

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)

Introduced by:

V.C. Pangelinan 

AN ACT TO *ADD* A NEW SECTION 4122 TO CHAPTER 4 AND TO *AMEND* SECTIONS 22704(a) AND (c), CHAPTER 22 OF TITLE 5 OF THE GUAM CODE ANNOTATED AND TO *ADD* SECTION 3(d) TO PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 4122 is hereby *added* to Chapter 4, Title 5 of the Guam
2 Code Annotated to read:

3 “§ 4122. **Legislative Authorization and Appropriation Required.**

4 No agency head, certifying officer, or department or agency of the
5 government of Guam *shall* contract, agree, or certify as to having funds
6 available for the purchase, lease-to-own, and/or lease-purchase of real
7 property without legislative authorization and appropriation. For the
8 purposes of this Section, real property will have the same definition as
9 defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code
10 Annotated.”

11 **Section 2.** Sections 22704(a) and (c), Chapter 22, Title 5 of the Guam
12 Code Annotated is hereby *amended* to read:

13 “(a) The Governor is authorized to acquire on behalf of the government of
14 Guam, by ~~lease or lease-purchase agreement~~, office space and other facilities for

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1 the purpose of providing office and other space for the departments and agencies of
2 the ~~Judicial and~~ Executive Branches of the government of Guam. Such leases ~~and~~
3 ~~lease purchase~~ agreements may be negotiated and entered into by the Governor
4 with any person, partnership, corporation, or public or private entity, provided that
5 no such lease ~~or lease purchase~~ agreement shall exceed ~~50 years~~ the term of the
6 sitting governor, without specific legislative approval and authorization, and that
7 such lease agreement annual payments *shall* only be made pursuant to an
8 appropriation and/or authorization by *I Liheslaturan Guåhan* in each fiscal year
9 appropriation act. *No* annual lease payments with tax credits *shall* be made without
10 authorization from *I Liheslaturan Guåhan* in each fiscal year appropriation act.”

11 (c) All lease agreements ~~or lease purchase~~ amendments to such lease
12 agreements that are proposed to be entered into pursuant to (a) hereof, where the
13 total sum of money to be paid or sum of tax credits authorized to the same lessor
14 shall exceed \$10,000 or the total number of years involved shall exceed ~~five~~ the
15 remaining years of the term of the sitting governor, may be entered into only after
16 advertising for sealed bids in a newspaper of general circulation within the
17 territory, 14 days prior to the formal bid opening, and then only to the lowest
18 responsible bidder.”

19 **Section 3.** Section 3(d) is hereby *added to* Public Law 30-37 to read:

20 “(d) **Conflicts Prohibited.** Notwithstanding the provisions in this Act, no
21 Covered Person, as such term is defined below, *shall* be eligible to be assigned or
22 transferred, in whole or in part, any tax credit authorized in this Act by the Lessor
23 nor *shall* any Covered Person be authorized to utilize tax credits granted in this
24 Act. For purposes of this Section, the term “Covered Person” *shall* mean any:

25 (1) elected or appointed official of the government of Guam that
26 executed the Lease or any amendments to the Lease on or after June 1, 2011.

1 (2) person or spouse of such person related by consanguinity of the
2 third degree, which for the purposes of this Act *shall* include spouses, all
3 children, parents, grandchildren, siblings, grandparents, great-grandchildren,
4 nieces, nephews, uncles, aunts, and great-grandparents, to any person
5 described in subsection (1) of this Section.”

6 **Section 4. Effective Date.** This Act *shall* be effective upon enactment.

7 **Section 5. Severability.** If any provisions of this Act or the application
8 thereof to any person or circumstance is held invalid, such invalidity *shall* not
9 affect any other provision or application of this Act which can be given effect
10 without the invalid provision or application, and to this end the provisions of this
11 Act are severable.