

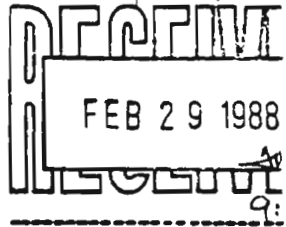


Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
OFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

2/26/88
4:30 pm

FEB 26 1988



Honorable Franklin Gutierrez
Acting Speaker
Nineteenth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

I am returning Substitute Bill 264 which I have signed into law with certain items vetoed and other items reduced.

In meeting the goal of a fiscally sound government it is necessary to continue to observe restraint in spending. It is for that reason I have:

1. Vetoed in its entirety the appropriation made in Section 12;
2. Vetoed in its entirety the appropriation made in Section 13. The Executive Branch records indicate a balance of \$218,000 in appropriations previously made for audits which is sufficient for the Fiscal Year 1987 audit;
3. Vetoed in its entirety the appropriation made in Section 15 as the Port Authority of Guam is unable to fund this project;
4. Vetoed in its entirety the appropriation made in Section 16 upon the assurance from the University that it has sufficient funds available for the Accreditation Team visit as long as transfer authority is granted to the Governor to reprogram funds for this purpose;
5. Reduced the appropriation made in Section 17 to \$100,000 which is the amount needed during the remainder of this fiscal year;
6. Reduced the appropriation made in Section 19 to \$35,000 which is the amount needed during the remainder of this fiscal year;
7. Vetoed in its entirety the appropriation made in Section 20, the Federal Energy Office and the Guam Energy Office are unable to justify this expenditure;
8. Vetoed in its entirety the appropriation made in Section 21 as the amount needed for this project is \$90,000;
9. Vetoed in its entirety the appropriation made in Section 22 as other funding is available for the Public Market; and
10. Vetoed in its entirety the appropriation made in Section 28 as there is no person eligible for that payment.

Mr. Speaker, many of the budget needs of the different agencies may be addressed without new appropriations. If the Governor is granted authority to make transfers among the various items of appropriation, adjustments in the budgets will be made as needed to accommodate unexpected events. The Governor and I urge you to enact a provision granting the Governor sufficient flexibility to meet the needs of the Executive Branch without further aggravating our already disastrous financial situation.

Dec'd legal
2-29-88
9:25 am
pet

000165

Please note that Section 10 of this measure prevents implementation of Sections 1 through 7 and Sections 12 through 32 for 120 days. Since other provisions mandate action before this effective date, an amendment to Section 10 is necessary for consistency throughout all provisions of the law.

Further, with respect to the first twelve sections of the measure, the bounty program cannot be implemented without authority for PUAG to expend funds for the bounty payments. Before the expiration of the 120 day amnesty period, I request passage of a provision authorizing use of the PUAG Fund for paying the bounties.

With respect to Sections 23 through 26, I will order that personnel in the department of Corrections attached to the Corrections Academy be detailed to Guam Community College. I request that legislation be passed authorizing the transfer of personnel, property and funding of academy related activities from the Department of Corrections to Guam Community College. The College has advised that although a Corrections Academy Curriculum and Program have been adopted, it is without sufficient means to operate the Corrections Academy. On the other hand, the Department of Corrections will have no further use for the personnel, property and appropriations once the Academy functions are transferred to Guam Community College. Your expeditious action on this request will be appreciated.

With respect to Section 27, a concern has arisen about its discriminatory application to peace officers. The loss of any government employee in the line of duty is a tragedy. Each family who loses a loved one should be treated the same. Amendment of the Workers Compensation law to increase death benefits to \$50,000 for all government employees is a better alternative to this special treatment for certain employees.

With respect to funding for construction of the temporary public market, I request passage of an amendment to the law creating the Public Market Revolving Fund law (Section 47401(b) of the Government Code) to allow use of the funds for construction of the temporary building. The current balance of that Fund is in excess of \$100,000.

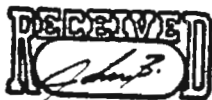
Cordially,



FRANK F. BLAS
Governor of Guam
Acting

Attachment

190493

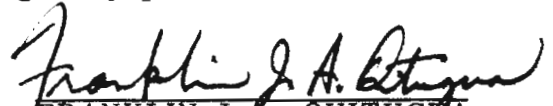


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2/29/88

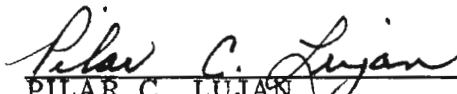
NINETEENTH GUAM LEGISLATURE
1988 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

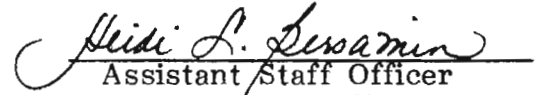
This is to certify that Substitute Bill No. 264, "AN ACT TO PAY A BOUNTY FOR PERSONS REPORTING ILLEGAL HOOKUPS AND TO PROHIBIT ILLEGAL WATER AND SEWER HOOKUPS, AND FOR OTHER PURPOSES", was on the 11th day of February, 1988, duly and regularly passed.


FRANKLIN J.A. QUITUGUA
Speaker

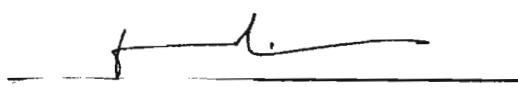
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 16th day of February
1988, at 3:25 o'clock p.m.


