

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
209-34 (COR) As substituted and amended on the Floor.	Thomas C. Ada	AN ACT TO AMEND SECTION 1(ff), CHAPTER V OF PUBLIC LAW 34-42, RELATIVE TO APPROPRIATING SOLID WASTE OPERATIONS FUNDS TO THE GUAM SOLID WASTE AUTHORITY FOR ITS OPERATIONS IN FISCAL YEAR 2018.	11/09/17 3:19 p.m.	11/14/17	Committee on Appropriations and Adjudication	11/20/17 9:00 a.m.	11/22/17 4:21 p.m.	Fiscal Note Request 11/14/17  Fiscal Note 11/22/17	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>DATE AND TIME TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	11/27/2017	AN ACT TO AMEND SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO AMEND §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSWA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSWA COMPTROLLER POSITION.	11/27/17	11/27/17 4:53 p.m.	12/08/17	34-68	11/28/2017	Received: 11/28/17 Mess and Comm. Doc. No. 34GL-17-1268.	



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

NOV 28 2017

GU# 34-17-1268  
Speaker Benjamin J.F. Cruz

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

NOV 28 2017

Time: 11:50 AM File No. 34-1249  
Received By: elen

Dear Mr. Speaker:

Transmitted herewith is Substitute Bill No. 209-34 (COR), "AN ACT TO AMEND SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO AMEND §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSWA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSWA COMPTROLLER POSITION which was signed on November 28, 2017, as **Public Law 34-68**.

*Senseramente,*

  
EDDIE BAZA CALVO

2017 NOV 28 PM 12:28

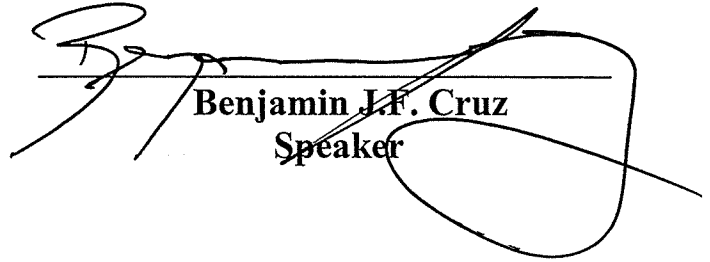
1268




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

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

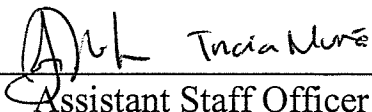
This is to certify that **Substitute Bill No. 209-34 (COR), "AN ACT TO AMEND SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO AMEND §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSA COMPTROLLER POSITION,"** was on the 27<sup>th</sup> day of November 2017, duly and regularly passed.

  
Benjamin J.F. Cruz  
Speaker

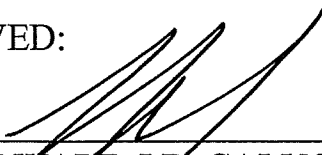
Attested:

  
Régine Biscoe Lee  
Legislative Secretary

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This Act was received by *I Maga'láhen Guáhan* this 27<sup>th</sup> day of Nov,  
2017, at 4:53 o'clock P.M.

  
Assistant Staff Officer  
*Maga'láhi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'láhen Guáhan*

Date: NOV 28 2017

Public Law No. 34-68

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

**Bill No. 209-34 (COR)**

As substituted and amended on the Floor.

Introduced by:

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

**AN ACT TO *AMEND* SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO *AMEND* §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSWA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSWA COMPTROLLER POSITION.**

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

2       **Section 1.** Section 1(ff), Chapter V of Public Law 34-42 is hereby *amended*

3 to read:

4       “(ff) **GUAM SOLID WASTE AUTHORITY (GSWA)**

5               **(1) Appropriation.** The sum of Nineteen Million One Hundred  
6       Sixty Thousand Dollars (**\$19,160,000**) is appropriated from the Solid Waste

1 Operations Fund to the Guam Solid Waste Authority for its operations and  
2 required reserve for Fiscal Year 2018. The appropriated sum of Nineteen  
3 Million One Hundred Sixty Thousand Dollars (\$19,160,000) is inclusive of  
4 sums already expended or encumbered by the court appointed receiver in  
5 Fiscal Year 2018. Any surpluses *shall* be available for appropriation for  
6 GSWA operations in succeeding fiscal years.

