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**I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (First) Regular Session**

Bill No. 398-3 (LS)

Introduced by:

Committee on Rules, Federal, Foreign & Micronesia Affairs & Human & Natural Resource

By request of *I Maga'lahen*  
*Guåhan* in accordance with the  
Organic Act of Guam

**AN ACT TO PARTIALLY EXEMPT  
CERTIFICATIONS OF SURVEY FOR  
CHAMORRO LAND TRUST LEASE SITES  
PREVIOUSLY APPROVED BY THE CHAMORRO  
LAND TRUST COMMISSION FROM THE  
REQUIREMENTS OF ARTICLE 2, CHAPTER 62  
OF THE 21 GUAM CODE ANNOTATED,  
RELATIVE TO SUBDIVISION AND  
RECORDATION PROCEDURES.**

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

1           **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that at the  
2 inception of the Chamorro Land Trust Leasing Program, the Chamorro Land Trust  
3 Commission (CLTC), in its attempt to meet the immediate demand for issuance of  
4 land leases of government of Guam lands, permitted the use of *certifications of*  
5 *survey* prepared by duly licensed professional land surveyors, as approved by the  
6 Administrative Director of the CLTC, where such instruments were never  
7 approved by either the Guam Land Use Commission (GLUC) or the Department of  
8 Land Management (DLM). For the most part, it was not ascertained if such

1 instruments met the minimum standards required for the review, approval, and  
2 recordation of maps pursuant to The Subdivision Law of Guam.

3 CLTC lessees entered into land lease agreements with the CLTC using such  
4 instruments. As a result, hundreds of certifications of survey of leased CLTC  
5 parcels were processed without the approval of either GLUC or DLM and further,  
6 lessees were permitted to enter upon and develop the properties.

7 Years after persistent use, the described practice became problematic,  
8 particularly in respect to CLTC lessees having difficulty in securing bank loans for  
9 construction purposes and/or building permits for the installation of infrastructure  
10 such as water and power. It became commonplace for lessees to experience  
11 roadblocks to otherwise effectuate the intended use of their leased land.

12 DLM, from the standpoint of its mandates covering subdivision of lands,  
13 persisted in the need for CLTC to correct the problems by meeting the  
14 requirements of the law, and at a minimum, having the certifications of survey re-  
15 evaluated and converted from sketch form to a legal map by applying the  
16 appropriate requirements to effectuate proper and legal review, approval, and  
17 recordation.

18 **Section 2. Legislative Intent.** *I Liheslaturan Guahan* recognizes the vital  
19 importance of Title 21, Chapter 62, *The Subdivision Law*, particularly in its  
20 purpose and intent to control and regulate the development and/or subdivision of

1 any land for any purpose whatsoever, and that control and regulations under this  
2 law is necessary to provide for the orderly growth and harmonious development of  
3 the island. *I Liheslaturan Guahan* intends to assist several hundred CLTC lessees  
4 affected by the lack of approved maps by exempting those certifications of survey  
5 on CLTC lands prepared by licensed professional land surveyors as previously  
6 approved by CLTC and/or its Administrative Director from having to obtain  
7 GLUC approval.

8 **Section 3. Exemption from provisions of Article 2, Chapter 62 of Title**  
9 **21 of the Guam Code Annotated.**

10 **(a) Exemption.** Notwithstanding any provision of law, upon enactment of  
11 this Act, CLTC leased property certifications of survey prepared and  
12 signed by professional land surveyors duly licensed on Guam, which  
13 were approved by the CLTC and/or the Administrative Director of CLTC  
14 prior to the enactment of this Act, and which must be redrawn or updated  
15 to meet the mapping requirements of Chapter 62 of Title 21, and  
16 submitted to DLM for editing, final approval and recordation, are hereby  
17 *exempt* from the provisions of Article 2 of Chapter 62 of Title 21  
18 requiring the approval of GLUC.

19 **(b) Non-applicability.** This Act shall not apply to the following CLTC  
20 leased properties:

- 1           1.     Unregistered properties until such time as said properties are
- 2                     duly registered by CLTC; or
- 3           2.     Properties that do abut a roadway right-of-way.

4           **(c) DLM Review and Approval.** Any CLTC leased property certifications  
5                     of survey exempted by this Act *shall* comply with all other provisions of  
6                     Article 2 of Chapter 62 of Title 21.

7           **(d) Application to New Subdivisions.** Any applications for subdivision or  
8                     development received by the CLTC after the enactment of this Act *shall*  
9                     comply with all provisions of Article 2 of Chapter 62 of Title 21.

10          **Section 4. Severability.** If any of the provisions of this Act or the  
11                     application thereof to any person or circumstance is held invalid, such invalidity  
12                     shall not affect any other provision or application of this Act which can be given  
13                     effect without the invalid provision or application, and to this end the provisions of  
14                     this Act are severable.