



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM


DEC 05 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

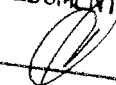
Enclosed please find Bill No. 271 (COR) "AN ACT TO AMEND § 45200(a) AND TO ADD §§ 45201, 45202 AND 45203, ALL TO TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO AMEND § 4 OF P.L. NO. 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND", which was vetoed and subsequently overridden by the Legislature. This legislation is now designated as **Public Law No. 26-154**.

Very truly yours,


Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

cc: The Honorable Antonio R. Unpingco
Speaker

Attachment: copy of bill for signed or overridden bill
original of bill for vetoed bill

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By 
Time 1027am
Date 12/5/02

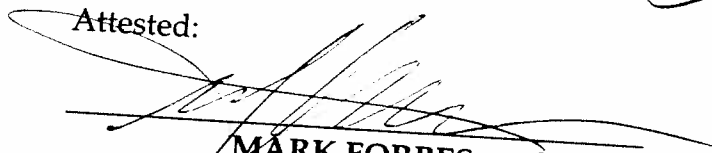
01012

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 271 (COR), "AN ACT TO AMEND § 45200(a) AND TO ADD §§ 45201, 45202 AND 45203, ALL TO TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO AMEND § 4 OF P.L. NO. 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND," returned without approval of *I Maga'lahaen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 3rd day of December, 2002, to pass said bill notwithstanding the veto of *I Maga'lahaen Guåhan* by a vote of eleven (11) members.


LAWRENCE F. KASPERBAUER
Acting Speaker

Attested:

MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of December
2002, at 4:00 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 271 (COR)

As amended by the Committee on
Ways and Means.

Introduced by:

V. C. Pangelinan

J. M.S. Brown

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

E. B. Calvo

F. P. Camacho

M. C. Charfauros

Mark Forbes

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

A. L.G. Santos

A. R. Unpingco

J. T. Won Pat

AN ACT TO AMEND § 45200(a) AND TO ADD §§
45201, 45202 AND 45203, ALL TO TITLE 10 OF THE
GUAM CODE ANNOTATED, AND TO AMEND § 4
OF P.L. NO. 21-10, RELATIVE TO THE GUAM
ENVIRONMENTAL TRUST FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
finds that the Guam Environmental Protection Agency's *Hasso* Guam
recycling program has the ability to protect our Island community from

1 residential hazardous waste, thus protecting *not only* our environment, but
2 also most importantly, the People of Guam.

3 However, *I Liheslaturan Guåhan* finds that *Hasso* Guam has limited
4 financial resources, hence cannot successfully fulfill its overall objective in
5 ensuring that residential hazardous wastes, such as nickel-cadmium batteries,
6 used oil, paint, spray paint cans, degreasing solvents, coolants, auto batteries,
7 pesticides, fertilizers, and others, are properly disposed of on a regular basis.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide *Hasso* Guam
9 and other prevention and educational programs of the Guam Environmental
10 Protection Agency the financial resources necessary, through funding from
11 the Guam Environmental Trust Fund, in order to continue its effort in keeping
12 our Island safe from residential harmful waste.

13 Further, to ensure that the Guam Environmental Trust Fund is *not*
14 misused and that the funds are properly accounted for, *I Liheslaturan Guåhan*
15 intends to oversee the Fund by mandating that *all* expenditures from the Fund
16 must *first* be approved by *I Liheslaturan Guåhan*.

17 **Section 2. Guam Environmental Trust Fund.** Section 45200(a) of
18 Article 2, Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code
19 Annotated is hereby *amended* to read as follows:

20 “(a) There is hereby created, separate and apart from other funds
21 of the government of Guam, a fund known as the Guam Environmental
22 Trust Fund (‘Fund’). The Fund shall *not* be commingled with the
23 General Fund and shall be kept in a separate bank account, *subject* to
24 legislative appropriation, to be used by the Administrator of the Guam

1 Environmental Protection Agency ('Administrator') to clean up
2 hazardous materials and restore and repair damage done to Guam's
3 environment."

4 **Section 3. Use of Funds.** Section 45201 of Article 2, Chapter 45, Part
5 2, Division 2 of Title 10 of the Guam Code Annotated is hereby *added* to read
6 as follows:

7 **"Section 45201. Use of Funds and Keeping a Safe and Healthy**
8 **Environment.** *Up to* Twenty-five percent (25%) of the funds in the
9 Guam Environmental Trust Fund may be utilized by the Administrator
10 of the Guam Environmental Protection Agency for programs relative to
11 the prevention of environmental problems, and the promotion of
12 keeping a safe and healthy environment."

13 **Section 4. Authorized Expenditure and Emergency Declaration.**

14 Section 45202 of Article 2, Chapter 45, Part 2, Division 2 of Title 10 of the
15 Guam Code Annotated is hereby *added* to read as follows:

16 **"Section 45202. Authorized Expenditure and Emergency**
17 **Declaration.** Notwithstanding § 45200(a) of this Chapter, the
18 Administrator of the Guam Environmental Protection Agency is hereby
19 authorized to spend *no more than* Five Thousand Dollars (\$5,000.00) for
20 the purposes of assessment, cleaning up hazardous materials and
21 restoring and repairing damages done to the Guam environment per
22 declaration, without legislative appropriation; *provided*, that an
23 Emergency Declaration has been declared by *I Maga'lahaen Guåhan*."

1 **Section 5. Submission of Detailed Report of Expenditures on a**
2 **Quarterly Basis.** Section 45203 of Article 2, Chapter 45, Part 2, Division
3 2 of Title 10 of the Guam Code Annotated is hereby *added* to read as follows:

4 **"Section 45203. Submission of Detailed Report of Expenditures**
5 **on a Quarterly Basis.** The Administrator of the Guam Environmental
6 Protection Agency shall submit to *I Liheslaturan Guåhan* and *I Maga'lahen*
7 *Guåhan* a detailed report of the expenditures of the Guam
8 Environmental Trust Fund on a quarterly basis."

9 **Section 6.** Section 4 of Public Law Number 21-10 is hereby *amended* to
10 read as follows:

11 **"Section 4.** The Attorney General of Guam shall take all
12 necessary action to recover damages from the parties responsible for
13 environmental damages to government and private property. Any
14 damages collected as a result shall, after deducting legal costs, be
15 deposited into the Fund."

16 **Section 7. Appropriation.** There are hereby appropriated sums as
17 necessary to fund the Guam Environmental Protection Agency's *Hasso* Guam
18 recycling program twice each calendar year to be used *exclusively* for the
19 clean-up of residential hazardous waste pursuant to the Program's rules and
20 regulations.

21 **Section 8. Severability.** *If* any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary to
23 law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u> <i>z</i> </u>
Time	<u> 3:00pm </u>
Date	<u> 09/27/02 </u>

SEP 27 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 271 (COR) "AN ACT TO AMEND § 45200(a) AND TO ADD §§ 45201, 45202 AND 45203, ALL TO TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO AMEND § 4 OF P.L. NO. 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND," which was **vetoed**.

This legislation restricts the Guam Environmental Trust Fund to the point that the agency is unable to use this fund properly for its intended purpose. The fund is designed to use for quick action to respond to environmental needs such as oil spills, fires and so forth. The fund under this legislation would be restricted to the point that the Director of the agency could only use \$5,000, with a declaration of emergency by the Governor. This amount is clearly not enough to respond to environmental emergencies.

The remainder of the Guam Environmental Trust Fund would be siphoned off to use for the "Hasso" program, but this program should be funded from partnering with companies, or perhaps charging an advance disposal fee when items which have to be disposed of under the "Hasso" program are first purchased. The fund portion siphoned off has no legal appropriation under this legislation, so the funds could not be used for any purpose.

This legislation leaves the GEPA with essentially no funds to respond to an environmental emergency, such as a sudden need for a cleanup, repair, containment, etc.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker


Office of the Speaker
ANTONIO R. UNPINGCO
Date: 09-27-02
Time: 1445
Rec'd by: *Alonjimon*
Print Name: Alonjimon

0947

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 271 (COR), "AN ACT TO AMEND § 45200(a) AND TO ADD §§ 45201, 45202 AND 45203, ALL TO TITLE 10 OF THE GUAM CODE ANNOTATED, AND TO AMEND § 4 OF P.L. NO. 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND," was on the 4th day of September, 2002, duly and regularly passed.

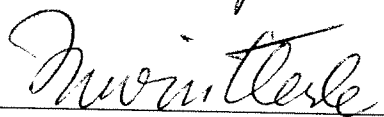


ANTONIO R. UNPINGCO
Speaker

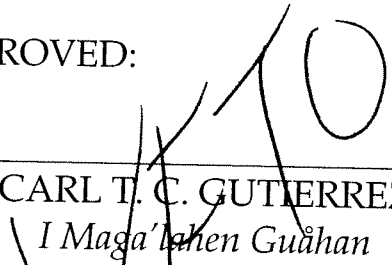
Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 16th day of September 2002,
at 3:55 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guåhan

Date: _____
Public Law No. _____

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN
2002 (SECOND) Regular Session

Date: 9/4/02

VOTING SHEET

Bill No. 271 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL 15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

6
9/4/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session**

Bill No. 271 (COR)

As amended by the Committee on
Ways and Means.

*

Introduced by:

- V. C. Pangelinan
- J. M.S. Brown
- J. F. Ada
- T. C. Ada
- F. B. Aguon, Jr.
- E. B. Calvo
- F. P. Camacho
- M. C. Charfauros
- Mark Forbes
- L. F. Kasperbauer
- L. A. Leon Guerrero
- K. S. Moylan
- A. L.G. Santos
- A. R. Unpingco
- J. T. Won Pat

**AN ACT TO AMEND § 45200(a) AND TO ADD §§
45201, 45202 AND 45203, ALL TO TITLE 10 OF THE
GUAM CODE ANNOTATED, AND TO AMEND § 4
OF P.L. NO. 21-10, RELATIVE TO THE GUAM
ENVIRONMENTAL TRUST FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
 3 finds that the Guam Environmental Protection Agency's *Hasso* Guam
 4 recycling program has the ability to protect our Island community from

1 residential hazardous waste, thus protecting *not only* our environment, but
2 also most importantly, the People of Guam.

3 However, *I Liheslaturan Guåhan* finds that *Hasso* Guam has limited
4 financial resources, hence cannot successfully fulfill its overall objective in
5 ensuring that residential hazardous wastes, such as nickel-cadmium batteries,
6 used oil, paint, spray paint cans, degreasing solvents, coolants, auto batteries,
7 pesticides, fertilizers, and others, are properly disposed of on a regular basis.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide *Hasso* Guam
9 and other prevention and educational programs of the Guam Environmental
10 Protection Agency the financial resources necessary, through funding from
11 the Guam Environmental Trust Fund, in order to continue its effort in keeping
12 our Island safe from residential harmful waste.

13 Further, to ensure that the Guam Environmental Trust Fund is *not*
14 misused and that the funds are properly accounted for, *I Liheslaturan Guåhan*
15 intends to oversee the Fund by mandating that *all* expenditures from the Fund
16 must *first* be approved by *I Liheslaturan Guåhan*.

17 **Section 2. Guam Environmental Trust Fund.** Section
18 45200(a) of Article 2, Chapter 45, Part 2, Division 2 of Title 10 of the Guam
19 Code Annotated is hereby *amended* to read as follows:

20 “(a) There is hereby created, separate and apart from other funds
21 of the government of Guam, a fund known as the Guam Environmental
22 Trust Fund (‘Fund’). The Fund shall *not* be commingled with the
23 General Fund and shall be kept in a separate bank account, *subject* to
24 legislative appropriation, to be used by the Administrator of the Guam

1 Environmental Protection Agency ('Administrator') to clean up
2 hazardous materials and restore and repair damage done to Guam's
3 environment."

4 **Section 3. Use of Funds.** Section 45201 of Article 2, Chapter 45, Part
5 2, Division 2 of Title 10 of the Guam Code Annotated is hereby *added* to read
6 as follows:

7 "Section 45201. **Use of Funds and Keeping a Safe and Healthy**
8 **Environment.** *Up to* Twenty-five percent (25%) of the funds in the
9 Guam Environmental Trust Fund may be utilized by the Administrator
10 of the Guam Environmental Protection Agency for programs relative to
11 the prevention of environmental problems, and the promotion of
12 keeping a safe and healthy environment."

13 **Section 4. Authorized Expenditure and Emergency Declaration.**

14 Section 45202 of Article 2, Chapter 45, Part 2, Division 2 of Title 10 of the
15 Guam Code Annotated is hereby *added* to read as follows:

16 "Section 45202. **Authorized Expenditure and Emergency**
17 **Declaration.** Notwithstanding § 45200(a) of this Chapter, the
18 Administrator of the Guam Environmental Protection Agency is hereby
19 authorized to spend *no more than* Five Thousand Dollars (\$5,000.00) for
20 the purposes of assessment, cleaning up hazardous materials and
21 restoring and repairing damages done to the Guam environment per
22 declaration, without legislative appropriation; *provided*, that an
23 Emergency Declaration has been declared by *I Maga'lahañ Guåhan*."

1 **Section 5. Submission of Detailed Report of Expenditures on a**
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4 **“Section 45203. Submission of Detailed Report of Expenditures**
5 **on a Quarterly Basis.** The Administrator of the Guam Environmental
6 Protection Agency shall submit to *I Liheslaturan Guåhan* and *I Maga’lahen*
7 *Guåhan* a detailed report of the expenditures of the Guam
8 Environmental Trust Fund on a quarterly basis.”

