



Office of

the People

I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

JAN 27 2014

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

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

**RE: Committee Report on Bill No. 226-32 (COR), As Amended**

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No 226-32 (COR), as amended, 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. 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:

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

*Si Yu'os Ma'åse',*

  
Vicente (ben) Cabrera Pangelinan  
Chairman

2014 JAN 27 PM 4: 24  


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

**COMMITTEE REPORT  
ON**

**Bill No. 226-32 (COR), As Amended**

**Sponsored 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.**



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. 226-32 (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 58D to Title 5 Guam Code Annotated Relative to the Finance, Design, Renovation, Rehabilitation, Construction or Maintenance of Public Schools..., sponsored by Speaker Judith Won Pat.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 226-32 (COR) , As Introduced
4. Copy of Bill No. 226-32 (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. 226-32 (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'åse',*

  
Vicente (ben) Cabrera Pangelinan  
Chairman

Chairman  
Committee on Appropriations,  
Public Debt, Legal Affairs,  
Retirement, Public Parks,  
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Member  
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Hagåtña Restoration and  
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Development and Senior  
Citizens

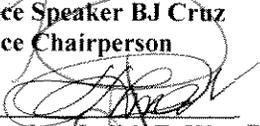
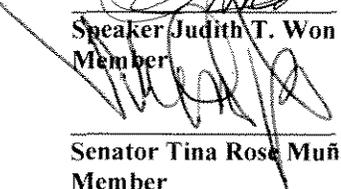
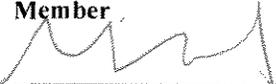
Member  
Committee on Aviation, Ground  
Transportation, Regulatory  
Concerns and Future  
Generations

I MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN

Committee Voting Sheet

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

Bill No. 226-32 (COR), As Amended, 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.

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	1-2774 ✓	_____	_____	_____	_____
 Senator Tina Rose Muña-Barnes Member	✓	_____	_____	_____	_____
_____ Senator Dennis Rodriguez, Jr. Member	_____	_____	_____	_____	_____
 Senator Michael San Nicolas Member	_____	_____	✓	_____	_____
_____ Senator Tommy Morrison Member		_____	✓	_____	_____
_____ Senator Michael Limtiaco Member	_____	_____	_____	_____	_____



the People

# I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

## Committee Report

Bill No. 226-32 (COR), As Introduced: 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.

### 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  
Dr. Jose Cruz, Chairman, Guam Education Board  
Mr. Derrick Evangelista, Student, Simon Sanchez High School

Ms. Mariel Villaluz, Student, Simon Sanchez High School

Chairman  
Committee on Appropriations,  
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Insurance Reform, Economic  
Development and Senior  
Citizens

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

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 McCreadie, 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 TEFF 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 McCreddie on Bill 218.

**Bill Sponsor Summary for Bill 218:**

**Senator Brant McCreddie:** 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 dāngkolo 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' todū.

**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 9<sup>th</sup> and 10<sup>th</sup> 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 on 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'āse'. 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. 226. 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](mailto:office@guam.net) or through our website at [senbenp.com](http://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. 226-32 (COR), as amended with the recommendation *To Report Out Only,*

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN*  
2013 (FIRST) Regular Session

Bill No. 226-32 (42)

Introduced by:

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

**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.**

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

**Section 1.** A new Chapter 58D is hereby *added* to Title 5 Guam Code  
Annotated to read as follows:

“**Chapter 58D** The finance, design, renovation, rehabilitation,  
construction *or* maintenance of Public Schools.

§ 58D100. Legislative Findings and Intent.

§ 58D101. Definitions.

§ 58D102. Authorization to Enter into Long-Term Leases.

§ 58D103. Programming Study

§ 58D104. Identification of Projects and Procurement

§ 58D105. Responsibilities of Contractor.

§ 58D106. Contractual Safeguards.

§ 58D107. Assignments.

§ 58D108. Pledge of Revenues.

§ 58D109. Use of Tax-Exempt Bond and Other Financing Instruments  
for Financing.

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1           § 58D110. Utilities, Maintenance and Repair.

2           § 58D111. Severability.

3           §58D100. **Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
4 finds that Guam public schools facilities face deficiencies from roofing,  
5 exterior, interiors, structural, mechanical, electrical, plumbing, and school  
6 grounds which creates a non conducive environment that hinders learning and  
7 the work and production of teachers and students.

8           *I Liheslaturan Guåhan* finds that the Guam Department of Education is  
9 about \$90 Million behind on maintenance projects for the island's public  
10 schools, according to a report commissioned by the Department of the Interior  
11 in 2012, and recently submitted to the Guam Department of Education in  
12 August 2013.

13           It is therefore the intent of *I Liheslaturan Guåhan* for the government of  
14 Guam to use one quarter of the Business Privilege Tax to pay for the interest  
15 payments of the lease and lease-back as a form of bridge financing until the  
16 maturity of the Business Privilege Tax bond series 2013C.

17           Further, it is the intent of *I Liheslaturan Guåhan* that moneys allocated to  
18 school maintenance and repair be spent most effectively to advance the mission  
19 of the Guam Department of Education, and it is the intent herein to allocate  
20 funding for and direct to the Guam Department of Education to commission a  
21 programming and curriculum study based on the current Final Condition  
22 Assessment Summary from U.S. Department of Interior (the "Condition  
23 Assessment") to generate a master plan and a prioritized list of the required  
24 work to deliver the most productive educational facilities based on near term  
25 and future needs using funds allocated by this legislation.

