

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
27-35 (COR)	Therese M. Terlaje Sabina Flores Perez Clynt Ridgell	AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.	1/22/19 12:17 p.m.	1/24/19	Committee on Environment, Revenue and Taxation, and Procurement	3/13/19 9:00 a.m.	3/15/19 4:20 p.m.	Request: 1/24/19 Fiscal Note Waiver: 1/31/19	As amended by the Committee on Environment, Revenue and Taxation, and Procurement



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN

35TH GUAM LEGISLATURE

March 14, 2019

The Honorable Telen Cruz Nelson

Acting Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: The Honorable Regine Biscoe Lee

RBL

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 27-35 (COR) As Amended

Håfa adai Acting Speaker Nelson,

Transmitted herewith is the Committee Report on Bill No. 27-35 (COR), As amended by the Committee on Environment, Revenue and Taxation, and Procurement – “AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPa BOARD OF DIRECTORS.”

Committee votes are as follows:

- 4 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

RECEIVED
 MAR 14 2019
[Signature]
 COMMITTEE ON RULES
 4:43 P.M.

Si Yu'os ma'åse',

Sabina Flores Perez

Sabina Flores Perez

2019 MAR 15 PM 4:20K



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

COMMITTEE REPORT

Bill No. 27-35 (COR)

**As amended by the Committee on Environment,
Revenue and Taxation, and Procurement**

**Introduced by Senator Therese M. Terlaje,
Senator Sabina Flores Perez
and Senator Clynton E. Ridgell**

**“AN ACT TO *AMEND* § 45105 OF ARTICLE 1,
CHAPTER 45, AND *ADD* A NEW § 50104(p) TO
CHAPTER 50, BOTH OF TITLE 10, GUAM
CODE ANNOTATED; AND TO *ADD* A NEW §
22107(g) TO CHAPTER 22 OF TITLE 22, GUAM
ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO THE TIMELY
PUBLICATION OF ALL NOTICES OF
VIOLATION, ORDERS OF COMPLIANCE,
NOTICES OF DEFENSE, VOLUNTARY
COMPLIANCE AGREEMENTS, SETTLEMENT
AGREEMENTS, AND REFERRALS TO THE
OFFICE OF THE ATTORNEY GENERAL FOR
PROSECUTION ISSUED BY THE GUAM
ENVIRONMENTAL PROTECTION AGENCY
(GEPA), AND TO REQUIRE THAT ALL OF THE
ABOVE BE REPORTED TO THE GEPA BOARD
OF DIRECTORS.”**



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

March 14, 2019

MEMORANDUM

To: **All Members**
Committee on Environment, Revenue and Taxation, and Procurement

From: **Senator Sabine Flores Perez**
Committee Chairperson *SFP*

Subject: **Committee Report on Bill No. 27-35 (COR), As amended by the Committee on Environment, Revenue and Taxation, and Procurement**

Håfa Adai,

Transmitted herewith for your consideration is the Committee Report on Amended Bill No. 27-35 (COR) – **“AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPa BOARD OF DIRECTORS.”**

This report includes the following:

- Copy of COR Referral of Bill No. 27-35 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimonies and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 27-35 (COR)
- Copy of Bill No. 27-35 (COR), *As amended by the Committee on Environment, Revenue and Taxation and Procurement.*
- Amended Mark-up Version
- Copy of Fiscal Note Waiver from Bureau of Budget and Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telenia Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), Ph.D.,
Member

Senator Sabina Flores Perez,
Member

Senator Clayton E. Ridget
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
I MINA TRENDAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

January 24, 2019

Senator Joe S. San Agustin,
Member

Senator Jose T. Terloje,
Member

Senator Therese M. Terloje,
Member

Senator James C. Moylan,
Member

Senator Mary Comacho Torres,
Member and
Chair, Subcommittee on Protocol

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 27-35 (COR)**

Buenas yan Háfa adai.

As per my authority as Chairperson of the Committee on Rules and subject to §6.01 (d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 27-35 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Senator Sabina Flores Perez, Chairperson of the Committee on Environment, Revenue and Taxation, and Procurement.**

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules



I Mina'trentai Singko Na Lihelaturan Guahan
BILL STATUS

FILE NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	COMTEE REFERRED	DATE READING DATE	DATE COMMITTEE RECOMMENDED	REMARKS	NOTES
27-35 (COR)	Therese M. Terlaje Sabina Flores Perez Clynt Ridgell	AN ACT TO AMEND § 45105. OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; ADD A NEW SUBSECTION (p) TO §50104 OF CHAPTER 50, TITLE 10, GUAM CODE ANNOTATED; ADD A NEW SUBSECTION (g) TO §22107, CHAPTER 22, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, AND SETTLEMENT AGREEMENTS AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION, ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND TO REQUIRE ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.	1/22/19 12:17 p.m.	1/24/19	Committee on Environment, Revenue and Taxation, and Procurement				



1st Notice of Public Hearing: Wednesday, March 13, 2019 at 9:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Wed, Mar 6, 2019 at 8:51 AM

To: kim.garrido@mec-guam.com, geri.bsantos@mec-guam.com, rino.t.manzano@mec-guam.com, ricky.delgado@ipehq.com, rlove@grescopacific.com, b.bamba@ipehq.com, joonhahn@sppcorp.com, guam.ob@exxonmobil.com, benedict.atoigue@revtax.guam.gov, katrina.hodges@revtax.guam.gov, john.terlaje@revtax.guam.gov, maelinda.bayona@revtax.guam.gov, info@ghra.org, info@guamchamber.com.gu, Bernadette Lou Sablan <l.sablan@gpagwa.com>, lpalomo@guampuc.com, "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, vilma.balajadia@epa.guam.gov, nic.rupley@epa.guam.gov, law@guamag.org, dlmdir@land.guam.gov, joseph.borja@land.guam.gov, graig.camacho@revtax.guam.gov, jack.hattig@cltc.guam.gov, joseph.angoco@galc.guam.gov, rey.mas2consultants@gmail.com, gerilg.adztech@teleguam.com, candy.okuhama@asctrust.com, phnotice@guamlegislature.org, Sabrina Salas Matanane <sabrina@kuam.com>, Krystal Paco <krystal@kuam.com>, Nick Delgado <nick@kuam.com>, nector@kuam.com, Chris Barnett <malafunkshun@kuam.com>, carmen@kuam.com, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, heugenio@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofiguam.com>, businesseditor@glimpsesofiguam.com, reporter2@glimpsesofiguam.com, Joy White <reporter4@glimpsesofiguam.com>

March 6, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **1st Notice of Public Hearing: Wednesday, March 13, 2019 at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Wednesday, March 13, 2019 at 9:00 a.m.** This hearing will take place in *Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Executive Appointment of Mr. John Edward G. Ilao to serve as a **Member** of the **Alcoholic Beverage Control Board**.

