

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
419-35 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 75A AND TO AMEND § 75109(a) OF CHAPTER 75, BOTH OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO PRESERVING THE LAND RESTORATION AND JUSTICE MISSION OF THE CHAMORU LAND TRUST.	10/9/20 4:57 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 419-35 (COR)

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO ADD A NEW CHAPTER 75A AND TO AMEND
§ 75109(a) OF CHAPTER 75, BOTH OF TITLE 21, GUAM
CODE ANNOTATED, RELATIVE TO PRESERVING THE
LAND RESTORATION AND JUSTICE MISSION OF THE
CHAMORU LAND TRUST.**

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

2 **Section 1.** A new Chapter 75A of Title 21 of the Guam Code Annotated is
3 hereby enacted, which shall mirror the existing Chapter 75 of Title 21 of the Guam
4 Code Annotated except as provided in this Act, and shall be effective January 1,
5 2021. The new Chapter 75A of Title 21 of the Guam Code Annotated shall be
6 codified and renumbered by the Compiler of Laws consistent with this Act, with the
7 following provisions added:

8 1) The new Chapter 75A of Title 21, Guam Code Annotated, shall
9 be codified to include the following legislative intent:

10 **“Legislative Findings and Intent.** It is the intent of *I*
11 *Liheslaturan Guåhan* to defend the history and purpose of the
12 Chamorro Land Trust Act created in 1975 by P.L. 12-226 and enacted
13 as Chapter 75 of Title 21, Guam Code Annotated. The Chamorro Land
14 Trust Act established a land restoration program meant to rectify the
15 unjust taking of Chamorro homelands by the United States federal

1 government between 1898 and 1968, and provide residential and
2 agricultural land for those persons eligible in the form of Chamorro
3 Land Trust Commission (CLTC) leases.

4 Additionally, *I Liheslaturan Guåhan* intends to support the
5 expansion of the program’s eligible beneficiaries to include individuals
6 and their descendants who owned land or who ranched, farmed, or
7 otherwise occupied the lands that were taken.

8 *I Liheslaturan Guåhan* finds that on September 29, 2017, the
9 United States of America filed a case against the CLTC in United States
10 of America v. Government of Guam, Chamorro Land Trust
11 Commission, and Administrative Director of the Chamorro Land Trust,
12 CV 17-00113 (D. Guam) (Lawsuit), alleging, among other things,
13 violations of the U.S. Fair Housing Act.

14 *I Liheslaturan Guåhan* further finds that on December 18, 2018,
15 the U.S. District Court agreed with Guam that, at that pleading stage,
16 “the court could not conclude that the Chamorro Land Trust operates
17 as a race-based entity.” U.S. v. Gov’t of Guam, et al., No. CV 17-00113,
18 2018 WL 6729629, at *1 (D. Guam Dec. 21, 2018), reconsideration
19 denied, No. CV 17-00113, 2019 WL 1867426 (D. Guam Apr. 25,
20 2019). The court stated that “the record must be further developed to
21 address the question of whether the Chamorro Land Trust operates
22 instead as a compensatory entity that seeks to implement the return to
23 the people of Guam of land that the United States took from them.” *Id.*
24 Furthermore, it is possible that, “the Chamorro Land Trust includes
25 some land that was not taken by the United States, but, if that is so, that
26 cannot be discerned from the present record.”

1 Based on the state of the record, the court rejected the “United
2 States’ contention that the court should now determine as a matter of
3 law that Guam is violating the Fair Housing Act.” *Id.* The court further
4 stated that the matter requires further exploration and an expansion of
5 the record in this case. *Id.*

6 *I Liheslaturan Guåhan* further finds that the Office of the
7 Attorney General and Governor’s representatives on behalf of the
8 Government of Guam, Attorney Michael Phillips and Chairperson Pika
9 Fejeran on behalf of the CTLC, the Office of the Attorney General on
10 behalf of the CLTC Director, and the United States entered into
11 settlement conferences to attempt to resolve the lawsuit amicably and
12 without further litigation. At the conclusion of a settlement conference
13 on November 14, 2019, a settlement term sheet was agreed to in
14 principle by the counsel for the parties and subject to approval by the
15 respective parties. On December 26, 2019, the CLTC adopted
16 Resolution 2019-08 which found “the settlement terms in the
17 Agreement to be favorable for the Chamorro Land Trust Program and
18 its beneficiaries, as it preserves the program intact and would not
19 materially affect existing leaseholders.” Chamorro Land Trust
20 Commission, Kumision Inangokkon Tano’ CHamoru, Resolution No.
21 2019-08 (2019). In addition, “the Commission found that the proposed
22 modifications or amendments to the Chamorro Land Trust Act and the
23 Rules and Regulations of the Chamorro Land Trust Commission would
24 more clearly demonstrate that the CLT program is a land restoration
25 program meant to rectify the unjust taking of Chamorro homelands by
26 the United States federal government between 1898 and 1968, and
27 would expand the program's eligible beneficiaries to include

