



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932  
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker  
vicente (ben) c. pangelinan

JAN 02 2004

TIME: 9:59 (1) AM (1) PM  
RECEIVED BY:

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

31 DEC 2003

The Honorable Vicente C. Pangelinan  
Speaker  
I Mina'Bente Siete Na Liheslaturan Guahån  
Twenty-Seventh Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 96 (COR), "AN ACT TO CREATE A RECYCLING REVOLVING FUND TO FUND THE RECYCLING OF AUTOMOBILES, TRUCKS, HEAVY EQUIPMENT, AND WHITE GOODS AS PROVIDED FOR IN THE INTEGRATED SOLID WASTE MANAGEMENT PLAN AS ADOPTED IN PUBLIC LAW 25-175, BY ADDING NEW ARTICLE 5 TO CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10, AND BY AMENDING §7161 OF TITLE 16, GUAM CODE ANNOTATED," which I have signed into law on November 13, 2003, as Public Law No. 27-38.

I would like to commend Senator Rory Respicio and I Mina'Bente Siete Na Liheslaturan Guahån on the enactment of Bill No. 96. The measure establishes an advance disposal fee to set up a government-recycling program. Creation of this funding source to support the government's aggressive plans to manage our solid waste is a much-needed vehicle to ensure the government goes forward with its efforts.

Please note, however, the inconsistencies in the measure and take the corrective measures necessary to ensure its implementation.

1. The definition of "recycling" cites to 10 G.C.A. § 51102(18). This section defines "generator." The definition of "recycling" is cited in Section 51102(35) and reads "method by which recovered resources are converted for use as raw material or feedstock to make new products." This is inconsistent with the language contained in Section 51501(b) of Section 2 of the measure.
2. The Street Light Fund provides that effective April 1, 2004 the former fee will be increased by Fifteen Dollars (\$15.00) however the effective date for the section is January 1, 2005.

534

504

3. In Section 51505 of Section 2, the Guam Economic Development Authority should be replaced with Guam Environmental Protection Agency.

I hope these issues can be addressed in order to avoid any unnecessary delay in its implementation.

Sincerely yours,



Felix P. Camacho

*I Maga'låhen Guåhan*

Governor of Guam

Attachment: copy attached of signed bill

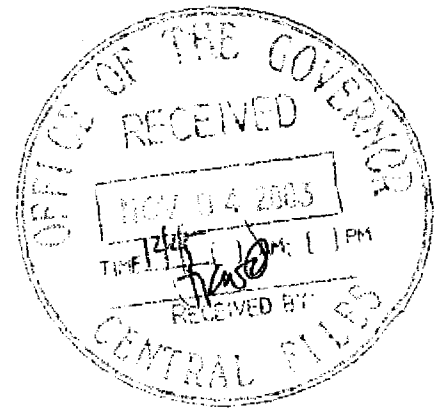
cc: The Honorable Tina Rose Muna-Barnes  
Senator and Legislative Secretary



**MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN**  
TWENTY-SEVENTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

November 4, 2003

The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill No. 76(LS), and Substitute Bill Nos. 63(COR), 67(LS), 80(COR), 96(COR), 100(COR), 144(LS), 152(COR) and 153(COR) which were passed by *I Mina' Bente Siete Na Liheslaturan Guåhan* on October 31, 2003.

Sincerely,

TINA ROSE MUNA BARNES  
Legislative Secretary

Enclosures (9)

CFI-1103-3636

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2003 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 96 (COR) "AN ACT TO CREATE A RECYCLING REVOLVING FUND TO FUND THE RECYCLING OF AUTOMOBILES, TRUCKS, HEAVY EQUIPMENT, AND WHITE GOODS AS PROVIDED FOR IN THE INTEGRATED SOLID WASTE MANAGEMENT PLAN AS ADOPTED IN PUBLIC LAW 25-175, BY ADDING NEW ARTICLE 5 TO CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10, AND BY AMENDING §7161 OF TITLE 16, GUAM CODE ANNOTATED", was on the 31<sup>st</sup> day of October, 2003, duly and regularly passed.

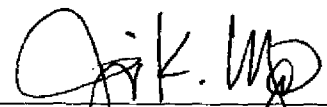
Attested:

  
Tina Rose Muña Barnes

Senator and Legislative Secretary

\_\_\_\_\_  
vicente (ben) c. pangelinan  
Speaker

-----  
This Act was received by *I Maga'lahaen Guåhan* this 4<sup>th</sup> day of November, 2003, at 2:50  
o'clock P.M.

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

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO

*I Maga'lahaen Guåhan*

Date: 11/13/03

Public Law No. 27-38

**I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN**  
**2003 (FIRST) Regular Session**

**Bill No. 96 (COR)**

As substituted by the Author and  
amended on the Floor.

