

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
26th Guam Legislature
2001 (FIRST) Regular Session

P.L. 26-68
Became Law on 12/22/2001

Bill No. 211 (LS)

As substituted by the Committee on
Public Works, Health and Human
Services and amended.

Introduced by:

L. A. Leon Guerrero
J. T. Won Pat
V. C. Pangelinan
E. B. Calvo
J. F. Ada
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F. B. Aguon, Jr.
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M. C. Charfauros
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A. L.G. Santos
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AN ACT TO APPROPRIATE FUNDS FROM THE SERIES 2001A SUB-ACCOUNT OF THE YOUTH TOBACCO EDUCATION FUND TO THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE FOR THE PURPOSE OF YOUTH COMPLIANCE MONITORING AND TOBACCO AND DRUG PREVENTION AND EDUCATION PROGRAMS PURSUANT TO P.L. NO. 25-187.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* [Guam Legislature] finds that the Department of Mental Health and Substance Abuse has within its Department a Division of Prevention and Training (“Division”) whose sole purpose is to develop prevention and education programs to bring awareness to the community of Guam regarding the implications of tobacco use. The Division works cooperatively with youth groups and non-profit organizations in facilitating its mandate to promote a healthy lifestyle for the community. Among the many partnerships with the community, the Division co-sponsors the Youth-for-Youth Conference held annually to promote awareness of the negative affects of smoking/chewing tobacco and use of drugs to our youth.

In addition, the Division works cooperatively with the Department of Revenue and Taxation to conduct annual unannounced Tobacco Inspection compliance to assure that retail businesses on Guam are

complying with the law that mandates that minors are *not* sold tobacco products. Furthermore, the Division is actively involved and participates with National Tobacco Prevention Associates, such as the Asian Pacific Partners for Empowerment and Leadership (“APPEAL”), a national network of individuals and organizations committed to working towards a tobacco-free community. Other national associates are the National Asian Pacific American Families Against Substance Abuse (“NAPAFASA”) and Regional Alcohol and Drug Abuse Resource Center (“RADAR”).

As the economic recovery of Guam continues, this source of money will be utilized to support the programs necessary for the Division to carry out its mandate. The Tobacco Prevention Program needs stipends for its volunteers when conducting the annual unannounced tobacco inspection of retail businesses, enhance its resources for tobacco prevention programs and strengthen its smoking cessation programs.

I Liheslaturan Guåhan finds that § 221203 of Title 5 of the Guam Code Annotated, as added by Public Law Number 25-187, established the Youth Tobacco Education and Prevention Fund (“YTEPF”) in which ten percent (10%) of the proceeds of the sale and securitization of the Guam Allocation from the Master Settlement Agreement shall be deposited. This Fund is subject to legislative appropriation with monies contained therein to be expended one hundred percent (100%) *exclusively* for the purpose of youth compliance monitoring, and tobacco and drug prevention, and education programs by the Department of Mental Health and Substance Abuse.

On July 11, 2001 Orrick, Herrington & Sutcliffe LLP, Bond Counsel for the Guam Economic Development Authority, reported that two (2) endowment funds were established on June 21, 2001 for the YTEPF. The Series 2001A Sub-account with a total of Nine Hundred Eighty-two Thousand Two Hundred Forty-seven Dollars and Twenty-six Cents (\$982,247.26) on deposit and the Series 2001B Sub-account with a total of One Million One Hundred Sixty-five Thousand Seven Hundred Forty-eight Dollars and Nine Cents (\$1,165,748.09) on deposit.

It is therefore the intent of *I Liheslaturan Guåhan* to appropriate the sum of Three Hundred Twenty-seven Thousand Four Hundred Fifteen Dollars (\$327,415.00) from the Series 2001A Sub-account of the YTEPF to the Department of Mental Health and Substance Abuse Fund established by § 2 below.

Section 2. Creation of Fund. There is hereby created separate and apart from other funds of the government of Guam, a fund known as the “*Department of Mental Health and Substance Abuse Fund*” (“MHSA Fund”). All amounts specified in § 1 above shall be deposited into the MHSA Fund and shall be expended *exclusively* for the purposes enumerated in § 3 of this Act.

Section 3. Appropriation to the Department of Mental Health and Substance Abuse Fund. Pursuant to Public Law Number 25-187 and notwithstanding any other provision of law, there is hereby appropriated Three Hundred Twenty-seven Thousand Four Hundred Fifteen Dollars (\$327,415.00) from the Series 2001A Sub-account of the YTEPF to the MHSA Fund to be used *exclusively* for youth compliance monitoring and tobacco and drug prevention and education programs for FY2002.

Section 4. Restriction of Transfer Authority by *I Maga’lahen Guåhan*. Notwithstanding any other provision of law, *I Maga’lahen Guåhan* shall *not* use his transfer authority to utilize any monies appropriated herein, and said funds shall *not* be transferred or used for any other purpose, *except* as provided herein.

Section 5. Reversion of Funds. Notwithstanding the general provisions of § 22406 of Title 5 of the Guam Code Annotated, which require that unused and de-appropriated funds revert to the General Fund, or any other provision of law to the contrary, all unused funds appropriated herein shall, in

all circumstances and whether in whole or in part, remain in the MHSA Fund and shall be carried over into the next fiscal year and shall be expended *exclusively* for youth compliance monitoring, tobacco and drug prevention, and education programs.

Section 6. Reporting Requirement. The Department of Mental Health and Substance Abuse shall submit a detailed report of the expenditures of the funds appropriated by this Act to the Speaker of *I Liheslaturan Guåhan* and to the Director of the Guam Economic Development Authority within sixty (60) days following the close of Fiscal Year 2002. *If* any unused portion of the funds appropriated herein is carried over into Fiscal Year 2003, the provisions contained in this Section will so apply.

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

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