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CH. 11 LEGISLATIVE TAX REVIEW COMMISSION

CHAPTER 11
LEGISLATIVE TAX REVIEW COMMISSION

SOURCE: This Chapter was enacted in its entirety by P.L. 27-56:2.

- § 11100. Legislative Intent.
- § 11101. Establishment of Legislative Tax Review Commission.
- § 11102. Administration.
- § 11103. Membership.
- § 11104. Vacancy.
- § 11105. Government Cooperation.
- § 11106. Contractual Services and Funding for Commission.
- § 11107. Duties.
- § 11108. Dissolution.

§ 11100. Legislative Intent.

I Liheslaturan Guåhan [The Legislature] intends that the Legislative Tax Review Commission, after appointment and confirmation, shall conduct a systematic review of Guam's tax policies and statutes each quadrennium, using the principles of economic efficiency, equity, simplicity, administrative feasibility, accountability and for the purpose of promoting economic growth and shall submit to *I Maga'lahaen Guåhan* [the Governor] and to *I Liheslaturan Guåhan* [the Legislature] an evaluation of Guam's tax structure with recommendations for any changes in revenue and tax policy deemed necessary.

§ 11101. Establishment of Legislative Tax Review Commission.

There is hereby established a Legislative Tax Review Commission, hereinafter 'the Commission.' The quadrennial Commission shall consist of ten (10) members as provided by this Chapter, five (5) of whom shall be appointed by the Speaker. The appointments to the first quadrennial Commission shall be made and submitted to *I Liheslaturan Guåhan* [The Legislature] *no later than* the last day of January, 2004. The next Commission shall be constituted in January 2007 and the Commission shall be reconstituted every four (4) years thereafter.

§ 11102. Administration.

For administrative purposes, clerical support and necessary funding, the quadrennial Commission shall be housed at *I Liheslaturan Guåhan* [The Legislature] with the Committee that has oversight over tax policy in Guam. The quadrennial Commission shall select a chairperson from among

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its members. Quadrennial Commission members shall receive no stipends but shall be reimbursed for actual expenses incurred in the performance of their duties, subject to submission of documentation and approval by the chairperson of the Committee that houses the quadrennial Commission. The quadrennial Commission shall meet from time to time, as determined by the chairperson, to execute its duties.

§ 11103. Membership.

The Director of the Department of Revenue and Taxation or its successor agency, the Administrator of the Guam Economic Development and Commerce Authority or its successor agency, the Senator who chairs the Legislative Committee with oversight over Guam tax policy, the Senator who chairs the Legislative Committee with oversight over budgetary matters, and the Minority Leader, or designee, shall be standing members of the quadrennial Commission. Should oversight over Guam tax policy and budgetary matters fall under the same Legislative Committee, the Speaker shall serve as a standing member of the quadrennial Commission. The five (5) members appointed by the Speaker shall meet the following criteria:

(a) One (1) shall be a Certified Public Accountant, selected from among three (3) names submitted by the Guam Society of Certified Public Accountants;

(b) One (1) shall be an attorney specializing in tax laws, selected from among three (3) names submitted by the Guam Bar Association;

(c) One (1) shall be an economist who is currently employed in a field of economics and who has a doctorate degree in economics from an accredited institution of higher learning;

(d) One (1) shall be a representative of the business community who is a business owner, selected from among three (3) names submitted by the Guam Chamber of Commerce; and

(e) One (1) shall be a representative from the public at large who does not fall into any of the other categories listed in this Subsection.

§ 11104. Vacancy.

If any vacancy occurs in the appointed membership of the quadrennial Commission prior to the completion of its duties or dissolution, the Speaker shall appoint a replacement member in accordance with § 11103 of this Chapter.

§ 11105. Government Cooperation.

Government of Guam agencies and departments, including autonomous entities, shall make available to the quadrennial Commission on a timely basis such data and technical support as is necessary for it to perform its duties as provided in this Chapter.

§ 11106. Contractual Services and Funding for Quadrennial Commission.

Should data and technical support necessary to accomplish its duties as provided in this Chapter be unavailable from government of Guam entities and/or personnel, *I Liheslatura* [the Legislature] may enter into contractual agreements with private consultants as it deems necessary to perform those duties, giving preference to those currently licensed to do business in Guam. *I Liheslatura* shall approve the funding of the quadrennial Commission.

§ 11107. Duties.

The quadrennial Commission shall conduct a systematic review and evaluation of Guam's tax structure and tax policies, using such standards as set forth in § 11100 above. The quadrennial Commission shall compare Guam's tax code, rates and fees to other similar jurisdictions within the United States. *No later than* one (1) year after its initial meeting, the quadrennial Commission shall submit to *I Maga'lahaen Guåhan* [the Governor] and *I Liheslaturan Guåhan* [the Legislature] its evaluation of the island's tax structure, and its revenue and tax policy recommendations, including recommendations for adjustment of tax rates and fees, removal of existing taxes and fees, and draft legislation relative to such recommendations.

§ 11108. Dissolution.

Each quadrennial Commission shall dissolve upon Legislative action on all of the recommendations made to the Legislature to which it submits its evaluation and recommendations required by this Chapter, or upon the adjournment *sine die* of that Legislature, whichever comes first.
