



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker
Mina Bente Siete Na Liheslaturan Guåhan

NOV 13 2003

TIME: 1:38 () AM () PM
RECEIVED BY: [Signature]

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

10 NOV 2003

The Honorable Vicente C. Pangelinan
Speaker Mina Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 56 (COR), "AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIS A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES BY AMENDING §22425 OF TITLE5, GUAM CODE ANNOTATED," now designated as Public Law 27-33.

Sincerely yours,

[Handwritten Signature]

FELIX P. CAMACHO
I Maga'lahen Guåhan
Governor of Guam

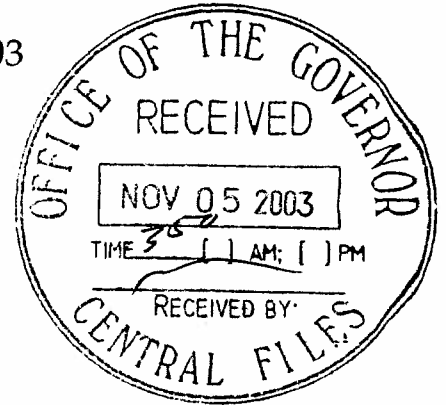
Attachment: a copy of the overridden bill is attached

cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
 TWENTY-SEVENTH GUAM LEGISLATURE
 155 Hessler Place, Hagåtña, Guam 96910

November 5, 2003



The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
 Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Substitute Bill Nos. 48(COR), 53(COR), 56(COR), 83(COR), 91(COR), and the line-item vetoes of Sections 30, 31, 35, 36, 45(b) and 46, all of Chapter IV of Public Law 27-29, which were overridden by *I Mina'Bente Siete Na Liheslaturan Guåhan* on October 31, 2003, notwithstanding your veto.

Sincerely,


 TINA ROSE MUÑA BARNES
 Legislative Secretary

Enclosures (6)

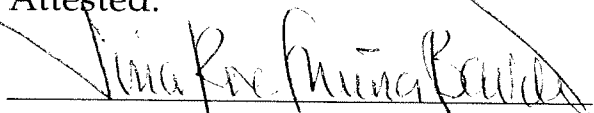
CFI-1103-3663

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 56 (COR) "AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIES A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES BY AMENDING §22425 OF TITLE 5, GUAM CODE ANNOTATED," returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 31st day of October, 2003, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of fifteen (15) Members.

Attested:

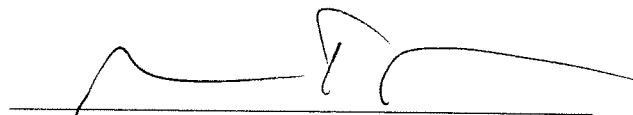


Tina Rose Muña Barnes
Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

.....

This Act was received by *I Maga'lahen Guåhan* this 5th day of November, 2003, 3:50
at o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

Public Law No. 27-33

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 56 (COR)

As substituted by the Author
and amended on the Floor.

Introduced by:

C. Fernandez
Mark Forbes
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña-Barnes
v. c. pangelinan
J. M. Quinata
R. J. Respicio
Toni Sanford
Ray Tenorio

AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIES A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES BY AMENDING §22425 OF TITLE 5, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that following Typhoon *Chata'an* and Super Typhoon *Pongsona*, the island's
4 public schools were severely impacted, affecting classroom instruction.
5 Therefore, it is the intent of *I Liheslaturan Guåhan* to have the unspent balance of

1 the 1993 General Obligation Bond Series A (also known as the Education Bond
2 Fund) pay for the repair, renovation, and upgrade of public school facilities to
3 ensure that the health, safety and welfare of our school children is protected.

4 **Section 2. Appropriation for Repair, Renovation, and Upgrade of**
5 **Public School Facilities.** §22425(m)(7) of Article 4, Chapter 22, Division 2 of
6 Title 5 of the Guam Code Annotated, is hereby *amended* to read:

7 “(7) To the extent of any bond proceeds *not* required for the projects
8 listed in Items (1) through (6) of this Subsection (m), any remaining balance
9 other than the portions designated to be used for the Northern High School,
10 or to pay General Fund expenses, may be applied to the cost of:

- 11 (i) repairing or reconstructing the Inarajan Elementary School;
- 12 (ii) repairing or reconstructing the earthquake-damaged Ordot-
13 Chalan Pago Elementary School;
- 14 (iii) reconstructing the earthquake-damaged gymnasium and
15 classrooms at Inarajan High School;
- 16 (iv) repairing and reconstructing *Upi* Elementary School;
- 17 (v) repairing or reconstructing earthquake damage at any other
18 school;
- 19 (vi) design and construction of additional elementary schools in
20 Guam, subject to Subsection (n) of this Section;
- 21 (vii) needed infrastructure improvements for schools;
- 22 (viii) the completion of design plans for the Northern High School;
- 23 (ix) the design, construction and renovation of facilities, and capital
24 improvement projects on the existing campus of the Guam
25 Community College *not* to exceed One Million One Hundred
26 Thousand Dollars (\$1,100,000);

