

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](mailto:speaker@guamlegislature.org)**

March 8, 2024

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

**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.

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

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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***

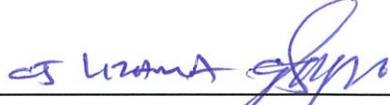
This is to certify that **Bill No. 206-37 (LS)**, "AN ACT TO ADD A NEW § 8113.15 TO ARTICLE 1 OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING TEMPORARY EMERGENCY POWER CAPACITY," was on the 7<sup>th</sup> day of March 2024, duly and regularly passed.

  
\_\_\_\_\_  
**Therese M. Terlaje**  
Speaker

Attested:

  
\_\_\_\_\_  
**Amanda L. Shelton**  
Legislative Secretary

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

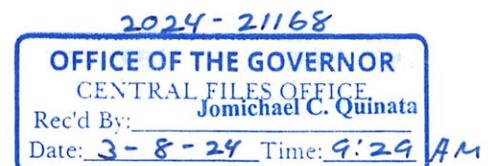
  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'håga's* Office

APPROVED:

  
\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 3/8/24

Public Law No. 37-81



***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.