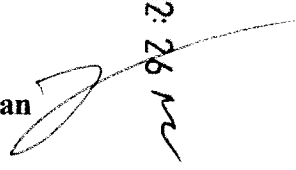


I Mina' Trenta Na Liheslaturan Guåhan
2009 (FIRST) Regular Session

2009 MAY 18 PM 12: 26 

Bill No. 118(COR)

Introduced by:

v. c. pangelinan

AN ACT TO ADD A NEW SUBSECTION (k)(11) TO SECTION 22435 OF CHAPTER 22, TITLE 5 GUAM CODE ANNOTATED RELATIVE TO THE REPROGRAMING OF BOND PROCEEDS TO FUND THE GUAM PUBLIC SCHOOL SYSTEM FISCAL YEAR 2009 CHILD NUTRITION PROGRAM AND TO REPROGRAM THE REMAINING BALANCE TO THE MAYORS COUNCIL OF GUAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura Guahan* finds that
3 there are “shovel-ready” projects currently funded with local funds by the government of
4 Guam which qualify for funding under the American Recovery and Reinvestment Act of
5 2009 (ARRA). Funding these projects with AARA funds instead of local funds
6 earmarked for these projects will makes these local funds available for other government
7 of Guam uses which are critical to public service.

8 *I Liheslatura Guahan* further finds that the Government of Guam has been
9 awarded a minimum of Seventy Million Dollars (\$70,000,000) from the State Fiscal
10 Stabilization Fund (SFSF) Program that requires recipients must use 81.8 percent of
11 SFSF funds for the support of public elementary, secondary, and higher education.
12 Further, the SFSF funds are intended to assist state and territorial governments in dealing
13 with the declining tax revenues as a result 2009 worldwide economic downturn. These
14 funds are available to supplement the operational budget of the territories to prevent the
15 reduction in services in the areas of education and public safety.

16 *I Liheslatura Guahan* further finds that the following Guam Public School System
17 improvement projects listed in Attachment A of P.L. 29-19, ADA Compliance, Intercom,
18 Security & Fire Alarm Systems and General CIP (Facility Repair/Replacement) currently

1 funded by Bond Financing are also qualified and prioritized for completion under the
2 AARA SFSF grant.

3 Therefore, it is the intent of *I Liheslatura Guahan* to re-program and appropriate
4 the unused sums from the Bond Fund to fund the Guam Public School Child Nutrition
5 Program and to further appropriate the remaining balance to the Mayors Council of
6 Guam to fund village streets maintenance and traffic safety improvement projects which
7 were to be funded by the over-burdened Liquid Fuel Tax.

8 **Section 2.** A new sub-subsection (k)(11) Section 22435 of Chapter 22 of Title 5
9 Guam is hereby added to read:

10 “(k)(11) The unencumbered and unused sum of Three Million Five Hundred
11 Eighty-four Thousand Eight Hundred four and 40/100 Dollars (\$3,584,804.40) from bond
12 proceeds identified from projects in subsection (2) above and listed in Attachment A of
13 P.L. 29-19 shall be appropriated to fund the Guam Public School System Child Nutrition
14 Program.

15 The remaining unencumbered and unused balance of up to Two Million Dollars
16 (\$2,000,000.00) shall be appropriated to the Mayors Council of Guam for village streets
17 maintenance and traffic safety improvement projects using the existing allocation formula
18 of the Village Streets Fund. If remaining funds are not sufficient to cover appropriations
19 identified in this section then the available amount shall be allocated eighty percent
20 (80%) toward Guam Public School System Child Nutrition Program and the remaining
21 twenty percent (20%) to the Mayors Council for village streets maintenance and traffic
22 safety improvement projects.

23 Funds appropriated in this section shall not be subject to any transfer authority of
24 *I Maga'lahaen Guahan*. Any funds appropriated in this section from subsection (2) above
25 and listed in Attachment A of P.L. 29-19 not expended in fiscal year 2009 shall
26 automatically carryover to the respective agency with said surplus as an appropriation in
27 subsequent fiscal years to fund either the Guam Public School System Child Nutrition
28 Program or village streets maintenance and traffic safety improvement projects until all
29 said funds are exhausted.

30 **Section 3. Severability.** If any of the provisions of this Act or the application
31 thereof to any person or circumstance is held invalid, such invalidity shall not affect any

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