


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

Bill No. 66 -33 (COR)

Introduced by:

B. J.F. Cruz 

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2015 APR -2 PM 3:54 BS

AN ACT TO *AMEND* SECTION 2(II)(AF) OF CHAPTER I AND SECTION 1 OF PART I, CHAPTER II OF PUBLIC LAW 32-181; TO *ADD A NEW* SECTION 17 TO PART I, CHAPTER II OF PUBLIC LAW 32-181; AND TO *AMEND* SECTION 22425(q) OF CHAPTER 22, TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO APPROPRIATING START-UP FUNDS FROM THE TERRITORIAL EDUCATIONAL FACILITIES FUND FOR THE GUAM DEPARTMENT OF EDUCATION (GDOE) EARLY CHILDHOOD EDUCATION PROGRAM/PRE-KINDERGARTEN PROGRAM AND TO PROVIDE ADDITIONAL FUNDS TO THE GDOE FOR ITS OPERATIONS AS A RESULT OF THE ENACTMENT OF PUBLIC LAW 32-219.

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

2        **Section 1.** Section 2(II)(AF) of Chapter I of Public Law 32-181 is hereby  
3 *amended* to read as follows:

4                “AF. Territorial Educational Facilities Fund    \$28,568,285 31,200,000”

5        **Section 2.** Section 1 of Part I, Chapter II of Public Law 32-181 is hereby  
6 *amended* to read as follows:

7                “**Section 1. Appropriation.** Pursuant to §§ 52101 and 5102 of  
8 Chapter 52, Division 2 of Title 11 GCA, the sum of ~~Two Hundred Thirty~~  
9 ~~Million Eight Hundred Eighty Eight Thousand Forty Seven~~ Two Hundred  
10 Thirty Three Million Five Hundred Eighty Three Thousand Five Hundred  
11 Thirty Three Dollars (~~\$230,888,047~~ 233,583,533) is appropriated to the

1 Guam Department of Education (GDOE) Operations Fund for Fiscal Year  
 2 2015. This sum is composed of Two Hundred Million Twenty Five  
 3 Thousand Two Hundred Fifty Three Dollars (~~\$200,025,253~~) from the  
 4 General Fund (including advanced appropriations from P.L. 32-068), and  
 5 ~~Thirty Million Eight Hundred Sixty Two Thousand Seven Hundred Ninety~~  
 6 ~~Four~~ Thirty Three Million Five Hundred Fifty Eight Thousand Two  
 7 Hundred Eighty Dollars (~~\$30,862,794~~ 33,558,280) from the Public Library  
 8 Resources Fund, the Territorial Educational Facilities Fund (including the  
 9 continuing appropriation in P.L. 32-63, as amended by P.L. 32-120), the  
 10 Healthy Futures Fund, and the School Lunch/Child Nutritional Meal  
 11 Reimbursement Fund. This appropriation *shall* be expended in accordance  
 12 with the cash disbursement schedules required by §52101(b) of Chapter 52,  
 13 Title 11 GCA, and in accordance with the object class allocations outlined  
 14 below:

15	PERSONNEL OBJECT CATEGORIES (111 to 115)	\$196,255,840
16	OPERATIONS OBJECT CATEGORIES (220 to 450)	\$34,633,207 <u>37,028,693</u>
17	<b>TOTAL</b>	<b><del>\$230,888,047</del> <u>233,583,533</u></b>

18 **SUMMARY OF APPROPRIATION FUNDING SOURCE**

19	GENERAL FUND	\$200,025,253
20	TERRITORIAL EDUCATIONAL FACILITIES FUND	<del>\$17,967,302</del> <u>20,662,788</u>
21	PUBLIC LIBRARY RESOURCES FUND	\$839,429
22	HEALTHY FUTURES FUND	\$891,754
23	SCHOOL LUNCH/CHILD NUTRI. MEAL REIMB. FUND	<u>\$11,164,309</u>
24	<b>TOTAL</b>	<b><del>\$230,888,047</del> <u>233,583,533</u></b>

