

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

Bill No. 153 (EC)

Introduced by:

T.R. Muña Barnes

D.L.G. Shimizu

J.T. WonPat

R.J. Respicio

J.P. Guthertz

AN ACT TO PROHIBIT THE GOVERNMENT OF GUAM FROM USING PUBLIC FUNDS IN THE SITE-SPECIFIC PREPARATION, DESIGN WORK, INFRASTRUCTURE UPGRADE OR INSTALLATION, AND CONSTRUCTION OF A NEW LANDFILL UNTIL TITLE TO THE NEW LANDFILL SITE HAS BEEN ACQUIRED BY THE GOVERNMENT OF GUAM; AND TO REQUIRE THE DEPARTMENT OF PUBLIC WORKS TO PREPARE A FINANCING PLAN FOR THE NEW LANDFILL, INCLUDING ALL COSTS ASSOCIATED WITH PROPERTY ACQUISITION, MITIGATION, INFRASTRUCTURE, LANDFILL CONSTRUCTION, AND A DETAILED BUDGET FOR STAFFING.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*  
3 finds that the proposed landfill site identified as *Dandan* or *Layon* is  
4 privately owned and the Government of Guam, upon final selection of the  
5 site, must actively make the effort to acquire it. Lack of property  
6 acquisition prior to the Government of Guam's action in soliciting a landfill  
7 specific-site design would result in an increased appraised value of the  
8 property.

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Barnes

1            *I Liheslaturan Guåhan* additionally finds that a site-specific fiscal plan  
2 must be prepared that details all of the foreseeable costs for such a project  
3 to include property acquisition; site mitigation requirements; all  
4 infrastructure needs including power, water, wastewater, roadways, etc.;  
5 construction of the landfill itself; and a detailed budget for staffing.

6            Therefore, it is the intent of *I Liheslaturan Guåhan* to save the  
7 government millions of dollars by ensuring that the Government of Guam  
8 acquires the property for a new landfill before moving forward with site-  
9 specific expenditures. It is also the intent of *I Liheslaturan Guåhan* to  
10 determine the total costs associated with constructing a landfill and making  
11 it fully ready for use.

12            **Section 2. Prohibition on expending public funds.** All Government  
13 of Guam agencies, departments, bureaus, boards, commissions, public  
14 corporations, autonomous and semi-autonomous agencies, including the  
15 A.B. Won Pat International Airport Authority of Guam, the Guam Power  
16 Authority, the Guam Housing and Urban Renewal Authority, the Guam  
17 Housing Corporation, the Guam Economic Development and Commerce  
18 Authority, the Guam Memorial Hospital Authority, the University of  
19 Guam, the Jose D. Leon Guerrero Commercial Port, the Guam Waterworks  
20 Authority, the Government of Guam Retirement Fund, and the Guam  
21 Visitors Bureau, all offices of the Executive, Legislative and Judicial

1 Branches, and other entities and instrumentalities of the government of  
2 Guam, are hereby prohibited from expending public funds on the site-  
3 specific preparation, design work, mitigation, infrastructure upgrade or  
4 installation, or construction of a new landfill, *unless* the government of  
5 Guam has acquired fee simple ownership and officially recorded title of  
6 said property.

7 **Section 3. Landfill Financing Plan.** Within 60 days of the effective  
8 date of this Act, the Department of Public Works shall submit to *I*  
9 *Maga'lahaen Guåhan and I Liheslaturan Guåhan* a financing plan enumerating  
10 in detail all costs associated with the construction of the new landfill,  
11 including but not limited to:

- 12 a. property acquisition,
- 13 b. Environmental mitigation within the landfill footprint,  
14 buffer zone, and other impacted areas including but not  
15 limited to water sources, rivers, streams, tributaries,  
16 wetlands, surface water, ground water, drainage, and runoff  
17 erosion
- 18 c. infrastructure needs, including but not limited to power;  
19 water; wastewater, and roadways including climbing lanes  
20 for trucks; mitigation of blind-curves and other hazards;  
21 shoulder widening; roadway widening; addition of new

- 1 traffic lanes; traffic management; drainage and storm
- 2 drainage improvements; access and utility roads; upgrading
- 3 road markings and signage, and upgrading bridges;
- 4 d. landfill construction, and
- 5 e. annual landfill operations and maintenance costs.

6 **Section 4. Severability.** If any of the provisions of this Act or the  
7 application thereof to any person or circumstance is held invalid, such  
8 invalidity shall not affect any other provision or application of this Act  
9 which can be given effect without the invalid provision or application, and  
10 to this end the provisions of this Act are severable.