1 individuals and their descendants who owned land or who ranched,
2 farmed or otherwise occupied the lands that were taken.”

3 On May 29, 2020, after further settlement negotiations, the
4 Settlement Agreement between the United States of America and
5 Government of Guam, Chamorro Land Trust Commission &
6 Administrative Director of the Chamorro Land Trust Commission,
7 regarding U.S. v. Gov’t of Guam, et al., CV 17-00113 (D. Guam)
8 (Settlement Agreement), was signed by the Chamorro Land Trust
9 Commission and *I Maga'hågan Guåhan. I Liheslaturan Guåhan*
10 further finds that the Settlement Agreement resolves the allegations
11 contained in the Lawsuit, and in it the Government of Guam does not
12 admit liability and denies that the Chamorro Land Trust Act violates
13 the Fair Housing Act. Settlement Agreement at ¶ 10. Part of the terms
14 and conditions within the Settlement Agreement requires legislative
15 and administrative changes to the Chamorro Land Trust Act and/or the
16 Rules and Regulations of the CLTC.

17 *I Liheslaturan Guåhan* finds that the changes proposed by this
18 Act are therefore intended to more clearly demonstrate that the CLT
19 program is a land restoration program meant to rectify the unjust taking
20 of Chamorro homelands by the United States federal government
21 between 1898 and 1968, and would expand the program's eligible
22 beneficiaries to include individuals and their descendants who owned
23 land or who ranched, farmed or otherwise occupied the lands that were
24 taken.”

25 2) The new Chapter 75A of Title 21, Guam Code Annotated, shall
26 include the following language in a new section:

1 “United States of America v. Government of Guam, Chamorro
2 Land Trust Commission, and Administrative Director of the
3 Chamorro Land Trust, CV 17-00113 (D. Guam).

4 (a) I Liheslaturan Guåhan hereby approves settlement in United
5 States of America v. Government of Guam, Chamorro Land Trust
6 Commission, and Administrative Director of the Chamorro Land Trust,
7 CV 17-00113 (D. Guam), and the amendments to the Chamorro Land
8 Trust law made pursuant to this Act are to strengthen the Land Trust
9 and in furtherance of said settlement; provided, that settlement shall not
10 absolve or relieve the United States of any liability for land takings or
11 wave the historic demand of the people of Guam for return or
12 restoration of the land; and provided further, that the settlement shall
13 include dismissal of allegations against the government of Guam and
14 preclude further challenge of the Chamorro Land Trust law by the same
15 parties on the same grounds, and preclude constitutional challenge of
16 provisions of the Chamorro Land Trust law as amended or added by
17 this Act.

18 (b) Any applications for leases that are considered after January
19 1, 2021 shall be subject to the terms of the public law enacted by this
20 Act and Chapter 75A of Title 21, Guam Code Annotated. The
21 enactment of Chapter 75A of Title 21, Guam Code Annotated and this
22 Act shall not affect the order of consideration of applications by the
23 CLTC under Chapter 75 of Title 21, Guam Code Annotated, and
24 pursuant to applicable rules and regulations to the same. Nothing in this
25 Act shall affect or alter the existing priorities for awarding leases as
26 stated in Rule 6.2 of the Senator Paul J. Bordallo Rules and Regulations
27 for the Chamorro Land Trust Commission.”

1 3) The new Chapter 75A of Title 21 of Guam Code Annotated, shall
2 replace all references to “Chamorro” and “native Chamorro,” (or any
3 variations thereof) with “beneficiary” and “eligible beneficiary,” respectively.
4 References to “Chamorro homelands” shall be replaced with “Chamorro Land
5 Trust Property,” except as provided in the new 21 GCA §§ 75A101(c) and
6 75A105. References to the “Chamorro Land Trust Act,” “Chamorro Land
7 Trust Commission,” “Hatdin Āmot Chamorro,” “Chamorro traditional
8 healing or medicine,” “Chamorro heritage and culture,” “traditional
9 Chamorro medicines,” “Chamorro healing arts,” and “traditional Chamorro
10 remedies” need not be revised. The Compiler of Laws is authorized to
11 conform Chapter 75A of Title 21 of the Guam Code Annotated with this
12 Section.

