

I MINA' TRE NTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

2009 JAN -5 AM 10:48

Bill No. 1 (LS)

Introduced by:

J.T. Won Pat



AN ACT TO AUTHORIZE TAX CREDITS TO THE  
LESSORS OF THE TEMPORARY LOCATION OF  
THE JOHN F. KENNEDY HIGH SCHOOL  
CAMPUS.

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

2 **Section 1. Legislative Findings and Intent.**

3 The closing of John F. Kennedy High School has displaced its students,  
4 faculty, and staff due to the disrepair, old age, poor maintenance, and lack of  
5 upkeep of the campus. Temporarily, JFK High School has been sharing campuses in  
6 a double-session schedule with George Washington High School in which *I*  
7 *Lihselaturan Guåhan* finds a very unconducive environment that hinders the work  
8 production of our teachers and education of our students. *I Lihselatura* has taken all  
9 measures to make sure efforts to rebuild the JFK High School campus in upper  
10 Tumon will be completed. But, until such completion of the construction, the JFK  
11 High School community will still be displaced.

12 *I Lisheslatura* further finds that the government of Guam is financially  
13 strapped and may not be able to afford payments for a lease to temporarily house  
14 the JFK High School community while construction is being conducted on the new  
15 permanent campus. It is therefore the intent of *I Lihselatura* to authorize tax credits  
16 to a lessor who is willing to provide for property and a facility conducive for a  
17 school environment for JFK High School free of charge.

1       **Section 2. Definitions.**

2           As used in this Act, the term

3           (a)     *"lease"* shall mean the contract negotiated between the lessors and *I*  
4           *Maga'lahaen Guåhan* which shall provide for a property and facility for the  
5           temporary location of the John F. Kennedy High School campus and a cost  
6           associated with providing such property and facility for the purposes of the  
7           tax credit authorization.

8           (b)     *"temporary location"* shall mean the facility that is utilized as a  
9           temporary campus of John F. Kennedy High School until the main campus  
10          has been fully constructed and operable.

11       **Section 3. Credit Against Business Privilege Tax.**

12          Individuals, corporations, or limited liability companies authorized to do  
13          business on Guam that provides a facility and property to the Guam Public School  
14          System for the temporary use of the John F. Kennedy High School campus shall be  
15          authorized tax credits against Business Privilege Taxes. The actual cost for  
16          providing such facility and property shall be the maximum amount of total credits  
17          allowed.

18       **Section 4. Tax Credit Conditions.**

19          The tax credits authorized by this Act shall be subject to the following  
20          conditions:

21          (a)     The entire amount of the tax credits shall not be applied during a  
22          single tax year.

23          (b)     The lessor shall only be entitled to claim tax credits up to twelve  
24          percent (12%) of the total lease amount per year up to ten (10) years  
25          commencing the year of the lease.

26       **Section 5. Rules and Regulations.**

27          The Guam Economic Development and Commerce Authority (GEDCA) shall  
28          promulgate rules and regulations necessary to implement this Act, in accordance

1 with the Administrative Adjudication Law, within thirty (30) days upon enactment  
2 of this Act.

3 **Section 6. Report.**

4 GEDCA shall submit an annual report to *I Liheslaturan Guåhan* detailing the  
5 impact of this Act on the Business Privilege Taxes until the amount of the tax credit  
6 is full exhausted.

7 **Section 7. Severability.**

8 If any provision of this Law or its application to any person or circumstance is  
9 found to be invalid or contrary to law, such invalidity shall *not* affect other  
10 provisions or applications of this Law which can be given effect without the invalid  
11 provisions or application, and to this end the provisions of this Law are severable.