



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OCT 19 2000

The Honorable Joanne M. S. Brown  
Legislative Secretary  
I Mina'Bente Singko na Liheslaturan Guåhan  
Twenty-Fifth Guam Legislature  
Suite 200  
130 Aspal Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1:37 P.M.</u>
Date	<u>19 Oct 2000</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 409 (COR), "AN ACT TO AMEND §80.94(d) AND ADD §81.10(f) TO TITLE 9, TO ADD §51205(d) AND AMEND §51207(a) OF TITLE 10, AND TO AMEND §40115(c) OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LITTER FINES ON GUAM" which I have signed into law as Public Law No. 25-170.

This legislation adjusts the mandatory fines for littering, and reduces the minimum fine from \$500 to \$100. This makes the enforcement of the anti-littering laws easier for both law enforcement and the courts. A more reasonable fine is more likely to be applied to violators, which means that less littering may take place as the public realizes that there is a fine imposed.

There are some amendments which may need to be made, however, to this legislation. For example, the language "violation" and "petty misdemeanor" contained in §51205(d) of Title 10, Guam Code Annotated, appearing on lines 12 and 14 of page 3 of the bill, need to be reconciled. The use of these two different terms may cause confusion for enforcement, since a violation is usually not a criminal offense and involves a fine, whereas a petty misdemeanor may subject the offender to a fine and a 60 day term of imprisonment as well.

The second amendment which may need to be made is to amend §51204 of Title 10, Guam Code Annotated. This code section is not amended in this legislation, however, there are inconsistent depositories mentioned in §51207(a) of Title 10, Guam Code Annotated for the deposit of fines for littering. §51207(a) of Title 10, Guam Code Annotated, on line 1, page 4 of the legislation, indicates that all fines are to be deposited in the Litter and Defacement Control Revolving Fund for the use of the Guam Environmental Protection Agency. The cite within that Section to §51204 of Title 10, Guam Code Annotated, redirects the money again to two different funds: ½ is to be deposited into the GEDA Litter and Defacement Control Revolving Fund, and ½ is to be

01128

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) Regular Session

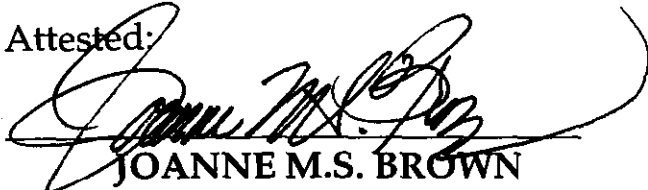
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 409 (COR) "AN ACT TO AMEND §80.94(d) AND ADD §81.10(f) TO TITLE 9, TO ADD §51205(d) AND AMEND §51207(a) OF TITLE 10, AND TO AMEND §40115(c) OF TITLE 5, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO LITTER FINES ON GUAM," was on the 5<sup>th</sup> day of October 2000, duly and regularly passed.



ANTONIO R. UNPINGCO  
Speaker

Attested:



JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guahan* this 10<sup>th</sup> day of October, 2000,  
at 4:55 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: 10-19-00

Public Law No. 25-170

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**2000 (SECOND) Regular Session**

**Bill No. 409 (COR)**

As substituted by the Committee  
on Natural Resources and amended on the Floor.

Introduced by:

J. M.S. Brown  
F. B. Aguon, Jr.  
E. C. Bermudes  
A. C. Blaz  
E. B. Calvo  
M. G. Camacho  
Mark Forbes  
L. F. Kasperbauer  
A. C. Lamorena, V  
C. A. Leon Guerrero  
K. S. Moylan  
V. C. Pangelinan  
J. C. Salas  
S. A. Sanchez, II  
A. R. Unpingco

**AN ACT TO AMEND §80.94(d) AND ADD §81.10(f) TO  
TITLE 9, TO ADD §51205(d) AND AMEND §51207(a)  
OF TITLE 10, AND TO AMEND §40115(c) OF TITLE 5,  
ALL OF THE GUAM CODE ANNOTATED,  
RELATIVE TO LITTER FINES ON GUAM.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 recognizes the importance of maintaining the beauty and cleanliness of our  
4 Island for our visitors and residents. Enforcement of the Guam litter laws is

1           Guam within thirty (30) days of the date of such decision or action.”

2           **Section 7. Effective Date.** This Act shall take effect upon its approval by  
3 *I Maga'lahen Guåhan*, or upon its becoming law without such approval.

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

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) Regular Session

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\_\_\_\_\_  
**ANTONIO R. UNPINGCO**  
Speaker

Attested:

\_\_\_\_\_  
**JOANNE M.S. BROWN**  
Senator and Legislative Secretary

.....  
This Act was received by *I Maga'lahen Guahan* this \_\_\_\_\_ day of \_\_\_\_\_, 2000,  
at \_\_\_\_\_ o'clock \_\_\_\_\_.M.

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

APPROVED:

\_\_\_\_\_  
**CARL T. C. GUTIERREZ**  
*I Maga'lahen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN**  
**2000 (SECOND) Regular Session**

**Bill No. 409 (COR)**

As substituted by the Committee  
on Natural Resources and amended on the Floor.

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OF TITLE 10, AND TO AMEND §40115(c) OF TITLE 5,  
ALL OF THE GUAM CODE ANNOTATED,  
RELATIVE TO LITTER FINES ON GUAM.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 recognizes the importance of maintaining the beauty and cleanliness of our  
4 Island for our visitors and residents. Enforcement of the Guam litter laws is

1 critical to decreasing the amount of litter that is found throughout Guam.  
2 Reducing the litter fine from a minimum of Five Hundred Dollars (\$500.00) to  
3 One Hundred Dollars (\$100.00) is intended to provide a more reasonable and  
4 enforceable fine for persons convicted of litter violations.

5 The previous minimum fine of Five Hundred Dollars (\$500.00) per litter  
6 violation has *not* encouraged greater enforcement, nor has it reduced the amount  
7 of litter around Guam.

8 *I Liheslaturan Guåhan* also recognizes that litter found on Guam's highways  
9 is often thrown from an occupied moving vehicle. Therefore, *I Liheslaturan*  
10 *Guåhan* intends to encourage greater enforcement by the Guam Police  
11 Department and other enforcement entities to issue litter citations in such cases.  
12 *I Liheslaturan Guåhan* further recognizes the benefits to the overall community by  
13 maintaining a clean and litter-free Island. As a positive reinvestment in the  
14 Community, *I Liheslaturan Guåhan* desires to encourage greater litter cleanups as a  
15 part of community service sentences in criminal cases.

16 **Section 2.** Section 80.94(d) of Article 6, Chapter 80 of Title 9 of the Guam  
17 Code Annotated is hereby *amended* to read as follows:

18 "(d) The sentencing judge shall give consideration to any  
19 community service that benefits the public and is beneficial to the offender.

20 Any charity, governmental agency or public cause that qualifies for a tax  
21 deduction to any donor under United States income tax laws or the tax  
22 laws of Guam shall be deemed beneficial to the public. Any person  
23 convicted of Driving Under the Influence, as defined by 16 G.C.A.  
24 §18101(a) *et seq.*, shall serve *at least* one-half (1/2) of that person's  
25 community service, working in the litter cleaning program created by 9

1 G.C.A. §81.10, *unless* the Court determines that the defendant is prevented  
2 from working in said program by mental or physical infirmity.”

3 **Section 3.** Section 81.10(f) is hereby *added* to Chapter 81 of Title 9 of the  
4 Guam Code Annotated to read as follows:

5 “(f) This Section shall apply to any person who is convicted *for the*  
6 *first time* of Driving Under the Influence, as defined by 16 G.C.A. §18101(a),  
7 *et seq.*”

8 **Section 4.** Section 51205(d) is hereby *added* to Article 2, Chapter 51, Part 2,  
9 Division 2, Part I of Title 10 of the Guam Code Annotated to read as follows:

10 “(d) Any person who violates this Section while occupying a motor  
11 vehicle which is moving, or located on public property or a public right of  
12 way, shall be deemed to have committed a violation *not only* of this Section,  
13 but of Chapter 3 of Title 16 of the Guam Code Annotated, and shall be  
14 guilty of a petty misdemeanor.”

15 **Section 5.** Section 51207(a) of Article 2, Chapter 51, Part 2, Division 2, Part  
16 I of Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

17 “(a) Littering shall be punishable by a fine of *not less than* One  
18 Hundred Dollars (\$100.00), nor more than One Thousand Dollars  
19 (\$1,000.00). Any person convicted of a second or subsequent litter offense  
20 shall be required by the Court to pick up and remove litter from a public  
21 place under the supervision of the Superior Court of Guam’s Probation  
22 Office, or its designee, or as the Court shall otherwise provide, for a period  
23 of *not less than* eight (8) hours for each offense.

24 Any person convicted of any litter offense may also be required by  
25 the Court to pay the cost of removing the litter they caused. The Superior



1 Court of Guam shall transfer all money collected to pay fines imposed  
2 under this Section to the Guam Environmental Protection Agency for use in  
3 the Litter and Defacement Control Revolving Fund established by §51204  
4 of Title 10 of the Guam Code Annotated. Any peace officer, as that term is  
5 defined by §5.55 of Title 8 of the Guam Code Annotated, may issue a  
6 citation for a litter offense.”

7 **Section 6.** Section 40115(c) of Chapter 40, Division 4 of Title 5 of the Guam  
8 Code Annotated is hereby *amended* to read as follows:

9 “(c) To fine violators of sanitary and health laws and to cite  
10 violators of litter and defacement laws and regulations. Such citations  
11 shall be accompanied by an order to appear at the Traffic Court Division of  
12 the Superior Court of Guam, pursuant to 10 G.C.A. §51206. The Traffic  
13 Court shall have the authority to impose a fine to those found guilty of  
14 violating such laws and regulations in an amount *not less than* One  
15 Hundred Dollars (\$100.00) and *not more than* One Thousand Dollars  
16 (\$1,000.00), and to pay over such fines in the following manner: one-half  
17 (1/2) to the Litter and Defacement Control Revolving Fund and one-half  
18 (1/2) to the Municipal Litter and Defacement Fund, or to perform  
19 community service *not to exceed* one hundred (100) hours, or both.