13 4) § 75A101(c) of Chapter 75A, Title 21, Guam Code Annotated,
14 *shall* read as follows:

15 ~~“(c) The term *Chamorro homelands* means all lands given the~~
16 ~~status of Chamorro homelands under the provisions of § 75105 of this~~
17 ~~Chapter. The term *Chamorro Land Trust property* means all available~~
18 ~~lands, which includes Chamorro homelands, under the control of the~~
19 ~~Chamorro Land Trust Commission under the provisions of § 75A105~~
20 ~~of this Chapter and § 75105 of Chapter 75.”~~

21 5) § 75A101(d) of Chapter 75A, Title 21, Guam Code Annotated,
22 *shall* read as follows:

23 ~~“(d) The term *Native Chamorro* means any person who became~~
24 ~~a U.S. citizen by virtue of the authority and enactment of the Organic~~
25 ~~Act of Guam or descendants of such person *eligible beneficiary* means~~
26 ~~any person, regardless of race, color, or national origin:~~

1 (1) whose land was acquired by the United States
2 government between 1898 and 1968, or descendants of such
3 person; or

4 (2) who either occupied, farmed, or ranched land for
5 residential or agricultural purposes for at least one (1) year
6 immediately prior to that land being acquired by the United
7 States government between 1898 and 1968 or descendants of
8 such person; except that if a person occupied, farmed, or ranched
9 the land on or after December 8, 1941, and the land was acquired
10 at any time after that date and up to 1950, the one-year tenure
11 need not have occurred immediately prior to acquisition by the
12 United States government.”

13 6) § 75A105 of Chapter 75A, Title 21, Guam Code Annotated, shall
14 read as follows:

15 **“§ 75A105. Control by Commission of Available**
16 **Lands; Return to Department.**

17 Upon and after the enactment of this Chapter, all
18 available lands pursuant to § 75A104 of Chapter 75A and
19 § 75104 of Chapter 75, which includes Chamorro
20 homelands, shall immediately assume the status of
21 ~~Chamorro homelands~~ Chamorro Land Trust Property and
22 shall be under the control of the Commission to be used
23 and disposed of in accordance with the provisions of this
24 Chapter, except that:

25 (a) In case any government land is under lease,
26 permit or agreement ~~at~~ upon the enactment of this Chapter,
27 such land shall not assume the status of Chamorro

1 homelands until the lease, permit or agreement expires or
2 the lands are withdrawn from the operation of the lease,
3 permit or agreement. If the land is covered by a lease,
4 permit or agreement containing a withdrawal clause, the
5 Department shall withdraw such lands from the operation
6 of the lease permit or agreement whenever the
7 Commission gives notice to it that the lands are required
8 by it for the purposes of this Chapter.

9 (b) Any available land as may not be immediately
10 needed for the purposes of this Chapter, may be returned
11 to the Department for management. Any Chamorro
12 homelands so returned may be disposed of under a general
13 lease only. Each such lease, whether or not stipulated
14 therein, shall be ~~deemed made~~ subject to the right and duty
15 of the department to terminate the lease and return the
16 lands to the Commission whenever the Commission gives
17 notice that the lands are required by it for the purposes of
18 this Chapter. However, no lease shall be made for a term
19 to exceed twenty-five (25%) years. All income arising out
20 of any lease or license entered into under this Subsection
21 shall be credited to and deposited into the Chamorro Home
22 Loan Fund.

23 (c) The Department, with the approval of the
24 Commission, or the Commission may sell to any
25 contiguous landowner any fractional lot placed under its
26 management which was created by the adoption of the
27 standard block system, or bull cart trails that no longer

1 serve the transportation function originally intended. The
2 Chamorro Land Trust Commission *shall* offer any such
3 land for sale to any contiguous landowner of such
4 property, on written application of such owner, provided:

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

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

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

16 (4) that notice of the application *shall* be given to all
17 owners of land within five hundred (500) feet adjacent to
18 the applicants land;

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

26 (6) that unless expressly provided otherwise, any
27 use of the term "owner," in relation to interests in real

1 property, in this Title, as well as any derivative thereof,
2 including, but not limited to, “landowner” or “property
3 owner,” is presumed to mean an owner in fee simple or
4 absolute fee, and to exclude any other estate or interest
5 therein.