Heidi L. Sesamin
Assistant Staff Officer
Governor's Office

APPROVED:


FRANK F. BLAS
Governor of Guam

Acting
Date: FEB 26 1988

Public Law No. 19-14

*With the exception
and reduction in
the accompanying
letter.*



NINETEENTH GUAM LEGISLATURE
1987 (FIRST) Regular Session

Bill No. 264
as amended by the Committee on
Energy, Utilities and Consumer
Protection,
further Substituted
Committee on Rules

Introduced by:

D. Parkinson
A. J. Shelton
M. K. Hartsock

M. D. A. Manibusan
P. C. Sanchez
J. G. Bamba
F. J. Gutierrez
M. C. Ruth

AN ACT TO PAY A BOUNTY FOR PERSONS
REPORTING ILLEGAL HOOKUPS AND TO
PROHIBIT ILLEGAL WATER AND SEWER
HOOKUPS, AND FOR OTHER PURPOSES.

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

2 Section 1. There is hereby established a bounty to be paid of Five
3 Hundred Dollars (\$500.00) to any person who reports an illegal water or
4 sewer hookup. If more than one person reports an illegal hookup, the
5 bounty shall be split equally between the persons who report the illegal
6 hookup.

7 Section 2. If any person reports more than ten (10) illegal hookups in
8 a twelve-month period of time, he may not receive any bounty unless at
9 least fifty percent (50%) of the reported illegal hookups are actually illegal.

10 Section 3. An illegal water hookup is any hookup to water pipes or
11 sewer pipes belonging to the government of Guam made without the prior
12 written permission of the Public Utilities Agency of Guam or any water
13 hookup without a water meter belonging to the Public Utility Agency of
14 Guam being connected. Fire hydrants used exclusively by the Government
15 shall not be considered an illegal hookup. It shall be theft for any person
16 to take water from a fire hydrant, except for government of Guam
17 employees or firefighters acting in their official capacity, without the prior

1 written permission of the Public Utility Agency of Guam. Illegal use or
2 connection to a fireplug shall be considered an illegal connection with pipe
3 size based on diameter of the fireplug.

4 (a) Any person other than authorized Public Utility Agency of Guam
5 personnel, or firemen in their official capacity, or persons who have written
6 authorization from the Public Utility Agency of Guam, who knowingly and
7 intentionally tampers with or damages fireplug water pipes or sewer pipes
8 belonging to the Public Utility Agency of Guam with the intent to steal
9 water or damage the system shall be guilty of a felony of the third degree,
10 and shall be subject to a Fifteen Thousand Dollar (\$15,000) penalty payable
11 to Public Utility Agency of Guam, in addition to all other fines, penalties
12 and prison time allowed by law.

13 Section 4. If any illegal hookup is discovered (including but not
14 limited to illegal hookups by building contractors), water shall be
15 disconnected at that location and may not be reinstated directly or
16 indirectly for that lot until a penalty of not less than Twenty-five Hundred
17 Dollars (\$2,500) nor more than Twenty-five Thousand Dollars (\$25,000) for
18 illegal hookup has been paid to the Public Utility Agency of Guam. The
19 Chief Officer of the Public Utility Agency of Guam shall formulate a penalty
20 schedule based upon Twenty-five Hundred Dollars (\$2,500) for illegal
21 connection of one inch (1") diameter or less and Twenty-five Hundred
22 Dollars (\$2,500) per inch (1") of diameter of pipe for illegal connection into
23 pipes more than one inch (1") up to Twenty-five Thousand Dollars
24 (\$25,000) maximum. The Chief Officer of the Public Utility Agency of Guam
25 may formulate a payment schedule for said penalty for up to twenty-four
26 (24) months, to be repaid with regular water bills, at twelve percent (12%)
27 annual interest on the unpaid balance. Any person who connects illegally
28 to any water or sewer line may not be granted additional building permits
29 until any such penalty is paid. The owner and tenant (if any) of any lot
30 having an illegal water hookup shall be personally, jointly and severably
31 liable for all penalties and estimated value of water used.

32 Section 5. It is the specific responsibility of landowners and tenants
33 to make sure that there are no illegal hookups serving the property. It is
34 immaterial to those who connect an illegal connection. It is the

1 responsibility of the landowner (and tenant, if any) of any lot served by
2 an illegal connection to correct the situation as hereinafter provided, or, if
3 caught, to pay the requisite penalty and for the estimated water usage for
4 up to four (4) years as provided in Section 6 of this Act.

5 Section 6. In addition to the penalty, the Public Utility Agency shall
6 determine the estimated value of the water used by the illegal water
7 connection for a period of up to four (4) years, based upon the estimated
8 time the illegal hookup was in place, using average consumption figures for
9 the type of consumption of the illegal hookup system-wide for all consumers
10 of that class of figures, taking into account usage of the premises, number
11 of occupants or users, and size of buildings or area served by such illegal
12 hookup. It shall be the burden of the recipient of the illegal hookup to
13 establish that the illegal hookup was in use for less than four (4) years or
14 that the estimated usage set forth by the Public Utility Agency of Guam is
15 incorrect. One way of determining the time period is to check Public
16 Utility Agency of Guam records and determine when the location last paid
17 for water.