20 The community service shall include cleaning of roadsides, public  
21 grounds and the cleaning of public buildings and facilities within the  
22 municipality in which the violation took place. Such community service  
23 shall be assigned by the Mayor, or in the Mayor’s absence, by the Vice-  
24 Mayor. Any decision or action of the Mayor or Vice-Mayor pursuant to the  
25 authority of this Subsection may be appealed to the Superior Court of

1           Guam within thirty (30) days of the date of such decision or action.”

2           **Section 7. Effective Date.** This Act shall take effect upon its approval by  
3 *I Maga’lahen Guåhan*, or upon its becoming law without such approval.

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

**Committee on Natural Resources**  
**Senator Joanne M.S. Brown, Chairperson**  
**Thursday, June 8, 2000, 9:00 a.m.**

**COMMITTEE REPORT**

**BILL 409(COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**

The Committee on Natural Resources held a public hearing on Bill 409 on Thursday, June 8, 2000, 9:00 a.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna. The Senators and Committee Members present were:

Senator Joanne M.S. Brown, Chairperson  
Senator Marcel G. Camacho  
Senator Vicente C. Pangelinan  
Senator John C. Salas  
Senator Kaleo S. Moylan  
Vice Speaker Lawrence F. Kasperbauer

**Senator Joanne Brown**, Chairperson, commenced the Public Hearing with the introduction of the Committee Members and proceeded to hear the testimony on Bill 409. Testimonials were presented in support of Bill 409 by:

Mr. Brad Hokanson, Chairman, Guam Environmental Protection Agency Board of Directors;  
Ms. Eloise Baza, President, Chamber of Commerce;  
Mr. Mark Tsuda, Chairman, Tourism Committee, Chamber of Commerce;  
Mr. Steven Kasperbauer, Member, Tourism Committee, Chamber of Commerce;  
Mr. Richard Lim, Member, Tourism Committee, Chamber of Commerce;  
Talofofo Mayor Vicente S. Taitague.

**Mr. Brad Hokanson** provided testimony in favor of Bill 409 and recommended that the Committee consider an option for 1<sup>st</sup> offenders to pay half the fine and do 8 hours of community service of litter cleanup and 2<sup>nd</sup> offenders should do 16 hours of litter cleanup.

**Mr. Mark Tsuda**, Chairman, Tourism Committee of the Guam Chamber of Commerce presented and read written testimony in support of Bill 409 and thanked Senator Brown for taking the initiative to address the litter citation enforcement. (Testimony attached)

**Ms. Eloise Baza**, President, Chamber of Commerce expressed the Chamber's full support for Bill 409 and shared information pertaining to the Tourism Committee's development of the "Na Bunitu Guam" Campaign and the importance of the overall community participation in developing educational awareness and outreach efforts that are specific to what best works for our community to deter littering on Guam.

**Mr. Steven Kasperbauer**, Member, Tourism Committee, Chamber of Commerce, offered the following recommendations in clarifying the definitions/language of the bill:

1) A motor vehicle on any public property or public right of way. Intentional litter occurs from cars that are parked on beaches, parking lots, etc.

2) Litter that comes from a vehicle moving on the roadway could be considered a moving violation. This could impact the license holder and their driving record which would give them greater concern because it would be a hazard.

3) There needs to be a clear definition of who would be assessed the fine: the driver or the violator. In the case of a minor: who's responsible? Driver, parents, or minor?

4) The intent of this litter law should not be confused with the definition of dumping versus littering.

**Mr. Richard Lim**, Member, Tourism Committee, Chamber of Commerce spoke in support of Bill 409, emphasizing that the bill focuses on roadside litter and proposed that a task force be formed of all agencies with the authority to enforce litter citations to clarify enforcement areas.

**Mayor Vicente Taitague** of Talofofo testified that he supports the intent of the Bill, however, he asked who would get the money from the litter violations. **Senator Brown** answered in reference to earlier recommendations that as an incentive, the entity that issues the citations should receive the money for those violations, however, all legal aspects would need to be reviewed.

Both **Senator Marcel Camacho** and **Vice-Speaker Larry Kasperbauer** questioned the reduction of the litter fine and its enforcement. **Mr. Mark Tsuda** responded that their discussions with the Guam Police Department indicated that oftentimes the courts throw out litter violations because the fines are too high and when people contest the high fine, the officers who cite the individuals are required to be present at court, so its not worth the trouble. Senator Brown further elaborated that most people do contest the ticket and historically the judges have let it go because they don't agree with the \$500 fine. The language does not limit the option for the judge or the person giving the ticket to set the amount of the fine from a minimum of \$100 nor more than \$1000.

**Vice-speaker Kasperbauer** appreciated the emphasis of the bill to include litter cleanup as community service because the social disgrace of being seen picking up litter on the roadside as a penalty for litter violations would have a greater effect in deterring the offender from repeating the violation.

**Senator Joanne Brown** announced that the Committee on Natural Resources will hold a mark up session to further address the recommendations on the language of Bill 409. The Guam Environmental Protection Agency, the Guam Police Department, and the Superior Court of Guam submitted written testimony in favor of Bill 409 with recommended changes. **The public hearing adjourned at 10:29 a.m.**

**Committee on Natural Resources**

Senator Joanne M. S. Brown, Chairperson

**Tuesday, July 11, 2000**

**9:00 a.m.**

**COMMITTEE REPORT**

The Committee on Natural Resources held a **Mark up meeting on Bill No. 409 (COR): An act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

The Mark-up meeting took place at the Legislative Public Hearing room. Present at the meeting were as follows:

Senator Joanne M. S. Brown, Chairperson

Senator John Salas

Senator Alberto Lamorena

Senator Lawrence Kasperbauer

Mr. Mark Tsuda, Chairman, Guam Chamber of Commerce

Ms. Eloise Baza, President, Guam Chamber of Commerce

**Senator Joanne Brown** welcomed everyone for attending the Mark-up meeting that commenced at 9:20 a.m.

▪ The amendments to the Bill were:

- 1) The driver of a vehicle occupied by a person who litters will also be liable. If the minor is the violator, then the parent(s) or guardian(s) of the minor who is present in the vehicle at the time of the violation shall also be liable.
- 2) The money from the litter violation would go to the appropriate agency that issued the fine. However, further research is necessary to determine the legality as to whether the fining authority should receive

the money as an incentive, or should the money go to the litter fund for environmental awareness and education.

Important issues that were discussed included the following:

- Further research was recommended with regard to whether departments or agencies that apprehended the wrongdoer could collect the fine as not all departments and agencies have a litter fund.
- Whether the fine that is collected would be best consolidated in a litter education program.
- Whether all money collected could be given to the litter fund to be used for educational outreach.
- The Committee hopes to work with the Lt. Governor and the Chief of Police regarding violation and enforcement.
- Emphasis, shared by all present, on good attitude in keeping the island clean is something the island leadership lacks. The island of Saipan was commended for maintaining its beauty.
- The legality on whether the less fortunate people, with a low income, who are not able to pay for their litter fine could pay the community back by doing labor in return must be further scrutinized.
- Consider Adopting a Park or adopting a project on the island may make a great difference in getting everyone to work together.

Mr. Tsuda added:

- All money collected by departments, agencies or mayor offices would also act as an incentive.

Ms. Baza suggested:

- After the passage of the statute, we should all go back and meet the law enforcement officers in order to continue the partnership.

The Mark-Up Meeting ended at 10:45 a.m.

**Mina' Bente Singko Na Liheslaturan Guahan**

***COMMITTEE ON NATURAL RESOURCES***

**MARK-UP MEETING**

**Tuesday, July 11, 2000, 9:00 a.m.**

**Bill No. 409 (COR): An Act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

***SIGN IN SHEET***

<i>Names</i>	<i>Representing</i>
<i>Mark T. Tsuda</i>	<i>Guam Chamber of Commerce</i>
<i>ELYSE R. BAZA</i>	<i>" " " "</i>



**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**

**COMMITTEE ON NATURAL RESOURCES**

**SENATOR JOANNE M.S. BROWN  
CHAIRPERSON**

**Public Hearing on Bill No. 409 (COR) and Bill No. 427 (COR)**

**Thursday, June 08, 2000, 9:00 a.m.  
Legislative Public Hearing Room**

**AGENDA**

1. Introduction of Committee Members
2. Commencement of Public Hearing
  - a. **BILL NO. 409 (COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**
  - b. **BILL NO. 427 (COR): AN ACT TO REPEAL AND RE-ENACT TITLE 1 CHAPTER 10 GCA 1023 RELATIVE TO THE DESIGNATION OF THE OFFICIAL BIRD OF GUAM.**
3. Public Comment
4. Adjournment

COMMITTEE ON NATURAL RESOURCES

PUBLIC HEARING

Thursday, June 08, 2000, 9:00 a.m.

BILL NO. 409 (COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.

SIGN IN SHEET

Name	Representing	Oral Testimony	Written Testimony
Jesus Santos	GEPA	✓	
Mark T. Tsuda	Aston Int'l	✓	✓ Chamber of Commerce
T. Garcia	TBC		
Steven Kasper	Magan Beach Club	—	
ELOISE R. BAZH	GUAM CHAMBER OF COM	✓	
Richie Lim	Guam Alltrade Corp	✓	



# SUPERIOR COURT OF GUAM

Probation Services Division • Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910  
(671) 475-3448/3583, Fax: (671) 477-4944

Honorable Alberto C. Lamorena III  
Presiding Judge

September 5, 2000

Patrick C. Cepeda  
Chief Probation Officer

Reference: Bill 409 (COR)

Hafa Adai Honorable Senator Joanne Brown,

Thank you for the opportunity to participate in the development of public policy. I have reviewed the draft legislation Bill 409 and make the following comments.

First, I believe Bill 409 is an excellent approach toward increasing awareness, enforcement and accountability regarding the litter problem on the island. I commend you for taking the lead and raising this issue to the community level for action.

Second, as we have discussed in our previous meeting Probation Services Division intends to grow relationships with other executive agencies to facilitate cleanup programs. Although we currently have a working agreement with the Department of Parks and Recreation we intend to develop programs with the Department of Public Works and the Guam Environmental Protection Agency. This should help in implementing the spirit of Bill 409.