- 1 (x) The Department of Education’s ten percent (10%) local share,
2 over and above the approved FEMA funding, for the
3 architectural, engineering design, construction and repair of the
4 Jose Rios Middle School (formerly Piti Middle School) from
5 damage resulting from Super Typhoon *Paka* and to add an
6 additional classroom for Special Education needs;
- 7 (xi) Perform feasibility studies, pro forma cost projections and
8 other documents necessary to justify and/or obtain
9 financing/leasing of additional schools or education facilities;
- 10 (xii) Replace two (2) classrooms destroyed by fire at L.P. Untalan
11 Middle School;
- 12 (xiii) Repair, replace, and/or modify air conditioners and air
13 conditioning electrical systems for schools and repair of water
14 infrastructure at the school. The Department of Education shall
15 evaluate the following options on a school-by-school basis: (1)
16 the cost to repair the units and electrical systems, (2) the cost to
17 replace the air conditioning systems with new systems, (3) the
18 cost to install single units in each classroom, office or other
19 enclosed facility, (4) the cost to add expansion units to existing
20 systems, (5) any combination of the four (4) options herein and
21 (6) the recurring cost to operate and maintain each of the four
22 (4) options herein. The Department of Education shall conduct
23 a public hearing at each affected school prior to engaging any
24 firm to supply systems, parts, or perform repairs. Any system
25 purchased herein shall comply with the comfort and air quality
26 standards set forth for Heating, Ventilation and Air

1 Conditioning (HVAC) equipment as provided for by Chapter 5
2 of the *Federal GSA's Facilities Standards For Public*
3 *Buildings Service* (Revised November 2000 – PBS-P100); and
4 (xiv) The Superintendent of the Department of Education (“DOE”),
5 in consultation with the Guam Education Policy Board
6 (“Board”) shall have the authority and flexibility to review, and
7 if necessary, reprogram such funds appropriated herein to
8 DOE, to meet the needs of DOE, for repair, renovation and
9 upgrade of public school facilities.”

10 **Section 3. Reporting.** A quarterly report shall be submitted by the
11 Superintendent of Education to *I Maga'lahaen Guåhan*, the Speaker of *I*
12 *Liheslaturan Guåhan*, and the Chairperson of the Committee on Education,
13 reporting upon the progress made and containing a detailed analysis with
14 respect to the administration of the Education Bond Fund.

Overridden

I MINA' BENTE SIETE NA LIHESLATURAN GUAHAN

2003 (FIRST) Regular Session

Date: October 31, 2003

VOTING SHEET

Vetoed

SBill No. 56 (COR)

Resolution No. _____

Question: Notwithstanding the objection of I Maga'Lahen Guahan, should the Legislature override Vetoed Substitute Bill No. 56(COR)?

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CUNLIFFE, F. Randall	✓				
FERNANDEZ, Dr. Carmen	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
MUÑA-BARNES, Tina Rose	✓				
pangelinan, vicente "ben" C.	✓				
QUINATA, John "JQ" M.	✓				
RESPICIO, Rory J.	✓				
SANFORD, Antoinette "Toni" D.	✓				
TENORIO, Ray	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Office of the Governor of Guam

Adelup, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: gov@guam.gu

Office of the People's Speaker

~~Vicente (Ben) C. Pangelinan~~

JUL 18 2003

TIME: 5:25 () AM () PM
RECEIVED BY:

18 JUL 2003

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

The Honorable Vicente C. Pangelinan
Speaker
Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

I am returning herewith Bill No. 56 (COR) "AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIES A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC FACILITIES BY AMENDING §22425 OF TITLE 5, GUAM CODE ANNOTATED," which I have vetoed.

As honorable as Bill No. 56 is in seeking to advance the repair, renovation and upgrade of Guam's public school facilities, there is no money to commit to these projects. I feel it would be a disservice to the public education community to pledge funds that do not exist and commit the government to projects knowing it would not be realized. For this reason, I cannot sign Bill No. 56 into law.

Pursuant to Public Law 26-155 and 27-01, the unreserved fund balance of the 1993 General Obligation Bond Series A (Education Bond Fund) has been earmarked as local matching funds for Supertyphoon Pongsona projects.

Additionally, many of the projects listed in Bill No. 56 have already been funded from other sources and some of the construction projects are currently in progress. These include:

- (i) the design, construction, renovation and capital improvement projects at the Guam Community College is funded by the Guam Community College Endowment Fund pursuant to Public Law 27-11;
- (ii) funding for certain design, construction and repair of schools are contained in the Bond bill (Public Law 27-19);
- (iii) Public Law 26-128 appropriated all unspent or unreserved funds from the Education Bond Fund for the repair and or replacement of air conditioning units in all public schools.