25 **Section 3.** A new Section 17 is hereby *added* to Part I, Chapter II of Public

26 Law 32-181 to read:

1           “**Section 17.** The sum of Two Million Eighty Five Thousand Ninety  
2 Nine Dollars (**\$2,085,099**) is hereby appropriated from the Territorial  
3 Educational Facilities Fund (including the continuing appropriation in §  
4 22425(q)(8), Chapter 22, Title 5 GCA) to the Guam Department of  
5 Education (GDOE).

6           **(a) Early Childhood Education Program Start-up Funding.**

7           The sum of One Million One Hundred Thousand Dollars (**\$1,100,000**)  
8 *shall* be allocated from the Territorial Educational Facilities Fund  
9 (including the continuing appropriation in § 22425(q)(8), Chapter 22,  
10 Title 5 GCA) in this Section to the GDOE for the Early Childhood  
11 Program Fund (created pursuant to § 22425(q)(7), Chapter 22, Title 5  
12 GCA) for the sole purpose of funding an Early Childhood Education  
13 Program and the development and implementation of the Pre-  
14 Kindergarten Program in four (4) public schools identified by the  
15 department to pilot such a program. A breakdown of the appropriation  
16 in this Section is as follows:

17	PERSONNEL OBJECT CATEGORIES (111 to 115)	\$165,861
18	OPERATIONS OBJECT CATEGORIES (220 to 363)	\$92,696
19	CAPITAL OUTLAY (450)	<u>\$832,259</u>
20	<b>TOTAL</b>	<b>\$1,100,000</b>

21           (b) The sum of Nine Hundred Eighty Five Thousand Ninety  
22 Nine Dollars (**\$985,099**) *shall* be allocated from the Territorial  
23 Educational Facilities in this Section to the GDOE for additional  
24 funding for its operations as a result of the enactment of Public Law  
25 32-219.”

26           **Section 4. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
27 that § 22425(q), Chapter 22, Title 5 of the Guam Code Annotated provides for

1 continuing appropriations from “any additional real property tax revenues received  
2 as a result of the most recent valuation of real property due to commence during  
3 the calendar years 2013 and 2014 [...] *not to exceed* Eight Million Five Hundred  
4 Thousand Dollars (\$8,500,000), from the Territorial Educational Facilities Fund.”  
5 Such continuing appropriations include:

6 (a) One Million One Hundred Fifty Eight Thousand Two Hundred  
7 Eighty Three Dollars (\$1,158,283) for the construction of the Student  
8 Services Center and Engineering Annex at the University of Guam;

9 (b) Two Hundred Seventy Eight Thousand Nine Hundred Dollars and  
10 Fifty Two Cents (\$278,921.52) for the construction or renovation of  
11 Building 100 and the DNA Laboratory at the Guam Community College;

12 (c) One Hundred Thirty Two Thousand Fifteen Dollars (\$132,015) to  
13 the Guam Public Library System to hire a Territorial Librarian and a  
14 Computer Analyst II;

15 (d) One Million Seven Hundred Seven Thousand Six Hundred Fifty  
16 Two Dollars (\$1,707,652) to the Guam Department of Education (GDOE)  
17 for the renovation or construction of a new Simon Sanchez High School;

18 (e) One Million Two Hundred Thousand Dollars (\$1,200,000) for  
19 rental payments under the lease and the lease-back as described in Chapter  
20 58D of Title 5 GCA;

21 (f) Eighty Percent (80%) of the remaining balance of the Eight  
22 Million Five Hundred Thousand Dollars (\$8,500,000), which is calculated to  
23 be Three Million Two Hundred Eighteen Thousand Five Hundred Two  
24 Dollars (\$3,218,502), for rental payments due under the lease-leaseback  
25 agreement with the GDOE for the renovation or construction of a new  
26 Simon Sanchez High School, to include its athletic facilities, and other

