



FILE COPY

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*

THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

May 29, 2015

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam*

Dear *Maga'lahi* Calvo:

Transmitted herewith is Substitute Bill Nos. 15-33(COR), which was passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 29, 2015.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (01)

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

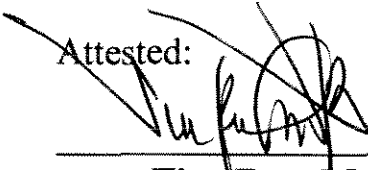
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that Substitute Bill No. 15-33 (COR), "AN ACT TO AMEND § 41006 AND SUBSECTIONS (a)(4) AND (a)(5) OF § 41004 OF ARTICLE 10, CHAPTER 4 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE REQUIREMENT THAT THE GUAM HOUSING CORPORATION APPROPRIATE A FIXED AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FROM ITS ANNUAL OPERATING REVENUE TO ENSURE A RESERVE BALANCE OF THE SAME AT THE BEGINNING OF EACH FISCAL YEAR; TO AMENDING THE TIMELINE WITH RESPECT TO THE ANNUAL AUDIT OF THE HOUSING TRUST FUND TO COINCIDE WITH THAT OF THE GUAM HOUSING CORPORATION'S ANNUAL AUDIT; AND TO CLARIFYING CERTAIN PROVISIONS OF A GRANT DEED BETWEEN THE GUAM HOUSING CORPORATION AND MAEDA PACIFIC CORPORATION", was on the 29<sup>th</sup> day of May 2015, duly and regularly passed.



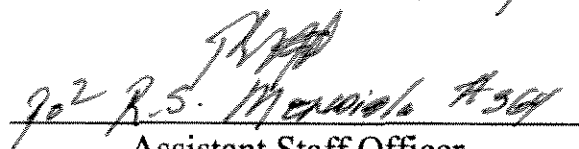
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 29<sup>th</sup> day of May,  
2015, at 7:26 o'clock P. M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 15-33 (COR)**

As substituted and amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND § 41006 AND SUBSECTIONS (a)(4) AND (a)(5) OF § 41004 OF ARTICLE 10, CHAPTER 4 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE REQUIREMENT THAT THE GUAM HOUSING CORPORATION APPROPRIATE A FIXED AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FROM ITS ANNUAL OPERATING REVENUE TO ENSURE A RESERVE BALANCE OF THE SAME AT THE BEGINNING OF EACH FISCAL YEAR; TO AMENDING THE TIMELINE WITH RESPECT TO THE ANNUAL AUDIT OF THE HOUSING TRUST FUND TO COINCIDE WITH THAT OF THE GUAM HOUSING CORPORATION'S ANNUAL AUDIT; AND TO CLARIFYING CERTAIN PROVISIONS OF A GRANT DEED BETWEEN THE GUAM HOUSING CORPORATION AND MAEDA PACIFIC CORPORATION.**

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

2           **Section 1. Legislative Findings and Intent.** It is the intent of *I*  
3 *Liheslaturan Guåhan* to repeal certain provisions of the Housing Trust Fund statute  
4 requiring the Guam Housing Corporation to appropriate Five Hundred Thousand  
5 Dollars (\$500,000) from its annual operating revenues to ensure that a reserve  
6 balance is maintained at the beginning of each fiscal year, and to amend the  
7 provisions relating to the timeline on conducting annual audits of the Housing  
8 Trust Fund to be consistent with the same time as the Guam Housing Corporation's  
9 annual audit; and further, it is the intent of *I Liheslaturan Guåhan* to clarify certain  
10 provisions of the Grant Deed With Continuing Conditions and Restrictions,  
11 executed on or about October 2010 and approved by Public Law 31-195. All of  
12 which are logistical measures meant to ensure the successful execution by the  
13 Guam Housing Corporation of its critical mandates.

14           **Section 2.** § 41006 of Article 10, Chapter 4, Title 12, Guam Code  
15 Annotated, is hereby *amended* to read as follows:

16           “§ 41006. **Annual Audit.** An annual audit *shall* be conducted on  
17 the Fund and *shall* be submitted to *I Maga'lahaen Guåhan* and the Speaker of  
18 *I Liheslaturan Guåhan* within the same period of the Guam Housing  
19 Corporation's annual yearly audit. Such annual audits *shall* be conducted or  
20 cause to be conducted by the Office of Public Accountability. The funding  
21 for each annual audit *shall* be funded by the GHC in an amount to be  
22 approved by the GHC Board of Directors.”

23           **Section 3.** Subsections (a)(4) and (a)(5) of § 41004 of Article 10, Chapter  
24 4, Title 12, Guam Code Annotated, are hereby *amended* to read:

25           “(4) For the fiscal years thereafter, up to Two Hundred Fifty  
26 Thousand Dollars (\$250,000) is hereby appropriated from the GHC's annual

1 operating and/or non-operating revenues as needed to ensure the reserved  
2 balance of the Fund required in Subsection (6) is at least Two Hundred Fifty  
3 Thousand Dollars (\$250,000) at the beginning of each fiscal year through  
4 Fiscal year 2017. For Fiscal Year 2018 the amount appropriated and  
5 reserved balance at the beginning of the fiscal year *shall* be reduced to Fifty  
6 Thousand Dollars (\$50,000). The requirements of this Subsection *shall* be  
7 repealed on September 30, 2018.

8 (5) If, in the fiscal years thereafter, the GHC's annual operating  
9 and/or non-operating revenues and/or income are not sufficient to provide  
10 the funding necessary to fulfill the requirements set forth in § 41004(a)(4),  
11 the difference between what is required and what is appropriated from the  
12 GHC's annual operating and/or non-operating revenues and/or income, is  
13 hereby appropriated from the GHC's fund balance or its equivalent. The  
14 requirements of this Subsection *shall* be repealed on September 30, 2018."

15 **Section 4. Clarification of Grant Deed With Continuing Conditions**  
16 **and Restrictions, Executed On or About October 2010 and Approved by**  
17 **Public Law 31-195.** Notwithstanding any other provision of law, the right of  
18 reversion contained in the Grant Deed With Continuing Conditions and Restrictions  
19 approved by Public Law 31-195 *shall* be triggered only by the failure by the developer  
20 to build homes within the nine year period commencing upon the date of enactment of  
21 Public Law 31-282. If the current owner or its successor fails to complete construction  
22 prior to the expiration of such period, title to the property that remains unconstructed  
23 *shall* revert to the Guam Housing Corporation. All other special conditions  
24 contemplated *shall* remain enforceable by judicial remedy, but *shall not* be grounds  
25 for reversion of the property to the Guam Housing Corporation.

1           The Guam Housing Corporation, through its Board of Directors, is granted the  
2 authority to execute any deed necessary to effectuate the intent of this provision;  
3 provided, however, that such actions remain consistent with this Section.

4           **Section 5. Severability.** The provisions outlined in this Act are declared  
5 to be separate and severable. The invalidity of any clause, sentence, paragraph,  
6 subdivision, section or portion of this statute, or the invalidity of the application  
7 thereof to any person or circumstance shall not affect the validity of the remainder  
8 of this statute or the validity of its application to other persons or circumstances.

9           **Section 6. Effective Date.** The provisions outlined in this Act *shall*  
10 become effective upon enactment.