



Office of the Governor of Guam

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Office of the People's Speaker
vicente (ben) c. pangelinan

DEC 10 2003

TIME: 4:50 ( ) AM ( ) PM
RECEIVED BY: [Signature]

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

09 DEC 2003

The Honorable Vicente C. Pangelinan
Speaker
I Mina'Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 100 (COR), "AN ACT TO CREATE A MUNICIPAL RECYCLING PROGRAM, BY ADDING A NEW ARTICLE 6 TO CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10, GUAM CODE ANNOTATED," which I signed into law on November 14, 2003, as Public Law No. 27-37.

I would like to commend I Mina'Bente Siete Na Liheslaturan Guåhan, most notably, the author, Senator Tina Muña Barnes, for a laudable piece of legislation. With limited space on Guam, we must all do our part to recycle. Bill No. 100, now Public Law 27-37, establishes a Municipal Recycling Program at the village level. Not only does this legislation promote recycling but also it allows the proceeds from the sale of recyclable material to be used for the needs of our island villages. The legislation requires the Department of Public Works to implement the program in partnership with the village mayors. Unfortunately, the legislation does not provide the DPW any resources to adequately implement the operations of this program. Therefore, I humbly ask I Mina'Bente Siete Na Liheslaturan Guåhan to amend the law to permit the DPW to get a portion of the proceeds for operational costs or appropriate the necessary funds to the DPW directly. Please also note, that the definition of "recycling" in this legislation 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 in Section 61601(b) of Section 2 of the measure.

I also ask all village mayors to assist in making this program work. We all must be committed to maximize recycling which benefits our resource conservation, reduce our solid waste, protect our environment, conserve energy and stimulate social and economic development.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Camacho', written in a cursive style.

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

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2003 (FIRST) Regular Session

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

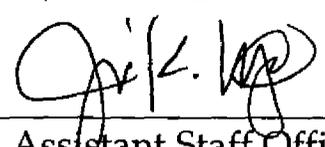
This is to certify that Substitute Bill No. 100 (COR) "AN ACT TO CREATE A MUNICIPAL RECYCLING PROGRAM, BY ADDING A NEW ARTICLE 6 TO CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10, GUAM CODE ANNOTATED", was on the 31<sup>st</sup> day of October, 2003, duly and regularly passed.

Attested:

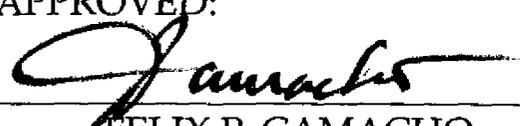
  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

\_\_\_\_\_  
vicente (ben) c. pangelinan  
Speaker

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

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO  
I Maga'lahen Guåhan

Date: 11/14/03

Public Law No. 27-37



**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'laken 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**

**Bill No. 100 (COR)**

As substituted by the Committee on Youth & Senior Citizens,  
Federal & Foreign Affairs, Military & Veterans Affairs,  
Human Resources and Natural Resources and  
amended on the Floor.

Introduced by:

T. R. Muña Barnes  
R. J. Respicio  
L. F. Kasperbauer  
J. M. S. Brown  
C. Fernandez  
F. B. Aguon, Jr.  
F. R. Cunliffe  
Mark Forbes  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
v. c. pangelinan  
J. M. Quinata  
Toni Sanford  
Ray Tenorio

**AN ACT TO CREATE A MUNICIPAL RECYCLING  
PROGRAM, BY ADDING A NEW ARTICLE 6 TO  
CHAPTER 51 OF DIVISION 2 OF PART 2 OF TITLE 10,  
GUAM CODE ANNOTATED.**

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

2           **Section 1. Legislative Findings.** *I Mina'Bente Siete Na Liheslaturan*  
3 *Guåhan* finds that the Integrated Solid Waste Management Plan, as  
4 adopted in Public Law 25-175, identifies sorting, recycling, and  
5 composting as major elements in any strategy to effectively manage the  
6 municipal solid waste stream generated by the community and protect

1 the environment of the island. *I Mina'Bente Siete Na Liheslaturan Guåhan*  
2 further finds that for recycling to take root within the community it has  
3 to start at the village level. Consequently, *I Mina'Bente Siete Na*  
4 *Liheslaturan Guåhan* finds that it would serve the interests of the people  
5 of Guam to establish a Municipal Recycling Program implemented in  
6 each village, in concert with the village mayors, which would start out  
7 as a pilot program in just three (3) villages: one (1) each in the northern,  
8 central and southern Guam.

9 **Section 2. Municipal Recycling Program.** A new Article 6 is  
10 hereby *added* to Chapter 51 of Division 2 of Part 2 of Title 10, Guam  
11 Code Annotated, to read as follows:

12 **"Article 6**

13 **§61601. Definitions.**

14 **§61602. Creation of Municipal Recycling Proceeds Fund for**  
15 **each village.**

16 **§61603. Creation of the Municipal Recycling Program.**

17 **§61604. Authorization for Municipal Planning Councils to use**  
18 **the proceeds from the sale of recyclable materials for**  
19 **village needs.**

20 **Municipal Recycling Program.**

21 **§61601. Definitions.** For purposes of this Article, except as  
22 otherwise provided, the following words and phrases, together  
23 with all of the common derivatives thereof, shall have the  
24 meaning ascribed to them as follows:

25 (a) 'GEPA' shall mean the Guam Environmental Protection

1 Agency.

2 (b) 'Recycling' means the process by which recovered  
3 resources are transformed into new products in such a manner  
4 that products lose their initial identity, as defined in §51102 (18) of  
5 Chapter 51 of Title 10 of the Guam Code Annotated.

