

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
358-38 (COR)	Sabrina Salas Matanane	AN ACT TO <i>ADD</i> A NEW § 58D103 TO CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED; TO <i>AMEND</i> §§ 58D103, 58D104, 58D105, 58D106, 58D107, 58D108, 58D109, 58D110, 58D111, AND 58D112 OF CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED TO RENUMBER SAID SECTIONS AS §§ 58D104, 58D105, 58D106, 58D107, 58D108, 58D109, 58D110, 58D111, 58D112, AND 58D113, RESPECTIVELY, AND FURTHER TO <i>AMEND</i> § 58D108 TO REDUCE THE PRINCIPAL AMOUNT OF FINANCING AUTHORIZED THEREUNDER; AND TO APPROPRIATE NINETEEN MILLION EIGHT HUNDRED EIGHTY FIVE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS (\$19,885,394) FROM SECTION 30 FEDERAL FUNDS RECEIVED IN CALENDAR YEAR 2026, RELATIVE TO ESTABLISHING AND FUNDING THE SIMON SANCHEZ HIGH SCHOOL MODERNIZATION FUND AS A DEDICATED INFRASTRUCTURE FUND FOR CAPITAL IMPROVEMENT PROJECTS WITH A USEFUL LIFE OF TWENTY (20) YEARS OR MORE, AND TO PROPORTIONALLY REDUCE PRIOR DEBT AUTHORIZATIONS FOR THESE PROJECTS.	9/3/26 1:08 p.m. ^9/4/26 2:58 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

Bill No. 358-38 (COR)

Introduced by:

Sabrina Salas Matanane *Smart*

AN ACT TO ADD A *NEW* § 58D103 TO CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED; TO *AMEND* §§ 58D103, 58D104, 58D105, 58D106, 58D107, 58D108, 58D109, 58D110, 58D111, AND 58D112 OF CHAPTER 58D, TITLE 5, GUAM CODE ANNOTATED TO RENUMBER SAID SECTIONS AS §§ 58D104, 58D105, 58D106, 58D107, 58D108, 58D109, 58D110, 58D111, 58D112, AND 58D113, RESPECTIVELY, AND FURTHER TO *AMEND* § 58D108 TO REDUCE THE PRINCIPAL AMOUNT OF FINANCING AUTHORIZED THEREUNDER; AND TO APPROPRIATE NINETEEN MILLION EIGHT HUNDRED EIGHTY FIVE THOUSAND THREE HUNDRED NINETY-FOUR DOLLARS (\$19,885,394) FROM SECTION 30 FEDERAL FUNDS RECEIVED IN CALENDAR YEAR 2026, RELATIVE TO ESTABLISHING AND FUNDING THE SIMON SANCHEZ HIGH SCHOOL MODERNIZATION FUND AS A DEDICATED INFRASTRUCTURE FUND FOR CAPITAL IMPROVEMENT PROJECTS WITH A USEFUL LIFE OF TWENTY (20) YEARS OR MORE, AND TO PROPORTIONALLY REDUCE PRIOR DEBT AUTHORIZATIONS FOR THESE PROJECTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Mina'trentai Ocho Na*

Liheslaturan Guåhan finds that the Government of Guam has identified an unanticipated Section 30 revenue surplus of approximately Nineteen Million Eight Hundred Eighty Five Thousand Three Hundred Ninety-Four Dollars (\$19,885,394). This fiscal windfall presents a unique and critical opportunity to address the island's

1 most pressing infrastructure crises without further exacerbating the territorial debt
2 burden. According to recent revenue projections and audits of the General Fund, the
3 stabilization of Guam's economy has resulted in collections that significantly exceed
4 previous conservative estimates, providing the means to transition from a reliance
5 on high-interest debt financing toward a "Pay-As-You-Go" (PAYGO) model for
6 essential capital improvements.

