



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, GU 96910

2010 APR 13 AM 9:37
- We

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 332-30 (COR) "AN ACT TO AMEND §51118 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING CERTAIN EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND USER FEES" which I signed into law on April 2, 2010 as **Public Law 30-131**.

Sins eru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

30-10-0323
4/12/10
4:50

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 332-30 (COR), "AN ACT TO AMEND §51118 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO REMOVING CERTAIN EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND USER FEES,"** was on the 19th day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 22nd day of March, 2010, at
2:15 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: APR 02 2010

Public Law No. P.L.30-131

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 332-30 (COR)

As substituted by the Committee on Utilities,
Transportation, Public Works, and Veterans Affairs,
and amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §51118 OF CHAPTER 51, TITLE
10, GUAM CODE ANNOTATED, RELATIVE TO
REMOVING CERTAIN EXEMPTIONS TO GUAM'S
SOLID WASTE TIPPING AND USER FEES.**

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

2 **Section 1. Legislative Intent.** The government of Guam expects to
3 receive from the U.S. Department of Agriculture (USDA) an \$88.5 Million loan
4 and \$15 Million in grants for the construction of a new landfill. Certain provisions
5 of Guam law are in conflict with USDA lending requirements; specifically, that *no*
6 free service or use of the facility will be permitted.

1 The USDA loan, used in lieu of the Obligation (Section 30) Bonds, Series
2 2009A, provides an opportunity for the government of Guam to reprogram bond
3 proceeds to such other important capital improvement projects as the construction
4 of a new multi-purpose cultural, convention and performing arts center, a Guam
5 museum facility, a new John F. Kennedy High School, the expansion of the Guam
6 Memorial Hospital, and other much-needed facilities.

7 Since the USDA loan may be used *only* for solid waste management
8 projects, GovGuam must ensure the sound financial standing of the Solid Waste
9 Operations Fund, which is the depository of solid waste tipping and user fees
10 administered by the Department of Public Works Solid Waste Division.

11 It is the intent of *I Liheslaturan Guåhan* to ensure that the terms and
12 requirements of the USDA loan are met by eliminating certain solid waste tipping
13 fee exemptions under §51118 of Chapter 51, Title 10 of the Guam Code
14 Annotated.

15 **Section 2.** §51118 of Chapter 51, Title 10 of the Guam Code Annotated, is
16 hereby *amended* to read:

17 **“§51118. Tipping/User Fees and Solid Waste Operations Fund.**

18 (a) Legislative Intent. Tipping and user fees shall provide a
19 financing source for government of Guam costs and expenses directly
20 related to the closure of the Ordot landfill, the development, design,
21 construction, operation and final closure of a new sanitary landfill and the
22 Ordot landfill, as well as other solid waste management facilities that are
23 contracted or may be established by this Act and in accordance with the plan
24 and annual fiscal year appropriation for the Division of Solid Waste
25 Management of DPW.

1 (1) Tipping/user fees will vary depending on the nature of
2 collection, privatized contract for residential dwellings or hired
3 commercial collectors for other municipal solid waste outlets.

4 (2) For residential or dwelling, the charge is a user fee which
5 includes the collection fee with the disposal tipping fee.

6 (3) For commercial, including multi-family dwellings and
7 government agencies, the charge is a disposal tipping fee and does not
8 include collection fees independently charged by commercial waste
9 haulers.

10 (b) Effective Date of Charging Tipping Fees. The commercial and
11 residential tipping fees established in this § 51118 are charged beginning the
12 first day of the month following the adoption of supporting rules and
13 regulations by DPW under the Administrative Adjudication Law.

14 (c) Business and Governmental Tipping Fees. A tipping fee of
15 Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby established for
16 business and government generators. For compacted trash, a tipping fee of
17 Four Dollars (\$4.00) per cubic yard multiplied by the compaction ratio of
18 any vehicle or container with compaction equipment, is hereby established
19 for business and government generators. Commercial and government
20 collectors shall provide the Department of Public Works the compaction
21 ratios of all equipment used to haul solid waste to the landfill to insure the
22 accurate assessment of tipping fees for compacted trash. This fee does *not*
23 include collection charges that are independently set by licensed commercial
24 collectors.

25 (d) Residential Tipping Fees. A residential tipping fee, which
26 includes collection charges, is hereby established for residential generators
27 in the amount of Eight Dollars (\$8.00) per dwelling per month.

1 (e) PUC Rate-making. The Public Utilities Commission of Guam
2 ['PUC'] is hereby authorized to establish, amend and approve, in accordance
3 with Chapter 12 of Title 12, Guam Code Annotated, all commercial,
4 government and residential tipping and user fees [including without
5 limitation a self-drop fee, a variable residential tipping fee and a targeted
6 lifeline rate for residential tipping fee, *collectively referred to as 'tipping*
7 *fees*'], which when established shall replace those previously created by law
8 or by the Department of Public Works ['DPW']. Tipping fees established by
9 PUC shall be based on volume and on an actuarial analysis of costs of
10 service. Rate-making authority, which was previously given to the DPW
11 under this Section, is hereby *revoked*; provided, however, that DPW may
12 propose or recommend rates and charges to be approved by the PUC. PUC
13 is empowered to undertake a focused management audit of the existing
14 operations of the DPW Division of Solid Waste Management. In performing
15 its duties under this Section, PUC shall have the full authority and powers
16 conferred upon it by its enabling legislation, 12 GCA 12000 *et. sec.*,
17 including the audit power conferred upon it by Public Laws 25-05:12 and
18 26-78:2.

19 (f) Solid Waste Operations Fund. All tipping, user and other fees
20 authorized under this Section and collected based on duly established rules
21 and regulations or on a PUC rate order shall be deposited in a special fund
22 designated and hereby established as the Solid Waste Operations Fund. All
23 tipping/user fees in the Fund shall be used *solely* for solid waste
24 management practices and, pursuant to PUC order, for the payment of
25 regulatory costs and expenses as may be incurred by PUC in performing its
26 regulatory duties under Subsection (e).

1 (g) Notification to Department of Interior. Within thirty (30) days of
2 the enactment of this Act, the Governor shall notify the Department of
3 Interior of the establishment of tipping fees, for the purpose of releasing
4 Federal funds available to resolve environmental issues relative to the Ordot
5 Landfill. Unless otherwise restricted by any conditions, Federal funding will
6 be allocated between the Ordot Landfill compliance mitigation work and
7 closure.

8 (h) DPW to Develop Variable Residential Tipping Fees. In
9 recognition of the fact that the initial residential tipping fee established by
10 Public Law Number 24-272 is a flat fee, which discourages trash reduction,
11 penalizes smaller families and subsidizes large residential generators of
12 waste, the Department of Public Works shall develop a plan to institute a
13 sliding scale of residential tipping fees. The sliding scale shall, at a
14 minimum, charge residential generators based on the amount of waste
15 produced and picked up by the department. The plan shall also address the
16 methodology for billing individual residential customers based on the
17 revised variable tipping fee. The plan shall be submitted to *I Liheslaturan*
18 *Guåhan* within four (4) months of enactment of this Act.

19 (h) (1) Lifeline Rates for Tipping Fees. Notwithstanding any other
20 provision of law, the Department of Public Works shall, through the
21 development of rules and regulations pursuant to the Administrative
22 Adjudication Law, establish and modify from time to time, Targeted Lifeline
23 Rates for Residential Tipping Fees covering pick-up and delivery of
24 residential trash *only* that are consistent with and meeting the low income
25 eligibility criteria, requirement, policies or procedures established by the
26 Guam Housing and Urban Renewal Authority ('GHURA') applicable to their
27 Low Income Public Housing Program.

1 (i) Self-Drop Fee Established. Any person or entity that is *not* a
2 business or government generator shall be billed Two Dollars (\$2.00) per
3 vehicle load of solid waste delivered to a landfill operated by the
4 Department or its contractor; provided, that the vehicle load capacity is one
5 (1) ton or less. Vehicles in excess of said load capacity shall be billed a rate
6 that is based on an established formula developed by the Department.”

7 **Section 3. Effective Date.** This Act shall be effective upon final approval
8 by the United States Department of Agriculture of the loan and grant described in
9 Section 1 of this Act.

