

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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Bill No. 257-31 (COR)

As substituted by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement, and Land,
and further substituted on the Floor.

Introduced by:

Dennis G. Rodriguez, Jr.

**AN ACT TO APPROPRIATE FUNDS FOR THE
OPERATIONS OF THE GUAM DEPARTMENT OF
EDUCATION FOR FISCAL YEAR ENDING
SEPTEMBER 30, 2012, AND TO PROVIDE FOR THE
EFFICIENT OPENING OF ALL SCHOOLS,
INCLUDING F.Q. SANCHEZ ELEMENTARY SCHOOL,
BY PROVIDING FINANCING FOR WORKING
CAPITAL EXPENDITURES FOR THE 2011-2012
SCHOOL YEAR; AND FOR OTHER PURPOSES.**

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

2 **Section 1. Short Title.** This Act *shall* be known as the “Guam
3 Department of Education Appropriations Act for Fiscal Year 2012 (School Year
4 2011-2012).” *Except* as otherwise provided by this Act, the appropriations made by
5 this Act *shall* be available to pay for obligations incurred on or after October 1,
6 2011, but *no later than* September 30, 2012. If any appropriation in this Act is
7 found contrary to federal law, all other portions of this Act *shall* remain valid.

8 **Section 2 Legislative Findings and Intent.** The Fiscal Year 2012
9 budget for the GDOE in this Act represents a status quo budget with the exception
10 of organic payroll growth and an increase in appropriations for utilities. Therefore,

1 it is the finding of *I Liheslaturan Guåhan* that the GDOE has adequate funding in
2 Fiscal Year 2012 to provide a safe and conducive learning environment at all
3 public schools, including F.Q. Sanchez Elementary School.

4 Since the FY 2011 authorized operational level includes the fully funding of
5 F.Q. Sanchez Elementary School, *I Liheslaturan Guåhan* finds that presenting the
6 FY 2012 GDOE budget, with appropriation levels consistent with that of FY 2011
7 authorized levels inclusive of the estimated organic growth in personnel and utility
8 costs, is the most fiscally responsible approach to adopt.

9 *I Liheslaturan Guåhan* finds that the Fiscal Year 2012 revenue projections
10 submitted by *I Maga'lahaen Guåhan* in the Biennial Budget for Fiscal Years 2012-
11 2013 are sufficient to provide the necessary funding to the GDOE as outlined in
12 this Act. For Fiscal Year 2012, the General Fund and Special Fund revenue
13 projections are Six Hundred Eighty-One Million Seven Hundred Seven Thousand
14 Three Hundred Ninety-Six Dollars (\$681,707,396). The GDOE required
15 appropriations for Fiscal Year 2012 represent thirty-one and six tenths percent
16 (31.6%) of projected revenues. In Fiscal Year 2011, GDOE appropriations
17 represent thirty percent (30%) of projected revenues.

18 The increase in support to the GDOE represents *I Liheslaturan Guåhan's*
19 priority toward education.

20 *I Liheslaturan Guåhan* finds that there is a need to address the educational
21 needs of the students of Guam system-wide, and at the same time provide an
22 opportunity for the communities to reflect their commitment to their schools.

23 *I Liheslaturan Guåhan* finds that there is strong community support by
24 southern residents of *Umatac*, who have repeatedly stated their strong support for
25 the continuing operation of the historically significant F.Q. Sanchez Elementary
26 School in *Umatac*.

1 It is, further, the intent of *I Liheslaturan Guåhan* to ensure that the Guam
2 Department of Education (GDOE) continues to have the requisite resources
3 necessary for the proper education of the students, consistent with the intent and
4 mandates of this Act.

5 *I Liheslaturan Guåhan* also takes due note that the basis for the closure of
6 F.Q. Sanchez Elementary School was premised upon the 2009 Evergreen Report
7 recommendations, which stated that the closure would save the GDOE the sum of
8 One Hundred Fifty-Seven Thousand Dollars (\$157,000). After legislative review
9 by the sponsor of Bill 257-31 of the GDOE FY 2012 budget submission, it appears
10 that at most the only possible savings the Department will realize with the closure
11 of F.Q. Sanchez Elementary School is approximately One Hundred Thousand
12 Dollars (\$100,000). This calculation, however, does *not* take into consideration the
13 additional financial expenses the Department will incur to preserve and maintain
14 an abandoned school facility. This calculation also does *not* take into
15 consideration the additional expenses in busing requirements to transport students
16 from *Umatac* to *Merizo* Elementary School or Marcial Sablan Elementary School,
17 as well as the additional costs to parents for the purchase of new school uniforms.

