

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>109-32 (COR) - P.L. 32-050</b>	Michael F.Q. San Nicolas, B.J.F. Cruz	AN ACT TOAMEND §26205 OF ARTICLE 2, CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAX TO TEN (10) YEARS.	5/8/13 3p.m.	5/8/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land	6/4/13, 2:00pm		<b>Fiscal Notes Requested 5/9/13 Fiscal Notes Waiver Received 5/14/13 12:06 P.M.</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	6/24/2013	AN ACT TO <i>AMEND</i> §26205 OF ARTICLE 2, CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAXES TO TEN (10) YEARS.	6/26/13	3:00pm	7/8/13	7/5/2013	32-050	As amended by the Committee on Appropriations , Public Debt, Legal Affairs,Retirem ent, Public Parks, Recreation, Historic Preservation and Land; and further amended



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

JUL 08 2013

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

32-13-570  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date: 7/8/13  
Time: 4:39  
Received by: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No.109-32 (COR) "AN ACT TO AMEND §26205 OF ARTICLE 2, CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAXES TO TEN (10) YEARS" which I signed into law on July 5, 2013 as Public Law 32-050.

*Senseramente,*

[Signature]  
EDDIE BAZA CALVO  
*I Maga'láhen Guåhan*  
Governor of Guam

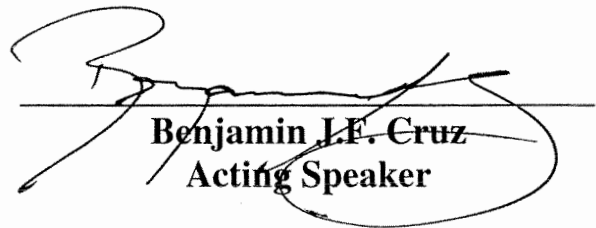
2013 JUL - 8 PM 4: 59 [Signature]

Attachment: copy of Bill

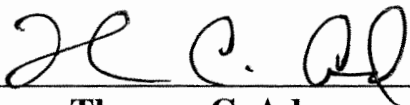
*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

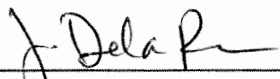
This is to certify that **Bill No. 109-32 (COR)**, "AN ACT TO AMEND §26205 OF ARTICLE 2, CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAXES TO TEN (10) YEARS", was on the 24<sup>th</sup> day of June, 2013, duly and regularly passed.

  
Benjamin J.F. Cruz  
Acting Speaker


Attested:

  
Thomas C. Ada  
Acting Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 26<sup>th</sup> day of June,  
2013, at 3:00 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: JUL 05 2013

Public Law No. 32-050

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN**  
**2013 (FIRST) Regular Session**

**Bill No. 109-32 (COR)**

As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and further amended on the floor.

Introduced by:

Michael F. Q. San Nicolas  
B.J.F. Cruz  
Vicente (ben) C. Pangelinan  
Aline A. Yamashita, Ph.D.  
Frank B. Aguon, Jr.  
T. C. Ada  
V. Anthony Ada  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §26205 OF ARTICLE 2, CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAXES TO TEN (10) YEARS.**

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

2           **Section 1. Short Title.** This Act *shall* be cited as the “Responsible  
3 Business Privilege Tax Statute of Limitations Act.”

1           **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that there was no statute of limitations on the collection of the Gross Receipts Tax  
3 until, on November 14, 1987, Governor Joseph F. Ada approved Public Law 19-  
4 10, which established a seven year statute of limitations.

5           *I Liheslatura* finds that, in contrast to the seven year statute of limitations on  
6 collections of the Gross Receipts Tax, now called the Business Privilege Tax, the  
7 statute of limitations for collections by the Department of Revenue and Taxation  
8 pursuant to taxes under the mirror tax, established by the Organic Act, is ten years.  
9 The government of Guam has three extra years to collect taxes under the Internal  
10 Revenue Code mirror tax, as compared to businesses taxed under the Business  
11 Privilege Tax.

12           *I Liheslatura* further finds that the extension of the statute of limitations for  
13 collections of the Business Privilege Tax would result in \$5,794,530.62 in  
14 additional potential revenue, which could be used to support vital public services.

15           *I Liheslaturan Guåhan* finds that the recent performance audit report by the  
16 Office of Public Accountability on Gross Receipts Tax exemptions reveals  
17 significant challenges with the monitoring, reporting and collection of the Gross  
18 Receipts Tax, which underline the usefulness in extending the statute of limitations  
19 because it applies from the time when the tax return is filed.

20           It is, therefore, the intent of *I Liheslatura* that the statute of limitations for  
21 collections be standardized within the Department of Revenue and Taxation by  
22 adopting a ten year statute of limitations for the collection of the Business Privilege  
23 Tax.

24           **Section 3. Statute of Limitations for Collections of the Business**  
25 **Privilege Tax.** §26205 of Article 2, Chapter 26 of Title 11, Guam Code  
26 Annotated, is hereby *amended*, to read:

27           “§ 26205. Statute of Limitations for Collections.

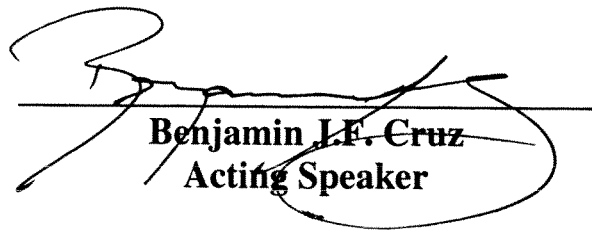
1           The statute of limitations for collections of unpaid taxes due on  
2 business privilege tax returns *shall* be ten years after the tax is assessed. For  
3 amendment, correction, adjustment, challenge, determination of correctness  
4 of the amount of taxes paid, or audit of income reported and the correctness  
5 of the amount of tax liability shown on the business privilege tax returns, the  
6 statute of limitations *shall* be three years after filing and payment of taxes  
7 due. There *shall* be no statute of limitations on unfiled business privilege tax  
8 returns or on the collection of taxes on revenues not shown or reported on  
9 Business Privilege Tax Returns.”

