

I Mina Trentai Kuáattro 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; and substituted and amended on the Floor.	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.	10/16/17 8:09 a.m. AS CORRECTED 10/18/17 12:10 p.m.						
	SESSION DATE	TITLE	DATE PASSED	DATE AND TIME TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
10/23/2017	AN ACT TO ADD NEW SUBSECTIONS (d), (e), AND (f) TO § 51A117, AND NEW §§ 51A118, 51A119, 51A120, AND 51A121, ALL OF ARTICLE 1, CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED; TO AMEND § 4403(f) OF ARTICLE 4, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO ADD A NEW § 5117A TO SUBARTICLE B OF ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF FEDERAL RECEIVERSHIP AND THE DELEGATION OF PROCUREMENT AUTHORITY.	10/27/17	10/30/17 11:36 a.m.	11/10/17	34-58	11/1/2017	10.18.17-Letter Waiver of Public Hearing. Received: 11/7/17 Mess and Comm. Doc. No. 34GL-17-1203		



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

NOV 07 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GL# 34-17-1203
Speaker Benjamin J.F. Cruz

NOV 07 2017

Time: 2:23 PM File No. 34-1174
Received By:

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 200-34 (COR), "AN ACT TO ADD NEW SUBSECTIONS (D), (E), AND (F) TO § 51A117, AND NEW §§ 51A118, 51A119, 51A120, AND 51A121, ALL OF ARTICLE 1, CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED; TO AMEND § 4403(F) OF ARTICLE 4, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO ADD A NEW § 5117A TO SUBARTICLE B OF ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF FEDERAL RECEIVERSHIP AND THE DELEGATION OF PROCUREMENT AUTHORITY," which was signed on November 1, 2017, as Public Law 34-58.

Senseramente,

EDDIE BAZA CALVO

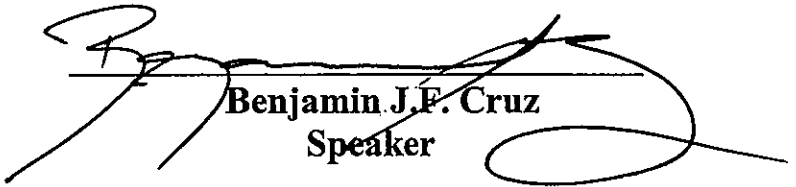
2017 NOV - 7 PM 2:45:03




I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

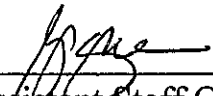
This is to certify that **Substitute Bill No. 200-34 (COR), "AN ACT TO ADD NEW SUBSECTIONS (D), (E), AND (F) TO § 51A117, AND NEW §§ 51A118, 51A119, 51A120, AND 51A121, ALL OF ARTICLE 1, CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED; TO AMEND § 4403(F) OF ARTICLE 4, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO ADD A NEW § 5117A TO SUBARTICLE B OF ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF FEDERAL RECEIVERSHIP AND THE DELEGATION OF PROCUREMENT AUTHORITY,"** was on the 27th day of October 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 30th day of Oct,
2017, at 11:36 o'clock a.M.


Assistant Staff Officer
Maga'láhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: NOV 01 2017

Public Law No. 34-58

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 200-34 (COR)

As corrected by the Prime Sponsor;
and substituted and amended on the Floor.

Introduced by:

Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* NEW SUBSECTIONS (d), (e), AND (f) TO § 51A117, AND NEW §§ 51A118, 51A119, 51A120, AND 51A121, ALL OF ARTICLE 1, CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED; TO *AMEND* § 4403(f) OF ARTICLE 4, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 5117A TO SUBARTICLE B OF ARTICLE 2, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE TRANSITION OF THE GUAM SOLID WASTE AUTHORITY OUT OF FEDERAL RECEIVERSHIP AND THE DELEGATION OF PROCUREMENT AUTHORITY.

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

2 **Section 1.** New Subsections (d), (e), and (f) are hereby *added* to § 51A117
3 of Article 1, Chapter 51A, Title 10, Guam Code Annotated, to read:

1 “(d) The Board *shall* establish a Compensation and Classification
2 Plan to include the compensation and classification of the employees. The
3 Compensation and Classification Plan *shall* apply to all positions, classified
4 and unclassified. The Board may amend from time to time, the compensation
5 rates and classification plan of the employees. Such rates and plan *shall* be
6 effective upon approval by the Governor.

7 (e) A new position *shall* include justification, an analysis of the
8 similarities and/or differences between the position to be created and positions
9 listed pursuant to 4 GCA § 4101.1, the position description, the proposed pay
10 range and demonstration of compliance with 4 GCA § 6301, a fiscal note as
11 that term is described in 2 GCA § 9101 *et seq.*, and any other pertinent
12 information.