1           *I Liheslatura* finds that after reviewing the summary of outstanding  
2 General and Limited Obligation debts as of March 1, 2013 that the debt ceiling  
3 assess value is at One Billion One Hundred Thirty Nine Million Four Hundred  
4 Sixty Four Thousand Eight hundred Fifty Three Dollars (\$1,139,464,853). It  
5 also states that the General Obligation Debt is Four Hundred Forty Six Million  
6 Four Hundred Seventy Three Thousand Eight Hundred Fifty Three Dollars  
7 (\$446,473,853) and the Limited Obligation Debt is Six Hundred Sixty Three  
8 Million Eight Hundred Ninety Six Thousand Eight Hundred Three Dollars  
9 (\$663,896,803) with an accumulated total of One Billion One Hundred Ten  
10 Million Three Hundred Seventy Thousand Six Hundred Fifty Six Dollars  
11 (\$1,110,370,656). Subtracting the debt ceiling limit less the General and limited  
12 Obligation Debts leaves the amount for future debt obligation at Twenty Nine  
13 Million Ninety Four Thousand One Hundred Ninety Seven (\$29,094,197).

14           *I Liheslatura* further finds that the cost to fund the rehabilitation  
15 of the public Schools will certainly exceed the debt ceiling obligation if a  
16 General Obligation Bond is pursued. To circumvent Guam's debt ceiling cap, *I*  
17 *Liheslatura* finds that the construction of *Okkodo* High School, *Astumbo* Middle  
18 School, *Liguan* Elementary School, *Adacao* Elementary School, John F.  
19 Kennedy High School and the expansion of *Okkodo* High School has  
20 demonstrated the fundamental soundness of using municipal lease as a vehicle  
21 to build new educational facilities. By making the most of municipal leasing to  
22 rehabilitate and construct Guam public schools, the remaining future debt  
23 obligation may be used to fund other priorities of the government.

24       **§58D101. Definitions.** For purposes of this Chapter and *unless* otherwise  
25 specified, the following words and phrases are defined to mean:

1           (a) “Contract” *shall* mean the design, renovation, rehabilitation,  
2 construction, and financing contract entered into by and between the  
3 Education Agency and the Contractor chosen by the Guam Economic  
4 Development Agency and approved by *I Liheslaturan Guåhan*.

5           (b) “Contractor” *shall* mean the authorized entity which *shall* be  
6 the signatory on the Contract and *shall* be fully responsible for carrying  
7 out the design, renovation, rehabilitation, construction, financing, or  
8 maintenance of the Education Facility. The Contractor may cooperate  
9 with another entity *or* entities in any manner the Contractor deems  
10 appropriate to provide for the financing, design, renovation,  
11 rehabilitation, construction *or* maintenance of the public school facilities  
12 envisioned by this Act.

13           (c) “Education Agency” *shall* mean the Guam Department of  
14 Education.

15           (d) “Education Facility” as used in this Act *shall* mean public  
16 elementary and secondary schools on Guam to include its athletic fields  
17 and playgrounds, excluding the five leased schools under the Education  
18 Agency.

19           (e) “Lease” *shall* mean a lease from an Education Agency to the  
20 Contractor entered into at the time of the Contract for the Property.

21           (f) “Lease-Back” *shall* mean the lease from the Contractor to  
22 the Education Agency of the rehabilitated, renovated or newly  
23 constructed Education Facility.

24           (g) “Lease-Back Period” *shall* mean the term of the lease from  
25 the Contractor to the Education Agency.

1 (h) "Programming Study" shall mean that certain study  
2 commissioned by GDOE to assist it in prioritizing the work scope for the  
3 existing Education Facilities base on the department's mission and  
4 Curriculum.

5 (i) "Property" shall mean any property on which an Education  
6 Facility is located.

7 **§58D102. Authorization to Enter into Long-term Leases.** For the  
8 purpose of facilitating the financing, design, construction and rehabilitation and  
9 maintenance of an Education Facility encompassed by this Act, the government  
10 of Guam *or* an Education Agency, as the case may be, is authorized to lease, if  
11 required, to the Contractor sufficient government of Guam real property on  
12 which to rehabilitate an Education Facility; provided, such property is in the  
13 inventory of the Education Agency *or* the government of Guam. The property  
14 may be the site of an existing Education Facility under the control of an  
15 Education Agency, which existing facility may be rehabilitated under the  
16 provisions of this Act.

17 The Education Agency is also authorized to lease back from the  
18 Contractor the property for a period mutually agreed upon between the  
19 Education Agency and the Contractor as may be reasonably necessary to  
20 amortize over the Lease-Back Period the costs associated with the design,  
21 renovation, rehabilitation, construction *or* maintenance of the Education  
22 Facility. In no event shall the end of such Lease-Back Period be *later than* the  
23 date Thirty (30) years from the scheduled date of completion of the Education  
24 Facility. The Lease-Back may be structured as an annually renewable lease  
25 with provision for automatic renewals to the extent that pledged revenue under

1 Section 58D109 is available. The Lease-Back *shall not* be construed as a debt  
2 under any applicable debt limitation under the Guam Organic Act *or* Guam law.

3 **§58D103. Programming Study.** Under the Superintendent of  
4 Education's direction, the Education agency shall develop and prepare a  
5 Programming Study that shall be completed no later than September 1, 2014. If  
6 necessary, the Superintendent of Education may hire consultant(s) to conduct  
7 the Programming Study. The study shall consider the Final Condition  
8 Assessment dated August 2013 by the Department of Interior in terms of  
9 identified issues with facilities, and study the broader Education systems needs  
10 and priorities taking into account:

- 11 1) desired curriculum and programs offered or to be offered in addition  
12 to basic education, such as S.T.E.M. (science, technology  
13 engineering and math) facilities, vocational training, etc;
- 14 2) population densities, student count and population projections  
15 relative to location of existing facilities;
- 16 3) transportation, traffic and bussing logistics and associated costs;  
17 and
- 18 4) estimated cost of repair based on the Condition Assessment.