Bill No. 8-35 (LS)-Telo T. Taitague - An act to amend § 5217(a) of Subarticle C, Article 2, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to commercial leasing of public real property and related facilities.

Bill No. 25-35 (COR) - Telo T. Taitague - An act to amend § 49119 of Chapter 49, Division 2, Title 10, Guam Code Annotated, relative to applying the ultra-low sulfur diesel fuel standard to all diesel fuel used in Guam.

Bill No. 27-35 (COR) - Therese M. Terlaje / Sabina Flores Perez / Clynt Ridgell -An act to amend § 45105. of Chapter 45, Title 10, Guam Code Annotated; add a new subsection (p) to

§50104 of Chapter 50, Title 10, Guam Code Annotated; add a new subsection (g) to §22107, Chapter 22, Title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements, and settlement agreements and referrals to the office of the attorney general for prosecution, issued by the Guam Environmental Protection Agency and to require all of the above be reported to the GEPA board of directors.

Bill No. 46-35 (COR) - James C. Moylan - An act to amend § 5112 and to add §5113, both of Chapter 51, Title 18, Guam Code Annotated, and to add §30112 to Chapter 30, of Title 11, Guam Code Annotated, relative to increasing the enforcement and collection efforts from lodging facilities who accommodate transient visitors.

Testimony on the **Executive Appointment of Mr. John Ilaio, Bill No. 8-35 (LS), Bill No. 25-35 (COR), Bill No. 27-35 (COR) and Bill No. 46-35 (COR)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm March 18, 2019.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968.

 **1st Notice.pdf**
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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN
35TH GUAM LEGISLATURE

March 6, 2019

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Bill No. 27-35 (COR) - Therese M. Terlaje / Sabina Flores Perez / Clynt Ridgell -An act to amend § 45105. of Chapter 45, Title 10, Guam Code Annotated; add a new subsection (p) to §50104 of Chapter 50, Title 10, Guam Code Annotated; add a new subsection (g) to §22107, Chapter 22, Title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements, and settlement agreements and referrals to the office of the attorney general for prosecution, issued by the Guam Environmental Protection Agency and to require all of the above be reported to the GEPA board of directors.

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In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2698.

GUAM DAILY POST • WEDNESDAY, MARCH 6, 2019

US attorney general won't recuse from Mueller probe

By Chris Strohm
Bloomberg News

WASHINGTON - Attorney General William Barr said he won't recuse himself from being in charge of special counsel Robert Mueller's investigation, a major development affecting the fate of the politically charged probe into President Donald Trump.

"Following General Barr's confirmation, senior career ethics officials advised that General Barr should not recuse himself from the special counsel's investigation. Consistent with that advice, General Barr has decided not to recuse," said Kerri Kupec, a Justice Department spokeswoman.

The question of whether Barr, who was confirmed as attorney general last

month, should oversee Mueller has become a political flashpoint.

Under Justice Department regulations, the attorney general has sole authority over Barr and has the power to decide how much of Mueller's final report is provided to Congress and made public. With Mueller believed to be close to completing his work, Democrats in Congress are vowing to force the release of his report and the evidence underlying it.



William Barr

The president repeatedly attacked and ridiculed his first attorney general, Jeff Sessions, for recusing himself based on his role in Trump's campaign. Trump removed Sessions in November and named Matthew Whitaker acting attorney general.

Whitaker, who had criticized Muel-

ler's investigation before joining the Justice Department, decided not to recuse himself from overseeing the investigation in December, even though a senior department ethics official said a formal review would likely recommend a recusal.

Whitaker never asked for a formal ethics recommendation. He and a small group of advisers decided there was no precedent for him to recuse under these circumstances. Whitaker left the Justice Department on Saturday.

During his confirmation hearing in January, Barr refused to say whether he'd recuse himself from overseeing Mueller. He said that he would consult with career Justice Department officials on the recusal matter, but the decision would ultimately be his to make.

HUD secretary intends to leave post at end of Trump's first term

By Tracy Jan
The Washington Post

WASHINGTON - Housing and Urban Development Secretary Ben Carson says he intends to leave his post at the end of President Trump's first term.

Carson made his remarks in a segment airing Monday evening on Newsmax TV, a conservative news outlet. In his two years leading HUD, Carson has dialed back civil rights enforcement at the agency and suspended Obama-era rules that had been aimed at fighting housing segregation and discrimination.

"I will certainly finish out this term," Carson said during his interview with Newsmax. But he added that "I would be interested in returning to the private sector because I think you have just as much influence, maybe more, there."

HUD did not immediately respond to requests for comment.

Trump appointed Carson, a retired neurosurgeon who gained notoriety for his pioneering surgery separating conjoined twins, to lead HUD even though he lacked prior housing, executive or government experience. He ran an unsuccessful bid for president in 2016.

South Carolina lottery winner claims record \$877M payout

(Reuters) - The anonymous sole winner of a \$1.5 billion U.S. Mega Millions drawing last fall has come forward to claim the jackpot, choosing to collect a record one-time cash sum of more than \$877 million, South Carolina's lottery commission said on Monday.


The winning Quick Pick Mega Millions ticket for the Oct. 23 drawing was

purchased at a KC Mart convenience store in Simpsonville, South Carolina, officials said.

The victorious player has opted not to be publicly identified, with lottery officials describing the winner only as a "South Carolinian."

But in a fortuitous gesture recounted by lottery officials, the lucky contestant had allowed a fellow customer at the KC Mart to jump ahead in line to buy a ticket just before the winning ticket was sold. "A simple act of kindness led to an amazing outcome," officials

at the commission said in a statement announcing that a winner had come forward. The buyer of the winning ticket beat the odds of 1 in 303 million to win the drawing for a grand prize of \$1.537 billion, just short of a world record Powerball jackpot of \$1.586 billion in January 2016. But the cash option payment chosen by the South Carolina Mega Millions winner amounts to a lump-sum total of \$877,734,124 - the largest jackpot payout to a single winner in U.S. history, the state lottery commission said.



Senator Sabina Flores Perez
Committee on Environment,
Revenue and Taxation, and Procurement

Public Hearing Notice
Wednesday, March 13, 2019
I Liheslaturan Guahan, Public Hearing Room

AGENDA

9:00am
Executive Appointment of Mr. John Edward G. Iao to serve as a Member of the Alcoholic Beverage Control Board.

Bill No. 8-35 (LS) - Telo T. Taitague - An act to amend § 5217(a) of Subarticle C, Article 2, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to commercial leasing of public real property and related facilities.