1 GDOE public school facilities requiring new construction, rehabilitation or  
2 maintenance;

3 (g) Three and One Half Percent (3.5%) of the remaining balance of  
4 the Eight Million Five Hundred Thousand Dollars (\$8,500,000), which is  
5 calculated to be One Hundred Forty Thousand Eight Hundred Nine Dollars  
6 (\$140,809), for the Early Childhood Program Fund;

7 (h) Three and One Half Percent (3.5%) of the remaining balance of  
8 the Eight Million Five Hundred Thousand Dollars (\$8,500,000), which is  
9 calculated to be One Hundred Forty Thousand Eight Hundred Nine Dollars  
10 (\$140,809), for *I Famagu'on-ta*, Child Adolescent Services Division of the  
11 Guam Behavioral Health and Wellness Center, and Project *Kariñu*;

12 (i) Five Percent (5%) of the remaining balance of the Eight Million  
13 Five Hundred Thousand Dollars (\$8,500,000), which is calculated to be Two  
14 Hundred One Thousand One Hundred Fifty Six Dollars (\$201,156), for costs  
15 related to the Real Property Tax Division of the Department of Revenue and  
16 Taxation;

17 (j) Five Percent (5%) of the remaining balance of the Eight Million  
18 Five Hundred Thousand Dollars (\$8,500,000), which is calculated to be Two  
19 Hundred One Thousand One Hundred Fifty Six Dollars (\$201,156), for the  
20 procurement of a unified financial management information system that is  
21 subject to legislative appropriation; and

22 (k) Three Percent (3%) of the remaining balance of the Eight Million  
23 Five Hundred Thousand Dollars (\$8,500,000), which is calculated to be One  
24 Hundred Twenty Thousand Six Hundred Ninety Four Dollars (\$120,694),  
25 for funding for island-wide school bus shelters.

26 *I Liheslaturan Guåhan* further finds that an exact number is required to  
27 determine a baseline from which the sum of Eight Million Five Hundred Thousand

1 Dollars (\$8,500,000) in continuing appropriations from the Territorial Educational  
2 Facilities Fund are identified such that any amounts above the baseline plus the full  
3 continuing appropriation amount of Eight Million Five Hundred Thousand Dollars  
4 (\$8,500,000) can be reasonably calculated each fiscal year.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend § 22425(q) of  
6 Chapter 22, Title 5 of the Guam Code Annotated (not including §§ 22425(q)(1)  
7 through 22425(q)(12)) to establish such a baseline to be actual real property tax  
8 collections between fiscal years 2012 to 2014.

9 **Section 5.** § 22425(q) of Chapter 22, Title 5 of the Guam Code Annotated  
10 (not including §§ 22425(q)(1) through 22425(q)(12)) is hereby *amended* to read:

11 “(q) Notwithstanding any other provision of law, any additional real  
12 property tax revenues received ~~as a result of the most recent valuation of real~~  
13 ~~property due to commence during the calendar years 2013 and 2014~~ above  
14 the average amount of the actual collections of real property taxes between  
15 fiscal years 2012 and 2014 which shall be Twenty Million Seven Hundred  
16 Fifty Five Thousand Seven Hundred Ten Dollars (\$20,755,710), is hereby  
17 continuously appropriated annually, not to exceed Eight Million Five  
18 Hundred Thousand Dollars (\$8,500,000), from the Territorial Educational  
19 Facilities Fund in the amounts and for purposes set forth in this Subsection:”

20 **Section 6. Effective Date.** This Act *shall* take effect upon its enactment.

21 **Section 7. Severability.** *If* any provision of this Act or its application to any  
22 person or circumstance is held invalid, the invalidity *shall not* affect other  
23 provisions or applications of this Act which can be given effect without the invalid  
24 provision or application and to this end the provisions of this Act is severable.