9 **Section 6.** Section 4 of Public Law Number 21-10 is hereby *amended* to
10 read as follows:

11 **“Section 4.** The Attorney General of Guam shall take all
12 necessary action to recover damages from the parties responsible for
13 environmental damages to government and private property. Any
14 damages collected as a result shall, after deducting legal costs, be
15 deposited into the Fund.”

16 **Section 7. Appropriation.** There are hereby appropriated sums as
17 necessary to fund the Guam Environmental Protection Agency’s *Hasso* Guam
18 recycling program twice each calendar year to be used *exclusively* for the clean
19 up of residential hazardous waste pursuant to the Program’s rules and
20 regulations.

21 **Section 8. Severability.** *If* any provision of this Law or its
22 application to any person or circumstance is found to be invalid or contrary to
23 law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

August 9, 2002

Honorable Antonio R. Unpingco
Speaker
Mina'Bente Sais Na Liheslaturan Guåhan
Hagåtña, Guam 96910

VIA: Chairperson, Committee on Rules, General Government Operations, Reorganization
and Reform and Federal, Foreign and General Affairs

Dear Mr. Speaker:

The Committee on Ways and Means, to which was referred Bill No. 271 (COR), "AN ACT TO AMEND SECTION 45200 AND TO ADD SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO AMEND SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as amended by the Committee on Ways and Means.

The Committee votes are as follows:

<u> 8 </u>	To Do Pass
<u> 0 </u>	Not to Pass
<u> 0 </u>	To Report Out
<u> 0 </u>	Abstain
<u> 0 </u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Thank you,


KALEO S. MOYLAN
Chairperson



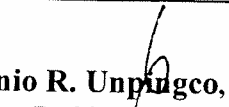
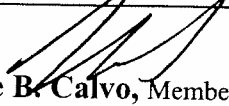
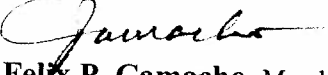
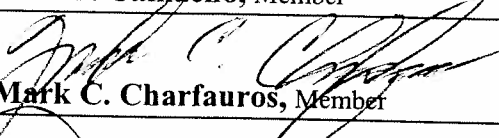
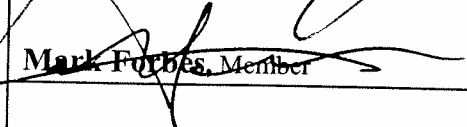

Enclosure:

**Committee on Ways and Means
Vote Sheet on**

Bill No. 271 (COR)

As amended by the Committee on Ways and Means

AN ACT TO AMEND SECTION 45200 AND TO ADD SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO AMEND SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

COMMITTEE MEMBER	TO DO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
 Kaleo S. Moylan, Chairperson	✓				
 Joanne M.S. Brown, Vice Chairperson	✓				
 Antonio R. Unpingco, Speaker & Ex-Officio	✓				
 Eddie B. Calvo, Member	✓				
 Felix P. Camacho, Member	✓				
 Mark C. Charfauros, Member	✓				
 Mark Forbes, Member	✓				
Lawrence F. Kasperbauer, Member					
 Vicente C. Pangelinan, Member	✓				

***Committee on Ways and Means
Report On***

Bill No. 271 (COR)

As amended by the Committee on Ways and Means

AN ACT TO *AMEND* SECTION 45200 AND TO *ADD* SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO *AMEND* SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

PUBLIC HEARING:

The Committee on Ways and Means, to which was referred Bill No. 271 (COR), "AN ACT TO *AMEND* SECTION 45200 AND TO *ADD* SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO *AMEND* SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND," conducted a public hearing on Friday, April 5, 2001, at the Guam Legislature Public Hearing Room. Senator Kaleo S. Moylan, Chairperson of the Committee on Ways and Means, convened the hearing at 9:00 a.m. In attendance was Senator Vicente C. Pangelinan.

TESTIMONY:

Submitting written testimony on behalf of Mr. Jesus T. Salas, Administrator of the Guam Environmental Protection Agency (GEPA) was Ms. Elizabeth T. Cruz, Legal Counsel to GEPA. According to Mr. Salas, the goal of Bill 271 in funding a quarterly *Hasso* Guam Program is appreciated, especially with Earth Week and Earth Day approaching. In his testimony, he went on to say that the Environmental Trust Fund was created to address situations that require quick action to prevent further harm from occurring to our natural resources such as the grounding of a vessel on our reefs or a fire at a landfill.

This type of micro-managing of a fund is not conducive for quick action to be taken. Laws are in place to prevent misuse or mismanagement of local funds. The Attorney General's Office should be the starting point if there is evidence of such misbehavior on the part of a public official. In addition, quarterly reports can be provided showing expenditures from the fund. Requiring a legislative appropriation delays decisions required in an environmental crisis to protect public health and the environment.

At this juncture, Attorney Cruz interjected saying that the funding of a quarterly *Hasso* Guam is appreciated but contradicts the purpose of this Fund. She went on to say that the Fund was created to handle sudden and unexpected environmental mishaps. It is GEPA's goal to find other means to fund *Hasso* Guam including partnering with companies to donate their services to defray these costs. I would support an advanced disposal fee bill on items imported into Guam including white goods, tires or oils. I also support efforts made to draft a bottle bill.

Concluding her statement, Attorney Cruz stated that the funding for the Hasso Guam Program from this Trust Fund is appreciated but this program might be better funded from a partnership with the private sector or the fees stipulated above. [Refer to Exhibit 1]

There being no further discussion, the Chair adjourned the hearing on Bill No 271 (COR) at 10:45 a.m.

COMMITTEE PROFILE FINDINGS AND RECOMMENDATION

Brief Title: "Environmental Trust Fund."

Date Introduced: Tuesday, February 26, 2002.

Main Sponsor: Senators V. C. Pangelinan and J. M.S. Brown.

Committee Referral: February 26, 2002 from the Committee on Rules, Governmental Operations, Reorganization and Reform, and Federal, Foreign and General Affairs to the Committee on Ways and Means.

Public Hearing: Friday, April 5, 2002, 9:00 a.m. at the Legislative Public Hearing Room.

Official Title: AN ACT TO *AMEND* SECTION 45200 AND TO *ADD* SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO AMEND SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Fiscal Note: Pursuant to the provisions of Chapter 9, Title 2 of the Guam Code Annotated, a request for a fiscal note on Bill No. 271 (COR) was made to BBMR on Thursday, March 26, 2001.

Recommendation: To do pass as amended by the Committee on Ways and means.

A Closer Look and Findings

A closer look at the legislation reveals that the Guam Environmental Protection Agency's *Hasso* Guam recycling program has the ability to protect our island community from residential hazardous waste, thus protecting not only our environment, but also most importantly, the people of Guam. However, *I Liheslaturan Guåhan* finds that *Hasso* Guam has limited financial resources, hence cannot successfully fulfill its overall objective in ensuring that residential hazardous wastes such as nickel-cadmium batteries, used oil, paint, spray paint cans, degreasing solvents, coolants, auto batteries, pesticides, fertilizers, and among others, are properly disposed of on a regular basis.

Therefore, it is the intent of *I Liheslaturan Guåhan* to provide *Hasso* Guam and other prevention and educational programs of the Guam Environmental Protection Agency the financial resources necessary, through funding from the Guam Environmental Trust Fund, in order to continue its effort in keeping our island safe from residential harmful waste.

Further, to ensure that the Guam Environmental Trust Fund is not misused and that the funds are properly accounted for, *I Liheslaturan Guåhan* intends to oversee the Fund by mandating that all expenditures from the Fund must first be approved by *I Liheslaturan Guåhan*.

Section Analysis

Section 1. Legislative Findings and Intent.

Section 2. Guam Environmental Trust Fund. Section 2 amends Section 45200(a) of Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated. The amendment provides that the Guam Environmental Trust Fund is separate and apart from other funds of the government of Guam. More importantly, the amendment insures that the Fund shall not be commingled and shall be kept in a separate bank account, subject to legislative appropriation, to be used by the Administrator of GEPA to clean up hazardous materials and restore and repair damage done to the environment.

Section 3. Use of Funds and promotion of keeping a safe and healthy environment. Section 3 adds a new Section 45201 to Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated. The amendment provides that up to Twenty-five (25%) percent of the funds in the Trust Fund may be utilized by the Administrator of GEPA for programs relative to the prevention of environmental problems, and the promotion of keeping a safe and healthy environment.

Section 4. Authorized Expenditure and Emergency Declaration. Section 4 adds a new Section 45202 to Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated. This new Section authorizes the Administrator of GEPA to spend no more than Five Thousand Dollars (\$5,000.00) for the purposes of assessment, cleaning up hazardous materials and restoring and repairing damages done to the Guam environment per declaration, without legislative appropriation, provided that an Emergency Declaration has been declared by the Governor.

Section 5. Submission of detailed report of expenditures on a quarterly basis. Section 5 adds a new Section 45203 to Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated. A closer look at the amendment reveals that the Administrator of GEPA shall submit to *I Liheslaturan Guåhan* and *I Maga'lahaen Guåhan* a detailed report of the expenditures of the Guam Environmental Trust Fund, on a quarterly basis.

Section 6. Amendment to Section 4 of Public Law Number 21-10. Simply put the amendment to Section 4 of P.L. 21-10 provides that the Attorney General shall take action to recover damages from the parties responsible for environmental damages to government and private property.

Section 7. Appropriation. Section 7 provides that there are hereby appropriated sums as necessary to fund the Guam Environmental Protection Agency's *Hasso* Guam recycling program twice each calendar year. The appropriation shall be used exclusively for the clean up of residential hazardous waste pursuant to the program's rules and regulations.

Section 8. Severability.

COMMITTEE RECOMMENDATION:

The Committee on Ways and Means, to which was referred Bill No. 271 (COR), "AN ACT TO AMEND SECTION 45200 AND TO ADD SECTIONS 45201, 45202 AND 45203 ALL TO ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF TITLE 10 OF THE GUAM CODE

ANNOTATED, TO AMEND SECTION 4 OF PUBLIC LAW NUMBER 21-10, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND,” recommends that the legislation as amended by the Committee on Ways and Means be passed by *I Liheslaturan Guåhan*.

1st
8/22/02
Disarmed
8/22/02

3rd
8/22/02

**MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session**

Bill No. 271 (COR)

As amended by the Committee on
Ways and Means.

Introduced by:

V. C. Pangelinan
J. M.S. Brown

**AN ACT TO *AMEND* SECTION 45200 AND TO *ADD*
SECTIONS 45201, 45202 AND 45203 ALL TO
ARTICLE 2, CHAPTER 45, PART 2, DIVISION 2 OF
TITLE 10 OF THE GUAM CODE ANNOTATED, TO
AMEND SECTION 4 OF PUBLIC LAW NUMBER 21-
10, RELATIVE TO THE GUAM ENVIRONMENTAL
TRUST FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Environmental Protection Agency's *Hasso* Guam recycling program
4 has the ability to protect our island community from residential hazardous waste, thus
5 protecting not only our environment, but also most importantly, the people of Guam.

6 However, *I Liheslaturan Guåhan* finds that *Hasso* Guam has limited financial
7 resources, hence cannot successfully fulfill its overall objective in ensuring that
8 residential hazardous wastes such as nickel-cadmium batteries, used oil, paint, spray
9 paint cans, degreasing solvents, coolants, auto batteries, pesticides, fertilizers, and
10 among others, are properly disposed of on a regular basis.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide *Hasso* Guam and
2 other prevention and educational programs of the Guam Environmental Protection
3 Agency the financial resources necessary, through funding from the Guam
4 Environmental Trust Fund, in order to continue its effort in keeping our island safe
5 from residential harmful waste.

6 Further, to ensure that the Guam Environmental Trust Fund is not misused and
7 that the funds are properly accounted for, *I Liheslaturan Guåhan* intends to oversee
8 the Fund by mandating that all expenditures from the Fund must first be approved by
9 *I Liheslaturan Guåhan*.

10 **Section 2. Guam Environmental Trust Fund.** Subsection (a) of
11 Section 45200 of Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam
12 Code Annotated is *hereby* amended to read as follows:

13 “(a) There is hereby created, separate and apart from other funds of the
14 government of Guam, a fund known as the Guam Environmental Trust Fund
15 (the "Fund"). The Fund shall not be commingled with the General Fund and
16 shall be kept in a separate bank account, subject to legislative appropriation, to
17 be used by the Administrator of the Guam Environmental Protection Agency
18 (the ‘Administrator’) to clean up hazardous materials and restore and repair
19 damage done to the Guam environment.”

20 **Section 3. Use of Funds and promotion of keeping a safe and healthy**
21 **environment.** A new Section 45201 of Article 2 of Chapter 45, Part 2, Division 2
22 of Title 10 of the Guam Code Annotated is hereby *added* to read as follows:

23 “**Section 45201. Use of Funds and promotion of keeping a safe and**
24 **healthy environment.** Up to Twenty-five (25%) percent of the funds in the
25 Guam Environmental Trust Fund may be utilized by the Administrator of the

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Guam Environmental Protection Agency, for programs relative to the prevention of environmental problems, and the promotion of keeping a safe and healthy environment.”

Section 4. Authorized Expenditure and Emergency Declaration.

