

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|--------------|---|---|----------------------|---------------|---------------|--|-----------------------------|--------------|-------|
| 331-35 (COR) | Kelly Marsh (Taitano), PhD Jose "Pedro" Terlaje Telena Cruz Nelson Clynton E. Ridgell Tina Rose Muña Barnes Joe S. San Agustin | AKTON PRUTEHI I MANYAMO'NANA GI TIEMPON CHINATSAGA, SA MA PRUTETEHI HIT TODOS (PROTECTING OUR FRONTLINE RESPONDERS TO SAVE US ALL ACT); AN ACT TO ADD A NEW § 19805.1 TO ARTICLE 8, OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED, OF THE ISLAN GUÅHAN EMERGENCY HEALTH POWERS ACT, RELATIVE TO PROHIBITING OPEN BURN ACTIVITIES AND SUSPENDING BURNING PERMITS DURING A STATE OF PUBLIC HEALTH EMERGENCY. | 3/31/20 5:41 p.m. | | | 4/9/20 Waiver of Public Hearing Requirement | | | |



Office of the Speaker
TINA ROSE MUÑA BARNES
I Mina'Trentai Singko Na Liheslaturan Guahan



April 9, 2020

To: All Senators

From: Speaker Tina Rose Muña Barnes

RE: Waiver of Public Hearing Requirement – Bill no. 331-35

Dear Colleagues:

Buenas yan Hafa Adai! Pursuant to Section 1.02(b)(1)(ii) of our Standing Rules I hereby certify that emergency conditions exist involving danger to the public health or safety.

Furthermore, the public hearing requirement for Bill no. 331-35 (LS) is waived in accordance with 2 GCA § 2103(a).

Sinseru Yan Magahit,

Tina Rose Muña Barnes
Speaker, 35th Guam Legislature



Address: 163 W. Chalan Santo Papa Hagåtña, GU 96910

Phone: (671) 477-2520/2521 / Email: speaker@guamlegislature.org / Website: www.guamlegislature.org



Office of the Speaker
TINA ROSE MUNA BARNES
I Mina'Trentai Singko Na Liheslaturan Guahan



REQUEST FOR PUBLIC HEARING WAIVER

Bill No: **331-35 (COR)**

Authored By: Senator Kelly Marsh
(Taitano), PhD., etal

Bill Title ÅKTON PRUTEHI I MANYAMO'NANA GI TIEMPON CHINATSAGA, SA MA PRUTETEH I HIT TODOS (PROTECTING OUR FRONTLINE RESPONDERS TO SAVE US ALL ACT); AN ACT TO ADD A NEW §19805.1 TO ARTICLE 8, OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED, OF THE ISLAN GUÅHAN EMERGENCY HEALTH POWERS ACT, RELATIVE TO PROHIBITING OPEN BURN ACTIVITIES AND SUSPENDING BURNING PERMITS DURING A STATE OF PUBLIC HEALTH EMERGENCY.

Does this Bill directly benefit the response efforts of the Government of Guam in its effort to protect the Health and Safety of the People of Guam from COVID-19?

Yes XXXX

No _____

Does this Bill directly benefit residents of Guam during this economic crisis due to COVID-19?

Yes XXXX

No _____

Does the enactment of this measure have a cost associated with it?

Yes _____

No XXXX

If so, please provide the following:

Anticipated Cost: N/A

Funding Source: N/A

Based on PL 35-36 will current government revenues/operations be impacted by the reduction of the anticipated funding source?

The suspension of burning permits and prohibiting open burn activities are aimed at protecting public health and safety during the COVID-19 virus state of public health emergency and all future public health emergencies. Wildfires pose a severe threat to public safety, property, and natural resources. All wildfires on Guam are human-made and such occurrences will stretch and divert critical and needed resources for the the state of public health emergency. The proposed measure is revenue neutral as it will not require additional funding and will not exact upon GFD's approved budget to perform the proposal's intent. Less open burning means less potential for escaped fires that demands the first responder's time, energy, and abilities from being available to tend to more critical needs during a state of public health emergency. First responder resources must be prioritized and made available to be part of resolving the state of public health emergency.

Speaker Tina Rose Muna Barnes

APR 08 2020

Time 5:00 () AM () PM

Received By: [Signature]



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If so, please identify the estimated dollar amount reduction in revenues and a corresponding aggregate amount in appropriation reductions in PL35-36. Such reductions shall be specifically identified by fund source, by department/agency, and/or by program or miscellaneous appropriation. Is there consent or support from its respective Directors on this measure?

