

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 12, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Bill No. 54-32 (LS) – Public Law No. 32-021

Dear Madame Speaker:

Transmitted herewith is Bill No. 54-32 (LS), "AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND", which I signed into law on April 11, 2013, as Public Law 32-021.

Senseramente,

EDDIE BAZA CALVO

Attachment: Copy of Bill

2013 APR 12 PM 4: 23

32-13-283
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 4/12/13
Time 4PM
Received by RT

0283

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 54-32 (COR)**, “AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND”, was on the 1st day of April, 2013, 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 2 day of April, 2013, at 12:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date:

APR 11 2013

Public Law No. 32-021

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 54-32 (COR)

As amended by the Committee on Appropriations,
Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation and Land.

Introduced by:

Vicente (ben) C. Pangelinan
Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT AMEND §§511005 AND 511006, AND TO ADD
NEW §§511007 AND 511008 TO ARTICLE 10 OF
CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED;
AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2,
CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE MANAGEMENT OF THE HOST
COMMUNITY FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Host Community Benefit Fund (Fund) was established by Public Law 30-

1 165 to recognize the impact on the villages of *Inarajan* and *Ordot* as Host
2 Communities to the *Layon* landfill and the *Ordot* dump, and to receive revenue
3 from the tipping fees to fund quality of life enhancements in their respective
4 villages.

5 *I Liheslaturan Guåhan* further finds that Public Law 30-165 provides for
6 host community benefits for a landfill located in villages from the opening to the
7 closing of the landfill. This assumes that the landfill has been operated as a Subtitle
8 D landfill that poses no adverse effects on the community when the landfill is
9 ultimately closed. The *Ordot* dump, however, has *not* been operated pursuant to
10 Subtitle D regulations and will require, according to the Guam Post-Closure Care
11 and Maintenance Plan (July 2005) prepared by Dueñas & Associates, post-closure
12 care and maintenance of the property for thirty (30) years *or* until such time that it
13 is deemed by the Administrator of the Guam Environmental Protection Agency
14 that there is a significant reduction in the adverse effects to human health and the
15 environment.

16 Therefore, *I Liheslaturan Guåhan* intends to clarify that *Ordot-Chalan Pago*
17 is eligible for the host community premiums during this post-closure period, and to
18 give the Municipal Planning Council (Council) of the Host Community the
19 governing authority over these funds.

20 **Section 2.** §§511005 and 511006 of Article 10, Chapter 51 of Title 10,
21 Guam Code Annotated, are hereby *amended* to read:

22 “§ 511005. **Host Community Premiums.** The Host Community
23 premium *shall* be assessed from the opening of the *Inarajan* landfill until the
24 closing of the *Inarajan* landfill. The aggregate Host Community premium is
25 One Hundred Fifty Thousand Dollars (\$150,000) per year for the village of
26 *Inarajan*.

1 The aggregate Host Community premium is One Hundred Fifty
2 Thousand Dollars (\$150,000) per year for the village of *Ordot*, through the
3 duration of the post-closure period, in conformance with the Guam Post-
4 Closure Care and Maintenance Plan (2005), *or* a subsequent post closure
5 plan duly adopted by the authorized agencies and entities, *or* until such time
6 that the Administrator of the Guam Environmental Protection Agency deems
7 the land clear and free of any and all toxins that could potentially harm the
8 health of humans and/or the environment.

9 The Host Community premium *shall* be reviewed *at least* once every
10 five (5) years and may be adjusted by the Public Utilities Commission
11 (PUC) to account for factors such as inflation. The Public Utilities
12 Commission (PUC) *shall* equitably determine the Host Community premium
13 for each residential and commercial account.

14 **§ 511006. Host Community Fund Management.** The Host
15 Community Fund *shall* be maintained separate and apart from all other
16 government funds and managed by the Mayor and the Municipal Planning
17 Council. No expenditure shall be made from the Fund that is *not* approved
18 by resolution of the respective Municipal Planning Councils of the Host
19 Community. The funds deposited in the Host Community Fund *shall only* be
20 used by the respective Host Community for the purposes of the Host
21 Community Benefit projects as described in § 511003 of this Article. The
22 Host Community Fund *shall* be subject to periodic audit by the Office of
23 Public Accountability, and *shall not* be subject to any transfer authority of I
24 *Maga'lahaen Guåhan.*”

25 **Section 3.** New §§511007 and 511008 are hereby *added* to Article 10,
26 Chapter 51 of Title 10, Guam Code Annotated, to read:

1 “§ 511007. **Exemption from Executive Budget Act.** The Host
2 Community Fund is exempt from the provisions of the Executive Budget
3 Law (5GCA Chapter 4).

4 **§ 511008. Line of Credit Authorized.**

5 (a) The Host Community Fund may be encumbered as collateral
6 for a loan or line of credit to advance its community benefit projects as
7 described in § 511003 of this Article. The Municipal Planning Council of
8 the Host Community is authorized to enter into such agreements necessary
9 for the acquisition of the loan or line of credit, with any lending institution
10 chosen under the applicable procurement rules, regulations and policies.
11 Neither the Host Community nor the employees of the Municipal Planning
12 Council of the Host Community shall incur any personal liability for any
13 loan agreement lawfully entered into.

14 (b) The Municipal Planning Council of the Host Community may
15 utilize the services of the GEDA in the securing of any financing or line of
16 credit authorized in this Section, and any fees for GEDA’s services if
17 utilized are hereby waived.”

18 **Section 4.** A new §5120 is *added* to Part B of Article 2, Chapter 5 of Title
19 5, Guam Code Annotated, to read:

20 “§ 5120. **Procurement Shall Be Delegated to the Municipal**
21 **Planning Council of the Host Community.** Notwithstanding any other
22 provision of Guam procurement law, the authority to procure supplies and
23 services for the Host Community *shall* be delegated by the Chief
24 Procurement Officer to the Municipal Planning Council of the Host
25 Community.”

26 **Section 5. Severability.** If any of the provisions of this Act or the
27 application thereof to any person or circumstance is held invalid, such invalidity

1 *shall* not affect any other provision or application of this Act which can be given
2 effect without the invalid provision or application, and to this end the provisions of
3 this Act are severable.