

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

FEB 27 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2015 MAR -3 PM 12:57

Dear Madame Speaker:

Transmitted herewith is Bill No. 6-33 (COR) "AN ACT TO AMEND § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM" which was signed into law on February 25, 2015, as Public Law 33-04.

Senseramente

RAYMOND S. TENORIO
I Maga'lahaen Guåhan, para pa'go
Acting Governor of Guam

33-15-0213

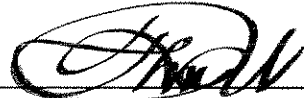
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 02-27-15
Time: 4:40pm
Received By: [Signature]

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

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

This is to certify that **Bill No. 6-33 (COR), "AN ACT TO AMEND § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM,"** was on the 20th day of February, 2015, duly and regularly passed.



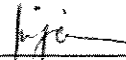
Judith T. Won Pat, Ed.D.
Speaker

Attested:



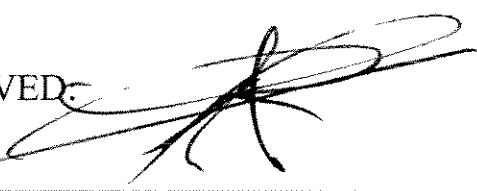
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23rd day of Feb,
2015, at 4:38 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: FEB 25 2015

Public Law No. 33-04

I MINA'TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 6-33 (COR)

As amended by the Committee on Rules.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Michael F.Q. San Nicolas
M. C. Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Economic Development Authority should develop and directly
4 submit to *I Liheslatura* (the Legislature) industry specific policy, criteria and

1 measurable goals of the Qualifying Certificate program, ensuring the appropriate
2 stimulation of legitimate investment of new economic development; and further
3 finds that the development of the proposed submission *should not* be seen as a rule
4 making process to be conducted pursuant to Article 3 of Chapter 9, Title 5 GCA.

5 *I Liheslaturan Guåhan* also finds that the requested submission is necessary
6 as a working tool in the refinement of the Qualifying Certificate program. It is,
7 therefore, the intent of *I Liheslaturan Guåhan* to utilize the submission by the
8 Committee on Economic Development as a framework to develop and refine
9 through legislative processes the Qualifying Certificate program of the Guam
10 Economic Development Authority.

11 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend § 58146.1 of
12 Chapter 58, Title 12, Guam Code Annotated (as added by Section 3 of Public Law
13 32-233), to provide for the development and direct submission of industry specific
14 policy, criteria and measurable goals of the Qualifying Certificate program to *I*
15 *Liheslaturan Guåhan* without going through the Administrative Adjudication Law.

16 **Section 2.** § 58146.1 of Chapter 58, Title 12, Guam Code Annotated (as
17 added by Section 3 of Public Law 32-233), is *amended* to read:

18 **“§ 58146.1. Qualifying Certificate; Abeyance Thereof.**
19 **Development of Industry Specific Policy, Criteria and Measurable**
20 **Goals.**

21 (a) *No later than* sixty (60) days from the date of enactment
22 of this Act, the Guam Economic Development Authority *shall* submit
23 to *I Liheslaturan Guåhan* proposed industry specific policy, criteria
24 and measurable goals; and which *shall not* include industry specific
25 development projects already satisfactorily established on Guam, so
26 as to ensure that the government not unnecessarily waive needed
27 revenue for an industry specific project category that already exists or

1 is satisfactorily established. In the event the mandated industry
2 specific policy, criteria and measurable goals are *not* submitted
3 timely, pursuant to this Subsection (a), then the following *shall*
4 become effective ninety (90) days from the date of enactment of this
5 Act:

6 (1) Hotel Qualifying Certificate; Provisional
7 Abeyance thereof. Except as provided pursuant to Article 2 of
8 Chapter 58, Title 12, GCA, no renewal of Qualifying
9 Certificates for hotels shall be approved and issued until such
10 time as the Guam Economic Development Authority has
11 developed industry specific policy, criteria and measurable
12 goals ensuring appropriate stimulation of legitimate investment
13 of new economic development; and

14 (2) General Industry Specific; Provisional Abeyance
15 thereof. No new Qualifying Certificates, or the renewal of
16 Qualifying Certificates, shall be approved and issued until such
17 time as the Guam Economic Development Authority has
18 developed industry specific policy, criteria and measurable
19 goals ensuring the appropriate stimulation of legitimate
20 investment of new economic development; and which *shall not*
21 include industry specific development projects already
22 satisfactorily established on Guam, so as to ensure that the
23 government not unnecessarily waive needed revenue for an
24 industry specific project category that already exists or is
25 satisfactorily established.”

26 **Section 3. Severability.** If any provision of this Act or its application to
27 any person or circumstance is found to be invalid or contrary to law, such

1 invalidity shall not affect other provisions or applications of this Act which can be
2 given effect without the invalid provisions or application, and to this end the
3 provisions of this Act are severable.

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