



OFFICE OF SENATOR SABINA FLORES PEREZ
Chairperson
Committee on Environment, Revenue and Taxation, and Procurement
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
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PRESS RELEASE

Senator Perez Opposes Violation of Public Trust in Raid of Recycling Revolving Fund

Guam, August 19, 2020 — Senator Perez issues the following statement regarding amended Bill 282-35 (Chapter 2, Part 3, Section 12), which violates the public trust by attempting to raid \$500k from the Recycling Revolving Fund to fund the Guam Green Growth Initiative administered by the University of Guam's Center for Island Sustainability.

“I strongly oppose any attempt to circumvent law and raid the Recycling Revolving Fund. I am proud that, as a body, we passed Bill 198-35 last September, and that Governor Leon Guerrero signed it into law as Public Law 35-37 on October 3, 2019. The law established the Rules and Regulations for use of the RRF and reaffirmed longstanding Guam law that the special fund must be overseen by Guam EPA and its Board of Directors.

But now, less than a year later, amended Bill 282-35 proposes raiding the RRF against the wishes of Guam EPA and its Board of Directors, against Guam law, and against the very rules and regulations we established.

The Guam EPA Board was not consulted regarding this amended language. Without these funds, environmental programs will be cut, including needed additional cleanups and village recycling stations long sought by our Mayors.

As a contributing member to the G3 Initiative, I recommend the proper way forward is to develop sustainable alliances through dialogue, building of relationships and trust, and honoring the legal process and rule of law. The future of Zero Waste for Guam relies on all stakeholders to work collaboratively towards a common goal that support the health of our people and environment. We must oppose actions that will divide us. If we take from one environmental cause to fund another, we undermine financial stability and set back the movement as a whole.

Over 16 years ago, PL 27-38 established the RRF as a groundbreaking, progressive means of ensuring Guam EPA had a stable source of funds to conduct important work for our island. In it, our government established a transparent process for the proper use of funds toward a critical, narrow set of activities. It further enacted safeguards preventing Guam EPA from using the funds for existing operations. Every effort was made then, including through numerous amendments to the RRF's enabling statutes over the years, to prevent the misuse or raiding of funds.

§51303(a), Article 3, Ch 51, Title 10 clearly states “All revenues from the Recycling Revolving Fund are hereby appropriated to the Guam Environmental Protection Agency.” Over the years, when funds needed to be pulled from the RRF for new purposes, our elected leaders followed the law and properly changed GCA. When PL 29-116 was needed to close the old landfill, we did not simply appropriate the funds out of the RRF. We changed GCA, and it was there we allowed Mayors to contract for an island-wide cleanup. Even though the aim of our Mayors was closely

aligned with the environmental goals of Guam EPA and the RRF, this body and the Governor understood that we cannot simply ignore inconvenient laws. Because, if laws are ignored, a precedent is set for future legislatures to raid these protected funds.

As a body, we must follow the laws we create. We create lockboxes such as the Recycling Revolving Fund for exactly this reason: to prevent the raiding of special funds. Not only do I question the legality of this proposed change to the budget bill, I warn against the dangerous precedent we set. By allowing this language to pass, we jeopardize every special fund, including those aimed at public health, public safety, and supporting some of our weakest and most vulnerable. This is slippery slope, which renders meaningless the entire purpose of having special funds and undermines the public trust and government accountability.

I ask my colleagues to protect the public trust and oppose the raiding of funds from the RRF. The amended language illegally ignores GCA, violating both the spirit and the letter of the law. As such, we must simply correct it and return the funds to their original, rightful place.

We must allow established, legal processes to guide our actions. Through proper, transparent collaboration, we can ensure that our government follows the law and protects critical special funds now and in the future.”

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