

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,

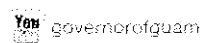
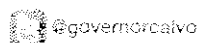
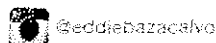
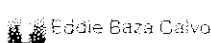
RAY TENORIO

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

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1353



I MINA TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

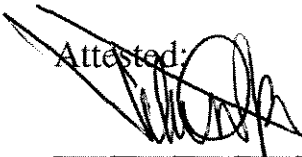
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

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 20th day of January 2016, duly and regularly passed.



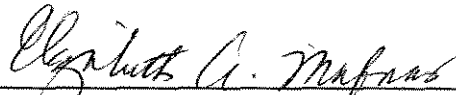
Judith T. Won Pat, Ed.D.
Speaker

Attested:

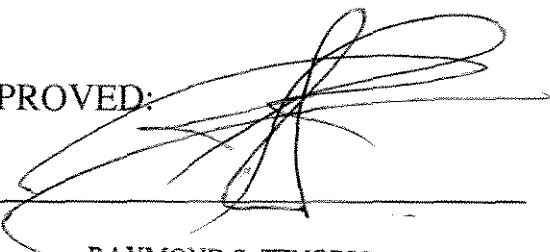


Tina Rose Muña Barnes
Legislative Secretary

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


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.”