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**I MINA'TRENTAI KUATRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session**

Bill No. 209-34

As substituted on the Floor.

Introduced by:

Thomas C. Ada

AN ACT TO AMEND SECTION 1(ff), CHAPTER V OF PUBLIC LAW 34-42; AND TO AMEND §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING SOLID WASTE OPERATIONS FUNDS TO THE GUAM SOLID WASTE AUTHORITY FOR ITS OPERATIONS IN FISCAL YEAR 2018 AND THE CREATION OF A COMPTROLLER POSITION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 1(ff), Chapter V of Public Law 34-42 is hereby *amended* to read:

“(ff) GUAM SOLID WASTE AUTHORITY (GSA)

(1) Appropriation. The sum of ~~Seven Million Five Thousand Two Hundred Twenty-One Dollars (\$7,005,221)~~ Nineteen Million Five Hundred Sixty-Six Thousand Nine Hundred Eighty-Three Dollars (\$19,566,983) is appropriated from the Solid Waste Operations Fund to the Guam Solid Waste Authority for its operations for Fiscal Year 2018. The appropriated sum of \$19,566,983 is inclusive of sums already expended in Fiscal Year 2018. Any surpluses shall be available for appropriation for GSWA operations in succeeding fiscal years.

SUMMARY OF APPROPRIATIONS FUNDING SOURCE

1	SOLID WASTE OPERATIONS FUND	\$ 7,005,221 19,566,983
2	TOTAL	\$7,005,221 <u>19,566,983</u>

3 For information purposes only:

4	FEDERAL MATCHING GRANTS-IN-AID	\$0
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5 (2) The appropriation in Section 1(ff)(1) of this Chapter shall not be
6 subject to *I Maga'låhen Guåhan's* transfer authority and such funds shall not
7 be subject to transfers out to any other fund."

8 Section 2. § 51A110 of Chapter 51A, Title 10, Guam Code Annotated is
9 hereby amended to read:

10 “(a) The Board may also appoint a Secretary, Comptroller, and an
11 Attorney, who all shall serve at the pleasure of the Board, and whose duties
12 and compensation shall be fixed by the Board. The Board may appoint one
13 (1) or more assistants to any such office. Any of such offices may be
14 consolidated in one (1) person.

15 (b) The Secretary shall have charge of all records and minutes of
16 the Commission.

17 (c) The Attorney, who must have been admitted to practice in
18 Guam, shall advise the Board and the General Manager on all legal matters
19 to which the Authority is a party or in which the Authority is legally
20 interested and may represent the Authority in connection with legal matters
21 before *I Liheslatura* (the Legislature), boards and other agencies of the
22 government of Guam. The Attorney General shall represent the Authority in
23 litigation concerning the affairs of the Authority provided that he may
24 delegate this duty to the Attorney of the Authority, with respect to any such
25 litigation.

26 (d) The Comptroller must possess a minimum of five (5) years of
27 overall combined accounting and finance experience, have thorough

1 knowledge of accounting principles and procedures, have experience
2 creating financial statements, have experience with general ledger functions
3 and the month-end/year-end close process, and excellent accounting
4 software user and administration skills. The Comptroller is accountable for
5 the accounting operations of the company, to include the production of
6 periodic financial reports, maintenance of an adequate system of
7 accounting records, and a comprehensive set of controls and budgets
8 designed to mitigate risk, enhance the accuracy of the company's reported
9 financial results, and ensure that reported results comply with generally
10 accepted accounting principles. The Comptroller is additionally
11 responsible for cash management and risk management.”

12 **Section 3.** § 51A111 of Chapter 51A, Title 10, Guam Code Annotated is
13 hereby *amended* to read:

14 **“§ 51A111. Employees.**

15 All employees of the Authority shall be eligible for all insurance,
16 retirement, worker’s compensation and other benefits as extended to
17 employees of the government of Guam, and shall be employees of the
18 government of Guam for the purposes of the application of all civil service
19 laws and personnel rules and regulations that apply to government of Guam
20 employees, inclusive of all scales, tables and schedules for compensation.

21 With respect to compensation, this Section shall not apply to the
22 compensation of the General Manager, Assistant General Manager:
23 Administration, Assistant General Manager: Operations and Technical
24 Support, Secretary, Attorney, the Comptroller or the Chief Financial
25 Officer.”

26 **Section 4.** § 51A117 of Chapter 51A, Title 10, Guam Code Annotated is
27 hereby *amended* to read:

1 **“§ 51A117. Employment.**

2 (a) Pursuant to the provisions of Title 4 GCA §§ 4105 and 4106,
3 the Board shall establish rules and regulations regarding selection,
4 promotion, performance evaluation, demotion, suspension and other
5 disciplinary action for the employees of the Authority which shall be
6 transmitted to *I Liheslaturan Guåhan* (the Guam Legislature) to be ratified.
7 All contracts for the hiring of off island employees shall conform to the
8 provisions of Title 4 GCA §§ 6501 and 6501.1.

9 (b) Classified employees of the Authority shall be members of the
10 Government of Guam Retirement Fund. The Authority shall contribute to
11 the Government of Guam Retirement Fund on the basis of annual billings as
12 determined by the Board of Trustees of the Government of Guam
13 Retirement Fund, for the government share of the cost of the retirement
14 benefits applicable to the Authority’s employees and their beneficiaries. The
15 Authority shall also contribute to the Worker’s Compensation Fund, on the
16 basis of annual billings as determined by the Worker’s Compensation
17 Commissioner, for the benefit payments made from such Fund on account of
18 the Authority’s employees.

19 (c) Notwithstanding any other provisions of law, neither the
20 General Manager, Assistant General Managers, Secretary, the Comptroller
21 nor Chief Financial Officer, of the Authority shall be within the classified
22 service of the government of Guam but shall be hired, compensated and
23 employed under the terms and conditions fixed by, and at the pleasure of the
24 Board.”

25 **Section 5. Effective Date.** This Act *shall* become effective upon enactment.

26 **Section 6. Severability.** *If* any provision of this Act or its application to any
27 person or circumstance is held invalid, the invalidity *shall not* affect other provisions

1 or applications of this Act which can be given effect without the invalid provision
2 or application and to this end the provisions of this Act is severable.