TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

First Reg SESSION, 2019 S. B. NO. 21-14

A BILL FOR AN ACT

To ensure that residences and businesses of the Commonwealth of the Northern Mariana Islands are not overcharged by the Commonwealth Utilities Corporation for water usage resulting from water leaks caused by Super Typhoon Yutu.

BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Findings and Purpose. The Legislature finds that on October 24, 2018 through the early morning of October 25, 2018, Super Typhoon Yutu struck the Commonwealth of the Northern Mariana Islands causing catastrophic damages to hundreds of residential and business infrastructures. The aftermath of Super Typhoon Yutu left hundreds of families, specifically on the islands of Tinian and Saipan, without a home to return to or a business to operate.

The Legislature further finds that upon receipt of physical assessments conducted, Governor Ralph DLG. Torres issued Executive Order 2018-21 on October 31, 2018 declaring a State of Significant Emergency for the Commonwealth Utilities Corporation (CUC) due to their inability to provide critical power generation, water and wastewater services to the Commonwealth.

The Legislature finds that when water restoration was conducted by the CUC, many reports were made relating to water leaks that further hampered and delayed the process of restoring water to residences and businesses on a 24-hour basis.

Therefore, the purpose of this Act is to assist residential and business customers struggling to restore normalcy into their lives by ensuring that the CUC does not charge consumers an excessive amount of water usage due to water leaks and to maintain the charges of water usage consumed during the month of October 2018 up until December

2018. However, if the CUC is unable to resolve the water leaks reported as a result of the aftermath from Super Typhoon Yutu, water usage rates charged for the month of September 2018 shall continue based on the assessment conducted by the CUC.

Section 2. Enactment. The following is enacted to read:

"Section 101. Water Meter Consumers.

(a) Notwithstanding any law or regulation to the contrary, the Commonwealth Utilities Corporation shall bill residential and business customers for the months of October 2018, November 2018, and December 2018, the same amount charged for average water usage for the month of July, August and September 2018 or whichever is less for the particular month.

(b) In the event that the Commonwealth Utilities Corporation is unable to resolve all reported water leaks by December 2018 that occurred as a result of the aftermath of Super Typhoon Yutu, the water usage charges shall remain the same as the average water usage of July, August and September 2018 or whichever is less for the particular month until such time that water leaks are resolved.

Section 102. Unmetered and Flat Rate Consumers.

Notwithstanding any law or regulation to the contrary, the Commonwealth Utilities Corporation shall bill unmetered and flat rate consumers the same flat rate amount. Provided however that the charges for unmetered and flat rate consumers shall be prorated for any respective month that the water service was not provided for the entire month.

Section 103. After the leaks that disrupted the water services due to Super Typhoon Yutu are resolved, the Commonwealth Utilities Corporation shall issue a notice to the general public that it will implement the charges of actual water usage for the following month.

Section 104. Credit.

In the event that this Act is signed into law after the Commonwealth Utilities Corporation resolves all reported water leaks, any customer that paid more than the

average amount owed for July, August and September 2018 water usage for the months of October 2018, November 2018, or December 2018 shall be given credit for the excess payment in their respective account for metered consumers."

Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

Section 5. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

Date: 02/06/2019

~~Introduced By:~~

~~Sen. Sixto K. Igisomar~~

Reviewed for Legal Sufficiency by:

Senate Legal Counsel