

FILE COPY

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 Bill No. 41 (LS), "AN ACT TO AMEND SECTION 2 OF PUBLIC LAW 24-33, AND TO AMEND §77301, §77302, §77303, §77305, §77306, AND §77307 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION OF SOCCER FACILITIES IN THE SOUTHERN SPORTS COMPLEX," was on the 27<sup>th</sup> day of February, 2009, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:

  
\_\_\_\_\_  
vicente c. pangelinan  
Acting Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 3 day of MAR, 2009, at  
4:04 o'clock P.M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

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

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 41 (LS)**

As amended on the Floor.

Introduced by:

v. c. pangelinan  
T. R. Muña Barnes  
R. J. Respicio  
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  
Adolpho B. Palacios, Sr.  
M. J. Rector  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SECTION 2 OF PUBLIC LAW 24-33, AND  
TO *AMEND* §77301, §77302, §77303, §77305, §77306, AND §77307  
OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE  
CONSTRUCTION OF SOCCER FACILITIES IN THE  
SOUTHERN SPORTS COMPLEX.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 pursuant to P.L. 24-33, the Guam Football (Soccer) Association was authorized to  
4 develop soccer facilities utilizing matching tax credit programs as authorized in  
5 Article 3, Chapter 77, Division 2, Title 12, Guam Code Annotated, located in the  
6 municipality of Dededo. The area includes, two (2) official size fields, one (1)

1 practice field, and two (2) outdoor courts for futsal has reached its capacity  
2 accommodating thirty-eight (38) clubs and six (6) national teams year round. The  
3 clubs that participate at this facility include thirteen (13) youth clubs, nine (9)  
4 women clubs, and sixteen (16) men clubs. These clubs must arrange their schedule  
5 amongst the Guam Football (Soccer) Association to use the facility.

6 *I Liheslaturan Guåhan* further finds that the soccer fields have been  
7 instrumental in the expansion of football (soccer) throughout Guam. Due to the  
8 dedicated staff and volunteers, soccer has grown and continues to increase every  
9 year. Because of its increase popularity throughout the island, there is a need to  
10 expand facilities for programs managed and operated by Guam Football (Soccer)  
11 Association.

12 *I Liheslaturan Guåhan* further finds that because of the requirement to  
13 match the tax credits with private funds, the facilities were built without exhausting  
14 the authorized amount of the tax credits. The Guam Football (Soccer) Association  
15 has secured and is able to raise additional private funds to match the remaining  
16 authorized tax credits and the government wishes to develop additional facilities in  
17 the southern part of the island utilizing the credits and the private funds.

18 Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Guam  
19 Football (Soccer) Association to develop soccer fields at the Southern Sports  
20 Complex to assist and further promote the sport of soccer for residents living in the  
21 south.

22 **Section 2.** Section 2 of P.L. 24-33 is hereby *amended* to read as follows:

23 “(a) *I Maga’lahi* is authorized to establish , through the Department  
24 of Land Management, a regulation-size soccer stadium of *no less than* thirty  
25 thousand six hundred twenty-three plus *or* minus (30,623±) square meters of  
26 land area, located within the boundaries of Lot No. 10142-New, Dededo,  
27 consisting of 242,694.07± square meters.”

1           **Section 3.** A new Subsection (b) is hereby *added* to Section 2 of Public  
2 Law 24-33, to read as follows:

3           “(b) *I Maga’lahi* is authorized to establish, through the Department  
4 of Land Management in coordination with the Agat Municipal Council and  
5 the Guam Football (Soccer) Association, regulation-size soccer fields and  
6 related facilities within a portion of the lot identified as the ‘Southern Sports  
7 Complex,’ Lot No. 477 in the Municipality of Agat, identified in the exhibit  
8 known as the Government of Guam Reserved Lands List which is annexed  
9 to Section 2(b) of Public Law Number 22-18, and placed under the charge of  
10 the Department of Land Management.”

11           **Section 4.** Subsection (a) of §77301, Title 12, Guam Code Annotated,  
12 Chapter 77, Article 3, is hereby *amended* to read as follows:

13           “(a) To the extent that any business contributes the cost of design,  
14 labor and materials that are for the construction of the Guam Football  
15 (Soccer) Association’s soccer stadium and facilities, it *shall* be entitled to  
16 credit of business privilege taxes. The basis for contribution to the project  
17 *shall* be the actual cost of the contribution plus the cost of transportation  
18 from the point of origin to its destination.”

