

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 21832 (S)

Introduced by:

Brant T. McCreadie

Dennis G. Rodriguez, Jr.

Tommy Morrison

Chris Duenas

Michael Limjanco
F.B. Hernandez
[Handwritten initials]

AN ACT TO RESERVE AND APPROPRIATE THE SUM OF \$4,800,000 UPON THE MATURITY OF THE GOVERNMENT OF GUAM LIMITED OBLIGATION: BUSINESS PRIVELEGE TAX BONDS SERIES 2013C BOND, TO PROVIDE ADDITIONAL FUNDING FOR THE CONSTRUCTION OF A NEW SIMON SANCHEZ HIGH SCHOOL, AND RELATED PURPOSES.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that
3 in FY2019 the Government of Guam Limited Obligation: Business Privilege Tax
4 Bond Series 2013C is scheduled to mature, which will free up several million dollars
5 for appropriation.

6 *I Liheslaturan Guåhan* further finds that in order to effectively plan and budget
7 for capital improvement projects, several years of advance preparation are necessary.
8 As such, it would be prudent for the government of Guam to reserve these yet to be
9 accessible funds for capital improvement projects at the Guam Department of
10 Education to improve the quality of education in the Territory. This will help alleviate
11 most, if not all, of the past impediments that have previously marred capital
12 improvement projects.

13 *I Liheslaturan Guåhan* further finds that the students, parents, staff and faculty
14 of Simon Sanchez High School have, over the last few months, sufficiently illustrated

1 the extremely unsatisfactory conditions of their campus. A new Simon Sanchez High
2 School is sorely needed to ensure that its students are able to receive a proper
3 education, the conduct of which is further optimized when their learning experience is
4 provided within the venue of a safe, modern campus. Further, due note is given to the
5 fact that the replacement cost of the Simon Sanchez High School could run upwards
6 of Forty Million dollars, using the replacement cost of the John F. Kennedy High
7 School as a benchmark example.

8 *I Liheslaturan Guåhan* further finds that it recently passed Public Law 32-063,
9 which provides funding for the new construction and/or renovation of Simon Sanchez
10 High School. It is the intent of *I Liheslatura* to provide additional funds, through this
11 act, to complete the construction of a new Simon Sanchez High School facility.

12 **Section 2. Reservation and APPROPRIATION of released funds available**
13 **for expenditure upon final maturity in FY2019 from payment of debt service for**
14 **Guam Limited Obligation: Business Privilege Tax Bond Series 2013C, for the**
15 **construction of a new Simon Sanchez High School.**

16 (a) The total SUM of FOUR MILLION EIGHT HUNDRED
17 THOUSAND DOLLARS (\$4,800,000), which shall be available for
18 expenditure in FY-2019 at the maturity of the Government of Guam Limited
19 Obligation: Business Privilege Tax Bond Series 2013C, shall immediately be
20 reserved, and is hereby APPROPRIATED, for the Department of Education to
21 provide an additional appropriation in addition to the funds allocated pursuant
22 to Item (5) of §22405(q) of Article 4, Chapter 22, Division 2, Title 5, Guam
23 Code Annotated (Section 3 of Public Law 32-063), *solely* to complete the
24 replacement and construction of a new Simon Sanchez High School.

1 (b) The Department of Education may enter into financial
2 arrangements for projects they identify in accordance with this Act. The funds
3 reserved in this Act shall be committed to the debt service of any capital
4 improvement projects entered into as a result of this Act and shall be approved
5 by *I Liheslaturan Guåhan* prior to any funds being expended.

6 **Section 3. Item (5) of Subsection (q) of §22425, Article 4, Chapter 22,**
7 **Division 2, Title 5, Guam Code Annotated, is *amended*, to read:**

8 “(5) other than portions designated to be used for in items (1), (2), (3) and (4)
9 of this Subsection, eighty percent (80%) of the remaining balance *shall* be
10 appropriated as a source of payment for a general obligation bond secured for the
11 replacement ~~or renovation~~ of Simon Sanchez High School, to include its athletic
12 facilities, and other Guam Department of Education public school facilities requiring
13 new construction, rehabilitation or maintenance, and further, provided:

14 (A) The government of Guam is additionally authorized to use the funding
15 identified in this Item to enter into long term leases for the construction of
16 new education facilities in accordance with Chapter 58, Title 5, Guam Code
17 Annotated, also known as “The Education Facilities Construction Initiative
18 Act of 2001”.”

19 (B) Nothing in this Item shall preclude or prevent the salvage and/or
20 restoration of those portions of the existing Simon Sanchez High School
21 facilities which may be cost-effectively retained for utilization as a part of
22 the new school campus.”

23 **Section 4. Effective Date.** This act shall be effective upon enactment.

1 **Section 5. Severability.** *If any provision of this Law or its application to any*
2 *person or circumstance is found to be invalid or contrary to law, such invalidity shall*
3 *not affect other provisions or applications of this Law which can be given effect*
4 *without the invalid provisions or application, and to this end the provisions of this*
5 *Law are severable.*