



I Mina'Trentai Tres Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

June 13, 2016

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Tres Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on **Bill No. 323-33 (COR), As Amended by the Committee**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 323-33 (COR), as amended by the committee – "AN ACT TO AMEND SUBSECTION (a) OF §30101 OF CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED; TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REDUCING HOTEL OCCUPANCY TAX RATES FOR BED AND BREAKFASTS AND AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS."- sponsored by T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio and referred to the Committee on Municipal Affairs, Tourism, Housing and Historic Preservation.

Committee votes are as follows:

- 6 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

2016 JUN 14 AM 10:51

Sincerely,


Senator Tina Muña Barnes



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Tina Rose Muña Barnes

COMMITTEE REPORT

ON

BILL NO. 323-33 (COR)

As Amended by the Committee

(Sponsor: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio)

“AN ACT TO AMEND SUBSECTION (a) OF §30101 OF CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED; TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REDUCING HOTEL OCCUPANCY TAX RATES FOR BED AND BREAKFASTS AND AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.”




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Office of The Legislative Secretary
Tina Rose Muña Barnes

June 13, 2016

MEMORANDUM

To: All Members
Committee on Municipal Affairs, Tourism, Housing and Historic
Preservation

From: Senator Tina Muña Barnes 
Committee Chairperson

Subject: Committee Report on Bill No. 323-33 (COR), As Amended by the
Committee

Transmitted herewith for your consideration is the Committee Report on Bill No. 323-33 (COR) "AN ACT TO AMEND SUBSECTION (a) OF §30101 OF CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED; TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REDUCING HOTEL OCCUPANCY TAX RATES FOR BED AND BREAKFASTS AND AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 323-33 (COR), as introduced
- Copy of Bill No. 323-33 (COR), as amended by the committee
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 323-33 (COR), as amended by the committee
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!



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COMMITTEE VOTING SHEET

Bill No. 323-33 (COR) – “An act to add a new § 30109, § 30110, and § 30111 to chapter 30, title 11 Guam Code Annotated, relative to authorizing the Director of Revenue and Taxation or his designee to enter into tax collection agreements with transient accommodations brokers.” – **sponsors: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio**

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN DUE TO CONFLICT OF INTEREST	TO PLACE IN INACTIVE FILE
TINA ROSE MUÑA BARNES Legislative Secretary Chairperson		✓				
BENJAMIN J.F. CRUZ Vice Speaker Vice Chairperson		✓				
JUDITH T. WON PAT, Ed.D. Speaker Member						
RORY J. RESPICIO Senator Member		<i>mr</i> 6-13-16				
DENNIS G. RODRIGUEZ, JR. Senator Member		6/13				
NERISSA B. UNDERWOOD, Ph.D. Senator Member		6/13				
V. ANTHONY ADA Senator Member		4/13				
BRANT McCREADIE Senator Member						
FRANK F. BLAS, JR. Senator Member						
MARY C. TORRES Senator Member						
JAMES V. ESPALDON Senator Member						



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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 323-33 (COR) was introduced on May 18, 2016 by Senator Tina Muña Barnes, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Historic Preservation on May 19, 2016.

The Committee on Municipal Affairs, Tourism, Housing and Historic Preservation convened a public hearing on Bill No. 323-33 (COR) on Tuesday, June 7, 2016 at 9:00 AM in I Liheslatura's Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Tuesday, May 31, 2016 (5-Day Notice), and again on Friday, June 3, 2016 (48-Hour Notice).

Senators Present

Senator Tina Muña Barnes, Chairperson

Senator Mary C. Torres, Member

Senator Frank B. Aguon, Jr., Senator

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:02 A.M.

Chairwoman Tina Muña Barnes: Hafa Adai yan Manana Si Yu'os to everyone here good morning ladies and gentlemen, um, the ... This confirmation and public hearing by the Committee on Municipal Affairs, Tourism, Housing and Historic Preservation is now called to order. It is 9:02 in the morning, for the record and in accordance to 5 GCA Chapter 8, subsection 8107 notices were sent via email to all the senators and all main media broadcasting outlets on Tuesday, May 31st which adheres to the five day notice and the second notice Friday, June 3rd which adheres to the 48 hour notice. Please take note that written testimony may be submitted... I'm going to leave the record open for a couple days after this public hearing, um, and you can send it to the Office of Senator Tina Muña Barnes, 155 Hesler Place Hagatna Guam, 96910 or the old fashion way via facsimile at 472-3400 or via email at senator@tinamunabarnes.com. Furthermore, if you should have any questions, please don't hesitate to contact our chief of staff Ms. Millie



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Acfalle or our office manager Jeanenne Cordero and our policy writer Alan Cepeda. Our office number is 472-3455 or 56. Joining me this morning, Ladies and gentlemen is my colleague, Senator Frank Aguon. Thank you for joining me this morning.

Ladies and Gentlemen on the Agenda we do have several, more than several bills on the agenda and one confirmation. The Appointment of Mr. George A. Santos, member to the Guam Housing and Urban Renewal Authority Board of Commissioners.

We also have Bill number 323-33, which is an act to add a new section 30109 and section 30110, and section 30111 to Chapter 30, Title 11, Guam Code Annotated relative to authorizing the director of revenue and taxation or his designee... accommodation brokers ...um... the... Bill 324-33 (COR) is an act to amend sub-item (ii) of § 61103. of article 1, and §61304(b) and §61305(b) of article 3 of chapter 61, title 21 of the Guam Code Annotated: to add a new sub-item (kk) of §61103 of article 1; to add a new sub-article 1 to article 1, a new sub-article 2 to article 1 chapter 61, title 21 of the Guam Code Annotated; relative to clarifying the definition of a bed and breakfast and to establishing conditional use of bed and breakfast and short-term vacation units; to authorizing short-term vacation rentals on Guam, and to provide such requirements as are necessary and proper for the operation of the bed and breakfast and short-term vacation units on Guam that was sponsored, again, by myself, Vice Speaker Cruz, Senator Rorv Respicio... The first bill ladies and gentlemen were sponsored by myself, Vice Speaker Cruz, and Senator Respicio, also. Bill number 325-33 (COR) is an act to add a new An act to add a new §51112 to chapter 51, title 18 Guam Code Annotated, relative to establishing civil penalties for owner-proprietors leasing real property as a lodging facility and operating without the proper licenses sponsored by myself, vice Speaker Cruz, Senator Respicio. The last bill ladies and gentlemen and I may rearrange the agenda. Bill 329-33 (COR) which is an act to appropriate the sum of \$25,000 from fiscal year 2017 tourist attraction fund to the department of administration for the purpose of . um, the funding the construction of the fallen heroes monument to be erected by the fallen heroes of the pacific foundation. um, This will be effective October 1st 2016, it was sponsored by my colleague Senator Frank Blas Aguon, Jr. and myself Senator Tina Muña Barnes



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...

