

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) REGULAR SESSION

Bill No *96* *CRD*

Introduced by:

MATT RECTOR



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AN ACT TO CREATE A NEW § 14104.3 OF TITLE 12 GCA, TO AMMEND § 14117 TITLE 12, GCA AND TO ENACT A NEW SUBSECTION (C) OF § 14117, 12 GCA, REQUIRING THE GUAM WATER AUTHORITY TO PROVIDE FULL SERVICE INFRASTRUCTURE TO ALL LEASED PROPERTIES HELD BY THE CHAMORRO LAND TRUST COMMISSION AND DESIGNATED AGRICULTURAL LOTS WITHOUT CHARGE TO LAND TRUST COMMISSION LESEES OR THE OWNERS OR LESSEES OF DESIGNATED AGRICULTURAL LOTS.

THIS ACT SHALL BE HEREIN REFERRED TO AS:

THE SENATOR ANGEL LEON GUERRERO SANTOS MEMORIAL 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 access to sewage and water to said lots, for land without water is not fit for a family. The same general situation is found for agricultural zoned lots which are owned by our low income citizens. It is therefore the intent of *I Liheslatura* to enact a new § 14104.4 of 12 GCA, to amend § 14117 of 12 GCA, and to enact a new subsection (c) of § 14117, 12 GCA insure that the hard working men and women of the Guam Waterworks Authority be empowered to provided the necessary infrastructure to enable access to water and sewage services to every Chamorro Land Trust property and designated agricultural lots at no expense to the lessee and said expenses be paid by the Businesses and Corporations that enjoy the privilege of doing business in *I Tano I Chamorro*.

Section 2: A new § 14104.3 of Title 12, Chapter 14, GCA is hereby enacted to read:

“ § 14104.3. Public Responsibilities of GWA.

(a) Other laws notwithstanding, ninety days (90) after enactment of this section into law, the Guam Waterworks Authority and only the Guam Waterworks Authority shall be responsible for the construction and/or installation of the necessary infrastructure and the maintenance thereof required to provide lands held by the Chamorro Land Trust Commission with access to water and sewage services for the needs of the lease holders of Chamorro Land Trust Commission Properties. GWA shall have identical responsibilities for installation and construction of infrastructure necessary to provide access to water and sewer services for the owners/lessees of agricultural zoned lots, wherefore the Guam Waterworks has signed any agreement to provide

1 said services (“designated agricultural lots”). Infrastructure required to
2 access said services must be:

3
4 (i) Provided in a timely and efficient fashion, a span of time
5 not to exceed ninety (90) days from receiving a written
6 request for water and sewage services from a Chamorro
7 Land Trust lease holder or owner of a designated
8 agricultural zoned lot. Guam Waterworks Authority shall
9 pay all legal fees and costs incurred by any person or entity
10 seeking to enforce any provision herein to obtain water and
11 sewer services after this ninety (90) day period has expired.

12
13 (ii) Not contracted or subcontracted to private agencies and
14 performed by Guam Waterworks Authority Personnel only,
15 except in the cases where outside agencies are required for
16 the performance of a specialized task necessary for the
17 completion of an overall project, provided that it is
18 impracticable for the Guam Waterworks Authority to
19 complete said task.

20 If the Guam Waterworks Authority Personnel fail to complete the
21 necessary project within the specified span of time, any person or entity
22 entitled to water or sewer services hereunder, shall obtain three (3)
23 separate bids from any licensed contractor to install the required water
24 and sewer lines along with any and all other infrastructure necessary to
25 provide access to water and sewer on said properties, copies of which
26 will be submitted to the Guam Waterworks Authority. The Guam
27 Waterworks Authority will be required to pay any and all costs
28 necessary for the lowest of the three bidders to install the water and
29 sewer services required hereunder.

1 (b) The Guam Waterworks Authority shall not hold the lessees of
2 Chamorro Land Trust Commission properties, the Chamorro Land
3 Trust Commission itself, or the owners and lessees of designated
4 agricultural zoned lots liable for any costs or portions thereof
5 associated with the task of installing necessary infrastructure required
6 to provide access to sewer and water services for said properties. The
7 Guam Waterworks Authority is hereby required to list all costs
8 associated with the completion of said tasks within the Guam
9 Waterworks Authority annual budget submitted to *I Liheslatura*.

10 (c) The Guam Waterworks Authority is prohibited by law from
11 charging to residential, agricultural, or Government utility customers
12 for any portion of costs incurred by GWA from or related to the task of
13 installing or constructing the infrastructure necessary to provide leased
14 Chamorro Land Trust Commission properties or designated agricultural
15 zoned lots with access to water and sewer services in accordance with
16 the provisions of this section. Thus, the costs of water use and sewer
17 use for GWA customers with GWA accounts categorized as
18 agricultural, government, or residential shall not be increased in any
19 way by the Guam Water Works Authority to compensate for costs
20 incurred by GWA for the installation or construction of any and all
21 infrastructure necessary to provide access to water and sewer service on
22 designated Agricultural zoned lots or Chamorro Land Trust
23 Commission properties as mandated under the provisions of this
24 section.

25 (d) All additional costs incurred by the Guam Water Works
26 Authority related to the task of installing and/or construction of
27 infrastructure necessary to provide access to water and sewer services
28 to any and all leased Chamorro Land Trust Commission properties and
29 designated agricultural zoned lots shall be compensated for by the
30 Guam Water Works Authority by adding said additional costs incurred
31 to the overall price of the current commercial rate structure charged by

GWA for all commercial water supply and commercial sewer services.
This increase in rate structures shall include private golf courses.

(e) **Severability.** If Any provision of this section or the application thereof to any individual or circumstance is held as invalid, said invalidity shall not affect any other provision or application of this section which can be given effect without the invalid provision(s) or application (s), and to this end, provisions of this section are severable.”

Section 3. § 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 and sewer 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]~~ three hundred feet ~~[(100’)]~~ (300’) of the applicant’s property boundary, or when an existing water~~[line]~~ or sewer line is within ~~[one]~~ three hundred feet ~~[(100’)]~~ (300’) of an applicant’s boundary that can be made operational by Guam Waterworks Authority connecting it to any main water line ~~[.]~~ or by running water into an existing waterline.

Section 4. A new subsection (c) of § 14117, title 12, Chapter 14 GCA is hereby enacted to read:

(c) Provisions for Chamorro Land Trust Commission Properties.

1 Other laws notwithstanding, the Guam Waterworks authority shall not
2 deny and shall provide an adequate water line and sewer services to any
3 leased property of the Chamorro Land Trust Commission or to any
4 designated agricultural zoned lots. This section shall not be construed
5 as exempting any individual or legal entity from discontinuation of
6 utilities services by GWA or any other penalties applicable for non-
7 payment of regular charges for use of water or other utilities services.”