6 (d) In the management of any retained available lands not
7 required for leasing under § ~~75107~~ 75A107, the Commission
8 may lease or license such lands to the general public. Any lease
9 or license made under this subsection shall comply with the
10 conditions of subsection (b) above.

11 (e) The Commission may, in order to consolidate its
12 holdings or to better effectuate the purposes of this Chapter,
13 exchange the title to available lands for land of an equal or higher
14 value. All lands so acquired by the Commission shall assume the
15 status of available lands as though the same were originally
16 designated as such under § 75104 of Chapter 75 and 75A104 of
17 Chapter 75A.

18 (f) The Commission shall not lease or license any available
19 land until it is registered under the provisions of Chapter 29 of
20 this Title (Land Title Registration Law).

21 (g) The Commission shall utilize Lot No. 382-R1,
22 Inarajan, containing an area of 304.76 acres and being Chamorro
23 Homelands, only for affordable housing.”

24 7) The new Chapter 75A of Title 21 of Guam Code Annotated, *shall*
25 include the following language in a new section:

26 **“Verification of Eligible Beneficiaries.**

27 (a) Owned Land Acquired by the United States:

1 (1) To be eligible based on ownership of land that was
2 acquired by the United States Government between 1898 and
3 1968, an applicant must provide either:

4 (A) Documentary evidence of ownership in
5 substantially the same form as that required by the Guam
6 Ancestral Lands Commission for ancestral land claims; or

7 (B) A declaration or affidavit, signed under penalty
8 of perjury, attesting that the person owned, or is the
9 descendant of someone who owned land that was acquired
10 by the United States. To the extent known or reasonably
11 ascertainable by the applicant, this declaration or affidavit
12 shall include the location, by parcel number, address, legal
13 description, or other legally-recognized identifier, of the
14 land that was claimed to have been owned and the date of
15 acquisition by the United States.

16 (2) The applicant shall be required to use his or her best
17 efforts to obtain the information described above and to provide
18 documentation demonstrating that he or she is the descendent of
19 the person who owned the land. Based upon review of the
20 documentation, declarations or affidavits, and any additional
21 research the Commission conducts, including but not limited to
22 the “Bohn files” and any other readily-available condemnation
23 and land records, the Commission shall determine whether the
24 applicant is an eligible beneficiary.

25 (b) Occupied, Farmed, or Rached, Land Acquired by the United
26 States:

1 (1) Persons shall be considered *eligible beneficiaries* if the
2 United States acquired land on which they did not hold title or
3 ownership, but that they nevertheless had either occupied,
4 farmed, or ranched land for residential or agricultural purposes
5 for at least one (1) year immediately prior to that land being
6 acquired by the United States government between 1898 and
7 1968 or descendants of such person; except that if a person
8 occupied, farmed, or ranched the land on or after December 8,
9 1941, and the land was acquired at any time after that date and
10 up to 1950, the one-year tenure need not have occurred
11 immediately prior to acquisition by the United States
12 government. To be eligible under this provision, an applicant
13 must sign a declaration or affidavit setting forth, in sufficient
14 detail and under penalty of perjury, the following facts to the
15 extent known or reasonably ascertainable by the applicant:

16 (A) the location, by parcel number, address, legal
17 description, or other legally-recognized identifier, of the
18 land that was claimed to have been occupied, farmed, or
19 ranched;

20 (B) the name of the person or persons who
21 occupied, farmed or ranched the land;

22 (C) the length of time the person(s) continuously
23 occupied, farmed, or ranched the land;

24 (D) the legal owner of the land and the relationship
25 between the owner and the person who occupied, farmed,
26 or ranched the land, including whether any compensation
27 or rent was paid to the owner;

1 (E) a description of the nature of the person's
2 activity on the land, including whether the land was used
3 for residential or agricultural purposes;

4 (F) if the land was farmed or ranched, the type of
5 activity being conducted on the land (such as the types of
6 crops harvested or animals raised); and

7 (G) whether the person improved the land in any
8 way and the nature of such improvements.

