*I Mina'trentai Singko Na Liheslaturan Guåhan*
**BILL STATUS**

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|---|---|---|---|---|---|---|---|---|---|
| **298-35 (COR)**<br>As amended by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response; and further amended on the Floor | Joe S. San Agustin<br>Tina Rose Muña Barnes<br>Clynton E. Ridgell<br>Jose "Pedo" Terlaje<br>James C. Moylan<br>William M. Castro | AN ACT TO AMEND §§ 77704, 77705, 77706, AND 77710, ALL OF CHAPTER 77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE REHABILITATION AND IMPROVEMENT OF THE HARMON INDUSTRIAL PARK. | 2/18/20<br>2:11 p.m. | 3/31/20 | Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response | 5/20/20<br>9:00 a.m. | 7/23/20<br>2:09 p.m.<br><br>As amended by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response | Waiver: 2/28/20 | |

| SESSION DATE | TITLE | DATE PASSED | TRANSMITTED | DUE DATE | PUBLIC LAW NO. | DATE SIGNED | NOTES |
|---|---|---|---|---|---|---|---|
| 10/12/20 | AN ACT TO *AMEND* §§ 77704, 77705, 77706, AND 77710 OF ARTICLE 7, CHAPTER 77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE REHABILITATION AND IMPROVEMENT OF THE HARMON INDUSTRIAL PARK ROADWAY. | 10/19/20 | 10/19/20 | 10/30/20 | 35-108 | 10/30/20 | Received: 10/30/20<br>Mess and Comm. Doc. No.<br>35GL-20-2395. |

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35GL-20-2395

October 30, 2020

Speaker Tina Rose Muña Barnes

OCT 30 2020
Time 6:41
Received By:

**HONORABLE TINA ROSE MUÑA BARNES**
*Speaker*
*I Mina'trentai Singko Na Liheslaturan Guåhan*
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

**Re:** **Bill No. 298-35 (COR) - An Act to Amend §§77704, 77705, 77706, and 77710 of Article 7, Chapter 77, Title 12, Guam Code Annotated, Relative to the Rehabilitation and Improvement of the Harmon Industrial Park Roadway**

Dear Madame Speaker:

Public Law 33-191 established a public private partnership for the purpose of providing for the rehabilitation of the Harmon Industrial Park Roadway. The project's estimated cost is now below what had been set aside for this purpose. This unanticipated cost savings affords us the opportunity to improve nearby and adjacent roadways in a coordinated and comprehensive fashion, which will have the added benefit of improving the overall infrastructure in this area of our island. Bill No. 298-35 allows for this redirection of resources and it for this reason that I have signed it into law as ***Public Law No. 35-108***.

*Senseramente,*

**LOURDES A. LEON GUERRERO**
*I Maga'hågan Guåhan*
Governor of Guam

Enclosure: Bill No. 298-35 (COR) *nka P.L. 35-108*

cc via email: *Sigundo Maga'låhen Guåhan*
*Compiler of Laws*

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*
**2020 (SECOND) Regular Session**

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

This is to certify that **Bill No. 298-35 (COR), "AN ACT TO *AMEND* §§ 77704, 77705, 77706, AND 77710 OF ARTICLE 7, CHAPTER 77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE REHABILITATION AND IMPROVEMENT OF THE HARMON INDUSTRIAL PARK ROADWAY,"** was on the 19th day of October 2020, duly and regularly passed.

**Tina Rose Muña Barnes**
**Speaker**

Attested:

**Amanda L. Shelton**
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 19th day of October, 2020, at 5:39 o'clock P.M.

Assistant Staff Officer
*Maga'håga's* Office

APPROVED:

Lourdes A. Leon Guerrero
*I Maga'hågan Guåhan*

Date: 10/30/2020

Public Law No. 35-108

Jessica Cruz

2020-19776

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*
**2020 (SECOND) Regular Session**

**Bill No. 298-35 (COR)**
As amended by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response; and further amended on the Floor.

Introduced by: Joe S. San Agustin
Tina Rose Muña Barnes
Clynton E. Ridgell
Jose "Pedo" Terlaje
James C. Moylan
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *AMEND* §§ 77704, 77705, 77706, AND 77710 OF ARTICLE 7, CHAPTER 77, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE REHABILITATION AND IMPROVEMENT OF THE HARMON INDUSTRIAL PARK ROADWAY.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 33-191 established a public-private partnership (PPP) which allowed for the rehabilitation and improvement of the Harmon Industrial Park

roadway. The project allowed private entities to invest up to Four Million Dollars ($4,000,000) for tax credits which would be spread out over a five (5) year period. The objectives were two (2) fold, with the first to ensure that the government's coffers were not impacted tremendously; hence, a cap was placed on the amount of credits that could be availed per year. The second objective was to improve the dreadful road conditions in an industrial park which employs and houses hundreds of residents, and experiences thousands of commuters entering the area for commerce purposes. With the government's financial woes, this PPP essentially provided an "interest-free" loan.

