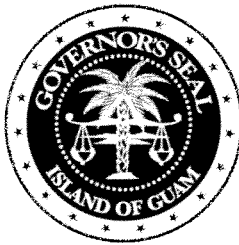


I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
54-32 (COR), P.L. 32-021	V.C. Pangelinan M.F.Q. San Nicolas	AN ACT AMEND § 511005 AND § 511006 AND TO ADD § 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS.	2/25/2013 12:11 p.m.	2/25/2013 Re-Referred 02/28/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks Recreation, Historic Preservation and Land		03/25/13 9:26 a.m.	Fiscal Note Requested 2/26/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	4/1/2013	AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND	4/2/13	12:10pm	4/12/13	4/11/2013	32-021	As amended by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 12, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Bill No. 54-32 (LS) – Public Law No. 32-021

Dear Madame Speaker:

Transmitted herewith is Bill No. 54-32 (LS), "AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND", which I signed into law on April 11, 2013, as Public Law 32-021.

Senseramente,

EDDIE BAZA CALVO

Attachment: Copy of Bill

0283

2013 APR 12 PM 4: 23

32-13-283
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 4/12/13
Time 4PM
Received by RT

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

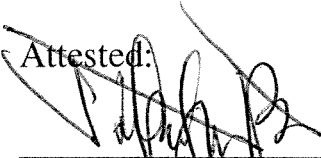
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 54-32 (COR)**, "AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND", was on the 1st day of April, 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



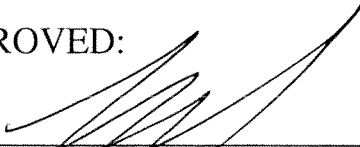
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2 day of April, 2013, at 12:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: APR 1 1 2013

Public Law No. 32-021

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 54-32 (COR)

As amended by the Committee on Appropriations,
Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation and Land.

Introduced by:

Vicente (ben) C. Pangelinan
Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT AMEND §§511005 AND 511006, AND TO ADD
NEW §§511007 AND 511008 TO ARTICLE 10 OF
CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED;
AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2,
CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE MANAGEMENT OF THE HOST
COMMUNITY FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Host Community Benefit Fund (Fund) was established by Public Law 30-

1 165 to recognize the impact on the villages of *Inarajan* and *Ordot* as Host
2 Communities to the *Layon* landfill and the *Ordot* dump, and to receive revenue
3 from the tipping fees to fund quality of life enhancements in their respective
4 villages.

5 *I Liheslaturan Guåhan* further finds that Public Law 30-165 provides for
6 host community benefits for a landfill located in villages from the opening to the
7 closing of the landfill. This assumes that the landfill has been operated as a Subtitle
8 D landfill that poses no adverse effects on the community when the landfill is
9 ultimately closed. The *Ordot* dump, however, has *not* been operated pursuant to
10 Subtitle D regulations and will require, according to the Guam Post-Closure Care
11 and Maintenance Plan (July 2005) prepared by Dueñas & Associates, post-closure
12 care and maintenance of the property for thirty (30) years *or* until such time that it
13 is deemed by the Administrator of the Guam Environmental Protection Agency
14 that there is a significant reduction in the adverse effects to human health and the
15 environment.

16 Therefore, *I Liheslaturan Guåhan* intends to clarify that *Ordot-Chalan Pago*
17 is eligible for the host community premiums during this post-closure period, and to
18 give the Municipal Planning Council (Council) of the Host Community the
19 governing authority over these funds.

20 **Section 2.** §§511005 and 511006 of Article 10, Chapter 51 of Title 10,
21 Guam Code Annotated, are hereby *amended* to read:

22 “§ 511005. **Host Community Premiums.** The Host Community
23 premium *shall* be assessed from the opening of the *Inarajan* landfill until the
24 closing of the *Inarajan* landfill. The aggregate Host Community premium is
25 One Hundred Fifty Thousand Dollars (\$150,000) per year for the village of
26 *Inarajan*.

1 The aggregate Host Community premium is One Hundred Fifty
2 Thousand Dollars (\$150,000) per year for the village of *Ordot*, through the
3 duration of the post-closure period, in conformance with the Guam Post-
4 Closure Care and Maintenance Plan (2005), *or* a subsequent post closure
5 plan duly adopted by the authorized agencies and entities, *or* until such time
6 that the Administrator of the Guam Environmental Protection Agency deems
7 the land clear and free of any and all toxins that could potentially harm the
8 health of humans and/or the environment.

9 The Host Community premium *shall* be reviewed *at least* once every
10 five (5) years and may be adjusted by the Public Utilities Commission
11 (PUC) to account for factors such as inflation. The Public Utilities
12 Commission (PUC) *shall* equitably determine the Host Community premium
13 for each residential and commercial account.

14 **§ 511006. Host Community Fund Management.** The Host
15 Community Fund *shall* be maintained separate and apart from all other
16 government funds and managed by the Mayor and the Municipal Planning
17 Council. No expenditure shall be made from the Fund that is *not* approved
18 by resolution of the respective Municipal Planning Councils of the Host
19 Community. The funds deposited in the Host Community Fund *shall only* be
20 used by the respective Host Community for the purposes of the Host
21 Community Benefit projects as described in § 511003 of this Article. The
22 Host Community Fund *shall* be subject to periodic audit by the Office of
23 Public Accountability, and *shall not* be subject to any transfer authority of I
24 *Maga'lahaen Guåhan.*”

25 **Section 3.** New §§511007 and 511008 are hereby *added* to Article 10,
26 Chapter 51 of Title 10, Guam Code Annotated, to read:

1 “§ 511007. **Exemption from Executive Budget Act.** The Host
2 Community Fund is exempt from the provisions of the Executive Budget
3 Law (5GCA Chapter 4).

4 **§ 511008. Line of Credit Authorized.**

5 (a) The Host Community Fund may be encumbered as collateral
6 for a loan or line of credit to advance its community benefit projects as
7 described in § 511003 of this Article. The Municipal Planning Council of
8 the Host Community is authorized to enter into such agreements necessary
9 for the acquisition of the loan or line of credit, with any lending institution
10 chosen under the applicable procurement rules, regulations and policies.
11 Neither the Host Community nor the employees of the Municipal Planning
12 Council of the Host Community shall incur any personal liability for any
13 loan agreement lawfully entered into.

14 (b) The Municipal Planning Council of the Host Community may
15 utilize the services of the GEDA in the securing of any financing or line of
16 credit authorized in this Section, and any fees for GEDA’s services if
17 utilized are hereby waived.”

18 **Section 4.** A new §5120 is *added* to Part B of Article 2, Chapter 5 of Title
19 5, Guam Code Annotated, to read:

20 “§ 5120. **Procurement Shall Be Delegated to the Municipal**
21 **Planning Council of the Host Community.** Notwithstanding any other
22 provision of Guam procurement law, the authority to procure supplies and
23 services for the Host Community *shall* be delegated by the Chief
24 Procurement Officer to the Municipal Planning Council of the Host
25 Community.”

26 **Section 5. Severability.** If any of the provisions of this Act or the
27 application thereof to any person or circumstance is held invalid, such invalidity

1 *shall* not affect any other provision or application of this Act which can be given
2 effect without the invalid provision or application, and to this end the provisions of
3 this Act are severable.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

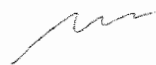
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 29, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio** 
Chairperson, Committee on Rules

Subject: **Fiscal Notes**

2013 APR -1 AM 8:30


Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 03-32 (LS), 06-32 (LS), 30-32 (COR), 31-32 (COR), 54-32 (COR), 61-32 (COR), 56-32 (COR), and 66-32 (COR)

WAIVERS:

Bill Nos.: 46-32 (LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

MAR 28 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 03-32(LS), 06-32(LS), 30-32(COR), 31-32(COR), 54-32(COR), 61-32(COR), 66-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 46-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios" with a stylized flourish at the end.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 54-32 (COR)**

AN ACT TO AMEND §511005 AND §511006 AND TO ADD §511007 AND §511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD §5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS

Department/Agency Appropriation Information

Dept./Agency Affected: Mayors Council of Guam (Municipalities of Ordot-Chalan Pago & Inarajan)	Dept./Agency Head: Angel Sablan, Executive Director, Mayors Council of Guam; Jessy Gogue, Mayor, Ordot-Chalan Pago; Doris Lujan, Mayor, Inarajan
Department's General Fund (GF) appropriation(s) to date:	7,999,708
Department's Other Fund (Specify) appropriation(s) to date: Tourist Attraction Fund, Guam Highway Fund & Host Community Fund	2,372,960
Total Department/Agency Appropriation(s) to date:	\$10,372,668

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Host Community Fund	\$300,000	\$0	\$300,000	\$300,000	\$300,000	\$300,000
Total	\$300,000	\$0	\$300,000	\$300,000	\$300,000	\$300,000

- Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? // Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A // Yes // No
Is there a federal mandate to establish the program/agency? /X/ N/A // Yes // No
- Will the enactment of this Bill require new physical facilities? // Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /X/ No
// Requested agency comments not received as of the due date // Other:

Analyst: Arthur R. Mariano Date: 3/20/13 Director: John A. Rios Date: 3-22-13

Footnote:
See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 54-32 (COR)

Comments:

In its current form, the subject Bill intends to clarify that Ordot-Chalan Pago is eligible to receive host community premiums during the post-closure period and to give the Municipal Planning Councils of Ordot-Chalan Pago and Inarajan the governing authority over such premiums / funds. It is projected that each municipality may receive approximately \$4.5M (\$150K per year for 30 years) as this is both the recommended time frame for post-closure monitoring and maintenance of the Ordot dump as well as the life expectancy of the new Layon landfill in Inarajan. Of particular concern are Sections 3 and 4 of the Bill. Section 3 seeks to exempt the Host Community Fund from Ch.4 of 5 GCA by excluding the Fund from provisions of the Government of Guam's annual executive budget law. Section 4 delegates procurement of supplies & services to the Chief Procurement Officers of respective Host Community municipalities rather than through the General Services Agency.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

April 1, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY *[Signature]*
TIME 12:10 DATE 4/2/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Nos. 1-32(LS), 4-32(LS), 5-32(LS), 6-32(LS), 7-32(COR), 23-32(COR), 29-32(COR), 31-32(COR), 32-32(COR), 41-32(LS), 43-32(COR), 44-32(COR), 46-32(LS) and 54-32(COR) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on April 1, 2013.