19 The Programming Study will provide the Education Agency a master  
20 plan for the highest and best use of the existing facilities given the  
21 educational priorities. Based on this master plan, the study will then  
22 provide a list in order of priority for repairs improvements detailed in the  
23 Condition Assessment, based on the master plan for the school system.  
24 Five Hundred Thousand Dollars (\$500,000) shall be allocated to conduct  
25 the Programming Study, and any monies unexpended shall be spent on  
26 school repairs and maintenance as provided herein. The scope of the

1 study shall not include work already completed in the Condition  
2 Assessment, but shall rely on the findings of the Condition Assessment to  
3 develop the master plan and list of priorities.

4 **§58D104. Programming Study Appropriation.** The sum of Five  
5 Hundred Thousand Dollars (\$500,000) is hereby is appropriated from the  
6 "Business Privilege Tax" (namely, 11 GCA Chapter 25, excluding the alcoholic  
7 beverage taxes, liquid fuel taxes, automotive surcharges, tobacco taxes and real  
8 property taxes) The Business Privilege Tax pledged or reserved shall only apply  
9 to the unpledged portion of the business privilege tax (currently one percentage  
10 point of the current four percent Business Privilege Tax rate) so as not to violate  
11 the government's covenants to bondholders of the Series A, Series B and Series  
12 C Limited Obligation bonds authorized through Public Law 31-76, Public Law  
13 31-196 and Public Law 31-276. The sum of Five Hundred Thousand Dollars  
14 (\$500,000) will be used in fiscal year 2014 to fund the Programming Study.

15 **§58D105. Identification of Projects and Procurement.** Under the  
16 Superintendent of Education's direction, the Education Agency shall utilize the  
17 Program Study and the report generated by the Department of Interior (DOI)-  
18 funded assessment report by the Army Corps of Engineers to identify and  
19 prioritize potential projects to be completed. The list of projects shall be  
20 included in a Request for Proposals developed by the Education Agency. Upon  
21 receipt of the Program Study than the Superintendent of Education shall solicit  
22 Requests for Proposals ('RFP') through the Department of Public Works, in  
23 compliance with the Guam Procurement Law, for the financing, design,  
24 Construct and Rehabilitate of the Education Facility, according to the needs  
25 of the Education Agency and consistent with this Chapter. The choice of the  
26 Contractor shall be made by a selection committee comprised of the

1 Superintendent of the Department of Education serving as Chairman and  
2 including the Director of the Department of Public Works or Deputy Director,  
3 the Director of the Department of Land Management or Deputy Director, the  
4 Administrator of Guam EPA or Deputy Administrator, and the Administrator of  
5 the Guam Economic Development Authority or Deputy Administrator. The  
6 committee shall access the prior performance of the Contractor on similar  
7 projects and shall be free to disqualify any Contractor that does not have a  
8 successful record of project completion on Guam.

9 The selection of a Contractor shall be based upon the proposal that  
10 delivers the best value for Guam in meeting the objectives of the Education  
11 Agency.

12 The RFP shall be issued within thirty (30) days after the receipt of the  
13 "Program Study" for the design, renovation, rehabilitation, construction *or*  
14 maintenance of the Education Facility.

15 **§58D106. Responsibilities of Developer / Contractor.** The Contract  
16 *shall* require that the Contractor be responsible for all costs, expenses and fees  
17 of any kind *or* nature, associated with the rehabilitation, design, civil  
18 improvements, on-site and off-site infrastructure, construction, permits, and  
19 financing associated with the completion of an Education Facility, including the  
20 financing of furniture and equipment for the Education Facility, as and to the  
21 extent provided by the Education Agency in the Request for Proposals. The  
22 Lease-Back may provide that *if* sufficient funds are *not* appropriated *or*  
23 otherwise available for the payment of amounts due under the lease, the  
24 Education Agency will have the obligation to vacate the Education Facility, and  
25 the Contractor *shall* have the right of use and occupancy of the Education  
26 Facility for the remainder of the term of the Lease, unless new mutually

1 satisfactory terms are entered into. For this purpose, the Lease may provide that  
2 its term *shall* be extended for a period *not to exceed* the shorter of ten (10) years  
3 beyond the original term of the Lease-Back *or* such period of time as is  
4 necessary to repay in full any financing arranged pursuant to Section 58D110 of  
5 this Chapter. The capital maintenance costs *shall* be paid by the Education  
6 Agency.

7 **§58D107. Contractual Safeguards.** Prior to undertaking the work of  
8 rehabilitating educational facilities, the Guam Economic Development  
9 Authority, The Department of Public Works, Guam Department of Education  
10 and the Developer or Contractor shall negotiate and enter into a binding  
11 construction contract to build or refurbish the educational facility in accordance  
12 with Guam Building Code, (21 G.C.A. Ch. 67) and any other applicable  
13 requirements. The Construction contract shall contain contractual obligations  
14 typically found in Government of Guam construction contracts, including but  
15 not limited to:

- 16 1. Warranties;
- 17 2. Liquidated damages;
- 18 3. Performance and payment bonds;
- 19 4. Indemnity;
- 20 5. Insurance;
- 21 6. Standard Specifications;
- 22 7. Technical Specifications;
- 23 8. Progress Schedule;
- 24 9. Maintenance;
- 25 10. Compliance with Guam Labor Regulations;

1 Guam or by any trustee, depository or custodian shall be deposited in a separate  
2 account and shall be immediately subject to such reservation or the lien of such  
3 pledge without any physical delivery thereof or further act, and such reservation  
4 or the lien of such pledge shall be valid and binding against all parties having  
5 claims of any kind in tort, contract or otherwise against the government of  
6 Guam or such trustee, depository or custodian, irrespective of whether the  
7 parties have notice thereof. The instrument by which such pledge or reservation  
8 is created need not be recorded.

