



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

NOV 27 2009

2009 NOV 27 11 06 AM

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Submitted herewith is Bill No. 233-30 (COR), "AN ACT TO AMEND §§7101 TO 7107 AND §7111 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RULES AND REGULATIONS FOR THE SCHOOL PROPERTY OF THE DEPARTMENT OF EDUCATION," which I have vetoed.

Although I support most of the amendments contained in Bill No.233-30, the legislation contains a provision which could potentially risk the government's effort to rebuild and reopen John F. Kennedy High School. This risk has compelled me to veto the measure.

Bill No. 233-30 amends 17 GCA § 7101 to prohibit the Department of Education from leasing any school buildings or grounds under its jurisdiction. Guam Economic Development Authority and Department of Public Works are in the process of implementing Public Law 29-114 which authorizes the leasing of John F. Kennedy High School (JFK) in order to rebuild the school for our high school students. Arguably, Public Law 29-114, which specifically authorizes the leasing of JFK, could prevail over this amendment; it would not prevent an opponent of JFK from using it as a litigation tactic to stall, delay and prevent the opening of the new JFK.

Reopening JFK is too important to this community. I am not willing to jeopardize its completion by signing this measure with the potential risk it may cause to further delay the opening of the new JFK.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga' Låhen Guahan
Governor of Guam

30-09-1398
Office of the Speaker
Judith T. Won Pat, Ed.D.
11/27/09
4:30p

Attachment

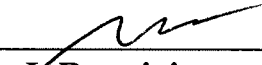
**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session**

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 233-30 (COR), "AN ACT TO AMEND §§7101 TO 7107 AND §7111 OF TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE RULES AND REGULATIONS FOR THE SCHOOL PROPERTY OF THE DEPARTMENT OF EDUCATION,"** was on the 13th day of November, 2009, duly and regularly passed.


**Benjamin J.F. Cruz
Acting Speaker**

Attested:



**Rory J. Respicio
Acting Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov., 2009, at
4:35 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED: **VETO**

**FELIX P. CAMACHO
*I Maga'lahaen Guåhan***

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 233-30 (COR)

As amended on the Floor.

Introduced by:

Judith T. Won Pat, Ed.D.

T. C. Ada

F. F. Blas, Jr.

T. R. Muña Barnes

Adolpho B. Palacios, Sr.

F. B. Aguon, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

v. c. pangelinan

M. J. Rector

R. J. Respicio

Telo Taitague

Ray Tenorio

**AN ACT TO *AMEND* §§7101 TO 7107, AND §7111 OF
TITLE 17 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE RULES AND REGULATIONS FOR
THE SCHOOL PROPERTY OF THE DEPARTMENT OF
EDUCATION.**

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

2 **Section 1.** §7101 of Title 17 of the Guam Code Annotated is *amended* to
3 read as follows:

4 **“§7101. School Property: Rules and Regulations.** The
5 Superintendent, with Board approval, *shall* recommend and implement
6 Rules and Regulations for the opening of new schools, and the management,

1 rehabilitation, utilization, disposition, and control of all school buildings,
2 grounds, and other property, real *or* personal, under the jurisdiction of DOE
3 consistent with government of Guam standard property regulations. DOE is
4 *not* authorized to sell real property, school buildings or grounds. DOE is *not*
5 authorized to lease any school buildings *or* grounds under its jurisdiction,
6 except as provided for in §§7102, 7104, 7105, 7106, and 7107 of this
7 Chapter. Said Rules And Regulations *shall* be transmitted to *I Liheslaturan*
8 *Guåhan, I Maga'låhen Guåhan* and posted on DOE's website.”

9 **Section 2.** §7102 of Title 17 of the Guam Code Annotated is *amended* to
10 read as follows:

11 “§7102. **Same: Other Use of.** The Superintendent, upon the
12 written application of any responsible organization *or* group of at least seven
13 (7) persons, may grant permission to use any school building *or* school
14 ground as a community *or* recreation center for the entertainment and
15 education of the People, and for the discussion of all topics tending to the
16 development of personal character and civil welfare; provided, however, that
17 such use *shall not* seriously infringe upon the necessary uses of the property
18 for school purposes.

19 The organization *or* group of persons using the property for the
20 purposes herein authorized *shall* be responsible for any damage done over
21 and above ordinary wear. *Neither* the government of Guam, DOE, *nor* the
22 Board *shall* be liable for damage *or* injury to person *or* property suffered by
23 any person resulting from a dangerous *or* defective condition of a school
24 building *or* school ground while such person is present under permission
25 granted by the Superintendent as authorized herein. The Superintendent
26 may enforce a schedule of charges for the use of such school property, *or* the

1 Superintendent may provide such use free of charge, in his/her discretion, *if*
2 the Superintendent deems the use to be sufficiently in the public interest.”

