

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
206-37 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor	William A. Parkinson	AN ACT TO ADD A NEW § 8113.16 TO ARTICLE 1 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY.	11/29/23 11:01 a.m.	11/30/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 11/30/23 12/11/23	2/15/24 9:00 a.m.	2/21/24 2:46 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	3/6/24	AN ACT TO ADD A NEW § 8113.15 TO ARTICLE 1 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY.	3/7/24	3/7/24	3/19/24	37-81	3/8/24	Received: 3/8/24 Messages and Communications Doc. No. 37GL-24-1745	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

37GL-24-1745
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

March 8, 2024

MAR 08 2024

The Hon. Therese M. Terlaje
Speaker, I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96932

Time: 6:19 pm
Received: [Signature]

RE: Bill No. 206-37 (LS) - AN ACT TO ADD A NEW § 8113.15 TO ARTICLE 1 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY

Håfa Adai Madame Speaker:

In the aftermath of Typhoon Mawar, the Guam Power Authority (“GPA”) rebuilt its critical power infrastructure to meet power generation demands. Although GPA has achieved some stability, the agency does not currently have the capacity to ensure uninterrupted service during the upcoming summer months when demand generally increases. In an effort to ease the looming threat of load-shedding during our warmest months, the Guam Legislature, in an emergency session, passed Bill No. 206-37 (LS).

This bill extends the ninety (90)-day limitation period provided in 5 GCA § 5215(e) applicable to all emergency procurements to two (2) years for GPA’s provisional power procurement project relating to the installation and operation of approximately twenty (20) megawatts of temporary power generation. Further, specific to GPA’s temporary power procurement, the bill removes the automatic stay requirement under 5 GCA § 5425(g) applicable to procurement protests. Lastly, the bill mandates the Attorney General’s review and approval of the temporary power generation contract within five (5) of its receipt.

The status of the Attorney General’s review of this important contract is unclear at present time, in light of recent communications indicating that he would not execute GPA contracts unless GPA acknowledges, agrees and consents to waive certain rights. Conversely, the Attorney General testified during the emergency session that he would review GPA’s temporary power contract as to legality and form without indicating further conditions.

RECEIVED
3/11/24 9:30am
[Signature]

To: Therese M. Terlaje, Speaker
Fr: Lourdes A. Leon Guererro, Governor of Guam
Date: March 8, 2024
Re: Bill 206-37 (LS)

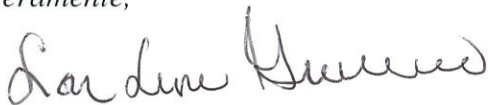
Page 2 of 2

Given the Attorney General's inconsistent statements on this issue, it remains to be seen whether he will, in fact, review and approve the contract as he now claims he will. In the event the Attorney General does withhold his review, I fully expect that the Guam Legislature will act immediately to ensure the contract may proceed without him.

By adopting these critical measures, GPA will be able to respond to anticipated, rising power demands and prevent future load shedding.

For these reasons, I am signing Bill No. 206-37 (LS) into law as ***Public Law No. 37-81***.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan
Governor of Guam

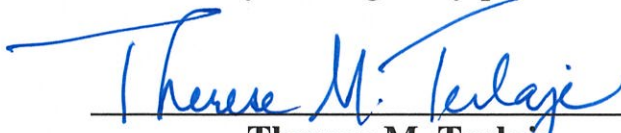
Enclosure(s): Bill No. 206-37 (LS) nka P.L. 37-81

cc via email: The *Honorable* Joshua F. Tenorio, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session


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

This is to certify that **Bill No. 206-37 (LS)**, "AN ACT TO ADD A NEW § 8113.15 TO ARTICLE 1 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY," was on the 7th day of March 2024, duly and regularly passed.



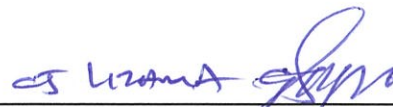
Therese M. Terlaje
Speaker

Attested:



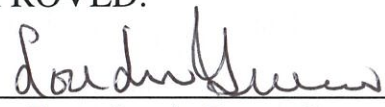
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 7th day of MARCH,
2024, at 6:12 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

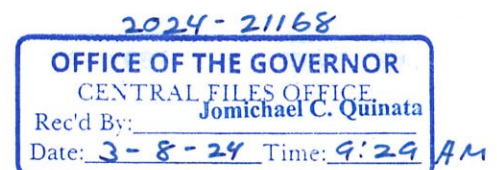
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/8/24

Public Law No. 317-81



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 206-37 (LS)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning;
and further amended on the Floor.

Introduced by:

William A. Parkinson
Chris Barnett
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO ADD A NEW § 8113.15 TO ARTICLE 1 OF
CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED,
RELATIVE TO PROVIDING TEMPORARY
EMERGENCY POWER CAPACITY.**

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

2 **Section 1.** A new § 8113.15 is hereby *added* to Article 1 of Chapter 8, Title
3 12, Guam Code Annotated, to read as follows:

4 **“§ 8113.15. Temporary Emergency Power Capacity.**

5 The Guam Power Authority (GPA), with all deliberate speed, and with
6 the consent of the Guam Public Utilities Commission (GPUC), shall proceed

1 with the emergency procurement under 5 GCA, Chapter 5, § 5215 for a vendor
2 to provide, install, and operate approximately twenty (20) megawatts of
3 temporary power generation on a two (2)-year base contract. The temporary
4 power generation shall be sited at GPA's existing *Yigo* diesel site, located on
5 Lot 7054-5 in *Yigo*, due to the proximity of existing critical power
6 infrastructure and necessary permits. In view of the urgency for the
7 procurement of temporary emergency power capacity and the length of time
8 the emergency is expected to last, the ninety (90) day limitation on the
9 emergency in 5 GCA, Chapter 5, § 5215(e) is extended to two (2) years for
10 this procurement only and the stay of proceedings in the event of a protest in
11 5 GCA, Chapter 5, § 5425(g) is hereby waived. The Attorney General of
12 Guam's approval as to the contract's form and legality in 5 GCA, Chapter 5,
13 § 5150 must be completed within five (5) calendar days of receipt of the
14 procurement package from GPA, and GPA is hereby authorized to proceed
15 with the emergency procurement, subject to the approval of the GPUC."

16 **Section 2. Severability.** If any provision of this Act or its application to any
17 person or circumstance is found to be invalid or inorganic, such invalidity shall not
18 affect other provisions or applications of this Act that can be given effect without
19 the invalid provision or application, and to this end the provisions of this Act are
20 severable.



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
Thirty-Seventh Guam Legislature

March 7, 2024

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith is **Bill No. 206-37 (LS)** which was passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on March 7, 2024.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (1)

March 7, 2024
6:12 PM
Shelton
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