A new Section 45202 of Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated is hereby *added* to read as follows:

“**Section 45202. Authorized Expenditure and Emergency Declaration.** Notwithstanding §45200(a) of this Chapter, the Administrator of the Guam Environmental Protection Agency is hereby authorized to spend no more than Five Thousand Dollars (\$5,000.00) for the purposes of assessment, cleaning up hazardous materials and restoring and repairing damages done to the Guam environment per declaration, without legislative appropriation, provided that an Emergency Declaration has been declared by the Governor.”

Section 5. Submission of detailed report of expenditures on a quarterly basis. A new Section 45203 of Article 2 of Chapter 45, Part 2, Division 2 of Title 10 of the Guam Code Annotated is hereby *added* to read as follows:

“**Section 45203. Submission of detailed report of expenditures on a quarterly basis.** The Administrator of the Guam Environmental Protection Agency shall submit to *I Liheslaturan Guåhan* and *I Maga'lahaen Guåhan* a detailed report of the expenditures of the Guam Environmental Trust Fund, on a quarterly basis.”

Section 6. Amendment to Section 4 of Public Law Number 21-10.

Attorney General shall take action to recover damages from the parties responsible

1 for environmental damages to government and private property. Section 4 of Public
2 Law Number 21-10 is hereby *amended* to read as follows:

3 **“Section 4.** The Attorney General shall take all necessary action
4 to recover damages from the parties responsible for environmental damages to
5 government and private property. Any damages collected as a result shall,
6 after deducting legal costs, be deposited into the Fund.”

7 **Section 7. Appropriation.** There are hereby appropriated sums as
8 necessary to fund the Guam Environmental Protection Agency’s *Hasso* Guam
9 recycling program twice each calendar year to be used exclusively for the clean up of
10 residential hazardous waste pursuant to the program’s rules and regulations.

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



MINA ' BENTE SAIS NA LIHESLATURAN GUÅHAN

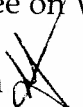
Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba,
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gebilu
Kabisiyon Mayuråt*

26 FEB 2002

MEMORANDUM

TO: Chairman
Committee on Ways and Means

FROM: Chairman 
Committee on Rules, General Governmental Operations, Reorganization and
Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral - Bill No. 271 (COR)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

GUAM LEGISLATURE OFFICE OF SENATOR KALEO S. MOYLAN ACKNOWLEDGEMENT RECEIPT Date: <u>2-26-02</u> Time: <u>4:28</u> Received by: <u>Brian</u>

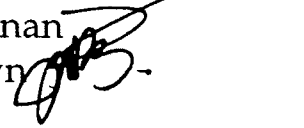
Introduced

FEB 26, 2024

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 271 (C.M.)

Introduced by:

v.c. pangelinan
J.M.S. Brown 

AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Guam Environmental Protection Agency's Hasso Guam
4 recycling program has the ability to protect our island community from
5 residential hazardous waste, thus protecting not only our environment, but
6 also most importantly, the people of Guam.

7 However, *I Liheslaturan Guåhan* finds that Hasso Guam has limited
8 financial resources, hence cannot successfully fulfill its overall objective in
9 ensuring that residential hazardous wastes such as nickel-cadmium batteries,
10 used oil, paint, spray paint cans, degreasing solvents, coolants, auto batteries,
11 pesticides, fertilizers, and among others, are properly disposed of on a regular
12 basis.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide Hasso
14 Guam the financial assistance necessary, through funding from the Guam

1 Environmental Trust Fund, in order to continue its effort in keeping our
2 island safe from residential harmful waste.

3 Further, to ensure that the Guam Environmental Trust Fund is not
4 misused and that possibility of mismanagement does not occur, *I Liheslaturan*
5 *Guåhan* intends to oversee the Fund by mandating that all expenditures from
6 the Fund must first be approved by *I Liheslaturan Guåhan*.

7 **Section 2.** Subsection (a) of Section 45200 of Article 2 of Chapter 45 of
8 Part 2 of Division 2 of Title 10, Guam Code Annotated is *hereby* amended to
9 read as follows:

10 “(a) There is hereby created, separate and apart from other funds
11 of the government of Guam, a fund known as the Guam Environmental
12 Trust Fund (the "Fund"). The Fund shall not be commingled with the
13 General Fund and shall be kept in a separate bank account, subject to
14 legislative appropriation, to be used by the Administrator of the Guam
15 Environmental Protection Agency (the "Administrator") to clean up
16 hazardous materials and restore and repair damage done to the Guam
17 environment.”

18 **Section 3.** There are hereby appropriated sums as necessary to fund
19 the Guam Environmental Protection Agency’s Hasso Guam recycling
20 program quarterly in each calendar year to be used exclusively for the clean
21 up of residential hazardous waste pursuant to the program’s rules and
22 regulations.

23 **Section 4. Severability.** *If* any provision of this Law or its
24 application to any person or circumstance is found to be invalid or contrary to

1 law, such invalidity shall *not* affect other provisions or applications of this
2 Law which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Law are severable.

GUAM ENVIRONMENTAL PROTECTION AGENCY
AHENSIAAN PRUTEKSION LINA'LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 9 • FAX: 477-9402

WRITTEN TESTIMONY

By Mr. Jesus T. Salas, Administrator
Before the
Committee on Ways and Means
April 5, 2002

Good Morning Mr. Chairman and Committee Members and thank you for the opportunity to comment on Bill 271, an Act to amend the Guam Environmental Trust. The goal of Bill 271 in funding a quarterly Hasso Guam Program is appreciated, especially with Earth Week and Earth Day approaching.

The Guam Environmental Protection Agency is committed to protecting our island and the people of Guam from environmental hazards. The Environmental Trust Fund was created to address situations that require quick action to prevent further harm from occurring to our natural resources such as the grounding of a vessel on our reefs or a fire at a landfill. The requirement that the legislature must first appropriate from this fund before prevention or mitigation can begin would jeopardize such timely action needed to prevent harm. This type of micro-managing of a fund is not conducive for quick action to be taken.

Laws are in place to prevent misuse or mismanagement of local funds. The Attorney General's Office should be the starting point if there is evidence of such misbehavior on the part of a public official. In addition, quarterly reports can be provided showing expenditures from the fund. Requiring a legislative appropriation delays decisions required in an environmental crisis to protect public health and the environment. In fact, I have even tasked personnel to prepare a scope of work to outsource the handling of environmental emergencies to expedite activating response teams.

The funding of a quarterly Hasso Guam is appreciated but contradicts the purpose of this fund. This fund was created to handle sudden and unexpected environmental mishaps. My goal is to find other means to fund Hasso Guam including partnering with companies to donate their services to defray these costs. I would support an advanced disposal fee bill on items imported into Guam including white goods, tires or oils. I also support efforts made to draft a bottle bill. Companies have derived a profit from these items and should give back to the community to dispose of these wastes.

