

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
108-32 (COR) - P.L. 32-100	T.R. Muna Barnes	AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, and 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 and 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.	05/06/13 1:44 p.m.	05/06/13	Committee on Rules, Federal, Foreign & Micronesia Affairs, Human & Natural Resources, and Election Reform	06/04/13 9:00 a.m.	06/19/13 11:37 a.m.	Fiscal Note Requested 05/07/13 Fiscal Note Received 06/19/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, 44115, AND 44118, AND TO REPEAL §§ 44109 AND 44106(c) AND (d), ALL OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010, AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.	11/15/13	11:28 a.m	11/27/13		32-100	As substituted by the Committee on Rules, Federal, Foreign & Micronesia Affairs, Human & Natural Resources, and Election Reform; and further substituted and amended on the Floor. 12/16/2013- Submitted without Signature.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

DEC 16 2013

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Dos Na Liheslaturan Guahan
155 Hesler Street
Hagåtña, Guam 96910

32-13-1083
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12-18-13
Time 9:17 am
Received by [Signature]

2013 DEC 18 AM 9:42 M

Dear Madame Speaker:

Attached is Bill No. 108-32 (COR), entitled, "**AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, 44115, AND 44118, AND TO REPEAL §§ 44109 AND 44106(C) AND (D), ALL OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010, AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME,**" which lapsed into law as **Public Law 32-100**.

New Public Law 32-100 seeks to encourage and improve Guam's ongoing efforts at recycling, which in turn directly contributes to the protection of our island environment. The successful implementation of the program will require *I Liheslatura* to address funding and resources for the Guam Environmental Protection Agency (GEPA) to carry out the mandates of P.L. 32-100. Additionally, the participation of the military will need to be addressed.

Senseramente,

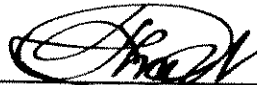
EDDIE BAZA CALVO
Governor of Guam

1086

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

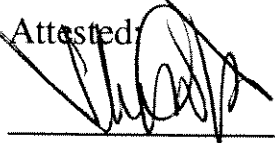
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 108-32 (COR), "AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, 44115, AND 44118, AND TO REPEAL §§ 44109 AND 44106(c) AND (d), ALL OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010, AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME"**, was on the 12th day of November 2013, duly and regularly passed.



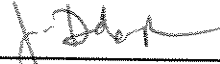
Judith T. Won Pat, Ed.D.
Speaker

Attested



Tina Rose Muña Barnes
Legislative Secretary

 This Act was received by *I Maga'lahaen Guåhan* this 15th day of Nov,
 2013, at 11:28 o'clock A.M.



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

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

THIRTY-SECOND GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo

I Maga'lahren Guåhan

Ufisinan I Maga'lahi

Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
J. Dela Rosa
TIME 11:28 AM DATE 11/15/13

Dear Maga'lahi Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 108-32 (COR)

As substituted by the Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform; and
further substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, 44115,
AND 44118, AND TO REPEAL §§ 44109 AND 44106(c)
AND (d), ALL OF CHAPTER 44, TITLE 10, GUAM
CODE ANNOTATED; AND TO AMEND § 45105 OF
CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO THE GUAM BEVERAGE CONTAINER
RECYCLING ACT OF 2010, AND THE POWER OF THE
GUAM ENVIRONMENTAL PROTECTION AGENCY
TO IMPLEMENT THE SAME.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. The following Subsections of §44103 of Division 2,
Chapter 44, Title 10, Guam Code Annotated, are hereby *amended* to read as
follows:

1 “(d) *Beverage container* means the individual, separate,
2 sealed glass, high density polyethylene, metal, plastic bottle, can, jar,
3 or carton, with a total volume of less than or equal to sixty-eight (68)
4 fluid ounces, used for containing, at the time of sale to the consumer,
5 a beverage intended for use or consumption. Beverage containers may
6 be for single use or for multiple uses.”

7 “(h) *Dealer* means every person who engages in the sale of
8 deposit beverages in deposit beverage containers to a consumer for
9 use or consumption.”

10 “(m) *Deposit Beverage Container Fee* refers to the amount
11 paid by every deposit beverage distributor to the Department for each
12 individual beverage container manufactured in or imported into Guam
13 that has been identified by the Department as recyclable and requiring
14 a deposit. The deposit beverage container fee *shall* be based on the
15 following formula: Redemption Rate (+) Handling Fee (+) the
16 Department’s administrative costs.”

17 “(o) *Handling Fee* refers to the premium payment the
18 Department pays to a certified redemption center to offset the costs
19 incurred by the latter in connection with the latter’s processing of
20 redeemed beverage containers.”

21 “(p) *Import* means to buy, bring, or accept delivery of deposit
22 beverage containers from an address, supplier, or any entity outside of
23 Guam.”

24 “(q) *Importer* means any person who buys, brings, or accepts
25 delivery of deposit beverage containers from outside of Guam for sale
26 or use within Guam.”

1 “(r) *List of Approved Containers* means the list compiled by
2 the Board of approved containers identified for recycling deposits.
3 Containers may *not* be placed upon the list *unless* an economically
4 viable process to recycle, reuse, convert to energy, or physically
5 remove containers from Guam has been established or will be
6 established concurrent with placement upon said list.”

7 “(s) *Manufacturer* means every person producing recyclable
8 products, including those who package or fill recyclable products for
9 sale to distributors or dealers.”

10 “(v) *Redeemer* means a person, other than a dealer or
11 distributor, who demands the refund value in exchange for an empty
12 deposit beverage container.”

13 “(w) *Redemption center* means an operation that accepts
14 empty deposit beverage containers from redeemers and provides the
15 refund value for empty deposit beverage containers intended to be
16 recycled and ensures that the empty deposit beverage containers are
17 properly recycled.”

18 “(x) *Refillable beverage container* means any deposit
19 beverage container, which ordinarily would be returned to the
20 manufacturer to be refilled and resold.”

21 “(y) *Refund value* refers to the amount of the deposit fee
22 refunded to a redeemer in exchange for an empty deposit beverage
23 container.”

24 “(z) *Reverse vending machine* means a mechanical device,
25 which accepts one (1) or more types of empty deposit beverage
26 containers, and issues coins or a redeemable credit slip with a value
27 *not less than* the container’s refund value.”

1 “(bb) *Redemption rate* refers to the percentage of deposit
2 beverage containers redeemed over a reporting period. The percentage
3 is calculated by dividing the number of deposit beverage containers
4 redeemed by the number of deposit beverage containers sold, and then
5 multiplying that number by one hundred.”

6 **Section 2.** §44105 of Division 2, Chapter 44, Title 10, Guam Code
7 Annotated, is hereby *amended* to read as follows:

8 **“§ 44105. Deposit Beverage Container Fee.**

9 (a) Every deposit beverage distributor *shall* pay to the
10 Department a deposit beverage container fee on each individual
11 beverage container manufactured in or imported into Guam that has
12 been identified by the Department on the list of approved containers.
13 The fee *shall* be imposed only once on the same deposit beverage
14 container. The fee *shall* begin at a rate of five cents (5¢) per deposit
15 beverage container, unless and until the Department determines
16 otherwise as in accordance with §44105(d) of this Chapter 44.

17 (b) No taxes on deposit fees. No taxes *shall* be
18 assessed or collected on deposit beverage container fees accepted by
19 dealers for products approved in this Chapter 44 for recycling
20 purposes.

21 (c) Types of containers upon which deposit beverage
22 container fees *shall* be levied must be first approved by the Board for
23 placement upon the List of Approved Containers identified for
24 recycling deposits.

25 (d) In its administration and implementation of this Chapter
26 44, the Board *shall*, after the first year of implementation and every
27 two years thereafter, examine and may elect to increase or decrease

1 either or both the deposit beverage container fee and the refund value.
2 While the Administrative Adjudication law *shall not* apply to any
3 decision by the Board to decrease said amounts, the Administrative
4 Adjudication law *shall* apply to any decision by the Board to increase
5 said amounts, and any such increase *shall* be based upon the handling
6 fee and the redemption rate calculated annually based on information
7 submitted to the Department in accordance with §44105(b) of this
8 Chapter 44.

9 (e) *Except* as may otherwise be provided in this Act,
10 levy of the deposit beverage container fee imposed upon beverage
11 containers *shall* begin immediately after the effective date of the
12 voluntary agreement described in §44119 of this Chapter 44.
13 Redeemers *shall* be able to redeem beverage containers at certified
14 redemption centers beginning six (6) months after the date said levy
15 first occurs.”

16 **Section 3.** Subsections (c) and (d) of §44106 of Division 2, Chapter
17 44, Title 10, Guam Code Annotated, are hereby *repealed*.

18 **Section 4.** Subsection (c) of §44108 of Division 2, Chapter 44, Title
19 10, Guam Code Annotated, is hereby *amended* to read as follows.

20 “(c) A portion of the deposit beverage container fee collected
21 by the Department *shall* be used, among other things, for:

22 (1) expenses related to implementing the provisions of
23 this Chapter 44;

24 (2) funding of administrative, audit, and compliance
25 activities associated with collection and payment of the
26 deposits of the Beverage Container Recycling Deposit
27 Act;

- 1 (3) conducting of recycling outreach education,
2 capacity building and demonstration projects; and
3 (4) promotion and marketing of recycling related
4 activities.”

5 **Section 5.** §44109 of Division 2, Chapter 44, Title 10, Guam Code
6 Annotated, is hereby *repealed*.