367
361

Although the intent of Bill No. 56 is admirable, I have no recourse but to veto the measure as the funding source identified in support of the projects do not exist.

Sincerely yours,



FELIX P. CAMACHO
I Maga'lahaen Guåhan
Governor of Guam

Attachment: Original attached for vetoed bill

cc: The Honorable Tina Muna-Barnes
Senator and Legislative Secretary

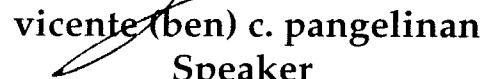
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

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


This is to certify that Substitute Bill No. 56 (COR), "AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIES A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES BY AMENDING §22425 OF TITLE 5, GUAM CODE ANNOTATED," was on the 7th day of July, 2003, duly and regularly passed.

Attested:


Tina Rose Muña-Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 8th day of July, 2003, at 3:17 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

Voting File
10/23/03

Overridden
10/31/03

MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 56 (COR)

As substituted by the Author
and amended on the Floor.

Introduced by:

C. Fernandez
Mark Forbes
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
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T. R. Muña-Barnes
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AN ACT TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT BALANCE OF THE 1993 GENERAL OBLIGATION BOND SERIES A (EDUCATION BOND FUND) FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES BY AMENDING §22425 OF TITLE 5, GUAM CODE ANNOTATED.

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25 Community College *not* to exceed One Million One Hundred
26 Thousand Dollars (\$1,100,000);

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26 standards set forth for Heating, Ventilation and Air

1 Conditioning (HVAC) equipment as provided for by Chapter 5
2 of the *Federal GSA's Facilities Standards For Public*
3 *Buildings Service* (Revised November 2000 – PBS-P100); and
4 (xiv) The Superintendent of the Department of Education (“DOE”),
5 in consultation with the Guam Education Policy Board
6 (“Board”) shall have the authority and flexibility to review, and
7 if necessary, reprogram such funds appropriated herein to
8 DOE, to meet the needs of DOE, for repair, renovation and
9 upgrade of public school facilities.”

10 **Section 3. Reporting.** A quarterly report shall be submitted by the
11 Superintendent of Education to *I Maga'lahañ Guåhan*, the Speaker of *I*
12 *Liheslaturan Guåhan*, and the Chairperson of the Committee on Education,
13 reporting upon the progress made and containing a detailed analysis with
14 respect to the administration of the Education Bond Fund.



FRANK B. AGUON, JR.

Vice Speaker

JUNE 18, 2003

The Honorable ben c. pangelinan
Speaker, *I Mina' Bente Siete Na Liheslaturan Guåhan*
155 Hesler Street
Hagåtña, Guam 96910

Via: Honorable Senator Lou Leon Guerrero, Committee on Rules & Health

Dear Speaker pangelinan:

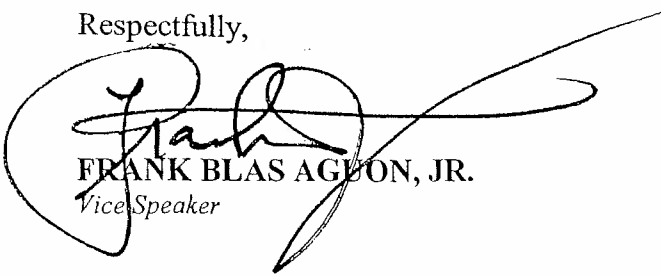
The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill 56(COR) which was referred, wishes to report its findings and recommendations **TO DO PASS BILL 56 (COR) as substituted** - An Act to authorize the reprogramming and reappropriation of the unspent balance of the 1993 General obligation bond Series A (Education Bond Fund) for the repair, renovation and upgrade of public school facilities.

The voting record is as follows:

TO PASS	<u>6</u>
NOT TO PASS	<u>0</u>
TO ABSTAIN DUE TO POTENTIAL CONFLICT	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>
TO REPORT OUT	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention to this matter. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,


FRANK BLAS AGUON, JR.
Vice Speaker

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.

Vice Speaker

JUNE 18, 2003

MEMORANDUM

TO: Members, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

FROM: Vice Speaker Frank B. Aguon, Jr.
Chairman

SUBJECT: Committee Report – Bill 56 (COR) as substituted – An act to authorize the reprogramming and reappropriation of the unspent balance of the 1993 General Obligation Bond Series A (Education Bond Fund) for the repair, renovation and upgrade of public school facilities.

