

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 342-34 (COR) As amended by the Committee on Environment, Land, Agriculture and Procurement Reform; and further amended on the Floor.		Speaker Antonio R. Unpingco Legislative Session Hall November 30, 2018				
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. ADA	✓					
Senator FRANK B. AGUON, JR.					✓	✓
Senator William M. CASTRO	✓					
Senator James V. ESPALDON	✓					
Senator Fernando Barcinas ESTEVES	✓					
Senator Régine Biscoe LEE	✓					
Senator Tommy MORRISON	✓					
Senator Louise B. MUÑA	✓					
Senator Telena Cruz NELSON	✓					
Senator Dennis G. RODRIGUEZ, Jr.					✓	✓
Senator Joe S. San AGUSTIN	✓					
Senator Michael F.Q. SAN NICOLAS					✓	✓
Acting Speaker Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL: 11 3 3

Aye Nay Not Voting/
Abstained Out During
Roll Call Absent Excused

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass

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2018 (SECOND) Regular Session

Bill No. 342-34 (COR)

As amended by the Committee on Environment,
Land, Agriculture and Procurement Reform;
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Introduced by:

Thomas C. Ada

AN ACT TO AUTHORIZE THE CHAMORRO LAND TRUST COMMISSION (CLTC) TO LEASE LOT 7161-R1, YIGO, GUAM, FOR A PERIOD OF UP TO FIFTY (50) YEARS, AND TO GIVE THE RIGHT OF FIRST REFUSAL TO THE GUAM RACING FEDERATION (GRF), FOR THE CONTINUED OPERATION OF THE GUAM INTERNATIONAL RACEWAY PARK, AND TO REQUIRE THE LEASE OF SAID LOT TO BE APPROVED BY THE LEGISLATURE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Racing Federation (GRF), a non-profit organization sanctioned by the
4 Department of Revenue and Taxation, was granted a license agreement by the
5 Chamorro Land Trust Commission (CLTC) to use Lot 7161-R1 in *Yigo*, Guam,
6 under Department of Land Management Instrument Number 503740. The license
7 term expired on May 31, 2018, with no remaining options to extend.

8 *I Liheslaturan Guåhan* also finds that during the twenty (20)-year license
9 period the GRF significantly contributed to the promotion and growth of sports
10 tourism by constructing the necessary racing facilities to enable the hosting of the

1 “Smokin’ Wheels” off-road races, an annual event that started in 1979, as well as
2 numerous other annual motor and non-motor racing events.

3 *I Liheslaturan Guåhan* also finds that during the twenty (20)-year license
4 period the development plans by the GRF for the Guam International Raceway Park
5 were placed on hold for approximately seven (7) years due to the uncertainty of the
6 military buildup and the location of the firing ranges.

7 *I Liheslaturan Guåhan* further finds that the raceway facility has effectively
8 provided a safe venue for speed testing and drag racing, virtually eliminating illegal
9 drag racing on Guam’s highways.

10 Therefore, *I Liheslaturan Guåhan* intends to authorize the lease of Lot 7161-
11 R1 in *Yigo*, Guam for a period of up to fifty (50) years, and to allow the granting of
12 a “right of first refusal” to the GRF (the current licensee); and, to require that the
13 CLTC transmit to *I Liheslatura* (the Legislature) a negotiated lease within one
14 hundred eighty (180) days from enactment of this Act.

15 **Section 2. Authorization to Lease.** Notwithstanding any other provisions
16 of law, *I Liheslaturan Guåhan* authorizes the CLTC to lease Lot 7161-R1 in the
17 municipality of *Yigo* for a period of up to fifty (50) years for commercial purposes,
18 to include the operation of a raceway, related support facilities, and various outdoor
19 events.

20 **Section 3. Right of First Refusal.** The CLTC *shall* give right of first refusal
21 to the current licensee, the GRF; provided, that if granted right of first refusal, GRF
22 must express its intention in writing to the Executive Director of the CLTC no later
23 than fifteen (15) days from the date of enactment of this Act.

24 **Section 4. Lease Terms.** Notwithstanding any other provisions of law, *I*
25 *Liheslaturan Guåhan* authorizes the CLTC to negotiate the terms of the lease for Lot
26 7161-R1, municipality of *Yigo*, Guam; provided, that such negotiated lease *shall* be
27 submitted to *I Liheslatura* (the Legislature) for approval by statute.

1 If the current licensee, GRF, exercises the “right of first refusal,” the CLTC
2 *shall* within one hundred eighty (180) days from GRF’s exercise of the “right of first
3 refusal,” submit the lease negotiated with the GRF to *I Liheslatura* (the Legislature)
4 for approval by statute. Except as specifically provided in this Act, conditions of the
5 lease *shall* comply with 21 GCA § 75122. Notwithstanding any other provision of
6 law, mineral extraction is prohibited and *shall not* be included in the terms of the
7 lease.

8 **Section 5. Lease Revenues.**

9 (a) Proceeds from the leasing of Lot 7161-R1, municipality of *Yigo*,
10 *shall* be deposited into the Chamorro Land Trust Survey and Infrastructure
11 Fund Account during the term of the lease.

12 (b) All monies in the Chamorro Land Trust Survey and
13 Infrastructure Fund Account are hereby appropriated to the CLTC to be
14 expended in accordance with 21 GCA Chapter 75, and are not subject to *I*
15 *Maga'låhen Guåhan*'s transfer authority. The Administrative Director *shall*
16 comply with all existing reporting requirements by submitting a quarterly
17 report of the Chamorro Land Trust Survey and Infrastructure Fund Account
18 to *I Maga'låhen Guåhan, I Liheslaturan Guåhan*, and the Office of Public
19 Accountability. The Administrative Director *shall* ensure that the Chamorro
20 Land Trust Survey and Infrastructure Fund Account is in compliance with all
21 existing statutes, rules and regulations, codes, executive orders, and any other
22 authority that is applicable to the Commission and the use of the funds in the
23 Chamorro Land Trust Survey and Infrastructure Fund Account pursuant to 21
24 GCA Chapter 75.

25 **Section 6. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
27 *not* affect other provisions or applications of this Act that can be given effect without

- 1 the invalid provision or application, and to this end the provisions of this Act are
- 2 severable.