

Territory of Guam
San Antonio, Guam

OCT 02

The Honorable Pilar C. Lujan
Acting Speaker
Twenty First Guam Legislature
Agana, Guam 96910

Dear Madame Speaker:

Enclosed herewith is Substitute Bill No. 962 which I have signed into law as Public Law 21-141.

This measure is a corrective one to Public Law 21-126. Section 1 addresses the concern addressed to the Legislature in the Acting Governor's message on Public Law 21-126. However, the Legislature in amending this section again created a disparity in the minimum fine as between 10 GCA §51206 and 5 GCA §40115(c). In Title 10 the fine is a minimum of \$200 and in Title 5 the fine is a minimum of \$500.

Further, the addition of a Subsection (d) increasing the Department of Public Works security personnel is inappropriate under the section governing Mayors. I recommend two additional personnel be hired at Guam Environmental Protection Agency instead.

The litter problem on Guam is a serious one. The enactment of Public Law 21-126 and this amendment to it should make our island a cleaner one.

Si Yu'os Ma'ase.


Cordially,


JOSEPH F. ADA
Governor

210961

OWNER TO
LEGISLATIVE SECRETARIAT

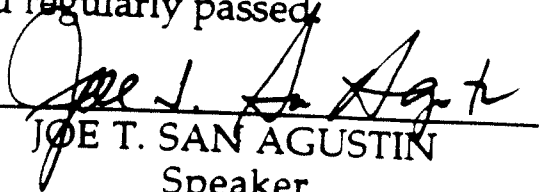
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TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

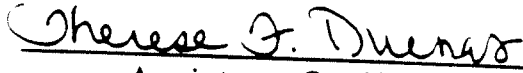
This is to certify that Substitute Bill No. 962 (LS), "AN ACT TO AMEND PARAGRAPH (c) OF, AND TO ADD PARAGRAPH (d) TO §40115, TITLE 5, GUAM CODE ANNOTATED, REGARDING MAYORAL CITATIONS OF VIOLATORS OF LITTER AND DEFACEMENT LAWS, MAKING AN APPROPRIATION THEREFOR, AND AUTHORIZING A CONTEST," was on the 18th day of September, 1992, duly and regularly passed


JOE T. SAN AGUSTIN
Speaker

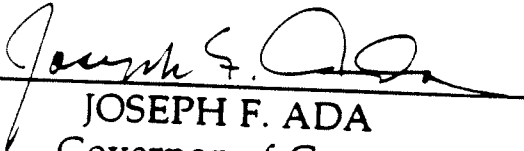
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 21st day of September, 1992,
at 4:52 o'clock P.M.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: OCT 09 1992

Public Law No. 21-141

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 962 (LS)
As amended on the floor

Introduced by:

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

AN ACT TO AMEND PARAGRAPH (c) OF, AND TO ADD PARAGRAPH (d) TO §40115, TITLE 5, GUAM CODE ANNOTATED, REGARDING MAYORAL CITATIONS OF VIOLATORS OF LITTER AND DEFACEMENT LAWS, MAKING AN APPROPRIATION THEREFOR, AND AUTHORIZING A CONTEST.

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

1 **Section 1.** Paragraph (c) of §40115 of Title 5, Guam Code Annotated, is
2 amended to read:

3 "(c) To fine violators of sanitary and health laws and to cite
4 violators of litter and defacement laws and regulations. Such
5 citations shall be accompanied by an order to appear at the Traffic
6 Court Division of the Superior Court of Guam, pursuant to
7 §51206 of Title 10, Guam Code Annotated. The Traffic Court shall
8 have the authority to impose a fine to those found guilty of
9 violating such laws and regulations in an amount not less than
10 Five Hundred Dollars (\$500) and not more than One Thousand
11 Dollars (\$1,000) and to pay over such fines in the following
12 manner: one half to the Litter and Defacement Control
13 Revolving Fund and one half to the Municipal Litter and
14 Defacement Fund; or to perform community service not to exceed
15 one hundred (100) hours or both. The community service shall
16 include cleaning of roadsides, public grounds and the cleaning of
17 public buildings and facilities within the municipality in which the
18 violation took place. Such community service shall be assigned by
19 the Mayor, or in his or her absence, by the Vice-Mayor. Any
20 decision or action of the Mayor or Vice-Mayor pursuant to the
21 authority of this subsection may be appealed to the Superior
22 Court of Guam within thirty (30) days of the date of such decision
23 or action."

24 **Section 2.** A new paragraph (d) is added to §40115 of Title 5, Guam
25 Code Annotated, to read:

1 "(d) The Department of Public Works is authorized to hire
2 additional security personnel to enforce the provisions of this
3 section."

4 **Section 3.** Fifty Thousand Dollars (\$50,000) are appropriated from the
5 General Fund to the Department of Public Works to fund the provision of
6 §40115(d) of Title 5, Guam Code Annotated.

7 **Section 4.** As part of the educational process on litter and environment,
8 the Guam Environmental Protection Agency shall conduct a public contest in
9 the forms of a painting contest, an essay contest, a poetry contest or a music
10 contest.

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 9/18/92

VOTING SHEET

Bill No. 962
 Resolution No. _____
 Question: _____

	<u>AYE</u>	<u>NO</u>	<u>NOT VOTING</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
<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>	✓			

M D C M D

Introduced

SEP 14 '92

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 962 (LS)

Introduced by:

J. P. Aguon 

AN ACT TO AMEND PARAGRAPH (c) OF §40115, TITLE 5, GUAM CODE ANNOTATED, REGARDING MAYORAL CITATIONS OF VIOLATORS OF LITTER AND DEFACEMENT LAWS.

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6 and defacement laws and regulations. Such citations shall be
7 accompanied by an order to appear at the Traffic Court Division
8 of the Superior Court of Guam, pursuant to §51206 of Title 10,
9 Guam Code Annotated. The Traffic Court shall have the
10 authority to fine those found guilty of violating such laws and
11 regulations in an amount not less than Two Hundred Dollars
12 (\$200) and not more than One Thousand Dollars (\$1,000) and to
13 pay over such fines in the following manner: one half to the Litter
14 and Defacement Control Revolving Fund and one half to the
15 Municipal Litter and Defacement Fund; **provided**, that the

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