December 27, 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina’Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio/Chairperson, Committee on Rules

RE: Committee Report – Bill No. 402-33(COR), As amended by the Sponsor

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the Committee Report on Bill 402-33 (COR), As amended by the Sponsor, An act to amend Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166; Sponsored by Senator Dennis G. Rodriguez, Jr., and referred to the Committee on Health, Economic Development, Homeland Security and Senior Citizens. Bill No. 402-33(COR) was publicly heard on November 18, 2016.

Committee votes are as follows:

  6  TO PASS
  _____ NOT TO PASS
  _____ ABSTAIN
  4  TO REPORT OUT ONLY
  _____ TO PLACE IN INACTIVE FILE

Senoramente,

[Signature]

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments
COMMITTEE REPORT
ON
Bill 402-33 (COR),
As amended by the Sponsor

An act to amend Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-16.

Sponsored by Senator Dennis G. Rodriguez, Jr.
December 27, 2016

MEMORANDUM

To: ALI MEMBERS
Committee on Health, Economic Development, Homeland Security and Senior Citizens

From: Senator Dennis G. Rodriguez, Jr.  
Committee Chairperson

Subject: Committee Report on Bill no. 402-33(COR), As amended by the Sponsor

Transmitted herewith, for your consideration, is the Committee Report on Bill 402-33 (COR), As amended by the Sponsor, An act to amend Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166; Sponsored by Senator Dennis G. Rodriguez, Jr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 402-33(COR)
- Copy of Bill No. 402-33(COR), As amended by the Sponsor
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 402-33(COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'ase!

Attachments
SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

Bill 402-33 (COR), As amended by the Sponsor, An act to amend Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166; Sponsored by Senator Dennis G. Rodriguez, Jr.

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I. OVERVIEW: The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a public hearing on November 18, 2016. The hearing convened at 5:30pm in Legislative's Public Hearing Room. Among the items on the agenda was the consideration of Bill 402-33 (COR), An act to amend Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166; Sponsored by Senator Dennis G. Rodriguez, Jr.

Public Notice Requirements
Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on November 21, 2016 (5-day notice), and again on November 28, 2016 (48-hour notice).

Senators Present
Senator Dennis G. Rodriguez, Jr. Chairman

II. SUMMARY OF TESTIMONY & DISCUSSION.
Public Hearing was called to order at 5:35pm.

Chairman Rodriguez provided a synopsis of the bill. No testimonies were received and thus, the bill was declared as having been heard by the committee.

Fiscal Note: Request attached, dated November 18, 2016.

III. FINDINGS AND RECOMMENDATIONS
The Committee finds that the substituted version submitted is made at the recommendation of the Legal Counsel and is thus amended by the Sponsor.

The Committee on Health, Economic Development, Homeland Security and Senior Citizens, hereby reports out Bill No. 402-33(COR), As amended by the Sponsor, with the recommendation to

To Pass.
AN ACT TO AMEND SUBSECTION (b) OF § 71114 OF CHAPTER 71 OF DIVISION 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF THE GUAM VISITORS BUREAU AND THE GUAM ECONOMIC DEVELOPMENT AUTHORITY, AND THEIR COMPLIANCE WITH THE PROVISIONS AND MANDATES OF PUBLIC LAW 33-166.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. I Liheslaturan Guåhan finds that the Guam Visitors Bureau resistance to the provisions of Public Law 33-166 on the grounds that the Bureau is not an instrumentality of the government of Guam runs contrary to the spirit and mandates of the law, which was intended to be all-inclusive in applicability. The Guam Economic Development Authority has similar statutory language in the creation of the Authority.

It is the intent of I Liheslaturan Guåhan to clearly define and mandate the Bureau’s and Authority’s inclusion under the applicability of 11 GCA § 71114 by amending Subsection (b) of § 71114.

Section 2. Subsection (b) of § 71114 of Chapter 71 of Division 3, Title 11, Guam Code Annotated, is amended to read:

“(b) There is established a withholding assessment fee for a non-resident person without a valid Guam Business License, which shall be equal to four percent (4%) of the total dollar value of a contract awarded for all government of Guam contracts for professional services provided by a non-resident person.
residing outside of Guam, as a cost of doing business with the government of Guam.

