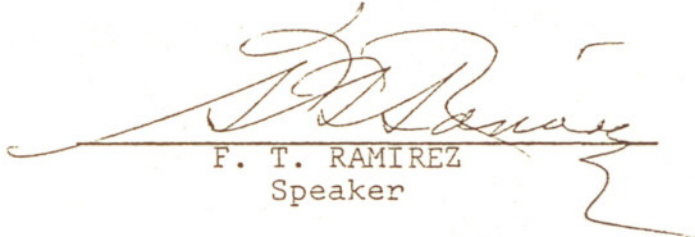


Guam Territorial Law Library
141 San Ramon Rd.
Agana, Guam 96910

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

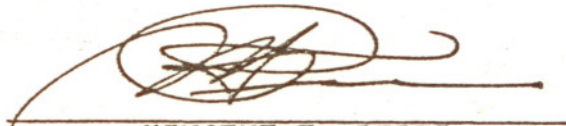
This is to certify that Bill No. 473, "An Act to add a new Chapter XIII to Title X of the Government Code of Guam, relative to the establishment of a Guam Environmental Protection Agency and for other purposes", was on the 13th day of November, 1972, duly and regularly passed.


F. T. RAMIREZ
Speaker

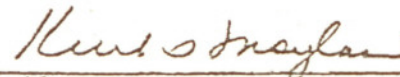
ATTESTED:


A. C. SANCHEZ, Acting
Legislative Secretary

This Act was received by the Governor this 29th day
of November, 1972 at 4:20 o'clock p.M.


VINCENT T. PEREZ
Attorney General of Guam

APPROVED:


KURT S. MOYLAN, Acting
Governor of Guam
DATED: DEC 7 1972
9:10 a.m

Public Law
11-191



MAR 16 1986

GUAM TERRITORIAL
LAW LIBRARY

ELEVENTH GUAM LEGISLATURE
1971 (FIRST) Regular Session

Bill No. 473
Substitute Bill
by Author

Introduced by _____
F. R. Santos

AN ACT TO ADD A NEW CHAPTER XIII TO TITLE
X OF THE GOVERNMENT CODE OF GUAM, RELATIVE
TO THE ESTABLISHMENT OF A GUAM ENVIRONMENTAL
PROTECTION AGENCY AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter XIII is hereby added to Title X
3 of the Government Code of Guam to read as follows:

4 "CHAPTER XIII

5 (Guam Environmental Protection Agency)

6 Section 9970. Short title. This Act shall be known
7 as the 'Guam Environmental Protection Agency Act'.

8 Section 9970.1. Statement of policy and purpose. It
9 is hereby declared to be the public policy of this
10 territory of Guam that a high quality environment be
11 maintained at all times to guarantee an enjoyable life
12 for all people at present and in the future, and that
13 environmental degradation of the quality of land, water,
14 and air by any pollutants, including all physical, chemical
15 and biological agents, should not be allowed.

16 To these ends, it is the purpose of this Act to
17 provide a united, integrated, and comprehensive territory-
18 wide program of environmental protection and to provide a
19 framework to fulfill that task.

20 Section 9970.2. Guam Environmental Protection Agency.
21 There is hereby created a Guam Environmental Protection
22 Agency, hereinafter referred to as the 'Agency'. The
23 management of the Agency shall be vested in a Board of
24 Directors consisting of nine (9) members to be appointed
25 by the Governor with the advice and consent of the

1 Legislature. Members of the Board shall serve for a period
2 of three (3) years each, except that any member appointed
3 to fill a vacancy prior to the expiration of the term for
4 which his predecessor was appointed, shall be appointed for
5 the remainder of such term. The terms shall stagger so that
6 three (3) members shall be appointed by the Governor each
7 year, except that in the year in which the law is enacted,
8 the Governor shall appoint three (3) members for one (1)
9 year; three (3) members for two (2) years, and three (3)
10 members for three (3) years. The majority of the members of
11 the Board shall not be employees of the government of Guam.
12 A Chairman shall be elected from among the members.

13 Members of the Board shall serve without compensa-
14 tion, but shall be reimbursed for reasonable travel and
15 out-of-pocket expenses incurred in the performance of the
16 Board duties.

