



Office of the Governor of Guam

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Office of the People's Speaker  
vicente (ben) c. pangelinan

JUL 24 2003

TIME: 1:52 ( ) AM ( ) PM  
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24 JUL 2003

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

The Honorable Vicente C. Pangelinan  
Speaker  
Mina 'Bente Siete Na Liheslaturan Guåhan  
Twenty-Seventh Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 125 (COR), "AN ACT TO ENHANCE THE DEVELOPMENT OF RECREATION AND SPORTS IN GUAM BY REPEALING AND REENACTING SECTIONS 2, 3, 4, AND 5 OF PUBLIC LAW 26-166 AS §§77112.1(d), 77112.2, AND 77112.3 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASE OF THE PASEO STADIUM BY THE GUAM BASEBALL FEDERATION, A NON-PROFIT ORGANIZATION; BY AMENDING §2111 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ISSUANCE OF COURT CLEARANCES AND POLICE REPORTS FOR VOLUNTEERS OF YOUTH RECREATIONAL ORGANIZATIONS; AND BY ADDING A NEW §15201.2 TO TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCUREMENT OF ACCIDENT AND LIABILITY INSURANCE BY YOUTH RECREATIONAL ORGANIZATIONS," which I have signed into law on July 18, 2003 as Public Law 27-27.

Sincerely yours,

FELIX P. CAMACHO  
I Maga 'lahen Guåhan  
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Tina Rose Muña-Barnes  
Senator and Legislative Secretary

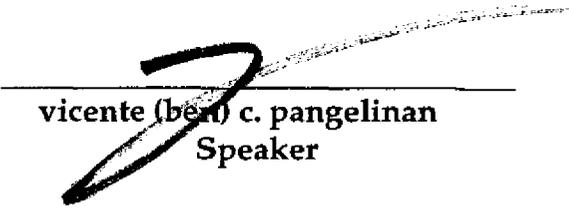
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2003 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

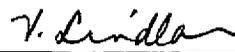
This is to certify that Substitute Bill No. 125 (COR), "AN ACT TO ENHANCE THE DEVELOPMENT OF RECREATION AND SPORTS IN GUAM BY REPEALING AND REENACTING SECTIONS 2, 3, 4, AND 5 OF PUBLIC LAW 26-166 AS §§77112.1(d), 77112.2, AND 77112.3 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASE OF THE PASEO STADIUM BY THE GUAM BASEBALL FEDERATION, A NON-PROFIT ORGANIZATION; BY AMENDING §2111 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ISSUANCE OF COURT CLEARANCES AND POLICE REPORTS FOR VOLUNTEERS OF YOUTH RECREATIONAL ORGANIZATIONS; AND BY ADDING A NEW §15201.2 TO TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCUREMENT OF ACCIDENT AND LIABILITY INSURANCE BY YOUTH RECREATIONAL ORGANIZATIONS," was on the 7<sup>th</sup> day of July, 2003, duly and regularly passed.

Attested:

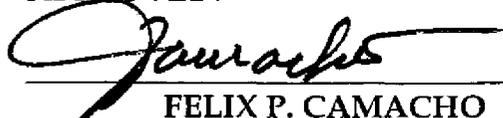
  
Tina Rose Muña-Barnes  
Senator and Legislative Secretary

  
vicente (ben) c. pangelinan  
Speaker

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This Act was received by I Maga'lahaen Guåhan this 8<sup>th</sup> day of July, 2003, at 5:00 o'clock  
P.M.

  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: 7/18/03

Public Law No. 27-27

**I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN**  
**2003 (FIRST) Regular Session**

**Bill No. 125 (COR)**

As amended by the Author, substituted  
by the Committee on Community, Culture,  
Recreation and Public Broadcasting;  
further substituted by the Author, and  
amended on the Floor.