9 (2) The applicant shall be required to use his or her best
10 efforts to obtain the information described above and to provide
11 documentation demonstrating that he or she they are is the
12 descendent of the person or persons who occupied, ranched, or
13 farmed the land. Based upon review of the documentation,
14 declarations or affidavits, and any additional research the
15 Commission conducts, the Commission shall determine whether
16 the person is an eligible beneficiary. For purposes of this
17 provision, a person shall be deemed to have "occupied" land if
18 he or she maintained his or her primary residence on the land."

19 8) § 75A109 (a) of Chapter 75A of Title 21, Guam Code

20 Annotated, *shall* read as follows:

21 “(a) Upon the death of the lessee, his or her interest in the tract
22 or tracts and the improvements thereon, including growing crops
23 (either on the tract or in any collective contract or program to which
24 the lessee is a party by virtue of his interest in the tract or tracts), shall
25 vest in the relatives of the decedent as provided in this paragraph.
26 From the following relatives of the lessee, husband and wife, children,
27 widows or widowers of the brothers and sisters, or nieces and

1 nephews, --the lessee shall designate the person or persons to whom
2 he directs his interest in the tract or tracts to vest upon his death. Such
3 person or persons must be qualified to be a lessee of ~~Chamorro~~
4 ~~homelands~~ Chamorro Land Trust property: provided, that such
5 person or persons need not be eighteen (18) years of age; provided,
6 further, however, that, if the person designated by the lessee

7 (1) is the lessee's spouse;

8 (2) has been married to the lessee for at least the past seven
9 (7) years;

10 (3) is residing on the property with the lessee in a structure
11 that has been approved as a residence at the time of the lessee's
12 death; and

13 (4) is not an eligible beneficiary as defined under this Act,
14 such person shall, upon the death of the lessee, receive a life
15 estate in the remainder of the lease, and upon termination of the
16 life estate, assignment of the lessee's remaining interest in the
17 lease shall be governed by the applicable provisions of the
18 Chamorro Land Trust Act as if the lessee had died without
19 designating his or her spouse as a beneficiary.

20 Such designation must be in writing, must be specified at
21 the time of execution of such lease with a right in such lessee in
22 similar manner to change such beneficiary at anytime and shall
23 be filed with the Commission and approved by the Commission
24 in order to be effective to vest such interests in the successor or
25 successors named.

26 In the absence of such a designation as approved by the
27 Commission, the Commission shall select from the relatives of

1 the lessee in order named above as limited by the foregoing
2 paragraph one or more persons who are qualified to be lessees of
3 ~~Chamorro homelands~~ Chamorro Land Trust property except as
4 hereinabove provided, as the successor or successors of the
5 lessee's interest in the tract or tracts, and upon the death of the
6 lessee, his interest shall vest in the person or persons so selected.
7 The Commission may select such a successor or successors after
8 the death of the lessee, and the rights to the use and occupancy
9 of the tract or tracts may be made effective as of the date of the
10 death of such lessee.

11 In the case of the death of a lessee leaving no such relative
12 qualified to be a lessee of ~~Chamorro homelands~~ Chamorro Land
13 Trust property, the land subject to the lease shall resume its status
14 as unleased ~~Chamorro homelands~~ Chamorro Land Trust property
15 and the Commission is authorized to lease such land to a native
16 ~~Chamorro or Chamorros~~ an eligible beneficiary or eligible
17 beneficiaries as provided in this Chapter.

18 Upon the death of a lessee leaving no such relative
19 qualified to be a lessee of ~~Chamorro homelands~~ Chamorro Land
20 Trust property, or the cancellation of a lease by the Commission,
21 or the surrender of a lease by the lessee, the Commission shall
22 appraise the value of all such improvements and growing crops
23 and shall pay to the legal representative of the deceased lessee,
24 or to the previous lessee, as the case may be, the value thereof,
25 less any indebtedness to the Commission, or for taxes, or for any
26 other indebtedness the payment of which has been assured by the
27 Commission, from the deceased lessee or the previous lessee.

1 Such payment shall be made out of the loan fund and shall be
2 considered an advance therefrom reimbursable out of payments
3 made by the successor or successors to the tract involved. Such
4 appraisal shall be made by three appraisers, one of which shall
5 be named by the Commission, one by the previous lessee or the
6 legal representative of the deceased lessee, as the case may be,
7 and the third shall be selected by the two appraisers hereinbefore
8 mentioned.”

