




CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

AUG 06 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11/49
Date	8/6/02

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 352 (COR) "AN ACT TO PROVIDE FOR THE DEFERMENT OF POWER, WATER AND SEWER, AND TIPPING FEE PAYMENTS" which I have signed into law as **Public Law No. 26-118**.

While this legislation provides temporary relief for the payment of utility bills due to the disruption of service and need to recover from the effects of the passage of several typhoons over and near Guam, there are some inherent problems in the relief as stated.

All three of the types of payments that are deferred are not under the same status. For example, the Guam Power Authority exists under certain bond covenants that govern the manner in which it conducts business. The utilities must also operate under the auspices of the Public Utilities Commission. Should there be difficulties in administering the deferment of payments specified in this legislation, the difficulties will have to be worked out with these matters in mind.

It must also be kept in mind, that while service in these areas was interrupted as far as the customer is concerned, the costs to the utilities and to the Department of Public Works were seriously increased during the time of interruption. In other words, in order to get these systems back in working order, an increase of cost is incurred, not a decrease. In many cases, the cost was increased to the point as if the service had not been provided to the area in the first place. This would happen in the provision of power by the need for replacement of poles, replacement of wires, installing transformers, and reworking of connections, and so forth.

Our people individually have also suffered a good deal from the lack of power and water after these destructive typhoons, and have also suffered an increased cost to try to replace food, keep generators running if available, haul water and clear debris, pay for repairs to the home, and

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Legislative Secretary
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experience the anxiety of trying to put a home back in order. The public at large has also experienced increased costs from these endeavors, and are also experiencing a set back in their individual incomes from this natural disaster. Unfortunately, no one escaped from the increased burden, economically, to their pocket books.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

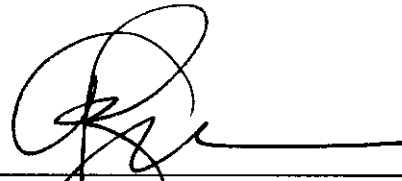
Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 352 (COR), "AN ACT TO PROVIDE FOR THE DEFERMENT OF POWER, WATER AND SEWER, AND TIPPING FEE PAYMENTS," was on the 24th day of July, 2002, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

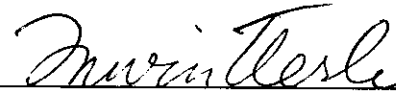
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....

This Act was received by I Maga'lahaen Guåhan this 25th day of July, 2002,
at 4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guåhan

Date: 8.6.02

Public Law No. 26-118

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 352 (COR)

As substituted and amended
on the Floor.

Introduced by:

F. P. Camacho
A. R. Unpingco
K. S. Moylan
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M. S. Brown
E. B. Calvo
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
J. T. Won Pat

**AN ACT TO PROVIDE FOR THE DEFERMENT OF
POWER, WATER AND SEWER, AND TIPPING FEE
PAYMENTS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that the aftermath of Typhoon Chata'an has caused undue financial hardship upon the entire Community and, as a matter of survival, the People of Guam have had to redirect financial resources toward basic needs to include food replacement, fuel for generators, water tanks and other out of the ordinary expenses. It is, therefore, the intent of *I Mina'Bente Sais Na Liheslaturan Guåhan* to provide for the temporary relief of power, water and tipping fee payments.

1 This Session of *I Mina'Bente Sais Na Liheslaturan Guåhan*, as convened by the
2 Speaker, is called to provide legislative recognition of the need to give our People a
3 form of reprieve as Guam returns to normal conditions.

4 **Section 2. Power Payment Deferment.**

5 (a) Notwithstanding any other provision of law, the Guam Power
6 Authority Board of Directors shall establish and implement, within three (3)
7 working days of enactment of this Act, a payment deferment policy for power
8 consumption charges billed and due, or becoming due, during the period of July
9 5, 2002 through September 15, 2002, inclusive.