Introduced by:

R. J. Respicio  
J. M.S. Brown  
Toni Sanford  
F. B. Aguon, Jr.  
T. R. Muña Barnes  
F. R. Cunliffe  
C. Fernandez  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
v. c. pangelinan  
J. M. Quinata  
Ray Tenorio

**AN ACT TO CREATE A RECYCLING REVOLVING FUND TO FUND THE RECYCLING OF AUTOMOBILES, TRUCKS, HEAVY EQUIPMENT, AND WHITE GOODS AS PROVIDED FOR IN THE INTEGRATED SOLID WASTE MANAGEMENT PLAN AS ADOPTED IN PUBLIC LAW 25-175, BY ADDING NEW ARTICLE 5 TO CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10, AND BY AMENDING §7161 OF TITLE 16, GUAM CODE ANNOTATED.**

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

2        **Section 1. Legislative Findings.**    *I Mina'Bente Siete Na*

3        *Liheslaturan Guåhan* finds that the Integrated Solid Waste Management

1 Plan, as adopted in Public Law No. 25-175, provides for government  
2 support of recycling as an essential means to protect the environment,  
3 manage the municipal solid waste stream generated by the community,  
4 and extend the life-span of any new landfill to be built. *I Mina' Bente*  
5 *Siete Na Liheslaturan Guåhan* further finds that it is in our island's best  
6 interest to divert discarded materials from the island's dump or landfill  
7 by creating an economic value upon such materials so that they can be  
8 collected and shipped off-island by recycling companies. Sections 7.10.1  
9 and 7.10.4 of the Integrated Solid Waste Management Plan specifically  
10 call for the imposition of disposal fees on automobiles and white goods  
11 to fund the recycling and disposal of these goods. With respect to  
12 Section 7.10.4, the Integrated Solid Waste Management Plan finds that  
13 junk cars are a particular hazard to the environment. *I Mina' Bente Siete*  
14 *Na Liheslaturan Guåhan* further finds that the existing funding  
15 mechanism for junk car removal, the Abandoned Vehicle and Streetlight  
16 Fund, is insufficient for this purpose inasmuch as only ten percent (10%)  
17 of the proceeds of this fund go to junk car removal. Therefore, an  
18 alternate funding source should be identified for this purpose and to  
19 support general recycling operations. *I Mina' Bente Siete Na Liheslaturan*  
20 *Guåhan* further finds that Sections 7.10.1 and 7.10.4 of the Integrated  
21 Solid Waste Management Plan must be implemented and expanded  
22 upon in order to address the island's worsening solid waste  
23 management problems.

24 **Section 2. Establishment of Recycling Revolving Fund and**  
25 **Recycling Fees.** A new Article 5 is *added* to Chapter 51 of Division 2 of

1 Part 2 of Title 10, Guam Code Annotated, to read as follows:

2 **“ Article 5**

3 **§51501. Definitions.**

4 **§51502. Recycling Revolving Fund.**

5 **§51503. Continuing Appropriation.**

6 **§51504. Levy of Recycling Fees.**

7 **§51505. Collection of Recycling Fees.**

8 **§51506. Recycling Fees.**

9 **§51507. Authorization for Guam Environmental Protection**  
10 **Agency (‘GEPA’) to contract with recycling**  
11 **companies.**

12 **Recycling Revolving Fund.**

13 **§51501. Definitions.** For purposes of this Article, and  
14 except as otherwise provided, the following words and phrases,  
15 together with all of the common derivatives thereof, shall have the  
16 meaning ascribed to them as follows:

17 (a) ‘GEPA’ shall mean the Guam Environmental  
18 Protection Agency.

19 (b) ‘Recycling’ means the process by which recovered  
20 resources are transformed into new products in such a  
21 manner that products lose their initial identity, as defined in  
22 Section 51102(18) of Chapter 51 of Title 10 of the Guam Code  
23 Annotated.

24 (c) ‘Recycling fee’ shall mean a fee imposed on goods  
25 for the recycling and disposal of said goods.

1 (d) 'Enameled white goods' shall mean appliances for  
2 home or commercial use including, but not limited to,  
3 refrigerators, water heaters, air conditioners, washers,  
4 dryers, and stoves.

