FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 258-32 (COR), "AN ACT TO *ADD* A NEW § 4122 TO CHAPTER 4, AND TO *AMEND* SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO *ADD* A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES,"** was on the 3rd day of February, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 4th day of Feb, 2014, at 12:24 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 258-32 (COR)
As amended on the Floor.

Introduced by: Vicente (ben) C. Pangelinan
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW § 4122 TO CHAPTER 4, AND TO *AMEND* SUBSECTIONS (a) AND (c) OF §22704 OF ARTICLE 7 OF CHAPTER 22, ALL OF TITLE 5, GUAM CODE ANNOTATED; AND TO *ADD* A NEW SUBSECTION (d) TO SECTION 3 OF PUBLIC LAW 30-37, RELATIVE TO REQUIRING LEGISLATIVE APPROPRIATION FOR THE GOVERNMENT OF GUAM PURCHASE, LEASE-TO-OWN, AND/OR LEASE-PURCHASE OF REAL PROPERTY; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 4122 is hereby *added* to Chapter 4, Title 5, Guam Code Annotated, to read:

"**§ 4122. Legislative Authorization and Appropriation Required.**

No agency head, certifying officer, or department or agency of the government of Guam shall contract, agree, or certify as to having funds available for the purchase, lease-to-own, and/or lease-purchase of real property without legislative authorization and appropriation. For the purposes of this Section, real property will have the same definition as defined in Article 1, Chapter 1, Division 1, Title 21 of the Guam Code Annotated."

Section 2. Subsections (a) and (c) of § 22704 of Article 7, Chapter 22 of Title 5, Guam Code Annotated, are hereby *amended* to read:

"(a) *I Maga'lahi* (the Governor) is authorized to acquire on behalf of the government of Guam, by lease, office space and other facilities for the purpose of providing office and other space for the departments and agencies of the executive branch of the government of Guam. Such lease agreements may be negotiated and entered into by *I Maga'lahi* with any person, partnership, corporation, or public or private entity, provided, that no such lease agreement shall exceed the term of the sitting Governor, without specific legislative approval and authorization, and that such lease agreement annual payments *shall only* be made pursuant to an appropriation and/or authorization by *I Liheslaturan Guåhan* in each fiscal year appropriation act. No annual lease payments with tax credits shall be made without authorization from *I Liheslaturan Guåhan* in each fiscal year appropriation act."

"(c) All lease agreements or amendments to such lease agreements that are proposed to be entered into pursuant to Subsection (a) hereof, where the total sum of money to be paid or sum of tax credits authorized to the same lessor shall exceed Ten Thousand Dollars ($10,000), or the total number of years involved shall exceed the remaining years of the term of the sitting governor, may be entered into only after advertising for sealed bids in a newspaper of general circulation within Guam, fourteen (14) days prior to the formal bid opening, and then only to the lowest responsible bidder."

Section 3. A new Subsection (d) is hereby *added* to Section 3 of Public Law 30-37 to read:

"(d) **Conflicts Prohibited.** Notwithstanding the provisions in this Act, no covered person, as such term is defined below, shall be eligible to be assigned or transferred, in whole or in part, any tax credit authorized in this Act by the Lessor nor shall any covered person be authorized to utilize tax credits granted in this Act. For purposes of this Section, the term *covered person shall* mean any:

(1) official of the government of Guam that executed or participated in the execution of the lease or any amendments to the lease on or after June 1, 2011; and

(2) person or spouse of such person related by consanguinity of the third degree, which for the purposes of this Act *shall* include spouses, all children, parents, grandchildren, siblings, grandparents, great-grandchildren, nieces, nephews, uncles, aunts, and great-grandparents, to any person described in Subsection (1) of this Section."

Section 4. Effective Date. This Act *shall* be effective upon enactment.

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
February 3, 2014

Bill No. 258-32 (COR)
As amended on the Floor

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA		✓			
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS		✓			
Senator Michael LIMTIACO		✓			
Senator Brant McCREADIE					✓ Ex.
Senator Thomas "Tommy" MORRISON		✓			
Senator Tina Rose MUÑA BARNES					✓ Ex.
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.		✓			
TOTAL	8	5			1 Ex.
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass