



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

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

03 MAR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 80 (EC), "AN ACT TO POSTPONE THE EFFECTIVE DATE OF TITLE 5 GUAM CODE ANNOTATED SECTION 51506 REGARDING THE COLLECTION OF RECYCLING FEES," now designated as **Public Law 28-07**.

Sins eru yan Magåhet,

KALEO S. MOYLAN
I Maga'låhen Guåhan Para Pago
Governor of Guam, Acting

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES

Date: 3-3-05

Time: 11:30 am

Rec'd by: Janice

Print Name: _____

0066



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

March 2, 2005

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



Dear *Maga'lahi* Camacho:

Transmitted herewith is Bill No. 80(EC) which was passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on March 2, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward J.B. Calvo".

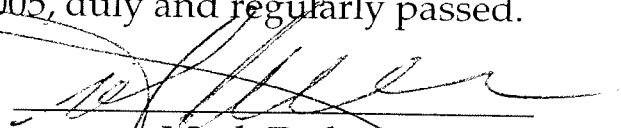
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosure (1)

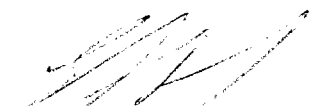
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

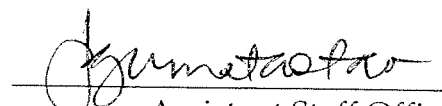
This is to certify that Bill No. 80 (EC), "AN ACT TO POSTPONE THE EFFECTIVE DATE OF TITLE 5 GUAM CODE ANNOTATED SECTION 5106 REGARDING THE COLLECTION OF RECYCLING FEES," was on the 2nd day of March, 2005, duly and regularly passed.


Mark Forbes
Speaker

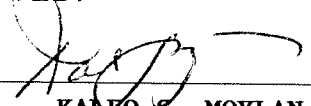
Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 2 day of March, 2005,
at 4:43 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


KALEO S. MOYLAN
I Maga'lahaen Guåhan, Para Pago

Date: March 3, 2005

Public Law No. 28-07

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 80 (EC)

As amended on the Floor.

Introduced by:

J. M.S. Brown
Mark Forbes
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO POSTPONE THE EFFECTIVE DATE OF TITLE
5 GUAM CODE ANNOTATED SECTION 51506
REGARDING THE COLLECTION OF RECYCLING FEES.**

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

2 **Section 1. Effective Date of Title 5 of the Guam Code Annotated,**
3 **§51506.** The fees authorized by Title 5 GCA, Section 51506 shall *not* be due
4 and owing until the Rules and Regulations enacted pursuant to Title 5 Guam
5 Code Annotated, Section 51505 become effective. Such rules and regulations
6 shall be transmitted to *I Liheslaturan Guåhan* no later than ninety (90) days after
7 the effective date of the enactment of this Section.



MINA ' BENTE OCHO NA LIHESLATURAN GUAHAN
I Ufisinan Etmàs Ge'helo Gi Liheslaturan Guahan

MARK FORBES

Speaker

Chairperson, Committee on General & Omnibus Matters

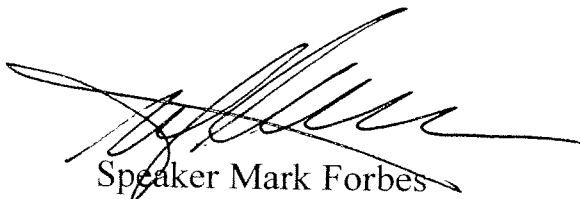
Chairperson, Executive Committee

Office of the Speaker

March 01, 2005

The Honorable Joanne M.S. Brown
Chairwoman
Committee on Natural Resources, Utilities and Micronesian Affairs
I Mina Bente Ocho na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Hafa Adai! Pursuant to the authority vested in me under Section 7.01 of Rule VII of *I Mina Bente Ocho na Liheslaturan Guahan's* Standing Rules, I hereby waive the public hearing requirements and those prescribed under 5 GCA, sections 8107 and 8108, as exempted by my authority as Speaker of *I Liheslaturan Guahan* and under the emergency requirements issued by Attorney General Opinion 78-02, for Bill No. 80 (EC), **“AN ACT TO REASSIGN RULEMAKING AUTHORITY, AND CONTRACTING AUTHORITY AND TO CHANGE CERTAIN DEADLINES REGARDING THE COLLECTIONS OF RECYCLING FEES AND TO REQUIRE GEPA TO PERFORM AN ECONOMIC IMPACT ASSESMENT BY AMMENDING TITLE 5 G.C.A. SECTIONS 51505 AND 51507.”** The aforementioned bill will be heard on March 2, 2005.



