



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

02 JUL 2009
2009 JUL -2 PM 3:42

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Attached is Bill No. 1(LS) "AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY (JFK) HIGH SCHOOL CAMPUS" which I signed into law on June 25, 2009 as Public Law 30-37.

I would like to thank I Liheslaturan Guåhan for their expeditious response to the needs of the George Washington and John F. Kennedy High school communities. Through this new law, we will end double sessions and provide a quality learning environment for approximately 5,000 students.

As we have noted in the past, Governor Camacho and I are committed to building a new permanent JFK in its current location—doing so in time for school year 2010-2011. As we have heard from both the Guam Public School System, and the Guam Economic Development Authority; the completion of a contract for the rebuilding of JFK is moving quickly and they plan to break ground next month.

Our administration will keep a close eye on this process; ensuring that it is completed within the quickest possible time. We look forward to working with the legislature on any needed legislation as this process moves forward.

I am confident that with your continued help and hard work the JFK Islanders will be home soon.

Sincerely,

[Handwritten signature of Michael W. Cruz]

MICHAEL W. CRUZ, M.D.
I Maga' Låhen Guåhan, para pa'go
Acting Governor of Guam

30-09-0787
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/02/09
Time 10:30
Received by [Signature]

Attachment

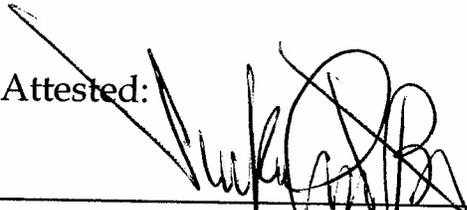
792

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

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

This is to certify that Substitute Bill No. 1 (LS), "AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY (JFK) HIGH SCHOOL CAMPUS," was on the 25<sup>th</sup> day of June 2009, duly and regularly passed.

Attested:

  
\_\_\_\_\_  
Tina Rose Muña Barnes  
Legislative Secretary



\_\_\_\_\_  
Judith T. Won Pat, Ed. D.  
Speaker

-----  
This Act was received by *I Maga'lahaen Guåhan* this 25<sup>th</sup> day of June 2009, at  
8:00 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 06.25.09

Public Law No. 30-37

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 1 (LS)**

As substituted by the Committee on Appropriations,  
Taxation, Banking, Insurance, Retirement,  
and Land, further substituted by the Author, and  
amended in the Committee of the Whole.

Introduced by:

Judith T. Won Pat, Ed.D.  
T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
Adolpho B. Palacios, Sr.  
M. J. Rector  
R. J. Respicio  
Telo Taitague  
Ray Tenorio

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

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

2           **Section 1. Legislative Findings and Intent.** The closing of John F. Kennedy  
3 (JFK) High School, due to disrepair, old age, poor maintenance, and the lack of  
4 upkeep of the campus, has displaced its students, faculty and staff. Temporarily, JFK  
5 High School has been sharing campuses in a double-session schedule with George  
6 Washington (GW) High School, and *I Liheslaturan Guåhan* finds this to be a very

1 unconducive environment that hinders the work production of our teachers and the  
2 education of our students. *I Liheslatura* has taken all measures to make sure efforts to  
3 rebuild the JFK High School campus in upper Tumon will be completed. But until  
4 such completion of the construction, the JFK High School community will still be  
5 displaced.

6 *I Liheslatura* further finds that the government of Guam is financially strapped  
7 and may *not* be able to afford payments for a lease to temporarily house the JFK High  
8 School community while construction is being conducted on the new permanent  
9 campus. It is, therefore, the intent of *I Liheslatura* to authorize tax credits to a lessor  
10 who is willing to provide for property and a facility conducive for a school  
11 environment for JFK High School free of charge.

12 **Section 2. Definitions.** As used in this Act, the term

13 (a) *Government of Guam shall* mean the government of Guam, its  
14 agencies, divisions, and departments.

15 (b) *Lease shall* mean the contract between the *Lessor* and the  
16 Government of Guam for the lease and maintenance of Interim Facilities  
17 for JFK High School and the purchase of Collateral Equipment.

18 (c) *Lessor shall* mean the party who has been selected by *I Maga'lahen*  
19 *Guåhan* for the lease and maintenance of Interim Facilities for JFK High  
20 School and the purchase of Collateral Equipment. *Lessor*, as used in this  
21 Act, *shall* also mean and include any assignee *or* transferee of the rights,  
22 credits and off-sets as allowed in this Act.

23 **Section 3. Payment of Lease Expenses.** In lieu of any cash payment from  
24 the government of Guam to the Lessor for lease expenses, the government is  
25 authorized to issue tax credits. The tax credits authorized under this Act *shall* be  
26 permitted as follows:

1 (a) The Lessor may utilize tax credits for the lease payments against  
2 Business Privilege Taxes, as contained within Chapter 26, Title 11 of the Guam  
3 Code Annotated.

4 (b) The parties or persons entitled to utilize the credits as set forth in this Act  
5 *shall* be as follows:

6 (1) *If* the Lessor is a corporation, then the Lessor and any shareholder  
7 owning or holding a minimum of five percent (5%) in the corporation  
8 *shall* also have the right to use the credits.

9 (2) *If* the Lessor is a partnership, then all the partners *shall* have the  
10 right to use the credits. *If* a partner is a corporation, then the rights as set  
11 forth above concerning corporations *shall* apply to the corporation and its  
12 shareholders.

13 (3) *If* the Lessor is a person or persons, then such rights *shall* apply to  
14 a person or persons.

15 (c) The tax credit authorized herein *shall* be freely assignable and  
16 transferable to any party, company, partnership or corporation. The assignment  
17 and transfer may be by gift or may be for legal consideration. Any assignment  
18 and/or transfer *shall* be in writing, notarized, and an original thereof *shall* be  
19 filed with the Guam Economic Development Agency (GEDA), with a copy to  
20 the Department of Revenue and Taxation.

21 **Section 4. Appropriation.** Notwithstanding any provision of Law, *I*  
22 *Liheslaturan Guåhan* hereby appropriates to the Office of *I Maga'lahren Guåhan* a  
23 total of Eight Million Four Hundred Thirty-eight Thousand Dollars (\$8,438,000) from  
24 the General Fund as a result of the Administration's decision to withhold income tax  
25 from COLA payments for the following:

26 (a) Three Million Nine Hundred Forty-four Thousand Dollars (\$3,944,000)

1 to be used for collateral equipment necessary for the interim JFK Facilities  
2 pursuant to IFB No: GSA-025-09, which equipment *shall* be transferred to JFK  
3 upon completion of its permanent campus;

4 (b) Four Million Four Hundred Ninety-four Thousand Dollars (\$4,494,000)  
5 to be used as payment for a one (1)-year contractual agreement for a temporary  
6 school facility for the interim JFK Facilities pursuant to IFB No: GSA-025-09,  
7 with the option to renew said lease on an annual basis, subject to the availability  
8 of funds;

9 (c) This appropriation shall *not* be subject to transfer authority of *I Maga'lahi*  
10 and *shall* be utilized solely for the purposes herein.

