



I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 27 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, Guam 96910

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 225-32 (COR), As Amended


Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No 225-32 (COR), as amended, An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund, sponsored by Speaker Judith Won Pat, which was referred to the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

2 TO PASS
0 NOT TO PASS
4 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Si Yu'os Ma'ase',


Vicente (ben) Cabrera Pangelinan
Chairman

2014 JAN 27 PM 4: 24

**COMMITTEE REPORT
ON**

Bill No. 225-32 (COR), As Amended

Sponsored by Speaker Judith Won Pat

An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund.



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 27 2014

MEMORANDUM

To: All Members
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land.

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairperson

Subject: Committee Report on Bill No. 225-32 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on Bill No. 225-32, as amended, An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund., sponsored by Speaker Judith Won Pat.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 225-32 (COR) , As Introduced
4. Copy of Bill No. 225-32 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of Fiscal Note Request
8. Copy of COR referral Bill No. 225-32 (COR)
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'àse',


Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
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Development and Senior
Citizens

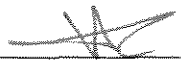



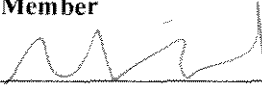
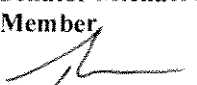
Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation and Land

Bill No. 225-32 (COR), As Amended, An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman			✓		
 Vice Speaker BJ Cruz Vice Chairperson			✓		
 Speaker Judith T. Won Pat Member	1-27-K ✓				
 Senator Tina Rose Muña-Barnes Member	✓				
Senator Dennis Rodriguez, Jr. Member					
 Senator Michael San Nicolas Member			✓		
 Senator Tommy Morrison Member			✓		
Senator Michael Limtiaco Member					



I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 225-32 (COR), As Introduced: An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on January 14, 2014 at 2:00 pm in *I Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets and newspaper of general circulation on January 7, 2014 (5-Day Notice), and again on January 10, 2014 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Speaker Judith T. Won Pat
Senator Tina Rose Muña Barnes
Senator Michael San Nicolas
Senator Michael Limtiaco
Senator Rory Respicio
Senator Tommy Morrison
Senator Aline Yamashita
Senator Tony Ada
Senator Chris Duenas
Senator Brant McCreadie

(b) Appearing before the Committee

Ms. Taling Taitano, Deputy Superintendent of Finance, Guam
Department of Education
Dr. Robert Underwood, President, University of Guam
Mr. Robert Malay, Deputy Superintendent, Guam Department of
Education

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Member
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Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

Dr. Jose Cruz, Chairman, Guam Education Board
Mr. Derrick Evangelista, Student, Simon Sanchez High School
Ms. Mariel Villaluz, Student, Simon Sanchez High School
Ms. Tyler Flores, Student, Simon Sanchez High School
Mr. Darren Meno, Student, Simon Sanchez High School
Mr. Jesse Blas, Student, Simon Sanchez High School
Mr. Jose Quinata, Student, Simon Sanchez High School
Ms. Arissa delos Santos, Student, Simon Sanchez High School

(c) Written Testimonies Submitted

Mr. John Fernandez, Superintendent, Guam Department of Education
Ms. Claudia S. Acfalle, Chief Procurement Office of the Department of Administration

II. COMMITTEE PROCEEDINGS

Chairman Pangelinan: We're now going to proceed with the other items on the agenda. There are actually three different proposals before the Committee on the agenda: Bill 218, Bill 225, and Bill 226. All the bills deal with a method of providing financial resources for the construction of a new Simon Sanchez High School. We want to thank the students for their presence this afternoon.

I have (signed up to testify), Ms. Taling Taitano from the Guam Department of Education. I'm going to—before we—I'm going to allow people who are testifying to testify on all three bills if they wish to do so since they all deal with the same subject matter.

Please make sure that when you're making comments specific to a bill that it's easy to identify to that bill, itself, and not to the other bills so that we're able to keep the comments straight. I have Ms. Taling Taitano. I also have the president of the University of Guam, Dr. Robert Underwood signed up. I also have... Mr. Malay, were you going to testify as well? Dr. Cruz, the chairman of the Guam Education Board. Of course, as our normal practice here, we're going to allow the authors of the bill to give us a short synopsis of the bill.

Since Speaker has two bills, I'm going to recognize her first, Senator McCreddie, and then we'll go with you in terms of giving us a short synopsis of the intention behind the bills that you're proposing. Speaker Won Pat.

Bill Sponsor Summary for Bill 225 and Bill 226:

Speaker Judith Won Pat: Thank you very much, Mr. Chairman. Mr. Chairman, Bill 225 and 226—I'll just briefly talk about them, because they kind of dovetail each other, and it's a very comprehensive bill. The legislative intent at least with 225 is the fact that Simon Sanchez, of course, has been experiencing some problems – both interior and exterior problems – of an antiquated building and it does not have a sports, athletic facility such as baseball and football.

The funding source we're looking at with this bill is that it's going to amend an existing Public Law 32-06 raising the Territorial Educational Facilities Fund cap from \$7 million to \$8.5 million. That was the basis of the testimony provided by the director of Revenue and Taxation. At the time when that bill was written and was on the floor, it didn't have a cap, and one of our members – through an amendment – placed a cap of \$7 million. What we've done is we've raised it to \$8.5 million, because the estimate that Rev and Tax is anticipating collecting is approximately \$10 million.

By amending Public Law 32-063, what that also does is the allocation we provided of \$1.7 million to pay for the mortgage for Okkodu High School would not come any more from the TEFB because of a previous legislation where the money should come from Section 30 for which Bank of Guam is a trustee of Section 30 funds. That will then go automatically from Okkodu to Simon Sanchez High School. It would also set aside \$1.2 million to assist in the rehabilitation of all schools – the remaining 36 schools.

The total available source for debt service will be approximately \$5 million. The result of this legislation is to renovate and/or depending—we're not making that decision for the department. Based on, not just themselves but experts who will do this assessment would be to renovate or construct a new Simon Sanchez High School. There are technical amendments that I'd like to have changed, primarily because 58(c) and Chapter 58(d)—because 58(c) right now is actually addressing the school security camera system for the Department of Education.

I'm sure that the president of the University of Guam will provide testimony on this; this is the increase from \$1 million to \$1.2 million to assist the University of Guam for the construction and the expanded Student Services Center and the construction of a new Engineering Annex. They have good news that the USDA has informed UOG and the Endowment Foundation that the cost of financing a loan agreement under that lease—it may sound like it's not good news because of the \$1.2, but there've been some changes in the current rate based on the interest environment.

The other amendment will be recommended by the Superintendent to include a system-wide master plan. I know my colleague, Senator Yamashita, championed that for prioritizing future capital improvements to all GDOE schools. The plan will take into consideration the population and enrollment patterns, curriculum condition of each school. The plan will be financed by the awardee of the contractor.

Bill 225, this one feeds into the other. Again, the same intent for all schools and what this is that it we're going to be reprogramming. Originally, in the Master Plan in 226 to 225, because we want to build it in the bonds will be the same thing amending, again, mentioning the cap increase, reserving \$1.2 million for payment of the remaining additional 36 public schools. We'll be using, in this case, a concept that is being used here which is the matured 2013 C Business Privilege Tax source of payment, but this is a bridge.

This is not using that money for 30 years. It's just a bridge for two years, which is 2015 and 2016. If you look at the BPT bonds... traditionally, if you look at it, it will not be available until 2019; however, what you can do is you capitalize the interest, and then you might be able to bring the date down but not until 2017.

By that – based on the dates – makes it impossible to move forward in the construction; TEFF funds will be available. I understand that the Department of Revenue and Tax has put out an RFP to be able to do the triennial. Hopefully, by the end of the year – once that is in place – then the government will start collecting monies that will go into the TEFF.

That's a lot of information. The other overall is that when you look at it, \$8.5 million will be the new adjustment: \$1.2 for UOG; GCC will maintain the amount that they need for their debt service; the Public Library is also included; Simon Sanchez as well. With the amount of money – depending if that goes up from \$8.5 to the \$10 million – it automatically (through a formula) Sanchez will get more money, because 80% of that balance of the formula will go to Simon Sanchez; 7% to the Early Childhood Program; and 3% for bus stops and so on. Thank you very much. I was going as fast as I could, because I know we have another member to explain another bill.

Chairman Pangelinan: Thank you very much, Speaker Won Pat. Senator McCreadie on Bill 218.

Bill Sponsor Summary for Bill 218:

Senator Brant McCreadie: Thank you very much, Mr. Chairman, for allowing me to speak this afternoon. I guess one thing to simply everything is now the legislature is competing to build you guys a new school so that's a good thing. Thank you for being here. I thank you guys for being here. I want to thank my co-sponsors for taking this time to be on the bill: Senator Morrison, Senator Rodriguez, Senator Limtiaco, Senator Aguon, Senator Rory Respicio, and Senator Duenas.

The bill we propose sets aside approximately \$4.8 million of maturity bonds that you've heard earlier. That matures in 2018, and it is solely for the rebuilding of Simon Sanchez High School. I do agree that we need to look at the deferred maintenance of all the schools and take care of the bigger problem. But right now—and this bill is addressed for Simon Sanchez High School. Twenty years ago would have been a good time to build this school, and the second time best time to build it is now.

Bill 218 is intended to be proactive and forward-thinking by reserving these funds to work in concert with all other efforts to repair and renovate this school. I hear it many, many times that Guam's number one asset is our tourism. But our strongest asset are you: the students and the teachers. You guys are the future of our existence, so when they say tourism—I won't argue with that – that's a billion-dollar industry. But our future, that depends upon you guys. And it's our responsibility to find you guys the infrastructure to learn and to get educated. That's our jobs, and that's why we're here today.

I look forward to working with my colleagues to make sure this becomes a reality. I know you're tired of hearing sound, and it's time to hear substance. That's the thing I'm hearing today. I've never seen it before that we're competing to build a new school for you guys and to find the solutions. It's not because we did anything; it's because you guys did it. You guys brought it to our attention; you guys are here. So I thank you guys; I thank the chairman for having the

foresight and the knowledge to have this public hearing. Without Speaker Pangelinan, there's no public hearing; we can't hear your voices. So I thank you very much, and I thank the co-sponsors. I'm looking for a new Simon Sanchez High School and the deferred maintenance of all public schools on Guam to happen really soon. So I thank you very much.

Chairman Pangelinan: Thank you, and since we're competing, I'll just tell you I was the first one to compete, because a week ago, we had a hearing on a bill to provide \$3 million to borrow for Simon Sanchez. Ms. Taitano.

Ms. Taling Taitano: Madame Speaker, Mr. Chairman, Senators... my name is Taling Taitano, I am the Deputy Superintendent of Finance and Administrative Services. This week, I'm the acting Superintendent of Education.

[Read testimony verbatim. See attached]

Chairman Pangelinan: Thank you very much. Dr. Underwood.

Dr. Robert Underwood: Thank you, Mr. Chairman and Members of the Committee, distinguished Senators. I'm trying to tax my brain as much as possible to see if I can find any kind of rhetorical flourish to arouse the cheers for a facilities master plan. I don't think I can. I can't say "Rebuild a master plan" or do anything of that nature that will generate a whole lot of excitement. I am here simply because as Speaker Won Pat has indicated in her bill 225 which does mention the University of Guam and which I'm assuming that no one has any particular issue with earmarking those funds for the university.

This has been the one major project that the university has sought external funding for has been the Student Services Center. In an ironic way, assuming that this bill goes forward, this particular group of students at Simon Sanchez—this particular group of Sharks are more likely to benefit from actually benefiting from the Student Services Center at the University than they are from rebuilding a campus where they are at today. That's the general flow of the process. I'm happy to say that Sanchez has the highest percentage of graduates who go on to the University of Guam. As these Sharks become Tritons in the future, we have in the bill coming out of the Territorial Educational Facilities Fund. Originally, we had a bill that was going to fund it out of the Liquid Fuels Tax that didn't come through. Then we had an impediment with the debt ceiling so we had to adopt a different strategy where we brought in the University of Guam Foundation. In the whole process, which has been about a three-year saga, the USDA actually raised their rates in October so we had anticipated 3.5%, and now it's moved over to 4.5%.

The better news—that's not good news, but the good news is that USDA and Hawai'i has approved the loan package, and we are anticipating approval by the end of this month which would lock in this rate or a lower rate – whichever. Once we lock in this agreement in this month, if there is a lower rate in the future—we don't know whether there'll be a lower rate, but we'll be able to take advantage of that. If it is a higher rate in the future, we'll keep it where it is today which is at 4.38%. The offered amendment is to just add exactly \$179,000 to the million dollars that's identified. That's basically it, so thank you very much.

Chairman Pangelinan: What's the total amount of the loan package?

Dr. Robert Underwood: 1.179.

Chairman Pangelinan: No. The one you just got approval for.

Dr. Robert Underwood: It's \$21.7 million.

Chairman Pangelinan: Dr. Cruz? Were you going to provide testimony?

Dr. Jose Cruz: Thank you, Mr. Chairman, Members of the Legislature. I'm very, very impressed that, losing only three senators, this is actually unanimous. I'm very appreciative. In the earlier presentation, we could have learned a little bit more with our community that the additional support where financing can be gotten, because we're talking about doing it creatively through the American way which is borrowing and paying it back.

What these bills provided is not only borrowing but having the ability to pay it back. In that regard, I laud you, Senator San Nicolas and Senator McCreddie and Speaker Won Pat. I just want to say that Speaker Won Pat, you spoke of your findings, and I find your findings almost worthy of a testimony that should be presented so all of us can read it to instead of waiting till the report comes out.

I stand in support of the bill but more specifically on Bill 226. If you look at 226, it looks as if it's actually the beginning of a comprehensive master plan for financing. I think that with the elements presented there, I'm reminded of a student whom I tutored on a thesis about the schools of Guam or how schools should be built on Guam. I'm happy that I see the notion about equipment and the notion about space.

Space for the activity of our students is dwindling in all of our schools. Never mind that the buildings are dilapidated or bordering on actually being legally locked up. I say that as a board member. We have more active participation with GPD, GEPA, and Public Health, because they are the guardians that help us in providing adequate education. I want to remind the senators that just before the school opens, we have the School Readiness. And I think that the School Readiness is very laudable as a general plan that we can actually look at.

It addresses not only the funding for the personnel but even for operational issues. In regard to the libraries, we have monies that are supposedly based on the number of people who pick up passports that money is supposed to be devoted—I'm still searching that that money be reported out to the Department of Education or at least to the Board.

Basically, too, I find that in 226, I have to say that Speaker Won Pat and Senator Yamashita and Senator Barnes... that is a very good starting point of all the elements that really need to be included. The elements that are an afterthought, and most law and most financing... by the time you buy shoes for your children, they've already outgrown it. By the time that we build the schools, we're finding that we're way behind in technology. That is the biggest challenge we have. If we look at adequate facilities, we have to include hardware; where the others are

software in the computer world, it's hardware that we have to think about and the hardware to change. I'm trying to change it.

The other caution or complications that I see is the collaboration cooperation and... for the repair, renovation, and replacement... replacement is a big item. Replacement, like I said, is not only for the facilities but for the equipment that comes with it which is nearing an appendage that cannot be looked at.

The repair has been almost mitigated a little bit from ARRA grants, but we're finding that even with that, our problems at Simon Sanchez—which I'm sorry, the experts did not find that the little construction that was done of the duct was not seen as a major problem. We did the ARRA grant without that being looked into. There are—I wish or I hope that we don't mind always opening up and repairing, because there are things that are outside of our purview or outside of our knowledge. Part of it is our own focus and experience. In education, at least in the policy area, we are lacking continuity.

I'd have to say that I'm a member of the board who has outlasted anybody. I'm shooting for 13 years, because by then I would have had all the years of service to students from kindergarten all the way through post high school. I'm even thinking that I should add two more years, because the Special Ed kids are given additional years to graduate.