7 **Section 6.** Subsection (b) of §44114 of Division 2, Chapter 44, Title
8 10 Guam Code Annotated is hereby *amended* to read as follows:

9 “(b) The Department *shall* pay certified redemption centers
10 refund values and handling fees as determined by the Board in accordance
11 with §44105 of this Chapter 44, based on, among other factors, collection
12 reports submitted by the Redemption Centers. All Redemption Centers *shall*
13 submit to the Department the following information on forms prescribed by
14 the Department, which information *shall* include at a minimum:

15 (1) the number or weight of deposit beverage
16 containers of each material type accepted at the Redemption Center
17 for the reporting period;

18 (2) the amount of refunds paid out by material type;
19 and

20 (3) the number or weight of deposit beverage
21 containers of each material type to be transported to a permitted
22 recycling facility.”

23 **Section 7.** Subsections (a) and (c) of §44115 of Division 2, Chapter
24 44, Title 10, Guam Code Annotated, are hereby *amended* to read as follows:

25 “(a) *Except* as provided in (b) and (c) of this §44115, effective
26 immediately after the date this Act takes effect, every deposit

1 beverage container sold in Guam *shall* clearly indicate the Guam
2 Redemption Value by the letters “GU RV.”

3 “(c) Containers that *do not* meet the definition of a deposit
4 beverage container, as specified in §44103(k) of this Chapter, *shall*
5 *not* indicate “Guam Redemption Value” (GU RV) on the container.”

6 **Section 8.** §44118(b)(2) of Division 2, Chapter 44, Title 10, Guam
7 Code Annotated, is hereby *amended* to read as follows:

8 “(2) establishing or revising appropriate deposit
9 beverage container fees, handling fees, and refund values;”

10 **Section 9.** §45105 of Division 2, Chapter 45, Title 10, Guam Code
11 Annotated, is hereby *amended* to read as follows:

12 **“§ 45105. Powers and Duties.**

13 The Guam Environmental Protection Agency *shall* be
14 responsible for the implementation of the Guam Beverage Container
15 Recycling Act of 2010, Chapter 44 of this Part; Water Resources
16 Conservation Act, Chapter 46 of this Part; the Water Pollution Control
17 Act, Chapter 47 of this Part; Toilet Facilities and Sewage Disposal
18 Act, Chapter 48 of this Part; the Air Pollution Control Act, Chapter 49
19 of this Part; the Guam Pesticides Act, Chapter 50 of this Part; and
20 Solid Waste, Chapter 51 of this Part.”

21 **Section 10.** The Board of Directors of the Guam Environmental
22 Protection Agency *shall* within one hundred twenty days (120) of the date of
23 enactment of this Act into public law submit to *I Liheslaturan Guåhan*, via a
24 duly adopted resolution, a proposed operational plan that *shall* include the
25 budget request for the implementation of this Act and that *shall* address the
26 deposit fees and tipping fees as it relates to the recycling program activities
27 implemented by the Guam Solid Waste Management Authority or the

1 Receiver appointed by the United States District Court of Guam with the
2 intent of reducing the overall cost to consumers.

3 **Section 11. Effective Date.** The provisions of this Act *shall* become
4 effective upon enactment into public law.

5 **Section 12. Severability.** The provisions of this Act are declared to
6 be separate and severable. The invalidity of any clause, sentence, paragraph,
7 subdivision, section or portion of this statute, or the invalidity of the
8 application thereof to any person or circumstance *shall not* affect the validity
9 of the remainder of this statute or the validity of its application to other
10 persons or circumstances.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 108-32 (COR)

As substituted by the Committee on Rules, Federal,
Foreign & Micronesian Affairs, Human & Natural
Resources, and Election Reform; and further substituted
and amended on the Floor

Speaker Antonio R. Unipingco Legislative Session Hall
November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓	I			
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓	I			
Senator Michael LIMTIACO	✓	I			
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

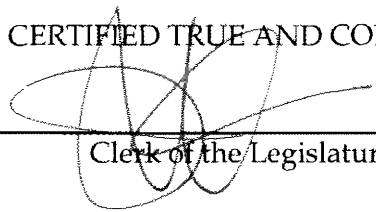
Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

I = Pass


Clerk of the Legislature

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Lihseslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

JUN 19 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Lihseslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RE: Committee Report on Bill No. 108-32 (COR)

2013 JUN 19 AM 11:37

Hafa Adai Speaker Won Pat:

The Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human and Natural Resources hereby reports out its findings and recommendations on **BILL NO. 108-32 (COR)** - "An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same," sponsored by Senator T.R. Muña-Barnes.

Committee votes are as follows:

<u>4</u>	TO PASS
<u>Ø</u>	NOT TO PASS
<u>5</u>	TO REPORT OUT ONLY
<u>Ø</u>	TO ABSTAIN
<u>Ø</u>	TO PLACE IN INACTIVE FILE

Very Truly Yours,

Rory J. Respicio
Rory J. Respicio

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE REPORT ON BILL NO. 108-32 (COR)

“An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same,” sponsored by **Senator T.R. Muña-Barnes**

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM




I Mina'trentai Dos na Liheslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

June 17, 2013

MEMORANDUM

To: All Members
*Committee on Rules, Federal, Foreign & Micronesia Affairs, and Human & Natural Resources;
and Election Reform*

From: Senator Rory J. Respicio 

Subject: Committee Report on Bill No. 108-32 (COR)

Transmitted herewith for your review and consideration is the **Committee Report on Bill No. 108-32 (COR)** - "An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same," sponsored by Senator T.R. Muña-Barnes.

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 108-32(COR)
- Public Hearing Sign-in Sheet
- Referral of Bill No. 108-32 (COR)
- Fiscal Note for Bill No. 108-32(COR)
- Public Hearing Notices
- Public Hearing Agenda

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

Si Yu'os Ma'åse!

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE VOTING SHEET

BILL NO. 108-32 (COR) - "An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same," sponsored by **Senator T.R. Muña-Barnes**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson		 6-19-13				
Senator Thomas C. Ada Vice-Chairperson				✓		
Speaker Judith T. Won Pat, Ed.D. Member		✓ 6-19-13				
Vice-Speaker Benjamin J.F. Cruz Member				✓		
Legislative Secretary Tina Rose Muña Barnes Member		✓				
Senator vicente c. pangelinan Member						
Senator Dennis G. Rodriguez, JR. Member						
Senator Frank Blas Aguon Jr. Member	 6/19/13	✓				
Senator Michael F.Q. San Nicolas Member	 6/19/13			✓		
Minority Leader Senator V. Anthony Ada Member				✓ 6/19/13		
Senator Aline Yamashita Member				✓ 6/19/13		

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Liheslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

BILL NO. 108-32 (COR) - "An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same," was introduced by **Senator T.R. Muña-Barnes** on May 6, 2013; and was subsequently referred to the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform on May 6, 2013.

Senator Rory J. Respicio, Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform convened a public hearing on **Bill No. 108-32 (COR)** on Tuesday, June 4, 2013 at 9:00 A.M. in the Legislature's Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets, first on Friday, May 24, 2013, and again on Thursday, May 30, 2013.

Senators Present

Senator Rory J. Respicio, Chairperson
Speaker Judith T. Won Pat, Ed.D., Committee Member
Vice-Speaker Benjamin J.F. Cruz, Committee Member
Senator Frank B. Aguon, Jr., Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator V. Anthony Ada, Committee Member
Senator Tina Rose Muña-Barnes, Committee Member
Senator Vicente "Ben" C. Pangelinan, Committee Member
Senator Christopher M. Duenas

II. SUMMARY OF TESTIMONY & DISCUSSION

1. **Mr. Thomas Hertslet, T.A. Enterprises, Provided Oral Testimony.**
2. **Ms. Sabrina Sablan, Guam Environmental Protection Agency (GEPA), In Support of the Bill.**
3. **Ms. Angel Marquez, Acting Administrator, Guam Environmental Protection Agency (GEPA), In Support of the Bill, Provided Oral and Written Testimony.**
4. **Mr. Y.J. Pereira, Guam Environmental Protection Agency (GEPA), In Support of the Bill.**
5. **Mr. Raymond T. Baza, VFW1509/VVA668, In Support of the Bill.**
6. **Mr. Joe Washington, United Airlines, In Support of the Bill.**
7. **Mr. Bob Shambach, President, Recycling Association of Guam, In Support of the Bill, Provided Oral Testimony.**
8. **Mr. Paul Tobiason, Recycling Association of Guam, Provided Oral Testimony.**
9. **Mr. Eric M. Palacios, Administrator, Guam Environmental Protection Agency, In Support of the Bill, Provided Written Testimony.**

10. Ms. Jennifer R. Tillman, In Support of the Bill, Provided Written Testimony.

Senator Rory J. Respicio called the public hearing to order at 9:00 A.M. and deferred to Senator Tina Rose Muña-Barnes, as main sponsor of **Bill No. 108-32 (COR)**, to provide opening remarks.

Senator Muña-Barnes thanked Senator Respicio for hearing Bill No. 108-32 (COR) through his committee. She noted that this bill seeks to do four (4) main things:

- 1) Changes the definition to bring to the law more in line with the template used by some of the states such as California and Hawaii. The existing legislation needs to be changed because of implementation problems.
- 2) Eliminates the artificial distinction between off and on premises consumption. This change makes it clear that the deposit fee applies to all containers whether for on or off premises consumption.
- 3) Clarifies that GEPA will have the authority to implement the bottle bill law.
- 4) Allows for the use of the Recycling Revolving Fund for the full implementation of the law if it were to pass and noted for the record that this has been a major setback in the past with not having the resources needed for further implementation.

Senator Barnes said for record that this bill is in response to months of collaboration between Senator Respicio as oversight chair, but more importantly with GEPA and the folks from USEPA. She said she would continue to work and protect our environment and this is just one of the many steps that she is taking to work towards implementation. She also noted that as we implemented this bill a couple of years ago, it was a lot of years of working hard together and engaging with military support. The military continues to share in the collaboration of working together with GEPA.

