I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
153-36 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and substituted and amended in the Committee of the Whole.	Joe S. San Agustin Jose "Pedo" Terlaje Tina Rose Muña Barnes Clynton E. Ridgell James C. Moylan Frank Blas Jr. Amanda L. Shelton V. Anthony Ada Mary Camacho Torres Joanne Brown Christopher M. Dueñas Telena Cruz Nelson Sabina Flores Perez Telo T. Taitague Therese M. Terlaje	AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE FINANCE, DESIGN, CONSTRUCTION AND MAINTENANCE OF THE GOVERNMENT OF GUAM DEPARTMENT OF CORRECTIONS WHICH THE ACT SHALL BE CALLED THE "DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021."	6/16/21 4:54 p.m.	6/18/21	Committee on General Government Operations, Appropriations, and Housing	7/20/21 9:00 a.m.	8/4/21 9:59 a.m. As amended by the Committee on General Government Operations, Appropriations, and Housing	Request: 6/21/21 7/2/21	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
9/24/21	AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE FINANCE, DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE GOVERNMENT OF GUAM DEPARTMENT OF CORRECTIONS, AND TO BE KNOWN AS THE "DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021."	10/4/21	10/5/21	10/16/21	36-57	10/13/21	Received: 10/15/21 Mess and Comm. Doc. No. 36GL-21-1192

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

October 13, 2021

Doc No: 36GL-21-1192
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
10- 14 2021
Time: 3:14pm
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **SUBSTITUTE BILL NO. 153-36 COR) – "AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE FINANCE, DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE GOVERNMENT OF GUAM DEPARTMENT OF CORRECTIONS, AND TO BE KNOWN AS THE "DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021"**

Dear Madame Speaker,

For years, we have known that the Department of Corrections' facilities are in dire need of repair and revitalization. In an effort to plan and prepare for the eventual funding of such necessary improvements, the Department has engaged in a strategic planning effort that resulted in the publication of its Facility Master Plan last month. This plan provides the basic blueprint for the construction and maintenance that will be funded through Bill No. 153-36, which is now ***Public Law No. 36-57.***

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
October 14, 2021
5:02 P.M.

Enclosure: Substitute Bill No. 153-36 (COR) *nka P.L. No. 36-57*

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 153-36 (COR), "AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE FINANCE, DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE GOVERNMENT OF GUAM DEPARTMENT OF CORRECTIONS, AND TO BE KNOWN AS THE "DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021,"** was on the 4th day of October 2021, duly and regularly passed.

Therese M. Terlaje
Therese M. Terlaje
Speaker

Attested:

Amanda Shelton
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of October, 2021, at 5:15 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10/13/2021

Public Law No. 36-57

2021-14757
RCVD AT CENTRAL FILES
OCT 5 '21 PM5:15

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 153-36 (COR)
As amended by the Committee on General Government Operations, Appropriations, and Housing; and substituted and amended in the Committee of the Whole.

Introduced by: Joe S. San Agustin
Jose "Pedo" Terlaje
Tina Rose Muña Barnes
Clynton E. Ridgell
James C. Moylan
Frank Blas Jr.
Amanda L. Shelton
V. Anthony Ada
Mary Camacho Torres
Joanne Brown
Christopher M. Dueñas
Telena Cruz Nelson
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *ADD* A NEW ARTICLE 7 TO CHAPTER 90 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE FINANCE, DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE GOVERNMENT OF GUAM DEPARTMENT OF CORRECTIONS, AND TO BE KNOWN AS THE "DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 7 is hereby *added* to Chapter 90 of Title 9, Guam Code Annotated, to read as follows:

"ARTICLE 7

THE DEPARTMENT OF CORRECTIONS MODERNIZATION ACT OF 2021

§ 90.301. Legislative Findings and Policy.
§ 90.302. Definitions.
§ 90.303. Authorization to Enter into Long-Term Leases.
§ 90.304. Identification of Projects and Procurement.
§ 90.305. Responsibility of Contractor/Developer.
§ 90.306. Contractual Safeguards.
§ 90.307. Assignments.
§ 90.308. Pledge or Reservation of Revenues.
§ 90.309. Use of Tax-Exempt Bond, Taxable Bond, and Other Financing Instruments for Financing.
§ 90.310. Prison IT, Building, and Security Management System.
§ 90.311. Utilities and Routine Maintenance and Repair.
§ 90.312. Maintenance Fund.
§ 90.313. Rules and Regulations.
§ 90314. Financial Plan Required.

§ 90.301. Legislative Findings and Policy.