6 (c) 'Recyclable materials' means materials which still have  
7 useful physical or chemical properties after serving a specific  
8 purpose for the same or other purpose. Recyclable materials are  
9 as follows:

- 10 (1) batteries (i.e., lead-acid, portable computer  
11 batteries, nickel-cadmium, sealed types for  
12 power backup);
- 13 (2) automobiles, buses, and trucks or any form of  
14 motorized vehicle;
- 15 (3) tires (passenger/commercial);
- 16 (4) enameled white goods;
- 17 (5) home appliances (other small appliances that are  
18 not considered enameled white goods);
- 19 (6) glass and plastic bottles;
- 20 (7) foam padding;
- 21 (8) lead;
- 22 (9) metals (ferrous/non-ferrous);
- 23 (10) organic material (i.e., tree trimmings, palm  
24 fronds, grass, food waste, soiled cardboard);
- 25 (11) paper products;

- 1 (12) wood pallets and scrap wood;
- 2 (13) construction and demolition debris ('C&D');
- 3 (14) x-ray film;
- 4 (15) automobile oil and fluids;
- 5 (16) Freon and other refrigerant gases;
- 6 (17) electronic waste (i.e., computers, circuit boards,
- 7 televisions, and portable phones);
- 8 (18) heavy equipment; and
- 9 (19) other recyclable materials deemed recyclable by
- 10 GEPA pursuant to the Rules and Regulations.

11 (d) 'Recycling company' means any business licensed by the  
12 Department of Revenue and Taxation, and issued a permit, as  
13 required in §51104 of Chapter 51 of Title 10 of the Guam Code  
14 Annotated, from the Guam Environmental Protection Agency to  
15 conduct business on Guam.

16 (e) 'DPW' means the Department of Public Works.

17 **§61602. Creation of Municipal Recycling Proceeds Fund**  
18 **for each village.** There is hereby established a Municipal  
19 Recycling Proceeds Fund for each municipality which shall be  
20 maintained separate and apart from any other funds, including  
21 the General Fund of the government of Guam, and independent  
22 records and accounts shall be maintained in connection therewith.  
23 The proceeds from the sale of recyclable materials collected, in  
24 accordance with the Municipal Recycling Program, from each  
25 village shall be deposited in the respective Municipal Recycling

1 Proceeds Fund. All revenue deposited in each Municipal  
2 Recycling Proceeds Fund shall not be commingled with General  
3 Fund monies and shall be kept in a separate bank account. All  
4 proceeds from fees collected in accordance with §61603 of this  
5 Article shall be deposited in the Municipal Recycling Proceeds  
6 Fund for the respective village and used exclusively for the  
7 purposes authorized in §61604 of this Article. The Municipal  
8 Planning Council of each municipality shall administer the  
9 Municipal Recycling Proceeds Fund for its municipality which  
10 shall be subject to audits by the Public Auditor.

11 **§61603. Creation of the Municipal Recycling Program.**

12 There is hereby created a Municipal Recycling Program within the  
13 Recycling Office of the Department of Public Works to promote  
14 recycling on the municipal level in partnership with the village  
15 mayors. The program shall incorporate the following components:

16 (1) **Recycling Drop-Off Bins.** DPW shall solicit drop-  
17 off bins from recycling companies that would be made  
18 available to each mayor participating in the Municipal  
19 Recycling Program. The recycling drop-off bins shall be rust-  
20 proof, and located at a suitable site within the respective  
21 villages so that the residents will have a repository to which  
22 they can bring recyclable materials in accordance with  
23 guidelines established by DPW. The mayors of each village  
24 participating in the program will be responsible for the  
25 security and cleaning of the bins and the supervision of

1           their use for recycling purposes.

2           **(2) Village Education Program.** In coordination with  
3 the village mayors, DPW and GEPA shall create educational  
4 programs to promote recycling and the use of the recycling  
5 drop-off bins within each village.

6           **(3) Sale of Recyclable Materials.** In partnership with  
7 the village mayors, DPW shall arrange for the sale of  
8 recyclable materials, collected at the Recycling Drop-off Bins  
9 in each village, to recycling companies. The proceeds from  
10 the sale of recyclable materials shall be deposited into the  
11 respective Municipal Recycling Proceeds Fund of the village  
12 from which the recyclable materials were collected.

13           **(4)** The Program shall first begin with pilot programs  
14 at three (3) villages; one (1) each from northern, central, and  
15 southern Guam. The selection of the three (3) villages shall  
16 be made by DPW in concert with the village mayors.

17           **§61604. Authorization for Municipal Planning Councils to**  
18 **use the proceeds from the sale of recyclable materials for village**  
19 **needs.** The proceeds from the sale of recyclable materials from a  
20 village site shall be retained for use by the municipal government  
21 of that village in its Municipal Recycling Proceeds Fund.  
22 Expenditures from a village's Municipal Recycling Proceeds Fund  
23 shall be exclusively for the needs of that village as determined by  
24 the respective Municipal Planning Council through adoption of a  
25 resolution."