



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

06 JUN 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 145 (LS), "AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS ON THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND TITLE 5 GUAM CODE ANNOTATED, §§ 221304(b), 221305, 221306, AND 221108, AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENTLY WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS" which I signed into law on June 3, 2005, as **Public Law 28-42**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo	
SECRETARY OF THE LEGISLATURE	
ACKNOWLEDGEMENT RECEIPT	
Rec'd by: <u>JBY</u>	Print Name & Initial
Time: <u>3:58pm</u>	Date: <u>6/2/05</u>

Office of the Speaker

MARK FORBES

Date: 6/7/05
Time: 3:15 pm
Rec'd by: Janice
Print Name: _____

28-05-0233

0235



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

May 25, 2005

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 71(EC), 81(EC) and 145(LS); and Substitute Bill Nos. 1(LS), 38(EC), 64(EC), 76(EC) and 118(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on May 20, 2005.

Sincerely,

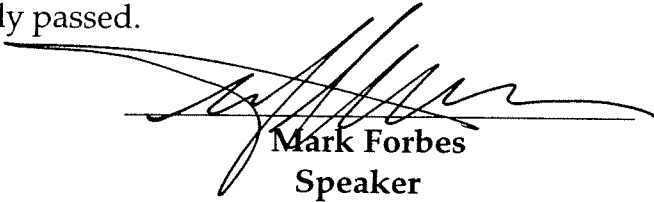
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (8)

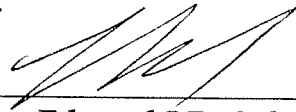
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

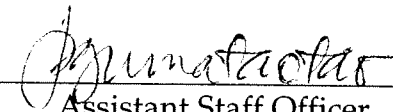
This is to certify that Bill No. 145 (LS), "AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS ON THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND TITLE 5 GUAM CODE ANNOTATED, §§ 221304(b), 221305, 221306, AND 221108, AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENTLY WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS," was on the 20th day of May, 2005, duly and regularly passed.


Mark Forbes
Speaker


Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 25 day of May, 2005,
at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'laha'i's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 6/3/05

Public Law No. PL:28-42

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 145 (LS)

As amended on the Floor.

Introduced by:

Edward J.B. Calvo

Mark Forbes

Mike Cruz

F. B. Aguon, Jr.

J. M.S. Brown

B. J.F. Cruz

L. F. Kasperbauer

R. Klitzkie

L. A. Leon Guerrero

J. A. Lujan

A. B. Palacios

Ray Tenorio

R. J. Respicio

A. R. Unpingco

J. T. Won Pat

AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS ON THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND TITLE 5 GUAM CODE ANNOTATED, §§ 221304(b), 221305, 221306, AND 221108, AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENTLY WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Section 4 of Public Law 27-69 is hereby *amended* to read**
2 **as follows:**

3 **“Section 4. Reversion of Funds.** Notwithstanding the general
4 provisions of §22406 of Title 5 of the Guam Code Annotated, which
5 require that unused and de-appropriated funds revert to the General
6 Fund, or any other provision of law to the contrary, all unused funds
7 appropriated herein shall, in all circumstances and whether in whole or
8 in part, remain in the Department of Mental Health and Substance
9 Abuse Fund and shall be carried over through fiscal year 2006 and shall
10 be expended exclusively for youth compliance monitoring and tobacco
11 and drug prevention and education programs.”

12 **Section 2. Section 5 of Public Law 27-69 is hereby *amended* to read**
13 **as follows:**

14 **“Section 5. Reporting Requirement.** The Department of Mental
15 Health and Substance Abuse shall submit a detailed report of the
16 expenditures of the funds appropriated by this Act to the Speaker of *I*
17 *Liheslaturan Guåhan* and the Administrator of the Guam Economic
18 Development and Commerce Authority within sixty (60) days following
19 the close of Fiscal Year 2004 and Fiscal Year 2005. If any unused portion
20 of the funds appropriated herein is carried over through Fiscal Year
21 2006, the provisions contained in this Section so do apply.”

22 **Section 3. Section 221304(b) of Article 13 of Chapter 22 of Division 2**
23 **of Title 5, Guam Code Annotated, is hereby *amended* to read as follows:**

1 “(b) The Health Security Trust Fund, subject to legislative
2 approval, may be invested or reinvested in bonds or in securities that are
3 approved for the Retirement Fund, or according to modern investment
4 practices of similar funds. The appropriations from the Health Security
5 Trust Fund shall be limited to fifty percent (50%) of the initial deposit
6 from the proceeds of the sale for the first five (5) years. Thereafter,
7 expenditures shall be limited to ninety percent (90%) of the earnings of
8 the Fund.”

