

1 **Contract with Recycling Companies.** (a) The Mayors' Council of Guam,
2 in accordance with the applicable procurement laws and with the approval of
3 the Administrator, is authorized to enter into contracts with recycling
4 companies for the collection, recycling, disposal, and processing, *or* any
5 combination thereof, of automobiles, buses, heavy equipment, trucks,
6 batteries, tires, white goods, and other recyclable materials, and as required
7 by, *or* in accordance with, Articles 3 and 4 of Title 10 GCA, Chapter 51.

8 (b) At a minimum, the Mayors' Council *shall* require that all
9 offerors include, as part of their written offers, proof of current approved
10 permits, certification of compliance with Title 10, GCA, Chapter 51 from
11 GEPA and a plan to remove collected recyclable materials, including
12 abandoned vehicles, from Guam's waste stream. Contractors employed
13 under this Section *shall* perform all work under this Article in compliance
14 with all applicable laws, including those of this Chapter, and the applicable
15 Rules and Regulations of GEPA.

16 (c) The Guam Environmental Protection Agency *shall* promulgate
17 the necessary rules and regulations, in accordance with the Administrative
18 Adjudication Law, to properly implement this Article.

19 **§51508. Adjustment of Recycling Fees.** The Administrator *shall*
20 review the fee authorized by §51506, *supra*, every twenty-four (24) months
21 and is authorized to adjust the fee by *not more than* twenty-five percent
22 (25%) in accordance with the Administrative Adjudication Law."

23 **Section 5. (a) Legislative Intent.** *I Liheslaturan Guåhan* finds that the
24 legal authority permitting a landfill to be constructed at *Guatali* pursuant to Public
25 Law 23-95 in that area in central Guam, known as *Guatali*, located near the old
26 GORCO Oil site must be further clarified due to the parceling of that site as
27 *Guatali* Parcel A and *Guatali* Parcel B. The original survey of Lot 439-R1 was

1 done in 1968. Since then, the parcel has been divided as follows:

2 (1) Lot R14, Tract 2411 (Land Management Office of the Recorder
3 Instrument No. 630801) formerly known as the GORCO Oil
4 site now known as the Shell Refinery;

5 (2) Parcel A of Lot 439-R1 as described by Doc Nos. 90143 &
6 115867 with a total area of 809,374.74 square meters, *or* 80.937
7 hectares *or* two hundred (200) acres, now owned by the U.S.
8 Department of Interior, National Park Service (Land
9 Management Office of the Recorder Document Nos. 90143 and
10 115867) in 2001; and

11 (3) Parcel B of Lot 439-R1 with a total area of 352,872.12± square
12 meters, *or* 87.20 acres, now owned by the government of Guam
13 *Chamorro* Land Trust Commission (Land Management Office
14 of the Recorder Doc. No. 503740) in 2001.

15 (b) *I Liheslaturan Guåhan* hereby reaffirms its prior authorization and
16 permitted use of Parcel B of Lot No. 439-R1, Santa Rita, Guam, containing
17 an area of 352,872.12± square meters as shown on that map recorded at the
18 Office of the Recorder, Department of Land Management, government of
19 Guam on August 8, 2001, under Instrument No. 641990 as a municipal solid
20 waste landfill.

21 **Section 6.** Nothing in this Act *shall* be construed to be an acquiescence to
22 *or* the legislative approval of *I Maga'lahi's* *or* any other entity's selection of the
23 *Layon* site as the location for a Municipal Solid Waste Landfill.

24 **Section 7.** The following is *added* to 1 GCA §2104 (Commission on
25 Decolonization):

26 "§2104. The Commission *shall* meet regularly on the first Tuesday of
27 every month at 3 p.m. or more often as determined by the Chairperson of the

1 Commission. In the absence of both the Chairperson and the Vice
2 Chairperson from a meeting, a quorum of the members *shall* select an
3 Acting Chairperson to conduct the meeting until the Vice Chairperson *or*
4 Chairperson is in attendance. In the absence of a quorum, Minutes *shall*
5 be prepared by the Executive Director of the Commission indicating the lack
6 of a quorum, the date, and the members in attendance. The Executive
7 Director *shall* transmit to *I Maga'lahi* and *I Liheslatura* notice of three (3)
8 unexcused absences of any member."