9 **§ 58D110. Use of Tax-Exempt Bond, Taxable Bond and Other**  
10 **Financing Instruments for Financing.** To minimize the financing cost to  
11 the Education Agency, financing utilized by the Contractor to fund the design,  
12 renovation, rehabilitation, construction *or* maintenance of an Education  
13 Facility *shall* be through tax-exempt obligations, Taxable Bond Obligation *or*  
14 other financial instruments provided such financing is available at interest rates  
15 determined by the Education Agency to be reasonable and competitive.  
16 Alternatively, the Contractor may use an alternative method of financing,  
17 including, but *not limited to*, a short term debt, mortgage, loan, federally  
18 guaranteed loan *or* loan by an instrumentality of the United States of America  
19 *if* such financing will better serve the needs of the people of Guam. Such  
20 alternative financing *shall* be approved by *I Liheslaturan Guåhan*. The  
21 purpose for the requirements of this Section is to assure the Education  
22 Agency pays the lowest possible interest rate so that the cost to the Education  
23 Agency of financing the design and construction of an Education Facility,  
24 amortized through the Lease-Back payments from the Education  
25 Agency to the Contractor, will be lower than regular commercial rates.

26 **§58D111. Utilities, Maintenance and Repair.** The Education Agency

1        *shall* be responsible for the connection and payment of all utilities, including  
2        without limitation, power, water, sewer, telephone and cable, and all  
3        maintenance and repair and exterior grounds keeping and landscaping and  
4        upkeep of the Education Facility.

5            **§58C112. Severability.** *If any provision of this Act or its application*  
6        *to any person or circumstance is found to be invalid or contrary to law, such*  
7        *invalidity shall not affect other provisions or applications of this Act which can*  
8        *be given effect without the invalid provisions or application, and to this end the*  
9        *provisions of this Act are severable.”*

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

**Bill No. 226-32 (COR)**

Introduced by:  
As Amended by the Author

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

**AN ACT TO ADD A NEW CHAPTER 58ÐE TO TITLE 5  
GUAM CODE ANNOTATED RELATIVE TO THE  
FINANCE, DESIGN, RENOVATION,  
REHABILITATION, CONSTRUCTION OR  
MAINTENANCE OF PUBLIC SCHOOLS.**

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

2 **Section 1.** A new Chapter 58ÐE is hereby *added* to Title 5 Guam Code  
3 Annotated to read as follows:

4 **“Chapter 58ÐE** The finance, design, renovation, rehabilitation,  
5 construction *or* maintenance of Public Schools.

6 § 58ÐE100. Legislative Findings and Intent.

7 § 58ÐE101. Definitions.

8 § 58ÐE102. Authorization to Enter into Long-Term Leases.

9 ~~§ 58D103. Programming Study~~

10 § 58ÐE1043. Identification of Projects and Procurement

11 § 58ÐE1054. Responsibilities of Contractor.

12 § 58ÐE1065. Contractual Safeguards.

13 § 58ÐE1076. Assignments.

14 § 58ÐE1087. Pledge of Revenues.



1 ~~work to deliver the most productive educational facilities based on near term~~  
2 ~~and future needs using funds allocated by this legislation.~~

3 *I Liheslatura* finds that after reviewing the summary of outstanding  
4 General and Limited Obligation debts as of March 1, 2013 that the debt ceiling  
5 assess value is at One Billion One Hundred Thirty Nine Million Four Hundred  
6 Sixty Four Thousand Eight hundred Fifty Three Dollars (\$1,139,464,853). It  
7 also states that the General Obligation Debt is Four Hundred Forty Six Million  
8 Four Hundred Seventy Three Thousand Eight Hundred Fifty Three Dollars  
9 (\$446,473,853) and the Limited Obligation Debt is Six Hundred Sixty Three  
10 Million Eight Hundred Ninety Six Thousand Eight Hundred Three Dollars  
11 (\$663,896,803) with an accumulated total of One Billion One Hundred Ten  
12 Million Three Hundred Seventy Thousand Six Hundred Fifty Six Dollars  
13 (\$1,110,370,656). Subtracting the debt ceiling limit less the General and limited  
14 Obligation Debts leaves the amount for future debt obligation at Twenty Nine  
15 Million Ninety Four Thousand One Hundred Ninety Seven (\$29,094,197).

16 *I Liheslatura* further finds that the cost to fund the rehabilitation  
17 of the public Schools will certainly exceed the debt ceiling obligation if a  
18 General Obligation Bond is pursued. To circumvent Guam's debt ceiling cap, *I*  
19 *Liheslatura* finds that the construction of *Okkodo* High School, *Astumbo* Middle  
20 School, *Liguan* Elementary School, *Adacao* Elementary School, John F.  
21 Kennedy High School and the expansion of *Okkodo* High School has  
22 demonstrated the fundamental soundness of using municipal lease as a vehicle  
23 to build new educational facilities. By making the most of municipal leasing to  
24 rehabilitate and construct Guam public schools, the remaining future debt  
25 obligation may be used to fund other priorities of the government.

1           **§58DE101. Definitions.** For purposes of this Chapter and *unless* otherwise  
2 specified, the following words and phrases are defined to mean:

3           (a) “Contract” *shall* mean the design, renovation, rehabilitation,  
4 construction, and financing contract entered into by and between the  
5 Education Agency and the Contractor chosen by the Guam Economic  
6 Development Agency and approved by *I Liheslaturan Guåhan*.

7           (b) “Contractor” *shall* mean the authorized entity which *shall* be  
8 the signatory on the Contract and *shall* be fully responsible for carrying  
9 out the design, renovation, rehabilitation, construction, financing, or  
10 maintenance of the Education Facility. The Contractor may cooperate  
11 with another entity *or* entities in any manner the Contractor deems  
12 appropriate to provide for the financing, design, renovation,  
13 rehabilitation, construction *or* maintenance of the public school facilities  
14 envisioned by this Act.