Senator Respicio thanked Senator Barnes on her leadership and persistence on this bill and called on individuals to testify on **Bill No. 108-32 (COR)**.

Ms. Angel Marquez, Acting Administrator of GEPA provided oral and written testimony in support of the bill. In the absence of Administrator Eric Palacios, Ms. Marquez read the written testimony from Mr. Palacios on behalf of GEPA (*See written testimony in Part III and attached*).

Mr. Bob Shambach, President of the Recycling Association of Guam, provided oral testimony in support of the bill. He stated that he has assisted Senator Barnes in reviewing several versions of the legislation in the past. He thanked GEPA for being at public hearing and noted that without them, this bottle bill would not happen. He noted that he wants to make sure that GEPA has enough funds in the account to get started. He said that he was concerned that they were going to use the Recycling Revolving Fund because in the past, the money allocated for the Recycling Fund has been used for other purposes and he hopes there is some kind of buffer put in to the account so that won't be allowed, and it is only used for recycling purposes. He said that he feels that \$0.05 per container is still low which was started in the 1970's in Oregon and since then, there has been inflation and thinks that \$0.10 would be better. Another concern Mr. Shambach mentioned would be the seed money that is needed to get this program started. He and GEPA have gone through some numbers and it's in the millions of dollars. He would like to make sure there is enough seed money so they don't break the bank from Day 1. Another concern from the recyclers in Guam would be getting paid because it's their idea that they are the ones that will be handing out money to the people coming into the recycling centers, which in turn they would have to turn in a voucher into GEPA. They would like to make sure they get paid in a timely manner. Lastly, he would like for this bill to not fail. He said that in the past seventeen (17) years he has been in Guam, people are caring less about the environment even though we hear a lot about the environment, it's still getting dirtier. He noted that the Agaña Gumas area is a mess and that thirty percent (30%) of the trash is recyclable. He thinks that having the \$0.05 redemption for bottles, would get more people to recycle.

Mr. Thomas Hertslet of T.A. Enterprises provided oral testimony on Bill No. 108-32 (COR). He stated that he is pro-recycling but not from the bottle bill, rather the waste tires. He noted that the Recycling Revolving Fund was created originally with the tires that come in through the car industry. In 2004, it was set up as a "lock box." He said that there was suppose to be \$25 for every registration put into the funds. He noted that every year, there are approximately 100,000 registrations or more according to Department of Revenue and Taxation. Mr. Hertslet said there should have been deposited over 25 million dollars (\$25,000,000) into the accounts.

Senator Respicio stated that they have been concerned with how the administration has taken money out of the Recycling Revolving Fund to the tune of almost 5 million dollars (\$5,000,000). He said that "We have been pleading with the Governor to return that money so that the mayors can have these funds to continue the Abandoned Vehicle Program, the tire disposal and other areas and I know that the Appropriations Chairman feels the same way. Over the years, we had to take the Recycling Revolving Fund from EPA because we found out they were doing things with that fund to support projects that were beyond recycling projects so we moved it to Public Works. Then we found that this receiver has been using the Recycling Revolving Fund (almost \$2 million) to buy uniforms, packer trucks, and do things outside of why people pay their \$25 registration fee. The receiver was also factoring this annual money into the Recycling Revolving Fund as part of this operation with the Layon Landfill, so we took that fund and put it back at EPA."

Senator Respicio said, "We are going to have a separate discussion about the Recycling Fund itself and we need to focus on the Bottle Bill." He conveyed his frustration and said he would have a roundtable with the focus being the status of the Recycling Revolving Fund. "I've warned EPA to be prepared for that kind of meeting," Senator Respicio said.

Mr. Hertslet said his concern would be how the Bottle Bill would generate money, and that the funds will not be diverted to other uses. He said he would appreciate if there would be a meeting of the minds in regards to waste tires because it is something that is needed badly.

Senator Respicio asked Mr. Hertslet to stay close to the issue so he is part of the discussion.

Senator Respicio then opened the floor to senators for follow-up questions.

Senator Barnes thanked the panel for sharing their presentation. She said that people keep asking her everywhere she goes where they can put their beverage containers and when we are going to implement the program. She continues to tell people that we are doing so. She highlighted the recycling programs in the community such as the iRecycle Program with Ms. Peggy Denny, the University of Guam, the Guam Community College, and all the organizations that want to continue to recycle. She thinks that it is important for this bill to be implemented and hopes her colleagues will support this in moving forward. She stated she understands there was a concern of the \$0.05 and \$0.10 which is why there was an amendment made in part of the bill.

Mr. Paul Tobiason, a member of the Recycling Association of Guam, provided oral testimony. He asked when the bill describes this as polyethylene, high density and metal, does this really cover all the containers and noted that it doesn't include glass like beer bottles.

Ms. Sabrina Sablan from the GEPA, in support of the bill, responded that he was right.

Mr. Tobiason said that is a beverage.

Ms. Sablan said that these were amendments to the original law which did not include glass because at that time until now there is still no facility currently in Guam that takes glass. The only people that use glass are up at Andersen and they just have a small crusher they use to cover their landfill up. She said there is no commercial business on island at this time that takes glass. Ms. Sablan stated that Pyramid is the only one that accepts plastic although they don't redeem plastic and that they support that so it stays out of the landfill.

Mr. Tobiason said that if we are trying to address litter, and keep materials out of the Layon landfill, glass is a problem. To him, its common sense if you put a value on it, you don't solve 100% of the problem. He said that just because there is no one to take it, doesn't mean we shouldn't put a value on it and keep it out of the waste stream. He also said that broken glass presents a hazard. Mr. Tobiason sent his mayor the different uses for waste glass. He said that just because we don't have anyone doing the operation now, doesn't mean that sometime in the future someone couldn't use it. The waste glass can be used for laying pipes with Guam Waterworks Authority or on roads for water passing on the road. He suggested that the amendment can be amended. He pointed out that on page 2, it indicated on line 29, a fee shall begin at 0.5 cent per deposit. He said he is not clear if that is a nickel or one half of a nickel. He also mentioned that the redemption centers on line 1, item 2, are complicated. He thought that the way it operates is that if a beverage container comes into the commercial port, perhaps \$0.07 will be paid for the container and at the end when the consumer turns it in, he will get \$0.05. The \$0.02 will be for administration for paying the operator. Using a percentage makes it a little more complicated. Mr. Tobiason said he would take more time to review this bill and put his comments in writing and send it to everyone. He said that Palau is going great guns with their bottle bill and they started collecting money seven (7) months before they open the doors for the redemption center and people started showing up with thousands of bottles and cans and they really made a spectacular showing and good administration on their part.

Senator Respicio noted that as Senator Barnes has pointed out, part of the delay is because of the military's semi buy-in over the years and we understand that if the military doesn't have a similar program inside the base, you would create such a huge disparity in terms of people who buy their beverages inside the base, there is no redemption fee or no deposits placed on those beverages and if they bring those bottles or cans outside. Senator Respicio asked EPA what the biggest impediment would be for implementing this.

Ms. Sablan said the funding. She noted that as Paul mentioned, Palau had collected seven (7) months prior and every other state that had a bottle bill, had a funding source upfront or for like a year or two (2) years in advance of the implementation. She explained they were collecting as little as half a cent per container and as the program got closer to the implementation, six (6) months out, they would go in and start collecting the full \$0.05. She noted that our current law did not have a funding source and that is why in their statement it's been many years of identifying. She said that they felt that the only reasonable borrowing source would be Recycling Revolving Fund until it becomes sustainable. She said that eventually it will happen after they start collecting and have a sustainable staff. She said she is the only one in the agency that's really working on the bill and there are a lot of tasks. They have done a lot of ground work and she can understand everyone's frustration. She said that it's been a little over two (2) years and have done a lot of work.

Senator Rory asked if they resolved the issue of once we have a local program, will the military comply?

Ms. Sablan responded and said she has seen letters of support from previous admirals that they do support this program. She added that she has recently been to Hawaii and observed how they addressed that issue on getting the military in Hawaii to support their program. She said that basically, they did not give them a choice. If the military vendors wanted to sell their products, then they had to comply. They said it has been very challenging, they are still struggling that, but they were very surprised that we had to do some type of voluntary agreement or MOU. She talked to some people from CalRecycle in California and they said they never had that but they still support the program.

Senator pangelinan said to Mr. Tobiason that they have the citation from the federal register that required these military vendors or the military to follow local recycling laws. He remembered Mr. Tobiason sent him an email that states federal regulations on the deposit bills, if the local law is enacted, then military installations must comply. Senator pangelinan agreed with Mr. Tobiason on adding glass. He noted they have enacted legislation that requires the government on road projects to buy crushed glass if its available so we have created that market. Now that we have that recycling law, that market can be jumpstarted. He has had many conversations with Mr. Tom Perez at Perez Brothers seeing if they would be willing to buy a glass crusher and use that and make an arrangement with him, are actively discussing that plan and have someone step in with a crusher. He said if we include glass, then the market is there and contractors of the government for road projects to buy crushed glass and use it as bedding for GWA water pipes so there are many uses on it but it is required by statute that you buy crushed glass for embedment for projects. He thinks that if it was added, it shouldn't be a problem in terms of putting it to use. Senator pangelinan was also trying to read and follow the redemption calculations and how it would be based on last year's redemptions. He was not sure how often the price will be adjusted and that may be some kind of issue that they may work through to see where the calculation would end up.

Senator Aguon asked EPA how the state of Hawaii was able to apply some of these fees to the vendors within the bases so it was local state legislation that required an imposed fee across the board.

