UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

March 20, 2020

Speaker Tina Rose Muña Barnes

MAR 2 0 2020
Time 5:20 ( )AM (✓)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 96910

Re: Substitute Bill No. 84-35 (COR) – An Act to Amend Article 9 of Chapter 3, Title 16, Guam Code Annotated, Relative to Extending the Plug-In Electric Drive Motor Vehicle Rebate Program to Businesses and NonProfit Organizations, and Extending the Rebate Phase-Out Period; and to Add a New Chapter 2 to Title 7, Guam Administrative Rules and Regulations, Relative to Implementing the Same

Dear Madame Speaker:

In this time of emergency, when urgent circumstances require immediate attention, it can sometimes be difficult to remember that there are issues that require longer-term planning and broader solutions. Nonetheless, we must address those concerns or risk the consequences of our failure to address these needs when we had the opportunity to do so. It is for this reason that I now sign Substitute Bill No. 84-35 into law as ***Public Law No. 35-81***, which will encourage less reliance on fossil fuels.

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Substitute Bill No. 84-35 (COR) *nka Public Law 35-81*

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

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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 84-35 (COR), "AN ACT TO *AMEND* ARTICLE 9 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE REBATE PROGRAM TO BUSINESSES AND NONPROFIT ORGANIZATIONS, AND EXTENDING THE REBATE PHASE-OUT PERIOD; AND TO *ADD* A NEW CHAPTER 2 TO TITLE 7, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING THE SAME,"** was on the 11th day of March 2020, 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 11th day of March, 2020, at 3:09 o'clock P .M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/20/2020

Public Law No. 35-81

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

Bill No. 84-35 (COR)
As substituted; and amended on the Floor.

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

AN ACT TO *AMEND* ARTICLE 9 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE REBATE PROGRAM TO BUSINESSES AND NONPROFIT ORGANIZATIONS, AND EXTENDING THE REBATE PHASE-OUT PERIOD; AND TO *ADD* A NEW CHAPTER 2 TO TITLE 7, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO IMPLEMENTING THE SAME.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Article 9 of Chapter 3, Title 16, Guam Code Annotated, is *amended* to read:

"ARTICLE 9

PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE REBATE PROGRAM ACT

§ 3901. Establishment and Title.
§ 3902. Definitions.
§ 3903. Rebate Incentive Offered.
§ 3904. Eligible Vehicle, Determined.
§ 3905. Rebates, Funded.
§ 3906. Program, Phase-out.
§ 3907. Rules and Regulations.

§ 3901. Establishment and Title.

This Article shall be known as the Plug-In Electric Drive Motor Vehicle Rebate Program Act (Act). The Guam Energy Office (GEO) shall develop, implement, and administer the Plug-In Electric Drive Motor Vehicle Rebate Program (Program) to provide financial assistance toward the purchase of a plug-in electric drive motor vehicle.

§ 3902. Definitions.

For the purposes of this Article, except as otherwise specifically provided, the following words and phrases, together with all of the common derivatives thereof (i.e. verbs, plurals, gender, etc.), shall have the meaning ascribed to them in this Article.

(a) Business shall mean a locally registered business in good standing.

(b) Nonprofit shall mean a locally registered non-profit entity in good standing.

(c) Natural person shall mean a human being.

(d) Purchaser shall mean the natural person, business, or nonprofit who purchased a new qualified plug-in electric drive motor vehicle for which an application for the Program is made.

(e) Qualified plug-in electric drive motor vehicle shall mean a new zero-emissions vehicle with at least four (4) wheels, that draws propulsion using a traction battery that has at least four (4) kilowatt hours (kwh) of capacity, uses an external source of energy to recharge the battery, has a gross vehicle weight rating of not more than fourteen thousand (14,000) pounds, and meets specified emission standards.

§ 3903. Rebate Incentive Offered.

(a) Each natural person, business, or nonprofit that purchases a qualified plug-in electric drive motor vehicle shall be eligible for one (1) rebate that shall be calculated as ten percent (10%) of the total base price of the qualified plug-in electric drive motor vehicle. Said rebate shall not exceed Three Thousand Dollars ($3,000) per qualified plug-in electric drive motor vehicle.

