



OFFICE OF THE GOVERNOR  
GUAM

Refer to  
Legislative Secretary

DEC 30 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	<i>4:10pm</i>
Date	<i>12-30-99</i>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 289 (COR), "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS", previously vetoed by i Maga'lahaen Guåhan, the Governor, and subsequently overridden by i Liheslatura, the Legislature. This legislation is now designated as **Public Law No. 25-93**.

Very truly yours,

*[Signature]*  
Madeleine Z. Bordallo  
I Maga'Lahaen Guåhan, Åkto  
Acting Governor of Guam

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

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

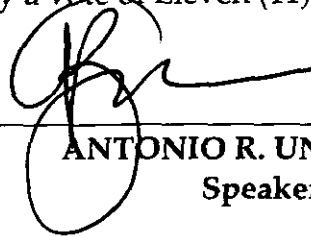
Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: *12-30-99*  
Time: *1:55*  
Rec'd by: *[Signature]*  
Pri Name: *[Signature]*  
*12AS/99-0306*

00531

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

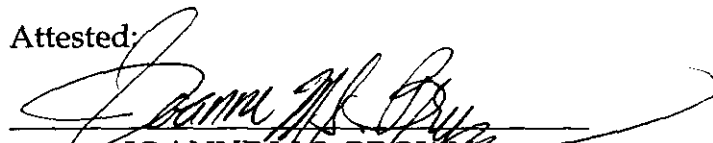
This is to certify that Substitute Bill No. 289 (COR), "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 29<sup>th</sup> day of December, 1999, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of Eleven (11) members.



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ANTONIO R. UNPINGCO  
Speaker

Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by *I Maga'lahaen Guahan* this 29 day of December,  
1999, at 10:55 o'clock P.M.



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ALFRED F. QUENYA  
Assistant Staff Officer  
*Maga'lahaen*'s Office

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 289 (COR)**

As substituted by the Committee on  
Power, Public Works, Tax and Regulatory  
Reform, Municipal and Community Affairs  
and as amended on the Floor.

Introduced by:

S. A. Sanchez, II  
V. C. Pangelinan  
K. S. Moylan  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
J. C. Salas  
A. R. Unpingco

**AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313,  
RELATIVE TO THE IMPLEMENTATION OF  
SOLID WASTE TIPPING FEES ON GUAM AND  
THE RULES AND REGULATIONS FOR SOLID  
WASTE COLLECTION BY THE DEPARTMENT OF  
PUBLIC WORKS.**

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

2           **Section 1.** Section 51118(c) of Article 1, Chapter 51, Part 2, Division 2 of  
3 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1           **“(c) Business and Governmental Tipping Fees.**

2           A tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is  
3           hereby established for business and government generators. For  
4           compacted trash, a tipping fee of Four Dollars (\$4.00) per cubic yard  
5           multiplied by the compaction ratio of any vehicle or container with  
6           compaction equipment, is hereby established for business and  
7           government generators. Commercial and government collectors shall  
8           provide the Department of Public Works the compaction ratios of all  
9           equipment used to haul solid waste to the landfill to insure the accurate  
10          assessment of tipping fees for compacted trash. This fee does *not*  
11          include collection charges that are independently set by licensed  
12          commercial collectors.”

13          **Section 2.** Section 51118(d) of Article 1, Chapter 51, Part 2, Division 2 of  
14          Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

15                 **“(d) Residential Tipping Fees.** A residential tipping fee, which  
16                 includes collection charges, is hereby established for residential  
17                 generators in the amount of Eight Dollars (\$8.00) per dwelling per  
18                 month.”

19          **Section 3.** Section 51118(h) is hereby *added* to Article 1, Chapter 51, Part  
20          2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

21                 **“(h) DPW to Develop Variable Residential Tipping Fees.**

22                 In recognition of the fact that the initial residential tipping fee  
23                 established by Public Law Number 24-272 is a flat fee, which  
24                 discourages trash reduction, penalizes smaller families and subsidizes

1 large residential generators of waste, the Department of Public Works  
2 shall develop a plan to institute a sliding scale of residential tipping fees.  
3 The sliding scale shall, at a minimum, charge residential generators  
4 based on the amount of waste produced and picked up by the  
5 department. The plan shall also address the methodology for billing  
6 individual residential customers based on the revised variable tipping  
7 fee. The plan shall be submitted to *I Liheslaturan Guåhan* within four (4)  
8 months of enactment of this Act.

9 **(h)(1) Lifeline Rates for Tipping Fees.**

10 Notwithstanding any other provision of law, the Department of  
11 Public Works shall, through the development of rules and  
12 regulations pursuant to the Administrative Adjudication Law,  
13 establish and modify from time to time, Targeted Lifeline Rates for  
14 Residential Tipping Fees covering pick-up and delivery of  
15 residential trash *only* that are consistent with and meeting the low  
16 income eligibility criteria, requirement, policies or procedures  
17 established by the Guam Housing and Urban Renewal Authority  
18 ('GHURA') applicable to their Low Income Public Housing  
19 Program."

20 **Section 4. Self-Drop Fee Established.** Section 51118(i) is hereby *added*  
21 to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code  
22 Annotated to read as follows:

23 **“(i) Self-Drop Fee Established.** Any person or entity that is *not*  
24 a business or government generator shall be billed Two Dollars (\$2.00)

1 per vehicle load of solid waste delivered to a landfill operated by the  
2 Department or its contractor; provided, that the vehicle load capacity is  
3 one (1) ton or less. Vehicles in excess of said load capacity shall be billed  
4 a rate that is based on an established formula developed by the  
5 Department.”

6 **Section 5.** Section 51118(j) is hereby *added* to Article 1, Chapter 51, Part  
7 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

8 **“(j) Temporary Exemption from Tipping Fees for Municipal**  
9 **Waste Collection.** For a period of one (1) year commencing the date  
10 of the enactment of this Act, all waste collected by any Mayor or Vice-  
11 Mayor in the performance of their official duties, and transported to a  
12 landfill operated by the Department or its contractor, shall be exempt  
13 from all tipping fees. The Department of Public Works shall monitor  
14 and record the amount of solid waste delivered by Mayors and Vice-  
15 Mayors under this Section. This information shall be provided on a  
16 quarterly basis to the Mayors Council, *I Maga’lahen Guåhan*, and *I*  
17 *Liheslaturan Guahån* for the purpose of determining an appropriate  
18 budget for each municipality following the end of the exemption.”

19 **Section 6.** Section 51118(k) is hereby *added* to Article 1, Chapter 51, Part  
20 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

21 **“(k) ‘Good Citizen’ Exemption Established.** Any  
22 individual, registered non-profit organization, or other person who  
23 intends to volunteer their resources for the purpose of cleaning up and  
24 collecting trash and litter from public places or facilities may be granted

1 a temporary exemption from the fees established herein by securing a  
2 written exemption from the Department of Public Works in advance of  
3 their planned collection activities. The Department of Public Works  
4 shall determine the manner, time limit and procedure by which such an  
5 exemption may be granted and honored."

6 **Section 7.** Section 51118(l) is hereby *added* to Article 1, Chapter 51, Part  
7 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

8 **"(l) Temporary Exemption of Tipping Fees Following a Force**  
9 **Majeure.** Following a force majeure, *I Maga'lahen Guåhan* shall be  
10 authorized to suspend tipping fees for all solid waste collected and  
11 transported to a landfill that is operated by the Department or its  
12 contractor for a period *not to exceed* sixty (60) days."

13 **Section 8.** Notwithstanding any other provisions of law, Section 105(m)  
14 is hereby *added* to the Department of Public Works Division of Solid Waste  
15 Management Rules and Regulations approved by Public Law Number 24-313  
16 to read as follows:

17 **"(m) Collection of Tipping Fees.**

18 (1) Residential tipping fees shall be billed and collected as  
19 provided under §105(j) and §117(3)(a) of the Department of Public  
20 Works Division of Solid Waste Management Rules and  
21 Regulations. Tipping fees for government departments or  
22 agencies that have their solid waste picked up by the Department  
23 also shall be billed and collected by the Department.

1           (2) Tipping fees for business or government generators  
2 that have their solid waste collected by commercial collectors shall  
3 be collected by commercial collectors, on behalf of the government  
4 of Guam. Commercial collectors shall remit the tipping fees paid  
5 by their customers in the prior month to the government by the  
6 twentieth (20th) day of the following month. The tipping fees  
7 collected by commercial collectors, upon remittance to the  
8 government of Guam, shall be considered as revenue for the  
9 government and *not* as income for commercial collectors. *If* a  
10 commercial collector does *not* remit the tipping fees actually  
11 collected from generators, as provided in this Section, then the  
12 commercial collectors shall be liable for full payment to the  
13 government of all tipping fees that are collected from generators,  
14 but *not* remitted to the government."

15       **Section 9.** Notwithstanding any other provisions of law, Section 105(n)  
16 is hereby *added* to the Department of Public Works Division of Solid Waste  
17 Management Rules and Regulations approved by Public Law Number 24-313  
18 to read as follows:

19           **"(n) Termination of Collecting Services to Business,**  
20       **Government and Residential Generators for Non-Payment.** *If* a  
21 business, government or residential generator of solid waste fails to pay  
22 the tipping fees charged to them within sixty (60) days of the due date,  
23 the Department shall terminate, or cause to be terminated, the pick-up



1 of solid waste from the non-paying generator, *subject* to the provisions  
2 provided herein.

3 (1) Commercial collectors shall provide thirty (30) days  
4 written notice of termination, and the effective date of service  
5 termination of collecting services, to their respective accounts that  
6 have *not* paid their tipping fees within sixty (60) days of billing.  
7 Commercial collectors shall provide the Department written notice  
8 of any commercial generator account that has *not* paid their  
9 tipping fee within the thirty (30) day notice of termination  
10 required by this Section.

11 (2) Commercial collectors shall *not* pick up any solid  
12 waste from terminated customers, or else shall be liable for the  
13 payment of tipping fees that are incurred from continued service.  
14 The Department shall notify in writing all commercial collectors of  
15 all business or government accounts that are restricted from  
16 collecting services for non-payment of tipping fees, as required by  
17 this Section.

18 (3) The Department shall collect all unpaid tipping fees  
19 that are past due from residential, business or government  
20 generators who have *not* paid their respective tipping fees, *subject*  
21 to the provisions in this Section. Commercial collectors shall *not*  
22 be liable for past due unpaid tipping fees of its customers, *except* as  
23 provided by this Act.

1           (4) The Department or commercial collectors may resume  
2 waste collection services upon full payment of all past due tipping  
3 fees owed by the generator. The Department shall notify  
4 commercial collectors in writing when a generator is eligible for  
5 resumption of waste collecting services, as provided by this Act.”

6       **Section 10.**       Section 105(a) of the Department of Public Works  
7 Division of Solid Waste Management Rules and Regulations approved by  
8 Public Law Number 24-313 is hereby *amended* to read as follows:

9           “(a) **Responsibility.** The government of Guam shall provide for  
10 the collection of solid waste from individual dwelling units, single  
11 family residences, duplexes, and government managed housing units or  
12 residences. The government of Guam also shall provide for the  
13 collection of solid waste from multiple dwelling units of four (4) or less  
14 units that are *not* part of an organized subdivision of similar complexes,  
15 upon written request by the legally *bona fide* owner of the multiple  
16 dwelling unit. The Department of Public Works may contract for  
17 collection services with a person, business or corporation, or a  
18 combination thereof, for such as deemed to be in the best interests of  
19 Guam.”

20       **Section 11.**       Section 26203(l) is hereby *added* to Article 2, Chapter  
21 26, Division 2 of Title 11 of the Guam Code Annotated to read as follows:

22           “(l) The amounts collected on behalf of the government as  
23 tipping fees imposed under Chapter 51 of Title 10 of the Guam Code  
24 Annotated.”

1           **Section 12.**       Section 51102(52) is hereby *added* to Article 1, Chapter  
2 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
3 follows:

4           “(52)       ‘*Duplex*’ means a residential building containing two  
5 (2) separate dwelling units either side by side or one above the other.”

6           **Section 13.**       Section 51102(53) is hereby *added* to Article 1, Chapter  
7 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
8 follows:

9           “(53)       ‘*Single Family Residence*’ means a detached building  
10 designed for and/or occupied exclusively by one (1) family, or one (1) of  
11 two (2) dwelling units on a duplex.”

12          **Section 14.**       Section 103(k) of the Department of Public Works  
13 Division of Solid Waste Management Rules and Regulations, approved in §1  
14 of Public Law Number 24-313, is hereby *amended* to read as follows:

15          “(k) ‘*Multiple Dwelling*’ means a building, or portion thereof,  
16 used and/or designed as a residence for three (3) or more families living  
17 independently of each other in dwelling units and doing their own  
18 cooking in said building.”

19          **Section 15.**       Section 103(m) of the Department of Public Works  
20 Division of Solid Waste Management Rules and Regulations, approved in §1  
21 of Public Law Number 24-313, is hereby *amended* to read as follows:

22          “(m) ‘*Single Family Residence*’ means a detached building designed  
23 for and/or occupied exclusively by one (1) family, or one (1) of two (2)  
24 dwelling units on a duplex.”

1           **Section 16.**           Section 103(q) of the Department of Public Works  
2 Division of Solid Waste Management Rules and Regulations, approved in §1  
3 of Public Law Number 24-313, is hereby *added* to read as follows:

4                   “(q) ‘*Duplex*’ means a residential building containing two (2)  
5           separate dwelling units either side by side, or one above the other.”

**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910



December 29, 1999

The Honorable Carl T.C. Gutierrez  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 217(COR), 289(COR), 305(COR), 244(LS), 348(LS) and Bill No. 303(COR) which were overridden by *I Mina'Bente Singko Na Liheslaturan Guåhan* on December 29, 1999, notwithstanding your veto.