I Liheslaturan Guåhan finds that the Department of Corrections (DOC) was established by Public Law 9-208 on July 18, 1968 within the executive branch of the Government of Guam. Before the enactment of Public Law 9-208, the Department of Corrections was first known as the Guam Penitentiary and through Executive Order 68-23, issued by Governor Manuel F.L Guerrero, the Penitentiary was transferred to the Department of Corrections, which was effective on November 1, 1968.

The Department of Corrections is the only prison on Guam and provides services to local and federal agencies. DOC provides custodial care to individuals who are convicted of crimes and for those who are waiting judicial disposition. The environment of the prison must meet federal standards such as the National Prison Standards, Prison Rape Elimination Act (PREA), and the National Commission on Correctional Healthcare Standards (NCCHC), which ensures that the living conditions are decent and humane; but, with the issue of overcrowding and structural failures, DOC has been struggling to properly execute their mandates and comply with national standards. DOC is ensuring that it prevents any violations of the Federal Consent Decree, which requires the Government of Guam to improve the living conditions of the inmates following the Civil Rights of Institutionalized Persons Act.

The Adult Correctional Facility (ACF) in Mangilao is in its stages of failure due to age and lack of modern technology, which is affecting the operations and personnel of the correctional agency. The ACF was built to hold a maximum of three hundred (300) inmates and detainees; and currently, the population of Guam is growing as well as its crime rates, while DOC has outgrown its ACF. Over time, other DOC buildings were added to address the overcrowding issues of the ACF, and buildings used for rehabilitation and offices were re-designed to accommodate the rising population of prisoners. The Adult Correctional Facility is made of fifteen (15) housing units, which holds not only local inmates and detainees, but also immigration and federal detainees. The lack of proper facilities prevents DOC from properly providing rehabilitation to the inmates.

The poor condition of the housing units of the prison is not cost effective or adequate to handle the growing prisoner population, and DOC recognized the difficulty in meeting its mandates of providing security, health, rehabilitation and welfare to the inmates and detainees under its care without compromising the well-

being of its personnel. The main goal of the Department of Corrections is to provide rehabilitation to individuals who have been convicted of crimes and ensure that they become useful members of the community and to themselves.

Furthermore, *I Liheslaturan Guåhan* finds that DOC has plans to build a new Department of Corrections facility with a bed capacity for one thousand (1,000) inmates to replace its current prison if funding was available. The new prison would provide the proper space to meet its mandates and the demands of its growing prisoner population. The Department of Corrections had started to draft an eighty (80)-year master plan, which will provide a phase-to-phase plan to construct a new Department of Corrections facility that will meet its construction goal of a bed capacity of one thousand (1,000) inmates. The Department of Corrections' goal is to ensure that all the issues on structural, technology, and security of the inmates and personnel are covered. The master plan also ensures that DOC meets all federal standards such as the National Prison Standards and PREA standards.

Therefore, it is the intent of *I Liheslaturan Guåhan* to provide the Department of Corrections with the proper confinement of offenders in a controlled environment prison and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, which also promotes the safety of the people of Guam. *I Liheslaturan Guåhan* has identified funding to construct a new Department of Corrections Adult Correctional Facility through the Earned Income Tax Credits to be reimbursed to Guam at an estimated Sixty Million Dollars ($60,000,000) annually, of which an estimate of no more than Five Million Dollars ($5,000,000) will be allocated for the payments of the lease-back agreement.

In an effort to overcome financing hurdles, and to provide DOC with the proper tools to meet its mandates, *I Liheslaturan Guåhan* desires to authorize the Government of Guam to enter into contract for the financing, design, construction,

and long-term capital maintenance of a new Department of Corrections facility with private sector contractors who can provide long-term financing.

To facilitate the financing, design, construction, and maintenance of a new Department of Corrections facility envisioned by this Act, the Government of Guam will be authorized to execute a lease agreement of existing property under its inventory for up to thirty (30) years on which the new Department of Corrections facility will be constructed.

The lease of the Government of Guam's property will be to the contractor and/or the Guam Economic Development Authority, who will design and construct the new Department of Corrections facility and provide a funding for the design and construction through appropriations received from the reimbursement of the Earned Income Tax Credit for Fiscal Year 2022 and prospective appropriations from the General Fund, thereafter annually. Upon completion of the construction, the facilities and land will be leased back to the Government of Guam for a period not to exceed the initial ground lease to the contractor over which time the Government of Guam will amortize, as lease payments to the contractor, the cost of financing, design, construction, and related expenses of the new Department of Corrections.