(b) Each natural person shall only be eligible for one (1) rebate for said natural person's lifetime. Each business or nonprofit shall only be eligible for up to three (3) rebates, cumulatively, for said business' or nonprofit's lifetime.

(c) The terms the purchaser must meet include, but are not limited to, proof of purchase of the new qualified plug-in electric drive motor vehicle and proof of insurance for said vehicle.

(d) The purchaser shall agree to maintain ownership of the qualified plug-in electric drive motor vehicle for a period of not less than thirty-six (36) months, and shall complete and submit the necessary forms as prescribed by the GEO to claim a rebate pursuant to the Program.

(e) If the purchaser transfers ownership of the qualified plug-in electric drive motor vehicle for which a rebate was granted within the thirty-six (36) month period, the purchaser shall repay a prorated amount of the rebate granted to be determined by the GEO in the formulation of its promulgated rules and regulations.

(f) The rebate offered in this Section shall be in addition to any federal tax credit applicable to the purchase of a qualified plug-in electric drive motor vehicle.

§ 3904. Eligible Vehicle, Determined.

A rebate is available for the purchase of a new qualified plug-in electric drive motor vehicle pursuant to the definition in § 3902(e) of this Article.

§ 3905. Rebates, Funded.

Beginning with Fiscal Year 2015, the rebates shall be paid from sums set aside in the annual budget of the government of Guam enacted for each fiscal year. Beginning in Fiscal Year 2015, Three Hundred Thousand Dollars ($300,000) shall be appropriated from the General Fund to the Guam Energy Office for the payment of rebates to eligible claimants. This appropriation shall continue to be available until fully expended.

§ 3906. Program, Phase-out.

The rebate authorized in this Article is subject to a phase-out (reduction) once one hundred (100) qualified plug-in electric drive motor vehicle rebates have been provided beginning after October 1, 2014. The phase-out shall begin in the second (2^{nd}) calendar quarter after the quarter in which the one hundredth (100th) rebate has been granted. During this quarter, the GEO shall be authorized to only provide fifty percent (50%) of the full rebate for the following two (2) quarters, then twenty-five percent (25%) of the full rebate for an additional four (4) quarters, and no rebate thereafter.

§ 3907. Rules and Regulations.

The GEO shall adopt and amend such rules and regulations as may be necessary to implement the provisions of this Article in accordance with the Administrative Adjudication Law."

Section 2. Rules and Regulations Adopted. The rules and regulations, entitled "GUAM ENERGY OFFICE – PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM ACT", and attached hereto as "EXHIBIT A", are hereby adopted by *I Liheslaturan Guåhan*, and the Guam Compiler of Laws *shall* codify the same as Chapter 2 of Title 7, Guam Administrative Rules and Regulations.

Section 3. Effective Date. This Act *shall* be effective upon 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.

EXHIBIT A
OF
SBILL NO. 84-35 (COR)

CHAPTER 2

GUAM ENERGY OFFICE
PLUG-IN ELECTRIC VEHICLE REBATE PROGRAM ACT

§7201. Authority.
§7202. Propose.
§7203. Same: Definitions.
§7204. Same: Rebate Incentive Offered.
§7205. Same: Program, Phase-out.
§7206. Procedure: Application.
§7207. Procedure: Requirement.
§7208. Procedure: Prorate Formula.
§7209. Procedure: Exceptions.
§7210. Severability.

§7201. Authority. The Guam Energy Office (GEO) is the authority to implement and administer the Plug-In Electric Drive Motor Vehicle Rebate Program in accordance with Article 9 of Chapter 3, Title 16, Guam Code Annotated.

§7202. Purpose. The purpose of these Rules and Regulations is to establish procedural requirements for plug-in electric vehicle rebates funded under the General Fund.

§7203. Same: Definitions. Terms used in these rules and regulations which are defined in Title 16 Guam Code Annotated shall have the same definition for the purpose of these rules and regulations.

(a) Business shall mean a locally registered business in good standing.

(b) Nonprofit shall mean a locally registered non-profit entity in good standing.

(c) Natural person shall mean a human being.

(b) Purchaser shall mean the natural person, business, or nonprofit who purchased a new qualified plug-in vehicle for which an application for the Program is made.

