

I Mina'trentai Sais 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
116-36 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Research, Statistics, and Planning; and further amended on the Floor	Sabina Flores Perez Tina Rose Muña Barnes Joanne Brown Jose “Pedo” Terlaje James C. Moylan Telo T. Taitague V. Anthony Ada	AN ACT TO <i>AMEND</i> §§ 51202, 51204, 51205, AND 51207, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO <i>AMEND</i> § 40115(c) OF CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED; AND TO <i>AMEND</i> § 77114.3 OF CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENHANCING AGENCY CAPACITY TO ADDRESS ILLEGAL DUMPING.	4/13/21 10:33 a.m.	4/15/21	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	5/6/21 9:00 a.m.	8/30/21 8:00 a.m.  As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Research, Statistics, and Planning	Request: 4/16/21  4/22/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	9/24/21	AN ACT TO <i>AMEND</i> §§ 51202, 51204, 51205, AND 51207 OF ARTICLE 2, CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; TO <i>AMEND</i> § 40115(c) OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED; AND TO <i>AMEND</i> § 77114.3 OF ARTICLE 1, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENHANCING AGENCY CAPACITY TO ADDRESS ILLEGAL DUMPING.	10/4/21	10/6/21	10/18/21	36-61	10/18/21	Received: 10/19/21 Mess and Comm. Doc. No. 36GL-21-1210	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN  
OFFICE OF THE GOVERNOR OF GUAM

October 18, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

*36<sup>th</sup> Guam Legislature*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Doc Type: 366L-21-1210  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

**10-18-2021**

Time: 5:38 PM

Received: JA

Re: **BILL NO. 116-36 (COR)** – “AN ACT TO *AMEND* §§ 51202, 51204, 51205, AND 51207 OF ARTICLE 2, CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; TO *AMEND* § 40115(c) OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED; AND TO *AMEND* § 77114.3 OF ARTICLE 1, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENHANCING AGENCY CAPACITY TO ADDRESS ILLEGAL DUMPING”

**BILL NO. 165-36 (COR)** – “AN ACT TO *AMEND* § 10115(a)(2) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO REMOVING THE CAP ON CIVIL PENALTIES FOR VIOLATIONS OF THE GUAM SOIL EROSION AND SEDIMENT CONTROL REGULATIONS”

Dear Madame Speaker,

Today, I sign into law two bills that resolve significant gaps in previous enforcement efforts for violations of environmental statutes and regulations.

The recent environmental devastation at Marbo Cave was a hard lesson for our community -- in matters related to our environment, it is critical that we provide our enforcement agencies with mechanisms by which they can deter and punish conduct that violates the laws that protect these scarce natural resources and culturally significant sites. Bill No. 165-36 amends the Guam Soil Erosion and Sediment Control Regulations, adopted in 2000, to remove the \$125,000.00 cap on the maximum amount of civil penalties that may be imposed for violations. While it is unclear why the cap on penalties was imposed in the first place, it is clear that such a cap does a disservice to our overall goals of preservation and sustainability. Empowering our enforcement agencies to impose penalties that are proportionate to the harm done to our environment is an important step towards achieving these goals. For this reason, I sign Bill No. 165-36 into law as **Public Law No. 36-60**.

Similarly, Bill No. 116-36, now known as **Public Law No. 36-61**, targets illegal dumping in our public spaces and bolsters enforcement capability by expanding designated apprehending officers,

RICARDO J. BORDALLO GOVERNOR'S COMPLEX  
513 W. Marine Corps Drive Hagåtña, Guam 96910  
governor.guam.gov | (671) 472-8931

To: Speaker Terlaje  
Fr: Governor of Guam  
Date: October 18, 2021  
Re: Bill No. 116-36 (COR) and 165-36 (COR)

Page 2 of 2

and, again, removing previous caps on fines for offenders and mandating such offenders to perform cleanup community service. The bill further reallocates funds previously dedicated to the Guam Beautification Fund to the Litter Control Revolving Fund, and ultimately to our enforcement agencies. This effort furthers the collaborative work of our administration, led by Lt. Governor Josh Tenorio, and other government stakeholders including the Mayor's Council of Guam, and enforcement agencies such as the Department of Parks and Recreation, the Department of Agriculture, the Department of Public Works, the Department of Public Health and Social Services, the Guam Environmental Protection Agency, and the Guam Police Department.

It is more important now than ever that we take meaningful steps to preserve our people's capacity to endure, by implementing common-sense policies that meet the needs of the present without compromising the ability of future generations to meet theirs. It is through implementing robust enforcement measures such as Public Laws No. 36-60 and 36-61, prioritizing deterrence, prevention and education over remediation, and engaging our businesses and community directly in the work to keep our public spaces clean and free of solid waste, that we can achieve our common goal of preserving our environment for our children, and future generations.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure: Bill No. 165-36 (COR) *nka P.L. No. 36-60*  
Bill No. 116-36 (COR) *nka P.L. No. 36-61*

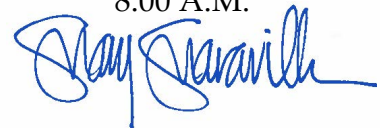
cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*  
Compiler of Laws

**COMMITTEE ON RULES**

**RECEIVED:**

October 19, 2021

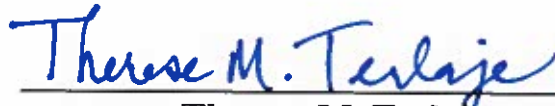
8:00 A.M.




***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***


This is to certify that **Bill No. 116-36 (COR), "AN ACT TO *AMEND* §§ 51202, 51204, 51205, AND 51207 OF ARTICLE 2, CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; TO *AMEND* § 40115(c) OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED; AND TO *AMEND* § 77114.3 OF ARTICLE 1, CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ENHANCING AGENCY CAPACITY TO ADDRESS ILLEGAL DUMPING,"** was on the 4<sup>th</sup> day of October 2021, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

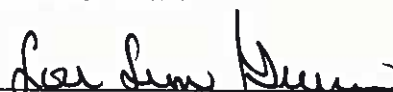
Attested:

  
Amanda L. Shelton  
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 6<sup>th</sup> day of October,  
2021, at 12:43 o'clock P.M.


  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 10/18/2021

Public Law No. 36-61

  
RCVD AT CENTRAL FILES  
OCT 6 '21 PM 12:43  
2021-14795

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 116-36 (COR)**

As amended by the Committee on Environment, Revenue and Taxation,  
Labor, Procurement, and Research, Statistics, and Planning;  
and further amended on the Floor

Introduced by:

Sabina Flores Perez  
Tina Rose Muña Barnes  
Joanne Brown  
Jose "Pedro" Terlaje  
James C. Moylan  
Telo T. Taitague  
V. Anthony Ada  
Frank Blas Jr.  
Christophér M. Dueñas  
Telen Cruz Nelson  
Clynton E. Ridgell  
Joe S. San Agustin  
Amanda L. Shelton  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO *AMEND* §§ 51202, 51204, 51205, AND 51207  
OF ARTICLE 2, CHAPTER 51, TITLE 10, GUAM CODE  
ANNOTATED; TO *AMEND* § 40115(c) OF ARTICLE 1,  
CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED;  
AND TO *AMEND* § 77114.3 OF ARTICLE 1, CHAPTER 77,  
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO  
ENHANCING AGENCY CAPACITY TO ADDRESS  
ILLEGAL DUMPING.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
that current litter laws need to be updated to recognize dumping as a new category  
of littering, which also requires increased penalties and enforcement.

1        *I Liheslatura* further finds that illegal dumping constitutes a major threat to  
2 our natural environment and the health and safety of the people of Guam. Currently,  
3 the penalties for illegal dumping are not equivalent to the threat they pose to Guam.  
4 Relatedly, the Guam Environmental Protection Agency, the Mayors Council of  
5 Guam, and other Guam agencies currently lack the resources necessary to adequately  
6 address littering.

7        *I Liheslatura* finds that there are economic and societal factors that contribute  
8 to illegal dumping, such as the inaccessibility of solid waste disposal services to a  
9 number of Guam residents. Additionally, consumerism, the import of goods and,  
10 conversely, the changing nature of global recycling streams, all play a significant  
11 role in the buildup of solid waste on Guam.

12        *I Liheslatura* also finds that requiring anti-littering and recycling education  
13 and actions for those violating littering laws can aid in breaking the cycle of littering  
14 and illegal dumping by establishing environmental awareness and practices.

15        Therefore, it is the intent of *I Liheslatura* to empower a wider set of  
16 apprehending officers and to increase penalties to address littering and illegal  
17 dumping; and, the fees from these increased penalties are intended to provide more  
18 adequate funding for agencies to proactively address litter.