18 Section 7. It shall be considered an illegal water hookup to
19 interconnect a residence or a commercial business to a line which is metered
20 for agricultural use. Any person who is receiving water at an agricultural
21 rate may not use such water for residential or commercial purposes, or for
22 any purpose other than agricultural use or livestock watering. On any
23 ranch having a residence thereon, there shall be a residential water meter
24 in addition to a meter monitoring agricultural use. In addition to all other
25 penalties, violation of this Section shall also result in disconnection of all
26 agricultural water to the offending lot for a period of eighteen (18) months.
27 For any farmer using agricultural water for residential use, no charge shall
28 be made for connecting a residential meter if ordered or requested by the
29 user of agricultural water within One Hundred Twenty (120) days of the
30 date of enactment of this Act.

31 Section 8. The Legislature finds that illegally connecting into the
32 water and sewer system is a hazard to the public's health. Therefore, it
33 shall be a felony of the third degree for any person other than an employee
34 of the Public Utility Agency of Guam acting in his official capacity to

1 knowingly tamper with any line, valve or meter or knowingly damage or cut
2 any line, valve or meter, or tap into any water or sewer line belonging to
3 the Public Utility Agency of Guam for the purpose of taking water or
4 dumping sewage without prior written approval of the Public Utility Agency
5 of Guam. If any employee or agent of any Contractor knowingly taps into
6 any water or sewer line belonging to the Public Utility Agency of Guam
7 without prior written approval, his employer and any general contractor
8 who may have been supervising the employee or the agent or the employer
9 or the subcontractor shall have their contractor's licenses revoked by the
10 Contractor's Licensing Board for eighteen (18) months if the Board finds:

11 (a) That one (1) or more of the persons involved were persons
12 employed by or were agents of the contractor or employers, and one (1) or
13 more of those persons knowingly tapped into water or sewer lines without
14 prior written permission of the Public Utility Agency of Guam; or

15 (b) That at least one (1) of the persons who illegally tapped into the
16 line was acting in his capacity as a principal, officer, agent or employee of
17 the employer or contractor.

18 It is immaterial if the contractor or employer had actual knowledge of
19 the illegal hookup, if done in the course of employment.

20 Section 9. In addition to all other penalties imposed by law, it shall
21 be theft to knowingly take or use water from an illegal water hookup or for
22 any person other than a firefighter to take water without prior written
23 permission of the Public Utility Agency of Guam. Such theft shall be
24 prosecuted in the same manner as any other theft, with the criminal
25 penalties as provided by law.

26 Section 10. Sections 8, 9 and 11 of this Act shall take effect upon
27 enactment. All other Sections of this Act shall take effect One Hundred
28 Twenty (120) days from the date of enactment of this Act. This delay is to
29 provide the Public Utility Agency of Guam with a grace period or amnesty,
30 during which time the Public Utility Agency of Guam may reconnect or
31 connect property previously served by illegal hookups without penalty.
32 During such grace period or amnesty, the provisions of this Act shall be
33 widely advertised by the Public Utility Agency of Guam.

34 Section 11. The Chief Office of the Public Utility Agency of Guam may

1 promulgate rules and regulations to implement the provisions of this Act, in
2 accordance with the Administrative Adjudication Law. The Rules and
3 Regulations shall provide for such hearing procedures as will adequately
4 protect rights of affected persons under the constitution of the United State
5 and the Guam Organic Act.

6 Section 12. The sum of ^{zero} ~~Six Hundred Seventeen Thousand Four~~
7 ~~Hundred Eighty Dollars (\$617,480.00)~~, is appropriated from the General
8 Fund to the Legislature Operations Fund for office expenses, renovations,
9 repairs, purchase of equipment and other legislative expenses. The funds
10 shall be allocated by the Committee on Rules.

11 Section 13. The sum of ^{zero} ~~Three Hundred Eighty-Three Thousand~~
12 ~~Dollars (\$383,000.00)~~ is appropriated from the General Fund to the Guam
13 Legislature Committee on Ways and Means to accomplish the purposes set out
14 in Section 1400 of the Government Code of Guam and other related fiscal
15 monitoring activities.

16 Section 14. 1 GCA §1033 is amended to read:

17 "§1033. Guam-Micronesia Island Fair. (a) Annually, the
18 Governor shall issue a proclamation calling upon the people of Guam to
19 observe a Guam-Micronesia Island Fair, which shall be held after
20 Easter and before Independence Day. The specific days shall be
21 determined by the Guam-Micronesia Island Fair Committee. The first
22 Guam-Micronesia Island Fair shall:

23 1. Be conducted at a suitable location to be determined by
24 the organizing committee.

25 2. Accept the participation of neighboring Micronesian
26 nations who shall be encouraged to develop displays of
27 handicrafts, artists works, and cultural performers.

28 3. Encourage the participation of industrial and agricultural
29 developers in presenting exhibits of manufactured goods,
30 agricultural products and livestock for showing or for sale.

31 4. Encourage the people of Guam, visitors of Guam, buyers
32 and journalists from Asian rim and other nations to attend.

33 5. Be subject to user fees of ten percent (10%) instead of
34 the Gross Receipts Tax on all goods and services sold at the fair.

