



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 13 2015

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Madame Speaker:


Transmitted herewith is Bill No. 164-33 (LS), "AN ACT TO AMEND § 75105 (c) AND TO ADD NEW §§ 75112 (k) AND 75124 OF CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SALE OF BULL CART TRAILS AND LAND REMNANTS BELONGING TO THE GOVNERMENT OF GUAM; AND TO CREATING THE CHAMORRO LAND TRUST SURVEY FUND INTO WHICH THE PROCEEDS FROM THE SALE OF THE BULL CART TRAILS AND LAND REMNANTS SHALL BE DEPOSITED, AND THE AUTHORIZED USES OF THE FUND," which was signed into law on the 9th day of November 2015, as Public Law 33-90.

2015 NOV 13 PM 4:53

Senseramente,


EDDIE BAZA CALVO

33-15-1088
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 11/13/15
Time: 4:20 PM
Received By: 

1088

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

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that **Bill No. 164-33 (LS)**, "AN ACT TO *AMEND* § 75105(c) AND TO *ADD* NEW §§ 75112(k) AND 75124 OF CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SALE OF BULL CART TRAILS AND LAND REMNANTS BELONGING TO THE GOVERNMENT OF GUAM; AND TO CREATING THE CHAMORRO LAND TRUST SURVEY FUND INTO WHICH THE PROCEEDS FROM THE SALE OF THE BULL CART TRAILS AND LAND REMNANTS SHALL BE DEPOSITED, AND THE AUTHORIZED USES OF THE FUND," was on the 27th day of October 2015, duly and regularly passed.

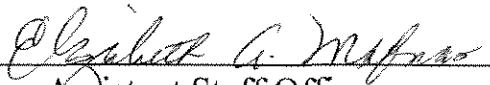


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 28th day of October, 2015, at 4:22 o'clock P.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:


RAYMOND S. TENORIO
Acting Governor of Guam

Date: NOV 09 2015

Public Law No. 33-90

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

Bill No. 164-33 (LS)

As amended by the Sponsor.

Introduced by:

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

Frank F. Blas, Jr.

B. J.F. Cruz

James V. Espaldon

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr.

Michael F.Q. San Nicolas

Mary Camacho Torres

N. B. Underwood, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO AMEND § 75105(c) AND TO ADD NEW §§ 75112(k) AND 75124 OF CHAPTER 75, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE SALE OF BULL CART TRAILS AND LAND REMNANTS BELONGING TO THE GOVERNMENT OF GUAM; AND TO CREATING THE CHAMORRO LAND TRUST SURVEY FUND INTO WHICH THE PROCEEDS FROM THE SALE OF THE BULL CART TRAILS AND LAND REMNANTS SHALL BE DEPOSITED, AND THE AUTHORIZED USES OF THE FUND.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that the Chamorro Land Trust land inventory contains a substantial amount of land

1 that has yet to be surveyed and registered. *I Liheslaturan Guåhan* further finds that
2 the Chamorro Land Trust Commission is prohibited by § 75105(f) of Chapter 75,
3 Title 21 GCA from “*leasing or licensing any available land until it is surveyed and*
4 *registered.*”

5 *I Liheslaturan Guåhan* also finds that the government of Guam has a
6 number of land remnants that are substandard in size, and as a consequence would
7 not be suitable to build on. Additionally, there exists numerous stretches of bull
8 cart trails which no longer serve the transportation function they were originally
9 intended for because they have been replaced by alternate road corridors that have
10 been subsequently constructed; and in many cases, these bull cart trails are now
11 landlocked. Notwithstanding this fact, these land remnants have value and utility
12 for landowners who own properties contiguous to the remnants or the trails, and *I*
13 *Liheslaturan Guåhan* receives numerous requests for the authorization to purchase
14 these public land remnants and old bull cart trails.