Transmitted herewith for your information and action is the report on Bill 56 (COR) as substituted from the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

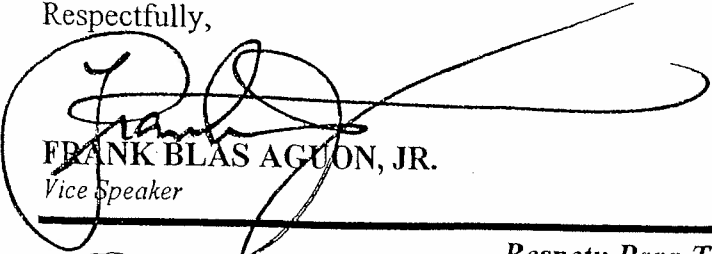
This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill 56 (COR) as substituted
4. Public Hearing Sign-in Sheet
5. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,


FRANK BLAS AGUON, JR.
Vice Speaker

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guahan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagátña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



FRANK B. AGUON, JR.

Vice Speaker

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

VOTING SHEET

Bill No. 56 (COR) as substituted -An act to authorize the reprogramming and reappropriation of the unspent balance of the 1993 General obligation Bond Series A (Education Bond Fund) for the repair, renovation and upgrade of public school facilities.

Committee Members	To Pass	Not to Pass	To Report Out	To Abstain due to potential Conflict	To place in inactive File
 FRANK B. AGUON, JR. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 ANTOINETTE D. SANFORD Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 LOU LEON GUERRERO Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 TINA R. MUNA-BARNES Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 JOHN M. QUINATA Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 RORY J. RESPICIO Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 CARMEN FERNANDEZ Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARK FORBES Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAWRENCE F. KASPERBAUER Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Respetu Para Todu (Respect for All)





FRANK B. AGUON, JR.

Vice Speaker

I MINA' BENTE SIETE NA LIHESLATURAN GUÁHAN

Committee on Appropriations and Budgeting,
General Governmental Operations,
Reorganization and Reform

VICE SPEAKER FRANK B. AGUON, JR.
CHAIRMAN

Committee Report
On
Bill No. 56 (COR) as substituted

"An act to authorize the reprogramming and reappropriation of the unspent balance of the 1993 General Obligation Bond Series A (Education Bond Fund) for the repair, renovation and upgrade of public school facilities."



Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guáhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



I. OVERVIEW

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform held a public hearing on Bill 56 (COR) as substituted, at 1:30 p.m. Monday, June 9, 2003 in the Public Hearing Room, *I Liheslaturan Guåhan*. A public hearing notice was provided to the media on, June 3, 8, 9, and 2003.

Senators present at the public hearing were:

Vice-Speaker Frank Blas Aguon, Jr., Chairman

Speaker ben pangelinan

Senator Randall Cunliffe

Senator Ray Tenorio

Senator John Quinata, Member

Senator Antoinette Sanford, Vice Chair

Senator Joanne Brown

Senator Robert Klitzkie

II. SUMMARY OF TESTIMONY

Individuals appearing before the Committee to present oral or written testimony are as follows:

a. Dr Nerissa-Bretania, Acting DOE Superintendent, in her written testimony, supports the bill's intent which authorizes the reprogramming and reappropriation of the unspent or reimbursed education bond appropriated by Public Law 26-117 for the repair, renovation, and upgrade of public school facilities. Dr Nerissa-Bretania expressed her concern that the funds indeed are used for what they are intended for and that the funds are earmarked for the repair and renovation needs of the schools.

b. Francis Toves from the Education Policy Board testified in support of the bill.

III. FINDINGS AND RECOMMENDATION

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform finds that Bill No. 56 (COR) is a desirable measure that earmarks funds from the reprogramming and reappropriation of the unspent or reimbursed education bond fund appropriated by P.L. 26-117 for the repair, renovation, and upgrade of public school facilities.

Accordingly, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill 56(COR) was referred to does hereby submit its findings and recommendations to *I Mina Bente Siete Na Liheslaturan Guåhan* TO DO PASS Bill 56 (COR), as substituted by the author, An act to authorize the reprogramming and reappropriation of the unspent balance of the 1993 General obligation bond series A (Education Bond Fund) for the repair, renovation and upgrade of public school facilities.

Bill 56

Regarding Bill 56, we are in support of the bill's intent, which authorizes the reprogramming and reappropriation of the unspent or reimbursed education bond appropriated by Public Law 26-117 for the repair, renovation and upgrade of public school facilities,

To be clear, we support the bill provided it would be inclusive of the repair of air conditioning units at our schools and can also be used as a matching fund for FEMA.

We do know there are several proposals concerning use of the unspent/reimbursed education bond funds. We have seen a bill that would allow the Governor to use it as matching funds for reimbursement.

There is money set aside that is specific to air conditioning repairs. We agree with the general intent of the bill, we are just concerned that it is used appropriately and adequately addresses repair and renovation needs of our schools.