Sincerely,

Tina Rose Muña Barnes
Senator and Legislative Secretary

Enclosures (14)

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

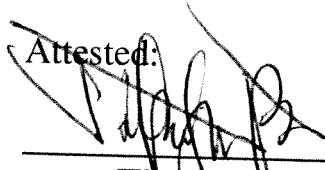
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 54-32 (COR)**, "AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND", was on the 1st day of April, 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 2 day of April,
2013, at 12:10 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 54-32 (COR)

As amended by the Committee on Appropriations,
Public Debt, Legal Affairs, Retirement, Public Parks,
Recreation, Historic Preservation and Land.

Introduced by:

Vicente (ben) C. Pangelinan
Michael F. Q. San Nicolas
T. C. Ada
V. Anthony Ada
Frank B. Aguon, Jr.
B. J.F. Cruz
Chris M. Dueñas
M. T. Limtiaco
Brant T. McCreadie
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Judith T. Won Pat, Ed.D.

**AN ACT AMEND §§511005 AND 511006, AND TO ADD
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AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2,
CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED,
RELATIVE TO THE MANAGEMENT OF THE HOST
COMMUNITY FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Host Community Benefit Fund (Fund) was established by Public Law 30-

1 165 to recognize the impact on the villages of *Inarajan* and *Ordot* as Host
2 Communities to the *Layon* landfill and the *Ordot* dump, and to receive revenue
3 from the tipping fees to fund quality of life enhancements in their respective
4 villages.

5 *I Liheslaturan Guåhan* further finds that Public Law 30-165 provides for
6 host community benefits for a landfill located in villages from the opening to the
7 closing of the landfill. This assumes that the landfill has been operated as a Subtitle
8 D landfill that poses no adverse effects on the community when the landfill is
9 ultimately closed. The *Ordot* dump, however, has *not* been operated pursuant to
10 Subtitle D regulations and will require, according to the Guam Post-Closure Care
11 and Maintenance Plan (July 2005) prepared by Dueñas & Associates, post-closure
12 care and maintenance of the property for thirty (30) years *or* until such time that it
13 is deemed by the Administrator of the Guam Environmental Protection Agency
14 that there is a significant reduction in the adverse effects to human health and the
15 environment.

16 Therefore, *I Liheslaturan Guåhan* intends to clarify that *Ordot-Chalan Pago*
17 is eligible for the host community premiums during this post-closure period, and to
18 give the Municipal Planning Council (Council) of the Host Community the
19 governing authority over these funds.

20 **Section 2.** §§511005 and 511006 of Article 10, Chapter 51 of Title 10,
21 Guam Code Annotated, are hereby *amended* to read:

22 “§ 511005. **Host Community Premiums.** The Host Community
23 premium *shall* be assessed from the opening of the *Inarajan* landfill until the
24 closing of the *Inarajan* landfill. The aggregate Host Community premium is
25 One Hundred Fifty Thousand Dollars (\$150,000) per year for the village of
26 *Inarajan*.

1 The aggregate Host Community premium is One Hundred Fifty
2 Thousand Dollars (\$150,000) per year for the village of *Ordot*, through the
3 duration of the post-closure period, in conformance with the Guam Post-
4 Closure Care and Maintenance Plan (2005), *or* a subsequent post closure
5 plan duly adopted by the authorized agencies and entities, *or* until such time
6 that the Administrator of the Guam Environmental Protection Agency deems
7 the land clear and free of any and all toxins that could potentially harm the
8 health of humans and/or the environment.

9 The Host Community premium *shall* be reviewed *at least* once every
10 five (5) years and may be adjusted by the Public Utilities Commission
11 (PUC) to account for factors such as inflation. The Public Utilities
12 Commission (PUC) *shall* equitably determine the Host Community premium
13 for each residential and commercial account.

14 **§ 511006. Host Community Fund Management.** The Host
15 Community Fund *shall* be maintained separate and apart from all other
16 government funds and managed by the Mayor and the Municipal Planning
17 Council. No expenditure shall be made from the Fund that is *not* approved
18 by resolution of the respective Municipal Planning Councils of the Host
19 Community. The funds deposited in the Host Community Fund *shall only* be
20 used by the respective Host Community for the purposes of the Host
21 Community Benefit projects as described in § 511003 of this Article. The
22 Host Community Fund *shall* be subject to periodic audit by the Office of
23 Public Accountability, and *shall not* be subject to any transfer authority of I
24 *Maga'lahaen Guåhan.*”

25 **Section 3.** New §§511007 and 511008 are hereby *added* to Article 10,
26 Chapter 51 of Title 10, Guam Code Annotated, to read:

1 “§ 511007. **Exemption from Executive Budget Act.** The Host
2 Community Fund is exempt from the provisions of the Executive Budget
3 Law (5GCA Chapter 4).

4 **§ 511008. Line of Credit Authorized.**

5 (a) The Host Community Fund may be encumbered as collateral
6 for a loan or line of credit to advance its community benefit projects as
7 described in § 511003 of this Article. The Municipal Planning Council of
8 the Host Community is authorized to enter into such agreements necessary
9 for the acquisition of the loan or line of credit, with any lending institution
10 chosen under the applicable procurement rules, regulations and policies.
11 Neither the Host Community nor the employees of the Municipal Planning
12 Council of the Host Community shall incur any personal liability for any
13 loan agreement lawfully entered into.

14 (b) The Municipal Planning Council of the Host Community may
15 utilize the services of the GEDA in the securing of any financing or line of
16 credit authorized in this Section, and any fees for GEDA’s services if
17 utilized are hereby waived.”

18 **Section 4.** A new §5120 is *added* to Part B of Article 2, Chapter 5 of Title
19 5, Guam Code Annotated, to read:

20 “§ 5120. **Procurement Shall Be Delegated to the Municipal**
21 **Planning Council of the Host Community.** Notwithstanding any other
22 provision of Guam procurement law, the authority to procure supplies and
23 services for the Host Community *shall* be delegated by the Chief
24 Procurement Officer to the Municipal Planning Council of the Host
25 Community.”

26 **Section 5. Severability.** If any of the provisions of this Act or the
27 application thereof to any person or circumstance is held invalid, such invalidity

1 *shall* not affect any other provision or application of this Act which can be given
2 effect without the invalid provision or application, and to this end the provisions of
3 this Act are severable.

LEGISLATIVE SESSION ATTENDANCE

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

ABill No: 54-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

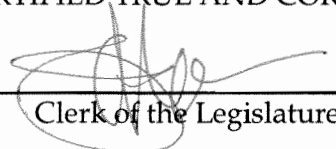
AN ACT AMEND §§511005 AND 511006, AND TO ADD NEW §§511007 AND 511008 TO ARTICLE 10 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §5120 TO PART B OF ARTICLE 2, CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE MANAGEMENT OF THE HOST COMMUNITY FUND.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

(15)

TOTAL

CERTIFIED TRUE AND CORRECT:


4/1/13
 Clerk of the Legislature




I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

MAR 22 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules 

RE: Committee Report on Bill No. 54-32 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 54-32 (COR), as amended, "An act to amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits" which was referred to by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land.

Committee votes are as follows:

- 4 TO PASS
- _____ TO NOT PASS
- 3 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

- Member
Committee on Education,
Public Libraries
and Women's Affairs
- Member
Committee on General
Government Operations and
Cultural Affairs
- Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority
- Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens
- Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

Si Yu'os Ma'ase'



Vicente (Ben) Cabrera Pangelinan
Chairman

2013 MAR 25 AM 9:26 

**COMMITTEE REPORT
ON**

Bill No. 54-32 (COR), As Amended

Sponsored by Senator Vicente (ben) C. Pangelinan

**“An Act to Amend §511005 and §511006
and to Add §511007 and §511008 to
Chapter 51 Article 10 of 10 Guam Code
Annotated and to Add §5120 to Chapter 5
Part B of 5 Guam Code Annotated
Relative to the Fund Management of the
Host Community Benefits”**



I Mina'trentai Dos na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

MAR 22 2013
MEMORANDUM

To: All Members

Committee on Appropriations, Public Debt, Legal Affairs,
Retirement, Public Parks, Recreation, Historic Preservation and
Land

From: Senator Vicente (Ben) Cabrera Pangelinan
Chairman

**Subject: Committee Report on Bill No. 54-32 (COR), As
Amended**

Transmitted herewith for your consideration is the Committee Report on Bill No. 54-32 (COR), as amended, "An act to amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits" sponsored by Senator Vicente (ben) C. Pangelinan.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No. 54-32 (COR), As Introduced
4. Copy of Bill No. 54-32 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Written Testimonies
7. Copy of Fiscal Note
8. Copy of COR referral
9. Notices of Public Hearing
10. Copy of the Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'ase',



Vicente (Ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens




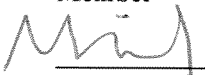


Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land

Bill 54-32 (COR), As Amended: An act to amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits.