Introduced by:

T. R. Muña-Barnes

L. A. Leon Guerrero

F. R. Cunliffe

J. M. Quinata

J. A. Lujan

R. J. Respicio

Toni Sanford

C. Fernandez

Mark Forbes

F. B. Aguon, Jr.

J. M. Brown

L. F. Kasperbauer

R. Klitzkie

v. c. pangelinan

Ray Tenorio

**AN ACT TO ENHANCE THE DEVELOPMENT OF RECREATION AND SPORTS IN GUAM BY REPEALING AND REENACTING SECTIONS 2, 3, 4, AND 5 OF PUBLIC LAW 26-166 AS §§77112.1(d), 77112.2, AND 77112.3 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LEASE OF THE PASEO STADIUM BY THE GUAM BASEBALL FEDERATION, A NON-PROFIT ORGANIZATION; BY AMENDING §2111 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ISSUANCE OF COURT CLEARANCES AND POLICE REPORTS FOR VOLUNTEERS OF YOUTH RECREATIONAL ORGANIZATIONS; AND BY ADDING A NEW §15201.2 TO TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCUREMENT OF**

**ACCIDENT AND LIABILITY INSURANCE BY YOUTH  
RECREATIONAL ORGANIZATIONS.**

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

**Section 1. Legislative Intent.** *I Liheslaturan Guåhan* recognizes the steady development of baseball in Guam as evidenced by the continued activities and accomplishments of the various members of the Guam Baseball Federation, the recognized umbrella organization established for the youth and adult baseball leagues in Guam, including the Guam Major League, the Guam Little League, and the Guam Babe Ruth in local, regional, national, and international competition such as the South Pacific Games, the Micronesia Games, and the Little League World Series.

It is the intent of *I Liheslaturan Guåhan* to provide the necessary tools and accommodations to assist the Guam Baseball Federation in the development of a professional infrastructure for the development of baseball, including the proposed establishment of a Guam Baseball Academy, which will have a positive impact for the youth of Guam. These tools will enable the Guam Baseball Federation to further the island's overall marketing for Sports Tourism.

Therefore, *I Liheslaturan Guåhan* intends to develop the existing *Paseo Stadium* and ancillary facilities into a municipal stadium facility, in the interest of further enhancing the development of baseball in Guam. The Department of Parks and Recreation has entered into an adopt-a-stadium agreement with the Guam Baseball Federation on June 28, 2002. While the agreement already gives the Guam Baseball Federation the responsibility of maintaining, managing and upgrading the stadium, it is the consensus of *I*

1 *Liheslaturan Guåhan* that a long term lease agreement would ensure the  
2 infusion of much needed funds from the private sector for the repair and  
3 development of the stadium, and more importantly, the continuity of  
4 maintenance and upkeep.

5 This Bill therefore, authorizes the Director of Parks and Recreation or its  
6 successor agency, to enter into a lease agreement pursuant to §60112 of Title  
7 21 of the Guam Code Annotated, and mandates certain conditions and  
8 stipulations which, in the interest of the public, are to be incorporated in any  
9 agreement to lease the *Paseo Stadium*.

10 **Section 2.** Section 2 of Public Law 26-166 is *repealed* and *reenacted* to  
11 read:

12 **“Section 2.** A new §77112.1(d) is *added* to Article 1, Chapter 77,  
13 **Subpart E, of Title 21, Guam Code Annotated, to read:**

14 (d) Notwithstanding any other provision of law, the  
15 Department of Parks and Recreation (DPR) or its successor agency, is  
16 authorized to lease the *Paseo Stadium* to the Guam Baseball Federation  
17 (GBF) for a period to be mutually agreed upon by both parties, but *not*  
18 to exceed fifty (50) years, including all options. Such lease shall be  
19 limited to management and maintenance operations; the scheduling of  
20 games and events; the sale of billboards and other advertising signage;  
21 improvement of the playing field, structure, lighting, and other  
22 provisions mutually agreed upon between DPR and the GBF, and *not*  
23 inconsistent with existing laws. The GBF shall not have the authority to  
24 sublet, transfer or assign such lease to other parties without prior

1 approval of *I Liheslatura*, except that the GBF may enter into sub-leases  
2 with businesses and organizations that wish to operate concessions.”