11 **Section 5. Report.** The Guam Economic Development Agency (GEDA)  
12 *shall* submit an annual report to *I Liheslaturan Guåhan* detailing the impact of this  
13 Act on the Business Privilege Taxes, until the amount of the tax credit is fully  
14 exhausted.

15 **Section 6. Inclusion in *I Maga'lahi's* Annual Budget Request.** *I*  
16 *Maga'lahaen Guåhan shall*, in each fiscal year's budget submission to *I Liheslatura*,  
17 account for the annual amount of tax credits, rebates and offsets used for the purposes  
18 stated in this Act.

19 **Section 7. Severability.** *If* any provision of this Law or its application to any  
20 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
21 *not* affect other provisions or applications of this Law which can be given effect  
22 without the invalid provisions or application, and to this end the provisions of this  
23 Law are severable.

**I MINA' TRENTA NA LIHESLATURAN GUAHAN**  
**2009 (FIRST) Regular Session**

Date: June 25, 2009

**VOTING SHEET**

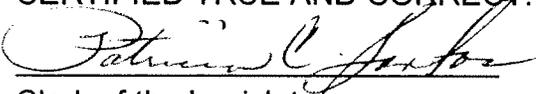
SBill No. <sup>LS</sup> 1(GOR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.					EA ✓
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.					EA
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.					EA
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RECTOR, Matthew <span style="float: right;">11</span>	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL 11 1 \_\_\_\_\_ \_\_\_\_\_ 3

CERTIFIED TRUE AND CORRECT:  
  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence



Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

June 24, 2009

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina Trenta Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, Guam 96910

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

VIA: The Honorable Rory J. Respicio  
Chairperson, Committee on Rules 

RE: COMMITTEE REPORT BILL NO. 1 (LS)

2009 JUN 25 AM 11:57 AM

Dear Speaker Won Pat:

The Committee on Appropriations, Taxatio, Banking, Insurance, Retirement and Land, to which was referred **Bill No. 1 (LS), An Act to authorize Tax Credits to the Lessors of the Temporary Location of the John F. Kennedy High School Campus** hereby reports out with the recommendation **TO REPORT OUT ONLY.**

Committee votes are as follows:

- 1 TO PASS
- 0 TO NOT PASS
- 0 TO ABSTAIN
- 6 TO REPORT OUT ONLY

Si Yu'os Ma'ase,

  
Senator ben pangelinan  
Chairperson

**COMMITTEE REPORT ON  
BILL NO. 1 (LS)  
AN ACT TO AUTHORIZE TAX CREDITS TO  
THE LESSORS OF THE TEMPORARY  
LOCATION OF THE JOHN F. KENNEDY  
HIGH SCHOOL CAMPUS**



The People

Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 24, 2009

Memorandum

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

To: Members, Committee on Appropriations, Taxation,  
Banking, Insurance, Retirement and Land

From: Chairman, Committee on Appropriations, Taxation,  
Banking, Insurance, Retirement and Land

Subject: Committee Report - Bill No.1 (LS)

Transmitted herewith for your information and action is the report on  
Bill No. 1 (LS). This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 1 (LS)
4. Notice of Public Hearing
5. Documents from public hearing held by the Committee on  
Economic Development, Health & Human Services and Judiciary of  
which Bill No. 1 (LS) was previously referred.

Please take the appropriate action on the attached voting sheet. Your  
attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying  
documents, please do not hesitate to contact me.

*St Yu'os Ma'ase.*

ben c. pangelinan  
Chairman

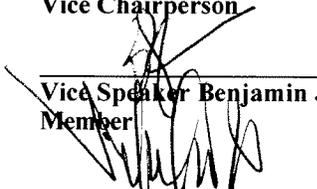
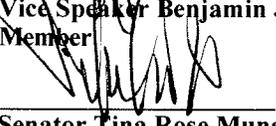
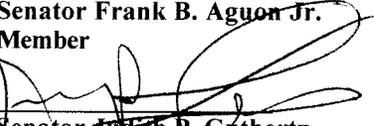
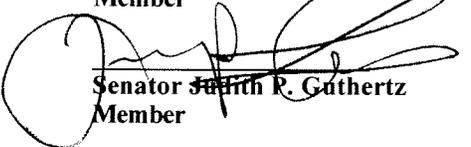
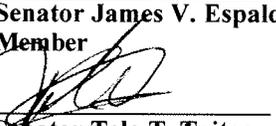
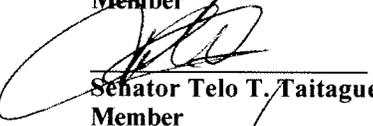
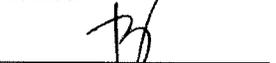
I MINA TRENTA NA LIHESLATURAN GUAHAN

Committee Voting Sheet

Committee on Appropriations, Taxation, Banking, Insurance, Retirement,  
and Land

BILL NO. 1(LS)

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

Committee Members File	To Pass	Not to Pass	Report Out	Abstain	Inactive
 Senator Vicente C. Pangelinan Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Vice Speaker Benjamin J.F. Cruz Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Tina Rose Muna-Barnes Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Frank B. Aguon Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Judith P. Guthertz Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator James V. Espaldon Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Telo T. Taitague Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Senator Frank Blas, Jr. Member	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Mina'Trenta Na Liheslaturan Guahan

Senator vicente (ben) c. pangelinan (D)

## Committee Report on

Bill No. 1 (LS), An Act to Authorize Tax Credits to the Lessors of the Temporary Location of the John F. Kennedy High School Campus

### I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land held a public hearing Friday, June 19, 2009, at I Liheslaturan Guahan Public Hearing Room on Bill No.1(LS), “**AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY HIGH SCHOOL CAMPUS**”. Notices for the public hearing were disseminated throughout all local media via facsimile and electronic mail and are attached herein meeting the requirements of the Open Government Law.