1 (b) The Department of Commerce shall be the organizing body
2 for the Guam-Micronesia Island Fair. The Guam Visitors Bureau shall
3 provide the necessary logistics and financial support from the Tourist
4 Attraction Fund to insure the success of the Fair. The Department of
5 Parks and Recreation shall assist by issuing permits for booths and
6 exhibits, and designing the general layout of booths, exhibits and
7 activities, with cultural awareness paramount in the design. The
8 Department of Public Works shall inspect and ensure that the public
9 facilities at the selected site are in good working condition to
10 adequately protect the health and safety of the persons at the Fair.
11 The Department of Revenue and Taxation shall issue on a priority
12 basis a license for each type of activity being conducted at the Fair
13 which requires a license from the department. The Department of
14 Public Health shall issue licenses for the preparation and sale of food.
15 The Department of Commerce shall provide information and assistance
16 to participants concerning the importation requirements of statutes and
17 the U. S. Department of Agriculture and other agencies for importation
18 of items into the territory for use at the Fair. The Department of
19 Agriculture shall establish regulations for the judging of produce and
20 livestock exhibited at the Fair. The Commissioners' Council shall
21 create a mechanism for village participation or competitions. The Guam
22 Council on the Arts and Humanities shall provide technical assistance
23 to encourage public participation of the performing and fine arts.

24 (c) The Governor shall appoint, from among the personnel of the
25 departments and agencies mentioned in Subsection (b) of this Section,
26 personnel to insure the success of the Guam-Micronesia Island Fair.
27 The Speaker, in consultation with the respective Chairpersons of the
28 Committees on Economic Development and Tourism, shall designate
29 representatives from the Legislature to serve as members of the
30 organizing committee.

31 (d) User fees of ten percent (10%) of the sale price of goods or
32 services sold at the Fair shall be collected and deposited to the
33 Treasury of Guam. Twenty-five percent (25%) of the proceeds
34 collected shall be deposited in the General Fund, fifty percent (50%)

1 shall be deposited in the Guam-Micronesia Island Fair Revolving Fund,
2 which is hereby created, to be administered by the Guam Visitors
3 Bureau, for the sole purpose of paying for Guam-Micronesia Island
4 Fair-related expenses, with twenty-five percent (25%) to be deposited
5 in the Guam, CNMI and Micronesian Student Loan Fund.

6 (e) Within thirty (30) days of the close of each Guam-Micronesia
7 Island Fair, the Guam Visitors Bureau shall report on the financial
8 status of the Fair and the Guam-Micronesia Island Fair Revolving Fund
9 to the Governor and Legislature, and shall make recommendations to
10 improve the implementation of the Fair, including future sites and
11 dates of the Fair."

12 Section 15. Notwithstanding any other provision of law, the sum of
13 ^{zero} ~~Ten Thousand Dollars (\$10,000)~~ is appropriated from the Port Authority
14 Fund to the Department of Parks and Recreation to fund the 1988 Guam
15 Youth Football League and for other purposes related to the League.

16 Section 16. The amount of ^{zero} ~~Thirty Four Thousand Nine Hundred and
17 Sixty Five Dollars (\$34,965)~~ is appropriated from the General Fund to the
18 Office of the President of the University of Guam for the purpose of
19 funding accreditation activities in Fiscal Year 1988.

20 Section 17. The sum of ^{one hundred thousand dollars} ~~Two Hundred Fifty Thousand Dollars
21 (\$250,000)~~ is appropriated from the General Fund to the Guam Memorial
22 Hospital Authority for the purpose of providing assistance to hemodialysis
23 patients.

24 Section 18. It is hereby authorized that the staffing level of the Guam
25 Council of Arts & Humanities Agency be increased from three (3) FTEs to
26 six (6) FTEs to include additional positions for Program Coordinator III,
27 Secretary I and Clerk I.

28 Section 19. The sum of ^{Thirty-five Thousand Dollars (\$35,000)} ~~Fifty Six Thousand Nine Hundred Thirty One
29 Dollars (\$56,931.00)~~ is appropriated from the Tourist Attraction Fund to the
30 Guam Council on Arts & Humanities Agency to fund the additional three (3)
31 FTEs of Program Coordinator III, Secretary I and Clerk I authorized in
32 Section 18 of this Act.

33 Section 20. The sum of ^{zero} ~~Three Thousand Three Hundred Ninety Eight
34 Dollars and Thirty Four Cents (\$3,398.34)~~ is appropriated from the General

1 Fund to the Guam Energy Office to pay back wages owed to former
2 employees of the Guam Energy Office.

3 Section 21. The sum of ^{Zero ✓} ~~Twenty Eight Thousand Dollars (\$28,000)~~ is
4 appropriated from the Tourist Attraction Fund to the Department of Public
5 Works for the construction of restroom facilities at the Roundtable
6 Playground in Agat.

7 Section 22. The sum of ^{Zero ✓} ~~One Hundred Thousand Dollars (\$100,000.00)~~
8 is appropriated from the General Fund for the repair and restoration of the
9 Public Market in Agana.

10 Section 23. Section 5 of Public Law 14-77 is amended to read as
11 follows:

12 "Section 5. Transfer of Programs. The following programs are
13 hereby transferred to the Guam Community College:

14 (1) Programs involving the skill center facility which is
15 currently under construction in Mangilao.

16 (2) The proposed programs listed below which, prior to the
17 effective date of this Act, were operated by the University of
18 Guam or the Department of Education:

19 (a) The Division of Careers and Occupation including
20 Guam Vocational-Technical High School;

21 (b) Civil Engineering Technology;

22 (c) Architectural Engineering Technology;

23 (d) Surveying;

24 (e) Electronics Engineering Technology;

25 (f) Computer Science;

26 (g) Career Studies;

27 (h) Secretarial Administration;

28 (i) Adult Basic Education;

29 (j) Adult Education;

30 (k) GED; and

31 (l) Such other programs as the Provost and the
32 governing bodies of other governmental institutions shall
33 agree upon.

