



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

DEC 13 2002

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

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 428 (COR), "AN ACT TO *REPEAL* § 22431 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO WAIVING THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OR LENDING INSTITUTION LICENSED ON GUAM FOR FISCAL YEAR 2003, FOR SUPER TYPHOON PONGSONA RECOVERY EFFORTS AND FOR OTHER PURPOSES", which I have **signed** into law on December 13, 2002 as **Public Law No. 26-156**.

Very truly yours,

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

Attachment: copy attached for signed bill or overridden bill  
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco  
Speaker


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1244
Date	12/30/02

01016


MINA BENTE SAIS NA LIHESLATURAN GUAHAN  
2002 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA LAHEN GUAHAN

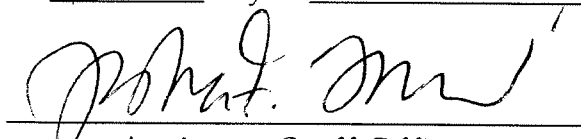
This is to certify that Substitute Bill No. 428 (COR), "AN ACT TO REPEAL § 22431 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO WAIVING THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OR LENDING INSTITUTION LICENSED ON GUAM FOR FISCAL YEAR 2003, FOR SUPER TYPHOON PONGSONA RECOVERY EFFORTS AND FOR OTHER PURPOSES," was on the 12<sup>th</sup> day of December, 2002, duly and regularly passed," was on the 12<sup>th</sup> day of December, 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'lahen Guahan* this 12<sup>th</sup> day of December, 2002,  
at 6:00 o'clock P.M.

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

APPROVED:

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

Date: 12-13-02

Public Law No. 26-156

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

**Bill No. 428 (COR)**

As substituted by the Author and  
amended on the Floor.

Introduced by:

V. C. Pangelinan

A. R. Unpingco

Mark Forbes

J. T. Won Pat

J. M.S. Brown

J. F. Ada

T. C. Ada

F. B. Aguon, Jr.

E. B. Calvo

F. P. Camacho

M. C. Charfauros

L. F. Kasperbauer

L. A. Leon Guerrero

K. S. Moylan

A. L.G. Santos

**AN ACT TO REPEAL § 22431 OF TITLE 4 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO  
WAIVING THE REQUIREMENT TO ARRANGE A  
LINE OF CREDIT FROM A BANK OR LENDING  
INSTITUTION LICENSED ON GUAM FOR FISCAL  
YEAR 2003, FOR SUPER TYPHOON PONGSONA  
RECOVERY EFFORTS AND FOR OTHER PURPOSES.**

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

2           **Section 1.**           Section 22431 of Article 4, Chapter 22, Division 2 of  
3 Title 5 of the Guam Code Annotated, as added by § 4 of Public Law Number  
4 26-85, is hereby *repealed* in its entirety.

1           **Section 2.** For Fiscal Year 2003, *I Maga'lahaen Guåhan* may arrange a line  
2 of credit with any bank or commercial lending institution, as authorized and  
3 provided for in 5 G.C.A. § 22413, notwithstanding the requirement in 5 G.C.A.  
4 § 22413 to borrow from a bank or lending institution licensed on Guam.

5           **Section 3.** Notwithstanding any provision of law, *I Maga'lahaen Guåhan*  
6 is hereby authorized to spend a *maximum* of Five Million Dollars (\$5,000,000)  
7 from the Twenty-four Million Dollars (\$24,000,000) line of credit for the  
8 payments of prior years tax refunds authorized under Public Law Number  
9 26-85, for operational expenses of the government of Guam for Fiscal Year  
10 2003.

11           **Section 4.** For ninety (90) days from the enactment of this measure, in  
12 response to the destruction caused by Super Typhoon Pongsona to Guam's  
13 power and water systems, the Guam Power Authority and the Guam Water  
14 Works Authority are authorized to employ retired qualified transmission and  
15 distribution field personnel to assist in restoration efforts, notwithstanding  
16 the provisions of 4 G.C.A. § 8121, which shall *not* be applicable to those  
17 employees hired pursuant to this Section for the prescribed time period.

18           **Section 5. Expedited Procurement Authorized.** Notwithstanding  
19 the Guam Procurement Law, the Guam Power Authority is hereby authorized  
20 to purchase materials and items necessary in response to the destruction  
21 caused by Super Typhoon Pongsona to Guam's power system; *provided*, that  
22 the Guam Power Authority must solicit *at least* three (3) informal price  
23 quotations, and must award the procurement to the firm with the best offer,  
24 as determined by evaluating cost and delivery time.