THANK YOU



Nerissa Bretana-Shafer, Ph.D.
Interim Superintendent, DOE

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 56**

Bill Title (Preamble): AN ACT TO REPEAL PUBLIC LAW 26-128 AND TO AUTHORIZE THE REPROGRAMMING AND REAPPROPRIATION OF THE UNSPENT OR REIMBURSED EDUCATION BOND FUND APPROPRIATED BY P.L. NO. 26-117 FOR THE REPAIR, RENOVATION AND UPGRADE OF PUBLIC SCHOOL FACILITIES.

Department/Agency Appropriation Information

Dept./Agency Affected: DEPARTMENT OF EDUCATION		Dept./Agency Head: NERISSA BRETANIA-SHAFFER, PhD	
Department's General Fund (GF) appropriation(s) to date:		\$141,637,208	
Department's Other Fund (specify): <u>Education Facilities Fund</u> appropriation(s) to date:		\$1,929,146	
Total Department/Agency Appropriation(s) to date:		\$143,566,354	

Fund Source Information of Proposed Appropriation

	General Fund:	Other (specify):	Total:
FY Adopted Revenues	\$392,221,102	\$44,544,071	\$436,765,173
FY Appro. to P.L. 27-05	(\$466,188,319)	(\$43,692,103)	(\$509,880,422)
Sub-total:	(\$73,967,217)	\$851,968	(\$73,115,249)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$73,967,217)	\$851,968	(\$73,115,249)

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Other Fund:	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment // Yes /X/ No
2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ N/A (See footnotes below) // Yes /X/ No
3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? // Yes /X/ No
Is there a federal mandate to establish the program/agency? // Yes // No
4. Will the enactment of this Bill require new physical facilities? // Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
// Requested agency comments not received by due date /X/ Yes // No
// Other: _____

Analyst: [Signature] **Date:** 6/16/03 **Director:** [Signature] **Date:** JUN 12 2003
Carlos Bordallo, Acting

Footnotes:
 The unreserved fund balance in the Education Facilities Fund has been earmarked for local match related to Super typhoon Pongsona projects pursuant to Public Law 26-155 & 27-01. However, repealing Public Law 26-128 which appropriates \$1,800,000 for air conditioning repairs will make the \$1,800,000 available for projects stated in this bill. A copy of DOE's interim superintendent's testimony to Bill 56 is attached.

Fed
6/24/03
Disposal
6/26/03

3rd
6/26/03

1MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 56

Introduced By:

As substituted by author

C. Fernandez
Mark Forbes



AN ACT TO AUTHORIZE THE REPROGRAMMING
AND REAPPROPRIATION OF THE UNSPENT BALANCE
OF THE 1993 GENERAL OBLIGATION BOND SERIES A
(EDUCATION BOND FUND) FOR THE REPAIR,
RENOVATION AND UPGRADE OF PUBLIC SCHOOL
FACILITIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. I Liheslaturan Guahan
3 finds that following Typhoon Chata'an and Super Typhoon Pongsona the
4 island's public schools were severely impacted, affecting classroom
5 instruction. Therefore, it is the intent of I Liheslaturan Guahan to have the
6 unspent balance of the 1993 General Obligation Bond Series A (also known
7 as the Education Bond Fund) pay for the repair, renovation, and upgrade
8 of public school facilities to ensure that the health, safety and welfare of
our school children is protected.

10 Section 2. Appropriation for Repair, Renovation, and Upgrade of
11 Public School Facilities. [Notwithstanding any other provisions of law, all
12 unspent or unreserved funds from the 1993 General Obligation Bond Series

Handwritten notes:
10
11
12
PA 5
PA 6

1 A (Education Bond Fund), shall be transferred by I Maga'lahaen Guåhan to
2 the Department of Education to be reprogrammed for the repair,
3 renovation, and upgrade of public school facilities.

FA 6

~~The funds transferred pursuant to this Act shall not be used for any
purpose other than that purpose provided for in this Act. The Guam
Education Policy Board ("Board"), in consultation with the Superintendent
of the Department of Education, shall have the authority to review and
approve the use of such funds.~~

Roy T. FA 3
REK FA 2
S. FA 1
C. FA 1

Section 3. Reporting. A quarterly report shall be submitted by the

Dept. of Education
Board

10 to I Maga'lahaen Guahan, Speaker of I Liheslaturan Guahan, and the
11 Chairperson of the Committee on Education, reporting upon the progress
12 made and containing a detailed analysis with respect to the administration
13 of the Fund.

Roy T. FA 4

Delito **Section 4. Severability.** If any of the provisions of this Code, or the

15 application thereof to any person or circumstance, is held invalid, such
16 invalidity shall not affect any other provision or application of this Code
17 which can be given effect without the invalid provision or application, and
18 to this end the provisions of this Code are severable.

