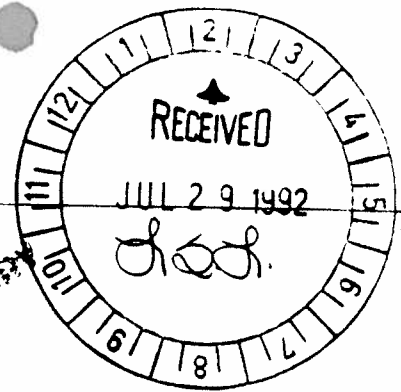




*Territory of Guam  
Ferdinand Magellan*



July 28, 1992

The Honorable Joe T. San Agustin  
Speaker  
Twenty First Guam Legislature  
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed herewith is Substitute Bill No. 279 which I have today signed into law as Public Law 21-126.

Several of the provisions of this measure are laudable but two sections are of questionable constitutionality and I urge you and your colleagues to reconsider them by either repealing them or correcting their deficiencies.

Under existing law as amended in Section 2, a person who violates the litter law as set forth in 5 GCA Section 51205 goes before the Traffic Court if he is apprehended by anyone other than a Mayor. The Judge then determines if the person is guilty and if so, imposes a mandatory fine of \$200 to \$1,000 and may require the violator to do not less than 8 hours of community service.

Under Section 3, the Mayor who apprehends the violator also adjudicates the person's guilt or innocence. While before the Mayor the violator may choose whether to pay the \$200 to \$1,000 fine or do community service. If the violator pays a fine then the Mayor directly benefits and may keep part of it for his village beautification projects pursuant to Section 4. This procedure violates the due process requirements of the Organic Act. It also creates two different sanctions for people who commit the prohibited activities set forth in 5 GCA Section 51205.

If it were not for the importance of Section 6 of this measure, I would have vetoed it. However, there are many litigants who have been unable to have their civil or domestic cases heard because all of the sitting Superior Court judges have recused themselves. For these people, justice delayed is not only justice denied but the failure of resolution of especially domestic matters has left their lives in turmoil. Attorneys on Guam who are without a conflict will be able to act as Judges for these long delayed cases. We must address the needs of these people as quickly as possible.

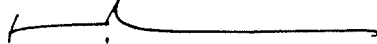
In the past the Legislature has often responded to requests for



Mr. Speaker  
July 28, 1992  
Page Two

corrective legislation. I urge you and your colleagues to reconsider Sections 3 and 4 of this measure as expeditiously as possible. Si Yu'os Ma'ase.

Cordially,

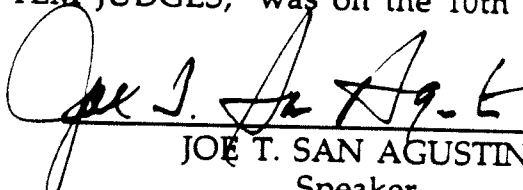
  
FRANK F. BLAS  
Governor of Guam,  
Acting

**210908**

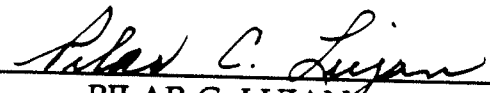
TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 279 (COR), "AN ACT TO AMEND §51204 AND PARAGRAPH (a) OF §51207, ALL OF TITLE 10, GUAM CODE ANNOTATED; TO AMEND PARAGRAPH (c) OF §40115, TO RENUMBER §40131, AND TO ADD A NEW §40131, ALL OF TITLE 5, GUAM CODE ANNOTATED; TO ADD A NEW §26012.1 TO CHAPTER I, TITLE XXVII OF THE GOVERNMENT CODE, TO AMEND THE LITTER AND DEFACEMENT CONTROL REVOLVING FUND, TO INCREASE THE MAXIMUM FINE FOR LITTERING AND DEFACEMENT, TO INCREASE THE PENALTY WHICH MAYORS MAY IMPOSE FOR SANITARY, HEALTH, LITTER AND DEFACEMENT VIOLATIONS, TO ESTABLISH A MUNICIPAL LITTER AND DEFACEMENT FUND, TO CREATE A GUAM BEAUTIFICATION FUND, AND TO PERMIT THE APPOINTMENT OF PRO TEM JUDGES," was on the 10th day of July, 1992, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

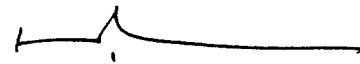
Attested:

  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 10th day of July, 1992, at 4:50 o'clock P.M.

  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
FRANK F. BLAS  
Governor of Guam  
Acting

Date: JUL 28 1992

Public Law No. 21-126

TWENTY-FIRST GUAM LEGISLATURE  
1992 (SECOND) Regular Session

Bill No. 279 (COR)

As substituted by the Committee on  
General Governmental Operations  
and as further substituted by the  
Committee on Rules

Introduced by:

J. P. Aguon  
A. C. Blaz  
C. T. C. Gutierrez  
D. L. G. Shimizu  
E. P. Arriola  
H. D. Dierking  
T. V. C. Tanaka  
A. R. Unpingco  
M. D. A. Manibusan  
M. Z. Bordallo  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
J. T. San Agustin  
F. R. Santos  
J. G. Bamba  
D. F. Brooks  
E. R. Dueñas  
E. M. Espaldon  
M. J. Reidy  
M. C. Ruth

