

I Mina Trentai Kuattro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
200-34 (COR) As corrected by the Prime Sponsor.	Thomas C. Ada	AN ACT TO ADD NEW SUBSECTIONS (d), (e), AND (f) TO § 51A117, AND A NEW §§ 51A118, 51A119, 51A120, AND 51A121, ALL OF ARTICLE 1, CHAPTER 51A, TITLE 10; AND TO AMEND § 4403(f) OF ARTICLE 4, CHAPTER 4, TITLE 4; AND TO ADD A NEW § 5117A TO SUBARTICLE 8 OF ARTICLE 2, CHAPTER 5, TITLE 5, ALL OF GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF FEDERAL RECEIVERSHIP AND THE DELEGATION OF PROCUREMENT AUTHORITY.	10/16/17 8:09 a.m. AS CORRECTED 10/18/17 12:10 p.m.						

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 200-34 (COR)

As Corrected by the Prime Sponsor.

Introduced by:

Thomas C. Ada

AN ACT TO AMEND §51A117 AND TO ADD A NEW §51A118, §51A119, §51A120; AND §51A121 TO CHAPTER 51A, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §4403(f) OF ARTICLE 4, CHAPTER 4 OF TITLE 4 GUAM CODE ANNOTATED; AND TO ADD §5117A TO CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF RECEIVERSHIP.

2017 OCT 18 PM 12:10 G.S.

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

2 **Section 1.** §51A117 of Article 1, Chapter 51A, Title 10 Guam Code
3 Annotated, is hereby amended to read:

4 **“§51A117. Employment.**

5 (a) Pursuant to the provisions of Title 4 GCA §§4105 and
6 4106, the Board *shall* establish rules and regulations regarding
7 selection, promotion, performance evaluation, demotion, suspension
8 and other disciplinary action for the employees of the Authority which
9 *shall* be transmitted to *I Liheslaturan Guåhan* [Legislature] to be
10 ratified. All contracts for the hiring of off island employees *shall*
11 conform to the provisions of Title 4 GCA §§6501 and 6501.1.

12 (b) Classified employees of the Authority *shall* be members
13 of the Government of Guam Retirement Fund. The Authority *shall*

1 contribute to the Government of Guam Retirement Fund on the basis
2 of annual billings as determined by the Board of Trustees of the
3 Government of Guam Retirement Fund, for the government share of
4 the cost of the retirement benefits applicable to the Authority's
5 employees and their beneficiaries. The Authority *shall* also contribute
6 to the Worker's Compensation Fund, on the basis of annual billings as
7 determined by the Worker's Compensation Commissioner, for the
8 benefit payments made from such Fund on account of the Authority's
9 employees.

10 (c) Notwithstanding any other provisions of law, neither the
11 General Manager, Assistant General Managers, Secretary nor Chief
12 Financial Officer, of the Authority *shall* be within the classified
13 service of the government of Guam but *shall* be hired, compensated
14 and employed under the terms and conditions fixed by, and at the
15 pleasure of the Board.

16 (d) The Board shall establish a Compensation and
17 Classification Plan to include the compensation and classification of
18 the employees. The Compensation and Classification Plan shall apply
19 to all positions, classified and unclassified. The Board may amend
20 from time to time, the compensation rates and classification plan of
21 the employees. Such rates and plan shall be effective upon approval
22 by the Governor."

23 (e) A new position shall include justification, an analysis of
24 the similarities and/or differences between the position to be created
25 and positions listed pursuant to §4101.1 of Chapter 4 in Title 4 Guam
26 Code Annotated, the position description, the proposed pay range and
27 demonstration of compliance with § 6301 of Chapter 6 in Title 4

1 Guam Code Annotated, a fiscal note as that term is described in 2
2 GCA § 9101 et seq., and any other pertinent information.

3 (f) The General Manager and the Director of Administration
4 shall post the petition on their respective websites for ten (10)
5 working days.”

6 **Section 2.** A new § 51A118 is added to Article 1, Chapter 51A, Title 10
7 Guam Code Annotated to read:

8 “§ 51A118. The following subsections shall apply for purposes of
9 effectuating the transition of personnel, procurement, and financial
10 management from federal receivership implemented to the full management
11 and operation of the Guam Solid Waste Authority upon termination of said
12 receivership:

13 (a) All existing classified employees shall remain classified
14 with no diminution in any benefits or rights as established in this
15 Chapter;

16 (b) The Authority is empowered to retain any non-
17 government of Guam employee through employment contracts, not
18 within the classified service of the government of Guam, and not
19 entitled to any government benefits under this Chapter, for no more
20 than three (3) years from date of transfer of management from federal
21 receivership to effect a stabilization of services during and after
22 transition; and

23 (c) All contracts, obligations, services and procurement in
24 effect at the time of transition shall remain in effect until they
25 terminate pursuant to the terms of their respective agreements.
26 Notwithstanding Chapter 5 of Title 5 Guam Code Annotated, in the
27 event that the contract(s) to provide labor, supplies, and services,

1 determined by the Authority to be essential to the uninterrupted
2 operation of the Authority, expires on the day of turnover or within
3 180-days from the date of turnover, the Authority is authorized to
4 extend those contracts for a period of up to 180-days.

