

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
212-32 (COR)	T.R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.	10/22/13 12:50 p.m.	10/22/13	Committee on General Governmental Operations and Cultural Affairs	11/14/13 10 a.m.		Fiscal Note Request Received 10/31/13 Fiscal Note Received 4/25/14



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

April 25, 2014

Memorandum

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

To: Rennae Meno
Clerk of the Legislature

Senator
Vicente (Ben) C. Pangelinan
Member

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Subject: Fiscal Notes

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai!

Vice-Speaker
Benjamin J.F. Cruz
Member

Attached please find the fiscal notes for the bill numbers listed below.
Please note that the fiscal notes are issued on the bills as introduced.

Legislative Secretary
Tina Rose Muña Barnes
Member

FISCAL NOTES:

- Bill No. 212-32(COR)
- Bill No. 302-32(COR)
- Bill No. 311-32(LS)
- Bill No. 315-32(LS)

Senator
Frank Blas Aguon, Jr.
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os ma'åse'!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2014 APR 25 AM 10:54 W

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
DEPUTY DIRECTOR

APR 23 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **212-32(COR), 302-32(COR), 311-32(LS), and 315-32(LS).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 212-32 (COR)**

AN ACT TO ADD A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Works	Dept./Agency Head: Carl V. Dominguez, Director
Department's General Fund (GF) appropriation(s) to date:	11,235,337
Department's Other Fund (Specify) appropriation(s) to date: DPW Building & Design Fund (\$597,019); Guam Highway Fund (\$8,132,517)	<u>8,729,536</u>
Total Department/Agency Appropriation(s) to date:	\$19,964,873

Fund Source Information of Proposed Appropriation			
	General Fund:	Guam Highway Fund / Street Light Fund	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Guam Highway Fund / Street Light Fund	1/	1/	1/	1/	1/	1/
Total	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>	<u>1/</u>

- Does the bill contain "revenue generating" provisions? /X/ Yes / / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? / / Yes /X/ No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / / Yes /X/ No
/ / Requested agency comments not received by due date /X/ Other: Time constraints

Analyst: Angela Flores, BMA IV Date: 4/9/14 Director: John A. Rios, Director Date: APR 23 2014

Footnotes: 1/ See Attachment

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 212-32 (COR)

Comments:

The proposed legislation is to add a new Chapter 59A to Title 5 GCA cited as the Island-wide Energy Efficient Street Light Act of 2013, which entails a contractor to be fully responsible for carrying out the procurement and the installing, operating, leasing, maintaining, refurbishing, and replacing of streetlights using LED technology. A fiscal impact will result in connection with the proposed installment purchase agreement arrangement with a contractor for the procurement of streetlights (§59A104). This shall be in conjunction with GPA, DPW and the respective village mayors, as they are to determine the needs and specification within the IFB; to include the use of LED ("Light Emitting-Diode") technology. The agreement may be structured to be renewed annually with provision for automatic renewable to the extent pledged revenue under Section 59A108 in the bill. This will provide for the Government of Guam to purchase from the contractor for a period mutually agreed upon as may be necessary to amortize over the installment purchase period any and all costs associated with the financing, procurement, and preventative maintenance of the streetlights; however, which shall not be greater than 10 years and with an interest rate not to exceed the prime rate plus one percent. This is to be secured by a pledge from annual appropriations made from the Street Light Fund (SLF), 16 GCA §7161, and the Guam/Territorial Highway Fund (G/THF), 5 GCA §54102, for the operation of public street lights. The bill language states that for purposes of this contract only, the Government of Guam agrees to appropriate *no less than* the amounts identified in the SLF (\$3,608,312) and the G/THF (\$4,210,063) for the operation of public streetlights in FY2014. Additional impacts may result which cannot be determined at this time, to include costs for services by the contractor which is indicated, and which is required to determine what is the best buy for the government; and whether approval by the Public Utilities Commission is required, since costs by the contractor may increase over time. Furthermore, G/THF revenues also go toward operations of DPW Highway Division, Guam Regional Transit Authority, University of Guam Capital Improvement Projects, to name a few.



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MINORITY LEADER

Senator
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Member

October 29, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 31 AM 9:48
JMR

Bill Nos.	Sponsor	Title
212-32 (COR)	T.R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.
213-32 (COR)	V. Anthony Ada	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHÃN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.
214-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ALLOW EMPLOYEES OF GOVERNMENT OF GUAM AGENCIES AND INSTRUMENTALITIES TO APPLY PAYROLL DEDUCTIONS TO REGISTERED NON- PROFITS, BY AMENDING §20111 OF ARTICLE 1, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.
215-32 (COR)	T.R. Muña Barnes, Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ARTICLE 24 TO CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE MEDICAL USE OF CANNABIS, AMENDING PROVISIONS OF THE CONTROLLED SUBSTANCES ACT, PROVIDING PENALTIES, AND FOR OTHER PURPOSES, ALSO KNOWN AS THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.