18 *I Liheslaturan Guåhan* finds that F.Q. Sanchez Elementary School is fully
19 funded through September 30, 2011 in accordance with Public Law 30-196, as
20 amended by Public Laws 30-224 and 31-74. As such, *I Liheslaturan Guåhan* finds
21 that addressing an individual school's budget through FY 2012 would *not* be
22 fiscally prudent and responsible without addressing the school system budget in its
23 entirety.

24 **Section 3. Appropriation.** Pursuant to §§52101 and 52102 of Chapter 52,
25 Division 2 of Title 11, Guam Code Annotated, the amounts specified in the
26 Summary of Base Operational Appropriation in this Section are appropriated out of
27 the General Fund, Special Funds, and Federal Matching Grants-in-Aid as specified

1 in the Summary of Base Operational Appropriation Funding Source to the GDOE
 2 Operations Fund for Fiscal Year 2012. This appropriation *shall* be expended in
 3 accordance with the cash disbursement schedules required by §52101(b), and in
 4 accordance with the program, department or divisional object class allocations
 5 outlined below:

6 SUMMARY OF BASE OPERATIONAL APPROPRIATION

7	APPROP. CLASS	OBJ. CLASS	GEN FUND	SPCL FUND	TOTAL
8	REG SALARIES	111	\$121,330,804	\$2,280,862	\$123,611,666
9	OT/SP	112	\$0	\$0	\$0
10	BENEFITS	113	\$37,703,856	\$660,195	\$38,364,051
11	TRAVEL/MILE	220	\$0	\$0	\$0
12	CONT. SERV.	230	\$7,332,437	\$11,073,956	\$18,406,393
13	OFF. RENTAL	233	\$0	\$0	\$0
14	SUP. & MAT.	240	\$1,454,000	\$1,095,091	\$2,549,091
15	EQUIPMENT	250	\$0	\$652,440	\$652,440
16	WORK. COMP.	270	\$100,000	\$0	\$100,000
17	DRUG TEST	271	\$0	\$0	\$0
18	SUBGRANT	280	\$0	\$0	\$0
19	MISC	290	\$1,250,395	\$0	\$1,250,395
20	POWER	361	\$0	\$13,641,896	\$13,641,896
21	WATER/SEWER	362	\$0	\$1,804,089	\$1,804,089
22	PHONE/TOLL	363	\$361,561	\$0	\$361,561
23	CAP. OUTLAY	450	\$0	\$227,324	\$227,324
24	GRAND TOTAL		\$169,533,053	\$31,435,853	\$200,968,906
25	School Lunch Program-Federal Sources \$10,069,218 (230-\$10,069,218)				

1 School Lunch Program Cash Collection \$1,095,091 (240-\$1,095,091)
 2 Public Library Resources Fund \$652,440 (240-\$652,440)
 3 Territorial Educational Facilities Fund \$19,619,104 (111-\$2,280,862; 113-
 4 \$660,195; 230-\$1,004,738; 361-\$13,641,896; 362-\$1,804,089; 450-
 5 \$227,324)

6 SUMMARY OF BASE OPERATIONAL APPROPRIATION FUNDING
 7 SOURCE

8 GENERAL FUND	\$169,533,053
9 FEDERAL MATCHING GRANTS-IN-AID	\$0
10 SPECIAL FUNDS	<u>\$31,435,853</u>
11 TOTAL	\$200,968,906

12 **Section 4. Increments and Promotions.** The amount below in this
 13 Section is appropriated from the General Fund to Object Category 111 to the
 14 GDOE and *shall* be used to fund all increments and reclassifications in Fiscal Year
 15 2012 for eligible classified employees funded within this Section for satisfactory
 16 performance pursuant to §6202, Chapter 6 of Title 4, Guam Code Annotated.