Chairwoman Tina Muña Barnes: Ladies and Gentlemen, next on the agenda are several bills that I would say that are companion to each other, separated in nature of making sure that uh we addressed all the, um... critical issues as it pertains to Bed and Breakfasts in general... a few

A few months ago we gathered to answer a couple of seemingly straightforward questions:

1. How do we foster Guam's young Bed and Breakfast industry while being respectful and responsible to the neighborhoods in which they reside?
2. How do we ensure the safety of our visitors who choose to stay in the home of a stranger? ... Likewise...how do we ensure the safety of our residents who choose to open their doors to strangers?
3. How do we protect the quality of the Guam Visitor experience?
4. How should Guam law differentiate between Bed and Breakfast homes and the short-term vacation units popularized by online brokerage sites like Air B&B and flipkey?
5. How do we ensure that Guam's tax and business laws are properly enforced for both traditional B&Bs and vacation rentals

I want to say ladies and gentlemen, after weeks of work the Committee on Housing, Tourism, and Municipal Affairs submits our best effort at answering these important questions.

Again, we did engage with the community, we had several roundtables. It was very, very productive. We had the government of Guam stakeholders. Rev and Tax, GVB, Public Health, GFD, GPD, and many other, uh, government stakeholders including the community stakeholders we had GAR, Guam Association Relators and the community uh business owners...small business owners in general.



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These bills we are hearing today are the direct result of a great collaboration between the community and the public and private sectors.

Um, I want to say that tourism is diversifying and these measures will allow us to prepare our community and the visitor industry to take advantage of new opportunities while meeting new demands.

Our goal is to give the industry the opportunity to thrive by establishing guidelines to ensure its success. This includes providing the necessary safeguards that will protect our people, our visitors, and our tourism goals.

While we will review and discuss each bill in detail, I want to make a few things clear first...

Our Committee is grateful for your participation in this process... And we look forward to your input today.

I know that today's discussion will stay positive... and productive... And I am happy to be working with each of you.

We'll go ahead and start with Bill 323-33, again the genesis of that is, uh, relative to authorizing the director of revenue and taxation or his designee to enter into collection agreements with transient accommodation brokers. Um, this draft, uh measure authorizes the director DRT to enter into tax collection agreements with online sites like Airbnb and Turnkey and others. Under this authority, the sites will collect the applicable Guam Tax on our behalf, Register DRT to do so, and remit such payments to the Department of Revenue and Taxation on a schedule determined by this agreement. The measure clearly defines the roles of each entity, of, the role of each entity makes them liable for the taxes they will agree to collect. It prescribes how each entity should be registered in the manner by... which an agreement may be cancelled. Online sites have already had the same agreements and I want to share to the listening audience, to those here we have successful programs in Florida, Portland, San Francisco, Chicago, Washington, San Diego, Washington D.C., Philadelphia, Pheonix, and maybe others.

So, with that being said, uh, for the first bill on 323-33 I do have, um, former senator Telo Taitague who is the deputy General Manager of the Guam Visitors Bureau, here to



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speak. We also have Kiko Crisostomo, please join us and Mr. Paul Sablan. Again, I will be hearing, um testimony on your behalf whether you support or oppose this measure. Uh, before you start, I only ask for record purposes you state your name, for the record, where you're from and if you support or oppose the bill. Ok.

Uh... Senator...

Senator Telo Taitague: Buenas yan Hafa Adai Senator, Thank you so much for this opportunity. My name is Telo Taitague, I am the acting General Manager of the Guam Visitors Bureau...

Chairwoman Tina Muña Barnes: ...Sorry...

Senator Telo Taitague:...No Worries... Thank you for allowing me to go first, I have a prior engagement that I have to attend right after this. So, if there are any questions after my testimony I'll be happy to answer them. But first I want to commend you, Senator, for taking your time on this, um, and making sure all this stakeholders had the opportunity to put their input, um, their concerns, issues involving all, especially revenue and tax on this, the regulatory agency as well as ensuring that the high school exchange students which was very important, uh we have many students that are exchange from Japan to Guam and they stay at families homes that this will be exempted from that, um, all the regulations incorporated to that because, course, an exchange program is quite different from a Bed and Breakfast, so I appreciate the, um, that we keep that in mind when going to the session floor, that this here is exempt from these families. Thank you, again, thank you Senator for this opportunity, Senator Marv Torres, I appreciate you being here to hear my testimony. GVB strongly supports Bed and Breakfasts and Bed and Breakfast businesses and vacation rentals on Guam. In the past four years, tourism arrivals have been increasing and offering our island community greater economic opportunities, it is extremely important that all businesses follow the rules and pay their fair share of taxes that go to the fund the public health, safety, and welfare of our island community and visitors. GVB reiterates its full support of the legal bed and breakfast businesses, vacation rentals, and a level playing field for everyone. GVB has also been actively working with private and government stakeholders to find solutions. The previous roundtable discussion on the Guam



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Legislation has produced much insight into these issues of ensuring everyone pays their taxes and follows the law... The legislations is an important step to doing that. Si Yu'os Ma'ase for allowing the Guam Visitors Bureau to testify in support of this measure and for your continued commitment to the tourism industry. We also kindly ask for your support of all senators to continue to fund the capital improvement, uh, and destination enhancement projects. Please... as we've move forward in making our island paradise the best place to work, to visit, and especially to live in. Si Yu'os Ma'ase.

Chairwoman Tina Muña Barnes: Thank you. Senator Telo Taitague for the testimony, oral testimony, will apply for all three bills, am I correct?

Senator Telo Taitague: I'm so sorry Senator, yes this testimony applies to Bill 323-33, 324-33, and Bill 325-33. I thank you for that correction. Thank you.

Chairwoman Tina Muña Barnes: Thank you, Senator Aguon before Senator Taitague leaves... Senator Torres, before she leaves... ok. Thank you, Saina Ma'ase

Senator Telo Taitague: Saina Ma'ase.

Chairwoman Tina Muña Barnes: um Mr. Paul Sablan

Paul Sablan: Thank you Senators, I want to acknowledge the tremendous amount of work that has gone into this. I want to say Thank you very much for doing it...

Senator Tina Muña Barnes: Your welcome

Paul Sablan: It's a lot more work than I would have done. I want to applaud the efforts of GVB, they have done tremendous job recently especially with FestPac and some of the other events they've been promoting. We are entirely in support as small business owners of contributing and paying our taxes and supporting efforts that GVB contributing to tourism attraction fund. My main concern of this, is that the, some of the hotels have... made it sound like there's a... great deal of money involved here and the truth is, you know, a lot of us would be very lucky to make an extra thousand dollars a month or fifteen hundred dollars a month after expenses, and uh... personally I have some bad experiences from rev and tax very recently, where I had to pay property taxes twice on the same property because it didn't register in their computer and, uh, you



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know because we needed the licenses, we just said we'll pay it again and still have to get that resolved. And when it comes to the line of the bill where it says the director can, you know, revoke the licenses and there's some pretty harsh penalties when you don't pay your taxes, it's very concerning given the track record of rev and tax they have very limited resources but um, we're in favor of a system that works, which is the system we already have, um... I think that when you see if this is implemented correctly, um ... the amount collections aren't going to be um dramatically more. It's very little. We have some people come out and there's really only about twenty of us that are doing bed and breakfasts and we're not full all the time... um... you're busy if you're thirty percent occupied during the month. So, really concerned that this will be an additional hurdle for the small business.