That's not just a challenge for you, but it is a challenge for our community to look at education as the most important agency or service that we give to our people. And in giving to our people, they give it and return in terms of the investment that they put in.

Collaboration and cooperation is something that we can—I don't know if we can mandate that GEDA, the people mentioned here for GEDA and Revenue and Tax, to work together. Now is the time for us to wake up and tell GEDA and Revenue and Taxation to look at this as two different goals so that they can somehow interlink so that we build a stronger island and framework for the next century.

You pass that, I'm going to say that we would attribute it to this year of legislation which would really come down as a legacy that I would note that I write in regard to that. With that as a comment, I'm wondering where the cost of \$500,000 really came from? I'm always leery of a number that's proposed without justification or rationale and especially because I hear that whatever is leftover—it's almost like an afterthought. Let's do a plan that is really—we can hold ourselves accountable and then change it—amend it, remediate it, replace it. If we don't do that, then I can say that this bill—this bill is really a work in progress. We may have to revisit it and put a sunset provision that in two years it would be seriously looked at. And in two years, it's gotta be looked at with some funding source.

We don't have the capability--it's going to be the whole community that's going to be benefitting so I think taxpayers' money will be very laudable to address. With that comment, I would be giving you a written one, because I'm still putting in some thoughts.

The \$500,000 has to be more planned. The other areas for facilities, you have to incorporate the facilities that are no longer just an afterthought in regard to computers. But it really should be a part of that, because right now, we have a problem that we don't know if we have enough plugs to plug in our computers. They were planning on giving computers to the students, never mind that we don't even have a storage room to store not only the computers that we're going to give out to the students but that moving board that the teachers should be using. Never mind that the boards have got to be replaced because we're hoping that every room would have the board that can be used and everybody can see it and pay attention. Let them come alive, and you can engage.

It's a bit general, but at the same time, I think there's substantive information that I'd like you to consider. And all of you who are here present, I really must say *Si Yu'os Ma'åse'* and *un dångkolo na Si Yu'os Ma'åse'*—not only for our students who are here present. I do laud them... I do laud them.

I give you my biggest of praises, Simon Sanchez, and thank you for taking education just a bit more, which is really for action. *Si Yu'os Ma'åse'* todú.

Chairman Pangelinan: Thank you, and *Si Yu'os Ma'åse'*, Dr. Cruz. Speaker Won Pat did you have any questions or additional comments for the panel?

Speaker Judith Won Pat: I don't have any questions, but I know there's one thing that's also very important, because we have learned from the past when I had introduced the bill for JFK. There was a competing bill, and the Vice Speaker and I worked together to combine that, because the Vice Speaker wanted it to be done within nine months; however, as you know, that didn't happen. So we've learned from the past, and we took a testimony from the Attorney General's.

If you look at the bill on Page 9, one of the things we wanna do is we wanna be able to protect the government from any of these construction contracts and not limit it to warranties, liquidated damages, performance and payment bonds, indemnity insurance standards, technical specification, progress schedule, maintenance, compliance with Guam regulatory regulations, prevailing wages, and any other restrictions in compliance with that particular law. We've come a long ways, and that was actually the very first time was when that bill—actually, when the government had money available based on the maturity of the Section 30 bonds that we were able to use it.

As you know—for those of you who don't know, most of our schools were built by federal dollars at that time. The very first local monies to be used to build a school was Southern High School and then Tamuning Elementary School. The other four schools that you guys know of as "new schools," those are all compact impact federal dollars. Local funds are just not readily available to do this, and that's why – through the efforts of Speaker Pangelinan by earmarking the Territorial Educational Facilities Fund to go always for education. Naturally, the more monies that the government can collect in real estate property taxes, then the more monies will be available for the needs of our schools.

That's why now, with the funding to do the triennial then hopefully, we would get upwards to \$10 million to make more monies available for GDOE—not just for Simon Sanchez or our 36 schools, to help GCC, UOG as an educational institution, and then possibly even more for operations of DOE. Thank you very much for your testimony.

Chairman Pangelinan: Thank you very much, Speaker Won Pat. Senator McCreadie?

Senator Brant McCreadie: I just had one question for the panel. Knowing what we know today about the trials and tribulations that we've gone through building new schools—good and bad—the process—when you talk about planning, how long will it take us to plan a school with all that we know, with no problems from start to finish, turn dirt and have a brand new school? How long will that take? Does anyone know?

Ms. Taling Taitano: Generally, what you would probably need to do is hire an A & E firm unless you do a design-build so it would take some time to develop the IFB or the RFP for that. My sense is that it would take about three months.

Senator McCreadie: So three months would be a--

Ms. Taling Taitano: Three to six months—it would depend on...

Senator McCreadie: Three to six months?

Ms. Taling Taitano: Yeah, just to get the...

Senator Brant McCreadie: And you would get a drawing, basically, of what you wanted?

Ms. Taling Taitano: Right. And you probably need at least a month for the document to be out for different contractors to bid on it.

Senator Brant McCreadie: So that would be the RFP process... another three or six months.

Chairman Pangelinan: The design by the architect to include construction documents will take at least six months.

Senator Brant McCreadie: At least six months. So it's safe to say that good planning to build a school will take about a year just to turn dirt.

Chairman Pangelinan: Pretty close.

Senator Brant McCreadie: Not a promise--a process right? Okay. Thank you.

Chairman Pangelinan: We do have a law that says just take an old school and site-adapt it. If you do that then you have your construction documents all set, you have your design documents all set, you site-adapt it to the terrain of the property. That could take two months... three months.

Dr. Jose Cruz: GovGuam is known for losing documents. We have one issue that we're facing, and we don't know who's responsible, but it's something that we share. I'm the one saying that as a board member. We have provided this thing, but there are some documents that are being outside of our responsibility.

Those documents... I don't know who would be in charge of references of government of Guam. There is a law that says that University of Guam needs to be given a research institute to do that, but it's never been funded. When I was president, I was always asking if that could be followed through, because it's a very important foundation—especially on the research portion of our responsibility at the University of Guam. I don't know if it's still there, but it's something that can be worth – not only for—as our students advance especially towards graduate school—for that to be boosted it. They're looking for the future. Thank you very much.

Chairman Pangelinan:: I'm just going to start coming back around this way. Senator Barnes?

Senator Muna Barnes: Si yu'us ma'ase', Mr. Chair. I'd like to thank the panel for being here this afternoon. My comments are based on the chronological history of what's been going on. Since we've been trying to build schools, as each year goes by, we're going to see a continual need for new schools for students. As we look, Mr. Chair, at Chapter 58 of Guam Code Annotated, it will talk about the history of how the schools were created, what we've done, and today just based on the collaboration of the Speaker and her co-chair, Senator Yamashita and everybody in the room. I think that if we look at providing and giving to all the programs needed, we spread the ability for our community to continue to be given the needs from the policymaking body. As we look, and I know the Speaker spent a lot of time looking, at the need, and the president of UOG is here saying, if we get this additional funding then we will be able to build the new school. Then, in turn, our students will continue to benefit after they graduate from the high school. We know how important Simon Sanchez is needed. We looked at JFK; we looked at all the schools that were built up in the north.

Today, we are talking about the central high schools and needing more there, even the elementary schools. It's not going to stop as we continue to grow Guam. I'm saying, Mr. Chair, the bills set in place with the collaboration could be instilled. Every program that was listed by the Speaker is very valuable and critical to moving the needs of the students forward. This is a big education for the students here. We're not just going to build a new Simon Sanchez, but we're also going to give all the needed educational facilities for the new students coming in because this continues to be a growing population for Guam. Mr. Chair, with your efforts and moving forward and us sustaining the resources that are needed to pay back for building these facilities and working the maintenance and working the plan like DOE stated, I think these bills are critical.

Bills 225 and 226 as recommended are very important and crucial for working it. I also applaud the efforts of Bill 218, for trying to work the financials as needed. But I would like to support giving to every critical need mentioned here today, to rebuild Simon Sanchez, but to also help UOG, GCC, public libraries, early childhood, Rev & Tax. I'm just saying that it's important.

Chairman Pangelinan: Thank you very much. Since I see the tone of the comments here, I have some students who want to testify and I'm going to dismiss the panel here, and ask the education officials remain to hear the students. We'll hear from the students, and then we'll come back and ask any members of the panel here if there are further questions. I'd like to give the students an opportunity to speak. [clapping from audience]

I have Mr. Derrick Evangelista signed up. Ms. Mariel Villaluz, Ms. Arissa delos Santos, Ms. Tyler Flores. That gives us our four-member panel; we'll go ahead and begin. Please identify yourself for the record, make sure you press the button so that it's on and red, and you may begin.

Mr. Derrick Evangelista: Hi, my name is Derrick Evangelista. Many teachers have worked at Simon Sanchez for a long time. They would say they've never seen no change at Sanchez. There were many problems at Sanchez until we challenged our elected leaders and senators, which was the Walk in the Shoes of a Shark Challenge. They saw the problems. We wanted a new school but we got our school improved. Over one week, we took a break from school. Yes, the school was improved and many of the fixes...it seemed like everything was nice but I'm thinking, in months the Band-Aid fixes will eventually show again. Then, when that happens you will have to spend more money again to fix something that could have been done twenty years ago. Ever since we took ownership at our school, by picking up trash, cleaning the bathroom every period, and we don't get extra credit or we're not graded on it. We weren't forced to do it, but we decided to do it as a group to show that we really do want a new school.

Chairman Pangelinan: Thank you very much, si yu'us ma'ase', Sir. Ma'am? [clapping from audience]

Ms. Mariel Villaluz: Hello, my name is Mariel Villaluz. So far, what the Leave Your Mark students have been doing—we thought of this project, Project Inspire, where we as seniors, since we're leaving our mark, we are going to inspire the underclassmen, the 9th and 10th graders to keep our school clean. It's also the students' responsibility to have pride and take care of their school. Well, this is it. We've gone to classrooms for freshmen and sophomores, and tell them how important it is for us, but for visitors who come in and see how our school looks. When I was a freshman, I didn't really pay attention to how the structure of the school was. I just went in, and said 'Ok, this is my school.' I didn't really care, but now that I'm a senior, I can see that there are so many problems that I could've helped on. I think the reason our school was like this was because no one ever communicated to the students, no one ever talked to them, 'You have to take care of your school. This is your home.' Now that I'm a senior, it only feels like home because only now I'm realizing that I'm leaving and I don't want to look back at high school, my school and know that I could've done something. This is why we're doing this, because we want the new generation to take pride in their school, and hopefully, us, the teachers, the leaders can somehow get the message through and give them hope that they'll be in a classroom where they can actually learn and feel comfortable, and go home to their parents and say, 'I love school.' I don't want them to go home and say, 'I don't want to be at school because it feels unsafe, it's dirty or I don't belong.' Hopefully, this message comes through.

Chairman Pangelinan: Thank you very much. It's quite loud and clear. Thank you. [clapping from audience] Ms. Flores?

Ms. Tyler Flores: I'm Tyler Flores, and as Derrick said or how he talked about how the Band-Aid fixes will show later, I believe they will because over time it's going to rain hard again, the school's going to...

Chairman Pangelinan: It's ok. Take your time.

Mr. Darren Meno: Good morning, my name is Darren Meno. Oh sorry...good afternoon, my name is Darren Meno. I'd just like to say that as seniors of this LYM Project, we understand that we won't be able to attend the new Simon Sanchez High School. We want to do this for our younger brothers, our younger sisters, our younger cousins, nieces, nephews, etc. so that they won't attend the same school we're attending because later on in the years they're attending Simon Sanchez High School, I'm pretty sure that it'll be more dilapidated. Like Derrick said, the Band-Aid fixes will eventually come off. Walking in the hallways of Simon Sanchez High School in the Butler Buildings when it's raining, there are students dodging rain coming from the ceiling, the tin that supposed to be covering us, because we don't want to get wet. There's also an alley there where students have to turn sideways just to get to their classrooms. We know we won't be able to attend it, but we're doing this for the upcoming students that will attend Simon Sanchez High School.

Mr. Jesse Blas: My name is Jesse Blas. I'm a senior at Simon Sanchez High School. Like everyone was saying, we're doing this for the future. We're doing this for every single student, for futures to come who call Simon Sanchez High School their home. We don't want them to deal with what we had to deal with. I don't want to look, maybe five years into the future, and my little sister is going to school, and we have a rainy day, a really bad rainy day and we know it's going to come, and imagine her, ankle deep in water suffering the way we did. I feel, as they said before, we're trying our best to keep our school clean and helping it. We're reaching out to you guys for a problem that we can't fix, to help us get a new school for the futures to come. Thank you.

Chairman Pangelinan: Thank you very much.

Mr. Jose Quinata: Hi, my name is Jose Quinata. I'd just like to give an example of what Derrick was saying, and I'd like to use my shoes as an example. Every time something goes wrong with my shoes I tend to fix it or scrub it down because it's dirty or glue it because it's coming out in the sides, you know? It's just like our school. We something is wrong with it, but we just fix it up. Just fix it up. My parents give me money to buy new shoes, and I'm guessing the government gives the school money to rebuild a new school. And instead of me using the money to buy new shoes, I buy something else. It's almost like something the government has done in the past, you know? Use the money for something other than for the school. So now I think it's time for me to buy new shoes, instead of using the money for something else. And I think the government should do as well. I thank you for competing for our new school.

Chairman Pangelinan: Thank you very much, and we hope...[clapping from audience]...don't worry the winners from this competition will be you guys. I think that's going to be the best thing about this competition. Ms. Flores, did you want to continue?

Ms. Tyler Flores: I just wanted to say that I don't want my sister to have to do that, to have to worry about whether she's safe or not at the school, and for all my other siblings or family members to have to go through that because it really is a lot. Four years is a lot of having to deal with it. That's all.

Chairman Pangelinan: Thank you very much. Arissa, did you...? I know we kind of skipped you...

Ms. Arissa delos Santos: My name is Arissa delos Santos. As everyone said, we kind of have been ignored for the last couple of years. We have been pushed aside, and forgotten some times. We've sat back and waited for someone to do something about it because we thought we didn't have that sort of power. But our teacher taught us that, above everyone else, we have that power because we know better than everybody else how our school is. We don't to sit back anymore because we don't want our siblings to suffer the way we did or to have sit through hot classrooms or get rained on every other day or to have to stand out in the hot sun after school waiting for the buses, or be soaked because there isn't any room to wait for the buses under the awning. We were just hoping that, instead of fixing them as you have the last couple of years, just trying to cover up the damages as the building itself wears away, you could rebuild not for us because we're not going to be there, but our siblings because they deserve it just as much as we do. Thank you.

Chairman Pangelinan:: Thank you very much and si yu'us ma'ase'. [clapping from audience] I'm going to just give each member of the panel here just about a minute or so to give you their sentiments on your testimony and your presentation, so that you can be assured of their attentiveness. I'm going to start with Senator Yamashita and just quickly work our way down and bring the other panel back that had testified for additional questions by the body.

Senator Aline Yamashita: Thank you very much, Speaker Ben. We've met a few times already, so you know that I applaud your voice. I hope that as you move on and graduate you go into work or college, you go to GCC or UOG that you continue using your voice. Continue, because the issues of life are not going to stop here. And as you become parents, make sure that every school is at standard. So continue looking, speaking and insisting. You're learning a very valuable lesson, and that's to be engaged. And while someone suggests we're all competing here, and Speaker Ben actually said it, the competition is not. Everything has been in place. But everything has now come forward and is here. We've been working on so many measures, and the winner will be you. But the valuable lesson is that you need to continue speaking up, going to PTAs, going to meetings, and saying this is what's important, and know that if you don't take care of it, nobody else will. That's what's valuable, to start with yourself, your children and your family. Thank you, Speaker Ben.

Chairman Pangelinan: Thank you very much. Senator Ada?