AN ACT TO AMEND §51204 AND PARAGRAPH (a) OF §51207,  
ALL OF TITLE 10, GUAM CODE ANNOTATED; TO AMEND  
PARAGRAPH (c) OF §40115, TO RENUMBER §40131, AND TO  
ADD A NEW §40131, ALL OF TITLE 5, GUAM CODE  
ANNOTATED; TO ADD A NEW §26012.1 TO CHAPTER I, TITLE  
XXVII OF THE GOVERNMENT CODE, TO AMEND THE  
LITTER AND DEFACEMENT CONTROL REVOLVING FUND,  
TO INCREASE THE MAXIMUM FINE FOR LITTERING AND

DEFACEMENT, TO INCREASE THE PENALTY WHICH MAYORS MAY IMPOSE FOR SANITARY, HEALTH, LITTER AND DEFACEMENT VIOLATIONS, TO ESTABLISH A MUNICIPAL LITTER AND DEFACEMENT FUND, TO CREATE A GUAM BEAUTIFICATION FUND, AND TO PERMIT THE APPOINTMENT OF PRO TEM JUDGES.

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

2        **Section 1.** §51204 of Title 10, Guam Code Annotated, is hereby  
3 amended to read:

4                **"§51204. Litter and Defacement Control Revolving Fund.**

5                There is established a fund to be known as the Litter and  
6 Defacement Control Revolving Fund which shall be maintained  
7 separate and apart from any other fund of the government of  
8 Guam and shall be administered by the Administrator.  
9 Independent records and accounts shall be maintained in  
10 connection therewith. **Except** as provided in §40115 of Title 5,  
11 Guam Code Annotated, fifty percent (50%) of all assessments,  
12 fines, bail forfeitures and other funds collected or received  
13 pursuant to this Article shall be deposited in the Litter and  
14 Defacement Control Revolving Fund and used for the  
15 administration and implementation of this Article; for education  
16 programs and advertisement promotions aimed at increasing  
17 awareness of litter and defacement problems; for the placement  
18 of anti-litter and anti-graffiti signs around the island; and for the  
19 clean-up of litter and defacement from public highways, streets,  
20 alleys, roads, bridges, buildings, signs, restrooms, public

1 recreational areas or other public lands that are most visible to  
2 the public, and fifty percent (50%) shall be deposited in the Guam  
3 Beautification Fund as provided in §26012.1 of Chapter I, Title  
4 XXVII, Government Code."

5 **Section 2.** Paragraph (a) of §51207 of Title 10, Guam Code Annotated,  
6 is amended to read:

7 "(a) Littering and defacement shall each be punishable by a  
8 fine of not less than Two Hundred Dollars (\$200) nor more than  
9 One Thousand Dollars (\$1,000) which shall not be suspended by  
10 the Court. Additionally, any person convicted under this section  
11 may be ordered to pick up and remove litter or defacement, as the  
12 case may be, from a public place under the supervision of the  
13 Agency, or as the Court shall otherwise provide, for a period not  
14 less than eight (8) hours for each offense. Furthermore, persons  
15 convicted under this section may be required to pay the costs of  
16 removing any litter or defacement that they caused."

17 **Section 3.** Paragraph (c) of §40115 of Title 5, Guam Code Annotated, is  
18 amended to read:

19 "(c) To fine violators of sanitary, health, litter and  
20 defacement laws and regulations in an amount not less than Two  
21 Hundred Dollars (\$200) and not more than One Thousand Dollars  
22 (\$1,000) and to pay over such fines in the following manner: one  
23 half to the Litter and Defacement Control Revolving Fund and  
24 one half to the Municipal Litter and Defacement Fund; **provided,**  
25 that the violator may choose to perform community service not to

1 exceed one hundred (100) hours in lieu of payment of the fine. The  
2 community service shall include cleaning of roadsides, public  
3 grounds and the cleaning of public buildings and facilities within  
4 the municipality in which the violation took place. Such  
5 community service shall be assigned by the Mayor, or in his or her  
6 absence, by the Vice-Mayor. Any decision or action of the Mayor  
7 or Vice-Mayor pursuant to the authority of this subsection may be  
8 appealed to the Superior Court of Guam within thirty (30) days of  
9 the date of such decision or action."

10 **Section 4.** §40131 of Title 5, Guam Code Annotated, is hereby  
11 renumbered §40132, and a new §40131 is enacted to read:

12 **"§40131. Municipal Litter and Defacement Fund.** There is  
13 established a Municipal Litter and Defacement Fund for each  
14 municipality which shall be maintained separate and apart from  
15 any other funds of the government of Guam and independent  
16 records and accounts shall be maintained in connection therewith  
17 by the Department of Administration. Monies received from  
18 Paragraph (c) of §40115 of this Title shall be deposited into the  
19 Fund and shall be used by the Mayor and the Municipal Planning  
20 Council for beautification projects, including, but not limited to,  
21 the purchase of supplies."