Chairwoman Tina Muña Barnes: Ok, Mr. Sablan. I just want to make a clarification because you posed all three bill, is this an opposition of Bill 325 on the penalties or you're in opposition of 323 and 324 also?

Paul Sablan: This specifically is in opposition to 323-33, which is the automated tax collection agreement with the online people.

Chairwoman Tina Muña Barnes: Ok, Thank you.

Kiko Crisostomo: Thank you senators for putting together and as Mr. Sablan had already mentioned, the amount of work that you guys put into formulating this group that we can take a look at these bills and see how best to support and also keep the community aware and keep the community safe of these B&B and also the vacation rental business, um, as for 323-33 again as Mr. Sablan had mentioned, my biggest worry is that with the, as you said, the track record or rev/tax my worry is that these with the automated deductions of the tax for like the hotel occupancy tax, um, and that being reported and gotten back to us as the business owners and if things fall through the cracks my only worry is that um, can we, How can we make sure that people aren't, business aren't being penalized for faults on either the system side or also on the rev and tax collection side and just to make sure that, never are we as business owners who at this point have been taken out of the equation for making sure this tax gets submitted to rev/tax be penalized for any such actions?



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Chairwoman Tina Muña Barnes: Are there any recommendations by yourself or your organization to help find the balance to make sure that the government of Guam are the people of Guam will be at least receiving the uh, fair, um balance between the opportunity to do business here? And that was the premise of how everything started, um making sure that we don't just look at the safety but making sure that these underground um... uh... fly-by-night... operators who are illegally operating compare to those who have business license that we would be able to make sure that everybody, um, gets, um, follows the rules and regs and make sure that they follow the guidelines of what we have to offer because there are, um... opportunities right now for those businesses to be in place and that we were just clarifying and strengthening and making sure that those who do, um the new, wave of... modern technology and going through Airbnb, Flipkey, and others to the.. that they.. pay their fair share. So if there's any recommendation, it doesn't have to be today, but I'm hoping it's real soon because I do have a timeline to try and see if we can hear them, turn those recommendations in because as we have four different, three or four different meetings in the past that was how the impetus of these bills came to play. And, I'm hoping that if the opposition is there that you give me some kind of provision we could be share because we want to make sure that, and I'm sure that when we have these meeting, when we had these, these roundtables discussions, this was the premise of why we had and these were ...the creations of the bill... I wanted to, we wanted to make sure that those who are operating without businesses license that they be given the opportunity so please if there's any thing you can share with us, let us know? This committee is open to those recommendations to look at. Fair enough?

Mr. Kiko Crisostomo: I'm actually in support of the bills. I just, like I said, I want to make sure that we as business owners aren't being penalized for injustices that aren't our fault.

Chairwoman Tina Muña Barnes: Right...

Mr. Kiko Crisostomo: And so...as far as the suggestion on what we can do, if, there's got to be some sort of way that if there some speculation there is a fault the collection side, how do we, how do we, come back as a business owner, the director saying well



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these guys aren't paying their taxes are they are getting around some which way with these companies that we signed for Airbnb and what not...

Chairwoman Tina Muña Barnes: Now I understand, I have a better clarification based on that. Si Yu'os Ma'ase. I do have also on the table to speak, uh... Ms. Santos. Please.

Ms. Mimi Santos: Senators, Good morning. Um, It was something that Paul had said about the property tax.

Chairwoman Tina Muña Barnes: Miss, um, could you please state your name for the record...

Ms. Mimi Santos: Yes. Mimi Santos, Jungle Bed and Breakfast.. Something that Paul had said about the property tax and when we had gotten the business license my husband and I are both manamko we live in the house and we get a benefit from that uh, a tax cut for property tax. When I applied they said that we would no longer get that benefit for living in the house, which we still do, um, because it was a business. This is such a small business. I cannot even say that you will not get rich off of me. I mean I'm hoping that one day that more people although many people in the past have come and made. It is successful for Guam. I would like to make sure that we would be able to keep this status of the property tax for us as senior citizens. In denial but we would like to keep that so if that could be changed that would be something I would like. The standard to be, um, of getting a business license to be, um, standard all the way across so that any one new and looking into the business like my friends, I, it wouldn't be, um, a variety of ok now you need the police clearance, ok now you need the stamp, that I went through and I know prior to me because we talk, that it was, um, not everybody got the same stamps. So, I would like that to.

Chairwoman Tina Muña Barnes: Thank you. Duly noted. Anybody else wishing to speak on 323, If not. Would you like to speak or comment? Go ahead and state your name for the record. We'll get...

Ms. Anne Cummings: Good Morning Senators, for the record, my name is Anne Cummings, and, um, I don't I'm not in this business but have considered because I, my history is here is that, um, I have a successful career with the Department of Education.



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I've been retired for a number of years and, um, I enjoy my house I see this bed and breakfast business as a niche market on Guam. That definitely, to my mind is um, there is a place for. There are people who love to come and stay with an ordinary family and see their house, see their garden, see how they live and they experience Guam from that angle. Um, of course my house is humble, I have a room, a lovely room, a bathroom, maybe the guest will share the bathroom that puts a lot of work onto me of course. I keep it all clean. The bathroom would have to be cleaned. All this involved, those nitty gritty things, buying the products, the labor, um, the help I may have to have in the yard and so forth. All that adds up, and to someone like me who, who would do this on a very small scale, renting one bedroom or perhaps two bedrooms the very most, um and charging lets just say \$45 a night, um, 11% tax seems, you know, really, kind of cruel. It's a huge amount of money actually. It's, um, you know, it's the cost of the cleaning material, it's the cost of the bleach and the, uh, all those things and, I would like the committee to, to bear in mind, um, being able to include, you know, ordinary people who just enjoy, would enjoy hospitable and joining in the hospitality industry at this level. Um, without being penalized, so, um, enormously in proportion to the big hotels and the industry as it is on Guam, very successful industry as lovely as it is. And, um, I know in my youth I stayed in peoples home in Japan, in Korea, um, in other countries and it really is very interesting, you do get a very unique, a unique experience. So. Thank you very much for listening to me today.

Chairwoman Tina Muña Barnes: Thank you very much. Um, with that being said we'll go ahead and move to Bill, any questions on that... sure, please...

