



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

NOV 13 2015

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 166-33 (LS), "AN ACT TO APPEAL AND REENACT § 103120 OF CHAPTER 103, TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (c) OF 15110 OF ARTICLE 1, CHAPTER 15, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REESTABLISHING AND FUNDING THE BANKING AND INSURANCE ENFORCEMENT FUND, AND THEREBY FACILITATING HEALTH INSURANCE REFORM PRACTICES," which was signed into law on the 9<sup>th</sup> day of November 2015, as Public Law 33-91.

2015 NOV 13 PM 4:53

*Senseramente,*

EDDIE BAZA CALVO

33-15-1089  
Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 11/13/15  
Time: \_\_\_\_\_  
Received By: \_\_\_\_\_

1089

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

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

This is to certify that Bill No. 166-33 (LS), "AN ACT TO *REPEAL AND REENACT* § 103120 OF CHAPTER 103, TITLE 11, GUAM CODE ANNOTATED; AND TO *AMEND* SUBSECTION (b) AND *ADD* A NEW SUBSECTION (c) OF § 15110 OF ARTICLE 1, CHAPTER 15, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REESTABLISHING AND FUNDING THE BANKING AND INSURANCE ENFORCEMENT FUND, AND THEREBY FACILITATING HEALTH INSURANCE REFORM PRACTICES," was on the 27<sup>th</sup> day of October 2015, duly and regularly passed.

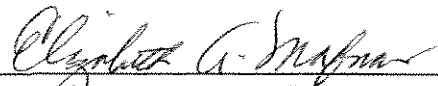


Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 28<sup>th</sup> day of October,  
2015, at 7:22 o'clock P.M.

  
Elizabeth A. Mafra  
Assistant Staff Officer  
*Maga'låhi's* Office

APPROVED:

  
RAYMOND S. FENORIO  
Acting Governor of Guam

Date: NOV 09 2015

Public Law No. 33-91

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

**Bill No. 166-33 (LS)**

As amended on the Floor.

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

Mary Camacho Torres

N. B. Underwood, Ph.D.

Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND REENACT § 103120 OF CHAPTER 103, TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (c) OF § 15110 OF ARTICLE 1, CHAPTER 15, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REESTABLISHING AND FUNDING THE BANKING AND INSURANCE ENFORCEMENT FUND, AND THEREBY FACILITATING HEALTH INSURANCE REFORM PRACTICES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that the Office of the Banking and Insurance Commissioner, Department of

1 Revenue and Taxation of Guam, lacks the funding to properly monitor and regulate  
2 the banking and insurance industry. Subsection (d) of § 103102 of Chapter 103,  
3 Title 11, Guam Code Annotated, provides that, “The Commissioner shall perform  
4 all duties imposed upon him by the provisions of this Title, Title 17 GCA Chapter  
5 50, and other laws regulating banking and insurance in Guam and shall enforce all  
6 such provisions and laws.”

7 *I Liheslaturan Guåhan* takes due notice that the source of previous funding  
8 was redirected to the General Fund, and that the Banking and Insurance  
9 Enforcement Fund itself, was eliminated, leaving the Office of the Banking and  
10 Insurance Commissioner without the necessary funding to properly regulate and  
11 enforce the mandates of the Office.

12 *I Liheslaturan Guåhan* finds that health insurance reform requires the  
13 regulatory oversight necessary to ensure compliance. The accomplishment of this  
14 requires funding and a clear mandate.

15 It is, therefore, the intent of *I Liheslaturan Guåhan* to repeal and reenact §  
16 103120 of Chapter 103, Title 11, Guam Code Annotated, and to amend § 15110 of  
17 Article 1, Chapter 15, Title 22, Guam Code Annotated, for the combined purpose  
18 of reestablishing and funding the Banking and Insurance Enforcement Fund.

19 **Section 2.** § 103120 of Chapter 103, Title 11, Guam Code Annotated, is  
20 hereby *repealed* and *reenacted* to read as follows:

21 **“§ 103120. Creation of the Banking and Insurance Enforcement**  
22 **Fund.**

23 There is hereby established, separate and apart from other funds of the  
24 government of Guam, a special fund known as the ‘Banking and Insurance  
25 Enforcement Fund’ (hereinafter the ‘Fund’). The Fund *shall not* be  
26 commingled with the General Fund or any other fund of the government of  
27 Guam. The Fund *shall* be held in an account or accounts at a Guam financial

1 institution or institutions separate and apart from all other accounts and  
2 funds of the government of Guam. The Fund *shall not* be subject to *I*  
3 *Maga'låhen Guåhan's* transfer authority. The Fund *shall* be used for  
4 enforcement within the purview of the Office of Commissioner of Banking  
5 and Insurance, and the Banking and Insurance Board, subject to  
6 appropriations.”

7 **Section 3.** Subsection (b) is *amended* and a new Subsection (c) is *added* to  
8 § 15110 of Article 1, Chapter 15, Title 22, Guam Code Annotated, to read as  
9 follows:

10 “(b) All funds deriving from this Section *shall* be deposited in the  
11 Banking and Insurance Enforcement Fund.

12 (c) The Commissioner, in consultation and with the approval of the  
13 Banking and Insurance Board, *shall* have the authority to adjust the fees, as  
14 provided pursuant to this Section, within an amount *not to exceed* fifteen  
15 percent (15%) per annum. The Commissioner *shall* conduct a public hearing  
16 on any proposed fee increase(s) *not to exceed* fifteen percent (15%) pursuant  
17 to the Open Government Law, and *shall* transmit the findings and  
18 recommendations of the public hearing to *I Liheslaturan Guåhan* and *I*  
19 *Maga'låhen Guåhan* prior to the implementation of the proposed fee  
20 increase(s). Any proposed fee increase above that percentage *shall only* be  
21 promulgated pursuant to Article 3 (Rule-Making Procedures) of Chapter 9  
22 (Administrative Adjudication Law) of Division 1, Title 5, Guam Code  
23 Annotated.”

24 **Section 4. Severability.** If any provision of this Act or its application to  
25 any person or circumstance is found to be invalid or contrary to law, such  
26 invalidity *shall* not affect other provisions or applications of this Act that can be

1 given effect without the invalid provisions or application, and to this end the  
2 provisions of this Act are severable.

3 **Section 5. Effective Date.** This Act *shall* become effective upon  
4 commencement of Fiscal Year 2017.