15           (c) “Education Agency” *shall* mean the Guam Department of  
16 Education.

17           (d) “Education Facility” as used in this Act *shall* mean public  
18 elementary and secondary schools on Guam to include its athletic fields  
19 and playgrounds, excluding the five leased schools under the Education  
20 Agency.

21           (e) “Lease” *shall* mean a lease from an Education Agency to the  
22 Contractor entered into at the time of the Contract for the Property.

23           (f) “Lease-Back” *shall* mean the lease from the Contractor to  
24 the Education Agency of the rehabilitated, renovated or newly  
25 constructed Education Facility.

1 (g) "Lease-Back Period" shall mean the term of the lease from  
2 the Contractor to the Education Agency.

3 ~~(h) "Programming Study" shall mean that certain study~~  
4 ~~commissioned by GDOE to assist it in prioritizing the work scope for the~~  
5 ~~existing Education Facilities base on the department's mission and~~  
6 ~~Curriculum.~~

7 (†)(h) "Property" shall mean any property on which an Education  
8 Facility is located.

9 **§58DE102. Authorization to Enter into Long-term Leases.** For the  
10 purpose of facilitating the financing, design, construction and rehabilitation and  
11 maintenance of an Education Facility encompassed by this Act, the government  
12 of Guam *or* an Education Agency, as the case may be, is authorized to lease, if  
13 required, to the Contractor sufficient government of Guam real property on  
14 which to rehabilitate an Education Facility; provided, such property is in the  
15 inventory of the Education Agency *or* the government of Guam. The property  
16 may be the site of an existing Education Facility under the control of an  
17 Education Agency, which existing facility may be rehabilitated under the  
18 provisions of this Act.

19 The Education Agency is also authorized to lease back from the  
20 Contractor the property for a period mutually agreed upon between the  
21 Education Agency and the Contractor as may be reasonably necessary to  
22 amortize over the Lease-Back Period the costs associated with the design,  
23 renovation, rehabilitation, construction *or* maintenance of the Education  
24 Facility. In no event shall the end of such Lease-Back Period be *later than* the  
25 date Thirty (30) years from the scheduled date of completion of the Education  
26 Facility. The Lease-Back may be structured as an annually renewable lease

1 with provision for automatic renewals to the extent that pledged revenue under  
2 Section 58D109 is available. The Lease-Back *shall not* be construed as a debt  
3 under any applicable debt limitation under the Guam Organic Act *or* Guam law.

4 ~~§58D103. Programming Study.~~ Under the Superintendent of  
5 Education's direction, the Education agency shall develop and prepare a  
6 Programming Study that shall be completed no later than September 1, 2014. If  
7 necessary, the Superintendent of Education may hire consultant(s) to conduct  
8 the Programming Study. The study shall consider the Final Condition  
9 Assessment dated August 2013 by the Department of Interior in terms of  
10 identified issues with facilities, and study the broader Education systems needs  
11 and priorities taking into account:

- 12 ~~1) desired curriculum and programs offered or to be offered in addition~~  
13 ~~to basic education, such as S.T.E.M. (science, technology~~  
14 ~~engineering and math) facilities, vocational training, etc;~~
- 15 ~~2) population densities, student count and population projections~~  
16 ~~relative to location of existing facilities;~~
- 17 ~~3) transportation, traffic and bussing logistics and associated costs;~~  
18 ~~and~~
- 19 ~~4) estimated cost of repair based on the Condition Assessment.~~

20 The Programming Study will provide the Education Agency a master  
21 plan for the highest and best use of the existing facilities given the  
22 educational priorities. Based on this master plan, the study will then  
23 provide a list in order of priority for repairs improvements detailed in the  
24 Condition Assessment, based on the master plan for the school system.  
25 Five Hundred Thousand Dollars (\$500,000) shall be allocated to conduct  
26 the Programming Study, and any monies unexpended shall be spent on

1 ~~school repairs and maintenance as provided herein. The scope of the~~  
2 ~~study shall not include work already completed in the Condition~~  
3 ~~Assessment, but shall rely on the findings of the Condition Assessment to~~  
4 ~~develop the master plan and list of priorities.~~

5 ~~§58D104. Programming Study Appropriation. The sum of Five~~  
6 ~~Hundred Thousand Dollars (\$500,000) is hereby is appropriated from the~~  
7 ~~“Business Privilege Tax” (namely, 11 GCA Chapter 25, excluding the alcoholic~~  
8 ~~beverage taxes, liquid fuel taxes, automotive surcharges, tobacco taxes and real~~  
9 ~~property taxes) The Business Privilege Tax pledged or reserved shall only apply~~  
10 ~~to the unpledged portion of the business privilege tax (currently one percentage~~  
11 ~~point of the current four percent Business Privilege Tax rate) so as not to violate~~  
12 ~~the government’s covenants to bondholders of the Series A, Series B and Series~~  
13 ~~C Limited Obligation bonds authorized through Public Law 31-76, Public Law~~  
14 ~~31-196 and Public Law 31-276. The sum of Five Hundred Thousand Dollars~~  
15 ~~(\$500,000) will be used in fiscal year 2014 to fund the Programming Study.~~

16 **§58D1053. Identification of Projects and Procurement.** Under the  
17 Superintendent of Education’s direction, the Education Agency shall utilize the  
18 Program Study and the report generated by the Department of Interior (DOI)-  
19 funded assessment report by the Army Corps of Engineers to identify and  
20 prioritize potential projects to be completed. The list of projects shall be  
21 included in a Request for Proposals developed by the Education Agency. Upon  
22 receipt of the Program Study than the Superintendent of Education shall solicit  
23 Requests for Proposals ('RFP') through the Department of Public Works, in  
24 compliance with the Guam Procurement Law, for the financing, design,  
25 Construct and Rehabilitate of the Education Facility, according to the needs  
26 of the Education Agency and consistent with this Chapter. The choice of the

1 Contractor shall be made by a selection committee comprised of the  
2 Superintendent of the Department of Education serving as Chairman and  
3 including the Director of the Department of Public Works or Deputy Director,  
4 the Director of the Department of Land Management or Deputy Director, the  
5 Administrator of Guam EPA or Deputy Administrator, and the Administrator of  
6 the Guam Economic Development Authority or Deputy Administrator. The  
7 committee shall access the prior performance of the Contractor on similar  
8 projects and shall be free to disqualify any Contractor that does not have a  
9 successful record of project completion on Guam.