(c) Qualified plug-in electric drive motor vehicle shall mean a new zero-emissions vehicle with at least four wheels, that draws propulsion using a traction battery that has at least four kilowatt hours (kwh) of capacity, uses an external source of energy to recharge the battery, has a gross vehicle weight rating of not more than 14,000 pounds, and meets specified emission standards.

§7204. Same: Rebate Incentive Offered.

(a) Each natural person, business, or nonprofit that purchases a qualified plug-in electric drive motor vehicle shall be eligible for one (1) rebate that shall be calculated as ten percent (10%) of the total base price of the qualified plug-in electric drive motor vehicle. Said rebate shall not exceed Three Thousand Dollars ($3,000) per qualified plug-in electric drive motor vehicle.

(b) Each natural person shall only be eligible for one rebate for said natural person's lifetime. Each business or nonprofit shall only be eligible for up to three (3) rebates, cumulatively, for said business' or nonprofit's lifetime.

(c) The terms the purchaser must meet include, but are not limited to, proof of purchase of the new qualified plug-in electric drive motor vehicle and proof of insurance for said vehicle.

(d) The purchaser shall agree to maintain ownership of the qualified plug-in electric drive motor vehicle for a period of not less than thirty-six (36) months, and shall complete and submit the necessary forms as prescribed by the GEO to claim a rebate pursuant to the Program.

(e) If the purchaser transfers ownership of the qualified plug-in electric drive motor vehicle for which a rebate was granted within the thirty-six (36) month period, the purchaser shall repay a prorated amount of the rebate granted to be determined by §7208 of this Chapter.

(f) The rebate offered in this Section shall be in addition to any federal tax credit applicable to the purchase of a qualified plug-in electric drive motor vehicle.

§7205. Same: Program, Phase-out. The rebate authorized in this Chapter is subject to a phase-out (reduction) once one hundred (100) qualified plug-in electric drive motor vehicle rebates have been provided beginning after October 1, 2014. The phase-out shall begin in the second calendar quarter after the quarter in which the hundredth (100^{th}) rebate has been granted. During this quarter, the GEO shall be authorized to only provide fifty percent (50%) of the full rebate for the following two (2) quarters, then twenty-five percent (25%) of the full rebate for an additional four (4) quarters, and no rebate thereafter.

§7206. Procedure: Application. A standard rebate application form shall be provided by GEO to the Purchaser. The Director of the GEO shall approve all applications submitted to the GEO for rebate.

§7207. Procedure: Requirement. As a condition for receiving Guam rebate funds, the applicant must comply with the requirements below. The Purchaser is responsible for reviewing program requirements prior to applying for a rebate. Eligible Purchaser(s) must meet the following requirements:

(a) A natural person must be a bona fide resident of Guam and provide proof of Guam residency. A business or non-profit must be registered with the government of Guam and in good standing.

(b) A new qualified plug-in electric drive motor vehicle shall be purchased from a registered dealership participating in the Plug-In Vehicle Rebate Program as in agreement with the GEO.

(c) Active duty military members with permanent residency in Guam are eligible to apply.

(d) The Purchaser shall submit a rebate application at the GEO.

(e) A new qualified plug-in electric drive motor vehicle purchase date must be on or after the effective date of Public Law 32-164.

(f) The Purchaser shall not make or allow any modifications to the qualified plug-in electric drive motor vehicle's system for other than its intended purpose.

(g) Retain ownership, registration and vehicle insurance of the qualified plug-in electric drive motor vehicle for a minimum of 36 consecutive months immediately after the purchase date.

(h) The Purchaser shall provide proof of insurance coverage to the GEO for the 36 months or as required by law.

(i) If the qualified plug-in electric drive motor vehicle has been sold or ownership of vehicle has been transferred within the 36 month period, the Purchaser shall repay a prorated amount of the rebate granted as determined by the GEO.

§7208. Procedure: Prorate Formula.

Rebate Amount Issued/36 months = Rebate Amount per month.

Remaining Term x Rebate Amount per month = Prorated Amount Owed.

§7209. Procedure: Exceptions. There shall be no exceptions except as provided for by law.

§7210. Severability. If any section or part of these rules and regulations is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of these rules and regulations.