22 **Section 5.** A new §26012.1 is hereby added to Chapter I, Title XXVII,  
23 Government Code, to read:

24 **"§26012.1. Guam Beautification Fund.** There is established  
25 a fund to be known as the Guam Beautification Fund which shall

1 be maintained separate from any other funds of the government  
2 of Guam. Independent records and accounts shall be maintained  
3 by the Department of Administration in connection therewith.  
4 Fifty percent (50%) of assessments, fines, bail forfeitures and  
5 other funds collected or received pursuant to §51204 of Title 10,  
6 Guam Code Annotated, and subject to the conditions of §40115 of  
7 Title 5, Guam Code Annotated, shall be deposited in the Guam  
8 Beautification Fund and used for landscaping, for planting of  
9 grass, shrubs, trees and flowers, and for other improvements to  
10 public recreational areas or other public lands that are the most  
11 visible to the public."

12 **Section 6. Assignment and appointment of temporary judges.** If the  
13 proper dispatch of the business of the Superior Court so requires, the  
14 Presiding Judge of the Superior Court may appoint one (1) or more judges **pro**  
15 **tempore** from among active attorney members of the Guam Bar Association  
16 in good standing to serve for designated temporary periods in the court under  
17 the following conditions: (i) Such judges shall only be appointed on a case-by-  
18 case basis as needed to try cases for which full-time judges are not available;  
19 and (ii) such judges shall meet all the academic and other qualifications of  
20 full-time judges. The Judicial Council shall establish a schedule of fees to be  
21 paid such judges **pro tempore** for their services, and the Superior Court is  
22 authorized to expend from its current budget the funds necessary to enable  
23 the court to utilize such services of such judges **pro tempore**.



6

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Date: 7/10/92

VOTING SHEET

Bill No. 279

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
<u>AGUON, John P.</u>	✓			
<u>ARRIOLA, Elizabeth P.</u>	✓			
<u>BAMBA, J. George</u>				✓
<u>BLAZ, Anthony C.</u>	✓			
<u>BORDALLO, Madeleine Z.</u>	✓			
<u>BROOKS, Doris F.</u>	✓			
<u>DIERKING, Herminia D.</u>	✓			
<u>DUENAS, Edward R.</u>	✓			
<u>ESPALDON, Ernesto M.</u>	✓			
<u>GUTIERREZ, Carl T.C.</u>	✓			
<u>LUJAN, Pilar C.</u>	✓			
<u>MAILLOUX, Gordon</u>	✓			
<u>MANIBUSAN, Marilyn D.A.</u>	✓			
<u>PARKINSON, Don</u>	✓			
<u>REIDY, Michael J.</u>	✓			
<u>RUTH, Martha C.</u>	✓			
<u>SAN AGUSTIN, Joe T.</u>	✓			
<u>SANTOS, Francisco R.</u>	✓			
<u>SHIMIZU, David L.G.</u>				✓
<u>TANAKA, Thomas V.C.</u>	✓			
<u>UNPINGCO, Antonio R.</u>	✓			

19

0

0

Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

May 13, 1992

**Committees:**

CHAIRPERSON:

**Rules**

**General  
Governmental  
Operations**

Honorable Joe T. San Agustin  
Speaker  
Twenty-First Guam Legislature  
Agana, Guam 96910

VICE CHAIRPERSON:

**Ways & Means**

Dear Mr. Speaker:

**Energy  
Utilities and  
Consumer  
Protection**

MEMBER:

**Economic and  
Agricultural  
Development**

**Education**

**Health,  
Ecology and  
Welfare**

The Committee on Rules, to which was referred Bill No. 279, "An act to amend §51204, to amend Paragraph (a) of §51207 all of Title 19, Guam Code Annotated, to renumber §40131, and to add a new §40131, and to add a new §26012.2 to Chapter I, Title XXVII of the Government Code; to amend the Litter Revolving Fund; to increase the penalty which Mayors may impose for sanitary, health and litter violators; to establish a Municipal Litter Fund; and to create a Guam Beautification Fund," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

TO DO PASS	<u>-9-</u>
NOT TO PASS	<u>-0-</u>
INACTIVE FILE	<u>-0-</u>
ABSTAIN	<u>-0-</u>

**Housing  
Community  
Development,  
Federal and  
Foreign Affairs**

**Judiciary  
and  
Criminal Justice**

**Tourism and  
Transportation**

**Youth, Senior  
Citizens, and  
Cultural Affairs**

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,

*Herminia Dierking*  
HERMINIA D. DIERKING

Enclosure:

COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS  
VOTE SHEET  
ON SUBSTITUTE BILL NO. 279

"AN ACT TO AMEND §51204, TO AMEND PARAGRAPH (a) OF §51207 ALL OF TITLE 10, GUAM CODE ANNOTATED; TO AMEND PARAGRAPH (c) OF §40115, TO RENUMBER §40131, AND TO ADD A NEW §40131, ALL OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW CHAPTER I, TO TITLE XXVII OF THE GOVERNMENT CODE; TO AMEND THE LITTER CONTROL REVOLVING FUND; TO INCREASE THE MAXIMUM PENALTY WHICH MAYORS MAY IMPOSE FOR SANITARY, HEALTH AND LITTER VIOLATORS; TO ESTABLISH A MUNICIPAL LITTER FUND; AND TO CREATE A GUAM BEAUTIFICATION FUND."