Senator Tony Ada: Thank you, Mr. Chair. You guys are absolutely right. There's absolutely no reason for you guys to be down here advocating for your school. That should've been in the leadership. There's no reason for you guys to be out of school for one week because those problems should have been taken care of during the summer. There's absolutely no reason why those reasons weren't addressed during the summer when we spent millions of dollars on a contractor to tell us what the problems were. There's absolutely no reason. And it took you kids to come down here to tell us exactly what is going on in your own school when we spent millions of dollars on experts, that we so called experts to let us know what is going on, and they still didn't let us know what's going on. And they still didn't fix the problem. Hopefully, we'll be able to get down and address the situation and whether it's a brand new school or a school that's completely renovated to brand new standards. One way or the other, hopefully we can come down to a solution. And thank you, Speaker Ben for listening to these bills.

Chairman Pangelinan: Thank you very much. Senator McCreadie?

Senator Brant McCreadie: Thank you, Mr. Chairman. I just want to thank you guys. I've seen you before, many times at your school. I just want to thank you for your core values. Listen, we all want great education, have families and have enough in retirement. We touched on all of that today. But I just want you guys to remember that we work for you. That's why we are here. Your parents, your uncles, your aunties put us here because we work for you. So it's our jobs to do that. I want you guys to always remember that this is your legacy, not ours. What you guys did this year to make us come to the forefront, and I call it competing because we're up here to try and build you the best school or try and give you the best solution. You guys are our strongest and your own strongest assets to this island. You're the future. So I just want to thank you, thank the Chairman, thank the Speaker and all the sponsors of the bills because I'll promise this one thing, I will support whatever is best for you and our island's school students. Thank you very much and good luck. [clapping from audience]

Chairman Pangelinan: Senator Limtiaco?

Senator Michael Limtiaco: Thank you, Mr. Chair. Thank you for your testimony today. I think I speak for everybody and that your message is being heard. I will do my part to find a solution for you, and thank you once again for your testimony. [clapping from audience]

Chairman Pangelinan: Thank you, Senator Limtiaco. Senator Duenas?

Senator Chris Duenas: I was a shark for a day, and in fact my escort is here today. The one that took me around the school, and I'll say it was extremely challenging. But I got to say that as much as I got out of that being a shark and walking in your shoes for a day, this has been one of the most moving experiences I've had in a long time, in terms of youth activism. The panel here before us, each one of you demonstrated and said this is not for you, because you're graduating. And I have to say that at all your graduations, your valedictorians and salutatorians have been tremendous, despite the challenges that you have. I'm going to close with my commitment with the rest of our colleagues to move forward to support whatever solution comes about working with the leadership, in all different branches of the government. What this panel has embodied today, and I want to leave you with is this: it is with the true embodiment of service above self.

You defined that today because you said it time and time again—it's not for you, you're graduating but you care enough about your siblings, and your underclassmen that you came forward today to insist that a solution come forward. And for that, I will support one thousand percent. Thank you, Mr. Chairman. [clapping from audience]

Chairman Pangelinan: Thank you very much. Senator San Nicolas?

Senator Michael San Nicolas: Thank you, Mr. Chairman. You know, I was actually a teacher at Sanchez for about six months. I didn't just have the one-day experience; I actually live it with you guys for a while. It was students before your time, but I was there and I saw it. The school definitely needs attention. I do want to ask you guys though, there's something I really want to put into your minds and I want you to take it into your hearts and take it very, very seriously, and that is that it's important that we build your school. It's not something to compete over; it's a responsibility that we need to follow through with. But there's another piece to the puzzle, and that is that building a school can be a very, very expensive thing. If we spend way too much to do it, what's going to happen is that we're going to take money away from other schools, and that really concerns me. I know you guys are thinking about your siblings. At my age, I'm 32, not much older than you guys, and I have a six-year old son. And he goes to Maria Ulloa, and when your child is going to be six-years old going there or to any other public school that hasn't been rebuilt, it's going to probably have the same problems as Sanchez today, if we overspend today.

So I want you guys to understand we're going to rebuild your school. We're going to build you a new one, but we all need your help to balance out the importance of rebuilding that school, with making sure that we do not spend more than we need to get it up to a good standard. We'll make it nice, but we've got to make sure we control how much it costs because that way we'll need to have the money for our kids, your six-year olds when they get to be going to their schools as well. If we overspend for one school now, the way the money works is that it's going to take away the money that we're going to need for all the other schools on the island. So we're going to prioritize Sanchez, but we're going to need your help to make sure we're going to meet all the priorities as we. I just want to put that out there for you all to think about and digest because it's important that while we're looking at Sanchez now, and building the school is a priority we need to meet.

Please understand that Sanchez is one school of many also on Guam and we are all one people of Guam as well. And we're also going to need to meet those other priorities, and there's only so much money to go around. We'll build a good Sanchez, but with your help we'll also make sure there's enough money to build good schools throughout the island. If we get too caught up in the passions of building this one school, it could hurt our ability to build good schools throughout the island. I need you guys to help us balance that. It's going to come from you; a lot of this energy comes from you. If we get too swept away in it, it could have painful effects for everything else on the island. We need you guys to be mindful of that, and please help us that way too. Thank you guys for coming down and making the time.

Chairman Pangelinan: Thank you very much, Senator San Nicolas. Senator Respicio?

Senator Rory Respicio: Thank you very much, Mr. Chairman, Mr. Speaker. Good afternoon, Sharks! The last time the Simon Sanchez Sharks were in this room was on a discussion on shark finning, and some of you were here, and some of you were here when the fishermen were here as well, and it was a very contentious kind of an issue because of what you've done for that issue, you've really allowed the legislature to get the support it needed from the community and that bill passed the legislature, and the governor signed it. To your credit and to the credit of the Simon Sanchez Sharks spirit of just inspiring people to do good and right in our community. Certainly, that's your legacy already. There was some talk of a competition here on these bills that were introduced, but there's really no competing interest. I don't see why all these bills shouldn't pass. I certainly see opportunity for these bills to pass along with P.L. 31-299 that's in the books already, that Senator Guthertz sponsored last term to give the administration the wherewithal. If they had the will to do it, they would've move forward to rebuilding Simon Sanchez and addressing system wide upgrades and repair to all the public school facilities. I think, Mr. Chairman, if we move forward on all these bills that the Speaker introduced and that I co-sponsored with Senator McCreadie, and we leave it to the Education stakeholders, particularly the Board of Education to determine what those priorities are. Don't worry Simon Sanchez is a priority because if you look at all the schools in dire need of repair, you're school is certainly at the top of the list.

But having this holistic approach that Senator San Nicolas talked about is something that should be welcomed as opposed to being seen as 'Oh, what does that mean? My school is going to be ignored?' Your school will not be ignored, certainly when you have Project Inspire and now certainly when you've demonstrated publicly your ability to get the kind of will that's needed for this government to respond. This was a good afternoon; a great discussion and again I think we acknowledge that there was no competing interest, and no competition here. The only thing we want to do is make sure you would study and your siblings will study in an environment that is conducive to learning. I continue to thank all of you for what you have done with the shark finning issue and what your doing to call attention to the kind of attention that is needed for your school and throughout the entire school system. Feel good about what you're doing because help is on the way. Thank you all for your participation. Thank you, Mr. Chairman.

Chairman Pangelinan: Thank you very much, Senator Respicio. [clapping from audience]
Speaker Won Pat?

Speaker Judith Won Pat: Thank you very much, Mr. Chairman. I'm sorry I didn't get the name of the young lady in the white shirt. What's your name? Mariel Villaluz? Thank you for your testimony. What you said was something I haven't heard in a long time. You started the wave, and everybody after you said that you wanted your school clean and you saw something and took it upon yourself to do something and I applaud you for that and I applaud every one of you who are here. I hope you don't stop at this particular demonstration or outcry at Simon Sanchez because the whole island is your environment, and when you go to UOG, that will be your environment. If you go off-island, that will be your environment. So I'm just asking that you continue to be involved, continue to be empowered and this is an excellent opportunity where you're learning to voice your opinion, you're appealing to your leaders. By the same token, you need to appeal to your own leaders at your own school.

As a former school principal, it was incumbent upon me to make sure that my school, no matter how old my school was, it would always be clean and taken care of. The last school I was at was Benavente Middle School. A board member came to my campus and said she could almost see her reflection on my floors. That's how clean the school was. The occupants of the school determine how the school will be. Your education will only be as good as you determine how it should be. Thank you for being here and letting us know what your concerns are. Speaker Pangelinan is right—all of you will be the winners here. Congratulations. Thank you.

Chairman Pangelinan: Thank you very much. Senator McCreadie?

Senator Brant McCreadie: Mr. Chairman, I just want to thank you guys all. I've seen you before many times at your school. I just want to thank you for your core values. Listen, we all want great education and have families and hopefully we have for retirement. We touched on all of that today. I just want you guys to remember that we work for you. That's why we're here, because your parents and your uncles and aunties put us here, because we work for you. It's our jobs to do that. I want you guys to always remember this. This is your legacy, not ours. What you guys did this year to make us come to the forefront. I call it competing because we're competing up here to build you the best school or give you the best solutions. You are our strongest and your own strongest assets to this island – you're the future. I just want to thank you, thank the Chairman, thank the Speaker and all the sponsors of the bills, because I'll promise one thing that I will support whatever is best for you and our island school students. So thank you very much and good luck.

Chairman Pangelinan:: Senator Limtiaco.

Senator Michael Limtiaco: Thank you Mr. Chair. Thank you for your testimony today. I think that I speak for everybody that your message is being heard and I will do my part to find the solution for you and thank you once again for your testimony.

Chairman Pangelinan: Thank you very much. Senator Duenas.

Senator Chris Duenas: I was a shark for today. In fact my escort is here today, the one that took me around your school. I got to say it was extremely challenging, but I got to say that as much as I got out of that being a shark and walking in your shoes for a day, this has been probably one of the most moving experiences that I've had in a long time in terms of youth activism. The panel here before us, each one of you demonstrated and said that this is not for you because you're graduating. I got to say that at all your graduations the valedictorians and salutatorian have been tremendous despite the challenges that you have. I want to close with my commitment with the rest of our colleagues to move forward and support whatever solution comes about working with the leaderships with all different branches of government. What this panel has invited today and I want to leave you with this, is the true embodiment of service above self. You define that today, because you've said it time and time again. It's not for you, because you're graduating, but you care enough for your siblings and your underclassmen that are looking forward that a solution comes forward and for that I will support 1000% thank you, Mr. Chairman.

Chairman Pangelinan: Thank you very much. Senator San Nicolas

Senator Michael San Nicolas: Thank you Mr. Chairman. You know I was actually a teacher at Sanchez for about 6 months. I didn't just have the one day experience. I actually lived it with you guys for awhile. It was with students before your time. I was there and I saw it and the school definitely needs attention. I do want to ask you guys and there's something that I really want to put into your minds and I want you to take it to heart to take it very seriously. It is important that we build your school. It's not something to compete over it's a responsibility that we have to follow through with. There's another piece of the puzzle that is that building the school can be a very expensive thing. If we spend way too much to do it, what's going to happen is we're going to take money away from other schools. That really concerns me because I know you're thinking about your siblings. At my age, I'm 32, not much older than you guys and I have a 6 year old son and he goes to Maria Ulloa. When your child is going to be 6 years old going to any other public school that hasn't been re-built. It's going to have the same problems as Sanchez today if we over spend today. So I want you guys to understand that we're going to re-build your school. We're going to rebuild a new one. We all need your help to make sure that we balance out the importance of rebuilding your school in making sure we don't spend way more than we need to, to get it up to a good standard.

We'll make it nice, but we got to make sure we control how much it costs. For that way we need to have the money for our kids, your 6 year olds, when they go to school as well. If we overspend for one school now, the way the money works, it will take away money for all the other schools on the island. We're going to prioritize Sanchez, but we're going to need your help to make sure we meet all the other priorities as well. I just want to put that out there for you guys to think about and digest. It's important that while we're looking at Sanchez now and building the school is a priority. Please understand that Sanchez is one school of many schools on Guam and we are all one people of Guam as well and we're also going to have to meet those other priorities and there's only so much money to go around. So we'll build the good Sanchez, but with your help there's also enough money to build good schools around the island.

If we get too caught up in the passion of building just one school, it could hurt our ability to build good schools throughout the island and I need your help to balance that. It's going to come from you and a lot of these are coming from you. If we get too swept away in it. It could have a painful effect for everything else on the island. So we need you guys to be mindful of that and balance that as well. If you can please help us that way too, I would really appreciate it. Thank you guys for coming down and making the time.

Chairman Pangelinan: Thank you very much Senator San Nicolas. Senator Respicio.

Senator Rory Respicio: Thank you very much Mr. Chairman, Mr. Speaker. Good afternoon Sharks. The last time the Simon Sanchez Sharks was in this room was under discussion on the shark thing and some of you were here and some of you were here when the fishermen were here as well and it was a very contentious issue, because of what you've done for that issue you really allowed the legislature to get the support that it needed from the community and that bill passed the legislature and the Governor signed it. To your credit and to the credit of the Simon Sanchez shark spirit to inspire people to do good and do right in the community, that's your legacy already.

There was some talk about a competition here and these bills that were introduced, but there's really no competing interest. I don't see while all these bills shouldn't pass. I certainly see an opportunity for these bills to pass along with Public Law 31-229 that's on the books already that Senator Gut hertz sponsored last term to give the administration the will to do it and if they had the will to do it they would've moved forward to rebuilding Simon Sanchez and addressing system wide upgrades and repair all public school facilities. I think Mr. Chairman, if we move forward, all the bills that the Speaker introduced and co-sponsored with Senator McCreadie and we leave it to the education stakeholders, particularly the Board of Education to determine what those priorities are. Don't worry Simon Sanchez is a priority. If you look at all the schools in dire need of repair, your school is certainly at the top of the list. Having this holistic approach that Senator San Nicolas talked about is something that should be welcomed as opposed to being seen as, "What does that mean?" "Does that mean that my school is going to be ignored?" Your school will not be ignored. Certainly not when you have project inspire and certainly when you demonstrated publicly your ability to get the will that's needed for this government to respond. This was a good afternoon. This was a great discussion and again I think we acknowledge that there's no competing interest and there's no competition here. The only thing we want to do is make sure that you would study and your siblings will study in an environment that's conducive to learning. I continue to thank all of you for what you've done with the shark fining issue and certainly what you're doing to call attention for your school and throughout the entire school system. Feel good about what you're doing because help is on the way. Thank you all for your participation. Thank you Mr. Chairman.

Chairman Pangelinan: Thank you very much Senator Respicio. Speaker Won Pat.

Speaker Judith Won Pat: Thank you very much Mr. Chairman. I'm sorry I didn't get the name of the young lady the one in the white, what's your name.

Ms. Mariel Villaluz: Mariel Villaluz.

Speaker Judith Won Pat: Mariel, I wanted to thank you for your testimony. What you said was something I haven't heard in a long time and from thereon you started the wave with everyone else who have come after you. What you really want and your goal with the program your teacher has taught you to keep your school clean and you saw something and you took it upon yourself to start to do something and I applaud you for that and I applaud everyone of you who are here. Like the Senators have said, I hope you don't stop from this particular demonstration or outcry that you're doing because I know that Simon Sanchez is your environment, but the entire island will be your environment and when you go to UOG that will be your environment and if you go off island that will be your environment.

So I'm just asking that you continue to be involved and continue to be empowered and this is an excellent opportunity where you're learning to voice your opinion, you're pleading to your leaders. By the same token you need to plead to as well at your own school. As a former school principal, it was incumbent upon me as a principal to make sure that my school, no matter how old my school is that it will be always be cleaned and always be taken care of. The last school I was in was Benavente Middle, to the point where the Board member came to my campus and she

basically said she can almost see her reflection on my floors that's how clean the school was. So it's the occupants of the school who determines exactly what your school is going to be like. Your education will only be as good as what you decide how it should be. I want to thank all of you for being here and for letting us know what your concerns are. As everyone said, Speaker pangelinan is right, "You all of you will be the winners here." Congratulations and thank you.

Chairman Pangelinan: Thank you very much Speaker Won Pat. Senator Morrison.

