

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
<b>81-35 (COR)</b> As amended by the Committee on Environment, Revenue and Taxation, and Procurement	Sabina Flores Perez Therese M. Terlaje Telo T. Taitague	AN ACT TO ADD A NEW § 5008.4 TO CHAPTER 5 OF TITLE 5, GUAM CODE ANNOTATED, AND A NEW CHAPTER 56, DIVISION 11, TO TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO MANDATING, TO THE MAXIMUM EXTENT PRACTICABLE, THE PURCHASE OF ENERGY EFFICIENT PRODUCTS BY THE GOVERNMENT OF GUAM.	4/10/19 2:08 p.m.	4/19/19	Committee on Environment, Revenue and Taxation, and Procurement	5/8/19 9:00 a.m.	8/2/19 10:32 a.m.	Request: 4/22/19  5/28/19	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	9/30/19	AN ACT TO ADD A NEW § 5008.3 TO SUBARTICLE A OF ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, AND A NEW CHAPTER 56 OF DIVISION 11, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO MANDATING, TO THE MAXIMUM EXTENT PRACTICABLE, THE PURCHASE OF ENERGY EFFICIENT PRODUCTS BY THE GOVERNMENT OF GUAM.	10/4/19	10/7/19	10/18/19	35-45	10/18/19	Received: 10/18/19 Mess and Comm. Doc. No. 35GL-19-1128.	

LOURDES A. LEON GUERRERO  
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LÄHI • LIEUTENANT GOVERNOR

October 18, 2019

35 GL-19-1128  
Speaker Tina Rose Muña Barnes

**HONORABLE TINA ROSE MUÑA BARNES**

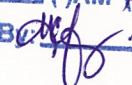
Speaker

*I Mina'trentai Singko Na Liheslaturan Guåhan*

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96932

OCT 18 2019  
Time 3:56 ( ) AM KPM  
Received By 

**Re: Bill No. 81-35 (COR) – An Act to Add a New § 5008.3 to Subarticle A of Article 1, Chapter 5, Title 5, Guam Code Annotated, and a New Chapter 56 of Division 11, Title 22, Guam Administrative Rules and Regulations, Relative to Mandating, to the Maximum Extent Practicable, the Purchase of Energy Efficient Products by the Government of Guam**

Dear Madame Speaker:

I thank the Legislature for recognizing the long-term value of energy efficient products through its passage of Bill 81-35 (COR), which I have signed into law as **Public Law 35-45**. This law, known as “*An Act to Add a New § 5008.3 to Subarticle of Article 1, Chapter 5, title 5, Guam Code Annotated, and a New Chapter 56 of Division 11, Title 22, Guam Administrative Rules and Regulations, Relative to Mandating, the Maximum Extent Practicable, the Purchase of Energy Efficient Products by the Government of Guam,*” strikes the necessary balance between encouraging reduced energy utilization and fulfilling government of Guam procurement needs.

My Administration will continue to support efforts to reduce the energy consumption of the government of Guam whenever possible. We do so because as citizens of the Pacific, we have a unique obligation to practice sustainability and encourage green initiatives. Our natural environment is fragile. But we also do so because the use of energy efficient products will, over time, reduce the cost of powering government operations. I will always seek ways to provide our

2019 OCT 18 PM 4:11

To: Speaker Tina Rose Muña Barnes  
Fr: Governor of Guam  
Date: October 18, 2019  
Re: Bill No. 81-35 (COR)

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community with its necessary services in a manner that maximizes efficiencies to the benefit of the taxpayer. Public Law No. 35-45 is one of these ways.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure(s): Bill No. 81-35 *nka* Public Law 35-45

cc via email: *Sigundo Maga'låhen Guåhan*  
Compiler of Laws

2019-6261

RCVD AT CENTRAL FILE  
OCT 7 '19 PM 12:44

Tina Sanchez

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2019 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN***

This is to certify that **Bill No. 81-35 (COR)**, “AN ACT TO **ADD A NEW § 5008.3 TO SUBARTICLE A OF ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, AND A NEW CHAPTER 56 OF DIVISION 11, TITLE 22, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO MANDATING, TO THE MAXIMUM EXTENT PRACTICABLE, THE PURCHASE OF ENERGY EFFICIENT PRODUCTS BY THE GOVERNMENT OF GUAM,**” was on the 4<sup>th</sup> day of October 2019, duly and regularly passed.

**Tina Rose Muña Barnes**  
**Speaker**

Attested:

**Amanda L. Shelton**  
**Legislative Secretary**

This Act was received by *I Maga'hågan Guåhan* this 7<sup>th</sup> day of Oct,  
2019, at 12:34 o'clock P.M.