Senator Mary Camacho Torres: I'll very much appreciate that point of view, because one of the things that a lot of the community think about is what are those incubator type of projects that, um, that the ordinary person can do to help subsidize their livelihood or even just enhance their livelihood by having a meaningful, worthwhile experience and contribution to the picture. And what you talked about was something that everyone in the industry has been barking about, um, as being the critical element that's going to distinguish us from everybody else. It's the hospitality, it's the experience, it's the desire to come back. So what you have echoed here is really the essence of what everybody is trying to capture. And what I appreciate about your point of view, you use the word, um, cruel, that a high tax on an ordinary person with such a



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low profit margin is unreasonable and that is actually the basis for many of the, the uh incentive programs that have been crafted to help spur the economy, to help people, you know, be a little involved in their livelihoods and that sort of thing. So, I appreciate you coming with that point of view, that I think is something that we should not take for granted and maybe we should foster, when we think about Guam as a destination and people here love to be involved and we saw that in FestPac, we saw the outpouring, the genuine outpouring of wanting to be involved. I think that's something that we can't take for granted and I appreciate that you took the time to be here, because, that's important to here.

Ms. Anne Cummings: Thank you very much Senator. I agree because I also drove through FestPac and when I listen to talk radio there's so many people on there saying, um, we did this, we went and prepared a barbeque we took visitors, we shared with them and they were longing to do this and um, I think this a niche market for many, um, old people such as myself, Manamko. Um. And, Mimi and her business and she's very experience having done this for many years. In fact, I met some English people, um, several years ago, um through the fact that they stayed with, with Mimi and then also there were people, It's really gratifying and um part of the wonderful lifestyle that we have here on Guam which is so multicultural.

Senator Mary Camacho Torres: Si Yu'os Ma'ase also Mimi and I think Mr. Sablan you showed me one of your units last time you were here for another event that was quite special I thought. So, congratulations for the vision

Ms. Anne Cummings: and if I can make one more point, um, to, actually Senator Muña Barnes, you know you brought up the issue of technology and it's technology that is spurring a lot of these entrepreneurial activities that we have now. But, social media also monitors all this. If a guest comes and doesn't have a good experience everybody knows about it. And, you know, we see this on eBay, Amazon, on all the big, uh, businesses that's how they keep, that's how they keep the standard, they keep the product, um, valuable and that's how it is happening, that's what would happen here, too. Thank you very much.



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Chairwoman Tina Muña Barnes: Truly appreciate that, those comments and as I was speaking with my colleague here, um, the intent of the true bed and breakfast is exactly what they both of you, or all three of you have been describing and making sure that the visitor who comes to visit truly experiences the warmth of who we are as island people and sharing in the experience and being in homeownership that there coming to our homes, you know. And, and, um you also brought up a very good point of how, um, the taxes, I mean, the, um, fees imposed on that went from 4% for regular rental to 11% and that's something that the committee should also visit, um because it was never the intent to take away from that hospitality and for that Chamorro experience that Guamanian experience because it was to identify, um, that visitor coming into that family home and not a business, business. So, um, we'll duly take those, uh comments, in the committee and we'll work some amendment to that. So with that being said, I still need to finish the two more bills and um,

Bill 324-33 (COR), it's relative to clarifying the definition of Bed and breakfast and establishing the conditional use of bed and breakfasts, short term vacation units to authorizing short term vacation rentals on Guam and to provide such requirements as are necessary and proper for the operation of the bed and breakfast and short term vacations on Guam. Again, um I did have, um, Mr. Crisostomo who is not here, Mr. Sablan you signed up for that.

Mr. Paul Sablan: Uh, yes, thank you, senator. Uh. Again, tremendous amount work has gone into this bill and I want to thank you for that. Um, there's a lot of different issues in here, um, the one that concerns me the most is the imposition of the penalties for unlicensed regulation and I think part of that is, uh, maybe a disconnect between how this type of business operates and how, um, traditional business operate. If you set up a car dealership, you're in business for a long time whereas a lot of times if FestPac is in town and you have an extra room or two and you like to setup a certain space for some guests and offer some hospitality but maybe not all the time... somebody might want to advertise their room and the right now, the licensing procedure to get a proper license is uh arduous. It's very time consuming, there's a lot of requirements, um, especially because it's a little bit of a political issue now, so um, it's very difficult for somebody who wants to make the step into having somebody come into their house, um if they're scared about these high fees and maybe if there's a, I realize the purpose behind it, um



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but if there's a way that maybe can be a staggered so that if you have, um, 1 room you're not hit with a \$5,000 fee. Now, if your trying to sell ten rooms, maybe a \$5,000 fee is a little more reasonable, but if you just starting out and you just want to try it, I think it may be a little harsh.

Chairwoman Tina Muña Barnes: Let me go ahead and make the definition clear for the bed and breakfast. So, Bed and breakfasts, homeownership, one home, ownership by the person living there up to five rooms that's it. The Vacation short stay works different and maybe what we could do better clarify and define that in the rules so that we have an understanding of how we want to move forward for on that... has always been, the concern has been making sure that we show the difference between bed and breakfast, homeownership, and the realization of renting and having that visitor experience the hospitality and the warmth and the traditions of who we are as island people to the short-term vacation stay and the rentals. So, um the committee will further look into that. Any other comments from... Mr. Sablan.

Mr. Paul Sablan: I just want to say that a lot of these provisions are very well thought out and very well-written so kudos to you and your staff, um, again the thing is, in the spirit of this bill and the spirit of the original bed and breakfast bill and to reflect what Senator Torres said earlier. We really feel that, instead of coming out with all these regulations, we should really be trying to grow the industry and unfortunately were not making a lot of money right now. We're making very little money. I think in the future there is a real possibility that we could be a real contributing factor in developed markets like New York, Airbnb's room inventory is ten percent of their standard hotel room inventory. So, on Guam we could possible be looking at one thousand rooms, um, but they have a very different type of customer in the east coast. Um, so if, I love a lot of things in here I just want to make sure we're encouraging small businesses, we're encouraging participation, but you know ladies like the two on my left and my right, they can offer so much to our guest.

Chairwoman Tina Muña Barnes: Thank you, we'll go ahead and address the last bill to and I know that's been the stickler, um, Bill 325-33 (COR) is um, relative to establish civil penalties for owner proprietors leasing, um, real property as a lodging facility. I'll go ahead and ok Thank you, um, leasing real property as a lodging facility and



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operating without the proper licensing, again, this bill, as spoken about in the several discussions that we have on roundtables is that for those underground um, folks who refuse to follow the rules and regulations and put the safety of our visitors at risk the, these were the penalties uh, we have that by, um everybody, the stakeholders that were here, admitting that there were a lot of businesses that weren't even recorded, and uh, some even complained that the fines were, uh, to harsh but there was also, um, those who said no, make sure you make it even higher, I guess the committee felt that during the discussion on all the roundtables that this would be reasonable. Again, this is open for opportunity to speak and here from the community on how they feel these penalties should be assessed, if you don't have the proper licenses. Mr. Sablan, you did sign up for that.