17 INCREMENTS AND PROMOTIONS	111 Total	\$1,094,173
18 RECLASSIFICATIONS	111 Total	\$987,540

19 **Section 5.** The sum of Three Hundred Eighty One Thousand One Hundred
 20 Twenty Dollars (**\$381,120**) is appropriated from the General Fund to the *Chamoru*
 21 Studies Division administered by the GDOE to be expended for personnel salaries
 22 and benefits, contractual services, supplies and materials, and equipment for the
 23 support and the implementation of the Content Standards and Performance
 24 Indicators of the course syllabi for the emphasis of fluency and for the promotion
 25 of the proficiency skills in the areas of listening, speaking, reading, and writing in
 26 the *Chamoru* language.

1 **Section 6. GDOE Miscellaneous Funding.** The following amounts reflect
2 non-base operational funding appropriated to the GDOE:

3 (a) Interscholastic Sports Fund. (1) The sum of Six Hundred
4 Twelve Thousand Dollars (**\$612,000**) is appropriated from the Healthy
5 Futures Fund to the Interscholastic Sports Fund administered by the GDOE
6 to be expended pursuant to §7108, Title 17, Guam Code Annotated.
7 Appropriations made herein *shall* be available to fund the outrigger canoe,
8 rugby, and other sports programs, to include the payment of head coaches,
9 assistant coaches, league fees, and other expenses normally associated with
10 interscholastic sports programs. (2) The sum of Ninety Two Thousand
11 Dollars (**\$92,000**) *shall* be allocated from the appropriation in Section
12 6(a)(1) specifically for busing services for interscholastic sports programs.

13 (b) Health and Physical Education Activities. The sum of Two
14 Hundred Seventy Nine Thousand Seven Hundred Fifty Four Dollars
15 (**\$279,754**) is appropriated from the Healthy Futures Fund to the GDOE for
16 Health and Physical Education programs, intramural sports, and similar
17 activities.

18 **Section 7. JROTC Funds.** The GDOE is hereby authorized to expend
19 funds from the JROTC Fund for the sole purpose of expenditures related to the
20 operations for the JROTC program.

21 **Section 8. Support to Eliminate “High-Risk” Status.** The sum of Two
22 Hundred Fifty Thousand Dollars (**\$250,000**) is appropriated from the Indirect Cost
23 Fund (ICF) to the GDOE for the sole purpose of removing the GDOE from “high
24 risk” grant status. The funds *shall* be expended in accordance to a statement of *pro*
25 *forma* expenditures submitted, in writing, by the Deputy Superintendent of
26 Administration and Finance of GDOE to the Speaker of *I Liheslaturan Guåhan*.

1 The statement of *pro forma* expenditures shall only include expenditures related to
2 this Section.

3 **Section 9. Summer School.** From the Summer School Fund established
4 pursuant to §6119 of Article 1 of Chapter 6 of Division 2 of Title 17, Guam Code
5 Annotated, such sums as are necessary to fund the operations of the 2012 Summer
6 School Program are appropriated to the GDOE. The Superintendent of GDOE
7 shall submit a detailed report to *I Maga'lahen Guåhan* and the Speaker of *I*
8 *Liheslaturan Guåhan* regarding the receipt and expenditure of said funds *no later*
9 *than* thirty (30) days after the close of summer school and post the same on the
10 GDOE website. Such report shall include the following:

- 11 (a) Total revenues received, including identification of each revenue
12 source;
- 13 (b) Total expenditures and encumbrance by object classification and by
14 school; and
- 15 (c) The fund balance.

16 **Section 10. Textbooks and Collateral Materials.** The following are
17 appropriations to the GDOE for the purchase of textbooks, e-book readers, and
18 collateral materials, to include software, sheet music, and music books in
19 accordance with the following terms and conditions:

- 20 (a) Notwithstanding any other provision of law, the sum of Two
21 Million Dollars (**\$2,000,000**) is appropriated from the General Fund from
22 Fiscal Year 2013 revenues to the GDOE for the purchase of textbooks, e-
23 book readers and related classroom instructional materials to include
24 software, sheet music, and music books. The Superintendent of GDOE may,
25 if necessary, through agreements with textbook vendors, defer payment for
26 said materials until after October 1, 2012, but *no later than* December 31,
27 2012, with the full faith and credit of the government of Guam.