Third, the following are amendments to Bill 409:

1. On page 2, line 5, the current language reads "Section 2. Subsection (d) of Title 9 G.C.A. Section 90.94 . . ." I think this is a typo error because section 90.94 does not exist and therefore should read "**Subsection (d) of Title 9 G.C.A. Chapter 80, Section 80.94 ...**"
2. On page 2, line 10, 11, & 12, the current language reads "Any ... under Title 16 G.C.A. Section 9104 shall . . ." Section 9104 was replaced by Title 16 G.C.A. Chapter 18 Safe Streets Act and therefore should read "**Any ... under Title 16 G.C.A. Chapter 18, Safe Streets Act shall ...**"

The following are issues you might want to consider including into the bill:

1. **Require the Governor to provide or implement litter cleanup programs in appropriate agencies to support the intent of the law.**
2. **Require the identification of an annual litter clean-up plan when submitting agency budgets.**

Comment: These two points would help minimize the issue of "changes in leadership produces changes in program priorities."

3. **How will you ensure that agencies receive funding resources to facilitate programs?**

Comment: Funding and availability of resources is the key to ensuring that a litter cleanup program continues to exist.

4. **Increase the enforcement of litter laws by including that all peace officers as defined by 8 G.C.A. Article 2, subsection 5.55, may issue litter citations.**

Comment: By empowering more peace officers to issue litter citations we increase the enforcement arm thereby making enforcement more effective.

5. **Require the Governor to develop and implement litter education awareness programs that target schools, community and individual ethnic groups to communicate effectively to all people.**

Comment: Educating the people about the effects of littering on the island will have long-term benefits and raises the standard of living on the island.

In closing, the intent of Bill 409 will have a lasting impact on the island and should promote a cleaner and healthier living environment. If you can incorporate some of these comments into the legislation then the bill will have lasting effects. Please call me if you wish to discuss this further

Sincerely,

Patrick C. Cepeda

→ Include Peace Officers  
require  
→ Governor  
1) Litter cleanup programs  
in agencies  
2) Identify litter  
cleaning when  
submitting budgets  
→ 1. : -



**GUAM CHAMBER OF COMMERCE**  
PARTNERS IN PROGRESS

1 9 2 4 - 1 9 9 9

June 8, 2000

Senator Joanne M. Salas Brown  
Chairperson  
Committee on Natural Resources  
I Mina'Bente Singko Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

**RE: Bill No. 409 - Proposed Improvements to Guam's Litter Control Law**

Dear Madame Chairperson and Committee Members:

Littering is an ongoing problem island residents must no longer tolerate. Litter clean-up days in our neighboring islands barely fill up one (1) bag of trash after a mile. During Tumon or Agana Bay beach clean-ups, we can fill up pick-up loads of trash in that same distance. Our island people pride ourselves in our rich culture and strong lineage, often proclaiming that Guam is a tropical paradise. "Paradise" is not easily achieved in this day and age without cooperation from our local community.

We feel Senator Joanne Brown's Bill 409 is a significant step forward in efforts to combat littering. We strongly support the bill for the following reasons:

1. The reduction in littering fine from \$500 to \$100 will hopefully encourage enforcement because the \$500 fine may have been too unrealistically high;
2. Conviction of litter violations will result in community service in the form of litter cleanups as part of the sentencing, mandatory for 2<sup>nd</sup> or subsequent litter offenses. This will help cleanup the island and make the violator more aware of the consequences of their actions; and,
3. Conviction of litter violations from a moving vehicle will be considered a petty misdemeanor which will further deter littering.

In our discussions with representatives from the Guam Police Department, it was recommended that the fines be used to further GPD enforcement of litter laws. We ask the Committee to consider the merits of GPD's recommendation in your final deliberation on Bill No. 409.

The Guam Chamber of Commerce's Tourism Committee would like to publicly thank Senator Brown for her initiative in proposing needed improvements to our current litter control laws. We thank the members of the Committee on Natural Resources for the opportunity to participate in today's public hearing.

Sincerely,

MARK T. TSUDA  
Chairman  
Tourism Committee

ELOISE R. BAZA  
President



# GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

used at Government of Guam expense

**Testimony of  
Jesus T. Salas  
Administrator, Guam Environmental Protection Agency  
Before the Committee on Natural Resources**

**Hearing on Bill 409: An Act To Establish A Reasonable And Enforceable Litter Fine, To Increase Punishment For Litter Violations Committed While Occupying A Moving Motor Vehicle, And To Encourage The Use Of Litter Clean Up In Sentencing In Criminal Cases That Require Community Service**

**June 08, 2000**


The Guam Environmental Protection Agency appreciates the need to provide reasonable fines and alternatives such as supplemental environmental projects for persons convicted of litter violations. However, there are amendments to certain provisions of Bill 409 that we believe should be considered.

1. Page 2, Line 5, Section 2 states that the "sentencing judge shall give consideration to any community service that benefits the public and is beneficial to the offender." Guam EPA recommends that it play a vital role in providing recommended projects to the sentencing judge on community service. This is to ensure that the community service focuses on solid waste related projects. In addition, Guam EPA contends that the reference "...beneficial to the offender" appears to disparage the offense committed against Guam's environment. The project chosen, in lieu of a fine, is intended for the benefit of the community not the offender. This Agency recommends that references to benefits for the offender be removed.
2. Page 2, Line 25, Section 5(a) states that "littering shall be punishable by a fine of not less than \$100 nor more than \$1,000". Guam EPA understands and supports the need to distinguish violations and their respective fines. However, the Agency recommends that a new section be added to specify that littering violations from moving vehicles shall be fined at a minimum of

\$100. However, violations resulting in the creation of an illegal dumpsite should carry a fine of no less than \$500.

In conclusion, as an added comment, Guam EPA recommends that the Legislature consider amending the *Litter Revolving Fund* to shift the distribution of funds from 50% to Guam EPA to a minimum of 75%. Guam EPA is and has been at the forefront of public outreach on solid waste issues. The funding pays for all reproduction of publications and anti-littering signs. Guam EPA would like to increase its anti-littering campaigns through the creation of anti-littering videos, educational projects, and more paid advertisements. Moreover, we would like to use this *Fund* to pay for the recruitment of an Environmental Health Specialist (EHS) I who will focus primarily on littering compliance and enforcement.

Thank you for this opportunity to comment.

  
JESUS T. SALAS  
Administrator



# Guam Police Department



CARL T.C. GUTIERREZ  
Governor of Guam

MADELEINE Z. BORDALLO  
Lieutenant Governor

*Government of Guam*  
Bldg. No. 233, Central Avenue, Tiyan, Guam 96913  
Tel: (671) 475-8473 (Switchboard) (671) 475-8509/8512  
Fax: (671) 472-4036

EDWARD T. KABINA  
Acting Chief of Police

RONALD J. DERVISH  
Deputy Chief of Police

June 8, 2000

The Honorable Joanne M. S. Brown  
Legislative Secretary  
Twenty-Fifth Guam Legislature  
I Mina'Bente Singko na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, GU 96910

Dear Senator Brown:

Thank you for the opportunity to submit written testimony on Bill No 409 (COR), "An act to **establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**"

This department certainly concurs that maintaining the beauty and cleanliness of our island is of the utmost importance. Although I cannot comment on the level of fines and the use of community service to further greater litter cleanup, I can assure you that the Guam Police Department will vigorously enforce current litter laws pertaining to trash thrown from a moving vehicle.

However, due to our current shortage of police officers, I hope to institute a plan similar to our highly successful Selective Traffic Enforcement Program (STEP) to fully utilize our resources on hand to selectively enforce litter laws in those areas of excessive violations. Obviously, as our resources increase, we will be able to expand our enforcement and fully comply with the intent of this bill.

I hope that this testimony is helpful in formulating the final version of Bill No. 409 (COR). If I can be of further assistance, please do not hesitate to call upon me.

Sincerely,

EDWARD T. KABINA  
Acting

*Drug Free Guam Para Todos*





# SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
AGANA, GUAM 96910

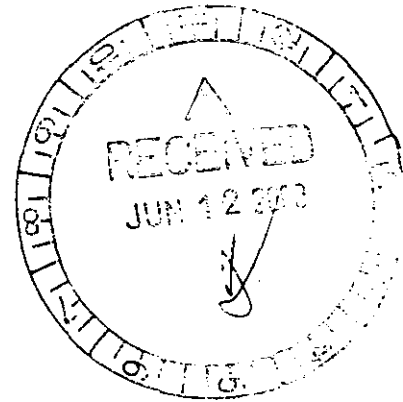


**ANTHONY P. SANCHEZ**  
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544  
FACSIMILE: (671) 477-3104

June 8, 2000

The Honorable Joanne M.S. Brown,  
Chairperson, Committee on Natural Resources  
Legislative Secretary  
Twenty-fifth Guam Legislature  
Suite 200  
130 Aspinall Street  
Hagatna, GU 96910



**Re: Written Testimony on Bill No. 409**

Dear Madam Chairperson & Committee Members:

**Hafa Adai!** On behalf of the Superior Court of Guam, I would like to take this opportunity to thank you for allowing me to submit my written testimony and comments to be considered in favor of **Bill 409 (COR): An Act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

Indeed, the maintenance of our island's beauty and cleanliness is crucial to our people and the development of our economy. Enforcement of our litter laws must be passed and implemented by the communities of Guam. It is important that we all work together, consistently, keeping our island free of litter. Individuals who do not adhere by this law must be reasonably fined and ordered to perform community services.

Currently, all Driving While Under the Influence (DUI) probationers are ordered by the court to perform community service under the DUI Island Beautification Project. This on-going project was designed solely for the DUI offenders. All DUI offenders are assigned to work with the Department of Parks and Recreation cleaning parks, beaches and surrounding areas. Community Service Probationers ordered to pay Court Fines and unable to afford to pay them, are able to convert their fines to community service hours based on the minimum wage.

In **Section 1, paragraph 3**, it reads "Therefore, the Legislature intends to encourage greater enforcement by the Guam Police Department and other enforcement entities to issue litter citations in such cases." It is recommended that this sentence be clearly defined with the names of the

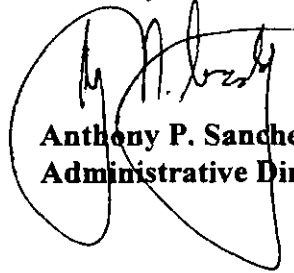
The Honorable Joanne M.S. Brown  
Written Testimony on Bill No. 409  
June 8, 2000  
Page 2

enforcement agencies such as the Superior Court Probation Officers, Superior Court Marshals, the Department of Youth Affairs, Guam Airport Police, Department of Corrections, etc.