Senator Tommy Morrison: Thank you Mr. Chairman and I'm very encouraged for the future of Guam with the presence of many students here from Simon Sanchez and the leadership that you have shown here today is carried the leaders of tomorrow. I just want to point out that on the bright side that Simon Sanchez has been one of the best investments that the government of Guam has ever made. For 20, 30, 40 years, that school has survived many challenges, but at the same time it has produced quality students like yourself today. I just want to point out that there's many schools and I want to thank you for inviting me to walk through the halls of the sharks. For one day it's hard to get a perspective, but I tried to find that perspective and understand how you guys go through academics and athletics sports.

You guys are producing so many championships. Just to focus on what you want to do with your school, but still having the perspective surrounding and seeing brand new schools being built, JFK, Okkodu. You're seeing UOG and Southern High Auditorium, you see track and fields and to understand now and have the perspective of walking in the shoes of the sharks. I want to thank you for being here and bringing that perspective to us. I understand that you will continue what you're doing in school and your studies and I understand that sitting in your school and seeing this all happen around the island with all the other schools that are getting these upgrades and I would voice my concerns as well. So thank you for being here today and I look forward to working with you.

Chairman Pangelinan: Thank you. Senator Muna-Barnes.

Senator Tina Muna-Barnes: Si Yu'us Ma'ase Mr. Speaker.

Chairman Pangelinan: We still have the other panel that we have to bring back.

Senator Tina Muna-Barnes: Yes, I understand. Real short, I just want to thank all of you guys who step up to the plate to want to make a difference for your family members, your siblings, your relatives, but more importantly as I see the teachers here and President Underwood out there recruiting students for the university of Guam, that poster up back there, I just want to say, Team Simon Sanchez is truly the number one championship school, because they want to make a difference for their school. So Un dangkolo na Si Yu'os Ma'ase' yan Si Yu'os u benindisi and God Bless you and continue the hard work because we are listening Saina Ma'ase'. Thank you very much.

Chairman Pangelinan: Ladies and gentlemen, are there any final comments before I dismiss the panel? Yes sir.

Mr. Darren Meno: I would like to thank Senator Tommy Morrison for announcing those things at the other schools, but the thing is, why only one week of renovations? I'm not sure if you guys were informed, but there are conditioners at Simon Sanchez high school in the main building that have been out just recently that have been replaced. I would also like to add that, I'm not sure if you were informed, but on the rainy season the Science Building was flooded up to the ankle area and even in the main building water was coming in. I just wanted to mention those things, because those are safety issues.

Chairman Pangelinan: That was after the repairs?

Mr. Darren Meno: That was before the repairs the rainy season. But after the repairs the aircons are down again. I just like to take pride in the championships that we accomplished.

Chairman Pangelinan: One more? Alright, thank you very much Si Yu'os Ma'ase'. I'm going to ask the education officials, Ms. Taitano and Mr. Malay to come forward for any questions from the panel here. If there are other students that wish to testify then we will go and here them as well. If not then... Speaker Won Pat did you have any questions for the panel.

Speaker Judith Won Pat: I just had one question. The last young man who spoke kind of gave a report after some of the work was done at Simon Sanchez, the brand new air conditioners that were installed had actually broken down. Because this is contracted out, is there a warranty, have they come in to address that immediately? Like they say, we're not just throwing money away.

Mr. Rob Malay: Thank you Speaker, you're absolutely right. I was there yesterday, I asked some of the students where this was. They said the second floor. I spent most of the time on the second floor. It was conditioned yesterday. I'm not sure if it was off today, but I'll be there tomorrow to look into that to make sure that we get word to the vendor, because you're right it comes with a warranty.

Speaker Judith Won Pat: So for the others of course my understanding as well said that in some areas, the temporary buildings, there are still some flooding. I understand that prior to all this that when there was some flooding it was actually a man made problem that was created because they had built apparently a project that got in the way of the passage for the water to drain and that has been addressed and I'm just hoping that, like the young lady mentioned, I wish more people will be communicating that when they do some of these things that could negatively impact on the school, that at least they spoken to maintenance or contracts like Sodexo. So they can access the situation so that we don't compound the problem afterwards. Thank you Mr. Chairman.

Chairman Pangelinan: Remember the hearings are on the bills as they relate to the financing of the resources necessary so we can focus back on those lines of questioning. Are you done Speaker Won Pat.

Speaker Judith Won Pat: So Dr. Underwood, you're right. I know that you said you had some news in terms of the USDA. Do you know when that would be finalized?

Dr. Robert Underwood: We fully anticipate that it will be before the end of the month, because obviously there was too much delay of government activity and then the interest rates went up in the mean time, but we clarified that with the personal site visit at Honolulu in Hawaii and we go to Washington DC again at the end of the month. I think we're going to wrap it up. Of course even subsequent to that. They'll be curious as to what the legislative activity is like and as you know that's just the first series of mounds of documents that we're going to end up signing.

Speaker Judith Won Pat: One last one, Dr. Cruz has asked this question in terms of the \$500,000 to be able to do assessment or master plan and because Sodexo has done apparently some work and the Army Corps engineers did some assessment. Do you know how much Sodexo charged to do the assessment so that they can give the Committee a better idea in terms of a dollar amount. Other than \$500,000, because that was based on a formula on what's available? But now with the amendment that we're proposing that could change. So do you have any idea? I know you haven't done the RFP, but a roundabout figure to give us a sense of what that would be.

Ms. Taling Taitano: I don't recall on the top of my head how much the FCAP cost. At our last master plan I can research how much that cost, but that was done back in 1999.

Speaker Judith Won Pat: Thank you very much. Senator Muna-Barnes did you have any questions? Senator Morrison? Senator San Nicolas?

Senator Michael San Nicolas: Thank you Mr. Speaker. You know of all the things and of all the bills in of course rebuilding Sanchez, it's definitely a priority that we all share. But one of the things that I'm really big on that these future generations reflect on for all of us here is this Master Plan. This is a desperate need. My boy, like I said, goes to Maria Ulloa. The school is nice the administration does a good job at maintaining it, but the reality is the wear and tear is going to take its toll and when their kids are 6 years old, they're going to be going to that school and all the other schools on the island. We need to know what it's going to take for us to maintain and upgrade or rebuild or whatever. But we need to have a direction in terms of these facilities and exactly what it's going to take for us to meet that future demand that's no doubt going to come. If we can as quickly as possible.

I really appreciate Dr. Cruz testimony and Taling yours as well, because you guys really focused on that Master Plan. If we can get a firmer number on what that's going to cost aside on what's coming or the financing of Sanchez is going to do, that for me will be priority number one. You know getting a true road map of where all our facilities are and what it's going to cost for us to be at an operational level that's going to be adequate education but exceptional education for our kids in terms of facilities and capital assets. If we can get a firm hang on that right away, I'll be very happy to get right behind all these bills that support that. Thank you Mr. Chairman.

Chairman Pangelinan: Thank you very much. Senator Duenas?

Senator Chris Duenas: Thank you Mr. Chairman and I certainly echo the sentiments of Dr. Cruz. I think that was a very well stated position. Taling, I just read with curiosity in the testimony although it starts by acknowledging all the Bureaus and then it reflects on PL 31-229

and essentially makes a recommendation for Bill 226 to be amended into Bill 225. Is it on the record the position, because I'm reading this in your testimony or the testimony provided that essentially you're looking to 225 as the key piece of legislation to move this effort forward in your reading of the bills. Ok. I just think that's important for the committee as we work together to finalize. So I guess Taling in your simple reading of the bills the position then would be to consolidate and amend all of those items into Bill 225 in the testimony that you're presenting on behalf of the Superintendent. Thank you Mr. Chairman.

Chairman Pangelinan: Thank you very much, Senator McCreadie did you have a question? Senator Ada?

Senator Tony Ada: Thank you Mr. Chair. I know Senator San Nicolas brought up the issue of the Master Plan. I'm also wondering whether \$500,000 is enough for a Masters Facilities Plan and what does this entail? Is it just the current schools, the overall schools, I mean everything and if \$500,000 is enough or isn't enough because we've spent millions of dollars on contract with Sodexo to come up with what our problems at are schools and we're looking at a \$500,000 for a Master Plan, so is this enough or is this not enough?

Ms. Taling Taitano: Certainly this is something we can reach out to try to get a better feel for. The work that was done by Sodexo and Army Corps was to take a look at our existing facilities and assess the amount of deferred maintenance that was necessary to bring the schools up to par. The Master Plan is a planning document that we will look at our trends and our current facilities and where we should build new schools. It's a much broader and holistic approach.

Senator Tony Ada: Should the Master Plan be in place before we start building like the Military Buildup, they're not going to turn one ounce of dirt till they have a full scope of where the facilities are going and these things before they spend billions of dollars and putting it where it shouldn't be.

Mr. Rob Malay: Thank you Senator that's a very valid point and I think one of the reasons that collaboratively we were recommending the Master plan be moved from 226 to 225 is so that it can be pushed up to the front of the agenda. We saw 225 as more of the vehicle to drive the other pieces of legislation and that was the one that was going to be the horse pulling the cart. You're right the Master Facility Plan needs to be on the forefront. If it could be happen simultaneously as with the renovation rebuild and whatever Simon Sanchez future becomes that's great too. But that Master Facility plan is absolutely crucial. I too have kids in public schools and their facilities are built in the 1950s. I know that time is going to come where there will be renovations to repair that school as well, but that Master Facilities Plan is crucial.

Senator Tony Ada: Ok, Thank you. Thank you Mr. Chairman.

Chairman Pangelinan: Senator Aline Yamashita.

Senator Aline Yamashita: Thank you very much Speaker ben. We've been talking about this Master Plan for a couple of years now. I'm glad that it's going to move forward. Speaker ben and Madame Speaker, we had a delightful table talk this morning with Superintendent Taling Taitano

and Erica Cruz and they have a lot of exciting plans. I raise it because as we do look at possibly turning GW into a STEM school and possibly turning Southern high into a Fine Arts Magnet. Senator Ada is correct and all those components need to be put on the table. That will impact where our kids want to go to school and the facility and what it's going to look like and the transportation and the equipment and all of that and I also echo the need to really do that. Certainly, there are immediate remediation steps that need to be made and are more reasonable and you're going to take care of that and I don't see a problem with. But doing it smartly and strategically is what we need to do. I also trust that in all of this, two things: one is all the ADA issues will be addressed. For example, Truman is absolutely inaccessible. That's one example of a school, but they are everywhere. We couldn't put our kids in lifts to get the second floor, we shouldn't have to put certain classes on the ground floor so that those in chairs and those who are blind are segregated that way. The second thing is something that just slipped my mind, but I do look forward to moving forward and looking at everything that has been talked about with you and your Board of Education and how we could best support them and to be really smart about how we move forward in that when I think about the second thing I'll think about it and I'll email you. Thank you Speaker ben.

Chairman Pangelinan: Thank you very much. Ms. Taitano you mentioned PL 31-229 and in that statute it contemplates that any new construction and financing, the repayment source for the additional debt is going to come out of the DOE Operational funds. Are you prepared to do that under your current allocation.

Ms. Taling Taitano: Not under our current allocation sir.

Chairman Pangelinan: So why are you recommending we go 229?

Mr. Rob Malay: I believe in the testimony, it was more referencing the Bill to see if it actually makes sense. From where we are sitting we're not quite sure how those pieces are going to fit together in that puzzle. That's why we're coming out supporting the bills that are force today. We've attempted to try to see how that's going to work, but with the current allocation it's going to be pretty difficult.

Chairman Pangelinan: Ok. The Governor is using 229 to also purchase the Tiyan facilities. He's using that as the authority given to him. If we purchase the Tiyan facilities it will assume of course the available resources that we have at this time and even in future growth given that any future growth is also already allocated for future growth in debt service. In other words, in two years, our debt service is going to go from \$8 Million a year in one bond to \$20 Million a year, which is a \$12 Million increase in one fiscal year. The Tiyan Facilities is going to assume \$10 Million for the DOE – Central High School and the additional DOE head quarters that the Governor is proposing and so forth. I think those are the challenges we find ourselves. So when DOE says yes we want the central high school, it may end up that the central high school at the expense of other resources needed at other facilities. This is one of the reasons why we're... as the children mentioned this afternoon. We've sunk \$2-\$3 million including ARRA funds, it's going to show it's a 30 – 40 year building, and the Tiyan building is a 50 year building. We're going to see where the band aids come off or the duct tape even cause it will be there longer than band aid, but duct tape will come off even though we all think it's indestructible. That's why it's

really important to take a look at the facilities that we have and how do we rehabilitate or refurbish or build new ones so that they will not be challenged with having to live with a 50 year old facility, no matter what and how much duct tape we put on it.

The other thing I have a question on is, you mentioned that as part of the facilities development and Master Plan. You don't take a look at the attendance districts. If you take a look at the attendance districts at this time, you may not need money for the construction of new schools if you are in your attendance district. So any new money that you want for new school could probably go into a rehabilitation fund for all the existing other high schools. Would you look at attendance district first before deciding what you want to build and funding that new construction and then after re-aligning your attendance districts so that you're able to re-balance attendance for school populations, then you have the resources needed to make improvements for the schools. Is that something that the administration may look at in its planning phase for this rather than moving forward with that, start with that and then see what kind of facilities you need once you re-align those attendance districts.

Mr. Rob Malay: Thank you for that point, re-assignment of attendance districts and its areas is always a topic of discussion for the different schools and levels whether it's elementary, middle or high school. But I think like we heard in the testimony of an earlier bill where high school student was getting up super early in the morning, if we extend those attendance areas much further away from the destination then those students are going to have to get up even earlier than early and the bus driver who is going to have to fire up the bus. So those are definite discussions and we understand that that might make sense thinking about it on a piece of paper, but when you make that drive from Route 8 in Maite all the way down to Santa Rita, one way alone is a significant amount of time and when you have to go home at the end of the day, that's double time. I'm not sure if that makes the most sense. I do understand that there is a lot of outcry to reassign the attendance areas. But is that the best solutions. Hopefully this Master Facilities Plan will help generate that discussion and come to those solutions and conclusions on what does make the most sense.

I don't think you can deny though that the reason why the early hours is because the early hours is because of when schools are starting. There's no hard rule to say they must start at 7am. Getting your kids out there at 5. There can be an extended day for that matter, but it's a combination of things that the Speaker is talking about as well, not just re-assignment of areas. If you look at Bill 226, the study here must take all these priorities into account, the curriculum programs, like what you did with STEM. The possibility of Southern High and population density, the transportation, traffic, bussing... all those have to be a part of this analysis that's going to be done in this Master Planning. There's got to be a combination of things, not just one thing. When you look at the different structure in your re-organization. You can have a K-8 program, what's to stop us from doing that. It doesn't mean we have to go back to an old junior high school. When we did that, we did that because we were over populated in our elementary schools, that's why we moved them up. Now we're saying that we're over populated in our high schools and the solution is to move them back down. Not necessarily, because you can have different organizations like I said, the 5, 3, 4 or like I say K-8 or what have you or K-12.

Chairman Pangelinan: Thank you very much, Dr. Underwood in this financing. I don't want you to feel left out. This is a pretty easy question. In the financing for this new loan, is that all new loan or does that include some re-financing?

Dr. Robert Underwood: No, we had to leave out the re-finance.

Chairman Pangelinan: So you left the re-financing out, so there's no debt relief.

Dr. Robert Underwood: No debt relief.

Chairman Pangelinan: No additional money we may be able to re-allocate.

Dr. Robert Underwood: No it just proves to be impossible

Chairman Pangelinan: Ok that was easy.

Dr. Robert Underwood: I want to thank you for allowing me the time to recruit some students.

Chairman Pangelinan: Yes, you're welcomed.

Dr. Robert Underwood: They were very receptive out there

Chairman Pangelinan: There's the increases. Thank you very much. Any other comments or questions from the panel? Thank you very much ladies and gentlemen. We have no exhausted the items on the agenda and therefore we will now declare this public hearing adjourned. Thank you and Si Yu'us Ma'ase.

