**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor Of Guam*

NOV 0 7 2017

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

NOV 0 7 2017
Time: 223 PM File No. 34-1174
Received By

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

Dear Mr. Speaker:

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

*Senseramente,*

**EDDIE BAZA CALVO**

2017 NOV -7 PM 2:45

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2017 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

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

**Benjamin J.F. Cruz**
**Speaker**

Attested:

**Régine Biscoe Lee**
**Legislative Secretary**

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

Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

EDWARD J.B. CALVO
*I Maga'låhen Guåhan*

Date: NOV 0 1 2017

Public Law No. 34-58

*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*
**2017 (FIRST) Regular Session**

**Bill No. 200-34 (COR)**
As corrected by the Prime Sponsor;
and substituted and amended on the Floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"**§ 51A119. Management Audit by Public Utilities Commission.**

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

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

"**§ 51A120. Service Rates.**

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

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

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

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

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

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

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

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

*shall* assume in writing from the federal receiver:

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

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

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

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

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

"**§ 5117A. Procurement Authority Shall Be Delegated to the Guam Solid Waste Authority.**

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

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

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