Members and Senators present:

Senator vicente “ben” pangelinan, Chairman  
Senator Tina Muna Barnes, Member  
Senator Telo Taitague, Member  
Senator Adolpho Palacios

### II. COMMITTEE PROCEEDINGS

Senator pangelinan: The next item on the agenda is Bill No. 1. Bill No. 1 is an Act to authorize tax credit for the lessors for the temporary location of the John F. Kennedy High School campus. We'll consider this action of the Committee as a hearing on the bill. For the information for the public, Bill No. 1 and the authorization proposed in the Bill No. 1 has been enacted into law in the recently passed Bill No. 1 (4-S) of the recent special session called by the Governor of Guam which in that bill authorizes tax credits for the lessors of the temporary location of the John F. Kennedy High School. The subject matter of this bill has been included in another bill that was passed by this body. But this Committee has received Bill 1 and for the purpose of the requirement has considered Bill No. 1 duly heard by this body so we'll keep in on the agenda but once again it's been incorporated in a bill that was most recently passed so we will not receive testimony on this since it has already been incorporated in another bill.

**Note:** Bill No. 1 was initially referred to the Committee on Economic Development, Health & Human Services and Judiciary wherein a public

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

hearing was held on March 17, 2009. Testimonies received during the hearing are hereby attached with this Committee Report.

### III. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, hereby reports out **Bill No. 1 (LS) As Amended by the Committee: "An Act to Authorize Tax Credits to the Lessors of the Temporary Location of the John F. Kennedy High School Campus."**

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

Bill No. 1 (LS)

Introduced by:

J.T. Won Pat

Amended by the Committee

**AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY HIGH SCHOOL CAMPUS AND AMEND § 58A109 OF CHAPTER 58A, TITLE 5 OF THE GUAM CODE ANNOTATED.**

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 (JFK) 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 (GW) in which *I*  
7 *Liheslaturan Guåhan* finds a very uncondusive environment that hinders the work  
8 production of our teachers and education of our students. *I Liheslatura* 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 Liheslatura* 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 ~~free of charge~~.

1 I Liheslatura in October 2008, through emergency measure, enacted P.L. 29-114  
2 to authorize the construction of a new JFK facility in nine (9) months using the lease-  
3 back funding mechanism and backed by Section 30 funds of the government of  
4 Guam. In subsequent legislation to finance a new landfill with a pledge of Section  
5 30 revenues, I Liheslatura reiterated that the completion of JFK was a priority. I  
6 Maga'lahaen Guåhan and the Guam Public School System (GPSS) still have not entered  
7 into a contract for the rebuilding of JFK and now the students of JFK and GW face  
8 another year of double sessions with no assurance that a permanent JFK campus will  
9 be built in time for school year 2010-11.

10 I Liheslatura finds that entering into a long-term lease commitment of over  
11 Fifty Million Dollars (\$50,000,000) takes this amount of funds away from general tax  
12 revenues, which may be dedicated to the investment to build two (2) new schools,  
13 such as a Northern High School and Middle School or for the repayment of other  
14 obligations such as tax refunds.

15 I Liheslatura finds that to avoid double sessions for JFK and GW students,  
16 money must be identified and appropriated to pre-pay a one (1) year lease and to  
17 purchase collateral equipment for an interim school facility to be ready for JFK  
18 students to use in the 2009-2010 school year.

19 I Liheslatura finds that rebuilding JFK qualifies to be funded under the  
20 American Recovery and Reinvestment Act of 2009 (ARRA), more specifically a One  
21 Hundred Eight Million Dollar (\$108,000,000) State Fiscal Stabilization Fund (SFSF)  
22 grant award.

23 I Liheslatura finds that One Million Two Hundred Thousand Dollars were  
24 certified by I Maga'lahaen Guåhan for funding an interim school including collateral  
25 equipment from the One Hundred Thirty Five Million Dollar (\$135,000,000) lump  
26 sum appropriation in Public Law 29-113 to the Executive Branch.

## 27 **Section 2. Definitions.**

28 As used in this Act, the term

1 (a) ~~“lease” shall mean the contract negotiated between the lessors and I~~  
2 ~~Maga’lahen Guåhan which shall provide for a property and facility for the~~  
3 ~~temporary location of the John F. Kennedy High School campus and a cost~~  
4 ~~associated with providing such property and facility for the purposes of the~~  
5 ~~tax credit authorization.~~

6 (b) ~~“temporary location” shall mean the facility that is utilized as a~~  
7 ~~temporary campus of John F. Kennedy High School until the main campus~~  
8 ~~has been fully constructed and operable.~~

9 (a) Government of Guam shall mean the government of Guam, its agencies,  
10 divisions, and departments.

11 (b) Lease shall mean the contract between the Lessor and the Government of  
12 Guam for the lease and maintenance of Interim Facilities for JFK.

13 (c) Lessor shall mean the party who has been selected by I Maga’lahen Guåhan  
14 for the lease and maintenance of Interim Facilities for JFK. Lessor as used  
15 in this Act shall also mean and include any assignee or transferee of the  
16 rights, credits and offsets as alloed in this Act.

17 (d) Certification shall mean a written statement that earmarks required funds  
18 from ARRA-SFSF or other sources to be used for the modernization of  
19 JFK by the Superintendent of GPSS and I Maga’lahen Guåhan.

20 (e) Modernization shall mean to construct, reconstruct or repair.

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

22 ~~Individuals, corporations, or limited liability companies authorized to do~~  
23 ~~business on Guam that provides a facility and property to the Guam Public School~~  
24 ~~System for the temporary use of the John F. Kennedy High School campus shall be~~  
25 ~~authorized tax credits against Business Privilege Taxes. The actual cost for~~  
26 ~~providing such facility and property shall be the maximum amount of total credits~~  
27 ~~allowed.~~

28 **Section 3. Payment of Lease Expenses.**

1  
2           In lieu of cash payment from the government of Guam to the Lessor for lease  
3 expenses, the government is authorized to issue tax credits. The tax credits  
4 authorized under this Act shall be permitted as follows:

5           (a) The Lessor may utilize tax credits for the lease payments against Business  
6 Privilege Taxes as contained within Chapter 26, Title 11 of the Guam Code  
7 Annotated.

8           (b) The parties or persons entitled to utilize the credits as set forth in this Act  
9 shall be as follows:

10           (1) If the Lessor is a corporation, then the Lessor and any shareholder  
11 owning or holding a minimum of five percent (5%) in the corporation shall  
12 also have the right to use the credits.

13           (2) If the Lessor is a partnership, then all the partners shall have the  
14 right to use the credits. If a partner is a corporation, then the rights as set forth  
15 above concerning corporations shall apply to the corporation and its  
16 shareholders.

17           (3) If the Lessor is a person or persons, then such rights shall apply to a  
18 person or persons.

19           (c) The tax credit authorized herein shall be freely assignable and transferable  
20 to any party, company, partnership or corporation. The assignment and transfer  
21 may be by gift or it may be for legal consideration. Any assignment and/or transfer  
22 shall be in writing, notarized, and an original thereof shall be filed with GEDA, with  
23 a copy to the Department of Revenue and Taxation.

