





I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
234-36 (COR)	James C. Moylan Christopher M. Dueñas V. Anthony Ada Joe S. San Agustin	AN ACT TO ADD A NEW ARTICLE 13, TO CHAPTER 77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PUBLIC PRIVATE PARTNERSHIP FOR THE INSTALLATION OF VIDEO SECURITY CAMERAS IN PUBLIC AREAS.	12/16/21 9:33 a.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 234-36 (COR)**

Introduced by:

James C. Moylan   
Christopher M. Duenas   
V. Anthony Ada   
Joe S. San Agustin 

**AN ACT TO ADD A NEW ARTICLE 13, TO CHAPTER  
77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE  
TO ESTABLISHING A PUBLIC PRIVATE  
PARTNERSHIP FOR THE INSTALLATION OF VIDEO  
SECURITY CAMERAS IN PUBLIC AREAS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that video surveillance cameras have been proven to be a deterrence for certain crimes, particularly with the illegal dumping of trash in public parks, beaches, and other public areas within the villages. They have also been proven to be helpful for law enforcement officials when it comes to solving certain illicit activities that may take place in public areas, such as drug activity or sexual assault.

Public-Private Partnerships (PPP) have been effective tools globally in allowing private sector resources to aide the government with needed services, funds, or supplies. The intent of this Act serves the very objective designed by the most basic of PPP's. If enacted, this program would allow private sector entities to purchase the video surveillance cameras and accept the costs associated with the installation of the cameras in approved public areas. In lieu of the expenditure, the

1 private entity would be able to avail Business Privilege Tax (BPT) tax credits,  
2 which are spread over a five (5) year period.

3 Public Law 33-41, which was enacted in 2015, required for the  
4 establishment of an Implementation Plan and Rules and Regulations by law  
5 enforcement entities, when it comes to the government's usage of video  
6 surveillance cameras. This Act would collaborate with that statute in terms of the  
7 management of the program, from protecting privacy laws, administrative  
8 requirements, and other factors, such as the type of cameras which shall be  
9 considered.

10 If enacted, this Act would place a limit of \$200,000 on the amount of BPT  
11 tax credits which the government can authorize each tax year. This would  
12 minimize the impact towards the government's annual financial coffers. The  
13 program would be in existence for five years, and a business entity can stretch their  
14 tax credits over that period. In essence, the government shall be able to raise  
15 \$1,000,000 up front from the private sector, and issue no more than \$200,000 a  
16 year in tax credits, which could be considered an interest-free loan.

17 **Section 2.** Article 13 is hereby *added* to Chapter 77, Title 12, Guam Code  
18 Annotated to read as follows:

19 **"ARTICLE 13**

20 **PUBLIC-PRIVATE PARTNERSHIP FOR THE PURCHASE AND**  
21 **INSTALLATION OF VIDEO SECURITY CAMERAS IN PUBLIC AREAS.**

22 § 771301. Applicability of Article.

23 § 771302. Public Areas Defined.

24 § 771303. Credits Against Unpledged Business Privilege Tax.

25 § 771304. Cap on Business Privilege Tax for the Purchase and Installation  
26 of Video Security Cameras in Public Areas.

27 § 771305. GEDA Report

1       § 771306. Rules and Regulations.

2       § 771307. Approval of Contributions and GEDA's Responsibility.

3       § 771308. Regulatory Oversight, Approval, and Marketing.

4       § 771309. Fines and Penalties.

5       **§ 771301. Applicability of Article.**

6               The provisions of this Article are applicable to the Purchase and  
7       Installation of Video Security Cameras in Public Areas as authorized by this  
8       Act and *shall* be pursuant to guidelines established in § 12314 of Chapter 12,  
9       Title 12, Guam Code Annotated. The responsibilities of the benefactor of  
10       the tax credits pursuant to this Chapter, *shall* include absorbing the costs of  
11       the purchase and the installation of the Video Security Camera in a Public  
12       Area.

13       **§ 771302. Public Areas Defined.**

14               For the purposes of this Article, Public Areas *shall* be defined within  
15       the Implementation Plan established pursuant to § 12314(a) of Chapter 12,  
16       Title 12, Guam Code Annotated, and the Rules and Regulations established  
17       pursuant to § 12314(b)(1) of Chapter 12, Title 12, Guam Code Annotated.  
18       Also, for the purposes of this Article, the priority of public areas where a  
19       Video Security Camera is installed, *shall* include Public Parks, Public  
20       Beaches, and Public Areas where village Mayors identify as locations where  
21       illegal littering is prevalent.