34 On September 28, 1978, the Police Academy shall be

1 transferred to the Guam Community College for operation.

2 On April 15, 1988, the Corrections Academy shall be
3 transferred to the Guam Community College for operation."

4 Section 24. Section 6 of Public Law 14-77 is amended to read as
5 follows:

6 "Section 6. Transfer of Positions and Personnel. (a) All
7 positions and the employees occupying said positions on the effective
8 date hereof in the Department of Education, the University of Guam,
9 the Department of Labor and the Guam Vocational-Technical High
10 School who are exclusively employed in the operation or administration
11 of the programs except those relating to the Police Academy and the
12 Corrections Academy set forth in Section 5 of this Act are hereby
13 transferred to the Guam Community College.

14 (b) On September 28, 1978, all positions and the employees
15 occupying said positions who are exclusively employed in the operation
16 or administration of the Police Academy are transferred to the Guam
17 Community College.

18 (c) On April 15, 1988, all positions and the employees occupying
19 said positions who are exclusively employed in the operation or
20 administration of the Corrections Academy are transferred to the Guam
21 Community College."

22 Section 25. Section 7 of Public Law 14-77 is amended to read as
23 follows:

24 "Section 7. Transfer of Appropriation. All appropriations,
25 federal funds, grants and other monies exclusively pertaining to or
26 issued in connection with the programs except those relating to the
27 Police Academy and the Corrections Academy identified in Section 5 of
28 this Act in the Department of Education, University of Guam,
29 Department of Labor or other departments of the government of Guam
30 are hereby transferred to the Guam Community College, provided that
31 if such transfer would be a violation of federal law, rule or regulation
32 such transfer shall not take place until the appropriate federal consent
33 to the transfer has been received."

34 Section 26. Section 8 of Public Law 14-77 is amended to read as

1 follows:

2 "Section 8. Transfer of Property. All personalty, facilities,
3 equipment, supplies, records, files, books and other papers
4 exclusively pertaining to the operation of the programs except those
5 relating to the Police Academy and the Corrections Academy identified
6 in Section 5 of this Act in the Department of Education, the University
7 of Guam, the Department of Labor or other departments of the
8 government of Guam are hereby transferred to the Guam Community
9 College. On September 28, 1978, all personalty, facilities, equipment,
10 supplies, records, files, books and other papers exclusively pertaining
11 to the operation of the Police Academy are transferred to the Guam
12 Community College."

13 Section 27. The government of Guam shall pay funeral expense, and
14 provide a lump-sum payment of Fifty Thousand Dollars (\$50,000) to the
15 legal heirs of government of Guam law enforcement personnel who lose their
16 lives in the line of duty. Government of Guam law enforcement personnel
17 for the purpose of this Section shall be all persons defined as Peace
18 Officers under 8 GCA 5.55 (a), (b), (c), (d), (e), (f), (g), (h), (i),
19 (j), (k), and all security officers employed but not limited to lockup
20 guards, security for the Guam Airport Authority and security for the Guam
21 Commercial Port. In the event a federal entitlement is applicable, this
22 Section shall not apply. The provisions of this Section shall take effect
23 retroactive to January 1, 1986.

24 Section 28. The sum of ^{zero} ~~Fifty Thousand Dollars (\$50,000)~~ is
25 appropriated from the General Fund to the Department of Administration to
26 effectuate the purposes of Section 27 of this Act.

27 Section 29. Chapter II, §1, Part XXXIII of Public Law 19-10 is
28 amended to read:

29 "B.

30 3. Summer Youth Employment Program

31		\$459,535	_____	_____	\$459,535
32	4. Youth Month	\$10,000	_____	_____	\$10,000
33		\$942,226	_____	_____	\$942,226

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C. For Special Services

1. Personnel Services

\$856,872 _____ \$856,872"

Section 30. Notwithstanding any other provision of law, rule, or regulation, the Public Utility Agency of Guam is authorized to fill any vacancy existing as of the effective date of Public Law 19-10.

Section 31. Notwithstanding any other provision of law, rule or regulation, the Public Utility Agency of Guam is authorized to create twenty four (24) new water and sewer related positions, subject to availability of funds.

Section 32. Subsection (j) of Section 13124 of the Government Code of Guam is amended to read as follows:

"(j) Prior to the transferee signing any contract of sale or other document evidencing an obligation to buy an interest in land, any subdivider, except for a parental subdivision or a subdivision of fifteen (15) or fewer lots, must provide a transferee of land in the subdivision with an accurate written estimated cost of hooking up to power and water if such are not immediately available within one hundred (100) feet of border of the property and are not to be provided within one (1) year or less to the property by the subdivider. Each buyer must acknowledge receipt of the estimate in writing. Failure to provide such estimate shall allow the transferee to rescind the transaction or to recover from the subdivider or from any real estate broker, title insurance company or escrow company involved in the transaction, the cost of hooking up the utility concerned, plus reasonable cost and attorney's fees. This Subsection (j) does not apply to parental subdivision or subdivisions of fifteen (15) or fewer lots."