7 *I Liheslaturan Guåhan* further finds that the reconstruction of Simon Sanchez
8 High School (SSHS) remains the highest priority for the Guam Department of
9 Education. For over a decade, the students, faculty, and staff of SSHS have endured
10 a facility that has been subject to multiple emergency closures, health citations, and
11 structural failures. Reports from the Guam Department of Public Works and the
12 Department of Education indicate that the current state of the campus is not only a
13 hindrance to the learning environment but also a liability to the safety of the
14 community. Despite previous legislative attempts to secure financing through
15 various procurement models and bond authorizations, the project has been
16 repeatedly delayed by procurement protests and financing complexities. By
17 establishing a dedicated infrastructure fund for SSHS, the government can provide
18 the immediate cash flow necessary to break the cycle of delays and ensure the
19 construction of a facility with a useful life exceeding twenty (20) years.

20 *I Liheslaturan Guåhan* finds that utilizing surplus revenues for capital projects
21 is a fiscally responsible alternative to long-term borrowing. According to the
22 Government Accountability Office and various fiscal policy institutes, infrastructure
23 projects funded through cash appropriations rather than debt save taxpayers millions
24 of dollars in interest payments over the life of the asset. Furthermore, it is the finding
25 of *I Liheslaturan Guåhan* that any direct cash investment into projects that already
26 have existing debt authorizations should result in a dollar-for-dollar reduction in the
27 government's authority to borrow. This ensures that the government does not

1 maintain unnecessary debt ceilings that could negatively impact Guam's credit rating
2 or lead to future over-expenditure.

3 It is the intent of *I Liheslaturan Guåhan* to establish a distinct special fund:
4 the "Simon Sanchez High School Modernization Fund. This fund shall be restricted
5 to capital improvement projects with a minimum useful life of twenty (20) years,
6 ensuring that today's surplus is converted into lasting assets for future generations.
7 It is further the intent of *I Liheslaturan Guåhan* to mandate that all prior debt
8 authorizations for this specific project be reduced proportionally by the amounts
9 appropriated herein, thereby practicing prudent fiscal management and reducing the
10 overall debt liability of the Territory of Guam.

11 **Section 2.** A new § 58D103 is hereby *added* to Chapter 58D, Title 5, Guam
12 Code Annotated, to as follows:

13 **§ 58D103. "Simon Sanchez High School Modernization Fund," (the**
14 **"SSHS Fund").**

15 (a) Creation and Purpose. There is hereby created, separate and
16 apart from other funds of the government of Guam, a special fund to be
17 known as the "Simon Sanchez High School Modernization Fund" (the
18 "SSHS Fund"). The SSHS Fund is established for the exclusive purpose
19 of financing capital improvement projects for the design, construction,
20 reconstruction, and furnishing of the new Simon Sanchez High School
21 authorized under this Chapter.

22 (b) Deposits. The following monies shall be deposited into the
23 SSHS Fund:

24 (1) all sums appropriated to the SSHS Fund from Section
25 30 federal funds received by the Government of Guam pursuant

1 to 48 U.S.C. § 1421h, including the appropriation made by this
2 Act;

3 (2) all interest, earnings, and other investment income
4 accruing to the SSHS Fund, which shall remain within the Fund
5 and shall not be transferred to the General Fund; and

6 (3) any additional appropriations, grants, gifts, donations,
7 or other monies made available to the Fund by law.

8 (c) Administration. The SSHS Fund shall not be commingled
9 with the General Fund and shall be kept in a separate bank account
10 within the Treasury of Guam. The SSHS Fund shall be administered by
11 the Guam Department of Education, which shall carry out the purposes
12 of this Section through the Department of Public Works serving as the
13 technical construction agent for the Guam Department of Education
14 pursuant to § 58D105 of this Chapter (formerly designated as §
15 58D104).

16 (d) Authorized Expenditures. Monies in the SSHS Fund shall be
17 expended solely for capital improvement projects related to the new
18 Simon Sanchez High School that have a useful life of twenty (20) years
19 or more. All expenditures from the SSHS Fund shall be made in full
20 compliance with Chapter 5 of Title 5, Guam Code Annotated (the
21 Guam Procurement Law), and no exception, exemption, or waiver from
22 that Chapter is authorized by this Section. The twenty (20) year
23 minimum useful-life requirement shall be strictly applied; provided,
24 however, that this requirement shall not apply to design costs that have
25 not been incurred as of the effective date of this Act.

