

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>212-32 (COR)</b>	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			<b>Fiscal Note Request Received 10/31/13</b>



**COMMITTEE ON RULES**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
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Member

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Dennis G. Rodriguez, Jr.  
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Vice-Speaker  
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Legislative Secretary  
Tina Rose Muña Barnes  
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Frank Blas Aguon, Jr.  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 29, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto: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  
*JMB*

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  
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## COMMITTEE ON RULES

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Aline Yamashita  
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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

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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.