19        It is also the intent of *I Liheslatura* to reinforce Guam EPA's authority to  
20 regulate unpermitted sites where solid waste accumulates, and to couple enhancing  
21 enforcement measures with increasing environmental awareness and practices to  
22 curb littering and illegal dumping in order to protect the health of our people and  
23 environment.

24        **Section 2.** § 51202 of Article 2, Chapter 51, Title 10, Guam Code  
25 Annotated, is hereby *amended* to read:

26        **“§ 51202. Definitions.**

1 For the purpose of this Article, the following words shall have the  
2 meaning given herein unless their use in the text clearly demonstrates a  
3 different meaning:

4 (a) Apprehending Officers shall mean any designated  
5 individual with the Department of Parks and Recreation, the  
6 Department of Agriculture, the Guam Environmental Protection  
7 Agency, the Department of Public Health and Social Services, the  
8 Department of Public Works, all village mayors and vice mayors, any  
9 peace officer in the Guam Police Department, including the C.A.P.E.  
10 volunteers, and Civilian Volunteer Police Reserve volunteers, the A.B.  
11 Won Pat International Airport Authority Police, the Port Authority of  
12 Guam Police, and the Guam Fire Department's uniformed personnel.

13 (b) Dumping shall mean the deposit of litter in a substantial  
14 quantity.

15 (c) Litter shall mean discarded, used or leftover solid  
16 materials, including, but not limited to, garbage, trash, rubbish, refuse,  
17 paper, containers, bulky metallic waste, packing or construction  
18 materials, or carcasses of dead animals.

19 (d) Littering shall mean willful or negligent throwing,  
20 dropping, placing, depositing, or sweeping, allowing, or causing such  
21 acts, of any litter on land or water, in other than appropriate storage  
22 containers or areas designated for such purpose.

23 (e) Substantial quantity shall mean a gross, uncompressed  
24 volume of litter equal to or greater than thirty-two (32) gallons or 4.28  
25 cubic feet.

1 (f) Vehicle shall mean a device in, upon, or by which any  
2 person or property may be propelled, moved, or drawn upon a highway,  
3 except a device moved by human or animal power.

4 (g) Watercraft shall mean any boat, ship, vessel, barge or  
5 other floating craft.”

6 **Section 3.** § 51204 of Article 2, Chapter 51, Title 10, Guam Code  
7 Annotated, is hereby *amended* to read:

8 **“§ 51204. Litter Control Revolving Fund.**

9 (a) There is established a fund to be known as the Litter Control  
10 Revolving Fund, which shall be maintained separate and apart from any other  
11 fund of the government of Guam and shall be administered by the  
12 Administrator. Independent records and accounts shall be maintained in  
13 connection therewith. Except as provided in 5 GCA § 40115 seventy percent  
14 (70%) of all assessments, fines, bail forfeitures, and other funds collected or  
15 received pursuant to this Article shall be deposited in the Litter Control  
16 Revolving Fund and used for the administration and implementation of this  
17 Article; for education programs and advertisement promotions aimed at  
18 increasing awareness of litter and defacement problems and promoting  
19 recycling; for the placement of anti-litter and anti-graffiti signs around the  
20 island; for the purchase of supplies and equipment to assist with enforcement;  
21 for the clean-up of litter and defacement from public highways, streets, alleys,  
22 roads, bridges, buildings, signs, restrooms, public recreational areas, or other  
23 public lands; and for assistance with recycling efforts. Five percent (5%) shall  
24 be deposited in the Judicial Building Fund; and twenty-five percent (25%)  
25 shall be deposited in the Guam Beautification Fund as provided in 21 GCA §  
26 77114.3.

1           (b) Fifty percent (50%) of any fine collected or received pursuant to  
2 this Article shall be transferred to the agencies and departments of  
3 apprehending officers assisting with the enforcement and implementation of  
4 this Article. Such partner agencies and departments receiving monies from the  
5 Litter Control Revolving Fund under this Section are subject to periodic audits  
6 of said funds at the direction of the Board.”

7       **Section 4.** § 51205 of Article 2, Chapter 51, Title 10, Guam Code  
8 Annotated, is hereby *amended* to read:

9           **“§ 51205. Prohibited Activities.**

10          (a) It shall be unlawful for any person to willfully or negligently  
11 deposit, throw, leave, or abandon any litter upon any public highway, street,  
12 alley or road, upon public parks or recreation areas, or upon any other public  
13 property, except as designated for such use, or upon property owned by  
14 another person without written permission of the owner and a permit issued  
15 by the Guam Environmental Protection Agency, or into any bay, channel,  
16 harbor, river, creek, stream, reservoir, coastal waters, or other waters of Guam.

