



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

JUN 24 1996

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Handwritten notes and stamps in a rectangular box:

- Top left: "bobby"
- Top right: "b"
- Bottom left: "6-25-96"
- Bottom right: "10:45am"

Dear Speaker Nelson:


Enclosed please find a copy of Bill No. 1 (5-S), "AN ACT TO PROVIDE FOR EMERGENCY PROCUREMENT FOR THE ISLAND'S POWER GENERATION", which I have **signed** into law today as **Public Law No. 23-103**.

I want to thank the Legislature for responding to the emergency situation which made it necessary to call a special session on June 22, 1996 to address our serious power generation difficulties. It is imperative that we provide relief to our citizens from the on-going power shortage situation, and this measure will provide the mechanism for speeding up the ordinarily cumbersome and involved procurement process.

Providing a solution to the power shortage problem is not easy, but all available tools should be brought to bear on solving it.


A copy of the legislation and the message have also been delivered to the Office of the Legislative Secretary.

Very truly yours,

  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachment  
231194

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT

Received By 

Time 11:35 am

Date 6-25-96



OFFICE OF THE GOVERNOR  
TERRITORY OF GUAM

JUN 24 1996

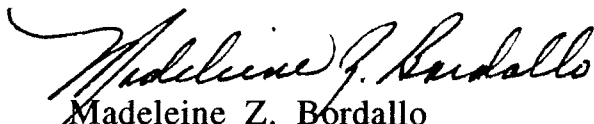
The Honorable Judith Won-Pat Borja  
Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Madame Legislative Secretary:

Enclosed please find a copy of Bill No. 1 (5-S), "AN ACT TO PROVIDE FOR EMERGENCY PROCUREMENT FOR THE ISLAND'S POWER GENERATION", which I have **signed** into law today as **Public Law No. 23-103**.

A copy of this legislation and the message have also been delivered to the Office of the Speaker.


Very truly yours,

  
Madeleine Z. Bordallo  
Acting Governor of Guam

Attachments

**231191**

(For File purposes only)  
Same AS 231194

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	11:00am
Date	6-25-96

Twenty Third Guam Legislature  
1996 (FIFTH) Special Session

I, **Ted S. Nelson**, the **Acting Speaker and Presiding Officer** of the Twenty Third Guam Legislature, hereby acknowledge, that at 2:55 p.m. Friday, June 21, 1996, the Office of the Acting Speaker received a transmittal from Acting Governor Bordallo with respect to the existing conditions on the island's power system, and the urgent need to improve the reliability of our electrical infrastructure in order to meet the increased capacity requirements.

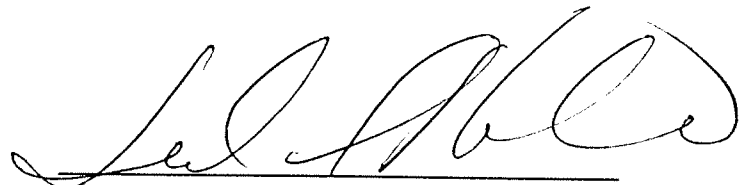
In a transmittal letter to the Speaker of the Legislature on June 10, 1996, Governor Gutierrez expressed concern with respect to the thirty (30) day procurement restrictions with regard to declarations of emergency. Because it is not practical or logical that emergency crisis can be solved within a thirty (30) day period, Governor Gutierrez was prompted to call on the members of this Legislature to work with the Administration to act on solutions to our island's obvious and protracted infrastructure problems. In response to the Governor's request, Bill No. 666 "An Act to Provide for Emergency Procurement for the Island's Power Generation", was introduced on June 10, 1996.

Presently, with the need to meet increased capacity requirements resulting from the completion of the new Southern High School, the opening of the new Tamuning Elementary School, and other new building projects around the island, Acting Governor Bordallo, by her letter of June 21, 1996, has urged this body into action for the purpose of addressing proposed legislation to provide the Guam Power Authority the authority necessary to

accomplish the emergency and urgent needs to insure the adequacy and reliability of our electrical power generation system.

Therefore, I hereby certify, pursuant to §2103 of Title 2, Guam Code Annotated, that emergency conditions will exist involving danger to the public health and safety resulting from the rash of load-shedding and power outages during the heaviest demand periods which compromise public health and safety, and waive the statutory requirement for a public hearing on Bill No. 1(5-S), a bill identical to Bill No. 668 (LS), introduced on June 10, 1996, upon request of the Governor of Guam in accordance with the Organic Act of Guam.