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairman	✓				
 Vice Speaker Benjamin J. F. Cruz Vice Chairman	3/22/13				
 Speaker Judith T. Won Pat, Ed.D Member	✓				
Senator Tina Rose Muña-Barnes Member			3/22/13		
Senator Dennis Rodriguez, Jr. Member					
 Senator Michael San Nicolas Member			✓		
 Senator Michael Limtiaco Member			3/22/13		
 Senator Tommy Morrison Member	3/22/13				



Committee Report

Bill 54-32 (COR), As Introduced: An Act to Amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits.

I. OVERVIEW

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land convened a public hearing on March 12, 2013 at 9:00 am in *Liheslatura's* public hearing room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on March 5, 2013 (5-Day Notice), and again on March 10, 2013 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente (ben) C. Pangelinan, Chairman
Vice Speaker BJ Cruz, Vice Chairman
Senator Michael Limtiaco, Member
Senator Tommy Morrison, Member
Senator Frank Aguon, Jr.

(b) Appearing before the Committee

Ms. Doris F. Lujan, Mayor, Inarajan
Mr. Don Weakly, Member, Inarajan Municipal Planning Council
Mr. Ben Meno, Member, Inarajan Municipal Planning Council
Mr. Ted Nelson, Former Vice Speaker, 23rd Guam Legislature

(c) Written Testimonies Submitted

Ms. Doris F. Lujan, Mayor, Inarajan

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
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Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

II. COMMITTEE PROCEEDINGS

(a) Bill Sponsor Summary

Chairman Vicente C. Pangelinan: We are now on Bill No. 54-32 (COR), An act to amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the fund management of the host community benefits.

The bill basically makes amendments to the enabling statute which provided that communities on Guam that have “hosted,” that have had to bear the burden of having, a landfill or a dump in their backyard get additional compensation to help mitigate some of those, and make additional resources available to the communities to try and improve the quality of life despite the challenges of having a landfill situated in their communities. The two communities on Guam, as we know, are Ordot-Chalan Pago and, of course, the community of Inarajan, now the site of the landfill for the entire island of Guam. The bill sets up the host community benefit fund, and sets up a manner and mechanism of making the money available to the community, the management of the fund to be vested in the Municipal Planning Council and the Mayor of that community and access to the funds be also facilitated and controlled by the Municipal Planning Council and the Mayor of that community. We thank you very much, Madame Mayor for your presence this morning, as well as members of your committee that are here. We have Mayor Doris Lujan, Mr. Don Weakly and Mr. Ben Meno. We’ll go ahead and begin with Mayor Lujan.

(b) Testimony

1. Ms. Doris F. Lujan, Mayor, Inarajan

Ms. Doris F. Lujan: Thank you Mr. Chair, Honorable Senator Pangelinan, Vice Speaker BJ Cruz, Senator Morrison and Senator Limtiaco. For the record, my name is Doris Flores Lujan. I am the Mayor of Inarajan. On the behalf of the community of Inarajan, the Inarajan Municipal Planning Council and I would like to thank you for the opportunity to provide testimony, both written and oral, in reference to Bill 54-32, relative to the fund management of the community benefits. We concur and support Bill 54-32 with the exception of the fund management. We recommend §511006, pages 2 and 3, lines 27 and 28 be amended to read “The management of the host community fund shall be managed by the host community municipal planning council in lieu of the Department of Administration.” Allowing the Inarajan MPC to manage the funds will be in the best interest for the community of Inarajan. I, as a Mayor, feel the pain of our community with limited resources. If we have the funds readily available, we will meet their needs and the outcome will be customer satisfaction. Right now we are very limited with resources. We have a lot of equipment down and not repairable and we are awaiting funds to replace the equipment. I favorably support the bill, but ask that you do an amendment to change the bill to reflect that the Inarajan Municipal Planning Council manage the host community funds benefits.

PANEL COMMENTS AND QUESTIONS

Chairman Vicente C. Pangelinan: Thank you very much, Madame Mayor. Mr. Weakly, did you want present testimony?

2. Mr. Don Weakly, Member, Inarajan Municipal Planning Council

Mr. Don Weakly: Yes, I'm part of the Municipal Planning Council in Inarajan, and I'm here to support the Mayor. We met last evening, and Inarajan is the only village that doesn't have a Mayor's office at present. We're leasing. And we don't have a Little League Baseball field, not even one. We have no teams in Inarajan to play in, no indoor basketball, no indoor volleyball. So we have a lot of need for these funds, and these funds are going to help us, but we don't want to have to go through the bureaucracy of DOA each time we need funds. Give it to us. We have a non-appropriated funds account controlled by the Council and we know what to spend it on. So just have Solid Waste, or whatever, send us the check every quarter. Give it to us and we will take care of it.

PANEL COMMENTS AND QUESTIONS

Chairman Vicente C. Pangelinan: Yes, thank you very much, Mr. Weakly. Mr. Meno, were you going to present testimony?

3. Mr. Ben Meno, Member, Inarajan Municipal Planning Council

[Translated from Chamoru]

Mr. Ben Meno: Si Yu'os Ma'åse, I want to salute you all and let's say, "Biba Chamoru!" because when I look up there I think only one of you will understand me. I will entrust my words to you, Mr. Chairman. Senator Morrison, a big "thank you." In the primary election, you were the first and only I voted for, there was no one else. I voted for both of you (referring to Chairman Vicente C. Pangelinan and Vice Speaker BJ Cruz) in the General Election because you are like fathers to the island, to us. I support this bill number 54-32 the Mayor already touch on her concerns and represented the village of Inalahan. But there is more I want to touch on: the machinery that is there, doing nothing, they are worthless because they are all broken. Don touch on the fact that there is nothing for the children, the elders we have, but we have to recognize and understand. This Bill, I appreciate Mr. Chairman, Senator Morrison, I am proud because you are behind this and Senator Mike I appreciate that you are helping us. Vice speaker Cruz I appreciate also your attention. Please let us correct this Inarajan and stop the I.N.A.R.A.J.A.N. and it should be Inalahan, I.N.A.L.A.H.A.N. Just like Senator Morrison and Mr. Chairman, Umatac. It should be *Humatak*. Let us guide this and let's teach our children the correct spelling and pronunciation. Make it right.

Can you explain to me, Mr. Chairman, the procurement process? I want to understand. I understand it from reading this but I want to hear from you. Translate the Bill for me.

Chairman Vicente C. Pangelinan: The law states that the Chief Procurement Officer, at the General Services Agency, is responsible for the procurement of supplies and services for departments and agencies. All things that are going to be purchased by the Government have to be authorized by the Chief Procurement Officer. This (Bill) is when passed delegates the purchasing authority for the Community Host Fund to the Municipal Planning Council without the signature of the Chief procurement officer, the Council along with the mayor has the authority to sign procurement documents.

Mr. Ben Meno: That, I really appreciate. The other thing is this part “in lieu” in case they approve this and they give Municipal Planning Council \$150,000. Can we say that we can fix the swimming pool, for example, can we borrow money from GEDA and tell GEDA that we can pay them from this money, the \$150,000? That is here in this Bill, right, we can do this?

Chairman Vicente C. Pangelinan: Yes. The original law passed says that there are things you can use this money for. If these things are listed in that law then it can be done. Those things are in the law.

Mr. Ben Meno: We just need to be clear and it’s important that I understand, that the \$150,000 can be used for various community projects?

Chairman Vicente C. Pangelinan: If it is written in the original law.

Mr. Ben Meno: But it says here, “Not limited to”.

Chairman Vicente C. Pangelinan: The list provided in the law covers a wide and various projects in the lists.

Mr. Ben Meno: So thank you and I appreciate this. I hope that all those here, and those not here, support this because we have been waiting for this for a long time. Another thing, there should be some payment. When I was looking at this, it’s only \$15,000.

Chairman Vicente C. Pangelinan: \$15,000?

Mr. Don Weakly: That’s from the receiver.

Mr. Ben Meno: Oh! Ok! So they are owing Inalajan. It’s been a year since they opened the landfill. So if there is payment it should be \$300,000.

Chairman Vicente C. Pangelinan: Yes. Since it’s been open and since they established the charge by the receiver, the funds have been collecting from that time. They will give the community that money.

Mr. Ben Meno: Can you tell me when they will be fulfilling this?

Chairman Vicente C. Pangelinan: They have been collecting money and it is being deposited. Of course they will put it on one side for Inalahan and this for Ordot. When the law is established that is when they will deposit to the account of the Municipal Planning Council and from then on it will continue.

Mr. Ben Meno: I am not sure about that but I will accept your words that they are collecting the money. When you look at the route of the land from Anderson to Humatak, you see the volume of business and homes and all those that applied for trash then it should be more than enough to pay Inalahan.