The contractor/developer will also be responsible for the capital maintenance and repair of the Department of Corrections constructed under this Act, which costs shall be paid by the Government of Guam as provided for under this Act. At the expiration of the lease-back period, the Government of Guam real property and the Department of Corrections constructed on the Government of Guam real property will revert to the Government of Guam with no further obligations to the contractor.

§ 90.302. Definitions.

For the purposes of this Article and unless otherwise specified, the following words and phrases are defined to mean:

(a) *Act* means Article 7 of Title 9, Chapter 90, Guam Code Annotated, which shall be known as "The Department of Corrections Modernization Act of 2021."

(b) *Contract* shall mean the design, construction, and financing contract entered by and between the Government of Guam and the contractor following negotiations on the response to the Request for Proposal.

(c) *Contractor/developer* shall mean the authorized entity which shall be the signatory on the contract and shall be fully responsible for carrying out the finance, design, construction, and maintenance of the new Department of Corrections. The contractor/developer may cooperate with another entity or entities in any manner the contractor/developer deems appropriate to provide for the financing, design, and construction of the new Department of Corrections envisioned by this Chapter.

(d) The *Department of Corrections Construction Committee* shall be chaired by the Administrator or Deputy Administrator of the Guam Economic Development Authority, and include the Director and Deputy Director of the Department of Corrections, the Director or Deputy Director of the Department of Public Works, the Director or Deputy Director of the Department of Land Management, the Director or Deputy Director of the Bureau of Statistics and Planning, the Director or Deputy Director of the Bureau of Budget and Management Research, and the Director or Deputy Director of the Department of Administration.

(e) *Correctional agency* shall mean the Department of Corrections.

(f) *Correctional facility* shall mean the Department of Corrections Adult Correctional Facility.

(g) *Lease* shall mean a lease from the Government of Guam itself or through the Department of Corrections to the contractor/developer entered at the time of the contract for the property.

(h) *Lease-back* shall mean the lease from the Guam Economic Development Authority and/or the contractor/developer to the Government of Guam itself or by and through the Department of Corrections of the newly constructed Department of Corrections.

(i) *Property* shall mean any property on which a new Department of Corrections is located.

§ 90.303. Authorization to Enter into Long-Term Leases.

For the purpose of facilitating the financing, design, construction, and maintenance of the new Department of Corrections encompassed by this Act, the Government of Guam is authorized to lease property that will be used for the new Department of Corrections, as required, to the contractor/developer and/or the Guam Economic Development Authority; provided, such property is in the inventory of the Government of Guam.

The Government of Guam is also authorized to lease-back from the contractor/developer and/or the Guam Economic Development Authority the property for a period mutually agreed upon between the Government of Guam and the contractor/developer and/or the Guam Economic Development Authority as may be reasonably necessary to amortize the lease-back period of no more than thirty (30) years the cost associated with the design, construction, and maintenance of the new Department of Corrections. In no event shall the end of such lease-back period be structured as an annually renewable lease with a provision for automatic renewals to the extent that pledged revenue under § 90308 is available. The lease-back shall not be construed as a debt under any applicable debt limitation under the Organic Act of Guam or Guam law.

§ 90.304. Identification Projects and Procurement.

The Guam Economic Development Authority, in consultation with the Director of the Department of Corrections, shall utilize the program study of the correctional agency to identify and prioritize potential projects to be completed. The list of projects identified by the Program Study of the correctional agency shall be included in one (1) Request for Proposal developed by the Guam Economic Development Authority. Upon receipt of the Program Study, the Guam Economic Development Authority, in consultation with the Director of the Department of Corrections, shall solicit Request for Proposals (RFP) for a contractor/developer, in compliance with the Guam Procurement Law, for the financing, design, and construction of the Department of Corrections, according to the needs of the correctional agency and consistent with this Article. GEDA is also hereby authorized to solicit the services for a Program Management Office, which shall include, but not be limited to, creating scopes of work, coordinating projects and performance targets, conducting periodic quality control reviews, assuring timely product generation and response, and managing the project to produce a quality product within the budget and schedule. The choice of the contractor/developer shall be made by the Department of Corrections Construction Committee. The committee shall assess the prior performance of the contractor/developer on similar projects, and shall be free to disqualify any contractor/developer that does not have a successful record of project completion on Guam or any similar isolated locality.

The Committee shall also specifically consider the contractor/developer's ability and performance with regards to the financing, development and construction of a correctional facility on Guam or any similar isolated locality.

The selection of a contractor/developer shall be based upon the proposal that delivers the lowest cost value for Guam in meeting the objectives of the correctional agency.

GEDA shall issue an RFP within thirty (30) days after the conclusion of its Program Study, in consultation with the Department of Corrections for the design, construction, and maintenance of the correctional facilities.