In the proposed amendment of **Section 5, Subsection (a) of Section 51207 of Title 10 G.C.A.**, it is recommended that an individual who cannot afford to pay the litter fine be able to convert it into Community Service (picking up and removing litter from the area that the individual littered) with the approval of the sentencing judge. The Superior Court of Guam currently has 39 Community Services participating agencies which include the private and public sector as well as non-profit organizations.

In view of the above, the Superior Court of Guam greatly supports the passage of Bill 409. This bill will definitely reduce the number of litter violators and improve the beauty of our island of Guam. Should you have questions, please feel free to contact me at 475-3544. **Thank you and Si Yu'os Maase!**

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony P. Sanchez', enclosed within a large, loopy circular scribble.

**Anthony P. Sanchez,  
Administrative Director of the Courts**

1           **Section 5.** Subsection (a) of Section 51207 of Title 10 G.C.A. is amended to

2 read:

3 (a) Littering shall be punishable by a fine of not less than \$100.00 nor more than

4 \$1,000.00. Said fine shall not be suspended by the court. Any person convicted of

5 a second or subsequent litter offense shall be required by the Court to pick up and  
6 remove litter from a public place under the supervision of the <sup>Superior Court of Guam's Probation Office,</sup> Agency or as the Court <sup>or its designee</sup>

7 shall otherwise provide, for a period not less than eight hours for each offense. Any

8 person convicted of any litter offense may also be required by the Court to pay the

9 cost of removing the litter they caused. The Superior Court shall transfer all money

10 collected to pay fines imposed under this Section to the Guam Environmental

11 Protection Agency for use in the Litter and Defacement Control Revolving Fund

12 established by Title 10 G.C.A. Section 51204. Any peace officer, as that term is

13 defined by Title 8 G.C.A. Section 5.55, may issue a citation for a litter offense.

14           **Section 6. Severability.** If any provision of this Act or its application to any

15 person or circumstance is found to be invalid or contrary to law, such invalidity shall

16 not affect other provisions or applications of this Act which can be given effect

17 without the invalid provisions or application, and to this end the provisions of this

18 Act are severable.

19           **Section 7. Effective Date.** This Act shall take effect upon its approval by

20 I Maga'lahaen Guahan, or upon its becoming law without such approval.

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 409

JCP

Senator Proposing Amendment

p. 3, line 14

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

A new Section to add Sect. 40115 (e)  
Chap. 40, Division 4, Part 3 of Title 5 of GCS  
to change the amount to not  
not less than ONE hundred (100)  
and not more than ONE thousand dollar (1,000)

(Below only for Clerk of Legislature's use and processing))

Date 9/28, 2000

Floor Amendment No. 1 of a total of      changes on above Bill.

Votes For Amendment:      Votes Against Amendment:     

AMENDMENT PASSED:     

Amendment Failed:     

Amendment Withdrawn:     

APPROVED AS TO FORM PASSED

[Signature]  
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

      
Speaker

[Signature] Ass't. Amend. Clerk  
     Engrossment Staff

2  
9/28  
4:30 P

# SESSION FLOOR AMENDMENT FORM

Bill No. 409 (COR)

Senator Proposing Amendment: **VICE-SPEAKER**

## *Proposed Amendment:*

Page 3, Line 6, Replace "Agency" with "Superior Court of Guam's Probation Office, or its designee,"

Date: 9/28, 2000; Floor Amendment No. 2 of a total of \_\_\_\_\_ Floor Amendments to Bill.

Votes For Amendment: \_\_\_\_\_

Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** ✓

Amendment Failed: \_\_\_\_\_

**APPROVED AS TO FORM PASSED:**

LLK

**AUTHOR OF AMENDMENT**

ms

**CLERK OF THE LEGISLATURE**

28

—

I MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 409

LANDRERA

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

PAGE 3 LINE 4 AFTER \$1,000  
OR NO LESS THAN 12 HRS AND NO MORE THAN  
160 HRS AS REQUIRED BY THE COURT TO PICK UP  
AND REMOVE LITTER FROM A PUBLIC PLACE UNDER  
THE SUPERVISION OF THE ~~AGENCY~~ Superior Court of  
Guam's Probation Office or its designee.

ACL  
P/

(Below only for Clerk of Legislature's use and processing))

Date 9/28 2000  
Floor Amendment No. 3 of a total of \_\_\_\_\_ changes on above Bill.  
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

AMENDMENT PASSED: \_\_\_\_\_  
Amendment Failed: ✓  
Amendment Withdrawn: \_\_\_\_\_

APPROVED AS TO FORM PASSED

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff

MINA 'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) REGULAR SESSION

ACKNOWLEDGEMENT RECEIPT  
Received by: [Signature]  
Date: 2:35P  
4/6/00

Bill No. 409 (COR)

Introduced by:

J.M.S. Brown [Signature]

**AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**

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

2 **Section 1. Legislative Findings and Intent.** The Legislature recognizes the  
3 importance of maintaining the beauty and cleanliness of our island, for our visitors  
4 and island residents. Enforcement of the island litter laws is critical to decreasing the  
5 amount of litter that is found throughout the island. Reducing the litter fine from a  
6 minimum of \$500.00 to \$100.00 is intended to provide a more reasonable and  
7 enforceable fine for persons convicted of litter violations.

8 The previous minimum fine of \$500.00 per litter violation has not encouraged  
9 greater enforcement, nor has it reduced the amount of litter around the island.

10 The Legislature also recognizes that litter found on Guam's highways is often  
11 thrown from an occupied moving vehicle. Therefore, the Legislature intends to  
12 encourage greater enforcement by the Guam Police Department and other  
13 enforcement entities to issue litter citations in such cases.

1           The Legislature further recognizes the benefits to the overall community by  
2 maintaining a clean and litter free island. As a positive reinvestment in the  
3 community, the Legislature desires to encourage greater litter cleanups as a part of  
4 community service sentences in criminal cases.

5           **Section 2.** Subsection (d) of Title 9 G.C.A. Section 90.94 is amended to read:

6 (d) The sentencing judge shall give consideration to any community service that  
7 benefits the public and is beneficial to the offender. Any charity, governmental  
8 agency or public cause that qualifies for a tax deduction to any donor under United  
9 States income tax laws or the tax laws of Guam shall be deemed beneficial to the  
10 public. Any person convicted of Driving While Under the Influence under Title 16  
11 G.C.A. Section 9104 shall serve at least half of his community service working in the  
12 litter cleaning program created by Title 9 G.C.A. Section 81.10.

13           **Section 3.** A new subsection (f) is added to Title 9 G.C.A. Section 81.10 to  
14 read

15 (f) This section shall apply to any person who is convicted for the first time  
16 of Driving While Intoxicated under Title 16 G.C.A. Section 9104.

17           **Section 4.** A new subsection (d) is added to Section 51205 of Title 10 G.C.A.  
18 to read:

19 (d) Any person who violates this section while occupying a motor vehicle  
20 which is moving shall be deemed to have committed a violation not only of this  
21 section but of Title 16 G.C.A. Chapter Three and shall be guilty of a petty  
22 misdemeanor.

23           **Section 5.** Subsection (a) of Section 51207 of Title 10 G.C.A. is amended to  
24 read:

25 (a) Littering shall be punishable by a fine of not less than \$100.00 nor more than  
26 \$1,000.00. Said fine shall not be suspended by the court. Any person convicted of



1 a second or subsequent litter offense shall be required by the Court to pick up and  
2 remove litter from a public place under the supervision of the Agency, or as the Court  
3 shall otherwise provide, for a period not less than eight hours for each offense. Any  
4 person convicted of any litter offense may also be required by the Court to pay the  
5 cost of removing the litter they caused.

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 which can be given effect  
9 without the invalid provisions or application, and to this end the provisions of this  
10 Act are severable.

11 **Section 7. Effective Date.** This Act shall take effect upon its approval by  
12 I Maga'lahaen Guahan, or upon its becoming law without such approval.

13  
14  
15

1           The Legislature further recognizes the benefits to the overall community by  
2 maintaining a clean and litter free island. As a positive reinvestment in the  
3 community, the Legislature desires to encourage greater litter cleanups as a part of  
4 community service sentences in criminal cases.

5           **Section 2.** Subsection (d) of Title 9 G.C.A. Chapter 80, Section 80.94 is  
6 amended to read:

7 (d) The sentencing judge shall give consideration to any community service that  
8 benefits the public and is beneficial to the offender. Any charity, governmental  
9 agency or public cause that qualifies for a tax deduction to any donor under United  
10 States income tax laws or the tax laws of Guam shall be deemed beneficial to the  
11 public. Any person convicted of Driving Under the Influence as defined by Title 16  
12 G.C.A. Section Chapter 18, Section 18101(a), et seq., shall serve at least half of his  
13 community service working in the litter cleaning program created by Title 9 G.C.A.  
14 Section 81.10, unless the court determines that the defendant is prevented from  
15 working in said program by mental or physical infirmity.

16           **Section 3.** A new subsection (f) is added to Title 9 G.C.A. Section 81.10 to  
17 read

18 (f) This section shall apply to any person who is convicted for the first time  
19 of Driving Under the Influence as defined by Title 16 G.C.A. Section 18101(a), et  
20 seq.

21           **Section 4.** A new subsection (d) is added to Section 51205 of Title 10 G.C.A.  
22 to read:

23 (d) Any person who violates this section while occupying a motor vehicle  
24 which is moving or located on public property or a public right of way shall be  
25 deemed to have committed a violation not only of this section but of Title 16 G.C.A.  
26 Chapter Three and shall be guilty of a petty misdemeanor.



Office of Senator  
**Joanne M. Salas Brown**  
MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

September 28, 2000

The Honorable Antonio R. Unpingco  
Speaker  
Mina' Bente Singko Na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Dear Speaker Unpingco:

The Committee on Natural Resources to which was referred **Bill No. 409: AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE** wishes to report back to *I Liheslaturan Guahan* its recommendation **TO PASS** as substituted.