17          (b) It shall be unlawful for any person to dump litter in substantial  
18 quantities upon any public highway, street, alley, or road, upon public parks  
19 or recreation areas, or upon any other public property, except as designated  
20 for such use, or upon property owned by another person without written  
21 permission of the owner and a permit issued by the Guam Environmental  
22 Protection Agency, or into any bay, channel, harbor, river, creek, stream,  
23 reservoir, coastal waters, or other waters of Guam.

24          (c) Apprehension for Violation. Apprehension for violation of  
25 prohibitions may be initiated by an apprehending officer who witnessed an  
26 offense or discovered an article bearing a person’s name on the property of  
27 another, or on any public property, except as designated for such use, or by

1 any private citizen who witnessed an offense or discovered incriminating  
2 evidence, and who is willing to make the initial charge and testify for the  
3 government.

4 (d) Any person who shall witness the throwing, dumping, or  
5 depositing of litter from a vehicle or watercraft which is in violation of  
6 prohibitions may report the date, time of day, and location of the littering and  
7 the license registration number to apprehending officers. The registration  
8 number as recorded shall constitute prima facie evidence that the littering was  
9 done by the person to whom such vehicle or watercraft is registered. Nothing  
10 in this Section shall be construed to modify or change the burden of the  
11 government to prove the defendant guilty beyond a reasonable doubt.

12 (e) Any person who violates this Section while occupying a motor  
13 vehicle which is moving or located on public property or a public right of way  
14 shall be deemed to have committed a violation not only of this Section, but of  
15 16 GCA, Chapter 3, Article 3 (Rules of the Road) and shall be guilty of a petty  
16 misdemeanor.”

17 **Section 5.** § 51207 of Article 2, Chapter 51, Title 10, Guam Code  
18 Annotated, is hereby *amended* to read:

19 **“§ 51207. Penalties.**

20 (a) Any person in violation of § 51205(a) of this Article shall be  
21 fined Two Hundred Dollars (\$200.00) for the first offense, Three Hundred  
22 Dollars (\$300.00) for the second offense, and Five Hundred Dollars (\$500.00)  
23 for the third and subsequent offenses.

24 (1) In addition to the fine pursuant to Subsection (a) of this  
25 Section, the court shall require the offender to pick up litter or conduct  
26 anti-littering and recycling outreach or activities, or both, under the  
27 supervision of the Guam Environmental Protection Agency, or its

1           designee, for eight (8) hours for the first offense, for sixteen (16) hours  
2           for the second offense, and for thirty-two (32) hours for the third and  
3           subsequent offenses.

4           (b) Any person in violation of § 51205(b) of this Article shall be  
5           fined Five Hundred Dollars (\$500.00) for the first offense, Seven Hundred  
6           Fifty Dollars (\$750.00) for the second offense, and One Thousand Dollars  
7           (\$1,000.00) for the third and subsequent offenses.

8           (1) In addition to the fine pursuant to this Subsection (b), the  
9           court shall require the offender to pick up litter or conduct anti-littering  
10          and recycling outreach or activities, or both, under the supervision of  
11          the Guam Environmental Protection Agency, or its designee, for forty  
12          (40) hours for the first offense, sixty (60) hours for the second offense,  
13          and one hundred (100) hours for the third and subsequent offenses.

14          (c) Any person convicted of any litter offense may also be required  
15          by the court to pay the cost of removing the litter they caused. The Superior  
16          Court of Guam shall transfer all money collected to pay fines imposed under  
17          this Section to the Litter Control Revolving Fund established in § 51204 of  
18          this Article. Any peace officer, as that term is defined in § 5.55 of Article 2,  
19          Chapter 5, 8 GCA, may issue a citation for a litter offense.

20          (d) A person charged with a first violation may avoid a court hearing  
21          by posting bail in the amount of the minimum fine or paying such prescribed  
22          fine as the Traffic Court Division of the Superior Court of Guam shall  
23          prescribe.

24          (e) When the risk of fire is determined to be high, in accordance with  
25          the provisions of 10 GCA § 63704, any person convicted of a violation of this  
26          Chapter for discarding a cigarette, lit or unlit, from a moving or stationary  
27          motor vehicle, during the time the risk of fire is determined to be high, shall

1 be subject to two (2) times the fine or community service penalties prescribed  
2 herein in this Section, or both.

