


**I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN**  
**2022 (SECOND) Regular Session**  
**VOTING RECORD**

Bill No. 327-36 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 16, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

**TOTAL**

14	1				
Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNAE V. C. MENG  
 Clerk of the Legislature

I = Pass

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**2022 (SECOND) Regular Session**

**Bill No. 327-36 (COR)**

As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.

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Introduced by:

Joe S. San Agustin

**AN ACT TO ADD A NEW ARTICLE 13 TO CHAPTER 77 OF DIVISION 2, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING BUSINESSES CONTRIBUTING TO THE DESIGN AND CONSTRUCTION OF THE GUAM NATIONAL TENNIS FEDERATION FACILITIES TO BE ELIGIBLE FOR TAX CREDITS.**

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

**Section 1.** A new Article 13 is hereby *added* to Chapter 77 of Division 2, Title 12, Guam Code Annotated, to read as follows:

**“ARTICLE 13**

**TAX CREDITS FOR CONTRIBUTORS TO THE DESIGN AND CONSTRUCTION OF THE GUAM NATIONAL TENNIS FEDERATION FACILITIES**

§ 771300. Legislative Findings.

§ 771301. Definitions.

§ 771302. Credits Against Business Privilege Tax.

1 § 771303. Cap on Business Privilege Tax Credits for the Construction,  
2 Development, Design, Repair, or Maintenance of the Guam National  
3 Tennis Federation Facilities.

4 § 771304. Limits of Liability.

5 § 771305. Fines and Penalties.

6 § 771306. Public Access to Guam National Tennis Federation Center.

7 § 771307. Annual Tennis Clinic for the Department of Youth Affairs.

8 § 771308. Filing of Annual Reports.

9 § 771309. GEDA Report.

10 §771310. Rules and Regulations.

11 **§ 771300. Legislative Findings.**

12 *I Liheslaturan Guâhan* finds that the Guam National Tennis Federation (GNTF)  
13 developed, constructed, and operates a tennis center known as the Guam National Tennis  
14 Center (GNTC) at the Department of Parks and Recreation’s Guam Sports Complex in  
15 *Dededo* (*Dededo* Sports Complex) that accommodates local tennis groups and the public.  
16 In the last two (2) years, there has been an increase in usage of the GNTC. The GNTC  
17 consists of ten (10) tennis courts, of which six (6) are adult courts and four (4) are children’s  
18 courts. The GNTF is presently building five (5) additional adult courts.

19 *I Liheslatura* finds that the local tennis federation is expanding to provide additional  
20 tennis courts for their members and the public. Currently, private businesses are donating  
21 to the GNTF for the development, maintenance, and operation of the GNTC, including the  
22 construction of additional tennis courts.

23 Therefore, it is the intent of *I Liheslatura* to allow businesses contributing to the  
24 construction, development, upgrade, repair, or maintenance of the GNTC to be eligible for  
25 tax credits.

26 **§ 771301. Definitions.**

1 (a) Guam National Tennis Federation shall mean the Guam National Tennis  
2 Federation, also known as GNTF.

3 (b) Facilities shall mean the Guam National Tennis Federation Center, including  
4 all tennis courts, buildings, walkways, and parking areas located at the Department of Parks  
5 and Recreation’s Guam Sports Complex in *Dededo*, Guam.

6 (c) Business shall mean any business that contributes to the construction,  
7 development, upgrade, repair, or maintenance of the Guam National Tennis Federation  
8 Center.

9 (d) GEDA shall mean the Guam Economic Development Authority.

10 **§ 771302. Credits Against Business Privilege Tax.**

11 (a) To the extent that any business contributes to the actual cost of construction,  
12 development, upgrade, repair, or maintenance, or the debt service currently owed for the  
13 cost of the same, of the Guam National Tennis Federation Center facilities, such business  
14 shall be entitled to credits of the unpledged business privilege taxes. The basis for the  
15 contributions to the project shall be the actual cost of the contribution plus the cost of  
16 transportation, if any, from the point of origin to its destination.

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

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

21 **§ 771303. Cap on Business Privilege Tax Credits for the Construction**  
22 **Development, Design, Repair, or Maintenance of the Guam National Tennis**  
23 **Federation Facilities.**

24 (a) The total amount of credits against unpledged business privilege taxes for the  
25 construction development, design, repair, or maintenance of the Guam National Tennis  
26 Federation facilities shall not exceed Six Hundred Thousand Dollars (\$600,000) over a two

1 (2) year period. No more than Three Hundred Thousand Dollars (\$300,000) in tax credits  
2 shall be authorized for each year of the program.

3 (b) If, at the expiration of the three (3) year period authorized pursuant to this  
4 Article, there are still unclaimed authorized tax credits, then *I Liheslaturan Guåhan*, may,  
5 in its discretion, extend the eligible period until such time that all eligible tax credits are  
6 exhausted.