5 (e) 'Recyclable materials' means materials which still  
6 have useful physical or chemical properties after serving a  
7 specific purpose for the same or other purpose. Recyclable  
8 materials are as follows:

9 (1) batteries (i.e., lead-acid, portable computer  
10 batteries, nickel-cadmium, sealed types for  
11 power backup);

12 (2) automobiles, buses, and trucks or any form of  
13 motorized vehicle;

14 (3) tires (passenger/commercial);

15 (4) enameled white goods;

16 (5) home appliances (other small appliances that are  
17 not considered enameled white goods);

18 (6) glass and plastic bottles;

19 (7) foam padding;

20 (8) lead;

21 (9) metals (ferrous/non-ferrous);

22 (10) organic material (i.e., tree trimmings, palm  
23 fronds, grass, food waste, soiled cardboard);

24 (11) paper products;

25 (12) wood pallets and scrap wood;



- 1 (13) construction and demolition debris ('C&D');
- 2 (14) x-ray film;
- 3 (15) automobile oil and fluids;
- 4 (16) Freon and other refrigerant gases;
- 5 (17) electronic waste (i.e., computers, circuit boards,
- 6 televisions, and portable phones);
- 7 (18) heavy equipment; and
- 8 (19) other recyclable materials deemed recyclable by
- 9 GEPA pursuant to the Rules and Regulations.

10 (f) 'Recycling company' means any business licensed  
11 by the Department of Revenue and Taxation, and issued a  
12 permit, as required in §51104 of Chapter 51 of Title 10 of the  
13 Guam Code Annotated, from the Guam Environmental  
14 Protection Agency to conduct business on Guam.

15 (g) 'Administrator' shall mean the Administrator of  
16 the Guam Environmental Protection Agency, or his or her  
17 designee.

18 (h) 'Municipal Solid Waste' is material which was  
19 produced locally or imported into Guam for use by  
20 businesses and residents but has been discarded, thus  
21 requiring disposal, processing, recycling, or storage.

22 **§51502. Recycling Revolving Fund.** There is hereby created  
23 separate and apart from other funds of the government of Guam,  
24 a fund known as the Recycling Revolving Fund which shall be  
25 maintained separate and apart from any other funds, including

1 the General Fund of the government of Guam, and independent  
2 records and accounts shall be maintained in connection therewith.  
3 All revenue deposited in the Recycling Revolving Fund shall *not*  
4 be commingled with General Fund monies and shall be kept in a  
5 separate bank account. All proceeds from fees collected in  
6 accordance with §51504 of Title 10 of the Guam Code Annotated  
7 shall be deposited in the Recycling Revolving Fund and used  
8 exclusively for the purposes authorized in §51507 of Title 10 of the  
9 Guam Code Annotated. The Administrator of GEPA shall  
10 administer the Recycling Revolving Fund and shall encumber all  
11 amounts available in the Fund as expeditiously as possible for the  
12 purposes stated in this Section. The Recycling Revolving Fund  
13 shall be subject to audits by the Public Auditor.

14 **§51503. Continuing Appropriation.** All revenues from the  
15 Recycling Revolving Fund are hereby appropriated to the Guam  
16 Environmental Protection Agency to fund recycling operations as  
17 authorized in §51507 of Title 10 of the Guam Code Annotated.

18 **§51504. Levy of Recycling Fees.** There is hereby levied, and  
19 shall be paid and collected in the manner hereinafter provided,  
20 and by persons taxable under the provisions of §28105 of Chapter  
21 28 of Division 2, Title 11 of the Guam Code Annotated, a recycling  
22 fee upon the use or consumption of all automobiles; buses; heavy  
23 equipment; trucks; tires; batteries for a motorized boat,  
24 automobile, bus, truck, or heavy equipment; and enameled white  
25 goods subject to the levy of the Use Tax authorized by §28103 of

1 Chapter 28 of Division 2, Title 11 of the Guam Code Annotated.

2 **§51505. Collection of Recycling Fees.** The Guam Customs  
3 and Quarantine Agency shall collect the Recycling Fees mandated  
4 by this Article on:

5 (a) property taxable under the Use Tax Law in  
6 Chapter 28 of Division 2, Title 11 of the Guam Code  
7 Annotated, which comes in at the Jose D. Leon Guerrero  
8 Port Authority of Guam, or any other seaport in Guam, with  
9 any tax for which an exemption is not claimed, to be  
10 collected prior to release;

11 (b) property taxable under the Use Tax Law in  
12 Chapter 28 of Division 2, Title 11 of the Guam Code  
13 Annotated, which comes in as freight or unaccompanied  
14 baggage at the A. B. Won Pat International Airport, or any  
15 other airport in Guam; and

16 (c) property taxable under the Use Tax Law in  
17 Chapter 28 of Division 2, Title 11 of the Guam Code  
18 Annotated, which comes in as freight or accompanied  
19 baggage at the A. B. Won Pat International Airport, or any  
20 other airport in Guam.

21 The Guam Economic Development and Commerce  
22 Authority, on behalf of the government of Guam, is authorized to  
23 promulgate rules and regulations in accordance with the  
24 Administrative Adjudication Law to enforce the intent of this Law  
25 within ninety (90) days of enactment of this Section.