1           **Section 6.** Notwithstanding any provision of law, the sum of Three  
2 Hundred Thousand Dollars (\$300,000.00) is hereby *directly* appropriated to  
3 the Mayors' Council from the Village Street Funds for Super Typhoon  
4 Pongsona recovery efforts.

5           **Section 7.** The Department of Public Works shall coordinate and  
6 schedule with the Mayors of each Village the clean-up of Super Typhoon  
7 Pongsona debris within each Village.

8           **Section 8. Transition Committee Appropriation.**

9           (a) The sum of One Hundred Fifty Thousand Dollars  
10 (\$150,000.00) is hereby appropriated from the General Fund to the  
11 Transition Committee established pursuant to the provisions of § 1502  
12 of Title 5 of the Guam Code Annotated for the purposes of ensuring the  
13 smooth transition from the out-going administration to the in-coming  
14 administration, and for other expenses of the Office of *I Maga'laha*  
15 *Guahan* associated with the transition activities, to include travel.

16           (b) The Transition Committee is authorized to reimburse, from  
17 the appropriations made in Subsection (a) of this Section, any office or  
18 government entity for any expenditure of funds previously made for  
19 transition costs or activities.

20           **Section 9. Assistance to Commercial Farmers.**

21           (a) **Grants to Farmers for Storm Damages.**           The sum of  
22 Seventy-five Thousand Dollars (\$75,000.00) is hereby appropriated from  
23 Special Funds of the Executive Branch of the government of Guam for  
24 Super Typhoon Pongsona recovery efforts for the purpose of providing

1 disaster relief in the form of individual grants to *bona fide* commercial  
2 farmers on Guam, including aquaculture farmers, for losses incurred as  
3 a result of Super Typhoon Pongsona.

4 (b) **Administration of Grants.** The University of Guam's  
5 College of Agriculture and Life Sciences ("CALs") shall develop, within  
6 ten (10) calendar days of the enactment hereof, the grants authorized  
7 herein based upon an inversed sliding scale. The grants provided for in  
8 Subsection (a) herein shall be administered by CALs, in cooperation  
9 with the Department of Agriculture and the Guam Economic  
10 Development and Commerce Authority to insure accessibility and  
11 availability to all *bona fide* farmers on Guam. CALs is hereby authorized  
12 to utilize ten percent (10%) of the funds appropriated in Subsection (a)  
13 of this Section to offset the costs to develop and administer this  
14 program.

15 **Section 10. Severability.** *If* any provision of this Law or its  
16 application to any person or circumstance is found to be invalid or contrary to  
17 law, such invalidity shall *not* affect other provisions or applications of this  
18 Law which can be given effect without the invalid provisions or application,  
19 and to this end the provisions of this 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 LIHESLAURAN GUAHAN, 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 health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 428 (COR), "AN ACT TO REPEAL SECTION 4 OF PUBLIC LAW 26-85, AND TO WAIVE THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OF LENDING INSTITUTION LICENSED ON GUAM AS CONTAINED IN 5 GCA §22413 FOR FISCAL YEAR 2003," which was introduced on December 3, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 428 (COR).

Dated: December 12, 2002

A handwritten signature in black ink, appearing to be "A. Unpingco", is written over a horizontal line. The signature is stylized and cursive.

Antonio R. Unpingco  
Speaker and Presiding Officer

pt. 26-156

61

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 12/12/02

## VOTING SHEET

Bill No. 428 (cop)

Resolution No. \_\_\_\_\_

Question: Without engrossment

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

13    0    0    0    2

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. 428 (COR)  
As Substituted by the Author.

Introduced by:

v.c. pangelinan

ARU

MF

JLWP

JMSB

AN ACT TO REPEAL SECTION 4 OF PUBLIC LAW 26-85, TO WAIVE THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OR LENDING INSTITUTION LICENSED ON GUAM AS CONTAINED IN 5 GCA §22413 FOR FISCAL YEAR 2003, FOR SUPER TYPHOON PONGSONA RECOVERY EFFORTS, AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 22431 of Article 4 of Chapter 22 of Division 2 of Title  
3 5, Guam Code Annotated, as added by Section 4 of Public Law 26-85, is  
4 hereby *repealed* in its entirety.