22       **§ 771303. Credits Against Unpledged Business Privilege Tax.**

23               (a) A business, to the extent that such entity contributes to the  
24       cost of purchasing and installing Video Security Cameras pursuant to  
25       this Chapter, as identified, and approved by the Guam Economic  
26       Development Authority (hereinafter *shall* be referred to as *GEDA*),  
27       *shall* be entitled to credits of unpledged business privilege taxes. The

1 basis of the contribution to the project *shall* be the actual cost of the  
2 Video Security Camera *plus* the cost of the installation of the Video  
3 Security Camera.

4 (b) Any unused credits not used in the current tax period *may*  
5 be carried over into subsequent tax periods until such credits are  
6 exhausted.

7 (c) The total credits allowed under this Act *shall not* exceed the  
8 actual dollar amount of the expenditures.

9 **§ 771304. Cap on Business Privilege Tax for Purchase and Installation**  
10 **of Video Security Cameras in Public Areas.**

11 (a) The total amount of credits against unpledged business  
12 privilege taxes for the purchase and installation of Video Security  
13 Cameras pursuant to this Chapter *shall not* exceed One Million  
14 Dollars (\$1,000,000) over a five (5) year period. No more than Two  
15 Thousand Dollars (\$200,000) in tax credits *shall* be authorized for  
16 each year of the program.

17 (b) If, at the expiration of the five (5) year period authorized  
18 pursuant to this Article, there are still unclaimed authorized tax  
19 credits, then *I Liheslaturan Guahan may*, in its discretion, extend the  
20 eligible period until such time that all eligible tax credits are  
21 exhausted.

22 (c) *I Liheslaturan Guahan may*, in its discretion, extend the  
23 terms and modify any part of the program based on the need of  
24 additional Video Security Cameras.

25 **§ 771305. GEDA Report.**

26 *GEDA shall* submit a report to *I Liheslaturan Guahan* detailing the  
27 impact of the program on the business privilege taxes and economic

1 activities in Guam. GEDA shall also include in its report its monitoring  
2 efforts and any other information related to the program. The report shall be  
3 transmitted to the I Liheslaturan Guahan on an annual basis until the tax  
4 credit caps pursuant to § 771304 of this Article are exhausted.

5 **§ 771306. Rules and Regulations.**

6 GEDA shall implement and monitor the tax credit program authorized  
7 pursuant to this Article based on rules and regulations already adopted by  
8 GEDA for previous tax credit programs.

9 **§ 771307. Approval of Contributions and GEDA's Responsibility.**

10 GEDA, or its designee, shall be responsible for approving the  
11 contributions made towards the purchase and installation of Video Security  
12 Cameras pursuant to this Article, and to process tax credits pursuant to §  
13 771303 and § 771304 of this Chapter and to ensure that such requests are in  
14 conformance with the law and applicable rules and regulations.

15 **§ 771308. Regulatory Oversight, Approval, and Marketing.**

16 The Chief of Police of the Guam Police Department, in cooperation  
17 with the Department of Parks and Recreation and the Department of Public  
18 Works, shall have the regulatory oversight, and the authority to approve and  
19 select benefactors of the tax credit program pursuant to this Act, based on  
20 criteria established pursuant to § 12314 of Chapter 12, Title 12, Guam Code  
21 Annotated.

22 The Guam Police Department, the Department of Parks and  
23 Recreation, and the Department of Public Works shall have the authority to  
24 reach out to the community to market this program and seek business  
25 contributors. Any business contributor who successfully participates in this  
26 tax credit program shall have the authority to display the name of their

1 business in the public area as a contributor, by a sign approved by the  
2 Department of Public Works.

3 The Guam Police Department shall provide copies of all required  
4 documents associated with this Act to GEDA, including but not limited to  
5 providing necessary reports and updates.

6 **§ 771309. Fines and Penalties.**

7 To the extent that a company providing materials and services for the  
8 project contained herein takes more tax benefits in terms of unpledged  
9 business privilege than the actual value of the materials or services  
10 contributed to the project authorized herein, that company shall be required  
11 to pay all interest and penalties applicable under Guam law and the Internal  
12 Revenue Code for failure to pay taxes, in addition to payment of the actual  
13 taxes due. To the extent that any individual, officer, director, or other person  
14 having interest in a company providing materials or services for the project  
15 contained herein knowingly and willingly causes such company to take more  
16 tax benefits in terms of business privilege than the actual value of the  
17 material or services contributed to the project, such individual shall be guilty  
18 of a felony in the third degree punishable by a fine of not less than Five  
19 Thousand Dollars (\$5,000) or one (1) year in prison or both.”

20 **Section 3. Severability.** If any provision of this Act or its application to  
21 any person or circumstance is found to be invalid or contrary to law, such  
22 invalidity *shall not* affect other provisions or applications of this Act that can be  
23 given effect without the invalid provision or application, and to this end the  
24 provisions of this Act are severable.

25 **Section 4. Effective Date.** The Act *shall* be effective upon enactment.