

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) REGULAR SESSION

Bill No. 73 (LS)

Introduced by:


Matt Rector

2009 FEB 20 PM 2:25
- mvr

AN ACT TO CREATE A NEW § 14104.3 OF TITLE 12, CHAPTER 14, GCA AND TO AMMEND § 14117 TITLE 12, CHAPTER 14, REQUIRING THE GUAM WATER AUTHORITY TO PROVIDE FULL SERVICE TO ALL LEASED PROPERTIES HELD BY THE CHAMORRO LAND TRUST COMMISSION WITHOUT CHARGE TO LAND TRUST COMMISSION LESEES. THIS ACT SHALL BE HEREIN REFERRED TO AS:

THE WATER FOR THE PEOPLE ACT

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

Finds that the mission of the Chamorro land trust of returning land to the people has been severely undermined by the lack of sewage and water provided to said lots, for land without water is not fit for a family. It is therefore the intent of *I Liheslatura* to insure that the hard working men and women of the Guam Waterworks Authority be empowered to provided water

1 and sewage services to every Chamorro Land Trust property at no expense to
2 the lessee and said expenses be paid by the Businesses and Corporations that
3 have profited from doing business in *I Tano I Chamorro*.

4 **Section 2: A new § 14104.3 of Title 12, Chapter 14, GCA is hereby**
5 **created to read:**

6 **“ § 14104.3. Public Responsibilities of GWA.**

7 (a) Other laws notwithstanding, The Guam Waterworks Authority and
8 only the Guam Waterworks Authority shall be responsible for the
9 necessary infrastructure and maintenance required to supply lands
10 held by the Chamorro Land Trust Commission with the necessary
11 water-supply sewage services for the needs of the lease holders of
12 Chamorro Land Trust Commission Properties. Said services must
13 be:

14 (i): Provided in a timely and efficient fashion, a span of time not
15 to exceed 90 days from receiving request for Water supply
16 sewage services from a Chamorro Land Trust lease holder.

1 (ii) : Not contracted or subcontracted to private agencies and
2 performed by Guam Waterworks Authority Personnel *only*,
3 except in the cases where outside agencies are required for the
4 performance of a specialized task necessary for the completion of
5 an overall project, provided that ~~the~~ it is impracticable for the
6 Guam Waterworks Authority to complete said task.

7 If the Guam Waterworks Authority Personnel fail to complete the
8 necessary project within the specified span of time, an individual
9 lessee must receive a voucher from the Guam Waterworks Authority
10 funds which shall be adequate to cover the cost of water utilities
11 connection for his leased property for the purposes of seeking a
12 qualified contractor to complete the necessary task previously
13 assigned to the Guam Waterworks Authority.

14 (b) The Guam Waterworks Authority is forbidden from charging any
15 portion of costs incurred necessary to the task of supplying leased
16 Chamorro Land Trust Commission properties with water to either
17 the lessees of Chamorro Land Trust Commission properties or to the
18 Chamorro Land Trust Commission itself. Costs necessary to the

1 completion of tasks related to said goal must be included in the
2 yearly budget of the Guam Waterworks Authority submitted to I
3 Liheslatura.

4 (c) The Guam Waterworks Authority is forbidden by law from
5 charging any portion of costs incurred necessary to the task of
6 supplying leased Chamorro Land Trust Commission properties with
7 water to the rates of either residential, agricultural, or public utility
8 costs.”

9 (d) All costs incurred by the task of supplying leased Chamorro Land
10 Trust Commission properties with water shall included into the rate
11 structure charged for commercial water supply, to include private
12 golf courses.

13 **Section 3. § 14104.4 of Title 12, Chapter 14, is hereby created to read:**

14 **“§ 14104.4. Severability. If Any provision of this act or the**
15 **application thereof to any individual or circumstance is held as invalid,**
16 **said invalidity shall not affect any other provision or application of this**
17 **Act which can be given effect without the invalid provision(s) or**
18 **application (s), and to this end, provisions of this Act are severable.”**

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“Section 4. § 14117, title 12, Chapter 14 GCA is hereby amended to read:

“§ 14117. Denial of Water Services.

(a) Definition of Adequate Water line. The term *adequate water line*, wherever used or referred to in this Article or in any indenture entered into pursuant hereto, *shall* mean a water line that can provide or be made to provide potable water ~~to~~ along with a working water meter at the property line of the premises.

(b) Denial of Water or Sewer Services. Notwithstanding any other provision of law, the Guam Waterworks Authority *shall not* deny any person a water meter or water services whenever an applicant for a water meter ~~[or]~~ water or sewer services has paid all necessary basic connection fees or offered to pay such basic fees, when there is an adequate water or sewer line within one hundred feet (100’) of the applicant’s property boundary, or when an existing water~~[line]~~ or sewer line is within one hundred feet (100’) of an applicant’s boundary that can be made operational by Guam Waterworks Authority connecting it to any main water line.

1 **(c) Provisions for Chamorro Land Trust Commission Properties:**

2 Other laws notwithstanding, the Guam Waterworks authority shall not
3 deny and shall provide water and sewer service to any leased property
4 of the Chamorro Land Trust Commission.”