

**5 GCA GOVERNMENT OPERATIONS
CH. 69 GUAM SLAUGHTERHOUSE CORPORATION ACT**

**CHAPTER 69
GUAM SLAUGHTERHOUSE CORPORATION ACT**

SOURCE: This Chapter was added by P.L. 24-96:2.

- § 69101. Short Title.
- § 69102. Name, Formation, Responsibilities and Abilities of the Corporation.
- § 69103. Local Government Assistance.
- § 69104. Management of the Slaughterhouse Facility.
- § 69105. Financial Support for the Slaughterhouse.
- § 69106. Location. Authorization to Lease.
- § 69107. Qualifications.
- § 69108. Repeals.

§ 69101. Short Title.

This Section shall be known as the, *Guam Slaughterhouse Corporation Act*.

§ 69102. Name, Formation, Responsibilities and Abilities of the Corporation.

There is hereby authorized the establishment of a “*Guam Slaughterhouse Corporation*” (“Corporation”) to accomplish the mandate of this Act. *Subject* to Guam laws, the Corporation shall have the abilities and responsibilities of a privately-owned commercial corporation and be subject to the same tax laws as privately-owned corporations, including the Guam Business Privilege Tax. As a private commercial corporation, *however*, it shall be exempt from government of Guam rules, regulations and other requirements regarding hiring, personnel management and procurement.

SOURCE: Amended by P.L. 25-59:2. Amended by P.L. 29-002:VI:28 (May 18, 2007) the name, Gross Receipts Tax, changed to Business Privilege Tax, effective July 17, 2007.

§ 69103. Local Government Assistance.

As an initial procedure, the Department of Agriculture, the Department of Land Management, the Guam Waterworks Authority, the Bureau of Planning, the College of Agriculture and Life Science of the University of Guam, and the Guam Environmental Protection Agency, shall constitute a Slaughterhouse Task Force which shall coordinate the implementation of the slaughterhouse as authorized by this Act, with the

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Department of Agriculture taking the lead agency.

The Task Force shall immediately embark on a search for a qualified private corporation to whom the operation of the slaughterhouse will be entrusted. It shall solicit bids for interested private entities pursuant to the government of Guam Procurement Law, and pursuant to § 69107 of this Act.

The Task Force shall explore possible federal funding from grants that may be available for the implementation of the slaughterhouse. It shall also address and ensure that such infrastructure support as power, water and sewer are within acceptable standards and that all environmental requirements are met.

The Task Force's overall mission is to ensure that the slaughterhouse project is implemented on a timely basis and before the USDA approval expires in 1998.

§ 69104. Management of the Slaughterhouse Facility.

The management, administration and operation of the Slaughterhouse shall be vested in a commercial corporation (hereinafter referred to as the "Corporation"), which shall have the initial support of the Slaughterhouse Task Force, and specifically the Department of Agriculture.

First Year Operation. The Corporation shall operate the slaughterhouse under the corporate form of a business, using the resources of the Department of Agriculture, for a period of one (1) year following the completion of the construction of the slaughterhouse. The Director of the Department of Agriculture shall, during that period, serve as an advisor to Corporation and shall provide it with the Department's expertise and resources in the planning, organization and operation of the slaughterhouse.

§ 69105. Financial Support for the Slaughterhouse.

To facilitate the establishment and the success of the slaughterhouse operation, the government shall provide loan guarantees to the Corporation in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000). The Corporation shall be eligible for government of Guam investment incentives and assistance, such as the Qualifying Certificate program.

§ 69106. Location. Authorization to Lease.

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The site for the construction of the slaughterhouse is designated as Lot 7150-R4-NEW-1-1, Municipality of Yigo, as shown on Land Management Drawing No. CC-8925Y, Certificate of Title 76418, registered on March 19, 1984, containing an area of 8,094 square meters (the "Property"), and belonging to the government of Guam.

Lot No. 7150-R-4-NEW-1-1 is hereby transferred from the Chamorro Land Trust Commission to the Corporation for the purpose of implementing this Act.

Notwithstanding any other law, rule or regulation, the Corporation shall be granted a fifty (50) year lease on the property designated for the slaughterhouse as authorized herein, at a rent of One Dollar (\$1.00) per year; provided, that if the property is employed for purposes other than as a slaughterhouse or other auxiliary purpose as authorized by this Act, the property shall be reverted to the Chamorro Land Trust Commission immediately.

§ 69107. Qualifications.

The qualifications for any private operator of the Guam slaughterhouse shall be as follows:

(1) That Guam hog producers be given priority or preference in the bidding process to operate the slaughterhouse;

(2) That the operator be a citizen of the United States who shall have resided on Guam for at least one (1) year prior to bid, or a non-profit association comprised of residents of Guam formed for the purpose of operating an animal processing facility;

(3) That if the operator is a corporation, it be controlled by citizens of the United States with at least fifty-one percent (51%) of the voting stock owned by such citizens which shall have been residents of Guam for at least one (1) year prior to bid, and, in the event the percentage of ownership becomes less than fifty-one percent (51%) at any given time, the government of Guam shall immediately take over control of the operation and shall again solicit proposals for private operation;

(4) That the operator must make available the animal processing facility to all local residents and businesses wishing to use the same;

(5) That the same rates be charged to all users of the animal

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processing facility with no preferences as to rates and usage being given to any users;

(6) That the operator may not sublease or assign such operator's interest in the animal processing facility without the prior consent of the Guam Legislature by statute.

In the event that no private operator meeting the foregoing qualifications can be found, or the private operator discontinues operations, then, in either case the animal processing facility shall continue to be operated by the government of Guam.

§ 69108. Repeals.

(1) Public Law Number 20-68, which appropriated the sum of \$250,000.00 for the construction of a slaughterhouse, is hereby repealed.

(2) Public Law Number 20-197, which designated land for and provided for the construction of a slaughterhouse, is hereby repealed and is substituted by this Act.