Mr. Paul Sablan: uh, yeah, thank you, I, um, the only that I really have to say about that is uh, I was here during those meetings and a lot of what was said was being said by people who have big business interest in the hotel industry and they know that, uh, one of the proposal I heard was a \$30,000 fee and I'm very glad that that did not make that in here. Very reasonable, but at the same time, a lot of people, you know, they just want to try, they just want to start and they have a safe home. So, if we can get the fire inspector come in and the public health guys come in to take a look and nothing is outrageous, um, maybe a staggered, a very low penalty would be more reasonable. The way it's written now, it's kind of scary, especially if you're thinking about getting into it.

Chairwoman Tina Muña Barnes: Ms. Santos...

Ms. Mimi Santos: may I just say that, when I came the first time, I did not understand it all, what Airbnb was, and now that I do, I think that those penalties could be for someone that has many rooms and doesn't do anything for the government taxes...

Chairwoman Tina Muña Barnes: to get the proper licenses...

Ms. Mimi Santos: ...the proper licenses, and the taxes, but it's almost like apples and oranges, those who have live in our homes and have for thirty-five years who built it and have lived on Guam for forty. That would be much too high. But, we've followed the law and have the appropriate licenses. Those that I saw the first time where there



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were many, not only Korean but I'm sure there are other people too. Um, that have these condos. Those are who you would like to make this higher price for that have not gone under the, the proper legislation.

Chairwoman Tina Muña Barnes: appreciate it... Senator Torres, any comment, questions? Thank you. With that being said I'd like to thank all of you folks for, uh, joining us today, I think it's really important that as we look at this industry, I will note for the record that the bed and breakfast concept has been here a long time. There's several of you that I can say I can share with a lot of pride, uh, a family in Ordot whose had a Business license for over 40 years whose been able to bring families in. We've had first hand experience of having a visitor who has come back to the home more than twelve times, made it a point that every year her vacation time from Japan would come and live with this family and truly experience the warmth of who we are as island people and that she said she, she tells her friends and just through word of mouth, no advertising, no nothing and they've been able to share the same experience, the same wonderful place that we call home a true tropical island paradise that she was able to share so I think that as this trend continues to grow that we've got just make sure that we protect and we safeguard not just our community but our visitors and that's why these bills have been introduced at, at the, um engagement with the community at large and then with your support and sharing your thoughts and your suggestions and possible changes, the committee will take that to heart and we will work in making some of those revisions and, placing it on the floor, um, for the record if those who did not, uh, appear to today's public hearing they can do, they can submit written testimony by, uh, sending to us at 155 Hesler Place, Hagatna, Guam 96910, they can do it the old fashion way by facsimile, through fax at 472-3400, uh, or they can send it via email, modern technology at senator@tinamunabarnes.com. It is 10:30 right now, and I'm going to call this uh public hearing on municipal affairs, tourism, housing, and historic preservation to an adjournment and thank you all once again for being here and taking time out of your very busy schedules. Si Yu'os ma'ase. Si Yu'os binedisi. Saina Ma'ase Thank you. It's 10:30.

The public hearing was adjourned at 10:30 A.M.

III. FINDINGS & RECOMMENDATIONS



I Mina'Trentai Tres Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

Testimony emphasized that B&B's do not operate on the same business models as a regular hotel. They operate at a small-scale level and specialize in a small niche market. They sometimes can go months without receiving any guests. Although bed and breakfasts do not operate on the same business models as a regular hotel, they still compete with these hotels. In order to maintain competitiveness, they have to keep their rental prices low. Testimony provided suggested that bed and breakfasts have a low profit margin. A bed and breakfast having to collect an 11% tax will impact their competitiveness on the market.

For many bed and breakfast owners, they run their operations as a hobby. They enjoy doing what they can to contribute to Guam's tourism industry and are happy to spread Guam's hospitality to those who stay in their operations. They consider that comparing bed and breakfasts to hotels is like comparing apples to oranges. There are only a couple dozen registered bed and breakfasts on island. We recommend that the 11% hotel occupancy tax be reduced to 4%.

Furthermore, public testimony suggested that bed and breakfast are opportune ventures for *manåmko'* whom wish to subsidize their income. A bed and breakfast owner stated that her property tax cut as a *manåmko'* will no longer be available to her because she will be operating a business at her home. Because of the nature of the bed and breakfast industry on island, it was recommended that we review this further and suggested that *manåmko'* benefits not be taken away.

The Committee on Municipal Affairs, Tourism, Housing and Historic Preservation hereby reports out Bill No. 323-33 (COR), with the recommendation TO PASS.

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

Bill No. 323-33 (Coe)

Introduced by:

T.R. MUNA BARNES
B.J.F. CRUZ
R.J. RESPICIO

2016 NOV 10 11:42
J. Mista

AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.

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

2 **Section 1.** *New sections 30109-30111 are hereby added to Chapter 30, Title*
3 *11 Guam Code Annotated to read:*

4 **§ 30109. Tax Collection Agreements Authorized.**

5 (a) "Transient accommodations broker" means any person or entity,
6 including but not limited to persons who operate online websites, online travel
7 agencies, or online booking agencies, that offers, lists, advertises, or accepts
8 reservations or collects whole or partial payment for transient accommodations or
9 resort time share vacation interests, units, or plans. Notwithstanding any other
10 provision of law, rule, or regulation to the contrary, the Director of the Department
11 of Revenue and Taxation or his designee may permit a transient accommodations
12 broker to register as a tax collection agent on behalf of all of its operators and plan
13 managers by entering into a tax collection agreement with the director or by
14 submitting a transient accommodations broker tax collection agent registration
15 statement to the director, in a form prescribed by the department. The Director *may*
16 deny an application for registration as a transient accommodations broker tax

1 collection agent under this section for any cause authorized by law, including but
2 not limited to any violation of this chapter.

3 (b) A registered transient accommodations broker tax collection agent shall
4 report, collect, and pay over the taxes due under this chapter on behalf of all of its
5 operators and plan managers from the date of registration until the registration is
6 canceled, provided that the registered transient accommodations broker tax
7 collection agent's obligation to report, collect, and pay taxes on behalf of all of its
8 operators and plan managers shall apply solely to transient accommodations in the
9 State arranged or booked directly through the registered transient accommodations
10 broker tax collection agent.

11 (c) The director shall issue a certificate of registration or letter of denial
12 within thirty (30) calendar days after a transient accommodations broker submits to
13 the director a completed and signed transient accommodations broker tax
14 collection agent registration statement, in a form prescribed by the department. If
15 approved, the registration shall be valid only for the transient accommodations
16 broker tax collection agent in whose name it is issued, and for the website or
17 platform designated therein, and shall not be transferable, except to a successor by
18 merger or acquisition of the transient accommodations broker's website or platform
19 designated in its application or tax collection agreement.

