

MINA BENTE NUEBI NA LIHESLATURAN GUAHAN
2007 (FIRST) Regular Session

Resolution No. ^{EC} 64 (LS)

Introduced by:

J.P. Guthertz
R.J. Respicio
T.R. Muña Barnes

Relative to requesting the Congress of the United States to amend the Organic Act of Guam to provide a dedicated source of funding to the Guam Public School System (GPSS) for operational needs, and to allow the GPSS to administer the source of funding.

BE IT RESOLVED BY THE PEOPLE OF GUAM:

WHEREAS, since its creation by the Organic Act of Guam in 1950, the original Guam Department of Education (GDOE), and its successor the Guam Public School System (GPSS), as instrumentalities of the Government of Guam, have received their primary funding in the form of an appropriation made by the Guam Legislature from the government's General Fund; and

WHEREAS, the courts have ruled, in *Santos v. Calvo*, (D.C. Guam, App. Div. 1982) Civ. #80-223A, that the Governor of Guam, through the powers granted to him by the Organic Act, can "exercise his executive prerogative in administering the expenditure of appropriated funds;" and

WHEREAS, on many occasions in Guam's more than 50 years under the Organic Act, Governors have exercised their executive prerogative in administering the expenditure of funds appropriated to Guam's public school system by withholding or delaying budgetary allotments, affecting the ability of GDOE and now GPSS to make timely payments for various debts to vendors, utility providers and others, this interruption to the flow of cash having a ripple effect throughout the GPSS also causing many needed maintenance and repair projects to be postponed; and

WHEREAS, these problems, which have occurred more frequently during economic downturns, distract the members of the Guam Education Policy Board and the GPSS Superintendent from their primary functions, and also have a negative effect on the morale of GPSS employees; and

WHEREAS, a more financially independent school system for Guam would ensure that board members and administrators would spend less time deciding which

bills to pay and which programs to cut, and instead focus their attention on providing a quality education for their students; and

WHEREAS, in many jurisdictions throughout the United States, school districts receive a large portion of their funding from dedicated revenue sources, primarily property taxes, this method proving to be effective in ensuring that such school districts are better able to meet their financial obligations in a timely manner than is the GPSS; and

WHEREAS, in many of those jurisdictions the school board is also empowered with the ability to present initiatives to the public at a general election relative to such dedicated revenue sources; and

WHEREAS, in order to achieve greater financial independence for GPSS and to improve our island's school system, it is the desire of the people of Guam that at least a portion of GPSS' operational revenues be derived from a dedicated source of funding; and all revenue from this dedicated funding source shall be deposited directly into an account that is under the control of GPSS following its collection by Guam's Department of Revenue and Taxation; and

WHEREAS, it is additionally the desire of the people of Guam that GPSS be empowered to present to the voters of Guam at a General Election initiatives relative to this source of funding, thus assuring that a reliable revenue stream will always be available to pay for basic operational needs; and

WHEREAS, action by the Congress of the United States to amend the Organic Act of Guam and provide the GPSS with a dedicated revenue source separate and apart from the several funds from which the Guam Legislature makes its appropriations, will improve the financial stability of GPSS and improve the ability of the school system to fulfill its mandate, now, therefore, be it

RESOLVED, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request that the Congress of the United States amend the Organic Act of Guam to authorize the Guam Legislature to provide the Guam Public School System with a dedicated source of funding for a portion of their total annual budgets that will not require a Legislative appropriation or be administered by the Governor of Guam; and be it further

RESOLVED, that *I Mina'Bente Nuebi Na Liheslaturan Guåhan* does hereby, on behalf of the people of Guam, respectfully request that the Congress of the United

States amend the Organic Act of Guam to allow the Guam Legislature to provide the Guam Public School System with the authority to seek public approval of initiatives presented at a general election relative to such dedicated revenue source as is determined by the Legislature; and be it further

RESOLVED, that the Speaker certify, and the Secretary of the Legislature attest to the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Nick J. Rahall II, Chairman, Committee on Natural Resources, United States House of Representatives; to the Honorable Madeleine Z. Bordallo, Guam Delegate to the United States House of Representatives; and to the Honorable Felix P. Camacho, *I Maga'lahaen Guåhan*.