


I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 108-33 (LS)

Introduced by:

Michael F.Q. San Nicolas 

AN ACT TO AMEND §§ 75108 (b) AND (g) BOTH OF CHAPTER 75, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A TIME FRAME FOR PAYMENT OF THE CHAMORRO LAND TRUST COMMISSION LEASE TERMS AND THE PERMANENT WAIVING OF PROPERTY TAX EXEMPTIONS FOR SURVEYED LAND TRACTS FOR APPLICANTS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the time and cost associated with monitoring and processing payments for
4 Chamorro Land Trust Commission (CLTC) agricultural and residential ninety-nine
5 (99) year leases would be more efficient with an established time period for full
6 payment of the lease. The one dollar (\$1.00) per year CLTC lease should be paid
7 by lessees in an accelerated manner for effective processing of such leases.

8 *I Liheslaturan Guåhan* further finds that § 75108 (g) of Chapter 75, Title 21,
9 Guam Code Annotated provides original CLTC lessees an exemption from all
10 taxes for the first seven (7) years from date of lease. Additionally, a survey of
11 assigned land is a mandatory prerequisite for all leases. Many applicants often have
12 difficulty paying for a survey of their assigned land, and therefore, are unable to

1 obtain a lease to use the land. This single issue has been the cause for delaying the
2 issuances of leases for CLTC lessees.

3 *I Liheslaturan Guåhan* further finds that the current listing of CLTC
4 applicants awaiting leased property numbers over eight thousand (8,000)
5 individuals, with approximately four thousand nine hundred of these applicants
6 having applied since December 1995. This twenty (20) year wait for those who
7 have applied for leases since the beginning of the CLTC and all other individuals
8 that constitute the rest of the list requires that the government take effective action
9 to adequately comply with the primary objective of the CLTC.

10 **Section 2. Establishment of Payment for Ninety-Nine (99) Year Lease.** §
11 75108(b) of Chapter 75, Title 21, Guam Code Annotated is hereby *amended* to
12 read:

13 “(b) The lessee shall pay a rental of One Dollar (\$1.00) a year for the tract
14 and the lease shall be for a term of ninety-nine (99) years. Payment for the full
15 term of the lease shall be paid, in full, within one (1) year from the effective date
16 of the lease and shall be effective for all existing leases. The payments of such
17 leases may be used for the payment of surveying Chamorro homelands pursuant to
18 § 75108(g)(1) of this chapter.

19 (1) The remaining balance on any residential or agricultural lease
20 terminated prior to its expiration shall be refunded.”

21 **Section 3. Waiving of Tax Exemptions for Surveyed Property.** § 75108
22 (g) of Chapter 75, Title 21, Guam Code Annotated is hereby *amended* to read:

23 “(g) The lessee shall perform such other conditions, not in conflict with any
24 provision of this Chapter, as the Commission may stipulate in the lease, provided,
25 however, that an original lessee shall be exempt from all taxes for the first seven
26 (7) years from date of lease.

1 (1) Thirty (30) days after enactment of this Act, Chamorro homeland
2 leases surveyed at the cost of the government of Guam shall not be eligible
3 for tax exemptions stipulated in subsection (g) of this Section as an offset to
4 the cost of such surveys.”

5 **Section 4. Effective Date.** This Act shall be effective upon enactment.

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