

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (FIRST) REGULAR SESSION

Bill No. 143-31 (COR)

Introduced by:

v.c. pangeman

AN ACT TO AMEND SECTION 1(i)(1)(2) AND TO ADD A  
NEW SUBSECTION (3) TO SECTION 1(i) AND TO ADD A  
NEW SUBSECTION 1(b)(7) OF PUBLIC LAW 30-228  
RELATIVE TO THE PAYMENT OF INCOME TAX  
REFUNDS.

2011 APR 12 PM 4: 50

BE IT ENACTED BY THE PEOPLE OF GUAM:

1           **Section 1. Legislative Statement and Intent.** *I Liheslaturan Guåhan*  
2 remains steadfast in its commitment to ensuring that income tax refund  
3 payments are made without delay and within the same year as the tax year  
4 filing. *I Liheslaturan Guåhan* is equally committed to prioritizing funding  
5 for programs within the Guam Territorial Income Tax such as the Earned  
6 Income Tax Credit (EITC) program which provides a hand up to keep  
7 hardworking lowest paid employed citizens in the community just above the  
8 poverty line.

9           Public law 30-228 authorizes the refinancing of Limited Obligation  
10 Infrastructure Improvement Bonds 1997 Series A and additional borrowing  
11 for other projects that benefit Guam's Tourism industry. In the months that  
12 followed the enactment of Public Law 30-228, there has been criticism of  
13 the use of bond proceeds to purchase one of the last remaining property in  
14 Tumon Bay to preserve the heritage and culture associated with the land for  
15 the future generations of our people and visitors.

1 A primary critic of the use of cash to buy assets for the government of  
2 Guam is *I Maga'låhen Guåhan* who issued statements such as "given the  
3 current financial health of the government, now is not the time to use  
4 precious cash to buy land," and "We have obligations to people that are  
5 owed tax refunds, students, hospital patients, and vendors. It would not be  
6 right to put this purchase before the needs of Guamanians."

7 *I Liheslaturan Guåhan* is aligned with the judgment of *I Maga'låhen*  
8 *Guåhan* with regard to payment of income tax refunds and therefore seeks to  
9 forego the purchase of land in Tumon Bay and other tourism related projects  
10 and instead reprioritize and reprogram the authorized use of the bond  
11 proceeds in Public Law 30-228. The current financial health of the  
12 government requires that government leaders put the obligations and needs  
13 of the people of Guam ahead of the purchase of culturally priceless assets  
14 and other investments in the tourism industry that can be funded from the  
15 government of Guam annual operational budget.

16 **Section 2. Income Tax Refund Payments.** Section 1(i)(1)(2) of  
17 Public Law 30-228 is hereby amended to read:

18 "(i) Infrastructure Improvement Projects and Income Tax Refunds.  
19 The proceeds of the new money bonds issued under this Section are hereby  
20 appropriated in amounts not to exceed the following amounts for the  
21 purposes of implementing the following projects, in the following order of  
22 priority:

23 (1) ~~Twenty Seven Million Dollars (\$27,000,000)~~ Fifteen  
24 Million Dollars (\$15,000,000) for the acquisition, construction and  
25 equipping of an educational facility that reflects a sense of Guam and  
26 the *Chamorro* culture and will be the permanent home for the  
27 preservation and continuance of the *Chamorro* people; provides for

1 the display of artifacts and historical documents; stimulates  
2 community involvement; fosters research and conveys the results of  
3 research to the public primarily through the medium of public  
4 exhibits, demonstrations, lectures, public programs and publications  
5 using the theme: *I Hinanao-ta*, the journey of the *Chamorro* people,  
6 provided, however, that the location of such educational facility *shall*  
7 have been approved by *I Maga'låhen Guåhan* prior to acquisition (if  
8 any) or construction thereof;

9 (2) Up to Forty One Eight Million Five Hundred Thousand  
10 Dollars (\$418,500,000) for the following projects:

11 (A) for resolution of the San Vitores flooding caused  
12 by storm water runoff along San Vitores Road north of the  
13 Fujita Pump Station by collecting and removing storm runoff  
14 via transmission to the Fujita Pump Station to be discharged at  
15 a suitable location;

16 (B) for various projects related to Historic *Hagåtña* to  
17 include the following:

18 (i) for the restoration of the walls of the *Plaza*  
19 *de España*;

20 (ii) for the restoration and rehabilitation of the  
21 *Plaza de España* Azotea;

22 (iii) for the restoration of the *Plaza de España*  
23 Chocolate House; and

24 ~~(iv) for the development of a paver surface~~  
25 ~~crosswalk and landings on both sides of Marine Corps~~  
26 ~~Drive to provide a proper connection between Skinner~~  
27 ~~Plaza and the *Chamorro* Village.~~

