UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

35 GL-19-1128
Speaker Tina Rose Muña Barnes

October 18, 2019

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

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

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.

2019 OCT 18 PM 4:11

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

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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 PM12:44
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 4th 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 7th 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 GUÅHAN
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.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 5008.3 is hereby *added* to Subarticle A of Article 1, Chapter 5, Title 5, Guam Code Annotated, to read:

"**§ 5008.3. Energy Efficient Products Mandate.**

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

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

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

"**CHAPTER 56**

ENERGY EFFICIENT PRODUCTS MANDATE

§ 56101. Purchase of Energy Efficient Products.

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

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

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

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

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

(1) the product is not available competitively;

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

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

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

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

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

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

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

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