13 (f) The General Manager of the Authority and the Director of the
14 Department of Administration *shall* post the position on their respective
15 websites for ten (10) working days.”

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

18 “§ 51A118. The following Subsections *shall* apply for purposes of
19 effectuating the transition of personnel, procurement authority, and financial
20 management from federal receivership to full management and operation of the
21 Authority by the Authority upon termination of said receivership:

22 (a) All existing classified employees *shall* remain classified with no
23 diminution in any benefits or rights as established in this Chapter;

24 (b) Notwithstanding any other provisions of law, the Authority, in
25 order to effect a stabilization of services during and after transition from
26 federal receivership, *shall* be empowered to retain any non-government of
27 Guam employee through employment contracts, who is not within the

1 classified service of the government of Guam, and who is not entitled to any
2 government benefits under this Chapter, for no more than three (3) years from
3 the date of transfer of management from federal receivership; and

4 (c) All short term operational contracts, obligations, services, and
5 procurement in effect at the time of transition *shall* remain in effect until they
6 terminate pursuant to the terms of their respective agreements.
7 Notwithstanding Chapter 5 of Title 5 GCA, in the event that the contract(s) to
8 provide labor, supplies, and services determined by the Authority to be
9 essential to the uninterrupted operation of the Authority, expires on the day of
10 turnover or within three (3) years from the date of turnover, the Authority is
11 authorized to extend those contracts for a period of up to three (3) years, but
12 in no event shall an extension under this Section exceed three (3) years from
13 the date of turnover.”

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

16 **“§ 51A119. Management Audit by Public Utilities Commission.**

17 The Public Utilities Commission (PUC) *shall* perform a management
18 audit of the existing operations of the Guam Solid Waste Authority. Said audit
19 *shall* be initiated within sixty (60) days from the date of enactment of this Act
20 and, to the maximum extent possible, completed by December 30, 2017. The
21 PUC *shall* have the full authority and powers conferred upon it by its enabling
22 legislation in Chapter 12 of Title 12 GCA.”

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

25 **“§ 51A120. Service Rates.**

26 (a) Rates and charges for the collection, transportation, disposal,
27 storage, recycling and processing of solid waste in effect at the time of

1 enactment of this Act *shall* remain in effect and be adopted by the Authority
2 until the Public Utilities Commission (PUC) has approved a petition for
3 adjustment of rates.

4 (b) The Authority *shall not* submit any proposed rate change to the
5 PUC until the following actions have occurred:

6 (1) the Authority *shall* publish notice of any proposed rate
7 change in a newspaper of general circulation, as defined in 5 GCA §
8 8104, at least sixty (60) days prior to submitting the proposed rate
9 change to the PUC. The notice required herein *shall* include the
10 Authority's intention to submit its proposed rate change to the PUC, its
11 current rate, the proposed rate, the difference in the current and
12 proposed rates stated in percentage form, a justification for the change,
13 and an electronic mail address and physical location where comments
14 on the proposed rate change may be submitted; and

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

23 **Section 5.** A new § 51A121 is *added* to Chapter 51A, Title 10, Guam Code
24 Annotated, to read:

25 **"§ 51A121. Acquisition of Existing Systems, Employees and Debt.**

26 No later than thirty (30) days before the effective date of transfer of
27 operational control from the federal receiver to the Authority, the Authority

1 *shall* assume in writing from the federal receiver:

2 (a) all real property under the federal receiver's
3 administration, and items of property, materials, and supplies under the
4 custody of the federal receiver, including construction work in
5 progress; and

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

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

13 “(f) The jurisdiction of the Commission *shall* also apply to the
14 adverse action appeals of certified, technical, and professional personnel of
15 the Guam Power Authority and the Guam Waterworks Authority; the
16 jurisdiction of the Commission *shall* apply to all classified personnel of the
17 Guam Memorial Hospital Authority and the Guam Solid Waste Authority;”

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

20 “**§ 5117A. Procurement Authority Shall Be Delegated to the Guam**
21 **Solid Waste Authority.**

22 (a) Notwithstanding any other provision of the Guam Procurement
23 Law, the authority to procure supplies and services and construction for the
24 Guam Solid Waste Authority (GSWA) *shall* be delegated by the Chief
25 Procurement Officer and the Director of the Department of Public Works to
26 the Board of Directors of the Guam Solid Waste Authority.

1 (b) GSWA *shall* ensure that its procurement officials undergo and
2 successfully complete procurement training pursuant to 5 GCA § 5141, and
3 are enrolled in the earliest training class that becomes available.”

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