1 (b) The Superintendent of GDOE *shall* order materials funded by
2 this Section for Fiscal Year 2013 *no later than* March 1, 2012. The Bureau
3 of Budget and Management Research *shall* release such allotments as are
4 necessary to ensure that said materials are ordered by March 1, 2012. The
5 Superintendent of GDOE *shall* receive said materials and distribute them to
6 schools *no later than* thirty (30) days before the start of the school calendar
7 established pursuant to Title 17, Guam Code Annotated, §4111. All funds
8 appropriated for said materials *shall not* be used for any other purpose.

9 (c) On the first (1st) day of each fiscal quarter of FY 2012, the
10 Superintendent of GDOE *shall* provide to *I Maga'lahaen Guåhan* and the
11 Speaker of *I Liheslaturan Guåhan*, and post on the GDOE website, a
12 detailed report regarding all receipts and expenditures for textbooks, e-book
13 readers and collateral classroom instructional materials to include software,
14 sheet music, and music books. Said report *shall* be accompanied by the
15 certified list of textbooks approved by the GEB and a list or copies of all
16 purchase orders issued. The report *shall* summarize:

17 (1) purchases by allotment account number, unit cost, and
18 the total cost of books charged against an appropriation account, the
19 vendor, quantity, title, copyright date, and ISBN of books ordered, the
20 allocation of such books by school and grade, whether books are for
21 teachers or students, and whether books are textbooks, e-books or
22 workbooks; and

23 (2) other information that may be useful or that is requested
24 by *I Liheslaturan Guåhan* regarding the funds appropriated and
25 authorized herein.

26 Non-compliance with these reporting requirements by the Superintendent of
27 GDOE *shall* result in the sanctions and penalties imposed by this Act.

1 **Section 11. Website Posting.** The Superintendent of GDOE *shall* post and
2 maintain on the GDOE website:

3 (a) All payments for prior year obligations to be paid by current
4 appropriations when authorized, including the funding source to be used.

5 (b) Salary adjustments by position, effective date of adjustment and
6 the funding source for each, by month.

7 (c) Mandated Cash Disbursement Schedules.

8 (d) Number of filled FTEs, costs and funding sources by school
9 and division by month.

10 **Section 12. Reports.** The Superintendent of GDOE *shall* electronically
11 report the following to *I Maga'lahen Guåhan* and the Speaker of *I Liheslaturan*
12 *Guåhan*:

13 (a) Within fifteen (15) days after the start of Fiscal Year 2012, the
14 Superintendent of GDOE *shall* provide a copy of the GG-1 or contract of
15 employees hired for School Year 2011-2012.

16 (b) Thirty (30) days after the start of Fiscal Year 2012 and monthly
17 thereafter, the Superintendent of GDOE *shall* provide a copy of the GG-1 or
18 contract of each employee hired to fill any vacancy or new position.

19 **Section 13. Utilities Reduction Incentive.** Each School Principal of the
20 GDOE is encouraged to practice energy conservation within their respective
21 schools. Any school whose Principal and staff is able to reduce their annual utility
22 consumption by *at least* fifteen percent (15%) of their prior annual billing,
23 measured each quarter for each utility type, *shall* have that dollar value of savings
24 transferred from the utility pool to their respective school to supplement the needs
25 of that school and *shall* be available to be spent to support school activities for
26 students and staff. The savings *shall* be available to the school within thirty (30)
27 days of the close of each quarter.

1 **Section 14. Budgetary Transfer Authority for the Guam Department of**
2 **Education (GDOE).** The Superintendent of the GDOE may transfer funds from
3 the appropriations made to GDOE within object classes, except that *no funds shall*
4 be transferred into the Personnel Services category, *except* as otherwise provided
5 herein. The Superintendent of the GDOE *shall not* transfer any appropriation for
6 Increments and Promotions and Reclassifications as provided within Section 4 of
7 this Act to supplement or support salaries. If a surplus in funding exists within the
8 appropriation for Increments and Promotions and Reclassifications, such amount
9 may be used to support payment of prior year obligations.

10 The Guam Education Board (GEB) may submit, via a duly adopted
11 resolution of the Board, a request to the Education Financial Supervisory
12 Commission (EFSC) to transfer existing appropriations into the Personnel Services
13 category *only* to alleviate a CODE “C” or a CODE “RED.”

