



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 24 2001

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1042</u>
Date	<u>10/24/01</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 208 (LS) "AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND FOR EMERGENCY RELIEF FOR FLOODING WHICH OCCURRED ON OCTOBER 14, 2001 AND FOR OTHER PURPOSES" which I have signed into law as **Public Law No. 26-54**.

The fact that numerous members of the Legislature are planning to leave island, making it impossible for the Legislature to meet due to lack of quorum, shows to the public that they are, in fact, NOT always available for an emergency. The fact that there will be no quorum for the Legislature to meet illustrates the emptiness of the promises of some senators through the media that "we will always be there to take care of you". In fact, one senator, Senator Eddie Baza Calvo, even informed me that I only need to call him up at the house any time of day or night and the Legislature will meet immediately for any emergency. We see that this is really not so.

This legislation is woefully inadequate to properly respond to the flooding of October 14, 2001. Infrastructure improvements and other needs are not taken care of; neither is overtime for our personnel. This does not address the problem. While a \$20,000 appropriation for housing and meals for the displaced persons is appreciated, the amount indicates insensitivity to emergency relief needs. This, in the past, has not been characteristic behavior of our people and our government. Hopefully, it is not what we can expect in the future.

In the legislative intent section of this legislation, a statement is made that "Funding sources within the Fiscal Year 2002 budget law, Public Law No. 26-35, are found within Appendix B, Page 37-3, specifically for contractual services, supplies and materials for the Department of Public Work's Highway Division." The appropriations contained on that page are from the Guam

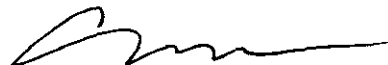
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Highway Fund and the Abandoned Vehicle and Streetlights Fund. The funds on Page 37-3 are appropriated for an entire year of road maintenance for the entire island. This fund is not adequate as it is to provide an entire year of islandwide road maintenance, let alone provide for the storm damage of October 14, 2001. This fund is short to begin with; using it for this particular emergency will only make us shorter still. If the Legislature intends that the cost of repairing damage due to the October 14 flooding be taken from this fund, the Legislature is suggesting that 27.3% of the entire island's road maintenance be used up on one emergency item.

Due to the new allotment process contained in Public Law No. 26-35, no allotments can be made without a specific appropriation. There is no specific appropriation in Substitute Bill No. 208 for the projects which need to be undertaken as a result of the October 14 flooding, and which are necessary to prevent a repetition of the flooding. As one can readily see, the previous appropriation in Public Law No. 26-35 was already appropriated for ongoing maintenance. Is the Legislature suggesting that general road maintenance be cut 27.3%?

Finally, it is appreciated that a transfer authority of \$250,000 was granted to respond to "any storm which may develop from Tropical Depression 26W", as stated in the bill. The very fact that an oncoming storm is named by name is evidence that this type of one-by-one response to emergencies is inadequate. Unfortunately, one cannot make an appointment to have an emergency. The fact that storms can sometimes be anticipated when forming does not mean that emergencies can usually be anticipated. What if a different weather phenomenon, other than a storm developing from Tropical Depression 26W, takes place while the Legislature is unable to go into session next week? What if an emergency occurs that is completely unrelated to weather? And, as appears to be the case, this storm, now known as Typhoon Podul, isn't even coming towards Guam. So we are now prepared for a non-emergency.

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 GUĀHAN
2001 (FIRST) Regular Session

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

This is to certify that Substitute Bill No. 208 (LS), "AN ACT TO APPROPRIATE FUNDS FROM THE GENERAL FUND FOR EMERGENCY RELIEF FOR FLOODING WHICH OCCURRED ON OCTOBER 14, 2001 AND FOR OTHER PURPOSES," was on the 19th day of October, 2001, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

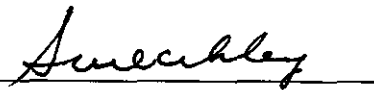
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

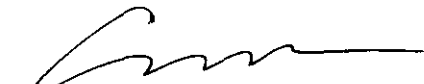
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This Act was received by *I Maga'lahen Guāhan* this 19 day of October, 2001,
at 5:35 o'clock P. .M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahen Guāhan

Date: 10.24.01

Public Law No. 26-54

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 208 (LS)

As substituted on the Floor
and amended.

Introduced by:

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

**AN ACT TO APPROPRIATE FUNDS FROM THE
GENERAL FUND FOR EMERGENCY RELIEF FOR
FLOODING WHICH OCCURRED ON OCTOBER 14,
2001 AND FOR OTHER PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*
3 *Guåhan* finds that certain Barrigada residences were adversely affected by
4 heavy rains and major flooding which occurred on October 14, 2001.

1 Government officials conducted assessments of these residences and
2 certified the need for temporary housing assistance for Barrigada families
3 unable to re-inhabit their homes. Concurrently, *I Maga'lahaen Guåhan* issued
4 Executive Order Number 2001-26 declaring a state of emergency.

5 Preliminary estimates provided by *I Maga'lahaen Guåhan* identify
6 damages totaling *approximately* Four Hundred Seven Thousand Dollars
7 (\$407,000.00).

8 *I Liheslaturan Guåhan* finds that only Twenty Thousand Dollars
9 (\$20,000.00) is required in order to provide for temporary lodging and meals
10 for the *approximately* forty-eight (48) Barridaga residents displaced due to the
11 October 14, 2001 flooding. *I Liheslaturan Guåhan* further finds that Public Law
12 Number 26-35, the Fiscal Year 2002 Budget Law, already provides funding
13 sources for the other emergency needs identified by *I Maga'lahaen Guåhan* in
14 his October 17, 2001 letter to the Chairman, Committee on Public Works,
15 Health and Human Services, *specifically* (i) the Rabon Street and Adjoining
16 Areas drainage system repair (\$217,000.00); (ii) clearing of vegetation at
17 Limtiaco Street, Aguon Street, Hungulo Street, Leon Guerrero Street, West
18 Brooks Street, Pablo Drive and Route 16 Ponding Basin (\$140,000.00); *and* (iii)
19 embankment stabilization of San Antonio Street Ponding Basin (\$50,000.00).

20 Funding sources within the Fiscal Year 2002 budget law, Public Law
21 Number 26-35, are found within Appendix B, Page 37-3, *specifically* for
22 contractual services, supplies and materials for the Department of Public
23 Work's Highway Division.

1 **Section 2. Appropriation for Emergency Services and Remediation**
2 **Efforts.** Notwithstanding any other provisions of law, Twenty Thousand
3 Dollars (\$20,000.00) is hereby authorized and appropriated from the General
4 Fund to the Department of Military Affairs, Office of Civil Defense, to be used
5 *exclusively* for temporary lodging and meals expenses for persons displaced
6 by flooding which occurred on October 14, 2001 in the Municipality of
7 Barrigada.

8 In the event that Federal funds are awarded reimbursing the
9 government of Guam for the expenses authorized to be performed in this
10 Section, the General Fund shall be reimbursed.

11 **Section 3. Reversion.** Any appropriation authorized under this
12 Act which has *not* been used within ninety (90) days of enactment of this Act
13 shall revert back to the General Fund.

14 **Section 4. Reporting Requirement.** *I Maga'lahaen Guåhan* shall
15 prepare a detailed report of the expenditures of the funds appropriated herein
16 *no later than* sixty (60) days after the enactment of this Act to the Speaker of *I*
17 *Liheslaturan Guåhan*.

18 **Section 5. Tropical Disturbance Emergency Authorization.**
19 Notwithstanding any other provisions of law or this Act, *I Maga'lahaen Guåhan*
20 is authorized to utilize any part or portion, *not to exceed* Two Hundred Fifty
21 Thousand Dollars (\$250,000.00) of outstanding FY2002 Executive Branch
22 appropriations within the General Fund for expenses caused by civil defense,
23 public safety or health emergencies as a result of Tropical Depression 26W
24 and any tropical storm or inclement weather that develops from it.

1 Whenever this authorization is used by *I Maga'lahen Guåhan*, he shall
2 report the expenditure thereunder to *I Liheslaturan Guåhan* within five (5)
3 days.

4 *I Maga'lahen Guåhan's* declaration of an emergency situation by
5 Executive Order shall be required *prior* to any expenditure herein. A copy of
6 the Executive Order shall be sent, *prior* to the expenditure and as a condition
7 thereof, to the Speaker of *I Liheslaturan Guåhan*, and shall contain the facts
8 constituting the basis of the emergency, and the scope of the expenditures
9 authorized thereunder.

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



MINA' BENTE SAIS NA LIHESLATURAN GUAHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2001 (FIRST) Regular Session

I, Antonio R. Unpingco, Speaker of *1 Mina'Bente Sais Na Liheslaturan 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 208 (LS), "AN ACT TO APPROPRIATE FOUR HUNDRED SEVEN THOUSAND DOLLARS (\$407,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF MILITARY AFFAIRS, OFFICE OF CIVIL DEFENSE, FOR EMERGENCY SERVICES FOR RESIDENTS OF THE MUNICIPALITY OF BARRIGADA WHO WERE DISPLACED BY FLOODING THAT OCCURRED ON OCTOBER 14, 2001," which was introduced on October 18, 2001, and therefore waive the statutory requirements for a public hearing on Bill Number 208 (LS).

Dated: October 19, 2001



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

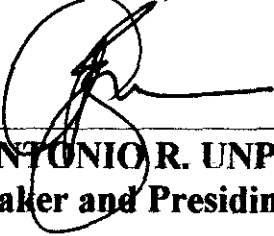


MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN
TWENTY-SIXTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

2001 (FIRST) 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 health, safety and welfare of the People and therefore waive the statutory requirements for a public hearing on Bill Number 208 (LS), "AN ACT TO APPROPRIATE FOUR HUNDRED SEVEN THOUSAND DOLLARS (\$407,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF MILITARY AFFAIRS, OFFICE OF CIVIL DEFENSE, FOR EMERGENCY SERVICES FOR RESIDENTS OF THE MUNICIPALITY OF BARRIGADA WHO WERE DISPLACED BY FLOODING THAT OCCURRED ON OCTOBER 14, 2001," which was introduced on October 18, 2001, and therefore waive the statutory requirements for a public hearing on Bill Number 208 (LS).

Dated: October 19, 2001



ANTONIO R. UNPINGCO
Speaker and Presiding Officer

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2001 (FIRST) Regular Session

Date: 10/19/01

VOTING SHEET

Bill No. 228 (LS)

Resolution No. _____

Question: _____

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
2001 (FIRST) Regular Session

Bill No. 208 (LS)

Introduced by:

E. B. Calvo *EB*

AN ACT TO APPROPRIATE FOUR HUNDRED SEVEN THOUSAND DOLLARS (\$407,000.00) FROM THE GENERAL FUND TO THE DEPARTMENT OF MILITARY AFFAIRS, OFFICE OF CIVIL DEFENSE, FOR EMERGENCY SERVICES FOR RESIDENTS OF THE MUNICIPALITY OF BARRIGADA WHO WERE DISPLACED BY FLOODING THAT OCCURRED ON OCTOBER 14, 2001.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that residences located in the following areas of the Municipality of
4 Barrigada were adversely affected by heavy rains and major flooding that
5 occurred on October 14, 2001: Westbrook Street, Unkulu Street, R. Camacho
6 Way, Rabon Place, Ungaguan Place, San Antonio Street, Balaku Street,
7 Aschena Street and areas located along Route 16. Because of this flooding,
8 approximately sixty (60) residents were displaced and many homes suffered
9 extreme damage. In some areas, flooding was aggravated by earthquake
10 damage to storm drains in certain areas of the village.

11 Public Health Inspectors, Public Works Inspectors and officials of the
12 Salvation Army, American Red Cross and the Office of *I Maga Tahen Guåhan*

1 conducted assessments of these residences and certified the need for
2 temporary housing assistance for families unable to re-inhabit their homes.
3 Concurrently, *I Maga'lahaen Guåhan* issued Executive Order No. 2001-26
4 declaring a state of emergency to provide for temporary housing and other
5 needed services for displaced families and for the emergency procurement
6 and emergency expenses related to remediation work such as: repairs to
7 Department of Public Works' storm drainage systems; sanitization and
8 cleaning of salvageable residential structures; pumping and removal of any
9 remaining floodwaters; and the clearing of vegetation and settlement along
10 storm drainage systems. Estimates compiled by the Department of Military
11 Affairs, Office of Civil Defense, total Four Hundred Seven Thousand Dollars
12 (\$407,000.00).

13 *I Liheslaturan Guåhan* finds that the health and safety of these residents is
14 of utmost importance and that immediate action must be taken to ensure that
15 they return to a safe and secure home. At the same time, *I Liheslaturan Guåhan*
16 finds that repair work to storm drainage systems must be conducted to ensure
17 that future flooding does not occur. It is therefore the intent of *I Liheslaturan*
18 *Guåhan* to appropriate a sum of Four Hundred Seven Thousand Dollars
19 (\$407,000.00) from the General Fund to the Department of Military Affairs,
20 Office of Civil Defense, for this purpose.

21 **Section 2. Appropriation to the Department of Military Affairs,**
22 **Office of Civil Defense, for Emergency Services for Displaced Residents of**
23 **the Municipality of Barrigada.** Notwithstanding any other provision of law,
24 rule or regulation to the contrary, there is hereby appropriated Four Hundred

1 Seven Thousand Dollars (\$407,000.00) from the General Fund to the
2 Department of Military Affairs, Office of Civil Defense, to be used *exclusively*
3 for temporary housing and for emergency services for residents of the
4 municipality of Barrigada who were displaced by flooding that occurred on
5 October 14, 2001.

6 **Section 3. Restriction Upon *I Maga'lahren Guåhan's* Transfer**
7 **Authority.** Notwithstanding any other provision of law, *I Maga'lahren Guåhan*
8 shall *not* use his transfer authority to utilize any monies appropriated herein
9 and said funds shall *not* be transferred or used for any other purpose.

10 **Section 4. Reversion of Funds.** Pursuant to the provisions contained
11 in §22406 of Title 5 of the Guam Code Annotated, all unused funds
12 appropriated herein shall, in all circumstances, and whether in whole or in
13 part, revert back to the General Fund.

14 **Section 5. Reporting Requirement.** *I Maga'lahren Guåhan* shall prepare,
15 or have prepared, a detailed report of the expenditures of the funds
16 appropriated herein *no later than* sixty (60) days after the enactment of this Act
17 to the Speaker of *I Liheslaturan Guåhan*, to the Chairpersons of the Committee
18 on Ways and Means and the Committee on Public Works, Health and Human
19 Services of *I Liheslaturan Guåhan*.

20 **Section 6. Effective Date.** The provisions of this Act shall become
21 effective immediately upon enactment.

22 **Section 7. Severability.** *If* any provision of this Law or its
23 application to any person or circumstance is found to be invalid or contrary to
24 law, such invalidity shall *not* affect other provisions or applications of this

- 1 Law which can be given effect without the invalid provisions or application,
- 2 and to this end the provisions of this Law are severable.