

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

Bill No. 6-33 (COR)

Introduced by:

**D.G. RODRIGUEZ, JR.** 

**AN ACT TO AMEND §58146.1 OF CHAPTER 58, TITLE 12,  
GUAM CODE ANNOTATED TO EXEMPT THE GUAM  
ECONOMIC DEVELOPMENT AUTHORITY FROM  
ARTICLE 3 OF CHAPTER 9, 5 GCA IN THE DEVELOPMENT  
OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA  
AND MEASURABLE GOALS RELATIVE TO THE  
QUALIFYING CERTIFICATE PROGRAM.**

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

**Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds that the Guam Economic Development Authority should develop and directly submit to the Legislature industry specific policy, criteria and measurable goals ensuring the appropriate stimulation of legitimate investment of new economic development. Further, that the development of the proposed submission should not be seen as a rule making process to be conducted pursuant to Article 3 of Chapter 9, 5 GCA.

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

2015 JAN -5 PM 2:26 

1 It is further the intent to amend § 58146.1 to provide for the development  
2 and direct submission to the Legislature without going through the Administrative  
3 Adjudication Law.

4 **Section 2.** § 58146.1 of Chapter 58, Title 12, Guam Code Annotated, is  
5 *amended*, to read:

6 **“§ 58146.1. Qualifying Certificate; Abeyance Thereof. Development of**  
7 **Industry Specific Policy, ~~Regulations~~, Criteria and Measurable Goals.**

8 (a) The Guam Economic Development Authority shall submit, by no later  
9 sixty (60) days from the date of enactment of this Act, proposed ~~and duly~~  
10 ~~promulgated~~, industry specific policy, criteria and measurable goals and which  
11 shall not include industry specific development projects already satisfactorily  
12 established on Guam, so as to ensure that the government not unnecessarily waive  
13 needed revenue for an industry specific project category that already exists or is  
14 satisfactorily established, to the Legislature ~~for approval, as provided pursuant to~~  
15 ~~Article 3 of Chapter 9, 5 GCA~~. In the event the mandated industry specific policy;  
16 ~~regulations~~, criteria and measurable goals are not submitted, timely, pursuant to  
17 this Subsection (a), then, the following shall become effective ninety (90) day from  
18 the date of enactment of this Act:

19 (1) Hotel Qualifying Certificate; Provisional Abeyance thereof.  
20 Except as provided pursuant to Article 2 of Chapter 58, 12, GCA, no  
21 renewal of Qualifying Certificates, for hotels shall be approved and issued  
22 until such time as the Guam Economic Development Authority has  
23 developed, ~~pursuant to Article 3 of Chapter 9, 5 GCA~~, industry specific

1 policy, ~~regulations~~, criteria and measurable goals ensuring appropriate  
2 stimulation of legitimate investment of new economic development; and

3 (2) General Industry Specific; Provisional Abeyance thereof. No  
4 new Qualifying Certificates, or the renewal of Qualifying Certificates, shall  
5 be approved and issued until such time as the Guam Economic Development  
6 Authority has developed, ~~pursuant to Article 3 of Chapter 9, 5 GCA,~~  
7 industry specific policy, ~~regulations~~, criteria and measurable goals ensuring  
8 the appropriate stimulation of legitimate investment of new economic  
9 development, and which shall not include industry specific development  
10 projects already satisfactorily established on Guam, so as to ensure that the  
11 government not unnecessarily waive needed revenue for an industry specific  
12 project category that already exists or is satisfactorily established.”

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

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