Bill No. 25-35 (COR) - Telo T. Taitague - An act to amend § 49119 of Chapter 49, Division 2, Title 10, Guam Code Annotated, relative to applying the ultra-low sulfur diesel fuel standard to all diesel fuel used in Guam.

Bill No. 27-35 (COR) - Theresia M. Terlaje / Sabina Flores Perez / Clynton Ridgell - An act to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; add a new subsection (p) to §50104 of Chapter 50, Title 10, Guam Code Annotated; add a new subsection (g) to §22107, Chapter 22, Title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements, and settlement agreements and referrals to the office of the attorney general for prosecution, issued by the Guam Environmental Protection Agency and to require all of the above be reported to the GEPA board of directors.

Bill No. 46-35 (COR) - James C. Moylan - An act to amend § 5112 and to add § 5113, both of Chapter 51, Title 18, Guam Code Annotated, and to add §3012 to Chapter 30, of Title 11, Guam Code Annotated, relative to increasing the enforcement and collection efforts from lodging facilities who accommodate transient visitors.

Testimonies can be delivered to the Legislative Mailbox at the Guam Congress Building at 163 Chalan Santa Rosa, Hagåtña, Guam 96910, or via email to office@senatorperez.org, no later than 4pm March 18, 2019.

Individuals requiring special accommodations should submit request to Office of Senator Sabina Flores Perez at 989-2968. Paid for by Committee funds.

Guam Facilities Foundation, Inc.	
Statement of Financial Position	
As of December 31, 2018	
Assets	
Cash	2018
Receivables	\$ 506,229
Fixed Assets	261,676
Total Assets	4,745
	772,650
Liabilities & Fund Balance	
Payables	\$ 626,981
Fund Balance	145,670
Total Net Assets	772,650
Statement of Revenues / Expenditures and Changes in Fund Balance	
For the year ended December 31, 2018	
Contributions / Revenue	\$ 2,506
Deductions / Expenditures	13,284
Net change in fund balance	(10,778)
Submitted by Nenita Baldovino, Director	
111 Chalan Pipitas, STE Community Center, Dededo, Guam 96929	

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2nd Notice of Public Hearing: Wednesday, March 13, 2019 at 9:00 a.m.

Office of Senator Sabina Perez <office@senatorperez.org>

Mon, Mar 11, 2019 at 8:27 AM

To: josie.camacho@mec-guam.com, geri.bsantos@mec-guam.com, rino.t.manzano@mec-guam.com, ricky.delgado@ipehq.com, rlove@grescopacific.com, b.bamba@ipehq.com, joonhahn@sppcorp.com, guam.ob@exxonmobil.com, benedict.atoigue@revtax.guam.gov, katrina.hodges@revtax.guam.gov, john.terlaje@revtax.guam.gov, maelinda.bayona@revtax.guam.gov, info@ghra.org, info@guamchamber.com.gu, Bernadette Lou Sablan <l.sablan@gpagwa.com>, lpalomo@guampuc.com, "Walter S. Leon Guerrero" <walter.leonguerrero@epa.guam.gov>, vilma.balajadia@epa.guam.gov, nic.rupley@epa.guam.gov, law@guamag.org, dlmdir@land.guam.gov, joseph.borja@land.guam.gov, craig.camacho@revtax.guam.gov, jack.hattig@cltc.guam.gov, joseph.angoco@galc.guam.gov, rey.mas2consultants@gmail.com, geri@adztechguam.com, candy.okuhama@asctrust.com, phnotice@guamlegislature.org, Sabrina Salas Matanane <sabrina@kuam.com>, Krystal Paco <krystal@kuam.com>, Nick Delgado <nick@kuam.com>, nestor@kuam.com, Chris Barnett <malafunkshun@kuam.com>, carmen@kuam.com, joan@kuam.com, news@sorensenmediagroup.com, reporters@postguam.com, news@guampdn.com, news@k57.com, phill@k57.com, rlimtiaco@guampdn.com, heugenio@guampdn.com, John O'Connor <johntaoconnor@gmail.com>, kstokish@gmail.com, editor@pacificislandtimes.com, Maureen Maratita <publisher@glimpsesofiguam.com>, businesseditor@glimpsesofiguam.com, reporter2@glimpsesofiguam.com, Joy White <reporter4@glimpsesofiguam.com>

March 11, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson*

Subject: **2nd Notice of Public Hearing: Wednesday, March 13, 2019 at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Wednesday, March 13, 2019 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Executive Appointment of Mr. John Edward G. Ila to serve as a **Member** of the **Alcoholic Beverage Control Board**.

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Testimony on the **Executive Appointment of Mr. John Iao, Bill No. 8-35 (LS), Bill No. 25-35 (COR), Bill No. 27-35 (COR) and Bill No. 46-35 (COR)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm March 18, 2019.

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Sabina Flores Perez at 989-2968.

 **2nd Notice.pdf**
183K



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN
35TH GUAM LEGISLATURE

March 11, 2019

MEMORANDUM

To: All Senators, Stakeholders and Media

Fr: Senator Sabina Flores Perez, *Chairperson* *SFP*

Subject: **2nd Notice of Public Hearing: Wednesday, March 13, 2019 at 9:00 a.m.**

The Committee on Environment, Revenue and Taxation, and Procurement will be conducting a public hearing on **Wednesday, March 13, 2019 at 9:00 a.m.** This hearing will take place in *I Liheslaturan Guahan*, Public Hearing Room. The agenda is as follows:

9:00 a.m.

Executive Appointment of Mr. John Edward G. Ilaio to serve as a **Member** of the **Alcoholic Beverage Control Board**.

Bill No. 8-35 (LS) - Telo T. Taitague - An act to amend § 5217(a) of Subarticle C, Article 2, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to commercial leasing of public real property and related facilities.

Bill No. 25-35 (COR) - Telo T. Taitague - An act to amend § 49119 of Chapter 49, Division 2, Title 10, Guam Code Annotated, relative to applying the ultra-low sulfur diesel fuel standard to all diesel fuel used in Guam.

Bill No. 27-35 (COR) - Therese M. Terlaje / Sabina Flores Perez / Clynt Ridgell -An act to amend § 45105. of Chapter 45, Title 10, Guam Code Annotated; add a new subsection (p) to §50104 of Chapter 50, Title 10, Guam Code Annotated; add a new subsection (g) to §22107, Chapter 22, Title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements, and settlement agreements and referrals to the office of the attorney general for prosecution, issued by the Guam Environmental Protection Agency and to require all of the above be reported to the GEPA board of directors.

