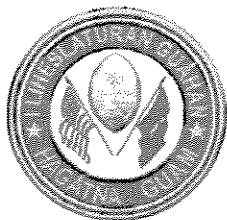


I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
241-32 (COR)	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.	12/16/13 2:52 p.m.	12/16/13	Committee on Municipal Affairs, Tourism, Housing, and Hagatna Restoration and Development Authority	12/26/13 9:00 a.m.	1/23/14 5:06 p.m.	Fiscal Note Requested 12/24/13 Fiscal Note Received 1/13/14



I Mina'Trentai Dos Na Liheslaturan Guáhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

JAN 09 2014

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Dõs Na Liheslaturan Guáhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules *[Signature]*

RE: Committee Report on Bill No. 241-32 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 241-31 (COR) – “An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors of Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors” – sponsored by R.J. Respicio, T.C. Ada, T.R. Muña Barnes and referred to the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority.

Committee votes are as follows:

- 3 TO DO PASS
- 0 TO NOT PASS
- 0 TO REPORT OUT ONLY
- 0 TO ABSTAIN
- 0 TO PLACE IN INACTIVE FILE

[Signature]

Senator Tina Muña Barnes

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com

2014 JAN 23 PM 5:06

[Handwritten mark]



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

COMMITTEE
REPORT
ON
BILL NO. 241-32 (COR)
(Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes)

“An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors”



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

January 7, 2014

MEMORANDUM

To: All Members
Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration
and Redevelopment Authority

From: Senator Tina Muña Barnes
Committee Chairperson

Subject: Committee Report on Bill No. 241-32 (COR)

Transmitted herewith for your consideration is the Committee Report Bill No. 241-32 (COR) – “An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor’s or Vice Mayor’s Office, and to provide for a Special Election to fill any vacancy among Guam Mayors of Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 241-32 (COR)
- Copy of Bill No. 241-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 241-32 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sí Yu’os ma’åse’!



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

COMMITTEE VOTING SHEET

Bill No. 241-32 (COR) – “An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors”

	SIGNATURE	TO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN DUE TO CONFLICT OF INTEREST	TO PLACE IN INACTIVE FILE
LEGISLATIVE SECRETARY TINA ROSE MUÑA BARNES Chairperson		✓				
VICE SPEAKER BENJAMIN J.F. CRUZ Vice-Chairperson						
SPEAKER JUDITH T. WON PAT, Ed.D. Member						
SENATOR THOMAS C. ADA Member		✓				
SENATOR FRANK B. AGUON, JR. Member	 08 JAN 14			✓		
SENATOR VICENTE C. PANGELINAN Member				✓		
SENATOR RORY J. RESPICIO Member			1-8-14			
SENATOR DENNIS G. RODRIGUEZ, JR. Member						
SENATOR MICHAEL F.O. SAN NICOLAS Member				✓		
SENATOR V. ANTHONY ADA Minority Member						
SENATOR CHRISTOPHER M. DUEÑAS Minority Member				✓		
SENATOR MICHAEL LIMTIACO Minority Member				✓ 1/9/14		
SENATOR BRANT McCREADIE Minority Member						
SENATOR THOMAS MORRISON Minority Member				✓ 1/8/14		
SENATOR ALINE A. YAMASHITA, Ph.D. Minority Member						

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration & Redevelopment Authority



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 241-32 (COR) was introduced on December 16, 2013 by Senator Rory J. Respicio, and was subsequently referred by the Committee on Rules to the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority on December 16, 2013.

The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority convened a public hearing on Bill No. 241-32 (COR) on Thursday, December 26, 2013 at 9:00 AM in I Liheslatura's Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on Wednesday, December 18, 2013 (5-Day Notice), and again on Monday, December 23, 2013 (48-Hour Notice).

Senators Present

Senator Tina Muña Barnes, Chairperson
Senator Tony Ada, Member
Senator Rory Respicio, Member
Senator Frank Aguon, Jr., Member
Senator Tom Ada, Member
Senator Mike Lintiacco, Member

II. SUMMARY OF TESTIMONY & DISCUSSION

The public hearing was Called-to-Order at 9:07 AM.