3 **Section 3.** Section 3 of Public Law 26-166 is hereby *repealed* and  
4 *reenacted* to read:

5 “Section 3. A new §77112.2 is *added* to Article 1, Chapter 77,  
6 Subpart E, of Title 21, Guam Code Annotated, to read:

7 **§77112.2. Paseo Stadium Lease Stipulations.**

8 (a) Plans for structural changes or improvements, intended to  
9 induce private sector participation, including, but *not* limited to, the  
10 improvement, expansion or re-configuration of the facility, playing field  
11 and other ancillary facilities, shall be made pursuant to the Stadium  
12 Master Plan, to be developed by the GBF following a GBF public  
13 hearing, in consultation and with the approval of the Parks and  
14 Recreation Commission or its successor. All stadium revenue-generated  
15 funds, except those exempted, to include user fees, advertising  
16 revenues, and any other fees generated through GBF management of the  
17 *Paseo* Stadium and ancillary facilities, shall be placed into a GBF-  
18 established checking account called the ‘Municipal Stadium Operations  
19 Fund’ (MSOF) and shall consist only of stadium revenue-generated  
20 funds. All funds in the MSOF, separate from any GBF account or  
21 monies, shall be used only to fund *Paseo* Stadium maintenance, facility  
22 improvements and stadium operations; compensate stadium-related  
23 contractual and utility costs; and facilitate MSOF management costs, to  
24 include the audit of the Fund.

1           (b) *Paseo Stadium* maintenance personnel currently in classified  
2 positions in the Department of Parks and Recreation and currently  
3 assigned to the *Paseo Stadium*, shall *not* be removed from their positions,  
4 *unless* for cause, and removal shall be carried out pursuant to Title 4 of  
5 the Guam Code Annotated. The hiring of additional personnel  
6 necessary to maintain and improve the *Paseo Stadium* and ancillary  
7 facilities shall be at the expense of the Guam Baseball Federation.

8           (c) The lease agreement specified under this Chapter shall  
9 include a provision granting free admission to citizens fifty-five (55)  
10 years of age and older at all stadium activities and functions requiring a  
11 fee.

12           (d) The lease agreement specified under this Chapter may  
13 include a provision requiring the sharing of payment of utilities charges  
14 at the *Paseo Stadium*. Such provision, *however*, shall be implemented in  
15 the following manner:

16           (1) payment by the Department of Parks and Recreation of  
17 all utilities charges incurred during the first year of the effective  
18 date of the lease agreement; *provided*, that the Department is  
19 allotted funds for this purpose by *I Liheslaturan Guåhan* in its  
20 annual budget appropriations;

21           (2) payment of all utilities charges during the second year  
22 of the agreement, to be shared *equally* between the Department of  
23 Parks and Recreation and the Guam Baseball Federation; *provided*,  
24 that the Department of Parks and Recreation is allotted funds for

1           this purpose by *I Liheslaturan Guåhan* in its annual budget  
2           appropriations; *and*

3           (3)   payment of all utilities charges to be borne *solely* by the  
4           Guam Baseball Federation during the third year and every year  
5           thereafter that the lease is in effect.

6           (e)   Any lease agreement inclusive of the Stadium Master Plan  
7           entered into pursuant to this Chapter shall be subject to legislative  
8           approval.

9           (f)   **Exempted Funds.**   The GBF is authorized to retain an  
10          amount not to exceed twenty-five percent (25%), but in no case to  
11          exceed Twenty-five Thousand Dollars (\$25,000.00) per year of all MSOF  
12          generated funds including stadium sponsorship revenues for the  
13          development and enhancement of baseball programs and activities  
14          approved by the GBF Board. These retained funds shall not be a part of  
15          the MSOF. The exempted funds shall be audited annually and the GBF  
16          shall submit, no later than March 15 of each year, an annual audited  
17          financial statement to the Office of the Public Auditor, to the Speaker of  
18          *I Liheslaturan Guåhan*, and to *I Maga'lahen Guåhan*.

19          (g)   The GBF Commissioner and the Director of Parks and  
20          Recreation shall be the custodian of the MSOF. All MSOF disbursement  
21          checks shall require the signatures of the president and either the  
22          treasurer or secretary.

23          (h)   Unless the GBF shall submit, no later than March 15 of each  
24          year, an annual audited financial statement of the MSOF to the Director  
25          of DPR, the Parks and Recreation Commission, and the Office of the

1 Public Auditor, the lease is terminated. All funds and accounts  
2 established pursuant to this Section are subject to the scrutiny of the  
3 Office of the Public Auditor.

4 (i) No funds collected or donated pursuant to this Chapter or  
5 any lease pursuant to this Chapter, shall be used to pay past due  
6 obligations of the Guam Baseball Federation.

7 (j) The Guam Baseball Federation shall report semi-annually to  
8 *I Liheslaturan Guåhan* the cost of improvements it makes to the Stadium  
9 from funds *other* than the tax credits authorized herein.”