Chairman Vicente C. Pangelinan: No. They will not just pay the \$150,000 at one time. Once a month they will collect, every month they will collect and then at the end of every year and when you total the monthly it will add up to the total yearly amount.

Mr. Ben Meno: Because it says \$150,000. It can't be more? That is what I am asking. How, what is the time frame and when will this happen. I heard this over and over again like a broken can. I hear "next year, next year, next year" it's like the Malessa road.

Chairman Vicente C. Pangelinan: The courts ordered and it's been approved that every month when the people pay their bill for the trash collection they will take what should be paid to Inalahan and Ordot. This is being done.

Mr. Ben Meno: How many more years?

Chairman Vicente C. Pangelinan: Every year.

Mr. Ben Meno: When are they going to start?

Chairman Vicente C. Pangelinan: They started already.

Mr. Ben Meno: I will believe it when I see it.

Chairman Vicente C. Pangelinan: The mayor has received notice from the court that it is being accounted for and collected.

Mr. Ben Meno: I have seen that, but what I am saying is that even what is on paper can be deceiving also, you understand?

Chairman Vicente C. Pangelinan: Believe it because it's the Federal Government.

Mr. Ben Meno: What?

Chairman Vicente C. Pangelinan: Believe it because it's a federal government law. The Governor says if he doesn't pay this they will put him in jail and he doesn't want to go to jail.

Mr. Ben Meno: And I really appreciate you Senators. I know, Senator Morrison, you are with us. And of course the newly elected Senator, I'd appreciate if you support this, and of course, the Vice Speaker is fully in support with us, and of course, Mr. Chairman, a big "thank you!" And Biba Chamoru! in honor of Chamoru month. Good morning!

PANEL COMMENTS AND QUESTIONS

Chairman Vicente C. Pangelinan: Thank you very much. Mr. Vice Speaker?

4. Mr. Ted Nelson, Former Vice Speaker, 23rd Guam Legislature

Mr. Nelson: Mr. Speaker and the other Senators, thank you greatly for this bill for the community, and on behalf of other people involved with these activities. I know that the Mayor, and the people of Inarajan certainly deserve this amount of money. As Ben says, perhaps if you can increase it to \$200K, I think that would be great. It's something that people of Inarajan should benefit from right away. And I hope that you, Senators, will do everything to expedite the release, or amend the bill to make it easier for the Municipal Planning Council to obtain the funding from the dump. I'm pretty sure as Ben was quite concerned, but I have faith in Judge Gatewood, I'm pretty sure the administration will not deny or delay any payment for the Inarajan people. They deserve it. It's been a hot issue with the dump in their backyard, but I just hope they get more somehow for the dump being there. Actually, the people of Inarajan did not even approve that project. But it's something that's going to be there for quite awhile. To compensate the community, and help them improve their facilities, this money would support their services or whatever the Mayor and MPC may need. And again I want to you Speaker, Vice Speaker, Senator Morrison, Senator Limtiaco for supporting this bill. I'm pretty sure you'll support it, at least for the people of Inarajan. Si Yu'os Ma'ase, Mr. Speaker, and I'm pretty sure we can now see more action, more activities for Inarajan with the election of the new Mayor of Inarajan.

PANEL COMMENTS AND QUESTIONS

Chairman Vicente C. Pangelinan: Thank you, and Si Yu'os Ma'ase, Mr. Vice Speaker. I also want to state for the record that Mayor Gogue from the village of Ordot-Chalan Pago has been working with us, and has requested that we continue to work on this issue and to try and place the necessary mechanisms for his community as well. Unfortunately, he is off-island at this time so he is not here this morning, but he has certainly indicated and requested that we support giving the necessary authority over the host community benefit fund to the Mayor and the Municipal Planning

Council as well. We thank him for his support, and we apologize on his behalf for not being here. It's because he's off-island, not because he just didn't make it. Si Yu'os Ma'ase.

Thank you very much, Si Yu'os Ma'ase. Ladies and Gentlemen, thank you very much for your testimony. This concludes the testimony on Bill No. 54-32 (COR). There being no additional individuals to present any additional testimony, this Committee will continue to remain open for the acceptance of any additional information or public testimony on the bill discussed. You can submit those testimonies to my office directly on Soledad Avenue, as well as the Guam Legislature or through any of the electronic processes either email at senbenp@guam.net or through our website at senbenp.com.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land, hereby reports Bill No. 54-32 (COR), As Amended by the Committee, with the recommendation to pass.

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

Bill No. 54-32(COR)

Introduced by:

V.C. Pangelinan
M. San Nicolas

AN ACT AMEND § 511005 AND § 511006 AND TO ADD
§ 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10
OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120
TO CHAPTER 5 PART B OF 5 GUAM CODE
ANNOTATED RELATIVE TO THE FUND
MANAGEMENT OF THE HOST COMMUNITY
BENEFITS.

2013 FEB 25 PM 12:17

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds the
2 Host Community Benefit Fund ('Fund') was established by Public Law 30-165 to
3 recognize the impact on the villages of Inarajan and Ordot as Host Communities to the
4 Leyon landfill and the Ordot dump and to receive revenue from the tipping fees to fund
5 quality of life enhancements in their respective villages.
6 *I Liheslaturan Guåhan* further finds that P.L. 30-165 provides for host
7 community benefits for a landfill located in villages from the opening to the closing of
8 the landfill. This assumes that the landfill has been operated as a Subtitle D landfill that
9 poses no adverse effects on the community when the landfill is ultimately closed. The
10 Ordot dump however has not been operated pursuant to Subtitle D regulations and will
11 require, according to the Guam Post-Closure Care and Maintenance Plan (July 2005)
12 prepared by Dueñas & Associates post-closure care and maintenance of the property
13 for thirty (30) years or until such time that it is deemed by the Administrator of the

1 Guam Environmental Protection Agency that there is a significant reduction in the
2 adverse effects to human health and the environment.

3 Therefore, *I Liheslaturan Guåhan* intends to clarify that Ordot-Chalan Pago is
4 eligible for the host community premiums during this post closure period and to give
5 the Municipal Planning Council ('Council') of the Host Community the governing
6 authority over these funds.

7 **SECTION 2.** Section 511005 and Section 511006, Chapter 51, Article 10 of
8 10 Guam Code Annotated are hereby amended to read:

9 **“§ 511005. Host Community Premiums.** The Host Community premium
10 *shall* be assessed from the opening of the *Inarajan* landfill until the closing of the
11 *Inarajan* landfill. The aggregate *Host Community premium* is One Hundred Fifty
12 Thousand Dollars (\$150,000) per year for the village of *Inarajan*. ~~and~~

13 The aggregate *Host Community premium* is One Hundred Fifty Thousand
14 Dollars (\$150,000) per year for the village of *Ordot*, as ~~adjusted~~ through the
15 duration of the post closure period, in conformance of the Guam Post Closure Care
16 and Maintenance Plan (2005) or subsequent post closure plan duly adopted by the
17 authorized agencies and entities, or until such time that the Administrator of the
18 Guam Environmental Protection Agency deems the land clear and free of any and
19 all toxins that could potentially harm the health of humans and/or the environment.

20 The *Host Community premium shall* be reviewed *at least* once every five (5)
21 years and may be adjusted by the Public Utilities Commission (PUC) to account
22 for factors such as inflation. The Public Utilities Commission (PUC) *shall*
23 equitably determine the *Host Community premium* for each residential and
24 commercial account.

25 **§ 511006. Host Community Fund Management.** ~~The management of the~~
26 ~~Host Community Fund shall be the responsibility of~~ maintained separate and apart
27 from all other government funds and managed by the Department of

1 Administration. *No expenditure shall be made from the Fund that is not approved*
2 *by resolution of the respective Host Community Municipal Planning Councils of*
3 *the Host Community. The funds deposited in the Host Community Fund shall only*
4 *be used by the respective Host Community for the purposes of the Host*
5 *Community Benefit projects as described in § 511003 of this Article. The Host*
6 *Community Fund shall be subject to periodic audit by the Office of Public*
7 *Accountability, and shall not be subject to any transfer authority of I Maga'laha*
8 *Guåhan."*

9 **SECTION 3.** Section 511007 and 511008, Chapter 51, Article 10 of 10
10 Guam Code Annotated are hereby added to read:

11 **"§ 511007. Exemption from Executive Budget Act.** The Host
12 Community Fund is exempt from the provisions of the Executive Budget
13 Law (5GCA Chapter 4).

14 **§ 511008. Line of Credit Authorized.**

15 **(a)** The Host Community Fund may be encumbered as collateral for a
16 loan or line of credit to advance its community benefit projects as described
17 in § 511003 of this Article. The Municipal Planning Council of the Host
18 Community is authorized to enter into such agreements necessary for the
19 acquisition of the loan or line of credit, with any lending institution chosen
20 under the applicable procurement rules, regulations and policies. Neither the
21 Host Community or the employees of the Municipal Planning Council of the
22 Host Community shall incur any personal liability for any loan agreement
23 lawfully entered into."

24 **(b)** The Municipal Planning Council of the Host Community may
25 utilize the services of the GEDA in the securing any financing or line of
26 credit authorized in this section and any fees for GEDA's services if utilized
27 are hereby waived."