§ 90.305. Responsibility of Contractor/Developer.

The contract shall require that the contractor/developer be responsible for all costs, expenses, and fees of any kind or nature, associated with the design, civil improvements, on-site and off-site infrastructure, construction, permits, and financing associated with the completion of the Department of Corrections to the extent provided by GEDA in consultation with the Department of Corrections in the Request for Proposal. The lease may, for the purposes herein, provide that its term shall be extended for a period not to exceed the shorter of ten (10) years beyond the original term of the lease-back, or such period of time as is necessary to repay in full any financing arranged pursuant to § 90.309 of this Article.

§ 90.306. Contractual Safeguards.

Prior to undertaking the work of finance, design, construction, and maintenance of the new Department of Corrections, the Guam Economic Development Authority, in consultation with the Department of Corrections and the contractor/developer, shall negotiate and enter into a binding construction contract to build the new Department of Corrections in accordance with Guam Building Code under 21 GCA Chapter 67, Guam Fire Safety Codes and any other applicable requirements. The construction contract shall contain contractual obligations typically found in Government of Guam construction contracts, including, but not limited to:

(a) warranties;

(b) liquidated damages;

(c) performance and payments bonds;

(d) indemnity;

(e) insurance;

(f) standard specifications;

(g) technical specifications;

(h) progress schedule;

(i) maintenance;

(j) compliance with Guam labor regulations;

(k) compliance with Guam prevailing wage rates for employment of temporary alien workers (H2) on Guam;

(l) compliance with Public Law 28-98: restriction against contractors employing convicted sex offenders to work at Government of Guam venues; and

(m) the 2017 Guam Tropical Energy Code.

The contract must be approved as to form and legality by the Attorney General of Guam.

§ 90.307. Assignments.

To facilitate the purpose of this Act and provide security for the holders of any financing instruments issued pursuant to this Act, the contractor/developer may assign, without the need of the consent of the Guam Economic Development Authority, the contract, the lease and the lease-back to any underwriter, trustee, or other party as appropriate to facilitate the contractor/developer financing.

§ 90.308. Pledge or Reservation of Revenues.

(a) Rental payments under the lease and the lease-back may be secured by a pledge or other reservation of revenues collected by the Government of Guam from the following:

(1) The sum of no more than Five Million Dollars ($5,000,000) from the revenues received pursuant to 11 GCA Chapter 42, Earned Income Tax Credit will be available for Fiscal Year 2022 only.

(2) The sum of no more than Five Million Dollars ($5,000,000) from the General Fund shall be appropriated annually thereafter.

(3) The Governor of Guam may use federal funds that are made available to the Government of Guam by the United States Federal Government for the financing, design, construction, and maintenance of the new Department of Corrections facility.

(4) The use of other financing options is authorized for the purpose of this Act, including, but not limited to, loans, grants, bond financing, and other alternate funding options, subject to legislative approval.

Any amounts reserved or pledged as provided in this Section shall be subject to annual appropriations for the purpose of making lease-back payments. The revenues pledged or reserved and thereafter received by the Government of Guam or by any trustee, depository, or custodian shall be deposited in a separate account and shall be immediately subject to such reservation or the lien of such pledge without any physical delivery thereof or further action, and such reservation or the lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Government of Guam or such trustee, depository or custodian, irrespective of whether the parties have notice thereof. The instrument by which such pledge or reservation is created need be recorded.

§ 90.309. Use of Tax-Exempt Bond, Taxable Bond, and Other Financing Instruments for Financing.

(a) To minimize the financing cost to the Government of Guam, financing utilized by the contractor/developer to fund the design, construction, and maintenance of the Department of Corrections shall be through tax-exempt obligations, taxable bond obligation, or other financial instruments; provided, such financing is available at interest rates determined by the Guam Economic Development Authority to be reasonable and competitive. The Guam Economic

Development Authority shall be the issuer of any financial instruments or obligations unless the Guam Economic Development Authority waives its right to serve as the issuer of financial instruments or obligations. Alternatively, the contractor may use an alternative method of financing, including, but not limited to, a short-term debt, mortgage, loan, federally guaranteed loan or loan by an instrumentality of the United States of America if such financing will better serve the needs of the people of Guam. Such alternative financing shall be approved by *I Liheslaturan Guåhan*. The purpose for the requirements of this Section is to assure that the Government of Guam pays the lowest possible interest rate so that the cost of the Government of Guam's financing of the design and construction of the Department of Corrections, amortized through the lease-back payments from the Government of Guam to GEDA and or the contractor/developer, will be lower than regular commercial rates.

