

I MINA'TRENTAI UNO NA LIHESLATURAN GU HA N
2011 (FIRST) Regular Session

2011 JAN -3 AM 10:55

EMM

Bill No. 2-31(LS)

Introduced by:

F. F. Blas, Jr.

**AN ACT TO ADD CHAPTER 14 TO TITLE 2 OF THE
GUAM CODE ANNOTATED RELATIVE TO AND
AFFECTING GUAM AND ITS REPRESENTATION
BEFORE THE HOUSE AND SENATE OF THE
UNITED STATES CONGRESS, AND TO CITE THE
ACT AS "THE GUAM SELF-DETERMINATION AND
SELF-REPRESENTATION ACT OF 2011."**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Chapter 14 is *hereby* added to Title 2 of the Guam Code Annotated
to read as follows:

**"CHAPTER 14.
GUAM SELF-DETERMINATION
AND SELF-REPRESENTATION ACT.**

§14101. Guam Self-Determination and Self-Representation Act.

§14102. Representation before the United States Congress, Departments and Agencies of the Federal government.

1 and before departments and agencies of the Federal government which affect
2 the people of Guam and for which the people of Guam need a voice and a vote.

3 The people of Guam can no longer be relegated to the role of concerned
4 outsider with no means to determine our own fate.

5 **(b) Representation.** Inclusive of Guam's Delegate to the U.S.
6 House of Representatives, the unincorporated territory of Guam shall be
7 represented by two (2) Representatives in the U.S. Senate and Departments and
8 Agencies of the Federal government, selected by the people of Guam, as
9 provided herein.

10 **§14103. Election of Representatives; majority; runoff election;**
11 **vacancy; commencement of term. (a) Election of Guam's U.S. Senate**
12 **Representatives.** Guam's Representatives to the United States Senate and
13 Departments and Agencies of the Federal government shall be elected by the
14 people of Guam qualified to vote for the members of the legislature of the
15 territory they are to represent at the general election of 2012, and thereafter at
16 such general election every even numbered year thereafter.

17 **(b) Majority; runoff election.** Guam's Representatives to the
18 U.S. Senate shall be elected at large and by a majority of the votes cast for the
19 office of Guam's Representative. If no candidate receives such majority, on the
20 fourteenth day following such election a runoff election shall be held between
21 the candidates receiving the highest and the second highest number of votes
22 cast for the office of Guam's Representatives to the U.S. Senate.

23 **(c) Vacancy.** In case of a permanent vacancy in the office, by reason
24 of death, resignation, or permanent disability, the office shall remain vacant
25 until a successor shall have been elected and qualified.

1 (d) **Commencement of term.** The term of the Guam's
2 Representatives shall commence on the first Monday in January following the
3 date of the election.

4 **§14104. Qualifications for the Office of the Representatives.** To
5 be eligible for the Office of Guam's Representative to the U.S. Senate, a
6 candidate must:

7 (a) be at least twenty-five (25) years of age on the date of the
8 election;

9 (b) have been a citizen of the United States for at least seven (7)
10 years prior to the date of the election;

11 (c) be an inhabitant and resident of the territory from which he
12 is elected;

13 (d) not have been convicted of a felony, and must not have been
14 convicted of a misdemeanor involving criminal sexual conduct or crime
15 of moral turpitude, and

16 (e) not be, on the date of the election, a candidate for any other
17 office.

18 **§14105. Legislature to determine election procedure.** *I*
19 *Liheslaturan Guåhan* shall determine the order of names on the ballot for
20 election of the Guam's Representatives, the method by which a special election
21 to fill a vacancy in the office of Guam's Representatives, shall be conducted,
22 the method by which ties between candidates shall be resolved, and all other
23 matters of local application pertaining to the election and the office of Guam's
24 Representatives not otherwise expressly provided for herein.

