



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY-THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 30, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 162-33 (COR), 200-33 (COR), 299-33 (COR), 312-33 (COR), 330-33 (COR), 332-33 (COR), 336-33 (LS), 337-33 (LS), 350-33 (COR), 356-33 (COR), 357-33 (COR), 358-33 (COR), 379-33 (COR), 380-33 (COR), 385-33 (COR), 389-33 (COR), 391-33 (COR), 392-33 (COR), 397-33 (COR), 398-33 (COR), 399-33 (COR), 402-33 (COR), 403-33 (LS), 404-33 (LS), 406-33 (COR), 407-33 (COR), 409-33 (COR) and 411 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 30, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (28)

PD3 PG CORP 12374
12/30/16
9:50 PM

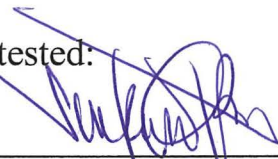
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that **Bill No. 402-33 (COR)**, "AN ACT TO *AMEND* § 71114(b) OF CHAPTER 71, 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," was on the 30th day of December 2016, duly and regularly passed.

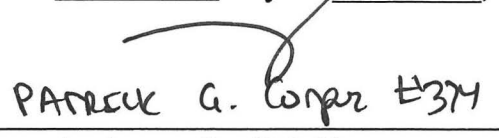


Judith T. Won Pat, Ed.D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 30th day of DEC,
2016, at 8:50 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

I MINA 'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 402-33 (COR)

As amended by the Sponsor.

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. McCreddie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Michael F.Q. San Nicolas

Mary Camacho Torres

N. B. Underwood, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 71114(b) OF CHAPTER 71, 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.**

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Visitors Bureau in its resistance to the provisions of Public Law 33-
4 166 on the grounds that the Bureau is not an instrumentality of the government of
5 Guam runs contrary to the spirit and mandates of the law, which was intended to be

1 all-inclusive in applicability. The Guam Economic Development Authority has
2 similar statutory language in the creation of the Authority.

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

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

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

16 This Section *shall* apply as a mandatory requirement of a government
17 of Guam contract being awarded to provide professional services required by
18 any government of Guam agency, to include all autonomous agencies, the
19 Guam Visitors Bureau (GVB), and the Guam Economic Development
20 Authority (GEDA). Notwithstanding the provisions of 12 GCA §§ 9100,
21 9102, and 50101, the GVB and GEDA *shall* be deemed as instrumentalities
22 of the government of Guam for the purposes of complying with this Section.

23 All agencies, to include autonomous agencies, of the government of
24 Guam *shall* ensure that all Requests for Proposals (RFP), Invitations for Bid
25 (IFB), or any other form of solicitation for professional services, include the
26 notification to potential offerors that the award and issuance of a contract to

1 provide the professional services is subject to the withholding assessment fee
2 for contracts awarded to persons without a valid Guam business license.

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

17 **Section 3. Severability.** If any provision of this Act or its application to
18 any person or circumstance is found to be invalid or contrary to law, such invalidity
19 *shall not* affect other provisions or applications of this Act that can be given effect
20 without the invalid provisions or application, and to this end the provisions of this
21 Act are severable.

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