

*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
<b>162-36 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor.	Sabina Flores Perez Joanne Brown Telo T. Taitague V. Anthony Ada Frank Blas Jr. Christopher M. Dueñas James C. Moylan Tina Rose Muña Barnes Telena Cruz Nelson Clynton E. Ridgell Joe S. San Agustin Amanda L. Shelton Jose "Pedro" Terlaje Therese M. Terlaje Mary Camacho Torres	AN ACT TO AMEND § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, § 51204 OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 10019(g) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.	7/12/21 10:10 a.m.	7/19/21 4:10 p.m.	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	9/2/21 9:00 a.m.	9/15/21 10:28 a.m.	Request: 7/20/21  Waiver: 7/22/21	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
1/21/22	AN ACT TO AMEND § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, AND § 51204(a) OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §§10109(g)(2) AND (g)(3) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO AUTHORIZING THE CONTINUOUS APPROPRIATION OF FUNDS FOR PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY.	1/28/22	1/28/22	2/9/22	36-75	2/9/22	Received: 2/10/22 Mess and Comm. Doc. No. 36GL-22-1655		



**Bill Nos. 142-36, 174-36, 186-36 and Substitute Bill Nos. 162-36, 229-36 nka P.L. Nos. 36-75 to 36-79 and, VETOED Substitute Bill No. 173-36**

june.borja@guam.gov <june.borja@guam.gov>

Wed, Feb 9, 2022 at 4:47 PM

To: "Speaker Therese M. Terlaje" <speaker@guamlegislature.org>

Cc: "GOVERNOR Lourdes A. Leon Guerrero" <governor@guam.gov>, "LT. GOVERNOR Joshua F. Tenorio" <lt.governor@guam.gov>, gcepeda@guamcourts.gov, guamcompiler@gmail.com, libanez@guamcourts.gov, CHIEF OF STAFF Jon Junior Galvo <jon.galvo@guam.gov>, DEPUTY COS Alice Taijeron <alice.taijeron@guam.gov>, Legal <legal@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Krystal Paco-San Agustin <krystal.paco@guam.gov>, lester.carlson@bbmr.guam.gov, BERTHA <bertha.duenas@guam.gov>, "Eliza G. Dames (Chamber)" <eliza.dames@guam.gov>, "Shamra L.A. Chargualaf (Chamber)" <shamra.chargualaf@guam.gov>, "Josephine C. Cepeda (Chamber)" <josephine.cepeda@guam.gov>, "Kathleen C. Cepeda (COS)" <kathleen.cepeda@guam.gov>, Rhea Chang <rhea.chang@guam.gov>, "Jessica Cruz (CF)" <jessica.cruz@guam.gov>, admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov, "Michael D. Weakley" <michael.weakley@guam.gov>, rikki.orsini@guam.gov

Hafa Adai Madame Speaker.

Please find a copy of the attached letters dated February 9, 2022 from the **Honorable Lourdes A. Leon Guerrero, I Maga'hagan Guåhan** regarding the following Bills and Substitute Bills. The original transmittals will be delivered to your office later today.

- **SUBSTITUTE BILL NO. 162-36 (COR) nka P.L. 36-75** – An Act to Amend § 49107(f) of Chapter 49, § 50119 of Chapter 50, and § 51204(a) of Chapter 51, All of Title 10, Guam Code Annotated; and to Amend §§ 10109(g)(2) and (g)(3) of Chapter 10, Title 22, Guam Administrative Rules and Regulations, Relative to Authorizing the Continuous Appropriation of Funds for Program Funds Maintained by the Guam Environmental Protection Agency;
- **SUBSTITUTE BILL NO. 229-36 (LS) nka P.L. 36-76** – An Act to Amend § 75A109(c) of Chapter 75A, Title 21, Guam Code Annotated, and Section 4 of Public Law 35-112; and to Add a New Chapter 6A of Title 18, Guam Administrative Rules and Regulations, Relative to Complying with Legislative and Administrative Changes Required Under the Settlement Agreement made by and between the United States of America and Government of Guam, Chamorro Land Trust Commission & Administrative Director of the Chamorro Land Trust Commission, in United States vs. Government of Guam, et al. (D.Guam), Civil No. 17-CV-001113, as Transmitted to *I Liheslaturan Guahan* by the Chamorro Land Trust Commission;
- **BILL NO. 185-36 (COR) nka P.L. 36-77** – An Act to Transfer Lot No. 10122-14NEW-R1 in the Municipality of Dededo, Formerly Known as the Dededo Solid Waste Transfer Station, to the Guam Environmental Protection Agency for the Purpose of Developing and Constructing its Headquarters;
- **BILL NO. 174-36 (LS) nka P.L. 36-78** – An Act to Amend §§ 15201 and 15206 of Article 2, Chapter 15 and § 6108 of Chapter 6, and Add a New § 3102.1(g) of Chapter 3, All of Title 3, Guam Code Annotated; and to Add a New § 3101.3(h) of Article 1, Chapter 3, Title 16, Guam Code Annotated, Relative to Addressing Election-Related Timelines Associated with the Primary Election, Nomination Petition, and Voter Registration;
- **BILL NO. 142-36 (LS) nka P.L. 36-79** – An Act to Amend § 25.30 of Chapter 25, Title 9, Guam Code Annotated, Relative to Adding More Protection for Minor Victims Under the Offense of Fourth Degree Criminal Sexual Conduct and Ensuring that the Offense of Fourth Degree Criminal Sexual Conduct Against a Minor Cannot be Reduced from a Felony of the Third Degree to a Misdemeanor; and