10 **Section 4. Severability.** *If* any provision of this Act, or its application to
11 any person or circumstances is held invalid, the invalidity shall *not* affect other
12 provisions or applications of this Act which can be given effect without the invalid
13 provision or application, and to this end the provisions of this Act are severable.

6

I MINA' TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

Date: 3/19/10

VOTING SHEET

Bill No. 332-30 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
AGUON, Frank B., Jr. <i>11</i>	✓				
BLAS, Frank F., Jr. <i>111</i>		✓			
CALVO, Edward J.B. <i>111</i>		✓			
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray <i>111</i>		✓			
WON PAT, Judith T. <i>111</i>		✓			

TOTAL 9 5 _____ _____ _____

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 12, 2010

The Honorable Judith T. Won Pat, Ed.D.

Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

2010 MAR 12 PM 12:21
af

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 332-30 (COR)

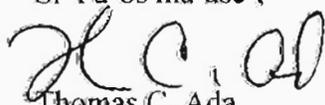
Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 332-30 (COR)- "An act relative to removing certain exemptions to Guam's solid waste tipping and user fees by amending §51118 of Chapter 51, Title 10, Guam Code Annotated"- sponsored by B.J.F. Cruz, and referred to the Committee on Utilities, Transportation, Public Works, and Veterans Affairs.

Committee votes are as follows:

- 6 To Pass
- _____ Not to Pass
- 1 To Report Out Only
- _____ Abstain
- _____ To Place in Inactive File

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention on this matter.

Si Yu'os ma'åse',

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

COMMITTEE REPORT ON

BILL NO. 332-30 (COR)

B.J.F. Cruz

as substituted by the Committee

**“AN ACT RELATIVE TO REMOVING CERTAIN
EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND
USER FEES BY AMENDING § 51118 OF CHAPTER 51, TITLE
10, GUAM CODE ANNOTATED”**



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 12, 2009

MEMORANDUM

To: **All Members**
Committee on Utilities, Transportation, Public Works, and
Veterans Affairs

From: **Senator Thomas C. Ada**
Committee Chairperson

Subject: **Committee Report on Bill No. 332-30 (COR)**

Transmitted herewith for your consideration is the Committee Report on Bill No. 332-30 (COR) as substituted by the Committee- "An act relative to removing certain exemptions to Guam's solid waste tipping and user fees by amending §51118 of Chapter 51, Title 10, Guam Code Annotated", sponsored by B.J.F. Cruz.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative
- Copy of Substituted Bill No. 332-30 (COR)
- Copy of Bill No. 332-30 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 332-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse',

Thomas C. Ada



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
 30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

COMMITTEE VOTING SHEET

Substitute Bill No. 332-30 (COR) – B.J.F. Cruz

“An act relative to removing certain exemptions to Guam’s solid waste tipping and user fees by amending §51118 of Chapter 51, Title 10, Guam Code Annotated”.

Committee Members	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN DUE TO POTENTIAL CONFLICT	TO PLACE IN INACTIVE FILE
Senator Thomas C. Ada, Chairman		✓ 3/11/10				
Senator Adolpho B. Palacios, Sr., Vice Chairman		✓ 3/12/10				
Senator Frank B. Aguon, Jr.		✓ 3/12/10				
Vice Speaker Benjamin J. F. Cruz		✓ 3/11/10				
Senator Tina Rose Muña-Barnes		✓				
Senator Rory J. Respicio		✓				
Senator James V. Espaldon				✓		
Senator Telo Taitague						
Senator Ray Tenorio						

Committee Report

Substitute Bill 332-30 (COR) B.J.F. Cruz

An act relative to removing certain exemptions to Guam's solid waste tipping and user fees by amending §51118 of Chapter 51, Title 10, Guam Code Annotated.

I. Findings and Recommendation

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs finds that certain provisions of Guam law would conflict with pending U.S. Department of Agriculture lending requirements; specifically, that "no free service or use of the facility will be permitted". The Government of Guam has applied to receive an \$88.5 million loan, and \$15 million in grants from the USDA, for the construction of a new landfill.

The Committee finds that it is necessary to ensure that the terms and requirements of the USDA loan are met by eliminating tipping fee exemptions under §51118 of Chapter 51, Title 10 of the Guam Code Annotated.

After receiving input on B332-30 (COR), the Committee has amended B332-30 (COR) to reflect minor grammatical and title changes.

Bill 332-30 as substituted by the Committee on Utilities, Transportation, Public Works, and Veterans Affairs is duly reported to *I Liheslaturan Guåhan* with the recommendation "TO PASS".

II. Overview

The Committee on Utilities, Transportation, Public Works, and Veterans Affairs convened on March 11, 2010 at 9:10 a.m. to hold a public hearing that included Bill No. 332-30 (COR). Notice of the hearing was disseminated to all local media outlets via facsimile and email on March 4 and March 9, 2010, thus meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators present:

Senator Thomas C. Ada	Chairman
Senator Adolpho B. Palacios, Sr.	Vice Chairman
Vice Speaker Benjamin J. Cruz	Member
Senator Vicente C Pangelinan	

III. Summary of Testimonies

No testimony provided.

Question and Answer

Vice Speaker Benjamin J. Cruz

States Bill 332 was introduced by request of the receiver, Gershman, Brickner & Bratton Inc., and District Court, to ensure compliance with USDA loan requirements. In response to the request to release USDA funds to replace bond money, the District Court stated that current Guam law must be repealed for USDA funds to be released to construct the Layon Landfill. Vice Speaker Benjamin J. F. Cruz identifies item 10. of the USDA Loan Resolution that states “No free service or use of the facility will be permitted”. He further states that the receiver and District Court identified current law that allowed “free service”, and requested the legislature repeal subsection (j), (k), (l) and (m) of §51118 of Chapter 51, Title 10, Guam Code Annotated to comply with USDA lending requirements.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

Bill No. 332-30 (COR)
As substituted by the Committee on
Utilities, Transportation, Public Works,
And Veterans Affairs

Introduced by:

B.J.F. Cruz

AN ACT RELATIVE TO REMOVING CERTAIN
EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND
USER FEES BY AMENDING § 51118 OF CHAPTER 51,
TITLE 10, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Intent.**

3 The Government of Guam expects to receive from the U.S.
4 Department of Agriculture (USDA) an \$88.5 million loan and \$15 million in
5 grants for the construction of a new landfill. Certain provisions of Guam
6 law are in conflict with USDA lending requirements; specifically, that no
7 free service or use of the facility will be permitted.

8 The USDA loan, used in lieu of the ~~2009 Solid Waste Management~~
9 ~~System Bond-Limited Obligation (Section 30) Bonds, Series 2009A~~, provides
10 an opportunity for the Government of Guam to ~~divert~~ reprogram bond
11 proceeds to such other important capital improvement projects as the
12 construction of a new multi-purpose cultural, convention and performing
13 arts center, a Guam museum facility, a new John F. Kennedy High School,
14 the expansion of the Guam Memorial Hospital, and other much needed
15 facilities.

1 performing arts center, a Guam museum facility, a new John F. Kennedy
2 High School, the expansion of the Guam Memorial Hospital, and other
3 much needed facilities.

4 Since the USDA loan may be used only for solid waste management
5 projects, GovGuam must ensure the sound financial standing of the Solid
6 Waste Operations Fund, which is the depository of solid waste tipping and
7 user fees administered by the Department of Public Works Solid Waste
8 Division.

9 It is the intent of *I Liheslaturan Guåhan* to ensure that the terms and
10 requirements of the USDA loan are met by eliminating certain solid waste
11 tipping fee exemptions under § 51118 of Chapter 51, Title 10 of the Guam
12 Code Annotated.

13 **Section 2.** § 51118 of Chapter 51, Title 10 of the Guam Code
14 Annotated is hereby *amended* to read:

15 **“§ 51118. Tipping/User Fees and Solid Waste Operations Fund.**

16 (a) Legislative Intent. Tipping and user fees shall provide a
17 financing source for government of Guam costs and expenses directly
18 related to the closure of the Ordot landfill, the development, design,
19 construction, operation and final closure of a new sanitary landfill
20 and the Ordot Landfill, as well as other solid waste management
21 facilities that are contracted or may be established by this Act and in
22 accordance with the plan and annual fiscal year appropriation for the
23 Division of Solid Waste Management of DPW.