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TO DO PASS	NOT TO PASS	INACTIVE FILE:	ABSTAIN:
<u><i>H. Dierking</i></u> H. D. Dierking, Chairperson	✓			
<u><i>F. R. Santos</i></u> F. R. Santos, Vice-Chairperson	✓			
<u><i>J. T. San Agustin</i></u> J. T. San Agustin, Speaker & Ex-Officio	✓			
<u><i>J. G. Bamba</i></u> J. G. Bamba, Member	✓			
<u><i>A. C. Blaz</i></u> A. C. Blaz, Member	✓			
<u><i>E. R. Duenas</i></u> E. R. Duenas, Member	✓			
<u><i>C. T.C. Gutierrez</i></u> C. T.C. Gutierrez, Member				
<u><i>P. C. Lujan</i></u> P. C. Lujan, Member	✓			
<u><i>Marilou Manibusan</i></u> M. D.A. Manibusan, Member	✓ 5/12/92 <i>mdm</i>			
<u><i>D. Parkinson</i></u> D. Parkinson, Member	✓			

PROFILE ON  
SUBSTITUTE BILL NO. 279

Brief Title: "Strengthen Guam's Litter Laws."

Main Sponsor: Senators John P. Aguon, Carl T.C. Gutierrez, and David L.G. Shimizu.

Date Introduced: March 26, 1991.

Referral: To the Committee General Governmental Operations on March 26, 1991.

Committee Hearing: April 23, 1991.

Co-Sponsors: Senators Elizabeth P. Arriola, and Herminia D. Dierking, Anthony C. Diaz, Tommy V.C. Tanaka, and Antonio R. Unpingco.

Official Title: "An act to amend §51204, to amend Paragraph (a) of §51207 all of Title 10, Guam Code Annotated, to amend Paragraph (c) of §40115, to renumber §40131, and to add a new §40131, and to add a new §26012.1 to Chapter I, Title XXVII of the Government Code to amend the Litter Control Revolving Fund; to increase the maximum fine for littering penalty, to increase the penalty which Mayors may impose for sanitary, health and litter violators; to establish a Municipal Litter Fund; and to create a Guam Beautification Fund."

Recommendation: To Do Pass as Substituted.

## **A CLOSER LOOK**

The Committee finds that the island's litter problem has become a menace that must be stopped. Guam's public parks and roadways have become plagued with garbage that not only contributes to negative visual feelings but more importantly poses a sanitary and health hazard to the community.

Also, the Committee finds that in order for Guam to continue to reap the benefits from the tourist industry a systematic and control program must be established to provide for an annual beautification program. If the island and community as a whole fails to establish and control the growing litter problem, the people of Guam stand to jeopardize our most lucrative industry.

## **SECTION ANALYSIS**

Section 1 amends Paragraph (a) of §51202 of Title 10, Guam Code Annotated. The amendment includes all Mayors and Vice-Mayors as apprehending officers. The Committee finds that designation of Mayors, Vice-Mayors as apprehending officers, will serve as a deterrent to the litter problem that island residents are confronted with.

Also, Substitute Bill No. 279 authorizes the Mayors, Vice-Mayors to fine violators of sanitary, health and litter laws and regulations a minimum amount of \$200.00, and not more than \$1,000.00. Also, the Committee finds that fifty percent (50%) of the revenues derived from the imposition of the fines will be deposited into a Municipal Litter Fund and the remaining fifty percent (50%) deposited into the Litter Control Revolving Fund.

More importantly, the Committee finds that persons found guilty of littering may in lieu of payment choose to perform community service not to exceed 100 hours. The community service shall include the cleaning of roadsides, public grounds and buildings and facilities within the municipality in which the violation took place.

The fines shall be a minimum amount of \$200 and shall not exceed \$1,000.00. If a violator desires to challenge the charges levied against him, he may, within 30 days from the date of the citations appeal to the Superior Court of Guam.

The Committee also finds that in order to provide a continuing islandwide beautification program, a Municipal Litter Fund will be established within each community. Fifty percent (50%) of the revenues generated from the issuance of citations will be deposited into the Fund and will be used to purchase and fund beautification programs within the community.

Also, the Committee recognizing that Guam has a very limited area which if kept clean and free from litter can be considered as a paradise Island. However, the Committee also finds that there are some individuals who do not always have the best interests of the community at heart.

To provide for a continuing islandwide beautification program, a Guam Beautification Fund is established. The fund shall be maintained separate and apart and independent records kept. Monies to be deposited into the Beautification Fund shall be derived from fifty percent (50%) of the assessments, fines, bail forfeitures and other funds collected. The monies deposited into the Beautification Fund shall be used for landscaping, for planting of grass shrubs, trees and flowers and for other improvements to public recreational area or other public lands visible to the public.

Therefore, the Committee recommends that the Legislature pass Substitute Bill No. 279.

# Committee on General Governmental Operations

## Report on Substitute Bill No. 279

AN ACT TO AMEND TO AMEND §51204, TO AMEND PARAGRAPH (a) OF §51207 ALL OF TITLE 10, GUAM CODE ANNOTATED TO AMEND PARAGRAPH (c) OF §40115, TO RENUMBER §40131, AND TO ADD A NEW §40131 ALL OF TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW §26012.1 TO CHAPTER I, TITLE XXVII OF THE GOVERNMENT CODE TO AMEND THE LITTER CONTROL REVOLVING FUND; TO INCREASE THE MAXIMUM FINE FOR LITTERING; TO INCREASE THE PENALTY FOR WHICH MAYORS MAY IMPOSE FOR SANITARY, HEALTH AND LITTER VIOLATORS; TO ESTABLISH A MUNICIPAL LITTER FUND; AND TO CREATE A GUAM BEAUTIFICATION FUND.

