



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 23 2014

32-14-1669

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

Ed.D.
Date 5-23-14
Time 4:43pm
Initialed by [Signature]

2014 MAY 27 AM 8:55
[Signature]

Dear Madame Speaker:

Attached is Bill No. 220-32 (LS), entitled, "**AN ACT TO REQUIRE THE MAYORS COUNCIL OF GUAM AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO COLLABORATE ON THE DEVELOPMENT OF AN OPERATIONAL PLAN FOR THE IMPLEMENTATION OF THIS ACT; AND TO APPROPRIATE \$2 MILLION FROM THE RECYCLING REVOLVING FUND TO THE MAYORS COUNCIL FOR THE PURCHASE OF HEAVY EQUIPMENT . . .**" which I have vetoed.

Bill 220-32 requires that Guam EPA and the Mayors Council of Guam submit a proposed operational plan for the Legislature's approval, and then subjects and conditions a \$2 million appropriation for heavy equipment upon that approval. This appropriation is redundant because the laws governing the Recycling Revolving Fund already authorize Guam EPA to administer a program earlier this month, Governor Eddie Baza Calvo signed the release of \$400,000 for the Mayors to remove household goods and clean up illegal dump states. Subsequently at the request of the Mayors, and after reviewing the Recycling Revolving Fund, the Governor released an additional \$2.5 million to get the job done, and also added green waste disposal to the list.

Bill 220-32 is also troubling with respect to its amendment of Section 51302 of Title 10 G.C.A. so as to require a legislative appropriation before any monies in the Recycling Revolving Fund may be used. Bill 220 contradicts Section 51303(a) of Title 10 which already explicitly appropriates the revenues in the Recycling Revolving Fund to the Guam Environmental Protection Agency to cover the cost of administering the Fund, the first priority of which is the removal of junk cars and other similar debris. [10 G.C.A. Section 51304(a)]. By requiring that the Legislature approve an operational plan for implementing what is already authorized by existing law and which is being effectively handled by Guam EPA, and by also requiring that every expenditure and use of monies in the Fund be legislatively appropriated, Bill 220-32 politicizes and thwarts the very purpose for which the Recycling Revolving Fund was set up to accomplish.

Senseramente,

[Signature]

RAY S. TENORIO
Acting Governor of Guam

1669

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. 220-32 (LS), "AN ACT TO REQUIRE THE MAYORS COUNCIL OF GUAM (MCOG) AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa) TO COLLABORATE ON THE DEVELOPMENT OF AN OPERATIONAL PLAN FOR THE IMPLEMENTATION OF THIS ACT; AND TO APPROPRIATE TWO MILLION DOLLARS (\$2,000,000) FROM THE RECYCLING REVOLVING FUND TO THE MAYORS COUNCIL OF GUAM FOR THE PURCHASE OF HEAVY EQUIPMENT TO BE UTILIZED BY THE MCOG FOR THE COLLECTION AND DISPOSAL OF RECYCLABLES, JUNK CARS, GREEN WASTE, AND OTHER DEBRIS," was on the 9th day of May, 2014, duly and regularly passed.

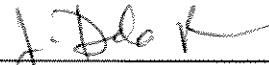


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12th day of May,
2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

~~APPROVED:~~ **VETO**

RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. _____

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

Bill No. 220-32 (LS)

As amended on the Floor.

Introduced by:

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

AN ACT TO REQUIRE THE MAYORS COUNCIL OF GUAM (MCOG) AND THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa) TO COLLABORATE ON THE DEVELOPMENT OF AN OPERATIONAL PLAN FOR THE IMPLEMENTATION OF THIS ACT; AND TO APPROPRIATE TWO MILLION DOLLARS (\$2,000,000) FROM THE RECYCLING REVOLVING FUND TO THE MAYORS COUNCIL OF GUAM FOR THE PURCHASE OF HEAVY EQUIPMENT TO BE UTILIZED BY THE MCOG FOR THE COLLECTION AND DISPOSAL OF RECYCLABLES, JUNK CARS, GREEN WASTE, AND OTHER DEBRIS.