Thank you very much for your testimony. This concludes the testimony on Bill No. 225-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at office@guam.net or through our website at senbenp.com




III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 225-32 (COR), as amended with the recommendation *To Report Out Only*

TRENTAI ^{ll}
I MINA'BENTE DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 125-32 (WR)

Introduced by:

J. T. Won Pat, Ed.D. 
Tina Rose Muña Barnes 
Aline A. Yamashita, Ph.D. 

AN ACT TO ADD A NEW CHAPTER 58C TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RENOVATION OR CONSTRUCTION OF A NEW SIMON SANCHEZ HIGH SCHOOL AND TO AMEND AND RENUMBER §22425(q) ARTICLE 4, CHAPTER 22, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO AMEND §53101 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO EARLY CHILDHOOD PROGRAM FUND.

2013 FEB 27 10 08 AM

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

2 **Section 1. Title.** This Act *shall* be cited and referred to as the “*Ma Kâhat*
3 *Act of 2013*”.

4 **Section 2. Chapter 58C is hereby added to Title 5 of the Guam Code**
5 **Annotated to read as follows:**

6 **“CHAPTER 58C**

7 ***Ma Kâhat Act of 2013***

- 8 §58C101. Title.
- 9 §58C102. Legislative Findings and Policies.
- 10 §58C103. Definitions.
- 11 §58C104. Authorization to Enter into Long-term Leases.
- 12 §58C105. Procurement.
- 13 §58C106. Responsibilities of Contractor.

1 §58C107. Assignments.

2 §58C108. Use of Tax-Exempt Bonds for Financing.

3 §58C109. Pledge of Additional Revenue from the Real Property
4 Valuation.

5 §58C110. Utilities and Routine Maintenance.

6 §58C111. Maintenance Fund.

7 §58C112. Contractual Safeguards

8 §58C113. Severability.

9 **§58C101. Title.** This Act *shall* be known and *shall* be cited as “*Ma*
10 *kāhat Act of 2013*”.

11 **§58C102. Legislative Findings and Policies.** *I Liheslaturan*
12 *Guāhan* finds that Simon Sanchez High School faces the combined
13 challenges of deteriorating conditions, out-of date design and overcrowding.
14 These combined deficiencies impair the quality of teaching and learning and
15 contribute to health and safety problems for staff and students.

16 *I Liheslatura* finds that after reviewing the summary of outstanding
17 General and Limited Obligation debts as of March 1, 2013, that the debt
18 ceiling assessed value is at One Billion One Hundred Thirty Nine Million
19 Four Hundred Sixty Four Thousand Eight hundred Fifty Three Dollars
20 (\$1,139,464,853). It also states that the General Obligation Debt is Four
21 Hundred Forty Six Million Four Hundred Seventy Three Thousand Eight
22 Hundred Fifty Three Dollars (\$446,473,853), and the Limited Obligation
23 Debt is Six Hundred Sixty Three Million Eight Hundred Ninety Six
24 Thousand Eight Hundred Three Dollars (\$663,896,803) with an accumulated
25 total of One Billion One Hundred Ten Million Three Hundred Seventy
26 Thousand Six Hundred Fifty Six Dollars (\$1,110,370,656). Subtracting the
27 debt ceiling limit less the General and Limited Obligation Debts leaves the

1 amount for future debt obligation at Twenty Nine Million Ninety Four
2 Thousand One Hundred Ninety Seven (\$29,094,197).

3 *I Liheslatura* further finds that the cost for the renovation or
4 construction of a new Simon Sanchez High School would exceed Guam's
5 debt ceiling obligation cap if a General Obligation Bond is pursued. To
6 circumvent the debt ceiling cap, *I Liheslatura* finds that the construction of
7 Okkodo High School, Astumbo Middle School, Ligan Elementary School,
8 Adacao Elementary School, John F. Kennedy High School and the
9 expansion of Okkodo High School validates the fundamental soundness of
10 using municipal lease as a vehicle to build new educational facilities. By
11 utilizing municipal leasing to renovate or construct a new Simon Sanchez
12 High School, the remaining future debt obligation may be used to fund other
13 priorities of the government.

14 *I Liheslatura* further intends to authorize *I Maga'lahaen Guåhan* to
15 pledge or reserve the additional proceeds as a source of payment for a
16 municipal lease financing, secured for the purposes stated herein, either to
17 renovate or construct a new Simon Sanchez High School. To overcome the
18 financing hurdles *I Liheslaturan Guahan* supports the government of
19 Guam to enter into a contract for the financing, design, renovation or
20 construction and long-term capital maintenance of Simon Sanchez High
21 School with a private sector contractor who can provide long-term
22 financing obtained through tax-exempt obligations *or* other
23 competitive alternative financing based on long-term lease-backs to
24 the government of Guam. To facilitate the financing, design, renovation
25 or construction and maintenance of the Education Facility envisioned by
26 this Act, the government of Guam will be authorized to lease for up to
27 thirty (30) years government of Guam property on which the

1 facilities will be constructed. The lease of the government property to
2 the contractor, who will design, renovate or construct a new Education
3 Facility in accordance with specifications approved by Guam Department
4 of Education. The Education Facility and land will be leased back to the
5 government of Guam for a period *not to exceed* thirty years or the initial
6 ground lease to the contractor over which time the government of Guam
7 will amortize, as lease payments to the contractor, the cost of the
8 financing, design, renovation or construction and related expenses of the
9 Education Facility. The contractor will also be responsible for the capital
10 maintenance of the Education Facility constructed under this Act, which
11 costs *shall* be paid by the government of Guam as provided for under this
12 Act. At the expiration of the Lease-Back Period, the government of Guam
13 real property and the Education Facility renovated or constructed on the
14 government of Guam real property will revert to the government of Guam
15 with *no* further obligations to the Contractor.

16 **§58C103. Definitions.** For purposes of this Chapter and *unless*
17 otherwise specified, the following words and phrases are defined to mean:

18 (a) “*Act*” means Chapter 58C of Title of the Guam Code
19 Annotated, known as the “*Ma Kāhat* Act of 2013.”

20 (b) “*Contract*” shall mean the various design, renovation or
21 construction and financing agreements entered into by and between
22 the Education Agency and the Contractor following negotiations on
23 the response to the Request for Proposal.

24 (c) “*Contractor*” shall mean the authorized entity which shall
25 be the signatory on the Contract and shall be fully responsible for
26 carrying out the design, renovation or construction, financing and
27 maintenance of the Education Facility. The Contractor may cooperate

1 with another entity or entities in any manner the Contractor deems
2 appropriate to provide for the financing, design, renovation,
3 construction or maintenance of the public school facilities envisioned
4 by this Act.

5 (d) "*Education Agency*" shall mean the Guam Department of
6 Education

7 (e) "*Education Facility*" as used in this Act shall mean the
8 renovation or construction of a new high school and to include its
9 athletic facilities to be located on the existing site of Simon Sanchez
10 High School.

11 (f) "*Lease*" shall mean a lease from an Education Agency to
12 the Contractor entered into at the time of the Contract for the
13 Property.

14 (g) "*Lease-Back*" shall mean the lease from the Contractor to
15 the Education Agency.

16 (h) "*Lease-Back Period*" shall mean the term of the lease from
17 the Contractor to the Education Agency.

18 (i) "*Property*" shall mean any property on which an Education
19 Facility is located.

20 **§58C104. Authorization to Enter into Long-term Leases.** For the
21 purpose of facilitating the financing of the design, renovation or
22 construction and maintenance of an Education Facility encompassed by
23 this Act, the government of Guam *or* an Education Agency, as the case
24 may be, is authorized to lease, if required, to the Contractor sufficient
25 government of Guam real property on which to renovate or construct a
26 new Education Facility; provided, such property is in the inventory of the
27 Education Agency *or* the government of Guam. The property may be the

1 site of an existing Education Facility under the control of an Education
2 Agency, which existing facility may be renovated *or* demolished and
3 rebuilt under the provisions of this Act. The Education Agency is also
4 authorized to Lease Back from the Contractor the property for a
5 period mutually agreed upon between the Education Agency and the
6 Contractor as may be reasonably necessary to amortize over the Lease-
7 Back Period the costs associated with the financing, design, renovation or
8 construction of the Education Facility. In no event *shall* the end of such
9 Lease-Back Period be *later than* the date thirty (30) years from the
10 scheduled date of completion of the Education Facility. The Lease-Back
11 may be structured as an annually renewable lease with provision for
12 automatic renewals to the extent that pledged or reserved revenue under
13 Section 22425 (q)(4) and (6) of Title 5 Guam Code Annotated is available.
14 The Lease-Back *shall not* be construed as a debt under any applicable
15 debt limitation under the Guam Organic Act *or* Guam law.

16 **§58C105. Procurement.** Subject to the approval of *I Liheslaturan*
17 *Guåhan*, the government of Guam or an Education Agency shall solicit
18 Requests for Proposals ('RFP') through the Department of Public Works, in
19 compliance with the Guam Procurement Law, for the financing, design,
20 renovation or construction of the Education Facility, together with insurance
21 and maintenance of the Education Facility over the Lease-Back Period,
22 according to the needs of the Education Agency and consistent with this
23 Chapter. The choice of the Contractor shall be made by a selection
24 committee comprised of the Superintendent of the Department of Education
25 serving as Chairman and including the Director of the Department of Public
26 Works or Deputy Director, the Director of the Department of Land
27 Management or Deputy Director, the Administrator of Guam EPA or Deputy

1 Administrator, and the Administrator of the Guam Economic Development
2 Authority or Deputy Administrator. The committee shall access the prior
3 performance of the Contractor on similar projects and may disqualify any
4 Contractor that does not have a successful record of project completion on
5 Guam.

6 The selection of a Contractor shall be based upon the proposal that
7 delivers the best value for Guam in meeting the objectives of the Education
8 Agency.

9 The RFP shall be issued within thirty (30) days of enactment of this
10 Act for the renovation or construction of a new Simon Sanchez High School
11 on the existing site, which may include demolition of such portions of the
12 existing facility as necessary.

13 **§58C106. Responsibilities of Contractor.** The Contract *shall* require
14 that the Contractor be responsible for all costs, expenses and fees of any
15 kind *or* nature, associated with the design, civil improvements, on-site
16 and off-site infrastructure, construction, permits, and financing
17 associated with the completion of an Education Facility, including the
18 financing of furniture and equipment for the Education Facility, as and
19 to the extent provided by the Education Agency in the Request for
20 Proposals. The Contract will also require that all major subcontracts be
21 covered by a Performance Bond and further that there be a specific
22 delivery date with liquidated damages for failure to deliver the school by
23 the specified date. The Contractor *shall* also be responsible for the capital
24 maintenance of the schools during the Lease-Back Period, but *shall not* be
25 responsible for the capital maintenance of the furniture and equipment.
26 The Lease-Back may provide that *if* sufficient funds are *not* appropriated
27 *or* otherwise available for the payment of amounts due under the lease and

1 any maintenance agreement, the Education Agency will have the
2 obligation to vacate the Education Facility, and the Contractor *shall* have
3 the right of use and occupancy of the Education Facility for the
4 remainder of the term of the Lease, unless new mutually satisfactory terms
5 are entered into. For this purpose, the Lease may provide that its term *shall*
6 be extended for a period *not to exceed* the shorter of ten (10) years
7 beyond the original term of the Lease-Back *or* such period of time as is
8 necessary to repay in full any financing arranged pursuant to Section
9 58C108. The capital maintenance costs *shall* be paid by the Education
10 Agency on a periodic basis as incurred by the Contractor on terms to be
11 agreed to in the Contract for the Education Facility.

12 **§58C107. Assignments.** To facilitate the purposes of this Act
13 and to provide security for the holders of any financing instruments issued
14 pursuant to this Act, the Contractor may assign, without the need of the
15 consent of the Education Agency, the Contract, the Lease and the
16 Lease-Back to any underwriter, trustee *or* other party as appropriate to
17 facilitate the issuance of the tax-exempt obligations, other financial
18 instruments *or* alternative financing for the Education Facility.

19 **§58C108. Use of Tax-Exempt Bonds for Financing.** To
20 minimize the financing cost to the Education Agency, financing utilized by
21 the Contractor to fund the design, renovation or construction of an
22 Education Facility *shall* be through tax-exempt obligations *or* other
23 financial instruments provided such financing is available at interest rates
24 determined by the Education Agency to be reasonable and competitive.
25 Alternatively, the Contractor may use an alternative method of financing,
26 including, but *not limited to*, a short term debt, mortgage, loan, federally
27 guaranteed loan *or* loan by an instrumentality of the United States of

1 America *if* such financing will better serve the needs of the people of
2 Guam. Such alternative financing *shall* be approved by *I Liheslaturan*
3 *Guahan*. The purpose for the requirements of this Section is to assure the
4 Education Agency pays the lowest possible interest rate so that the cost to
5 the Education Agency of financing the design, renovation or
6 construction of an Education Facility, amortized through the Lease-
7 Back payments from the Education Agency to the Contractor, will
8 be lower than regular commercial rates.

9 **§58C109. Pledge of Additional Revenue from Real Property**
10 **Valuation.** Rental payments under the Lease and the Lease-Back may be
11 secured by a pledge or other reservation of revenues received by the
12 government of Guam pursuant to §22425 (q)(4) and (6) Article 4, Chapter
13 22 Division 2, Title 5, Guam Code Annotated. Any amounts pledged as
14 provided in this Section are hereby continuously appropriated for the
15 purpose of making Lease-Back payments, but any amounts only reserved as
16 provided in this Section, and not pledged, shall be subject to annual
17 appropriation for the purpose of making Lease-Back payments. Any such
18 pledge or reservation authorized hereunder shall be valid and binding from
19 the time the pledge or reservation is made and shall be limited to the sum of
20 Five Million Fifty One Thousand Nine Hundred Seventy Seven Dollars and
21 Ninety Eight Cents (\$5,051,977.98) per year during the Lease-Back Period
22 as outlined in §22425 (q)(4) and (6) of Title 5 Guam Code Annotated hereof.
23 The revenues pledged or reserved and thereafter received by the government
24 of Guam or by any trustee, depository or custodian shall be deposited in a
25 separate account and shall be immediately subject to such reservation or the
26 lien of such pledge without any physical delivery thereof or further act, and
27 such reservation or the lien of such pledge shall be valid and binding against

1 all parties having claims of any kind in tort, contract or otherwise against the
2 government of Guam or such trustee, depository or custodian, irrespective of
3 whether the parties have notice thereof. The instrument by which such
4 pledge or reservation is created need not be recorded.

5 **§58C110. Utilities and Routine Maintenance and Repair.** The
6 Education Agency *shall* be responsible for the connection and payment of all
7 utilities, including without limitation, power, water, sewer, telephone and
8 cable, and all routine interior maintenance and repair and exterior grounds
9 keeping and landscaping and upkeep of the Education Facility.

10 **§58C111. Maintenance Fund.** The Contract or a separate
11 maintenance agreement with the Contractor, and the Lease-Back, shall
12 provide that all capital maintenance of the Education Facility be performed
13 by the Contractor as a separate cost, the terms of which, and the manner for
14 establishing the amount of payment, shall be determined as a part of the
15 Contract; provided, however, that said documents may, at the discretion of
16 the Education Agency, provide that capital maintenance with respect to
17 equipment (including collateral equipment), onsite utilities, offsite utilities,
18 access roads and other similar improvements need not be performed by the
19 Contractor.