10 The selection of a Contractor shall be based upon the proposal that  
11 delivers the best value for Guam in meeting the objectives of the Education  
12 Agency.

13 The RFP shall be issued within thirty (30) days after the receipt of the  
14 "Program Study" for the design, renovation, rehabilitation, construction *or*  
15 maintenance of the Education Facility.

16 **§58D1064. Responsibilities of Developer / Contractor.** The Contract  
17 *shall* require that the Contractor be responsible for all costs, expenses and fees  
18 of any kind *or* nature, associated with the rehabilitation, design, civil  
19 improvements, on-site and off-site infrastructure, construction, permits, and  
20 financing associated with the completion of an Education Facility, including the  
21 financing of furniture and equipment for the Education Facility, as and to the  
22 extent provided by the Education Agency in the Request for Proposals. The  
23 Lease-Back may provide that *if* sufficient funds are *not* appropriated *or*  
24 otherwise available for the payment of amounts due under the lease, the  
25 Education Agency will have the obligation to vacate the Education Facility, and  
26 the Contractor *shall* have the right of use and occupancy of the Education

1 Facility for the remainder of the term of the Lease, unless new mutually  
2 satisfactory terms are entered into. For this purpose, the Lease may provide that  
3 its term *shall* be extended for a period *not to exceed* the shorter of ten (10) years  
4 beyond the original term of the Lease-Back *or* such period of time as is  
5 necessary to repay in full any financing arranged pursuant to Section 58D110 of  
6 this Chapter. The capital maintenance costs *shall* be paid by the Education  
7 Agency.

8 **§58D1075. Contractual Safeguards.** Prior to undertaking the work of  
9 rehabilitating educational facilities, the Guam Economic Development  
10 Authority, The Department of Public Works, Guam Department of Education  
11 and the Developer or Contractor shall negotiate and enter into a binding  
12 construction contract to build or refurbish the educational facility in accordance  
13 with Guam Building Code, (21 G.C.A. Ch. 67) and any other applicable  
14 requirements. The Construction contract shall contain contractual obligations  
15 typically found in Government of Guam construction contracts, including but  
16 not limited to:

- 17 1. Warranties;
- 18 2. Liquidated damages;
- 19 3. Performance and payment bonds;
- 20 4. Indemnity;
- 21 5. Insurance;
- 22 6. Standard Specifications;
- 23 7. Technical Specifications;
- 24 8. Progress Schedule;
- 25 9. Maintenance;
- 26 10. Compliance with Guam Labor Regulations;

1 11. Compliance with Guam Prevailing Wage Rates for  
2 Employment of Temporary Alien Workers (H2) on Guam;

3 12. Compliance with Public Law 29-98: Restriction Against  
4 Contractors Employing Convicted Sex Offenders to Work at  
5 Government of Guam Venues.

6 The contract must be submitted for review and approval to all entities  
7 charged by law with the duty to review and approve government contracts,  
8 including the Office of the Attorney General.

9 **§ 58D1086. Assignments.** To facilitate the purpose of this Act and  
10 provide security for the holders of any financing instruments issued pursuant to  
11 this Act, the Contractor may assign, without the need of the consent of the  
12 Education Agency, the Contract, the Lease and Lease-Back to any underwriter,  
13 trustee or other party as appropriate to facilitate the Contractor financing.

14 **§58D1097. Pledge of Revenues.** (a) Rental payments under the Lease  
15 and the Lease-Back may be secured by a pledge or other reservation of  
16 revenues collected by the government of Guam from the following:

17 (1) Taxes collected under the “Business Privilege Tax Law”  
18 (namely, 11 GCA Chapter 25, excluding the alcoholic beverage taxes, liquid  
19 fuel taxes, automotive surcharges, tobacco taxes and real property taxes) The  
20 Business Privilege Tax pledged or reserved shall only apply to the unpledged  
21 portion of the business privilege tax (currently one percentage point of the  
22 current four percent Business Privilege Tax rate) so as not to violate the  
23 government’s covenants to bondholders of the Series A, Series B and Series C  
24 Limited Obligation bonds authorized through Public Law 31-76, Public Law  
25 31-196 and Public Law 31-276. The sum of approximately One Million Eight  
26 Hundred Eighty-Two Thousand and Eighty-Two Dollars (\$1,882,082) shall

1 fund interest in fiscal year 2015, and the sum of approximately Two Million  
2 Five Hundred Sixty Four Thousand One Hundred Sixty-Five Dollars  
3 (\$2,564,165) shall fund interest payment annually for fiscal years 2016 through  
4 2018.

5 (2) The sum of One Million Two Hundred Thousand Dollars  
6 (\$1,200,000) from the revenues received pursuant to §22425 (q)(5) of Article 4,  
7 Chapter 22 Division 2, Title 5, Guam Code Annotated will be available  
8 annually beginning in fiscal year 2016; and

9 (3) The sum of Four Million Eight Hundred Thousand Dollars  
10 (\$4,800,000) from the maturity of Business Privilege Tax bond series 2013C  
11 shall be available annually beginning in fiscal year 2019.

12 (b) Revenues pledged or reserved shall be remitted in the following  
13 manner:

14 (1) The Business Privilege Tax shall only pay for the interest  
15 payments of the Lease and the Lease-Back pending the maturity of the Business  
16 Privilege Tax bond series 2013C in Fiscal Year 2019 and said interest payments  
17 shall ceased.