26 (e) Reporting. Within thirty (30) days after the close of each
27 fiscal quarter, the Guam Department of Education shall submit a report

1 on the status of the SSHS Fund to the Speaker of *I Liheslaturan*
2 *Guåhan, I Maga'hågan Guåhan*, and the Office of Public
3 Accountability. Each report shall set forth, at a minimum, the beginning
4 and ending balance of the Fund for the quarter; all deposits and
5 expenditures during the quarter; the status of each capital improvement
6 project financed in whole or in part from the Fund; and any
7 encumbrances or planned obligations for the next quarter.

8 (f) Non-lapsing; Interest-Bearing; Protected from Transfer.
9 Notwithstanding any other provision of law, appropriations to and
10 balances within the SSHS Fund shall not lapse at the end of any fiscal
11 year and shall carry over from year to year until expended. The SSHS
12 Fund shall be interest-bearing, and all interest earned shall accrue to
13 and remain within the Fund. Monies within the SSHS Fund shall not be
14 subject to any general or special transfer, reprogramming, reallocation,
15 or sweep authority of *I Maga'lahaen Guåhan*, the Governor of Guam, or
16 of any other executive officer, including without limitation any such
17 authority conferred by the annual General Appropriations Act, by any
18 Executive Order, or by any other provision of law. No monies may be
19 transferred out of the SSHS Fund except for expenditures authorized by
20 subsection (d) of this Section or for reversion upon closure of the Fund
21 as provided in subsection (g).

22 (g) Sunset, Reversion, and Repeal. The SSHS Fund shall close
23 upon written certification by the Guam Department of Education,
24 transmitted to the Speaker of *I Liheslaturan Guåhan* and *I Maga'hågan*
25 *Guåhan*, that the capital improvement projects financed from the Fund
26 have been completed and that all obligations of the Fund have been
27 satisfied. Upon closure of the Fund, any unspent balance remaining in

1 the Fund shall revert to the General Fund of the government of Guam,
2 and this Section shall stand repealed effective as of the date of such
3 certification. The Compiler of Laws is directed to strike this Section
4 from the Guam Code Annotated upon receipt of the certification
5 described herein.

6 **Section 3.** §§ 58D103, 58D104, 58D105, 58D106, 58D107, 58D108, 58D109,
7 58D110, 58D111, and 58D112 of CHAPTER 58D, TITLE 5, GUAM CODE
8 ANNOTATED are hereby *amended* to read:

9 **§ 58D1034. Authorization to Enter Into Long-Term Leases.**

10 (a) The GDOE is authorized to lease the school property to the
11 Contractor for the purpose of facilitating the financing, construction,
12 FF&E services, and maintenance of the new Simon Sanchez High
13 School.

14 (b) The GDOE is also authorized to lease back from the
15 Contractor the new Simon Sanchez High School for a period mutually
16 agreed upon between the GDOE and the Contractor as may be
17 reasonably necessary to amortize over the leaseback period the costs
18 associated with the financing, construction, and FF&E services for the
19 new Simon Sanchez High School as provided in this Act. In no event
20 shall the end of such leaseback period be later than the date thirty (30)
21 years from the scheduled date of completion of the new Simon Sanchez
22 High School. The leaseback may be structured as an annually
23 renewable lease with a provision for automatic renewal to the extent
24 that pledged revenue under ~~§ 58D109~~ § 58D110 is available. The
25 leaseback shall not be construed as 'public indebtedness,' as that term is

1 defined in 48 USC § 1423a, §11 of the Organic Act of Guam, or Guam
2 law.

3 **§ 58D1045. Procurement.**

4 (a) Within ninety (90) days of the enactment of this Act, the
5 GDOE, through the Department of Public Works (DPW), shall issue a
6 solicitation in compliance with the Guam Procurement Law, for the
7 following services with regard to the new Simon Sanchez High School:
8 (1) financing; (2) construction; (3) FF&E services; and (4) insurance
9 and maintenance. The services provided shall utilize and incorporate
10 the school design.

11 (b) The determination of responsible offerors and responsive
12 offers shall be made by an evaluation committee comprised of the
13 Superintendent of the Department of Education, serving as the
14 Chairman, and including the Director of Public Works or Deputy
15 Director and the Building Permits Administrator; the Director of Land
16 Management or Guam Chief Planner; the Administrator of the Guam
17 Economic Development Authority or Deputy Administrator; and the
18 Principal of Simon Sanchez High School or his/her designee.