This Section shall apply as a mandatory requirement of a government of Guam contract being awarded to provide professional services required by any government of Guam agency, to include all autonomous agencies, and shall include the Guam Visitors Bureau (GVB) and the Guam Economic Development Authority (GEDA). Notwithstanding the provisions of § 9100 and § 9102 of Chapter 9, Title 12, and § 50101 of Chapter 50, Title 12, Guam Code Annotated, the GVB and GEDA shall be deemed an instrumentality of the government of Guam for the purposes of complying to this Section.

All agencies, to include autonomous agencies, of the government of Guam shall ensure that all Requests for Proposals (RFP), Invitation for Bid (IFB), or any other form of solicitation for professionals services, include the notification to potential offerors that the award and issuance of a contract to provide the professional services is subject to the withholding assessment fee for contracts awarded to persons without a valid Guam Business License.

The agency awarding the contract or the agency’s representative awarding the contract shall, at the time of a contract award, in the instance of a contract for professional services to a person who does not possess a valid Guam business license under Title 11, Guam Code Annotated, and who is not a resident of Guam, deduct from funds allocated for the contract an amount equal to four percent (4%) of the total dollar value of a contract awarded and shall transmit the funds to the Treasurer of Guam for deposit in the General Fund. The amount of the withholding assessment fee withheld pursuant to this section shall be duly noted in the payment statements to the contractor. The agency shall report to the Department of Revenue and Taxation (DRT), on forms prescribed by the
department, the amount of the withholding assessment fee withheld or any other
information requested by DRT on the prescribed form, from the awarded
professional services contract within thirty (30) days of the contract being
awarded."

Section 3. 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 which can be
given effect without the invalid provisions or application, and to this end the
provisions of this Act are severable, provided, however, no provision of this Act
shall be deemed to be invalid or contrary to law relative to the provisions § 9100
and § 9102 of Chapter 9, Title 12, and § 50101 of Chapter 50, Title 12, Guam
Code Annotated, and this Act shall supersede and take precedence over those
statutory provisions, solely in so far as mandating the Guam Visitors Bureau and
Guam Economic Development Authority compliance with 11 GAC § 71114.

Section 4. Effective Date. This Act shall become immediately effective
upon enactment.
AN ACT TO AMEND SUBSECTION (b) OF § 71114 OF CHAPTER 71 OF DIVISION 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF THE GUAM VISITORS BUREAU AND THE GUAM ECONOMIC DEVELOPMENT AUTHORITY, AND THEIR COMPLIANCE WITH THE PROVISIONS AND MANDATES OF PUBLIC LAW 33-166.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. *I Liheslaturan Guåhan* finds that the Guam Visitors Bureau resistance to the provisions of Public Law 33-166 on the grounds that the Bureau is not an instrumentality of the government of Guam runs contrary to the spirit and mandates of the law, which was intended to be all-inclusive in applicability. The Guam Economic Development Authority has similar statutory language in the creation of the Authority.

It is the intent of *I Liheslaturan Guåhan* to clearly define and mandate the Bureau’s and Authority’s inclusion under the applicability of 11 GCA § 71114 by amending Subsection (b) of § 71114 to include the Guam Visitors Bureau and the Guam Economic Development Authority as instrumentalities of the government of Guam.

Section 2. Subsection (b) of § 71114 of Chapter 71, Division 3, Title 11, Guam Code Annotated, is amended to read:
“(b) There is established a withholding assessment fee for a non-resident person without a valid Guam business license, which shall be equal to four percent (4%) of the total dollar value of a contract awarded for all government of Guam contracts for professional services provided by a non-resident person residing outside of Guam, as a cost of doing business with the government of Guam. This Section shall apply as a mandatory requirement of a government of Guam contract being awarded to provide professional services required by any government of Guam agency, to include all autonomous agencies, the Guam Visitors Bureau (GVB), and the Guam Economic Development Authority (GEDA). Notwithstanding the provisions of 12 GCA §§ 9100, 9102, and § 50101, the GVB and GEDA shall be deemed as instrumentalities of the government of Guam for the purposes of complying with this Section.

All agencies, to include autonomous agencies, of the government of Guam shall ensure that all Requests for Proposals (RFP), Invitation for Bid (IFB), or any other form of solicitation for professionals services, include the notification to potential offerors that the award and issuance of a contract to provide the professional services is subject to the withholding assessment fee for contracts awarded to persons without a valid Guam business License.