7 **SUMMARY OF APPROPRIATIONS FUNDING SOURCE**

8 SOLID WASTE OPERATIONS FUND	\$19,160,000
9 <b>TOTAL</b>	<b>\$19,160,000</b>

10 For information purposes only:

11 FEDERAL MATCHING GRANTS-IN-AID	\$0
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12 (2) The appropriation in Subsection (ff)(1) *shall not* be subject to *I*  
13 *Maga'låhen Guåhan's* transfer authority, and such funds *shall not* be subject  
14 to transfers out to any other fund.”

15 **Section 2.** § 51A110 of Chapter 51A, Title 10, Guam Code Annotated, is  
16 hereby *amended* to read:

17 **“§ 51A110. Other Officers.**

18 (a) The Board may also appoint a Secretary, a Comptroller, and an  
19 Attorney, who all *shall* serve at the pleasure of the Board, and whose duties  
20 and compensation *shall* be fixed by the Board. The Board may appoint one  
21 (1) or more assistants to any such office. Any of such offices may be  
22 consolidated in one (1) person.

23 (b) The Secretary *shall* have charge of all records and minutes of the  
24 Board.

25 (c) The Attorney, who must have been admitted to practice in Guam,  
26 *shall* advise the Board and the General Manager on all legal matters to which  
27 the Authority is a party or in which the Authority is legally interested, and

1 may represent the Authority in connection with legal matters before *I*  
2 *Liheslatura* (the Legislature), boards, and other agencies of the government  
3 of Guam. The Attorney General *shall* represent the Authority in litigation  
4 concerning the affairs of the Authority; provided, that he may delegate this  
5 duty to the Attorney of the Authority, with respect to any such litigation.

6 (d) The Comptroller must possess a minimum of five (5) years of  
7 overall combined accounting and finance experience, have thorough  
8 knowledge of accounting principles and procedures, have experience creating  
9 financial statements, have experience with general ledger functions and the  
10 month-end/year-end closing process, and excellent accounting software user  
11 and administration skills. The Comptroller is accountable for the accounting  
12 operations of the Authority, to include the production of periodic financial  
13 reports, maintenance of an adequate system of accounting records, and a  
14 comprehensive set of controls and budgets designed to mitigate risk,  
15 enhance the accuracy of the Authority's reported financial results, and  
16 ensure that reported results comply with generally accepted accounting  
17 principles. The Comptroller is additionally responsible for cash  
18 management and risk management."

19 **Section 3.** § 51A111 of Chapter 51A, Title 10, Guam Code Annotated, is  
20 hereby *amended* to read:

21 **"§ 51A111. Employees.**

22 All employees of the Authority *shall* be eligible for all insurance,  
23 retirement, worker's compensation and other benefits as extended to  
24 employees of the government of Guam, and *shall* be employees of the  
25 government of Guam for the purposes of the application of all civil service  
26 laws and personnel rules and regulations that apply to government of Guam  
27 employees, inclusive of all scales, tables and schedules for compensation.

1 With respect to compensation, this Section *shall not* apply to the  
2 compensation of the General Manager, Assistant General Manager:  
3 Administration, Assistant General Manager: Operations, and Technical  
4 Support, Secretary, Attorney, the Comptroller, or the Chief Financial  
5 Officer.”

6 **Section 4.** § 51A117 of Chapter 51A, Title 10, Guam Code Annotated, is  
7 hereby *amended* to read:

8 **“§ 51A117. Employment.**

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

16 (b) Classified employees of the Authority *shall* be members of the  
17 Government of Guam Retirement Fund. The Authority *shall* contribute to the  
18 Government of Guam Retirement Fund on the basis of annual billings as  
19 determined by the Board of Trustees of the Government of Guam Retirement  
20 Fund, for the government share of the cost of the retirement benefits  
21 applicable to the Authority’s employees and their beneficiaries. The Authority  
22 *shall* also contribute to the Worker’s Compensation Fund, on the basis of  
23 annual billings as determined by the Worker’s Compensation Commissioner,  
24 for the benefit payments made from such Fund on account of the Authority’s  
25 employees.

26 (c) Notwithstanding any other provisions of law, neither the General  
27 Manager, Assistant General Managers, Secretary, the Comptroller, nor Chief

1 Financial Officer of the Authority shall be within the classified service of the  
2 government of Guam, but *shall* be hired, compensated, and employed under  
3 the terms and conditions fixed by, and at the pleasure of the Board.”

4 **Section 5. Effective Date.** This Act *shall* become effective upon enactment.

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