

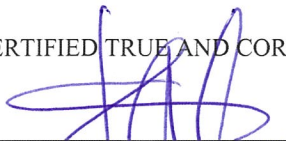
# I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## 2022 (SECOND) Regular Session

### VOTING RECORD

	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 25, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
<b>Bill No. 212-36 (COR)</b> <small>As amended Committee on Economic Development, Agriculture, Power and Energy Utilities, and the Arts; and further amended in the Committee of the Whole.</small>						
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.					✓	✓
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator 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	✓					
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres	✓					
<b>TOTAL</b>	<b>11</b>	<b>1</b>			<b>3</b>	<b>3</b>
	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

***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 212-36 (COR)**

As amended by the Committee on Economic Development,  
Agriculture, Power and Energy Utilities, and the Arts;  
and further amended in the Committee of the Whole.

\*

Introduced by:

Joe S. San Agustin

**AN ACT TO APPROVE THE TERMS AND CONDITIONS  
OF THE ISSUANCE BY GUAM POWER AUTHORITY  
OF REVENUE BONDS TO REFUND OUTSTANDING  
GUAM POWER AUTHORITY REVENUE BONDS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that 12 GCA § 8203 provides that Guam Power Authority (Authority) is authorized to incur indebtedness by the issuance of revenue bonds with the approval of *Maga'hågan Guåhan* (the Governor) to raise funds for the purpose of establishing the electric power system of the Authority, or of acquiring lands for the system, or of acquiring, constructing, improving, equipping, maintaining, repairing, renewing, replacing, reconstructing or insuring the system, or any part thereof, or for the purpose of refunding any such bonds, or for any combination of such purposes.

*I Liheslaturan Guåhan* finds that 12 GCA § 12105 provides that the Authority shall not enter into any contractual agreements or obligations (including bonds) which could increase rates and charges prior to the written approval of the Guam Public Utilities Commission (GPUC).

*I Liheslaturan Guåhan* finds that 12 GCA § 50103 provides that public corporations of the Government of Guam, including the Authority, shall issue bonds

1 and other obligations only by means of, and through the agency of the Guam  
2 Economic Development Authority (GEDA), and that GEDA shall not sell any bond  
3 without the approval by *I Liheslaturan Guåhan* of the terms and conditions of the  
4 bonds.

5 *I Liheslaturan Guåhan* finds that based on historical low interest rates and  
6 current market conditions, the Authority expects to be able to refund certain maturities  
7 of its outstanding 2012 Series A revenue bonds for debt service savings.

8 Therefore, to benefit ratepayers, it is the intent of *I Liheslaturan Guåhan* to  
9 approve the issuance of revenue bonds by the Authority for the purpose described in  
10 the immediately preceding paragraph, all subject to approval by the Consolidated  
11 Commission on Utilities (CCU), *I Maga'hågan Guåhan*, the GPUC, and the Board  
12 of Directors of GEDA in accordance with law.

13 **Section 2. Approval of the Terms and Conditions of the Guam Power**  
14 **Authority Refunding Bonds.**

15 *I Liheslaturan Guåhan*, pursuant to 12 GCA § 50103(k), hereby approves the  
16 terms and conditions of the issuance of senior revenue bonds by the Guam Power  
17 Authority from time to time, including, but not limited to, on a forward basis, for the  
18 purpose of refunding all or a portion of its currently outstanding 2012 Series A  
19 revenue bonds, in accordance with the following requirements, limitations, terms  
20 and conditions:

21 (a) The aggregate principal amount of the refunding bonds shall not  
22 exceed the sum of (1) the amount determined in accordance with 12 GCA §  
23 8229, plus (2) any additional amount needed to provide for a deposit to the  
24 debt service reserve in connection with the issuance of the refunding bonds.

25 (b) All obligations of the Authority to pay debt service on, and the  
26 redemption price of, the prior bonds shall be discharged concurrently with the  
27 issuance of the refunding bonds. Thereafter, the prior bonds shall be payable

1 solely from and secured solely by an escrow established for such purpose in  
2 accordance with the Authority's existing bond indenture.

3 (c) The final maturity of the refunding bonds shall not exceed the  
4 final maturity of the latest maturing then outstanding revenue bonds. For  
5 clarity, the final maturity of the refunding bonds may exceed the maturity of  
6 an individual series of prior bonds so long as the final maturity of all then  
7 outstanding revenue bonds is not exceeded.

8 (d) Such bonds shall be issued and sold pursuant to the Authority's  
9 existing bond indenture and in compliance with the provisions of Chapter 8,  
10 Title 12, Guam Code Annotated, including approval by the CCU and by *I*  
11 *Maga'hågan Guåhan* as provided therein.

12 (e) The sale of the bonds shall be approved by the Board of Directors  
13 of GEDA as provided in Chapter 50 of Title 12, Guam Code Annotated; and,  
14 the terms and conditions of the issuance of the bonds shall be approved by the  
15 GPUC as provided in Chapter 12, Title 12, Guam Code Annotated.

16 (f) The present value of debt service on the refunding bonds shall be  
17 at least two percent (2%) less than the present value of debt service on the  
18 prior bonds, using the yield on the refunding bonds as the discount rate.

19 (g) Such refunding bonds shall have a principal amount or principal  
20 amounts sufficient to provide funds for the payment of all or a portion of the  
21 prior bonds refunded, and in addition, for the payment of all expenses incident  
22 to the calling, retiring, or paying of such prior bonds and the issuance of such  
23 refunding bonds, including:

24 (1) the difference in amount between the par value of the  
25 refunding bonds and any amount less than par for which the refunding  
26 bonds are sold;

27 (2) any amount necessary to be made available for the

1 payment of interest upon such refunding bonds from the date of sale  
2 thereof to the date of payment of the prior bonds or to the date upon  
3 which the prior bonds will be paid pursuant to the call thereof or  
4 agreement with the holders thereof;

5 (3) the premium, if any, necessary to be paid in order to call  
6 or retire the prior bonds and the interest accruing thereon to the date of  
7 the call or retirement; and

8 (4) any additional amount needed to provide for a deposit to  
9 the debt service reserve in connection with the issuance of the refunding  
10 bonds.

11 (h) Savings in annual debt service payments from refunding shall be  
12 utilized specifically for the direct benefit of the ratepayers. Within ninety (90)  
13 days of the completion of the refinancing, the Guam Power Authority and the  
14 Guam Public Utilities Commission shall notify *I Liheslaturan Guåhan* of their  
15 intent and plan regarding the annual debt service payment savings achieved  
16 from the refinancing.

17 **Section 3. Local Sale of Bonds.** The Guam Economic Development  
18 Authority shall undertake its best efforts to cause a portion of any bonds issued  
19 pursuant to this Act to be offered for sale in Guam, as well as in other jurisdictions,  
20 if and to the extent that such offer and any sales resulting from such offer do not  
21 increase the cost to the Authority of issuing and repaying such bonds.

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