9 **Section 8.** The following is *added* to 21 GCA §75102 (*Chamorro Land*
10 *Trust Commission*):

11 **"§75102.** The Commission *shall* meet regularly on the third
12 Thursday of every month at 1 p.m. *or* more often as determined by the
13 Chairperson of the Commission. At its first meeting the Commission *shall*
14 select a Vice Chairperson who *shall* conduct the meetings in the absence of
15 the Chairman. In the absence of both the Chairperson and the Vice-
16 Chairperson from a meeting, a quorum of the members *shall* select an
17 Acting Chairperson to conduct the meeting until the Vice-Chairperson *or*
18 Chairperson is in attendance. In the absence of a quorum, Minutes *shall* be
19 prepared indicating the lack of a quorum, the date, and the members in
20 attendance. Any appointed member of the Commission who fails to attend
21 three (3) consecutive regular meetings, without being excused pursuant to a
22 motion passed by the Commission, *shall* automatically be disqualified to
23 continue serving in his *or* her position and the appointing authority *shall*
24 then be required to appoint a replacement for said member. The Executive
25 Director *shall* transmit to *I Maga'lahi* and *I Liheslatura* notice of three (3)
26 unexcused absences of any member."

1 **Section 9.** A new Section 16 (c) is hereby *added* to Section 8 of P.L. 29-82
2 to read as follows:

3 "(c) Notwithstanding any substantive *or* procedural provision of
4 Chapter 6 of Title 5 of the Guam Code Annotated, the government of Guam hereby
5 waives immunity from any suit *or* action in contract on the Loan, but *does not*
6 waive sovereign immunity as to the personal liability of elected *or* appointed
7 officials and employees of the government of Guam."



Senator Rory J. Respicio

Majority Leader and Chairperson, Committee on Calendar & Agenda

I Mina'Bente Nuebi Na Liheslaturan Guåhan

Twenty-Ninth Guam Legislature

November 19, 2008

To: Judith T. Won Pat, Ed.D.
Speaker

RE: Request for Emergency Certification of Bill 383(LS)

I am requesting that Bill 383 (LS) be declared an emergency for the purpose of waiving the public hearing requirements.

Bill 383 (LS), at the request of *I Maga'Lahen Guahan*, would authorize the government of Guam to secure the financing needed to meet a Consent Decree mandate to deposit \$20 million to a trustee designated by the Receiver, Gershman, Brickner & Bratton, Inc. by January 5, 2009.

The legislation submitted proposes the reprogramming of deficit financing bond funds and, as an alternative, authorizes the government to acquire a \$20 million loan should market conditions prevent bond financing.

To ensure that the timelines for meeting this consent decree mandate is met, I am requesting that you declare this bill an emergency for the purposes of waiving the requirements of a public hearing.

I look forward to your approval of my request and the swift passage of this legislation.

Si Yu'os Ma'ase'


Rory J. Respicio
Majority Leader



OFFICE OF THE SPEAKER
29th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D

November 19, 2008

To: *I Mina'Bente Nuebi Na Liheslaturan Guahan*

RE: **Emergency Certification of Bill 383(LS)**

After careful evaluation for a request to waive the requirements for a public hearing on bill 383(LS);

Bill No. 383 (LS) By request of I Maga'lalen Guahan in accordance with the Organic Act of Guam. - An act to amend 5 GCA § 1512.1, Relative to the authorization to issue bonds and bond anticipation notes for deficit financing.

I certify, pursuant to 2 GCA §2103, that an emergency condition exists and that the requirements for a public hearing on bill 383(LS) is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Clerk of the Legislature