Chairperson – This Public Hearing by the Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority is now called to order, it is now 9:07 a.m. For the record and in accordance to 5 GCA, Chapter 8, Subsection 8107, notices were sent out via email to all Senators and all main media broadcasting outlets on Wednesday, December 18, 2013 which is the 5-day notice and the second notice on Monday, December 23, 2013 which fulfills the 48 hour notice. I'd like to thank all my Colleagues for joining me this morning, the day after Christmas. On the Agenda this morning is Bill No. 241-32 (COR) which is "An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors"

It was introduced by Senator Rory Respicio, Senator Tom Ada and myself, Senator Muña Barnes. We have the Executive Director of the Mayor's Council of Guam, Mr. Angel Sablan to speak on the bill, however I will yield now to the author of the bill, Senator Respicio to speak on the bill. Senator Respicio?

Senator Rory Respicio – Thank you Madam Chair and Acting Speaker for having this hearing. I want to thank you and Senator Tom Ada for co-sponsoring this bill. This bill seeks to amend the process of filling vacancies that may take place in the Mayor of Vice Mayors offices and to provide for a special election to fill any vacancy when they take place 240 days or more before the day of a general election. The current system as it is now, calls now for vacancies to be filled by the method of appointment by the Governor but the method of appointing rather than conducting a special election may not express the actual will of the people of that respective village. That's the primary way we elect our Mayors and Vice Mayors through the election process. So, what it is now, if this bill passes and should a vacancy occur within 240 days or 8 months of the next scheduled election, the vacancy will be filled by majority vote of the MPC of that municipality in which the vacancy occurs subject to the advice and consent of the Legislature. This method of filling vacancies less than 8 months before the next general election, empowers the MPC, which consists of those most familiar with the needs of their village. The other thing this bill does is provide for a Mayor or Vice Mayor to be eligible for an elected office in the same election inclusive of local and general elections. As it is now, the Mayors or Vice Mayors have to resign if they are going to seek another elected office because their term lapses. One can make an organic act argument that they do not have to resign, it's been much argued in the past and it seems that the determination is all subjective. While this bill primarily deals with elections, I contend that it's primarily an oversight I have with election reform I certainly have no problem yielding to you Acting Madam Speaker because it concerns Mayors and Vice Mayors and we need to hear from them and see what they want. All these amendments are made to the election code and I'm happy that the Executive Director of the Guam Election Commission, Ms. Maria Pangelinan, is here and maybe she may want to provide testimony. But nonetheless, thank you for moving the hearing and thank you for addressing a bill that recognizes how our Mayors and Vice Mayors have really grown from the time they were Commissioners and now they are Mayors and Vice Mayors. Thank you!

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

Chairperson – Thank you Mr. Majority Leader. I'd like to acknowledge Mr. Angel Sablan, Executive Director of the Mayor's Council.

Mr. Angel Sablan – Good morning and Mana Si Yu'os. My name is Angel Sablan, Executive Director of the Mayor's Council of Guam. Thank you and Merry Christmas to all of you! The proposal before us this morning is Bill No. 241-32 (COR) and the essence has been discussed back and forth with the different Mayors and Vice Mayors of the Council and we wondered if we had vacancies what would happen. We have some who are asking if they don't finish their term this year, what would happen to their villagers? We have some Mayors who are looking to other opportunities and we have Vice Mayors in their villages who don't want to step up but want to stay in their position. So, what's in the law right now is of course the MPC of that village would recommend a name to the Governor for appointment, but the Governor does not have to stick to that list nor accept nominees submitted by the MPC. We have one incident in the village of Agat, where the Vice Mayor was appointed by the Governor. I know the election commission is going to say that it's gonna cost more money, but I think it's the fairest way to fill that position. No one else would know but the villagers themselves. All in all, I think that this is a bill that deserves your consideration and support and it takes away the fact that it would have up to ten people deciding the Mayor Vice Mayor of that village, it should be the people of that village to decide. Thank you!

Chairperson – Thank you very much Mr. Sablan. Senator Respicio? Senator Lintiaco? Any of my Colleagues? Senator Aguon, you're recognized.