5 Section 2. For fiscal year 2003, the Governor may arrange a line of credit  
6 with any bank or commercial lending institution, as authorized and provided  
7 for in 5 GCA §22413, notwithstanding the requirement in 5 GCA §22413 to  
8 borrow from a bank or lending institution licensed on Guam.

9 Section 3. Notwithstanding any provision of law, *I Maga'lahaen Guahan* is  
10 hereby authorized to spend a maximum of Five Million Dollars

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 428

MF  
Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Title page delete "of" between  
"Banking of Lending Institution"  
& insert or

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

Date 12/12, 2002

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

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

Passed FA No. 2  
Date: 12/12 Time: \_\_\_\_\_

# I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

## FLOOR AMENDMENTS/CHANGES

Bill No. 428

MF

### Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Sponsors VUP  
ARU  
MF  
STWP  
JMSB  
+ all

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

Date 12/12 2002

Floor Amendment No. 2 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

    Ass't. Amend. Clerk

    Engrossment Staff

1 (\$5,000,000.00) from the line of credit authorized under Public Law 26-85 for  
2 operational expenses of the government of Guam for fiscal year 2003.

3 **Section 4.** For ninety (90) days from the enactment of this measure, in  
4 response to the destruction caused by Super Typhoon Pongsona to Guam's  
5 power and water systems, the Guam Power Authority and the Guam Water  
6 Works Authority are authorized to <sup>employ</sup> (hire) retired qualified transmission and  
7 distribution field personnel to assist in restoration efforts, notwithstanding  
8 the provisions of 4 GCA 8121, which shall not be applicable to those  
9 employees hired pursuant to this Section for the prescribed time period.

10 **Section 5. Expedited Procurement Authorized.** Notwithstanding the  
11 Guam Procurement Law, the Guam Power Authority is hereby authorized to  
12 purchase materials and items necessary in response to the destruction caused  
13 by Super Typhoon Pongsona to Guam's power system; provided that the  
14 Guam Power Authority must solicit at least three (3) informal price  
15 quotations, and must award the procurement to the firm with the best offer,  
16 as determined by evaluating cost and delivery time.

17 **Section 6.** Notwithstanding any provision of law, the Sum of Three  
18 Hundred Thousand Dollars (\$300,000.00) is hereby directly appropriated to  
19 the Mayors Council from the Village Street Funds for Super Typhoon  
20 Pongsona recovery efforts.

21 **Section 7.** The Department of Public Works shall coordinate and  
22 schedule with the Mayors of each village the clean-up of Super Typhoon  
23 Pongsona debris within each village.

24 **Section 8. Transition Committee Appropriation.** (a) The Sum of One  
25 Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated from

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 428

TCA

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2, line 1, "\$5,000,000 from the \$24 million line of credit for the payments of prior years tax refunds authorized under P.L. 20-85..."

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

Date 12/12, 2002

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

[Signature]

AUTHOR OF AMENDMENT

Concur (initial)

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

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

Passed FA No. 4  
Date: 12/12 Time: \_\_\_\_\_

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 428

JTWP

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2, line 6, delete "hire" insert  
"employ"

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

Date 12/12, 2002

Floor Amendment No. 4 of a total of \_\_\_\_\_ changes on above Bill.

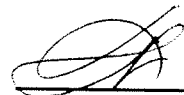
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

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

1 the General Fund to the Transition Committee established pursuant to the  
2 provisions of Section 1502 of Title 5, Guam Code Annotated, for the purposes  
3 of ensuring the smooth transition from the out-going administration to the in-  
4 coming administration and for other expenses of the Office of the Governor  
5 associated with the transition activities, to include travel.

6 (b) The Transition Committee is authorized to reimburse, from the  
7 appropriations made in subsection (a) of this Section, any office or  
8 government entity for any expenditure of funds previously made for  
9 transition costs or activities.

10 **Section 9. Assistance to Commercial Farmers. (a) Grants to Farmers for**  
11 **Storm Damages.** The Sum of Seventy-five Thousand Dollars (\$75,000.00) is  
12 hereby appropriated from Special Funds of the Executive Branch of the  
13 government of Guam for Super Typhoon Pongsona recovery efforts for the  
14 purpose of providing disaster relief in the form of individual grants to *bona*  
15 *fide* commercial farmers of Guam, including aquaculture farmers, for losses  
16 incurred as a result of Super Typhoon Pongsona.

