FILE COPY

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

This is to certify that **Bill No. 346 (EC), "AN ACT TO *AMEND* §7113 OF CHAPTER 7, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO LIMITATIONS ON THE CAPACITY LEVELS FOR CONSTRUCTION OF NEW PUBLIC SCHOOLS; TO *AMEND* SECTION 2 OF PUBLIC LAW 29-102, RELATIVE TO EXPENDITURE OF BOND PROCEEDS; TO *AMEND* §3128 OF TITLE 17, GUAM CODE ANNOTATED, AND TO *DELETE* SECTION 11 OF PUBLIC LAW 28-183, RELATIVE TO EMPLOYMENT OF RETIREES AT GUAM PUBLIC SCHOOL SYSTEM (GPSS); TO APPROPRIATE FIVE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($5,800,000) FROM THE GENERAL FUND FOR TEXTBOOKS; TO DIRECT THE PUBLIC AUDITOR TO AUDIT TEXTBOOK ACQUISITIONS AT GPSS; TO DIRECT *I MAGA'LAHI* TO RESERVE TWO MILLION DOLLARS ($2,000,000) OF COMPACT IMPACT FUNDS FOR TEXTBOOKS; AND TO MAKE AN APPROPRIATION FOR THE CHILD NUTRITION PROGRAM,"** was on the 9th day of August, 2008, duly and regularly passed.

Judith T. Won Pat
Speaker

Attested:

Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahen Guåhan* this 11 day of Aug, 2008, at 4:40 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 346 (EC)
As amended in the Committee
of the Whole.

Introduced by:

J. T. Won Pat, Ed.D.
Tina Rose Muña Barnes
Dr. David L.G. Shimizu
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Ray Tenorio

AN ACT TO *AMEND* §7113 OF CHAPTER 7, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO LIMITATIONS ON THE CAPACITY LEVELS FOR CONSTRUCTION OF NEW PUBLIC SCHOOLS; TO *AMEND* SECTION 2 OF PUBLIC LAW 29-102, RELATIVE TO EXPENDITURE OF BOND PROCEEDS; TO *AMEND* §3128 OF TITLE 17, GUAM CODE ANNOTATED, AND TO *DELETE* SECTION 11 OF PUBLIC LAW 28-183, RELATIVE TO EMPLOYMENT OF RETIREES AT GUAM PUBLIC SCHOOL SYSTEM (GPSS); TO APPROPRIATE FIVE MILLION EIGHT HUNDRED THOUSAND DOLLARS ($5,800,000) FROM THE GENERAL FUND FOR TEXTBOOKS; TO DIRECT THE PUBLIC AUDITOR TO AUDIT TEXTBOOK ACQUISITIONS AT GPSS; TO DIRECT *I MAGA'LAHI* TO RESERVE TWO MILLION DOLLARS ($2,000,000) OF COMPACT IMPACT FUNDS FOR TEXTBOOKS; AND TO MAKE AN APPROPRIATION FOR THE CHILD NUTRITION PROGRAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §7113 of Chapter 7, Title 17, Guam Code Annotated, is hereby *amended* to read:

"§7113. Limitations on Capacity Levels for the Construction of New Public Schools. All public schools built on Guam *shall* be designed and constructed for student enrollment capacity limits as follows:

(a) Elementary Schools: *not to exceed* eight hundred (800) students;

(b) Middle Schools: *not to exceed* one thousand one hundred twenty (1,120) students; and

(c) High Schools: *not to exceed* one thousand seven hundred (1,700) students.

The school capacity limitations of this Section *shall* apply *only* to school projects initiated after September 30, 1997. The GPSS may, subject to the approval of the Guam Education Policy Board, *exceed* the capacity limits set forth in this Section provided that such adjustment would *not* endanger student and employee health and safety. These provisions *shall* not apply to school campuses that are temporarily used for double sessions."

Section 2. Section 2 of P.L. 29-102 is *amended* to read:

"Section 2. Guam Public School System (GPSS) is authorized to transfer, in increments of up to Five Hundred Thousand Dollars ($500,000), between items in Attachment A of P.L. 29-19. For each incremental transfer of up to Five Hundred Thousand Dollars ($500,000), GPSS *shall* notify the Speaker of *I Liheslaturan Guåhan* five (5) days before such transfer can be effective."

Section 3. *Amend* §3128 of Title 17, Guam Code Annotated, to read:

"**§3128. Eligibility for CATS Employee Status.** A former Guam Public School System employee who resigned *or* retired from a position defined in 1 G.C.A. §715 Item 12, (a) through (e) and (k) in good standing:

(a) who gave thirty (30) days' notice before leaving his employment, may be employed as a CATS employee, *if* he holds a current certification for the position; or

(b) prior to the effective date of this Act, may be employed as a CATS employee, *if* he holds a current certification for the position."