Senator Frank Aguon – Thank you Mr. Sablan for providing testimony this morning. First and foremost, any time that you empower the members of the community in which the Mayors to be selected, you are empowering the entire village, so members of the MPC would be able to make their selection. The concept itself is very good. I'm looking at the existing process, I think you highlighted perhaps an aspect there that if in fact is tweaked slightly could still address a concern that you just shared with us and one is, names transmitted to the Chief Executive and the Chief Executive's concurrence eventually comes to the Legislature for confirmation. So if in fact the Chief Executive is somewhat, I don't want to say forced, but has to select a nominee or an appointee from that list, you still maintain the empowerment of the MPC because that Chief Executive would not have the flexibility to say, ok this is only advisory in nature, so I'm gonna step aside and provide that appointment. I certainly recognize the intent of the legislation of looking at the ways should a vacancy occur, what perhaps would be the most expeditious approach in terms of getting a replacement of a Mayor or Vice Mayor and empowering the MPC and eventually overall the concept is empowering that municipality or that village in allowing the villagers in selecting their Mayor or Vice Mayor. I just wanted to make that particular statement or comment because I think that you're absolutely right. I appreciate your

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I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

comment and I certainly understand the perspective of the sponsor to this legislation, so thank you for your comment.

Mr. Angel Sablan – Senator, I think that can still happen. In periods of time where there is 40 days or less because there is no election, there has to be a process where you're going to have to appoint a Mayor or Vice Mayor, so I think that process can still work.

Senator Frank Aguon, Jr. – Thank you Madam Chair.

Chairperson – Thank you Senator Aguon. I just want to note that there are 19 Mayors and 7 Vice Mayors and for the villages that have the Vice Mayor positions, they automatically move up but the villages that don't have that position then this would be put into play.

Mr. Angel Sablan – Yes, but what I was pointing out Senator is that if the Vice Mayor doesn't want to step up to become the Mayor, and it's right here, it's refusal or failure to assume office, so it's still covered. So the Vice Mayor would still have to declare or assume the position of Mayor.

Chairperson – Ok, that's correct. Thank you Mr. Sablan. Do any of my other colleagues like to make a comment? Senator Respicio you're recognized.

Senator Rory Respicio – Thank you Madam Chair, and happy holidays Mr. Sablan. Before this committee submits the committee report for this bill, could the Mayor's Council have a resolution submitted to us?

Mr. Angel Sablan – Yes, of course, we have a meeting on January 8, 2014. We are working on 2 resolutions and this is one of them.

Senator Rory Respicio - It would be helpful to us if the Council could take a vote on it and we could be guided by it. Thank you Mr. Sablan.

Chairperson -- Thank you very much. If there are no other comments, I will call this bill duly heard and adjourned at 9:29 a.m.

Please note that written testimonies may be submitted up to ten (10) days after the public hearing to the Office of Senator Tina Muña Barnes, 155 Hesler Place, Hagåtña, Guam 96910 via facsimile at 472-3400 or via email to senator@tinamunabarnes.com.

The public hearing was adjourned at 9:29 AM.



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

III. FINDINGS & RECOMMENDATIONS

Insert the "research" portion of your committee work (i.e. outcomes of testimony review, research, related studies, stakeholder meetings, committee mark up sessions, etc...).

The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment hereby reports out Bill No. 24I-32(COR), with the recommendation

~~TO DO PASS~~ TO REPORT OUT ONLY.

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority

Vice Chairperson, Committee on General Government Operations and Cultural Affairs

155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

Bill No. 241 -32 (COR)

Introduced by:

R.J. RESPICIO

T.C. ADA

T.R.M. BURNES

2013 DEC 15 PM 3:52

AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. "TITLE 3 GCA § 13106. Events Causing Vacancy in the
3 Municipal Offices of Mayor and Vice Mayor" is amended to read:

4 "The municipal offices of mayor and vice mayor become vacant on
5 the happening of any of the following events:

- 6 (a) death of the incumbent;
- 7 (b) declaration of mental incompetence by a final judgment or
8 final order of a court of competent jurisdiction;
- 9 (c) resignation from office;
- 10 (d) refusal or failure to assume office;

1 (e) the decision of a competent tribunal declaring void his or
2 her election;

3 (f) conviction of a felony, or of a crime involving moral
4 turpitude;

5 (g) his or her change of residence from the municipality in
6 which he or she was elected;

7 (h) when an incumbent is incapacitated because of illness and
8 unable to continue for the remainder of the term to which he or she
9 was elected; or

10 (i) when an incumbent has sought and won election to another
11 office and assumed the new office, constituting voluntary
12 relinquishment of the original office.

