**EDDIE BAZA CALVO**
*Governor*

**RAY TENORIO**
*Lieutenant Governor*

*Office of the Governor Of Guam*

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

NOV 28 2017

NOV 2 8 2017
Time: 11:50 AM [ ] PM File No. 34-1249
Received By: Eden

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. 209-34 (COR), **"AN ACT TO *AMEND* SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO *AMEND* §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSWA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSWA COMPTROLLER POSITION** which was signed on November 28, 2017, as **Public Law 34-68.**

*Senseramente,*

**EDDIE BAZA CALVO**

2017 NOV 28 PM 12:28

1268

*I MINA'TRENTAI 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. 209-34 (COR), "AN ACT TO *AMEND* SECTION 1(ff) OF CHAPTER V, PUBLIC LAW 34-42; AND TO *AMEND* §§ 51A110, 51A111 AND 51A117, ALL OF CHAPTER 51A, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO APPROPRIATING FUNDS FROM THE SOLID WASTE OPERATIONS FUND TO THE GUAM SOLID WASTE AUTHORITY (GSWA) FOR ITS OPERATIONS IN FISCAL YEAR 2018; AND THE CREATION OF A GSWA COMPTROLLER POSITION,"** was on the 27th day of November 2017, duly and regularly passed.

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

Attested:

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

---

This Act was received by *I Maga'låhen Guåhan* this 27th day of Nov, 2017, at 4:53 o'clock P.M.

Tricia Muña
Assistant Staff Officer
*Maga'låhi's* Office

APPROVED:

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

Date: NOV 28 2017

Public Law No. 34-68

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

**Bill No. 209-34 (COR)**
As substituted and amended on the Floor.

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

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

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

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

"**(ff) GUAM SOLID WASTE AUTHORITY (GSWA)**

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

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

**SUMMARY OF APPROPRIATIONS FUNDING SOURCE**

| | |
|---|---|
| SOLID WASTE OPERATIONS FUND | $19,160,000 |
| **TOTAL** | **$19,160,000** |

For information purposes only:

| | |
|---|---|
| FEDERAL MATCHING GRANTS-IN-AID | $0 |

**(2)** The appropriation in Subsection (ff)(1) *shall not* be subject to *I Maga'låhen Guåhan's* transfer authority, and such funds *shall not* be subject to transfers out to any other fund."

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

"**§ 51A110. Other Officers.**

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

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

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

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

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

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

"**§ 51A111. Employees.**

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

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

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

"**§ 51A117. Employment.**

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

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

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

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

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

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