17 (b) **Administration of Grants.** The University of Guam's College of  
18 Agriculture and Life Sciences ("CALs") shall develop, within ten (10)  
19 calendar days of the enactment hereof, the grants authorized herein based  
20 upon an inversed sliding scale. The grants provided for in Subsection (a)  
21 herein shall be administered by CALs, in cooperation with the Department of  
22 Agriculture and the Guam Economic Development and Commerce Authority  
23 to insure accessibility and availability to all *bona fide* farmers of Guam. CALs  
24 is hereby authorized to utilize ten percent (10%) of the funds appropriated in  
25 Subsection (a) to offset the costs to develop and administer this program.

1           **Section 10. Severability.**    *If* any provision of this Law or its  
2 application to any person or circumstance is found to be invalid or contrary to  
3 law, such invalidity shall *not* affect other provisions or applications of this  
4 Law which can be given effect without the invalid provisions or application,  
5 and to this end the provisions of this Law are severable.



**Government of Guam  
Office of the Governor**

**Executive Order 2002 - 26**

**RELATIVE TO ESTABLISHING PRIORITIES FOR GOVERNMENT CONSUMPTION  
OF FUEL AND FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN  
INTERIM ISLAND TRANSPORTATION PLAN**

**WHEREAS**, the island of Guam was hit by Super Typhoon Pongsona, with speeds in excess of 160 miles per hour on December 8, 2002; and

**WHEREAS**, the island suffered extensive damage to all of its infrastructure system including power, water, telephone, extensive damage to facilities at the Port Authority of Guam, the Antonio B. Won Pat International Airport Authority, the Guam Memorial Hospital Authority and other government facilities; and

**WHEREAS**, during Typhoon Pongsona, a Mobil fuel storage facility at Cabras Island caught on fire and has subsequently spread to other storage tanks co-located at this facility; and

**WHEREAS**, this fire has prevented the local gas companies on island from loading the gasoline from the remaining storage facilities at Cabras Island and servicing the island in an adequate and orderly manner; and

**WHEREAS**, such minimal petroleum products currently available must first be rationed to certain agencies of the government and key private industries so that critical supplies and services can continue to be available to the broadest number of people, including the maintenance of services at Guam's Port, Airport and Utility Agencies; and

**WHEREAS**, a unified command center has been established with Mobil Oil Guam, the Office of Civil Defense, and the United States Coast Guard to determine the best course of action to resolve the crisis and to establish a secure method in which shipments of gasoline can be received and distributed for island consumption; and

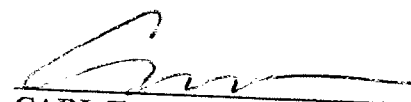
**WHEREAS**, the remaining gasoline on-island has been reserved by industry officials for emergency and critical operations of the government and the island community;

**NOW THEREFORE, I, CARL T.C. GUTIERREZ**, do hereby make the following declarations:

- 1. Establishment of Priorities & Plans for Government Fuel Consumption.**
  - A. The Director of the Department of Administration and the Chief Procurement Officer of the General Services Agency shall immediately prepare a plan of action for use by local gasoline companies to distribute the remaining reserve to government-licensed vehicles used only for emergency or critical operations to include the following.
    - i. The authorization of procuring gas at the following rates: ten (10) gallons for sedan vehicles; twenty (20) gallons for mid-sized vehicles (vans, etc.); and thirty (30) gallons for large transportation vehicles.

- ii. The program will require that all odometer readings be taken for all government-vehicles that receive petroleum under this program.
    - iii. The program shall include authorization for gasoline purchase for essential personnel (as determined by the Director of Administration) using their privately owned vehicles.
    - iv. Identifying which emergency response vendors shall be authorized for fueling (to include basic debris clean-up, gas-powered support vehicles, communications systems, etc.).
    - v. Develop a program for meeting the fueling needs of the Mayors, if possible.
  - B. All Government Agencies shall adhere to and follow the plan of action resulting from this executive order relative to government fuel consumption.
- 2. **Reporting Requirement of Government Vehicle Inventory.** The Director of the Department of Public Works in conjunction with the Director of the Department of Revenue and Taxation shall provide the following information to the Director of Administration:
  - A. A listing of all government-vehicles from each agency and department.
  - B. Such listing shall include all diesel-powered vehicles.
- 3. **Development of Transportation Plan.** The Director of Administration shall direct the Guam Mass Transit Authority Division to integrate the following into a mass transit plan:
  - A. A system for mass transit for all essential personnel.
  - B. A system for Red Cross, Salvation Army and other volunteer programs.
  - C. A system for health and human services (medical professionals, nurses, dialysis patients, cancer patients, etc.)
  - D. A mass transits system for essential employees in the tourism industry, either through public or private means
  - E. If necessary, a system in which critical goods and services are distributed for public consumption
- 4. **Health Care Needs.** The Director of the Department of Public Health and Social Services, in consultation with the Administrator of the Guam Memorial Hospital Authority, and the Director of the Department of Mental Health & Substance Abuse, shall provide the following information to the Director of Administration to address health care needs:
  - A. A listing of homebound patients requiring fuel for gas powered generators.
  - B. Identification of health issues in the villages.
  - C. Other essential health care providers necessary to meet the needs of the community.