The Voting Sheet is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	_____
PLACE IN INACTIVE FILE	_____

Copies of the Committee Report and other pertinent documents are enclosed. Thank you for your attention to this matter.

Sincerely,

JOANNE M.S. BROWN  
Senator and Chairperson  
Committee on Natural Resources

Enclosures



Office of Senator  
**Joanne M. Salas Brown**  
MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

---

September 28, 2000

**MEMORANDUM**

To: Committee Members

From: Chairperson, Committee on Natural Resources

Subject: **Bill No. 409: AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE (As substituted).**

Transmitted herewith for your consideration and action is the Committee Report on Bill No. 409. Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report or the accompanying documents, please do not hesitate to contact my office at 472-3450/1.

Your attention and cooperation on this matter is greatly appreciated.

  
JOANNE M.S. BROWN

Attachments

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**

**Committee on Natural Resources**


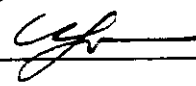
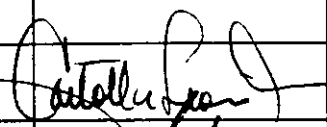

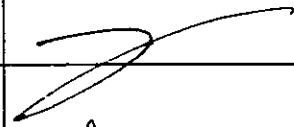
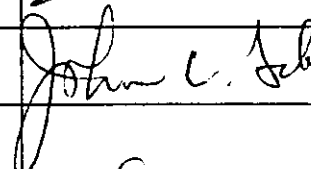
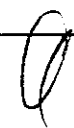
**Joanne M.S. Brown**

**Chairperson**

**VOTING SHEET**

**Committee Report on**

**BILL NO. 409(COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE. (As Substituted)**

COMMITTEE MEMBERS	YES	NOT TO PASS	NO	PLACE IN FILE	SIGNATURE
Joanne M.S. Brown Chairperson	✓				
A.C. Lamorena, V Vice Chairman	✓				
L. Kasperbauer Member					
S. Sanchez, II Member					
C. Leon Guerrero Member	✓				
M. Forbes Member	✓				
K. Moylan Member					
V. Pangelinan Member	✓				
M. Camacho Member					
J. Salas Member	✓				
F. Aguon, Jr. Member					
A.R. Unpingco Speaker Ex-Officio Member	✓				



Office of Senator  
**Joanne M. Salas Brown**  
MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

September 28, 2000

The Honorable Antonio R. Unpingco  
Speaker  
Mina' Bente Singko Na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Dear Speaker Unpingco:


The Committee on Natural Resources to which was referred **Bill No. 409: AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE** wishes to report back to *I Liheslaturan Guahan* its recommendation **TO PASS** as substituted.

The Voting Sheet is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	_____
PLACE IN INACTIVE FILE	_____

Copies of the Committee Report and other pertinent documents are enclosed. Thank you for your attention to this matter.

Sincerely,

  
JOANNE M.S. BROWN  
Senator and Chairperson  
Committee on Natural Resources

Enclosures



Office of Senator

**Joanne M. Salas Brown**

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN

September 28, 2000

**MEMORANDUM**

To: Committee Members

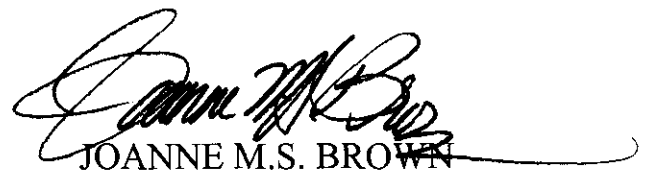
From: Chairperson, Committee on Natural Resources

Subject: **Bill No. 409: AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE (As substituted).**

Transmitted herewith for your consideration and action is the Committee Report on Bill No. 409. Please indicate your choice on the attached Voting Sheet and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report or the accompanying documents, please do not hesitate to contact my office at 472-3450/1.

Your attention and cooperation on this matter is greatly appreciated.

  
JOANNE M.S. BROWN

Attachments

**MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN**

**Committee on Natural Resources**

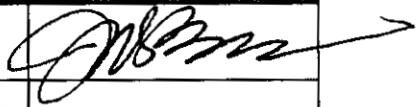
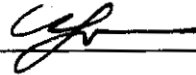
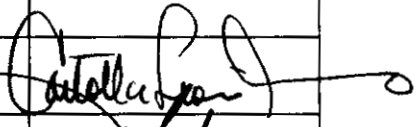
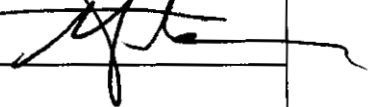
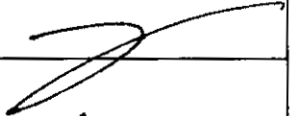
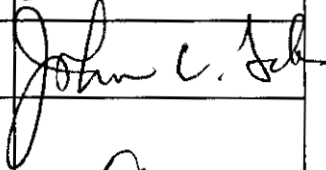

**Joanne M.S. Brown**

**Chairperson**

**VOTING SHEET**

**Committee Report on**

**BILL NO. 409(COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE. (As Substituted)**

Joanne M.S. Brown Chairperson	✓				
A.C. Lamorena, V Vice Chairman	✓				
L. Kasperbauer Member					
S. Sanchez, II Member					
C. Leon Guerrero Member	✓				
M. Forbes Member	✓				
K. Moylan Member					
V. Pangelinan Member	✓				
M. Camacho Member					
J. Salas Member	✓				
F. Aguon, Jr. Member					
A.R. Unpingco Speaker Ex-Officio Member	✓				



**MINA 'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) REGULAR SESSION**

**Bill No. 409(COR)**

**As substituted by the Committee on Natural Resources**

**Introduced by:**

**J.M.S. Brown**  

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**AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**

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

2           **Section 1. Legislative Findings and Intent.** The Legislature recognizes the  
3 importance of maintaining the beauty and cleanliness of our island, for our visitors  
4 and island residents. Enforcement of the island litter laws is critical to decreasing the  
5 amount of litter that is found throughout the island. Reducing the litter fine from a  
6 minimum of \$500.00 to \$100.00 is intended to provide a more reasonable and  
7 enforceable fine for persons convicted of litter violations.

8           The previous minimum fine of \$500.00 per litter violation has not encouraged  
9 greater enforcement, nor has it reduced the amount of litter around the island.

10           The Legislature also recognizes that litter found on Guam's highways is often  
11 thrown from an occupied moving vehicle. Therefore, the Legislature intends to  
12 encourage greater enforcement by the Guam Police Department and other  
13 enforcement entities to issue litter citations in such cases.

14

1           The Legislature further recognizes the benefits to the overall community by  
2 maintaining a clean and litter free island. As a positive reinvestment in the  
3 community, the Legislature desires to encourage greater litter cleanups as a part of  
4 community service sentences in criminal cases.

5           **Section 2.** Subsection (d) of Title 9 G.C.A. Chapter 80, Section 80.94 is  
6 amended to read:

7 (d) The sentencing judge shall give consideration to any community service that  
8 benefits the public and is beneficial to the offender. Any charity, governmental  
9 agency or public cause that qualifies for a tax deduction to any donor under United  
10 States income tax laws or the tax laws of Guam shall be deemed beneficial to the  
11 public. Any person convicted of Driving Under the Influence as defined by Title 16  
12 G.C.A. Section Chapter 18, Section 18101(a), et seq., shall serve at least half of his  
13 community service working in the litter cleaning program created by Title 9 G.C.A.  
14 Section 81.10, unless the court determines that the defendant is prevented from  
15 working in said program by mental or physical infirmity.

16           **Section 3.** A new subsection (f) is added to Title 9 G.C.A. Section 81.10 to  
17 read

18 (f) This section shall apply to any person who is convicted for the first time  
19 of Driving Under the Influence as defined by Title 16 G.C.A. Section 18101(a), et  
20 seq.

21           **Section 4.** A new subsection (d) is added to Section 51205 of Title 10 G.C.A.  
22 to read:

23 (d) Any person who violates this section while occupying a motor vehicle  
24 which is moving or located on public property or a public right of way shall be  
25 deemed to have committed a violation not only of this section but of Title 16 G.C.A.  
26 Chapter Three and shall be guilty of a petty misdemeanor.

1           **Section 5.** Subsection (a) of Section 51207 of Title 10 G.C.A. is amended to  
2 read:

3 (a) Littering shall be punishable by a fine of not less than \$100.00 nor more than  
4 \$1,000.00. Said fine shall not be suspended by the court. Any person convicted of  
5 a second or subsequent litter offense shall be required by the Court to pick up and  
6 remove litter from a public place under the supervision of the Agency, or as the Court  
7 shall otherwise provide, for a period not less than eight hours for each offense. Any  
8 person convicted of any litter offense may also be required by the Court to pay the  
9 cost of removing the litter they caused. The Superior Court shall transfer all money  
10 collected to pay fines imposed under this Section to the Guam Environmental  
11 Protection Agency for use in the Litter and Defacement Control Revolving Fund  
12 established by Title 10 G.C.A. Section 51204. Any peace officer, as that term is  
13 defined by Title 8 G.C.A. Section 5.55, may issue a citation for a litter offense.

14           **Section 6. Severability.** If any provision of this Act or its application to any  
15 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
16 not affect other provisions or applications of this Act which can be given effect  
17 without the invalid provisions or application, and to this end the provisions of this  
18 Act are severable.

19           **Section 7. Effective Date.** This Act shall take effect upon its approval by  
20 I Maga'lahen Guahan, or upon its becoming law without such approval.

MINA 'BENTE SINGKO NA LIHESLATURAN GUAHAN

ACKNOWLEDGEMENT RECEIPT

2000 (SECOND) REGULAR SESSION

Date

2:35 P

4/4/00

Bill No. 409 (COR)

Introduced by:

J.M.S. Brown 

**AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**

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

**Section 1. Legislative Findings and Intent.** The Legislature recognizes the importance of maintaining the beauty and cleanliness of our island, for our visitors and island residents. Enforcement of the island litter laws is critical to decreasing the amount of litter that is found throughout the island. Reducing the litter fine from a minimum of \$500.00 to \$100.00 is intended to provide a more reasonable and enforceable fine for persons convicted of litter violations.

The previous minimum fine of \$500.00 per litter violation has not encouraged greater enforcement, nor has it reduced the amount of litter around the island.

