

1           Upon the issuance of the bonds authorized by this Section, *I*  
2       *Maga'lahi* is authorized to reprogram to pay costs of a new landfill the  
3       following amounts from the following priority categories, with the balance  
4       of the respective priority category to be used for its original purpose prior to  
5       the use of such bond proceeds for the landfill from any subsequent category:  
6       (X) up to Seven Million Dollars (\$7,000,000) of the amount provided for  
7       payment of the COLA, (Y) up to Seven Million Dollars (\$7,000,000) of the  
8       amount provided for payment of tax refunds, and (Z) up to Six Million  
9       Dollars (\$6,000,000) from the amount provided for Guam Memorial  
10      Hospital; and *further provided*, that the proceeds of the first revenue *bonds*  
11      or other obligations issued by the government to finance the costs of the new  
12      landfill *shall* be used to reimburse the General Fund, whereupon such  
13      reimbursement amounts *shall* be used to pay the General Fund expenses  
14      listed in subparagraphs (1) through (3) of this Subsection in amounts *not*  
15      *exceeding* the amounts reprogrammed."

16      **Section 2.** §1512.2 of Title 5, Guam Code Annotated, is hereby *added* to  
17      read:

18           **"§1512.2. Authorization to Enter Into Loan for Landfill Costs.**

19           **(a) Authorization to Borrow.** *I Maga'lāhen Guahan* is authorized to  
20      borrow on behalf of the government of Guam as provided in this Section from one  
21      (1) *or* more banks *or* other financial institutions an amount *not to exceed* the  
22      amount necessary to provide Twenty Million Dollars (\$20,000,000) for the  
23      purpose of financing costs of a new landfill.

24           **(b) Terms and Conditions.** The terms and conditions of the loan *shall*  
25      be as determined by *I Maga'lāhen Guāhan* by the execution of a loan agreement;  
26      provided, however, that the loan: (1) *shall* be subject to prepayment from the  
27      proceeds of the first revenue bonds issued for the landfill, which proceeds may be

pledged for that purpose; (2) *shall not* be a general obligation of the government of Guam; (3) *shall not* also be secured by a pledge of Section 30 revenues; (4) *shall, if not* paid with the proceeds of revenue bonds, have annual principal payments over the five (5) year period commencing one (1) year after its funding date; (5) *shall* bear interest at such fixed *or* variable rate *or* rates as may be negotiated by *I Maga'lahañ Guåhan* in the best interests of the government, such interest rate *shall not exceed* eight percent (8%) and *shall* be computed on a three hundred sixty-five (365) day calendar year upon the actual amount extended to the government; (6) prepaid charges *shall not* be levied by the bank or entity for opening a loan *or* line of credit; and (7) interest derived from the financial agreement *shall* be *exempt* from taxation by the government of Guam.

(c) **Approval by Guam Economic Development Authority.** *No* loan authorized by this Section *shall* be entered into until the Board of Directors of GEDA has approved the loan by resolution.

(d) **Approval of Voters Not Required.** The loan *shall not* be subject to the approval of the voters of Guam.

(e) **Approval of Loan.** *I Liheslaturan Guåhan*, pursuant to §50103(k), Title 12 Guam Code Annotated, hereby approves a borrowing by the government of Guam for the purposes and in the principal amount authorized by this Section provided that the loan is entered into subject to the terms and conditions mandated in this Section."

**Section 3.** §51504 of Chapter 51 of Division 2 of Title 10, Guam Code Annotated is *amended* to read:

**"§51504. Administration of the Recycling Revolving Fund.** The Administrator *shall* administer the Fund and *shall* encumber all amounts available in the Fund as expeditiously as possible for the purposes of assisting and encouraging recycling of recyclable materials. The



1 Administrator *shall* administer the Fund in accordance with this Article to  
2 cause the following material/waste to be recycled *or* otherwise disposed  
3 according to the following priority:

4 (a) First Priority - junk vehicles, tires, batteries, waste oil, white  
5 goods/appliances,

6 (b) Second Priority - paper, cardboard, plastic, and glass,

7 (c) Third Priority - other recyclable materials as determined by the  
8 Administrator.

9 (d) *Not more than* one (1) FTE employee at Guam Environmental  
10 Protection Agency to administer this Article.

11 In Fiscal Year 2009 the Administrator *shall* expend monies from the  
12 Recycling Revolving Fund to first pay any remaining unpaid debt including  
13 any and all prior year obligations related to GSA 038-05 before any other  
14 expenditures are made to ensure that all previous accounts have been  
15 satisfied accordingly. The Administrator *shall* then pay current obligations  
16 of the Department of Public Works arising from the ongoing Island-Wide  
17 Collection and Off-Island Disposal of Abandoned Vehicles, White Goods,  
18 Tires, and Batteries program pursuant to GSA Bid No. 038-05. Any  
19 remaining unpaid debt *shall* be assumed by the Administrator.

20 The Administrator, *no later than* ten (10) days after the end of each  
21 fiscal year, *shall* transfer from the Recycling Revolving Fund three percent  
22 (3%) of the total amount collected during that fiscal year to fund one (1)  
23 FTE employee at the Guam Environmental Protection Agency. The Fund  
24 *shall* be subject to audits by the Public Auditor."

25 **Section 4.** §§51507 and 51508 of Chapter 51 of Division 2 of Title 10,  
26 Guam Code Annotated are *amended* to read:

27 **"§51507. Authorization for the Mayors' Council of Guam to**