5 **Section 3.** A new § 51A119 is added to Article 1, Chapter 51A of Title 10
6 Guam Code Annotated to read:

7 **“§ 51A119. Management Audit by PUC.**

8 The Public Utilities Commission (PUC) shall undertake a
9 management audit of the existing operations of the Guam Solid Waste
10 Authority. Said audit shall be initiated within sixty (60) days from the
11 date of enactment of this Act and, to the maximum extent possible,
12 completed by December 30, 2017. The PUC shall have the full
13 authority and powers conferred upon it by its enabling legislation in
14 Chapter 12 of Title 12 GCA.”

15 **Section 4.** A new § 51A120 is added to Article 1, Chapter 51A, Title 10
16 Guam Code Annotated to read:

17 **“§ 51A120. Service Rates.**

18 (a) Rates and charges for the collection, transportation,
19 disposal, storage, recycling and processing of solid waste in effect at
20 the time of enactment of this Act shall remain in effect and be adopted
21 by the GSWA until the PUC has approved a petition for adjustment of
22 rates.

23 (b) The GSWA shall prepare a petition for adjustment of
24 rates and transmit the petition to the PUC. Transmittal to the PUC
25 shall be accomplished no later than 180-days from the date the
26 receivership terminates.

1 (c) The Guam Solid Waste Authority (the GSWA) shall not
2 submit any proposed rate change to the Commission until the
3 following actions have occurred:

4 1. The GSWA shall publish notice of any proposed
5 rate change in a newspaper of general circulation, as defined in
6 § 8104 of Chapter 8 of Title 5 of the Guam Code Annotated,
7 Open Government Law, at least sixty (60) days prior to
8 submitting the proposed rate change to the Commission. The
9 notice required herein shall include the GSWA’s intention to
10 submit its proposed rate change to the Commission, its current
11 rate, the proposed rate, the difference in the current and
12 proposed rates stated in percentage form, a justification for the
13 change, and an electronic mail address and physical location
14 where comments on the proposed rate change may be
15 submitted; and

16 2. The GSWA shall publish notice of any proposed
17 rate change on the GSWA’s official website at least sixty (60)
18 days prior to submitting the proposed rate change to the
19 Commission. The notice required herein shall include the
20 GSWA intention to submit its proposed rate change to the
21 Commission, its current rate, the proposed rate, the difference
22 in the current and proposed rates stated in percentage form, a
23 justification for the change, and an electronic mail address and
24 physical location where comments on the propose rate change
25 may be submitted.”

26 **Section 5.** *A new § 51A121 is added to Chapter 51A of Title 10 GCA to*

27 read:

1 “§ 51A121. Acquisition of Existing Systems, Employees and Debt.

2 No later than thirty (30) days before the effective date of transfer of
3 operational control from the federal receiver to the GSWA, the Authority
4 shall assume in writing from the federal receiver:

5 (a) all real property under the federal receiver administration
6 and items of property, materials and supplies which the federal
7 receiver owns or controls, including construction work in progress;
8 and

9 (b) all working capital, cash, accounts payable and
10 receivable, deposits, advances payable and receivable, all books,
11 records and maps and all other rights, obligations, assets, liabilities,
12 agreements and privileges of the Authority or attributable to the
13 Authority.

14 (c) Each government of Guam employee who was
15 administratively transferred to the federal receiver during the period
16 of receivership pursuant to statute shall be transferred to the Guam
17 Solid Waste Authority on the effective date of transfer of operational
18 control. All eligible classified and unclassified employees occupying a
19 “solid waste technician” positions shall be classified”.

20 **Section 6.** § 4403(f) of Article 4, Chapter 4 in Title 4 of the Guam Code
21 Annotated is hereby *amended* to read:

22 “(f) The jurisdiction of the Commission shall also apply to the adverse
23 action appeals of certified, technical, and professional personnel of the
24 Guam Power Authority, and the Guam Waterworks Authority; the
25 jurisdiction of the Commission shall apply to all classified personnel of the
26 Guam Memorial Hospital Authority and the Guam Solid Waste Authority;”

1 **Section 7.** A new § 5117A is added to Subarticle B, Chapter 5, Title 5
2 Guam Code Annotated to read:

3 “§ 5117A. Procurement Authority Shall Be Delegated to the
4 Guam Solid Waste Authority.”

5 (a) Notwithstanding any other provision of the Guam
6 Procurement Law, the authority to procure supplies and services for
7 the Guam Solid Waste Authority (GSWA) shall be delegated by the
8 Chief Procurement Officer to the Board of Directors of the Guam
9 Solid Waste Authority.

10 (b) GSWA shall ensure that the Authority’s procurement
11 officials undergo and successfully complete procurement training
12 pursuant to §5141 of Chapter 5 in Title 5 GCA and are enrolled in the
13 earliest training class that becomes available”.

14 **Section 8. Severability.** If any provision of this law or its application to
15 any person or circumstance is found to be invalid or contrary to law, such
16 invalidity *shall not* affect other provisions or applications of this law that can be
17 given effect without the invalid provisions or application, and to this end the
18 provisions of this law are severable.