24 **Section 4. Tax Credit Conditions.**

25           ~~The tax credits authorized by this Act shall be subject to the following~~  
26 ~~conditions:~~

27           ~~(a) The entire amount of the tax credits shall not be applied during a~~  
28 ~~single tax year.~~

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

4           **Section 4. Use of State Funds.**

5           ~~Notwithstanding any provision of Law, up to Forty Five Million Dollars~~  
6           ~~(\$45,000,000) shall be earmarked to fund requirements for the modernization of the~~  
7           ~~JFK campus in Tumon. Until such time that a policy decision and certification by~~  
8           ~~the GPSS Superintendent and I Maga'lahaen Guahan which earmarks required funds~~  
9           ~~from the ARRA-SFSF Grant or other sources, and that these funds have been~~  
10           ~~committed to modernization of the JFK campus to be completed by August 1, 2010,~~  
11           ~~the government of Guam shall not enter into any contractual agreement for any~~  
12           ~~temporary school facilities.~~

13           ~~**Section 5. Rules and Regulations**~~

14           ~~The Guam Economic Development and Commerce Authority (GEDCA) shall~~  
15           ~~promulgate rules and regulations necessary to implement this Act, in accordance~~  
16           ~~with the Administrative Adjudication Law, within thirty (30) days upon enactment~~  
17           ~~of this Act.~~

18           ~~**Section 5. Adoption of Additional Revenue above those estimated in Public Law**~~  
19           ~~**29-113 as a result of income tax withholding from COLA payments.**~~

20           ~~I Liheslaturan Guahan adopts Eight Million Dollars (\$8,000,000) of additional~~  
21           ~~Income Tax Withholding Revenue that shall be collected as a result of the territorial~~  
22           ~~tax code rules and regulations.~~

23           ~~**Section 6. Report.**~~

24           ~~GEDCA shall submit an annual report to I Liheslaturan Guahan detailing the~~  
25           ~~impact of this Act on the Business Privilege Taxes until the amount of the tax credit~~  
26           ~~is full exhausted.~~

27           ~~**Section 6. Appropriation.**~~

28           ~~Notwithstanding any provision of Law, I Liheslaturan Guahan hereby~~

1 appropriates to the office of I Maga'lahen Guahan a total of Seven Million Eight  
2 Hundred Thousand Dollars (\$7,800,000) from the General Fund for the following:

3 (a) Four Million Five Hundred Thousand Dollars (\$4,500,000) from for the  
4 purchase of collateral equipment necessary for the interim JFK Facilities pursuant to  
5 IFB No: GSA-025-09, which equipment shall be transferred to JFK upon completion of  
6 its permanent campus;

7 (b) An amount not to exceed Three Million Three Hundred Thousand Dollars  
8 (\$3,300,000) for payment toward a one (1)-year contractual agreement for a  
9 temporary school facility for the interim JFK Facilities pursuant to IFB No: GSA-025-  
10 09, with the option to renew said lease on an annual basis subject to the availability  
11 of funds and approval of I Liheslaturan Guahan. The issuance of Business Privilege  
12 Tax Credits authorized in this Act may be used as payment of said lease.

13 (c) This appropriation shall not be subject to transfer authority of I Maga'lahi  
14 and shall be utilized solely for the purposes herein.

15 **Section 7. Severability**

16 ~~If any provision of this Law or its application to any person or circumstance is~~  
17 ~~found to be invalid or contrary to law, such invalidity shall not affect other~~  
18 ~~provisions or applications of this Law which can be given effect without the invalid~~  
19 ~~provisions or application, and to this end the provisions of this Law are severable.~~

20 **Section 7. Report.**

21 The Department of Revenue and Taxation shall submit a quarterly report to I  
22 Liheslaturan Guahan detailing the impact of this Act on the Business Privilege Taxes  
23 until the amount of the tax credit is exhausted.

24 **Section 8. § 58A109 of Chapter 58A, Title 5 of the Guam Code Annotated, is**  
25 **amended to read:**

26 “§ 58A109. Pledge of Section 30 Revenue.

27 Rental payments under the Lease and the Lease-Back may be secured by a  
28 pledge or other reservation of revenues received by or on behalf of the government

1 of Guam from the United States of America pursuant to Section 30 of the Guam  
2 Organic Act (48 U.S.C.A. Section 1421h). ~~Any pledge or reservation of Section 30~~  
3 ~~revenues authorized by the Act shall be subordinate only to the existing lien~~  
4 ~~securing the Government of Guam Limited Obligation (Section 30) Bonds, Series~~  
5 ~~2001A.~~

6 Any such pledge or reservation authorized hereunder shall be valid and  
7 binding from the time the pledge or reservation is made and shall be limited to Nine  
8 Million Eight Hundred Twenty-five Thousand Dollars (\$9,825,000,000) per year  
9 during the Lease-Back Period. The Section 30 revenues pledged or reserved and  
10 thereafter received by the government of Guam or by any trustee, depository or  
11 custodian shall be deposited in a separate account and shall be immediately subject  
12 to such reservation or the lien of such pledge without any physical delivery thereof  
13 or further act, and such reservation or the lien of such pledge shall be valid and  
14 binding against all parties having claims of any kind in tort, contract or otherwise  
15 against the government of Guam or such trustee, depository or custodian,  
16 irrespective of whether the parties have notice thereof. The instrument by which  
17 such pledge or reservation is created need not be recorded.”

18 **Section 9. Severability.**

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

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 *Liheslaturan Guåhan* finds a very uncondusive environment that hinders the work  
8 production of our teachers and education of our students. *I Liheslatura* 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 Liheslatura* 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’lahen 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.

Bill/Resolution Introduction/Referral

Bill	Sponsor	Description	Date Introduced	Date Re- Referred	Committee Re- Referred
1	J. T. Won Pat	An act to authorize tax credit to the Lessors of the temporary location of the John F. Kennedy High School campus.	1/5/09	3/19/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement and Land

2009 MAR 19 AM 10: 22





**COMMITTEE ON RULES**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR  
RORY J.  
RESPICIO  
CHAIRPERSON**

**SENATOR  
Judith P. Guthertz  
VICE  
CHAIRPERSON**

**MAJORITY  
MEMBERS:**

Judith T. Won Pat  
**SPEAKER**

Benjamin J. F. Cruz  
**VICE SPEAKER**

Tina Rose Muña Barnes  
**LEGISLATIVE SECRETARY**

Thomas C. Ada  
**SENATOR**

Frank B. Aguon, Jr.  
**SENATOR**

Adolpho B. Palacios, Sr.  
**SENATOR**

Vicente C. Pangelinan  
**SENATOR**

Matthew Rector  
**SENATOR**

**MINORITY  
MEMBERS:**

Frank F. Blas, Jr.  
**SENATOR**

James V. Espaldon  
**SENATOR**

March 19, 2009

Memorandum

To: Clerk of the Legislature  
*I Mina'Trenta Na Liheslaturan Guåhan*

Attorney Therese M. Terlaje, Legislative Legal Counsel  
*I Mina'Trenta Na Liheslaturan Guåhan*

From: Senator Judith P. Guthertz   
Acting Chairperson, Committee on Rules  
*I Mina'Trenta Na Liheslaturan Guåhan*

Subject: Re-Referral of Bill No. 1(COR)

As Chairperson of the Committee on Rules, I am forwarding my re-referral of Bill No. 1(COR).