1 (1) Tipping/user fees will vary depending on the nature of
2 collection, privatized contract for residential dwellings or hired
3 commercial collectors for other municipal solid wastes outlets.

4 (2) For residential or dwelling, the charge is a user fee
5 which includes the collection fee with the disposal tipping fee.

6 (3) For commercial, including multi-family dwellings and
7 government agencies, the charge is a disposal tipping fee and
8 does not include collection fees independently charged by
9 commercial waste haulers.

10 (b) Effective Date of Charging Tipping Fees. The commercial
11 and residential tipping fees established in this § 51118 are charged
12 beginning the first day of the month following the adoption of
13 supporting rules and regulations by DPW under the Administrative
14 Adjudication Law.

15 (c) Business and Governmental Tipping Fees. A tipping fee of
16 Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby
17 established for business and government generators. For compacted
18 trash, a tipping fee of Four Dollars (\$4.00) per cubic yard multiplied
19 by the compaction ratio of any vehicle or container with compaction
20 equipment, is hereby established for business and government
21 generators. Commercial and government collectors shall provide the
22 Department of Public Works the compaction ratios of all equipment
23 used to haul solid waste to the landfill to insure the accurate

1 assessment of tipping fees for compacted trash. This fee does *not*
2 include collection charges that are independently set by licensed
3 commercial collectors.

4 (d) Residential Tipping Fees. A residential tipping fee, which
5 includes collection charges, is hereby established for residential
6 generators in the amount of Eight Dollars (\$8.00) per dwelling per
7 month.

8 (e) PUC Rate-making. The Public Utilities Commission of
9 Guam ['PUC'] is hereby authorized to establish and amend
10 commercial, government and residential tipping and user fees
11 [including without limitation a self-drop fee, a variable residential
12 tipping fee and a targeted lifeline rate for residential tipping fee,
13 *collectively referred to as 'tipping fees'*], which when established shall
14 replace those previously created by law or by the Department of
15 Public Works ['DPW']. Tipping fees established by PUC shall be
16 based on volume and on an actuarial analysis of costs of service.
17 Rate-making authority, which was previously given to the DPW
18 under this Section, is hereby *revoked*. PUC is empowered to undertake
19 a focused management audit of the existing operations of the DPW
20 Division of Solid Waste Management. In performing its duties under
21 this Section, PUC shall have the full authority and powers conferred
22 upon it by its enabling legislation, 12 GCA 12000 *et. sec.*, including the
23 audit power conferred upon it by Public Laws 25-05:12 and 26-78:2.

1 (f) Solid Waste Operations Fund. All tipping, user and other
2 fees authorized under this Section and collected based on duly
3 established rules and regulations or on a PUC rate order shall be
4 deposited in a special fund designated and hereby established as the
5 Solid Waste Operations Fund. All tipping/user fees in the Fund shall
6 be used *solely* for solid waste management practices and, pursuant to
7 PUC order, for the payment of regulatory costs and expenses as may
8 be incurred by PUC in performing its regulatory duties under
9 Subsection (e).

10 (g) Notification to Department of Interior. Within thirty (30)
11 days of the enactment of this Act, the Governor shall notify the
12 Department of Interior of the establishment of tipping fees, for the
13 purpose of releasing Federal funds available to resolve
14 environmental issues relative to the Ordot Landfill. Unless otherwise
15 restricted by any conditions, Federal-funding will be allocated
16 between the Ordot Landfill compliance mitigation work and closure.

17 (h) DPW to Develop Variable Residential Tipping Fees In
18 recognition of the fact that the initial residential tipping fee
19 established by Public Law Number 24-272 is a flat fee, which
20 discourages trash reduction, penalizes smaller families and
21 subsidizes large residential generators of waste, the Department of
22 Public Works shall develop a plan to institute a sliding scale of
23 residential tipping fees. The sliding scale shall, at a minimum, charge

1 residential generators based on the amount of waste produced and
2 picked up by the department. The plan shall also address the
3 methodology for billing individual residential customers based on
4 the revised variable tipping fee. The plan shall be submitted to *I*
5 *Liheslaturan Guåhan* within four (4) months of enactment of this Act.

6 (h) (1) Lifeline Rates for Tipping Fees. Notwithstanding any
7 other provision of law, the Department of Public Works shall,
8 through the development of rules and regulations pursuant to the
9 Administrative Adjudication Law, establish and modify from time to
10 time, Targeted Lifeline Rates for Residential Tipping Fees covering
11 pick-up and delivery of residential trash *only* that are consistent with
12 and meeting the low income eligibility criteria, requirement, policies
13 or procedures established by the Guam Housing and Urban Renewal
14 Authority ('GHURA') applicable to their Low Income Public Housing
15 Program.

16 (i) Self-Drop Fee Established. Any person or entity that is *not* a
17 business or government generator shall be billed Two Dollars (\$2.00)
18 per vehicle load of solid waste delivered to a landfill operated by the
19 Department or its contractor; provided, that the vehicle load capacity
20 is one (1) ton or less. Vehicles in excess of said load capacity shall be
21 billed a rate that is based on an established formula developed by the
22 Department.

1 ~~(j) Temporary Exemption from Tipping Fees for Municipal~~
2 ~~Waste Collection. For a period of one (1) year commencing the date~~
3 ~~of the enactment of this Act, all waste collected by any Mayor or~~
4 ~~Vice Mayor in the performance of their official duties, and~~
5 ~~transported to a landfill operated by the Department or its contractor,~~
6 ~~shall be exempt from all tipping fees. The Department of Public~~
7 ~~Works shall monitor and record the amount of solid waste delivered~~
8 ~~by Mayors and Vice Mayors under this Section. This information~~
9 ~~shall be provided on a quarterly basis to the Mayors Council, I Maga'~~
10 ~~lahen Guåhan, and I Liheslaturan Guahån for the purpose of~~
11 ~~determining an appropriate budget for each municipality following~~
12 ~~the end of the exemption.~~

13 ~~(k) 'Good Citizen' Exemption Established. Any individual,~~
14 ~~registered non-profit organization, or other person who intends to~~
15 ~~volunteer their resources for the purpose of cleaning up and~~
16 ~~collecting trash and litter from public places or facilities may be~~
17 ~~granted a temporary exemption from the fees established herein by~~
18 ~~securing a written exemption from the Department of Public Works~~
19 ~~in advance of their planned collection activities. The Department of~~
20 ~~Public Works shall determine the manner, time limit and procedure~~
21 ~~by which such an exemption may be granted and honored.~~

22 ~~(l) Temporary Exemption of Tipping Fees Following a Force~~
23 ~~Majeure. Following a force majeure, I Maga'lahen Guåhan shall be~~

1 authorized to suspend tipping fees for all solid waste collected and
2 transported to a landfill that is operated by the Department or its
3 contractor for a period *not to exceed sixty (60) days*.

4 ~~(m) Exemption from Tipping Fees for Municipal Waste~~
5 ~~Collection. All Mayors or Vice-Mayors who collect waste in the~~
6 ~~performance of their official duties shall be allowed to dump the~~
7 ~~waste at the Ordot landfill, the Agat transfer station and any other~~
8 ~~landfill or transfer station operated by the Department of Public~~
9 ~~Works ("DPW"), or its contractor. The Mayors or Vice-Mayors shall be~~
10 ~~exempt from all tipping fees when dumping the waste collected in~~
11 ~~their official capacity."~~

12 **Section 3. Effective Date.** This Act shall be effective immediately
13 following enactment into law.

14 **Section 4. Severability.** If any provision of this Act, or its application
15 to any person or circumstances is held invalid, the invalidity shall not affect
16 other provisions or applications of this Act which can be given effect
17 without the invalid provision or application, and to this end the provisions
18 of this Act are severable.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

Bill No. 332-30 (COR)
As substituted by the Committee on
Utilities, Transportation, Public Works,
And Veterans Affairs

Introduced by:

B.J.F. Cruz

**AN ACT RELATIVE TO REMOVING CERTAIN
EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND
USER FEES BY AMENDING § 51118 OF CHAPTER 51,
TITLE 10, GUAM CODE ANNOTATED.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent.

3 The Government of Guam expects to receive from the U.S.
4 Department of Agriculture (USDA) an \$88.5 million loan and \$15 million in
5 grants for the construction of a new landfill. Certain provisions of Guam
6 law are in conflict with USDA lending requirements; specifically, that no
7 free service or use of the facility will be permitted.