Ms. Sablan replied saying that was correct. She said they got them to give them a list of all their vendors because some of those vendors are not physically in the state of Hawaii. She continued to explain that they wrote to all the vendors on and off island explaining to them this is the law, etc. They asked them to register and also go and check their incoming cargo was and what they have found. They gave them all the regulations on stamping or marking the containers which they call the "High Five Program" so they gave them a time frame to comply with and once the program rolled out, the inspectors would go out into the stores and find containers that did not comply, they would pull them off the shelves and tell them they could not sell it.

Senator Aguon asked if GEPA's funding and resources will be ready to take on that similar approach.

Ms. Sablan said absolutely. In her recent visit to the Hickam Air Base in Hawaii, she explained the Base had just recently taken over their recycling program from a private vendor and so they were just doing it in-house and the gentleman was very proud to say that in them taking it over and not outsourcing it, they were able to employ three (3) full time employees just for that military base and they were also able to support some of the programs on base with the monies that they earned through recycling.

Senator Aguon noted that he always believed since eleven (11) years ago when this idea was proffered from Mr. Tobiason and the members of the association that this would create a mini-industry on island and get the entire community to get behind it in terms of making sure resources are applied and people can have financial gain as a result of participating in this program. He commended GEPA and the Recycling Association for fighting though this process in the last eleven (11) years.

Senator Chris Duenas asked Ms. Sablan that if they start, would the program be revenue neutral because it's a deposit return. He noted her comment to have that lead time or funding source off the bat so that they start out at an advantage. Ms. Sablan agreed.

Senator Duenas said that he remembered when states first started this, in order to not co-mingle and not deplete funds from other places, there was no deposit, no return, was actually stamped on bottles to not mix up to be paid

a deposit and asked if we envision this program would only be redeeming those marked bottles for which you know a deposit was collected. Ms. Sablan said that is the intent.

Senator Duenas mentioned that we have to be sympathetic to the issue of premium for adequate floor space and square footage for storage at the redemption centers. He said if we have a lead and front line which becomes a neutral, at least they put the infrastructure in to minimize the impact because at the end of the day it comes out to the cost. Senator Duenas said we need to factor these in order to sustain moving forward.

Mr. Tobiason said he goes to Pyramid Recycling in Harmon quite often because he voluntarily picks up the plastics and cardboard from the Mermaid Tavern and when he goes to Pyramid, their physical space, which he estimates to be 150 x 150. With the plastics, they have tires there now what is happening is that they don't really staff it. He said they just allow residents to just throw things such as paint containers and water bottles. Periodically the employees would collect them. Since its plastic, they collect them. Mr. Tobiason said they don't get paid for it but they do it for the community but probably they get some money for it when they ship off. He stated there are machines in the states that cut them but we don't have that on Guam.

Speaker Judi Won Pat asked if anyone knew how many cans and bottles are brought into the island.

Ms. Sablan said that GEPA does not have a number for that but it will become part of their tasks they visit the wholesalers then we will be able to provide that information.

Ms. Shambach said the Recycling Association does not have those numbers either.

Speaker Won Pat said if the biggest impediment is money, we don't know how much seed money will be needed for this program. She noted we need some type of data to make a determination.

Senator Respicio thanked the panel for testifying and the senators present at the hearing.

No further testimony being offered, Senator Respicio then declared that **Bill No. 108-32 (COR)** was duly heard.

III. WRITTEN TESTIMONY

Mr. Eric M. Palacios, Administrator, GEPA, In Support of the Bill, Provided Written Testimony. Mr. Palacios stated that GEPA recognizes the many challenges ahead of the implementation process such as establishing regulations for newly created Certified Redemption Centers (CRC), identifying the number, location and operation time for the convenience of the consumers. He noted that the agency is currently working on establishing regulations for the Bottle Bill program and upon completion will address the Voluntary Agreement with the Department of Defense promoting a more sustainable mechanism for recycling. Mr. Palacios stated that while Bill No. 108-32 authorizes the use of the Recycling Revolving Fund (RRF) to implement the Bottle Bill, it still has not adequately addressed the Agency's ability to fund more than one full time employee (FTE). Noting that the Bottle Bill is at its infancy stage, Mr. Palacios said that the Agency must be able to fund an additional two FTE's in order to roll out a successful program. Mr. Palacios noted that GEPA continues to be a frontrunner in implementing and supporting organizations and programs that reduces the impacts of litter and encourages recycling to prolong the lifespan of our one and only landfill.

Ms. Jennifer R. Tillman, In Support of the Bill, Provided Written Testimony. She noted in her testimony that she supports establishing an island-wide recycling program and believes that doing so will improve the quality of life for residents and tourists. She noted that the amount of trash that the island generates which is recyclable but for the lack of a full blown recycling program (i.e. glass, metal, aluminum, all types of plastic, hazardous materials,

newspaper, cardboard, office paper, etc.) is astounding and downright shameful. Ms. Tillman stated that we shouldn't let the cost of recycling (and getting it off our island) be our excuse for not doing the right thing. She expressed that we owe it to ourselves and future generations to take care of it and make recycling available to all in a manner that is convenient, cost neutral, clean, decentralized for easy access, and socially responsible.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources; and Election Reform hereby reports out **Bill No. 108-32 (COR)** with the recommendation to Report Out Only.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 () REGULAR SESSION

Bill No. 108-32 (COR)

Introduced by:

T.R. Muña Barnes

AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, and 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 and 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.

2013 MAY -6 PM 1:44

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1.** Section 44103 of Division 2, Chapter 44, 10 Guam Code Annotated is
2 hereby amended to read as follows:

3 “(m) Deposit Beverage Container Fee ~~means the amount added to the listed price~~
4 ~~of a product that the consumer must pay to the dealer or distributor as a deposit for each~~
5 ~~individual beverage container that has been identified by the Department as recyclable~~
6 ~~and requiring a deposit refers to the amount paid by every deposit beverage distributor to~~
7 ~~the Department for each polyethylene terephthalate, high density polyethylene, or metal~~
8 ~~deposit beverage manufactured in or imported into Guam. An amount equivalent to at~~
9 ~~least eighty percent (80%) of the deposit fee shall be returned to the redeemer when the~~
10 ~~redeemer sells the container to a redemption center. No taxes shall be assessed or~~
11 ~~collected on deposit fees accepted by dealers for products approved in this Chapter 44 for~~
12 ~~recycling purposes.~~

13 (v) *Redeemer* means a person, other than a dealer or distributor, who demands at
14 least eighty percent (80%) of a percentage of the refund value in exchange for an empty
15 deposit beverage container.

1 (w) *Redemption center* means an operation that accepts empty deposit beverage
2 containers from redeemers and provides ~~at least eighty percent (80%)~~ a percentage of the
3 refund value for empty deposit beverage containers intended to be recycled and ensures
4 that the empty deposit beverage containers are properly recycled.

5 (y) ~~*Refund value amount* means the amount of the deposit fee refunded to a~~
6 ~~redeemer, which shall be at least eighty percent (80%) of the total amount of deposit fee~~
7 ~~paid per container, refers to the amount of the deposit required for distribution and sale of~~
8 ~~beverage containers in Guam that shall be paid to the redeemer in exchange for an empty~~
9 ~~deposit beverage container.~~

10 (bb) *Redemption rate* refers to the percentage of deposit beverage containers
11 redeemed over a reporting period. The percentage is calculated by dividing the number
12 of deposit beverage containers redeemed by the number of deposit beverage containers
13 sold and then multiplying that number by one hundred."

14 **Section 2.** Section 44105 of Division 2, Chapter 44, 10 Guam Code Annotated is
15 hereby amended to read as follows:

16 "§ 44105. Deposit Beverage Container Fee.

17 ~~A deposit fee of not less than five cents (5¢) is hereby levied on each beverage~~
18 ~~container described in § 44103(d) and sold in Guam for off premises consumption. Such~~
19 ~~fee shall be remitted to the Department by deposit beverage distributors, licensed in~~
20 ~~Guam, which distribute such beverage containers. The Board may adjust the deposit fee~~
21 ~~as provided in § 44106 of this Chapter 44 pursuant to the Administrative Adjudication~~
22 ~~Law.~~

23 ~~(a) No taxes on deposit fees. No taxes shall be assessed or collected on deposit~~
24 ~~fees accepted by dealers for products approved in this Chapter 44 for recycling purposes.~~

25 (a) Every deposit beverage distributor shall pay to the Department a deposit
26 beverage container fee on each polyethylene terephthalate, high density polyethylene, or
27 metal deposit beverage container manufactured in or imported into Guam for both on and
28 off premises consumption. The fee shall be imposed only once on the same deposit
29 beverage container. The fee shall be begin at rate of 0.5 cents per deposit beverage
30 container unless and until the Department determines otherwise as in accordance with §
31 44105(c) of this Chapter 44.

1 (b) Every deposit beverage distributor shall pay to the Department a deposit
2 beverage container fee on each deposit beverage container manufactured in or imported
3 to Guam. The deposit beverage container fee shall not apply to deposit beverage
4 containers exported for sale outside of Guam. The fee shall be imposed only once on the
5 same deposit beverage container. The fee shall begin at one (1) cent per deposit beverage
6 container unless and until the Department determines otherwise as in accordance with §
7 44105(c) of this Chapter 44.

8 (c) Beginning one year from the date this Act takes effect, and every year
9 thereafter, the Department shall notify deposit beverage distributors in writing of the
10 amount of the deposit beverage container fee. The effective date of changes to said fee
11 amount shall be one month after said notice. The fee shall be based on the redemption
12 rate calculated annually based on the redemption rate information submitted to the
13 Department for the previous period, with said period to begin two (2) months after the
14 date this Act takes effect and end two (2) months before the date the above-described
15 notice is given, and in accordance with § 44103(bb) of this Chapter 44. Deposits shall be
16 made in the manner and on the forms prescribed by the Department.