The rehabilitation project broke ground in late 2019, and it has been determined that due to creativity and cost-cutting measures, the total project as identified in the Architectural and Engineering Design (A&E) would estimate at a cost below the Four Million Dollars ($4,000,000) that was originally projected and approved. Because logistics plays into a cost factor with construction, it is only practical that with tax credits being availed, that *I Liheslaturan Guåhan* provide the authorization for the remaining funds from this project to be utilized to rehabilitate and improve those streets in the industrial park that were not identified in the approved A&E. This would further provide a benefit to the community, and the plan for the additional repairs would be approved by the Department of Public Works to ensure that a fair and balanced approach is utilized.

**Section 2.** § 77704 of Article 7, Chapter 77, Title 12, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 77704. Credits Against Excise Tax.**

(a) A business, to the extent that such business contributes to the cost of design, labor, and materials that are for the rehabilitation and improvement of the Harmon Industrial Park Roadway, as identified and approved by the Guam Economic Development Authority (GEDA), shall be entitled to credit

of excise taxes, excluding those pledged to the Healthy Futures Fund. The basis for contribution to the project shall be the actual cost of the contribution plus the cost of transportation from the point of origin to its destination.

(b) Any unused credits not used in the current tax period may be carried over into subsequent tax periods until such credits are exhausted.

(c) The total credits allowed under this Article shall not exceed the actual dollar amount of the expenditures on the project."

**Section 3.** § 77705 of Article 7, Chapter 77, Title 12, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 77705. Cap on Excise Tax Credits for the Rehabilitation and Improvement of the Harmon Industrial Park Roadway.**

(a) The total amount of credits against excise taxes, not inclusive of those pledged for the Healthy Futures Fund, for the rehabilitation and improvement of the Harmon Industrial Park Roadway authorized herein shall not exceed the cumulative total of Three Million Dollars ($3,000,000) over a five (5) year period. The combined total of excise tax credits for the project shall not exceed Three Million Dollars ($3,000,000).

(b) If, at the expiration of the five (5) year period authorized pursuant to this Article, there are still unclaimed authorized tax credits, *I Liheslaturan Guåhan* may, in its discretion, extend the eligible period until such time that all eligible tax credits are exhausted.

(c) *I Liheslaturan Guåhan* may, in its discretion, extend the term and modify any part of the program based on future improvement plans and demand in this location.

(d) Construction and professional services and equipment and materials shall be competitively procured."

**Section 4.** § 77706 of Article 7, Chapter 77, Title 12, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 77706. GEDA Report.**

GEDA shall submit a report to *I Liheslaturan Guåhan* detailing the impact of the program on the business privilege taxes, excise taxes, and economic activities on Guam. GEDA shall also include in its report its monitoring efforts and any other information related to the program. The report shall be transmitted to *I Liheslaturan Guåhan* on an annual basis until the tax credit caps pursuant to §§ 77703 and 77705 of this Article are exhausted."

**Section 5.** § 77710 of Article 7, Chapter 77, Title 12, Guam Code Annotated, is hereby *amended* to read as follows:

"**§ 77710. Architectural and Engineering Design.**

(a) Prior to the approval of any tax credits under §§ 77702 and 77704 of this Article, as well as the initiation of any rehabilitation or improvement projects identified in this Article, up to Three Hundred Thousand Dollars ($300,000) shall be expended for an Architectural and Engineering Design for the Harmon Industrial Park roadway project identified in this Article. This design must identify all the projects, including the total costs that would qualify under the tax credits of this Article. The design must be completed no later than May 1, 2018.

(b) Upon completion of the Architectural and Engineering Design, *I Liheslaturan Guåhan* may authorize the initiation of the rehabilitation and improvement of the Harmon Industrial Park roadway, along with the approval of the remaining credits under §§ 77702 and 77704 of this Article.

(c) Any costs associated with the Architectural and Engineering Design, with a maximum amount of Three Hundred Thousand Dollars

($300,000), shall qualify for the credits identified under §§ 77702 and 77704 of this Article, and shall be subject to the cap of the credits identified in §§ 77703 and 77705 of this Article.

(d) The Architectural and Engineering Design that is approved and incorporated by *I Liheslaturan Guåhan* shall be the framework for the project identified in this Article. Notwithstanding any other provision of law, rule, or regulation, if upon completion, the total cost of the project identified in the approved Architectural and Engineering Design pursuant to this Article is below the total amount of the cap of the tax credits identified in §§ 77703 and 77705 of this Article, additional streets in the Harmon Industrial Park which were not identified for repairs in the original framework of the design, shall be repaired and rehabilitated, if (1) the Department of Public Works approves the plan; and (2) the total costs of such additional repairs remain within the cap and timelines of the tax credits identified in §§ 77703 and 77705 of this Article.

(e) The Department of Public Works shall have regulatory oversight, to the extent appropriate, of the rehabilitation and improvement of the Harmon Industrial Park roadway envisaged by this Article, to include, but not limited to, the Architectural and Engineering Design described in this Section."

**Section 6. Severability.** If any provision of this Act 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 Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**Section 7. Effective Date.** This Act shall be effective upon enactment.