3 **Section 3.** §7103 of Title 17 of the Guam Code Annotated is *amended* to
4 read as follows:

5 **“§7103. Unused School Equipment: Utilization of.** The
6 Superintendent is authorized to enter into agreements with non-public
7 schools for the mutual utilization of school equipment for non-religious
8 purposes which is *not* being used, *or if* being used, during periods of
9 nonuse.”

10 **Section 4.** §7104 of Title 17 of the Guam Code Annotated is *amended* to
11 read as follows:

12 **“§7104. School Facilities; Use of.** The use of school facilities by
13 person(s) *or* group(s) during non-school hours is hereby authorized:

14 (a) The Superintendent may grant permission for the use of school
15 facilities, including the gymnasium, theater, staff development center, and
16 other DOE facilities. The principal, *or* the principal’s designee, *shall*
17 arrange the scheduling of any non-school activity authorized by the
18 Superintendent and, in addition, serve as liaison between the Superintendent
19 and the requesting party *or* user group.

20 (b) The Board is authorized to establish a fee schedule and charge
21 according to such schedule for the use of school facilities.

22 (c) There are hereby established revolving funds for each public
23 school on a school-by-school basis, to be known as ‘*I Salappe*’ *Facilidat*’,
24 which *shall* be maintained separate and apart from other funds of the
25 government of Guam and wherein all proceeds generated from user fees
26 collected pursuant to the provisions of this Act *shall* be deposited. Said
27 accounts *shall* be under the custody and trust of the principal and vice-

1 principal of the respective schools. The principal and vice-principal may
2 expend such funds for the purpose of off-setting *or* defraying any added
3 cost(s) incurred by the school as a result of extraordinary community use, *or*
4 for the purpose of maintaining *or* improving the school facilities affected by
5 this Act. The fund *shall* be used to purchase small items and/or services for
6 direct school maintenance *or* repairs which *do not exceed* the cost of Two
7 Hundred Dollars (\$200.00) per item. The procurement of items *or* services
8 *costing more than* Two Hundred Dollars (\$200.00) each *shall* require
9 authorization of the Superintendent. Each principal *shall* prepare a quarterly
10 financial status report on the fund to be transmitted to the Board, the
11 Superintendent, and *I Liheslaturan Guåhan* on *or* before the end of the
12 quarter of each fiscal year. Additionally, notwithstanding any other
13 provision of law, the Board is authorized to accept donations to '*I Salappe*'
14 *Facilidat*' on behalf of any school or DOE facility.

15 (d) Person(s) *or* group(s) using the public school facilities *shall* be
16 liable for any damage done over and above ordinary wear and tear. Neither
17 the government of Guam, DOE nor the Board *shall* be liable for damage *or*
18 injury to person *or* property suffered by any person(s) resulting from a
19 dangerous *or* defective condition of the school recreational facilities.

20 (e) Any reservation of the facility may be cancelled, by notice given
21 thirty (30) days in advance, in the event that a school function must be
22 conducted. Said cancellation *shall* be approved by the school principal."

23 **Section 5.** §7105 of Title 17 of the Guam Code Annotated is *amended* to
24 read as follows:

25 **"§7105. Authorization of Commercial Advertising Leases.** The
26 Superintendent is authorized to enter into a lease agreement for the

1 commercial leasing of advertising space at DOE and sports facilities
2 consistent with this Act.

3 **Section 6.** §7106 of Title 17 of the Guam Code Annotated is *amended* to
4 read as follows:

5 **“§7106. Schedule of Commercial Advertising Fees.** The Board
6 *shall* develop a schedule of fees for the commercial leasing of advertising
7 space at DOE sports facilities.”

8 **Section 7.** §7107 of Title 17 of the Guam Code Annotated is *amended* to
9 read as follows:

10 **“§7107. Standard Lease Agreement for Commercial**
11 **Advertising.** The Superintendent *shall* develop a standard lease agreement
12 for commercial advertising at DOE sports facilities. Such standard lease
13 agreement *shall* specify the DOE’s rules and regulations, schedule of fees
14 and legal liabilities for private entities seeking to advertise at DOE sports
15 facilities. Such standard lease agreement *shall* specifically prohibit any
16 advertising which promotes substances which are controlled by law, *or* are
17 illegal to distribute to minors, including, without limitation, alcohol;
18 establishments selling primarily alcohol products, such as bars; tobacco
19 products; firearms; obscenity, and as may be otherwise determined by the
20 Board. Immediately upon completion, the proposed standard lease
21 agreement *shall* be transmitted to the Board for approval. Within thirty (30)
22 days of receipt, the Board *shall* adopt the standard lease agreement with any
23 amendments deemed necessary and appropriate.”

24 **Section 8.** §7111 of Title 17 of the Guam Code Annotated is *amended* to
25 read as follows:

26 **“§7111. Same: Posting.** The Superintendent *shall* cause to be
27 posted at the entrance(s) of every school campus, signs which set out in a

1 conspicuous manner §§7109 and 7110 of this Chapter. The Superintendent
2 *shall* see to it that said signs *shall* continue to be maintained in a readable
3 condition.”