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Testimony on the **Executive Appointment of Mr. John Ilaio, Bill No. 8-35 (LS), Bill No. 25-35 (COR), Bill No. 27-35 (COR) and Bill No. 46-35 (COR)** should be addressed to Senator Sabina Flores Perez, Chairperson, and will be accepted via hand delivery to our office, our mailbox at the Guam Congress Building at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, via email to office@senatorperez.org, no later than 4pm March 18, 2019.

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GUAM DAILY POST • MONDAY, MARCH 11, 2019

Experts: NKorea planned launch before summit

TOKYO (The Washington Post) — Satellite images suggest North Korea was preparing to launch a space rocket even before the breakdown of the Hanoi summit between President Donald Trump and Kim Jong Un, experts say.

There is no way of knowing if Pyongyang will follow through with the plans, which would undoubtedly be seen very negatively in Washington and could derail an already shaky negotiation process. Meanwhile signs of a hardening of attitudes within the Trump administration have left several experts increasingly pessimistic.

The plans may reflect a feeling that talks had hit an impasse even before the summit, as well as North Korea's frustration with a lack of sanctions relief, expert say. North Korean leader Kim had warned in a New Year's Day speech that he might be forced to follow a "new path" if the United States demanded unilateral concessions and failed to lift sanctions.

The images showed signs of activity on Feb. 22 at Second Academy of Natural Sciences (SANS) at Sanumdong, just outside Pyongyang, which is North Korea's primary developer of ballistic missiles and space launch vehicles.

Other images made available this week show North Korea also has rebuilt a launchpad and rocket engine test site at the Sohae Satellite Launching Station, reinforcing suspicions that a rocket launch could be imminent.

In 2012, an agreement between



WAIT-AND-SEE APPROACH: North Korean leader Kim Jong Un poses for photos in Pyongyang in this Jan. 7 photo released by North Korea's Korean Central News Agency. KCNA via Reuters

North Korea and the Obama administration to cease nuclear and missile tests in return for food aid broke down after Pyongyang launched a satellite rocket. Trump has set considerable store in a promise by Kim Jong Un to suspend testing, and said on Friday he said he would be "very disappointed" if testing resumed.

"With the inconclusive result in Hanoi, North Korea now appears to be moving again toward a space launch," Jeffrey Lewis, a scholar at the Middlebury Institute of International Studies at Monterey, in California, wrote on a blog post.

Lewis said he expected North

Korea would use older, and already tried and tested technology for a space launch, but he said there was a possibility it could use a larger rocket that would send a more provocative signal.

"If North Korea wants to place a satellite in geostationary orbit, however, it will require a larger launch vehicle," he wrote. "North Korea might instead debut a new rocket, possibly using a variant of the March 18 Revolution engine that powers its new generation of strategic missiles including the Hwasong-15."

Lewis said the move followed a pattern of North Korean negotiating tactics: "Pressure before the

“With the inconclusive result in Hanoi, North Korea now appears to be moving again toward a space launch.”

— Jeffrey Lewis, scholar at Middlebury Institute of International Studies

summit to make deal, followed by a credible punishment after the U.S. walks away."

"Trump is going to lose his one foreign policy victory bit by bit," Lewis added.

Attitudes also appear to be hardening in Washington. On Thursday, a senior State Department official said launch of a space launch vehicle from Sohae "would be inconsistent with the commitments that the North Koreans have made."

But more significant to many experts was a comment that appears to put the ball squarely in Pyongyang's court to dismantle its nuclear weapons before the United States would consider easing the pressure.

Experts said the latest remarks appear to contradict a speech made by U.S. envoy to North Korea Stephen Biegun at Stanford in January, when he said he hoped the two sides could move "simultaneously and in parallel," through a road map of "concrete deliverables," negotiations and declarations.



Senator Sabina Flores Perez
Committee on Environment,
Revenue and Taxation, and Procurement

Public Hearing Notice
Wednesday, March 13, 2019
I Liheslaturan Guahan, Public Hearing Room

AGENDA

9:00am

Executive Appointment of Mr. John Edward G. Ito to serve as a Member of the Alcohol Beverage Control Board.

Bill No. 8-35 (LS) - Telo T. Taitague - An act to amend § 5217(a) of Subarticle C, Article 2, Chapter 5, Division 1, Title 5, Guam Code Annotated, relative to commercial leasing of public real property and related facilities.

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Testimonies can be delivered to the Legislative Mailbox at the Guam Congress Building, at 163 *Chalan Santo Papa, Hagåtña*, Guam 96910, or via email to office@senatorperez.org, no later than 4pm March 18, 2019.

Individuals requiring special accommodations should submit request to Office of Senator Sabina Flores Perez at 989-2968. Paid for by Committee funds.



JUDICIARY OF GUAM

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REQUEST FOR PROPOSALS No. 19-03 FINANCING SERVICES

The Judiciary of Guam, through its Judicial Council, is accepting proposals from any qualified bank(s), or commercial lending institutions, to provide financing of an amount not to exceed Fifteen Million Dollars (\$15,000,000.00) for the Judiciary of Guam.

Interested and qualified banks or commercial lending institutions may pick up copies of the RFP at the Procurement Office located in the Guam Judicial Center, 1st Floor, 120 West O'Brien Drive Hagåtña beginning **Thursday, February 21, 2019** (Guam Standard Time) from 8:00am to 5:00pm except Government of Guam holidays or visit the Judiciary of Guam's website <http://www.guamcourts.org/information/proc.html> to obtain an electronic copy of the RFP and for any periodic updates.

All proposals must be submitted to the Procurement Office no later than **2:00pm (Guam Standard Time), April 12, 2019**. Late proposals will not be considered.

For more information please contact Marissa C. Antonio, Assistant Procurement Administrator at 475-3175/3393 or email at mantonio@guamcourts.org and/or jpcpeda@guamcourts.org.

JOHN Q. LIZAMA
Administrator of the Courts

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Updated as of 3.11.19



OFFICE OF SENATOR SABINA FLORES PEREZ
Chairperson
Committee on Environment, Revenue and Taxation, and Procurement
I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN
35TH GUAM LEGISLATURE

AGENDA
PUBLIC HEARING
Wednesday, March 13, 2019
I Liheslaturan Guahan, Public Hearing Room

The agenda is as follows:

9:00 am

Executive Appointment of **Mr. John Edward G. Ila** to serve as a **Member** of the **Alcoholic Beverage Control Board**.

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OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

Public Hearing

Wednesday, March 13, 2019, 9:00am

I Liheslaturan Guahan, Public Hearing Room

Bill No. 27-35 (COR) - Therese M. Terlaje / Sabina Flores Perez / Clynt Ridgell - An act to amend § 45105. of Chapter 45, Title 10, Guam Code Annotated; add a new subsection (p) to §50104 of Chapter 50, Title 10, Guam Code Annotated; add a new subsection (g) to §22107, Chapter 22, Title 22, Guam Administrative Rules and Regulations, relative to the timely publication of all notices of violation, orders of compliance, notices of defense, voluntary compliance agreements, and settlement agreements and referrals to the office of the attorney general for prosecution, issued by the Guam Environmental Protection Agency and to require all of the above be reported to the GEPA board of directors.