14 The EFSC *shall* vote in the first scheduled meeting after a request to transfer
15 existing appropriations into the Personnel Services category from the GEB.
16 Transfer of any existing appropriations into the Personnel Services category
17 requires a two-thirds vote of EFSC members in which a quorum of voting
18 members is established.

19 **Section 15.** §3103(15) of Chapter 3 of Title 17, Guam Code Annotated, is
20 hereby *amended* to read:

21 “(15) Adequate Public Education Reporting Requirements. The
22 Superintendent of Education *shall* submit a monthly budget status report of all
23 local and federal funds available to the Department, whether or not their
24 resources require appropriations by *I Liheslaturan Guåhan*. The monthly
25 budget status report *shall* ~~also contain a detailed accounting of expenditures of~~
26 ~~funds, be designed by the Educational Financial Supervisory Commission and~~
27 at a minimum contain all appropriations, transfers and adjustments, revised

1 appropriations, expenditures to date, outstanding encumbrances and
2 unencumbered balances. The data for the monthly budget status report shall be
3 provided no later than fifteen (15) calendar days after the end of each month,
4 and be used by the Educational Financial Supervisory Commission for its
5 monthly Financial Status Designation Reports. The Educational Financial
6 Supervisory Commission shall design an Adequate Public Education Report to
7 reorganize the relating such expenditures in the monthly budget status report to
8 the criteria established in Title 1, GCA §715, and the status of compliance with
9 the Adequate Education Act. The Monthly Budget Status report and Adequate
10 Public Education reports are is to be completed no later than twenty five (25)
11 fifteen (15) calendar days after the end of each month and shall be certified by
12 the Superintendent, acknowledging compliance or non-compliance with Title
13 1, GCA §715 and in meeting the objectives of §3125 of this Chapter. The
14 reports shall be submitted to the Board, the Speaker of *I Liheslaturan Guåhan*,
15 and *I Maga'lahaen Guåhan*.”

16 **Section 16. Cost Saving Incentive.** The Superintendent of the GDOE is
17 encouraged to implement a Cost Savings Plan to include, but *not* be limited to,
18 consolidation of programs and entities, maximizing on student-teacher ratios, and
19 practicing energy conservation. If the Superintendent is able to implement any cost
20 savings within the GDOE authorized appropriations level, the Superintendent shall
21 have that dollar value of savings available for payments of prior year obligations
22 and the purchase of supplies and materials.

23 **Section 17. Appropriation for Equipment for Certain GDOE Schools.**

24 (a) **Findings and Intent.** *I Liheslaturan Guåhan* finds that the Consolidated
25 Commission on Utilities (CCU) Resolution No. 2011-32 stated that the agreed-upon "initial
26 [payment-in-lieu-of-taxes] settlement of Two Million Six Hundred Twenty-Five Thousand
27 Dollars (\$2,625,000) proposed by the government [of Guam]" was to be paid to the government

1 of Guam after certain requirements are met by the Guam Power Authority (GPA) and that Public
2 Law 31-74 appropriates only Two Million One Hundred Thousand Dollars (\$2,100,000) from
3 this amount. Such a settlement between the Executive Branch and the CCV, although
4 discounted by almost \$10 million from the over \$12 million billed to the GPA by
5 the DOA, is to be received by the government of Guam which would absolve the
6 GPA from any payment prior to FY2011 in accordance with §22421 of Chapter 22
7 of Title 5 of the Guam Code Annotated.

8 Therefore, I Liheslaturan Guåhan finds it prudent that the difference of Five
9 Hundred Twenty-Five Thousand Dollars (\$525,000) between what was agreed to
10 be paid to the government of Guam by the CCU and what was appropriated in
11 Public Law 31-74, be utilized toward the payment of air conditioner equipment and
12 maintenance and collateral equipment for GWHS and collateral equipment for
13 SSHS, SHS and AJMS.

14 **(b) Transfer of funds from the Autonomous Agency Collections**
15 **Fund.** Notwithstanding any other provision of law, the sum of Five Hundred
16 Twenty Five Thousand Dollars (**\$525,000**) is hereby transferred from the
17 Autonomous Agency Collections Fund to the Supplemental Appropriations
18 Revenue (SAR) Fund.