- **VETOED SUBSTITUTE BILL NO. 173-36 (LS)** – An Act to Amend § 9112 of Chapter 9, § 117 of Chapter 1, § 14105 of Chapter 14, and § 13103 of Chapter 13; and to Add a New § 15110 to Article 1 of Chapter 15, and to a New § 1124 to Chapter 1, All of Title 3, Guam Code Annotated, Relative to Addressing and Modernizing Election-Related Issues, to Include the Counting of Provisional Ballots, Electioneering at Polling Places, the Cancellation of the Primary Election in Certain Circumstances, and Vacancies.

36GL-22-1655 / 36GL-22-1656 /  
 36GL-22-1657 / 36GL-22-1658 /  
 36GL-22-1659 / 36GL-22-1660

Thank you.

**OFFICE OF THE SPEAKER  
 THERESE M. TERLAJE**

Respectfully,

**June M.C. Borja**  
*Administrative Services Officer*  
**OFFICE OF THE GOVERNOR OF GUAM**  
*Office of Legal Counsel*  
 Ricardo J. Bordallo Governor's Complex  
 Adelup, Guam 96910  
 P.O. Box 2950, Hagåtña, Guam 96932  
 Office No.: (671) 473-1118  
 Fax No.: (671) 477-4826

-02-09 2022







4:47pm

Time:

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**6 attachments**

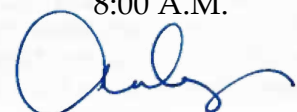
-  **22.0209 GOV to SPEAKER re Substitute Bill No. 162-36 (COR) nka P.L. 36-75.pdf**  
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-  **22.0209 GOV to SPEAKER re VETOED Substitute Bill No. 173-36 (LS).pdf**  
266K

**COMMITTEE ON RULES**

**RECEIVED:**

February 10, 2022

8:00 A.M.



LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

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

February 9, 2022

**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

**Re: SUBSTITUTE BILL NO. 162-36 (COR) – An Act to *Amend* § 49107(f) of Chapter 49, § 50119 of Chapter 50, and § 51204(a) of Chapter 51, All of Title 10, Guam Code Annotated; and to *Amend* §§ 10109(g)(2) and (g)(3) of Chapter 10, Title 22, Guam Administrative Rules and Regulations, Relative to Authorizing the Continuous Appropriation of Funds for Program Funds Maintained by the Guam Environmental Protection Agency**

*Hafa Adai* Madame Speaker,

The Guam Environmental Protection Agency (Guam EPA) serves the important purpose of protecting and maintaining a high-quality island environment for the people of Guam. Guam EPA operates and manages several programs in fulfilling its purpose, including programs that address air pollution control, pesticide control, waste management, and water pollution control. To operate these critical programs, Guam EPA heavily relies on federal grants and funding. Some of the conditions attached to the funding require Guam EPA to control the funds generated from its programs.

Substitute Bill No. 162-36 seeks to ensure that Guam EPA has sufficient control over its funding. Specifically, the legislation clarifies that various Guam EPA funds would now become non-lapsing revolving funds that are not subject to executive transfer authority. This is a modest step towards improving continuous access to local funds, such as those generated through fines and fees. Continuous access would minimize Guam EPA's heavy reliance on federal funding, and empower the agency to continue protecting the island environment within our local capacities. Substitute Bill No. 162-36 is now signed into law as ***Public Law No. 36-75***.

*Senseremente,*

**LOURDES A. LEON GUERRERO**  
*Maga'hågan Guåhan*  
Governor of Guam

Enclosure: Sub. Bill No. 162-36 (COR) *nka P.L. No. 36-75*  
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*  
Compiler of Laws


***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

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

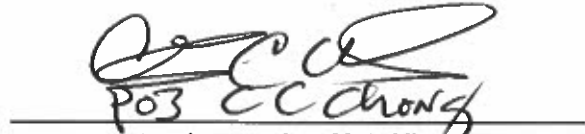
This is to certify that **Substitute Bill No. 162-36 (COR), "AN ACT TO AMEND § 49107(f) OF CHAPTER 49, § 50119 OF CHAPTER 50, AND § 51204(a) OF CHAPTER 51, ALL OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §§10109(g)(2) AND (g)(3) OF CHAPTER 10, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO AUTHORIZING THE CONTINUOUS APPROPRIATION OF FUNDS FOR PROGRAM FUNDS MAINTAINED BY THE GUAM ENVIRONMENTAL PROTECTION AGENCY,"** was on the 28<sup>th</sup> day of January 2022, duly and regularly passed.

