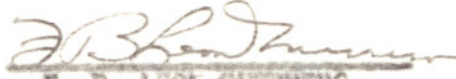



THIRD GUAM LEGISLATURE  
1956 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 257, "An Act to amend Sections 13500, 13502, 13503, 13505, 13511, 13512, 13513 and 13514 of Chapter 6, Title XIV, Government Code of Guam, to repeal Sections 13506 and 13507 of Chapter 6, Title XIV, Government Code of Guam, and enact new Sections 13506 and 13507 in lieu thereof, to add new Sections 13526 and 13527 to Chapter 6, Title XIV, Government Code of Guam, to repeal Sections 19432, 19433, 19434, 19435, 19436, and 19437 of Chapter 6, Title XX, Government Code of Guam, for disposition of applications to purchase or lease government-owned real property and for other purposes" on the 5th day of July, 1956, was duly and regularly passed.

  
F. B. LEON GUERRERO  
Speaker


ATTESTED:

  
A. S. A. DUENAS  
Legislative Secretary

This Act was received by the Governor this 10<sup>th</sup> day  
of July, 1956 at 7:19 o'clock A. M.

  
M. F. L. GUERRERO  
Acting Secretary of Guam

APPROVED:

  
M. F. L. GUERRERO  
Acting Secretary of Guam  
Dated: AUG. 9 1956  
7:35 P.M.

P.L. 3-105

Public Law 105--Third Guam Legislature  
1956 (SECOND) Regular Session

G. L. 237

AN ACT

An Act to amend Sections 13500, 13502, 13503, 13505, 13511, 13512, 13513 and 13514 of Chapter 6, Title XIV, Government Code of Guam, to repeal Sections 13506 and 13507 of Chapter 6, Title XIV, Government Code of Guam, and enact new Sections 13506 and 13507 in lieu thereof, to add new Sections 13526 and 13527 to Chapter 6, Title XIV, Government Code of Guam, to repeal Sections 19432, 19433, 19434, 19435, 19436, and 19437 of Chapter 4, Title XX, Government Code of Guam, for disposition of applications to purchase or lease government-owned real property and for other purposes.

*Be it enacted by the People of the Territory of Guam:*

Section 1. Section 13500, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13500. Land Transfer Board: Composition: Chairman. There is within the government of Guam the Land Transfer Board. The Board shall consist of five members appointed by the Governor by and with the advice and consent of the Legislature. The Governor shall designate one of the members to be chairman of the Board. The appointed members shall serve for terms of three years; provided, however, that of the members first appointed, one shall be appointed for a term of one year and two shall be appointed for terms of two years. Every member of the Board who is not in the service of the government, for which he receives an annual compensation, shall be paid \$10.00 for each attendance of a meeting upon his duties."



Section 2. Section 13502, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13502. Same: Clerical and other assistance. The Department of Land Management shall provide the Board with such technical and clerical personnel and office facilities as may be reasonably necessary, including an Executive Secretary who shall maintain the office of record for the Board."

Section 3. Section 13503, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13503. Same; rules. The Board is authorized to make, subject to approval by the Governor, reasonable rules not inconsistent with law to effectuate the provisions of this chapter."

Section 4. Section 13505, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13505. Applications to lease or purchase land: how filed: fee. Any person, firm or corporation wishing to lease or purchase any government real property shall file a written application for such lease or purchase with the Executive Secretary of the Board. The application shall be in such form and shall contain such information as prescribed by rule made under authority of Section 13503 of this chapter. A filing fee of five dollars (\$5.00) shall be paid with each application and shall not be returned; provided, however, that the Board may in its discretion, waive the filing fee for any destitute person."

Section 5. Section 13506, Chapter 6, Title XIV, Government Code of Guam, is repealed in its entirety, and a new Section 13506 is enacted in lieu thereof, to read as follows:

"Section 13506. Same: procedure. Upon the filing of an application to lease or purchase government real property, the Executive Secretary shall promptly:

(a) Transmit a copy of the application to the Director of Land Management for investigation in accordance with the rules of the Board, and

(b) Place the application upon the agenda for the next regular meeting of the Board."