15 *I Liheslaturan Guåhan* intends to authorize the sale of these bull cart trails
16 and land remnants. The proceeds from the sales will be deposited in a newly
17 created Chamorro Land Trust Survey Fund, and will be used *solely* for the
18 surveying of unsurveyed CLTC land and for operational needs in support thereof.

19 **Section 2.** § 75105(c) of Chapter 75 of Title 21, Guam Code Annotated, is
20 *amended* to read:

21 “(c) The Department, with the approval of the Commission, or the
22 Commission may sell to any contiguous landowner any fractional lot placed
23 under its management which was created by the adoption of the standard
24 block system, or bull cart trails that no longer serve the transportation
25 function originally intended. The Chamorro Land Trust Commission *shall*
26 offer any such land for sale to any contiguous landowner of such property,
27 on written application of such owner, provided:

1 (1) that the land is not contiguous to government property,
2 does not serve as a utility easement, or does not provide access to
3 natural resources;

4 (2) that the sale price is based on the appraised fair market
5 value having due regard to the fair market value of contiguous
6 properties, and that the price be paid in full in cash equivalent;

7 (3) that if the property extends into property other than that
8 belonging to the applicant, that the property to be sold *shall* be
9 subdivided to align with the borders of such adjacent owners;

10 (4) that notice of the application *shall* be given to all owners
11 of land within five hundred (500) feet adjacent to the applicant's land;

12 (5) that where the land to be sold adjoins land in addition to
13 the applicant's land, and such adjacent owner timely objects to the
14 application, the land *shall* be sold by the highest cash price bid at an
15 auction conducted, to include the applicant and any other adjacent
16 owner objecting, it being a condition of sale that the highest price bid
17 is not less than the appraised fair market value; and

18 (6) that unless expressly provided otherwise, any use of the
19 term "owner," in relation to interests in real property, in this Title, as
20 well as any derivative thereof, including, but not limited to,
21 "landowner" or "property owner," is presumed to mean an owner in
22 fee simple or absolute fee, and to exclude any other estate or interest
23 therein."

24 **Section 3.** A new § 75124 is hereby *added* to Chapter 75 of Title 21,
25 Guam Code Annotated, to read:

26 "§ 75124. The Chamorro Land Trust Survey and Infrastructure
27 Fund. The Chamorro Land Trust Commission *shall* create a special fund

1 called the *Chamorro Land Trust Survey and Infrastructure Fund* (Fund),
2 which *shall* be maintained separate and apart from any other funds and *shall*
3 *not* be subject to the transfer authority of *I Maga'låhen Guåhan*.

4 (a) Notwithstanding any other provision requiring the
5 deposit of proceeds to other funds, the Fund *shall* receive:

6 (1) the proceeds of all sales of bull cart trails,
7 substandard lots, irregular lots, remnants, splinter lots,
8 fractional lots, easement purchase remnants, and easement
9 condemnation remnants belonging to the government of Guam;
10 and

11 (2) the proceeds of commercial leases or licenses
12 executed after October 2015.

13 (b) Expenditures from the Fund *shall* be made pursuant to a
14 resolution by the CLTC, and *shall* be restricted to the following
15 expenditures:

16 (1) for the subdivision, surveying, mapping and
17 registration of tracts of residential and agricultural land in the
18 CLTC property inventory; and

19 (2) for the construction of infrastructure, to include
20 access roads, water, and power utilities, to service CLTC
21 residential and agricultural tracts of land.

22 (c) The Commission *shall* report on a quarterly basis to the
23 Speaker of *I Liheslaturan Guåhan* as to the revenues collected and
24 expended from the Fund, and post the same on the website of the
25 Chamorro Land Trust Commission. The Fund *shall* be subject to audit
26 by the Guam Public Auditor.”

1 **Section 4. Severability.** If any provision of this law or its application to
2 any person or circumstance is found to be invalid or contrary to law, such
3 invalidity *shall not* affect other provisions or applications of this law, that can be
4 given effect without the invalid provisions or application and to this end the
5 provisions of this law are severable.