25 **§14106. Operation of Office; privileges; compensation,**
26 **allowances, and benefits; privileges and immunities.** Guam's

1 Representatives shall have such privileges as may be afforded him under the
2 Rules of the Senate. Until the Rules of the Senate are amended to provide
3 otherwise, the Representatives from Guam shall receive the same
4 compensation, allowances, and benefits as a Member of the United States
5 Senate, and shall be entitled to whatever privileges and immunities are, or
6 hereinafter may be, granted to the other members of the Senate.

7 **§14107. Appearance of Guam's Representatives Before *I***
8 ***Liheslaturan Guåhan*.** Annually at a month to be determined by the Speaker
9 and Guam's Representatives, the Speaker shall invite Guam's Representatives to
10 the U.S. Senate, to appear before *I Liheslatura* and give an address on federal-
11 territorial issues.

12 **§14108. Cooperation With Other Jurisdictions.** The
13 Representatives at its discretion may furnish to the legislative bodies of the
14 United States, any of its states, territories, possessions and their political
15 subdivisions, the District of Columbia, Canada and the provinces of Canada,
16 any of the codes or other legislative publications of Guam, provided that said
17 jurisdictions grant reciprocal privileges to Guam.

18 **§14109. Severability.** *If* any provision of this law or its
19 application to any person or circumstance is found to be invalid or contrary to
20 law, such invalidity shall *not* affect other provisions or applications of this law
21 which can be given effect without the invalid provisions or applications, and to
22 this end the provisions of this law are severable.”

23 **Section 2.** Chapter 15A is hereby *added* to Title 3 of the Guam Code
24 Annotated to read as follows:

25 **“CHAPTER 15A.**
26 **SELECTION OF REPRESENTATIVES.**

1 **§15A101. Recognized Political Party - Selection**
2 **of Initial Representatives.**

3 **§15A102. Initial Selection of Representatives.**

4 **§15A101. Recognized Political Party – Selection of Initial**
5 **Representatives.** A recognized political party, affiliated with a national
6 political party which holds a convention for the purpose of nominating
7 candidates for President of the United States shall select a Representative. Such
8 Representative, one from each of the recognized political party shall be chosen
9 until the election of Guam’s Representatives.

10 **§15A102. Initial Selection of Representatives.** The initial
11 Representatives shall be selected by such recognized political party at a
12 convention called by the Chairman at least thirty (30) days before the date set
13 for such national convention. The local convention shall consist of such party
14 members, as well as national committeeman and national committeewoman,
15 and shall choose one such Representative to represent the people of Guam
16 before the United States Congress, Departments and Agencies of the Federal
17 government.”

18 **Section 3. Representatives Operations Fund.** (a) There is hereby
19 created a special fund to be known as the Self-Determination Self-Representation
20 Fund, such fund shall be administered by the Representatives to the United States
21 Senate. All moneys appropriated for the operation of the office shall be paid directly
22 to the Fund and disbursed by the Representatives.

23 (b) Within sixty (60) days after the closing of each calendar year the
24 Representatives shall cause to be published a report of the expenditures of the Fund,
25 including but not limited to a balance sheet, a statement of receipts and a general
26 description of the expenses of the Fund.

1 **Section 4. (a) Deappropriation.** It is the intent of *I Liheslaturan Guåhan*
2 that the sum of Three Hundred Thirty-three Thousand Four Hundred Six Dollars
3 (\$333,406) appropriated from the General Fund to the Guam Liaison Office,
4 Washington D.C. within the Office of *I Maga'låhen Guåhan* for its operations in
5 Fiscal Year 2011, is hereby deappropriated in its entirety.

6 **(b) Appropriation.** The sum of Three Hundred Thirty-three Thousand Four
7 Hundred Six Dollars (\$333,406) deappropriated herein is hereby reappropriated and
8 deposited into the Self-Determination Self-Representation Fund established in Section
9 3 of this Act.

10 **Section 7. Severability.** If any provision of this law or its application to any
11 person or circumstance is found to be invalid or contrary to law, such invalidity shall
12 not affect other provisions or applications of this law which can be given effect
13 without the invalid provisions or applications, and to this end the provisions of this
14 law are severable.