10 **Section 4.** Section 4 of Public Law 26-166 is hereby *repealed* and  
11 *reenacted* to read:

12 **“Section 4. A new §77112.3 is *added* to Article 1, Chapter 77,**  
13 **Subpart E, of Title 21, Guam Code Annotated, to read:**

14 **§77112.3. Application of Tax Credits.** (a) Individuals,  
15 corporations, or limited liability companies making up-front  
16 contributions, as approved by the Director of Parks and Recreation and  
17 the GBF Board of Directors, towards the development, upgrading,  
18 repair and maintenance of the *Paseo* Stadium and ancillary facilities,  
19 consistent with a Stadium Master Plan, shall be authorized tax credits  
20 against Excise Taxes levied pursuant to Chapter 22 (Annual Excise and  
21 Admission Taxes), Article 3 of Chapter 26 (Alcoholic Beverage Tax),  
22 Article 4 of Chapter 26 (Liquid Fuel Tax), Article 6 of Chapter 26  
23 (Tobacco Tax), Chapter 28 (Use Tax Law), and Chapter 30 (Monthly  
24 Excise Tax on Occupancy of Hotel and Similar Lodging House  
25 Facilities), of Division 2 of Title 11, Guam Code Annotated, *not* to exceed

1 the aggregate amount for all contributors collectively, of Five Hundred  
2 Thousand Dollars (\$500,000.00) annually for the first two (2) years  
3 following the enactment of this Law and One Hundred Thousand  
4 Dollars (\$100,000.00) annually for five (5) subsequent years. The  
5 Director of the Department of Revenue and Taxation shall determine the  
6 allocation of the aggregate annual tax credits between contributors. Any  
7 donation of merchandise authorized pursuant to this Section shall be the  
8 actual cost of the item plus the cost of transportation from the point of  
9 origin to its destination without profit, mark-up or taxes. All tax credits  
10 referred to in this Section shall mean tax credits applied against excise  
11 tax liabilities. The Guam Economic Development and Commerce  
12 Authority ('GEDCA') shall submit to *I Liheslatura* within thirty (30) days  
13 upon the enactment of this Act, rules and regulations governing the  
14 implementation of tax credits portion of this Chapter.

15 (b) Tax credits which cannot be applied during a tax year may be  
16 applied during subsequent tax years.

17 (c) Tax credits shall not be applied to more than fifty percent  
18 (50%) of the contributor's monthly excise tax liability.

19 (d) GEDCA shall certify that participants are in compliance with  
20 this Section, other provisions of law, the GBF Master Plan, the lease  
21 between GBF and the government of Guam, and with applicable  
22 provisions contained in tax credits previously granted to sports based  
23 activities, and shall provide a copy of this certification to the  
24 Department of Revenue and Taxation for the issuance of such tax  
25 credits.

1 (e) All expenditures hereunder shall be in accordance with the  
2 Guam Procurement Law."

3 **Section 5.** 4 GCA §2111 is hereby *amended* to read as follows:

4 "§2111. **Volunteers Exempt from Certain Screening Costs.** All  
5 volunteers working uncompensated in any agency of the government of  
6 Guam or as certified volunteers of youth recreational organizations shall  
7 be exempt from clearance and screening fees charged by government of  
8 Guam agencies, including police and court clearances and skin test for  
9 tuberculosis administered by a government of Guam agency. This  
10 exemption does not apply to chest x-rays required of positive skin test  
11 readers or drug testing; however, nothing herein shall prevent any  
12 appointing agency from paying for such examinations for its  
13 volunteers."

14 **Section 6.** A new §15201.2 is *added* to Title 22 of the Guam Code  
15 Annotated to read:

16 "§15201.2. **Affordable Accident and Liability Insurance for**  
17 **Youth Recreational Organizations.** Youth Recreational Organizations  
18 shall have the authority to procure accident, liability and volunteer  
19 insurance from off-island carriers recommended or designated by any  
20 national organization in which they are an affiliate. For the purposes of  
21 this Section, the Insurance Commissioner shall certify that accident or  
22 liability insurance is unaffordable if such insurance offered by the  
23 national organization is at least ten percent (10%) less than the cost of  
24 any accident or liability insurance offered on-island."

25 **Section 7.** Section 5 of Public Law 26-166 is hereby *repealed*.

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