RK...
D.A.
C

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

~~John H. ...~~

FLOOR AMENDMENTS/CHANGES

S Bill No. 56

RK

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Delete 3 4

(Below only for Clerk of Legislature's use and processing)

Date 6/26, 2003

Floor Amendment No. 1 of a total of changes on above Bill.

Votes For Amendment: Votes Against Amendment:

AMENDMENT PASSED:

Amendment Failed:

Amendment Withdrawn:

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]
Clerk of Legislature

Speaker

 Ass't. Amend. Clerk
 Engrossment Staff

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 56

WILLIAMS
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

P2 Line 5 The Superintendent
of Education shall have the
approve the use of such funds
delete "The Guam Education Policy Bd... funds"

(Below only for Clerk of Legislature's use and processing))

Date 6/26, 2003

Floor Amendment No. 2 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed:

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 56



Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Page 2, Line 10 under Section 3: Change
"Board" to "Superintendent of the Department
of Education"

(Below only for Clerk of Legislature's use and processing))

Date 6/26, 2003

Floor Amendment No. 4 of a total of _____ changes on above Bill.

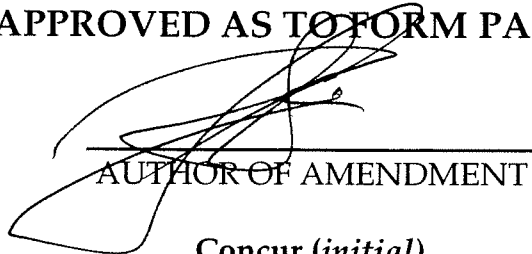
Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED


AUTHOR OF AMENDMENT
Concur (initial)


Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

~~Elevator Upgrade in the Administration Building; and Repair of Building F;~~

(x) The Department of Education's ten percent (10%) local share, over and above the approved FEMA funding, for the architectural, engineering design, construction and repair of the Jose Rios Middle School (formerly Piti Middle School) from damage resulting from Super Typhoon Paka and to add an additional classroom for Special Education needs; or

(xi) Perform feasibility studies, pro forma cost projections and other documents necessary to justify and or obtaining financing/leasing of additional schools or education facilities.

(xii) Replace two classrooms destroyed by fire at L.P. Untalan Middle School,

(xiii) Repair, replace, and or modify air conditioners and air-conditioning electrical systems for Schools and repair of water infrastructure at the school. The Department of Education shall evaluate the following options on a school-by school basis: (1) the cost to repair the units and electrical systems, (2) the cost to replace the air conditioning systems with new systems, (3) the cost install single units in each classroom, office or other enclosed facility, (4) the cost to add expansion units to existing systems (5) any combination of the four options herein and (6) the recurring cost to operate and maintain each of the four options herein. The Department of Education shall conduct a public hearing at each affect school prior to engaging any firm to supply systems, parts or perform repairs. Any system purchased herein shall comply with the comfort and air quality standards set forth for Heating, Ventilation and Air Conditioning (HVAC) equipment as provided for by Chapter 5 of the *Federal GSA's Facilities Standards For Public Buildings Service* (Revised November 2000 – PBS-P100);

fk noted this is included not ~~(xi) (xiv) other projects approved authorized by subsequent legislation Board Policy."~~

Date 6/26, 2003

Floor Amendment No. 6 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: _____

Amendment Failed: _____

Amendment Withdrawn: _____

ms

LJK

6
4 6/2k

MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

FLOOR AMENDMENTS
Amended Bill No. 56 (COR)

P. 2 line 5
before "The Sept."

Senator Proposing Amendment: L.F. Kasperbauer

Replace "~~Section 2.~~" With the following:—

~~"Section 9.~~ Section 22425(m)(7) of Article 4, Chapter 22, Division 2, of Part 1 of Title 5 of the Guam Code Annotated, is hereby *amended* to read:

"(7) To the extent of any bond proceeds *not* required for the projects listed in Items (1) through (6) of this Subsection (m), any remaining balance other than the portions designated to be used for the Northern High School, or to pay General Fund expenses, may be applied to the cost of:

- (i) repairing or reconstructing the Inarajan Elementary School;
- (ii) repairing or reconstructing the earthquake-damaged Ordot-Chalan Pago Elementary School;
- (iii) reconstructing the earthquake-damaged gymnasium and classrooms at Inarajan High School;
- (iv) repairing and reconstructing Upi Elementary School;
- (v) repairing or reconstructing earthquake damage at any other school;
- (vi) design and construction of additional elementary schools in ~~Northern~~ Guam, subject to Subsection (n) of this Section;
- (vii) needed infrastructure improvements for schools;
- (viii) the completion of design plans for the Northern High School;
- (ix) the design, construction and renovation of facilities, and capital improvement projects on the existing campus of the Guam Community College *not* to exceed ~~Two Million Eight Hundred Fifty Thousand Dollars (\$2,850,000)~~ One Million One Hundred Thousand Dollars (\$1,100,000) ~~within the following categories: Water Storage System; Water Distribution; Storm drain Upgrades for Buildings A, B and C; Renovation of Buildings A, B and C; Upgrade of Science Labs in Building A; Renovation of the Administration Building;~~

I MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 56

Fernandez

Senator Proposing Amendment

Section 2. Page 2 after XIII on FA 6
(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

(xiv) The Superintendent of the Department of Education ("DOE")
in consultation with the Guaman Education Policy
Board ("Board") shall have the authority and
flexibility to review, and if necessary, reprogram
such funds ~~to~~ appropriated ~~herein~~ herein to
DOE, to meet the ~~capital~~ needs of DOE, for
repair, renovation and upgrade of public school facilities.

(Below only for Clerk of Legislature's use and processing))

Date 6/26, 2003

Floor Amendment No. 7 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

Ass't. Amend. Clerk
Engrossment Staff



**Committee on Appropriations and Budgeting, General Governmental Operations,
Reorganization and Reform**

Vice Speaker Frank B. Aguon, Jr., Chairman

Public Hearing: Monday • June 9, 2003 • 1:30 p.m.

I Liheslaturan Guahån, Hagåtña

Witness sign in sheet

Bill No. 56 (COR) -An act to repeal Public Law 26-128 and to authorize the reprogramming and reappropriation of the unspent or reimbursed education bond fund appropriated by P.L. 26-117 for the repair, renovation and upgrade of public school facilities.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Dr. Nurissa Bretania-Shufex	DOE	✓		✓		475-0462
Francis P. Torres	SEPB	L				-82-8282

LOCAL NEWS

Licenses, tags needed for special deer hunt

The Department of Agriculture announces a special either-sex deer hunt will be held through July 7 on government of Guam property, and private property with the owner's permission. Andersen Air Force Base and Navy property are not included in the hunt. Proper licenses and tags are required. For more information, call Lamont Henderson at 735-3985.

Agat branch library to change hours

The Agat branch library will change operating hours to 8 a.m. to 3 p.m. Tuesdays, 8 a.m. to 4 p.m. Wednesdays and Thursdays, noon to 6 p.m. Fridays and 9 a.m. to 1 p.m. Saturdays; closed Sundays, Mondays and holidays. This is because of a broken air-conditioning system.

Pacific Daily News

GOVERNMENT MEETINGS

Editor's note: Government meeting submissions will be tightly edited. Meetings will run on a space-available basis. Deadline is noon Friday for publication Saturday, Sunday and Monday, and noon Monday through Thursday for next day publication. In the event of a local holiday, deadline will be noon the previous weekday.

COMMITTEE ON APPROPRIATIONS AND BUDGETING:

Public hearing, 1:30 p.m. June 9, Legislature's public hearing room, Hagåtña. Bill 3, on continuous and direct appropriation to public schools that outsource cafeteria services of business privilege taxes; Bill 51, to amend personnel rules and regulations and operations procedures manual of GovGuam concerning leave; Bill 56, authorizing reprogramming and reappropriation of unspent/reimbursed education bond fund for repair, renovation and upgrade of public school facilities; Bill 83, authorizing Gov. Felix Camacho to transfer funds appropriated from any budget category; Bill 85, naming the Economic Tourism Stimulus Act of 2003; Bill 89, appropriating \$2 million from the fiscal 2003 General Fund to the Department of Rev and Tax for increased outstanding tax receivable collection efforts and aggressive tax refund processing; Bill 90, providing funds for local matching requirements of federal funding awarded or Typhoon Pongsona recovery efforts. 479-4486/4828.

ON THE NET



▲ For the complete searchable database of upcoming government meetings, visit www.guampdn.com

aggressive tax refund processing; Bill 90, providing funds for local matching requirements of federal funding awarded for SuperTyphoon Pongsona recovery efforts. 479-4486/4828.

GUAM PUBLIC LIBRARY SYSTEM BOARD:

Monthly meeting, 5:30 p.m. June 9, Hagåtña Library conference room. For special accommodations, call 475-4753/4/5. **NOTARY EXAM:** 8:30 a.m. June 9, attorney general's office grand jury room, second floor, Superior Court Building, Suite 2-200E, West O'Brien Drive, Hagåtña. All completed applications submitted by the end of the month will be processed and scheduled for the following month. Call Janet Rosario, 475-3324.

GOVERNMENT MEETINGS

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processing the checks for the personnel," she said. "Also, the federal money and the government's cost share was not readily available."

Bretania-Shafer said Federal Emergency Management Agency funds paid for the overtime checks,

employees weekly work hours were shortened as part of a government-wide cost-cutting measure.