3 (f) Any person convicted of violating this Section shall not be  
4 relieved from any charges that may arise as a consequence of a violation of  
5 this Section.”

6 **Section 6.** § 40115(c) of Article 1, Chapter 40, Title 5, Guam Code  
7 Annotated, is hereby *amended* to read:

8 “(c) To fine violators of sanitary and health laws and to cite violators  
9 of litter and defacement laws and regulations. Such citations shall be  
10 accompanied by an order to appear at the Traffic Court Division of the  
11 Superior Court of Guam, pursuant to § 51206 of Article 2, Chapter 51, 10  
12 GCA. The Traffic Court shall have the authority to impose a fine to those  
13 found guilty of violating such laws and regulations.

14 (1) Any person in violation of § 51205(a) of Article 2, Chapter  
15 51, 10 GCA shall be fined Two Hundred Dollars (\$200.00) for the first  
16 offense, Three Hundred Dollars (\$300.00) for the second offense, and  
17 Five Hundred Dollars (\$500.00) for the third and subsequent offenses.

18 (A) In addition to the fine pursuant to Subsection (c)(1)  
19 of this Section, the court shall require the offender to pick up  
20 litter or perform community service, or both, under the  
21 supervision of the Mayor, or in the Mayor’s absence, the Vice  
22 Mayor, for eight (8) hours for the first offense, sixteen (16) hours  
23 for the second offense, and thirty-two (32) hours for the third and  
24 subsequent offenses.

25 (2) A person in violation of § 51205(b) of Article 2, Chapter  
26 51, 10 GCA shall be fined Five Hundred Dollars (\$500.00) for the first  
27 offense, Seven Hundred Fifty Dollars (\$750.00) for the second offense,

1 and One Thousand Dollars (\$1000.00) for the third and subsequent  
2 offenses.

3 (A) In addition to the fine pursuant to Subsection (c)(2)  
4 of this Section, the court shall require the offender to pick up  
5 litter or perform community service, or both, under the  
6 supervision of the Mayor, or in the Mayor's absence, the Vice  
7 Mayor, for forty (40) hours for the first offense, sixty (60) hours  
8 for the second offense, and one hundred twenty (120) hours for  
9 the third and subsequent offenses.

10 (3) A person convicted of any litter offense under this Section  
11 may also be required by the court to pay the cost of removing the litter  
12 they caused.

13 The Superior Court of Guam shall transfer all money collected to pay  
14 fines imposed under this Section in the following manner: fifty percent (50%)  
15 to the Litter Control Revolving Fund established in § 51204 of Article 2,  
16 Chapter 51, Title 10, Guam Code Annotated, and fifty percent (50%) to the  
17 Municipal Litter and Defacement Fund.

18 The community service may include cleaning of roadsides and public  
19 grounds, and the cleaning of public buildings and facilities; anti-littering and  
20 recycling educational outreach; and assisting with recycling efforts within the  
21 municipality in which the violation took place. Such community service shall  
22 be assigned by the Mayor, or in the Mayor's absence, by the Vice Mayor. Any  
23 decision or action of the Mayor or Vice Mayor pursuant to the authority of  
24 this Section may be appealed to the Superior Court of Guam within thirty (30)  
25 days of the date of such decision or action."

26 **Section 7.** § 77114.3 of Article 1, Chapter 77, Title 21, Guam Code  
27 Annotated, is hereby *amended* to read:

1                   **“§ 77114.3. Guam Beautification Fund.**

2                   There is established a fund to be known as the Guam Beautification  
3                   Fund which shall be maintained separate from any other funds of the  
4                   government of Guam. Independent records and accounts shall be maintained  
5                   by the Department of Administration in connection therewith. Twenty-five  
6                   percent (25%) of assessments, fines, bail forfeitures and other funds collected  
7                   or received pursuant to § 51204 of Article 2, Chapter 51, Title 10, Guam Code  
8                   Annotated, and subject to the conditions of § 40115 of Title 5, Guam Code  
9                   Annotated, shall be deposited in the Guam Beautification Fund and used for  
10                  landscaping, for planting of grass, shrubs, trees and flowers, for other  
11                  improvements to public recreational areas or other public lands, for clean-ups,  
12                  for anti-littering, recycling educational outreach, and for assisting with  
13                  recycling efforts.”

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