In conclusion, this Agency recommends that the requirement for a legislative appropriation be replaced by quarterly or semi-annual reporting. This will prevent hindering timely actions critical to preventing further environmental damage. The funding for the Hasso Guam Program from this Trust Fund is appreciated but this program might be better funded from a partnership with the private sector or the fees stipulated above.

Thank you for your time and consideration of these comments.



GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

WRITTEN TESTIMONY
By Mr. Jesus T. Salas, Administrator
Before the
Committee on Ways and Means
April 5, 2002

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Laws are in place to prevent misuse or mismanagement of local funds. The Attorney General's Office should be the starting point if there is evidence of such misbehavior on the part of a public official. In addition, quarterly


"ALL LIVING THINGS OF THE EARTH ARE ONE"

reports can be provided showing expenditures from the fund. Requiring a legislative appropriation delays decisions required in an environmental crisis to protect public health and the environment. In fact, I have even tasked personnel to prepare a scope of work to outsource the handling of environmental emergencies to expedite activating response teams.

The funding of a quarterly Hasso Guam is appreciated but contradicts the purpose of this fund. This fund was created to handle sudden and unexpected environmental mishaps. My goal is to find other means to fund Hasso Guam including partnering with companies to donate their services to defray these costs. I would support an advanced disposal fee bill on items imported into Guam including white goods, tires or oils. I also support efforts made to draft a bottle bill. Companies have derived a profit from these items and should give back to the community to dispose of these wastes.

In conclusion, this Agency recommends that the requirement for a legislative appropriation be replaced by quarterly or semi-annual reporting. This will prevent hindering timely actions critical to preventing further environmental damage. The funding for the Hasso Guam Program from this Trust Fund is appreciated but this program might be better funded from a partnership with the private sector or the fees stipulated above.

Thank you for your time and consideration of these comments.


JESUS T. SALAS

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

OFFICE COPY

March 26, 2002

The Honorable Carl T.C. Gutierrez
Maga'lahaen Guåhan
R. J. Bordallo Governor's Complex
Agana, Guam 96932



Re: Committee Public Hearing: Friday, April 5, 2002

Dear Governor Gutierrez:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Friday, April 5, 2002 commencing at 9:00 a.m. in the Legislative Public Hearing Room.

Legislative Measure:

Bill No. 240 (LS), AN ACT TO REPEAL AND REENACT SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 26-35 AND TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM THE SERIES 2001A SUB-ACCOUNT OF THE HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES.

Bill No. 255 (COR), AN ACT TO DETERMINE LOST PAY COMPENSATION FOR ALL GUAM NATIONAL GUARDSMEN AND RESERVISTS, AND TO APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO THE DEPARTMENT OF ADMINISTRATION TO FUND THE LOST PAY.

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Bill No. 286 (COR), AN ACT TO GRANT *I MAGA'LAHEN GUÅHAN* THE TRANSFER AUTHORITY NECESSARY TO RESOLVE THE CASH SHORTFALL OF THE GUAM MEDICAID PROGRAM, MEDICALLY INDIGENT PROGRAM, GUAM CHILDREN'S HEALTH INSURANCE PROGRAM AND THE GENERAL AND WELFARE PUBLIC ASSISTANCE PROGRAM BENEFITS.

Honorable Carl T.C. Gutierrez
March 26, 2002
Re: Committee Public Hearing: Friday, April 5, 2002
Page 2

Bill No. 287 (COR), AN ACT TO RE-APPROPRIATE THE SUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM SECTION 2 OF PUBLIC LAW NUMBER 26-69 TO THE OFFICE OF CIVIL DEFENSE FOR OVERTIME PAYMENT TO THE SPECIAL RESPONSE UNIT.

As these measures directly affect the government of Guam, the Committee encourages your participation and input at this hearing. The Committee would appreciate receiving fifteen (15) copies of your Administration's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

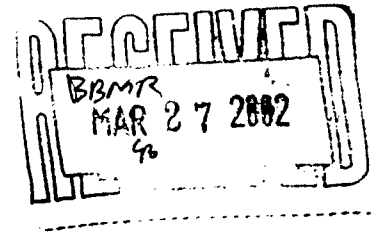
Sincerely,



KALEO S. MOYLAN

Enclosures:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guahan
Twenty-Sixth Guam Legislature



OFFICE COPY

March 26, 2002

Mr. Paul D. Leon Guerrero
Director
Bureau of Budget and Management Research
R. J. Bordallo Governor's Complex
Hagåtña, Guam 96932

Re: Request for Fiscal Note

Dear Mr. Leon Guerrero:

Please find attached copies of Bill No. 240 (LS), and Bill Nos. 255, 271, 286, and 287 (COR), scheduled for public hearing on Friday, April 5, 2002. Pursuant to the provisions of Chapter 9, of Title 2 of the Guam Code Annotated, a fiscal note is being requested.

As this measure affects the government of Guam, the Committee encourages your participation and input at this hearing. The Committee would appreciate receiving fifteen (15) copies of BBMR's position statement and or documents relating to the subject matter prior to the start of the hearing. A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,



KALEO S. MOYLAN

Attachments:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guahan
Twenty-Sixth Guam Legislature

OFFICE COPY

March 26, 2002

Mr. Jesus Salas
Administrator
Guam Environmental Protection Agency
Hagåtña, Guam 96910




Re: Committee Public Hearing: Friday, April 5, 2002

Dear Mr. Salas:

This is to inform you that the Committee on Ways and Means will conduct a public hearing on Friday, April 5, 2002 commencing at 9:00 a.m. in the Legislative Public Hearing Room. As Bill No. 271 (COR) directly impacts on GEPA, the Committee would appreciate receiving fifteen (15) copies of your position statement and or documents relating to the legislation prior to the start of the hearing.

A copy of the hearing Agenda is enclosed for your reference and information.

Sincerely,


KALEO S. MOYLAN

Attachment:

Senator Kaleo S. Moylan
Chairperson, Committee on Ways and Means
Mina'Bente Sais Na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature

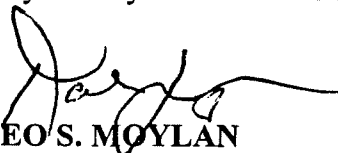
March 26, 2002

MEMORANDUM

To: All Members, Committee on Ways and Means
From The Chairperson,
Subject: Committee Public Hearing, Friday, April 5, 2002

This is to inform you that the Committee Ways and Means will conduct a Public Hearing on Friday, April 5, 2002, at 9:00 a.m., in the Legislative Public Hearing Room. A copy of the legislation and hearing Agenda is attached for your review.

Thank you for your time and I look forward to your attendance and participation.


