

I Mina'trentai Siette 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
169-37 (COR)	Therese M. Terlaje Sabina Flores Perez Chris Barnett Frank Blas, Jr. Jesse A. Lujan William A. Parkinson Roy A.B. Quinata Telo T. Taitague	AN ACT TO AMEND §14101, §14102, AND §14103 OF CHAPTER 14, TITLE 18, GUAM CODE ANNOTATED RELATIVE TO THE PUBLICATION OF FINANGIAL INFORMATION BY NONPROFIT ORGANIZATIONS.	9/18/23 9:39 a.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 169-37 (COR)

Introduced by:

Therese M. Terlaje *TMT*
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Jesse A. Lujan *JL*
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**AN ACT TO *AMEND* §14101, §14102, AND §14103 OF
CHAPTER 14, TITLE 18, GUAM CODE ANNOTATED
RELATIVE TO THE PUBLICATION OF FINANCIAL
INFORMATION BY NONPROFIT ORGANIZATIONS.**

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

2 **Section 1.** §14101 of Chapter 14, Title 18, Guam Code Annotated is hereby
3 *amended* to read:

4 “§ 14101. Purpose of Chapter. The Legislature finding that the people of
5 Guam are generous contributors to charitable or other nonprofit organizations but
6 are usually unaware of the disposition made of their contributions, the purpose of
7 this Chapter is to require all such organizations, except strictly religious ones, to ~~file~~
8 ~~and publish~~ make available to the public annual financial statements so that the
9 people of Guam can be made aware of the actual fiscal needs of these organizations
10 and can thus govern themselves in their donations to such organizations
11 accordingly.”

12 **Section 2.** §14102 Chapter 14, Title 18 Guam Code Annotated is hereby
13 *amended* to read:

1 **“§ 14102. Filing of Annual Reports.** Except for an organization that is
2 entirely religious in character, or a fraternal organization operating under the lodge
3 system that does not solicit, directly or indirectly, from the general public donations
4 and contributions, and does not participate in local fund-raising activities such as
5 raffles and bingo games, every nonprofit organization, including but not limited to a
6 fraternal benefit society, order or association operating under the lodge system, a
7 corporation, association, or society organized and operated for eleemosynary,
8 scientific, or educational purposes, business league, Chamber of Commerce, civil
9 league, a political party, any organization of more than two individuals whose
10 purpose is to provide funds or other assistance of value to a political candidate, any
11 organization with the avowed purpose of advocating the improvement of the
12 Government of Guam or the political process, and an organization operating for the
13 benefit of the community and for the promotion of social welfare, shall ~~caused to be~~
14 ~~published annually within forty five (45)~~ ninety (90) days of the close of its fiscal
15 year ~~in a newspaper of general circulation in the Territory of Guam~~ annually file a
16 financial report with the Director of the Department of Revenue and Taxation. This
17 financial report shall include a statement of its income and expenditures for the
18 preceding year and a balance sheet showing its assets and liabilities. Such financial
19 statement shall contain a certificate as to its accuracy by an officer of the
20 organization. For the limited purpose of this section, the fiscal year of a political
21 party, an organization of more than two individuals, whose purpose is to provide
22 funds or other assistance of value to a political candidate and any organization with
23 the avowed purpose of advocating the improvement of the Government of Guam or
24 the political process shall end on September 15. ~~Such newspaper report need be no~~
25 ~~larger than four inches by five inches. Such financial statement shall contain a~~
26 ~~certificate as to its accuracy by an officer of the organization which financial~~
27 ~~statement shall be filed with the Director of Revenue & Taxation.~~

1 **Section 3.** §14103 of Chapter 14, Title 18 Guam Code Annotated is hereby
2 *amended* to read:

3 “**§ 14103. Administration by Department of Revenue & Taxation.** The
4 Director of Revenue & Taxation shall administer the provisions of this Chapter.
5 Within sixty (60 days) of the filing of a financial statement with the Director under
6 this chapter, the Department of Revenue and Taxation shall post the financial
7 statement on its website in a manner that is accessible to the public. ~~and upon~~ Upon
8 a finding of noncompliance thereof by any organization required to file ~~and publish~~
9 such statement, ~~he~~ the Director shall revoke any license or charter issued to such
10 organization by the Government of Guam and shall revoke the tax exempt status of
11 such organization; provided, however, that such action or actions may be taken by
12 the Director only after giving written notice that the organization has failed to file
13 its financial statement and that the organization has 30 days from receipt of the notice
14 to file its financial statement or the department will commence proceedings to have
15 the organization’s license or charter and tax exempt status revoked. The notice must
16 be sent by certified mail to the organization at the most recent address of the
17 organization on file at the Department of Revenue and Taxation. Actions to revoke
18 an organization’s license or charter and tax exempt status shall be conducted under
19 a public hearing pursuant to the provisions of the Administrative Adjudication Law
20 [5 GCA Chapter 6 9]. ~~In addition, any officer of an organization required to publish~~
21 ~~its financial statement under the provisions of this Chapter who either intentionally~~
22 ~~fails to publish such or intentionally falsifies the information therein shall be guilty~~
23 ~~of a misdemeanor.”~~