Rory Respicio <cor@guamlegislature.org>

Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Oct 29, 2013 at 2:26 PM

To: john.rios@bbmr.guam.gov

Cc: admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov, Guam Legislature Clerks <clerks@guamlegislature.org>

Bcc: Mary Maravilla <marymaravilla19@gmail.com>

October 29, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

Received by:
Analyn
Date: 10/29/13
Time: 3:00pm

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

—
Majority Leader Rory J. Respicio
Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;

Human & Natural Resources; and Election Reform
I Mina'Trentai Dos na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
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 2013.10.29_FN_Request_212-215.pdf
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October 22, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 212-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 212-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA' TRENTI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 OCT 22 PM 12:50

upell

Bill No. 212-32 (COR)
Introduced by:

T.R. Muña Barnes
J.T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Title. This Act *shall* be cited and referred to as the 'Island-Wide
3 Energy Efficient Streetlight Act of 2013.'

4 Section 2. Chapter 59A is hereby *added* to Title 5 of the Guam Code
5 Annotated to read as follows:

6 "CHAPTER 59A

7 *The Island-Wide Energy Efficient Streetlight Act of 2013*

8 §59A101. Title.

9 §59A102. Legislative Findings and Intent.

10 §59A103. Definitions.

11 §59A104. Installment Purchase Agreement Authorization.

12 §59A105. Procurement.

13 §59A106. Responsibilities of Contractor.

14 §59A107. Assignments.

1 **§59A108. Pledge of Revenues.**

2 **§59A109. Cost Savings Reporting and Procurement of**
3 **Additional Streetlights.**

4 **§59A110. Severability.**

5
6 **§59A101. Title.** This Act *shall* be known and *shall* be cited as the ‘*The Island*
7 *Wide Energy Efficient Streetlight Act of 2013.*’

8 **§59A102. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
9 Guam Power Authority (“GPA”) currently utilizes two types of streetlights, namely the
10 150-watt type II High Pressure Sodium (“HPS”) and the 250-watt type IV HPS cobra
11 head luminaires. In 2010, GPA initiated a pilot program to determine the feasibility of
12 replacing the HPS streetlight technology with LED and/or induction lighting technology
13 in an effort to lower power consumption and generation, reduce carbon dioxide
14 emissions, and produce for the island’s power system a higher quality light. That pilot
15 project was completed in April 2012. As a result of the pilot project it was found that
16 streetlights using LED technology resulted in lower power consumption.

17 *I Liheslaturan Guåhan* further finds that GPA’s total streetlight count is
18 approximately 16,359, 78% of which are 150-watt type II HPS lights, and 22% of which
19 are 250-watt HPS lights. Tests have indicated that the actual power consumption of the
20 150 and 250-watt HPS lights are approximately 180-watts and 300-watts, respectively.
21 Assuming an operation time of 12 hours a night, the total island-wide streetlight power
22 consumption is approximately 4.05 megawatt-hours (MWh) per night, or about 1.48
23 gigawatt-hour (GWh) per year. At an hourly cost of \$0.1933/kilowatt-hour (kWh) taken
24 at the beginning of the project, the total per annum cost to the Government of Guam is
25 approximately \$2,850,000.00.

26 *I Liheslaturan Guåhan* further finds that with the increasing cost of fuel, methods
27 of decreasing consumption must be employed. It is therefore the intent of *I Liheslaturan*
28 *Guåhan* to authorize the Department of Public Works (“DPW”), in conjunction with

1 GPA, to replace the existing HPS streetlights with streetlights using Light Emitting-
2 Diode (“LED”) technology.

3 **§59A103. Definitions.** For purposes of this Chapter and *unless* otherwise
4 specified, the following words and phrases are defined to mean:

5 (a) “Act” means Chapter 59A of Title 5 of the Guam Code Annotated,
6 known as the “*The Island-Wide Energy Efficient Street Light Act of 2013.*”

7 (b) “Contract” *shall* collectively mean the procurement and the installing,
8 operating, leasing, maintaining, refurbishing, and replacing of streetlights using LED
9 technology entered into between DPW and the Contractor following negotiations on the
10 response to the Multistep Invitation for Bids (“IFB”).

11 (c) “Contractor” *shall* mean the authorized entity whom *shall* be the
12 signatory on the Contract and *shall* be fully responsible for carrying out the procurement
13 and the installing, operating, leasing, maintaining, refurbishing, and replacing of
14 streetlights using LED technology. The Contractor may cooperate with another entity or
15 entities in any manner the Contractor deems appropriate to provide for the installing,
16 operating, leasing, maintaining, refurbishing, and replacing of streetlights using LED
17 technology envisioned by this Act.