Speaker Mark Forbes

155 Hesler Place, Hagatna, Guam 96910

Telephone: 671-472-3407/408/512 * Facsimile: 671-477-5036 * Email: speakerforbes@yahoo.com

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 3-2-05

VOTING SHEET

Bill No. 80(EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					✓ EA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.		✓			
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.		✓			
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

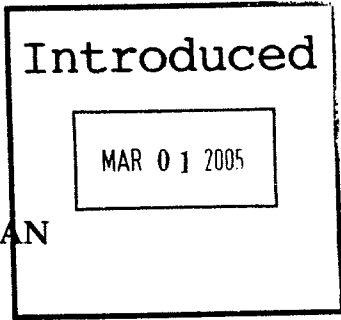
12 2 0 0 1

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6
3-2-05



MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 80 (EC)

Introduced by:

J.M.S. Brown
Mark Forbes

AN ACT TO REASSIGN RULEMAKING AUTHORITY, AND CONTRACTING AUTHORITY AND TO CHANGE CERTAIN DEADLINES REGARDING THE COLLECTIONS OF RECYCLING FEES AND TO REQUIRE GEPA TO PERFORM AN ECONOMIC IMPACT ASSESSMENT BY AMENDING TITLE 5 G.C.A. SECTIONS 51505 AND 51507

TO BE ENACTED BY THE PEOPLE OF GUAM:

Section One. Title 5 G.C.A. Section 51505 is amended to read:

§ 51505. Collection of Recycling Fees. The Guam Customs and Quarantine

Agency shall collect the Recycling Fees mandated by this Article on:

(a) recyclable materials imported for resale, which come in at the Jose D. Leon Guerrero Commercial Port of Guam, or any other seaport in Guam, to be collected *prior* to release, *except* as otherwise provided by this Act.

(b) recyclable materials imported for resale which come in as freight or unaccompanied baggage at the Antonio B. Won Pat International Airport, Guam, or any other airport in Guam, to be collected *prior* to release, *except* as otherwise provided by this Act; and

by J.M.S. Brown
FA2

Passed FA No. 1

Date: 3/2 Time: _____

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 80 (ec)

B. J. F. Cruz

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

To delete Sections 1 and 2 of the Bill (Bill 80(ec))

(Below only for Clerk of Legislature's use and processing))

Date 3/2, 2005

Floor Amendment No. 2 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED



AUTHOR OF AMENDMENT

Concur *(initial)*



Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

1 (c) recyclable materials imported for resale which come in as freight or
2 accompanied baggage at the A.B. Won Pat International Airport, or any other
3 airport in Guam, to be collected *prior to release, except as otherwise provided by*
4 this Act.

5 ~~The Guam Economic Development and Commerce Authority~~ Guam
6 Environmental Protection Agency is authorized to promulgate rules and
7 regulations in accordance with the Administrative Adjudication Law to enforce
8 the intent of this Law, ~~within ninety (90) days of enactment of this Section.~~ In
9 enacting the rules and regulations required by this section, GEPA shall comply
10 with Title 5 G.C.A. Section 9301 regarding an economic impact statement.

11 **Section Two.** Title 5 G.C.A. Section 51507 is amended to read:

12 **§51507. Authorization for GEPA DPW to contract with recycling**
13 **companies.**

14 (a) ~~GEPA~~ The Department of Public Works is authorized, in
15 accordance with the applicable procurement laws, to enter into contracts with
16 recycling companies for the collection, recycling, and disposal of automobiles,
17 buses, heavy equipment, trucks, batteries, tires, white goods, and other
18 recyclable materials. ~~GEPA~~ The Department of Public Works shall submit any
19 proposed Requests for Proposals to *I Liheslatura Guahan* within three (3) months
20 of the enactment of this Article.

21 (b) Successful offerors for contracts authorized under this Section shall
22 perform all work under this Article in compliance with all applicable laws,

*offering
FA 2
P.*

*lifelong
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1 including those of this Chapter, and Rules and Regulations of ~~GEPA~~ and the
2 Department of Public Works as may be established. At a minimum, ~~GEPA~~ ^x The ✓
3 Department of Public Works shall ensure that all offerors include, as part of their
4 processing, a plan to remove collected recyclable materials, including abandoned
5 vehicles, from Guam's waste stream.