8 The USDA loan, used in lieu of the Limited Obligation (Section 30)
9 Bonds, Series 2009A, provides an opportunity for the Government of Guam
10 to divert reprogram bond proceeds to such other important capital
11 improvement projects as the construction of a new multi-purpose cultural,
12 convention and performing arts center, a Guam museum facility, a new
13 John F. Kennedy High School, the expansion of the Guam Memorial
14 Hospital, and other much needed facilities.

1 Since the USDA loan may be used only for solid waste management
2 projects, GovGuam must ensure the sound financial standing of the Solid
3 Waste Operations Fund, which is the depository of solid waste tipping and
4 user fees administered by the Department of Public Works Solid Waste
5 Division.

6 It is the intent of *I Liheslaturan Guåhan* to ensure that the terms and
7 requirements of the USDA loan are met by eliminating certain solid waste
8 tipping fee exemptions under § 51118 of Chapter 51, Title 10 of the Guam
9 Code Annotated.

10 **Section 2.** § 51118 of Chapter 51, Title 10 of the Guam Code
11 Annotated is hereby *amended* to read:

12 **“§ 51118. Tipping/User Fees and Solid Waste Operations Fund.**

13 (a) Legislative Intent. Tipping and user fees shall provide a
14 financing source for government of Guam costs and expenses directly
15 related to the closure of the Ordot landfill, the development, design,
16 construction, operation and final closure of a new sanitary landfill
17 and the Ordot landfill, as well as other solid waste management
18 facilities that are contracted or may be established by this Act and in
19 accordance with the plan and annual fiscal year appropriation for the
20 Division of Solid Waste Management of DPW.

21 (1) Tipping/user fees will vary depending on the nature
22 of collection, privatized contract for residential dwellings or
23 hired commercial collectors for other municipal solid waste
24 outlets.

25 (2) For residential or dwelling, the charge is a user fee
26 which includes the collection fee with the disposal tipping fee.

27 (3) For commercial, including multi-family dwellings and
28 government agencies, the charge is a disposal tipping fee and

1 does not include collection fees independently charged by
2 commercial waste haulers.

3 (b) Effective Date of Charging Tipping Fees. The commercial
4 and residential tipping fees established in this § 51118 are charged
5 beginning the first day of the month following the adoption of
6 supporting rules and regulations by DPW under the Administrative
7 Adjudication Law.

8 (c) Business and Governmental Tipping Fees. A tipping fee of
9 Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby
10 established for business and government generators. For compacted
11 trash, a tipping fee of Four Dollars (\$4.00) per cubic yard multiplied
12 by the compaction ratio of any vehicle or container with compaction
13 equipment, is hereby established for business and government
14 generators. Commercial and government collectors shall provide the
15 Department of Public Works the compaction ratios of all equipment
16 used to haul solid waste to the landfill to insure the accurate
17 assessment of tipping fees for compacted trash. This fee does *not*
18 include collection charges that are independently set by licensed
19 commercial collectors.

20 (d) Residential Tipping Fees. A residential tipping fee, which
21 includes collection charges, is hereby established for residential
22 generators in the amount of Eight Dollars (\$8.00) per dwelling per
23 month.

24 (e) PUC Rate-making. The Public Utilities Commission of
25 Guam ['PUC'] is hereby authorized to establish, amend and approve
26 in accordance with Chapter 12 of Title 12, Guam Code Annotated all
27 commercial, government and residential tipping and user fees
28 [including without limitation a self-drop fee, a variable residential

1 tipping fee and a targeted lifeline rate for residential tipping fee,
2 *collectively referred to as 'tipping fees'*, which when established shall
3 replace those previously created by law or by the Department of
4 Public Works ['DPW']. Tipping fees established by PUC shall be
5 based on volume and on an actuarial analysis of costs of service.
6 Rate-making authority, which was previously given to the DPW
7 under this Section, is hereby *revoked*; provided, however, that DPW
8 may propose or recommend rates and charges to be approved by the
9 PUC. PUC is empowered to undertake a focused management audit
10 of the existing operations of the DPW Division of Solid Waste
11 Management. In performing its duties under this Section, PUC shall
12 have the full authority and powers conferred upon it by its enabling
13 legislation, 12 GCA 12000 *et. sec.*, including the audit power conferred
14 upon it by Public Laws 25-05:12 and 26-78:2.

15 (f) Solid Waste Operations Fund. All tipping, user and other
16 fees authorized under this Section and collected based on duly
17 established rules and regulations or on a PUC rate order shall be
18 deposited in a special fund designated and hereby established as the
19 Solid Waste Operations Fund. All tipping/user fees in the Fund shall
20 be used *solely* for solid waste management practices and, pursuant to
21 PUC order, for the payment of regulatory costs and expenses as may
22 be incurred by PUC in performing its regulatory duties under
23 Subsection (e).

24 (g) Notification to Department of Interior. Within thirty (30)
25 days of the enactment of this Act, the Governor shall notify the
26 Department of Interior of the establishment of tipping fees, for the
27 purpose of releasing Federal funds available to resolve
28 environmental issues relative to the Ordot Landfill. Unless otherwise

1 restricted by any conditions, Federal-funding will be allocated
2 between the Ordot Landfill compliance mitigation work and closure.

3 (h) DPW to Develop Variable Residential Tipping Fees In
4 recognition of the fact that the initial residential tipping fee
5 established by Public Law Number 24-272 is a flat fee, which
6 discourages trash reduction, penalizes smaller families and
7 subsidizes large residential generators of waste, the Department of
8 Public Works shall develop a plan to institute a sliding scale of
9 residential tipping fees. The sliding scale shall, at a minimum, charge
10 residential generators based on the amount of waste produced and
11 picked up by the department. The plan shall also address the
12 methodology for billing individual residential customers based on
13 the revised variable tipping fee. The plan shall be submitted to *I*
14 *Liheslaturan Guåhan* within four (4) months of enactment of this Act.

15 (h) (1) Lifeline Rates for Tipping Fees. Notwithstanding any
16 other provision of law, the Department of Public Works shall,
17 through the development of rules and regulations pursuant to the
18 Administrative Adjudication Law, establish and modify from time to
19 time, Targeted Lifeline Rates for Residential Tipping Fees covering
20 pick-up and delivery of residential trash *only* that are consistent with
21 and meeting the low income eligibility criteria, requirement, policies
22 or procedures established by the Guam Housing and Urban Renewal
23 Authority ('GHURA') applicable to their Low Income Public Housing
24 Program.

25 (i) Self-Drop Fee Established. Any person or entity that is *not* a
26 business or government generator shall be billed Two Dollars (\$2.00)
27 per vehicle load of solid waste delivered to a landfill operated by the
28 Department or its contractor; provided, that the vehicle load capacity

1 is one (1) ton or less. Vehicles in excess of said load capacity shall be
2 billed a rate that is based on an established formula developed by the
3 Department.

4 ~~(j) Temporary Exemption from Tipping Fees for Municipal~~
5 ~~Waste Collection. For a period of one (1) year commencing the date of~~
6 ~~the enactment of this Act, all waste collected by any Mayor or Vice-~~
7 ~~Mayor in the performance of their official duties, and transported to a~~
8 ~~landfill operated by the Department or its contractor, shall be exempt~~
9 ~~from all tipping fees. The Department of Public Works shall monitor~~
10 ~~and record the amount of solid waste delivered by Mayors and Vice-~~
11 ~~Mayors under this Section. This information shall be provided on a~~
12 ~~quarterly basis to the Mayors Council, I Maga' lahen Guåhan, and I~~
13 ~~Liheslaturan Guahân for the purpose of determining an appropriate~~
14 ~~budget for each municipality following the end of the exemption.~~

15 ~~(k) 'Good Citizen' Exemption Established. Any individual,~~
16 ~~registered non profit organization, or other person who intends to~~
17 ~~volunteer their resources for the purpose of cleaning up and~~
18 ~~collecting trash and litter from public places or facilities may be~~
19 ~~granted a temporary exemption from the fees established herein by~~
20 ~~securing a written exemption from the Department of Public Works~~
21 ~~in advance of their planned collection activities. The Department of~~
22 ~~Public Works shall determine the manner, time limit and procedure~~
23 ~~by which such an exemption may be granted and honored.~~

24 ~~(l) Temporary Exemption of Tipping Fees Following a Force~~
25 ~~Majeure. Following a force majeure, I Maga' lahen Guåhan shall be~~
26 ~~authorized to suspend tipping fees for all solid waste collected and~~
27 ~~transported to a landfill that is operated by the Department or its~~
28 ~~contractor for a period *not to exceed* sixty (60) days.~~

1 ~~(m) Exemption from Tipping Fees for Municipal Waste~~
2 ~~Collection. All Mayors or Vice Mayors who collect waste in the~~
3 ~~performance of their official duties shall be allowed to dump the~~
4 ~~waste at the Ordot landfill, the Agat transfer station and any other~~
5 ~~landfill or transfer station operated by the Department of Public~~
6 ~~Works ('DPW'), or its contractor. The Mayors or Vice Mayors shall be~~
7 ~~exempt from all tipping fees when dumping the waste collected in~~
8 ~~their official capacity."~~

9 **Section 3. Effective Date.** This Act shall be effective immediately
10 following enactment into law.