Sincerely,

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure (6)

December 29, 1999  
10:55 pm. per Alfred F. Duenas

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 289 (COR), "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS," returned without approval of *I Maga'lahen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 29<sup>th</sup> day of December, 1999, to pass said bill notwithstanding the veto of *I Maga'lahen Guahan* by a vote of Eleven (11) members.

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

Attested:

\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_,  
1999, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 289 (COR)**

As substituted by the Committee on  
Power, Public Works, Tax and Regulatory  
Reform, Municipal and Community Affairs  
and as amended on the Floor.

Introduced by:

S. A. Sanchez, II  
V. C. Pangelinan  
K. S. Moylan  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
J. C. Salas  
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**AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313,  
RELATIVE TO THE IMPLEMENTATION OF  
SOLID WASTE TIPPING FEES ON GUAM AND  
THE RULES AND REGULATIONS FOR SOLID  
WASTE COLLECTION BY THE DEPARTMENT OF  
PUBLIC WORKS.**

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

2        **Section 1.** Section 51118(c) of Article 1, Chapter 51, Part 2, Division 2 of

3        Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1           **“(c) Business and Governmental Tipping Fees.**

2           A tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is  
3           hereby established for business and government generators. For  
4           compacted trash, a tipping fee of Four Dollars (\$4.00) per cubic yard  
5           multiplied by the compaction ratio of any vehicle or container with  
6           compaction equipment, is hereby established for business and  
7           government generators. Commercial and government collectors shall  
8           provide the Department of Public Works the compaction ratios of all  
9           equipment used to haul solid waste to the landfill to insure the accurate  
10          assessment of tipping fees for compacted trash. This fee does *not*  
11          include collection charges that are independently set by licensed  
12          commercial collectors.”

13          **Section 2.** Section 51118(d) of Article 1, Chapter 51, Part 2, Division 2 of  
14          Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

15                 **“(d) Residential Tipping Fees.** A residential tipping fee, which  
16                 includes collection charges, is hereby established for residential  
17                 generators in the amount of Eight Dollars (\$8.00) per dwelling per  
18                 month.”

19          **Section 3.** Section 51118(h) is hereby *added* to Article 1, Chapter 51, Part  
20          2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

21                 **“(h) DPW to Develop Variable Residential Tipping Fees.**

22                 In recognition of the fact that the initial residential tipping fee  
23                 established by Public Law Number 24-272 is a flat fee, which  
24                 discourages trash reduction, penalizes smaller families and subsidizes  
25                 large residential generators of waste, the Department of Public Works



1 shall develop a plan to institute a sliding scale of residential tipping fees.  
2 The sliding scale shall, at a minimum, charge residential generators  
3 based on the amount of waste produced and picked up by the  
4 department. The plan shall also address the methodology for billing  
5 individual residential customers based on the revised variable tipping  
6 fee. The plan shall be submitted to *I Liheslaturan Guåhan* within four (4)  
7 months of enactment of this Act.

8 **(h)(1) Lifeline Rates for Tipping Fees.**

9 Notwithstanding any other provision of law, the Department of  
10 Public Works shall, through the development of rules and  
11 regulations pursuant to the Administrative Adjudication Law,  
12 establish and modify from time to time, Targeted Lifeline Rates for  
13 Residential Tipping Fees covering pick-up and delivery of  
14 residential trash *only* that are consistent with and meeting the low  
15 income eligibility criteria, requirement, policies or procedures  
16 established by the Guam Housing and Urban Renewal Authority  
17 ('GHURA') applicable to their Low Income Public Housing  
18 Program."

19 **Section 4. Self-Drop Fee Established.** Section 51118(i) is hereby *added*  
20 to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code  
21 Annotated to read as follows:

22 **"(i) Self-Drop Fee Established.** Any person or entity that is *not*  
23 a business or government generator shall be billed Two Dollars (\$2.00)  
24 per vehicle load of solid waste delivered to a landfill operated by the  
25 Department or its contractor; provided, that the vehicle load capacity is

1 one (1) ton or less. Vehicles in excess of said load capacity shall be billed  
2 a rate that is based on an established formula developed by the  
3 Department."

4 **Section 5.** Section 51118(j) is hereby *added* to Article 1, Chapter 51, Part  
5 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

6 **"(j) Temporary Exemption from Tipping Fees for Municipal**  
7 **Waste Collection.** For a period of one (1) year commencing the date  
8 of the enactment of this Act, all waste collected by any Mayor or Vice-  
9 Mayor in the performance of their official duties, and transported to a  
10 landfill operated by the Department or its contractor, shall be exempt  
11 from all tipping fees. The Department of Public Works shall monitor  
12 and record the amount of solid waste delivered by Mayors and Vice-  
13 Mayors under this Section. This information shall be provided on a  
14 quarterly basis to the Mayors Council, *I Maga'lahaen Guåhan*, and *I*  
15 *Lihselaturan Guahån* for the purpose of determining an appropriate  
16 budget for each municipality following the end of the exemption."

17 **Section 6.** Section 51118(k) is hereby *added* to Article 1, Chapter 51, Part  
18 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

19 **"(k) 'Good Citizen' Exemption Established.** Any  
20 individual, registered non-profit organization, or other person who  
21 intends to volunteer their resources for the purpose of cleaning up and  
22 collecting trash and litter from public places or facilities may be granted  
23 a temporary exemption from the fees established herein by securing a  
24 written exemption from the Department of Public Works in advance of

1 their planned collection activities. The Department of Public Works  
2 shall determine the manner, time limit and procedure by which such an  
3 exemption may be granted and honored."

4 **Section 7.** Section 51118(l) is hereby *added* to Article 1, Chapter 51, Part  
5 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

6 **"(l) Temporary Exemption of Tipping Fees Following a Force**  
7 **Majeure.** Following a force majeure, *I Maga'lahen Guåhan* shall be  
8 authorized to suspend tipping fees for all solid waste collected and  
9 transported to a landfill that is operated by the Department or its  
10 contractor for a period *not to exceed* sixty (60) days."

11 **Section 8.** Notwithstanding any other provisions of law, Section 105(m)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(m) Collection of Tipping Fees.**

16 (1) Residential tipping fees shall be billed and collected as  
17 provided under §105(j) and §117(3)(a) of the Department of Public  
18 Works Division of Solid Waste Management Rules and  
19 Regulations. Tipping fees for government departments or  
20 agencies that have their solid waste picked up by the Department  
21 also shall be billed and collected by the Department.

22 (2) Tipping fees for business or government generators  
23 that have their solid waste collected by commercial collectors shall  
24 be collected by commercial collectors, on behalf of the government  
25 of Guam. Commercial collectors shall remit the tipping fees paid

1 by their customers in the prior month to the government by the  
2 twentieth (20th) day of the following month. The tipping fees  
3 collected by commercial collectors, upon remittance to the  
4 government of Guam, shall be considered as revenue for the  
5 government and *not* as income for commercial collectors. *If* a  
6 commercial collector does *not* remit the tipping fees actually  
7 collected from generators, as provided in this Section, then the  
8 commercial collectors shall be liable for full payment to the  
9 government of all tipping fees that are collected from generators,  
10 but *not* remitted to the government."

11 **Section 9.** Notwithstanding any other provisions of law, Section 105(n)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(n) Termination of Collecting Services to Business,**  
16 **Government and Residential Generators for Non-Payment.** *If* a  
17 business, government or residential generator of solid waste fails to pay  
18 the tipping fees charged to them within sixty (60) days of the due date,  
19 the Department shall terminate, or cause to be terminated, the pick-up  
20 of solid waste from the non-paying generator, *subject* to the provisions  
21 provided herein.

22 (1) Commercial collectors shall provide thirty (30) days  
23 written notice of termination, and the effective date of service  
24 termination of collecting services, to their respective accounts that

1 have *not* paid their tipping fees within sixty (60) days of billing.  
2 Commercial collectors shall provide the Department written notice  
3 of any commercial generator account that has *not* paid their  
4 tipping fee within the thirty (30) day notice of termination  
5 required by this Section.

6 (2) Commercial collectors shall *not* pick up any solid  
7 waste from terminated customers, or else shall be liable for the  
8 payment of tipping fees that are incurred from continued service.  
9 The Department shall notify in writing all commercial collectors of  
10 all business or government accounts that are restricted from  
11 collecting services for non-payment of tipping fees, as required by  
12 this Section.

13 (3) The Department shall collect all unpaid tipping fees  
14 that are past due from residential, business or government  
15 generators who have *not* paid their respective tipping fees, *subject*  
16 to the provisions in this Section. Commercial collectors shall *not*  
17 be liable for past due unpaid tipping fees of its customers, *except* as  
18 provided by this Act.

19 (4) The Department or commercial collectors may resume  
20 waste collection services upon full payment of all past due tipping  
21 fees owed by the generator. The Department shall notify  
22 commercial collectors in writing when a generator is eligible for  
23 resumption of waste collecting services, as provided by this Act."

1           **Section 10.**       Section 105(a) of the Department of Public Works  
2 Division of Solid Waste Management Rules and Regulations approved by  
3 Public Law Number 24-313 is hereby *amended* to read as follows:

4           **“(a) Responsibility.** The government of Guam shall provide for  
5 the collection of solid waste from individual dwelling units, single  
6 family residences, duplexes, and government managed housing units or  
7 residences. The government of Guam also shall provide for the  
8 collection of solid waste from multiple dwelling units of four (4) or less  
9 units that are *not* part of an organized subdivision of similar complexes,  
10 upon written request by the legally *bona fide* owner of the multiple  
11 dwelling unit. The Department of Public Works may contract for  
12 collection services with a person, business or corporation, or a  
13 combination thereof, for such as deemed to be in the best interests of  
14 Guam.”

15           **Section 11.**       Section 26203(l) is hereby *added* to Article 2, Chapter  
16 26, Division 2 of Title 11 of the Guam Code Annotated to read as follows:

17           **“(l)** The amounts collected on behalf of the government as  
18 tipping fees imposed under Chapter 51 of Title 10 of the Guam Code  
19 Annotated.”

20           **Section 12.**       Section 51102(52) is hereby *added* to Article 1, Chapter  
21 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
22 follows:

23           **“(52)**       ‘*Duplex*’ means a residential building containing two  
24 (2) separate dwelling units either side by side or one above the other.”

1           **Section 13.**           Section 51102(53) is hereby *added* to Article 1, Chapter  
2 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
3 follows:

4           “(53)           ‘*Single Family Residence*’ means a detached building  
5 designed for and/or occupied exclusively by one (1) family, or one (1) of  
6 two (2) dwelling units on a duplex.”

7           **Section 14.**           Section 103(k) of the Department of Public Works  
8 Division of Solid Waste Management Rules and Regulations, approved in §1  
9 of Public Law Number 24-313, is hereby *amended* to read as follows:

10           “(k) ‘*Multiple Dwelling*’ means a building, or portion thereof,  
11 used and/or designed as a residence for three (3) or more families living  
12 independently of each other in dwelling units and doing their own  
13 cooking in said building.”

14           **Section 15.**           Section 103(m) of the Department of Public Works  
15 Division of Solid Waste Management Rules and Regulations, approved in §1  
16 of Public Law Number 24-313, is hereby *amended* to read as follows:

17           “(m) ‘*Single Family Residence*’ means a detached building designed  
18 for and/or occupied exclusively by one (1) family, or one (1) of two (2)  
19 dwelling units on a duplex.”

20           **Section 16.**           Section 103(q) of the Department of Public Works  
21 Division of Solid Waste Management Rules and Regulations, approved in §1  
22 of Public Law Number 24-313, is hereby *added* to read as follows:

23           “(q) ‘*Duplex*’ means a residential building containing two (2)  
24 separate dwelling units either side by side, or one above the other.”

*Overridden*

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 12/29/99

## VOTING SHEET

*Vetoed*  
5 Bill No. 289

Resolution No. \_\_\_\_\_

Question: Notwithstanding the opposition of the Governor...

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	<u>111</u>	<u>1</u>			
BERMUDES, Eulogio C.					<u>EA</u>
BLAZ, Anthony C.				<u>✓</u>	<u>excused</u>
BROWN, Joanne M.S.	<u>✓</u>				
CALVO, Eduardo B.			<u>excused</u>		
CAMACHO, Marcel G.	<u>✓</u>				
FORBES, Mark	<u>✓</u>				
KASPERBAUER, Lawrence F.	<u>✓</u>				
LAMORENA, Alberto C., V	<u>✓</u>				
LEON GUERRERO, Carlotta A.	<u>✓</u>				
MOYLAN, Kaleo Scott	<u>✓</u>				
PANGELINAN, Vicente C.	<u>✓</u>				
SALAS, John C.	<u>✓</u>				
SANCHEZ, Simon A., II	<u>✓</u>				
UNPINGCO, Antonio R.	<u>✓</u>				

TOTAL

11   1   1   1   1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence





CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

NOV 26 1999

The Honorable Antonio R. Unpingco  
Speaker  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 289 (COR), "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS", which I have vetoed.

It is with great disappointment that I received this latest legislative attempt to meddle with the tipping fee structure for solid waste collection. Although the committee report concerns itself with the issue of collections for small duplexes and four-plexes, the bulk of the language of the bill is concerned with providing what is effectively an indirect subsidy to commercial haulers. Sections 1, 2, 8, 9, and 11, are apparently designed to shift the burden for collection of tipping fees away from commercial haulers who are profiting by this process and place the load on the government itself. Such a practice is not in accordance with normal tipping fee collection practices in the nation. Clearly, an exception is being made locally for the benefit and the profits of commercial trash collectors. It does not serve the public interest, to leave taxpayers holding the bag for the failure of commercial haulers to collect the tipping fees. It is simply unconscionable for such a burden to be placed on the shoulders of the public simply for the sake of profits of commercial haulers.