10 (b) All government of Guam agencies and instrumentalities shall *not*
11 be subject to any deferment policy as provided for in this Section.

12 **Section 3. Water and Sewer Payment Deferment.**

13 (a) Notwithstanding any other provision of law, the Guam
14 Waterworks Authority Board of Directors shall establish and implement, within
15 three (3) working days of enactment of this Act, a payment deferment policy for
16 water consumption and sewer charges billed and due, or becoming due, during
17 the period of July 5, 2002 through September 15, 2002, inclusive.

18 (b) All government of Guam agencies and instrumentalities shall *not*
19 be subject to any deferment policy as provided for in this Section.

20 **Section 4. Tipping Fee Payment Deferment.**

21 (a) Notwithstanding any other provision of law or this Act, tipping fee
22 payments may be deferred for services billed and due, or becoming due, during
23 the period of July 5, 2002 through September 15, 2002, inclusive. The Director
24 of the Department of Public Works shall establish and implement a payment
25 deferment policy within three (3) days of enactment of this Act pursuant to this
26 Section.

1 (b) All government of Guam agencies and instrumentalities shall *not*
2 be subject to any deferment policy as provided for in this Section.

3 **Section 5. Billing Process.** In the event of a natural disaster resulting in a
4 declared emergency by *I Maga'lahaen Guåhan*, the Guam Power Authority (“GPA”)
5 and the Guam Waterworks Authority (“GWA”) are directed to use their best efforts to
6 produce accurate and true billings based upon true and metered consumption. *If* such
7 is impossible due to emergency conditions, then GPA and GWA shall issue no billing
8 to any customer that is higher in amount than the amount billed to such customer in
9 the billing cycle *immediately prior* to the onset of the natural disaster. This Section
10 shall *not* be construed as preventing either GPA or GWA from issuing a billing that is
11 lower in amount as compared to the billing *immediately prior* to the onset of the
12 natural disaster.

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

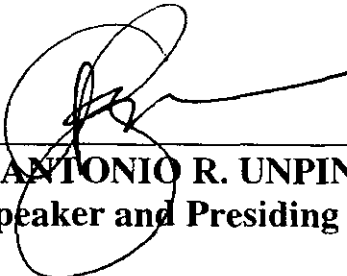


MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

2002 (SECOND) Regular Session

I, Antonio R. Unpingco, Speaker of *I Mina'Bente Sais Na Liheslaturan Guåhan*, hereby certify, in conformance with Title 2 Guam Code Annotated § 2103, *Public Hearings Mandatory*, as amended, that an emergency condition exists involving danger to the public welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 352 (COR), "AN ACT TO PROVIDE FOR THE DEFERMENT OF POWER, WATER AND SEWER AND TIPPING FEE PAYMENTS FOR A PERIOD OF SIXTY (60) DAYS FROM THE DAY THAT TYPHOON CHATA'AN STRUCK GUAM," which was introduced on July 19, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 352 (COR).

Dated: July 24, 2002



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 7/24/02

VOTING SHEET

Bill No. 352 (COR)

Resolution No. _____

Question: _____

76-118

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL 15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 352 (COR)

As substituted and amended
on the Floor.

*

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F. P. Camacho
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K. S. Moylan

J. F. Ada
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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the aftermath of Typhoon Chata'an has caused undue financial hardship upon the
4 entire Community and, as a matter of survival, the People of Guam have had to
5 redirect financial resources toward basic needs to include food replacement, fuel for
6 generators, water tanks and other out of the ordinary expenses. It is, therefore, the
7 intent of *I Mina'Bente Sais Na Liheslaturan Guåhan* to provide for the *temporary*
8 relief of power, water and tipping fee payments.

1 (b) All government of Guam agencies and instrumentalities shall *not*
2 be subject to any deferment policy as provided for in this Section.

3 **Section 5. Billing Process.** In the event of a natural disaster resulting in a
4 declared emergency by *I Magalahaen Guahån*, the Guam Power Authority (“GPA”)
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