Tina Sanchez

**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: 10/18/2019

Public Law No. 35-45

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN***  
**2019 (FIRST) Regular Session**

**Bill No. 81-35 (COR)**

As amended by the Committee on Environment,  
Revenue and Taxation, and Procurement.

Introduced by:

Sabina Flores Perez  
Therese M. Terlaje  
Telo T. Taitague  
William M. Castro  
Régine Biscoe Lee  
Kelly Marsh (Taitano), PhD  
James C. Moylan  
Louise B. Muña  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Clynton E. Ridgell  
Joe S. San Agustin  
Amanda L. Shelton  
Jose "Pedo" Terlaje  
Mary Camacho Torres

**AN ACT TO *ADD* A NEW § 5008.3 TO SUBARTICLE A OF  
ARTICLE 1, CHAPTER 5, TITLE 5, GUAM CODE  
ANNOTATED, AND A NEW CHAPTER 56 OF DIVISION  
11, TITLE 22, GUAM ADMINISTRATIVE RULES AND  
REGULATIONS, RELATIVE TO MANDATING, TO THE  
MAXIMUM EXTENT PRACTICABLE, THE PURCHASE  
OF ENERGY EFFICIENT PRODUCTS BY THE  
GOVERNMENT OF GUAM.**

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

2 **Section 1.** A new § 5008.3 is hereby *added* to Subarticle A of Article 1,

3 Chapter 5, Title 5, Guam Code Annotated, to read:

1       **“§ 5008.3. Energy Efficient Products Mandate.**

2           The government of Guam *shall* purchase energy efficient products, to  
3 the maximum extent practicable, in accordance with Chapter 56 of Division  
4 11, Title 22, Guam Administrative Rules and Regulations.

5           (a) The Administrator of the Guam Environmental Protection Agency  
6 *shall* enforce Chapter 56 of Division 11, Title 22, Guam Administrative Rules  
7 and Regulations, relative to fulfilling the mandates of this Section, and may,  
8 pursuant to the Administrative Adjudication Law, amend the same.”

9       **Section 2.** A new Chapter 56 is hereby *added* to Division 11 of Title 22,  
10 Guam Administrative Rules and Regulations, to read:

11   **“CHAPTER 56**

12   **ENERGY EFFICIENT PRODUCTS MANDATE**

13       **§ 56101. Purchase of Energy Efficient Products.**

14           (a) All branches, agencies, instrumentalities, and public  
15 corporations of the government of Guam *shall* purchase energy efficient  
16 products when such products are available.

17           (b) For the purposes of this Chapter, *energy efficient product shall*  
18 mean any Energy Star product, as designated by the U.S. Environmental  
19 Protection Agency, or any product that is certified under the U.S. Department  
20 of Energy Federal Energy Management Program (DOE/FEMP), or any  
21 product that meets or exceeds these standards as determined by the Director  
22 of the Guam Energy Office in advance of its procurement.

23           (c) Prior to initiating a request for procurement of any product, a  
24 government of Guam entity *shall* review the specifications for such product  
25 to determine whether an energy efficient product is available. The Guam  
26 Energy Office *shall* provide assistance and resources to streamline this review  
27 process if needed. If an energy efficient product is available, the entity is

1 required to include in its bid specifications the requirement that the product  
2 be an energy efficient product.

3 (d) The requirements of Subsections (a) and (b) of this Section *shall*  
4 be waived if the government of Guam entity can demonstrate, in writing, to  
5 the satisfaction of the Administrator of the Guam Environmental Protection  
6 Agency, or his/her designee, that the interests of the government of Guam  
7 would be better served by procuring a non-energy efficient product by  
8 meeting *at least* one (1) of the following criteria:

9 (1) the product is not available competitively;

10 (2) the product is not available within a reasonable time  
11 frame, or, if an emergency situation exists, in a time frame to meet the  
12 needs of the emergency;

13 (3) the product is shown to not be cost-effective on a life-cycle  
14 basis; or

15 (4) the product does not meet appropriate performance  
16 standards.

17 (e) If a government of Guam entity disagrees with the waiver  
18 decision provided pursuant to Subsection (d) of this Section, it may appeal the  
19 decision to the Board of Directors of the Guam Environmental Protection  
20 Agency, which may overrule or amend the decision by majority vote.

21 (f) The Administrator of the Guam Environmental Protection  
22 Agency may delegate waiver authority, as outlined in Subsection (d) of this  
23 Section, to the Director of the Guam Energy Office or his/her designee.”

24 **Section 3. Effective Date.** This Act *shall* be effective three (3) months after  
25 its enactment.

26 **Section 4. Severability.** If any provision of this Act or its application to  
27 any person or circumstance is found to be invalid or contrary to law, such invalidity

1 *shall not* affect other provisions or applications of this Act that can be given effect  
2 without the invalid provision or application, and to this end the provisions of this  
3 Act are severable.