NAME (please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT INFORMATION
NIC RUPLEY LEE	GUAM EPA	—		—		NIC.RUPLEY@EPA.GUAM.GOV



AHENSIAN PRUTEKSION LINA'LA GUÁHAN

LOURDES A. LEON GUERRERO, GOVERNOR OF GUAM • JOSHUA F. TENORIO, LIEUTENANT GOVERNOR OF GUAM
WALTER S. LEON GUERRERO, ADMINISTRATOR

Testimony of Walter S. Leon Guerrero, Guam EPA Administrator: Bill 27-35

Hafa Adai and Good Morning Acting Speaker Telenia C. Nelson, Madam Chairwoman Senator Sabina E. Perez and honorable members of the 35th Guam Legislature,

My name is Nic Rupley Lee and I am the public information officer for the Guam Environmental Protection Agency.

Our Administrator, Walter S. Leon Guerrero send his regrets for being able to appear before you this morning as he is tending to a family matter. I am here to offer his testimony on his behalf.

The Guam Environmental Protection Agency stands in support of Bill 27-35. We are pleased with any legislation that assists our mission in advocating for the furthered protection of human and environmental health. The agency understands that this legislation seeks to further the agency's transparency with publishing and reporting requirements.

From the start of the Leon Guerrero Tenorio Administration, it was made quite clear to me that it is incumbent upon all directors and administrators to see that their respective agencies make a regular practice of being openly

transparent with our island community. As an Agency, we look to uphold this practice, and view this legislation as an authoritative means to provide the public with an ease of accessibility for information about cases of environmental infractions that take place on our island.

As some of you may recall, when an earlier iteration of this bill (372-34) was publicly heard, the Agency went on record to inform the legislature and the community that at the start of FY19, we will publish all future NOV's on our website. We have gone on record with the media to state this as well.

Since the December 2018 public hearing on 372-34, we have been appreciative of our discussions with Senator Terlaje, and have agreed in principle, that settlement agreements and documentation that details the finality of the notice of violation, we also be published.

This began as an administrative commitment to further transparency and the agency welcomes the backing of statutory authority to carry out this administrative effort.

Thank you for the opportunity to speak with you all today, I am available for any questions or comments that you may have regarding my testimony.

/s/ Walter S. Leon Guerrero



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 27-35 (COR) was introduced on January 22, 2019 by Senators Therese M. Terlaje, Sabina Flores Perez and Clynton E. Ridgell, and was subsequently referred by the Committee on Rules to the Committee on Environment, Revenue and Taxation, and Procurement on January 24, 2019.

The Committee on Environment, Revenue and Taxation, and Procurement convened a public hearing on Bill No. 27-35 (COR) on Wednesday, March 13, 2019 at 9:00 AM in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via email to all Senators and all main media broadcasting outlets on March 6, 2019 and again on March 11, 2019. Publication was conducted in the **Guam Daily Post**, a newspaper of general circulation, fulfilling the 5-Day Notice and 48 Hour Notice of the Open Government Law requirements respectively.

Senators Present

Senator Sabina Flores Perez
Senator Therese M. Terlaje
Senator Telenia C. Nelson
Senator Kelly Marsh (Taitano)
Senator Telo Taitague
Senator Regine Biscoe Lee
Senator Clynton E. Ridgell
Senator James C. Moylan

Committee Chairperson
Committee Vice Chairperson
Committee Member
Committee Member
Committee Member
Committee Member
Legislative Member
Legislative Member

II. SUMMARY OF TESTIMONY AND DISCUSSION

The public hearing was Called-to-Order at 9:00AM.

Chairperson Perez called up those who have signed up to give testimony and allowed the sponsor to introduce the bill.

Senator Terlaje: Thank you very much Madam Chair and I want to thank all of you for waiting here to testify on this bill, I appreciate your being here this morning. *Si Yu'os ma'åse'* Senator Perez for holding this public hearing on Bill 27-35 and thank you the Guam EPA Administrator, Mr. Walter Leon Guerrero and those who are here to provide testimony. Bill 27 if passed into law will require the online publication of environmental violation enforcement documents and the timely reporting of these documents to Guam EPA's Board of Directors. It will specifically mandate that all notices of violations, orders of compliances, notices of defense, voluntary compliance agreements, settlement agreements and referrals to the Office of the Attorney General for prosecution will be published online no later than 15 days from service and those documents will also be reported to the Board of Directors at the next scheduled regular board meeting. These

documents are already public and subject to FOIA requests as we have seen in FOIA responses from the Guam EPA.

The bill would also amend, well it would amend the enabling statutes of EPA so that this mandate applies to all of EPA's mandate which are very diverse and that the only reason the bill is long. It's because the list of the mandates of the Guam EPA are extensive. I'll spare us from reading those right now just because of time. The bill's intent is to support the Guam EPA's efforts to increase agency transparency by allowing the public the opportunity to follow the enforcement process of violation from start to finish. I'd like to thank the Administrator and the Public Information Officer, Nic Rupley, the Board Chairman Bob Perron, and Guam EPA Legal Counsel Kristin Finney for the support, feedback and suggestions that were provided during the draft process of this bill. And this bill was introduced last year, and we had a public hearing and so there was some input that we have incorporated this time.

I am in support of the Guam EPA's efforts, now they and their board have adopted a policy to put these violations online. I support this transparency and open government. I believe that if we increase, especially these regulatory agencies transparency, we're going to build trust with the public, we are going to make it very clear that we are prioritizing active participation by the public in protecting our environment. So particularly for this agency, which we are trusting to protect our environment but could not do alone and we just heard from the testimony in the previous bill, they absolutely cannot do it alone. Putting these things online, I'm hoping, is going to encourage the public to follow along, to be trusting of the Guam EPA and to help the Guam EPA's in its enforcement duties in reporting violations.

I think that will all ultimately make these agencies and the boards accountable to the level of enforcement that our entire community is depending upon thank you madam chair.

Chairperson Perez: Thank You Senator Terlaje so I'd like to invite our lone testifier Nic Lee representing Guam EPA.

