

MINA' BENTE NUEBI NA LIHESLATURAN GUAHAN
2007 (FIRST) Regular Session

Bill No. 115 (EC)

Introduced by:

J.P. GUTHERTZ *W*

AN ACT TO AMEND §§ 3108, 3111, 3115, AND 3119; AND
TO ADD A NEW §3111.1, ALL OF CHAPTER 3 OF TITLE
17 GUAM CODE ANNOTATED RELATIVE TO THE
GUAM PUBLIC SCHOOL SYSTEM.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §3108 of Chapter 3 of Title 17 Guam Code Annotated is *amended to*
3 read:

4 "§3108. Attorney for the Board. The Board is authorized and may employ
5 an attorney to assist and represent it during any meetings and in all civil
6 matters. The Board ~~may~~ shall set the terms and conditions for employment of the
7 attorney or law firm. The Board shall determine whether the appointment is a
8 full-time, unclassified employee or an independent consultant. The Board ~~may~~ is
9 authorized to expend funds for hiring an attorney or procuring legal services."

10 Section 2. §3111 of Chapter 3 of Title 17 Guam Code Annotated is *amended to*
11 read:

12 "§3111. Guam Education Policy Board. There is hereby created a Guam
13 Education Policy Board (*Board*). The Board shall consist of at least eleven (11)
14 members as follows:

15 (a) Nine (9) District Elected Voting Members. Nine (9) members of
16 the Board shall be elected through district-wide elections ~~at each in a~~
17 General Election ~~for a term of two (2) years~~ and in the manner described
18 in §3111.1. Notwithstanding any other provision of law, except for the

1 student member and non-voting members, unclassified and contracted
2 employees of the Executive and Legislative Branches and all employees of
3 the Guam Public School System are not eligible to run or serve. The
4 candidates must be at least twenty-five (25) years old, an at least two (2)
5 year resident of Guam, and a resident and domiciliary in that District the
6 candidate will be representing for at least two (2) years immediately
7 preceding the date on which the member takes office and continuing
8 throughout the term. All candidates for the Board must be citizens of the
9 United States of America.

10 (b) One (1) Student Non-Voting Member. One (1) student member
11 of the Board shall be elected by the Island-wide Board of Governing
12 Students.

13 (c) Appointed Non-Voting Member. The Board shall appoint one
14 (1) non-voting member from a list of not less than three (3) nominees by
15 the exclusive bargaining unit which represents teachers and other
16 employees in the GPSS. The non-voting member shall serve a term of one
17 (1) year.

18 (d) Additional Non-voting members. The Board may add non-
19 voting, ex-officio members as needed. The terms for such ex-officio
20 members shall be determined by the Board.

21 (e) Votes needed for Action. Unless expressly provided for
22 elsewhere by public law, actions of the Board are carried by a vote of five
23 (5) voting members.

24 (f) Quorum A quorum for meetings of the Board shall consist of
25 five (5) voting members.

1 Section 3. §3115 of Chapter 3 of Title 17 Guam Code Annotated is *amended to*
2 **read:**

3 “§3115. **Same: Term of Office of Elected Members.** The members of the
4 Board shall be elected by district at the next General Election or Special Election.
5 The terms of office of Board members elected pursuant to this Section shall
6 commence at 12:00 noon on the first Monday in January immediately following
7 the date they were elected and terminate at 11:59 a.m. on the first Monday in
8 January ~~immediately following the date of the next General Election~~ **four years**
9 **hence, except as provided in §3111.1 of this Chapter.**”

10 Section 4. §3119 of Chapter 3 of Title 17 Guam Code Annotated is *amended to*
11 **read:**

12 “§3119. **Same: Officers of the Board.** Officers of the Board shall include
13 the Chairperson and Vice- Chairperson, and such other positions which the
14 Board deems necessary to effectively carry out its responsibilities. Such Board
15 officers upon election shall serve for a term of one (1) year. Board officers shall be
16 elected by a majority vote of the members of the Board during one (1) of the
17 Board's meetings held in ~~November~~ **January** of each year. ~~Members may serve~~
18 ~~as Chairperson for multiple terms, except that no person may serve as~~
19 ~~Chairperson for two (2) consecutive terms by succeeding oneself.~~”

20 Section 5. §3111.1 of Chapter 3 of Title 17 Guam Code Annotated is *added to*
21 **read:**

22 “**§3111.1 Provision for Staggered Elections. (a) Except as provided in**
23 **Subsection (b) of this §3111.1, each member of the Board shall be elected to**
24 **serve a term of four (4) years, commencing at 12 noon on the First (1st) Monday**
25 **in January following their election.**”

1 **(b) At the election for members of the Board held at the General**
2 **Election in November 2008, and only at this election, five (5) candidates shall**
3 **each serve four (4) year terms, and four (4) candidates, one from each of the**
4 **four (4) districts, shall each serve two (2) year terms as follows:**

5 **1. Upon the Guam Election Commission's determination of the**
6 **nine (9) successful candidates, the successful candidate in each district**
7 **who received the lowest number of votes shall be certified to serve a**
8 **two (2) year term. The remaining successful candidates in each district**
9 **shall be certified to serve four (4) year terms."**