20 (d) A registered transient accommodations broker tax collection agent *shall*
21 be issued separate licenses under this chapter with respect to taxes payable on
22 behalf of its operators and plan managers in its capacity as a registered transient
23 accommodations broker tax collection agent and, if applicable, with respect to any
24 taxes payable under this chapter for its own business activities.

25 **§ 30110. Tax Collection Agents Liable.**

1 (a) Under this section, a registered transient accommodations broker tax
2 collection agent shall assume all obligations, rights, and responsibilities imposed
3 by this chapter upon its operators and plan managers with respect to their business
4 activities conducted directly through the registered transient accommodations
5 broker tax collection agent from the date of registration until the registration is
6 canceled in writing to the director.

7 (b) A transient accommodations broker tax collection agent shall be
8 personally liable for the taxes imposed by this chapter that are due and collected on
9 behalf of operators and plan managers, if taxes are collected, but not reported or
10 paid, together with penalties and interest as provided by law.

11 **§ 30111. Cancellation of Agreement.**

12 (a) A registered transient accommodations broker tax collection agent may
13 cancel its registration under this section by delivering written notice of cancellation
14 to the director and each of its operators and plan managers furnishing transient
15 accommodations in the State not later than ninety days prior to the effective date of
16 cancellation.

17 (b) The director may cancel a transient accommodations broker tax
18 collection agent's registration under this section for any cause authorized by law,
19 including but not limited to any violation of this chapter or rules adopted pursuant
20 thereto, or for violation of any applicable tax collection agreement, by delivering
21 written notice of cancellation to the transient accommodations broker tax
22 collection agent not later than ninety days prior to the effective date of
23 cancellation."

24 **Section 2. Severability.** If any provision of this Act or its application to any
25 person or circumstance is held invalid, the invalidity shall not affect other

1 provisions or applications of this Act which can be given effect without the invalid
2 provision or application and to this end the provisions of this Act are severable.

3 **Section 3. Enactment Date.** This Act *shall* be effective immediately upon
4 enactment.

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

Bill No. 323-33 (COR)

* As Amended by the Committee on Municipal Affairs, Tourism, Housing, and Historic Preservation

Introduced by:

T.R. MUNA BARNES

B.J.F. CRUZ

R.J. RESPICIO

AN ACT TO AMEND SUBSECTION (a) OF §30101 OF CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED; TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REDUCING HOTEL OCCUPANCY TAX RATES FOR BED AND BREAKFASTS AND AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.

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

2 **Section 1.** Section §30101 of Chapter 30, of Title 21, Guam Code Annotated
3 is hereby amended to read:

4 **§30101. Imposition.**

5 (a) An excise tax is hereby levied and imposed which shall be assessed
6 and collected monthly, against transient occupants of a room or rooms in a
7 hotel, lodging house, and bed and breakfast, or similar facility located in
8 Guam according to the following schedule:

9 (1) From September 1, 1993 through March 31, 1995, the rate
10 shall be ten percent (10%) of the rental price charged or paid per
11 occupancy per day;

1 (2) From April 1, 1995 and thereafter the rate shall be eleven
2 percent (11%) of the rental price charged or paid per occupancy per
3 day;

4 (3) The rate for a registered bed and breakfast shall be four
5 percent (4%) of the rental charged or paid per occupancy per day.

6 Section 2. New §§ 30109, 30110, and 30111 are hereby added to Chapter 30
7 of Title 11, Guam Code Annotated, to read:

8 **“§ 30109. Tax Collection Agreements Authorized.**

9 (a) Transient accommodations broker means any person or entity, including
10 but not limited to persons who operate online websites, online travel agencies, or
11 online booking agencies, that offers, lists, advertises, or accepts reservations or
12 collects whole or partial payment for transient accommodations or resort time share
13 vacation interests, units, or plans. Notwithstanding any other provision of law, rule,
14 or regulation to the contrary, the Director of the Department of Revenue and
15 Taxation or his designee may permit a transient accommodations broker to register
16 as a tax collection agent on behalf of all of its operators and plan managers by
17 entering into a tax collection agreement with the Director or by submitting a
18 transient accommodations broker tax collection agent registration statement to the
19 Director, in a form prescribed by the Department. The Director may deny an
20 application for registration as a transient accommodations broker tax collection
21 agent under this section for any cause authorized by law, including but not limited
22 to any violation of this Chapter.

23 (b) A registered transient accommodations broker tax collection agent shall
24 report, collect, and pay over the taxes due under this Chapter on behalf of all of its
25 operators and plan managers from the date of registration until the registration is
26 canceled, provided that the registered transient accommodations broker tax

1 collection agent's obligation to report, collect, and pay taxes on behalf of all of its
2 operators and plan managers shall apply solely to transient accommodations in the
3 state arranged or booked directly through the registered transient accommodations
4 broker tax collection agent.

5 (c) The Director shall issue a certificate of registration or letter of denial
6 within thirty (30) calendar days after a transient accommodations broker submits to
7 the Director a completed and signed transient accommodations broker tax
8 collection agent registration statement, in a form prescribed by the Department. If
9 approved, the registration shall be valid only for the transient accommodations
10 broker tax collection agent in whose name it is issued, and for the website or
11 platform designated therein, and shall not be transferable, except to a successor by
12 merger or acquisition of the transient accommodations broker's website or platform
13 designated in its application or tax collection agreement.

14 (d) A registered transient accommodations broker tax collection agent shall
15 be issued separate licenses under this Chapter with respect to taxes payable on
16 behalf of its operators and plan managers in its capacity as a registered transient
17 accommodations broker tax collection agent and, if applicable, with respect to any
18 taxes payable under this Chapter for its own business activities.

19 **§ 30110. Tax Collection Agents Liable.**

20 (a) Under this Section, a registered transient accommodations broker tax
21 collection agent shall assume all obligations, rights, and responsibilities imposed
22 by this Chapter upon its operators and plan managers with respect to their business
23 activities conducted directly through the registered transient accommodations
24 broker tax collection agent from the date of registration until the registration is
25 canceled in writing to the Director.

1 (b) A transient accommodations broker tax collection agent shall be
2 personally liable for the taxes imposed by this Chapter that are due and collected
3 on behalf of operators and plan managers, if taxes are collected, but not reported or
4 paid, together with penalties and interest as provided by law.

5 **§ 30111. Cancellation of Agreement.**

6 (a) A registered transient accommodations broker tax collection agent may
7 cancel its registration under this Section by delivering written notice of
8 cancellation to the Director and each of its operators and plan managers furnishing
9 transient accommodations in the state not later than ninety (90) days prior to the
10 effective date of cancellation.

11 (b) The Director may cancel a transient accommodations broker tax
12 collection agent's registration under this Section for any cause authorized by law,
13 including but not limited to any violation of this Chapter or rules adopted pursuant
14 thereto, or for violation of any applicable tax collection agreement, by delivering
15 written notice of cancellation to the transient accommodations broker tax
16 collection agent not later than ninety (90) days prior to the effective date of
17 cancellation.”