Introduced by Senators

John P. Aguon, Carl T.C. Gutierrez, David L.G. Shimizu  
Elizabeth P. Arriola, Herminia D. Dierking, Anthony C. Blaz. Tommy T.C. Tanaka, and Antonio R. Unpingco.

### **PREFACE:**

The Committee on General Governmental Operations to which was referred Bill No. 279, "An act to amend §51204, to amend Paragraph (a) of §51207 all of Title 10, Guam Code Annotated, to amend Paragraph (c) of §40115, to renumber §40131 and to add a new §40131 all of Title 5, Guam Code Annotated, and to add a new §26012.1 to Chapter I, Title XXVII of the Government Code to increase the maximum fine for littering; to increase the penalty which Mayors may impose for sanitary, health and litter violators;

to establish a Municipal Litter Fund; and to create a Guam Beautification Fund," conducted a public hearing on April 23, 1991, at 10:00 a.m. in the Legislative Public Hearing Room.

Committee members present were senator Herminia D., Dierking, Chairperson, and Senators Marilyn D.A. Manibusan, Elizabeth P. Arriola, Anthony C. Blaz, and Speaker Joe T. San Agustin.

### **NOTIFICATION:**

Letters were sent to the Governor; the President and members of the Mayors' Council of Guam; the Administrator, Guam Environmental Protection Agency; the Attorney General; the Committee members; the news-media, and to the general public.

### **TESTIMONY & DISCUSSION:**

At this time, the Chairperson called on the respective Mayors and Vice-Mayors present to submit testimony on Bill No. 279.

First to testify was Mayor Tito Mantanona. According to Mayor Mantanona the legislation would grant the Mayors authority to clean up their respective villages. Empowering the Mayors to impose community services, said Mayor Mantanona, would deter against littering or spot dumping in the villages. This would be a step towards beautifying the villages and the island as a whole. In closing, Mayor Mantanona informed the Committee that he supports the passage of such legislation.

Mayor Isabel Haggard testified in support and requested clarification on the enforcement provisions and the legality of imposing the community service. Having been assured by the Committee that once enacted there would no problem in enforcing the community service provisions, Mayor Haggard urged the Committee to act favorably on the measure.

Next the Committee Chairperson called on Mr. Cliff Sterns. Mr. Sterns apprised the Committee that the legislation being heard



is most practical and stated his support. Mr. Sterns commended the Mayors for doing a good job. Giving them citation powers, he said, would allow the Mayors to do an even better job of beautifying their respective municipalities.

At this time, Mayor Frank Portusach expressed his concerns and disappointment in enforcement of Guam's Litter Law. According to Mayor Portusach, the Attorney General wrote and informed him that he has no authority to issue citations to enforce litter laws of the territory.

The Chairperson then recognized Mayor Greg Borja. The Mayor expressed his concerns on the authority of the Mayors to impose community service on those found guilty of littering. Mayor Borja testified that community service is the most harsh punishment that can be imposed on an individual. He continued suggesting that the Committee further review the implication called for in the legislation.

At this time Mayor Portusach interjected saying that on several occasion he contacted various departments and agencies regarding the removal of an abandoned vehicle, however, no one responded and the abandoned vehicle still remains.

Mr. John Quidachay, Vice-Mayor of Agat testified saying that the legislation is an outstanding measure that would allow the Mayors and Vice-Mayors to adequately perform their job in beautifying their community.

There being no further testimony, the Chairperson adjourned the Committee hearing on Bill No. 279.

## **SECTION ANALYSIS & FINDINGS:**

Please refer to page entitled "Profile on Substitute Bill No. 279."

## **RECOMMENDATION:**

The Committee on General Governmental Operations, to which was referred Bill No. 279, "An act to amend §51204, to amend Paragraph (a) of §51207 all of Title 10, Guam Code Annotated, to amend Paragraph (c) of §40115, to renumber §40131, and to add a new §40131 all to Title 5, Guam Code Annotated, and to add a new §26012.1 to Chapter I, Title XXVII of the Government Code; to amend the Litter Control Revolving Fund; to increase the maximum fine for littering; to increase the penalty which Mayors may impose for sanitary, health and litter violators; to establish a Municipal Litter Fund; and to create a Guam Beautification Fund, has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 279 *5/12/92*  
Substituted by the Committee on  
General Governmental Operations

Introduced by

J.P. AGUON  
C.T.C. GUTIERREZ  
D.L.G. SHIMIZU  
E.P. ARRIOLA  
H.D. DIERKING  
A.C. BLAZ  
T.V.C. TANAKA  
A.R. UNPINGCO  
*M. Manibusan*

AN ACT TO AMEND §51204, TO AMEND PARAGRAPH (a) OF §51207 ALL OF TITLE 10, GUAM CODE ANNOTATED; TO AMEND PARAGRAPH (c) OF §40115, TO RENUMBER §40131, AND TO ADD A NEW §40131 ALL TO TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW §26012.1 TO CHAPTER I, TITLE XXVII OF THE GOVERNMENT CODE TO AMEND THE LITTER CONTROL REVOLVING FUND; TO INCREASE THE MAXIMUM FINE FOR LITTERING; TO INCREASE THE PENALTY WHICH MAYORS MAY IMPOSE FOR SANITARY, HEALTH AND LITTER VIOLATORS; TO ESTABLISH A MUNICIPAL LITTER FUND; AND TO CREATE A GUAM BEAUTIFICATION FUND.