There will be no reduction in revenues corresponding to the aggregate amount in appropriation reductions approved in P.L. 35-36. Bill No. 331-35 (COR). Discussions with the GFD and DoAG have been initiated with findings that DoAG and GEPA have corresponding authority on open burning permits while GFD has become the accessible agency of issuance. This Act aligns the services of GFD as the authority that oversees and controls open burning activities during a state of emergency declaration.

Should we need to assemble in the Committee of the Whole, have the respective directors and stakeholders been contacted? (Please list each individual party separately):

| Name/Title | Agency | Yes/No |
|-------------------------------------|--------------------------------------|-----------------------|
| Daniel Stone, Fire Chief | Guam Fire Department | Initiated Discussions |
| Chels Muna-Brecht, Director | Department of Agriculture | Initiated Discussions |
| Walter Leon Guerrero, Administrator | Guam Environmental Protection Agency | Pending |
| | | |

OFB/BBMR:

1) Does the Office of Finance and Budget **OR** the Bureau of Budget Management and Research concur that the statements made regarding the fiscal impact of this proposed measure are accurate?

Yes _____ No _____

2) Are funds available in the specified funding source to support this measure?

Yes _____ No _____

Comments: _____

Name & Signature of Certifying individual from BBMR or OFB:

| Name | Agency & Title | Signature & Date |
|------|----------------|------------------|
| | | |

Should this section be unattainable, please submit documentation that demonstrates an effort was made.





Office of the Speaker
TINA ROSE MUNA BARNES
I Mina' Trentai Singko Na Liheslaturan Guahan



The above information is true and correct. This bill addresses an immediate emergency and I am requesting that the public hearing be waived.

Senator Kelly Marsh

Name of Main Author/Senator Making a request to waive Public Hearing (Taitano), PhD.

Signature *KMarsh*

Date April 4, 2020

Note: Public concerns/comments that have been received with regards to this measure, or any other pertinent document/information can be attached to this document.

Attachments:

A. Bill No. 331-35 (COR)

B. _____

C. _____




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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 331-35 (COR)

Introduced by:

Kelly Marsh (Taitano), PhD 

Jose "Pedo" Terlaje 

Telena Cruz Nelson 

Clynton E. Ridgell 

Tina Rose Muña Barnes 

Joe S. San Agustin 

***ÅKTON PRUTEHI I MANYAMO'NANA GI TIEMPON
CHINATSAGA, SA MA PRUTETEHİ HIT TODOS
(PROTECTING OUR FRONTLINE RESPONDERS TO
SAVE US ALL ACT); AN ACT TO ADD A NEW § 19805.1
TO ARTICLE 8, OF CHAPTER 19, TITLE 10, GUAM
CODE ANNOTATED, OF THE ISLAN GUÅHAN
EMERGENCY HEALTH POWERS ACT, RELATIVE TO
PROHIBITING OPEN BURN ACTIVITIES AND
SUSPENDING BURNING PERMITS DURING A STATE
OF PUBLIC HEALTH EMERGENCY.***

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

2 **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that emergency
3 preparedness requires attention not just to specific types of hazards but also to steps
4 that increase preparedness by preventing foreseeable problems that can harm the
5 ability to successfully respond to the emergency at hand. Guam's response system
6 during a state of emergency must remain focused, flexible, and responsive to combat
7 the declared emergency. A focused emergency response system allows first
8 responders to react as quickly and efficiently as possible, to address the crisis and
9 potentially avoid mass casualties. It is widely known that COVID-19 requires close

1 monitoring and can rapidly become a situation that breaks emergency response and
2 health care systems wherein all may be needed to stem the crisis.

3 The suspension of burning permits and prohibiting open burn activities are
4 aimed at protecting public health and safety during the COVID-19 virus state of
5 public health emergency and all future public health emergencies declared by *I*
6 *Maga'håga pot Maga'låhi*. The open burn ban is necessary to supplement *I*
7 *Maga'håga's* "social distancing" order aimed at mitigating the spread of COVID-
8 19 due to the anticipation of an increase in open burning or hunting as families find
9 ways to make use of their time while self-quarantining or otherwise under public
10 health emergency directives.

11 Wildfires pose a severe threat to public safety, property, and natural resources.
12 According to the Forestry Division of the Department of Agriculture, all wildfires
13 on Guam are human-made. Each year, several hundred wildfires scorch as much as
14 6% or more of the entire island. For example, in 2016, there were a record-breaking
15 770 wildfires that burned 8,000 acres of land. Firefighters spend numerous hours or
16 whole days and nights feverishly attempting to extinguish massive flames and hose
17 down acres and acres of land.