10       **Section 4. Severability.** If any of the provisions of this Act, or the  
11 application thereof to any person or circumstance, is held invalid, such invalidity  
12 *shall not* affect any other provision or application of this Act which can be given  
13 effect without the invalid provision or application, and to this end the provisions of  
14 this Act are severable.

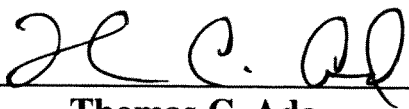
**I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**


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**Benjamin J.F. Cruz**  
Acting Speaker

Attested:

  
**Thomas C. Ada**  
Acting Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guåhan* this 26<sup>th</sup> day of June, 2013, at 3:00 o'clock P.M.

  
**Assistant Staff Officer**  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 109-32 (COR)**

As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and further amended on the floor.

Introduced by:

Michael F. Q. San Nicolas  
B.J.F. Cruz  
Vicente (ben) C. Pangelinan  
Aline A. Yamashita, Ph.D.  
Frank B. Aguon, Jr.  
T. C. Ada  
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14 this Act are severable.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2013 (FIRST) Regular Session

### Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

**A.Bill No: 109-32 (COR)**

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA		✓			
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓	1			
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

14

Yea

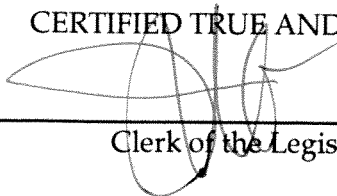
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass

June 21, 2013



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 14, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## Memorandum

Senator  
Vicente (Ben) C. Pangelinan  
Member

To: **Rennae Meno**  
*Clerk of the Legislature*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

From: **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Senator  
Dennis G. Rodriguez, Jr.  
Member

Subject: **Fiscal Notes**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

### FISCAL NOTES:

**Bill Nos.: 65-32(COR), 77-32(COR), 110-32(COR)**

Senator  
Frank Blas Aguon, Jr.  
Member

### WAIVERS:

**Bill No. 109-32(COR)**

Senator  
Michael F.Q. San Nicolas  
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

*Si Yu'os ma'åse'!*

Senator  
Aline Yamashita  
Member

2013 MAY 14 PM 12:06

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO  
GOVERNORRAY TENORIO  
LIEUTENANT GOVERNORJOHN A. RIOS  
DIRECTOR

MAY 13 2013

The Bureau requests that Bill No(s). 109-32 (COR) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed legislation is seeking to increase the collection time of Business Privilege Tax from 7 years to 10 years. This proposal is administrative in nature. There is no significant impact on current year revenues or appropriations. Any collections received within in the proposed 10 year period would be recognized as cash that would be deposited into the General Fund and used to pay down current and prior year obligations. Such cash collection is not considered as new revenues.



JOHN A. RIOS  
Director



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

2013 MAY -9 PM 4: 22

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

May 9, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

Senator  
Vicente (Ben) C. Pangelinan  
Member

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

RE: Request for Fiscal Note- Bill Nos. 109 & 110 (COR)

Senator  
Dennis G. Rodriguez, Jr.  
Member

*Hafa Adai* Mr. Rios:

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

*Si Yu'os ma'åse'* for your attention to this matter.

Senator  
Frank Blas Aguon, Jr.  
Member

Very Truly Yours,

Senator  
Michael F.Q. San Nicolas  
Member

Senator Rory J. Respicio  
*Chairperson, Committee on Rules*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachments (1)

Senator  
Aline Yamashita  
Member

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>109-32 (COR)</b>	Michael F.Q. San Nicolas, B.J.F. Cruz	AN ACT TO AMEND §26205 OF ARTICLE 2, CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAX TO TEN(10) YEARS.
<b>110-32 (COR)</b>	V. Anthony Ada	AN ACT TO ADD A NEW CHAPTER 8 TO 11GCA RELATIVE TO QUANTIFYING AND REPORTING THE EFFECTS OF THE EARNED INCOME TAX CREDIT (EITC) AS IT RELATES TO THE COMPACTS OF FREE ASSOCIATION.



## COMMITTEE ON RULES

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Michael F.Q. San Nicolas  
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Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

May 8, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill Nos. 109 & 110-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 109 & 110-32(COR)**.

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) Regular Session

Bill No. 109-32 (COR)

Introduced by:

Michael F.O. San Nicolas  
B.J.F. Cruz

2013 MAY - 8 PM 3:00

**AN ACT TO AMEND §26205 OF ARTICLE 2, CHAPTER 26, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE STATUTE OF LIMITATIONS ON THE COLLECTION OF UNPAID BUSINESS PRIVILEGE TAX TO TEN (10) YEARS.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the "Responsible  
3 Business Privilege Tax Statutes of Limitations Act."

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
5 finds that there was no statute of limitations on the collection of the Gross  
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7 approved Public Law 19-10, which established a seven (7) year statute of  
8 limitations.

9 *I Liheslatura* finds that, in contrast to the seven (7) year statute of  
10 limitations on collections of the Gross Receipts Tax, now called the  
11 Business Privilege Tax, the statute of limitations for collections by the  
12 Department of Revenue and Taxation pursuant to taxes under the mirror  
13 tax, established by the Organic Act, is ten (10) years. The government of

1 Guam has three (3) extra years to collect for taxes under the Internal  
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20 Annotated, is hereby *amended*, to read:

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1 return is filed. For amendment, correction, adjustment, challenge,  
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