NINETEENTH GUAM LEGISLATURE

ROLL CALL SHEET

Bill No. 264

DATE: 2/11/88

Res. No. _____

QUESTION: _____

<u>SENATOR</u>	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
<u>E. P. Arriola</u> +	✓			
<u>J. G. Bamba</u> +		✓		
<u>M. Z. Bordallo</u>	✓			
<u>H. D. Dierking</u>	✓			
<u>E. R. Duenas</u> +	✓			
<u>E. M. Espaldon</u>	✓			
<u>F. J. Gutierrez</u>	✓			
<u>M. K. Hartsock</u>	✓			
<u>A. C. Lamorena III</u>	✓			
<u>P. C. Lujan</u>	✓			
<u>M. D. A. Manibusan</u>				✓
<u>J. G. Miles</u>	✓			
<u>T. S. Nelson</u>	✓			
<u>D. Parkinson</u>	✓			
<u>J. F. Quan</u>	✓			
<u>F. J. Quitugua</u>	✓			
<u>J. M. Rivera</u>	✓			
<u>M. C. Ruth</u>		✓		
<u>J. T. San Agustin</u>		✓		
<u>F. R. Santos</u> +	✓			
<u>A. J. Shelton II</u>	✓			
	17	3		1

A.J. SONNY SHELTON
SENATOR
CHAIRMAN, COMMITTEE ON RULES



19TH GUAM LEGISLATURE

Vice-Chairman
COMMITTEE ON ENERGY UTILITIES
AND CONSUMER PROTECTION
Member
COMMITTEE ON EDUCATION
COMMITTEE ON TOURISM,
TRANSPORTATION AND COMMUNICATION
COMMITTEE ON ECONOMIC
DEVELOPMENT AND BANKING
COMMITTEE ON FEDERAL, FOREIGN
AND LEGAL AFFAIRS

P.O. BOX CB-1 AGANA, GUAM 96910 TELEPHONE: (871) 472-3408, 472-3409

February 10, 1988

The Honorable Franklin J.A. Quitugua
Speaker
Nineteenth Guam Legislature
P.O. Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules at its Rules Meeting on Wednesday, February 10, 1988, approved the placement of Bill No. 264, first item on the Second Reading File; and hereby transmits to the full Legislature Bill No. 264, as Amended by the Committee on Energy, Utilities & Consumer Protection and further Substituted by the Committee on Rules on February 10, 1988.

The Committee voting record for passage of Substitute Bill No. 264 is as follows:

TO DO PASS	<u>15</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>1</u>
TO PLACE IN THE INACTIVE FILE	<u>0</u>

A copy of the report and all other pertinent documents are attached for your information.


A. J. SONNY SHELTON
Chairman

Attachments

COMMITTEE REPORT
COMMITTEE ON RULES
SUBSTITUTE BILL NO. 264

February 10, 1988

As amended by the Committee on Energy, Utilities and Consumer Protection, Substituted by the Chairman of that Committee, and further Substituted by the Committee on Rules

The Committee on Rules met at 9:00 a.m. on Wednesday, February 10, 1988 at the Session Hall and took up Bill No. 264 as amended by the Committee on Energy, Utilities and Consumer Protection, as further substituted by the Chairman of that Committee, for discussion and purposes of amendment.

The Bill as presented to the Committee on Rules contained eleven Sections pertaining to providing for a bounty to be paid to persons for reporting illegal water or sewer hookups. The Bill as amended by the Committee on Energy, Utilities and Consumer Protection, and further substituted by the Chairman of that Committee, indicated a number of typographical errors and misspellings by means of brackets and underlines and the Legal Counsel was instructed to substitute the corrections in the resulting substitute version prepared by the Committee on Rules.

New Sections 12 through 32 were then added to the Bill as follows:

1. New Sections 12 and 13 were added to the Bill appropriating in Section 12 Six Hundred Seventeen Thousand Four Hundred Eighty Dollars to the Legislature Operations Fund for Legislative expenses such as office expenses, renovations, repairs and purchase of equipment. In Section 13, Three Hundred Eighty Three Thousand Dollars was appropriated to the Committee on Ways and Means for purposes of Section 1400 of the Government Code and fiscal monitoring activities.

2. A new Section 14 was added to the Bill, amending 1 GCA §1033 regarding the Guam-Micronesia Island Fair. This Fair was specified to be held after Easter and before Independence Day rather than the original law specifying the Fair to be held the first Friday following Easter Sunday. Also, the Guam Visitors Bureau is to provide logistics and financial support from the Tourist Attraction Fund. The Department of Public Works is to select a site which does not have to be Ypao Beach Park. The Speaker is to designate representatives from the Legislature to serve as members of the organizing committee, and instead of 75% of the proceeds as originally mandated to be deposited in the General Fund, 25% are to be deposited in the General Fund with the rest forming a revolving fund to be administered by GVB for the expenses of affair.

3. A new Section 15 was added to the Bill appropriating Ten Thousand Dollars from the Port Authority Fund to the Department of Parks and Recreation for the 1988 Guam Youth Football league.

4. A new Section 16 was added to the Bill appropriating Thirty-four Thousand Nine Hundred Sixty-five Dollars to the President of the University of Guam for accreditation activities in Fiscal Year 1988.

5. A new Section 17 was added to the Bill appropriating Two Hundred Fifty Thousand Dollars to the Guam Memorial Hospital Authority for hemodialysis patients.

6. New Sections 18 and 19 were added to the Bill authorizing an increase in the staffing level of the Guam Council on Arts and Humanities Agency from three FTEs to six FTEs and including the positions of Program Coordinator III, Secretary I and Clerk I. An appropriation in Section 19 was for Fifty-six Thousand Nine Hundred Thirty-one Dollars from the Tourist Attraction Fund to CAHA for the three new positions.