19 **(c) Appropriation to the Guam Department of Education.** The sum of
20 Five Hundred Twenty-Five Thousand Dollars (**\$525,000**) is hereby appropriated
21 from the Supplemental Appropriations Revenue (SAR) Fund to the Guam
22 Department of Education for the payment of air conditioner equipment and
23 maintenance and collateral equipment for George Washington High School and for
24 collateral equipment for Simon Sanchez High School, Southern High School, and
25 Agueda Johnston Middle School. The funds appropriated in this section *shall* be
26 allocated to each school as follows:

27 George Washington High School: \$328,000

1	Simon Sanchez High School:	\$87,000
2	Southern High School:	\$70,000
3	Agueda Johnston Middle School:	\$40,000
4	Total	\$525,000

5 **(d) Continuing Appropriation.** The appropriations made to Section
6 17(c) of this Act *shall not* lapse and *shall* continue until fully expended for the
7 purposes of this Act.

8 **Section 18.** Notwithstanding any other provision of law, the Guam Board of
9 Education may authorize the use of shared human resources for school populations
10 below 325 in Fiscal Years 2011 and 2012.

11 **Section 19. Temporary Budgetary Transfer Authority for the Guam**
12 **Department of Education for FY 2011.** The Superintendent of the GDOE may
13 transfer funds from the appropriations made to GDOE in Public Law 30-196 as
14 amended by Public Laws 30-224 and 31-74 from Object Classes 220, 230, 233,
15 240, 250, 270, 271, 280, 290, 361, 362, 363, 450 and the appropriation in Chapter
16 II, Part I, Section 9 (a) of Public Law 30-196 in to Object Classes 111 and 113 up
17 to a limit of Six Million Dollars (**\$6,000,000**) *only* to cover shortfalls in Object
18 Classes 111 and 113 that the GDOE may have in FY 2011.

19 **Section 20. Reprogramming and Appropriation of Funds for F.Q.**
20 **Sanchez Elementary School, Umatac.** Upon enactment of this act, the sum of
21 One Hundred Thousand Dollars (**\$100,000**) is hereby reprogrammed from the
22 available funds of the 2007 Tobacco Bond Proceeds account, managed by the
23 Guam Economic Development Authority, and appropriated to the Guam
24 Department of Education for the sole purpose of financing working capital
25 expenditures for F.Q. Sanchez Elementary School, Umatac, as has been
26 determined to be necessary so as to provide an offset of the potential financial

1 savings the GDOE might otherwise have realized as a result of shutting down the
2 school.

3 **Section 21. Maintenance of Personnel, Educational Opportunities and**
4 **Resources.** Upon enactment of this Act, the requisite staffing and resources as are
5 necessary for the proper education of the children are made available, and to that
6 end, educational programs and the provision of resources are provided in the
7 annual budget of the GDOE including FQ Sanchez Elementary School for the
8 duration of the term of the FY-2011-2012 school year.

9 **Section 22. Continuing Appropriation.** Upon enactment of this Act, the
10 appropriations made pursuant to Section 23 *shall not* lapse and *shall* continue until
11 fully expended.

12 **Section 23. School to Reopen.** Notwithstanding any other provision of
13 law, upon enactment of this Act, the GEB *shall* have the authority to explore and
14 implement alternative measures to feasibly maintain the operations of FQ Sanchez
15 for the school for School Year 2011-2012. Such measures may include but not
16 limited to the sharing the human resources between other schools; the transform
17 reassignment, recruitment, or retention of personnel; or the contracting of private
18 entities to deliver such services at FQ Sanchez. As provided for in Section 3 and in
19 Section 2 of this Act, *I Liheslaturan Guåhan* hereby provides the necessary
20 funding for the staffing and operations of FQ Sanchez.

21 **Section 24. Governor Authorized Keep School Open.** If the GEB votes
22 to maintain its decision to close FQ Sanchez, the Governor is authorized by the
23 issuance of an Executive Order, detailing the conditions, keep the school open
24 for School Year 2011-12.

25 **Section 25. Severability.** *If* any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity *shall not* affect other provisions or applications of this Law which can be

1 given effect without the invalid provisions or applications, and to this end the
2 provisions of this Law are severable.