11 **Section 4. Severability.** If any provision of this Act, or its application
12 to any person or circumstances is held invalid, the invalidity shall not affect
13 other provisions or applications of this Act which can be given effect
14 without the invalid provision or application, and to this end the provisions
15 of this Act are severable.

(Automated 8-97)

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____
 OF THE _____
 AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A
 PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

 FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____
 (Public Body)
 (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

_____ ; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture,
 (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921
 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event
 that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legally permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0015), Washington, DC 20503.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
- 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
- 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
- 14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
- 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
- 17. To accept a grant in an amount not to exceed \$ _____

under the terms offered by the Government; that the _____

and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the _____ of the

_____ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By _____

Attest:

Title _____

Title _____

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 332-30(COR)**

AN ACT RELATIVE TO REMOVING CERTAIN EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND USER FEES BY AMENDING §51118 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Works	Dept./Agency Head: Andrew Leon Guerrero, Acting Director
Department's General Fund (GF) appropriation(s) to date:	\$9,724,110
Department's Other Fund (Specify) appropriation(s) to date: Guam Highway Fund \$7,975,333; Solid Waste Operations Fund \$6,493,337	\$14,468,670
Total Department/Agency Appropriation(s) to date:	\$24,192,780

Fund Source Information of Proposed Appropriation			
	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Appro. (P.L. 30-55 thru 30-75)	(\$540,228,724)	(\$113,520,186)	(\$653,748,910)
Sub-total:	(\$10,086)	(\$954,175)	(\$964,261)
Less appropriation in Bill	\$0	\$0	\$0
Total:	(\$10,086)	(\$954,175)	(\$964,261)

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes / / No
 /X/ Requested agency comments not received by due date / / Other: _____

Analyst: [Signature] Date: 3/4/2010 Director: [Signature] Date: MAR 09 2010
Bertha M. Duenas, Director, BBMR

Footnotes: The Bill has a potential for additional funding impact specifically towards the Mayors' Council in its Municipal Waste Collection & Disposal activity. However, in its present form this impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina' Trenta na Libeslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

February 22, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Referral of Bill No. 332-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 332-30(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

Handwritten notes: "Rory" and "2/22/10"

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B332-30 (COR)	B.J.F. Cruz	An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.	2/19/10 2:35 p.m.	2/22/10	Committee on Utilities, Transportation, Public Works, and Veterans Affairs			



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 4, 2010

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 12, 2010, 3:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant-at-Arms/ Protocol/ A/V
MIS



Public Hearing - 1st Notice - March 11, 2010

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 4, 2010 at 9:55 AM

To: judiguthertz@pticom.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <senecalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>

Cc: alfredduenas@guamlegislature.org, andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wyittenbachsantos@gmail.com, ed@raytenorio.com, edpocaigne@judiwonpat.com, edpocaigne@yahoo.com, epgogue@guamlegislature.org, epgogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jameleng_91@yahoo.com, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, joe_kamudo@yahoo.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, paul@raytenorio.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, wndycruz@gmail.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <elainevtll@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Phillip Leon Guerrero <phill@raytenorio.com>, Ron Taitague <ez2plez57@yahoo.com>, ron teehan <rftteehan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Materne <nieves@guamlegislature.org>, Martha Cruz <mcruz@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, vparriola@teleguam.net, tunsiog@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>, vbermudes@guamlegislature.org, Yong Pak <yong@guamlegislature.org>, Therese Terlaje <terlaje@guam.net>, acruz@guamlegislature.org, ccolbert@guamlegislature.org, clujan@guamlegislature.org, foppus@guamlegislature.org, jgogue@guamlegislature.org, jtaisague@guamlegislature.org, mpangelinan@guamlegislature.org, mravela@guamlegislature.org, tchargualaf@guamlegislature.org

Hafa adai, Senators,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR).

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,
Nicole

--

Nicole Santos
Staff Analyst
Office of Senator Thomas C. Ada
I Ming' Trenta na Liheslaturan Guahan - 30th Guam Legislature
671-473-3301



Public Hearing - 1st Notice - Mar 11 - All Senators.pdf

774K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guáhan

March 4, 2010

MEMORANDUM

To: All Stakeholders

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 12, 2010, 3:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 4, 2010

MEMORANDUM

To: All Media

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Testimonies should be addressed to Senator Thomas C. Ada, Chairperson, and will be accepted via hand delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96932, via email to office@senatorada.org, or via facsimile to (671) 473-3303 until March 12, 2010, 3:00 pm. Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing - 1st Notice - March 11, 2010

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 4, 2010 at 9:55 AM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com, sabrina@kuam.com, nick.delgado@kuam.com, nick@kuam.com, kevin@spbgum.com, jac perry <jac.cherry@gmail.com>

Hafa adai,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR).

[Broken text hidden]



Public Hearing - 1st Notice - Mar 11 - All Media.pdf

726K



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing - 1st Notice - March 11, 2010

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 4, 2010 at 9:55 AM

To: news@guampdn.com, gdumat-ol@guampdn.com

Hafa adai,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR). We kindly request that you place this information in your Governmental Notices Section.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,
Nicole

--
Nicole Santos
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guahan - 30th Guam Legislature
671-473-3301

 **Public Hearing - 1st Notice - Mar 11 - All Media.pdf**
726K



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing - 1st Notice - March 11, 2010

Nicole Santos <nsantos@senatorada.org>

Thu, Mar 4, 2010 at 12:00 PM

To: mcogadmin@teleguam.net, andrew.leonguerrero@dpw.guam.gov, dmanninggbb@gmail.com, lorilee.crisostomo@epa.guam.gov, lorilee.crisostomo@guamepa.net, rjagustin@portguam.com, mdkatsuren@portguam.com, vcleon@portguam.com, htpaulino@portguam.com, ABrownfield@matson.com, lisotoff@matson.com, amiller@ambyth.guam.net, DTokenshi@horizonlines.com, jlcruz@ite.net, Ken_constantino@ctsiguam.com, plblas@ite.net, rsablan@msa-guam.com, fjsantos@seabridgeguam.com, HHealey@horizonlines.com, Peck@pbworld.com, SmithMat@pbworld.com, dleddy@guamchamber.com.gu, chairman@guamchamber.com.gu

Bcc: conchita.taitano@epa.guam.gov

Hafa adai,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR).

