

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-Referred 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

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

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Senator
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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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 (art)

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

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

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

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

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

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

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

§ 511006. Host Community Fund Management. ~~The management of the~~ Host Community Fund shall be ~~the responsibility of~~ maintained separate and apart 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.



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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]



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Very Truly Yours,

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Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments

Cc: Clerk of the Legislature

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