18 Wildfires lead people to worry about the safety of their loved ones, including
19 pets, and to evacuate homes filled with memories and all their worldly possessions.
20 This is untenable any time but is especially so when people might have to be
21 distancing ourselves from others by staying home, as is the case with COVID-19.
22 Further, wildfires cause airborne irritants, endangering the health of people with
23 heart and/or lung disease, asthma, and other conditions, and potentially, to people
24 suffering COVID-19, which is a respiratory disease.

25 Additionally worrying is that wildfires may divert our limited government
26 dollars from addressing our public health care needs. Money that could be
27 purchasing life-saving Personal Protective Equipment, COVID-19 test kits, and

1 respirators, may instead have to be used for wildfire-related expenses such as for
2 thousands upon thousands of gallons of water, fuel, hazardous pay, overtime pay,
3 and night differential pay, pay which they rightly deserve, but which has the potential
4 of being avoided or at least minimized as an additional taxpayer expense.

5 During a state of emergency, first responder resources must be prioritized as
6 available to be part of resolving the public health emergency at hand. Less open
7 burning means less potential for escaped fires which may then demand that first
8 responder time, energy, and abilities are removed from being available to tend to
9 more critical needs during a state of public health emergency.

10 The measure also imposes penalties to violators and provides criminal
11 mischief penalties to individuals that cause, or intentionally cause the endangerment
12 of life or property damage during the period of a state of public health emergency.
13 According to public sources, eighty percent (80%) of wildfires are caused by arson.

14 The front-line responders play an integral role in preparing the community
15 to respond to and recover from threats and emergencies. The authority to impose an
16 open burn ban and suspension of burn permits are necessary during this COVID-19
17 state of public health emergency and will remain relevant and applicable to all future
18 declarations.

19 **Section 2.** § 19805.1 is hereby *added* to Article 8 of Chapter 19, Title 10,
20 Guam Code Annotated, to read:

21 **“§ 19805.1. Discretionary Suspension of Open Burn Activities and the**
22 **Suspension of Burning Permits during a State of Public Health Emergency.**

23 **(a) The Fire Chief, in consultation with the Guam Environmental**
24 **Protection Authority and the Department of Agriculture, may implement an**
25 **open burn ban and suspend the issuance of burning permits during a state of**
26 **public health emergency. The Fire Chief may then draw upon all available**

1 resources of the Guam Fire Department, as reasonably necessary, to respond
2 to the public health emergency.

3 (1) Upon the effect of an open burn ban, no person shall burn or
4 cause to be burned any trash, refuse, shavings, paper, leaves, coconut
5 husks, litter or other material of any kind outside any house, business,
6 structure, on or in any street, sidewalk, alley, lot, yard or outdoors on
7 private or public property during a state of public health emergency.

8 A. The Fire Chief may impose requirements for outdoor
9 cooking to become permissible on private property provided
10 that such activity is tightly controlled, and the emission of
11 smoke is not a nuisance.

12 2. Any violation of this subsection shall conform to the criminal
13 and civil penalties provided within §63708 of Chapter 63, Title 5, Guam
14 Code Annotated.

15 (b) Any person who intentionally sets fire to forest land or deliberately
16 sets fire to property that causes damage and endangers human lives during the
17 period of a state of public health emergency is aggravated arson, a felony of
18 the second degree as provided in § 34.20 (b), Chapter 34, Title 9, Guam Code
19 Annotated.

20 (c) The Fire Chief shall inform the public health authority of any action
21 taken under this section for dissemination in accordance with § 19701 of this
22 Act and further provide information of additional resources made available
23 for the State of Public Health Emergency.”

24 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.

25 **Section 4. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
27 *not* affect other provisions or application of this Act that can be given effect without

- 1 the invalid provision or application, and to this end the provisions of this Act are
- 2 severable.



Speaker's Office <speaker@guamlegislature.org>

Bill No. 331-35 (COR) Public Hearing Waiver Request

1 message

Roland Villaverde <roland.senatorKelly@gmail.com>

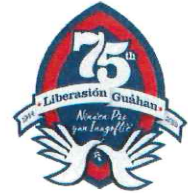
Mon, Apr 6, 2020 at 11:07 AM

To: Joseph Mesngon <joe.senatorsa@gmail.com>, Speaker's Office <speaker@guamlegislature.org>

Hafa adai Mr. Mesngon:

Attached you will find a public hearing waiver request on Bill No. 331-35 for OFB's review and comments. Please process in accordance with the Speaker's letter of guidance. Please send OFB's vetted review back to me for submission to COR and the Speaker's Office. Si Yu'os Ma'ase!

Roland Villaverde



Roland C.P. Villaverde

Office of the People | Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products,
Hagåtña Revitalization, Self-Determination, and Regional Affairs

35th Guam Legislature
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Bill Number 331-35 Waiver for Public Hearing Request.pdf
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