Compounding this inequity is an apparent conflict of interest that has produced this measure. The sponsor of the bill, Senator Simon A. Sanchez

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	9:05am
Date	11.29.99

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 11-26-99  
Time: 10:45  
Rec'd by: *[Signature]*  
Print Name: *[Signature]*  
0525/99-0354

00572

II, has previously acknowledged that he's a part owner of Guahan Waste Control, a commercial trash collector. It is such commercial collectors as Guahan Waste Control that will profit from this bill. Unfortunately, this has not deterred Senator Sanchez from sponsoring this measure.

This is a sad commentary on the legislative process, particular as the bill contained several promising provisions relating to modifying the fee structure on duplexes, the mayors and profit organizations. Unfortunately, this is more than offset by the bill's clear focus on serving special interests over the public interest.

I believe the time has come to rise above the morass of conflicting statutes and uneven policies that have affected the government's solid waste collection efforts for years. I strongly feel we need to move forthrightly to privatize the Solid Waste Division of Department of Public Works immediately. By privatization, I mean actual privatization, not a plan or a study. In this regard, I will be submitting legislation which will privatize the Solid Waste Division within four months by regulation. It is my hope that you and your colleagues will quickly act on this measure in December. The moment has come to end the government's perennial solid waste problems and solve them through immediate privatization. I ask that you join in this effort.

Very truly yours,



Earl T. C. Gutierrez  
I Maga'Lahen Guåhan  
Governor of Guam

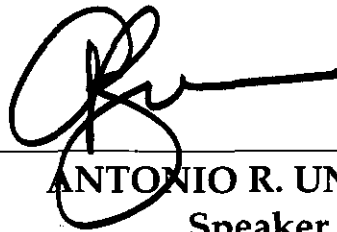
Attachment:      copy attached for signed bill or overridden bill  
                         original attached for vetoed bill

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

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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


This is to certify that Substitute Bill No. 289 (COR) "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS," was on the 9<sup>th</sup> day of November, 1999, duly and regularly passed.



---

ANTONIO R. UNPINGCO  
Speaker

Attested:



---

JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 15<sup>th</sup> day of November, 1999,  
at 10:40 o'clock a.M.



---

Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED



---

CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 289 (COR)**

As substituted by the Committee on  
Power, Public Works, Tax and Regulatory  
Reform, Municipal and Community Affairs  
and as amended on the Floor.

Introduced by:

S. A. Sanchez, II  
V. C. Pangelinan  
K. S. Moylan  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
J. C. Salas  
A. R. Unpingco

**AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313,  
RELATIVE TO THE IMPLEMENTATION OF  
SOLID WASTE TIPPING FEES ON GUAM AND  
THE RULES AND REGULATIONS FOR SOLID  
WASTE COLLECTION BY THE DEPARTMENT OF  
PUBLIC WORKS.**

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

2        **Section 1.** Section 51118(c) of Article 1, Chapter 51, Part 2, Division 2 of

3        Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1           **“(c) Business and Governmental Tipping Fees.**

2           A tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is  
3           hereby established for business and government generators. For  
4           compacted trash, a tipping fee of Four Dollars (\$4.00) per cubic yard  
5           multiplied by the compaction ratio of any vehicle or container with  
6           compaction equipment, is hereby established for business and  
7           government generators. Commercial and government collectors shall  
8           provide the Department of Public Works the compaction ratios of all  
9           equipment used to haul solid waste to the landfill to insure the accurate  
10          assessment of tipping fees for compacted trash. This fee does *not*  
11          include collection charges that are independently set by licensed  
12          commercial collectors.”

13          **Section 2.** Section 51118(d) of Article 1, Chapter 51, Part 2, Division 2 of  
14          Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

15                 **“(d) Residential Tipping Fees.** A residential tipping fee, which  
16                 includes collection charges, is hereby established for residential  
17                 generators in the amount of Eight Dollars (\$8.00) per dwelling per  
18                 month.”

19          **Section 3.** Section 51118(h) is hereby *added* to Article 1, Chapter 51, Part  
20          2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

21                 **“(h) DPW to Develop Variable Residential Tipping Fees.**

22                 In recognition of the fact that the initial residential tipping fee  
23                 established by Public Law Number 24-272 is a flat fee, which  
24                 discourages trash reduction, penalizes smaller families and subsidizes  
25                 large residential generators of waste, the Department of Public Works

1 shall develop a plan to institute a sliding scale of residential tipping fees.  
2 The sliding scale shall, at a minimum, charge residential generators  
3 based on the amount of waste produced and picked up by the  
4 department. The plan shall also address the methodology for billing  
5 individual residential customers based on the revised variable tipping  
6 fee. The plan shall be submitted to *I Liheslaturan Guåhan* within four (4)  
7 months of enactment of this Act.

8 **(h)(1) Lifeline Rates for Tipping Fees.**

9 Notwithstanding any other provision of law, the Department of  
10 Public Works shall, through the development of rules and  
11 regulations pursuant to the Administrative Adjudication Law,  
12 establish and modify from time to time, Targeted Lifeline Rates for  
13 Residential Tipping Fees covering pick-up and delivery of  
14 residential trash *only* that are consistent with and meeting the low  
15 income eligibility criteria, requirement, policies or procedures  
16 established by the Guam Housing and Urban Renewal Authority  
17 ('GHURA') applicable to their Low Income Public Housing  
18 Program."

19 **Section 4. Self-Drop Fee Established.** Section 51118(i) is hereby *added*  
20 to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code  
21 Annotated to read as follows:

22 **"(i) Self-Drop Fee Established.** Any person or entity that is *not*  
23 a business or government generator shall be billed Two Dollars (\$2.00)  
24 per vehicle load of solid waste delivered to a landfill operated by the  
25 Department or its contractor; provided, that the vehicle load capacity is

1 their planned collection activities. The Department of Public Works  
2 shall determine the manner, time limit and procedure by which such an  
3 exemption may be granted and honored."

4 **Section 7.** Section 51118(l) is hereby *added* to Article 1, Chapter 51, Part  
5 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

6 **"(l) Temporary Exemption of Tipping Fees Following a Force**  
7 **Majeure.** Following a force majeure, *I Maga'lahen Guåhan* shall be  
8 authorized to suspend tipping fees for all solid waste collected and  
9 transported to a landfill that is operated by the Department or its  
10 contractor for a period *not to exceed* sixty (60) days."

11 **Section 8.** Notwithstanding any other provisions of law, Section 105(m)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(m) Collection of Tipping Fees.**

16 (1) Residential tipping fees shall be billed and collected as  
17 provided under §105(j) and §117(3)(a) of the Department of Public  
18 Works Division of Solid Waste Management Rules and  
19 Regulations. Tipping fees for government departments or  
20 agencies that have their solid waste picked up by the Department  
21 also shall be billed and collected by the Department.

22 (2) Tipping fees for business or government generators  
23 that have their solid waste collected by commercial collectors shall  
24 be collected by commercial collectors, on behalf of the government  
25 of Guam. Commercial collectors shall remit the tipping fees paid

1 by their customers in the prior month to the government by the  
2 twentieth (20th) day of the following month. The tipping fees  
3 collected by commercial collectors, upon remittance to the  
4 government of Guam, shall be considered as revenue for the  
5 government and *not* as income for commercial collectors. *If* a  
6 commercial collector does *not* remit the tipping fees actually  
7 collected from generators, as provided in this Section, then the  
8 commercial collectors shall be liable for full payment to the  
9 government of all tipping fees that are collected from generators,  
10 but *not* remitted to the government."

11 **Section 9.** Notwithstanding any other provisions of law, Section 105(n)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(n) Termination of Collecting Services to Business,**  
16 **Government and Residential Generators for Non-Payment.** *If* a  
17 business, government or residential generator of solid waste fails to pay  
18 the tipping fees charged to them within sixty (60) days of the due date,  
19 the Department shall terminate, or cause to be terminated, the pick-up  
20 of solid waste from the non-paying generator, *subject* to the provisions  
21 provided herein.

22 (1) Commercial collectors shall provide thirty (30) days  
23 written notice of termination, and the effective date of service  
24 termination of collecting services, to their respective accounts that



1           **Section 10.**           Section 105(a) of the Department of Public Works  
2 Division of Solid Waste Management Rules and Regulations approved by  
3 Public Law Number 24-313 is hereby *amended* to read as follows:

4           **“(a) Responsibility.** The government of Guam shall provide for  
5 the collection of solid waste from individual dwelling units, single  
6 family residences, duplexes, and government managed housing units or  
7 residences. The government of Guam also shall provide for the  
8 collection of solid waste from multiple dwelling units of four (4) or less  
9 units that are *not* part of an organized subdivision of similar complexes,  
10 upon written request by the legally *bona fide* owner of the multiple  
11 dwelling unit. The Department of Public Works may contract for  
12 collection services with a person, business or corporation, or a  
13 combination thereof, for such as deemed to be in the best interests of  
14 Guam.”

15           **Section 11.**           Section 26203(l) is hereby *added* to Article 2, Chapter  
16 26, Division 2 of Title 11 of the Guam Code Annotated to read as follows:

17           **“(l)** The amounts collected on behalf of the government as  
18 tipping fees imposed under Chapter 51 of Title 10 of the Guam Code  
19 Annotated.”

20           **Section 12.**           Section 51102(52) is hereby *added* to Article 1, Chapter  
21 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
22 follows:

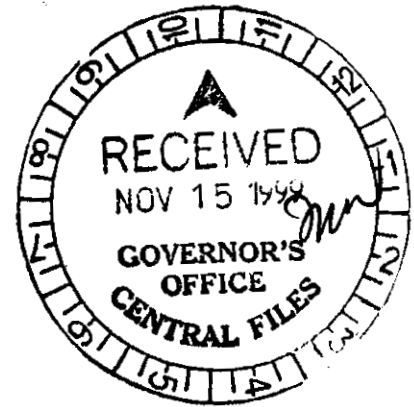
23           **“(52)**           ‘*Duplex*’ means a residential building containing two  
24 (2) separate dwelling units either side by side or one above the other.”



**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

November 12, 1999

The Honorable Carl T.C. Gutierrez  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Gutierrez:

Transmitted herewith is Substitute Bill No. 289(COR) which was passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on November 9, 1999.

Sincerely,

JOANNE M.S. BROWN  
Senator and Legislative Secretary

Enclosure (1)

**CLERK OF THE LEGISLATURE**  
**TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN**

(Included in File w/ All Bills Transmitted)

SBILL NO. 289 (CON)

**FINAL PROOF-READING OF BLUEBACK COPY**

Initialed by:

and Date:

- EXHIBITS ATTACHED
- CONFIRM NUMBER OF PAGES 9
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "\*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any

Confirmed By: \_\_\_\_\_

Dated: \_\_\_\_\_

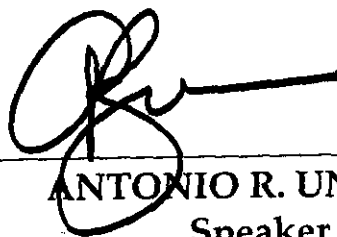
- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)  
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS )
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK  
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- FILED by: Danny, Robert or others



MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session


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

This is to certify that Substitute Bill No. 289 (COR) "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, ~~RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS,~~" was on the 9<sup>th</sup> day of November, 1999, duly and regularly passed.



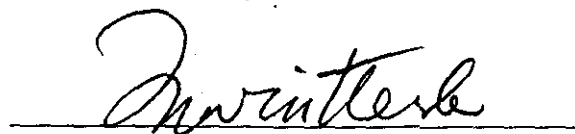
ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

This Act was received by I Maga'lahaen Guahan this 15<sup>th</sup> day of November 1999,  
at 10:40 o'clock 9 .M.



Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
1999 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 289 (COR) "AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS," was on the 9<sup>th</sup> day of November, 1999, duly and regularly passed.

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

Attested:

\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

\_\_\_\_\_  
CARL T. C. GUTIERREZ  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 11/2/99  
Time: 2:34  
Rec'd by: [Signature]  
Print Name: Laura

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

**Bill No. 289 (COR)**

As substituted by the Committee on  
Power, Public Works, Tax and Regulatory  
Reform, Municipal and Community Affairs  
and as amended on the Floor.

Introduced by:

S. A. Sanchez, II  
V. C. Pangelinan  
K. S. Moylan  
L. F. Kasperbauer  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
J. M.S. Brown  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
A. C. Lamorena, V  
C. A. Leon Guerrero  
J. C. Salas  
A. R. Unpingco

**AN ACT TO AMEND P.L. NOS. 24-272 AND 24-313,  
RELATIVE TO THE IMPLEMENTATION OF  
SOLID WASTE TIPPING FEES ON GUAM AND  
THE RULES AND REGULATIONS FOR SOLID  
WASTE COLLECTION BY THE DEPARTMENT OF  
PUBLIC WORKS.**

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

2           **Section 1.** Section 51118(c) of Article 1, Chapter 51, Part 2, Division 2 of  
3 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

1           **“(c) Business and Governmental Tipping Fees.**

2           A tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is  
3           hereby established for business and government generators. For  
4           compacted trash, a tipping fee of Four Dollars (\$4.00) per cubic yard  
5           multiplied by the compaction ratio of any vehicle or container with  
6           compaction equipment, is hereby established for business and  
7           government generators. Commercial and government collectors shall  
8           provide the Department of Public Works the compaction ratios of all  
9           equipment used to haul solid waste to the landfill to insure the accurate  
10          assessment of tipping fees for compacted trash. This fee does *not*  
11          include collection charges that are independently set by licensed  
12          commercial collectors.”

13          **Section 2.** Section 51118(d) of Article 1, Chapter 51, Part 2, Division 2 of  
14          Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

15               **“(d) Residential Tipping Fees.** A residential tipping fee, which  
16               includes collection charges, is hereby established for residential  
17               generators in the amount of Eight Dollars (\$8.00) per dwelling per  
18               month.”

19          **Section 3.** Section 51118(h) is hereby *added* to Article 1, Chapter 51, Part  
20          2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

21               **“(h) DPW to Develop Variable Residential Tipping Fees.**

22               In recognition of the fact that the initial residential tipping fee  
23               established by Public Law Number 24-272 is a flat fee, which  
24               discourages trash reduction, penalizes smaller families and subsidizes  
25               large residential generators of waste, the Department of Public Works



1 shall develop a plan to institute a sliding scale of residential tipping fees.  
2 The sliding scale shall, at a minimum, charge residential generators  
3 based on the amount of waste produced and picked up by the  
4 department. The plan shall also address the methodology for billing  
5 individual residential customers based on the revised variable tipping  
6 fee. The plan shall be submitted to *I Liheslaturan Guåhan* within four (4)  
7 months of enactment of this Act.

8 **(h)(1) Lifeline Rates for Tipping Fees.**

9 Notwithstanding any other provision of law, the Department of  
10 Public Works shall, through the development of rules and  
11 regulations pursuant to the Administrative Adjudication Law,  
12 establish and modify from time to time, Targeted Lifeline Rates for  
13 Residential Tipping Fees covering pick-up and delivery of  
14 residential trash *only* that are consistent with and meeting the low  
15 income eligibility criteria, requirement, policies or procedures  
16 established by the Guam Housing and Urban Renewal Authority  
17 ('GHURA') applicable to their Low Income Public Housing  
18 Program."

19 **Section 4. Self-Drop Fee Established.** Section 51118(i) is hereby *added*  
20 to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code  
21 Annotated to read as follows:

22 **"(i) Self-Drop Fee Established.** Any person or entity that is *not*  
23 a business or government generator shall be billed Two Dollars (\$2.00)  
24 per vehicle load of solid waste delivered to a landfill operated by the  
25 Department or its contractor; provided, that the vehicle load capacity is

1 one (1) ton or less. Vehicles in excess of said load capacity shall be billed  
2 a rate that is based on an established formula developed by the  
3 Department."

4 **Section 5.** Section 51118(j) is hereby *added* to Article 1, Chapter 51, Part  
5 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

6 **"(j) Temporary Exemption from Tipping Fees for Municipal**  
7 **Waste Collection.** For a period of one (1) year commencing the date  
8 of the enactment of this Act, all waste collected by any Mayor or Vice-  
9 Mayor in the performance of their official duties, and transported to a  
10 landfill operated by the Department or its contractor, shall be exempt  
11 from all tipping fees. The Department of Public Works shall monitor  
12 and record the amount of solid waste delivered by Mayors and Vice-  
13 Mayors under this Section. This information shall be provided on a  
14 quarterly basis to the Mayors Council, *I Maga'lahaen Guahan*, and *I*  
15 *Lihaslaturan Guahan* for the purpose of determining an appropriate  
16 budget for each municipality following the end of the exemption."

17 **Section 6.** Section 51118(k) is hereby *added* to Article 1, Chapter 51, Part  
18 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

19 **"(k) 'Good Citizen' Exemption Established.** Any  
20 individual, registered non-profit organization, or other person who  
21 intends to volunteer their resources for the purpose of cleaning up and  
22 collecting trash and litter from public places or facilities may be granted  
23 a temporary exemption from the fees established herein by securing a  
24 written exemption from the Department of Public Works in advance of

1 their planned collection activities. The Department of Public Works  
2 shall determine the manner, time limit and procedure by which such an  
3 exemption may be granted and honored."

4 **Section 7.** Section 51118(l) is hereby *added* to Article 1, Chapter 51, Part  
5 2, Division 2 of Title 10 of the Guam Code Annotated to read as follows:

6 **"(l) Temporary Exemption of Tipping Fees Following a Force**  
7 **Majeure.** Following a force majeure, *I Maga'láhen Guåhan* shall be  
8 authorized to suspend tipping fees for all solid waste collected and  
9 transported to a landfill that is operated by the Department or its  
10 contractor for a period *not to exceed* sixty (60) days."

11 **Section 8.** Notwithstanding any other provisions of law, Section 105(m)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(m) Collection of Tipping Fees.**

16 (1) Residential tipping fees shall be billed and collected as  
17 provided under §105(j) and §117(3)(a) of the Department of Public  
18 Works Division of Solid Waste Management Rules and  
19 Regulations. Tipping fees for government departments or  
20 agencies that have their solid waste picked up by the Department  
21 also shall be billed and collected by the Department.

22 (2) Tipping fees for business or government generators  
23 that have their solid waste collected by commercial collectors shall  
24 be collected by commercial collectors, on behalf of the government  
25 of Guam. Commercial collectors shall remit the tipping fees paid

1 by their customers in the prior month to the government by the  
2 twentieth (20th) day of the following month. The tipping fees  
3 collected by commercial collectors, upon remittance to the  
4 government of Guam, shall be considered as revenue for the  
5 government and *not* as income for commercial collectors. *If* a  
6 commercial collector does *not* remit the tipping fees actually  
7 collected from generators, as provided in this Section, then the  
8 commercial collectors shall be liable for full payment to the  
9 government of all tipping fees that are collected from generators,  
10 but *not* remitted to the government."

11 **Section 9.** Notwithstanding any other provisions of law, Section 105(n)  
12 is hereby *added* to the Department of Public Works Division of Solid Waste  
13 Management Rules and Regulations approved by Public Law Number 24-313  
14 to read as follows:

15 **"(n) Termination of Collecting Services to Business,**  
16 **Government and Residential Generators for Non-Payment.** *If* a  
17 business, government or residential generator of solid waste fails to pay  
18 the tipping fees charged to them within sixty (60) days of the due date,  
19 the Department shall terminate, or cause to be terminated, the pick-up  
20 of solid waste from the non-paying generator, *subject* to the provisions  
21 provided herein.

22 (1) Commercial collectors shall provide thirty (30) days  
23 written notice of termination, and the effective date of service  
24 termination of collecting services, to their respective accounts that

1 have *not* paid their tipping fees within sixty (60) days of billing.  
2 Commercial collectors shall provide the Department written notice  
3 of any commercial generator account that has *not* paid their  
4 tipping fee within the thirty (30) day notice of termination  
5 required by this Section.

6 (2) Commercial collectors shall *not* pick up any solid  
7 waste from terminated customers, or else shall be liable for the  
8 payment of tipping fees that are incurred from continued service.  
9 The Department shall notify in writing all commercial collectors of  
10 all business or government accounts that are restricted from  
11 collecting services for non-payment of tipping fees, as required by  
12 this Section.

13 (3) The Department shall collect all unpaid tipping fees  
14 that are past due from residential, business or government  
15 generators who have *not* paid their respective tipping fees, *subject*  
16 to the provisions in this Section. Commercial collectors shall *not*  
17 be liable for past due unpaid tipping fees of its customers, *except* as  
18 provided by this Act.

19 (4) The Department or commercial collectors may resume  
20 waste collection services upon full payment of all past due tipping  
21 fees owed by the generator. The Department shall notify  
22 commercial collectors in writing when a generator is eligible for  
23 resumption of waste collecting services, as provided by this Act."

1           **Section 10.**       Section 105(a) of the Department of Public Works  
2 Division of Solid Waste Management Rules and Regulations approved by  
3 Public Law Number 24-313 is hereby *amended* to read as follows:

4           **“(a) Responsibility.** The government of Guam shall provide for  
5 the collection of solid waste from individual dwelling units, single  
6 family residences, duplexes, and government managed housing units or  
7 residences. The government of Guam also shall provide for the  
8 collection of solid waste from multiple dwelling units of four (4) or less  
9 units that are *not* part of an organized subdivision of similar complexes,  
10 upon written request by the legally *bona fide* owner of the multiple  
11 dwelling unit. The Department of Public Works may contract for  
12 collection services with a person, business or corporation, or a  
13 combination thereof, for such as deemed to be in the best interests of  
14 Guam.”

15           **Section 11.**       Section 26203(l) is hereby *added* to Article 2, Chapter  
16 26, Division 2 of Title 11 of the Guam Code Annotated to read as follows:

17           “(l) The amounts collected on behalf of the government as  
18 tipping fees imposed under Chapter 51 of Title 10 of the Guam Code  
19 Annotated.”

20           **Section 12.**       Section 51102(52) is hereby *added* to Article 1, Chapter  
21 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
22 follows:

23           “(52)       ‘*Duplex*’ means a residential building containing two  
24 (2) separate dwelling units either side by side or one above the other.”

1           **Section 13.**       Section 51102(53) is hereby *added* to Article 1, Chapter  
2 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read as  
3 follows:

4           “(53)       ‘*Single Family Residence*’ means a detached building  
5 designed for and/or occupied exclusively by one (1) family, or one (1) of  
6 two (2) dwelling units on a duplex.”

7           **Section 14.**       Section 103(k) of the Department of Public Works  
8 Division of Solid Waste Management Rules and Regulations, approved in §1  
9 of Public Law Number 24-313, is hereby *amended* to read as follows:

10          “(k) ‘*Multiple Dwelling*’ means a building, or portion thereof,  
11 used and/or designed as a residence for three (3) or more families living  
12 independently of each other in dwelling units and doing their own  
13 cooking in said building.”

14          **Section 15.**       Section 103(m) of the Department of Public Works  
15 Division of Solid Waste Management Rules and Regulations, approved in §1  
16 of Public Law Number 24-313, is hereby *amended* to read as follows:

17          “(m) ‘*Single Family Residence*’ means a detached building designed  
18 for and/or occupied exclusively by one (1) family, or one (1) of two (2)  
19 dwelling units on a duplex.”

20          **Section 16.**       Section 103(q) of the Department of Public Works  
21 Division of Solid Waste Management Rules and Regulations, approved in §1  
22 of Public Law Number 24-313, is hereby *added* to read as follows:

23          “(q) ‘*Duplex*’ means a residential building containing two (2)  
24 separate dwelling units either side by side, or one above the other.”

# I MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

1999 (FIRST) Regular Session

Date: 11/9/99

## VOTING SHEET

~~POK~~  
S Bill No. 289 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT ROLL CALL
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	11 ✓				
BLAZ, Anthony C.	✓				
BROWN, Joanne M.S.	11 ✓				
CALVO, Eduardo B.					EA
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.					EA
SANCHEZ, Simon A., II	✓				
UNPINGCO, Antonio R.	✓				

TOTAL

13

2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence





**MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**TWENTY-FIFTH GUAM LEGISLATURE**  
155 Hesler Street, Hagåtña, Guam 96910

**FILE**

November 8, 1999  
( DATE )

Memorandum

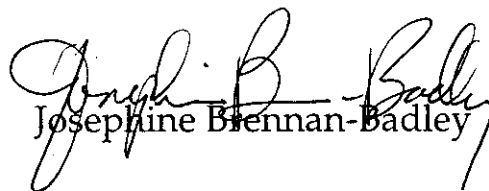
To: Senator Simon A. Sanchez II

From: Clerk of the Legislature


Subject: Report on Bill No. 289 (COR)

Pursuant to §7.04 of Rule VII of the 25<sup>th</sup> Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 289 (COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.

  
Josephine Brennan-Badley

Attachment

RECEIVED  
  
10:45 A  
11-08-99



I Mina' Bente Singko Na Liheslaturan Guåhan  
 TWENTY-FIFTH GUAM LEGISLATURE  
 SENATOR EDDIE BAZA CALVO  
 Chairman

COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM,  
 MUNICIPAL and COMMUNITY AFFAIRS

E-Mail address: [sencalvo@lte.net](mailto:sencalvo@lte.net)  
 120 Father Dueñas Avenue, Capitol Plaza, Suite 109  
 Hagåtña, Guam 96910

Telephone: (671) 472-4040/4518  
 Facsimile: (671) 472-4100

The Honorable Antonio R. Unpingco  
 Speaker  
 I Mina' Bente Singko Na Liheslaturan Guåhan  
 155 Hesler Street  
 Hagåtña, Guam 96910

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs, to which was referred **BILL NO. 289 (COR)** "AN ACT TO AMEND ~~P.L. 24-472~~ AS LATER AMENDED BY P.L. 25-70, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS." does hereby report back, with the recommendation **TO DO PASS SUBSTITUTED BY THE COMMITTEE.**

Votes of the Committee members are as follows:

To Pass	<u>87</u>
Not to Pass	<u>0</u>
Abstain	<u>1</u>
Off-Island	<u>1</u>
Not Available	<u>2</u>

A copy of the Committee Report is attached for your consideration.