Please ensure that the subject Bill is re-referred, in my name, to the respective Chairperson, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

*Si Yu'os Ma'åse.*

*Attachment*

2009 MAR 19 AM 10:22



**Mina' Trenta Na Liheslaturan Guahan**  
**THIRTIETH GUAM LEGISLATURE**

**Senator vicente "ben" c. pangelinan**

---

**COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE,  
RETIREMENT AND LAND  
PUBLIC HEARING  
Friday, June 19, 2009  
1:00pm – 4:00pm  
Guam Legislature Public Hearing Room**

**AGENDA**

- Resolution No. 62:** Relative to petitioning the United States Congress to amend the Radiation Exposure Compensation Act of 1990, Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the jurisdiction (Downwinders).
- Bill No. 1:** An Act to authorize tax credits to the Lessors of the temporary location of the John F. Kennedy High School campus.
- Bill No. 89:** An Act to add a new Chapter 42 to Title 22 Guam Code Annotated relative to "Unarmed Combat" and establishing the Guam Unarmed Combat Commission; and citing this act as the "Guam Unarmed Combat Act of 2009".
- Bill No. 117:** An Act to establish program procurement guidelines and procedures relative to the American Recovery and Reinvestment Act of 2009.
- Bill No. 122:** An Act to impose a temporary moratorium on the issuance of commercial leases from the Chamorro Land Trust Commission.
- Bill No. 146:** An Act relative to providing necessary funding for the balance of the fiscal year to critical youth support programs; to include the DMHSA Youth Drug and Alcohol Programs, and the programs for youths who are runaways, homeless or victims of abuse; through amending existing provisions of law.

For copies of bills, you can log onto [www.guamlegislature.com](http://www.guamlegislature.com)  
If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 or email at [senbenp@guam.net](mailto:senbenp@guam.net)



The People

Chairman  
Committee on  
Appropriations, Taxation,  
Banking, Insurance, and  
Land

Member  
Committee on Education

Member  
Committee on  
Municipal Affairs,  
Aviation, Housing, and  
Recreation

Member  
Committee on Labor, the  
Public Structure,  
Public Libraries, and  
Technology

# Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

June 12, 2009

Memorandum

To All Senators

From: Senator ben pangelinan

Re: Public Hearing Notice

The Committee on Appropriations, Taxation, Banking, Insurance and Land will be conducting a public hearing beginning at 1:00pm on **Friday, June 19, 2009** at the Guam Legislature's Public Hearing Room. The following resolution and bills are on the agenda:

**Resolution No. 62:** Relative to petitioning the United States Congress to amend the Radiation Exposure Compensation Act of 1990, Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the jurisdiction (Downwinders).

**Bill No. 1:** An Act to authorize tax credits to the Lessors of the temporary location of the John F. Kennedy High School campus.

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*Si Yu'os Ma'ase,*



Office of the People  
Senator  
**ben pangelinan**

## Notice of Public Hearing

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,  
INSURANCE, RETIREMENT AND LAND PUBLIC HEARING

Friday, June 19, 2009

1:00pm-4:00pm

Guam Legislature Public Hearing Room

### Agenda

Resolution No. 62: Relative to petitioning the United States Congress to amend the Radiation Exposure Compensation Act of 1990, Public Law 101-426, as amended by Public Law 101-510, 3139 (42 U.S.C. 2210) and Public Law 106-245, to include Guam in the jurisdiction (Downriders).

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324 W. Soledad Ave. Hagatna, Guam 96910  
Ph. 473-4236 Fax. 473-4238  
Email: [senbenp@guam.net](mailto:senbenp@guam.net)

Friday, June 12, Mariana's Variety



Mina' Trenta Na Liheslaturan Guahan  
OFFICE OF THE PEOPLE  
Senator vicente "ben" c. pangelinan

## NOTICE OF PUBLIC HEARING

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,  
INSURANCE, RETIREMENT AND LAND PUBLIC HEARING

Friday, June 19, 2009, 1:00pm-4:00pm, Guam Legislature Public Hearing Room

### Agenda

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PDA- 6-12-09



Mina' Trenta Na Liheslaturan Guahan  
**OFFICE OF THE PEOPLE**  
 Senator vicente "ben" c. pangelinan

**NOTICE OF PUBLIC HEARING**

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,  
 INSURANCE, RETIREMENT AND LAND PUBLIC HEARING  
 Friday, June 19, 2009, 1:00pm-4:00pm, Guam Legislature Public Hearing Room

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June 16, 2009 - PDX



Office of the People  
 Senator  
**ben pangelinan**

**Notice of Public Hearing**

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING,  
 INSURANCE, RETIREMENT AND LAND PUBLIC HEARING  
 Friday, June 19, 2009  
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324 W. Soledad Ave. Hagatna, Guam 96910  
 Ph. 473-4236 Fax. 473-4238  
 Email: [senbenp@guam.net](mailto:senbenp@guam.net)

Marlene Santiago

Tuesday, June 16, 2009



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

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**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

March 24, 2009

Honorable Vicente C. Pangelinan, Chairman  
Comm. on Appropriations, Taxation, Banking,  
Insurance, Retirement, and Land  
I Mina' Trenta na Liheslaturan Guåhan  
Quan Building, Suite 101  
324 W. Soledad Ave.  
Hagatña, Guam 96910

**SUBJECT:** Transmittal of Bill No. 1 (LS)

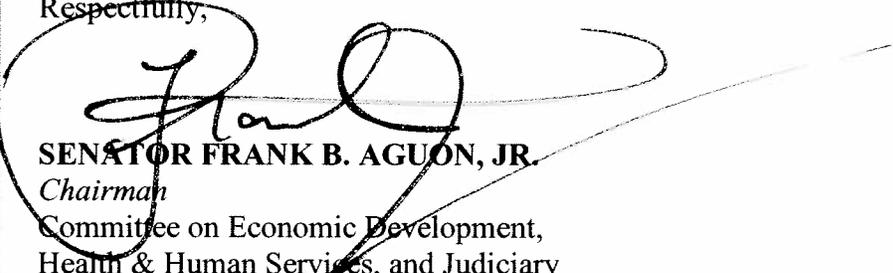
Dear Senator Pangelinan:

The Committee on Economic Development, Health & Human Services, and Judiciary is hereby transmitting all documentation received in reference to Bill No. 1 (LS).