Signed and Promulgated in the city of Hagatna, this 11<sup>th</sup> Day of December 2002.

  
CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

S Bill No. 478

TCA

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

p. 2, line 1, "\$5,000,000. from the ~~line of credits~~  
~~authorized~~ \$24 million line of credit <sup>for payments</sup> for prior  
years' tax refunds authorized under PL 26-83"

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

Date 12/12, 2002

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

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. 428

TCA

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

see attached

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

Date 12/12, 2002

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

From the twenty-four (24) million dollars line of credit created by Public Law 26-85 Sections 2 and 5, 5 G.C. A. Article 4, Chapter 22, Division 2, §§22429 for the payment of prior years tax refunds, <sup>authorized under PL. 26-85</sup> to be used for operational expenses of the government of Guam for fiscal year 2003.



DEC 12 2002

The Honorable Antonio R. Unpingco  
Speaker, *I Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96932

**Re: Request for Emergency Declaration of Bill No. 428**

Dear Mr. Speaker:

I hereby request that you, pursuant to the authority of the Speaker, certify as an emergency measure Bill No. 428, "AN ACT TO REPEAL SECTION 4 OF PUBLIC LAW 26-85, TO WAIVE THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OF LENDING INSTITUTION LICENSED ON GUAM AS CONTAINED IN 5 GCA §22413 FOR FISCAL YEAR 2003, FOR SUPER TYPHOON PONGSONA RECOVERY EFFORTS, AND FOR OTHER PURPOSES," and immediately take action in the current session to address the matter presented.

I thank you in advance for your favorable consideration of this matter.

Sincerely,

  
vicente (ben) c. pangelinan  
Minority Leader

enclosure: Bill No. 428

cc: All Senators

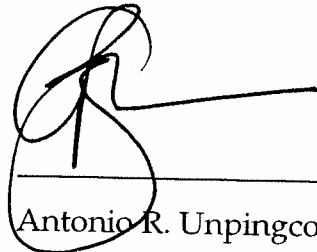


**MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN**  
TWENTY-SIXTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

**2002 (SECOND) Regular Session**

I, Antonio R. Unpingco, Speaker of *I MINA' BENTE SAIS NA LIHESLAURAN GUAHAN*, 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 health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 428 (COR), "AN ACT TO REPEAL SECTION 4 OF PUBLIC LAW 26-85, AND TO WAIVE THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OF LENDING INSTITUTION LICENSED ON GUAM AS CONTAINED IN 5 GCA §22413 FOR FISCAL YEAR 2003," which was introduced on December 3, 2002, and therefore waive the statutory requirements for a public hearing on Bill Number 428 (COR).

Dated: December 12, 2002



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Antonio R. Unpingco

Speaker and Presiding Officer

**Government of Guam  
Office of the Governor**

**Executive Order 2002 - 26**

**RELATIVE TO ESTABLISHING PRIORITIES FOR GOVERNMENT CONSUMPTION  
OF FUEL AND FOR THE DEVELOPMENT AND IMPLEMENTATION OF AN  
INTERIM ISLAND TRANSPORTATION PLAN**

**WHEREAS**, the island of Guam was hit by Super Typhoon Pongsona, with speeds in excess of 160 miles per hour on December 8, 2002; and

**WHEREAS**, the island suffered extensive damage to all of its infrastructure system including power, water, telephone, extensive damage to facilities at the Port Authority of Guam, the Antonio B. Won Pat International Airport Authority, the Guam Memorial Hospital Authority and other government facilities; and

**WHEREAS**, during Typhoon Pongsona, a Mobil fuel storage facility at Cabras Island caught on fire and has subsequently spread to other storage tanks co-located at this facility; and

**WHEREAS**, this fire has prevented the local gas companies on island from loading the gasoline from the remaining storage facilities at Cabras Island and servicing the island in an adequate and orderly manner; and