19 (c) The Committee shall evaluate offerors and the offers received
20 based on the requirements set forth in the solicitation.

21 (d) Upon completion of the committee's evaluation, the
22 Superintendent through the Department of Public Works shall issue the
23 award in accordance with the Guam Procurement Law.

24 **§ 58D1056. Responsibilities of Contractor.**

25 The Contractor shall be responsible for all costs, expenses, and
26 fees of any kind or nature, associated with civil improvements, on-site
27 and off-site infrastructure, construction, demolition of the existing

1 facility, permits, FF&E services, and financing associated with the
2 completion of the new Simon Sanchez High School, consistent with the
3 school design, as and to the extent provided in the solicitation. The
4 contractor shall also be responsible for maintenance of and insurance
5 for the new Simon Sanchez High School during the leaseback period,
6 but shall not be responsible for maintenance of the furniture and
7 equipment. The leaseback may provide that if sufficient funds are not
8 appropriated or otherwise available for the payment of amounts due
9 under the lease and any maintenance agreement, the GDOE will have
10 the obligation to vacate the new Simon Sanchez High School, and the
11 contractor shall have the right of use and occupancy of the new Simon
12 Sanchez High School for the remainder of the term of the lease, unless
13 the parties to the contract enter into new mutually satisfactory terms.
14 For this purpose, the lease may provide that its term shall be extended
15 for a period not to exceed the shorter of ten (10) years beyond the
16 original term of the leaseback or such period of time as is necessary to
17 repay in full any financing arranged pursuant to ~~§ 58D108~~ § 58D109.

18 Furniture and equipment maintenance costs shall be paid by the
19 GDOE on a periodic basis as incurred by the contractor on terms to be
20 agreed to in the contract.

21 **§ 58D1067. Contractual Safeguards.**

22 The contract for the new Simon Sanchez High School shall
23 provide for the construction of and FF&E services for the new Simon
24 Sanchez High School in accordance with the Guam Building Code
25 under Chapter 67 of Title 21, Guam Code Annotated, and any other
26 applicable requirements. The contract shall contain contractual

obligations typically found in government of Guam construction contracts, including, but not limited to, the following:

(a) all major subcontracts shall be covered by a performance bond;

(b) the government of Guam and financing entities, or bondholders, shall be the named obligee under the bond;

(c) the government of Guam shall have the sole right to call on the bid bond;

(d) requirements to obtain performance and or payment bonds, indemnification, standard insurance specifications, technical building/construction specifications, construction progress schedule, applicable and or necessary maintenance schedules, and compliance with applicable rules, regulations, and Guam law; and

(e) there shall be a specific delivery date with liquidated damages for failure to deliver the new Simon Sanchez High School by the specified date, which may include warranties for liquidated damages.

§ 58D1078. Assignments.

To facilitate the purposes of this Act and to provide security for the holders of any financing instruments issued pursuant to this Act, the Contractor may assign, with the consent of GDOE, the contract, the lease, and the leaseback to any underwriter, trustee, or other party as appropriate, to facilitate the issuance of the tax-exempt obligations, other financial instruments or alternative financing for the new Simon Sanchez High School.

§ 58D1089. Financing.

1 To minimize the cost to the government of Guam, financing
2 utilized by the Contractor to fund the construction of and FF&E
3 services for the new Simon Sanchez High School shall be through tax-
4 exempt obligations, or other financial instruments; provided, that such
5 financing is available at an interest rate of no more than eight-and-a-
6 half percent (8.5%). The contractor may use an alternative method of
7 financing, including, but not limited to, a short-term debt, mortgage,
8 loan, federally guaranteed loan, or loan by an instrumentality of the
9 United States of America if such financing will better serve the needs
10 of the people of Guam, subject to approval by *I Liheslaturan Guåhan*.
11 The principal amount of financing authorized under this Section shall
12 not exceed ~~One Hundred Sixty-six Million Three Hundred Sixty-five~~
13 ~~Thousand Dollars (\$166,365,000)~~One Hundred Forty-six Million Four
14 Hundred Seventy-nine Thousand Six Hundred Six Dollars
15 (\$146,479,606).