6 (c) ~~GEPA~~ The Department of Public Works shall promulgate the
7 necessary Rules and Regulations, in accordance with the Administrative
8 Adjudication Law, to properly implement this Article.

9 **Section Three. Effective Dates.** (a) This act shall become effective
10 immediately. (b) The fees authorized by Title 5 G.C.A. Section 51506 shall not be
11 collected until the GEPA rules and regulations enacted pursuant to Title 5 G.C.A. Section
12 51505 become effective.

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES
Bill No. 80 (EC)

Sen. BJ Cruz
Senator Proposing Amendment

Amend Section 3 of the Bill to read as follows:

am
"Section 1. Effective Date of Title 5 GCA, Section 51505. The fees authorized by Title 5 GCA, Section 51506 shall *not* be due and owing until the Rules and Regulations enacted pursuant to 5 Guam Code Annotated, Section 51505 become effective. Such rules and regulations shall be transmitted to *I Liheslaturan Guåhan* no later than ninety (90) days after the effective date of the enactment of this Section."

(Below only for Clerk of Legislature's use and processing)

Date 3/2, 2005

Floor Amendment No. 3 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED: ✓

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED


AUTHOR OF AMENDMENT

Concur (initial)


Clerk of Legislature

Speaker

Ass't. Amend. Clerk

Engrossment Staff



I MINA ' BENTE OCHO NA LIHESLATURAN GUÅHAN
I Ufisinan Etmås Ge'helo Gi Liheslaturan Guåhan

MARK FORBES

Chairperson, Committee on General & Omnibus Matters

Speaker

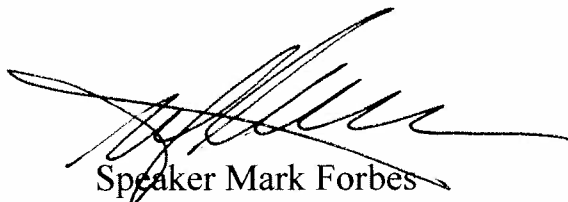
Chairperson, Executive Committee

Office of the Speaker

March 01, 2005

The Honorable Joanne M.S. Brown
Chairwoman
Committee on Natural Resources, Utilities and Micronesian Affairs
I Mina Bente Ocho na Liheslaturan Guahan
155 Hesler Street
Hagatna, Guam 96910

Hafa Adai! Pursuant to the authority vested in me under Section 7.01 of Rule VII of *I Mina Bente Ocho na Liheslaturan Guahan's* Standing Rules, I hereby waive the public hearing requirements and those prescribed under 5 GCA, sections 8107 and 8108, as exempted by my authority as Speaker of *Liheslaturan Guahan* and under the emergency requirements issued by Attorney General Opinion 78-02, for Bill No. 80 (EC), **“AN ACT TO REASSIGN RULEMAKING AUTHORITY, AND CONTRACTING AUTHORITY AND TO CHANGE CERTAIN DEADLINES REGARDING THE COLLECTIONS OF RECYCLING FEES AND TO REQUIRE GEPa TO PERFORM AN ECONOMIC IMPACT ASSESMENT BY AMMENDING TITLE 5 G.C.A. SECTIONS 51505 AND 51507.”** The aforementioned bill will be heard on March 2, 2005.



Speaker Mark Forbes

155 Hesler Place, Hagatna, Guam 96910

Telephone: 671-472-3407/408/512 * Facsimile: 671-477-5036 * Email: speakerforbes@yahoo.com



Office of the Governor of Guam

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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 () PM
RECEIVED BY: [Signature]

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

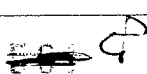
Dear Speaker Pangelinan:

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.



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

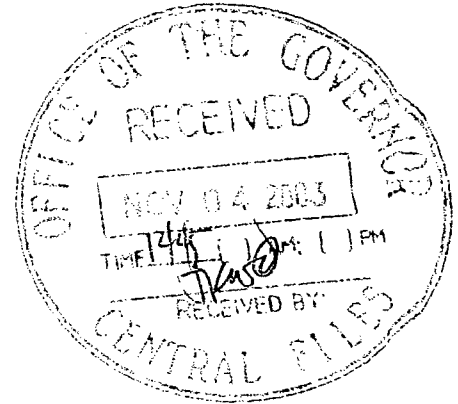
cc: The Honorable Tina Rose Muna-Barnes
Senator and Legislative Secretary



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

November 4, 2003

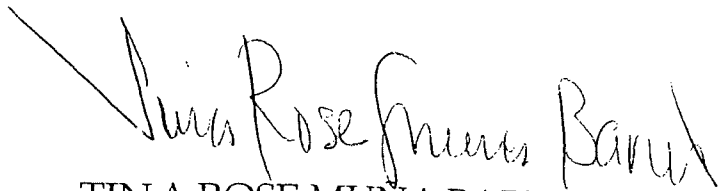
The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



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 31st day of October, 2003, duly and regularly passed.