20 **§58C112. Contractual Safeguards.** Prior to undertaking the work
21 of renovating or constructing a new Simon Sanchez High School, the Guam
22 Economic Development Authority, The Department of Public Works, Guam
23 Department of Education and the Developer or Contractor shall negotiate
24 and enter into a binding construction contract to renovate or construct a new
25 Simon Sanchez High School in accordance with Guam Building Code, (21
26 G.C.A. Ch. 67) and any other applicable requirements. The Construction

1 contract shall contain contractual obligations typically found in Government
2 of Guam construction contracts, including but not limited to:

- 3 1. Warranties;
- 4 2. Liquidated damages;
- 5 3. Performance and payment bonds;
- 6 4. Indemnity;
- 7 5. Insurance;
- 8 6. Standard Specifications;
- 9 7. Technical Specifications;
- 10 8. Progress Schedule;
- 11 9. Maintenance;
- 12 10. Compliance with Guam Labor Regulations;
- 13 11. Compliance with Guam Prevailing Wage Rates for
14 Employment of Temporary Alien Workers (H2) on Guam;
- 15 12. Compliance with Public Law 29-98: Restriction Against
16 Contractors Employing Convicted Sex Offenders to Work at
17 Government of Guam Venues.

18 The contract shall be submitted for review and approval to all entities
19 charged by law with the duty to review and approve government contracts,
20 including the Office of the Attorney General.

21 **§58C113. Severability.** *If any provision of this Act or its*
22 *application to any person or circumstance is found to be invalid or contrary*
23 *to law, such invalidity shall not affect other provisions or applications of this*
24 *Act which can be given effect without the invalid provisions or application,*
25 *and to this end the provisions of this Act are severable.”*

26 **Section 3. §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam**
27 **Code Annotated is hereby amended and renumbered:**

1 §22425(q) of Article 4, Chapter 22, Division 2, Title 5, Guam Code
2 Annotated, is hereby *amended* to read:

3 “(q) Notwithstanding any other provision of law, any additional real
4 property tax revenues received as a result of the most recent valuation of real
5 property due to commence during the calendar years 2013 and 2014 is
6 hereby continuously appropriated, *not to exceed* Seven Eight Million Five
7 Hundred Thousand Dollars (\$78,0500,000), from the Territorial Educational
8 Facilities Fund in the amounts and for purposes set forth in this Subsection:

9 (1) The sum of One Million Dollars (\$1,000,000), beginning
10 in FY 2014, for the construction of the Student Services Center and
11 Engineering Annex at the University of Guam, as a source of payment
12 to the University of Guam Capital Improvements Fund for the purpose
13 of paying rental payments due under the lease-leaseback agreements
14 with the University of Guam Endowment Foundation;

15 (2) The sum of Two Hundred Seventy-eight Thousand Nine
16 Hundred Twenty-one Dollars and Fifty-two Cents (\$278,921.52),
17 beginning in FY 2014 for forty (40) years, for the construction or
18 renovation of Building 100 and the DNA Laboratory at the Guam
19 Community College;

20 (3) The sum of One Hundred Thirty-two Thousand Fifteen
21 Dollars (\$132,015) to the Guam Public Library System to hire a
22 Territorial Librarian at Ninety-three Thousand Three Hundred
23 Seventy-seven Dollars (\$93,377), and a Computer Analyst II at
24 Thirty-eight Thousand Six Hundred Thirty-eight Dollars (\$38,638);

25 (4) The sum of One Million Seven Hundred Seven Thousand
26 Six Hundred Fifty-two Dollars (\$1,707,652) to the Guam Department
27 of Education for ~~the Okkodo High School Expansion to included~~

1 rental, prorated insurance, maintenance and utilities for the renovation
2 or construction of a new Simon Sanchez High School.

3 (5) The sum of One Million Two Hundred Thousand Dollars
4 (\$1,200,000) for rental payments under the Lease and the Lease-Back
5 as described in Chapter 58D of Title 5 Guam Code Annotated.

6 ~~(5)(6)~~ other than the portions designated to be used for in Items
7 (1), (2), (3) ~~and (4)~~ and (5) of this Subsection, eighty percent (80%) of
8 the remaining balance *shall* be appropriated as a source of payment
9 ~~for a General Obligation bond paying rental payments due under the~~
10 ~~lease-leaseback agreement with GDOE secured for the replacement or~~
11 ~~renovation or construction of a new Simon Sanchez High School, to~~
12 include its athletic facilities, and other Guam Department of
13 Education public school facilities requiring new construction,
14 rehabilitation or maintenance;

15 ~~(6)(7)~~ other than the portions designated to be used for in Items
16 (1), (2), (3) ~~and (4)~~ and (5) of this Subsection, seven percent (7%) of
17 the remaining balance *shall* be deposited in the Early Childhood
18 Program Fund, as described in §53101 of Title 17, Guam Code
19 Annotated;

20 ~~(7)(8)~~ other than the portions designated to be used for in Items
21 (1), (2), (3) ~~and (4)~~ and (5) of this Subsection, ten percent (10%) of
22 the remaining balance *shall* be appropriated as a source of funding to
23 the Department of Revenue and Taxation for the following:

24 (A) for maintenance support and sustainability of real
25 property data and system;

26 (B) for the five (5) year (quinquennial) property tax
27 revaluation as mandated by law;

1 (C) for enhancements, and technological
2 advancements related to software/hardware, and support staff
3 necessary to improve electronic services; and

4 (D) for other costs directly associated with improving
5 the efficiency of the real property tax system.

6 The Director of the Department of Revenue and Taxation *shall*
7 submit a report to *I Maga'lahañ Guåhan* and *I Liheslaturan Guåhan*
8 on a monthly basis as to the expenditures of the funds following the
9 enactment of this Act, detailing all transactions; and

10 ~~(8)~~(9) Other than the portions designated to be used for in Items
11 (1), (2) (3) ~~and~~ (4) and (5) of this Subsection, three percent (3%) of
12 the remaining balance *shall* be a source of funding for island-wide
13 school bus shelters. The Director of the Department of Public Works
14 *shall* submit a report to *I Maga'lahañ Guåhan* and *I Liheslaturan*
15 *Guåhan* on a monthly basis as to the expenditures of the funds
16 following enactment of this Act, detailing all transactions; ~~and~~

17 ~~(9) In the event the purposes set forth in this Subsection are~~
18 ~~affected by the debt ceiling, the Guam Economic Development~~
19 ~~Authority may pursue municipal lease financing for any or all of the~~
20 ~~above-related items."~~

21 **Section 4. §53101 of Title 17 Guam Code Annotate is hereby**
22 **amended to read as follow:**

23 **"§ 53101. Early Childhood Program Fund.** There is hereby
24 created, separate and apart from all other funds of the government of Guam,
25 a fund known as the "Early Childhood Program Fund." All monies received
26 by or on behalf of the government of Guam pursuant to §22425(q)~~(6)~~(7) of
27 Title 5 GCA, *shall* be deposited in the Fund and used for early childhood

1 programs at the University of Guam, the Guam Community College, or the
2 Guam Department of Education. The Fund *shall not* be commingled with the
3 General Fund or any other funds of the government of Guam, and it *shall* be
4 maintained in a separate bank account. All monies in the Fund *shall* require
5 legislative appropriation, and *shall not* be subject to any transfer authority of
6 *I Maga'lahaen Guåhan.*”

7 **Section 5. Severability.** *If* any provision of this Act *or* its
8 application to any person *or* circumstance is found to be invalid *or* contrary
9 to law, such invalidity *shall not* affect other provisions *or* applications of this
10 Act which can be given effect without the invalid provisions *or* application,
11 and to this end the provisions of this Act are severable.”

I MINA'TRENTAI NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 225-32 (COR)

Introduced by:
As Amended by the Author

J. T. Won Pat, Ed.D
Tina Rose Muña Barnes
Aline A. Yamashita, Ph.D.

AN ACT TO *ADD* A NEW CHAPTER 58CD TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RENOVATION OR CONSTRUCTION OF A NEW SIMON SANCHEZ HIGH SCHOOL AND TO *AMEND* AND *RENUMBER* §22425(q) ARTICLE 4, CHAPTER 22, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO *AMEND* §53101 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO EARLY CHILDHOOD PROGRAM FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Title. This Act *shall* be cited and referred to as the "*Ma Kåhat*
3 *Act of 2013*".

4 Section 2. Chapter 58CD is hereby *added* to Title 5 of the Guam Code
5 Annotated to read as follows:

6 "CHAPTER 58C

7 *Ma Kåhat Act of 2013*

8 §58CD101. Title.

9 §58CD102. Legislative Findings and Policies.

10 §58CD103. Definitions.

11 §58CD104. Authorization to Enter into Long-term Leases.

12 §58CD105. Procurement.

13 §58CD106. Responsibilities of Contractor.

1 §58CD107. Assignments.

2 §58CD108. Use of Tax-Exempt Bonds for Financing.

3 §58CD109. Pledge of Additional Revenue from the Real Property
4 Valuation.

5 §58CD110. Utilities and Routine Maintenance.

6 §58CD111. Maintenance Fund.

7 §58CD112. Contractual Safeguards

8 §58CD113. Severability.

9 **§58CD101. Title.** This Act *shall* be known and *shall* be cited as “*Ma*
10 *kâhat Act of 2013*”.

11 **§58CD102. Legislative Findings and Policies.** *I Liheslaturan*
12 *Guåhan* finds that Simon Sanchez High School faces the combined
13 challenges of deteriorating conditions, out-of date design and overcrowding.
14 These combined deficiencies impair the quality of teaching and learning and
15 contribute to health and safety problems for staff and students. It should be
16 noted that it is critical for the Guam Department of Education to develop a
17 comprehensive capital improvement plan to provide a roadmap for
18 prioritizing facility improvements beyond Simon Sanchez

19 *I Liheslatura* finds that after reviewing the summary of outstanding
20 General and Limited Obligation debts as of March 1, 2013, that the debt
21 ceiling assessed value is at One Billion One Hundred Thirty Nine Million
22 Four Hundred Sixty Four Thousand Eight hundred Fifty Three Dollars
23 (\$1,139,464,853). It also states that the General Obligation Debt is Four
24 Hundred Forty Six Million Four Hundred Seventy Three Thousand Eight
25 Hundred Fifty Three Dollars (\$446,473,853), and the Limited Obligation
26 Debt is Six Hundred Sixty Three Million Eight Hundred Ninety Six
27 Thousand Eight Hundred Three Dollars (\$663,896,803) with an accumulated

1 total of One Billion One Hundred Ten Million Three Hundred Seventy
2 Thousand Six Hundred Fifty Six Dollars (\$1,110,370,656). Subtracting the
3 debt ceiling limit less the General and Limited Obligation Debts leaves the
4 amount for future debt obligation at Twenty Nine Million Ninety Four
5 Thousand One Hundred Ninety Seven (\$29,094,197).

6 *I Liheslatura* further finds that the cost for the renovation or
7 construction of a new Simon Sanchez High School would exceed Guam's
8 debt ceiling obligation cap if a General Obligation Bond is pursued. To
9 circumvent the debt ceiling cap, *I Liheslatura* finds that the construction of
10 Okkodo High School, Astumbo Middle School, Liguán Elementary School,
11 Adacao Elementary School, John F. Kennedy High School and the
12 expansion of Okkodo High School validates the fundamental soundness of
13 using municipal lease as a vehicle to build new educational facilities. By
14 utilizing municipal leasing to renovate or construct a new Simon Sanchez
15 High School, the remaining future debt obligation may be used to fund other
16 priorities of the government.

17 *I Liheslatura* further intends to authorize *I Maga'láhen Guåhan* to
18 pledge or reserve the additional proceeds as a source of payment for a
19 municipal lease financing, secured for the purposes stated herein, either to
20 renovate or construct a new Simon Sanchez High School. To overcome the
21 financing hurdles *I Liheslaturan Guahan* supports the government of
22 Guam to enter into a contract for the financing, design, renovation or
23 construction and long-term capital maintenance of Simon Sanchez High
24 School with a private sector contractor who can provide long-term
25 financing obtained through tax-exempt obligations *or* other
26 competitive alternative financing based on long-term lease-backs to
27 the government of Guam. In order to facilitate system wide

1 improvements I Lihestatura shall authorize the Guam Department of
2 Educuation to develop a comprehensive capital improvement plan for
3 prioritizing capital improvements to all Guam Department of Education
4 schools. To facilitate the financing, design, renovation or construction and
5 maintenance of the Education Facility envisioned by this Act, the
6 government of Guam will be authorized to lease for up to thirty (30)
7 years government of Guam property on which the facilities will be
8 constructed. The lease of the government property to the contractor,
9 who will design, renovate or construct a new Education Facility in
10 accordance with specifications approved by Guam Department of
11 Education. The Education Facility and land will be leased back to the
12 government of Guam for a period *not to exceed* thirty years or the initial
13 ground lease to the contractor over which time the government of Guam
14 will amortize, as lease payments to the contractor, the cost of the
15 financing, design, renovation or construction and related expenses of the
16 Education Facility. The contractor will also be responsible for the capital
17 maintenance of the Education Facility constructed under this Act, which
18 costs *shall* be paid by the government of Guam as provided for under this
19 Act. At the expiration of the Lease-Back Period, the government of Guam
20 real property and the Education Facility renovated or constructed on the
21 government of Guam real property will revert to the government of Guam
22 with *no* further obligations to the Contractor.

23 **§58CD103. Definitions.** For purposes of this Chapter and *unless*
24 otherwise specified, the following words and phrases are defined to mean:

25 (a) “*Act*” means Chapter 58CD of Title of the Guam Code
26 Annotated, known as the “*Ma Kåhat* Act of 2013.”
27

1 (b) “Comprehensive Capital Improvement Plan” means a plan
2 that takes into consideration physical condition of each school along
3 with attendance area population, enrollment patterns, and bussing
4 logistics. It shall also include how each school meets the instructional
5 needs of GDOE and prioritize repairs of existing schools and
6 renovation and construction of new school facilities in order to deal
7 with GDOE limited resources.

8 ~~(b)~~(c) *“Contract”* shall mean the various design, renovation or
9 construction and financing agreements entered into by and between
10 the Education Agency and the Contractor following negotiations on
11 the response to the Request for Proposal.

12 ~~(e)~~(d) *“Contractor”* shall mean the authorized entity which
13 shall be the signatory on the Contract and shall be fully responsible
14 for carrying out the design, renovation or construction, financing and
15 maintenance of the Education Facility. The Contractor may cooperate
16 with another entity or entities in any manner the Contractor deems
17 appropriate to provide for the financing, design, renovation,
18 construction or maintenance of the public school facilities envisioned
19 by this Act.

20 ~~(d)~~(e) *“Education Agency”* shall mean the Guam Department of
21 Education

22 ~~(e)~~(f) *“Education Facility”* as used in this Act shall mean the
23 renovation or construction of a new high school and to include its
24 athletic facilities to be located on the existing site of Simon Sanchez
25 High School.

1 ~~(f)~~(g) “Lease” shall mean a lease from an Education Agency to
2 the Contractor entered into at the time of the Contract for the
3 Property.

4 ~~(g)~~(h) “Lease-Back” shall mean the lease from the Contractor
5 to the Education Agency.

6 ~~(h)~~(i) “Lease-Back Period” shall mean the term of the lease
7 from the Contractor to the Education Agency.

8 ~~(i)~~(j) “Property” shall mean any property on which an
9 Education Facility is located.

10 **§58CD104. Authorization to Enter into Long-term Leases.** For the
11 purpose of facilitating the financing of the design, renovation or
12 construction and maintenance of an Education Facility encompassed by
13 this Act, the government of Guam *or* an Education Agency, as the case
14 may be, is authorized to lease, if required, to the Contractor sufficient
15 government of Guam real property on which to renovate or construct a
16 new Education Facility; provided, such property is in the inventory of the
17 Education Agency *or* the government of Guam. The property may be the
18 site of an existing Education Facility under the control of an Education
19 Agency, which existing facility may be renovated *or* demolished and
20 rebuilt under the provisions of this Act. The Education Agency is also
21 authorized to Lease Back from the Contractor the property for a
22 period mutually agreed upon between the Education Agency and the
23 Contractor as may be reasonably necessary to amortize over the Lease-
24 Back Period the costs associated with the financing, design, renovation or
25 construction of the Education Facility. In no event *shall* the end of such
26 Lease-Back Period be *later than* the date thirty (30) years from the
27 scheduled date of completion of the Education Facility. The Lease-Back

1 may be structured as an annually renewable lease with provision for
2 automatic renewals to the extent that pledged or reserved revenue under
3 Section 22425 (q)(4) and (6) of Title 5 Guam Code Annotated is available.
4 The Lease-Back *shall not* be construed as a debt under any applicable
5 debt limitation under the Guam Organic Act *or* Guam law.

