

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 84-22

PRESCRIBED FORM FOR MONTHLY BUSINESS
PRIVILEGE TAX RETURNS

WHEREAS, Section 19501 of the Government Code and the subsections thereunder vest authority in the Director of Revenue and Taxation to prescribe rules and regulations, subject to the approval of the Governor, relating to the administration of business privilege taxes under Chapter VI, Title XX, of the Government Code; and

WHEREAS, the Director of Revenue and Taxation has determined that changes in the business privilege tax law and the administration thereof require changes in the monthly business privilege tax return forms and in the rules and regulations prescribing the use of such forms under Section 22010.2, Title 23, of the Administrative Rules and Regulations; and

WHEREAS, the Director of Revenue and Taxation, pursuant to the provisions of Section 24201 of the Government Code, has caused a notice to be published of a hearing to be held concerning the proposed changes in the monthly business privilege tax return forms and in the regulations relating thereto; and

WHEREAS, pursuant to Section 24201 of the Government Code and on August 24, 1984, more than ten (10) days after the aforesaid publication, a hearing was held relating to said proposed changes; and

WHEREAS, due consideration having been given to the results of the hearing, the Director of Revenue and Taxation has determined that it is desirable and necessary to promulgate regulations prescribing a new monthly business privilege tax return form and amending the rules and regulations relating thereto.

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act and the laws of Guam, including Sections 19501.0207 and 19501.0208 of the Government Code, do hereby order as follows:

Section 22010.2. Prescribed Form for Monthly Business Privilege Tax Returns.

(a) The purpose of this regulation is to prescribe one form for the reporting of monthly Business Privilege Taxes.

(b) The use of the attached Form BR-20 for filing monthly returns of Business Privilege Taxes of all types authorized by Chapter VI of Title XX of the Government Code is hereby prescribed.

(c) Every individual, firm, co-partnership, joint venture, association, corporation, state, trust or other group or combination as a unit, subject to the tax and not exempt to therefrom under Sections 19521 and 19543, or not required to file a monthly return by Section 19541.0602, shall make a monthly return on Form BR-20 and file the same with the Commissioner of Revenue and Taxation before the expiration of twenty (20) days following the end of the month in which the taxes shall accrue. The remittance covering the full amount of tax liability evidenced therein shall accompany the return.

(d) The return of an individual shall be signed by the individual taxpayer; the return of a co-partnership, joint venture, association or any group or combination acting as a group by a responsible individual connected therewith and designated for this purpose; the return of a corporation by the president, vice-president or other authorized officer; the return of an estate, by the administrator or executor; the return of a trust, by the trustee; or in any instance by a duly authorized agent of the taxpayer under a power of attorney.

Every return must be sworn to or affirmed by the person or persons signing it under the penalties provided by law that it is a true, complete and correct return to the best of his knowledge and belief.

(e) A return prepared by a person other than the person signing the return must be sworn to or affirmed by the preparer under the penalties provided by law as being a true, complete and correct return to the best of his knowledge and belief, and as based on all the information relating to the matters required to be reported in the return of which he has any knowledge.

(f) A return is not valid until it has been signed as provided in Subsections (d) and (e) hereof.

(g) Returns containing the first reporting of rental income from real property in any tax year for which rental exemption is allowable must show the total rental income received to date during the tax year. The first Twelve Hundred Dollars (\$1200.00) received by any person as rental income from real property is exempt from gross receipts tax under Section 19543.10. This exemption is for a twelve-month period, for the calendar or fiscal year in accordance with the taxpayer's annual accounting period.

(h) The return shall be completed so as to reflect all information called for in the return form.

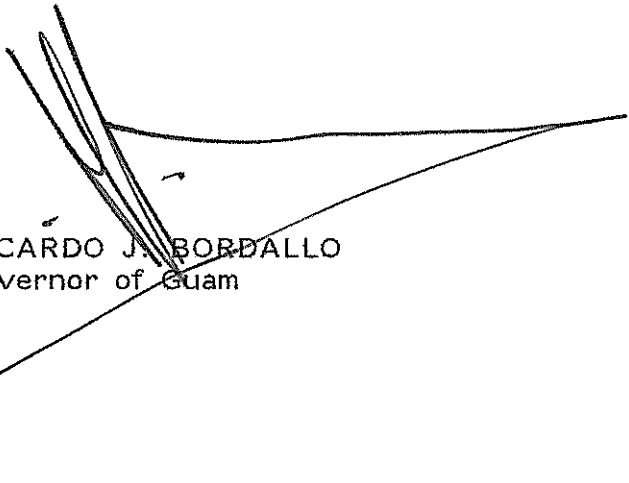
(i) If a taxpayer who has regularly filed returns has received no income in particular month, he shall file a statement to that effect with the Commissioner in lieu of a return for that month, no return being required in this instance.

(j) The Commissioner is authorized to prescribe such changes in Form BR-20 as he or she may deem in his or her discretion to be appropriate because of changes in law, regulation or tax administration.

1. The attached amendment of Section 22010.2, Title 23 of the Administrative Rules and Regulations of the Government of Guam relating to amendments of the monthly business privilege tax return forms, duly adopted by the Director of the Department of Revenue and Taxation, is approved and promulgated, to be effective upon filing with the Legislative Secretary.

2. All prior rules, regulations, policies, memoranda or executive orders in conflict with this Order are hereby superseded.

Signed and promulgated at Agana, Guam this 21st day of
September, 1984.



RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:



EDWARD D. REYES
Lieutenant Governor of Guam

Attachment