1 **SECTION 4.** Section 5120 is added to Chapter 5, Article 2, Part B of 5
2 Guam Code Annotated is to read:

3 “**§ 5120. Procurement Shall Be Delegated to the Municipal Planning**
4 **Council of the Host Community.** Notwithstanding any other provision of Guam
5 Procurement Law, the authority to procure supplies and services for the Host
6 Community shall be delegated by the Chief Procurement Officer to the Municipal
7 Planning Council of the Host Community.”

8 **SECTION 5. Severability.** If any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such invalidity
10 *shall* not affect any other provision or application of this Act which can be given
11 effect without the invalid provision or application, and to this end the provisions of
12 this Act are severable.

**I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION**

Bill No. 54-32 (COR)

As Amended by the
Committee on Appropriations,
Public Debt, Legal Affairs, Retirement,
Public Parks, Recreation,
Historic Preservation and Land

Introduced by:

**V.C. Pangelinan
M. San Nicolas**

**AN ACT AMEND § 511005 AND § 511006 AND TO ADD
§ 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10
OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120
TO CHAPTER 5 PART B OF 5 GUAM CODE
ANNOTATED RELATIVE TO THE FUND
MANAGEMENT OF THE HOST COMMUNITY
BENEFITS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds the
2 Host Community Benefit Fund ('Fund') was established by Public Law 30-165 to
3 recognize the impact on the villages of Inarajan and Ordot as Host Communities to the
4 Leyon landfill and the Ordot dump and to receive revenue from the tipping fees to fund
5 quality of life enhancements in their respective villages.

6 *I Liheslaturan Guåhan* further finds that P.L. 30-165 provides for host
7 community benefits for a landfill located in villages from the opening to the closing of
8 the landfill. This assumes that the landfill has been operated as a Subtitle D landfill that
9 poses no adverse effects on the community when the landfill is ultimately closed. The
10 Ordot dump however has not been operated pursuant to Subtitle D regulations and will

1 require, according to the Guam Post-Closure Care and Maintenance Plan (July 2005)
2 prepared by Dueñas & Associates post-closure care and maintenance of the property
3 for thirty (30) years or until such time that it is deemed by the Administrator of the
4 Guam Environmental Protection Agency that there is a significant reduction in the
5 adverse effects to human health and the environment.

6 Therefore, *I Liheslaturan Guåhan* intends to clarify that Ordot-Chalan Pago is
7 eligible for the host community premiums during this post closure period and to give
8 the Municipal Planning Council ('Council') of the Host Community the governing
9 authority over these funds.

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15 Thousand Dollars (\$150,000) per year for the village of *Inarajan*. ~~and~~

16 The aggregate *Host Community premium* is One Hundred Fifty Thousand
17 Dollars (\$150,000) per year for the village of *Ordot*, as ~~adjusted~~ through the
18 duration of the post closure period, in conformance of the Guam Post Closure Care
19 and Maintenance Plan (2005) or subsequent post closure plan duly adopted by the
20 authorized agencies and entities, or until such time that the Administrator of the
21 Guam Environmental Protection Agency deems the land clear and free of any and
22 all toxins that could potentially harm the health of humans and/or the environment.

23 The *Host Community premium shall* be reviewed *at least* once every five (5)
24 years and may be adjusted by the Public Utilities Commission (PUC) to account
25 for factors such as inflation. The Public Utilities Commission (PUC) *shall*
26 equitably determine the *Host Community premium* for each residential and
27 commercial account.

1 **§ 511006. Host Community Fund Management.** ~~The management of the~~
2 Host Community Fund shall be ~~the responsibility of~~ maintained separate and apart
3 from all other government funds and managed by the ~~Department of~~
4 ~~Administration~~ Mayor and the Municipal Planning Council. *No* expenditure shall
5 be made from the Fund that is *not* approved by resolution of the ~~respective Host~~
6 ~~Community~~ Municipal Planning Councils of the Host Community. The funds
7 deposited in the Host Community Fund shall only be used by the respective Host
8 Community for the purposes of the Host Community Benefit projects as described
9 in § 511003 of this Article. The Host Community Fund shall be subject to periodic
10 audit by the Office of Public Accountability, and *shall not be* subject to any
11 transfer authority of *I Maga'lahaen Guåhan.*”

12 **SECTION 3.** Section 511007 and 511008, Chapter 51, Article 10 of 10
13 Guam Code Annotated are hereby added to read:

14 **“§ 511007. Exemption from Executive Budget Act.** The Host
15 Community Fund is exempt from the provisions of the Executive Budget
16 Law (5GCA Chapter 4).

17 **§ 511008. Line of Credit Authorized.**

18 **(a)** The Host Community Fund may be encumbered as collateral for a
19 loan or line of credit to advance its community benefit projects as described
20 in § 511003 of this Article. The Municipal Planning Council of the Host
21 Community is authorized to enter into such agreements necessary for the
22 acquisition of the loan or line of credit, with any lending institution chosen
23 under the applicable procurement rules, regulations and policies. Neither the
24 Host Community or the employees of the Municipal Planning Council of the
25 Host Community shall incur any personal liability for any loan agreement
26 lawfully entered into.”

1 **(b)** The Municipal Planning Council of the Host Community may
2 utilize the services of the GEDA in the securing any financing or line of
3 credit authorized in this section and any fees for GEDA’s services if utilized
4 are hereby waived.”

5 **SECTION 4.** Section 5120 is added to Chapter 5, Article 2, Part B of 5
6 Guam Code Annotated is to read:

7 “**§ 5120. Procurement Shall Be Delegated to the Municipal Planning**
8 **Council of the Host Community.** Notwithstanding any other provision of Guam
9 Procurement Law, the authority to procure supplies and services for the Host
10 Community shall be delegated by the Chief Procurement Officer to the Municipal
11 Planning Council of the Host Community.”

12 **SECTION 5. Severability.** If any of the provisions of this Act or the
13 application thereof to any person or circumstance is held invalid, such invalidity
14 *shall* not affect any other provision or application of this Act which can be given
15 effect without the invalid provision or application, and to this end the provisions of
16 this Act are severable.



Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

COMMITTEE ON APPROPRIATIONS, PUBLIC DEBT, LEGAL AFFAIRS, RETIREMENT,
 PUBLIC PARKS, RECREATION, HISTORIC PRESERVATION AND LAND

Tuesday, March 12, 2013

Bill No. 54
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
<i>Ben Mend</i>		<i>9893705</i>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Doris F. Lusman</i>	<i>Ivanavan</i>	<i>475-2510</i>	<i>mayordavisflora by in @ gmail.com</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> w/exception
<i>Don Weakley Inaraja</i>		<i>7971937</i>	<i>don@gentehsi.com</i>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>



OFFICE OF THE MAYOR
MUNICIPALITY OF INARAJAN
P.O. Box 786, Hagatna, Guam 96932
Tel: (671) 475-2509/10/11 Fax: (671) 828-2543
Honorable Mayor Doris Flores Lujan



March 12, 2013

Honorable Senator Vicente (Ben) C. Pangelinan
I Mina' trentai Dos na Leheslaturan Guahan

RE: Public Hearing


Buenas & Hafa Adai!

On behalf of the community of Inarajan, the Inarajan Muncipal Planning Council and I would like to thank you for the opportunity in allowing me to provide testimonies, both oral and in writing in reference to Bill No. 54-32 (COR) relative to the Fund Management of the Host Community Benefits.

We concur with Bill No. 54-32 (COR) with the exception of the Fund Management. We recommend Subsection 511006, Pages 2 and 3 Lines 27 and 28, be amended to read: "The management of the Host Community fund shall be managed by the Host Community Municipal Planning Council in lieu of the Department of Administration".

Si Yu'os Ma'ase.

Senseramente,


DORIS FLORES LUJAN
Mayor



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
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MAJORITY LEADER

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Senator
Aline Yamashita
Member

Certification of

Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 54-32 (COR) – “AN ACT TO AMEND §51105 AND §51106 AND TO ADD §51107 AND §51108 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD §5120 CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUNC MANAGEMENT OF THE HOST COMMUNITY BENEFITS.”** – on February 13, 2013. COR hereby certifies that BBMR confirmed receipt of this request on February 26, 2013 at 11:23 AM.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 54-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

March 25, 2013

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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MINORITY LEADER

Senator
Aline Yamashita
Member

February 26, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 52-32 (COR), 53-32 (COR), 54-32 (COR),
55-32 (COR) and 56-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

2013 FEB 26 AM 11:26

Bill No. 52-32 (LS) - T.C. Ada - AN ACT TO REPEAL §22421 OF CHAPTER 22, 5 GCA, RELATIVE TO THE TRANSFER OF AUTONOMOUS AGENCY REVENUES TO THE AUTONOMOUS AGENCY COLLECTIONS FUND

Bill No. 53-32 (COR) - B.J.F. Cruz - AN ACT TO REPEAL 17 GCA § 33105 AND TO AMEND 17 GCA § 31109; RELATIVE TO THE PROCUREMENT AUTHORITY OF THE GUAM COMMUNITY COLLEGE.

Bill No. 54-32 - V.C. Pangelinan, M.F.Q. San Nicolas - AN ACT AMEND § 511005 AND § 511006 AND TO ADD § 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS.