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

2 Section 1. §51204 of Title 10 Guam Code Annotated is hereby  
3 amended to read:

4 “§51204. Litter Control Revolving Fund.

5 There is established a fund to be known as the Litter Control  
6 Revolving Fund which shall be maintained separate and apart from any  
7 other fund of the Government of Guam and shall be administered by  
8 the Administrator. Independent records and accounts shall be  
9 maintained in connection therewith. [All] Except as provided in §40115  
10 of Title 5, Guam Code Annotated, Fifty Percent (50%) of all

1 assessments, fines, bail forfeitures and other funds collected or received  
2 pursuant to this Article shall be deposited in the Litter Control  
3 Revolving Fund and used for the administration and implementation of  
4 this Article; for education programs and advertisement promotions  
5 aimed at increasing awareness of litter problems; and for the clean-up  
6 of litter from public highways, streets, alleys, roads, public recreational  
7 areas or other public lands that are most visible to the public and Fifty  
8 Percent (50%) shall be deposited in the Guam Beautification Fund as  
9 provided in §26012.1 of Chapter I, Title XXVII, Government Code."

10 Section 2. Paragraph (a) of §51207 of Title 10, Guam Code Annotated  
11 is amended to read:

12 "(a) Littering shall be punishable by a fine of not less than Two  
13 Hundred Dollars (\$200.00) nor more than [Five Hundred Dollars  
14 (\$500.00)] One Thousand Dollars (\$1,000.00) which shall not be  
15 suspended by the Court. Additionally, any person convicted under this  
16 section may be ordered to pick up and remove litter from a public place  
17 under the supervision of the Agency, or as the court shall otherwise  
18 provide, for a period not [exceeding] less than eight (8) hours for each  
19 offense. Furthermore, persons convicted under this section may be  
20 required to pay the costs of removing any litter that they caused."

21 Section 3. Paragraph (c) of §40115 of Title 5, Guam Code Annotated is  
22 amended to read:

23 "(c) To fine violators of sanitary, [and] health and litter laws and  
24 regulations in an amount not [to exceed Ten Dollars] less than Two  
25 Hundred Dollars (\$200.00) and not more than One Thousand Dollars  
26 (\$1,000.00) and to pay over such fines [to the Treasurer of Guam] in  
27 the following manner: one half to the Litter Control Revolving Fund  
28 and one half to the Municipal Litter Fund; provided that the violator

1 may choose to perform community service not to exceed one hundred  
2 (100) hours in lieu of payment of the fine. The community service shall  
3 include cleaning of roadsides, public grounds and the cleaning of public  
4 buildings and facilities within the municipality in which the violation took  
5 place. Such community service shall be assigned by the Mayor, or in his  
6 or her absence the Vice-Mayor. Any decision or action of the  
7 [Commissioner] Mayor or [Assistant Commissioner] Vice-Mayor  
8 pursuant to the authority of this subsection may be appealed to the  
9 Superior Court of Guam within thirty (30) days of the date of such  
10 decision or action.”

11 Section 4. §40131 of Title 5, Guam Code Annotated is hereby  
12 renumbered to §40132, and a new §40131 is enacted to read:

13 “§40131. Municipal Litter Fund.

14 There is established a Municipal Litter Fund for each municipality  
15 which shall be maintained separate and apart from any other funds  
16 within the Government of Guam and independent records and  
17 accounts shall be maintained in connection therewith. Monies received  
18 from Paragraph (c) of §40115 shall be deposited into the Fund and shall  
19 be used by the Mayor and the Municipal Planning Council for  
20 beautification projects, including, but not limited to, the purchase of  
21 supplies.”

22 Section 5. A new §26012.1 is hereby added to Chapter I, Title XXVII,  
23 Government Code, to read:

24 “§26012.1. Guam Beautification Fund.

25 There is established a fund to be known as the Guam  
26 Beautification Fund which shall be maintained separate from any other  
27 funds of the government of Guam. Independent records and accounts  
28 shall be maintained in connection therewith. Fifty percent (50%) of

1 assessments, fines, bail forfeitures and other funds collected or received  
2 pursuant to §51204 of Title 10 Guam Code Annotated and subject to  
3 the conditions of §§40115 of Title 5 Guam Code Annotated, shall be  
4 deposited in the Guam Beautification Fund and used for landscaping,  
5 for planting of grass, shrubs, trees and flowers and for other  
6 improvements to public recreational areas or other public lands that are  
7 the most visible to the public.”

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 279

Introduced by:

J. P. AGUON  
C. T. C. GUTIERREZ  
D. L. G. SHIMIZU

---

AN ACT TO AMEND SUBPARAGRAPH (a) OF §51202, TITLE 10, GUAM CODE ANNOTATED, TO INCLUDE MUNICIPAL PLANNING COUNCIL MEMBERS IN THE DEFINITION OF "APPREHENDING OFFICERS" UNDER THE LITTER CONTROL ACT.

