlement of ancestral lands; acts
31 a Land Claims Facilitator for properties deemed excess by the U.S. Government; pursues just

1 compensation for original landowners; establishes a Landowners Recovery Fund; and maintains a
2 Land Bank of Federal excess lands for dispossessed original landowners.

3 It is the intent of *I Liheslatura* to combine similar functions under a common administrative
4 framework in order to efficiently manage and direct the mandated responsibilities and missions. It is
5 the finding of *I Liheslatura* that this intent would be met with the placing of the Ancestral Lands
6 Commission and the Chamorro Land Trust Commission under the administrative supervision of the
7 Department of Land Management.

8 It is also the intent of *I Liheslatura* that the placement of the Ancestral Lands Commission
9 and the Chamorro Land Trust Commission under the administrative supervision of the Department
10 of Land Management does *not* directly or indirectly result in the loss of any protection afforded by
11 law to the employees of these agencies, nor does it create any right or benefit.

12 **Section 2. Administrative Supervision, defined.** The enactment of this legislation shall
13 *not* (a) directly or indirectly remove, harm or diminish any protection afforded by law, to the
14 employees of the Ancestral Lands Commission and the Chamorro Land Trust Commission, nor does
15 this legislation create any right or benefit, substantive or procedural, enforceable at law or equity by
16 a party against Guam, its departments, agencies or instrumentalities, its offices or employees or any
17 other person; and

18 (b) transfer or consolidate the functions of the Ancestral Lands Commission or the
19 Chamorro Land Trust Commission with the Department of Land Management, but shall place
20 administrative supervision of the Ancestral Lands Commission and the Chamorro Land Trust and
21 Commission under the Department of Land Management in order to ensure all similar functions
22 inherent in the Ancestral Lands Commission and the Chamorro Land Trust and Commission are
23 pursued and achieved pursuant to all applicable laws, policies and procedures in the most effective,
24 efficient, and timely manner.

25 **Section 3. Implementation of Administrative Control and Submission of Status**
26 **Report.** The Directors of the Department of Land Management and the Ancestral Lands
27 Commission, and the Administrative Director of the Chamorro Land Trust Commission shall
28 determine how best to implement the administrative control described in Section 2(b) of this Act. A
29 status report shall be transmitted to *I Maga'lahaen Guåhan* and to the Speaker of *I Liheslaturan*
30 *Guåhan* detailing how the implementation was achieved. This implementation shall be completed
31 within six (6) months of the effective date of this legislation.

1 **Section 4. Effective Date.** This Act shall be effective upon enactment into law.