18 (2) Revenues received pursuant to §22425 (q)(5) of Article 4,  
19 Chapter 22 Division 2, Title 5, Guam Code upon availability; and

20 (3) Upon the maturity of the Business Privilege Tax bond series  
21 2013C.

22 Any amounts pledged as provided in this Section are hereby continuously  
23 appropriated for the purpose of making Lease-Back payments, but any amounts  
24 only reserved as provided in this Section, and not pledged, shall be subject to  
25 annual appropriation for the purpose of making Lease-Back payments. The  
26 revenues pledged or reserved and thereafter received by the government of

1 Guam or by any trustee, depository or custodian shall be deposited in a separate  
2 account and shall be immediately subject to such reservation or the lien of such  
3 pledge without any physical delivery thereof or further act, and such reservation  
4 or the lien of such pledge shall be valid and binding against all parties having  
5 claims of any kind in tort, contract or otherwise against the government of  
6 Guam or such trustee, depository or custodian, irrespective of whether the  
7 parties have notice thereof. The instrument by which such pledge or reservation  
8 is created need not be recorded.

9 **§ 58D1408. Use of Tax-Exempt Bond, Taxable Bond and Other**  
10 **Financing Instruments for Financing.** To minimize the financing cost to  
11 the Education Agency, financing utilized by the Contractor to fund the design,  
12 renovation, rehabilitation, construction *or* maintenance of an Education  
13 Facility *shall* be through tax-exempt obligations, Taxable Bond Obligation *or*  
14 other financial instruments provided such financing is available at interest rates  
15 determined by the Education Agency to be reasonable and competitive.  
16 Alternatively, the Contractor may use an alternative method of financing,  
17 including, but *not limited to*, a short term debt, mortgage, loan, federally  
18 guaranteed loan *or* loan by an instrumentality of the United States of America  
19 *if* such financing will better serve the needs of the people of Guam. Such  
20 alternative financing *shall* be approved by *I Liheslaturan Guåhan*. The  
21 purpose for the requirements of this Section is to assure the Education  
22 Agency pays the lowest possible interest rate so that the cost to the Education  
23 Agency of financing the design and construction of an Education Facility,  
24 amortized through the Lease-Back payments from the Education  
25 Agency to the Contractor, will be lower than regular commercial rates.

26 **§58D1409. Utilities, Maintenance and Repair.** The Education Agency

1        *shall* be responsible for the connection and payment of all utilities, including  
2        without limitation, power, water, sewer, telephone and cable, and all  
3        maintenance and repair and exterior grounds keeping and landscaping and  
4        upkeep of the Education Facility.

5            **§58C1120. Severability.** *If any provision of this Act or its application*  
6        *to any person or circumstance is found to be invalid or contrary to law, such*  
7        *invalidity shall not affect other provisions or applications of this Act which can*  
8        *be given effect without the invalid provisions or application, and to this end the*  
9        *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. 218 / 2015/2016

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
yvonne Blander		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. 218/205/226**  
**SIGN UP SHEET**

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Taling Taitano	620E	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. 245 — 218/205/206

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Deisy Basa	N/A	632-1959	deishilue@hotmail.com			Yes	
ALEXANDER LONGI	—	688-9315	alexanderlongi@gmail.com			yes	
Antoinette Camilo	—	653-4611	antoinettecamilo@hotmail.com			yes	
Crissy Hoya	—	653-5587	crissyhoya@hotmail.com			yes	
Larry Saratu	—	—	lsaratu@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. 226/205/218**  
**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. 226 225/226/218

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
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Chanel Cafunao	—	653-1839	chanelcafunao@gmail.com				yes
Lotty Pato	—	653-7920	12114104-12@hotmail	-	-		yes
Draixelyn Mari	25 Chalan Kriten	929-6754	monipraiselna@gmail.com	/	/		yes
ALEXANDRA TAKA	—	688-9315	alexandrataka@gmail.com	.	-		yes
Antonette Carlos	—	653-4611	nettegcarlos@hotmail.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. 225 / 226 / 218

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
<del>Yvonne</del> Stander		456-1176	yystander@gmail.com		✓	Yes	
Derrick Evangelista					✓		
Maribel Villaluz					✓		
Ariessa Delos Bentes					✓		
Tyler Flores					✓		
Jesse Blaz					✓		

Darren Meno

Jose Quingob

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. 225

SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT	
						Yes	No
Taling Taitano	GDOG	300- 1556	tntaitano@ gdog.net	✓	✓	Yes	
Robert Undul	JOG	<del>727-</del> 7715					



# DEPARTMENT OF EDUCATION OFFICE OF THE SUPERINTENDENT



www.gdoe.net  
P.O. Box D.E., Hagatña, Guam 96932  
Telephone: (671)475-0457 or 300-1547/1536 • Fax: (671)472-5001  
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  
32<sup>ND</sup> 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

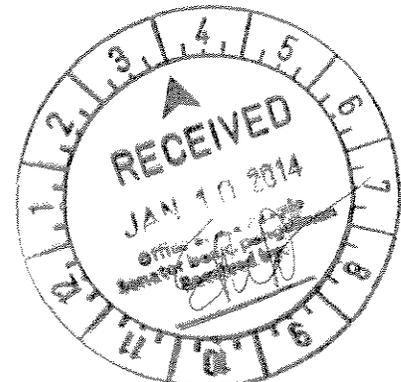
The Honorable Vicente C. Pangelinan  
Chairman, Committee on Appropriations, Public Debt, Legal Affairs,  
Retirement, Public Parks, Recreation, Historic Preservation and Land  
*I Mina' trentai Dos Na Liheslaturan Guåhan*  
Suite 101 Quan Bldg.  
324 W. Soledad Ave.  
Hagatna, Guam 96910

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 I'd Kc 1/10*  
/ CLAUDIA S. ACFALLE  
Chief Procurement Officer





## COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
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Judith T.P. Won Pat, Ed.D.  
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Senator  
Michael E.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. 226-32 (COR)**, "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." – 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 226-32 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**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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MINORITY LEADER

Senator  
Aline Yamashita  
Member

November 25, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto: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.