18 **Section 2. Severability.** If any provision of this Act or its application to any
19 person or circumstance is held invalid, the invalidity *shall not* affect other
20 provisions or applications of this Act that can be given effect without the invalid
21 provision or application and to this end the provisions of this Act are severable.

I Mina'trentai Tres Na Liheslaturan Guåhan
 Committee on Municipal Affairs, Tourism, Housing and Historic Preservation
 Office of Senator Tina Rose Muña Barnes
 Public Hearing Sign-in Sheet

Tuesday, June 7, 2016 • 9:00 a.m. • Public Hearing Room

Bill No. 323-33 (COR) - AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS – sponsors: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Paul Sablan		Oppose		✓	688-4372	sablan1@gumail.com
TEL Taitan	GVB	Support		✓		
KIKO CASOYANO		SUPPORT			988-7229	

I Mina'trentai Tres Na Liheslaturan Guåhan
 Committee on Municipal Affairs, Tourism, Housing and Historic Preservation
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NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
Anne Cummings	citizen	oppose		✓		annecumming@gmail.com



COMMITTEE ON RULES

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Legislative Secretary

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Senator

Frank Blas Aguon, Jr.

Member

Senator

Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 323-33(COR) –T. R. Muña Barnes, B.J.F. Cruz, R. J. Respicio, "AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS."**– on May 20, 2016. COR hereby certifies that BBMR confirmed receipt of this request May 20, 2016 at 1:25 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 323-33(COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio

Chairperson of the Committee on Rules

June 14, 2016

Date



COMMITTEE ON RULES

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Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

May 20, 2016

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 322-33(COR) through 325-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
322-33 (COR)	T. C. Ada	AN ACT TO REZONE LOTS 2260 AND 2261, MUNICIPALITY OF BARRIGADA FROM AGRICULTURAL "A" ZONE TO SCHOOL "S-1" ZONE.
323-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.
324-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO AMEND SUB-ITEM (jj) OF § 61103, OF ARTICLE 1, AND §61304(B) AND §61305(B) OF ARTICLE 3 OF CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED; TO ADD A NEW SUBITEM (KK) OF §61103 OF ARTICLE 1, ; TO ADD A NEW SUB-ARTICLE 1 TO ARTICLE 1, A NEW SUB-ARTICLE 2 TO ARTICLE 1 CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED; RELATIVE TO CLARIFYING THE DEFINITION OF A BED AND BREAKFAST AND TO ESTABLISHING CONDITIONAL USE OF BED AND BREAKFAST AND SHORT-TERM VACATION UNITS; TO AUTHORIZING SHORT-TERM VACATION RENTALS ON GUAM, AND TO PROVIDE SUCH REQUIREMENTS AS ARE NECESSARY AND PROPER FOR THE OPERATION OF THE BED AND BREAKFAST AND SHORT-TERM VACATION UNITS ON GUAM.
325-33 (COR)	T. R. Muña Barnes B.J.F. Cruz R.J. Respicio	AN ACT TO ADD A NEW §51112 TO CHAPTER 51, TITLE 18 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING CIVIL PENALTIES FOR OWNER-PROPRIETORS LEASING REAL PROPERTY AS A LODGING FACILITY AND OPERATING WITHOUT THE PROPER LICENSES.



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Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

V. Anthony Ada

MINORITY LEADER

Mary C. Torres

MINORITY MEMBER

May 19, 2016

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 323-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 323-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
323-33 (COR)	T. R. Muña Barnes B. J.F. Cruz R. J. Respicio	AN ACT TO ADD A NEW § 30109, § 30110, AND § 30111 TO CHAPTER 30, TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE DIRECTOR OF REVENUE AND TAXATION OR HIS DESIGNEE TO ENTER INTO TAX COLLECTION AGREEMENTS WITH TRANSIENT ACCOMMODATIONS BROKERS.	05/18/16 4:42 p.m.	05/19/16	Committee on Municipal Affairs, Tourism, Housing, and Historic Preservation			

Subject: Correction: First Notice of Public Hearing - Tuesday, June 7, 2016 at 9:00am

From: Alan Cepeda (alan@tinamunabarnes.com)

sess1221@hotmail.com; mjduenas@ghura.org; alsantos1@ghura.org; david.sablan@gmail.com; djsablan@guam.net; john.camacho@revtax.guam.gov; marie.benito@revtax.guam.gov; michael.borja@land.guam.gov; mayorlcrivera.tatuha@gmail.com; mcogadmin@teleguam.net; james.gillan@dphss.guam.gov; nathan.denight@visitguam.org; bart.bgpacific@gmail.com; mbaldyga@baldyga.com; morinaga@kona.net; mikitaxi@hotmail.com; tcarriola@yahoo.com; tcarriola@gmail.com; cguzman@galaidegroup.com; alfredolab@aol.com; psgro@dpacguam.com;

To: president@ghra.org; eo@guamrealtors.com; joseph.i.cruz@gpd.guam.gov; joey.sannicolas@gfd.guam.gov; tonypsgro@gmail.com; jonfernandez@gdoe.net; mary.okada@guamcc.edu; raunderwood@uguam.uog.edu; info@guamchamber.com.gu; uog.tag.gu@gmail.com; dpalmer@remaxguam.com; youngs@teleguam.net; bill.nault@gmail.com; ray@guamhelp.com; rcruz0860@gmail.com; kcongen.guam@gmail.com; jcbblas@nikkoguam.com; sablan1@gmail.com; junglebnb@gmail.com; joseph.carbullido@gpd.guam.gov; telo.taitague@visitguam.org; maria.horizonproperties@gmail.com; iworkonsaturdays@gmail.com; masatomo.nadeau@dphss.guam.gov; kikocrisostomo@gmail.com; tae@teleguam.net; nanadan@guam.net; admin2@guamrealtors.com; wade.roisin@gmail.com;

Cc: sgtarms@guamlegislature.org; mis@guamlegislature.org; clerks@guamlegislature.org; phnotice@guamlegislature.org; av@guamlegislature.org; jean@tinamunabarnes.com; alan@tinamunabarnes.com;

Date: Tuesday, May 31, 2016 11:05 AM

FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

Tuesday May 31, 2016

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Guam Preservation Trust will be conducting a public hearing on **Tuesday June 7, 2016** beginning at **9:00 a.m.** in the **Public Hearing Room**. This hearing is scheduled to receive public testimony on the following items:

Appointment of Mr. George A. Santos, **Guam Housing and Urban Renewal Authority (GHURA), Board of Commissioners**. Length of term is five (5) years.