The Legislature also recognizes that litter found on Guam's highways is often thrown from an occupied moving vehicle. Therefore, the Legislature intends to encourage greater enforcement by the Guam Police Department and other enforcement entities to issue litter citations in such cases.

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1 The Legislature further recognizes the benefits to the overall community by  
2 maintaining a clean and litter free island. As a positive reinvestment in the  
3 community, the Legislature desires to encourage greater litter cleanups as a part of  
4 community service sentences in criminal cases.

5 **Section 2.** Subsection (d) of Title 9 G.C.A. Section 90.94 is amended to read:  
6 (d) The sentencing judge shall give consideration to any community service that  
7 benefits the public and is beneficial to the offender. Any charity, governmental  
8 agency or public cause that qualifies for a tax deduction to any donor under United  
9 States income tax laws or the tax laws of Guam shall be deemed beneficial to the  
10 public. Any person convicted of Driving While Under the Influence under Title 16  
11 G.C.A. Section 9104 shall serve at least half of his community service working in the  
12 litter cleaning program created by Title 9 G.C.A. Section 81.10.

13 **Section 3.** A new subsection (f) is added to Title 9 G.C.A. Section 81.10 to  
14 read

15 (f) This section shall apply to any person who is convicted for the first time  
16 of Driving While Intoxicated under Title 16 G.C.A. Section 9104.

17 **Section 4.** A new subsection (d) is added to Section 51205 of Title 10 G.C.A.  
18 to read:

19 (d) Any person who violates this section while occupying a motor vehicle  
20 which is moving shall be deemed to have committed a violation not only of this  
21 section but of Title 16 G.C.A. Chapter Three and shall be guilty of a petty  
22 misdemeanor.

23 **Section 5.** Subsection (a) of Section 51207 of Title 10 G.C.A. is amended to  
24 read:

25 (a) Littering shall be punishable by a fine of not less than \$100.00 nor more than  
26 \$1,000.00. Said fine shall not be suspended by the court. Any person convicted of

1 a second or subsequent litter offense shall be required by the Court to pick up and  
2 remove litter from a public place under the supervision of the Agency, or as the Court  
3 shall otherwise provide, for a period not less than eight hours for each offense. Any  
4 person convicted of any litter offense may also be required by the Court to pay the  
5 cost of removing the litter they caused.

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 which can be given effect  
9 without the invalid provisions or application, and to this end the provisions of this  
10 Act are severable.

11 **Section 7. Effective Date.** This Act shall take effect upon its approval by  
12 I Maga'lahaen Guahan, or upon its becoming law without such approval.

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14  
15

**Committee on Natural Resources**  
**Senator Joanne M.S. Brown, Chairperson**  
**Thursday, June 8, 2000, 9:00 a.m.**

**COMMITTEE REPORT**

**BILL 409(COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**

The Committee on Natural Resources held a public hearing on Bill 409 on Thursday, June 8, 2000, 9:00 a.m. at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna. The Senators and Committee Members present were:

Senator Joanne M.S. Brown, Chairperson  
Senator Marcel G. Camacho  
Senator Vicente C. Pangelinan  
Senator John C. Salas  
Senator Kaleo S. Moylan  
Vice Speaker Lawrence F. Kasperbauer

**Senator Joanne Brown**, Chairperson, commenced the Public Hearing with the introduction of the Committee Members and proceeded to hear the testimony on Bill 409. Testimonials were presented in support of Bill 409 by:

Mr. Brad Hokanson, Chairman, Guam Environmental Protection Agency Board of Directors;  
Ms. Eloise Baza, President, Chamber of Commerce;  
Mr. Mark Tsuda, Chairman, Tourism Committee, Chamber of Commerce;  
Mr. Steven Kasperbauer, Member, Tourism Committee, Chamber of Commerce;  
Mr. Richard Lim, Member, Tourism Committee, Chamber of Commerce;  
Talofofo Mayor Vicente S. Taitague.

**Mr. Brad Hokanson** provided testimony in favor of Bill 409 and recommended that the Committee consider an option for 1<sup>st</sup> offenders to pay half the fine and do 8 hours of community service of litter cleanup and 2<sup>nd</sup> offenders should do 16 hours of litter cleanup.

**Mr. Mark Tsuda**, Chairman, Tourism Committee of the Guam Chamber of Commerce presented and read written testimony in support of Bill 409 and thanked Senator Brown for taking the initiative to address the litter citation enforcement. (Testimony attached)

**Ms. Eloise Baza**, President, Chamber of Commerce expressed the Chamber's full support for Bill 409 and shared information pertaining to the Tourism Committee's development of the "Na Bunitu Guam" Campaign and the importance of the overall community participation in developing educational awareness and outreach efforts that are specific to what best works for our community to deter littering on Guam.

**Mr. Steven Kasperbauer**, Member, Tourism Committee, Chamber of Commerce, offered the following recommendations in clarifying the definitions/language of the bill:

1) A motor vehicle on any public property or public right of way. Intentional litter occurs from cars that are parked on beaches, parking lots, etc.

2) Litter that comes from a vehicle moving on the roadway could be considered a moving violation. This could impact the license holder and their driving record which would give them greater concern because it would be a hazard.

3) There needs to be a clear definition of who would be assessed the fine: the driver or the violator. In the case of a minor: who's responsible? Driver, parents, or minor?

4) The intent of this litter law should not be confused with the definition of dumping versus littering.

**Mr. Richard Lim**, Member, Tourism Committee, Chamber of Commerce spoke in support of Bill 409, emphasizing that the bill focuses on roadside litter and proposed that a task force be formed of all agencies with the authority to enforce litter citations to clarify enforcement areas.

**Mayor Vicente Taitague** of Talofofu testified that he supports the intent of the Bill, however, he asked who would get the money from the litter violations. **Senator Brown** answered in reference to earlier recommendations that as an incentive, the entity that issues the citations should receive the money for those violations, however, all legal aspects would need to be reviewed.



Both **Senator Marcel Camacho** and **Vice-Speaker Larry Kasperbauer** questioned the reduction of the litter fine and its enforcement. **Mr. Mark Tsuda** responded that their discussions with the Guam Police Department indicated that oftentimes the courts throw out litter violations because the fines are too high and when people contest the high fine, the officers who cite the individuals are required to be present at court, so its not worth the trouble. Senator Brown further elaborated that most people do contest the ticket and historically the judges have let it go because they don't agree with the \$500 fine. The language does not limit the option for the judge or the person giving the ticket to set the amount of the fine from a minimum of \$100 nor more than \$1000.

**Vice-speaker Kasperbauer** appreciated the emphasis of the bill to include litter cleanup as community service because the social disgrace of being seen picking up litter on the roadside as a penalty for litter violations would have a greater effect in deterring the offender from repeating the violation.

**Senator Joanne Brown** announced that the Committee on Natural Resources will hold a mark up session to further address the recommendations on the language of Bill 409. The Guam Environmental Protection Agency, the Guam Police Department, and the Superior Court of Guam submitted written testimony in favor of Bill 409 with recommended changes. **The public hearing adjourned at 10:29 a.m.**

**Committee on Natural Resources**  
Senator Joanne M. S. Brown, Chairperson

**Tuesday, July 11, 2000**  
**9:00 a.m.**

**COMMITTEE REPORT**

The Committee on Natural Resources held a **Mark up meeting on Bill No. 409 (COR): An act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

The Mark-up meeting took place at the Legislative Public Hearing room. Present at the meeting were as follows:

Senator Joanne M. S. Brown, Chairperson  
Senator John Salas  
Senator Alberto Lamorena  
Senator Lawrence Kasperbauer  
Mr. Mark Tsuda, Chairman, Guam Chamber of Commerce  
Ms. Eloise Baza, President, Guam Chamber of Commerce

**Senator Joanne Brown** welcomed everyone for attending the Mark-up meeting that commenced at 9:20 a.m.

- The amendments to the Bill were:
  - 1) The driver of a vehicle occupied by a person who litters will also be liable. If the minor is the violator, then the parent(s) or guardian(s) of the minor who is present in the vehicle at the time of the violation shall also be liable.
  - 2) The money from the litter violation would go to the appropriate agency that issued the fine. However, further research is necessary to determine the legality as to whether the fining authority should receive

the money as an incentive, or should the money go to the litter fund for environmental awareness and education.

Important issues that were discussed included the following:

- Further research was recommended with regard to whether departments or agencies that apprehended the wrongdoer could collect the fine as not all departments and agencies have a litter fund.
- Whether the fine that is collected would be best consolidated in a litter education program.
- Whether all money collected could be given to the litter fund to be used for educational outreach.
- The Committee hopes to work with the Lt. Governor and the Chief of Police regarding violation and enforcement.
- Emphasis, shared by all present, on good attitude in keeping the island clean is something the island leadership lacks. The island of Saipan was commended for maintaining its beauty.
- The legality on whether the less fortunate people, with a low income, who are not able to pay for their litter fine could pay the community back by doing labor in return must be further scrutinized.
- Consider Adopting a Park or adopting a project on the island may make a great difference in getting everyone to work together.

Mr. Tsuda added:

- All money collected by departments, agencies or mayor offices would also act as an incentive.

Ms. Baza suggested:

- After the passage of the statute, we should all go back and meet the law enforcement officers in order to continue the partnership.

The Mark-Up Meeting ended at 10:45 a.m.

**Mina' Bente Singko Na Liheslaturan Guahan**

***COMMITTEE ON NATURAL RESOURCES***

**MARK-UP MEETING**

**Tuesday, July 11, 2000, 9:00 a.m.**

**Bill No. 409 (COR): An Act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

***SIGN IN SHEET***

<i>Names</i>	<i>Representing</i>
Mark T. Tsuda	Guam Chamber of Commerce
ELYSE R. BAZA	" " " "

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN

**COMMITTEE ON NATURAL RESOURCES**

SENATOR JOANNE M.S. BROWN  
CHAIRPERSON

**Public Hearing on Bill No. 409 (COR) and Bill No. 427 (COR)**

Thursday, June 08, 2000, 9:00 a.m.  
Legislative Public Hearing Room

**AGENDA**

1. Introduction of Committee Members
2. Commencement of Public Hearing
  - a. **BILL NO. 409 (COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.**
  - b. **BILL NO. 427 (COR): AN ACT TO REPEAL AND RE-ENACT TITLE 1 CHAPTER 10 GCA 1023 RELATIVE TO THE DESIGNATION OF THE OFFICIAL BIRD OF GUAM.**
3. Public Comment
4. Adjournment

Mina' Bente Singko Na Liheslaturan Guahan

**COMMITTEE ON NATURAL RESOURCES**

**PUBLIC HEARING**

**Thursday, June 08, 2000, 9:00 a.m.**

BILL NO. 409 (COR): AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.