Section 6. Section 13507, Chapter 6, Title XIV, Government Code of Guam, is repealed in its entirety, and a new Section 13507 is enacted in lieu thereof, to read as follows:

"Section 13507. Same: same: Notice and hearing required: consideration by the Board.

(a) Each application filed shall be given preliminary consideration by the Board at its first regular meeting following the filing of the application. Upon such preliminary consideration, the Board shall determine: (1) Whether the application is complete and in proper form; (2) the time and place for public hearing upon the application; (3) what special investigation, if any, is to be made prior to the public hearing.

(b) A public hearing shall be held by the Board upon each application, at which the applicant and all interested persons shall have an opportunity to be heard.

(c) At least ten days notice of such public hearing shall be given to the applicant, the public of Guam, the Governor, and all heads of departments and agencies of the government of Guam. Such notice shall be in the form prescribed by rule of the Board and shall contain the time and place of the hearing, the name and address of the applicant, the description of the land applied for, and such other information as the Board considers appropriate. Notice to the applicant may require the applicant to attend. Notice to the public may be given by publication in a newspaper of general circulation in Guam or by posting in at least two public places in each village in Guam. Notice to heads of departments and agencies of the government of Guam may provide that unless objection is made or information furnished by such departments and agencies at or before the public hearing, the Board will presume that the land applied for is not in use by and not essential for the use of such departments and agencies.

(d) Promptly after the public hearing upon an application the Board shall consider the application, make the findings required by this chapter to be made, and make its decision upon the application. The decision of the Board may be to approve the application, to disapprove it, or to defer it for further investigation. If the application is deferred for further investigation, the required investigation shall be made without delay."

Section 7. Section 13511, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13511. Same: applications: restrictions.

(a) No person, firm or corporation shall be allowed any priority who shall have previously, on the same facts establishing the priority, claimed and been allowed any priority under this Title, or any priority or preference equivalent thereunto authorized under any other provision of law, whether or not the transaction in which such priority was claimed and allowed was ever completed, provided an opportunity to complete such transaction was offered.

(b) Under the application procedure, not more than one lot, tract, or parcel may be sold to any one person or married couple; provided, however, that the Board may grant exceptions to this limitation when such exceptions are warranted by hardship, equity, or the public interest.

(c) Except as may be required to effectuate the provisions of Section 13512, the application procedure provided in this chapter may be used only to lease or purchase individual residential, commercial, or industrial lots, or rural or agricultural parcels not exceeding five (5) hectares in size; provided, however, that for good cause the Board may make such exceptions as will materially contribute to the public interests. Unless such exceptions be made, sales or leases of larger tracts shall be made only at public auction or upon sealed bids as provided in Section 13515."

Section 8. Section 13512, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:



"Section 13512. Conveyances to religious and non-profit organizations and certain designated classes of persons. The Governor of Guam is authorized to sell parcels of land to religious or charitable non-profit organizations at the fair value thereof and to the following designated classes of persons under the terms therein set forth:

One, persons or surviving spouse or children now occupying government land who originally went into possession of said land under the terms of a lease with the Naval Government of Guam or the United States Government for the improvement of the said land by the tenant and which lease was thereafter cancelled by Military Government general order 3-46, dated February 9, 1946. Such sales shall be at fair value less appropriate credit for the value of the unexpired portion of the lease term had said lease not been cancelled.

Two, persons or surviving spouse or children who have constructed or added improvements to government-owned land having originally occupied the same under color of right or express government permission and who are now occupying the same. Such sales shall be at fair value but the price to be paid shall not include the value of said improvements.

Provided, however, that only land held by the government of Guam in fee simple or to which hereafter the government of Guam may be able to pass title with the consent of the Secretary of the Interior shall be subject to the provisions of this section. Any religious or charitable non-profit organization or persons designated in this section

desiring to procure land pursuant to the terms hereof shall make application in accordance with Section 13505 and the rules of the Board and shall pay the filing fee as provided therein. Each application filed by a religious or charitable non-profit organization shall be accompanied by the certificate of the Director of Finance that the organization has been properly created and registered in Guam as such religious or charitable non-profit organization.

Applications filed under this section shall be acted upon in accordance with the procedure prescribed in applicable sections of this chapter; provided, however, that no priority established by other sections of this Title shall affect or be applied to applications filed under this section.