9 **Section 2.** Chapter 75 of Title 21 of Guam Code Annotated *shall* remain
10 intact for leases entered into prior to January 1, 2021.

11 **Section 3.** § 75109(a) of Chapter 75, Title 21, Guam Code Annotated, is
12 *amended* to read:

13 “(a) Upon the death of the lessee, his interest in the tract or tracts and
14 the improvements thereon, including growing crops (either on the tract or in
15 any collective contract or program to which the lessee is a party by virtue of
16 his interest in the tract or tracts), shall vest in the relatives of the decedent as
17 provided in this paragraph. From the following relatives of the lessee, husband
18 and wife, children, widows or widowers of the brothers and sisters, or nieces
19 and nephews, --the lessee shall designate the person or persons to whom he
20 directs his interest in the tract or tracts to vest upon his death. Such person or
21 persons must be qualified to be a lessee of Chamorro homelands: provided,
22 that such person or persons need not be eighteen (18) years of age; provided,
23 further, however, that, if the person designated by the lessee

24 (1) is the lessee’s spouse;

25 (2) has been married to the lessee for at least the past seven (7)
26 years;

1 (3) is residing on the property with the lessee in a structure that
2 has been approved as a residence at the time of the lessee's death; and

3 (4) is not an eligible beneficiary as defined under this Act, such
4 person shall, upon the death of the lessee, receive a life estate in the
5 remainder of the lease, and upon termination of the life estate,
6 assignment of the lessee's remaining interest in the lease shall be
7 governed by the applicable provisions of the Chamorro Land Trust Act
8 as if the lessee had died without designating his or her spouse as a
9 beneficiary.

10 Such designation must be in writing, must be specified at the time of
11 execution of such lease with a right in such lessee in similar manner to change
12 such beneficiary at anytime and shall be filed with the Commission and
13 approved by the Commission in order to be effective to vest such interests in
14 the successor or successors named.

15 In the absence of such a designation as approved by the Commission,
16 the Commission shall select from the relatives of the lessee in order named
17 above as limited by the foregoing paragraph one or more persons who are
18 qualified to be lessees of Chamorro homelands except as hereinabove
19 provided, as the successor or successors of the lessee's interest in the tract or
20 tracts, and upon the death of the lessee, his interest shall vest in the person or
21 persons so selected. The Commission may select such a successor or
22 successors after the death of the lessee, and the rights to the use and occupancy
23 of the tract or tracts may be made effective as of the date of the death of such
24 lessee.

25 In the case of the death of a lessee leaving no such relative qualified to
26 be a lessee of Chamorro homelands, the land subject to the lease shall resume
27 its status as unleased Chamorro homelands and the Commission is authorized

1 to lease such land to a native Chamorro or Chamorros as provided in this
2 Chapter.

3 Upon the death of a lessee leaving no such relative qualified to be a
4 lessee of Chamorro homelands, or the cancellation of a lease by the
5 Commission, or the surrender of a lease by the lessee, the Commission shall
6 appraise the value of all such improvements and growing crops and shall pay
7 to the legal representative of the deceased lessee, or to the previous lessee, as
8 the case may be, the value thereof, less any indebtedness to the Commission,
9 or for taxes, or for any other indebtedness the payment of which has been
10 assured by the Commission, from the deceased lessee or the previous lessee.
11 Such payment shall be made out of the loan fund and shall be considered an
12 advance therefrom reimbursable out of payments made by the successor or
13 successors to the tract involved. Such appraisal shall be made by three
14 appraisers, one of which shall be named by the Commission, one by the
15 previous lessee or the legal representative of the deceased lessee, as the case
16 may be, and the third shall be selected by the two appraisers hereinbefore
17 mentioned.”

18 **Section 4.** The Senator Paul J. Bordallo Rules and Regulations for the
19 Chamorro Land Trust Commission enacted pursuant to Chapter 75 are hereby
20 enacted as rules and regulations applicable to Chapter 75A of Title 21, Guam Code
21 Annotated, except where inconsistent. The Chamorro Land Trust Commission shall
22 modify said rules and regulations as well as any sub-regulatory rules, policies,
23 practices, or guidance as necessary to be consistent with 21 GCA Chapter 75A as
24 enacted by this Act.

25 **Section 5. Severability.** If any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such invalidity
27 shall not affect other provisions or applications of this Act that can be given effect

- 1 without the invalid provision or application, and to this end the provisions of this
- 2 Act are severable.