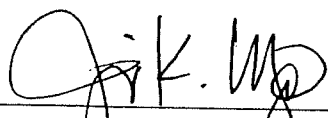
Attested:


Tina Rose Muña Barnes

Senator and Legislative Secretary

vicente (ben) c. pangelinan
Speaker

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



Assistant Staff Officer
Maga'lahaen'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 (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.

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 80 (EC)

Introduced by:

J.M.S. Brown
Mark Forbes



AN ACT TO REASSIGN RULEMAKING AUTHORITY, AND
CONTRACTING AUTHORITY AND TO CHANGE CERTAIN
DEADLINES REGARDING THE COLLECTIONS OF RECYCLING FEES
AND TO REQUIRE GEPA TO PERFORM AN ECONOMIC IMPACT
ASSESSMENT BY AMENDING TITLE 5 G.C.A. SECTIONS 51505 AND
51507

TO BE ENACTED BY THE PEOPLE OF GUAM:

1 **Section One.** Title 5 G.C.A. Section 51505 is amended to read:

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

4 (a) recyclable materials imported for resale, which come in at the Jose
5 D. Leon Guerrero Commercial Port of Guam, or any other seaport in Guam, to be
6 collected *prior* to release, *except* as otherwise provided by this Act.

7 (b) recyclable materials imported for resale which come in as freight or
8 unaccompanied baggage at the Antonio B. Won Pat International Airport, Guam,
9 or any other airport in Guam, to be collected *prior* to release, *except* as otherwise
10 provided by this Act; and

1 (c) recyclable materials imported for resale which come in as freight or
2 accompanied baggage at the A.B. Won Pat International Airport, or any other
3 airport in Guam, to be collected *prior* to release, *except* as otherwise provided by
4 this Act.

5 The ~~Guam Economic Development and Commerce Authority~~ Guam
6 Environmental Protection Agency is authorized to promulgate rules and
7 regulations in accordance with the Administrative Adjudication Law to enforce
8 the intent of this Law, ~~within ninety (90) days of enactment of this Section.~~ In
9 enacting the rules and regulations required by this section, GEPA shall comply
10 with Title 5 G.C.A. Section 9301 regarding an economic impact statement.

11 **Section Two.** Title 5 G.C.A. Section 51507 is amended to read:

12 **§51507. Authorization for ~~GEPA~~ DPW to contract with recycling**
13 **companies.**

14 (a) ~~GEPA~~ The Department of Public Works is authorized, in
15 accordance with the applicable procurement laws, to enter into contracts with
16 recycling companies for the collection, recycling, and disposal of automobiles,
17 buses, heavy equipment, trucks, batteries, tires, white goods, and other
18 recyclable materials. ~~GEPA~~ The Department of Public Works shall submit any
19 proposed Requests for Proposals to *I Liheslatura Guahan* within three (3) months
20 of the enactment of this Article.

21 (b) Successful offerors for contracts authorized under this Section shall
22 perform all work under this Article in compliance with all applicable laws,

1 including those of this Chapter, and Rules and Regulations of GEPA and the
2 Department of Public Works as may be established. At a minimum, ~~GEPA~~ The
3 Department of Public Works shall ensure that all offerors include, as part of their
4 processing, a plan to remove collected recyclable materials, including abandoned
5 vehicles, from Guam's waste stream.

6 (c) ~~GEPA~~ The Department of Public Works shall promulgate the
7 necessary Rules and Regulations, in accordance with the Administrative
8 Adjudication Law, to properly implement this Article.

9 **Section Three. Effective Dates.** (a) This act shall become effective
10 immediately. (b) The fees authorized by Title 5 G.C.A. Section 51506 shall not be
11 collected until the GEPA rules and regulations enacted pursuant to Title 5 G.C.A. Section
12 51505 become effective.