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

2 Section 1. Legislative Findings and Intent.

- 1 Section 2. MCOG and GEPA to Prepare Plan.
- 2 Section 3. Proposed Operational Plan.
- 3 Section 4. Maintenance and Upkeep.
- 4 Section 5. Appropriation.
- 5 Section 6. § 51302 of Article 3, Chapter 51 of Title 10 GCA,, the
- 6 Recycling Revolving Fund.

7 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that the
8 Mayors and Vice Mayors of Guam play pivotal roles in our community in almost
9 every area, including being involved in providing, as much as possible, a clean and
10 safe environment for their constituents. Mayors and Vice Mayors are also a crucial
11 factor in the removal of debris and the clearing of roads following storms,
12 disasters, and other events.

13 *I Liheslatura* intends that an appropriation from the Recycling Revolving
14 Fund can maximize the effectiveness of Guam’s Mayors and Vice Mayors in the
15 collection and disposal of junk cars, green waste, recyclables, and assorted debris,
16 by providing sufficient equipment to achieve our community’s goal of a cleaner
17 and greener Guam.

18 **Section 2. MCOG and GEPA to Prepare Plan.** The Mayors Council of
19 Guam (MCOG) *shall* work with the Guam Environmental Protection Agency
20 (GEPA) to prepare an operational plan relative to the implementation of this Act,
21 so that the MCOG can have access to the needed heavy equipment that is required
22 to clear roads, collect trash and waste, and remove junk cars, and other debris, on a
23 regular basis, and provide other village services, such equipment to be made
24 available to each Mayor on a rotational basis.

25 **Section 3. Proposed Operational Plan.** The Mayors Council of Guam
26 and together with GEPA Board of Directors *shall*, within one hundred twenty
27 (120) days of the enactment of this Act into law, submit to *I Liheslaturan Guåhan*,
28 via a duly adopted resolution, a proposed operational plan for the implementation

1 of the provisions of this Act.

2 **Section 4. Maintenance and Upkeep.** The Department of Public Works
3 (Department) *shall* be charged with the responsibility of maintaining the
4 equipments purchased pursuant to this Act. Furthermore, the Department *shall* be
5 responsible for the maintenance, upkeep and renovation and repair of the
6 equipments either directly or through the use of contracted vendors.

7 **Section 5. Appropriation.** Upon approval and acceptance by *I*
8 *Liheslatura* of the proposed operational plan, Two Million Dollars (\$2,000,000) is
9 hereby appropriated from the Recycling Revolving Fund for the procurement of
10 heavy equipment for the MCOG, to include, but *not* be limited to, dump trucks,
11 backhoes with trailers, shredders, and flat beds for use by the various Mayors'
12 offices for the collection and disposal of recyclables, junk cars, green waste, and
13 other debris. In accordance with the approved operational plan called for in Section
14 3, the Guam Environmental Protection Agency *shall* conduct the procurement of
15 the heavy equipment funded by this Act.

16 **Section 6.** § 51302 of Article 3, Chapter 51 of Title 10 GCA, the
17 Recycling Revolving Fund, is *amended* to read:

18 “§ 51302. There is hereby created the Recycling Revolving Fund
19 (Fund), which *shall* be maintained separate and apart from any other funds,
20 including the General Fund of the government of Guam, and independent
21 records and accounts *shall* be maintained thereof. All revenue generated
22 from recycling fees collected pursuant to this Article, including interest
23 earned, *shall* be deposited into the Fund. The monies deposited into the Fund
24 *shall not* be subject to the transfer of authority of *I Maga'lahaen Guåhan*, and
25 the use of any monies in the Fund *shall* require an appropriation by *I*
26 *Liheslatura.*”