

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

Bill No. 402-33 (COR)

Introduced by:

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.**

2016 NOV 17 AM 11:37 

**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

1 residing outside of Guam, as a cost of doing business with the government of  
2 Guam.

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

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

17 The agency awarding the contract or the agency's representative awarding  
18 the contract *shall*, at the time of a contract award, in the instance of a contract for  
19 professional services to a person who does not possess a valid Guam business  
20 license under Title 11, Guam Code Annotated, and who is not a resident of Guam,  
21 deduct from funds allocated for the contract an amount equal to four percent (4%)  
22 of the total dollar value of a contract awarded and *shall* transmit the funds to the  
23 Treasurer of Guam for deposit in the General Fund. The amount of the  
24 withholding assessment fee withheld pursuant to this section *shall* be duly noted in  
25 the payment statements to the contractor. The agency *shall* report to the  
26 Department of Revenue and Taxation (DRT), on forms prescribed by the

1 department, the amount of the withholding assessment fee withheld or any other  
2 information requested by DRT on the prescribed form, from the awarded  
3 professional services contract within thirty (30) days of the contract being  
4 awarded."

5       **Section 3. Severability.** If any provision of this Act or its application to  
6 any person or circumstance is found to be invalid or contrary to law, such  
7 invalidity shall not affect other provisions or applications of this Act which can be  
8 given effect without the invalid provisions or application, and to this end the  
9 provisions of this Act are severable, *provided, however, no* provision of this Act  
10 shall be deemed to be invalid or contrary to law relative to the provisions § 9100  
11 and § 9102 of Chapter 9, Title 12, and § 50101 of Chapter 50, Title 12, Guam  
12 Code Annotated, and this Act *shall* supersede and take precedence over those  
13 statutory provisions, *solely* in so far as mandating the Guam Visitors Bureau and  
14 Guam Economic Development Authority compliance with 11 GAC § 71114.

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