

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

Bill No. 255-31(COR)
Introduced by:

V.C. Pangelinan
J.T. Won Pat, Ed.D

2011 JUL 30 EJM
PH 12:26

AN ACT TO APPROPRIATE FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$525,000.00) TO THE GUAM DEPARTMENT OF EDUCATION FOR AIR CONDITIONING EQUIPMENT AND MAINTENANCE AND COLLATERAL EQUIPMENT FOR GEORGE WASHINGTON HIGH SCHOOL, SIMON SANCHEZ HIGH SCHOOL, SOUTHERN HIGH SCHOOL, AND AGUEDA JOHNSTON MIDDLE SCHOOL.

BE IT ENACTED BY THE PEOPLE OF GUAM:

SECTION 1. Legislative Statement and Intent. *I Liheslaturan*

Guåhan finds that the students, teachers, and administrators at the George Washington High School (GWHS) have dealt with the issue of student overcrowding for many years and that such overcrowding has exacerbated both the physical and mental state of the infrastructure, students and employees of the GWHS. The Guam Department of Education (DOE) and the GWHS administration has stated that the existing student capacity of GWHS is about 2,100 students whereas the expected student enrollment for school year 2011-2012 is upwards of 2,800, leaving student overcrowding at about 700 students.

I Liheslaturan Guåhan further finds that Governor Edward J. B. Calvo signed Bill 42-31 into Public Law 31-21 which places the Superintendent and Deputy Superintendent under the Governor's cabinet which gives him ample, adequate, timely and direct knowledge of any and all issues that

1 occur in the DOE that affect the children of Guam. Additionally, the
2 Governor also signed Bill 32-31 into Public Law 31-19 which stripped the
3 voting power from the student member, who is also a GWHS student, on the
4 Guam Education Policy Board (GEPB). Since the Governor appointed five
5 members to the GEPB and removed the voting power from the student
6 member, this effectively created and constituted a holding of the majority of
7 the Governor's appointees to the GEPB which provides the Governor
8 implied power over both the policy and operational aspects of the DOE.

9 Although possessing such influence over the education agency, *I*
10 *Lihe slaturan Guåhan* further finds that the Governor's Executive Budget
11 request did not address the chronic issue of GWHS overcrowding and failed
12 to provide any resources towards implementing solutions in his
13 Supplemental Appropriations Act. Furthermore, the GWHS students found it
14 necessary to publicly voice their concerns with regards to the continual and
15 egregious overlooking of addressing the overcrowding at GWHS through the
16 signing of a student-led petition during the last day of school year 2010-
17 2011 which garnered over 1,000 student signatures.

18 *I Lihe slaturan Guåhan* further finds that it is important for the
19 stakeholders such as the students, parents, and teachers that will be affected
20 by the decisions made by the Governor's cabinet, inclusive of the
21 Superintendent, as well as *I Lihe slaturan Guåhan*, be embraced and
22 incorporated into the decision-making process of attempting to address the
23 overcrowding at GWHS. With the present economic conditions that prevent
24 the government of Guam from providing the necessary funding to
25 permanently rectify the overcrowding situation at GWHS, this Act shall
26 provide funding to assist the DOE and the GWHS in adopting the choice
27 made by the students, parents, and teachers of GWHS in temporarily

1 increasing its student capacity and improving classroom conditions through
2 providing funding for air conditioner equipment and maintenance and
3 collateral equipment to the GWHS.

4 *I Liheslaturan Guåhan* further finds that the health and safety of our
5 students are paramount to the DOE in effectively accomplishing their
6 mission of preparing over 31,000 students in becoming active and law-
7 abiding citizens of Guam. *I Liheslaturan Guåhan* further finds that it is
8 apparent that over the past several months, the DOE has been challenged
9 with meeting health and safety standards for Simon Sanchez High School
10 (SSHS), Southern High School (SHS) and Agueda Johnston Middle School
11 (AJMS) due to existing and continual inadequacies in receiving the DOE's
12 full budgeted allotments from the Department of Administration (DOA),
13 which is under the auspices of the Governor.

14 *I Liheslaturan Guåhan* further finds that the Consolidated
15 Commission on Utilities (CCU) Resolution No. 2011-32 stated that the
16 agreed-upon "initial [payment-in-lieu-of-taxes] settlement of Two Million
17 Six Hundred Twenty-Five Dollars (\$2,625,000) proposed by the government
18 [of Guam]" was to be paid to the government of Guam after certain
19 requirements are met by the Guam Power Authority (GPA) and that Public
20 Law 31-74 appropriates only Two Million One Hundred Thousand Dollars
21 (\$2,100,000) from this amount. Such a settlement between the Executive
22 Branch and the CCU, although discounted by almost \$10 million from the
23 over \$12 million billed to the GPA by the DOA, is to be received by the
24 government of Guam which would absolve the GPA from any payment prior
25 to FY2011 in accordance with §22421 of Chapter 22 of Title 5 of the Guam
26 Code Annotated.

1 Therefore, *I Liheslaturan Guåhan* finds it prudent that the difference
2 of Five Hundred Twenty-Five Thousand Dollars (\$525,000) between what
3 was agreed to be paid to the government of Guam by the CCU and what was
4 appropriated in Public Law 31-74, be utilized toward the payment of air
5 conditioner equipment and maintenance and collateral equipment for GWHS
6 and collateral equipment for SSSHS, SHS and AJMS.

7 **SECTION 2. Transfer of funds from the Autonomous Agency**
8 **Collections Fund.** Notwithstanding any other provision of law, the sum of
9 Five Hundred Twenty-Five Thousand Dollars (\$525,000) is hereby
10 transferred from the Autonomous Agency Collections Fund to the
11 Supplemental Appropriations Revenue (SAR) Fund.

12 **SECTION 3. Appropriation to the Guam Department of**
13 **Education.** The sum of Five Hundred Twenty-Five Thousand Dollars
14 (\$525,000) is hereby appropriated from the Supplemental Appropriations
15 Revenue (SAR) Fund to the Guam Department of Education for the payment
16 of air conditioner equipment and maintenance and collateral equipment for
17 George Washington High School and for collateral equipment for Simon
18 Sanchez High School, Southern High School, and Agueda Johnston Middle
19 School. The funds appropriated in this section shall be allocated to each
20 school as follows:

21	George Washington High School	\$328,000
22	Simon Sanchez High School	\$87,000
23	Southern High School	\$70,000
24	Agueda Johnston Middle School	<u>\$40,000</u>
25	Total	\$525,000

1 **SECTION 4. Continuing Appropriation.** The appropriations made
2 in Section 3 of this Act shall not lapse and shall continue until fully
3 expended for the purposes of this Act.

4 **SECTION 5. Severability.** If any provisions of this Act or the
5 application thereof to any person or circumstance is held invalid, such
6 invalidity *shall* not affect any other provision or application of this Act
7 which can be given effect without the invalid provision or application, and to
8 this end the provisions of this Act are severable.