Bill No. 55-32 (COR) - V.C. Pangelinan - AN ACT RELATIVE TO TRANSFER OF THE TITLE OF OWNERSHIP OF LOT NO. 1NEW-1, BLOCK NO. 2, TRACT 1427 LOCATED IN THE MUNICIPALITIES OF BARRIGADA AND DEDEDO FROM THE GUAM INTERNATIONAL AIRPORT AUTHORITY TO THE CHAMORRO LAND TRUST COMMISSION.

Bill No. 56-32 (COR) - B.J.F. Cruz, T.C. Ada - AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.

MESSAGE CONFIRMATION

FEB-26-2013 11:10 AM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : FEB-26-2013 11:09AM TUE
ELAPSED TIME : 00' 32"
MODE : STD ECM
RESULTS : [O. K]



COMMITTEE ON RULES

Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hester Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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MINORITY LEADER

Senator
Aline Yamashita
Member

February 26, 2013

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note - Bill Nos. 52-32 (COR), 53-32 (COR), 54-32 (COR), 55-32 (COR) and 56-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Confirmed fax received by:
Jackie Panet 2/26/13 11:23am
Jef



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

February 28, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Re Referral of Bill No. 54-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. 54-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
54-32 (COR)	V.C. Pangelinan M.F.Q. San Nicolas	AN ACT AMEND § 511005 AND § 511006 AND TO ADD § 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS.	2/25/2013 12:11 p.m.	2/25/2013 Re-ferred 02/28/13	Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks Recreation, Historic Preservation and Land			Fiscal Note Request 2/26/13



COMMITTEE ON RULES

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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 25, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 54-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 54-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment



March 5, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing – FIRST NOTICE

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00am** and Oversight Hearing beginning at **2:00pm** on **Tuesday, March 12, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

Komfitmasion Siha:
(Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization
Mr. Victor F. Cruz, Member for the Guam Land Use Commission

Priniponi Siha
(Bills)

Bill No. 5-32 (LS): An Act to add a new §40128 Chapter 40 of 5GCA Relative to placing the former FQ Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office

Bill No. 17-32 (COR): An Act to allow for conditional use of property situated in the Municipality of Dededo for meetings and cultural purposes, specifically Lots 15-3 and 15-R3, both of Tract 1413, which are currently zoned "A" (Agricultural), containing an area of 4,208.7± square meters, and bordered by Alageta Road.

Bill No. 29-32 (COR) An Act to add §60114.1 and §60114.2 to Chapter 60 of 21 Guam Code Annotated relative to Competitive Equalization Act on the leasing of Government of Guam property.

Bill No. 47-32 (LS): An Act to add a new Section 8103.1 to Article 1, Chapter 8, Title 4 of the Guam Code Annotated to comply with Internal Revenue Code requirements applicable to the Government of Guam Retirement Fund.

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

Memo to All Senators
March 5, 2013
Page 2

Bill No. 54-32 (COR): An Act to Amend §511005 and §511006 and to add §511007 and §511008 to Chapter 51 Article 10 of 10 Guam Code Annotated and to add §5120 to Chapter 5 Part B of 5 Guam Code Annotated relative to the Fund Management of the Host Community Benefits.

**HINEKUNGO' INILAO
(OVERSIGHT HEARING)**

UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

Yanggen un nisisita espesiât na setbision, put fabot âgang i Ifisinin Senadot ben pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hâlom gi i uepsait i Liheslaturan Guâhan gi www.guamlegislature.com Yanggen para un na'hâlom testigu-mu, chule' para i ifisinin-mâmi gi 324 West Soledad Avenue gi iya Hagâtña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapâsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagâtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org>
To: phnotice@guamlegislature.org

Tue, Mar 5, 2013 at 4:35 PM

Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Máttas, gi diha 12 gi Mátso, 2013)

Tuesday, March 12, 2013

Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)

alas nuebi gi eggan'an
(9:00 AM)

TAREHA
(AGENDA)

Komfitmasion Siha:
(Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization

Mr. Victor F. Cruz, Member for the Guam Land Use Commission

Priniponi Siha:

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HINEKUNGO' INILAO

(OVERSIGHT HEARING)

Kuátton Inekungok Pupbleko gi I Liheslaturan Guåhan

(Guam Legislature Public Hearing Room)

alas dos gi despues di talo áni

(2:00 PM)


UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

Yanggen un nisisita spesiát na setbisio put fabot ágang i Ifisinin Senadot ben pangelinan gi 473- Yanggen un nisisita spesiát na setbision, put fabot ágang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com Yanggen para un na'háлом testigu-mu, chule' para i ifisinin-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

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--

Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land.
(671) 473-4236 (office)
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senbenp.com
www.guamlegislature.org

 **PH 031213 1st.pdf**
120K



Lisa Dames <cipo@guamlegislature.org>

Public Hearing - FIRST NOTICE

Lisa Dames <cipo@guamlegislature.org> Tue, Mar 5, 2013 at 4:40 PM
 To: news@guampdn.com, news@k57.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, joy@mvguam.com, Jon Anderson <editor@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com
 Bcc: "Vicente C. Pangelinan" <ctzenben@guam.net>, Chris Budasi <chris.budasi@gmail.com>

Senator Vicente "ben" Cabrera Pangelinan
Office of the People
Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Måttes, gi diha 12 gi Måtso, 2013)

Tuesday, March 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)

alas nuebi gi eggan'an
(9:00 AM)

TAREHA

(AGENDA)

Komfitmasion Siha:

(Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization

Mr. Victor F. Cruz, Member for the Guam Land Use Commission

Priniponi Siha:

(Bills)

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HINEKUNGO' INILAO

(OVERSIGHT HEARING)

Kuátton Inekungok Pubbleko gi I Liheslaturan Guàhan

(Guam Legislature Public Hearing Room)


**alas dos gi despues di talo ani
(2:00 PM)**

UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

Yanggen un nisisita espesiát na setbisio put fabot ágang i ifisinin Senadot ben pangelinan gi 473- Yanggen un nisisita espesiát na setbision, put fabot ágang i ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i Liheslaturan Guáhan gi www.guamlegislature.com Yanggen para un na'háлом testigu-mu, chule' para i ifisinin-mámi gi 324 West Soledad Avenue gi iya Hagátña, pat guatto gi i Kuation Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

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Lisa Dames
Chief of Staff
I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
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I Mina'trentai Dos na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

March 8, 2013

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan 

Re: Public Hearing – SECOND NOTICE

Chairman
Committee on Appropriations,
Public Debt, Legal Affairs,
Retirement, Public Parks,
Recreation, Historic Preservation
and Land

Member
Committee on Education,
Public Libraries
and Women's Affairs

Member
Committee on General
Government Operations and
Cultural Affairs

Member
Committee on Municipal
Affairs, Tourism, Housing and
Hagåtña Restoration and
Development Authority

Member
Committee on Health &
Human Services, Health
Insurance Reform, Economic
Development and Senior
Citizens

Member
Committee on Aviation, Ground
Transportation, Regulatory
Concerns and Future
Generations

The Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land will conduct a public hearing beginning at **9:00am** and Oversight Hearing beginning at **2:00pm** on **Tuesday, March 12, 2013** at the Guam Legislature's Public Hearing Room.

The following is the agenda:

Komfitmasion Siha: **(Confirmation Hearing)**

Mr. Pelagio S. Sardoma, Member for the Board of Equalization
Mr. Victor F. Cruz, Member for the Guam Land Use Commission

Priniponi Siha **(Bills)**

Bill No. 5-32 (LS): An Act to add a new §40128 Chapter 40 of 5GCA Relative to placing the former FQ Sanchez Elementary School Facility under the jurisdiction of the Umatac Mayor's Office

Bill No. 17-32 (COR): An Act to allow for conditional use of property situated in the Municipality of Dededo for meetings and cultural purposes, specifically Lots 15-3 and 15-R3, both of Tract 1413, which are currently zoned "A" (Agricultural), containing an area of 4,208.7± square meters, and bordered by Alageta Road.

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324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senbenp@guam.net

Website: <http://senbenp.com>

Mr. Victor F. Cruz, Member for the Guam Land Use Commission***Priniponi Siha:*****(Bills)**

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HINEKUNGO' INILAO

(OVERSIGHT HEARING)

Kuátton Inekungok Pupleko gi I Liheslaturan Guáhan

(Guam Legislature Public Hearing Room)

alas dos gi despues di talo áni

(2:00 PM)

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Yanggen un nisisita espesiát na setbisio put fabot ágang i Ifisinan Senadot ben pangelinan gi

473-Yanggen un nisisita espesiát na setbision, put fabot ágang i Ifisinan Sinadot Vicente (ben) Cabrera

Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hálom gi i uepsait i

Liheslaturan Guåhan gi www.guamlegislature.com Yanggen para un na'hålom testigu-mu, chule' para i ifisinin-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuarton Katta gi i Liheslatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisiu inapási nu i fendon gubetnamento.

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Lisa Dames

Chief of Staff

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land.