9 **Section 4. Section 221305 of Article 13 of Chapter 22 of Division 2 of**
10 **Title 5, Guam Code Annotated, is hereby *amended* to read as follows:**

11 “§221305. **UOG Higher Education Endowment Funds.** There is
12 hereby created, separate and apart from other funds of the government
13 of Guam, a fund known as the ‘UOG Higher Education Endowment
14 Fund’. The UOG Higher Education Endowment Fund shall not be
15 commingled with the General Fund and shall be kept in a separate bank
16 account and administered by the University of Guam. The UOG Higher
17 Education Endowment Fund may be invested or reinvested by the UOG
18 Board of Regents in bonds or in securities that are approved for the
19 Retirement Fund, or according to modern investment practices of similar
20 funds.

21 The appropriations from the UOG Higher Education Endowment
22 Fund shall be limited to fifty percent (50%) of the initial deposit from the
23 proceeds of the sale for the first five (5) years. Thereafter, expenditures
24 shall be limited to ninety percent (90%) of the earnings of the Fund. The
25 proceeds from the investments shall remain within the UOG Higher

1 Education Endowment Fund. All monies deposited into the UOG
2 Higher Education Endowment Fund shall be expended exclusively for
3 enhancement of learning resources and technology, including, *but not*
4 *limited to*, the following:

- 5 (a) purchase of computer equipment, books, subscriptions,
6 periodical materials and other library supplies and materials;
- 7 (b) training; and
- 8 (c) management of library materials and resources.

9 The University of Guam shall determine the allocation of this
10 appropriation in compliance with this Section."

11 **Section 5. Section 221306 of Article 13 of Chapter 22 of Division 2 of**
12 **Title 5, Guam Code Annotated, is hereby *amended* to read as follows:**

13 "§221306. **GCC Endowment Fund.** There is hereby created,
14 separate and apart from other funds of the government of Guam, a fund
15 known as the 'GCC Endowment Fund.' The GCC Endowment Fund
16 shall not be commingled with the General Fund and shall be kept in a
17 separate bank account and administered by the Guam Community
18 College. The GCC Endowment Fund may be invested or reinvested by
19 the GCC Board of Trustees in bonds or in securities that are approved for
20 the Retirement Fund, or according to modern investment practices of
21 similar funds. The appropriations from the GCC Endowment Fund shall
22 be limited to fifty percent (50%) of the initial deposit from the proceeds
23 of the sale for the first five (5) years. Thereafter, expenditures shall be
24 limited to ninety percent (90%) of the earnings of the Fund. The

1 proceeds from the investments shall remain within the GCC Endowment
2 Fund. All monies deposited into the GCC Endowment Fund shall be
3 expended exclusively for enhancement of learning resources and
4 technology, and for the purpose of funding capital improvement projects
5 expenditures at GCC, including, *but not limited to*, the following:

- 6 (a) purchase of computer equipment, books, subscriptions,
7 periodical materials and other library supplies and materials;
- 8 (b) training;
- 9 (c) management of library materials and resources; and
- 10 (d) capital improvement projects.

11 GCC shall determine the allocation of this appropriation in
12 compliance with this Section.”

13 **Section 6.** Section 6123(b) of Chapter 6 of Division 1 of Title 11,
14 **Guam Code Annotated**, is hereby *amended* to read as follows:

15 “(b) YTEPF, subject to legislative approval, may be invested
16 or reinvested in bonds or in securities that are approved for the
17 Retirement Fund or according to modern investment practices of
18 similar funds. The appropriations from the YTEPF received
19 pursuant to 5 GCA § 221203, shall be limited to fifty percent (50%)
20 of the initial deposit from the proceeds of the sale for the first five
21 (5) years. Thereafter, expenditures shall be limited to ninety
22 percent (90%) of the earnings of the Fund.”

23 **Section 7. Effective Date.** The provisions of this Act shall become
24 effective immediately upon enactment.

1 Section 8. Section 221108 of Article 11, Chapter 22, Division 2 of
2 Title 5 of the Guam Code Annotated is hereby *amended* to read as follows:

3 “Section 221108. (a) All monies deposited into the HAHS Fund
4 shall be expended exclusively for the purposes enumerated in 5 GCA
5 §221003 and the general intent of this Act.

6 (b) The HAHS Fund, subject to legislative approval, may be
7 invested or reinvested in bonds or in securities that are approved for the
8 Retirement Fund, or according to modern investment practices of similar
9 funds. The appropriations from the HAHS Fund received pursuant to
10 §221203 of Title 5 of the Guam Code Annotated shall be limited to fifty
11 percent (50%) of the initial deposit from the proceeds of the sale for the
12 first five (5) years. Thereafter, expenditures shall be limited to ninety
13 percent (90%) of the earnings of the Fund.”

14 **Section 9. Severability.** *If* any provision of this Law or its application
15 to any person or circumstance is found to be invalid or contrary to law, such
16 invalidity shall *not* affect other provisions or applications of this Law which
17 can be given effect without the invalid provisions or application, and to this
18 end the provisions of this Law are severable.