16 **§ 58D10910. Leaseback Payments Under the Lease Payable from**
17 **Lawfully Available Monies.**

18 (a) Payments under the lease and the leaseback may be secured
19 by a pledge or other reservation of revenues payable from any lawfully
20 available monies of the government of Guam, and may be secured by a
21 pledge or other reservation of such monies on an annual basis.

22 (b) Any amounts pledged or reserved as provided in this Section
23 and subsequently appropriated for the purpose of making leaseback
24 payments may thereafter be pledged toward making leaseback
25 payments; provided, however, that any amounts reserved as provided
26 in this Section shall be subject to an annual appropriation by the Guam

1 Legislature for the purpose of funding the activities set forth in §
2 ~~58D104~~§ 58D105 of this Chapter, and making leaseback payments.

3 (c) Any such pledge or reservation authorized hereunder shall be
4 valid and binding from the time the pledge or reservation is made and
5 shall be limited to the sum of ~~Sixteen Million Three Hundred Seventy-~~
6 ~~seven Thousand One Hundred Twenty-five Dollars (\$16,377,125)~~
7 Fourteen Million Four Hundred Nineteen Thousand Five Hundred
8 Eighty-eight Dollars (\$14,419,588) per year during the pre-
9 development, construction, and leaseback period. The revenues
10 pledged or reserved and thereafter received by the government of Guam
11 or by any trustee, depository or custodian shall be deposited in a
12 separate account and shall be immediately subject to such reservation
13 or the lien of such pledge without any physical delivery thereof or
14 further act, and such reservation or the lien of such pledge shall be valid
15 and binding against all parties having claims of any kind in tort, contract
16 or otherwise against the government of Guam or such trustee,
17 depository or custodian, irrespective of whether the parties have notice
18 thereof. The instrument by which such a pledge or reservation is created
19 need not be recorded.

20 **§ ~~58D140~~11. Utilities and Routine Maintenance and Repair.**

21 The contractor shall be responsible for the connection of all
22 utilities, including without limitation, power, water, sewer, telephone
23 and cable, and all routine interior and exterior maintenance and repair,
24 and exterior groundskeeping and landscaping, and upkeep of the new
25 Simon Sanchez High School.

26 **§ ~~58D144~~12. Maintenance Fund.**

1 The contract and the leaseback shall provide that all maintenance
2 of the new Simon Sanchez High School not described in ~~§ 58D110~~
3 58D111 be performed by the Contractor as a separate cost, the terms of
4 which, and the manner for establishing the amount of payment, shall be
5 determined as a part of the contract; provided, however, that the
6 contract may, at the discretion of the GDOE, provide that maintenance
7 with respect to equipment (including collateral equipment), onsite
8 utilities, offsite utilities, access roads and other similar improvements
9 need not be performed by the Contractor.

10 **§ ~~58D12~~13. Severability.**

11 If any provision of this Act or its application to any person or
12 circumstance is found to be invalid or inorganic, such invalidity shall
13 not affect other provisions or applications of this Act that can be given
14 effect without the invalid provision or application, and to this end the
15 provisions of this Act are severable.

16 **Section 4. Proportional Reduction of Prior Debt Authorizations.**

17 Notwithstanding any other provision of law, any debt authorization enacted prior to
18 the enactment of this Act for the construction of a new Simon Sanchez High School
19 shall have its respective debt authorization ceiling reduced by an amount equal to
20 the sums appropriated by this Act into the Simon Sanchez High School
21 Modernization Fund.

22 This reduction shall take effect immediately upon enactment and shall
23 include, without limitation, the debt authorizations reduced in subsections 3 of this
24 Act.

25 **Section 5. Appropriation.** There is hereby appropriated from Section 30
26 federal funds (48 U.S.C. § 1421h) received in calendar year 2026, or projected to be

1 received by the Government of Guam in Fiscal Year 2027, respectively, the sum of
2 Nineteen Million Eight Hundred Eighty Five Thousand Three Hundred Ninety-four
3 Dollars (\$19,885,394) into the Simon Sanchez High School Modernization Fund
4 created by § 58D103 of Chapter 58D, Title 5, Guam Code Annotated, as added by
5 Section 2 of this Act.

6 **Section 6. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or inorganic, such invalidity shall not
8 affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.

11 **Section 7. Effective Date.** This Act shall take effect upon enactment.