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Lisa Dames <cipo@guamlegislature.org>

Public Hearing SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>

Sun, Mar 10, 2013 at 8:52 AM

To: news@k57.com, news@guampdn.com, Sabrina Salas <sabrina@kuam.com>, Jason Salas <jason@kuam.com>, Mindy Aguon <mindy@kuam.com>, nick@kuam.com, Ken Quintanilla <kenq@kuam.com>, Krystal Paco <krystal@kuam.com>, Josh Tyquiengco <jtyquiengco@k57.com>, clynt@k57.com, Betsy Brown <betsy@k57.com>, Kevin Kerrigan <kevin@k57.com>, gerry@mvguam.com, joy@mvguam.com, Jon Anderson <editor@mvguam.com>, rgibson@k57.com, ALICIA PEREZ <aliciaperez69@hotmail.com>, Alicia Perez <perezksto@gmail.com>, Gaynor Daleno <gdumat-ol@guampdn.com>, slimtiaco@guampdn.com, bmkelman@guampdn.com, Oyaol Ngirairiki <odngirairiki@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, life@guampdn.com

Senator Vicente “ben” Cabrera Pangelinan
Office of the People
Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Måttes, gi diha 12 gi Måtso, 2013)

Tuesday, March 12, 2013

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guàhan
(Guam Legislature Public Hearing Room)

alas nuebi gi eggan’an
(9:00 AM)

TAREHA

(AGENDA)

Komfitmasion Siha:

(Confirmation Hearing)

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Mr. Victor F. Cruz, Member for the Guam Land Use Commission

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(OVERSIGHT HEARING)

Kuátton Inekungok Pupleko gi I Liheslaturan Guáhan

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alas dos gi despues di talo åni

(2:00 PM)


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Chief of Staff
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Nichole Santos <nsantos@guamlegislature.org>

Public Hearing - SECOND NOTICE

Lisa Dames <cipo@guamlegislature.org>
To: phnotice@guamlegislature.org

Sun, Mar 10, 2013 at 8:50 AM

Senator Vicente “ben” Cabrera Pangelinan
Office of the People
Website: www.senbenp.com

INEKUNGOK PUPBLEKO
(PUBLIC HEARING)

gi Máttes, gi diha 12 gi Mátso, 2013)

Tuesday, March 12, 2013

Kuátton Inekungok Pupbleko gi I Liheslaturan Guáhan
(Guam Legislature Public Hearing Room)

alas nuebi gi eggan’an
(9:00 AM)

TAREHA
(AGENDA)

Komfitmasion Siha:
(Confirmation Hearing)

Mr. Pelagio S. Sardoma, Member for the Board of Equalization



I Mina'trentai Dos na Liheslaturan Guåhan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public
Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

*gi Måttes, gi diha 12 gi Måtso, 2013
(Tuesday, March 12, 2013)*

*Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan
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*alas nuebi gi eggan'an
(9:00 AM)*

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(AGENDA)**

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**Mr. Pelagio S. Sardoma, Member for the Board of Equalization
Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

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**HINEKUNGO' INILAO
(OVERSIGHT HEARING)**

*Kuåtton Inekungok Pubbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)*

*alas dos gi despues di talo åni
(2:00 PM)*

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32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangelinan
Committee on Appropriation, Public Debt, Legal Affairs, Retirement
Public Parks, Recreation, Historic Preservation, and Land

INEKUNGOK PUPBLEKO - (PUBLIC HEARING)

gi Máttes, gi díha 12 gi Mátso, 2013 - Tuesday, March 12, 2013

Kuaiton Inekungok Pupbleko gi Liheslaturan Guahán - (Guam Legislature Public Hearing Room)

atas nuebi gi eggan an - (9:00 AM)

TAREHA - (AGENDA)

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Mr. Victor F. Cruz, Member for the Guam Land Use Commission

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Kuaiton Inekungok Pupbleko gi Liheslaturan Guahán - (Guam Legislature Public Hearing Room)

atas dos gi despues di tala áni - (2:00 PM)

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UPDATED 2013.02.11

32GL Senators:

"Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Tina Rose Muna Barnes" <tinamunabarnes@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>"Thomas C. Ada" <tom@senatorada.org>, "Frank Blas Aguon, Jr." aguon4guam@gmail.com, "vicente 'ben' pangelinan" <senbenp@guam.net>,"Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Michael F. Q. San Nicolas" responsableguam@gmail.com, "V. Anthony Ada" <tony@tonyada.com >, "Christopher M. Duenas" <duenasenator@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Brant McCreddie" <brantforguam@gmail.com>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>

32GL Senator Staff

therese@judiwonpat.com, frank@judiwonpat.com,
rob@judiwonpat.com, jason@judiwonpat.com, wil@judiwonpat.com, steve@judiwonpat.com,
faith@judiwonpat.com,
senator@senatorbjcruz.com,carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com,
m, chris.carillo@senatorbjcruz.com, sgflores@tinamunabarnes.com,
jblas@tinamunabarnes.com, jean@tinamunabarnes.com, Vparriola1@gmail.com,
etajalle@guamlegislature.org, tjtaitano@cs.com, mlwheeler2000@yahoo.com,
phillipsguam@gmail.com, avon.guam@gmail.com, jennifer.lj.dulla@gmail.com,
marymaravilla19@gmail.com, chechsantos@gmail.com, committee@frankaguonjr.com,
admin@frankaguonjr.com, cipo@guamlegislature.org, chris.budasi@guamlegislature.org,
aokada@guamlegislature.org, smendiola@guamlegislature.org,
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Juliette@senatorada.org, office@senatorada.org, coy@senatorada.org, tom@senatorada.org,
carlaborja.73@gmail.com, baza.matthew@gmail.com, senatordrodriguez@gmail.com,
clifton@toduguam.com,cherbert.senatordrodriguez@gmail.com, rfteehan@yahoo.com,
amanda@toduguam.com, nicole@toduguam.com, joe@toduguam.com,
jmesngon.senatordrodriguez@gmail.com, sitarose2@yahoo.com, meia@toduguam.com,
menchu@toduguam.com



I Mina'trentai Dos na Liheslaturan Guåhan

32nd GUAM LEGISLATURE

Senator Vicente (ben) Cabrera Pangelinan

Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation, and Land

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

**gi Måttes, gi diha 12 gi Måtso, 2013)
Tuesday, March 12, 2013**

**Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)**

**alas nuebi gi eggan'an
(9:00 AM)**

**TAREHA
(AGENDA)**

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Mr. Victor F. Cruz, Member for the Guam Land Use Commission**

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(WITHDRAWN)~~**

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Senator Vicente (ben) Cabrera Pangelinan

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POSTPONED UNTIL FURTHER NOTICE

**HINEKUNGO' INILAO
(OVERSIGHT HEARING)**

***Kuåtton Inekungok Pubbleko gi I Lihelaturan Guåhan
(Guam Legislature Public Hearing Room)***

***alas dos gi despues di tala åni
(2:00 PM)***

UPDATE ON HOTEL OCCUPANCY TAX (HOT) BOND PROJECTS

Yanggen un nisisita spesiåt na setbision put fabot ågang i Ifisinin Senadot ben pangelinan gi 473- Yanggen un nisisita spesiåt na setbision, put fabot ågang i Ifisinin Sinadot Vicente (ben) Cabrera Pangelinan gi 473-4236/7. Yanggen un nisisita kopian i priniponi siha ginen este na tareha, hålom gi i uepsait i Lihelaturan Guåhan gi www.guamlegislature.com Yanggen para un na'hålom testigu-mu, chule' para i ifisinin-måmi gi 324 West Soledad Avenue gi iya Hagåtña, pat guatto gi i Kuatton Katta gi i Lihelatura, pat faks gi 473-4238, patsino imel gi senbenp@guam.net. Este na nutisio inapåsi nu i fendon gubetnamento.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangelinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com Testimonies may be submitted directly to our office at 324 West Soledad Avenue in Hagåtña or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at senbenp@guam.net

This ad paid with government funds.

324 West Soledad Avenue
Suite 101, Hagåtña, GU 96910
Tel: (671) 473-4236 / 473-4237
Fax: (671) 473-4238
E-mail: senbenp@guam.net
www.senbenp.com

Hearing tackles impact of landfills on host communities

WEDNESDAY, 13 MAR 2013 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 176



SHARE

AFTER the shutdown of operations at Ordot Dump in 2011 and despite the opening of the new Layon Landfill, a bill is seeking to amend the law pertaining to the host community fund and allow the village within the vicinity of Ordot Dump to receive revenue from landfill tipping fees to fund quality of life enhancements for residents.

The appropriations committee chaired by Sen. Ben Pangelinan yesterday held a public hearing on Bill 54, which recognizes the impact on the villages of Inarajan and Ordot-Chalan Págo as host communities to the Layon Landfill and Ordot Dump.

According to the law, the host community premium is assessed from the opening of the landfill until the closing of the landfill. The aggregate host community premium is \$150,000 per year.

Operations were shut down at Ordot Dump seven years after the signing of a February 2004 consent decree mandating its closure due to violations of the Clean Water Act. As of last year, the federal receivers, the U.S. Environmental Protection Agency and the closure team had reported going into the second phase of a four-step plan toward the permanent closure of the dumpsite.

According to the bill, a 2005 Guam post-closure plan states Ordot Dump will require post closure care and maintenance for 30 years or until the Guam EPA deems there is a significant reduction to the adverse effects to human health and the environment.

The bill proposes extending the host community premiums during the post-closure period and to give the Municipal Planning Council (MPC) of the host community the governing authority for the funds.

Premium

The bill also proposes to grant an aggregate host community premium of the same amount per year for the village of Ordot-Chalan Págo, through the duration of the post-closure period in conformance with the 2005 post-closure plan.

