

'I MINA' BENTE NUEBE NA LIHESLATURAN GUAHAN

2008 (Second) Regular Session

Introduced

MAR 13 2008

5:05 p.m.

Bill No. 242(LS)  
Introduced by:

Edward J.B. Calvo *EJC*  
Judith Won Pat, Ed.D. *JWP*

AN ACT TO AMEND ATTACHMENT A-1 OF §22435 (k)(2), TITLE 5, CHAPTER 22 GUAM CODE ANNOTATED RELATIVE TO ALLOWING THE GUAM PUBLIC SCHOOL SYSTEM ACCESS TO VITALLY NEEDED FUNDS IN ORDER TO ADDRESS CAPITAL IMPROVEMENT PROJECTS AND FACILITY REPAIRS WHICH DO NOT REQUIRE AN ENGINEERING ASSESSMENT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. Recent failures of safety and sanitary  
3 inspections conducted by the Department of Public Health and Social Services  
4 and the Guam Fire Department by as many as eight schools within the Guam  
5 Public School System, is of great concern of *I Liheslaturan Guahan* as the very  
6 health and safety of our children has been placed at great risk. These conditions  
7 cannot and should not be tolerated. *I Liheslaturan Guahan*, by this Act, intends to  
8 make available the funding necessary for the Guam Public School System to  
9 *immediately* make the necessary repairs in order to correct these deficiencies and  
10 ensure that the health and safety of our school children, teachers and staff are not  
11 compromised. *I Liheslaturan Guahan* finds that proceeds from the sale of the  
12 Government of Guam General Obligation Bonds, 2007 Series A, included  
13 Twenty-nine Million Five Hundred Four Thousand Dollars (\$29,504,000) to fund  
14 the capital expense items and capital improvement projects of the Guam Public  
15 School System needed to comply with the *Every Child is Entitled to an Adequate*

1 *Public Education Act* as listed in Attachments A and A-1. Additionally *I*  
2 *Liheslaturan Guahan* has been informed by the Administration that pro rata  
3 adjustments have been made to the distribution of all recipients of bond  
4 proceeds as Seventy-nine Million Dollars (\$79,000,000) was appropriated for  
5 various uses however, the net proceeds from the sale of the bonds amounted to  
6 Sixty-nine Million Two Hundred Seventy Seven Thousand Three Hundred Fifty  
7 Two Dollars (\$69,277,352), as a result the bond proceeds for the Guam Public  
8 School System capital expense items and capital improvement projects have been  
9 adjusted to Twenty-six Million One Hundred Thirty Five Thousand Nine  
10 Hundred Seventy Seven Dollars ((\$26,135,977). It is the intent of *I Liheslaturan*  
11 *Guahan* to amend legislation which requires an assessment by an outsourced  
12 engineering firm prior to the use of bond proceeds for capital improvement  
13 projects and facility repairs *provided that such capital improvement projects and*  
14 *facility repairs are not structural in nature and are necessary to address health and safety*  
15 *concerns resulting from failed inspections by the Department of Public Health and Social*  
16 *Services and the Guam Fire Department. I Liheslaturan Guahan* has been informed  
17 by the Guam Public School System that such a list of urgently needed repairs,  
18 which are not structural in nature, will be made available to *I Liheslaturan Guahan*  
19 and it is the intent of *I Liheslaturan Guahan* to append said list to this Act.

20 **Section 2. Attachment A-1 OF §22435 (k)(2), Title 5, Chapter 22 Guam**  
21 **Code Annotated is amended as follows:**

22 “Funds provided to Guam Public School System (GPSS) from the Bond  
23 proceeds for capital improvement projects and facilities repair, shall be held in  
24 reserve until such time as an assessment of the facilities is conducted by an  
25 outsourced engineering firm. *The requirement for an engineering assessment shall*  
26 *not apply to repairs necessary in order to meet sanitary and safety inspection deficiencies*  
27 *and those repairs which are not structural in nature.* The Superintendent of

1 Education is authorized to use bond funding for the outsourcing of the  
2 assessment. Upon completion of the assessment, the Superintendent shall ensure  
3 that funds are expended in accordance with the recommendations contained in  
4 the assessment.”