17 Section 9970.3. Administration. (a) The Board shall
18 appoint the Administrator of this Act, who shall not be
19 a member of the Board. The Administrator shall have the
20 responsibility for the administration of this Act under the
21 supervision of the Board.

22 (b) The Board shall appoint a Deputy Administrator
23 who shall not be a member of this Board. The Deputy
24 Administrator shall perform such functions as the
25 Administrator during the absence or disability of the
26 Administrator, or in the event of a vacancy in the office
27 of the Administrator.

28 (c) The Secretary of the Board shall be designated
29 by the Administrator and approved by the Board. The
30 Secretary shall be responsible for keeping records of
31 meetings of, and actions by the Board.

32 Section 9970.4. Transfer of powers and duties to the

1 Guam Environmental Protection Agency. (a) All functions
2 vested by law in the Guam Water Pollution Control Commission
3 pursuant to Chapter XI of Title X of the Government Code
4 of Guam, and the Air Pollution Control Commission pursuant
5 to Chapter XII of Title X of the Government Code of Guam,
6 and the responsibilities of the Director of Public Health
7 and Social Services in the above two Chapters, are hereby
8 transferred to the Guam Environmental Protection Agency.

9 (b) The functions vested in the Director of Public
10 Health and Social Services pursuant to Subchapter R of
11 Chapter VI of Title X of the Government Code of Guam in
12 its entirety and Sections 9960.6, 9960.7 and 9660.12 of
13 said Code, are hereby transferred to the Agency.

14 (c) The functions vested in the Chief Officer of the
15 Public Utility Agency of Guam and the Director of Public
16 Health and Social Services pursuant to Chapter V of Title
17 XXII of the Government Code of Guam are hereby transferred
18 to the Agency.

19 (d) The functions vested in the Director of Agricul-
20 ture pursuant to Title LX and LXI of the Government Code
21 of Guam are hereby transferred to the Agency.

22 Section 9970.5. Rules and Regulations. The Agency is
23 hereby authorized and directed to adopt, amend and repeal
24 rules and regulations implementing and consistent with the
25 powers and duties vested in the Agency pursuant to Section
26 9970.4; provided, however, that no action taken with
27 respect to such rules and regulations shall be effective
28 unless such action is first presented to and approved by
29 the Legislature. If, after ten (10) legislative days,
30 the Legislature has not expressly approved or rejected
31 such action, or any part thereof, by a resolution duly
32 adopted by eleven (11) members of the Legislature, such

1 action or any part thereof not expressly rejected shall
2 be deemed to be approved.

3 Section 9970.6. Abolishment of Water and Air Pollution
4 Control Commissions. The Water Pollution Control Commission
5 and the Air Pollution Commission, established pursuant to
6 Chapter XI and Chapter XII of Title X of the Government
7 Code of Guam are hereby abolished.

8 Section 9970.7. Assistance by governmental agencies.
9 Office space and housekeeping functions shall be provided
10 by the Department of Public Health and Social Services and
11 other logistic support shall be provided by the Department
12 of Administration. The services and facilities of depart-
13 ments, agencies, and instrumentalities of the government
14 of Guam may be made available to the Agency in the exercise
15 of its functions to the extent allowed by law.

16 Section 9970.8. Transfer of officers and employees.
17 All officers and employees of the Water Pollution Control
18 Commission, the Air Pollution Control Commission, Depart-
19 ment of Public Health and Social Services, the Public
20 Utility Agency of Guam, and the Department of Agriculture
21 who have performed exclusively the functions transferred
22 by Section 9970.4 of this Chapter shall be transferred to
23 the Agency.

24 Section 9970.9. Transfer of assets, records and
25 operational appropriations. The balance of all unexpended
26 appropriations and all assets, property and records of the
27 Guam Water Pollution Control Commission, the Air Pollution
28 Control Commission, the Department of Public Health and
29 Social Services, the Public Utility Agency of Guam, or the
30 Department of Agriculture used or to be used for the
31 functions transferred pursuant to Section 9970.4 of this
32 Chapter shall be transferred to the Agency."

33 Section 2. This Act shall take effect ninety (90)
34 days after its passage and approval.