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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that **Bill No. 342-31 (COR), "AN ACT TO *AMEND* §58104 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF GREEN TECHNOLOGY AS AN ACCEPTABLE ACTIVITY FOR THE ELIGIBILITY OF A QUALIFYING CERTIFICATE APPLICATION",** was on the 27th day of April, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 27th day of Apr., 2012, at 7:00 o'clock P.M.

J. Dela Rosa
Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 342-31 (COR)
As amended on the Floor.

Introduced by: M. Silva Taijeron
Sam Mabini, Ph.D.
T. C. Ada
Chris M. Dueñas
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
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Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §58104 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE INCLUSION OF GREEN TECHNOLOGY AS AN ACCEPTABLE ACTIVITY FOR THE ELIGIBILITY OF A QUALIFYING CERTIFICATE APPLICATION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Qualifying Certificate program was created as an economic incentive to entice potential investors to Guam. Qualifying Certificates are granted on the basis of investment commitment, the potential for creating new employment and the

expansion of island industries. According the Guam Economic Development Authority, the Qualifying Certificate program has realized approximately One Billion Five Hundred Million Dollars ($1,500,000,000.00) since its inception.

I Liheslaturan Guåhan further finds that when an application is approved, a contract is executed between the government of Guam and the beneficiary of the Qualifying Certificate. This contract allows for certain tax rebates and abatements on the basis that the beneficiary meets certain requirements, including employment and investment, pursuant to existing statute.

I Liheslaturan Guåhan further finds that Guam is home to many natural resources, including its waters, winds, and land. In recent years, there have been collective efforts to identify innovative ways of preserving and protecting our environment. There must be a concerted attempt to expand local industries on Guam that strengthen and reinforce current environmental and conservation efforts. Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that green technology is an acceptable activity for the eligibility of a Qualifying Certificate application.

Section 2. §58104 of Chapter 58, Title 12, Guam Code Annotated, is hereby *amended* to read:

"**§ 58104. Eligibility Defined.**

A Qualifying Certificate *shall only* be issued to the following entities:

Any trust, partnership, sole proprietorship, Limited Liability Partnership (LLP), Limited Liability Company (LLC), or corporation formed under the laws of Guam, *or* possessions corporation as defined in §58106 of this Chapter, engaged, *or* about to engage in any of the following activities, and in the following order of priority:

(1) The establishment of industries and activities that support current initiatives associated with the preservation and protection of Guam's natural resources, also known as green technology. Such industries and activities *shall* include, but *not* be limited to, energy efficiency, renewable energy and environmental cleanup. For the purposes of this Section, "renewable energy" is energy which comes from natural resources such as sunlight, wind, rain, tides, and geothermal heat, and other forms of electrical power generation which are renewable (naturally replenished);

(2) The manufacture, distribution and sale of non-petroleum based fuels that include, but are *not* limited to, biofuels such as biodiesel and ethanol and hydrogen fuels.

(3) agriculture;

(4) aquaculture;

(5) mariculture;

(6) manufacturing;

(7) commercial fishing;

(8) services;

(9) tourism;

(10) improvement of real property for purposes which are specifically determined by the Authority to be beneficial, desirable, and necessary for the economic development of Guam;

(11) insurance issuance, either by commercial insurers, reinsurers, *or* captive insurers which meet the requirements of Title 22, GCA, Chapter 15, Article 3;

(12) export trading company, as defined in Title 11, GCA, §26101(d), *if* the main office of the export trading company is established on Guam;

(13) producing water *or* disposing of wastewater, *or* both, jointly with the Guam Waterworks Authority;

(14) operating on a military base on Guam a Base Operating Service Contract;

(15) a small business entity operating on a military base on Guam, a Base Operating Service contract, *or* as a subcontractor to a BOS Contractor; and

(16) a global internet infrastructure services company(ies) providing internet connectivity and co-location facilities, and its/their tenant-sellers in the sales of goods, services and information over the internet; provided that:

(i) the seller is legally established in and operates from Guam;

(ii) the sale *does not* include the local sale of goods, services and information;

(iii) the sale is conducted exclusively through the internet; and

(iv) the seller *does not* sell *or* distribute in any fashion material that is harmful to minors, as that term is defined in the Internet Tax Freedom Act, a part of the Omnibus Appropriations Act of 1998, Public Law Number 105-277. For the purposes of

this Subsection, a "minor" is a person under the age of eighteen (18) years."

Section 3. Effective Date. The provisions of this Act *shall* become effective ninety (90) days upon enactment.

Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.