**WHEREAS**, such minimal petroleum products currently available must first be rationed to certain agencies of the government and key private industries so that critical supplies and services can continue to be available to the broadest number of people, including the maintenance of services at Guam's Port, Airport and Utility Agencies; and

**WHEREAS**, a unified command center has been established with Mobil Oil Guam, the Office of Civil Defense, and the United States Coast Guard to determine the best course of action to resolve the crisis and to establish a secure method in which shipments of gasoline can be received and distributed for island consumption; and

**WHEREAS**, the remaining gasoline on-island has been reserved by industry officials for emergency and critical operations of the government and the island community;


**NOW THEREFORE, I, CARL T.C. GUTIERREZ**, do hereby make the following declarations:

- 1. Establishment of Priorities & Plans for Government Fuel Consumption.**
  - A. The Director of the Department of Administration and the Chief Procurement Officer of the General Services Agency shall immediately prepare a plan of action for use by local gasoline companies to distribute the remaining reserve to government-licensed vehicles used only for emergency or critical operations to include the following.
    - i. The authorization of procuring gas at the following rates: ten (10) gallons for sedan vehicles; twenty (20) gallons for mid-sized vehicles (vans, etc.); and thirty (30) gallons for large transportation vehicles.



- ii. The program will require that all odometer readings be taken for all government-vehicles that receive petroleum under this program.
  - iii. The program shall include authorization for gasoline purchase for essential personnel (as determined by the Director of Administration) using their privately owned vehicles.
  - iv. Identifying which emergency response vendors shall be authorized for fueling (to include basic debris clean-up, gas-powered support vehicles, communications systems, etc.).
  - v. Develop a program for meeting the fueling needs of the Mayors, if possible.
- B. All Government Agencies shall adhere to and follow the plan of action resulting from this executive order relative to government fuel consumption.
2. **Reporting Requirement of Government Vehicle Inventory.** The Director of the Department of Public Works in conjunction with the Director of the Department of Revenue and Taxation shall provide the following information to the Director of Administration:
- A. A listing of all government-vehicles from each agency and department.
  - B. Such listing shall include all diesel-powered vehicles.
3. **Development of Transportation Plan.** The Director of Administration shall direct the Guam Mass Transit Authority Division to integrate the following into a mass transit plan:
- A. A system for mass transit for all essential personnel.
  - B. A system for Red Cross, Salvation Army and other volunteer programs.
  - C. A system for health and human services (medical professionals, nurses, dialysis patients, cancer patients, etc.)
  - D. A mass transits system for essential employees in the tourism industry, either through public or private means
  - E. If necessary, a system in which critical goods and services are distributed for public consumption
4. **Health Care Needs.** The Director of the Department of Public Health and Social Services, in consultation with the Administrator of the Guam Memorial Hospital Authority, and the Director of the Department of Mental Health & Substance Abuse, shall provide the following information to the Director of Administration to address health care needs:
- A. A listing of homebound patients requiring fuel for gas powered generators.
  - B. Identification of health issues in the villages.
  - C. Other essential health care providers necessary to meet the needs of the community.


Signed and Promulgated in the city of Hagatna, this 11<sup>th</sup> Day of December 2002.

  
CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

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

Bill No. 428 <sup>COR</sup> (~~TS~~)

Introduced by:

v.c. pangelinan 

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AN ACT TO REPEAL SECTION 4 OF PUBLIC LAW 26-85, AND TO WAIVE THE REQUIREMENT TO ARRANGE A LINE OF CREDIT FROM A BANK OF LENDING INSTITUTION LICENSED ON GUAM AS CONTAINED IN 5 GCA §22413 FOR FISCAL YEAR 2003.

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

2           **Section 1.** Section 4 of Public Law 26-85 is hereby *repealed* in its  
3 entirety.

4           **Section 2.** For fiscal year 2003, the Governor may arrange a line of  
5 credit, as authorized and provided for in 5 GCA §22413, notwithstanding the  
6 requirement to borrow from a bank or lending institution licensed on Guam,  
7 as contained in 5 GCA §22413.

8           **Section 3. Severability.** *If* any provision of this Law or its  
9 application to any person or circumstance is found to be invalid or contrary to  
10 law, such invalidity shall *not* affect other provisions or applications of this  
11 Law which can be given effect without the invalid provisions or application,  
12 and to this end the provisions of this Law are severable.