Office of Speaker Mark Forbes
Mina' Bente Ocho Na Liheslaturan Guahan
155 Hessler Place
Hagatna, Guam 96910

May 20, 2005

The Honorable Edward J.B. Calvo
Chairman, Committee on Finance, Taxation, and Commerce
Mina' Bente Ocho na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

Hafa adai! Pursuant to Section 7.01 of Rule VII of *I Mina' Bente Ocho na Liheslaturan Guahan's* Standing Rules, I hereby grant your request that the public hearing requirements and those prescribed under 5 GCA, sections 8107 and 8108, as exempted by my authority as Speaker of *I Liheslatura* and under the emergency requirements issued by Attorney General Opinion 78-02, for Bill Number 145 (LS), "**AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS IN THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND 5 GUAM CODE ANNOTATED §§221304(b), §221305, §221306 AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENT WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS**" be waived and that said legislation will be placed on the agenda of this regularly scheduled session of *I Liheslaturan Guahan*.



Speaker Mark Forbes

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 5/20/05

VOTING SHEET

Friday

Bill No. 145 (LS)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSEN</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eddie J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Mike (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					GA ✓
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

PL. 28-42

Office of Speaker Mark Forbes
Mina' Bente Ocho Na Liheslaturan Guahan
155 Hessler Place
Hagatna, Guam 96910

May 20, 2005

The Honorable Edward J.B. Calvo
Chairman, Committee on Finance, Taxation, and Commerce
Mina' Bente Ocho na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

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Speaker Mark Forbes

**Office of Speaker Mark Forbes
Mina' Bente Ocho Na Liheslaturan Guahan
155 Hessler Place
Hagatna, Guam 96910**

May 20, 2005

The Honorable Edward J.B. Calvo
Chairman, Committee on Finance, Taxation, and Commerce
Mina' Bente Ocho na Liheslaturan Guahan
155 Hessler Street
Hagatna, Guam 96910

Hafa adai! Pursuant to Section 7.01 of Rule VII of *I Mina' Bente Ocho na Liheslaturan Guahan's* Standing Rules, I hereby grant your request that the public hearing requirements and those prescribed under 5 GCA, sections 8107 and 8108, as exempted by my authority as Speaker of *I Liheslatura* and under the emergency requirements issued by Attorney General Opinion 78-02, for Bill Number 145 (LS), "**AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS IN THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND 5 GUAM CODE ANNOTATED §§221304(b), §221305, §221306 AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENT WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS**" be waived and that said legislation will be placed on the agenda of this regularly scheduled session of *I Liheslaturan Guahan*.



Speaker Mark Forbes

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) REGULAR SESSION

Bill No. 145 (LS)

Introduced by:

Edward J.B. Calvo
Mark Forbes
Mike Cruz, M.D.

AN EMERGENCY ACT TO AMEND PUBLIC LAW 27-69 TO EXTEND THE TIME RESTRICTIONS IN THE EXPENDITURE OF VARIOUS TOBACCO SETTLEMENT BOND FUNDS BY AN ADDITIONAL YEAR AND TO AMEND 5 GUAM CODE ANNOTATED §§221304(b), §221305, §221306 AND SECTION 6123(b) OF CHAPTER 6 OF DIVISION 1 OF TITLE 11, GUAM CODE ANNOTATED CONSISTENT WITH THE EXTENSION OF THE TOBACCO SETTLEMENT BOND TIME RESTRICTIONS.

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

2 **Section 1.** Section 4 of Public Law 27-69 is amended to read:

3 **“Section 4. Reversion of Funds.** Notwithstanding the general
4 provisions of §22406 of Title 5 of the Guam Code Annotated, which require that
5 unused and de-appropriated funds revert to the General Fund, or any other
6 provision of law to the contrary, all unused funds appropriated herein shall, in all
7 circumstances and whether in whole or in part, remain in the Department of
8 Mental Health and Substance Abuse Fund and shall be carried over ~~into the next~~

1 through fiscal year 2006 and shall be expended exclusively for youth compliance
2 monitoring and tobacco and drug prevention and education programs.”

3 **Section 2.** Section 5 of Public Law 27-69 is amended to read:

4 **“Section 5. Reporting Requirement.** The Department of Mental Health
5 and Substance Abuse shall submit a detailed report of the expenditures of the
6 funds appropriated by this Act to the Speaker of *I Liheslaturan Guåhan* and the
7 Administrator of the Guam Economic Development and Commerce Authority
8 within sixty (60) days following the close of Fiscal Year 2004. If any unused
9 portion of the funds appropriated herein is carried over ~~into~~ through Fiscal Year
10 ~~2005~~ 2006, the provisions contained in this Section so do apply.”