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,
Nicole

--

Nicole Santos
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guahan - 30th Guam Legislature
671-473-3301



Public Hearing - 1st Notice - Mar 11 - All Stakeholders.pdf

708K



Senator Tom Ada

Nicole Santos <nsantos@senatorada.org>

Public Hearing - 1st Notice - March 11, 2010

Nicole Santos <nsantos@senatorada.org>

Fri, Mar 5, 2010 at 2:23 PM

To: leonguerreroa@yahoo.com, jacinta.perez@dpw.guam.gov, david.john@ascpac.com

----- Forwarded message -----

From: **Nicole Santos** <nsantos@senatorada.org>

Date: Thu, Mar 4, 2010 at 12:00 PM

Subject: Public Hearing - 1st Notice - March 11, 2010

To: mcogadmin@teleguam.net, andrew.leonguerrero@dpw.guam.gov, dmanninggbb@gmail.com, lorilee.crisostomo@epa.guam.gov, lorilee.crisostomo@quamepa.net, rjaustin@portquam.com, mdkatsuren@portquam.com, vcleon@portquam.com, htpaulino@portquam.com, ABrownfield@matson.com, lisotoff@matson.com, amiller@ambyth.guam.net, DTokeshi@horizonlines.com, jlacruz@ite.net, Ken_constantino@ctsiguam.com, plblas@ite.net, rsablan@msa-quam.com, fjsantos@seabridgequam.com, HHealey@horizonlines.com, Peck@pbworld.com, SmithMat@pbworld.com, dledy@guamchamber.com.gu, chairman@guamchamber.com.gu

[Quoted text hidden]



Public Hearing - 1st Notice - Mar 11 - All Stakeholders.pdf

708K



I Mina' trenta Na Liheslaturan Guahan
The 30th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 473-3301 • Fax (671) 473-3303

Senator Thomas C. Ada

Facsimile

Date: March 4, 2010 **No. of Pages:** 2 (including coversheet)

Attn: Director/Administrator/President/Chairperson/Member
All Stakeholders

From: The Office of Senator Thomas C. Ada

Re: **Public Hearing – 1st Notice – March 11, 2010**
Bill 332-30 and Resolution No. 299-30

Note:

Should there be a problem with the transmittal of this fax please contact our office at 473-3301.

WorkCentre 7232 Broadcast Report

G3 ID: 8714733303 Date/Time: 03/04/2010; 04:00PM
Page: 1 (Last Page)

Local Name: SENATOR THOMAS ADA
Logo:

Document Size: 9.5x11"SEF



I Mina' trenta Na Liheslaturan Guahan
The 30th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 473-3301 • Fax (671) 473-3303

Senator Thomas C. Ada

Facsimile

Date: March 4, 2010 **No. of Pages:** 2 (including coversheet)
Attn: Director/Administrator/President/Chairperson/Member
All Stakeholders
From: The Office of Senator Thomas C. Ada
Re: Public Hearing - 1st Notice - March 11, 2010
Bill 332-30 and Resolution No. 299-30
Note:
Should there be a problem with the transmittal of this fax please contact our office at 473-3301.

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4497	4778777	3- 4: 3:47PM	1m20s	2/ 2	G3 BC	CP	-
2	4497	8498178	3:49PM	19s	2/ 2	SG3 BC	CP	-
3	4497	4726202	3:52PM	19s	2/ 2	SG3 BC	CP	-
4	4497	4772689	3:53PM	0s	-/ 2	G3 BC	EN	-
5	4497	4779402	3:59PM	0s	-/ 2	G3 BC	EN	-

Note:
RE: Resend ME: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 9, 2010

MEMORANDUM

To: All Senators

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada

cc: Clerk of the Legislature
Sergeant-at-Arms/ Protocol/ A/V
MIS



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing - 2nd Notice - March 11, 2010, 9:00 am

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Mar 9, 2010 at 8:52 AM

To: judiguthertz@pticom.com, senjim@ite.net, "Adolpho B. Palacios" <senabpalacios@gmail.com>, Ben Pangelinan <senbenp@guam.net>, Benjamin JF Cruz <senadotbjcruz@gmail.com>, "Edward J.B. Calvo" <sencalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Jimmy Espaldon <senator@espaldon.com>, Judi Won Pat <info@judiwonpat.com>, Ray Tenorio <ray@raytenorio.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Telo Taitague <senatortelo@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Tom Ada <tom@senatorada.org>

Cc: alfredduenas@guamlegislature.org, andrasgrandma@yahoo.com, aokada@guamlegislature.org, bfartero@guamlegislature.org, bruce.lloyd.media@gmail.com, chris.budasi@guamlegislature.org, coy@senatorada.org, cyrus@senatorada.org, dcchaco@guamlegislature.org, doc.wytenbachsantos@gmail.com, ed@raytenorio.com, edpocague@judiwonpat.com, edpocague@yahoo.com, epogue@guamlegislature.org, epogue@hotmail.com, fba_irenem@yahoo.com, fbtorres@yahoo.com, gtmarcos612@yahoo.com, herbie@judiwonpat.com, hmcruz55@guam.net, jameleng_91@yahoo.com, jamespcastro@gmail.com, jcamacho@senatorada.org, jenniferdulla@gmail.com, jessica@raytenorio.com, joe_kamudo@yahoo.com, jonbdiaz@gmail.com, josie.mendiola@gmail.com, joyunpingco@guamlegislature.org, juliette@senatorada.org, legislativesecretary1@gmail.com, lizama.frances@gmail.com, mark@judiwonpat.com, markaflague@gmail.com, maryfejeran@gmail.com, mcarlson@ite.net, mermae@raytenorio.com, mjperez48@yahoo.com, mona.duenas@gmail.com, natashaguon@hotmail.com, nenamillondaga@yahoo.com, patrickcepeda@hotmail.com, paul@raytenorio.com, peterlg@gmail.com, pjtcruz@yahoo.com, remytaijeron@yahoo.com, rlikeke05@gmail.com, rob.tupaz@gmail.com, roberto.phil@gmail.com, roeann@raytenorio.com, roland@judiwonpat.com, rsmuna45@gmail.com, rsmuna@yahoo.com, sahara@judiwonpat.com, santos222@gmail.com, sayama01@yahoo.com, smendiola@guamlegislature.org, stefcepeda@yahoo.com, tcamacho@senatorada.org, teddytaz_222@yahoo.com, tpmatane@yahoo.com, trespicio@gmail.com, typhoonjvr@yahoo.com, vel.komiyama@yahoo.com, victoria.phillips@live.com, vquenga@judiwonpat.com, wndycruz@gmail.com, zunior0831@hotmail.com, anaaleah <anaaleah@yahoo.com>, bill phillips <phillipsguam@gmail.com>, Chelsa Muna-Brecht <cmunabrecht@guamlegislature.org>, Derick Hills <derickhills@live.com>, Ed LeonGuerrero <edleonguerrero@gmail.com>, Elaine Tajalle <elainevtll@gmail.com>, Frank Torres <fbtorres@judiwonpat.com>, Fred Burgos <feaburgos@gmail.com>, Gina Tabonares <aguonmedia@gmail.com>, Jay Sunga <ajsunga@senatorada.org>, Jose Cruz <josecruzjr17@yahoo.com>, Joy Unpingco <joyunpingco@gmail.com>, Lisa Cipollone <cipo@guamlegislature.org>, Mary Lou Wheeler <mlwheeler2000@yahoo.com>, Maya Alonso <maya@guamlegislature.org>, Mike Lidia <mike.lidia9@gmail.com>, Nicole Santos <nsantos@senatorada.org>, Phillip Leon Guerrero <phill@raytenorio.com>, Ron Taitague <ez2plez57@yahoo.com>, ron teeahan <rfteeahan@yahoo.com>, Selina Onedera-Salas <sonedera-salas@guamlegislature.org>, "teddytaz@ite.net" <teddytaz@ite.net>, tinaokada <tinaokada@gmail.com>, Toby Castro <tcastro@guam.net>, Tony Quitugua <tq@guamlegislature.org>, Daniel Perez <dperez@guamlegislature.org>, Dorothy Cruz <dot@guamlegislature.org>, Elvy Mew <emew@guamlegislature.org>, Flo Terlaje <fterlaje@guamlegislature.org>, Maria Nieves Materne <nieves@guamlegislature.org>, Martha Cruz <mcruz@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, Rennae Perez <rennae@guamlegislature.org>, vparriola@teleguam.net, tunsio@guamlegislature.org, Joe Leon Guerrero <sgtarms@guamlegislature.org>, vbermudes@guamlegislature.org, Yong Pak <yong@guamlegislature.org>, Therese Terlaje <fterlaje@guam.net>, acruz@guamlegislature.org, ccolbert@guamlegislature.org, clujan@guamlegislature.org, foppus@guamlegislature.org, jgogue@guamlegislature.org, jtaisague@guamlegislature.org, mpangelinan@guamlegislature.org, mavela@guamlegislature.org, tchargualaf@guamlegislature.org

Hafa adai, Senators,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR).