Your committee may obtain a copy of the recording of the public hearing conducted on March 17, 2008 on this particular bill from Audio/Visual personnel.

Should you have any questions, please contact my office.

Respectfully,

  
**SENATOR FRANK B. AGUON, JR.**  
*Chairman*  
Committee on Economic Development,  
Health & Human Services, and Judiciary

Attachments





## Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

**Public Hearing Testimony on Bill No. 1**  
**Committee on Economic Development, Health and Human Services, and Judiciary**  
**Mina Trenta Na Liheslaturan Guahan**  
**March 17, 2009**

Good Morning Chairman Frank B. Aguon, Jr., Members of the Committee, and Members of I Liheslaturan Guahan, my name is George Bamba, Chief of Staff to Governor Felix P. Camacho, and I am here to offer the Administration's testimony in favor of Bill No. 1 (LS) AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY HIGH SCHOOL CAMPUS, introduced by Speaker Judith T. Won Pat. Governor Felix P. Camacho agrees with the intent of the legislation and he has assigned me to work with your committee and the author to ensure that the bill's intent is able to be effectuated.

I want to thank Speaker Won Pat for introducing Bill No. 1 at the beginning of this legislative term. I know that Speaker Won Pat introduced this bill to assist in the effort to end the double session at the George Washington High School campus while reconstruction of John F. Kennedy High School is pursued and completed.

As you know, Governor Camacho is committed to reconstructing John F. Kennedy High School in a timely manner. We recognize that we have a unique opportunity to design and construct an excellent school campus that is up to par and able to serve the needs of the JFK Community. To accomplish this, the Department of Public Works has issued a Request for Proposals for a Design Build Finance Project – a mechanism that our administration has found to be quite successful.

GPSS will be receiving funds from the stimulus package and will be able to conduct ~~some repair and rehabilitation projects. The determination and completion of these projects, combined with the completion of the 4 new northern schools, and the~~ reconstruction of JFK High School, will do much for our infrastructure.

The Guam Public School System has a long list of capital needs, and Governor Camacho remains committed to our working partnership with GPSS to improve our entire public school infrastructure. With the completion of the reconstruction of JFK, we will still be

experiencing overcrowding in all secondary public schools serving Northern and Central Guam. We continue to look for a resolution to the delay in constructing the proposed Marbo High School, and we are concerned with the deteriorating conditions at George Washington High School, Luis P. Untalan Middle School, Simon Sanchez High School, F.B. Leon Guerrero Middle School, and Agueda Johnston Middle School.

The bottom line is we need an interim campus not only to serve the JFK community while JFK is being rebuilt, but to also to have a campus that will relieve the over crowding situation being experienced in Northern and Central Guam. Bill No. 1 will help us solve this problem.

Based on the limited funds available for governmental operations, I believe it is necessary that the Executive Branch be authorized to execute alternative financing methods that includes authority for tax credits and tax rebates as forms of payment for a lease agreement. You have acknowledged this as a viable option by virtue of your introduction of Bill No. 1.

---

Governor Camacho agrees with members of the Guam Education Policy Board that upon the completion of the construction of the new John F. Kennedy High School Campus, the interim campus identified should be made available for use by the Guam Public School System (GPSS) and the government of Guam as a Secondary School to alleviate the overcrowding being experienced in Northern and Central Guam or for use as an interim campus for other school communities needing to migrate school populations while repair, rehabilitation, and reconstruction of other public schools is initiated. Such an option will be useful in addressing the infrastructure of GPSS.

---

However, the language currently contained in Bill No. 1 (LS) must be revised to accomplish this. The current language is based on statutes providing incentives for individuals and businesses to construct and build new attractions such as the Raceway Park and the Soccer Fields. What we would like to propose is creating another financing mechanism to help pay for the lease of a school campus given the fiscal constraints of the government.

---

The government should use grants or appropriations blended with tax exemptions, tax offsets, and tax rebates to pay for the terms of a prospective lease. This would ultimately give our government the opportunity to lease an interim campus and maximize its resources to acquire facilities for the GPSS. The tax exemptions, offsets, and rebates must be of value if they are going to be accepted as currency to pay for a lease payment. This means that they must be transferrable. The Guam Economic Development Authority (GEDA) should manage the process and reporting requirements.

---

Our Legal and Research Team would like to submit language that will provide this authorization for your consideration and push forward this opportunity to help our schools.

I look forward to working with you and your Committee and Speaker Won Pat to advance this solution.

Sincerely,



**J. GEORGE BAMBA**  
Chief of Staff





**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

---

**AGENDA**

**TUESDAY, MARCH 17, 2009, 9:00 AM  
PUBLIC HEARING ROOM**

- **BILL NO. 1 (LS) – 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.
- **BILL NO. 6 (LS) – RAY TENORIO**  
An act to *add* a new §5134 to Chapter 5 of 19GCA relative to Parental Accountability.
- **BILL NO. 7 (LS) – RAY TENORIO**  
An act to *amend* Paragraph (C) of §33111 of 7GCA relative to the Mechanic's Lien Law.
- **BILL NO. 10 (LS) – RAY TENORIO**  
An act to *add* a new Chapter 48 to Title 9, Guam Code Annotated relative to notification of Breaches of Personal Information.
- **BILL NO. 40 (LS) – E.J.B. CALVO**  
An act to *add* a new Section 105 to Chapter 38, Division 2, Title 10 Guam Code Annotated relative to seeking to preclude from civil and criminal liability any person involved with the donation and distribution of food delivered in good faith for sharing with the needy to be known as "The Good Samaritan Food Donation Act of Guam."
- **BILL NO. 50 (COR) – F.F. BLAS, JR.**  
An act to *add* Chapter 88 to Title 5 of the Guam Code Annotated, relative to the construction of the Guam Museum, and to cite the act as "The Museum Construction and Facilities Funding Act of 2009."
- **BILL NO. 54 (COR) – E.J.B. CALVO**  
An act to *add* a new section 3218.1 to Chapter 3 Article 2 Title 10 of the Guam Code Annotated, relative to the Woman's Informed Consent for Abortion and to cite the act as "the Woman's Reproductive Health Information Act of 2009".
- **BILL NO. 56 (COR) – RAY TENORIO**  
An act to *amend* §72101 of 10GCA relative to the enforcement of Fire Protection Laws.
- **BILL NO. 61 (COR) – RAY TENORIO**  
An act to *add* a new Article 5 to Chapter 6 of 17GCA relative to recommendations on medicating students.
- **BILL NO. 77 (COR) – FRANK B. AGUON, JR.**  
An act to merge DISID into DMHSA in order to ensure a more fully functional and comprehensive service to those individuals in need.

