I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 73-31 (COR), "AN ACT TO APPROPRIATE FUNDS TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA) FOR ACTIONS ARISING FROM THE ENFORCEMENT ACTIVITIES OF CHAPTER 76 OF TITLE 10, GUAM CODE ANNOTATED, AND FOR OTHER PURPOSES",** was on the 4th day of April, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 7th day of April, 2011, at 09:50 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 73-31 (COR)
As amended on the Floor.

Introduced by: v. c. pangelinan
R. J. Respicio
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Sam Mabini, Ph.D.
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO APPROPRIATE FUNDS TO THE GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA) FOR ACTIONS ARISING FROM THE ENFORCEMENT ACTIVITIES OF CHAPTER 76 OF TITLE 10, GUAM CODE ANNOTATED, AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that support for the Guam Environmental Protection Agency (GEPA) is crucial in this period of our island's history. Due to activities related to the expansion of the military's footprint, GEPA's role in protecting the island's environmental

resources is pivotal to ensuring a sustainable quality of life for the island's residents and visitors.

I Liheslaturan Guåhan therefore intends that funds be provided to GEPA, where available, to ensure that compliance and enforcement activities are carried out, and that the department's missions are satisfactorily executed.

Section 2. Appropriation. *I Liheslaturan Guåhan* hereby appropriates the sum of One Hundred Four Thousand Four Hundred Dollars ($104,400) to the Guam Environmental Protection Agency for the purpose of funding actions arising from the enforcement activities of Chapter 76 of Title 10, Guam Code Annotated. The aforementioned funds *shall* be appropriated from the unreserved fund balance of the UST-LUST Fund. Funds appropriated in this Section may be expended for employee training in the regulations of UST, administration, the purchase of equipment and supplies, and the personnel cost arising from the enforcement activities of Chapter 76 of Title 10, Guam Code Annotated. The funds appropriated herein *shall* be available for expenditure by the Guam Environmental Protection Agency for Fiscal Year 2011. The GEPA *shall* submit a report to the Speaker of *I Liheslaturan Guåhan* (the Guam Legislature) on the expenditures authorized herein.

Section 3. §58B106 of Title 5, Guam Code Annotated, is hereby *amended* to read as follows:

"**§58B106. Pledge of Section 30 Revenues.** Rental payments under the Lease and the Lease-Back *shall* be secured by a pledge or other reservation of revenues received by or on behalf of the government of Guam from the United States of America pursuant to Section 30 of the Guam Organic Act (48 U.S.C.A. Section 1421h). Any pledge or reservation of Section 30 revenues authorized by the Act *shall* be subordinate *only* to the

existing lien securing the Government of Guam Limited Obligation (Section 30) Bonds, Series 2001A. Any such pledge or reservation authorized hereunder *shall* be valid and binding from the time the pledge or reservation is made and *shall* be *limited* to Two Million Nine Hundred Thousand Dollars ($2,900,000) per year during the Lease-Back Period, as prescribed in Section 3 of Public Law 30-178. The Section 30 revenues pledged or reserved and thereafter received by the government of Guam *or* by any trustee, depository or custodian *shall* be deposited in a separate account and *shall* be immediately subject to such reservation or the lien of such pledge without any physical delivery thereof *or* further act, and such reservation *or* the lien of such pledge *shall* be valid and binding against all parties having claims of any kind in tort, contract *or* otherwise against the government of Guam or such trustee, depository *or* custodian, irrespective of whether the parties have notice thereof. The instrument by which such pledge *or* reservation is created need *not* be recorded. The remainder of the funds from the existing lien, *supra*, not utilized for this project *shall* be subject to legislative appropriation."

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