Dated: June 22, 1996

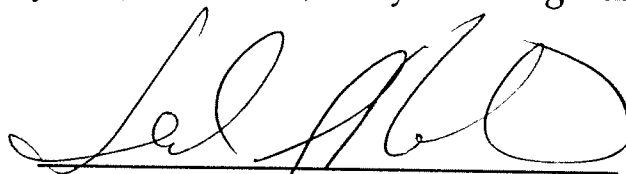


**TED SGAMBELLURI NELSON**  
Acting Speaker

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 1 (5-S), "AN ACT TO PROVIDE FOR EMERGENCY PROCUREMENT FOR THE ISLAND'S POWER GENERATION," was on the 22nd day of June, 1996, duly and regularly passed.



TED S. NELSON  
Acting Speaker

Attested:



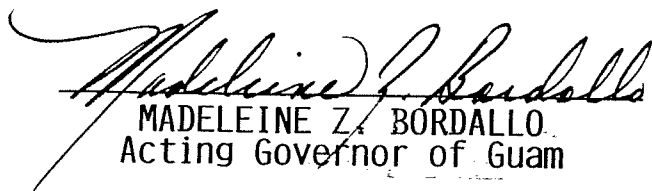
SONNY LUJAN ORSINI  
Senator and Acting Legislative Secretary

-----  
This Act was received by the Governor this 24th day of June,  
1996, at 10:40 o'clock A.M.



Assistant Staff Officer  
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO  
Acting Governor of Guam

Date: 6/24/96

Public Law No. 23-103

TWENTY-THIRD GUAM LEGISLATURE  
1996 (FIFTH) Special Session

Bill No. 1 (5-S)

Introduced by:

T. S. Nelson  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
A. C. Blaz  
J. S. Brown  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO PROVIDE FOR EMERGENCY  
PROCUREMENT FOR THE ISLAND'S POWER  
GENERATION.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2           **Section 1. Exemption from government-wide procurement restrictions**  
3 **to obtain new sources of power generation. Notwithstanding the thirty (30)**  
4 **day limitation on emergency procurements required under §5215 of Title 5,**  
5 **Guam Code Annotated, the Guam Power Authority is authorized to make**

1 emergency procurement of power generation, substation, and transmission  
2 services related to the emergency procurement, and shall be exempt from the  
3 Public Utilities Commission for such purchases made pursuant to a  
4 declaration of emergency approved by the Governor under Executive Order  
5 as provided under §5215 of Title 5, Guam Code Annotated. This authority  
6 shall expire September 30, 1996.

6/22/96  
Date

VOTING SHEET

Bill No. 1(5-5)  
Resolution No. \_\_\_\_\_  
Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.				✓
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C				✓
CRISTOBAL, Hope A.	✓			
FORBES, -MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don				✓
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.				✓
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.				✓
WONPAT-BORJA, Judith				✓

TOTAL                      15   0   0                      6

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Recording Secretary





MADELEINE Z. BORDALLO  
 LIEUTENANT GOVERNOR OF GUAM

The Honorable Ted S. Nelson  
 Acting Speaker  
 23rd Guam Legislature  
 Agana, Guam

JUN 21 1996  
 Office of  
 VICE-SPEAKER TED S. NELSON  
 Received by  
*Ann Marie D'Elves*  
 Date: *6-21-96* Time: *2:55*

Dear Speaker Nelson,

After being briefed on the relevant facts associated with existing conditions of the island's power system, and with the urgent need to greatly improve the reliability of our electrical infrastructure in order to meet the increased capacity requirements resulting from the completion of the new southern high school, the opening of the new Tamuning Elementary School, and other new building projects around the island and in order to avoid the totally unacceptable rash of load shedding and power outages during the heaviest demand periods which, in fact, compromise the public safety and welfare, I have decided that the public interest and the safety and welfare of our citizens will be considerably compromised if nothing is done to permit the Guam Power Authority to immediately proceed with whatever is necessary to secure the additional generation required to provide the capacity and reliability needed to satisfy immediate and short term demands and needed to permit GPA to adequately and effectively perform the maintenance required.

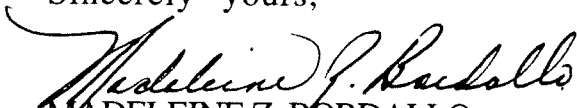
Therefore, I find it necessary to invoke the powers granted to the Governor of Guam under Title I of Chapter 3, §1423(h) to call the Guam Legislature into Special Session at 2:00pm on Saturday, June 22, 1996, for

SpcSesCall  
 re: GPA  
 June 21, 1996  
 2:27 PM  
 Page 1 of 2

*Rules*  
**received**  
 6/21/96 3:35p  
*Denno*

the specific purpose of considering emergency legislation necessary for the protection of the public interest, public health, safety and welfare. I have attached proposed legislation which has been drafted to provide the Guam Power Authority the authority necessary to accomplish the emergency and urgent needs to insure the adequacy and reliability of our electrical power generation system in the most effective and efficient manner possible.