6 **§58CD105. Procurement.** Subject to the approval of *I Liheslaturan*
7 *Guâhan*, the government of Guam or an Education Agency shall solicit
8 Requests for Proposals ('RFP') through the Department of Public Works, in
9 compliance with the Guam Procurement Law, for the development the
10 comprehensive capital improvement plan, the financing, design, renovation
11 or construction of the Education Facility, together with insurance and
12 maintenance of the Education Facility over the Lease-Back Period,
13 according to the needs of the Education Agency and consistent with this
14 Chapter. The choice of the Contractor shall be made by a selection
15 committee comprised of the Superintendent of the Department of Education
16 serving as Chairman and including the Director of the Department of Public
17 Works or Deputy Director, the Director of the Department of Land
18 Management or Deputy Director, the Administrator of Guam EPA or Deputy
19 Administrator, and the Administrator of the Guam Economic Development
20 Authority or Deputy Administrator. The committee shall access the prior
21 performance of the Contractor on similar projects and may disqualify any
22 Contractor that does not have a successful record of project completion on
23 Guam.

24 The selection of a Contractor shall be based upon the proposal that
25 delivers the best value for Guam in meeting the objectives of the Education
26 Agency.

1 The RFP shall be issued within thirty (30) days of enactment of this
2 Act for the renovation or construction of a new Simon Sanchez High School
3 on the existing site, which may include demolition of such portions of the
4 existing facility as necessary.

5 **§58CD106. Responsibilities of Contractor.** The Contract *shall*
6 require that the Contractor will work with GDOE to develop the
7 comprehensive capital improvement plan in connection with the design of a
8 renovated or construction of a new Simon Sanchez High School. Further the
9 Contractor be responsible for all costs, expenses and fees of any kind *or*
10 nature, associated with the design, civil improvements, on-site and off-
11 site infrastructure, construction, permits, and financing associated
12 with the completion of an Education Facility, including the financing of
13 furniture and equipment for the Education Facility, as and to the extent
14 provided by the Education Agency in the Request for Proposals. The
15 Contract will also require that all major subcontracts be covered by a
16 Performance Bond and further that there be a specific delivery date with
17 liquidated damages for failure to deliver the school by the specified date.
18 The Contractor *shall* also be responsible for the capital maintenance of
19 the schools during the Lease-Back Period, but *shall not* be responsible for
20 the capital maintenance of the furniture and equipment. The Lease-Back
21 may provide that *if* sufficient funds are *not* appropriated *or* otherwise
22 available for the payment of amounts due under the lease and any
23 maintenance agreement, the Education Agency will have the obligation
24 to vacate the Education Facility, and the Contractor *shall* have the right
25 of use and occupancy of the Education Facility for the remainder of the
26 term of the Lease, unless new mutually satisfactory terms are entered into.
27 For this purpose, the Lease may provide that its term *shall* be extended for

1 a period *not to exceed* the shorter of ten (10) years beyond the original
2 term of the Lease-Back *or* such period of time as is necessary to repay in
3 full any financing arranged pursuant to Section 58€D108. The capital
4 maintenance costs *shall* be paid by the Education Agency on a periodic
5 basis as incurred by the Contractor on terms to be agreed to in the Contract
6 for the Education Facility.

7 **§58€D107. Assignments.** To facilitate the purposes of this Act
8 and to provide security for the holders of any financing instruments issued
9 pursuant to this Act, the Contractor may assign, without the need of the
10 consent of the Education Agency, the Contract, the Lease and the
11 Lease-Back to any underwriter, trustee *or* other party as appropriate to
12 facilitate the issuance of the tax-exempt obligations, other financial
13 instruments *or* alternative financing for the Education Facility.

14 **§58€D108. Use of Tax-Exempt Bonds for Financing.** To
15 minimize the financing cost to the Education Agency, financing utilized by
16 the Contractor to fund the design, renovation or construction of an
17 Education Facility *shall* be through tax-exempt obligations *or* other
18 financial instruments provided such financing is available at interest rates
19 determined by the Education Agency to be reasonable and competitive.
20 Alternatively, the Contractor may use an alternative method of financing,
21 including, but *not limited to*, a short term debt, mortgage, loan, federally
22 guaranteed loan *or* loan by an instrumentality of the United States of
23 America *if* such financing will better serve the needs of the people of
24 Guam. Such alternative financing *shall* be approved by *I Liheslaturan*
25 *Guahan*. The purpose for the requirements of this Section is to assure the

1 Education Agency pays the lowest possible interest rate so that the cost to
2 the Education Agency of financing the design, renovation or
3 construction of an Education Facility, amortized through the Lease-
4 Back payments from the Education Agency to the Contractor, will
5 be lower than regular commercial rates.

6 **§58CD109. Pledge of Additional Revenue from Real Property**

7 **Valuation.** Rental payments under the Lease and the Lease-Back may be
8 secured by a pledge or other reservation of revenues received by the
9 government of Guam pursuant to §22425 (q)(4) and (6) Article 4, Chapter
10 22 Division 2, Title 5, Guam Code Annotated. Any amounts pledged as
11 provided in this Section are hereby continuously appropriated for the
12 purpose of making Lease-Back payments, but any amounts only reserved as
13 provided in this Section, and not pledged, shall be subject to annual
14 appropriation for the purpose of making Lease-Back payments. Any such
15 pledge or reservation authorized hereunder shall be valid and binding from
16 the time the pledge or reservation is made and shall be limited to the sum of
17 Five Million Fifty One Thousand Nine Hundred Seventy Seven Dollars and
18 Ninety Eight Cents (\$5,051,977.98) per year during the Lease-Back Period
19 as outlined in §22425 (q)(4) and (6) of Title 5 Guam Code Annotated hereof.
20 The revenues pledged or reserved and thereafter received by the government
21 of Guam or by any trustee, depository or custodian shall be deposited in a
22 separate account and shall be immediately subject to such reservation or the
23 lien of such pledge without any physical delivery thereof or further act, and
24 such reservation or the lien of such pledge shall be valid and binding against
25 all parties having claims of any kind in tort, contract or otherwise against the
26 government of Guam or such trustee, depository or custodian, irrespective of

1 whether the parties have notice thereof. The instrument by which such
2 pledge or reservation is created need not be recorded.

3 **§58CD110. Utilities and Routine Maintenance and Repair.** The
4 Education Agency *shall* be responsible for the connection and payment of all
5 utilities, including without limitation, power, water, sewer, telephone and
6 cable, and all routine interior maintenance and repair and exterior grounds
7 keeping and landscaping and upkeep of the Education Facility.

8 **§58CD111. Maintenance Fund.** The Contract or a separate
9 maintenance agreement with the Contractor, and the Lease-Back, shall
10 provide that all capital maintenance of the Education Facility be performed
11 by the Contractor as a separate cost, the terms of which, and the manner for
12 establishing the amount of payment, shall be determined as a part of the
13 Contract; provided, however, that said documents may, at the discretion of
14 the Education Agency, provide that capital maintenance with respect to
15 equipment (including collateral equipment), onsite utilities, offsite utilities,
16 access roads and other similar improvements need not be performed by the
17 Contractor.

18 **§58CD112. Contractual Safeguards.** Prior to undertaking the work
19 of renovating or constructing a new Simon Sanchez High School, the Guam
20 Economic Development Authority, The Department of Public Works, Guam
21 Department of Education and the Developer or Contractor shall negotiate
22 and enter into a binding construction contract to renovate or construct a new
23 Simon Sanchez High School in accordance with Guam Building Code, (21
24 G.C.A. Ch. 67) and any other applicable requirements. The Construction
25 contract shall contain contractual obligations typically found in Government
26 of Guam construction contracts, including but not limited to:

- 27 1. Warranties;

- 1 2. Liquidated damages;
- 2 3. Performance and payment bonds;
- 3 4. Indemnity;
- 4 5. Insurance;
- 5 6. Standard Specifications;
- 6 7. Technical Specifications;
- 7 8. Progress Schedule;
- 8 9. Maintenance;
- 9 10. Compliance with Guam Labor Regulations;
- 10 11. Compliance with Guam Prevailing Wage Rates for
11 Employment of Temporary Alien Workers (H2) on Guam;
- 12 12. Compliance with Public Law 29-98: Restriction Against
13 Contractors Employing Convicted Sex Offenders to Work at
14 Government of Guam Venues.

15 The contract shall be submitted for review and approval to all entities
16 charged by law with the duty to review and approve government contracts,
17 including the Office of the Attorney General.

18 **§58€D113. Severability.** *If any provision of this Act or its*
19 *application to any person or circumstance is found to be invalid or contrary*
20 *to law, such invalidity shall not affect other provisions or applications of*
21 *this Act which can be given effect without the invalid provisions or*
22 *application, and to this end the provisions of this Act are severable.”*

23 **Section 3. §22425(q) Article 4, Chapter 22, Division 2, Title 5, Guam**
24 **Code Annotated is hereby amended and renumbered:**

25 §22425(q) of Article 4, Chapter 22, Division 2, Title 5, Guam Code
26 Annotated, is hereby *amended* to read:

1 “(q) Notwithstanding any other provision of law, any additional real
2 property tax revenues received as a result of the most recent valuation of real
3 property due to commence during the calendar years 2013 and 2014 is
4 hereby continuously appropriated, *not to exceed* Seven Eight Million Five
5 Hundred Thousand Dollars (\$78,0500,000), from the Territorial Educational
6 Facilities Fund in the amounts and for purposes set forth in this Subsection:

7 (1) The sum of One Million One Hundred Seventy Nine
8 Dollars (~~\$1,000~~179,000), beginning in FY 2014, for the construction
9 of the Student Services Center and Engineering Annex at the
10 University of Guam, as a source of payment to the University of
11 Guam Capital Improvements Fund for the purpose of paying rental
12 payments due under the lease-leaseback agreements with the
13 University of Guam Endowment Foundation;

14 (2) The sum of Two Hundred Seventy-eight Thousand Nine
15 Hundred Twenty-one Dollars and Fifty-two Cents (\$278,921.52),
16 beginning in FY 2014 for forty (40) years, for the construction or
17 renovation of Building 100 and the DNA Laboratory at the Guam
18 Community College;

19 (3) The sum of One Hundred Thirty-two Thousand Fifteen
20 Dollars (\$132,015) to the Guam Public Library System to hire a
21 Territorial Librarian at Ninety-three Thousand Three Hundred
22 Seventy-seven Dollars (\$93,377), and a Computer Analyst II at
23 Thirty-eight Thousand Six Hundred Thirty-eight Dollars (\$38,638);

24 (4) The sum of One Million Seven Hundred Seven Thousand
25 Six Hundred Fifty-two Dollars (\$1,707,652) to the Guam Department
26 of Education for ~~the Okkodo High School Expansion to included~~

1 ~~rental, prorated insurance, maintenance and utilities for the renovation~~
2 ~~or construction of a new Simon Sanchez High School.~~

3 (5) The sum of One Million Two Hundred Thousand Dollars
4 (\$1,200,000) for rental payments under the Lease and the Lease-Back
5 as described in Chapter 58D(E) of Title 5 Guam Code Annotated.

6 ~~(5)~~(6) other than the portions designated to be used for in Items
7 (1), (2), (3) ~~and~~(4) and (5) of this Subsection, eighty percent (80%) of
8 the remaining balance *shall* be appropriated as a source of payment
9 for a ~~General Obligation bond~~ paying rental payments due under the
10 lease-leaseback agreement with GDOE secured for ~~the replacement or~~
11 renovation or construction of a new Simon Sanchez High School, to
12 include its athletic facilities, and other Guam Department of
13 Education public school facilities requiring new construction,
14 rehabilitation or maintenance;

15 ~~(6)~~(7) other than the portions designated to be used for in Items
16 (1), (2), (3) ~~and~~(4) and (5) of this Subsection, seven percent (7%) of
17 the remaining balance *shall* be deposited in the Early Childhood
18 Program Fund, as described in §53101 of Title 17, Guam Code
19 Annotated;

20 ~~(7)~~(8) other than the portions designated to be used for in Items
21 (1), (2), (3) ~~and~~(4) and (5) of this Subsection, ten percent (10%) of
22 the remaining balance *shall* be appropriated as a source of funding to
23 the Department of Revenue and Taxation for the following:

24 (A) for maintenance support and sustainability of real
25 property data and system;

26 (B) for the five (5) year (quinquennial) property tax
27 revaluation as mandated by law;

1 (C) for enhancements, and technological
2 advancements related to software/hardware, and support staff
3 necessary to improve electronic services; and

4 (D) for other costs directly associated with improving
5 the efficiency of the real property tax system.

6 The Director of the Department of Revenue and Taxation *shall*
7 submit a report to *I Maga'lahaen Guåhan* and *I Liheslaturan Guåhan*
8 on a monthly basis as to the expenditures of the funds following the
9 enactment of this Act, detailing all transactions; and

10 ~~(8)~~(9) Other than the portions designated to be used for in Items
11 (1), (2) (3) ~~and~~ (4) and (5) of this Subsection, three percent (3%) of
12 the remaining balance *shall* be a source of funding for island-wide
13 school bus shelters. The Director of the Department of Public Works
14 *shall* submit a report to *I Maga'lahaen Guåhan* and *I Liheslaturan*
15 *Guåhan* on a monthly basis as to the expenditures of the funds
16 following enactment of this Act, detailing all transactions; and

17 ~~(9) — In the event the purposes set forth in this Subsection are~~
18 ~~affected by the debt ceiling, the Guam Economic Development~~
19 ~~Authority may pursue municipal lease financing for any or all of the~~
20 ~~above related items.”~~

21 **Section 4. §53101 of Title 17 Guam Code Annotate is hereby**
22 **amended to read as follow:**

23 “§ 53101. **Early Childhood Program Fund.** There is hereby
24 created, separate and apart from all other funds of the government of Guam,
25 a fund known as the “Early Childhood Program Fund.” All monies received
26 by or on behalf of the government of Guam pursuant to §22425(q)~~(6)~~(7) of
27 Title 5 GCA, *shall* be deposited in the Fund and used for early childhood

1 programs at the University of Guam, the Guam Community College, or the
2 Guam Department of Education. The Fund *shall not* be commingled with the
3 General Fund or any other funds of the government of Guam, and it *shall* be
4 maintained in a separate bank account. All monies in the Fund *shall* require
5 legislative appropriation, and *shall not* be subject to any transfer authority of
6 *I Maga'lahaen Guåhan.*”

7 **Section 5. Severability.** *If* any provision of this Act *or* its
8 application to any person *or* circumstance is found to be invalid *or* contrary
9 to law, such invalidity *shall not* affect other provisions *or* applications of
10 this Act which can be given effect without the invalid provisions *or*
11 application, and to this end the provisions of this Act are severable.”



