

MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
2007 (FIRST) Regular Session

Bill No. 172(25)
Introduced by:

A. B. PALACIOS, SR. 

**AN ACT RELATIVE TO EXTENDING THE EXISTING REAL
PROPERTY TAX MORATORIUM PROVISION FOR
ORIGINAL LANDOWNERS, THEIR ESTATES, OR THEIR
HEIRS ON THE RETURN OF FEDERAL EXCESS LANDS,
WHICH SHALL BE EFFECTIVE UNTIL SUCH TIME FREE
AND DIRECT ACCESS OR USE OF THE RETURNED
PROPERTY IS PROPERLY ACQUIRED BY THE
DESIGNATED LANDOWNERS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that Section 75 of Chapter IV, Miscellaneous Provisions, in Public Law No. 28-68 provides for a real property tax moratorium on returned federal excess lands to original landowners, which is applicable and retroactive to the time of the return of the property until tax year 2007. *I Liheslaturan Guahan* further finds that although this tax moratorium had been provided, there continues to be a number of families who have yet to have access or use of their properties due to on-going probate court cases or the subdivision of properties. In addition, *I Liheslaturan Guahan* finds that many original landowners of returned excess federal lands have perhaps passed on, or are too ill to properly tend to the acquisition and possession of these properties upon their return from the federal government

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1 and the government of Guam. This situation has resulted in many instances
2 where returned properties must be properly adjudicated in the courts to pass
3 the title of said properties to the rightful descendants of these family members
4 or to finalize the proper subdivision of these properties. This process many
5 times poses significant financial burdens on these family members, and has
6 further resulted in the process taking many years unnecessarily.

7 I Liheslaturan Guahan additionally finds that because this tax
8 moratorium had previously been applicable on the return of federal excess
9 properties since the passage of Public Law No. 28-68 on September 2005, and
10 was also applied retroactive to the date of receipt of the title to returned
11 properties, there will not be a direct impact on the government of Guam's
12 existing revenue base. Thus the continuance of the real property tax
13 moratorium as provided herein would not result in a loss of revenues that the
14 government is presently receiving. It is only upon the free and direct access
15 and use of the returned federal properties will the government of Guam begin
16 to realize an increase in real estate taxes from these properties.

17 Therefore, it is the intent of I Liheslaturan Guahan to extend the
18 provision of temporary and short-term direct financial assistance to original
19 landowners or their respective heirs who are recipients of returned federal
20 excess lands through providing a moratorium on any and all real property
21 taxes owed to the Government of Guam by these original landowners and
22 their immediate descendants, until such time that the family has free and
23 direct access and use of the returned property.

1 **Section 2. Real Property Tax Moratorium on Returned Federal Excess**
2 **Lands to Original Owners.**

3 A moratorium on the payment of real property taxes shall be in effect on
4 the estates of the original land owners on properties transferred by the Guam
5 Ancestral Lands Commission via the government of Guam on returned
6 federal excess lands, retroactive to the time of return of the property to the
7 original land owners, their estates or their heirs. This tax moratorium shall be
8 restricted to the time period in which the property is returned to the original
9 land owners, their estates or their heirs, and in which said individuals or
10 families do not have free access or use of their properties.

11 The aforementioned tax moratorium for the original landowners and
12 their heirs shall cease immediately upon the availability of direct, legal private
13 or public access or use of the property. Any subdivision or improvements
14 made to the property by any of the original landowners or their heirs, for
15 purposes of this section, shall constitute access to said property. It shall be the
16 responsibility of the original landowners or their respective descendants to
17 notify the Ancestral Lands Commission and the Department of Revenue and
18 Taxation of the availability of direct, legal access to said property.