17 (d) No taxes on deposit fees. No taxes shall be assessed or collected on deposit
18 beverage container fees accepted by dealers for products approved in this Chapter 44 for
19 recycling purposes.

20 (e) Types of containers upon which deposit beverage container fees shall be
21 levied must be first approved by the Board for placement upon a list of approved
22 containers identified for recycling deposits. Containers may not be placed upon the list
23 of approved containers identified for recycling unless a process to recycle, reuse, or
24 physically remove containers from Guam has been established or will be established
25 concurrent with placement upon said list.

26 (f) In accordance with § 44105(c) of this Chapter 44 and the Administrative
27 Adjudication Law, the Board shall examine and may elect to increase either the deposit
28 beverage container fee or the percentage of the refund value returned to the redeemer and
29 may adjust the deposit beverage container fee as provided in § 44106 of this Chapter 44,
30 pursuant to the Administrative Adjudication Law.

1 (g) Levy of the deposit beverage container fee imposed upon beverage containers
2 shall begin six (6) months (180 calendar days) after the effective date of the voluntary
3 agreement described in § 44119 of this Chapter 44, except as may otherwise be provided
4 in this Act.”

5 **Section 3.** Section 44106 of Division 2, Chapter 44, 10 Guam Code Annotated is
6 hereby repealed:

7 “§ 44106. Deposit of Beverage Container Recycling Deposit Fees:

8 ~~(a) Deposit Beverage Distributors of beverage containers that meet the conditions~~
9 ~~described in Subsection (b) of this § 44106 shall, on a monthly basis, remit an amount~~
10 ~~equal to the deposit fee described in § 44105 of this Chapter 44 multiplied by the number~~
11 ~~of containers that have been purchased on which the deposit is applied, and for which~~
12 ~~payment has been received by the wholesaler in the previous calendar month. Deposits~~
13 ~~shall be made in the manner and on the forms prescribed by the Department.~~

14 ~~(b) Types of containers upon which deposit fees shall be levied must be first~~
15 ~~approved by the Board for placement upon a list of approved containers identified for~~
16 ~~recycling deposits. Containers may not be placed upon the list of approved containers~~
17 ~~identified for recycling unless a process to recycle, reuse, or physically remove containers~~
18 ~~from Guam has been established or will be established concurrent with placement upon~~
19 ~~said list.~~

20 ~~(c) The Board shall from time to time examine and may elect to increase either~~
21 ~~the deposit fee, as provided in § 44105 of this Act, or the percentage of the refund value~~
22 ~~returned to the redeemer, as provided in § 44109 of this Act, or both, pursuant to the~~
23 ~~Administrative Adjudication Law.~~

24 ~~(d) Levy of the deposit fee imposed upon beverage containers shall begin six (6)~~
25 ~~months (180 calendar days) after the effective date of the voluntary agreement described~~
26 ~~in Title 10 GCA Chapter 44 § 44119, except as may otherwise be provided in this act.”~~

27 **Section 4.** Section 44108 of Division 2, Chapter 44, 10 Guam Code Annotated is
28 hereby amended to read as follows.

29 “§ 44108. Beverage Container Recycling Deposit Payout.

30 (c) ~~(1)~~ Notwithstanding the authority of the Department to elect to adjust either
31 the deposit beverage container fee or the percentage of the refund value returned to the

redeemer as provided in § 44105 of this Chapter 44:

(1) Eighty percent (80%) of the funds remitted into the Beverage Container Recycling Deposit Fund shall be used only for reimbursements to Redemption Centers of amounts refunded to redeemers.

(2) Twenty percent (20%) of the funds remitted into the Beverage Container Recycling Deposit Fund shall be used only for the following purposes:

(A) expenses related to ~~administering~~ implementing the provisions of this Chapter 44;

(B) funding of administrative, audit, and compliance activities associated with collection and payment of the deposits of the Beverage Container Recycling Deposit Act;

(C) conducting of recycling outreach education, capacity building and demonstration projects; and

(D) promotion and marketing of recycling related activities.

Section 5. Section 44109 of Division 2, Chapter 44, 10 Guam Code Annotated is hereby repealed:

~~“§ 44109. Beverage Container Recycling Deposit Payout.~~

~~(a) For each empty beverage container approved for recycling deposits under § 44105, and brought to a redemption center, eighty percent (80%) shall be returned to the redeemer for each empty beverage container. Payouts to redeemers shall begin six (6) months (180 calendar days) after the effective date of the voluntary agreement described in § 44119 of this Chapter.~~

~~(b) A person operating a redemption center may compact empty metal beverage containers with the approval of the recycling facility required to accept the containers.”~~

Section 6. Section 44114 of Division 2, Chapter 44, 10 Guam Code Annotated is hereby amended to read as follows:

1 “(b) The Department shall pay certified redemption centers refund values as
2 described in § 441095(f) of this Chapter, based on collection reports submitted by the
3 Redemption Centers. All redemption centers *shall* submit to the Department the
4 following information on forms prescribed by the Department, which information *shall*
5 include at a minimum:

6 (1) the number or weight of deposit beverage containers of each material
7 type accepted at the Redemption Center for the reporting period;

8 (2) the amount of refunds paid out by material type; and

9 (3) the number or weight of deposit beverage containers of each material
10 type to be transported to a permitted recycling facility.”

11 **Section 7.** Section 44115 of Division 2, Chapter 44, 10 Guam Code Annotated is
12 hereby amended to read as follows:

13 “§ 44115. Deposit Beverage Container Requirements.

14 (a) Except as provided in (b) and (c) of this § 44115, effective ~~on September 1,~~
15 ~~2011, immediately after the date this Act takes effect,~~ every deposit beverage container
16 sold in Guam shall clearly indicate the refund value of the container and the word
17 “Guam” or the letters “GU.” The names or letters representing the names of other states
18 or jurisdictions with comparable deposit legislation may also be included in the indication
19 of refund value. The refund value on every deposit beverage container shall be clearly,
20 prominently, and indelibly marked by printing, scratch embossing, raised letter
21 embossing, and shall be affixed on the top or side of the container in letters at least one-
22 eighth (1/8) inch in size.”

23 **Section 8.** Section 45105 of Division 2, Chapter 45, 10 Guam Code Annotated is
24 hereby amended to read as follows:

25 “§ 45105. Powers and Duties.

26 The Guam Environmental Protection Agency shall be responsible for the
27 implementation of the Guam Beverage Container Recycling Act of 2010, Chapter 44 of
28 this Part; Water Resources Conservation Act, Chapter 46 of this Part; the Water Pollution
29 Control Act, Chapter 47 of this Part; Toilet Facilities and Sewage Disposal Act, Chapter

48 of this Part; the Air Pollution Control Act, Chapter 49 of this Part; the Guam Pesticides Act, Chapter 50 of this Part; and Solid Waste, Chapter 51 of this Part.”

Section 9. Section 51504 of Division 2, Chapter 51, 10 Guam Code Annotated is hereby amended to read as follows:

“§ 51504. Administration of the Recycling Revolving Fund.

The Administrator *shall* administer the Fund and *shall* encumber all amounts available in the Fund as expeditiously as possible for the purposes of assisting and encouraging recycling of recyclable materials- and implementing the Guam Beverage Container Recycling Act of 2010 pursuant to the Administrator’s discretion under § 51504(c) of this Article. The Administrator *shall* administer the Fund in accordance with this Article to cause the following material/waste to be recycled *or* otherwise disposed according to the following priority:

(a) First Priority - junk vehicles, tires, batteries, waste oil, white goods/appliances,

(b) Second Priority - paper, cardboard, plastic, and glass,

(c) Third Priority - other recyclable materials as determined by the Administrator.

(d) Not more than one (1) FTE employee at Guam Environmental Protection Agency to administer this Article.”

Section 10. Effective Date. The provisions outlined in this Act shall become effective immediately upon enactment into public law.

Section 11. Severability. The provisions outlined in this Act are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this statute, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this statute or the validity of its application to other persons or circumstances.

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Tuesday, June 4, 2013– 9:00 AM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 108-32 (COR) – Senator T.R. Muña Barnes - “An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same.”

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
✓ THOMAS HEINTSLET	T.A. ENTERPRISES			✓	687-3392	TAENTGU@G04712.COM
✓ Sabrina Babun	GUAMEPA	✓ SUPPORT			300-4751	
✓ ANGEL MARQUEZ	GUAM EPA	✓ SUPPORT	✓		300-4796	
✓ V.J. PEREIRA	GUAM	✓ SUPPORT			300-4757	
✓ Raymond T. Boza	VFW 1509 / UVALES	✓ Support			989-4150	
✓ Joe Washington	AAG United Airlines	✓ Support			482-8481	
✓ Bob Shambach	Recycling Assoc. of Guam	✓ Support		✓	727-6094	bobshambach@yahoo.co

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
✓ Paul Tobiasse	Recycling Assoc./G	?			477-7529	



GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

EDDIE BAZA CALVO
GOVERNOR OF GUAM

RAY TENORIO
LT. GOVERNOR OF GUAM

ERIC M. PALACIOS
ADMINISTRATOR, GUAM EPA, ENERGY OFFICE

P.O. BOX 22439 BARRIGADA, GU 96921

EPA.GUAM.GOV

Testimony of
Eric M. Palacios
Administrator, Guam Environmental Protection Agency
Before the Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human and Natural Resources, and Election Reform

Hearing on Bill 108-32 (COR) An ACT TO AMEND §§ 44103, 44105, 44108, 44114 and 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 and 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10 GUAM CODE ANNOTATED; AND TO AMEND §51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.