KALEO S. MOYLAN

Attachment:

cc: All Senators
Clerk of Legislature
Protocol
Media

MINA'BENTE SAIS NA LIHESLATURAN GUÁHAN

**Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means**

**Public Hearing
9:00 a.m., Friday, April 5, 2002**

**Revised
A G E N D A**

- I. Call to Order:**
- II. Announcement & Introduction of Members:**
- III. Legislative Measure:**

Bill No. 240 (LS), AN ACT TO REPEAL AND REENACT SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 199-1 TO APPROPRIATE TWO MILLION DOLLARS FROM THE SERIES 2001A SUB-ACCOUNT OF THE HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES.

Bill No. 255 (COR), AN ACT TO DETERMINE LOST PAY COMPENSATION FOR ALL GUAM NATIONAL GUARDSMEN AND RESERVISTS, AND TO APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO THE DEPARTMENT OF ADMINISTRATION TO FUND THE LOST PAY.

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Bill No. 286 (COR), AN ACT TO GRANT *I MAGA'LAHEN GUÁHAN* THE TRANSFER AUTHORITY NECESSARY TO RESOLVE THE CASH SHORTFALL OF THE GUAM CHILDREN'S HEALTH INSURANCE PROGRAM AND THE GENERAL AND WELFARE PUBLIC ASSISTANCE PROGRAM BENEFITS.

**The Hearing will take place at the Guam Legislature's Public Hearing Room.
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the
Office of Senator Kaleo S. Moylan at 472-3342.**

Bill No. 287 (COR), AN ACT TO RE-APPROPRIATE THE SUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM SECTION 2 OF PUBLIC LAW NUMBER 26-69 TO THE OFFICE OF CIVIL DEFENSE FOR OVERTIME PAYMENT TO THE SPECIAL RESPONSE UNIT.

IV. Remarks:

V. Adjournment:

**The Hearing will take place at the Guam Legislature's Public Hearing Room.
Individuals requiring special accommodations, auxiliary aids or services are asked to contact the
Office of Senator Kaleo S. Moylan at 472-3342.**

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Public Hearing
9:00 a.m., Friday, April 5, 2002

A G E N D A

I. Call to Order:

II. Announcement & Introduction of Members:

III. Legislative Measure:

Bill No. 240 (LS), AN ACT TO REPEAL AND REENACT SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 26-35 AND TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM THE SERIES 2001A SUB-ACCOUNT OF THE HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES.

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IV. Remarks:

V. Adjournment:

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Office of Senator Kaleo S. Moylan at 472-3342.**

Mina'Bente Sais Na Liheslaturan Guåhan
26th Guam Legislature
Committee on Ways and Means

Witness Sign in Sheet

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Name	Representing	Testimony (written/oral)
Jesus T. Salas	GEPA	written
Elisabeth T. Cruz	self	oral

Committee on Ways and Means

**Attendance Sheet
Friday, April 5, 2002**

Public Hearing on

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

	Present	Absent	Off-Island	Excused
Kaleo S. Moylan,	/			
Joanne M.S. Brown				
Antonio R. Unpingco				
Felix P. Camacho				
Mark C. Charfauros				
Mark Forbes				
Lawrence F. Kasperbauer				
Vicente C. Pangelinan	/			

	Present	Absent	Off-Island	Excused
Joseph F. Ada				
Thomas C. Ada				
Frank B. Aguon, Jr.				
Eddie B. Calvo				
Lou Leon Guerrero				
Angel L.G. Santos				
Judith T. Won Pat				

Attending Staff

Bertha Duenas _____	James P. Castro _____	Tom Morrison _____
Henry Cruz _____	Paul Borja _____	Faith Mendiola _____
Fred M. Castro _____	Josie Mendiola _____	John Dela Rosa _____
Jackie Suzuki _____	Briana San Nicolas _____	

coast of Norfolk Va., Tuesday. The firefighters were presented the flag which they and another raised over Ground Zero, in a now-famous photo, as well as other flags that flew aboard the ship during its six-month deployment in support of Operation Enduring Freedom. Navy sailor DC3 Brian Smith, of Simi Valley, Calif., presents the Marine Corps flag to Johnson.

AP

helps the blind

"Mr. Teubert dearly loved to read, and he told one or two of his friends that he couldn't imagine anything worse than losing his eyesight," said Jimelle Bowen, the trust's executive director. "He said, 'I feel sorry for the blind. They can't read and they can't see anything in this world.'"

But no one is entirely sure how he accumulated his wealth.

Teubert (pronounced TOO-bert) never married, had no close relatives, and often wandered the streets of Huntington in cast-off clothes and tennis shoes he scrounged from the Marshall College athletic department.

"I think he could qualify as a 20th century Ebenezer Scrooge," said retired Huntington postmaster Roy Hatton in an interview several years before his death last year. "I never knew him to have a car. He walked practically everywhere he went, and with his clothing, you'd think he was a homeless person rather than what he was."

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN



Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Public Hearing
9:00 a.m., Friday, April 5, 2002

AGENDA

Bill No. 240 (LS), AN ACT TO REPEAL AND REENACT SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 26-35 AND TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM THE SERIES 2001A SUB-ACCOUNT OF THE HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES.

Bill No. 225 (COR), AN ACT TO DETERMINE LOST PAY COMPENSATION FOR ALL GUAM NATIONAL GUARDSMEN AND RESERVISTS, AND TO APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO THE DEPARTMENT OF ADMINISTRATION TO FUND THE LOST PAY.

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Bill No. 286 (COR), AN ACT TO GRANT *I MEGA'LAHEN GUÅHAN* THE TRANSFER AUTHORITY NECESSARY TO RESOLVE THE CASH SHORTFALL OF THE GUAM MEDICAID PROGRAM, MEDICALLY INDIGENT PROGRAM, GUAM CHILDREN'S HEALTH INSURANCE PROGRAM AND THE GENERAL AND WELFARE PUBLIC ASSISTANCE PROGRAM BENEFITS.

Bill No. 287 (COR), AN ACT TO RE-APPROPRIATE THE SUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM SECTION 2 OF PUBLIC LAW NUMBER 26-69 TO THE OFFICE OF CIVIL DEFENSE FOR OVERTIME PAYMENT TO THE SPECIAL RESPONSE UNIT.

The Hearing will take place at the Guam Legislature Public Hearing Room located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

Cruise ship rescues stranded 11-man crew

HONOLULU, Hawaii (AP) - Eleven crew members on an Indonesian tanker stranded at sea for more than two weeks were rescued by a cruise ship early Tuesday.

The *Insiko* had been adrift and unable to contact anyone since March 13 after a fire, Coast Guard Lt. Mia Dutcher said. The tanker's crew was rescued by the cruise ship *Norwegian Star*.

Insiko crew members said one of their shipmates died in the fire and another suffered burns over 50 percent of his body, Dutcher said. The injured man was to be flown by helicopter to a medical center.