"Those couple of months really hurt my budget and my family," said the 45-year-old. "It took a while but I'm so glad the checks are here."



I Mina' Bente Siete Na Liheslaturan Guahan

The Committee on Appropriations
 and Budgeting,
 General Governmental Operations,
 Reorganization and Reform

VICE SPEAKER FRANK B. AGUON, JR.,
 Chairman

Public hearing on **Monday, June 9, 2003 at 1:30 p.m.**
 Legislative Public Hearing Room:

Bill 3: An act relative to a continuous and direct appropriation to public schools that outsource their cafeteria services of business privilege taxes paid by companies performing such services.

Bill 51: An act to amend rule 11.309 of the personnel rules and regulations and operations procedures manual of the Government of Guam relative to the leave pending investigation; and cite this act as the Administrative Leave Revision Act of 2003.

Bill 56: An act to repeal Public Law 26-128 and to authorize the reprogramming and reappropriation of the unspent or reimbursed education bond fund appropriated by P.L. 26-117 for the repair, renovation and upgrade of public school facilities.

Bill 83: An Act to repeal sections of the Guam Code Annotated and to authorize *I Maga'lahaen Guahan* to transfer funds for the purpose of payment of any expenses or costs as a result of outsourcing services of Government Departments and Agencies.

Bill 85: The "Economic Tourism Stimulus Act of 2003" relative to authorizing the Guam Visitors Bureau to arrange a line of credit and relative to authorizing the Guam Visitors Bureau to collateralize their physical plant assets and for other purposes.

Bill 89: An act relative to appropriating two million dollars from the Fiscal Year 2003 General Fund to the Department of Revenue and Taxation for increased outstanding tax receivables collection efforts and aggressive tax refund processing.

Bill 90: An act to provide necessary funds for the local matching requirements of Federal funding awarded for Typhoon Pongsona recovery efforts.

Also, Confirmation Hearing for:

Luis R. Baza, member, Civil Service Commission

Testimonies may be submitted by fax at 479-4827 in advance of the hearing.

For ADA assistance, contact ADA Coordinator Fred Burgos at 479-4486.

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MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (First) REGULAR SESSION

Bill No. 56 (CSR)
Introduced By:

C. Fernandez
MARK FORBES

AN ACT TO REPEAL PUBLIC LAW 26-128 AND TO
AUTHORIZE THE REPROGRAMMING AND
REAPPROPRIATION OF THE UNSPENT OR
REIMBURSED EDUCATION BOND FUND
APPROPRIATED BY P.L. NO. 26-117 FOR THE REPAIR,
RENOVATION AND UPGRADE OF PUBLIC SCHOOL
FACILITIES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
3 that following Typhoon Chata'an and Super Typhoon Pongsona the
4 island's public schools were severely impacted, affecting classroom
5 instruction. *I Liheslaturan Guahan* further finds there may be up to Four
6 Million Three Hundred Thousand Dollars (\$4,300,000.00) in unspent
7 Education Bond Funds which could be utilized immediately by the
8 Department of Education.

9 It is the intent of *I Liheslaturan Guahan* to have these funds pay for the
10 repair, renovation, and upgrade of public school facilities to ensure that the
11 health, safety and welfare of our school children is protected.

1 **Section 2. Repeal of Public Law 26-128.** Public Law 26-128, is hereby
2 repealed.

3 **Section 3. Appropriation for Repair, Renovation, and Upgrade of Public**
4 **School Facilities.** Notwithstanding any other provisions of law, all
5 unspent or unreserved funds from the Education Bond Fund, and all funds
6 reimbursed by the Federal Emergency Management Agency ("FEMA") to
7 the government of Guam that were spent from the Education Bond Fund
8 pursuant to Public Law Number 26-117, shall be transferred by *I*
9 *Maga'lalen Guåhan* to the Department of Education to be reprogrammed
10 for the repair, renovation, and upgrade of public school facilities.

11 The funds transferred pursuant to this Act shall not be used for any
12 purpose other than that purpose provided for in this Act. The Guam
13 Education Policy Board ("Board"), in consultation with the Superintendent
14 of the Department of Education, shall have the authority to review and
15 approve the use of such funds.

16 **Section 4. Reporting.** A quarterly report shall be submitted by the Board
17 to *I Maga'lalen Guahan* and the Speaker of *I Liheslaturan Guahan*, reporting
18 upon the progress made and containing a detailed analysis with respect to
19 the administration of the Fund.

20 **Section 5. Severability.** If any of the provisions of this Code, or the
21 application thereof to any person or circumstance, is held invalid, such
22 invalidity shall not affect any other provision or application of this Code

- 1 which can be given effect without the invalid provision or application, and
- 2 to this end the provisions of this Code are severable.