

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

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
<b>Bill No. 162-36 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building January 28, 2022					
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator Telena Cruz Nelson					✓	✓
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedro" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

**TOTAL**

13

0

Not  
Voting/  
Abstained

Out  
During  
Roll Call


2

Absent

2

Excused

CERTIFIED TRUE AND CORRECT:

  
 \_\_\_\_\_  
 RENNAE V. C. MENO  
 Clerk of the Legislature

I = Pass

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

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

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

\*

Introduced by:

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

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

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3        that the Guam Environmental Protection Agency (GEPA) manages programs that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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