BillNo. 323-33 (COR) – “An act to add a new § 30109, § 30110, and § 30111 to chapter 30, title 11 Guam Code Annotated, relative to authorizing the Director of Revenue and Taxation or his designee to enter into tax collection agreements with transient accommodations brokers.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No.324-33 (COR) – “An act to amend sub-item (jj) of § 61103, of article 1, and §61304(b) and §61305(b) of article 3 of chapter 61, title 21 of the Guam Code Annotated; to add a new subitem (kk) of §61103 of article 1, ; to add a new sub-article 1 to article 1, a new sub-article 2 to article 1 chapter 61, title 21 of the Guam Code Annotated; relative to clarifying the definition of a bed and breakfast and to establishing conditional use of bed and breakfast and short-term vacation units; to authorizing short-term vacation rentals on Guam, and to provide such requirements as are necessary and proper for the operation of the bed and breakfast and short-term vacation units on Guam.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No.325-33 (COR) - “An act to add a new §51112 to chapter 51, title 18 Guam Code Annotated,

relative to establishing civil penalties for owner-proprietors leasing real property as a lodging facility and operating without the proper licenses.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No.329-33 (COR) – “An act to appropriate the sum of twenty-five thousand dollars (\$25,000) from the fiscal year 2017 Tourist Attraction Fund to the Department of Administration for the purpose of funding the construction of the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (Guam), effective October 1, 2016.” – F.B. Aguon Jr. and T.R. Muña Barnes

Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on Tuesday May 31, 2016, which is five (5) working days prior and a second public notice on Friday June 3, 2016, which is forty-eight (48) hours prior.

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagatña Guam 96910, via facsimile to 472-3400 or via email to senator@tinamunabarnes.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero, Bernice Rivera or Alan Cepeda from our office at 472-3455/6 or via email at jean@tinamunabarnes.com, Bernice@tinamunabarnes.com or alan@tinamunabarnes.com. I look forward to your attendance and participation.

Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS

Clerk of the Legislature
All Media

Alan Cepeda
Legislative Assistant
(671) 472-3455/6
alan@tinamunabarnes.com

Attachments

- Corrected First Notice.pdf (227.98KB)



I Mina'Trentai Tres Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

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I Mina'Trentai Tres Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

Monument to be erected by the Fallen Heroes of the Pacific Foundation (Guam), effective October 1, 2016." – F.B. Aguon Jr. and T.R. Muña Barnes

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS

Clerk of the Legislature
All Media

Subject: Second Notice of Public Hearing - Tuesday, June 7, 2016 at 9:00am

From: Alan Cepeda (alan@tinamunabarnes.com)

sess1221@hotmail.com; mjduenas@ghura.org; alsantos1@ghura.org; david.sablan@gmail.com; djsablan@guam.net; john.camacho@revtax.guam.gov; marie.benito@revtax.guam.gov; michael.borja@land.guam.gov; mayorlcrivera.tatuha@gmail.com; mcogadmin@teleguam.net; james.gillan@dphss.guam.gov; nathan.denight@visitguam.org; bart.bgpacific@gmail.com; mbaldyga@baldyga.com; morinaga@kona.net; mikitaxi@hotmail.com; tcarriola@yahoo.com; tcarriola@gmail.com; cguzman@galaidegroup.com; alfredolab@aol.com; psgro@dpacguam.com; president@ghra.org; eo@guamrealtors.com; joseph.i.cruz@gpd.guam.gov; joey.sannicolas@gfd.guam.gov; tonypsgro@gmail.com; jonfernandez@gdoe.net; mary.okada@guamcc.edu; raunderwood@uguam.uog.edu; info@guamchamber.com.gu; uog.tag.gu@gmail.com; dpalmer@remaxguam.com; youngs@teleguam.net; bill.nault@gmail.com; ray@guamhelp.com; rcruz0860@gmail.com; kcongen.guam@gmail.com; jcbias@nikkoguam.com; sablan1@gmail.com; junglebnb@gmail.com; joseph.carbullido@gpd.guam.gov; telo.taitague@visitguam.org; maria.horizonproperties@gmail.com; iworkonsaturdays@gmail.com; masatomo.nadeau@dphss.guam.gov; kikocrisostomo@gmail.com; tae@teleguam.net; nanadan@guam.net; admin2@guamrealtors.com; wade.roisin@gmail.com;

Cc: sgtarms@guamlegislature.org; mis@guamlegislature.org; clerks@guamlegislature.org; phnotice@guamlegislature.org; av@guamlegislature.org; jean@tinamunabarnes.com;

Date: Friday, June 3, 2016 9:38 AM

SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

Friday, June 3, 2016

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS

Clerk of the Legislature
All Media

Alan Cepeda
Legislative Assistant
(671) 472-3455/6
alan@tinamunabarnes.com

Attachments

- Second Notice.pdf (228.23KB)
- Agenda.pdf (156.08KB)



I Mina'Trentai Tres Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS

Clerk of the Legislature
All Media

Public Hearing Notice Listserv
phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: May 23, 2016

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cmduenas@guamlegislature.org	jason@senatormorrison.com	marycamachotorres@gmail.com

Public Hearing Notice Listserv
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Updated: May 23, 2016

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I Mina'Trentai Tres Na Liheslaturan Guáhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

Committee on Municipal Affairs, Tourism, Housing and Historic Preservation

Confirmation and Public Hearing

Tuesday, June 7, 2016 – 9:00 a.m. in the Public Hearing Room

AGENDA

Appointment of **Mr. George A. Santos**, Guam Housing and Urban Renewal Authority (GHURA), Board of Commissioners. Length of term is five (5) years.

Bill No. 323-33 (COR) – “An act to add a new § 30109, § 30110, and § 30111 to chapter 30, title 11 Guam Code Annotated, relative to authorizing the Director of Revenue and Taxation or his designee to enter into tax collection agreements with transient accommodations brokers.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No. 324-33 (COR) – “An act to amend sub-item (jj) of § 61103, of article 1, and §61304(b) and §61305(b) of article 3 of chapter 61, title 21 of the Guam Code Annotated; to add a new subitem (kk) of §61103 of article 1, ; to add a new sub-article 1 to article 1, a new sub-article 2 to article 1 chapter 61, title 21 of the Guam Code Annotated; relative to clarifying the definition of a bed and breakfast and to establishing conditional use of bed and breakfast and short-term vacation units; to authorizing short-term vacation rentals on Guam, and to provide such requirements as are necessary and proper for the operation of the bed and breakfast and short-term vacation units on Guam.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No. 325-33 (COR) - “An act to add a new §51112 to chapter 51, title 18 Guam Code Annotated, relative to establishing civil penalties for owner-proprietors leasing real property as a lodging facility and operating without the proper licenses.” – *sponsors*: T.R. Muña Barnes, B.J.F. Cruz, R.J. Respicio

Bill No. 329-33 (COR) – “An act to appropriate the sum of twenty-five thousand dollars (\$25,000) from the fiscal year 2017 Tourist Attraction Fund to the Department of Administration for the purpose of funding the construction of the Fallen Heroes Monument to be erected by the Fallen Heroes of the Pacific Foundation (Guam), effective October 1, 2016.” – F.B. Aguon Jr. and T.R. Muña Barnes