13 The occurrence of any event under (a) through (i), with respect
14 to a person or persons elected to office, after the election but before
15 the term of office is to commence, constitutes a vacancy on the date
16 the term commences, unless the person or persons so elected is the
17 incumbent, in which case, the vacancy occurs on the date of such
18 event."

19 Section 2. A *new* § 13107 is *added* to TITLE 3 GCA Chapter 13.
20 Existing §§ 13107-13108 are *renumbered* accordingly.

1 **"13107. Special Election to fill a Vacancy or Vacancies in the**
2 **Municipal Offices of Guam Mayors and Vice Mayors.** The Guam
3 Election Commission shall call for a special election on a Saturday on
4 or about sixty (60) days after a vacancy occurs in an office of Mayor
5 or Vice Mayor, whenever one (1) or more vacancies occur therein 240
6 days or more *prior* to the date of the next general election for Mayors
7 and Vice Mayors. There shall be no primary election. Candidates
8 must file their candidacies no later than thirty (30) days prior to the
9 special election date. The highest vote-getter (or vote-getters if there
10 is more than one [1] vacancy), shall be certified by the Guam Election
11 Commission as elected and shall be administered the oath of office
12 immediately to fill the unexpired vacancy. If both Mayor and Vice
13 Mayor offices are vacant, resulting in a special election for two [2]
14 vacancies, the highest vote-getter shall become the Mayor-Elect, and
15 the second highest shall become the Vice Mayor-Elect."

16 **Section 3. Section 6105 (b) of Title 3 Guam Code Annotated**
17 **Chapter 6 is amended to read:**

18 **"§ 6105. Person Eligible for Only One (1) Office.**

19 (a) No person shall be eligible for more than one (1) elective office to
20 be filled in the same election. The term "election" as used in this Section

1 includes a general and a local election held on the same date, so as to
2 prohibit a person from running for office in a local election and in a general
3 election at the same time.

4 (b) No person shall be eligible for an office to be filled in an election if
5 sixty (60) days prior to the primary he or she is holding another elective
6 office, the term of which will not expire on or prior to the date of
7 commencement of the term of office for which he or she is running, with
8 the exception of any elective office for which a special election would be
9 required in the event of a vacancy."

10 Section 4. "Title 5 GCA Chapter 40 § 40110, "Vacancies," items (a)
11 and (b) are *amended*, and item (c) is *deleted*, to read:

12 "§ 40110. Vacancies. "(a) Vice-Mayors. A vacancy in the office
13 of the Vice-Mayor less than 240 days before the date of the next
14 general election for Mayors and Vice-Mayors shall be filled for the
15 unexpired term by [~~I Maag'lali (the Governor) by appointment after~~
16 ~~soliciting the non-binding recommendations of~~] a majority vote of the
17 Municipal Planning Council of the municipality in which the vacancy
18 occurs, subject to the advice and consent of *I Liheslatura* (the
19 Legislature).

20 "(b) Mayors. If by reason of death, resignation, removal from

1 office, inability or failure to perform, there shall be a vacancy in the
2 office of the Mayor [~~it shall be filled for the unexpired term.~~] less
3 than 240 days before the date of the next general election for Mayors
4 and Vice-Mayors, it shall be filled [~~The vacancy shall be filled by I~~
5 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~
6 ~~binding recommendations of the Municipal Planning Council of the~~
7 ~~municipality in which the vacancy occurred, subject to the advice and~~
8 ~~consent of I Liheslatura (the Legislature); provided, however, that~~] by
9 the Vice-Mayor in a municipality where there is a Vice-Mayor, [~~the~~
10 ~~Vice-Mayor shall automatically assume the position of Mayor~~] and
11 there shall be a vacancy in the position of Vice-Mayor until the end of
12 the term. In a municipality where there is no Vice-Mayor and the
13 vacancy is less than 240 days before the date of the next general
14 election for Mayors and Vice-Mayors, the vacancy shall be filled by a
15 majority vote of the Municipal Planning Council of the municipality
16 in which the vacancy occurs, subject to the advice and consent of I
17 Liheslatura (the Legislature)." [~~The vacancy shall be filled by I~~
18 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~
19 ~~binding recommendations of the Municipal Planning Council of the~~
20 ~~municipality in which the vacancy occurred, subject to the advice and~~

