

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

| BILL NO.    | SPONSOR                  | TITLE                                                                                                                                                                                                                                  | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED                                                                                             | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|-------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------|-----------------------------------------------------------------------------------------------------------|---------------------|-----------------------------|--------------|
| 83-32 (COR) | Judith T. Won Pat, Ed.D. | AN ACT TO AMEND §77403, §77404, §77405 AND §77407 OF CHAPTER 77, ARTICLE 4, DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION, DEVELOPMENT, UPGRADING, REPAIR OR MAINTENANCE OF PUBLIC SCHOOL SPORTS FACILITIES. | 4/5/13, 5:05pm  | 4/5/13        | Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens |                     |                             |              |



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

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April 5, 2013

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 83-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **83-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

2013 APR - 5 PM 5:05

Bill No. 83-32 (cor)

Introduced by:

Judith T. Won Pat, Ed.D.  
Aline A. Yamashita, Ph.D.  
Tina R. Muna-Barnes

AN ACT TO AMEND §77403, §77404, §77405 AND  
§77407 OF CHAPTER 77, ARTICLE 4, DIVISION 2,  
TITLE 12, GUAM CODE ANNOTATED, RELATIVE  
TO THE CONSTRUCTION, DEVELOPMENT,  
UPGRADING, REPAIR OR MAINTENANCE OF  
PUBLIC SCHOOL SPORTS FACILITIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that the enactment of P.L. 27-114 in December 2004 provided an  
4 alternative source of funding for the construction, development,  
5 upgrading, repair or maintenance of public school sports facilities, through  
6 the use of tax credits. The law authorized up to One Million Dollars  
7 (\$1,000,000.00) worth of tax credits to individuals, corporations or limited  
8 liability companies that assist the Department of Education (DOE) improve  
9 its sports facilities for the benefit of our youth and others who utilize such  
10 facilities.

1        *I Liheslatura* finds, however, that based on information recently  
2 provided to the Committee on Education, Public Library and Women's  
3 Affairs (Committee) by the Guam Economic Development Authority  
4 (GEDA) during a roundtable discussion held in March 2013 that P.L. 27-114  
5 has yet to be implemented. GEDA informed the Committee that while the  
6 agency has prepared a set of proposed rules and regulations for the  
7 administration of the public school sports facilities tax credit program, the  
8 agency has not completed an Economic Impact Study as required by the  
9 Administrative Adjudication Act. The more than 7-year delay in the  
10 implementation of the public school sports facilities tax credit program  
11 prevents DOE from realizing the benefits such an alternative funding  
12 solution provides. DOE informed the Committee during the roundtable  
13 discussion that several millions of dollars are needed in order to improve  
14 sports facilities at various public middle and high schools.

15        It is, therefore, the intent of *I Liheslaturan Guåhan* to assist DOE  
16 improve its sports facilities through the application of the public school  
17 sports facilities tax credit program, by amending §77403, §77404, §77405  
18 and §77407 of Chapter 77, Article 4, Division 2, Title 12, Guam Code  
19 Annotated.

20        **Section 2. Tax Credits for Contributors to Public School Sports**  
21 **Facilities.** §77403, §77404, §77405 and §77407 of Chapter 77, Article 4,  
22 Division 2, Title 12, Guam Code Annotated, are hereby amended, to read:

23        **"§77403. Credit Against Business Privilege Taxes.**

1 (a) In lieu of any cash payment from the government of Guam for the  
2 construction, development, upgrading, repair or maintenance of public  
3 school sports facilities, the government of Guam is hereby authorized to  
4 issue tax credits to individuals, sole proprietorships, partnerships,  
5 corporations, or limited liability companies. Such individuals and entities  
6 making contributions, as approved by the Superintendent of the  
7 Department of Education (hereinafter "DOE") and the Guam Board of  
8 Education, towards the construction, development, upgrading, repair or  
9 maintenance of any gymnasium shall be authorized tax credits against  
10 Business Privilege Taxes. The bases for contribution to the project shall be  
11 the actual cost of the contribution to the project plus the cost of  
12 transportation, if any, from the point of origin to its destination.

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

15 (c) The total credits allowed under this Article shall not exceed the  
16 actual dollar amount of the expenditures on cost of the project by the  
17 taxpayer.

18 (d) Any credit against the Business Privilege Tax, as authorized  
19 herein, shall only apply to the unpledged portion of the Business Privilege  
20 Tax (currently one percentage point of the current four percent Business  
21 Privilege Tax rate). The credit shall not apply to the first three percentage  
22 points of the Business Privilege Tax, so as not to violate the government's  
23 covenants to bondholders of the Series A, Series B and Series C Limited

Obligation bonds authorized through P.L. 31-76, P.L. 31-196 and P.L. 31-276.

(e) The tax credits authorized herein shall be freely assignable and transferable to any party, company, partnership or corporation; provided, however, that such assignee may only utilize the tax credit against the unpledged portion of the Business Privilege Tax as set forth in §77403(d)."

**"§77404. Cap on Business Privilege Tax Credits for Construction, Development, Upgrading, Repair or Maintenance of Gymnasiums.**

The total amount of credits against Business Privilege Taxes for the construction, development, upgrading, repair or maintenance of gymnasiums as authorized herein shall not exceed ~~One Million~~ Five Hundred Thousand Dollars (\$1,0500,000.00) per fiscal year for all projects approved by the Superintendent of Education and the Guam Education Board."

**"§77405. Rules and Regulations.**

The Guam Economic Development ~~and Commerce~~ Authority (GEDCA) shall promulgate rules and regulations necessary to implement this Section, ~~in accordance with the Administrative Adjudication Law,~~ which shall be submitted to I Liheslaturan Guåhan for approval. The rules and regulations shall be submitted to I Liheslaturan Guåhan within no later than sixty (60) days ~~upon the enactment of this Article~~ following the passage of this Act."

**"§77407. GEDCA Report.**

1 GEDCA shall submit a report to *I Liheslaturan Guåhan* detailing the  
2 impact of the program on the Business Privilege Taxes, its monitoring  
3 efforts, and any other information related to the program. The report shall  
4 be transmitted to *I Liheslatura* on an annual basis ~~until the One Million~~  
5 ~~Dollars (\$1,000,000.00) BPT cap pursuant to §77407 of this Article is~~  
6 ~~exhausted."~~

7 **Section 3. Effective Date.** This Act shall be effective upon  
8 enactment.