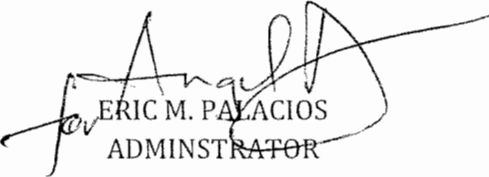
June 4, 2013

The Guam Environmental Protection Agency (Guam EPA) fully supports the intent of Bill 108-32 to amend certain sections towards the implementation of the Guam Beverage Container Recycling Act of 2010 also known as "Bottle Bill". The Agency has worked diligently over the last couple of years with various stakeholders and the office of Senator Tina Muna Barnes in a cooperative effort to implement the Bottle Bill.

Guam EPA recognizes the many challenges ahead of the implementation process such as, establishing regulations for newly created Certified Redemption Centers (CRC), identifying the number, location and operation time for the convenience of the consumers. The Agency is currently working on establishing regulations for the Bottle Bill program and upon completion will address the Voluntary Agreement with the Department of Defense promoting a more sustainable mechanism for recycling. There are still many more tasks as we move towards the implementation.

However, while Bill 108-32 authorizes the use of the Recycling Revolving Fund (RRF) to implement the Bottle Bill, it still has not adequately addressed the Agency's ability to fund more than one full time employee (FTE). While the Bottle Bill is at it's infancy stage, the Agency must be able to fund an additional two FTE's in order to roll out a successful program.

Guam EPA continues to be a frontrunner in implementing and supporting organizations and programs that reduces the impacts of litter and encourages recycling to prolong the lifespan of our one and only landfill. Thank you for the opportunity to comment on Bill 108-32.



ERIC M. PALACIOS
ADMINISTRATOR



Senator Tina Rose Muna Barnes <senator@tinamunabarnes.com>

Guam Bottle Bill - Public Hearing - Tuesday, 4 June @ 9am

1 message

Jennifer Tillman <jennifer.tillman@gmail.com>

Tue, Jun 4, 2013 at 9:00 AM

To: senator@tinamunabarnes.com

While I cannot be there in person to comment, I SUPPORT establishing an island-wide recycling program and believe that doing so will improve the quality of life for residents AND tourists alike. The amount of trash that the island generates which is recyclable but for the lack of a full blown recycling program (i.e. glass, metal, aluminum, all types of plastic, hazardous materials, newspaper, cardboard, office paper, etc.) is astounding and downright shameful. We shouldn't let the cost of recycling (and getting it off island) be our excuse for NOT doing the right thing.

We are fortunate enough to live on a small slice of paradise. We owe it to ourselves and to future generations to take care of it and to make recycling available to all -- in a manner that is convenient, cost neutral, clean, decentralized for easy access, and socially responsible -- so that this land we call home can continue to be an attractive destination to visitors from near and far.

Jennifer R. Tillman

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

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

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUN 17 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **108-32(COR), 118-32(COR), and**
Fiscal Note Waiver on the following Bill Nos.: **99-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 108-32**

AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, AND 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 AND 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Environmental Protection Agency	Dept./Agency Head: Eric M. Palacios, Administrator
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Specify) appropriation(s) to date: Environmental Trust Fund, Air Pollution Control Fund, Water Protection Fund, Water Research and Development Fund	956,073
Total Department/Agency Appropriation(s) to date:	\$956,073

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? /x/ Yes / / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ /x/ N/A
3. Does the Bill establish a new program/agency? / / Yes / / No
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received as of the due date / / Other:

Analyst: dp Date: 6/3/13 Director: John A. Rios Date: JUN 14 2013
Dina P. Rivera John A. Rios, Director

Footnotes:

See attached Comments.

COMMENTS TO BILL 108-32(COR)

BILL NO. 108-32 (COR) IS AN ACT TO AMEND §§44103, 44105, 44108, 44114, AND 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 AND 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME

The Bill proposes to amend various sections of the Guam Beverage Container Recycling Act of 2010. It repeals Section 44106 and Section 44109 of Chapter 44, 10 GCA on the Deposit of Beverage Container Recycling Deposit Fees and Beverage Container Recycling Deposit Payout, respectively.

Per discussion with GEPA project staff and a copy of the "white paper" provided to the Bureau (attached) regarding the Guam Beverage Container Recycling Act (GBCRA) to the GEPA Board, "the GBCRA was based on the State of Hawaii's bottle bill statute and carried the inherent flaws of the Hawaii's bottle bill that the Hawaii Department of Health (HDOH) is working to amend. The HDOH has advised the Solid Waste Management Program (SWMP) to correct the deficiencies prior to the implementation of the GBCRA." As such, per GEPA project staff, the proposed amendments will now allow more flexibility to GEPA on rate adjustments such as on the "Deposit Fee" and "Recycling Deposit Payout." In addition, it will allow 20% of the funds remitted to the "Beverage Container Recycling Deposit Fund" to be used by GEPA for the following purposes: A) Expenses related to implementing the provisions of Chapter 44, Title 10, GCA; B) Funding of administrative, audit, and compliance activities associated with collection and payment of the deposits of the Beverage Container Recycling Act; C) Conducting of recycling outreach education, capacity building and demonstration projects; and D) Promotion and marketing of recycling related activities.

In summary, currently the GBCRA is an unfunded mandate. No additional information is provided to the Bureau to determine an estimated cost impact for the hiring of required staff for Administrative, Audit, Compliance activities and Outreach education purposes (as noted earlier), for materials/supplies and finally, for equipment needed for the full implementation of the GBCRA in line with Chapter 44, Title 10.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 6, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Bill No. 108-32(COR)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 108-32(COR)**.

Senator
Frank Blas Aguon, Jr.
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator
Michael F.Q. San Nicolas
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

*I Mina'Trentai Dos Na Liheslaturan Guahan***Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
108-32 (COR)	T.R. Muna Barnes	AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, and 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 and 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.	5/6/13 1:44 p.m.	5/6/13	Committee on Rules, Federal, Foreign & Micronesia Affairs, Human & Natural Resources, and Election Reform			Fiscal Note Request 5/7/13

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM

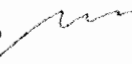


I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

May 23, 2013

MEMORANDUM

To: All Members

From: Majority Leader Rory J. Respicio 

Subject: First Notice of Public Hearing – Tuesday, June 4, 2013

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources will be conducting a **Public Hearing on Tuesday, June 4, 2013 beginning at 9:00 A.M.**, in the Legislature's Public Hearing Room on the following:

9:00 A.M.

1. **Bill No. 108-32 (COR)** – “An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same.” **Sponsor – Senator T.R. Muña Barnes**
2. **Bill No. 120-32 (LS)** – “An act relative to honoring Guam’s men and women who have courageously and selflessly served our island people and our nation in the War on Terror and who have made the ultimate sacrifice, through the establishment of a *Fallen Heroes* Monument; through adding a new subsection §79601.2 to Chapter 79, Article 6, Title 21, Guam Code Annotated.” **Sponsors – Senator F.B. Aguon, Jr., Senator R.J. Respicio, Senator T.C. Ada, Senator A.A. Yamashita, Ph.D., Senator V. A. Ada, Senator D.G. Rodriguez, Jr., Vice-Speaker B.J.F. Cruz, Senator T.R. Muña Barnes, and Speaker J.T. Won Pat, Ed.D.**
3. **Resolution No. 138-32 (COR)** – “Relative to requesting the Honorable Madeleine Z. Bordallo, Guam’s Delegate to Congress, support modifications to the antiquated and restrictive “Merchant Marine Act of 1920,” more commonly known as the “Jones Act,” which continues to have an adverse effect on certain noncontiguous domestic jurisdictions of the United States, including Alaska, Hawaii, Puerto Rico, and the Territory of Guam.” **Sponsors – Senator R.J. Respicio, Senator T.C. Ada, and Senator V.A. Ada**

Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesia Affairs, Human & Natural Resources, & Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Rory Respicio <cor@guamlegislature.org>

First Notice of Public Hearing – Tuesday, June 4, 2013

Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, May 23, 2013 at 5:05 PM

To: "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas"

<duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr."

<aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada"

<tom@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, Tommy Morrison

<tommy@senatormorrison.com>, "V. Anthony Ada" <tony@tonyada.com>, vicente 'ben' pangelinan

<senbenp@guam.net>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie"

<brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <responsibleguam@gmail.com>, "Michael T. Limtiaco"

<mike@mikelimtiaco.com>, "Rory J. Respicio" <roryforguam@gmail.com>

Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Therese Terlaje <tterlaje@guam.net>, Tom Unsiog

<sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, phnotice <phnotice@guamlegislature.org>

Bcc: Bernadette Meno <guam.avon@gmail.com>, bill phillips <phillipsguam@gmail.com>, Elaine Tajalle

<etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler

<mlwheeler2000@yahoo.com>, Mary Maravilla <marymaravilla19@gmail.com>, "Vince P. Arriola"

<vparriola1@gmail.com>

May 23, 2013

MEMORANDUM

To: All Members

From: Majority Leader Rory J. Respicio

Subject: First Notice of Public Hearing – Tuesday, June 4, 2013

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PH 2013.06.04_First Notice to All Members_2013.05.pdf

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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM

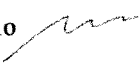


I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

May 23, 2013

MEMORANDUM

To: All Media

From: Majority Leader Rory J. Respicio 

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###



First Notice of Public Hearing – Tuesday, June 4, 2013

Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, May 23, 2013 at 5:07 PM

To: news@guampdn.com, news@k57.com, news@pacificnewscenter.com, news@spbgum.com,
marvic@mvguam.com, hottips@kuam.com, sabrina@kuam.com

May 23, 2013

MEMORANDUM

To: All Media

From: Majority Leader Rory J. Respicio

Subject: First Notice of Public Hearing – Tuesday, June 4, 2013

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Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources, & Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, Hågatña, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu’os ma’åse’!*

###

--

Majority Leader Rory J. Respicio

Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform
I Mina’Trentai Dos na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM




I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

May 30, 2013

MEMORANDUM

To: All Members

From: Majority Leader Rory J. Respicio 

Subject: Second Notice of Public Hearing – Tuesday, June 4, 2013

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; and Human & Natural Resources will be conducting a **Public Hearing on Tuesday, June 4, 2013 beginning at 9:00 A.M.**, in the Legislature's Public Hearing Room on the following:

9:00 A.M.