1           **§51506. Recycling Fees.** The Recycling Fees authorized in  
2 §51504 are hereby imposed as follows:

3           (a) Two Hundred Dollars (\$200.00) for each  
4           automobile, bus, and truck;

5           (b) Three Dollars (\$3.00) for each tire;

6           (c) Five Dollars (\$5.00) for each enameled white  
7           good with a retail value of more than Fifty Dollars (\$50.00)  
8           but less than Three Hundred Dollars (\$300.00) in accordance  
9           with the provisions of Chapter 28 of Division 2 of Title 11 of  
10          the Guam Code Annotated;

11          (d) Fifty Dollars (\$50.00) for each enameled white  
12          good with a retail value of Three Hundred Dollars (\$300.00)  
13          or more in accordance with the provisions of Chapter 28 of  
14          Division 2, Title 11 of the Guam Code Annotated;

15          (e) Five Dollars (\$5.00) for each battery for a  
16          motorized boat, automobile, truck, bus, or heavy equipment;

17          (f) Two Hundred Dollars (\$200.00) for each item of  
18          heavy equipment with a retail value of Five Thousand  
19          Dollars (\$5,000.00) or more in accordance with the  
20          provisions of Chapter 28 of Division 2, Title 11 of the Guam  
21          Code Annotated.

22          (g) Consumers who return to a recycling center any  
23          item upon which a recycling fee has been imposed shall  
24          receive a refund for such return in a percentage amount as  
25          determined by the Rules and Regulations established by

1           §51505 of this Article.

2           **§51507. Authorization for GEPA to contract with recycling**  
3 **companies.** (a) GEPA is authorized, in accordance with the  
4 applicable procurement laws, to enter into contracts with recycling  
5 companies for the collection, recycling, and disposal of  
6 automobiles, buses, heavy equipment, trucks, batteries, tires,  
7 white goods, and other recyclable materials. GEPA shall submit  
8 any proposed requests for proposals *to I Liheslaturan Guåhan*  
9 within three (3) months of the enactment of this Article.

10           (b) Successful offerors for contracts authorized under this  
11 Section shall perform all work under this Article in compliance  
12 with all applicable laws, including those of this Chapter, and rules  
13 and regulations of GEPA as may be established. At a minimum,  
14 GEPA shall ensure that all offerors include, as part of their  
15 processing, a plan to remove collected recyclable materials,  
16 including abandoned vehicles, from Guams' waste stream.

17           (c) GEPA shall promulgate the necessary Rules and  
18 Regulations, in accordance with the Administrative Adjudication  
19 Law, to properly implement this Article."

20           **Section 3. Replacement of the Abandoned Vehicle and Street**  
21 **Light Fund with a dedicated Street Light Fund.** §7161 of Title 16,  
22 Guam Code Annotated, is *amended* to read:

23           "§7161. **Street Light Fund.** (a) There is established within  
24 the Treasury of Guam a fund to be known as the Street Light Fund  
25 which shall be maintained separate and apart from any other

1 funds including the General Fund of the government of Guam and  
2 independent records and accounts shall be maintained in  
3 connection therewith. Money in the Street Light Fund shall be  
4 used to pay for the installation and operation of public street  
5 lights. All revenue deposited in the Fund is appropriated to the  
6 Guam Power Authority for payment for operation and installation  
7 of public street lights. The Treasurer of Guam shall transfer funds  
8 to the Guam Power Authority pursuant to this Section at the end  
9 of each month.

10 (b) In addition to all other fees imposed by law, an  
11 additional Twenty-Five Dollars (\$25.00) annual fee is imposed  
12 upon any vehicle subject to registration under this Title which  
13 shall be deposited in the Treasury of Guam to the credit of the  
14 Street Light Fund. This fee shall be collected at the same time and  
15 in the same manner as the annual license and registration fee  
16 provided for in this Title.

17 (c) Effective April 1, 2004, the fee established in the  
18 preceding subsection shall be amended and increased by Fifteen  
19 Dollars (\$15.00), to be adjusted to a total of Forty Dollars (\$40.00),  
20 with the proceeds to be deposited in said Fund.

21 (d) Effective January 1, 2005, the fee established in the  
22 preceding subsections (b) and (c) shall be adjusted to a total of  
23 Thirty-Six Dollars (\$36.00), with the proceeds to be deposited in  
24 said Fund.”

25 **Section 4. Effective Date.** Section 2 and Section 3 of this Act

1 shall take effect January 1, 2005.

2       **Section 5. Severability.** *If* any provision of this Act or its  
3 application to any person or circumstance is found to be invalid or  
4 contrary to law, such invalidity shall *not* affect other provisions or  
5 applications of this Act which can be given effect without the invalid  
6 provisions or application, and to this end the provisions of this Act are  
7 severable.