

*I MINA' TRENTA NA LIHESLATURAN GUÅHAN*  
2010 (SECOND) Regular Session

Bill No. 490-30 (COR.)

Introduced by:

T.C. Adams

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**AN ACT TO AMEND SECTION 53108, CHAPTER 53 OF TITLE 5,  
GUAM CODE ANNOTATED, TO ADDRESS UTILITY RELOCATION  
COSTS.**

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

2 **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds that the  
3 DPW will be conducting numerous road construction projects which may result in the  
4 requirement to relocate existing utilities. *I Liheslatura* further finds that the cost for the  
5 relocation of duly permitted utilities should be included in the computation of the costs  
6 for road construction and that the utilities should not be burdened with these costs.  
7 Otherwise, the cost will ultimately be passed on to Guam's consumers and will manifest  
8 itself in higher utility rates.

9 **Section 2.** A Section 53108 of Chapter 53 of Title 5 of the Guam is *amended* to  
10 read as follows:

11 **§ 53108. Removal by Department.** (a) The Department may remove any  
12 encroachment on the failure of the owner to comply with the notice provided for in this  
13 Chapter. The owner shall be liable for all expenses of such removal and in addition  
14 thereto, the sum of Ten Dollars for each day such encroachment remains after the  
15 expiration of five days from the service of the notice.

1           **(b)** If Federal funds are available to participate in utility relocation costs  
2 necessitated by highway construction, then all reasonable relocation costs shall be paid  
3 for by such funds; *provided* however that nothing herein shall affect the authority of the  
4 Department of Public Works or the Government of Guam to manage the public rights-of-  
5 way or to require fair and reasonable compensation from utilities operating within or  
6 otherwise using the public rights-of-way.

7           **(c)** The Department of Public Works shall conduct a study on the feasibility  
8 and impact of implementing fees under the Federal Telecommunications Act of 1996 and  
9 the Federal Cable Act. DPW shall submit a report and recommendation to *I Liheslaturan*  
10 *Guåhan* outlining the implementation of any franchise fees pursuant to those acts.

11           **(d)** Nothing in this Section shall be construed to impair the obligations  
12 contained in that certain Ground Lease entered into between the Government of Guam  
13 and the former Guam Telephone Authority as authorized by Public Law 26-70.

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