7. A new Section 20 was added to the Bill appropriating Three Thousand Three Hundred Ninety-eight Dollars and Thirty-four Cents to the Guam Energy Office for back wages of former employees.

8. A new Section 21 was added to the Bill appropriating Twenty-eight Thousand Dollars from the Tourist Attraction Fund to DPW for the construction of restrooms at the Roundtable playground in Agat.

9. A new Section 22 was added to the Bill providing for an appropriation of One Hundred Thousand Dollars from the General Fund for the repair and restoration of the Public Market in Agana.

10. New Sections 23, 24, 25, and 26 were added to the Bill amending Sections 5, 6, 7, and 8 of Public Law 14-77, relative to transferring the Corrections Academy to the Guam Community College on April 15, 1988. The amendments in those Sections also indicate that the personnel, positions and other properties of the Corrections Academy are to be transferred to the Guam Community College, which is to administer the program.

11. New Sections 27 and 28 were added to the Bill relative to paying lump sum payments to legal heirs of government of Guam law enforcement personnel who lose their lives in the line of duty. Section 27 mandates that Fifty Thousand Dollars is to be paid to such individuals and give the definition of who is entitled to the lump sum payments. It also indicates that if federal entitlements are applicable to the situation, that the local money is not to be given to the individuals. The Section is retroactive to January 1, 1986. Section 28 appropriates Fifty Thousand Dollars to the Department of Administration to pay a claim under Section 27 of the Act.

12. A new Section 29 was added to the Bill amending the appropriations in the appropriations to the Department of Youth Affairs



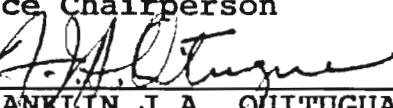
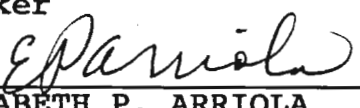
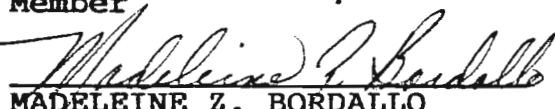


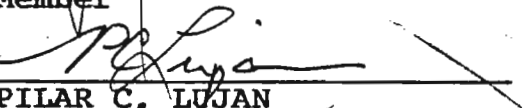
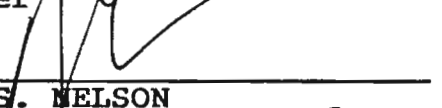

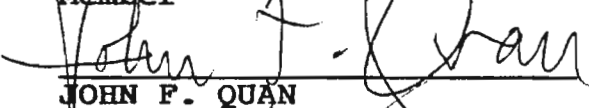





contained in Part XXXIII of Chapter II of Public Law 19-10 to provide for a reduction in the appropriation for the Summer Youth Employment Program from Four Hundred Eighty-eight Thousand Three Hundred Eighty-eight Dollars to Four Hundred Fifty-nine Thousand Five Hundred Thirty-five Dollars, to add an appropriation of Ten Thousand Dollars for Youth Month and reduce the total of that Subsection accordingly. Section 29 also increases the appropriation for personnel services in item C for Special Services from Eight Hundred Thirty-eight Thousand Nineteen Dollars to Eight Hundred Fifty-six Thousand Eight Hundred Seventy-two Dollars.

13. New Sections 30 and 31 were added to the Bill indicating that the Public Utility Agency of Guam may fill vacancies existing on the effective date of Public Law 19-10, notwithstanding any legal prohibitions. Section 31 also indicates that PUAG may create twenty-four (24) new water and sewer related positions if funding is available.

14. A new Section 32 was added to the Bill amending Subsection (j) of Section 13124 of the Government Code which provides that any subdivider of lots must provide a transferee with certain information regarding the cost of hooking up to power and water. The amendment in this Section indicates that the information does not have to be provided for subdivisions of fifteen or fewer lots, as well as parental subdivisions.

After the adoption of the above-described added Sections to Bill No. 264, as amended by the Committee on Energy, Utilities and Consumer Protection and further substituted by the Chairman of that Committee, the substituted version as described above was further substituted by the Committee on Rules and Bill No. 264 as substituted was placed at the top of the Second Reading file for the session agenda.

VOTING SHEET ON BILL 264 AS AMENDED BY THE COMMITTEE ON ENERGY, UTILITIES AND CONSUMER PROTECTION AND FURTHER SUBSTITUTED BY THE COMMITTEE ON RULES ON FEBRUARY 10, 1988

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
 A. J. SONNY SHELTON Chairman	✓			
 MARCIA K. HARTSOCK Vice Chairperson	✓			
 FRANKLIN J.A. QUITUGUA Speaker	✓			
 ELIZABETH P. ARRIOLA Member	✓			
 MADELEINE Z. BORDALLO Member	✓			
 HERMINIA D. DIERKING Member	✓			
 FRANKLIN J. GUTIERREZ Member	✓			
 PILAR C. LUJAN Member	✓			
 TED S. NELSON Member	✓			
 DON PARKINSON Member	✓			
 JOHN F. QUAN Member	✓			
 JOE T. SAN AGUSTIN Member	✓			
 FRANCISCO R. SANTOS Member	✓			
 ALBERTO C. LAMORENA, III Member	X			
 J. GEORGE BAMBA Member			✓	
 JERRY M. RIVERA Member	✓			

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NINETEENTH GUAM LEGISLATURE
1987 (First) Regular Session

Bill No. 264

Introduced By:

Don Parkinson
 A. J. SANCHEZ
 MK Hartsack
 Don Park
 M. D. A. HANIBUSAA
 D. SANCHEZ
 M. RUTH

AN ACT TO PAY A BOUNTY FOR PERSONS REPORTING
ILLEGAL HOOKUPS AND TO PROHIBIT ILLEGAL WATER
HOOKUPS.