# Natio

TUESDAY, MARCH 10, 2009

of the service, Trent said. The service was not videotaped.

"We thought it was part of a drama skit ... when he shot, what you saw was confetti," said congregant Linda Cunningham, whose husband is a minister of adult education at the church. "We just sat there waiting for what comes next, not realizing that he had wounded the pastor."

Winters had stood on an elevated platform to deliver his sermon about finding happiness in the workplace and managed to run halfway

People stand outside of First Baptist Church in Maryville,

"We don't know the relationship (between gunman and pastor), why he's here or what circumstances came about that caused him the first place to be here," said Illinois State Police Master Trooper Ralph Timmins.

Trent said investigators found no immediate evidence of a criminal background for the suspect. He said police were investigating whether a red Jeep parked outside the church belonged to the man.

 **SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT,**  
**HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature*  
 238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatña, Guam 96910  
 Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**NOTICE OF PUBLIC HEARING**  
**TUESDAY, MARCH 17, 2009, 9:00 am**  
**GUAM LEGISLATURE PUBLIC HEARING ROOM**

**BILL NO. 1 (LS)** - An act to authorize tax credits to the Lessors of the temporary location of the JFK High School campus.  
**BILL NO. 6 (LS)** - An act to add a \$5134 to Ch. 5, 19GCA relative to Parental Accountability.  
**BILL NO. 7 (LS)** - An act to amend Paragraph (C) of §33111, 7GCA relative to the Mechanic's Lien law.  
**BILL NO. 10 (LS)** - An act to add a new Item 15 of §58104, Ch. 58, 12GCA and a new §12233 to Art. 2, Ch. 12, 10GCA relative to authorizing the granting of Qualifying Certificates for physicians practicing in Specialites of Critical Need.  
**BILL NO. 40 (LS)** - An act to add new Section 105 to Ch. 38, Div. 2, 10GCA relative to seeking to preclude from civil or criminal liability any person involved with the donation and distribution of food delivered in good faith for sharing with the needy to be known as "The Good Samaritan Food Donation Act of Guam."  
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**BILL NO. 77 (COR)** - An act to merge the Departments of Integrated Services For Individuals with Disabilities into the Department of Mental Health and Substance Abuse

*If written testimonies are to be presented at the hearing, the Committee requests that copies be submitted one day prior to the public hearing date to the Office of Senator Frank B. Aguon, Jr., 238 Archbishop F.C. Flores St., DNA Bldg., Ste 701A, Hagatña, GU 96910, or emailed to aguon4guam@gmail.com.*

Individuals requiring special accommodations or services, or for further information, please contact Natasha Aguon, Gina Tabonares or Ronald Quitugua at 969-1495/6.

**THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**



G

Felix P. Camacho  
Governor

## REQUEST

This notice is paid

The Guam Power Authority perform "Procurement"

Copies of the general Central Office, 1st Floor

All proposals must be P.E. General Manager,

RA) announces that a  
 ar 2008 Annual Action

merican Recovery and  
 Dept. of Housing and  
 \$2,851,151 in CDBG-R  
 proposed substantial  
 's Annual Action Plan  
 ough HUD's Office of  
 activities. Guam has

	Amount
partment	\$1,000,000
partment	1,000,000
service	708,601
	142,550
<b>funds</b>	<b>\$2,581,151</b>

e AAP on the GHURA  
 copies of the proposed  
 beginning at 8:00 a.m.  
 D) office located at 414  
 am. Comments should  
 p.m., Monday, March 30,  
 er Michael Duenas at

FOR: ~~VMWARE SERVER, SAN, TRAINING AND ACCESSORIES~~

OPENING DATE: MARCH 30, 2009

TIME: 10:00 AM

PLACE: GENERAL SERVICES AGENCY, PITI GUAM

**INTERESTED PARTY MAY PICK UP  
 FORMS/SPECIFICATIONS AT SAID PLACE**

/s/ **CLAUDIA S. ACFALLE**  
 Chief Procurement Officer



**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT,**  
**HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature*  
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**THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**



Office of the Governor of Guam

Sen. Guthertz

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat
Speaker
I Mina' Trenta Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

May 15, 2009

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 5/18/09
Time:
Received by: 11:15

RE: Bill No. 1 (LS)

Dear Speaker Won Pat:

As you know, the government has conducted a procurement activity that would provide a solution to end the overcrowding situation being experienced by the John F. Kennedy High School and George Washington High School communities while double session continues at the George Washington High School Campus in Mangilao.

Based on the limited funds available for governmental operations, I believe it is necessary for a financing method that includes authority for tax credits and tax rebates as forms of payment for a lease agreement. You have acknowledged this as a viable option by virtue of your introduction of Bill No. 1 (LS) - AN ACT TO AUTHORIZE TAX CREDITS TO THE LESSORS OF THE TEMPORARY LOCATION OF THE JOHN F. KENNEDY HIGH SCHOOL CAMPUS.

I agree with members of the Guam Education Policy Board that upon the completion of the construction of the new John F. Kennedy High School Campus, the interim campus identified should be made available for use by the Guam Public School System (GPSS) and the government of Guam for use as a Secondary School to alleviate the overcrowding being experienced in Northern and Central Guam or for use as an interim campus for other school communities needing to migrate school populations while repair, rehabilitation, and reconstruction of other public schools is initiated. Such an option will be useful in addressing the infrastructure of GPSS.

However, the language currently contained in Bill No. 1 (LS) will not accomplish this. I am attaching language that will provide this authorization and hope you will consider substituting the attached language into Bill No. 1 (LS) to pursue the identification of an interim campus to address these concerns.

The procurement activity conducted by the General Services Agency is for the Lease and Maintenance of Interim Facilities for John F. Kennedy High School and Collateral Equipments (Bid Invitation No. GSA-025-09). On April 9, 2009, GSA Chief Procurement Officer Claudia Acfalle issued a Notice of Intent to Award to Core Tech International and on April 30, 2009, Ms. Acfalle issued a Notice to Proceed.

The Interim Campus at Tiyan is situated on nearly 25 acres of property and the buildings comprise 158,069 square feet at a monthly cost of \$1.90 per square foot. In addition to the \$1.90 per square foot for rental of the facility, the Invitation for Bid also includes Insurance, Maintenance, Utilities, and Collateral Equipment that adds up to \$6.239 M per year.