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Jimmy Taitano Camacho
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guåhan - 30th Guam Legislature

 **Second Notice - Senators .pdf**
55K



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

March 9, 2010

MEMORANDUM

To: All Stakeholders

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guáhan

March 9, 2010

MEMORANDUM

To: All Media

From: Senator Thomas C. Ada, Chairperson, Committee on Transportation, Utilities, Public Works and Veterans Affairs

Subject: **Public Hearing Notice: March 11, 2010 at 9:00 am**

Please be advised that the Committee on Transportation, Utilities, Public Works and Veterans Affairs is holding a public hearing on March 11, 2010 at 9:00 am. This meeting will take place in the Public Hearing Room of *I Liheslatura*.

The agenda is as follows:

9:00 am

Bill No. 332-30 (COR) - B.J.F. Cruz

An Act Relative To Removing Certain Exemptions To Guam's Solid Waste Tipping And User Fees By Amending § 51118 Of Chapter 51, Title 10, Guam Code Annotated.

Resolution No. 299-30 (COR) - T.C. Ada

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam.

Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of the agenda items may be found on the official Guam Legislature website (www.guamlegislature.com). Please feel free to contact our office should you have any questions or concerns.

Senseramente,

Thomas C. Ada



Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing - 2nd Notice - March 11, 2010, 9:00 am

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Mar 9, 2010 at 8:59 AM

To: news@k57.com, editor@mvguam.com, ksto@ite.net, sabrina@kuam.com, nick.delgado@kuam.com, kevin@spbgum.com, dondi@galaidegroup.com

[Quoted text hidden]



Second Notice - Media .pdf

51K



Office of
Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing - 2nd Notice - March 11, 2010 at 9:00 am

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Mar 9, 2010 at 8:44 AM

To: mcogadmin@teleguam.net, leonguerreroa@yahoo.com, dmanninggbb@gmail.com, lorilee.crisostomo@epa.guam.gov, rjagustin@portguam.com, mdkatsuren@portguam.com, vcleon@portguam.com, htpaulino@portguam.com, ABrownfield@matson.com, lisotoff@matson.com, amiller@ambyth.guam.net, DTokenshi@horizonlines.com, jlcruz@ite.net, Ken_constantino@ctsiguam.com, plblas@seabridge.com, rsablan@msa-guam.com, fjsantos@seabridgeguam.com, HHealey@horizonlines.com, Peck@pbworld.com, SmithMat@pbworld.com, dleddy@guamchamber.com.gu, chairman@guamchamber.com.gu, jacinto.perez@dpw.guam.gov, david.john@aspac.com, jlcruz@dimguam.net

Hafa adai,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR).

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Jimmy Taitano Camacho
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guåhan - 30th Guam Legislature



Second Notice - Stakeholders.pdf

50K



Office of
Senator Tom Ada

Jimmy Camacho <jcamacho@senatorada.org>

Public Hearing - 2nd Notice - March 11, 2010, 9:00 am

Jimmy Camacho <jcamacho@senatorada.org>

Tue, Mar 9, 2010 at 8:55 AM

To: news@guampdn.com, gdumat-ol@guampdn.com, bmkelman@guampdn.com

Hafa adai,

Please find attached PDF regarding Public Hearing on March 11 at 9:00 am for Bill 332-30 (COR) and Resolution No. 299-30 (COR). We kindly request that you place this information in your Governmental Notices Section.

Should you have questions and/or difficulty opening the file please feel free to contact our office at 473-3301.

Thank you,

Jimmy Taitano Camacho
Staff Analyst
Office of Senator Thomas C. Ada
I Mina' Trenta na Liheslaturan Guåhan - 30th Guam Legislature



Second Notice - Media .pdf

51K



I Mina' trenta Na Liheslaturan Guahan
The 30th Guam Legislature

155 Hesler Place
Hagatna, Guam 96910
Office (671) 473-3301 • Fax (671) 473-3303

Senator Thomas C. Ada

Facsimile

Date: March 9, 2010 **No. of Pages:** 2 (including coversheet)

Attn: Director/Administrator/President/Chairperson/Member
All Stakeholders

From: The Office of Senator Thomas C. Ada

Re: **Public Hearing – 2nd Notice – March 11, 2010**
Bill 332-30 and Resolution No. 299-30

Note:

Should there be a problem with the transmittal of this fax please contact our office at 473-3301.

WorkCentre 7232 Broadcast Report

G3 ID: 6714733303 Date/Time: 03/09/2010; 09:19AM
Page: 1 (Last Page)

Local Name: SENATOR THOMAS ADA
Logo:

Document Size: 8.5x11"SEF



I Mina' trenta Na Liheslaturan Guahan
The 30th Guam Legislature
165 Healer Place
Hagana, Guam 96910
Office (871) 473-3301 • Fax (871) 473-3303
Senator Thomas C. Ada

Facsimile

Date: March 9, 2010 **No. of Pages:** 2 (including coversheet)
Act: Director/Administrator/President/Chairperson/Member
All Stakeholders
From: The Office of Senator Thomas C. Ada
Re: Public Hearing - 2nd Notice - March 11, 2010
Bill 332-30 and Resolution No. 299-30
Note:
Should there be a problem with the transmittal of this fax please contact our office at 473-3301.

No.	Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4624	4778777	3- 9: 9:06AM	1m19s	2 / 2	G3 BC		CP -
2	4624	6496178	9:08AM	18s	2 / 2	SG3 BC		CP -
3	4624	4726202	9:12AM	18s	2 / 2	SG3 BC		CP -
4	4624	4772689	9:13AM	0s	- / 2	G3 BC		EN -
5	4624	4779402	9:19AM	0s	- / 2	G3 BC		EN -

Notes:
 RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
 PC: Polling PB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
 SA: Send Again EN: Engaged AS: Auto Send TM: Terminated



Senator Thomas C. Ada

CHAIRMAN - Committee on Utilities, Transportation, Public Works, and Veterans Affairs
30th Guam Legislature • I Mina' Trenta Na Liheslaturan Guåhan

AGENDA
PUBLIC HEARING
THURSDAY, MARCH 11, 2010
Public Hearing Room, *I Liheslaturan Guåhan*

The agenda is as follows:

9:00 am – 12:00 pm

Bill No. 332-30 (COR)

An act relative to removing certain exemptions to Guam's solid waste tipping and user fees by amending §51118 of Chapter 51, Title 10, Guam Code Annotated

Resolution No. 299-30 (COR)

Resolution to express the opinion of the Guam Legislature and the people of Guam as relates to the cargo handling requirements for the military build-up and its impacts on the Port Modernization Program and the resulting economic vitality of the Commercial Port of Guam

Individuals requiring special accommodations, auxiliary aids, or services should submit their request to our office. Copies of agenda items can be found on the official Guam Legislature website (www.guamlegislature.com). Please contact our office should you have any questions or concerns.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

2010 FEB 19 PM 2:35
Handwritten initials

Bill No. 332-70 (COR)

Introduced by:

B.J.F. Cruz 

**AN ACT RELATIVE TO REMOVING CERTAIN
EXEMPTIONS TO GUAM'S SOLID WASTE TIPPING AND
USER FEES BY AMENDING § 51118 OF CHAPTER 51, TITLE
10, GUAM CODE ANNOTATED.**

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

2 **Section 1. Legislative Intent.**

3 The Government of Guam expects to receive from the U.S.
4 Department of Agriculture (USDA) an \$88.5 million loan and \$15 million in
5 grants for the construction of a new landfill. Certain provisions of Guam
6 law are in conflict with USDA lending requirements; specifically, that no
7 free service or use of the facility will be permitted.

8 The USDA loan, used in lieu of the 2009 Solid Waste Management
9 System Bond, provides an opportunity for the Government of Guam to
10 divert bond proceeds to such other important capital improvement projects
11 as the construction of a new multi-purpose cultural, convention and

1 performing arts center, a Guam museum facility, a new John F. Kennedy
2 High School, the expansion of the Guam Memorial Hospital, and other
3 much needed facilities.

4 Since the USDA loan may be used only for solid waste management
5 projects, GovGuam must ensure the sound financial standing of the Solid
6 Waste Operations Fund, which is the depository of solid waste tipping and
7 user fees administered by the Department of Public Works Solid Waste
8 Division.

9 It is the intent of *I Liheslaturan Guåhan* to ensure that the terms and
10 requirements of the USDA loan are met by eliminating certain solid waste
11 tipping fee exemptions under § 51118 of Chapter 51, Title 10 of the Guam
12 Code Annotated.

