

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
8-38 (COR)	Joe S. San Agustin	AN ACT TO AMEND SUBSECTION (a) AND REPEAL SUBSECTIONS (d),(1),(2),(3), AND (4) ALL OF § 5127 SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE EXTENSION OF GOVERNMENT OF GUAM LEASES FROM FIVE (5) TO THIRTY (30) YEARS..	1/13/25 8:00 a.m.						Referred Version 1/22/25

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 8-38 (COR)

Introduced by:

Joe S. San Agustin 

AN ACT TO AMEND SUBSECTION (a) AND REPEAL SUBSECTIONS (d),(1),(2),(3), AND (4) ALL OF § 5127 SUBARTICLE C, ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED RELATIVE TO THE EXTENSION OF GOVERNMENT OF GUAM LEASES FROM FIVE (5) TO THIRTY (30) YEARS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 2. § 5127 of Subarticle C, Article 2, Chapter 5, Title 5, Guam Code Annotated is hereby *amended* to read:

“§ 5127. Commercial Leasing of Public Real Property and Related Facilities.

(a) Public Real Property and Related Facilities. From the effective date of this law, and notwithstanding any other provision of this Chapter, no commercial contract, lease, permit, or license for use of public real property, and related facilities by any non-governmental person or entity, shall be solicited, negotiated, entered into, or made for a term in excess of ~~five (5)~~ thirty (30) years, inclusive of any extension, option, or renewal-, provided the terms and conditions of the commercial contract, lease, permit, or license have been satisfied during the initial thirty (30) years as evidenced in a written approval by *I Maga'hågan Guåhan* or relevant Board of Directors of the Government of Guam.

1 (1) Any contract, lease, permit or license made, renewed or
2 extended in violation of this law shall become void upon the ~~fifth (5th)~~
3 thirtieth (30th) anniversary of the making of such contract, lease, permit,
4 or license.

5 (2) This limitation shall not apply to residential and agricultural
6 leases to beneficiaries under the Chamorro Land Trust.

7 (3) Any such contract, lease, permit, or license shall mean a
8 “lease of real property” and not the lease of supplies as that term is used
9 in § 5030(u) of this Chapter.

10 (b) Exceptional Term Contracts. The Chief Procurement Officer, the
11 Director of Public Works, or the head of a purchasing agency, as authority
12 may exist therefore, may solicit a contract for a term longer than otherwise
13 allowed by this Section (an “Exceptional Term Contract”).

14 (1) Prior to soliciting any Exceptional Term Contract, I
15 *Maga’håga/Maga’låhi* or, in the case of an autonomous agency, the
16 Board of Directors, shall make a written Determination of Need
17 justifying by a quantifiable sum an Exceptional Term Contract, and
18 specifying the full term, inclusive of extensions, options and renewals,
19 for such contract, and provide a copy of such Determination of Need to
20 the Speaker of *I Liheslaturan Guåhan*.

21 (2) No Exceptional Term Contract shall be solicited unless a
22 Determination of Need is obtained from *I Maga’håga/Maga’låhi* or, in
23 the case of an autonomous agency, the Board of Directors.

24 (3) A written Determination of Need shall be valid for two (2)
25 years or until an Exceptional Term Contract is executed to fill the stated
26 need, whichever comes first.

1 (c) Subsequent to transmitting a Determination of Need to the Speaker of *I*
2 *Liheslaturan Guåhan*, a notice of solicitation shall be published as provided in §
3 5211(c) of Subarticle B of Article 3 of this Chapter, such notice to conspicuously
4 note the solicitation is for an Exceptional Term Contract, and specifying the term
5 thereof, as well as the date of the proper Determination of Need. Any Exceptional
6 Term Contract made in violation of this Section shall be void.

7 ~~(d) Legislative Approval Required for Exceptional Term Contracts.~~
8 ~~Subsequent to satisfying the requirements of this § 5127, the commercial~~
9 ~~contract, lease, permit, or license for use of public real property and related~~
10 ~~facilities shall be transmitted to *I Liheslaturan Guåhan* for approval or~~
11 ~~disapproval, in whole.~~

12 ~~(1) *I Liheslaturan Guåhan* shall take action to approve or~~
13 ~~disapprove the commercial contract, lease, permit, or license within~~
14 ~~sixty (60) calendar days from the date of filing with the Speaker.~~

15 ~~(2) A public hearing shall be conducted by the Chairperson of~~
16 ~~the Legislative Committee having oversight jurisdiction during the~~
17 ~~sixty (60) day review period, and said Committee shall report its~~
18 ~~findings and recommendations to *I Liheslaturan Guåhan*.~~

19 ~~(3) The sixty (60) day period allowed for *I Liheslaturan Guåhan*~~
20 ~~to approve or disapprove the contract, lease, permit, or license shall be~~
21 ~~tolled from the time that a public hearing is noticed and until a~~
22 ~~Committee Report is completed.~~

23 ~~(4) Legislative approval shall be by enactment into law.~~

24 (d) The solicitation and award of any such contract, lease, permit, or
25 license shall be conducted as provided in this Chapter, and the Determination
26 of Need shall be a part of such record and subject to § 5251 of this Chapter,

1 along with any modification, amendment, exercise of option or renewal, or
2 extension of such contract, lease, permit, or license.”

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

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