***SIGN IN SHEET***

<b>Name</b>	<b>Representing</b>	<b>Oral Testimony</b>	<b>Written Testimony</b>
Jesus Santos	GEPA	✓	
Mark T. Tsuda	Aston Int'l	✓	✓ Chamber of Commerce
Tartag	TBC		
Steven Kasapangan	Magnan Beach Club	—	
ELOISE R. BAZH	GUAM CHAMBER OF COM	✓	
Richie Lim	Guam Alltrade Corp	✓	



# SUPERIOR COURT OF GUAM

Probation Services Division • Guam Judicial Center • 120 West O'Brien Drive • Hagåtña, Guam 96910  
(671) 475-3448/3583, Fax: (671) 477-4944

Honorable Alberto C. Lamorena III  
Presiding Judge

September 5, 2000

Patrick C. Cepeda  
Chief Probation Officer

Reference: Bill 409 (COR)

Hafa Adai Honorable Senator Joanne Brown,

Thank you for the opportunity to participate in the development of public policy. I have reviewed the draft legislation Bill 409 and make the following comments.

First, I believe Bill 409 is an excellent approach toward increasing awareness, enforcement and accountability regarding the litter problem on the island. I commend you for taking the lead and raising this issue to the community level for action.

Second, as we have discussed in our previous meeting Probation Services Division intends to grow relationships with other executive agencies to facilitate cleanup programs. Although we currently have a working agreement with the Department of Parks and Recreation we intend to develop programs with the Department of Public Works and the Guam Environmental Protection Agency. This should help in implementing the spirit of Bill 409.

Third, the following are amendments to Bill 409:

1. On page 2, line 5, the current language reads "Section 2. Subsection (d) of Title 9 G.C.A. Section 90.94 . . ." I think this is a typo error because section 90.94 does not exist and therefore should read "**Subsection (d) of Title 9 G.C.A. Chapter 80, Section 80.94 . . .**"
2. On page 2, line 10, 11, & 12, the current language reads "Any ... under Title 16 G.C.A. Section 9104 shall . . ." Section 9104 was replaced by Title 16 G.C.A. Chapter 18 Safe Streets Act and therefore should read "**Any ... under Title 16 G.C.A. Chapter 18, Safe Streets Act shall ...**"

The following are issues you might want to consider including into the bill:

1. **Require the Governor to provide or implement litter cleanup programs in appropriate agencies to support the intent of the law.**
2. **Require the identification of an annual litter clean-up plan when submitting agency budgets.**

Comment: These two points would help minimize the issue of "changes in leadership produces changes in program priorities."

3. **How will you ensure that agencies receive funding resources to facilitate programs?**

Comment: Funding and availability of resources is the key to ensuring that a litter cleanup program continues to exist.

4. **Increase the enforcement of litter laws by including that all peace officers as defined by 8 G.C.A. Article 2, subsection 5.55, may issue litter citations.**

Comment: By empowering more peace officers to issue litter citations we increase the enforcement arm thereby making enforcement more effective.

5. **Require the Governor to develop and implement litter education awareness programs that target schools, community and individual ethnic groups to communicate effectively to all people.**

Comment: Educating the people about the effects of littering on the island will have long-term benefits and raises the standard of living on the island.

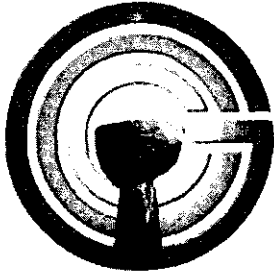
In closing, the intent of Bill 409 will have a lasting impact on the island and should promote a cleaner and healthier living environment. If you can incorporate some of these comments into the legislation then the bill will have lasting effects. Please call me if you wish to discuss this further.

Sincerely,

Patrick C. Cepeda

→ Include Peace Officers  
→ require Governor  
1) Litter cleanup programs in agencies  
2) Identify litter cleanups when submitting budgets  
→ funding





**GUAM CHAMBER OF COMMERCE**  
PARTNERS IN PROGRESS

1 9 2 4 - 1 9 9 9  
June 8, 2000

Senator Joanne M. Salas Brown  
Chairperson  
Committee on Natural Resources  
I Mina'Bente Singko Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96910

**RE: Bill No. 409 - Proposed Improvements to Guam's Litter Control Law**

Dear Madame Chairperson and Committee Members:

Littering is an ongoing problem island residents must no longer tolerate. Litter clean-up days in our neighboring islands barely fill up one (1) bag of trash after a mile. During Tumon or Agana Bay beach clean-ups, we can fill up pick-up loads of trash in that same distance. Our island people pride ourselves in our rich culture and strong lineage, often proclaiming that Guam is a tropical paradise. "Paradise" is not easily achieved in this day and age without cooperation from our local community.

We feel Senator Joanne Brown's Bill 409 is a significant step forward in efforts to combat littering. We strongly support the bill for the following reasons:

1. The reduction in littering fine from \$500 to \$100 will hopefully encourage enforcement because the \$500 fine may have been too unrealistically high;
2. Conviction of litter violations will result in community service in the form of litter cleanups as part of the sentencing, mandatory for 2<sup>nd</sup> or subsequent litter offenses. This will help cleanup the island and make the violator more aware of the consequences of their actions; and,
3. Conviction of litter violations from a moving vehicle will be considered a petty misdemeanor which will further deter littering.

In our discussions with representatives from the Guam Police Department, it was recommended that the fines be used to further GPD enforcement of litter laws. We ask the Committee to consider the merits of GPD's recommendation in your final deliberation on Bill No. 409.

The Guam Chamber of Commerce's Tourism Committee would like to publicly thank Senator Brown for her initiative in proposing needed improvements to our current litter control laws. We thank the members of the Committee on Natural Resources for the opportunity to participate in today's public hearing.

Sincerely,

MARK T. TSUDA  
Chairman  
Tourism Committee

ELOISE R. BAZA  
President



# GUAM ENVIRONMENTAL PROTECTION AGENCY



AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. BOX 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658/9 • FAX: 477-9402

Reduced at Government of Guam expense

**Testimony of  
Jesus T. Salas  
Administrator, Guam Environmental Protection Agency  
Before the Committee on Natural Resources**

**Hearing on Bill 409: An Act To Establish A Reasonable And Enforceable Litter Fine, To Increase Punishment For Litter Violations Committed While Occupying A Moving Motor Vehicle, And To Encourage The Use Of Litter Clean Up In Sentencing In Criminal Cases That Require Community Service**

**June 08, 2000**


The Guam Environmental Protection Agency appreciates the need to provide reasonable fines and alternatives such as supplemental environmental projects for persons convicted of litter violations. However, there are amendments to certain provisions of Bill 409 that we believe should be considered.

1. Page 2, Line 5, Section 2 states that the "sentencing judge shall give consideration to any community service that benefits the public and is beneficial to the offender." Guam EPA recommends that it play a vital role in providing recommended projects to the sentencing judge on community service. This is to ensure that the community service focuses on solid waste related projects. In addition, Guam EPA contends that the reference "...beneficial to the offender" appears to disparage the offense committed against Guam's environment. The project chosen, in lieu of a fine, is intended for the benefit of the community not the offender. This Agency recommends that references to benefits for the offender be removed.
2. Page 2, Line 25, Section 5(a) states that "littering shall be punishable by a fine of not less than \$100 nor more than \$1,000". Guam EPA understands and supports the need to distinguish violations and their respective fines. However, the Agency recommends that a new section be added to specify that littering violations from moving vehicles shall be fined at a minimum of

\$100. However, violations resulting in the creation of an illegal dumpsite should carry a fine of no less than \$500.

In conclusion, as an added comment, Guam EPA recommends that the Legislature consider amending the *Litter Revolving Fund* to shift the distribution of funds from 50% to Guam EPA to a minimum of 75%. Guam EPA is and has been at the forefront of public outreach on solid waste issues. The funding pays for all reproduction of publications and anti-littering signs. Guam EPA would like to increase its anti-littering campaigns through the creation of anti-littering videos, educational projects, and more paid advertisements. Moreover, we would like to use this *Fund* to pay for the recruitment of an Environmental Health Specialist (EHS) I who will focus primarily on littering compliance and enforcement.

Thank you for this opportunity to comment.

  
JESUS T. SALAS  
Administrator



CARL T.C. GUTIERREZ  
Governor of Guam

MADELEINE Z. BORDALLO  
Lieutenant Governor

# Guam Police Department

## Government of Guam

Bldg. No. 233, Central Avenue, Tiyan, Guam 96913  
Tel: (671) 475-8473 (Switchboard) (671) 475-8509/8512  
Fax: (671) 472-4036



EDWARD T. KABINA  
Acting Chief of Police

RONALD J. DERVISH  
Deputy Chief of Police

June 8, 2000

The Honorable Joanne M. S. Brown  
Legislative Secretary  
Twenty-Fifth Guam Legislature  
I Mina'Bente Singko na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, GU 96910

Dear Senator Brown:

Thank you for the opportunity to submit written testimony on Bill No 409 (COR), "**An act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**"

This department certainly concurs that maintaining the beauty and cleanliness of our island is of the utmost importance. Although I cannot comment on the level of fines and the use of community service to further greater litter cleanup, I can assure you that the Guam Police Department will vigorously enforce current litter laws pertaining to trash thrown from a moving vehicle.

However, due to our current shortage of police officers, I hope to institute a plan similar to our highly successful Selective Traffic Enforcement Program (STEP) to fully utilize our resources on hand to selectively enforce litter laws in those areas of excessive violations. Obviously, as our resources increase, we will be able to expand our enforcement and fully comply with the intent of this bill.

I hope that this testimony is helpful in formulating the final version of Bill No. 409 (COR). If I can be of further assistance, please do not hesitate to call upon me.

Sincerely,

Handwritten signature of Edward T. Kabina.