Nic Rupley Lee, Public Information Officer, Guam Environmental Protection Agency: Hi good morning senators. I feel like I should give you all the cliff notes version of the testimony. Last year in December, earlier iteration of this Bill 372-34 was supported by the agency. We made recommendations to Senator Terlaje's office about you know some of the things that we felt should be included. We've supported the measure. since then we've had productive discussions with her office about the format in which we are going to be reporting or I'm sorry publishing the notices of violation and all of these supporting documents. So, we'd like to have the board give us some input on that. Senator Terlaje did cite specific examples of how other jurisdictions handled their online publication and we are interested in kind of mirroring or adopting some of those, some of those practices. I don't know how else to put this but were in full supportive of the measure. thank you.

Chairperson Ada: Thank you so much. I'd like to open the floor to my colleagues to my far-left Senator Kelly Marsh Taitano, do you have any questions?

Senator Marsh (Taitano): *Manana Si Yu'os* so not so much a question but just a comment and just to thank you for coming and providing this testimony. It's very reassuring both as a citizen of this island but also a leader to hear of the collaboration that the Senators have been working with the offices and your offices have been working with the leadership. So, I mean that's very

reassuring to hear it's very good to hear about the desire to voluntarily and be open to having this be mandated in law for this transparency. It has been a problem in the past. There have been citizens that have been concerned with this and so I just want to commend both the Senators that have been involved but also your agency for working together so well and for leading the way in many ways for this transparency.

Mr. Lee: Thank You senator.

Chairperson Perez: Thank You Senator. Senator Moylan you have any questions? Senator Ridgell? Okay, thank you so much for testifying and, it's very sensible law right, if I say so myself.

Mr. Lee: You guys are awesome thank you.

Chairperson Perez: Thank you.

Chairperson Perez adjourned the public hearing for Bill No. 27-35 (COR).

Written Testimonies:

- Walter Leon Guerrero, *Administrator, Guam Environmental Protection Agency*

III. FINDINGS AND RECOMMENDATION

The Committee on Environment, Revenue and Taxation, and Procurement hereby reports out Bill No. 27-35 (COR), *As amended by the Committee*, with the recommendation to do pass.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. *27*-35 (COR)

Introduced by:

Therese M. Terlaje *TH*
Sabina Flores Perez *SFP*
Clynt Ridgell *A*

AN ACT TO AMEND § 45105. OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; ADD A NEW SUBSECTION (p) to §50104 OF CHAPTER 50, TITLE 10, GUAM CODE ANNOTATED; ADD A NEW SUBSECTION (g) TO §22107, CHAPTER 22, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, AND SETTLEMENT AGREEMENTS AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION, ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY AND TO REQUIRE ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.

2019 JUN 22 PM 12: 17 KC

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that better communication of potential health risks associated with violations of
4 environmental regulations is important to protecting the health of the community

1 and ensuring compliance of environmental laws and regulations. Notices of
2 Violation (NOV), Orders of Compliance, Notices of Defense, Voluntary
3 Compliance Agreements, settlement agreements, and referrals to the Office of the
4 Attorney General for prosecution are enforcement procedures put in place by the
5 Guam Environmental Protection Agency (GEPA) to uphold compliance with
6 Guam Environmental laws and regulations.

7 *I Liheslaturan Guåhan* finds that GEPA is not mandated by law to inform
8 the public of violations, unless a violation poses an immediate threat to the health
9 and safety of the community. Presently, public inquiries for GEPA enforcement
10 documents require a formal request to the GEPA Administrator or the submission
11 of a Freedom of Information Act (FOIA) request. However, GEPA, in an effort
12 towards transparency and open governance, announced on their website that
13 starting October 01, 2018, all Notices of Violations issued by the agency will be
14 published on the agency website. *I Liheslaturan Guåhan* finds that to support
15 GEPA's commitment towards increased transparency and open governance and to
16 encourage compliance with Guam Environmental laws and regulations. GEPA
17 should, on a timely basis, publish all NOV's, Orders of Compliance, Notices of
18 Defense, Voluntary Compliance Agreements, settlement agreements and referrals
19 to the Office of the Attorney General for prosecution.

20 It is also the intent of *I Liheslaturan Guåhan* to increase the level of checks
21 and balances of the enforcement process at GEPA by requiring that all settlement
22 agreements be reported to the GEPA Board of Directors.

23 **Section 2.** § 45105 of Chapter 45, Title 10, GCA is hereby amended to
24 read:

25 “ § 45105. Powers and Duties.

1 The Guam Environmental Protection Agency *shall* be responsible for
2 the implementation of the Guam Food, Drug and Cosmetic Act, Chapter 40 of the
3 Part; the Toxic Substances Exposure Compensation Act, Chapter 41 of the Part;
4 the Guam Beverage Container Recycling Act of 2010, Chapter 44 of the Title;
5 Water Resources Conservation Act, Chapter 46 of this Part; the Water Pollution
6 Control Act, Chapter 47 of the Part; Toilet Facilities and Sewage Disposal Act,
7 Chapter 48 of this Part; the Air Pollution Control Act, Chapter 49 of the Part; the
8 Guam Pesticides Act, Chapter 50 of the Part; and Solid Waste, Chapter 51 of this
9 part, the Water and Wastewater Operator’s Mandatory Certification Act, Chapter
10 52 of the Part; Safe Drinking Water Act, Chapter 53 of the Part; Guam Lead Ban
11 Act, Chapter 53a of the Part; the Environmental Pollution Control Act, Chapter 54
12 of the Part; the Guam Oil Spill Responder Act, Chapter 54a of the Part; the
13 Choose to Reuse: *Munga Ma Ayek I Plastek* Act of 2018, Chapter 54b of the Part;
14 the Underground Storage of Regulated Substances Act, Chapter 76 of the Title; the
15 Above Storage of Regulated Substances Act, Chapter 76a of the Part.

16 The Guam Environmental Protection Agency *shall* publish all Notices of
17 Violation, Orders of Compliance, Notices of Defense, Voluntary Compliance
18 Agreements of the Guam Pesticides Act and the Guam Beverage Container
19 Recycling Act of 2010, settlement agreements and referrals to the Office of
20 Attorney General for Prosecution no later than 15 days from service and *shall*
21 report all settlement agreements to the GEPA Board of Directors, at the next
22 scheduled regular board meeting.