Section 1. There is hereby established a bounty to be paid of Five Hundred Dollars (\$500.00) to any person who reports an illegal water or sewer hookup. If more than one person reports an illegal hookup, the bounty shall be split equally between the persons who report the illegal hookup.

Section 2. If any person reports more than Ten (10) illegal hookups in a Twelve-month period of time, he may not receive any bounty unless at least fifty percent (50%) of the reported illegal hookups are actually illegal.

Section 3. An illegal water hookup is any hookup to water pipes or sewer pipes belonging to the Government of Guam made without the proir written permission of the Public Utilities Agency of Guam or any water hookup without a water meter belonging to the Public Utility Agency of Guam being connected. Fire hydrants used exclusively by the Government shall not be considered an illegal hookup. It shall be theft for any person to take water from a fire hydrant, except for Government of Guam employees or firefighters

acting in their official capacity. No water hookup in existence on the effective date of this act which is connected to and served by a water meter belonging to the Public Utility Agency of Guam shall be construed as illegal.

Section 4. If any illegal hookup is discovered (including but not limited to illegal hookups by building contractors), water shall be disconnected at that location and may not be reinstated directly or indirectly for that lot until a penalty of One Thousand Dollars (\$1,000.00) for illegal hookup has been paid to the Public Utility Agency of Guam. The Chief Officer of the Public Utility Agency of Guam may formulate a payment schedule for said penalty for up to twenty-four (24) months, to be repaid with regular water bills, at twelve percent (12%) annual interest on the unpaid balance. Any person who connects illegally to any water or sewer line may not be granted additional building permits until any such penalty is paid. The owner and tenant ~~(of any~~ of any lot an illegal water hookup shall be personally, jointly and severably liable for all penalties and estimated value of water used.

Section 5. It is the specific responsibility of landowners and tenants to make sure that there are no illegal hookups serving the property. It is immaterial who connected an illegal connection. It is the responsibility of the landowner (and tenant, if any) of any lot served by an illegal connection to correct the situation as hereinafter provided, or, if caught, to pay the requisite penalty and for the estimated water usage for up to four years as provided in Section 6.

Section 6. In addition to the penalty, the Public Utility Agency

shall determine the estimated value of the water used by the illegal water connection for a period of up to four (4) years, based upon the estimated time the illegal hookup was in place, using average consumption figures for the type of consumption of the illegal hookup system-wide for all consumers of that class of figures, taking into account usage of the premise, number of occupants or users, and size of buildings or area served by such illegal hookup.

Section 7. It shall be considered an illegal water hookup to interconnect a residence or a commercial business to a line which is metered for agricultural use. Any person who is receiving water at an agricultural rate may not use such water for residential or commercial purposes, or for any purpose other than agricultural use or livestock watering. On any ranch having a residence thereon, there shall be a residential water meter in addition to a meter monitoring agricultural use. In addition to all other penalties, violation of this section shall also result in disconnection of all agricultural water to the offending lot for a period of 18 months. For any farmer using agricultural water for residential use, no charge shall be made for connecting a residential meter if ordered or requested by the user of agricultural water within 120 days of the effective date of this act.

Section 8. The Legislature finds that illegally connecting into the water and sewer system is a hazard to the public's health. Therefore, it shall be a felony of the third degree for any person other than an employee of the Public Utility Agency of Guam acting in his official capacity to knowingly tap into any water or sewer line belonging to the

Public Utility Agency of Guam for purpose of taking water or dumping sewage without prior written approval of the Public Utility Agency of Guam. If any employee or agent of any contractor knowingly taps into any water or sewer line belonging to the Public Utility Agency of Guam without prior written approval, his employer and any general contractor who may have been supervising the employee and or agent and or employer and or subcontractor shall have their contractor's licenses revoked by the Contractor's Licensing Board for 18 months if the Board finds:

(1) That one or more of the persons involved were persons employed by or were agents of the contractor or employers, and one or more of those persons knowingly tapped into water or sewer lines without prior written permission of the Public Utility Agency of Guam, and

(2) That at least one of the persons who illegally tapped into the line was acting in his capacity as a principal, officer, agent or employee of the employer or contractor.

(3) It is immaterial if the contractor or employer had actual knowledge of the illegal hookup, if done in the course of employment.

Section 9. In addition to all other penalties imposed by law, it shall be theft to knowingly take or use water from an illegal water hookup or for any person other than a firefighter to take water without permission of the Public Utility Agency of Guam. Such theft shall be prosecuted in the same manner as any other theft, with the criminal penalties as provided by law.

Section 10. Sections 8 and 11 shall take effect immediately. All

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other Sections of this act shall take effect 120 days from the date this act becomes law. In order that the Public Utility Agency of Guam may have a grace period of amnesty, during which time the public Utility Agency of Guam may reconnect or connect property previously served by illegal hookups without penalty. During such amenesty or grace period, the provision of this law shall be widely advertisted by the Public Utility Agency of Guam.

Section 11. The Chief Officer of the Public Utility Agency of Guam may promulgate rules and regulation to implement this act, in accordance with the Administrative Adjudication Act.