1. **Bill No. 108-32 (COR)** – “An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same.” **Sponsor – Senator T.R. Muña Barnes**
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Written testimony should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources, & Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: All Senators
Clerk of the Legislature
Legal Counsel
Sergeant-at-Arms/AV
MIS



Second Notice of Public Hearing – Tuesday, June 4, 2013

Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, May 30, 2013 at 4:31 PM

To: "Aline A. Yamashita, Ph.D." <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, Tommy Morrison <tommy@senatormorrison.com>, "V. Anthony Ada" <tony@tonyada.com>, vicente 'ben' pangelinan <senbenp@guam.net>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <responsibleguam@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Rory J. Respicio" <roryforguam@gmail.com>

Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Therese Terlaje <tterlaje@guam.net>, Tom Unsiog <sgtarms@guamlegislature.org>, mis <mis@guamlegislature.org>, phnotice <phnotice@guamlegislature.org>

May 30, 2013

MEMORANDUM

To: All Members

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Subject: Second Notice of Public Hearing – Tuesday, June 4, 2013

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cc: All Senators

Clerk of the Legislature

Legal Counsel

Sergeant-at-Arms/AV

MIS

On Thu, May 23, 2013 at 5:05 PM, Senator Rory J. Respicio <cor@guamlegislature.org> wrote:

May 23, 2013

MEMORANDUM

To: All Members

From: Majority Leader Rory J. Respicio

Subject: First Notice of Public Hearing – Tuesday, June 4, 2013

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Clerk of the Legislature

Legal Counsel

Sergeant-at-Arms/Audio

MIS

—

Majority Leader Rory J. Respicio

Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform
I Mina'Trentai Dos na Liheslaturan Guåhan

155 Hesler Place, Ste. 302

Hagåtña, Guam 96910

Phone: (671) 472-7679

Fax: (671) 472-3547

—

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Federal, Foreign & Micronesian Affairs;
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155 Hesler Place, Ste. 302

Hagåtña, Guam 96910

Phone: (671) 472-7679

Fax: (671) 472-3547



PH 2013.06.04_48 Hour Notice to All Members_2013.05.30.pdf

172K

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM




I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

May 30, 2013

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Second Notice of Public Hearing – Tuesday, June 4, 2013

Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, May 30, 2013 at 4:34 PM

To: news@guampdn.com, news@k57.com, news@pacificnewscenter.com, news@spbguam.com, marvic@mvguam.com, hottips@kuam.com, sabrina@kuam.com

Bcc: Bernadette Meno <guam.avon@gmail.com>, bill phillips <phillipsguam@gmail.com>, Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marymaravilla19@gmail.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Vince P. Arriola" <vparriola1@gmail.com>

May 30, 2013

MEMORANDUM

To: All Media

From: Majority Leader Rory J. Respicio

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###

On Thu, May 23, 2013 at 5:07 PM, Senator Rory J. Respicio <cor@guamlegislature.org> wrote:

May 23, 2013

MEMORANDUM

To: All Media

From: Majority Leader Rory J. Respicio

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###

–
Majority Leader Rory J. Respicio

Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform
I Mina’Trentai Dos na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
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PH 2013.06.04_48 Hour Notice to All Media_2013.05.30.pdf
172K



Fwd: COAST GUARD AUXILIARY

Ary, Jackie L CIV <Jackie.L.Ary@uscg.mil>
To: Jennifer Louise Dulla <jennifer@roryforguam.com>

Mon, Jun 17, 2013 at 3:00 PM

Hafa Adai Jennifer,

I'll throw the mix out there and let you pick out the good parts. The major point to be made is the 40th Anniversary of the Guam Flotilla of the United States Coast Guard Auxiliary celebrated with the 73rd Anniversary of the Auxiliary itself.

In 1939, Congress established a U.S. Coast Guard Reserve administered by the Commandant and composed of unpaid, volunteer U.S. citizens who owned motorboats or yachts. On June 23, 1941, Congress created a military Reserve and renamed the original volunteer Reserve as the Coast Guard Auxiliary. Today, the Auxiliary remains a volunteer organization and services to the local community are provided through Guam's very own Flotilla 140-02-24, established in April 1973.

On this 40th birthday of the Guam Flotilla, over 90 Guamanians volunteer thousands of hours annually contributing not only their time, but also the use of their personal vessels for the safety and security of our citizens, port, and waterways through free vessel safety checks, harbor patrols, safe boating education courses, search and rescue, and marine environmental protection. The Auxiliary is a force multiplier for US Coast Guard Sector Guam and Station Apra Harbor. The Auxiliary provides coverage at special events throughout the year including the Marianas Yacht Club Regatta, the Cocos Island Swim, and the Marianas Fishing Derby and other events sponsored by the Guam Fishermen's Cooperative.

Resolution recipients:

USCG Sector Guam Commander: Capt Casey White
USCG Auxiliary Flotilla Commander: Clarence Feagin

Thanks again, and I'm available all day tomorrow if you need more.

Jack

-----Original Message-----

From: jenniferdulla@gmail.com [mailto:jenniferdulla@gmail.com] On Behalf Of Jennifer Louise Dulla
Sent: Monday, June 17, 2013 2:49 PM
To: Ary, Jackie L CIV

[Quoted text hidden]

That's June 21st...

Jack

From: Frank Gumataotao [mailto:fgumataotao@yahoo.com]
Sent: June 5, 2013 9:05 AM
To: Rory Respicio; Jack Ary
Subject: COAST GUARD AUXILIARY

Rory,

This month marks the 40th anniversary of the US Coast Guard Auxiliary Flotilla 2-24 on Guam. There will be a flag raising at 8:00 am on June 1, 2013 to commemorate this event. We respectfully request your leadership in crafting a legislative resolution to be presented as part of this activity. Please advise us of your availability so we can arrange your access to the Coast Guam Sector Command located within Naval Station Guam. Point of Contact is USCG Auxiliary Commander Jack Ary. As always we appreciate your support.

Gary Wayne Francis Gumataotao, Attorney at Law

Suite 301 San Ramon Building, 115 San Ramon Street, Hagatna, Guam 96910

Phone: (671) 475-0200/1 Fax: (671) 475-0203 <tel:%28671%29%20475-0203>

Website: <http://www.yourguamlawyer.com/>

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P Please consider the environment before printing this email. Don't print unless you require a hard copy

--

Jennifer Louise Dulla

Legislative Assistant

Office of Senator Rory J. Respicio

Committee on Rules; Federal, Foreign, & Micronesian Affairs, Human & Natural Resources, and Election Reform

I Mina'Trentai Dos Na Liheslaturan Guåhan (32nd Guam Legislature)

office: 671-472-7679 * fax: 671-472-3547 * cell: 671-482-5556

[Quoted text hidden]

**Listserv: phnotice@guamlegislature.org
As of April 23, 2013**

aalladi@guampdn.com
action@weareguahan.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
aguon4guam@gmail.com
ahernandez@guamlegislature.org
ajuan@kijifm104.com
alerta.jermaine@gmail.com">alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amanda@toduguam.com
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SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Liheslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

PUBLIC HEARING

Tuesday, June 4, 2013 • 9:00 AM

Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration
 1. **Bill No. 108-32 (COR)** – “An act to amend §§ 44103, 44105, 44108, 44114, and 44115 of Chapter 44, Title 10, Guam Code Annotated; and to repeal §§ 44106 and 44109 of Chapter 44, Title 10, Guam Code Annotated; and to amend § 45105 of Chapter 45, Title 10, Guam Code Annotated; and to amend § 54104 of Chapter 51, Title 10, Guam Code Annotated, relative to the Guam Beverage Container Recycling Act of 2010 and the power of the Guam Environmental Protection Agency to implement the same.” **Sponsor – Senator T.R. Muña Barnes**
 2. **Bill No. 120-32 (LS)** – “An act relative to honoring Guam’s men and women who have courageously and selflessly served our island people and our nation in the War on Terror and who have made the ultimate sacrifice, through the establishment of a *Fallen Heroes* Monument; through adding a new subsection §79601.2 to Chapter 79, Article 6, Title 21, Guam Code Annotated.” **Sponsors – Senator F.B. Aguon, Jr., Senator R.J. Respicio, Senator T.C. Ada, Senator A.A. Yamashita, Ph.D., Senator V. A. Ada, Senator D.G. Rodriguez, Jr., Vice-Speaker B.J.F. Cruz, Senator T.R. Muña Barnes, and Speaker J.T. Won Pat, Ed.D.**
 3. **Resolution No. 138-32 (COR)** – “Relative to requesting the Honorable Madeleine Z. Bordallo, Guam’s Delegate to Congress, support modifications to the antiquated and restrictive “Merchant Marine Act of 1920,” more commonly known as the “Jones Act,” which continues to have an adverse effect on certain noncontiguous domestic jurisdictions of the United States, including Alaska, Hawaii, Puerto Rico, and the Territory of Guam.” **Sponsors – Senator R.J. Respicio, Senator T.C. Ada, and Senator V.A. Ada**
- IV. Closing Remarks
- V. Adjournment

For copies of the above mentioned bills, please visit the Guam Legislature’s website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to cor@guamlegislature.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu’os ma’ðse’!*

I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 108-32 (COR)

As substituted by the Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform; and
further substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, 44115,
AND 44118, AND TO REPEAL §§ 44109 AND 44106(c)
AND (d), ALL OF CHAPTER 44, TITLE 10, GUAM
CODE ANNOTATED; AND TO AMEND § 45105 OF
CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO THE GUAM BEVERAGE CONTAINER
RECYCLING ACT OF 2010, AND THE POWER OF THE
GUAM ENVIRONMENTAL PROTECTION AGENCY
TO IMPLEMENT THE SAME.**

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

2 **Section 1.** The following Subsections of §44103 of Division 2,
3 Chapter 44, Title 10, Guam Code Annotated, are hereby *amended* to read as
4 follows:

1 “(d) *Beverage container* means the individual, separate,
2 sealed glass, high density polyethylene, metal, plastic bottle, can, jar,
3 or carton, with a total volume of less than or equal to sixty-eight (68)
4 fluid ounces, used for containing, at the time of sale to the consumer,
5 a beverage intended for use or consumption. Beverage containers may
6 be for single use or for multiple uses.”

