



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

APR 11 1998

Refer to  
Legislative Secretary

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:14am</u>
Date	<u>4.13.98</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 525 (LS), "AN ACT RELATIVE TO ESTABLISHING THE PRIORITY OF IMPLEMENTATION FOR THE INTEGRATED SOLID WASTE MANAGEMENT PLAN, AS PROVIDED FOR IN P.L. 24-139; AND TO REQUIRE SUBSEQUENT LEGISLATIVE APPROVAL FOR THE AUTHORITY GIVEN IN §11 OF P.L. 24-139 AND TO LIMIT THE GOVERNOR'S TRANSFER AUTHORITY", which which I have signed into law today as **Public Law No. 24-166.**

This bill does not add or subtract from the previous provisions of Public Law No. 24-139. Bill No. 525 purports to establish a priority for spending the appropriation contained in Public Law No. 24-139 for closing the Ordot Dump. Public Law No. 24-139 already establishes a priority for this implementation. The priority established is to take immediate action to close the Ordot Dump within 6 months. In order to do this, a safe and licensed landfill must be opened to take the place of the Ordot Dump.

Bill No. 525 purports also to establish recycling as a "second" priority. Public Law No. 24-139 already establishes recycling as a priority by mandating the recycling of no less than 20% of the total solid waste generated from all sources. Public Law No. 24-139 also establishes an Office of Recycling and a demonstration recycling project.

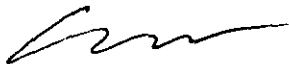
The provisions of Bill No. 525 do not take into account the simultaneous passage of Bill No. 520 during the same session of the Legislature. The

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Office of the Speaker	
ANTONIO R. UNPINGCO	
Date:	<u>4/11/98</u>
Time:	<u>12:30 PM</u>
Rec'd by:	<u>[Signature]</u>
Print Name:	<u>[Signature]</u>

provisions of the 2 bills are inconsistent. If Bill No. 520 were to go into effect, the provisions of Bill No. 525 would be moot, unnecessary, and senseless.

Very truly yours,



Carl T. C. Gutierrez  
Governor of Guam

Attachment

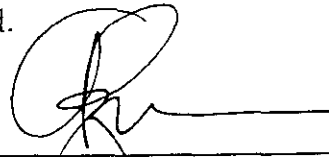
0:740


cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

TWENTY-FOURTH GUAM LEGISLATURE  
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 525 (LS), "AN ACT RELATIVE TO ESTABLISHING THE PRIORITY OF IMPLEMENTATION FOR THE INTEGRATED SOLID WASTE MANAGEMENT PLAN, AS PROVIDED FOR IN P.L. NO. 24-139, AND TO REQUIRE SUBSEQUENT LEGISLATIVE APPROVAL FOR THE AUTHORITY GIVEN IN §11 OF P.L. NO. 24-139 AND TO LIMIT THE GOVERNOR'S TRANSFER AUTHORITY," was on the 25<sup>TH</sup> day of March, 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:  
  
\_\_\_\_\_  
MARK FORBES  
Senator and Acting Legislative  
Secretary

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This Act was received by the Governor this 31st day of March, 1998, at  
2:45 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:  
  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 4-11-98  
Public Law No. 24-166

**TWENTY-FOURTH GUAM LEGISLATURE**  
**1998 (SECOND) Regular Session**

**Bill No. 525 (LS)**

As amended on the Floor.

Introduced by:

T. C. Ada  
L. Leon Guerrero  
F. B. Aguon, Jr.  
A. C. Blaz  
J. M.S. Brown  
Felix P. Camacho  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT RELATIVE TO ESTABLISHING THE  
PRIORITY OF IMPLEMENTATION FOR THE  
INTEGRATED SOLID WASTE MANAGEMENT  
PLAN, AS PROVIDED FOR IN P.L. NO. 24-139, AND  
TO REQUIRE SUBSEQUENT LEGISLATIVE  
APPROVAL FOR THE AUTHORITY GIVEN IN §11  
OF P.L. NO. 24-139 AND TO LIMIT THE  
GOVERNOR'S TRANSFER AUTHORITY.**

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

2           **Section 1. Legislative Intent.**     Following the recent lapsing of Bill  
3 Number 495 into public law, specifically Public Law Number 24-139, it is the  
4 desire of the Guam Legislature to:   (1) establish a clear priority of  
5 implementation for the Integrated Solid Waste Management Plan ("ISWMP"),  
6 and (2) to restore the Guam Legislature's check and balance authority related to  
7 the obligating of the Government of Guam's fiscal capacity. The introduction of  
8 this Bill is not to be construed as an endorsement of the use of the incinerator or  
9 related technology.

10           **Section 2. Priority of Implementation of the ISWMP.**   The following  
11 order of priority shall be adhered to in the encumbrance and expenditure of  
12 funds, made available through the authority granted in §11 of Public Law  
13 Number 24-139, for purposes of implementing the ISWMP:

- 14           1.     open new landfill and close Ordot Dump;
- 15           2.     construct/upgrade Materials Recycling Facility(s) ("MRF"); and
- 16           3.     other related solid waste management activities.

17           **Section 3. Legislative Approval Required.**   Exercise of the authority  
18 granted in §11 of Public Law Number 24-139, relative to the issuance of private  
19 activity tax-exempt bonds, in years subsequent to the current year shall require  
20 approval from the Guam Legislature. For any contract used to guarantee  
21 repayment of a private activity bond floated pursuant to this Section, of which  
22 payment is to be made based on a contract with the government of Guam, the

1 underlying contract with the government of Guam must be approved by the  
2 Guam Legislature.

3 **Section 4.** A new Subsection (d) is hereby added to §14 of Public Law  
4 Number 24-139 to read as follows:

5 “(d) Notwithstanding any other provision of law or this Act, the  
6 appropriation contained in this Section shall *not* be subject to transfer by  
7 the Governor.”