*Si Yu'os Ma'åse',*

**KALEO S. MOYLAN**  
 Vice-Chairman

Attachments



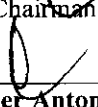

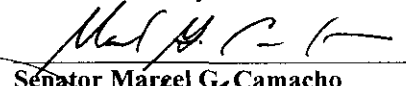
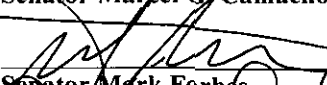
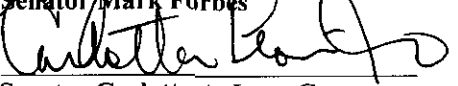
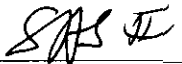
24-272

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**

*Mina Bente Singko Na Lihestaturan Guåhan*  
155 Hesler Street, Hagåtña, Guam 96910

**VOTING SHEET:**

**SUBSTITUTE BILL NO. 289 (COR) "AN ACT TO AMEND P.L. 24-272, AS LATER AMENDED BY P.L. 25-70, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS."**

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 Senator Eddie Baza Calvo Chairman			✓	
 Senator Kaleo S. Moylan Vice-Chairman	✓			
 Speaker Antonio R. Unpingco Ex-Officio Member	✓			
 Vice-Speaker L. F. Kasperbauer	✗			
Senator Frank B. Aguon, Jr.				
Senator Eulogio C. Burmudes				
Senator Anthony C. Blaz				
 Senator Margel G. Camacho	✓			
 Senator Mark Forbes	✓			
 Senator Carlotta A. Leon Guerrero	✓			
 Senator Simon A. Sanchez, II	✓			

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**

*Mina Bente Singko Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, Guam 96910

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**COMMITTEE REPORT**

**ON**

**BILL NO. 289 (COR)**

**“AN ACT TO AMEND P.L. 24-~~272~~, AS LATER AMENDED BY P.L. 25-70,  
RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING  
FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES  
AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE  
DEPARTMENT OF PUBLIC WORKS.”**

**COMMITTEE MEMBERS**

Chairman: Senator Eddie Baza Calvo  
Vice-Chairman: Senator Kaleo S. Moylan  
Ex-Officio Member: Antonio R. Unpingco

Senator Frank B. Aguon, Jr.  
Senator Anthony C. Blaz  
Senator Mark Forbes  
Senator Carlotta A. Leon Guerrero

Senator Eulogio C. Bermudes  
Senator Marcel G. Camacho  
Vice-Speaker Lawrence F. Kasperbauer  
Senator Simon A. Sanchez, II

**COMMITTEE ON POWER, PUBLIC WORKS,  
TAX AND REGULATORY REFORM,  
MUNICIPAL AND COMMUNITY AFFAIRS**  
*Mina Bente Singko Na Liheslaturan Guåhan*  
155 Hesler Street, Hagåtña, Guam 96910

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**BILL NO. 289 (COR)**

**“AN ACT TO AMEND P.L. 24-~~272~~, AS LATER AMENDED BY P.L. 25-70, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS.”**

**I. PUBLIC HEARING**

The Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs (PPWTRRM&CA) called a public hearing to order at 9:14 a.m., Monday, August 30, 1999 to hear testimony on **BILL NO. 289 (COR)** “AN ACT TO AMEND P.L. 24-~~272~~, AS LATER AMENDED BY P.L. 25-70, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS.” The hearing was held in the Public Hearing Room of the Temporary Building of *Liheslaturan Guåhan* in Hagåtña. Notices were placed in the Pacific Daily News on 8/24/99, 8/28/99 and 8/30/99.

\*AT THE SAME TIME, A PUBLIC HEARING WAS ALSO HELD ON **BILL NUMBERS 270 (COR) AND 271 (COR)**. THE COMMITTEE HAS DETERMINED THAT THE INTENT AND PROVISIONS CONTAINED THEREIN BE INCORPORATED INTO BILL NO. 289 (COR). TESTIMONY AND DISCUSSION ON SAID BILLS WERE ENTERTAINED AND AN OVERVIEW IS CONTAINED IN THIS REPORT.

Senator Eddie Baza Calvo, Chairman of PPWTRRM&CA, abstained from participating in the hearing due to a possible conflict of interest, and appointed Senator Simon A. Sanchez to serve in his stead. Members present included Vice-Chairman, Kaleo S. Moylan and Senator Frank Aguon, Jr. Also in attendance was Senator Vicente C. Pangelinan.

<u>Attachments:</u>	<u>Herein Attached As</u>
BILL NO. 289 (COR) - As introduced	Exhibit A
BILL NO. 270	Exhibit B
BILL NO. 271	Exhibit C

<u>Those in Attendance:</u>	<u>Testimony Presented</u>	<u>Herein Attached As</u>
<b>BILL NO. 270 (COR)</b>		
ELOISE R. BAZA, President, GU Chamber of Commerce	Oral/Written	Exhibit D
ALLAN MORRISON, Guam Waste Haulers Association	Oral/Written	“
DANIEL A. LIZAMA, Director, Dept. of Public Works	Oral	-----
<b>BILL NO. 271 (COR)</b>		
DANIEL A. LIZAMA, Director, Dept. of Public Works	Oral	-----
ELOISE R. BAZA, President, GU Chamber of Commerce	Oral	-----
DAVID BUSH, Guåhan Waste Control	Oral	-----
MR. & MRS. ROBERT DUNCAN, Concerned Citizens	Oral	-----
ALLAN MORRISON, Guam Waste Haulers Association	Oral	-----
<b>BILL NO. 289 (COR)</b>		
ELOISE R. BAZA, President, GU Chamber of Commerce	Oral/Written	Exhibit E
DAVID B. TYDINGCO, President, GU Hotel & Restaurant Assn.	Oral/Written	Exhibit F
DANIEL A. LIZAMA, Director, Dept. of Public Works	Oral	-----
DAVID BUSH, <i>Guåhan</i> Waste Control	Oral	-----
DAVE AQUININGOC, Superintendent, Solid Waste Division, Dept. of Public Works	Oral	-----

**II. TESTIMONY**

**BILL NO. 270 (COR)**

All testimonies presented were support of the measure. Senator Sanchez stated that the language of the bill is more explicit in its intent than similar language contained Bill No. 289. Because of such, the committee intends on using it to replace that contained in Bill No. 289. (See “Exhibit D” for written testimony submitted.)

**BILL NO. 271 (COR)**

DANIEL A. LIZAMA, Director of the Department of Public Works (“DPW”), spoke in opposition to broadening the responsibilities of solid waste pick-up from multiple dwelling units. He said that although families own and live in multiple dwelling units, a majority of these buildings serve as rental units and are used for commercial purposes. He also disagreed with Section 4 of the measure that mandates a reduction in tipping fees for those residences that generate less trash. He said that this provision would create difficulties in “tracking” for DPW.

SENATOR PANGELINAN stressed the fact that many families on island own and reside in multiple dwelling units that are not rental properties. He expressed concern over the cost disparity between single family residences who pay a minimal fee to DPW for solid waste pick-up and those families living in multiple dwelling units who, because of limitations prescribed by current statute, are required to contract services from a private hauler at a significantly higher amount. After more discussion on the issue, Mr. Lizama said the DPW would agree to provide the solid waste pick-up if language in the bill were amended to define multiple dwelling units as those that are part of government subdivisions and those that are not part of an organized, commercially operated/private controlled subdivision. He also asked that multiple dwelling units be limited to those consisting of up to three units (triplex).

DAVID BUSH, *Guåhan* Waste Control, spoke of difficulties currently encountered by his company in having to take over solid waste pick-up from triplexes and “four-plexes” situated in residential areas that are currently not serviced by DPW. He said that a majority of these are located in residential areas where access is almost impossible for large packer trucks because of low-lying primary and secondary cable lines. He said that small packer trucks would be able to access these areas, but until the market is large enough to justify a major purchase such as this, the situation has proven to be quite difficult and frustrating for all those involved.

MR. AND MRS. DUNCAN, owners of small duplexes and four-plexes, also spoke of cost disparity. Specifically, their tenants are either newlyweds or families with only one child who are now forced to pay an excessive amount to a commercial hauler for a minimal amount of trash generated. They asked that the inequity in the law be rectified.

ALLAN MORRISON, Guam Waste Haulers Association, stated that privatization would resolve the problems and confusion that has arisen with the implementation of the tipping. He recommended that the government be responsible for the solid waste pick-up of single family dwellings and that all others be serviced by commercial haulers.

SENATOR SANCHEZ recommended that the director of DPW be given the discretion to determine which multiple dwelling units would be serviced by the department in situations where said units are unable to be serviced by commercial haulers. He also recommended that a “sliding billing scale” be developed and implemented to provide equity (those who generate more trash pay more, those who generate less pay accordingly.)

**BILL NO. 289 (COR)**

Both ELOISE R. BAZA, President of the Guam Chamber of Commerce, and DAVID B. TYDINGCO, President, Guam Hotel & Restaurant Association (“GHRA”), testified in support of the intent of the measure. They expressed support for any measure that encourages recycling

alternatives as well as any bill that effectively seeks to reduce total output of solid waste into the waste stream. Both Baza and Tydingco submitted written testimony outlining several recommendations and amendments. Discussions that followed focused on said testimonies. Please refer to attached "Exhibit E" and "Exhibit F."

### **III. FINDINGS & RECOMMENDATION**

The Committee finds that current statute/rules and regulations pertaining to the implementation of commercial and residential solid waste tipping fees are ambiguous, if not silent, on provisions contained in Bill Nos. 270, 271 and 289. And in order to order to clarify and augment existing rules and regulations, as well as to immediately facilitate a more effective means of implementing solid waste collection on island, the Committee finds that Bill Nos. 270, 271 and 289 be incorporated into a single measure. To this end, the Committee on Power, Public Works, Tax and Regulatory Reform, Municipal and Community Affairs does hereby report out **BILL NO. 289 (COR) AS SUBSTITUTED BY THE COMMITTEE**, to *I Liheslaturan Guåhan*, with the recommendation **TO DO PASS**.



**MINA' BENTE SINGKO NA LIHESATURAN GUAHÅN**  
**First (1999) Regular Session**

**Bill No. 289(COR)**

**Introduced by:**

**S.A. SANCHEZ II**

As substituted by the Committee on Power,  
Public Works, Tax & Regulatory Reform, Municipal  
& Community Affairs

**AN ACT TO AMEND P.L. 24-272, AS LATER  
AMENDED BY P.L. 25-70, RELATIVE TO THE  
IMPLEMENTATION OF SOLID WASTE TIPPING  
FEES ON GUAM AND TO AMEND P.L. 24-313  
RELATIVE TO THE RULES AND REGULATIONS  
FOR SOLID WASTE COLLECTION BY THE  
DEPARTMENT OF PUBLIC WORKS.**

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

**Section 1.** Sections 51118(c) and 51118(d) of Article 1, Chapter 51,  
Part 2, Division 2 of Title 10 of the Guam Code Annotated are hereby  
amended to read as follows:

**“(c) Commercial Business and Governmental Tipping Fees.**

A ~~commercial~~ tipping fee of Four Dollars (\$4.00) per cubic yard,  
uncompacted, is hereby established for business and government  
generators. For compacted trash, a ~~commercial~~ tipping fee of Four  
Dollars (\$4.00) per cubic yard multiplied by the compaction ratio of any  
vehicle or container with compaction equipment, is hereby established  
for business and government generators. Commercial and government  
collectors shall provide the Department of Public Works the compaction  
ratios of all equipment used to haul solid waste to the landfill to insure

1 the accurate assessment of tipping fees for compacted trash. This fee  
2 does not include collection charges that are independently set by  
3 licensed commercial collectors.

4 **(d) Residential Tipping Fees.** A residential tipping fee, which  
5 includes collection charges, is hereby established for residential  
6 generators in the amount of Eight Dollars (\$8.00) per dwelling per  
7 month.”

8 **Section 2.** A new Section 51118(h) is hereby added to Article 1,  
9 Chapter 51, Part 2, Division 2 of Title 10 of the Guam Code Annotated to read  
10 as follows:

11 **“(h) DPW to Develop Variable Residential Tipping Fees.** In  
12 recognition of the fact that the initial residential tipping fee established by P.L.  
13 24-72 is a flat fee, which discourages trash reduction, penalizes smaller  
14 families and subsidizes large residential generators of waste, the Department  
15 of Public Works shall develop a plan to institute a sliding scale of residential  
16 tipping fees. The sliding scale shall, at a minimum, charge residential  
17 generators based on the amount of waste produced and picked up by the  
18 department. The plan shall also address the methodology for billing individual  
19 residential customers based on the revised variable tipping fee. The plan shall  
20 be submitted to *I Liheslaturan Guåhan* within four (4) months of enactment of  
21 this Act.”

22 **Section 3. Self-Drop Fee Established.** A new Section 51118(i) is  
23 hereby added to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the  
24 Guam Code Annotated to read as follows:

1           “(i) **Self-Drop Fee Established.** Any person or entity that is not a  
2 business or government generator shall be billed Four Dollars (\$4.00) per  
3 vehicle load of solid waste delivered to a landfill operated by the Department  
4 or its contractor provided that the vehicle load capacity is one (01) ton or less.  
5 Vehicles in excess of said load capacity shall be billed a rate that is based on  
6 an established formula developed by the Department.”

7           **Section 4. Certain Limited Exemptions from Payment of Tipping**  
8 **Fees Established.** New Sections 51118(j), 51118(k) and 51118(l) are  
9 hereby added to Article 1, Chapter 51, Part 2, Division 2 of Title 10 of the  
10 Guam Code Annotated to read as follows:

11           “(j) **Temporary Exemption from Tipping Fees for**  
12 **Municipal Waste Collection.** For a period of one (1) year  
13 commencing the date of the enactment of this Act, all waste collected  
14 by any mayor or vice mayor in the performance of their official duties,  
15 and transported to a landfill operated by the Department or its  
16 contractor, shall be exempt from all tipping fees. The Department of  
17 Public Works shall monitor and record the amount of solid waste  
18 delivered by Mayors and Vice Mayors under this section. This  
19 information shall be provided on a quarterly basis to the Mayors Council,  
20 *I Maga’lahen Guahan*, and *I Liheslaturan Guahån* for the purpose of  
21 determining an appropriate budget for each municipality following the  
22 end of the exemption.

23           “(k) **‘Good Citizen’ Exemption Established.** Any individual,  
24 registered non-profit organization, or other persons who intend to  
25 volunteer their resources for the purpose of collecting municipal waste,

1 may be granted a temporary exemption from the fees established herein  
2 by securing a written exemption from the Department of Public Works in  
3 advance of their planned collection activities. The Department of Public  
4 Works shall determine the manner, time limit and procedure by which  
5 such an exemption may be granted and honored.

