

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

FEB 09 2016

33-16-1353

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

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

Date: 02-11-16  
Time: 9:45 AM  
Received By: [Signature]

PJC  
2016 FEB 11 AM 10:59

Dear Madame Speaker:

Transmitted herewith is Bill No. 208-33 (LS) "AN ACT TO AMEND § 58104 OF CHAPTER 58, DIVISION 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE REFINANCING OF THE GOVERNMENT OF GUAM'S OBLIGATIONS WITH RESPECT TO THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2006A, THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2006B, AND THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2008" which was signed into law on February 3, 2016, as Public Law 33-118.

*Senseramente,*

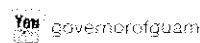
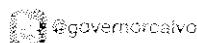
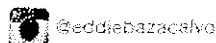
RAY TENORIO

*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam

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1353



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

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

This is to certify that Bill No. 208-33 (LS), "AN ACT TO AMEND § 58104 OF CHAPTER 58, DIVISION 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE REFINANCING OF THE GOVERNMENT OF GUAM'S OBLIGATIONS WITH RESPECT TO THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2006A, THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2006B, AND THE GUAM EDUCATION FINANCING FOUNDATION CERTIFICATES OF PARTICIPATION (GUAM PUBLIC SCHOOL FACILITIES PROJECT) SERIES 2008," was on the 20<sup>th</sup> day of January 2016, duly and regularly passed.



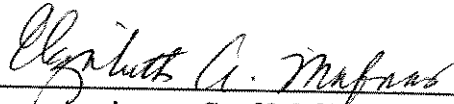
**Judith T. Won Pat, Ed.D.  
Speaker**

Attested:



**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 22<sup>nd</sup> day of January,  
2016, at 5:17 o'clock p.M.



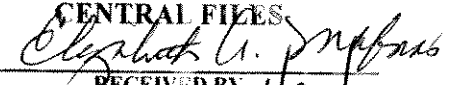
**Elizabeth A. Muñas  
Assistant Staff Officer  
Maga'låhi's Office**

APPROVED:



**RAYMOND S. TENORIO  
Acting Governor of Guam**

Date: FEB 03 2016

OFFICE OF THE GOVERNOR  
CENTRAL FILES  
  
RECEIVED BY \_\_\_\_\_  
TIME 5:47 DATE 1/22/16

Public Law No. 33-118

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

**Bill No. 208-33 (LS)**

As amended on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.  
Michael F.Q. San Nicolas  
V. Anthony Ada  
T. R. Muña Barnes  
Dennis G. Rodriguez, Jr.  
T. C. Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
R. J. Respicio  
Mary Camacho Torres  
N. B. Underwood, Ph.D.

**AN ACT TO AMEND § 58104 OF CHAPTER 58,  
DIVISION 5, TITLE 5, GUAM CODE ANNOTATED,  
RELATIVE TO THE REFINANCING OF THE  
GOVERNMENT OF GUAM'S OBLIGATIONS WITH  
RESPECT TO THE GUAM EDUCATION FINANCING  
FOUNDATION CERTIFICATES OF PARTICIPATION  
(GUAM PUBLIC SCHOOL FACILITIES PROJECT)  
SERIES 2006A, THE GUAM EDUCATION FINANCING  
FOUNDATION CERTIFICATES OF PARTICIPATION  
(GUAM PUBLIC SCHOOL FACILITIES PROJECT)  
SERIES 2006B, AND THE GUAM EDUCATION  
FINANCING FOUNDATION CERTIFICATES OF  
PARTICIPATION (GUAM PUBLIC SCHOOL  
FACILITIES PROJECT) SERIES 2008.**

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

2           **Section 1.** § 58104 of Chapter 58, Division 5, Title 5, Guam Code  
3 Annotated, is hereby *amended* to read as follows:

4           **“§ 58104. Authorization to Enter into Long-Term Leases.**

5           For the purpose of facilitating the refinancing of the design,  
6 construction and maintenance of an existing Education Facility or existing  
7 Education Facilities encompassed by this Act, the government of Guam or  
8 an Education Agency, as the case may be, is authorized to lease under  
9 existing contracts and/or existing amendments thereto, if required, to the  
10 Contractor, subject to legislative approval, sufficient government of Guam  
11 real property, to include, but *not* be limited to, Chamorro Land Trust  
12 Commission property and Guam Ancestral Lands Commission property, on  
13 which to construct, convert or rehabilitate an Education Facility; provided,  
14 such property is in the inventory of the Education Agency. The location of  
15 the property may be at the site of an existing Education Facility under the  
16 control of an Education Agency, which may be converted, rehabilitated or  
17 demolished and rebuilt under the provisions of this Act.

18           Any lease of property pursuant to this Act will be for a period  
19 mutually agreed upon between the Education Agency and the Contractor as  
20 may be reasonably necessary to amortize over the Lease-Back period of the  
21 Contract, the costs associated with the financing, design, construction and  
22 maintenance of the Education Facility, and in no event shall such period  
23 exceed thirty (30) years from the date of commencement of the Lease-Back  
24 period; and provided further, that with respect to leases of property for the  
25 sole purpose of refinancing the prior design, construction and maintenance  
26 of an existing Education Facility or existing Education Facilities: (1) any  
27 leases and/or amendments to such leases entered into for such purposes *shall*

1        *not* extend the original Lease-Back period relating to such prior design,  
2        construction and maintenance of an existing Education Facility or existing  
3        Education Facilities of any original leases applied to finance such prior  
4        design, construction and maintenance of an existing Education Facility or  
5        existing Education Facilities; (2) with respect to any existing leases and/or  
6        existing amendments to leases that have the effect of refinancing the  
7        government's obligations with respect to the Guam Education Financing  
8        Foundation Certificates of Participation Series 2006 and 2008 (2006 and  
9        2008 Certificates), all obligations of the government to pay debt service with  
10       respect to the 2006 and 2008 Certificates being refinanced *shall* be  
11       discharged concurrently with the execution of the leases and/or amendments  
12       to leases entered into for such refinancing purpose, and thereafter any  
13       remaining debt service on the refunded 2006 and 2008 Certificates *shall* be  
14       payable solely from and secured solely by a refunding escrow established for  
15       such purpose; (3) the present value in the aggregate of debt service with  
16       respect to the government's obligations with respect to such new leases or  
17       amendments to leases *shall* be at least two percent (2%) less than the present  
18       value in the aggregate of debt service on the refunded 2006 and 2008  
19       Certificates, using the yield on the refunding bonds as the discount rate; and  
20       (4) no increase in the amount of outstanding "public indebtedness" as that  
21       term is used in 48 USC 1423a (§11 of the Organic Act of Guam) shall result  
22       from the execution of any such existing leases and/or existing amendments  
23       to leases.

24        The Contractor *shall* lease back to the Education Agency the property  
25        for the Lease-Back period. Upon the expiration of the Lease and the Lease-  
26        Back periods and the fulfillment of the terms and conditions of the Lease-  
27        Back by the Education Agency, the property and the existing Education

1 Facility or existing Education Facilities *shall* become the property of the  
2 Education Agency, and the Contractor shall have no further right, title or  
3 interest in the property or the existing Education Facility or existing  
4 Education Facilities.”