1                   ~~(C) for reimbursements to the Guam Preservation~~  
2 ~~Trust interfund payables due to failure to deposit in said Fund~~  
3 ~~and to transfers out by *I Maga'låhen Guåhan*;~~

4                   ~~(D) for the restoration of the *Inarajan* community~~  
5 ~~center;~~

6                   ~~(E) for the restoration and rehabilitation of the~~  
7 ~~*Malessò* Bell Tower, including landscaping and lighting~~  
8 ~~improvements;~~

9                   ~~(F) for the design and construction of a Guam Farmers~~  
10 ~~Cooperative Association facility and the relocation of the~~  
11 ~~*Dededo* Flea Market;~~

12                   ~~(G) for the acquisition of available real estate that is~~  
13 ~~offered for sale, and the development of a public park, within~~  
14 ~~the area known as *Faifai* and *Gognga* (Gun Beach) in *Tumon*;~~

15                   ~~(H) for the construction of a historic monument and~~  
16 ~~plaza to commemorate Ferdinand Magellan's historic visit to~~  
17 ~~*Umatac* Bay;~~

18                   ~~(I) for the design and construction of village entrance~~  
19 ~~signs for Guam's nineteen (19) municipalities;~~

20                   ~~(J) for improvements to the *Nimitz Beach* outdoor~~  
21 ~~pavilion, public restrooms, lighting, benches and walking paths;~~

22                   ~~(K) for improvements to the public facilities near the~~  
23 ~~*Fish Eye Pier*, including public restrooms, washing facilities,~~  
24 ~~benches, lighting, and picnic areas;~~

25                   ~~(L) for improvements to the stalls, public restrooms,~~  
26 ~~landscaping and walking paths of the *Mangilao* Public Market;~~

1                   ~~(M) for improvements in Tumon Bay, to include~~  
2 ~~pedestrian corrals and safety railings, and overhead lighting at~~  
3 ~~the Governor Joseph Flores Memorial Park;~~

4                   ~~(N) for the renovation of streetlights along Pale San~~  
5 ~~Vitores Road;~~

6                   ~~(O) for the renovation of streetlights in the Agana Bay~~  
7 ~~vicinity;~~

8                   ~~(P) for the restoration and repair of scenic byways,~~  
9 ~~overlooks, and historic sites, including the Cetti Bay and Sella~~  
10 ~~Bay Overlooks; the Umatac Bay Overlook; the Agat Spanish~~  
11 ~~Bridge (Talifak River); the Talofofu and Fadi'an Point~~  
12 ~~Overlooks; the Santos Memorial Park ocean views; and the East~~  
13 ~~Agana Bay picnic shelters and ocean views;~~

14                   ~~(Q) for the design and construction of a permanent~~  
15 ~~monument for the late Senator Angel L.G. Santos Park;~~

16                   ~~(R) for the scenic and informational highway signs;~~

17                   ~~(S) for improvements of the Hagåtña Tennis Courts;~~

18                   ~~(T) for improvements of the Hagåtña Pool;~~

19                   ~~(U) for deposit into the Community Sports~~  
20 ~~Recreational Improvement Fund established under Public Law~~  
21 ~~14-27 for the construction and/or renovation of sports and~~  
22 ~~community recreational facilities; and~~

23                   ~~(V) for primary or supplemental funding for projects~~  
24 ~~identified under the Hagåtña Master Plan.”~~

25                   **Section 3.** Subsection (3) of Section 1(i) of Public Law 30-228 is  
26 hereby added to read as follow:

1                   “(3) Forty-five Million Dollars (\$45,000,000) for the payment  
2                   of income tax refunds and interest. The payment of income tax  
3                   refunds and interest authorized in this section shall only be applied to  
4                   Tax year 2009 and prior.”

5                   **Section 4. Current and Future Income Tax Refund Payments.** A  
6 new subsection 1(b)(7) of Public Law 30-228 is hereby added to read as  
7 follows:

8                   “(7) The government of Guam Annual Appropriations Act shall  
9 budget payments for current year income tax refunds net of projected  
10 revenues and;

11                   (A) the annual budget for income tax refund payments  
12 shall not be less than 110% of the trailing three year average of  
13 actual income tax refund payments;

14                   (B) the Department of Revenue and Taxation shall  
15 process all the current tax year income tax filings by July 31 of  
16 each fiscal year.

17                   (C) On a monthly basis, payment of budgeted refunds  
18 shall not fall below the ratio of actual General Fund revenue  
19 collections divided by General Fund projected revenue.”

20                   **Section 5. Severability.** *If* any of the provisions of this Act or the  
21 application thereof to any person or circumstance is held invalid, such  
22 invalidity *shall not* affect any other provision or application of this Act  
23 which can be given effect without the invalid provision or application, and to  
24 this end the provisions of this Act are severable.