18 **§59A104. Installment Purchase Agreement Authorization.** For the purpose of
19 facilitating the financing, procurement, and maintenance of streetlights envisioned by
20 this Act, the government of Guam is authorized to enter into an installment purchase
21 agreement arrangement with a Contractor for the procurement of streetlights.
22 Specifically, DPW, in conjunction with the GPA and in consultation with the respective
23 village mayors, *shall* determine the needs and specification within the IFB.

24 The Government of Guam is authorized to purchase from the Contractor for a
25 period mutually agreed upon between the Government of Guam and the Contractor as
26 may be reasonably necessary to amortize over the installment purchase period any and
27 all costs associated with the financing, procurement, and preventative maintenance of the
28 streetlights. In no event *shall* the installment purchase agreement be greater than ten (10)

1 years.

2 After the maturity of the installment purchase agreement, the government of Guam
3 shall own the streetlights. Additionally, the interest rate of the installment purchase
4 agreement shall not exceed the prime rate plus one percent. The installment purchase
5 agreement may be structured as an annually renewable agreement with provision for
6 automatic renewal to the extent that pledged revenue under Section 59A108 of this Act is
7 available. The installment purchase agreement *shall not* be construed as a debt under
8 any applicable debt limitation under the Guam Organic Act or Guam law.

9 **§59A105. Procurement.** Subject to the approval of *I Liheslaturan Guåhan*,
10 DPW with the assistance of GPA, via a Memorandum of Understanding, *shall* solicit the
11 IFB through DPW, in compliance with the Guam Procurement Law, 5 GCA §5001 *et*
12 *seq.*, for the procurement and installing, operating, leasing, maintaining, refurbishing,
13 and replacing of streetlights using LED technology, together with maintenance over the
14 Installment Purchase Agreement period, according to the needs of the Government of
15 Guam and consistent with this Chapter. The IFB *shall* be issued within thirty (30) days
16 of enactment of this Act.

17 **§59A106. Responsibilities of Contractor.** The Contract *shall* require that the
18 Contractor be responsible for all costs, expenses and fees of any kind or nature,
19 associated with the procurement and the installing, operating, leasing, maintaining,
20 refurbishing, and replacing of streetlights using LED technology, and to the extent
21 provided by the Government of Guam in the IFB. The Installment Purchase Agreement
22 may provide that if sufficient funds are not appropriated or otherwise available for the
23 payment of amounts due under the lease and any maintenance agreement, the
24 Government of Guam shall cease utilizing those streetlights, and the Contractor *shall*
25 have the right of use for the remainder of the term of the Installment Purchase
26 Agreement, unless new mutually satisfactory terms are entered into. For this purpose,
27 the Installment Purchase Agreement may provide that its term *shall* be extended for a
28 period *not to exceed* the *shorter* of five (5) years beyond the original term of the

1 installment purchase agreement *or* such period of time as is necessary to repay in full any
2 financing as envisioned in this Act.

3 **§59A107. Assignments.** To facilitate the purposes of this Act and to provide
4 security for the holders of any financing instruments issued pursuant to this Act, the
5 Contractor may assign, without the need for consent of the Government of Guam, the
6 Contract to any underwriter, trustee or other party as appropriate to facilitate the issuance
7 of the tax-exempt obligations, other financial instruments, or alternative financing for
8 procurement and the installing, operating, leasing, maintaining, refurbishing, and
9 replacing of streetlights using LED technology.

10 **§59A108. Pledged Revenues.** The installment purchase agreement for the
11 procurement and the installing, operating, leasing, maintaining, refurbishing, and
12 replacing of streetlights using LED technology *shall* be secured by a pledge from the
13 annual appropriations made from the Street Light Fund, 16 GCA §7161, and the
14 Territorial Highway Fund, 5 GCA §54102, for the operation of public street lights. For
15 the purposes of this Contract *only*, the Government of Guam agrees to appropriate *no*
16 *less than* the amounts identified in the Street Light Fund and the Territorial Highway
17 Fund for the operation of public streetlights in Fiscal Year 2014 for the term of the
18 Contract. Any such pledge or reservation authorized hereunder shall be valid and
19 binding from the time the pledge or reservation is made and shall be made from the
20 Territorial Highway Fund for the operation of public street lights.

21 **§59A109. Cost Savings Reporting and Procurement of Additional**
22 **Streetlights.** The amount saved by transitioning from the existing HPS lights to LED
23 lights *shall* be reported by GPA to *I Liheslaturan Guåhan* within ninety (90) days of
24 installation of the streetlights. The amount of savings realized *shall* be available to
25 procure additional streetlights as needed. DPW, in conjunction with GPA and in
26 consultation with the respective village mayors, *shall* identify the placement of these
27 additional streetlights.

28 **Section 3. Severability.** *If* any provision of this Act or its application to any

1 person or circumstance is found to be invalid or contrary to law, such invalidity shall not
2 affect other provisions or applications of this Act which can be given effect without the
3 invalid provisions or application, and to this end the provisions of this Act are severable.