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

2 Section 1. Subparagraph (a) of §51202, Title 10, Guam Code  
3 Annotated, is amended to read:

4 "(a). "Apprehending Officers" shall mean any designated  
5 individual with the Department of Parks and Recreation, the  
6 Department of Agriculture, the Guam Environmental Protection  
7 Agency, the Department of Public Health and Social Services, the  
8 Department of Public Works, [and] all village [commissioners]  
9 mayors, and assistant [commissioners,] mayors, all members of the  
10 various municipal planning councils, any peace officer in the Guam  
11 Police Department and persons making citizens arrests."



Senator **HERMINIA D. DIERKING**

21st GUAM LEGISLATURE

**Committees:**

CHAIRPERSON:

**Rules**

**General  
Governmental  
Operations**

VICE CHAIRPERSON:

**Ways & Means**

**Energy  
Utilities and  
Consumer  
Protection**

MEMBER:

**Economic and  
Agricultural  
Development**

**Education**

**Health,  
Ecology and  
Welfare**

**Housing  
Community  
Development,  
Federal and  
Foreign Affairs**

**Judiciary  
and  
Criminal Justice**

**Tourism and  
Transportation**

**Youth, Senior  
Citizens, and  
Cultural Affairs**

March 26, 1991

MEMORANDUM

TO: Chairperson, Committee on General  
Governmental Operations

FROM: Chairperson, Committee on Rules

SUBJECT: Referral - Bill No. 279

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

*Herminia D. Dierking*  
**HERMINIA D. DIERKING**

Enclosure

**ACKNOWLEDGEMENT RECEIPT**

Received By *PAC*

Time *9:50am*

Date *3-27-91*





FRANK M. PORTUSACH  
MAYOR OF AGANA HEIGHTS

*Ufisinan I Mayõt*  
*Office of the Mayor*  
*District of Agana Heights*

April 23, 1991



The Honorable  
Herminia D. Dierking  
Chairperson, Committee on  
General Governmental Operations  
Senator, 21st Guam Legislature

Re: Bill #279 - An act to amend the Government Code to include  
Municipal Planning Council members in the definition of  
"Apprehending Officers" under the Litter Control Act

Good Morning Honorable Chairperson and Members of this Committee:

For too long, we failed to recognize that there are two levels of operations in the government, the territorial and the municipal. It is time we start realizing and recognizing the efforts and full potential of the municipal government. The Mayors and the Municipal Planning Councils of Guam believe strongly in the constant upkeep of their respective areas, both for aesthetic and safety reasons.

On behalf of the Municipal Planning Council of Agana Heights, I urge this body to support the passage of this bill to enable the Mayors and the Municipal Planning Council to further protect and promote the public health, safety and well-being of the residents of the community.

Si yu'os ma'ase to the sponsors of Bill No. 279.

Sincerely,

  
FRANK M. PORTUSACH

RECEIVED  
COMMITTEE ON RULES  
DATE: 4-24-91  
TIME: 2:23 PM  
BY: W. I. I. I.



BUREAU OF BUDGET & MANAGEMENT RESEARCH  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910



GIOVANNI T. SGAMBELLURI  
Director

APR 23 1991

The Bureau requests that Bill Nos. 279 be granted a waiver pursuant to Public Law 12-229 for the following

reason(s). *Bill 279 is administrative in nature and does not pose a financial impact to the Government of Guam. The intent of the Bill is to amend the titles referencing Commissioners/ Assistant Commissioners to their current titles of Mayors/ Vice Mayors, and to include Municipal Planning Council members in the definition of "Apprehending Officers" under the Litter Control Act.*

Giovanni T. Sgambelluri  
Acting

*4/23/91*

*HA*

**COMMITTEE ON  
GENERAL GOVERNMENTAL OPERATIONS**

**Tuesday, April 23, 1991  
8:30 a.m. Legislative Public Hearing Room**

**PUBLIC HEARING AGENDA**

**8:30 a.m., WOMEN'S ISSUES:**

Bill 116... An act to add a new Article 8 to Title 5, Guam Code Annotated, establishing the Bureau of Women's Affairs within the Office of the Governor.

Bill 204... An act amend §4107 of Title 4, Guam Code Annotated, increasing maternity leave for government employees.

**MUNICIPAL ISSUES:**

Bill 40... An act to empower Mayors to impose community service against any individual who is guilty of littering within a village boundary.

Bills 136, 159, 177... An act to amend the Government Code to provide \$50.00 stipends for members of Municipal Planning Councils.

Bill 155... An act to amend the provisions of the Unsafe Structure Removal Legislation of Public Law 16-56 and giving Mayors citation authority to facilitate removal of unsafe structures.

Bill 279... An act to amend Subparagraph (a) of §51022, Title 10, Guam Code Annotated, to include Municipal Planning Council members in the definition of "Apprehending Officers" under the Litter Control Act.

**AGANA COMPREHENSIVE PLANNING:**

Bill 151... An act to establish the Agana Comprehensive Planning Commission within the Bureau of Planning to plan and oversee the restoration of the City of Agana, to authorize the conduct of public hearings, the submission of reports, and to cite the act as the Agana Comprehensive Planning Commission Act of 1991.

**UNIFORM GRID SYSTEM:**

Bill 286... An act to create the Islandwide Grid Uniform Addressing System or IGUAS.

