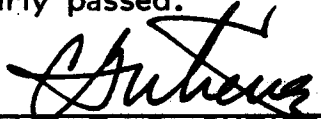


SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 639, Substitute-2, "AN ACT TO ADD A NEW SUBSECTION (6) TO SECTION 6118(a) RELATIVE TO DEFINING 'APPROPRIATIONS', AND TO AMEND SECTION 19541.0101 RELATIVE TO THE GROSS RECEIPTS TAX ON SALES OF GOODS IN FOREIGN COMMERCE, ALL OF THE GOVERNMENT CODE OF GUAM AND FOR OTHER PURPOSES", was on the 23rd day of April, 1984, duly and regularly passed.

  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

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This Act was received by the Governor this 26<sup>th</sup> day of April  
1984, at 11:00 o'clock A.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED: 

RICARDO J. BORDALLO  
Governor of Guam

Date: May 7, 1984 (9:45 AM)

Public Law No. 17-50

SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

Bill No. 639  
Substitute-2

Introduced by:

C. T. C. Gutierrez  
J. H. Underwood  
J. F. Ada

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J. P. Aguon  
T. S. Nelson  
J. F. Quan  
E. P. Arriola  
E. T. Charfauros  
E. R. Duenas  
F. J. Gutierrez  
M. K. Hartsock  
A. C. Lamorena III  
P. C. Lujan  
M. D. A. Manibusan  
D. Parkinson  
F. J. Quitugua  
J. T. San Agustin  
F. R. Santos  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ADD A NEW SUBSECTION (6) TO SECTION 6118(a) RELATIVE TO DEFINING "APPROPRIATION", AND TO AMEND SECTION 19541.0101 RELATIVE TO THE GROSS RECEIPTS TAX ON SALES OF GOODS IN FOREIGN COMMERCE, ALL OF THE GOVERNMENT CODE OF GUAM AND FOR OTHER PURPOSES.

- 1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. Section 6118 (a) of the Government Code is amended to add  
3 thereto the following subsection (6) to read:  
4 "(6)(A) As used in this section, the term 'appropriation' means  
5 the funds allocated by the Legislature which directs how the amount,  
6 manner and purpose of the funds are to be used.  
7 (B) The 'amount available in any appropriation' shall be deemed  
8 to mean the original amount of an appropriation from which any  
9 expenditure, contract or obligation is intended to be paid, less

1 amounts previously paid from such appropriation, less amounts that  
2 must be paid from such appropriation for the period of the  
3 appropriation to satisfy obligations of government under contracts  
4 actually made and to be satisfied from such appropriation."

5 Section 2. Section 19541.0101 of Subchapter B, Chapter VI of Title  
6 XX of the Government Code is amended to read:

7 ".0101. Provided, that gross proceeds of export sales of tangible  
8 property in foreign commerce shall not constitute a part of the measure  
9 of the tax imposed. Although not constituting a part of the measure  
10 of the tax imposed, all such sales shall be reported in the manner  
11 provided for the reporting of the tax imposed by Section 19541.01."

12 Section 3. The amendment made to Subsection .0101 of Section 19541  
13 in Section 2 of this Act shall be effective as of January 25, 1984.

14 Section 4. Section 4 of Public Law 17-24 as repealed and reenacted by  
15 Section 44 of Public Law 17-26, is further amended to read:

16 "Section 4. No revenue from duties and taxes covered into the  
17 Treasury of Guam pursuant to Section 30 of the Organic Act of Guam,  
18 as amended, shall be used to pay debts or obligations incurred prior  
19 to September 30, 1983, except as hereinafter provided. Section 30  
20 funds may be used for the purposes authorized by Section 7 of  
21 Chapter II of Public Law 17-25. One Million Five Hundred Thousand  
22 Dollars (\$1,500,000) is appropriated from the General Fund for  
23 payment of vendors who have provided services or property to the  
24 government of Guam during Fiscal Year 1983. Such amounts from this  
25 appropriation as are necessary to pay claims of vendors who have  
26 already submitted their claims to the Attorney General's Office  
27 pursuant to the Claims Act shall be deposited in the claims fund and  
28 payment to those vendors shall be from that fund."

29 Section 5. Section 53571 of the Government Code of Guam. (12 GCA  
30 Section 2408) is amended to read:

31 "Section 53571. Employment of United States Citizens and  
32 Permanent Residents. A corporate Qualifying Certificate shall not be  
33 issued unless the applicant commits itself at the time of application for  
34 such a Certificate that a management training program shall be  
35 established so that within a reasonable period of time residents of  
36 Guam who are United States citizens or permanent residents of the

1 United States and who are otherwise qualified would replace the  
2 manager or other officers of an industry or business granted a  
3 Corporate Qualifying Certificate who are not United States citizens or  
4 permanent residents of the United States, and that it shall at all times  
5 employ a total employment force of not less than the minimum number  
6 established by the Corporation, at least seventy-five percent (75%) of  
7 which shall be United States citizens or permanent residents of the  
8 United States; provided, however, that for good cause, temporary  
9 exemptions hereto, for specific and limited periods of time, may be  
10 granted by the Corporation, such temporary exemptions, to be  
11 conditioned upon a training program, approved by the Corporation,  
12 designed to replace employees who are not either United States citizens  
13 or permanent residents. In addition, after the expiration of three  
14 fourths (3/4) of the period of the Qualifying Certificate or ten (10)  
15 years, whichever is sooner, the possessor of the Qualifying Certificate  
16 must satisfy the seventy-five percent (75%) employment requirement at  
17 both labor and management levels. The Corporation shall be the sole  
18 judge of what constitutes labor or management level employment. The  
19 Corporation shall establish the reasonable minimum number of persons  
20 to be employed on a continuing basis for each corporate applicant in  
21 accordance with the specific and normal requirements of the business  
22 involved. Such minimum employment requirement shall be made a  
23 condition appearing on the face of the applicable corporate Qualifying  
24 Certificate. No resident employee of an industry or business granted  
25 a corporate Qualifying Certificate shall be paid less than the prevailing  
26 wage rates nor shall he be laid off his job nor have his workweek  
27 reduced to less than forty (40) hours for the sole purpose of creating  
28 employment for nonresident workers. For the purpose of this section,  
29 'prevailing wage rates' as determined by the Department of Labor shall  
30 be used as a guide. The Department of Labor is hereby empowered to  
31 investigate any complaint filed pursuant to this section and to settle  
32 the same by issuance of an appropriate order after notice and hearing  
33 pursuant to the provisions of the Administrative Adjudication Act.  
34 Any willful violation of this section, or of any order issued hereunder  
35 may be cause for a Beneficiary of a corporate Qualifying Certificate to  
36 forfeit the benefits thereof."

1 Section 6. Section 19543 of the Government Code is amended by adding a  
2 new Subsection .1019 to read:

3 ".1019. (a) Amounts received from the sale or resale of  
4 products processed or manufactured at the Guam Rehabilitation  
5 Workshop Center by registered clients of the Center, or certified as  
6 disabled worker products, and products processed and manufactured  
7 independently by registered clients of the Center where fifty percent  
8 (50%) of the value of the product is added by the client.

9 (b) The Director of the Department of Vocational Rehabilitation  
10 shall certify that such products were processed or manufactured at the  
11 Guam Rehabilitation Workshop Center by registered clients of the  
12 Center, or certified as disabled worker products, or else processed  
13 and manufactured independently by registered clients of the Center  
14 where fifty percent (50%) of the value of the product is added by the  
15 client."