6 **(I) Temporary Exemption of Tipping Fees Following a**  
7 **Force Majeure.** Following a force majeure, *I Maga 'lahen Guåhan* shall  
8 be authorized to suspend tipping fees for all solid waste collected and  
9 transported to a landfill that is operated by the Department or its  
10 contractor for a period of sixty (60) days.”

11 **Section 5.** Notwithstanding any other provisions of law, new Sections  
12 105(m) and 105(n) are hereby added to the Department of Public Works  
13 Division of Solid Waste Management Rules and Regulations approved by  
14 Public Law 24-313 to read as follows:

15 **“(m) Collection of Tipping Fees.**

16 **(1)** Residential tipping fees shall be billed and collected as  
17 provided under Section 105(j) and Section 117(3)(a) of the  
18 Department of Public Works Division of Solid Waste Management  
19 Rules and Regulations. Tipping fees for government departments  
20 or agencies that have their solid waste picked up by the  
21 Department also shall be billed and collected by the Department.

22 **(2)** Tipping fees for business or government generators that  
23 have their solid waste collected by commercial collectors shall be  
24 collected by commercial collectors, on behalf of the Government of  
25 Guam. Commercial collectors shall remit the tipping fees paid by

1 their customers in the prior month to the government by the  
2 twentieth (20<sup>th</sup>) day of the following month. The tipping fees  
3 collected by commercial collectors, upon remittance to the  
4 Government of Guam, shall be considered as revenue for the  
5 government and not as income for commercial collectors. If a  
6 commercial collector does not remit the tipping fees actually  
7 collected from generators, as provided in this section, then the  
8 commercial collectors shall be liable for full payment to the  
9 government of all tipping fees that are collected from generators  
10 but not remitted to the government.

11 **(n) Termination of Collecting Services to Business,**  
12 **Government and Residential Generators for Non-Payment.** If a  
13 Business, Government or Residential generator of solid waste fails to  
14 pay the tipping fees charged to them within sixty (60) days of billing,  
15 the Department shall terminate or cause to be terminated the pick-up of  
16 solid waste from the non-paying generator, subject to the provisions  
17 provided herein.

18 **(1)** Commercial collectors shall provide thirty (30) days  
19 written notice of termination and the effective date of service  
20 termination of collecting services to their respective accounts that  
21 have not paid their tipping fees within sixty (60) days of billing.  
22 Commercial collectors shall provide the Department written notice  
23 of any commercial generator account that has not paid their  
24 tipping fee within the thirty (30) day notice of termination required  
25 by this section.

1           **(2)** Commercial collectors shall not pick up any solid waste  
2 from terminated customers, or else shall be liable for the payment  
3 of tipping fees that are incurred from continued service. The  
4 Department shall notify in writing all commercial collectors of all  
5 business or government accounts that are restricted from  
6 collecting services for non-payment of tipping fees, as required by  
7 this Section.

8           **(3)** The Department shall collect all unpaid tipping fees that  
9 are past due from residential, business or government generators  
10 who have not paid their respective tipping fees, subject to the  
11 provisions in this section. Commercial collectors shall not be liable  
12 for past due unpaid tipping fees of its customers, except as  
13 provided by this Act.

14           **(4)** The Department or commercial collectors may resume  
15 waste collection services upon full payment of all past due tipping  
16 fees owed by the generator. The Department shall notify  
17 commercial collectors in writing when a generator is eligible for  
18 resumption of waste collecting services, as provided by this Act.”

19           **Section 6. Collection of Solid Waste Responsibilities of the**  
20 **Department of Public Works Re-Established to Allow Collection of**  
21 **Solid Waste from Certain Residential Multiple Family Dwelling Units**  
22 **and Government Managed Housing.** Section 105(a) of the Department of  
23 Public Works Division of Solid Waste Management Rules and Regulations  
24 approved by Public Law 24-313 is hereby amended to read as follows:

1           “(a) **Response Responsibility.** The government of Guam shall  
2 provide for the collection of solid wastes from individual dwelling units,  
3 or single family residences, duplexes, and government managed  
4 housing units or residences. The government of Guam also shall provide  
5 for the collection of solid wastes from multiple dwelling units of four (4)  
6 or less units that are not part of an organized subdivision of similar  
7 complexes, upon written request by the legally bona fide owner of the  
8 multiple dwelling unit. DPW may contract for collection services with a  
9 person, business or corporation, or a combination thereof, for such as  
10 deemed to be in the best interests of the island Guam.”

11           **Section 7. Tipping Fee Exemption from Gross Receipts Tax.** A  
12 new Section 26203(l) is hereby added to Article 2, Chapter 26, Division 2 of  
13 Title 11 of the Guam Code Annotated to read as follows:

14           “(l) The amounts collected on behalf of the government as  
15 tipping fees imposed under Chapter 51 of Title 10 of the Guam Code  
16 Annotated.”

17           **Section 8. Definitions Clarified.** New Sections 51102(52)  
18 and 51102(53) are hereby added Article 1, Chapter 51, Part 2, Division 2 of  
19 Title 10 of the Guam Code Annotated to read as follows:

20           “(52) ‘Duplex’ means a residential building containing two  
21 (2) separate dwelling units either side by side or one above the other.

22           “(53) ‘Single Family Residence’ means a detached building  
23 designed for and/or occupied exclusively by one (1) family, or one of  
24 two (2) dwelling units on a duplex.”

1           **Section 9. DPW Rules and Regulation Definitions Clarified.**

2           Section 103(k) of the Department of Public Works Division of Solid  
3 Waste Management Rules and Regulations, approved in Section 1 of Public  
4 Law 24-313 is amended to read:

5           “(k) ‘Multiple Dwelling’ means a building, or portion thereof, used  
6 and/or designed as a residence for ~~two (2)~~ three (3) or less more  
7 families living independently of each other in dwelling units and doing  
8 their own cooking in said building.”

9           **Section 10. DPW Rules and Regulation Definitions Clarified.**

10          Section 103(m) of the Department of Public Works Division of Solid Waste  
11 Management Rules and Regulations approved in Section 1 of Public Law 24-  
12 313 is hereby amended to read as follows:

13          “(m) ‘Single Family Residence’ means a detached building  
14 designed for and/or occupied exclusively by one (1) family, or one of  
15 two (2) dwelling units on a duplex.”

16          **Section 11. DPW Rules and Regulation Definitions Clarified.**

17          A new Section 103(q) of the Department of Public Works Division of Solid  
18 Waste Management Rules and Regulations approved in Section 1 of Public  
19 Law 24-313 is hereby added to read as follows:

20          “(q) ‘Duplex’ means a residential building containing two (2)  
21 separate dwelling units either side by side or one above the other.”



Introduced

AUG 20 1999

**I MINA BENTE' SINGKO NA LIHESATURAN GUAHAN  
First (1999) Regular Session**

**Bill No. 289(COR)**

**Introduced by:**

**S.A. Sanchez II** *SAS*

**AN ACT TO AMEND P.L. 24-272, AS LATER  
AMENDED BY P.L. 25-70, RELATIVE TO THE  
IMPLEMENTATION OF SOLID WASTE TIPPING  
FEES ON GUAM AND TO AMEND P.L. 24-313  
RELATIVE TO THE RULES AND REGULATIONS  
FOR SOLID WASTE COLLECTION BY THE  
DEPARTMENT OF PUBLIC WORKS.**

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

**Section 1.** Section 51118 (c) and (d) of Article 1, Chapter 51, Part 2 of Title 10 of Guam Code Annotated are hereby *amended* to read as follows:

**"(c) ~~Commercial~~ Business and Governmental Tipping Fees.** A ~~commercial~~ tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby established for business and government generators. For compacted trash, a ~~commercial~~ tipping fee of Four Dollars (\$4.00) per cubic yard multiplied by the compaction ratio of any vehicle or container with compaction equipment, is hereby established for business and government generators. Commercial and government collectors shall provide the Department of Public Works the compaction ratios of all equipment used to haul solid waste to the landfill to insure the accurate assessment of tipping fees for compacted trash. This fee does not include collection charges that are independently set by licensed commercial collectors.

1           **(d) Residential Tipping Fees.** A residential tipping fee, which  
2 includes collection charges, is hereby established for residential generators in  
3 the amount of Eight Dollars (\$8.00) per dwelling per month.”  
4

5           **Section 2. Self-Drop Fee Established.** A new sub-section (e) is  
6 added to Section 51118 of Article 1, Chapter 51, Part 2 of Title 10, Guam  
7 Code Annotated to read:

8           **“(e) Self-Drop Fee Established.** Any person or entity that is not a  
9 business or government generator shall be billed Four Dollars (\$4) per vehicle  
10 load of solid waste delivered to a landfill operated by the Department or its  
11 contractor.”  
12

13           **Section 3. Certain Limited Exemptions from Payment of Tipping**  
14 **Fees Established.** New sub-sections (h) and (i) are added to Section 51118  
15 of Article 1, Chapter 51, Part 2 of Title 10, Guam Code Annotated to read:

16           **“(h) Temporary Exemption from Tipping Fees for Municipal**  
17 **Waste Collection.** For a period of one (1) year following the  
18 implementation of the tipping fees described herein, all waste collected  
19 by any mayor or vice mayor in the performance of their official duties,  
20 and transported to a landfill operated by the Department or its  
21 contractor, shall be exempt from all tipping fees. The Department of  
22 Public Works shall monitor and record the amount of solid waste  
23 delivered by Mayors and Vice Mayors under this section. This  
24 information shall be provided on a quarterly basis to the Mayors Council,  
25 *I Maga’lahen Guahan, and I Liheslaturan Guahan* for the purpose of

1 determining an appropriate budget for each municipality following the  
2 end of the exemption. "

3 **"(i) 'Good Citizen' Exemption Established.** Any individual,  
4 registered non-profit organization, or other persons who intend to  
5 volunteer their resources for the purpose of collecting municipal waste,  
6 may be granted a temporary exemption from the fees established herein  
7 by securing a written exemption from the Department of Public Works in  
8 advance of their planned collection activities. The Department of Public  
9 Works shall determine the manner, time limit and procedure by which  
10 such an exemption may be granted and honored, subject to the  
11 Administrative Adjudication Act."

12  
13 **Section 4.** Notwithstanding any other provisions of law, new  
14 subsections (m) and (n) are added to Section 105 of the Department of Public  
15 Works Division of Solid Waste Management Rules and Regulations approved  
16 by Public Law 24-313 to read as follows:

17 **"(m) Collection of Tipping Fees.**

18 **1)** Residential tipping fees shall be billed and collected as provided  
19 under Section 105 (j) and Section 117(3)(a) of the Department of Public  
20 Works Division of Solid Waste Management Rules and Regulations.  
21 Tipping fees for government departments or agencies that have their  
22 solid waste picked up by the Department also shall be billed and  
23 collected by the Department.

24 **2)** Tipping fees for business or government generators that have  
25 their solid waste collected by commercial collectors shall be collected by

1 commercial collectors, on behalf of the Government of Guam.  
2 Commercial collectors shall remit the tipping fees paid by their  
3 customers in the prior month to the government by the 20<sup>th</sup> day of the  
4 following month. The tipping fees collected by commercial collectors,  
5 upon remittance to the Government of Guam, shall be considered as  
6 revenue for the government and not as income for commercial  
7 collectors. Commercial collectors shall not be liable for any applicable  
8 taxes on business income for the tipping fees collected on behalf of the  
9 government and actually remitted to the government. If a commercial  
10 collector does not remit the tipping fees actually collected from  
11 generators, as provided in this section, then the commercial collectors  
12 shall be liable for full payment to the government of all tipping fees that  
13 are collected from generators but not remitted to the government.  
14 Commercial collectors also shall be liable for all applicable taxes on  
15 business income for all tipping fees that are collected from business  
16 generators but not remitted to the government, as provided in this  
17 section.

18 **3)** In order to insure that all tipping fees are properly billed and  
19 collected, commercial collectors shall provide to the Department of  
20 Public Works by the 20<sup>th</sup> day of each month a complete and true record  
21 of the total solid waste picked up from and the resulting tipping fees  
22 owed by generators in the prior month. If the total amounts of solid  
23 waste volume collected from generators and the resulting tipping fees  
24 owed by generators differs from the amount of solid waste delivered to  
25 landfills operated by the Department or its contractor by the commercial

1 collector in the prior month, subject to verifiable reconciliation between  
2 the Department and the commercial collector, then the commercial  
3 collector shall be liable to the government for any difference in the  
4 amounts of tipping fees owed by generators to the government.”

5 **“(n) Termination of collecting services to Business, Government**  
6 **and Residential generators for non-payment.** If a Business, Government  
7 or Residential generator of solid waste fails to pay the tipping fees charged to  
8 them within sixty (60) days of billing, the Department, subject to thirty (30)  
9 day written notice of termination of collecting services, shall terminate or  
10 cause to be terminated the pick-up of solid waste from the non-paying  
11 generator.

12 (1) Commercial collectors shall provide thirty (30) days written  
13 notice of termination and the effective date of service termination of  
14 collecting services to their respective accounts that have not paid their  
15 tipping fees within sixty (60) days of billing. Commercial collectors shall  
16 provide the Department by the 20<sup>th</sup> day of the month a list of all  
17 accounts that have not paid their tipping fee within the thirty (30) day  
18 notice of termination required by this section.

19 (2) Commercial collectors shall not pick up any solid waste from  
20 terminated customers, or else shall be liable for the payment of tipping  
21 fees that are incurred from continued service. The Department shall  
22 notify in writing all commercial collectors of all business or government  
23 accounts that are restricted from collecting services for non-payment of  
24 tipping fees within the period required by this section.

1           **(3)** The Department shall collect all unpaid tipping fees that are  
2 past due from residential, business or government generators who have  
3 not paid their respective tipping fees, subject to the provisions in this  
4 section. Commercial collectors shall not be liable for past due unpaid  
5 tipping fees of its customers, except as provided by this Title.