EDWARD T. KABINA  
Acting

**Drug Free Guam Para Todos**



# SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
AGANA, GUAM 96910

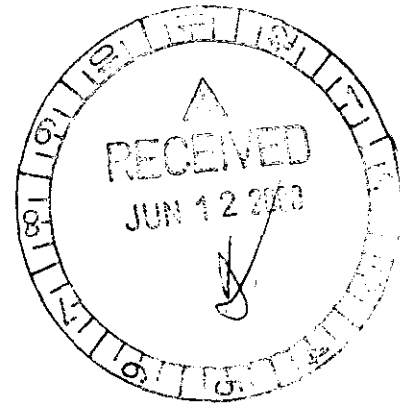


**ANTHONY P. SANCHEZ**  
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544  
FACSIMILE: (671) 477-3184

June 8, 2000

The Honorable Joanne M.S. Brown,  
Chairperson, Committee on Natural Resources  
Legislative Secretary  
Twenty-fifth Guam Legislature  
Suite 200  
130 Aspinall Street  
Hagatna, GU 96910



**Re: Written Testimony on Bill No. 409**

Dear Madam Chairperson & Committee Members:

**Hafa Adai!** On behalf of the Superior Court of Guam, I would like to take this opportunity to thank you for allowing me to submit my written testimony and comments to be considered in favor of **Bill 409 (COR): An Act to establish a reasonable and enforceable litter fine, to increase punishment for litter violations committed while occupying a moving motor vehicle, and to encourage the use of litter clean up in sentencing in criminal cases that require community service.**

Indeed, the maintenance of our island's beauty and cleanliness is crucial to our people and the development of our economy. Enforcement of our litter laws must be passed and implemented by the communities of Guam. It is important that we all work together, consistently, keeping our island free of litter. Individuals who do not adhere by this law must be reasonably fined and ordered to perform community services.

Currently, all Driving While Under the Influence (DUI) probationers are ordered by the court to perform community service under the DUI Island Beautification Project. This on-going project was designed solely for the DUI offenders. All DUI offenders are assigned to work with the Department of Parks and Recreation cleaning parks, beaches and surrounding areas. Community Service Probationers ordered to pay Court Fines and unable to afford to pay them, are able to convert their fines to community service hours based on the minimum wage.

In **Section 1, paragraph 3**, it reads "Therefore, the Legislature intends to encourage greater enforcement by the Guam Police Department and other enforcement entities to issue litter citations in such cases." It is recommended that this sentence be clearly defined with the names of the

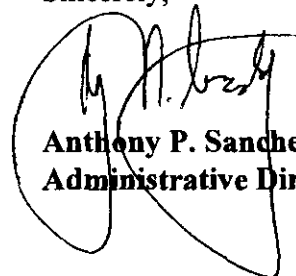
The Honorable Joanne M.S. Brown  
Written Testimony on Bill No. 409  
June 8, 2000  
Page 2

enforcement agencies such as the Superior Court Probation Officers, Superior Court Marshals, the Department of Youth Affairs, Guam Airport Police, Department of Corrections, etc.

In the proposed amendment of **Section 5, Subsection (a) of Section 51207 of Title 10 G.C.A.**, it is recommended that an individual who cannot afford to pay the litter fine be able to convert it into *Community Service* (picking up and removing litter from the area that the individual littered) with the approval of the sentencing judge. The Superior Court of Guam currently has 39 *Community Services* participating agencies which include the private and public sector as well as non-profit organizations.

In view of the above, the Superior Court of Guam greatly supports the passage of Bill 409. This bill will definitely reduce the number of litter violators and improve the beauty of our island of Guam. Should you have questions, please feel free to contact me at 475-3544. **Thank you and Si Yu'os Maase!**

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony P. Sanchez', enclosed within a large, loopy circular scribble.

**Anthony P. Sanchez,  
Administrative Director of the Courts**

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**MINA BENTE SINGKO NA LIHESLATURAN GUAMAN**  
Committee on Natural Resources  
Senator Joanne M. S. Brown  
Chairperson

**Notice of Public Hearing**

The Committee on Natural Resources will be conducting a Hearing on Thursday, June 8, 2000, 9:00 a.m., at the Legislative Public Hearing Room, 155 Hesler Street, Hagatna on the following:

**BIH No. 409 (COR) - AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE**

**BIH No. 427 (COR) - AN ACT TO REPEAL AND RE-ENACT TITLE 1 CHAPTER 10 GCA 1023 RELATIVE TO THE DESIGNATION OF THE OFFICIAL BIRD OF GUAM**

ADA Coordinator: Abnee Rosario at 472-345651  
The public is invited to attend.

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**Pacific Daily News**

**IN THE SUPERIOR COURT OF GUAM**

**IN THE MATTER OF THE ESTATE OF ASUNCION C. TAMONDONG**  
Deceased.  
PROBATE CASE NO. PRO-01-00

**NOTICE OF HEARING ON PETITION FOR LETTERS OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN that Rudy T. Tamondong has filed herein his Petition praying for Letters of Administration upon the Estate of Asuncion C. Tamondong, Deceased, and that June 12, 2000 at 9:00 o'clock a. m. of said day in the Courtroom of The Superior Court of Guam, Agaña, Guam, has been set for hearing of said Petition and all persons interested are hereby notified to appear at the time and place set for said hearing and show cause, if any they have, why the Petition should not be granted.

Reference is hereby made to the said Petition for further particulars.

Dated This 19th Day of May, 2000

**RICHARD B. MARTINEZ**  
ACTING CLERK OF COURT  
SUPERIOR COURT OF GUAM

By: /s/ Cynthia T. Tiong  
Deputy Clerk, Superior Court of Guam



Committee on Natural Resources  
Senator Joanne M. S. Brown

Chairperson  
**Notice of Public Hearing**

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**Bill No. 427 (COR) - AN ACT TO REPEAL AND RE-ENACT TITLE 1 CHAPTER 10 GCA 1023 RELATIVE TO THE DESIGNATION OF THE OFFICIAL BIRD OF GUAM**

ADA Coordinator: Alnee Rosario at 472-3450/51  
The public is invited to attend.

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## REQUEST FOR PROPOSAL FOR LEGAL SERVICES (GCC-RFP-MM-003)

Notice is hereby given that the Guam Community College is extending the deadline for submission of proposals for legal services until 5:00 p.m., June 21, 2000.

All interested parties may pick up copies of the Request for Proposal at GCC Materials Management Office, located in the GCC Administration Building, Room 103.

/s/ JOHN C. CAMACHO  
Acting President

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Introduced

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MINA 'BENTE SINGKO NA LIHESLATURAN GUAHAN  
2000 (SECOND) REGULAR SESSION

Bill No. 409 (COR)

Introduced by:

J.M.S. Brown 

AN ACT TO ESTABLISH A REASONABLE AND ENFORCEABLE LITTER FINE, TO INCREASE PUNISHMENT FOR LITTER VIOLATIONS COMMITTED WHILE OCCUPYING A MOVING MOTOR VEHICLE, AND TO ENCOURAGE THE USE OF LITTER CLEAN UP IN SENTENCING IN CRIMINAL CASES THAT REQUIRE COMMUNITY SERVICE.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** The Legislature recognizes the  
3 importance of maintaining the beauty and cleanliness of our island, for our visitors  
4 and island residents. Enforcement of the island litter laws is critical to decreasing the  
5 amount of litter that is found throughout the island. Reducing the litter fine from a  
6 minimum of \$500.00 to \$100.00 is intended to provide a more reasonable and  
7 enforceable fine for persons convicted of litter violations.

8 The previous minimum fine of \$500.00 per litter violation has not encouraged  
9 greater enforcement, nor has it reduced the amount of litter around the island.

10 The Legislature also recognizes that litter found on Guam's highways is often  
11 thrown from an occupied moving vehicle. Therefore, the Legislature intends to  
12 encourage greater enforcement by the Guam Police Department and other  
13 enforcement entities to issue litter citations in such cases.

14

1           The Legislature further recognizes the benefits to the overall community by  
2 maintaining a clean and litter free island. As a positive reinvestment in the  
3 community, the Legislature desires to encourage greater litter cleanups as a part of  
4 community service sentences in criminal cases.

5           **Section 2.** Subsection (d) of Title 9 G.C.A. Section 90.94 is amended to read:

6 (d) The sentencing judge shall give consideration to any community service that  
7 benefits the public and is beneficial to the offender. Any charity, governmental  
8 agency or public cause that qualifies for a tax deduction to any donor under United  
9 States income tax laws or the tax laws of Guam shall be deemed beneficial to the  
10 public. Any person convicted of Driving While Under the Influence under Title 16  
11 G.C.A. Section 9104 shall serve at least half of his community service working in the  
12 litter cleaning program created by Title 9 G.C.A. Section 81.10.

13           **Section 3.** A new subsection (f) is added to Title 9 G.C.A. Section 81.10 to  
14 read

15 (f) This section shall apply to any person who is convicted for the first time  
16 of Driving While Intoxicated under Title 16 G.C.A. Section 9104.

17           **Section 4.** A new subsection (d) is added to Section 51205 of Title 10 G.C.A.  
18 to read:

19 (d) Any person who violates this section while occupying a motor vehicle  
20 which is moving shall be deemed to have committed a violation not only of this  
21 section but of Title 16 G.C.A. Chapter Three and shall be guilty of a petty  
22 misdemeanor.

23           **Section 5.** Subsection (a) of Section 51207 of Title 10 G.C.A. is amended to  
24 read:

25 (a) Littering shall be punishable by a fine of not less than \$100.00 nor more than  
26 \$1,000.00. Said fine shall not be suspended by the court. Any person convicted of

1 a second or subsequent litter offense shall be required by the Court to pick up and  
2 remove litter from a public place under the supervision of the Agency, or as the Court  
3 shall otherwise provide, for a period not less than eight hours for each offense. Any  
4 person convicted of any litter offense may also be required by the Court to pay the  
5 cost of removing the litter they caused.

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 which can be given effect  
9 without the invalid provisions or application, and to this end the provisions of this  
10 Act are severable.

11 **Section 7. Effective Date.** This Act shall take effect upon its approval by  
12 I Maga'lahaen Guahan, or upon its becoming law without such approval.

13  
14  
15