  
**Therese M. Terlaje**  
**Speaker**


Attested:

  
**Amanda L. Shelton**  
**Legislative Secretary**

This Act was received by *I Maga'hågan Guåhan* this 28<sup>th</sup> day of January  
2022, at 7:38 o'clock P.M.

  
**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

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

Date: 01/09/2022

Public Law No. 36-15

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

**Bill No. 162-36 (COR)**

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

Introduced by:

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

**AN ACT TO *AMEND* § 49107(f) OF CHAPTER 49, § 50119  
OF CHAPTER 50, AND § 51204(a) OF CHAPTER 51, ALL  
OF TITLE 10, GUAM CODE ANNOTATED; AND TO  
*AMEND* §§10109(g)(2) and (g)(3) OF CHAPTER 10, TITLE  
22, GUAM ADMINISTRATIVE RULES AND  
REGULATIONS, RELATIVE TO AUTHORIZING THE  
CONTINUOUS APPROPRIATION OF FUNDS FOR  
PROGRAM FUNDS MAINTAINED BY THE GUAM  
ENVIRONMENTAL PROTECTION AGENCY.**

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 (GEPA) manages programs that

1 are vital to maintaining a high quality environment to guarantee an enjoyable life for  
2 all people at present and in the future, and to preventing the environmental  
3 degradation of the quality of land, water, and air by any pollutants, including all  
4 physical, chemical, and biological agents.

5 *I Liheslaturan Guåhan* also finds that the programs managed by GEPA rely  
6 heavily upon grant funds received from the United States Environmental Protection  
7 Agency (USEPA). USEPA imposes conditions attached to the grant funding that  
8 require GEPA to acquire and maintain control over the funds generated from the  
9 programs that GEPA manages.

10 *I Liheslaturan Guåhan* further finds that GEPA cannot continue to rely  
11 indefinitely upon grant funds received from USEPA. To end the dependency on  
12 USEPA, GEPA must be able to rely on the funds it generates to sustain its own  
13 operations.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to comply with the  
15 conditions of the grant funds received by GEPA from USEPA and to enable GEPA  
16 to fully carry out its statutory purpose by ensuring that GEPA acquires and retains  
17 control over the funds generated from GEPA programs.

18 **Section 2.** § 49107(f) of Chapter 49, Title 10, Guam Code Annotated is  
19 hereby *amended* to read:

20 “(f) Air Pollution Control Special Fund. There is established a non-  
21 lapsing, revolving fund to be known as the “Air Pollution Control Special  
22 Fund,” which shall be maintained separate and apart from any other funds of  
23 the government of Guam, and shall be administered by the Administrator. The  
24 Administrator shall submit a proposed budget for the upcoming fiscal year to  
25 the Board of Directors of the Guam Environmental Protection Agency, which  
26 shall include how such funds are being used in the implementation of this  
27 Chapter. Independent records and accounts shall be maintained in connection

1 with the Fund. All permit application fees, annual emission fees, fines,  
2 penalties, and other funds collected or received pursuant to this Chapter shall  
3 be deposited in the Air Pollution Control Special Fund, and used only for the  
4 costs of administration and implementation of this Chapter; for providing staff  
5 and resources to assist permit applicants with the application process; review  
6 and act upon permit applications; write permits; implement and enforce  
7 permit conditions, including legal support; prepare guidance and rules;  
8 prepare emission inventories; monitor air quality; inspect facilities to ensure  
9 compliance and offer assistance with pollution prevention alternatives;  
10 provide technical assistance to permittees; administer the Fund; and any other  
11 duties needed to administer this Chapter. All monies in the Air Pollution  
12 Control Special Fund are hereby appropriated, and shall continue to be  
13 deemed appropriated, to the Guam Environmental Protection Agency (GEPA)  
14 to be expended in accordance with this Chapter. The Air Pollution Control  
15 Special Fund shall not be subject to the transfer authority of *I Maga'hågan*  
16 *Guåhan.*”

17 **Section 3.** § 50119 of Chapter 50, Title 10, Guam Code Annotated is hereby  
18 *amended* to read:

19 **“§ 50119. Pesticide Management Fund.**

20 There is established a non-lapsing, revolving fund, hereafter referred to  
21 as the “Pesticide Management Fund” (Fund) which shall be maintained  
22 separate and apart from any other funds of the government of Guam and shall  
23 be administered by the Administrator of the Guam Environmental Protection  
24 Agency. The Administrator shall submit a proposed budget for the upcoming  
25 fiscal year to the Board of Directors of the Guam Environmental Protection  
26 Agency, which shall include how such Fund is being used in the  
27 implementation of this Chapter. Independent records and accounts shall be



1 maintained in connection therewith. All fees, reimbursements, assessments,  
2 fines, bail forfeitures, and other funds collected or received pursuant to this  
3 Chapter shall be deposited in this Fund and used for the administration and  
4 implementation of this Chapter including, but not limited to, purchase of  
5 equipment, payment of personnel costs, public outreach, training, contracts,  
6 and disposal of confiscated pesticides and devices. All monies in the Pesticide  
7 Management Fund are hereby appropriated, and shall continue to be deemed  
8 appropriated, to the Guam Environmental Protection Agency (GEPA) to be  
9 expended in accordance with this Chapter. The Pesticide Management Fund  
10 shall not be subject to the transfer authority of *I Maga'hågan Guåhan*.”

11 **Section 4.** § 51204(a) of Article 2, Chapter 51, Title 10, Guam Code  
12 Annotated, is hereby *amended* to read:

13 **“§ 51204. Litter Control Revolving Fund.**

14 (a) There is established a non-lapsing, revolving fund to be known  
15 as the Litter Control Revolving Fund, which shall be maintained separate and  
16 apart from any other fund of the government of Guam and shall be  
17 administered by the Administrator. The Administrator shall submit a proposed  
18 budget for the upcoming fiscal year to the Board of Directors of the Guam  
19 Environmental Protection Agency, which shall include how such funds are  
20 being used in the implementation of this Chapter. Independent records and  
21 accounts shall be maintained in connection therewith. Except as provided in  
22 5 GCA § 40115, seventy percent (70%) of all assessments, fines, bail  
23 forfeitures, and other funds collected or received pursuant to this Article shall  
24 be deposited in the Litter Control Revolving Fund and used for the  
25 administration and implementation of this Article; for education programs and  
26 advertisement promotions aimed at increasing awareness of litter and  
27 defacement problems and promoting recycling; for the placement of anti-litter

1 and anti-graffiti signs around the island; for the purchase of supplies and  
2 equipment to assist with enforcement; for the clean-up of litter and  
3 defacement from public highways, streets, alleys, roads, bridges, buildings,  
4 signs, restrooms, public recreational areas, or other public lands; and for  
5 assistance with recycling efforts. Five percent (5%) shall be deposited in the  
6 Judicial Building Fund; and twenty-five percent (25%) shall be deposited in  
7 the Guam Beautification Fund as provided in 21 GCA § 77114.3. All monies  
8 in the Litter Control Revolving Fund are hereby appropriated, and shall  
9 continue to be deemed appropriated, to the Guam Environmental Protection  
10 Agency (GEPA) to be expended in accordance with this Chapter. This shall  
11 continue and shall remain in full force and effect until specifically revoked or  
12 amended pursuant to law. The Litter Control Revolving Fund shall not be  
13 subject to the transfer authority of *I Maga'hågan Guåhan*.

14 **Section 5.** §§ 10109(g)(2) and (g)(3) of Chapter 10, Division 2, Title 22,  
15 Guam Administrative Rules and Regulations, is hereby *amended* to read:

16 “(2) The Water Protection Fund shall be established as a non-lapsing,  
17 revolving fund, separate and apart from any other funds of the Government of  
18 Guam, and shall be administered by the Administrator. The Administrator  
19 shall submit a proposed budget for the upcoming fiscal year to the Board of  
20 Directors of the Guam Environmental Protection Agency, which shall include  
21 how such funds are being used in the implementation of this Chapter.

22 (3) Independent records and accounts shall be maintained in  
23 connection therewith. The funds shall be used for the administration and  
24 implementation and enforcement of the Water Pollution Control Act and  
25 regulations promulgated from said Act, for educational programs and grants  
26 for research and development, advertisement promotions, and inspections of  
27 facilities to prevent or minimize erosion that contributes to pollution of the

1           waters. All monies in the Water Protection Fund are hereby appropriated, and  
2           shall continue to be deemed appropriated, to the Guam Environmental  
3           Protection Agency (GEPA) to be expended in accordance with this Chapter.  
4           The Water Protection Fund shall not be subject to the transfer authority of *I*  
5           *Maga'hågan Guåhan.*”

6           **Section 6. Severability.** If any provision of this Act or its application to any  
7           person or circumstance is found to be invalid or contrary to law, such invalidity shall  
8           not affect other provisions or applications of this Act that can be given effect without  
9           the invalid provision or application, and to this end the provisions of this Act are  
10          severable.