1 ~~consent of the Legislature (the Legislature), provided, however, that in~~
2 ~~a municipality where there is a Vice Mayor, the Vice Mayor shall~~
3 ~~automatically assume the position of Mayor and there shall be a~~
4 ~~vacancy in the position of Vice Mayor.~~

5 ~~(c) Temporary vacancy. If there is a temporary vacancy greater~~
6 ~~than thirty (30) days in the office of Mayor, caused by other than~~
7 ~~official business, and there is no Vice Mayor, the vacancy shall be~~
8 ~~filled by the Governor by appointment after soliciting the non-~~
9 ~~binding recommendations of the Municipal Planning Council of the~~
10 ~~municipality.]~~

I Mina'trentai Dos Na Liheslaturan Guåhan
 Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority
 Office of Senator Tina Rose Muña Barnes
 Public Hearing Sign-in Sheet

Thursday, December 26, 2013 • 9:00 a.m. • Public Hearing Room

Bill No. 241-32 (COR) – “An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors”

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS
<i>Royal Sablan</i>	<i>MCAG</i>					

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN
AFFAIRS; AND HUMAN & NATURAL RESOURCES



I Mina'trentai Unu na Liheslaturan Guåhan
THIRTY-FIRST GUAM LEGISLATURE

December 26, 2013

Senator Tina Rose Muña Barnes
I Mina'trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Dear Chairperson Muña Barnes:

Hafa adai. I am writing to request that you enclose with your committee report this "Sponsor Statement" as a part of the record of the public hearing for Bill No. 241-32 (COR).

Thank you for your cooperation in this matter.

SPONSOR STATEMENT

Bill No. 241-32 (COR):

"AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS."

Bill No. 241-32 (COR) is a simple piece of legislation that seeks to amend the process of filling vacancies that may take place in a Mayor's or Vice Mayor's office, and to provide for a special election to fill any vacancy when they take place 240 days or more, before the date of the next general election for Mayors and Vice Mayors.

The current system calls for appointments to fill vacancies to be made by *I Maga'Lahi*, but the method of appointing rather than conducting special elections, may not express the actual will of the people of the village that the Mayor or Vice Mayor serves. That is primary reason that we conduct elections for Mayors and Vice Mayors in the first place.

Sponsor Statement
Sen. Rory J. Respicio
Bill No. 241-32
Page No. 2

Should vacancies occur within 240 days (8 months) of the next scheduled election, the vacancy will be filled by a majority vote of the Municipal Planning Council of the municipality in which the vacancy occurs, subject to the advice and consent of *Liheslatura*. This method of filling vacancies less than 8 months before the next general election, empowers the MPC, which consists of those most familiar with the needs of their village.

Bill 241-32 also takes into account the possibility of vacancies in both offices, and requires that any candidate can be eligible for only one elective office in the same election, inclusive of local and general elections.

Very truly yours,

A handwritten signature in cursive script that reads "Rory J. Respicio".

Rory J. Respicio

Subject: Fw: BILL 241-32 Testimony
From: Tina Muna Barnes (Senator@tinamunabarnes.com)
To: jean@tinamunabarnes.com;
Date: Thursday, December 26, 2013 4:09 PM

----- Forwarded Message -----

From: derick hills <derickhills@live.com>
To: "senator@tinamunabarnes.com" <senator@tinamunabarnes.com>
Cc: Senator Respicio <roryforguam@gmail.com>; Senator Ada <office@senadora.org>
Sent: Thursday, December 26, 2013 3:46 PM
Subject: BILL 241-32 Testimony

Hafa Adai Senator Muna Barnes!

For the record I am Derick Baza Hills, a resident of the village of Agat and former candidate for the office of Vice Mayor of Agat in 2012.

I want to first recognize Senator Rory Respicio, Senator Tom Ada and yourself for taking action to amend the statute on vacancies in the office of Mayor and Vice Mayor. Also, your Committee for taking the time to put up for discussion this section of Guam law, which for years needed serious changes in language.

As a general member of the community of Guam **I am in full support of this legislation** which seeks to 'right the wrong' way of how leaders of our island are placed into public office. The importance of giving the People of Guam full authority in electing their respective village leaders is paramount to the full definition of Human Rights. By passing Bill 241-32 in the Committee and hopefully by the full legislative body will allow members of the community, not partisan leaders in power, to choose their representatives. It will only benefit democracy by extending complete voting rights to the People of Guam.

