

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

FEB 27 2015

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

2015 MAR -3 PM 12:57

Dear Madame Speaker:

Transmitted herewith is Bill No. 6-33 (COR) "AN ACT TO AMEND § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM" which was signed into law on February 25, 2015, as Public Law 33-04.

*Senseramente*

RAYMOND S. TENORIO  
*I Maga'lahaen Guåhan, para pa'go*  
Acting Governor of Guam

33-15-0213

Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 02-27-15  
Time: 4:40pm  
Received By: [Signature]

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

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Bill No. 6-33 (COR)**, "AN ACT TO *AMEND* § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM," was on the 20<sup>th</sup> day of February, 2015, duly and regularly passed.



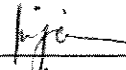
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



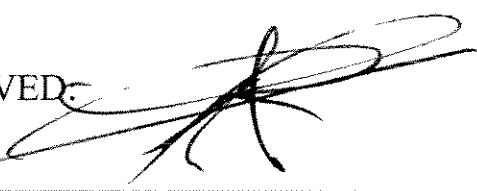
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23<sup>rd</sup> day of Feb,  
2015, at 4:38 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's* Office

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date: FEB 25 2015

Public Law No. 33-04

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

**Bill No. 6-33 (COR)**

As amended by the Committee on Rules.

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  
M. C. Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* § 58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED (AS ADDED BY SECTION 3 OF PUBLIC LAW 32-233), RELATIVE TO PROVIDING FOR THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS OF THE QUALIFYING CERTIFICATE PROGRAM.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Guam Economic Development Authority should develop and directly  
4 submit to *I Liheslatura* (the Legislature) industry specific policy, criteria and

1 measurable goals of the Qualifying Certificate program, ensuring the appropriate  
2 stimulation of legitimate investment of new economic development; and further  
3 finds that the development of the proposed submission *should not* be seen as a rule  
4 making process to be conducted pursuant to Article 3 of Chapter 9, Title 5 GCA.

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

11 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend § 58146.1 of  
12 Chapter 58, Title 12, Guam Code Annotated (as added by Section 3 of Public Law  
13 32-233), to provide for the development and direct submission of industry specific  
14 policy, criteria and measurable goals of the Qualifying Certificate program to *I*  
15 *Liheslaturan Guåhan* without going through the Administrative Adjudication Law.

16 **Section 2.** § 58146.1 of Chapter 58, Title 12, Guam Code Annotated (as  
17 added by Section 3 of Public Law 32-233), is *amended* to read:

18 **“§ 58146.1. Qualifying Certificate; Abeyance Thereof.**  
19 **Development of Industry Specific Policy, Criteria and Measurable**  
20 **Goals.**

21 (a) *No later than* sixty (60) days from the date of enactment  
22 of this Act, the Guam Economic Development Authority *shall* submit  
23 to *I Liheslaturan Guåhan* proposed industry specific policy, criteria  
24 and measurable goals; and which *shall not* include industry specific  
25 development projects already satisfactorily established on Guam, so  
26 as to ensure that the government not unnecessarily waive needed  
27 revenue for an industry specific project category that already exists or

1 is satisfactorily established. In the event the mandated industry  
2 specific policy, criteria and measurable goals are *not* submitted  
3 timely, pursuant to this Subsection (a), then the following *shall*  
4 become effective ninety (90) days from the date of enactment of this  
5 Act:

6 (1) Hotel Qualifying Certificate; Provisional  
7 Abeyance thereof. Except as provided pursuant to Article 2 of  
8 Chapter 58, Title 12, GCA, no renewal of Qualifying  
9 Certificates for hotels shall be approved and issued until such  
10 time as the Guam Economic Development Authority has  
11 developed industry specific policy, criteria and measurable  
12 goals ensuring appropriate stimulation of legitimate investment  
13 of new economic development; and

14 (2) General Industry Specific; Provisional Abeyance  
15 thereof. No new Qualifying Certificates, or the renewal of  
16 Qualifying Certificates, shall be approved and issued until such  
17 time as the Guam Economic Development Authority has  
18 developed industry specific policy, criteria and measurable  
19 goals ensuring the appropriate stimulation of legitimate  
20 investment of new economic development; and which *shall not*  
21 include industry specific development projects already  
22 satisfactorily established on Guam, so as to ensure that the  
23 government not unnecessarily waive needed revenue for an  
24 industry specific project category that already exists or is  
25 satisfactorily established.”

26 **Section 3. Severability.** If any provision of this Act or its application to  
27 any person or circumstance is found to be invalid or contrary to law, such

1    invalidity shall not affect other provisions or applications of this Act which can be  
2    given effect without the invalid provisions or application, and to this end the  
3    provisions of this Act are severable.

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