23 **Section 3.** A new § (p) is hereby added to §50104 of Chapter 50, Title 10,
24 GCA to read:

25 **“ § 50104. Powers and Duties of the Administrator.**

1 The Administrator *shall* ~~the~~ have the following powers and duties:

- 2 a) Encourage voluntary cooperation by persons and affected groups to
3 achieve the purpose of this Chapter.
- 4 b) Establish an effective enforcement program for the implementation of
5 this Chapter;
- 6 c) In implementing the provisions of this Chapter, take actions necessary
7 to protect human health, welfare, or the environment;
- 8 d) Issue, continue in effect, modify, revoke, reissue, or deny permits,
9 licenses, certifications, or registrations;
- 10 e) Collect and disseminate information;
- 11 f) Conduct educational, certification, and training programs;
- 12 g) Refuse the importation of any pesticide or pesticide devices;
- 13 h) Issue letters of warning to violators as appropriate;
- 14 i) Issue, amend, rescind, and enforce orders as may be necessary to
15 ensure compliance with any provisions of this Chapter, of any rules,
16 regulations, license, certification, registration, standards, or
17 requirements issued pursuant to this Chapter including, but not limited
18 to, an administrative penalty or order requiring whatever remedial
19 measure may be necessary or appropriate to implement or effectuate
20 the provisions and purposes of this Chapter;
- 21 j) Hold hearings related to any aspect or, or matter in the administration
22 of, this Chapter, and in connection therewith, administer oaths,
23 examine witnesses and issue subpoenas to compel the attendance of
24 witnesses and the production of evidence;
- 25 k) Seize certain pesticides, pesticide devices, or ban specific uses of
26 certain pesticides;

- 1 l) Suspend certain pesticides or specific uses of certain pesticides;
2 m) Consult, upon request, with any person proposing to import,
3 distribute, produce, or manufacture any pesticide or pesticide devices.
4 Nothing in any consultation *shall* be construed to relieve any person
5 from compliance with this Chapter, or any other provision of the law;
6 n) Accept, receive, and administer grants and other funds or fees from
7 public and private agencies, including the federal government, for
8 carrying out any of the purposes of this Chapter;
9 o) Cooperate with or enter into agreements with any person for purposes
10 of implementing the provisions of this Chapter.
11 p) Publish all Notices of Violation, Orders of Compliance, Notices of
12 Defense, Voluntary Compliance Agreements, Settlement
13 Agreements, and Referrals to the Office of Attorney General for
14 Prosecution issued to any agency or persons in violation of any of the
15 acts on its website no later than 15 days from service and *shall* report
16 all of the above to the GEPA Board of Directors at the next scheduled
17 regular board meeting.”

18 **Section 4.** A new (g) is hereby added to §22107 of Chapter 22, Title 22
19 Division, GAR to read:

20 “ **§22107. Enforcement Procedures.** (a) All procedures shall comply with
21 the Administrative Adjudication Act of the Government Code of Guam.

22 ((b) **Inspection and Entry.** The Administrator shall have the authority to
23 enter at a reasonable time upon any private or public property for the purpose of
24 inspecting and investigating conditions relating to these regulations.

1 (c) **Notice of Violation.** In from an inspection or investigation there appears
2 to be a violation of these regulations, a Notice of Violation in writing shall be sent
3 to the person against whom criminal proceedings are contemplated stating the
4 violation, and giving him fifteen (15) days to correct the problem. The Notice shall
5 state the manner in which the alleged violator fails to meet the requirements of
6 these regulations and what should be done to correct the problem.

7 (d) **Order.** After termination of the fifteen (15) day period if not action has
8 been taken by the recipient to respond to the Notice of Violation, an Order in
9 writing shall be send via registered mail or personally served upon the recipient,
10 charging him with the violation. If the recipient had responded to the Notice of
11 Violation, the case will be discussed and either dropped or, if the recipient is still
12 found to be in violation, the fifteen (15) day time period before sending of the
13 Order may be extended so as to count the period as stating from the time the case
14 was discussed, rather than the date of receipt of the Notice.

15 (e) **Notice of Defense.** A Notice of Defense shall be included with the Order,
16 which will allow the recipient fifteen (15) days to request a hearing by the GEPA
17 Board of Directors. If a Notice of Defense is received by the GEPA Board, further
18 action upon the case will be suspended until the hearing has been concluded.

19 (f) **Prosecution.** If no action has been taken to correct the violation after a
20 period of fifteen (15) days from receipt of the Order, or for those cases requesting a
21 hearing, after a time period as specified by the GEPA Board, the violation shall be
22 referred to the Attorney General's Office for prosecution.

23 (g) **Public Notice.** The Guam Environmental Protection Agency
24 Administrator shall publish all Notices of Violation, Orders of Compliance,
25 Notices of Defense, Voluntary Compliance Agreements, settlement agreements,

1 and Referrals to the Office of Attorney General for Prosecution on its website no
2 later than 15 days from service and shall report all of the above to GEPA Board of
3 Directors at the next scheduled regular board meeting.”

4 **Section 5. Severability.** If any provision of this Act or its application to any
5 person or circumstance is held invalid, the invalidity *shall not* affect other
6 provisions or applications of this Act which can be given effect without the invalid
7 provision or application, and to this end the provisions of this Act is severable.

8 **Section 6. Effective Date.** This Act shall become effective upon enactment.

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 27-35 (COR)

As amended by the Committee on Environment,
Revenue and Taxation, and Procurement.

Introduced by:

Therese M. Terlaje
Sabina Flores Perez
Clynton E. Ridgell

AN ACT TO AMEND § 45105 OF ARTICLE 1, CHAPTER 45, AND ADD A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPA BOARD OF DIRECTORS.

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

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3 that better communication of potential health risks associated with violations of
4 environmental regulations is important to protecting the health of the community
5 and ensuring compliance of environmental laws and regulations. Notices of
6 Violation (NOV), Orders of Compliance, Notices of Defense, Voluntary
7 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the

1 Attorney General for Prosecution are enforcement procedures put in place by the
2 Guam Environmental Protection Agency (GEPA) to uphold compliance with
3 Guam’s environmental laws and regulations.

4 *I Liheslaturan Guåhan* finds that GEPA is not mandated by law to inform the
5 public of violations unless a violation poses an immediate threat to the health and
6 safety of the community. Presently, public inquiries for GEPA enforcement
7 documents require a formal request to the GEPA Administrator or the submission of
8 a Freedom of Information Act (FOIA) request. However, GEPA, in an effort towards
9 transparency and open governance, announced on its website that starting October
10 1, 2018, all Notices of Violations issued by the agency will be published on the
11 agency’s website. *I Liheslaturan Guåhan* finds that to support GEPA’s commitment
12 towards increased transparency and open governance, and to encourage compliance
13 with Guam’s environmental laws and regulations, GEPA should, on a timely basis,
14 publish all NOV’s, Orders of Compliance, Notices of Defense, Voluntary
15 Compliance Agreements, Settlement Agreements, and Referrals to the Office of the
16 Attorney General for Prosecution.

17 It is also the intent of *I Liheslaturan Guåhan* to increase the level of checks
18 and balances of the enforcement process at GEPA by requiring that all settlement
19 agreements be reported to the GEPA Board of Directors.