I do offer suggestions that by any means a vacancy in the office of Mayor or Vice Mayor be filled solely by Special Election in which again language is already stated in Bill 241 and only by the people of the respective village. I had the unfortunate experience of watching Guam's longest serving Vice Mayor, the honorable Jesus B. Chaco, a Democrat by heart and by affiliation be replaced by a member of the Republican party through nomination by former Governor Felix Camacho in 2009.

I hope that the Committee will fully consider my support. We should be obligated to appreciate that by all means Democracy and Human Rights stay alive here on Guam because of those who continue to defend our country, the United States of America, and our island home.

Thank you!

Sincerely,
Derick Baza Hills

President

52nd Student Government Association of the University of Guam
"WHERE STUDENTS COME FIRST!"

Office of the President
52nd Student Government Association
UNIBETSEDAT GUAHAN

671-735-2222 (Office)
P.O Box 7782 Agat, Guam 96928



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

January 13, 2014

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Fiscal Notes /Waivers**

Hafa Adai!

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos. 235-32 (COR), 236-32 (COR), 237-32 (COR); 239-32 (COR), 240-32 (COR), 241-32 (COR), and 242-32 (COR)

WAIVER:

Bill No. 245-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
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Member

Legislative Secretary
Tina Rose Muña Barnes
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 241-32 (COR)**

AN ACT TO AMEND TITLE 3 GCA 13106; TO ADD A NEW TITLE 3 GCA 13107; TO RENUMBER THE EXISTING §13107-13109; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER §40 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Maria Pangelinan, Executive Director
Department's General Fund (GF) appropriation(s) to date:	950,781
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$950,781

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____
/x/ N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/x/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: Dina P. Rivera Date: 1/2/14 Director: John A. Rios, Director Date: JAN 10 2014

Footnotes:
According to information received from the Executive Director of the Guam Election Commission, this would apply to a vacancy of 240 days or more prior to the date of the next general election which would be applicable to a vacancy occurring before or by March of 2016. Next, the Executive Director continued to explain that the cost impact would vary depending on the village the vacancy occurred. For example, if a Mayoral vacancy occurred in the village of Agana Heights, there is only 2 precincts. Thus, the cost involved would be less compared to the village of Dededo that has 13 precincts. The fiscal impact would result primarily from the number of ballots required to be printed, supplies and staff required to conduct the Special Election. Finally, it was mentioned that for this Special Election, the ballot counting equipment will not be used. Instead, all ballots will be hand counted. This could minimize the overall cost impact.



COMMITTEE ON RULES

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

December 24, 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

RE: Request for Fiscal Notes– Bill Nos. 241-32 (COR), 242-32(COR), 243-32 (COR), 244-32 (COR) and 245-32 (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 of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
241-32 (COR)	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.
242-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.
243-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO IMPLEMENT THE LAW ENFORCEMENT PAY ADJUSTMENT FOR EMPLOYEES OF THE UNIFIED JUDICIARY OF GUAM, FUND CAPITAL IMPROVEMENTS TO THE MUNICIPAL MARKET OF MANGILAO AND TO CREATE THE RESPONSIBLE NON- PROFIT ENDOWMENT FUND, BY AMENDING §2 OF CHAPTER I AND ADDING §§ 13, 14 AND 15 TO CHAPTER XI, EACH OF PUBLIC LAW 32-68.
244-32 (COR)	FRANK B. AGUON, JR.	AN ACT AMENDING PUBLIC LAW 32-068 RELATIVE TO WITHHOLDING TAX REVENUE COLLECTIONS AND MAKING APPROPRIATIONS TO THE UNIFIED JUDICIARY FOR LAW ENFORCEMENT SALARY INCREASE IMPLEMENTATION.
245-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTIONS 8144, 8145, AND 8149, ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO CUSTODIANS, INVESTMENT AGENTS, AND BANK DEPOSITS.



COMMITTEE ON RULES

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Senator
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Member

Senator
V. Anthony A da
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

December 16, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 241-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 241-32(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'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
241-52 (COR)	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106, TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.	12/16/13 2:52 p.m.	12/16/13	Committee on Municipal Affairs, Tourism, Housing, and Hagatna Restoration and Development Authority			



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

December 18, 2013

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes

SUBJECT: First Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

- Bill No. 241-32 (COR) "An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors" – *Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes*

Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on *Wednesday, December 18, 2013*, which is five (5) working days prior and a second public notice on *Monday, December 23, 2013*, which is forty-eight (48) hours prior.