7 (c) *I Liheslaturan Guåhan* may, in its discretion, extend the terms and modify any  
8 part of the program based on the needs of the Guam National Tennis Federation.

9 **§ 771304. Limits of Liability.**

10 Unless a contractor, material supplier, designer, or landlord/lesser has direct  
11 involvement in the operations of the Guam National Tennis Federation facilities as a  
12 director, officer, manager, employee, representative or agent of the Guam National Tennis  
13 Federation, they shall not be held liable for any civil or criminal damages or penalties  
14 directly or indirectly arising from or related to the operations, any use, or processions of  
15 the facilities, unless it can be proven that the materials and design work provided were  
16 substandard. As the Guam National Tennis Federation Center is a private venture operated  
17 by the Guam National Tennis Federation, the government of Guam shall not be liable for  
18 any claims or damages arising from the operation of the Guam National Tennis Center.  
19 The Guam National Tennis Federation, its directors, agents, consultants, employees, or  
20 other affiliated person or persons shall make no representation that the government of  
21 Guam has any interest in the operation of Guam National Tennis Center.

22 **§ 771305. Fines and Penalties.**

23 To the extent that a company providing materials and services for the project  
24 contained herein takes more tax benefits in terms of business privilege taxes than the actual  
25 value of the materials or services contributed to the project authorized herein, that company  
26 shall be required to pay all interest and penalties applicable under Guam law and the  
27 Internal Revenue Code for failure to pay taxes, in addition to payment of the actual taxes

1 due. To extent that any individual, officer, director, or other person having interest in a  
2 company providing materials or services for the project contained herein knowingly and  
3 willingly causes such company to take more tax benefits in terms of business privilege  
4 taxes than the actual value of the material or services contributed to the project, such  
5 individual shall be guilty of a felony in the third degree punishable by a fine of not less  
6 than Five Thousand Dollars (\$5,000), or one (1) year in prison, or both.

7 **§ 771306. Public Access to Guam National Tennis Federation Center.**

8 (a) As a condition for the Guam National Tennis Federation and its contributors  
9 to be entitled to the tax benefits of the program established in this Article, the Guam  
10 National Tennis Federation shall allocate time during which the public may utilize the  
11 Guam National Tennis Center Facilities in accordance with the rules and policies adopted  
12 by the Guam National Tennis Federation for the GNTC.

13 (b) As a condition for the Guam National Tennis Federation and its contributors  
14 to be entitled to the tax benefits of the program established in this Article, the Guam Tennis  
15 Federation shall grant access to the Guam Department of Education (GDOE) on weekdays  
16 from 9:00 a.m. to 4:00 p.m. during the school year for the usage of the facilities for tennis  
17 or pickleball classes or for interscholastic league tennis practices negotiated by the parties,  
18 at no charge, subject to advanced scheduling. Nothing herein shall prevent GDOE from  
19 allowing charter schools usage of the facilities during the allotted time.

20 **§ 771307. Annual Tennis Clinic for the Department of Youth Affairs.**

21 The Guam National Tennis Federation and the Department of Youth Affairs shall  
22 work in partnership to host two (2) annual tennis clinics per year to the clients of the  
23 Department of Youth Affairs. Department of Youth Affairs shall lead the partnership to  
24 ensure that such annual tennis clinics are conducted.

25 **§ 771308. Filing of Annual Reports.**

1 (a) The Guam National Tennis Federation shall annually submit a copy of the  
2 financial statement required in § 14102 of Chapter 14, Title 18 GCA to the Speaker of *I*  
3 *Liheslaturan Guåhan*, the Public Auditor, and the Administrator of GEDA.

4 (b) The Guam National Tennis Federation must ensure that it is current with all  
5 its articles and by-laws, and should there be any amendments to such documents, it should  
6 immediately file such amendments to the Department of Revenue and Taxation.

7 **§ 771309. GEDA Report.**

8 GEDA shall submit a report to *I Liheslaturan Guåhan* detailing the impact of the  
9 program on the business privilege taxes, sports, and economic activities on Guam. GEDA  
10 shall also include in its report its monitoring efforts and any other information related to  
11 the program. The report shall be transmitted to *I Liheslaturan Guåhan* on an annual basis  
12 until the tax credit cap pursuant to § 771303 of this Article is exhausted.

13 **§ 771310. Rules and Regulations.**

14 The Guam Economic Development Authority shall implement and monitor the tax  
15 credit program authorized pursuant to this Article based on rules and regulations already  
16 adopted by GEDA for previous tax credit programs.”

17 **Section 2. Severability.** If any provision of this Act or its application to any  
18 person or circumstance is found to be invalid or contrary to law, such invalidity shall not  
19 affect other provisions or applications of this Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions of this Act are severable.

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