In addition to the conditions precedent to the approval of any application set forth in Section 13508 hereof, the Board must find as a condition precedent to the approval of any application filed under this section by a religious or charitable non-profit organization, that the land is reasonably necessary to enable the organization to carry out the functions for which the organization was established.

No land shall be conveyed or transferred hereunder to religious or non-profit organizations for agricultural, commercial, industrial or any other purpose outside the scope of the functions for which the organization was established and in which the organization customarily participates. It is the intent of this section that conveyances or transfers of land hereunder to these organizations ultimately shall accrue to the benefit of the people of Guam by assisting in provisions

for their religious, moral and social welfare, and not for the personal gain of members of the organizations."

Section 9. Section 13513, Chapter 6, Title XIV, Government Code of Guam, is hereby amended to read as follows:

"Section 13513. Report of Board: action thereon.

(a) If the Board approves an application it shall report its findings and recommendations thereon to the Governor.

(b) The Governor shall either approve or disapprove each application that has been approved by the Board; if the Governor approves an application, he may accept or reject, in whole or in part, the Board's recommendations for specific terms and conditions to be included in the lease, deed, or contract; he shall notify the Board in writing of his decision.

(c) Immediately upon receipt of notice that the Governor has approved an application, the Executive Secretary shall give written notice of approval to the applicant and to the Director of Land Management. Upon such notice of approval, the Director shall proceed to complete the transaction, in compliance with the provisions of this chapter and the recommendations of the Board as approved by the Governor.

(d) Within ninety (90) days after an applicant receives written notice of final approval of his application, he shall make

or tender payment of the price fixed by the Board which price may take into consideration the price received by the applicant from the Naval Government of Guam or the Government of the United States for lands previously taken from him by these agencies or shall enter a purchase contract in accordance with Section 13516. If the applicant fails or refuses so to make or tender payment or to enter a contract, the action of the Board and of the Governor upon his application shall be of no effect, and the application shall be deemed to have been disapproved without prejudice other than loss of priority rights as provided in Section 13511."

Section 10. Section 13514, Chapter 6, Title XIV, Government Code of Guam, is hereby amended by adding thereto subsection (g) to read as follows:

"(g) Leases for terms not exceeding five (5) years may be made by the Director of Land Management with the approval of the Governor; leases for terms longer than five (5) years may be made only upon approval by the Board and the Governor in accordance with the procedure elsewhere in this chapter provided. Provided further that the Governor in his discretion may refer to the Board for its findings and recommendations and application to lease land for a term of five years or less."

Section 11. There is hereby added to Chapter 6, Title XIV, Government Code of Guam, Section 13526 thereof, to read as follows:

"Section 13526. Property on which the right to redeem has expired: sale or lease of: special priority.



(a) If title, possession or control of any property owned, possessed or controlled by the government, vested in the government or its predecessors, or such property became subject to sale by the government or its predecessors by reason of non-payment of taxes prior to December 8, 1941 by the last private owner thereof or by reason of mortgage foreclosure, such property is deemed to be government real property within the meaning of this chapter.

(b) The property described in subsection (a) of this section may be sold or leased in accordance with this chapter in the same manner as other government real property.

(c) Provided, however, that notwithstanding any other provision of this chapter, with reference to each lot, tract, or parcel of such property as described in subsection (a) of this section, the last private owner or his heirs shall have first priority to lease or purchase such lot, tract, or parcel.

(d) This section shall not be applied so as to deprive any person of rights acquired through any transaction prior to the effective date of this section.

Section 12. There is hereby added to Chapter 6, Title XIV, Government Code of Guam, Section 13527 thereof, to read as follows:

"Section 13527. Board to submit annual report: contents. Annually, on or before September 1st, the Board shall submit to the Governor and the Legislature a written report of its work during the fiscal year last ended. The report shall cover applications filed, applications disposed of, applications pend-

ing at the end of the fiscal year, any recommendations as to legislation, and such other information as the Board considers of interest."

Section 13. Sections 19432, 19433, 19434, 19435, 19436, and 19437, Chapter 4, Title XX, Government Code of Guam, are hereby repealed in their entirety.

Section 14. This Act is an urgency measure.

Approved August 9, 1956.