EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

FEB 0 2 2017

GL#3417-164
Speaker Benjamin J.F. Cruz

FEB 0 2 2017
Time: 425 [ ] AM [ ] PM File No:
Received By:

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåtro Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Attached unsigned is Bill No. 402-33 (COR) which was passed by the 33rd Guam Legislature and transmitted on December 30, 2016. The adjournment of the 33rd Guam Legislature prevented the return of the bill and more than thirty days have passed since its presentation. As set forth in Section 1423i of the Organic Act of Guam, the withholding of my signature has precluded the bill from becoming law.

Senseramente,

EDDIE BAZA CALVO

0164

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.

PATRICIA G. CAMPA #374
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. McCreadie
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Finding and Intent. *I Liheslaturan Guåhan* finds that the Guam Visitors Bureau in its 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. § 71114(b) 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), Invitations for Bid (IFB), or any other form of solicitation for professional 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 that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

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