

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session
LEGISLATIVE SESSION VOTING RECORD

Bill No. 81-35 (COR) As amended by the Committee on Environment, Revenue and Taxation, and Procurement.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 4, 2019					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator William M. CASTRO	✓					
Senator Régine Biscoe LEE	✓					
Senator Kelly G. MARSH (TAITANO), PhD	✓					
Senator James C. MOYLAN	✓					
Senator Louise B. MUÑA	✓					
Speaker Tina Rose MUÑA BARNES	✓					
Vice Speaker Telen Cruz NELSON	✓					
Senator Sabina Flores PEREZ	✓					
Senator Clynton E. RIDGELL	✓					
Senator Joe S. SAN AGUSTIN	✓					
Senator Amanda L. SHELTON	✓					
Senator Telo T. TAITAGUE	✓					
Senator Jose "Pedo" TERLAJE	✓					
Senator Therese M. TERLAJE	✓					
Senator Mary Camacho TORRES	✓					

TOTAL: 15

Aye

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

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Bill No. 81-35 (COR)

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Revenue and Taxation, and Procurement.

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Introduced by:

Sabina Flores Perez
Therese M. Terlaje
Telo T. Taitague

**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:

4 **“§ 5008.3. Energy Efficient Products Mandate.**

5 The government of Guam *shall* purchase energy efficient products, to
6 the maximum extent practicable, in accordance with Chapter 56 of Division
7 11, Title 22, Guam Administrative Rules and Regulations.

8 (a) The Administrator of the Guam Environmental Protection Agency
9 *shall* enforce Chapter 56 of Division 11, Title 22, Guam Administrative Rules

1 and Regulations, relative to fulfilling the mandates of this Section, and may,
2 pursuant to the Administrative Adjudication Law, amend the same.”

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

5 **“CHAPTER 56**

6 **ENERGY EFFICIENT PRODUCTS MANDATE**

7 **§ 56101. Purchase of Energy Efficient Products.**

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

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

17 (c) Prior to initiating a request for procurement of any product, a
18 government of Guam entity *shall* review the specifications for such product
19 to determine whether an energy efficient product is available. The Guam
20 Energy Office *shall* provide assistance and resources to streamline this review
21 process if needed. If an energy efficient product is available, the entity is
22 required to include in its bid specifications the requirement that the product
23 be an energy efficient product.

24 (d) The requirements of Subsections (a) and (b) of this Section *shall*
25 be waived if the government of Guam entity can demonstrate, in writing, to
26 the satisfaction of the Administrator of the Guam Environmental Protection
27 Agency, or his/her designee, that the interests of the government of Guam

1 would be better served by procuring a non-energy efficient product by
2 meeting *at least* one (1) of the following criteria:

3 (1) the product is not available competitively;

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

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

9 (4) the product does not meet appropriate performance
10 standards.

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

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

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

20 **Section 4. Severability.** If any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, such invalidity
22 *shall not* affect other provisions or applications of this Act that can be given effect
23 without the invalid provision or application, and to this end the provisions of this
24 Act are severable.