(b) *I Liheslaturan Guahan,* pursuant to § 50103(k) of Chapter 50, Title 12, Guam Code Annotated, hereby authorizes the Guam Economic Development Authority to issue one or more additional series of tax-exempt and/or taxable obligations (in any case, the "bonds") for the purpose of financing the Department of Corrections Adult Correctional Facility, in an aggregate principal amount not to exceed Eighty Million Dollars ($80,000,000) for the following purposes: (1) to finance the design, construction, and/or the maintenance of the Department of Corrections Adult Correctional Facility; (2) to fund a deposit to a debt service reserve fund; (3) to fund capitalized interest with respect to the bonds; and (4) to pay expenses relating to the authorization, sale, and issuance of the bonds, including without limitation, printing costs, costs of reproducing documents, credit enhancement fees, underwriting, legal, feasibility, financial advisory and accounting fees and charges, fees paid to banks, or other financial institutions providing credit enhancement fees, costs of credit ratings and other costs, charges and fees in

connection with the issuance, sale, and delivery of the bonds, subject to the following additional conditions:

(A) The terms and conditions of the bonds shall be as determined by the Guam Economic Development Authority by the execution of a certificate, trust agreement or indenture authorizing the issuance of the bonds; provided, however, that such terms and conditions shall be consistent with this Section, that the bonds shall have a final maturity not to exceed thirty (30) years; and an interest rate not to exceed seven percent (7%).

(B) No bonds authorized by this Section shall be sold until the Board of Directors of Guam Economic Development Authority has approved the sale by resolution, as provided in Chapter 50 of Title 12, Guam Code Annotated.

(C) The issuance of bonds pursuant to this Section shall not be subject to the approval of the voters of Guam.

§ 90.310. Prison IT, Building, and Security Management System.

(a) For the purpose of ensuring the long-serving duration of the Department of Corrections facility, GEDA may include in the specifications for the new correctional facility, the requirement for a prison information management system, a security and surveillance system, and a building management system. These systems identified must be done in consultation with the Department of Corrections and comply with the federal mandates related to prison records and to foster compliance with the Federal Standards for Prisons and Jails.

(b) GEDA, in consultation with the Department of Corrections, may determine the specifications for such systems based on comprehensive, state-of-the-art technology generally accepted within the United States Prison Industry in connection with the development for a new Department of Corrections facility. The

specifications shall require that all systems are designed by the same software developer so as to ensure the delivery of the rehabilitation to the inmates.

(c) In order to ensure immediate response to system downtimes or failure, GEDA may include in the specifications the requirement that the provider of these systems have a local Guam Office and service technicians stationed on Guam.

§ 90.311. Utilities and Routine Maintenance and Repair.

The contractor/developer shall be responsible for the connection and payment of all utilities, including without limitation, power, water, sewer, telephone, and cable and all maintenance and repair and exterior groundskeeping and landscaping and upkeep of the Department of Corrections.

§ 90.312. Maintenance Fund.

The contract with the contractor/developer, and the lease-back shall provide that all capital maintenance and repair of the Department of Corrections facility be performed by the contractor/developer. The contractor/developer shall provide sufficient funding for a separate maintenance fund for this purpose; sufficient funds for this purpose shall be defined as the cost of capital maintenance and repair for the remaining period of the lease agreement with the Government of Guam after the completion of the Department of Corrections. The maintenance fund shall be used exclusively for the purpose of capital maintenance and repair and shall be in an interest-bearing account segregated from other funds held in escrow.

§ 90.313. Rules and Regulations.

The Guam Economic Development Authority, in consultation with the Department of Corrections, may promulgate rules and regulations pursuant to the Administrative Adjudication Law as necessary to implement the provisions of this Article.

§ 90.314. Financial Plan Required.

GEDA shall prepare a financial plan in accordance with the following:

(a) At a minimum, the financial plan shall include a comprehensive report of the associated costs and sources of revenues required for the duration of the Department of Corrections Modernization Act of 2021 (Project). The financial plan should reflect the total Project cost and any phases that represent the Project development priorities. All anticipated Project revenues shall be matched and allocable to the anticipated Project costs and shall detail its impact on the overall debt ceiling.

(b) The financial plan shall be submitted to *I Maga'hågan Guåhan* and transmitted to the Speaker of *I Liheslaturan Guåhan.* No solicitation of Request For Proposal or invitation for bid authorized to effectuate the requirements of this Act may be issued until the financial plan is delivered to the Speaker of *I Liheslaturan Guåhan.*"

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

Section 3. Effective Date. This Act shall be effective upon enactment.