13 **Section 2.** § 51118 of Chapter 51, Title 10 of the Guam Code
14 Annotated is hereby *amended* to read:

15 **“§ 51118. Tipping/User Fees and Solid Waste Operations Fund.**

16 (a) Legislative Intent. Tipping and user fees shall provide a
17 financing source for government of Guam costs and expenses directly
18 related to the closure of the Ordot landfill, the development, design,
19 construction, operation and final closure of a new sanitary landfill
20 and the Ordot Landfill, as well as other solid waste management
21 facilities that are contracted or may be established by this Act and in
22 accordance with the plan and annual fiscal year appropriation for the
23 Division of Solid Waste Management of DPW.

1 (1) Tipping/user fees will vary depending on the nature of
2 collection, privatized contract for residential dwellings or hired
3 commercial collectors for other municipal solid wastes outlets.

4 (2) For residential or dwelling, the charge is a user fee
5 which includes the collection fee with the disposal tipping fee.

6 (3) For commercial, including multi-family dwellings and
7 government agencies, the charge is a disposal tipping fee and
8 does not include collection fees independently charged by
9 commercial waste haulers.

10 (b) Effective Date of Charging Tipping Fees. The commercial
11 and residential tipping fees established in this § 51118 are charged
12 beginning the first day of the month following the adoption of
13 supporting rules and regulations by DPW under the Administrative
14 Adjudication Law.

15 (c) Business and Governmental Tipping Fees. A tipping fee of
16 Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby
17 established for business and government generators. For compacted
18 trash, a tipping fee of Four Dollars (\$4.00) per cubic yard multiplied
19 by the compaction ratio of any vehicle or container with compaction
20 equipment, is hereby established for business and government
21 generators. Commercial and government collectors shall provide the
22 Department of Public Works the compaction ratios of all equipment
23 used to haul solid waste to the landfill to insure the accurate

1 assessment of tipping fees for compacted trash. This fee does *not*
2 include collection charges that are independently set by licensed
3 commercial collectors.

4 (d) Residential Tipping Fees. A residential tipping fee, which
5 includes collection charges, is hereby established for residential
6 generators in the amount of Eight Dollars (\$8.00) per dwelling per
7 month.

8 (e) PUC Rate-making. The Public Utilities Commission of
9 Guam ['PUC'] is hereby authorized to establish and amend
10 commercial, government and residential tipping and user fees
11 [including without limitation a self-drop fee, a variable residential
12 tipping fee and a targeted lifeline rate for residential tipping fee,
13 *collectively referred to as 'tipping fees'*], which when established shall
14 replace those previously created by law or by the Department of
15 Public Works ['DPW']. Tipping fees established by PUC shall be
16 based on volume and on an actuarial analysis of costs of service.
17 Rate-making authority, which was previously given to the DPW
18 under this Section, is hereby *revoked*. PUC is empowered to undertake
19 a focused management audit of the existing operations of the DPW
20 Division of Solid Waste Management. In performing its duties under
21 this Section, PUC shall have the full authority and powers conferred
22 upon it by its enabling legislation, 12 GCA 12000 *et. sec.*, including the
23 audit power conferred upon it by Public Laws 25-05:12 and 26-78:2.

1 (f) Solid Waste Operations Fund. All tipping, user and other
2 fees authorized under this Section and collected based on duly
3 established rules and regulations or on a PUC rate order shall be
4 deposited in a special fund designated and hereby established as the
5 Solid Waste Operations Fund. All tipping/user fees in the Fund shall
6 be used *solely* for solid waste management practices and, pursuant to
7 PUC order, for the payment of regulatory costs and expenses as may
8 be incurred by PUC in performing its regulatory duties under
9 Subsection (e).

10 (g) Notification to Department of Interior. Within thirty (30)
11 days of the enactment of this Act, the Governor shall notify the
12 Department of Interior of the establishment of tipping fees, for the
13 purpose of releasing Federal funds available to resolve
14 environmental issues relative to the Ordot Landfill. Unless otherwise
15 restricted by any conditions, Federal-funding will be allocated
16 between the Ordot Landfill compliance mitigation work and closure.

17 (h) DPW to Develop Variable Residential Tipping Fees In
18 recognition of the fact that the initial residential tipping fee
19 established by Public Law Number 24-272 is a flat fee, which
20 discourages trash reduction, penalizes smaller families and
21 subsidizes large residential generators of waste, the Department of
22 Public Works shall develop a plan to institute a sliding scale of
23 residential tipping fees. The sliding scale shall, at a minimum, charge

1 residential generators based on the amount of waste produced and
2 picked up by the department. The plan shall also address the
3 methodology for billing individual residential customers based on
4 the revised variable tipping fee. The plan shall be submitted to *I*
5 *Liheslaturan Guåhan* within four (4) months of enactment of this Act.

6 (h) (1) Lifeline Rates for Tipping Fees. Notwithstanding any
7 other provision of law, the Department of Public Works shall,
8 through the development of rules and regulations pursuant to the
9 Administrative Adjudication Law, establish and modify from time to
10 time, Targeted Lifeline Rates for Residential Tipping Fees covering
11 pick-up and delivery of residential trash *only* that are consistent with
12 and meeting the low income eligibility criteria, requirement, policies
13 or procedures established by the Guam Housing and Urban Renewal
14 Authority ('GHURA') applicable to their Low Income Public Housing
15 Program.

16 (i) Self-Drop Fee Established. Any person or entity that is *not* a
17 business or government generator shall be billed Two Dollars (\$2.00)
18 per vehicle load of solid waste delivered to a landfill operated by the
19 Department or its contractor; provided, that the vehicle load capacity
20 is one (1) ton or less. Vehicles in excess of said load capacity shall be
21 billed a rate that is based on an established formula developed by the
22 Department.

1 ~~(j) Temporary Exemption from Tipping Fees for Municipal~~
2 ~~Waste Collection. For a period of one (1) year commencing the date~~
3 ~~of the enactment of this Act, all waste collected by any Mayor or~~
4 ~~Vice-Mayor in the performance of their official duties, and~~
5 ~~transported to a landfill operated by the Department or its contractor,~~
6 ~~shall be exempt from all tipping fees. The Department of Public~~
7 ~~Works shall monitor and record the amount of solid waste delivered~~
8 ~~by Mayors and Vice Mayors under this Section. This information~~
9 ~~shall be provided on a quarterly basis to the Mayors Council, I Maga'~~
10 ~~lahen Guåhan, and I Liheslaturan Guahån for the purpose of~~
11 ~~determining an appropriate budget for each municipality following~~
12 ~~the end of the exemption.~~

13 ~~(k) 'Good Citizen' Exemption Established. Any individual,~~
14 ~~registered non-profit organization, or other person who intends to~~
15 ~~volunteer their resources for the purpose of cleaning up and~~
16 ~~collecting trash and litter from public places or facilities may be~~
17 ~~granted a temporary exemption from the fees established herein by~~
18 ~~securing a written exemption from the Department of Public Works~~
19 ~~in advance of their planned collection activities. The Department of~~
20 ~~Public Works shall determine the manner, time limit and procedure~~
21 ~~by which such an exemption may be granted and honored.~~

22 ~~(l) Temporary Exemption of Tipping Fees Following a Force~~
23 ~~Majeure. Following a force majeure, I Maga'lahen Guåhan shall be~~

1 authorized to suspend tipping fees for all solid waste collected and
2 transported to a landfill that is operated by the Department or its
3 contractor for a period *not to exceed* sixty (60) days.

4 (m) ~~Exemption from Tipping Fees for Municipal Waste~~
5 ~~Collection. All Mayors or Vice Mayors who collect waste in the~~
6 ~~performance of their official duties shall be allowed to dump the~~
7 ~~waste at the Ordot landfill, the Agat transfer station and any other~~
8 ~~landfill or transfer station operated by the Department of Public~~
9 ~~Works ('DPW'), or its contractor. The Mayors or Vice Mayors shall be~~
10 ~~exempt from all tipping fees when dumping the waste collected in~~
11 ~~their official capacity."~~

12 **Section 3. Effective Date.** This Act shall be effective immediately
13 following enactment into law.

14 **Section 4. Severability.** If any provision of this Act, or its application
15 to any person or circumstances is held invalid, the invalidity shall not affect
16 other provisions or applications of this Act which can be given effect
17 without the invalid provision or application, and to this end the provisions
18 of this Act are severable.