At least once every five years, the host community premium funds will be reviewed and may be adjusted by the Public Utilities Commission, according to the bill.

Another proposal of the bill is for the fund to be maintained separate and apart from all other government funds and managed by the Department of Administration.

However, those who presented testimony at yesterday's meeting believe the maintenance of the fund should be given to the MPC.

Inarajan Mayor Doris Flores Lujan said the community concurs with the provisions of the bill except for the provision related to fund management, which the community wants to give to the MPC in lieu of DOA.

Lujan said allowing the MPC to manage the fund is in the best interest of the people.



The appropriations committee chaired by Sen. Ben Pangelinan yesterday held a public hearing on Bill 54, which recognizes the impact on the villages of Inarajan and Ordot-Chalan Págo as host communities to the Layon Landfill and Ordot Dump. Photo by Louella Losinio / Variety



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guahan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2013 FEB 26 AM 11: 26

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 26, 2013

VIA FACSIMILE

(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note – Bill Nos. 52-32 (COR), 53-32 (COR), 54-32 (COR),
55-32 (COR) and 56-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guahan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'âse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

Bill No. 52-32 (LS) - T.C. Ada - AN ACT TO REPEAL §22421 OF CHAPTER 22, 5 GCA, RELATIVE TO THE TRANSFER OF AUTONOMOUS AGENCY REVENUES TO THE AUTONOMOUS AGENCY COLLECTIONS FUND

Bill No. 53-32 (COR) - B.J.F. Cruz - AN ACT TO REPEAL 17 GCA § 33105 AND TO AMEND 17 GCA § 31109; RELATIVE TO THE PROCUREMENT AUTHORITY OF THE GUAM COMMUNITY COLLEGE.

Bill No. 54-32 - V.C. Pangelinan, M.F.Q. San Nicolas - AN ACT AMEND § 511005 AND § 511006 AND TO ADD § 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10 OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120 TO CHAPTER 5 PART B OF 5 GUAM CODE ANNOTATED RELATIVE TO THE FUND MANAGEMENT OF THE HOST COMMUNITY BENEFITS.

Bill No. 55-32 (COR) - V.C. Pangelinan - AN ACT RELATIVE TO TRANSFER OF THE TITLE OF OWNERSHIP OF LOT NO. 1NEW-1, BLOCK NO. 2, TRACT 1427 LOCATED IN THE MUNICIPALITIES OF BARRIGADA AND DEDEDO FROM THE GUAM INTERNATIONAL AIRPORT AUTHORITY TO THE CHAMORRO LAND TRUST COMMISSION.

Bill No. 56-32 (COR) - B.J.F. Cruz, T.C. Ada - AN ACT RELATIVE TO REPEALING AND REENACTING SECTION §9108 OF TITLE 16 GUAM CODE ANNOTATED.

MESSAGE CONFIRMATION

FEB-26-2013 11:10 AM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : FEB-26-2013 11:09AM TUE
ELAPSED TIME : 00' 32"
MODE : STD ECM
RESULTS : [O.K]



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155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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February 26, 2013

VIA FACSIMILE
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John A. Rios
Director
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RE: Request for Fiscal Note - Bill Nos. 52-32 (COR), 53-32 (COR), 54-32 (COR), 55-32 (COR) and 56-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

*Confirmed fax received by:
Jackie Panet 2/26/13 11:23am
Jes*



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V. Anthony Ada
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MINORITY LEADER

Senator
Aline Yamashita
Member

February 28, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Re Referral of Bill No. 54-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my re referral of Bill No. **54-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment



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Senator
V. Anthony Ada
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MINORITY LEADER

Senator
Aline Yamashita
Member

February 25, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 54-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 54-32(COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

Bill No. 54-32 (act)

Introduced by:

V.C. Pangelinan
M. San Nicolas

2013 FEB 25 PM 12:11

AN ACT AMEND § 511005 AND § 511006 AND TO ADD
§ 511007 AND § 511008 TO CHAPTER 51 ARTICLE 10
OF 10 GUAM CODE ANNOTATED AND TO ADD § 5120
TO CHAPTER 5 PART B OF 5 GUAM CODE
ANNOTATED RELATIVE TO THE FUND
MANAGEMENT OF THE HOST COMMUNITY
BENEFITS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds the
2 Host Community Benefit Fund ('Fund') was established by Public Law 30-165 to
3 recognize the impact on the villages of Inarajan and Ordot as Host Communities to the
4 Leyon landfill and the Ordot dump and to receive revenue from the tipping fees to fund
5 quality of life enhancements in their respective villages.

6 *I Liheslaturan Guåhan* further finds that P.L. 30-165 provides for host
7 community benefits for a landfill located in villages from the opening to the closing of
8 the landfill. This assumes that the landfill has been operated as a Subtitle D landfill that
9 poses no adverse effects on the community when the landfill is ultimately closed. The
10 Ordot dump however has not been operated pursuant to Subtitle D regulations and will
11 require, according to the Guam Post-Closure Care and Maintenance Plan (July 2005)
12 prepared by Dueñas & Associates post-closure care and maintenance of the property
13 for thirty (30) years or until such time that it is deemed by the Administrator of the

1 Guam Environmental Protection Agency that there is a significant reduction in the
2 adverse effects to human health and the environment.

3 Therefore, *I Liheslaturan Guåhan* intends to clarify that Ordot-Chalan Pago is
4 eligible for the host community premiums during this post closure period and to give
5 the Municipal Planning Council ('Council') of the Host Community the governing
6 authority over these funds.

7 **SECTION 2.** Section 511005 and Section 511006, Chapter 51, Article 10 of
8 10 Guam Code Annotated are hereby amended to read:

9 **“§ 511005. Host Community Premiums.** The Host Community premium
10 *shall* be assessed from the opening of the *Inarajan* landfill until the closing of the
11 *Inarajan* landfill. The aggregate *Host Community premium* is One Hundred Fifty
12 Thousand Dollars (\$150,000) per year for the village of *Inarajan*, ~~and~~

13 The aggregate *Host Community premium* is One Hundred Fifty Thousand
14 Dollars (\$150,000) per year for the village of *Ordot*, as ~~adjusted~~ through the
15 duration of the post closure period, in conformance of the Guam Post Closure Care
16 and Maintenance Plan (2005) or subsequent post closure plan duly adopted by the
17 authorized agencies and entities, or until such time that the Administrator of the
18 Guam Environmental Protection Agency deems the land clear and free of any and
19 all toxins that could potentially harm the health of humans and/or the environment.

20 The *Host Community premium* shall be reviewed *at least* once every five (5)
21 years and may be adjusted by the Public Utilities Commission (PUC) to account
22 for factors such as inflation. The Public Utilities Commission (PUC) *shall*
23 equitably determine the *Host Community premium* for each residential and
24 commercial account.

25 **§ 511006. Host Community Fund Management.** ~~The management of the~~
26 Host Community Fund shall be the responsibility of maintained separate and apart
27 from all other government funds and managed by the Department of

1 Administration. *No* expenditure *shall* be made from the Fund that is *not* approved
2 by resolution of the respective Host Community Municipal Planning Councils of
3 the Host Community. The funds deposited in the Host Community Fund shall only
4 be used by the respective Host Community for the purposes of the Host
5 Community Benefit projects as described in § 511003 of this Article. The Host
6 Community Fund shall be subject to periodic audit by the Office of Public
7 Accountability, and *shall not be* subject to any transfer authority of I Maga'laha
8 Guåhan.”

9 **SECTION 3.** Section 511007 and 511008, Chapter 51, Article 10 of 10
10 Guam Code Annotated are hereby added to read:

11 **“§ 511007. Exemption from Executive Budget Act.** The Host
12 Community Fund is exempt from the provisions of the Executive Budget
13 Law (5GCA Chapter 4).

14 **§ 511008. Line of Credit Authorized.**

15 **(a)** The Host Community Fund may be encumbered as collateral for a
16 loan or line of credit to advance its community benefit projects as described
17 in § 511003 of this Article. The Municipal Planning Council of the Host
18 Community is authorized to enter into such agreements necessary for the
19 acquisition of the loan or line of credit, with any lending institution chosen
20 under the applicable procurement rules, regulations and policies. Neither the
21 Host Community or the employees of the Municipal Planning Council of the
22 Host Community shall incur any personal liability for any loan agreement
23 lawfully entered into.”

24 **(b)** The Municipal Planning Council of the Host Community may
25 utilize the services of the GEDA in the securing any financing or line of
26 credit authorized in this section and any fees for GEDA’s services if utilized
27 are hereby waived.”

1 **SECTION 4.** Section 5120 is added to Chapter 5, Article 2, Part B of 5
2 Guam Code Annotated is to read:

3 “**§ 5120. Procurement Shall Be Delegated to the Municipal Planning**
4 **Council of the Host Community.** Notwithstanding any other provision of Guam
5 Procurement Law, the authority to procure supplies and services for the Host
6 Community shall be delegated by the Chief Procurement Officer to the Municipal
7 Planning Council of the Host Community.”

8 **SECTION 5. Severability.** If any of the provisions of this Act or the
9 application thereof to any person or circumstance is held invalid, such invalidity
10 *shall* not affect any other provision or application of this Act which can be given
11 effect without the invalid provision or application, and to this end the provisions of
12 this Act are severable.