*Sí 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
222-32 (COR)	Victoria (ma) C Panglossan	AN ACT TO AMEND §89 01(a)(2) TO AMEND §89 01(a)(2)(B) TO ADD A NEW SUBSECTION (C) TO §89 01(a)(2) TO AMEND §89 02(a)(2) TO AMEND §89 02(a)(3) TO AMEND §89 02(a)(4) TO AMEND §89 02(b)(1) AND TO ADD A NEW SUBSECTION (a) TO §89 02 ALL OF CHAPTER 89 GUAM CODE ANNOTATED RELATIVE TO THE CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY
223-32 (COR)	Victoria (ma) C Panglossan	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) FOR THE COMPENSATION TO FARMERS FOR CROP DAMAGE'S PROGRAM ESTABLISHED PURSUANT TO CHAPTER 64A TITLE 5 OF THE GUAM CODE ANNOTATED
224-32 (COR)	LC Ana R I Respon	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 PROCEDUREM LITAW
225-32 (COR)	Linda F. White, Ph.D. Ed FR Maria Barros Ana A. Yimamita 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 RE-NUMBER §224(5)(c) ARTICLE 4 CHAPTER 27 DIVISION 2 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO REVALUATION OF REAL PROPERTY TAXES AND TO AMEND §5311 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO EARLY CHILDHOOD PROGRAM FUND
226-32 (COR)	Linda F. White, Ph.D. Ed FR Maria Barros Ana A. Yimamita Ph.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 WORKS
227-32 (COR)	LC Ana R I Respon	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

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

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Member

Senator  
V. Anthony Ada  
Member  
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.

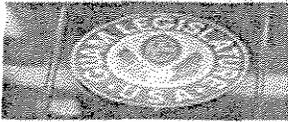
*Sí Yu'os Ma'åse!*

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
<b>225-32 (COR)</b>	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>

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## Public Hearing - FIRST NOTICE

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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.

The following is the agenda:

**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 §8121, 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 McCreddie: 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 §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.**

**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.**

Yanggen un nisisita espesiát na setbision, put fabot ágang i ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'háлом testigu-mu, chuei' para i ifisinin-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kuation Katta gi i Liheslatura, pat

**Guam Code Annotated Relative to the Finance, Design, Renovation, Rehabilitation, Construction or Maintenance of Public Schools.**

Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsát i Liheslaturan Guáhan gi [www.guamlegislature.com](http://www.guamlegislature.com) Yanggen para un na'háлом testigu-mu, chule' para i ifisinin-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi [office@senbenp.com](mailto:office@senbenp.com) Este na nutisiu inapási nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com) Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagátña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [office@senbenp.com](mailto:office@senbenp.com)

--  
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.

(671) 473-4236 (office)

(671) 473-4238 (fax)

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Agenda\_Jan 14.doc

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Lisa Dames <cipo@guamlegislature.org>

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## 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\_PD N <life@guampdn.com>

PLePPlease disregard the first email sent. See the corrected date for public hearing. Thank you.

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**Bill No. 226-32 (COR) – Introduced by Speaker Judith Won Pat: An Act to Add a New Chapter 58D to Title 5**

faks gi 473-4238, paisino imel gi [office@senbenp.com](mailto:office@senbenp.com) Este na nutisiu inapási nu i fendon gubetrnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com) Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at [office@senbenp.com](mailto:office@senbenp.com)

--  
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.

(671) 473-4236 (office)

(671) 473-4238 (fax)

[senbenp.com](http://senbenp.com)

[www.guamlegislature.org](http://www.guamlegislature.org)

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**2 attachments**

 **Agenda\_Jan 14.doc**  
50K

 **First Notice 011414.pdf**  
122K



Office of

the People

# 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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Website: <http://senbenp.com>

**Memo to All Senators**

**January 7, 2014**

**Page 2**

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Lisa Dames &lt;cipo@guamlegislature.org&gt;

## Public Hearing - SECOND Notice

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

Fri, Jan 10, 2014 at 2:27 PM

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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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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Lisa Dames &lt;cipo@guamlegislature.org&gt;

## Public Hearing - SECOND Notice

Lisa Dames &lt;cipo@guamlegislature.org&gt;

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 Ngirairikl <odngirairikl@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, Lifestyles\_PDN <life@guampdn.com>

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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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**January 10, 2014**  
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As of January 8, 2014**

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**As of January 8, 2014**

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32nd GUAM LEGISLATURE  
Senador 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 Liheslaturan Guåhan  
(Guam Legislature Public Hearing Room)

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

**TAREHA  
(AGENDA)**

Priniponi Siha:  
(Bills)

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I Mina' brenial 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

**INEKUNGOK PUPBLEKO  
(PUBLIC HEARING)**

*gi Máttes, gi diha 14 gi Ineru, 2014*  
Tuesday, January 14, 2014

*Kuaiton Inekungok Pubbleko gi Liheslaturan Guahan*  
(Guam Legislature Public Hearing Room)

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

**TAREHA  
(AGENDA)**

**Prinsipon Sina  
(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 §8121, 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 §22425(j) 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.

**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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32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

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

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**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'ani***  
**(2:00 PM)**

**TAREHA  
(AGENDA)**

***Priniponi Siha:***  
**(Bills)**

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I Mina'trentai Dos na Liheslaturan Guåhan

32<sup>nd</sup> GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

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

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**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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