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, January 14, 2014
Bill No. 225
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Taling Taitano	GD006	200-1556	taitano@gdos.net	✓	✓	Yes	
Robert Undul	U06	727-7715					



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, January 14, 2014
Bill No. 218/205/226
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Taling Taitano	GDOE	300-1556	taitano@ gdoe.net	-	-	Yes	



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, January 14, 2014
Bill No. 226/225/218
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Taling Taitano	GDOE	300-1556	tmtaitano@gdoe.net	✓	✓	Yes	



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

Tuesday, January 14, 2014

Bill No. 218 / 2015/2016

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
yvonne slander		456-1176				Yes	



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, January 14, 2014

Bill No. 225 / 226 / 218

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Yvonne Stander Stander		456-1176	yystander@gmail.com		✓	Yes	
Derrick Evangelista					✓		
Mariel Villaluz					✓		
Ariisa Delos Bents					✓		
Tyler Flores					✓		
Jesse Blaz					✓		

Darren Meno
Jose Quiñan

324 W. Soledad Ave. Hagatna, Guam 96910
Ph. 473-4236 Fax. 473-4238
Email: senbenp@guam.net

✓
✓



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, January 14, 2014

Bill No. ~~245~~ 218/205/226

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Daig Basa	N/A	632-1959	deishilue@hotmail.com			Yes	
Alexander Takai	—	688-9315	alexandertakai@gmail.com			yes	
Antoinette Carlos	—	653-4611	nettyecarlos@hotmail.com			yes	
Crissy Hoya	—	653-5587	crissyhoya@hotmail.com			yes	
Larry Saralu	—	—	lsaralu@yahoo.com			yes	
Adrian Blas	—	—	BlasAdrian@gmail.com			yes	



Mina'trentai Dos na Liheslaturan Guahan
32ND GUAM LEGISLATURE

Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
 PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND**

Tuesday, January 14, 2014

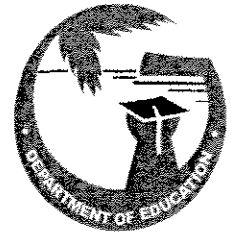
Bill No. ~~226~~ 225/206/218

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Deiny Bum	N/A	632-1959	deishil14@hotmail.com				Yes
Valerine Harper	—	689-7733	harper0014@gmail.com				Yes
Chanel Cafunao	—	653-7839	chanelcafunao@gmail.com				yes
Lotty Bato	—	653-7920	12119104-12@hotmail	-	-		yes
Dracelynn Neri	25 Chalan Kritfen	929-6754	monipraiseln@gmail.com	/	/		yes
Alexandra Takai	—	688-4315	alexannatakai@gmail.com	.	-		yes
Antonette Carlos	—	653-4611	nettycarlos@hotmail.com				yes



DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT



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Email: jonfernandez@gdoe.net

JON J. P. FERNANDEZ
Superintendent of Education

January 14, 2014

Honorable Vicente "ben" C. Pangelinan
Chairman, Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land
32ND Guam Legislature
324 W. Soledad Ave., Suite 100
Hagatna, Guam 96910

Dear Senator Pangelinan,

Thank you for the opportunity to provide testimony on three (3) pieces of legislation before the Committee today. Bill No. 218-32 identifies \$4.8 million to complete the replacement and construction of a new Simon Sanchez High School (SSHS). The funding of which will be realized during fiscal year 2019. Bill No. 225-32 sets aside an annual stream of \$1.7 million in funding from anticipated additional property tax revenue to be used for the reconstruction and renovation of Simon Sanchez High School and other educational needs. It also identifies up to an additional \$3.3 million annually for these purposes. Bill No. 226-32 sets aside funding from an expiring bond in FY 2019 to be used for the renovation of our other schools, and with that legislation, an additional appropriation is made for the development of a master facilities plan.

We are aware that there is an existing public law (PL 31-229) that already authorizes the government to issue \$100 million in bonds to fund renovations to our public schools and also authorizes the development of a comprehensive master facilities plan. We have been working with partners at Adelup and in the Legislature to determine whether the existing law is already an effective way to move forward to improve our schools. Clearly, a major factor here would be the ability for the government to move forward with the proposed borrowing, given the existing debt ceiling and other competing priorities and considerations. We are clearly interested in the bills being considered today because of the alternative mechanisms they provide for funding our facility needs. The bills clearly identify and set aside revenue streams which can be leveraged over time to make a significant impact on our school system, beginning with Simon Sanchez High School. We know that Simon Sanchez High School is in need of major work in order to address the aged conditions of the facility but also to address the future needs of an increasingly populated northern region. The students and teachers of Simon Sanchez High School have made the issues well known, and we believe it is time to take action with regard to the long-term solutions for the school to include the often overlooked need for improved athletic facilities.

We agree with the need for a comprehensive master facilities plan. The last one was completed in 1999, and since then, the Department has not maintained an internal planning division that would have been critical for an update. We have been able to generate two important facility assessments in recent years, beginning with the Sodexo FCAP report in 2010 and the Army Corps of Engineers Report commissioned by the Office of Insular Affairs. The Sodexo FCAP report identified \$140 million and the Army Corps report identified \$90 million in deferred maintenance costs at our schools, which we hope to address through new investment. Through the Adequate Education Act Trust Fund over \$50 million in facility improvements have already been made throughout GDOE.

Letter to Senator Vicente "ben" Pangelinan
Re: Testimony on Bill Nos. 218-32, 225-32 and 226-32
January 14, 2014
Page 2 of 2

Although Bill No. 226 appropriated \$500,000 for a new master facilities plan, we would like to suggest amending Bill No. 225, instead, to allow for the funding of a master facilities plan as part of the initial effort to address Simon Sanchez High School. We believe that we could accelerate funding for the planning effort and generate a preliminary report as soon as September of this year if we move quickly. This would enable us to address the immediate needs of Simon Sanchez High School while also addressing and prioritizing the needs of all of our remaining public schools on island so that we are ready to move forward when the funds from Bill No. 226 are available.

The master plan is going to be a critical document for a number of reasons. We hope that it will address the important data points that are most relevant to planning for the future – demographics, enrollment, current facility capacity, current attendance areas, housing developments, population trends and relevant policies for maintaining healthy, safe and secure schools. We also, however, want to ensure that such planning takes into consideration the need to provide schools that are equipped for students of this century – schools that are wired for technology, structured for better collaboration, and are sustainable and efficient. We want a road map for the future, not just one that repairs schools but *prepares* schools to serve our students of today and tomorrow.

Thank you for considering our request and support for the legislation at hand. We at the Guam Department of Education are no experts in the financing and construction of school facilities. We work hard to find resources to provide for the maintenance of existing schools, but ultimately, we know that our schools need much more work than we can provide with our current budget. What we do want is to make clear that our students, teachers and staff deserve school environments that are conducive to teaching and learning, and we ask that the Governor and Legislature work with us to determine how we can meet this goal and take our school system forward.

Thank you for this opportunity to submit the testimony. Please feel free to contact me with any further questions or comments.

Senseramente,



JON J. P. FERNANDEZ

1-10-14 *ACW*

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 472-4217

Anthony C. Blaz
Deputy Director

January 10, 2014

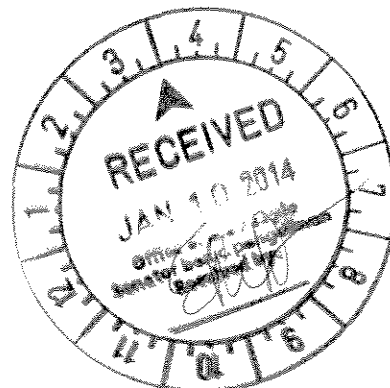
The Honorable Vicente C. Pangelinan
Chairman, Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation and Land
I Mina' trentai Dos Na Liheslaturan Guåhan
Suite 101 Quan Bldg.
324 W. Soledad Ave.
Hagatna, Guam 96910

Comment on Bills 218-32, 225-32 and 226-32

Dear Senator Pangelinan:

Thank you for the opportunity to comment on the above entitled bills. All of these bills relate to construction or renovation for either the Simon Sanchez High School (bills 218-32 or 225-32), or the construction or the rehabilitation, construction or maintenance of the public schools (bill 226-32). Since all of these bills relate to activities for the Guam Department of Education and that they have their own procurement authority, and none of these bills provide that the General Services Agency would be involved, we have no comments to make regarding these bills.

Do Id Kc 1/10
/ CLAUDIA S. ACFALLE
Chief Procurement Officer





COMMITTEE ON RULES

I Mina'trentai Dos na Liteslaturan Guåhan • The 32nd Guam Legislature

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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Speaker
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Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 225-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 58C TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RENOVATION OR CONSTRUCTION OF A NEW SIMON SANCHEZ HIGH SCHOOL AND TO AMEND AND RENUMBER §22425(q) ARTICLE 4, CHAPTER 22, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO AMEND §53101 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO EARLY CHILDHOOD PROGRAM FUND." – on November 25, 2013. COR hereby certifies that BBMR confirmed receipt of this request November 26, 2013 at 8:00 AM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 225-32 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

January 27, 2014

Date



COMMITTEE ON RULES

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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 25, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 222-32 (COR) through 227-32(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Thomas C. Ada
Acting Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

2013 NOV 25 PM 5:29

Bill Nos.	Sponsor	Title
223-32 (COR)	Victoria (non) C Panglossian	AN ACT TO AMEND §89 01(c)(2) TO AMEND §89 01(c)(10B) TO ADD A NEW SUBSECTION (C) TO §89 01(c)(2) TO AMEND §89 02(a)(2) TO AMEND §89 02(a)(4) TO AMEND §89 02(a)(5) TO AMEND §89 02(a)(1) AND TO ADD A NEW SUBSECTION (g) TO §89 02 ALL OF CHAPTER 89 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY
223-32 (COR)	Victoria (non) C Panglossian	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) FOR THE COMPENSATION TO FARMERS FOR CROP DAMAGES PROGRAM ESTABLISHED PURSUANT TO CHAPTER 64A TITLE 5 OF THE GUAM CODE ANNOTATED
224-32 (COR)	L.C. Antonio J. Respicio	AN ACT TO AMEND §5425, §5426, §5427, §5450, §5452, §5480, §5481 AND §5485 (a) and (b) OF ARTICLE 9 AND §5703, §5705, §5706(a), §5707(a), §5708 OF ARTICLE 12 CHAPTER 5, TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO CLARIFYING LEGAL AND CONTRACTUAL REMEDIES IN GUAM PROCUREMENT LAW
225-32 (COR)	Luis F. Wain Pao Ed D TER Maria Barrios Antonio A. Yamasani P. D	AN ACT TO ADD A NEW CHAPTER 58C TO TITLE 5 OF THE GUAM CODE ANNOTATED RELATIVE TO THE RENOVATION OR CONSTRUCTION OF A NEW SIMON SANJEFZ HIGH SCHOOL AND TO AMEND AND RE NUMBER §22425(c) ARTICLE 4 CHAPTER 22 DIVISION 2 TITLE 5 GUAM CODE ANNOTATED) RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO AMEND §5301 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO EARLY CHILDHOOD PROGRAM FUND
226-0 (COR)	Luis F. Wain Pao Ed D TER Maria Barrios Antonio A. Yamasani P. D	AN ACT TO ADD A NEW CHAPTER 58D TO TITLE 5 GUAM CODE ANNOTATED RELATIVE TO THE FINANCE DESIGN RENOVATION REHABILITATION, CONSTRUCTION OR MAINTENANCE OF PUBLIC SCHOOLS
227-32 (COR)	L.C. Antonio J. Respicio	AN ACT TO AUTHORIZE THE CREATION OF THE GUAM STREET LIGHT AUTHORITY TO ISSUE BONDS TO FINANCE THE PURCHASE AND INSTALLATION OF NEW LED STREET LIGHTS



COMMITTEE ON RULES

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MINORITY LEADER

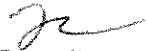
Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill Nos. 225-32(COR) and 226-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 225-32(COR) and 226-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

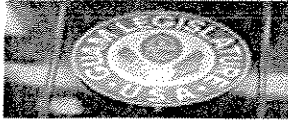
Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
225-32 (COR)	Judith T. Won Pat, Ed.D. T.R. Muna Barnes Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW CHAPTER 58C TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RENOVATION OR CONSTRUCTION OF A NEW SIMON SANCHEZ HIGH SCHOOL AND TO AMEND AND RENUMBER §22425(q) ARTICLE 4, CHAPTER 22, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO AMEND §53101 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO EARLY CHILDHOOD PROGRAM FUND.	11/22/13 8:46 a.m.	11/22/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land			



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>

Tue, Jan 7, 2014 at 3:46 PM

To: phmaterials@guamlegislature.org, PHrg Notice <phnotice@guamlegislature.org>

Please disregard the previous email. See corrected date for public hearing. Thank you.

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **2:00pm** on **Tuesday, January 14, 2014** at the Guam Legislature's Public Hearing Room.

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faks gi 473-4238, patsino imel gi office@senbenp.com Este na nutisiu inapási nu i fendon gubetnamento.

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
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2 attachments



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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>

Tue, Jan 7, 2014 at 3:43 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles_PDN <life@guampdn.com>

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 7, 2014

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – FIRST NOTICE

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

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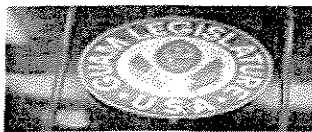
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Memo to All Senators
January 7, 2014
Page 2

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND Notice

Lisa Dames <cipo@guamlegislature.org>
To: PHrg Notice <phnotice@guamlegislature.org>

Fri, Jan 10, 2014 at 2:27 PM

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.
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2 attachments

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing - SECOND Notice

Lisa Dames <cipo@guamlegislature.org>

Fri, Jan 10, 2014 at 2:26 PM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, Krystal Paco <krystal@kuam.com>, Ken Quintanilla <kenq@kuam.com>, Jon Anderson <editor@mvguam.com>, "Gerardo R. Partido" <gerry@mvguam.com>, marvic@mvguam.com, louella@mvguam.com, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, Steve Limtiaco <slimtiaco@guampdn.com>, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles_PDN <life@guampdn.com>

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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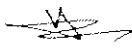
I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 10, 2014

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

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324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

Memo to All Senators
January 10, 2014
Page 2

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**Listserv: phnotice@guamlegislature.org
As of January 8, 2014**

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Mina'trentar Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt,
Legal Affairs, Retirement, Public Parks, Recreation,
Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Måttes, gi diha 14 gi lneru, 2014
Tuesday, January 14, 2014

Kuåtton Inekungok Pupbleko gi Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alias dos gi despues di talo'ani
(2:00 PM)

**TAREHA
(AGENDA)**

**Priniponi Siha:
(Bills)**

Bill No. 228-32 (LS) – Introduced by Senator Michael San Nicolas - An Act to exempt beneficiaries of the Defined Benefit Retirement Plan from the suspension of their annuity payments for limited term appointments as school bus drivers or automotive mechanics, by amending Subsection (a) of 88121, Article 1, Chapter 8, Title 4, Guam Code Annotated.

Bill No. 245-32 (COR) – Introduced by Senator Vicente Pangelinan - An Act to amend Sections 8144, 8145, and 8149, Article 1, Chapter 8, Title 4 of the Guam Code Annotated relative to Custodians, Investment Agents, and Bank Deposits.

Bill No. 218-32 (LS) – Introduced by Senator Brant McCreadie: An Act to reserve and appropriate the sum of \$4,800,000 upon the maturity of the Government of Guam Limited Obligation Business Privilege Tax Bonds Series 2013C Bond, to provide additional funding for the construction of a new Simon Sanchez High School, and related purposes.

Bill No. 225-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Add a New Chapter 58C to Title 5 of the Guam Code Annotated, Relative to the renovation or construction of a new Simon Sanchez High School and to Amend and Renumber 522425(q) Article 4, Chapter 22, Division 2, Title 5, Guam Code Annotated, Relative to Revaluation of Real Property Taxes and to Amend 553101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund.

Bill No. 226-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Add a New Chapter 58D to Title 5 Guam Code Annotated Relative to the Finance, Design, Renovation, Rehabilitation, Construction or Maintenance of Public Schools.

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I Mina'trenta' Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Måttes, gi diha 14 gi Inero, 2014
Tuesday, January 14, 2014

Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas dos gi despues di tale'ani
(2:00 PM)

**TAREHA
(AGENDA)**

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(Bills)**

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I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Måttes, gi diha 14 gi Ineru, 2014
Tuesday, January 14, 2014

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)

alas dos gi despues di talo'áni
(2:00 PM)

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(Bills)

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I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

Annotated, Relative to Revaluation of Real Property Taxes and to Amend §53101 of Title 17 Guam Code Annotated, Relative to Early Childhood Program Fund.

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