

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN

2008 (SECOND) Regular Session **FILE COPY**

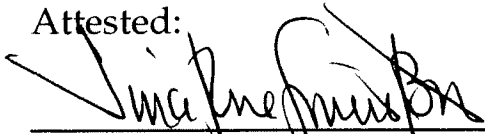
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 172(LS), "AN ACT RELATIVE TO APPLYING A REAL PROPERTY TAX IMMUNITY 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 AND OFFICIALLY RECORDED WITH THE DEPARTMENT OF LAND MANAGEMENT"**, was on the 3<sup>rd</sup> day of July, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

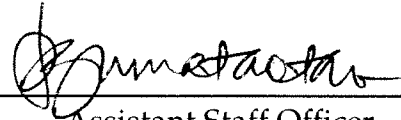
Attested:



Tina Rose Muña Barnes  
Senator and Secretary of the Legislature

.....

This Act was received by *I Maga'lahen Guåhan* this 7 day of July, 2008, at 3:25 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahen Guåhan*

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

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

***I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN***  
**2007 (FIRST) Regular Session**

**Bill No. 172 (LS)**

As substituted by the Committee on  
Education, General and Omnibus Affairs,  
and amended on the Floor.

Introduced by:

A. B. Palacios, Sr.  
Edward J.B. Calvo  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith P. Guthertz, DPA  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
v. c. pangelinan  
R. J. Respicio  
Dr. David L.G. Shimizu  
Ray Tenorio  
J. T. Won Pat, Ed.D.

**AN ACT RELATIVE TO APPLYING A REAL PROPERTY  
TAX IMMUNITY 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 AND OFFICIALLY  
RECORDED WITH THE DEPARTMENT OF LAND  
MANAGEMENT.**

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

1       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
2 that §75 of Chapter IV, Miscellaneous Provisions, in Public Law 28-68, provides  
3 for a real property tax moratorium on returned federal excess lands to original  
4 landowners, which is applicable and retroactive to the time of the return of the  
5 property until tax year 2007. *I Liheslaturan Guåhan* further finds that although  
6 this tax moratorium had been provided, there continues to be a number of families  
7 who have yet to have access *or* use of their properties due to on-going probate  
8 court cases *or* the subdivision of properties. In addition, *I Liheslaturan Guåhan*  
9 finds that many original landowners of returned excess federal lands have perhaps  
10 passed on *or* are too ill to properly tend to the acquisition and possession of these  
11 properties upon their return from the federal government and the government of  
12 Guam. This situation has resulted in many instances, where returned properties  
13 must be properly adjudicated in the courts to pass the title of said properties to the  
14 rightful descendants of these family members *or* to finalize the proper subdivision  
15 of these properties. This process many times poses significant financial burdens on  
16 these family members and has further resulted in the process taking many years  
17 unnecessarily.

18       *I Liheslaturan Guåhan* additionally finds that because this tax moratorium  
19 had previously been applicable on the return of federal excess properties since the  
20 passage of Public Law 28-68 on September 2005, and was also applied retroactive  
21 to the date of receipt of the title to returned properties, there will *not* be a direct  
22 impact on the government of Guam's existing revenue base. Thus, the continuance  
23 of the real property tax moratorium, as provided herein, would not result in a loss  
24 of revenues that the government is presently receiving. It is only upon the free and  
25 direct access and use of the returned federal properties will the government of  
26 Guam begin to realize an increase in real estate taxes from these properties.

1           Therefore, it is the intent of *I Liheslaturan Guahan* to apply a Real Property  
2 Tax Immunity to original landowners *or* their respective heirs who are recipients of  
3 returned federal excess lands through providing an exemption on any and all real  
4 property taxes owed to the government of Guam by these original landowners and  
5 their immediate descendants, until such time that the family has free and direct  
6 access and use of the returned property and the property has been officially  
7 recorded with the Department of Land Management.

8           **Section 2. Real Property Tax Immunity on Returned Federal Excess**  
9 **Lands to Original Owners.** No assessment and/or payment of real property taxes  
10 *shall* be made on the estates of the original land owners on properties transferred  
11 by the Guam Ancestral Lands Commission via the government of Guam on  
12 returned federal excess lands, retroactive to the time of return of the property to the  
13 original land owners, their estates *or* their heirs and to until such time the property  
14 is officially recorded with the Department of Land Management. This tax  
15 exemption *shall* be restricted to the date from which the property is returned to the  
16 original landowners, their estates *or* their heirs, and in which said individuals *or*  
17 families do not have free access *or* use of their properties and until the date the  
18 property is officially recorded with the Department of Land Management.

19           The aforementioned tax immunity for the original landowners and their heirs  
20 *shall* cease immediately when the property has proper access and has been  
21 officially recorded with the Department of Land Management. Real Property Tax  
22 assessment *shall* start only after the property has been officially recorded with the  
23 Department of Land Management. Any subdivision *or* improvements made to the  
24 property that were officially recorded at the Department of Land Management by  
25 any of the original landowners *or* their heirs, for purposes of this Section, *shall*  
26 constitute access to said property. It *shall* be the responsibility of the original  
27 landowners *or* their respective descendants to notify the Ancestral Lands

1 Commission and the Department of Revenue and Taxation of the availability of  
2 direct, legal access to said property.

3 This immunity shall *not* apply to subsequent owners of these properties who  
4 are not original landowners of that property, their estates, or their heirs.