**RECESS:**

**1:30 p.m., ELECTION REFORM:**

Bill 83... An act to amend certain sections relative to the deposit to ensure removal of political signs by candidates for election and to add new Subsections (11) and (12) to Section 17400.1 of the Government Code regulating the size of wooden or metal freestanding signs.

Bill 148... An act to add a new Paragraph (e) to §2101; to add a new Paragraph (c) to §2103; to add new Paragraphs (b) and (c) to §2106; to assure the autonomy of the Commission; to amend §§ 3101, 3106 and 3108, to comply with registration procedures; to repeal and reenact §9113, to provide for distance markers; and to repeal and reenact §§ 9124 and 9126 to determine residency for voters; all pertaining to Title 3, Guam Code Annotated; and to cite the Act as the Election Reform Act of 1991.

**LEGISLATIVE STAGGERED TERMS:**

Bill 290... An act to institute staggered terms for Guam Legislators, and to amend Title 2, Guam Code Annotated accordingly.

**CIVIL SERVICE COMMISSION:**

Bill 3... An act to repeal and reenact §4401, and to add a new 66224 to Title 4, Guam Code Annotated, creating an independent Civil Service Commission.

Bill 304... An act to add a new Article 4 to Chapter 6 of Title 4, Guam Code Annotated to establish a Commission on Salaries of Elected Officials; to provide for the appointment of members; to prescribe duties and responsibilities; and to cite the Act as the Elected Officials Salaries Compensation Commission Act of 1991.

**HAY REPORT:**

Continuation of Oversight Hearing on the Hay Report.

**ADJOURNMENT:**

**GENERAL GOVERNMENTAL OPERATIONS  
COMMITTEE TO CONDUCT HEARINGS ON  
TUESDAY, APRIL 23, 1991.**

Senator Herminia D. Dierking, Chairman of the Committee on General Governmental Operations, announced today that the Committee will hold hearings on Tuesday, April 23, 1991, at 8:30 a.m. in the Legislative Public Hearing Room. According to Dierking, the following issues will be on agenda:

WOMEN'S ISSUES

Bill 116, an act to establish the Bureau of Women's Affairs within the Governor's Office.

Bill 204, an act to increase maternity leave for government employees.

MUNICIPAL ISSUES

Bill 40, an act to empower Mayors to impose community service against individuals found guilty of littering within their municipal boundaries.

Bills 136, 159, 177, an act to provide a \$50.00 stipend for Municipal Planning Council members.

Bill 155, an act to amend provisions of the Unsafe Structure Removal Act, to grant Mayors citation authority to facilitate the removal of unsafe structures.

Bill 279, an act to include Municipal Planning Council members in the definition of Apprehending Officers under the Litter Control Act.

AGANA COMPREHENSIVE PLANNING

Bill 151, an act establishing the Agana Comprehensive Planning Commission to oversee the restoration of Agana.

UNIFORM GRID SYSTEM

Bill 286, an act to create the Island-wide Grid Uniform Addressing System of IGUAS.

ELECTION REFORM

Bill 83, an act to regulate the size of campaign signs.

Bill 148, an act to assure the autonomy of the Election Commission, to amend various sections, to comply with registration procedures, to regulate distance markers, to determine residency for voters, and to reform the election process.

LEGISLATIVE STAGGERED TERMS

Bill 290, an act to institute staggered terms of members of the Guam Legislature.

CIVIL SERVICE COMMISSION

Bill 3, an act to create an independent Civil Service Commission.

Bill 304, an act establish a Commission on Salaries of Elected Officials.

HAY REPORT

Continuation from the March 26, 1991 hearing.

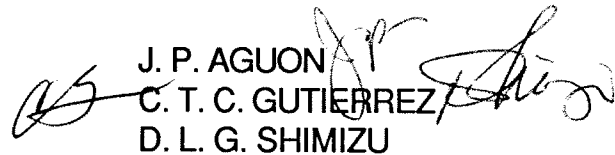
According to Senator Dierking, officials from the various departments and agencies have been invited to attend and submit the Administrations studied opinion. The Senator also urges concerned residents to attend and participate.

APR 03 '91

TWENTY-FIRST GUAM LEGISLATURE  
1991 (FIRST) Regular Session

Bill No. 279 (COR)

Introduced by:

  
J. P. AGUON  
C. T. C. GUTIERREZ  
D. L. G. SHIMIZU

---

AN ACT TO AMEND SUBPARAGRAPH (a) OF §51202, TITLE 10, GUAM CODE ANNOTATED, TO INCLUDE MUNICIPAL PLANNING COUNCIL MEMBERS IN THE DEFINITION OF "APPREHENDING OFFICERS" UNDER THE LITTER CONTROL ACT.

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

2 Section 1. Subparagraph (a) of §51202, Title 10, Guam Code  
3 Annotated, is amended to read:

4 "(a). "Apprehending Officers" shall mean any designated  
5 individual with the Department of Parks and Recreation, the  
6 Department of Agriculture, the Guam Environmental Protection  
7 Agency, the Department of Public Health and Social Services, the  
8 Department of Public Works, [and] all village [commissioners]  
9 mayors, and assistant [commissioners,] mayors, all members of the  
10 various municipal planning councils, any peace officer in the Guam  
11 Police Department and persons making citizens arrests."