19           **Section 5.** §77302, Title 12, Guam Code Annotated, Chapter 77, Article 3,  
20 is hereby *amended* to read as follows:

21           “**§77302. Limits of Liability.** Unless a contractor, materials  
22 supplier, designer *or* landlord/lessor has direct involvement in the operations  
23 of the soccer stadium and facilities as a director, officer, manager, employee,  
24 representative *or* agent of the Guam Football (Soccer) Association, they  
25 *shall not* be held liable for any civil *or* criminal damages *or* penalties  
26 directly or indirectly arising from *or* related to the operations, any use, *or*  
27 possession of the soccer stadium and facilities, unless it can be proven that

1 the materials *or* design work provided were substandard. As the soccer  
2 stadium and facilities is a private venture operated by the Guam Football  
3 (Soccer) Association, the government of Guam *shall not* be liable for any  
4 claims *or* damages arising from the operation of the soccer stadium and  
5 facilities. The Guam Football (Soccer) Association, its directors, agents,  
6 consultants, employees, *or* other affiliated person *or* persons *shall* make *no*  
7 representation that the government of Guam has any interest in the operation  
8 of such stadium and facilities.”

9 **Section 6.** §77303, Title 12, Guam Code Annotated, Chapter 77, Article  
10 3, is hereby *amended* to read as follows:

11 “§77303. **Event Admissions Assessment.** The organizers of any  
12 event held at the soccer stadium and facilities for which a fee is charged for  
13 admission, *shall* pay to the government of Guam, an admissions assessment  
14 of Two Dollars (\$2.00) per paid admission of ten percent (10%) of the  
15 admission charged, whichever is less.”

16 **Section 7.** §77305, Title 12, Guam Code Annotated, Chapter 77, Article 3,  
17 is hereby *amended* to read as follows:

18 “§77305. **Cap on GRT Credits for Design and Construction of the**  
19 **Soccer Stadium and Facilities.** The total amount of credits against Gross  
20 Receipts Taxes for the design and construction of the soccer stadium and  
21 facilities authorized herein *shall not exceed* One Million Dollars  
22 (\$1,000,000).”

23 **Section 8.** §77306, Title 12, Guam Code Annotated, Chapter 77, Article  
24 3, is hereby *amended* to read as follows:

25 “§77306. **Matching Funds Required.** The tax credits provided to a  
26 contributor *shall* be in a dollar for dollar matching grant form, wherein every  
27 dollar that is given by the government of Guam to the contributor as a tax

1 credit *shall* be matched by a dollar from the Guam Football (Soccer)  
2 Federation, to be expended towards the design and construction of the soccer  
3 stadium and facilities.”

4 **Section 9.** §77307, Title 12, Guam Code Annotated, Chapter 77, Article 3,  
5 is hereby *amended* to read as follows:

6 “§77307. **Public Access to Soccer Stadium and Facilities.** As a  
7 condition for the Guam Football (Soccer) Association and its contributors to  
8 be entitled to the tax benefits of the program established in this Article, the  
9 soccer stadium and facilities must be available to the general public in  
10 accordance with the Memorandum of Understanding with the Department of  
11 Parks and Recreation governing use of the property.”

12 **Section 10. Terms and Conditions.** *I Maga’lahen Guåhan* is authorized to  
13 enter into a Memorandum of Understanding agreement with the Guam Football  
14 Association (hereinafter referred to as GFA) relative to the establishment of a  
15 soccer stadium within a portion of the lot identified as the ‘Southern Sports  
16 Complex,’ Lot No. 477 in the Municipality of Agat, identified in the exhibit known  
17 as the Government of Guam Reserved Lands List which is annexed to Section 2(b)  
18 of Public Law Number 22-18, and placed under the charge of the Department of  
19 Land Management. Applicable terms and conditions to govern the Memorandum  
20 of Understanding *shall* be formulated by GEDA and the Director of the  
21 Department of Parks and Recreation in consultation with the Mayor and the  
22 Municipal Planning Council of the Municipality of Agat, and the Mayor and the  
23 Municipal Planning Council of the Municipality of Santa Rita, and such  
24 Memorandum of Understanding *shall* be for a term of twenty-five (25) years, with  
25 an option for an additional twenty-five (25) years. Said Memorandum of  
26 Understanding *shall* be executed by *I Maga’lahi*, approved as to form by the  
27 Attorney General of Guam. The terms and conditions of the Memorandum of

1 Understanding *shall* require the GFA to indemnify the government of Guam for  
2 any liability arising from the use of the land. The Memorandum of Understanding  
3 shall restrict use of the property to those normally found at sports facilities  
4 including training areas, sports fields and stadiums, sports-related concessions and  
5 parking facilities. Any use of the property *other than* for its specified purposes  
6 *shall* render the agreement null and void.

7 **Section 11. Severability.** *If* any of the provisions of this Act or the  
8 application thereof to any person or circumstance is held invalid, such invalidity  
9 shall *not* affect any other provision or application of this Act which can be given  
10 effect without the invalid provision or application, and to this end the provisions of  
11 this Act are severable.