11 **Section 3.** Section 221304(b) of Article 13 of Chapter 22 of Division 2 of Title
12 5, Guam Code Annotated, is hereby *amended* to read as follows:

13 “(b) The Health Security Trust Fund, subject to legislative approval, may
14 be invested or reinvested in bonds or in securities that are approved for the
15 Retirement Fund, or according to modern investment practices of similar funds.
16 The appropriations from the Health Security Trust Fund shall be limited to fifty
17 percent (50%) of the initial deposit from the proceeds of the sale for the first ~~four~~
18 ~~(4)~~ five (5) years. Thereafter, expenditures shall be limited to ninety percent
19 (90%) of the earnings of the Fund.”

1 **Section 4.** Section 221305 of Article 13 of Chapter 22 of Division 2 of Title 5,
2 Guam Code Annotated, is hereby *amended* to read as follows:

3 “**§221305. UOG Higher Education Endowment Funds.** There is
4 hereby created, separate and apart from other funds of the government of Guam,
5 a fund known as the UOG Higher Education Endowment Fund. The UOG
6 Higher Education Endowment Fund shall not be commingled with the General
7 Fund and shall be kept in a separate bank account and administered by the
8 University of Guam. The UOG Higher Education Endowment Fund may be
9 invested or reinvested by the UOG Board of Regents in bonds or in securities
10 that are approved for the Retirement Fund, or according to modern investment
11 practices of similar funds.

12 The appropriations from the UOG Higher Education Endowment Fund
13 shall be limited to fifty percent (50%) of the initial deposit from the proceeds of
14 the sale for the first ~~four (4)~~ five (5) years. Thereafter, expenditures shall be
15 limited to ninety percent (90%) of the earnings of the Fund. The proceeds from
16 the investments shall remain within the UOG Higher Education Endowment
17 Fund. All monies deposited into the UOG Higher Education Endowment Fund
18 shall be expended exclusively for enhancement of learning resources and
19 technology, including, but not limited to, the following:

- 1 (a) purchase of computer equipment, books, subscriptions,
2 periodical materials and other library supplies and materials;
3 (b) training; and
4 (c) management of library materials and resources.

5 The University of Guam shall determine the allocation of this
6 appropriation in compliance with this Section.”

7 **Section 5.** Section 221306 of Article 13 of Chapter 22 of Division 2 of Title 5,
8 Guam Code Annotated, is hereby *amended* to read as follows:

9 “§221306. **GCC Endowment Fund.** There is hereby created, separate
10 and apart from other funds of the government of Guam, a fund known as the
11 ‘GCC Endowment Fund.’ The GCC Endowment Fund shall not be commingled
12 with the General Fund and shall be kept in a separate bank account and
13 administered by the Guam Community College. The GCC Endowment Fund
14 may be invested or reinvested by the GCC Board of Trustees in bonds or in
15 securities that are approved for the Retirement Fund, or according to modern
16 investment practices of similar funds. The appropriations from the GCC
17 Endowment Fund shall be limited to fifty percent (50%) of the initial deposit
18 from the proceeds of the sale for the first ~~four (4)~~ five (5). Thereafter,
19 expenditures shall be limited to ninety percent (90%) of the earnings of the Fund.

1 The proceeds from the investments shall remain within the GCC Endowment
2 Fund. All monies deposited into the GCC Endowment Fund shall be expended
3 exclusively for enhancement of learning resources and technology, and for the
4 purpose of funding capital improvement projects expenditures at GCC,
5 including, but not limited to, the following:

- 6 (a) purchase of computer equipment, books, subscriptions, periodical
7 materials and other library supplies and materials;
- 8 (b) training;
- 9 (c) management of library materials and resources; and
- 10 (d) capital improvement projects.

11 GCC shall determine the allocation of this appropriation in compliance
12 with this Section.”

13 **Section 6.** Section 6123(b) of Chapter 6 of Division 1 of Title 11, Guam Code
14 Annotated, is hereby *amended* to read as follows:

15 “(b) YTEPF, subject to legislative approval, may be invested or
16 reinvested in bonds or in securities that are approved for the Retirement
17 Fund or according to modern investment practices of similar funds. The
18 appropriations from the YTEPF received pursuant to 5 GCA § 221203,
19 shall be limited to fifty percent (50%) of the initial deposit from the

1 proceeds of the sale for the first ~~four~~ (4) five (5) years. Thereafter,
2 expenditures shall be limited to ninety percent (90%) of the earnings of
3 the Fund.”

4 **Section 7. Effective Date.** The provisions of this Act shall become effective
5 immediately upon enactment.

6 **Section 8. Severability.** *If* any provision of this Law or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity shall
8 *not* affect other provisions or applications of this Law which can be given effect
9 without the invalid provisions or application, and to this end the provisions of this Law
10 are severable.