6           **(4)** The Department or commercial collectors may resume  
7 collecting services upon full payment of all past due tipping fees owed  
8 by the generator.”

9  
10           **Section 5. Collection of Solid Waste Responsibilities of the**  
11 **Department of Public Works re-established to allow collection**  
12 **of solid waste from certain residential units and government**  
13 **managed housing.** Section 105 (a) of the Department of Public  
14 Works Division of Solid Waste Management Rules and Regulations  
15 approved by Public Law 24-313 is hereby *amended* to read as follows:


16           **“(a) Response Responsibility.** The government of Guam shall  
17 may provide for the collection of solid wastes from individual dwelling  
18 units, ~~or~~ single family residences, duplexes, multiple dwelling units of  
19 three (3) or less units and government managed housing units or  
20 residences; provided, however that DPW may contract for collection  
21 services with a person, business or corporation, or a combination  
22 thereof, for such as deemed to be in the best interests of ~~the island~~  
23 Guam.”

24

JUL 20 1999

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**1999 (FIRST) Regular Session**

Bill No. 270 (COR)  
Introduced by:

v. c. pangelinan  
K. S. Moylan 

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**AN ACT TO ADD A NEW SUBSECTION (I) TO  
§26203 TO TITLE 11, GUAM CODE ANNOTATED,  
RELATIVE TO EXEMPTING TRASH TIPPING  
FEES FROM IMPOSITION OF GROSS RECEIPTS  
TAXES.**

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

2 **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that the  
3 newly-imposed trash tipping fee, like the hotel occupancy excise tax, is a  
4 charge levied and assessed by the government, collected by private businesses  
5 on behalf of the government. It does not constitute income or revenue of the  
6 commercial trash haulers, rather a pass-through revenue for the government  
7 of Guam.

8 It is the intent of *I Liheslaturan Guåhan* to ensure that private businesses  
9 are not unfairly assessed taxes on amounts collected on behalf of the  
10 government as its revenue.

11 **Section 2.** A new subsection (I) is added to 11 GCA §26203 to read:

12 "(I) The amounts collected as tipping fee imposed under Title 10  
13 Chapter 51."

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN  
1999 (FIRST) Regular Session

Bill No. 271 (COR)  
Introduced by:

v. c. pangelinan  
K. S. Moylan 

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AN ACT TO ADD NEW SUBSECTIONS (52) AND (53) TO §51102, TO AMEND SUBSECTION (d) OF §51118, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND SUBSECTIONS (k) AND (m) OF SECTION 100 OF THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SOLID WASTE MANAGEMENT RULES AND REGULATIONS APPROVED IN SECTION 1 OF PUBLIC LAW NO. 24-313, AND TO ADD A NEW SUBSECTION (q) TO THE SAME, RELATIVE TO PROVIDING A FINANCIAL INCENTIVE TO HOUSEHOLDS TO MAXIMIZE THE PRACTICE OF RECYCLING, REDUCTION AND REUSE, AND TO REDUCE THE BURDEN ON THE LANDFILL.

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

2           **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that the  
3 uniform residential user fee of eight dollars (\$8.00) per month soon to be  
4 charged to residential customers for trash pickup does not provide an  
5 incentive for households to recycle, reuse and reduce our collective resources  
6 as envisioned in the Integrated Solid Waste Management Plan, and is  
7 inherently unfair to those who generate less household trash. Although the  
8 opening of another sanitary landfill is inevitable, we can certainly exert a  
9 collective effort to extend the life of the landfill and mitigate the physical



1 burden imposed on our finite land area by diverting trash from the waste  
2 stream.

3 It is the intent of *I Liheslaturan Guåhan* to establish a reduced residential  
4 user fee that provides a real incentive to reduce waste generation and  
5 disposal, and awards those who reduce their share of burden on the landfill  
6 and the waste stream by recycling and reusing resources, generating less  
7 waste.

8 **Section 2.** A new subsection (52) is added to 10 GCA §51102 to read:

9 “(52) ‘Duplex’ means a residential building containing two (2)  
10 separate dwelling units either side by side or one above the other.”

11 **Section 3.** A new subsection (53) is added to 10 GCA §51102 to read:

12 “(53) ‘Single Family Residence’ means a detached building  
13 designed for and/or occupied exclusively by one (1) family, or one of  
14 two dwelling units on a duplex.”

15 **Section 4.** Subsection (d) of 10 GCA §51118 is hereby amended to read:

16 “(d) Residential Tipping Fees. (1) A residential tipping fee,  
17 which includes collection charges for more than one (1) thirty-five  
18 (35) gallon container for single family residence per week, is  
19 hereby established for residential users in the amount of Eight  
20 Dollars (\$8.00) per dwelling, per month.

21 (2) A residential tipping fee, which includes collection  
22 charges for not more than one (1) thirty-five (35) gallon container  
23 for single family residence per week, is hereby established for  
24 residential users in the amount of Six Dollars (\$6.00) per dwelling,  
25 per month.”

1           **Section 5.** Subsection (k) of Section 100 of the Department of Public  
2 Works Division of Solid Waste Management Rules and Regulations approved  
3 in Section 1 of Public Law No. 24-313 is hereby amended to read:

4           “(k) ‘Multiple Dwelling’ means a building, or portion thereof,  
5 used and/or designed as a residence for ~~two (2)~~ of three (3) or more  
6 families living independently of each other in dwelling units and doing  
7 their own cooking in said building.”

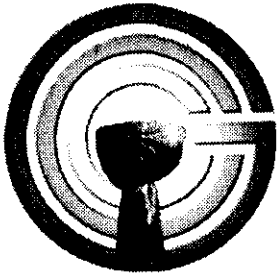
8           **Section 6.** Subsection (m) of Section 100 of the Department of Public  
9 Works Division of Solid Waste Management Rules and Regulations approved  
10 in Section 1 of Public Law No. 24-313 is hereby amended to read:

11           “(m) ‘Single Family Residence’ means a detached building  
12 designed for and/or occupied exclusively by one (1) family, or one of  
13 two dwelling units on a duplex.”

14           **Section 7.** A new subsection (q) is added to Section 100 of the  
15 Department of Public Works Division of Solid Waste Management Rules and  
16 Regulations approved in Section 1 of Public Law No. 24-313 to read:

17           “(q) ‘Duplex’ means a residential building containing two (2)  
18 separate dwelling units either side by side or one above the other.”





**GUAM CHAMBER OF COMMERCE**  
PARTNERS IN PROGRESS

1 9 2 4 - 1 9 9 9

August 30, 1999

Senator Eddie Baza Calvo  
Chairman  
Committee on Power, Public Works, Tax and  
Regulatory Reform, Municipal and Community Affairs  
I Mina'Bente Singko Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

**RE: BILL NO. 270 - Relative to Exempting Trash Tipping Fees from the Gross Receipts Tax**

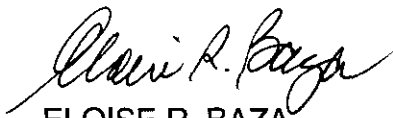
Dear Mr. Chairman and Members of the Committee:

The Guam Chamber of Commerce and the members of the Guam Waste Haulers Association would like to state our full support of the provisions of Bill No. 270.

We would like to formally thank Senator Ben Pangelinan and Senator Kaleo S. Moylan for sponsoring the bill and seek their favorable consideration of our request that Bill 270 be incorporated into Bill No. 289 sponsored by Senator Simon A. Sanchez II, to augment related provisions in Bill 289.

Thank you for the opportunity to submit our comments and recommendations on Bill 270.

Sincerely yours,

  
ELOISE R. BAZA  
President

  
ALLAN MORRISON  
Guam Waste Haulers Association

**EXHIBIT D**

**COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY  
REFORM, MUNICIPAL AND COMMUNITY AFFAIRS**

**TESTIMONY/SIGN-IN SHEET**

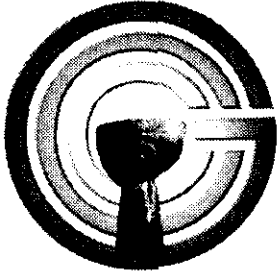
9:00 a.m., Monday, August 30, 1999

**BILL NO. 271: AN ACT TO ADD NEW SUBSECTIONS (52) AND (53) TO §51102, TO AMEND SUBSECTION (d) OF §51118, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND SUBSECTIONS (k) AND (m) OF SECTION 100 OF THE DEPARTMENT OF PUBLIC WORKS DIVISION OF SOLID WASTE MANAGEMENT RULES AND REGULATIONS APPROVED IN SECTION 1 OF PUBLIC LAW NO. 24-313, AND TO ADD A NEW SUBSECTION (q) TO THE SAME, RELATIVE TO PROVIDING A FINANCIAL INCENTIVE TO HOUSEHOLDS TO MAXIMIZE THE PRACTICE OF RECYCLING, REDUCTION AND REUSE, AND TO REDUCE THE BURDEN ON THE LANDFILL. (By: *V. C. Pangelinan, K. S. Moylan*)**

<u>NAME</u>	<u>DEPT/AGENCY/ ORGANIZATION</u>	<u>TESTIMONY ORAL/WRITTEN</u>	<u>TESTIMONY FOR OR AGAINST</u>
<u>Daniel A. Lizana</u>	<u>DPW</u>	[ ] [ ]	[✓] [ ]
<u>ROBERT L DUNCAN</u>		[✓] [ ]	[ ] [ ]
<u>HILDA A DUNCAN</u>		[✓] [ ]	[ ] [ ]
<u>David Bush</u>	<u>Geahan Waste</u>	[X] [ ]	[ ] [ ]
_____	_____	[ ] [ ]	[ ] [ ]
_____	_____	[ ] [ ]	[ ] [ ]
_____	_____	[ ] [ ]	[ ] [ ]
_____	_____	[ ] [ ]	[ ] [ ]







**GUAM CHAMBER OF COMMERCE**  
PARTNERS IN PROGRESS

1 9 2 4 - 1 9 9 9

August 30, 1999

Senator Eddie Baza Calvo  
Chairman  
Committee on Power, Public Works, Tax and  
Regulatory Reform, Municipal and Community Affairs  
I Mina'Bente Singko Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

**RE: BILL NO. 289 - Relative to the Implementation of Solid Waste Tipping Fees  
& Solid Waste Collection by the Department of Public Works**

Dear Mr. Chairman and Members of the Committee:

The Guam Chamber of Commerce and the members of the Guam Waste Haulers Association appreciate your invitation to participate in today's public hearing on Bill No. 289.

We support the general intent of Bill No. 289 and submit our recommended amendments to Bill 289 as follows:

1. Bill No. 289 be amended to clearly state that commercial haulers will charge their customers no more than the landfill fee amounts the Department of Public Works (DPW) charges the commercial haulers. Haulers will bill its customers on a pro-rata basis which will help encourage recycling.
2. Include a new provision in the bill stating that, "Tipping fees shall be implemented simultaneously to all sectors of the community. No sector should be billed a fee until all sectors can be billed at the same time."
3. Bill 289 include language that, "All vehicles that deposit solid waste at the landfill or any transfer station (regardless if government, commercial or self haul) will be issued an invoice or field receipt documenting the deposit."
4. **Section 4, subsection (m) 3).** be amended to state, " In order to insure that all tipping fees are properly billed and collected, the Department of Public Works (DPW) shall provide to commercial haulers by the 15th business day of each month a complete and true record of all solid waste delivered to DPW at the landfill. Commercial haulers will then have 15 business days upon receipt of the true record from DPW to respond.
5. **Section 4, subsection (n) (2)** be amended by inserting language stating that DPW is required to give formal written notice before haulers become liable, and that a formal written letter of reinstatement is required to clear any liability.
6. **Section 4, subsection (n) (4)** include language that upon payment in full of past due tipping fees of a customer, DPW must provide the haulers with written notification that the customer has made

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**EXHIBIT E**




full payment and therefore may resume collecting services for the customer.

7. The inclusion of language that clearly states that there will be no flow control on Guam. This recommended new provision should also state it is essential to the promotion of recycling activities on Guam that solid waste generators have the right at all times to remove items from the waste flow.
8. The inclusion of language that will make Bill No. 289 retroactive to the implementation of tipping and user fees.

In closing, we would like to publicly thank the Committee and your colleagues in the 25th Guam Legislature for seeking the views of the Guam Waste Haulers Association members who are also members of the Chamber regarding the implementation process for Guam's landfill user and tipping fees. We seek your favorable consideration of our recommended revisions to Bill 289 and would be pleased to discuss them further with all of you.

Si Yuus Maase for the opportunity to submit our views on Bill 289.

Sincerely yours,

  
ELOISE R. BAZA  
President

  
ALLAN MORRISON  
Guam Waste Haulers Association



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August 30, 1999

Honorable Eddie Baza Calvo  
Chairman  
Committee on Power, Public Works, Tax and  
Regulatory Reform, Municipal and Community Affairs  
120 Father Duenas Avenue, Capital Plaza, Suite 109  
Hagatna, Guam 96910

Re: Bill No. 289 An Act Relative to the Rules & Regulations for Solid Waste  
Waste Collection by the Department of Public Works

Hafa Adai Mr. Chairman, Members of the Committee:

I want to thank you for the opportunity to testify on Bill No. 289. The Guam Hotel & Restaurant Association is not opposed to the spirit and intent of implementing tipping fees for the disposal of solid waste. The discussion of this issue has been ongoing for several years and we recognize the need to reduce our total output into the waste stream and encourage recycling.

In fact, many members of the Guam Hotel & Restaurant Association have worked towards implementing recycling alternatives over the past few years. However, there are no immediate alternatives for commercial recycling which can be utilized by our members to re-direct solid waste today.

In addition, it is no secret that the current government budgetary crisis is, in part, related to the downturn in our visitor industry. Implementation of the fees as presented would no doubt have a deleterious effect on current staffing levels at our hotels.