Section 4. *Delete* Section 11 of P.L. 28-183.

Section 5. The sum of Five Million Eight Hundred Thousand Dollars ($5,800,000) is hereby appropriated from the FY2009 General Fund Revenues to the Guam Public School System for textbooks. Any unused amounts *shall* revert within ninety (90) days to the General Fund. GPSS *shall* submit a report on the status of this appropriation and corresponding expenditures to *I Liheslaturan Guåhan* every thirty (30) days until all textbooks ordered with this appropriation have been delivered to the students.

Section 6. The Public Auditor *shall* conduct a thorough financial and management audit of textbook acquisition, use, processes, costs and accountability at the Guam Public School System. The audit report *shall* be submitted to *I Liheslaturan Guåhan, I Maga'lahen Guåhan* and the Guam Education Policy Board *no later than* sixty (60) days after the enactment of this law, and *shall* include specific recommendations for reforms.

Section 7. *I Maga'lahi shall* earmark a total of Two Million Dollars ($2,000,000) to support the purchase and payment of textbooks necessary to

meet the legal mandates of the Adequate Education Act for the Guam Public School System from Compact Impact Reimbursement Funds over the next four (4) years. *I Maga'lahi* is authorized to borrow money to meet the immediate ordering of textbooks for GPSS, which loan can be repaid from the Two Million Dollars ($2,000,000) earmarked from the Compact Impact Reimbursement Funds.

If I Maga'lahi funds the purchase of the required textbooks from another source, this Section *shall* be null and void, including the authority to borrow.

Section 8. The amount of Two Million Nine Hundred Seventy-one Thousand Thirty-four Dollars and Seventy-five Cents **($2,971,034.75)** is hereby appropriated from the FY 2009 General Fund revenues to GPSS for payment of the outstanding Commodity Invoices for Defense Logistics/DSCP for the Child Nutrition Program.

Senator Rory J. Respicio
Majority Leader and Chairperson, Committee on Calendar & Agenda
I Mina'Bente Nuebi Na Liheslaturan Guâhan
Twenty-Ninth Guam Legislature

August 4, 2008

To: Judith T. Won Pat, Ed.D.
Speaker

RE: Request for Emergency Certification of Bill 346

I am requesting that Bill 346 be declared an emergency for the purpose of waiving the public hearing requirements.

Bill 346 is a bill that would allow the Superintendent of the Guam Public School System, with approval by the Guam Education Policy Board, to adjust upward the student enrollment capacity limits of schools constructed after September 30, 1997, so long as the school system can show substantial cost savings and that the adjustment will not negatively impact the health and safety of students and employees.

As you may be aware, the public schools are set to open on August 12, 2008. One of the challenges that the Superintendent is facing involves redistricting of students who will be attending the newly constructed As Tumbo Middle School located in Dededo. Current law does not allow her the flexibility to make adjustments to the enrollment capacity in order to maximize classroom utilization, as the capacities are fixed by law at a certain number. With the passage of this bill, those restrictions will be lifted and greater control will be given to the Superintendent to make those decisions.

I look forward to your approval of my request and the swift passage of this legislation.

Si Yu'os Ma'ase'

Rory J. Respicio
Majority Leader

e-mail: rjr@ite.net • Telephone: (671)472-RORY (7679) • Fax: (671)472-3547
Mailing Address: 29th Guam Legislature, 155 Hesler Place, Hagåtña, Guam 96910
Office Location: Suite 205, Ada Plaza Center, 173 Aspinall Avenue, Hagåtña, Guam 96910

OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D

August 4, 2008

To: *I Mina'Bente Nuebi Na Liheslaturan Guahan*

RE: Emergency Certification of Bill 346

After careful evaluation for a request to waive the requirements for a public hearing on bill 346;

> *Bill No. 346 (EC) - J.T. Won Pat, Ed.D. / T.R. Muña-Barnes / D.L.G. Shimizu, Ed.D. - An act to amend Chapter 7, Section 7113 of Title 17, Guam Code Annotated, relative to limitations on capacity levels for construction of new public schools.*

I certify, pursuant to 2 GCA §2103, that an emergency condition exists and that the requirements for a public hearing on bill 346 is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Senator Rory J. Respicio, Majority Leader
Clerk of the Legislature

253 WEST O'BRIEN DRIVE HAGATNA, GUAM 96910 | TEL: (671) 472-3586-7 • FAX: (671) 472-3589
EMAIL: INFO@JUDIWONPAT.COM