Sincerely yours,

  
MADELEINE Z. BORDALLO  
Acting Governor

Attachment

**231189**



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUN 10 1996

The Honorable Don Parkinson  
Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

OFFICE OF THE SPEAKER	
Date:	<u>6/10/96</u>
Time:	<u>1:32 P</u>
Received By:	<u>791</u>
Print Name:	<u>Mark L. Lopez</u>

*B666*

RE: DRAFT BILL RELATIVE TO PROCUREMENT FOR POWER GENERATION.

Dear Speaker Parkinson:

Attached please find a copy of a draft bill and draft floor amendment which addresses our present emergency situation with regard to power generation. The draft bill is entitled: "AN ACT TO PROVIDE FOR EMERGENCY PROCUREMENT FOR THE ISLAND'S POWER GENERATION".

As you know, our current procurement laws are quite restrictive with regard to declarations of emergency to immediately address major procurement for emergency situations, because the procurement for emergencies must be completed within Thirty (30) days. For power generation, as well as water and sewer areas, it is not practical or logical that the crises will be solved, all necessary procurement made, within Thirty (30) days.

I have been working closely with Senator Elizabeth Barrett-Anderson on needed changes in the procurement law to address the power generation concern. The attached draft legislation is a collaborative effort and makes it possible to address emergency procurement for power generation. This emergency may be addressed either by securing new sources of power generation through land-based generation equipment or sea-based power sources. In any event, procurement restrictions need to be eliminated so that this situation can be addressed.

I have been inundated with proposals from various sources relative to the supply of power generation. Up to now, I am reluctant to act on these proposals due to procurement law restrictions. Now is your opportunity to work with the Administration, to act on solutions to our island's obvious and protracted power problems. In order to address the continuing power crisis, I

urge you to take either the route of expediting the legislative action by introducing the attached draft bill and declaring an emergency on it, or adopting the attached draft floor amendment concurrently with other pending legislation.

Very truly yours,



Carl T. C. Gutierrez

Attachments

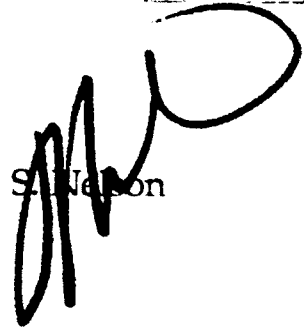
JUN 11 1996

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 668(LS)

Introduced by:

T. S. Nelson



AN ACT TO PROVIDE FOR EMERGENCY  
PROCUREMENT FOR THE ISLAND'S POWER  
GENERATION.

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

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3 **to obtain new sources of power generation.** Notwithstanding the thirty (30)

4 day limitation on emergency procurements required under §5215 of Title 5,

5 Guam Code Annotated, the Guam Power Authority is authorized to make

6 emergency procurement of services and supplies related to the repair,

7 maintenance and upgrade of equipment and facilities related to production

8 and distribution of generation, and shall be exempt from the Public Utilities

9 Commission for such purchases made pursuant to a declaration of emergency

10 approved by the Governor under Executive Order as provided under §5215 of

11 Title 5, Guam Code Annotated. This authority shall expire September 30,

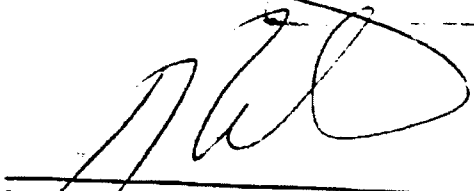
12 1996.

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

JUN 10 1996

Bill No. 6666 (S)

Introduced by:

  
by request of the Governor in  
accordance with the Organic Act  
of Guam.

AN ACT TO PROVIDE FOR EMERGENCY PROCUREMENT FOR  
THE ISLAND'S POWER GENERATION.

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

1  
2       Section 1.       Exemption       from       government-wide  
3 procurement restrictions to obtain new sources of power  
4 generation. Notwithstanding the Thirty (30) day limitation on  
5 emergency procurements required under §5215 of Title 5, Guam Code  
6 Annotated, the Guam Power Authority is authorized to make emergency  
7 procurement of services and supplies related to the repair, maintenance  
8 and upgrade of equipment and facilities related to production and  
9 distribution of generation, and shall be exempt from the Public Utilities  
10 Commission for such purchases made pursuant to a declaration of  
11 emergency approved by the Governor under Executive Order as provided  
12 under §5215 of Title 5, Guam Code Annotated. This authority shall expire  
13 September 30, 1996.

**Introduced**

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

JUN 11 1996

Bill No. 668 (LS) (Same as  
B1 (S-S))

Introduced by:

T. S. Nelson

AN ACT TO PROVIDE FOR EMERGENCY  
PROCUREMENT FOR THE ISLAND'S POWER  
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