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagåtña Guam 96910, via facsimile to 472-3400 or via email to senator@tinamunabarnes.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or Stephanie Flores from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or sgflores@tinamunabarnes.com. I look forward to your attendance and participation.

Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV Clerk of the Legislature
MIS All Media

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com



I Mina'Trentai Dos Na Liheslaturan Guåhan

Office of The Legislative Secretary

Tina Rose Muña Barnes

December 18, 2013

Memorandum

TO: Mr. Angel Sablan, Executive Director
Mayor's Council of Guam

FROM: Senator Tina Rose Muña Barnes

SUBJECT: First Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

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Si Yu'os Ma'åse'!

cc: All Mayors & Vice Mayors

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
155 Hesler Place Hagåtña, Guam 96910 |Tel: 671-472-3455/6 Fax: 671-472-3400| www.tinamunabarnes.com

Subject: Re: First Notice of Public Hearing on Bill No. 241-32 (COR)
From: Adam Bearce (adam@guamlegislature.org)
To: jean@tinamunabarnes.com; yong@guamlegislature.org;
Date: Wednesday, December 18, 2013 1:03 PM

Thanks. This is now posted.

On Wed, Dec 18, 2013 at 12:58 PM, Jeanenne Cordero <jean@tinamunabarnes.com> wrote:
Hafa adai! Please see memorandum of first notice for December 26, 2013 public hearing beginning at 9:00 a.m. Thank you and happy holidays!

December 18, 2013

Memorandum

TO: All Members/All Senators
FROM: Senator Tina Rose Muña Barnes
SUBJECT: First Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

• Bill No. 241-32 (COR) “An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors” – *Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes*

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV Clerk of the Legislature
MIS All Media

Jeanne "Jean" P. Cordero
Office Manager
Office of Senator Tina Muna Barnes
Tel: 671-472-3455/6
Fax: 671-472-3400
jean@tinamunabarnes.com



I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

December 23, 2013

Memorandum

TO: All Members/All Senators

FROM: Senator Tina Rose Muña Barnes

SUBJECT: Second Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

• Bill No. 241-32 (COR) "An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors" – *Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes*

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV Clerk of the Legislature
MIS All Media

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority
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I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

December 23, 2013

Memorandum

TO: Mr. Angel Sablan, Executive Director
Mayor's Council of Guam

FROM: Senator Tina Rose Muña Barnes

SUBJECT: Second Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on Thursday, December 26, 2013 in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

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Si Yu'os Ma'åse'!

cc: All Mayors & Vice Mayors

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I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

December 23, 2013

Memorandum

TO: Maria Pangelinan, Executive Director
Guam Election Commission

FROM: Senator Tina Rose Muña Barnes

SUBJECT: Second Notice of Public Hearing
Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

• Bill No. 241-32 (COR) "An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors of Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors" – *Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes*

Pursuant to 5 GCA, Chapter 8, Subsection 8107, public hearing notices should be sent on *Wednesday, December 18, 2013*, which is five (5) working days prior and a second public notice on *Monday, December 23, 2013*, which is forty-eight (48) hours prior.

Written testimonies may be submitted on the day of, prior to, or up to ten days after the public hearing to the Office of Senator Tina Rose Muña Barnes, 155 Hesler Place, Hagåtña Guam 96910, via facsimile to 472-3400 or via email to senator@tinamunabarnes.com. We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or accommodations please contact Jeanenne Cordero or Stephanie Flores from our office at 472-3455/6 or via email at jean@tinamunabarnes.com or sgflores@tinamunabarnes.com. I look forward to your attendance and participation.

Si Yu'os Ma'åsz'!

Chairperson, Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority
Vice Chairperson, Committee on General Government Operations and Cultural Affairs
155 Hesler Place Hagåtña, Guam 96910 [Tel: 671-472-3455/6 Fax: 671-472-3400] www.tinamunabarnes.com

Subject: Re: Second Notice for December 26, 2013 Public Hearing
 From: Adam Bearce (adam@guamlegislature.org)
 To: jean@tinamunabarnes.com; yong@guamlegislature.org;
 Date: Monday, December 23, 2013 10:05 AM

Thanks.