Therefore, the Guam Hotel & Restaurant Association recommends the following:

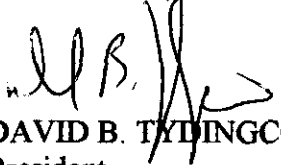
1. The tipping fees should be phased in over a three year period to allow for businesses that can perform the recycling or reclamation functions to become operational and provide a viable alternative for the recycling or reclamation of solid waste generated. This would also allow GHRA members an opportunity to minimize the impact of the tipping fees on staffing levels.

2. The commercial tipping fees should be based on actual waste collected, and not based on the size of the receptacle solid waste companies provide to end users.

Just as the government is faced with budgetary problems, the private industry, and in particular, the visitor industry, is faced with the same dilemma. Implementation of the fees as presented may force layoffs in an industry already reeling from the downturn in tourist arrivals.

I thank you for the opportunity to provide testimony on Bill No. 289. I would be glad to answer any questions you may have in this regard.

Senseramente,



DAVID B. TYDINGCO  
President



# LOCAL

## GOVERNMENT MEETINGS

**SPECIAL LEGISLATIVE SESSION:** 10 a.m., Aug. 28, 1 Liheslaturan Guahan session hall, Hagåtña. For more information, call Speaker Antonio Unpingco, 472-3455/8.

**GUAM DEVELOPMENT DISABILITIES COUNCIL:** 10 a.m.-noon, Aug. 28, Onward Beach Resort's Royal Room. Public invited. Those with disabilities who need special accommodations, etc., should call 475-9127.

**BOARD OF ACCOUNTANCY:** 10:30 a.m., Aug. 30, GHURA conference room. Agenda copies available by calling 735-2559. Those with disabilities who need special accommodations, etc., should call 735-2559.

**COMMITTEE ON POWER, PUBLIC WORKS, TAX AND REGULATORY REFORM, MUNICIPAL AND COMMUNITY AFFAIRS:** Public hearing 9 a.m., Aug. 30, 1 Liheslaturan Guahan's public hearing room, Hagåtña. Bills 289, 271, 270. For more information, call 472-4040.

**BOARD OF COSMETOLOGY:** Special executive session meeting 10 a.m., Aug. 30, Health Professional Licensing office, 1302 E. Sunset Blvd., Tiyán. For more information, call 475-0251/2.

**COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT AND PARKS:** Public hearing 1:37 p.m., Aug. 31, 1 Liheslaturan Guahan public hearing room, Hagåtña, with Department of Commerce, GEDA and GVB, concerning guidelines to implement Sunshine Reform Act. For more information, call 472-3594/7.

**PACIFIC BASIN TECHNICAL ADVISORY COMMITTEE:** 10-11 a.m., Aug. 31, USDA-NRCS conference room, Suite 301, First Hawaiian Bank Building, Maite. For more information, call Jack Kuhn, 472-4790, ext. 24.

**SOUTHERN GUAM SOIL & WATER CONSERVATION DISTRICT:** 7 p.m., Aug. 31, UOG Experiment Station, Inarajan. Interested people invited. For more information, call 734-3948.

**GMHA BOARD OF TRUSTEES:** Aug. 31 meeting postponed to 5 p.m., Sept. 8, GMHA board room, first floor, Tamuning. Committee reports and general matters. Executive session to follow. Those with disabilities who need special accommodations, etc., should call 647-2218.



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## GOVERNMENT MEETINGS

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**CIVIL SERVICE COMMISSION:** 5:30 p.m., Aug. 31, CSC conference room, 490 Chalan Palasyo, Agaña Heights. Old business; new business; general business; executive session. For more information, call 475-01300/01.

**COMMITTEE ON NATURAL RESOURCES:** Appointment of Jose P. Chargualaf and Bradley Hokanson as GEPA board members, GEPA's proposed guidelines to implement Sunshine Reform Act of 1999 and its records proposed to be exempted from public disclosure 9 a.m.,

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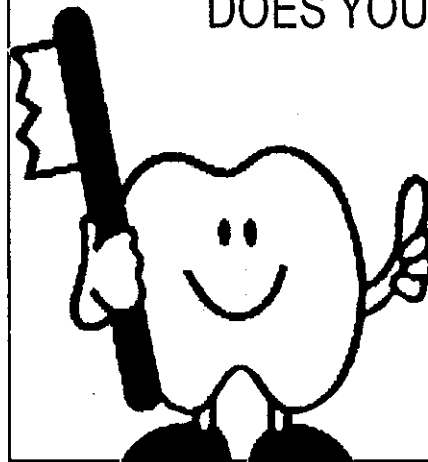
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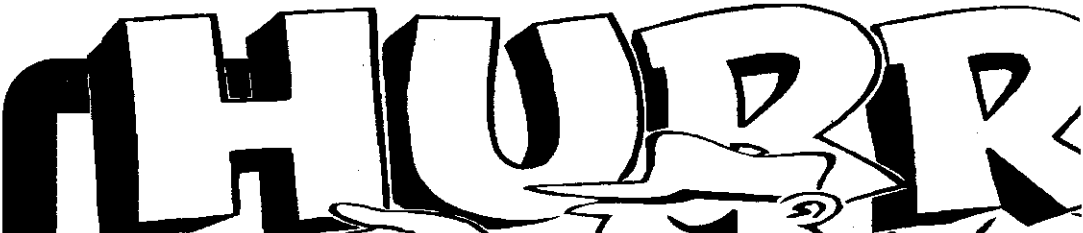
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Introduction  
AUG 29 1999

**I MINA BENTE' SINGKO NA LIHESATURAN GUAHAN  
First (1999) Regular Session**

**Bill No.** 289 (cor)

**Introduced by:**

**S.A. Sanchez II** *SAS*

**AN ACT TO AMEND P.L. 24-272, AS LATER AMENDED BY P.L. 25-70, RELATIVE TO THE IMPLEMENTATION OF SOLID WASTE TIPPING FEES ON GUAM AND TO AMEND P.L. 24-313 RELATIVE TO THE RULES AND REGULATIONS FOR SOLID WASTE COLLECTION BY THE DEPARTMENT OF PUBLIC WORKS.**

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

**Section 1.** Section 51118 (c) and (d) of Article 1, Chapter 51, Part 2 of Title 10 of Guam Code Annotated are hereby *amended* to read as follows:

**"(c) ~~Commercial~~ Business and Governmental Tipping Fees.** A ~~commercial~~ tipping fee of Four Dollars (\$4.00) per cubic yard, uncompacted, is hereby established for business and government generators. For compacted trash, a ~~commercial~~ tipping fee of Four Dollars (\$4.00) per cubic yard multiplied by the compaction ratio of any vehicle or container with compaction equipment, is hereby established for business and government generators. Commercial and government collectors shall provide the Department of Public Works the compaction ratios of all equipment used to haul solid waste to the landfill to insure the accurate assessment of tipping fees for compacted trash. This fee does not include collection charges that are independently set by licensed commercial collectors.

1           **(d) Residential Tipping Fees.** A residential tipping fee, which  
2 includes collection charges, is hereby established for residential generators in  
3 the amount of Eight Dollars (\$8.00) per dwelling per month.”  
4

5           **Section 2. Self-Drop Fee Established.** A new sub-section (e) is  
6 added to Section 51118 of Article 1, Chapter 51, Part 2 of Title 10, Guam  
7 Code Annotated to read:

8           **“(e) Self-Drop Fee Established.** Any person or entity that is not a  
9 business or government generator shall be billed Four Dollars (\$4) per vehicle  
10 load of solid waste delivered to a landfill operated by the Department or its  
11 contractor.”  
12

13           **Section 3. Certain Limited Exemptions from Payment of Tipping**  
14 **Fees Established.** New sub-sections (h) and (i) are added to Section 51118  
15 of Article 1, Chapter 51, Part 2 of Title 10, Guam Code Annotated to read:

16           **“(h) Temporary Exemption from Tipping Fees for Municipal**  
17 **Waste Collection.** For a period of one (1) year following the  
18 implementation of the tipping fees described herein, all waste collected  
19 by any mayor or vice mayor in the performance of their official duties,  
20 and transported to a landfill operated by the Department or its  
21 contractor, shall be exempt from all tipping fees. The Department of  
22 Public Works shall monitor and record the amount of solid waste  
23 delivered by Mayors and Vice Mayors under this section. This  
24 information shall be provided on a quarterly basis to the Mayors Council,  
25 *I Maga’lahen Guahan*, and *I Liheslaturan Guahán* for the purpose of



1 determining an appropriate budget for each municipality following the  
2 end of the exemption. "

3 **"(i) 'Good Citizen' Exemption Established.** Any individual,  
4 registered non-profit organization, or other persons who intend to  
5 volunteer their resources for the purpose of collecting municipal waste,  
6 may be granted a temporary exemption from the fees established herein  
7 by securing a written exemption from the Department of Public Works in  
8 advance of their planned collection activities. The Department of Public  
9 Works shall determine the manner, time limit and procedure by which  
10 such an exemption may be granted and honored, subject to the  
11 Administrative Adjudication Act."

12  
13 **Section 4.** Notwithstanding any other provisions of law, new  
14 subsections (m) and (n) are added to Section 105 of the Department of Public  
15 Works Division of Solid Waste Management Rules and Regulations approved  
16 by Public Law 24-313 to read as follows:

17 **"(m) Collection of Tipping Fees.**

18 **1)** Residential tipping fees shall be billed and collected as provided  
19 under Section 105 (j) and Section 117(3)(a) of the Department of Public  
20 Works Division of Solid Waste Management Rules and Regulations.  
21 Tipping fees for government departments or agencies that have their  
22 solid waste picked up by the Department also shall be billed and  
23 collected by the Department.

24 **2)** Tipping fees for business or government generators that have  
25 their solid waste collected by commercial collectors shall be collected by

1 commercial collectors, on behalf of the Government of Guam.  
2 Commercial collectors shall remit the tipping fees paid by their  
3 customers in the prior month to the government by the 20<sup>th</sup> day of the  
4 following month. The tipping fees collected by commercial collectors,  
5 upon remittance to the Government of Guam, shall be considered as  
6 revenue for the government and not as income for commercial  
7 collectors. Commercial collectors shall not be liable for any applicable  
8 taxes on business income for the tipping fees collected on behalf of the  
9 government and actually remitted to the government. If a commercial  
10 collector does not remit the tipping fees actually collected from  
11 generators, as provided in this section, then the commercial collectors  
12 shall be liable for full payment to the government of all tipping fees that  
13 are collected from generators but not remitted to the government.  
14 Commercial collectors also shall be liable for all applicable taxes on  
15 business income for all tipping fees that are collected from business  
16 generators but not remitted to the government, as provided in this  
17 section.

18 **3)** In order to insure that all tipping fees are properly billed and  
19 collected, commercial collectors shall provide to the Department of  
20 Public Works by the 20<sup>th</sup> day of each month a complete and true record  
21 of the total solid waste picked up from and the resulting tipping fees  
22 owed by generators in the prior month. If the total amounts of solid  
23 waste volume collected from generators and the resulting tipping fees  
24 owed by generators differs from the amount of solid waste delivered to  
25 landfills operated by the Department or its contractor by the commercial

1 collector in the prior month, subject to verifiable reconciliation between  
2 the Department and the commercial collector, then the commercial  
3 collector shall be liable to the government for any difference in the  
4 amounts of tipping fees owed by generators to the government.”

5 **“(n) Termination of collecting services to Business, Government**  
6 **and Residential generators for non-payment.** If a Business, Government  
7 or Residential generator of solid waste fails to pay the tipping fees charged to  
8 them within sixty (60) days of billing, the Department, subject to thirty (30)  
9 day written notice of termination of collecting services, shall terminate or  
10 cause to be terminated the pick-up of solid waste from the non-paying  
11 generator.

12 **(1)** Commercial collectors shall provide thirty (30) days written  
13 notice of termination and the effective date of service termination of  
14 collecting services to their respective accounts that have not paid their  
15 tipping fees within sixty (60) days of billing. Commercial collectors shall  
16 provide the Department by the 20<sup>th</sup> day of the month a list of all  
17 accounts that have not paid their tipping fee within the thirty (30) day  
18 notice of termination required by this section.

19 **(2)** Commercial collectors shall not pick up any solid waste from  
20 terminated customers, or else shall be liable for the payment of tipping  
21 fees that are incurred from continued service. The Department shall  
22 notify in writing all commercial collectors of all business or government  
23 accounts that are restricted from collecting services for non-payment of  
24 tipping fees within the period required by this section.

1           **(3)** The Department shall collect all unpaid tipping fees that are  
2 past due from residential, business or government generators who have  
3 not paid their respective tipping fees, subject to the provisions in this  
4 section. Commercial collectors shall not be liable for past due unpaid  
5 tipping fees of its customers, except as provided by this Title.

6           **(4)** The Department or commercial collectors may resume  
7 collecting services upon full payment of all past due tipping fees owed  
8 by the generator.”  
9

10           **Section 5. Collection of Solid Waste Responsibilities of the**  
11 **Department of Public Works re-established to allow collection**  
12 **of solid waste from certain residential units and government**  
13 **managed housing.** Section 105 (a) of the Department of Public  
14 Works Division of Solid Waste Management Rules and Regulations  
15 approved by Public Law 24-313 is hereby *amended* to read as follows:

16           **“(a) Response Responsibility.** The government of Guam shall  
17 may provide for the collection of solid wastes from individual dwelling  
18 units, ~~or~~ single family residences, duplexes, multiple dwelling units of  
19 three (3) or less units and government managed housing units or  
20 residences; provided, however that DPW may contract for collection  
21 services with a person, business or corporation, or a combination  
22 thereof, for such as deemed to be in the best interests of ~~the island~~  
23 Guam.”  
24