20 **Section 2.** § 45105 of Chapter 45, Title 10, Guam Code Annotated, is
21 hereby *amended* to read:

22 **“§ 45105. Powers and Duties.**

23 The Guam Environmental Protection Agency *shall* be responsible for
24 the implementation of the Guam Food, Drug and Cosmetic Act, 10 GCA Ch.
25 40; the Toxic Substances Exposure Compensation Act, 10 GCA Ch. 41; the
26 Guam Beverage Container Recycling Act of 2010, 10 GCA Ch. 44; the Water
27 Resources Conservation Act, 10 GCA Ch. 46; the Water Pollution Control
28 Act, 10 GCA Ch. 47; the Toilet Facilities and Sewage Disposal Act, 10 GCA

1 Ch. 48; the Air Pollution Control Act, 10 GCA Ch. 49; the Guam Pesticides
2 Act, 10 GCA Ch. 50; the Solid Waste Management and Litter Control Act, 10
3 GCA Ch. 51; the Water and Wastewater Operator’s Mandatory Certification
4 Act, 10 GCA Ch. 52; the Safe Drinking Water Act, 10 GCA Ch. 53; the Guam
5 Lead Ban Act, 10 GCA Ch. 53a; the Environmental Pollution Control Act, 10
6 GCA Ch. 54; the Guam Oil Spill Responder Act, 10 GCA Ch. 54a; the Choose
7 to Reuse: *Munga Ma Ayek I Plastek* Act of 2018, 10 GCA Ch. 54b; the
8 Underground Storage of Regulated Substances Act, 10 GCA Ch. 76; and the
9 Above Storage of Regulated Substances Act, 10 GCA Ch. 76a.

10 The Guam Environmental Protection Agency shall publish all Notices
11 of Violation, Orders of Compliance, Notices of Defense, Voluntary
12 Compliance Agreements of the Guam Pesticides Act and the Guam Beverage
13 Container Recycling Act of 2010, Settlement Agreements, and Referrals to
14 the Office of Attorney General for Prosecution no later than fifteen (15) days
15 from service, and shall report all settlement agreements to the GEPA Board
16 of Directors at the next scheduled regular board meeting.

17 **Section 3.** A new § 50104(p) is hereby *added* to Chapter 50 of Title 10,
18 Guam Code Annotated, to read:

19 “(p) Publish all Notices of Violation, Orders of Compliance, Notices
20 of Defense, Voluntary Compliance Agreements, Settlement Agreements, and
21 Referrals to the Office of Attorney General for Prosecution issued to any
22 agency or persons in violation of any of the acts on its website *no later than*
23 fifteen (15) days from service, and shall report all of the above to the GEPA
24 Board of Directors at the next scheduled regular board meeting.”

25 **Section 4.** A new § 22107(g) is hereby *added* to Chapter 22 of Title 22, Guam
26 Administrative Rules and Regulations, to read:

27 “(g) **Public Notice.** The Guam Environmental Protection Agency
28 Administrator shall publish all Notices of Violation, Orders of Compliance,

Senator Amanda L. Shelton,
Vice Chairperson

Speaker Tina Rose Muña Barnes,
Member

Vice Speaker Telen Cruz Nelson,
Member

Senator Kelly Marsh (Taitano), Ph.D.,
Member

Senator Sabina Flores Perez
Member

Senator Clynton E. Ridgell
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
35TH GUAM LEGISLATURE

Senator Joe S. San Agustin,
Member

Senator Jose T. Terlaje,
Member

Senator Therese M. Terlaje,
Member

Senator James C. Moylan,
Member

Senator Mary Camacho Torres,
Member and
Chair, Subcommittee on Protocol

January 31, 2019

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note Waivers

Buenas yan Håfa adai.

Attached, please find the fiscal note waiver for the following bill:

Bill No. 23-35 (COR)

Bill No. 24-35 (COR)

Bill No. 27-35 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Committee on Rules Office at 472-2461.

Thank you for your attention to this important matter.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON JR.
ACTING DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

JAN 31 2019

Senator Régine Biscoe Lee
Chairperson, Committee on Rules
I Mina' Trentai Singko na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai! Senator Biscoe Lee:

The Bureau requests that Bill No. 27-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reasons(s):

Bill No. 27-35 (COR), which is similar to the provisions proposed by Bill 372-34, intends to ensure the timely publication of all notices of violation, order of compliance, notices of defense, voluntary compliance agreements and referrals to the Office of Attorney General for prosecution, issued by the Guam Environmental Protection Agency and to requiring that all voluntary compliance agreements be subject to the final review, approval and amendment by the GEPA Board of Directors. Per GEPA, all notices of violations issued by GEPA are currently being published on the website as of October 1, 2018.

Based on the foregoing, the provisions in Bill No. 27-35 (COR) are administrative in nature and would not additionally impact the appropriations of FY 2019.

Si Yu'us Ma'ase,

LESTER L. CARLSON JR.



OFFICE OF SENATOR SABINA FLORES PEREZ

Chairperson

Committee on Environment, Revenue and Taxation, and Procurement

I MINA TRENTAI SINGKO NA LIHESLATURAN GUAHAN

35TH GUAM LEGISLATURE

COMMITTEE VOTE SHEET

Bill No. 27-35 (COR), As amended by the Committee on Environment, Revenue and Taxation, and Procurement – “AN ACT TO *AMEND* § 45105 OF ARTICLE 1, CHAPTER 45, AND *ADD* A NEW § 50104(p) TO CHAPTER 50, BOTH OF TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 22107(g) TO CHAPTER 22 OF TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE TIMELY PUBLICATION OF ALL NOTICES OF VIOLATION, ORDERS OF COMPLIANCE, NOTICES OF DEFENSE, VOLUNTARY COMPLIANCE AGREEMENTS, SETTLEMENT AGREEMENTS, AND REFERRALS TO THE OFFICE OF THE ATTORNEY GENERAL FOR PROSECUTION ISSUED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPa), AND TO REQUIRE THAT ALL OF THE ABOVE BE REPORTED TO THE GEPa BOARD OF DIRECTORS.”

COMMITTEE MEMBERS	SIGNATURE AND DATE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
SENATOR SABINA FLORES PEREZ Chairperson	<i>Sabina Flores Perez</i> 3/14/2019	✓				
SENATOR THERESE M. TERLAJE Vice Chairperson	<i>TML</i> 3/14/19	✓				
VICE SPEAKER TELENA CRUZ NELSON Member						
SPEAKER TINA MUÑA BARNES Member						
SENATOR KELLY G. MARSH (TAITANO), Ph.D. Member						
SENATOR TELO T. TAITAGUE Member	<i>T.T.</i> 3/14/19	✓				
SENATOR MARY CAMACHO TORRES Member	<i>MCT</i> 3/14/19	✓				