The offeror, Core Tech International, indicated in its bid submission, that it would accept transferable Tax Credits, Off-sets, and Rebates as consideration for the payment of the lease amount including utilities and collateral equipment, which require cash disbursements.

In correspondence to Chief Procurement Officer Claudia Acfalle dated May 12, 2009, Core Tech International President Ho S. Eun stated, "This option is particularly acceptable as it effectively ensures the timely payment of the lease and avoids any occurrence of non-payment, a major concern of our lending institutions."

In his letter, which I have attached for your review, Mr. Eun further stated, "It is my hope that the details of this procurement activity, such as the lease agreement, tax credit and tax off-set legislation, and other necessary documentation, shall be completed by May 20, 2009. If these matters are not completed and finalized by May 20, 2009, then we will not be able to purchase the collateral equipment and meet the opening of the school year."

For these reasons, I believe it is necessary that Bill No. 1(LS) be addressed by the legislature at the earliest opportunity. At the legislative hearing conducted on Bill No. 1 (LS) conducted this past March, I presented testimony on behalf of the Administration, in favor of utilizing tax credits, off-sets, and credits rebates to secure the campus.

I thank you for your cooperation and look forward to resolving these issues with you and all other Members of I Liheslaturan Guahan.

Sincerely,

  
J. GEORGE BAMBA  
Chief of Staff

Attachments:

- (1) Revised Bill No. 1 (LS)
- (2) Key Plan for Interim JFK Campus
- (3) March 19, 2009 Bid Submittal Cover Letter to GSA from Core Tech International
- (4) March 26, 2009 JFKHS Interim Plan Requested Accommodations by JFK High School Officials
- (5) April 8, 2009 Letter to GSA from Core Tech International regarding Collateral Equipment Concerns
- (6) April 9, 2009 Notice of Intent of Award issued by GSA to Core Tech International
- (7) April 24, 2009 Letter to GSA from Core Tech International regarding Collateral Equipment Concerns
- (8) April 30, 2009 Notice to Proceed issued by GSA to Core Tech International
- (9) May 12, 2009 Letter to GSA from Core Tech International regarding Bid Submittal and Lease Agreement



Ann Sgro <ann.sgro@guam.gov>

# Fwd: JFK Intriem High School Funding

1 message

**John Pangelinan** <[john.pangelinan@bbmr.guam.gov](mailto:john.pangelinan@bbmr.guam.gov)>  
To: [ann.sgro@guam.gov](mailto:ann.sgro@guam.gov), [juanita.cruz@guam.gov](mailto:juanita.cruz@guam.gov)

Wed, May 27, 2009 at 11:11 AM

----- Forwarded message -----

From: **John Pangelinan** <[john.pangelinan@bbmr.guam.gov](mailto:john.pangelinan@bbmr.guam.gov)>  
Date: Wed, May 27, 2009 at 10:17 AM  
Subject: Fwd: JFK Intriem High School Funding  
To: [george.bamba@guam.gov](mailto:george.bamba@guam.gov)

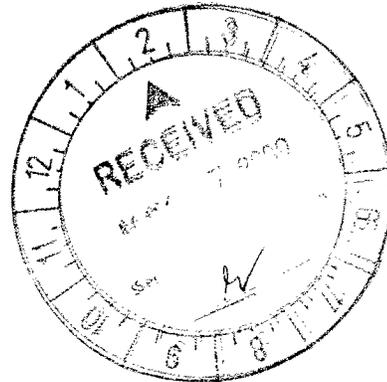
----- Forwarded message -----

From: **John Pangelinan** <[john.pangelinan@bbmr.guam.gov](mailto:john.pangelinan@bbmr.guam.gov)>  
Date: Wed, May 27, 2009 at 10:15 AM  
Subject: JFK Intriem High School Funding  
To: [george.bamba@guam.gov](mailto:george.bamba@guam.gov)

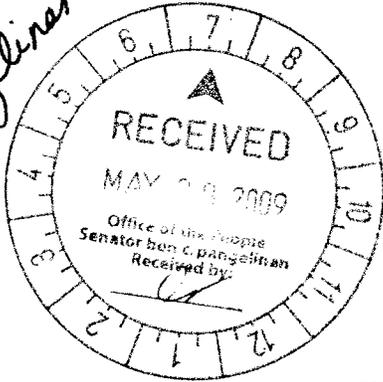
Hi George,

Funding of \$1.2 Million for the Intriem High School for JFK came from reserves identified from the \$135 Million lump sum appropriation under PL 29-113 for FY 2009 for Executive Direction.

John AB



ATTN: Sen. Ben Pagelinas



REQUISITION

RECEIVED stamp with handwritten initials and date 5/29/09 3:06

REQUISITION #: Q090200052  
APPROPRIATION: 5100A090200GA001230

TO: PROCUREMENT FACILITIES MGMT. DIVISION ADMINISTRATOR

ENCUMBERED DATE  
1/29/2009

SUBMITTED BY:

SN-Topasna, Diane - Governors Office  
AUTHORIZED DEPARTMENT REPRESENTATIVE

*Diana Topasna* 1/29/09  
SIGNATURE DATE

DEPARTMENT/DIVISION: OFFICE OF THE GOVERNOR

REQUEST DATE: 1/29/2009

ITEM NO.	DESCRIPTION OF ITEM	UOM	QTY	UNIT PRICE	AMOUNT
1	ISSUED TO COVER THE COST FOR LEASE AND MAINTENANCE OF INTERIM FACILITIES FOR JOHN F. KENNEDY HIGH SCHOOL AS PER THE ATTACHED SPECIFICATION. THE LEASE IS FOR A PERIOD OF TEN (10) YEARS WITH AN OPTION TO RENEW FOR FIVE (5) ADDITIONAL YEARS BASED UPON AVAILABILITY OF FUNDS. LEASE WITH OPTION TO PURCHASE AT THE END OF THE LEASE TERM.	LOT	1	1200000.00	1200000.00

TOTAL =====> 1200000.00

JUSTIFICATION:

\*\* PRINT NAME & SIGN

*Diane Topasna*

1/29/09

RECEIVED BY  
(CERTIFYING OFFICER)

DATE

( ) APPROVAL

( ) DISAPPROVAL

*[Signature]*  
APPROVING AUTHORITY (DIRECTOR)

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.**

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

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

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

*I Lisheslatura* further finds that the government of Guam is financially strapped and may not be able to afford payments for a lease to temporarily house the JFK High School community while construction is being conducted on the new permanent campus. It is therefore the intent of *I Liheslatura* to authorize tax credits to a lessor who is willing to provide for property and a facility conducive for a 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’lahen 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.