7 “(h) *Dealer* means every person who engages in the sale of
8 deposit beverages in deposit beverage containers to a consumer for
9 use or consumption.”

10 “(m) *Deposit Beverage Container Fee* refers to the amount
11 paid by every deposit beverage distributor to the Department for each
12 individual beverage container manufactured in or imported into Guam
13 that has been identified by the Department as recyclable and requiring
14 a deposit. The deposit beverage container fee *shall* be based on the
15 following formula: Redemption Rate (+) Handling Fee (+) the
16 Department’s administrative costs.”

17 “(o) *Handling Fee* refers to the premium payment the
18 Department pays to a certified redemption center to offset the costs
19 incurred by the latter in connection with the latter’s processing of
20 redeemed beverage containers.”

21 “(p) *Import* means to buy, bring, or accept delivery of deposit
22 beverage containers from an address, supplier, or any entity outside of
23 Guam.”

24 “(q) *Importer* means any person who buys, brings, or accepts
25 delivery of deposit beverage containers from outside of Guam for sale
26 or use within Guam.”

1 “(r) *List of Approved Containers* means the list compiled by
2 the Board of approved containers identified for recycling deposits.
3 Containers may *not* be placed upon the list *unless* an economically
4 viable process to recycle, reuse, convert to energy, or physically
5 remove containers from Guam has been established or will be
6 established concurrent with placement upon said list.”

7 “(s) *Manufacturer* means every person producing recyclable
8 products, including those who package or fill recyclable products for
9 sale to distributors or dealers.”

10 “(v) *Redeemer* means a person, other than a dealer or
11 distributor, who demands the refund value in exchange for an empty
12 deposit beverage container.”

13 “(w) *Redemption center* means an operation that accepts
14 empty deposit beverage containers from redeemers and provides the
15 refund value for empty deposit beverage containers intended to be
16 recycled and ensures that the empty deposit beverage containers are
17 properly recycled.”

18 “(x) *Refillable beverage container* means any deposit
19 beverage container, which ordinarily would be returned to the
20 manufacturer to be refilled and resold.”

21 “(y) *Refund value* refers to the amount of the deposit fee
22 refunded to a redeemer in exchange for an empty deposit beverage
23 container.”

24 “(z) *Reverse vending machine* means a mechanical device,
25 which accepts one (1) or more types of empty deposit beverage
26 containers, and issues coins or a redeemable credit slip with a value
27 *not less than* the container’s refund value.”

“(bb) *Redemption rate* refers to the percentage of deposit beverage containers redeemed over a reporting period. The percentage is calculated by dividing the number of deposit beverage containers redeemed by the number of deposit beverage containers sold, and then multiplying that number by one hundred.”

Section 2. §44105 of Division 2, Chapter 44, Title 10, Guam Code Annotated, is hereby *amended* to read as follows:

“§ 44105. Deposit Beverage Container Fee.

(a) Every deposit beverage distributor *shall* pay to the Department a deposit beverage container fee on each individual beverage container manufactured in or imported into Guam that has been identified by the Department on the list of approved containers. The fee *shall* be imposed only once on the same deposit beverage container. The fee *shall* begin at a rate of five cents (5¢) per deposit beverage container, unless and until the Department determines otherwise as in accordance with §44105(d) of this Chapter 44.

(b) No taxes on deposit fees. No taxes *shall* be assessed or collected on deposit beverage container fees accepted by dealers for products approved in this Chapter 44 for recycling purposes.

(c) Types of containers upon which deposit beverage container fees *shall* be levied must be first approved by the Board for placement upon the List of Approved Containers identified for recycling deposits.

(d) In its administration and implementation of this Chapter 44, the Board *shall*, after the first year of implementation and every two years thereafter, examine and may elect to increase or decrease

either or both the deposit beverage container fee and the refund value. While the Administrative Adjudication law *shall not* apply to any decision by the Board to decrease said amounts, the Administrative Adjudication law *shall* apply to any decision by the Board to increase said amounts, and any such increase *shall* be based upon the handling fee and the redemption rate calculated annually based on information submitted to the Department in accordance with §44105(b) of this Chapter 44.

(e) *Except* as may otherwise be provided in this Act, levy of the deposit beverage container fee imposed upon beverage containers *shall* begin immediately after the effective date of the voluntary agreement described in §44119 of this Chapter 44. Redeemers *shall* be able to redeem beverage containers at certified redemption centers beginning six (6) months after the date said levy first occurs.”

Section 3. Subsections (c) and (d) of §44106 of Division 2, Chapter 44, Title 10, Guam Code Annotated, are hereby *repealed*.

Section 4. Subsection (c) of §44108 of Division 2, Chapter 44, Title 10, Guam Code Annotated, is hereby *amended* to read as follows.

“(c) A portion of the deposit beverage container fee collected by the Department *shall* be used, among other things, for:

(1) expenses related to implementing the provisions of this Chapter 44;

(2) funding of administrative, audit, and compliance activities associated with collection and payment of the deposits of the Beverage Container Recycling Deposit Act;

- (3) conducting of recycling outreach education, capacity building and demonstration projects; and
- (4) promotion and marketing of recycling related activities.”

Section 5. §44109 of Division 2, Chapter 44, Title 10, Guam Code Annotated, is hereby *repealed*.

Section 6. Subsection (b) of §44114 of Division 2, Chapter 44, Title 10 Guam Code Annotated is hereby *amended* to read as follows:

“(b) The Department *shall* pay certified redemption centers refund values and handling fees as determined by the Board in accordance with §44105 of this Chapter 44, based on, among other factors, collection reports submitted by the Redemption Centers. All Redemption Centers *shall* submit to the Department the following information on forms prescribed by the Department, which information *shall* include at a minimum:

(1) the number or weight of deposit beverage containers of each material type accepted at the Redemption Center for the reporting period;

(2) the amount of refunds paid out by material type; and

(3) the number or weight of deposit beverage containers of each material type to be transported to a permitted recycling facility.”

Section 7. Subsections (a) and (c) of §44115 of Division 2, Chapter 44, Title 10, Guam Code Annotated, are hereby *amended* to read as follows:

“(a) *Except* as provided in (b) and (c) of this §44115, effective immediately after the date this Act takes effect, every deposit

beverage container sold in Guam *shall* clearly indicate the Guam Redemption Value by the letters “GU RV.”

“(c) Containers that *do not* meet the definition of a deposit beverage container, as specified in §44103(k) of this Chapter, *shall not* indicate “Guam Redemption Value” (GU RV) on the container.”

Section 8. §44118(b)(2) of Division 2, Chapter 44, Title 10, Guam Code Annotated, is hereby *amended* to read as follows:

“(2) establishing or revising appropriate deposit beverage container fees, handling fees, and refund values;”

Section 9. §45105 of Division 2, Chapter 45, Title 10, Guam Code Annotated, is hereby *amended* to read as follows:

“§ 45105. Powers and Duties.

The Guam Environmental Protection Agency *shall* be responsible for the implementation of the Guam Beverage Container Recycling Act of 2010, Chapter 44 of this Part; Water Resources Conservation Act, Chapter 46 of this Part; the Water Pollution Control Act, Chapter 47 of this Part; Toilet Facilities and Sewage Disposal Act, Chapter 48 of this Part; the Air Pollution Control Act, Chapter 49 of this Part; the Guam Pesticides Act, Chapter 50 of this Part; and Solid Waste, Chapter 51 of this Part.”

Section 10. The Board of Directors of the Guam Environmental Protection Agency *shall* within one hundred twenty days (120) of the date of enactment of this Act into public law submit to *I Liheslaturan Guåhan*, via a duly adopted resolution, a proposed operational plan that *shall* include the budget request for the implementation of this Act and that *shall* address the deposit fees and tipping fees as it relates to the recycling program activities implemented by the Guam Solid Waste Management Authority or the

1 Receiver appointed by the United States District Court of Guam with the
2 intent of reducing the overall cost to consumers.

3 **Section 11. Effective Date.** The provisions of this Act *shall* become
4 effective upon enactment into public law.

5 **Section 12. Severability.** The provisions of this Act are declared to
6 be separate and severable. The invalidity of any clause, sentence, paragraph,
7 subdivision, section or portion of this statute, or the invalidity of the
8 application thereof to any person or circumstance *shall not* affect the validity
9 of the remainder of this statute or the validity of its application to other
10 persons or circumstances.