The agency awarding the contract or the agency’s representative awarding the contract shall, at the time of a contract award, in the instance of a contract for professional services to a person who does not possess a valid Guam business license under Title 11, Guam Code Annotated, and who is not a resident of Guam, deduct from funds allocated for the contract an amount equal to four percent (4%) of the total dollar value of a contract awarded and shall transmit the funds to the Treasurer of Guam for deposit in the General Fund. The amount of the withholding assessment fee withheld pursuant to this Section shall be duly noted in
the payment statements to the contractor. The agency shall report to the
Department of Revenue and Taxation (DRT), on forms prescribed by the
Department, the amount of the withholding assessment fee withheld or any other
information requested by DRT on the prescribed form, from the awarded
professional services contract within thirty (30) days of the contract being
awarded."

Section 3. 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 which can be
given effect without the invalid provisions or application, and to this end the
provisions of this Act are severable, provided, however, no provision of this Act
shall be deemed to be invalid or contrary to law relative to the provisions § 9100
and § 9102 of Chapter 9, Title 12, and § 50101 of Chapter 50, Title 12, both of
Guam Code Annotated, and this Act shall supersede and take precedence over
those statutory provisions, solely in so far as mandating the Guam Visitors Bureau
and Guam Economic Development Authority compliance with 11 GCA § 71114.

Section 4. Effective Date. This Act shall become effective upon
enactment.
Bill No. 402-33 (COR) - D. G. Rodriguez, Jr. - An act to amend subsection (b) of § 71114 of chapter 71 of division 3, title 11, Guam code annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166.

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None follows.
November 18, 2016

VIA E-MAIL
joey.caivo@bmmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 401-33(COR) and 402-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of I Mina'trentai Tres na Liheslaturan Guåhan’s most recently introduced bills. Pursuant to 2 CCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu’ce ma’hu for your attention to this matter.

Very Truly Yours,

[Signature]

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature
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<td>AN ACT TO REPEAL AND RE-ENACT §9106 OF CHAPTER 9 OF 12GCA AND AMEND §9108 OF CHAPTER 9 OF 12GCA RELATIVE TO THE COMPOSITION AND DUTIES OF THE BOARD OF DIRECTORS OF THE GUAM VISITORS BUREAU.</td>
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<td>402-33 (COR)</td>
<td>Dennis G. Rodriguez, Jr.</td>
<td>AN ACT TO AMEND SUBSECTION (b) OF § 71114 OF CHAPTER 71 OF DIVISION 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF THE GUAM VISITORS BUREAU AND THE GUAM ECONOMIC DEVELOPMENT AUTHORITY, AND THEIR COMPLIANCE WITH THE PROVISIONS AND MANDATES OF PUBLIC LAW 33-166.</td>
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Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on Bill No. 402-33 (COR) - "AN ACT TO AMEND SUBSECTION (b) OF § 71114 OF CHAPTER 71 OF DIVISION 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF THE GUAM VISITORS BUREAU AND THE GUAM ECONOMIC DEVELOPMENT AUTHORITY, AND THEIR COMPLIANCE WITH THE PROVISIONS AND MANDATES OF PUBLIC LAW 33-166." by - Dennis G. Rodriguez, Jr. on November 18, 2016. COR hereby certifies that BBMR confirmed receipt of this request November 21, 2016.

COR further certifies that a response to this request was not received. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 402-33 (COR) to be included in the committee report on said bill, is hereby waived.

Certified by:

[Signature]

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Date: December 27, 2016
MEMORANDUM

To: Rennae Meno
   Clerk of the Legislature

Attorney Julian Aguon
   Legislative Legal Counsel

From: Senator Rory J. Respicio
   Chairperson of the Committee on Rules

Subject: Referral of Bill No. 402-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 402-33(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of I Mina'trentai Tres Na Liheslaturan Guåhan.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu’as Ma’dsel

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<td>AN ACT TO AMEND SUBSECTION (b) OF § 71114 OF CHAPTER 71 OF DIVISION 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THE INCLUSION OF THE GUAM VISITORS BUREAU AND THE GUAM ECONOMIC DEVELOPMENT AUTHORITY, AND THEIR COMPLIANCE WITH THE PROVISIONS AND MANDATES OF PUBLIC LAW 33-166.</td>
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Page 1
MEMORANDUM

To: All Senators, Stakeholders, Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: FIRST NOTICE of Public & Confirmation Hearing

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will be conducting a Public Hearing on Wednesday, November 30, 2016 at 5:30pm in the Legislature's Public Hearing Room.

