



I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. 29.32 (COR)

Introduced by:

V.C. Pangelinan   
B.J.F. Cruz 

2013 JAN 30 AM 9:03 

AN ACT TO ADD §60114.1 AND §60114.2 TO CHAPTER  
60 OF 21 GUAM CODE ANNOTATED RELATIVE TO  
COMPETITIVE EQUALIZATION ACT ON THE  
LEASING OF GOVERNMENT OF GUAM PROPERTY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds  
2 the government of Guam has transferred and entrusted portions of government owned  
3 land to autonomous agencies, public corporations, and other public instrumentalities  
4 and has allowed them to lease these lands to other entities for commercial purposes.

5           *I Liheslaturan Guåhan* further finds that these autonomous agencies, public  
6 corporations, and other public instrumentalities have been exempt from applicable  
7 taxes on the income generated from these leases, giving them unfair advantage over  
8 private landowners and developers due to the below market pricing created by this tax  
9 exemption.

10           *I Liheslaturan Guåhan* further finds that *I Liheslaturan Guåhan* created the  
11 Guam Ancestral Lands Commission (GALC) and the Chamorro Land Trust (CLT),  
12 who are tasked to oversee and care for land parcels of land deemed for the native  
13 inhabitants of our island community, however lack the necessary funding to provide  
14 compensation and infrastructure to appropriately administer the lands entrusted to  
15 them.

1           *I Liheslaturan Guåhan* further finds that *if and when* the government agencies no  
2 longer have use for these lands, those lands shall be returned to the inventory of the  
3 ALC for return to original landowners and/or development of land *or* for return to the  
4 CLT to lease to qualified indigent individuals and/or corporations and development of  
5 land.

6           *I Liheslaturan Guåhan* intends to generate revenue derived from the leasing of  
7 lands transferred to the autonomous agencies, public corporations, and other public  
8 instrumentalities of the government of Guam to provide necessary resources to the  
9 GALC and the CLT for the implementation of programs to benefit their respective  
10 beneficiaries.

11           **SECTION 2. §60114.1 and §60114.2 are hereby *added* to Chapter 60, 21**  
12 **Guam Code Annotated to read as follows:**

13           “**§60114.1. Applicable taxes on leasing of land by autonomous agency,**  
14 **public corporation, and other public instrumentalities of the government of Guam**  
15 **for commercial purposes.**

16           Taxes *shall* be applied to lands leased as stipulated in §60114 of this Chapter.

17           (a) Business privilege tax *shall* be paid on all income received as lease  
18                                 payments on commercial leases by autonomous agency, public  
19                                 corporation, and other public instrumentalities of the government of  
20                                 Guam.

21           (b) Real estate tax *shall* be paid on all improvements constructed on lands  
22                                 leased in a commercial leases by autonomous agency, public  
23                                 corporation, and other public instrumentalities of the government of  
24                                 Guam.

25           **§60114.2. Deposit of Funds Collected.** All taxes identified in §60114.1 *shall*  
26 be divided equally and deposited in the Guam Ancestral Lands Commission (GALC)  
27 “Land Bank” Fund and the Chamorro Land Trust Commission’s (CLTC) “Chamorro

1 Home Development Fund” for the development of infrastructure improvements on  
2 land trust residential and agricultural lands. Both Commissions shall report on a  
3 quarterly basis to the Speaker of *I Liheslaturan Guåhan* the revenues collected and  
4 expended from each fund and post the same on each Commission’s website. The funds  
5 shall be subject to periodic audits by the Guam Public Auditor.”

6 **SECTION 3. Severability.** If any of the provisions of this Act or the  
7 application thereof to any person or circumstance is held invalid, such invalidity  
8 *shall* not affect any other provision or application of this Act which can be given  
9 effect without the invalid provision or application, and to this end the provisions of  
10 this Act are severable.