The crew fired a signal flare and lit a fire to attract the cruise ship about 220 miles (354 kilometers) south of the island of Hawaii around 1:45 a.m. local time, Dutcher said. A Coast Guard cutter was expected to reach the cruise ship Tuesday afternoon to pick up crew members and take them to immigration officials for processing, Dutcher said.

MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN



Senator Kaleo S. Moylan, Chairman
Committee on Ways and Means

Public Hearing
9:00 a.m., Friday, April 5, 2002

AGENDA

Bill No. 240 (LS), AN ACT TO REPEAL AND RE-VACUATE SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 26-35 AND TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM THE SERIES 2001A SUB-COUNTY HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES.

Bill No. 225 (COR), AN ACT TO DETERMINE LOST PAY COMPENSATION FOR ALL GUAM NATIONAL GUARDSMEN AND RESERVISTS, AND TO APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO THE DEPARTMENT OF ADMINISTRATION TO FUND THE LOST PAY.

Bill No. 271 (COR), AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND.

Bill No. 286 (COR), AN ACT TO GRANT VICE-CHAIRMAN GUÅHAN THE TRANSFER AUTHORITY NECESSARY TO FILL THE CASH SHORTFALL OF THE GUAM MEDICAL PROGRAM, MEDICALLY INDIGENT PROGRAM, GUAM CHILDREN'S HEALTH INSURANCE PROGRAM AND THE GENERAL AND WELL-BEING PUBLIC ASSISTANCE PROGRAM BENEFITS.

Bill No. 287 (COR), AN ACT TO RE-APPROPRIATE THE SUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM SECTION 2 OF PUBLIC LAW NUMBER 26-69 TO THE OFFICE OF CIVIL DEFENSE FOR OVERTIME PAYMENT TO THE SPECIAL RESPONSE UNIT.

The Hearing will take place at the Guam Legislature Public Hearing Room located at Hagåtña. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the office of Senator Kaleo S. Moylan at 472-3342.

Committee on Ways and Means:

Friday, April 5, 2002, 9:00 a.m. Guam Legislature's Public Hearing Room, Public Hearing to discuss **Bill No. 240 (LS)**, AN ACT TO REPEAL AND REENACT SECTION 21(a) OF CHAPTER III OF PUBLIC LAW NUMBER 26-35 AND TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM THE SERIES 2001A SUB-ACCOUNT OF THE HEALTH SECURITY TRUST FUND TO THE GUAM MEMORIAL HOSPITAL AUTHORITY FOR CAPITAL EXPENSES. **Bill No. 255 (COR)**, AN ACT TO DETERMINE LOST PAY COMPENSATION FOR ALL GUAM NATIONAL GUARDSMEN AND RESERVISTS, AND TO APPROPRIATE FIVE HUNDRED THOUSAND DOLLARS (\$500,000) TO THE DEPARTMENT OF ADMINISTRATION TO FUND THE LOST PAY. **Bill No. 271 (COR)**, AN ACT TO AMEND SUBSECTION (a) OF SECTION 45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM ENVIRONMENTAL TRUST FUND. **Bill No. 286 (COR)**, AN ACT TO GRANT *I MAGA'LAHEN GUÁHAN* THE TRANSFER AUTHORITY NECESSARY TO RESOLVE THE CASH SHORTFALL OF THE GUAM MEDICAID PROGRAM, MEDICALLY INDIGENT PROGRAM, GUAM CHILDREN'S HEALTH INSURANCE PROGRAM AND THE GENERAL AND WELFARE PUBLIC ASSISTANCE PROGRAM BENEFITS. **Bill No. 287 (COR)**, AN ACT TO RE-APPROPRIATE THE SUM OF EIGHTY THOUSAND DOLLARS (\$80,000.00) FROM SECTION 2 OF PUBLIC LAW NUMBER 26-69 TO THE OFFICE OF CIVIL DEFENSE FOR OVERTIME PAYMENT TO THE SPECIAL RESPONSE UNIT. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Senator Kaleo S. Moylan at 472-3342.

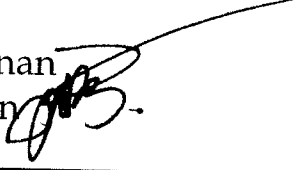
MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 271 (COR)

Introduced by:

v.c. pangelinan

J.M.S. Brown



AN ACT TO AMEND SUBSECTION (a) OF SECTION
45200 OF ARTICLE 2 OF CHAPTER 45 OF PART 2 OF
DIVISION 2 OF TITLE 10, GUAM CODE
ANNOTATED, RELATIVE TO THE GUAM
ENVIRONMENTAL TRUST FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the Guam Environmental Protection Agency's Hasso Guam
4 recycling program has the ability to protect our island community from
5 residential hazardous waste, thus protecting not only our environment, but
6 also most importantly, the people of Guam.

7 However, *I Liheslaturan Guåhan* finds that Hasso Guam has limited
8 financial resources, hence cannot successfully fulfill its overall objective in
9 ensuring that residential hazardous wastes such as nickel-cadmium batteries,
10 used oil, paint, spray paint cans, degreasing solvents, coolants, auto batteries,
11 pesticides, fertilizers, and among others, are properly disposed of on a regular
12 basis.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to provide Hasso
14 Guam the financial assistance necessary, through funding from the Guam

1 Environmental Trust Fund, in order to continue its effort in keeping our
2 island safe from residential harmful waste.

3 Further, to ensure that the Guam Environmental Trust Fund is not
4 misused and that possibility of mismanagement does not occur, *I Liheslaturan*
5 *Guåhan* intends to oversee the Fund by mandating that all expenditures from
6 the Fund must first be approved by *I Liheslaturan Guåhan*.

7 **Section 2.** Subsection (a) of Section 45200 of Article 2 of Chapter 45 of
8 Part 2 of Division 2 of Title 10, Guam Code Annotated is *hereby* amended to
9 read as follows:

10 “(a) There is hereby created, separate and apart from other funds
11 of the government of Guam, a fund known as the Guam Environmental
12 Trust Fund (the "Fund"). The Fund shall not be commingled with the
13 General Fund and shall be kept in a separate bank account, subject to
14 legislative appropriation, to be used by the Administrator of the Guam
15 Environmental Protection Agency (the "Administrator") to clean up
16 hazardous materials and restore and repair damage done to the Guam
17 environment.”

18 **Section 3.** There are hereby appropriated sums as necessary to fund
19 the Guam Environmental Protection Agency’s Hasso Guam recycling
20 program quarterly in each calendar year to be used exclusively for the clean
21 up of residential hazardous waste pursuant to the program’s rules and
22 regulations.

23 **Section 4. Severability.** *If* any provision of this Law or its
24 application to any person or circumstance is found to be invalid or contrary to

1 law, such invalidity shall *not* affect other provisions or applications of this
2 Law which can be given effect without the invalid provisions or application,
3 and to this end the provisions of this Law are severable.