The Committee will hear and accept testimony on the following:

- The Executive Appointment of Mr. Ray Tajalle as the Physician Assistants Representative on the Guam Board of Allied Health Examiners;

- Bill No. 299-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

  An act to repeal and reenact section §6235 (d) of article 2 of chapter 6, title 4, Guam Code Annotated, relative to clarifying the number of allowed certification pay incentive to Government of Guam line employees who have obtained certified public accountant, certified government financial management, certified fraud examiner, and certified internal auditor certification; and


  An act to amend subsection (b) of § 71114 of chapter 71 of division 3, title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166.

Written testimonies on these bills may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman and sent via email to senatorodr@gmail.com or delivered to 176 Serenu Avenue Suite 107 Tamuning, Guam or to the Legislature's Mailroom at 155 Hesler Place Hagatna, Guam.

Individuals who may require special assistance are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the hearing.

For more information, please call the office of Sen. Rodriguez at 649-8638/0511.

Si Yu'os Ma'ase!

Joseph A. Q. Mesngon
Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens
1 Mina'tenti Tes Na Liheslaturan Guahan
33rd Guam Legislature
Second Notice of Public & Confirmation Hearing on Wed., Nov. 30, 2016 at 5:30pm

Joe Mesngon <joe@toduguam.com>

To: PHnotice <phnotice@guamlegislature.org>

November 28, 2016

MEMORANDUM

To: All Senators, Stakeholders, Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: First Notice of Public & Confirmation Hearing

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will be conducting a Public Hearing on Wednesday, November 30, 2016 at 5:30pm in the Legislature’s Public Hearing Room.

The Committee will hear and accept testimony on the following:

- The Executive Appointment of Mr. Ray Tafall as the Physician Assistants Representative on the Guam Board of Allied Health Examiners;

- Bill No. 299-33 (COR) - Introduced by Sen. D.G. Rodriguez, Jr.

An act to repeal and reenact section §6235 (d) of article 2 of chapter 6, title 4, Guam Code Annotated, relative to clarifying the number of allowed certification pay incentive to Government of Guam line employees who have obtained certified public accountant, certified government financial management, certified fraud examiner, and certified internal auditor certification; and


An act to amend subsection (b) of § 71114 of chapter 71 of division 3, title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-16.

Written testimonies on these bills may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman and sent via email to senatorrodriquez@gmail.com or delivered to 176 Serenu Avenue Suite 107 Tamuning, Guam or to the Legislature’s Mailroom at 155 Hesler Place Hagatna, Guam.

Individuals who may require special assistance are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the hearing.

For more information, please call the office of Sen. Rodriguez at 649-8638/0511.

Si Yu’os Ma’ase’!
12/2/2016

Todo Guam Mail - SECOND NOTICE of PUBLIC & CONFIRMATION HEARING on WED., NOV. 30, 2016 at 5:30pm

176 Serenu Ave. Suite 107
Tamuning, Guam 96931
649-8638/0511
www.toduguam.com
### Public Hearing Notice Listserv

**phnotice@guamlegislature.org (Media, All Senators, and Staff)**

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA
Wednesday, Nov. 30, 2016  5:30pm       Public Hearing Room, I Liheslatura

I. Call to order

II. Items for public consideration:

• The Executive Appointment of Mr. Ray Tajalle as the Physician Assistants Representative on the Guam Board of Allied Health Examiners.

• **Bill No. 299-33 (COR)** - Introduced by Sen. D.G. Rodriguez, Jr. - An act to repeal and reenact section §6235 (d) of article 2 of chapter 6, title 4, Guam Code Annotated, relative to clarifying the number of allowed certification pay incentive to Government of Guam line employees who have obtained certified public accountant, certified government financial management, certified fraud examiner, and certified internal auditor certification.

• **Bill No. 402-33 (COR)** - Introduced by Sen. D. G. Rodriguez, Jr. - An act to amend subsection (b) of § 71114 of chapter 71 of division 3, title 11, Guam Code Annotated, relative to mandating the inclusion of the Guam Visitors Bureau and the Guam Economic Development Authority, and their compliance with the provisions and mandates of Public Law 33-166.

III. Adjournment

Thank you for your participation in today’s hearing.