On Mon, Dec 23, 2013 at 9:49 AM, Jeanenne Cordero <jean@tinamunabarnes.com> wrote:

Hafa adai! Please see attached memo of second notice for December 26, 2013 public hearing on Bill No. 241-32 (COR). Should you have any questions, please feel free to call our office. Thank you and happy holidays!

December 23, 2013

Memorandum

TO: All Members/All Senators
FROM: Senator Tina Rose Muña Barnes
SUBJECT: Second Notice of Public Hearing
 Thursday, December 26, 2013

Hafa Adai! The Committee on Municipal Affairs, Tourism, Housing and Hagåtña Restoration and Redevelopment Authority will be conducting a public hearing on **Thursday, December 26, 2013** in the Public Hearing Room beginning at 9:00 a.m. This hearing is scheduled to receive public testimony on the following:

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Si Yu'os Ma'åse'!

cc: Sergeant-At-Arms/Protocol/AV
MIS Clerk of the Legislature
All Media

Jeanne "Jean" P. Cordero
Office Manager
Office of Senator Tina Muna Barnes
Tel: 671-472-3455/6
Fax: 671-472-3400
jean@tinamunabarnes.com

Listserv: phnotice@guamlegislature.org
 As of December 17, 2013

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As of December 17, 2013**

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I Mina'Trentai Dos Na Liheslaturan Guåhan
Office of The Legislative Secretary
Tina Rose Muña Barnes

**Committee on Municipal Affairs, Tourism, Housing and
Hagåtña Restoration and Redevelopment Authority**
Public Hearing
9:00 a.m., Thursday, December 26, 2013

AGENDA

Bill No. 241-32 (COR) - "An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107-13109; to amend item (b) of Title 3 GCA § 6105; to amend items (a) and (b), and to delete item (c) of Title 5 GCA Chapter 40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a Special Election to fill any vacancy among Guam Mayors of Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors" – Sponsors: R.J. Respicio, T.C. Ada, T.R. Muña Barnes

INTRODUCED BY: Paul M. McDonald
Robert RDC Hofmann

RELATIVE TO THE MAYORS' COUNCIL OF GUAM SUPPORTING THE BILL 241-32. AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107 - 13109; TO AMEND ITEM (B) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (A) AND (B), AND TO DELETE ITEM (C) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OF VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

BE IT RESOVED BY THE MAYORS' COUNCIL OF GUAM:

WHEREAS, Title 5 Chapter 40 of the Guam Code Annotated created the local government on the island of Guam now known as Mayor's and Vice Mayors of the respective 19 municipalities; and

WHEREAS, in the rare occurrence of a vacancy at the municipal level for whichever reason the current statute provided limited options and did not address special election conditions and succession rules and regulations; and

WHEREAS, the Mayors' Council of Guam finds it necessary that the current statute be updated to reflect the changing modern political landscape; and

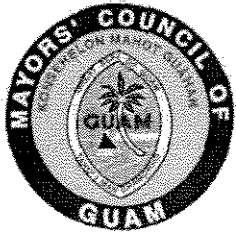
WHEREAS, the proposed changes and amendments made in Bill 241-32 will make for a smoother transition and reflect and respect this will of the people the voters of that respective municipality by having the Municipal Planning Council make the choice with the advice and consent of the Legislature as well as giving the option to those Vice Mayors should they choose not to accept the position of Mayor; and

WHEREAS, the Mayors' Council of Guam will make itself available to provide assistance and support Bill No. 241-32 during the course of legislative action and executive action and asks the Senators of the 32nd Guam Legislature and the Calvo Tenorio Administration to support the proposed legislation; now therefore be it

RESOLVED, that the Mayors' Council of Guam, does hereby, on behalf of the people of Guam, support the Bill 241-32, *An act to amend Title 3 GCA § 13106; to add a new Title 3 GCA § 13107; to renumber the existing §§ 13107 - 13109; to amend Item (b) of Title 3 GCA § 6105; to amend Items (a) and (b), and to delete Item (c) of Title 5 GCA Chapter*

40 § 40110; relative to a vacancy in a Mayor's or Vice Mayor's Office, and to provide for a special election to fill any vacancy among Guam Mayors or Vice Mayors, provided that such vacancy or vacancies occur 240 days or more before the date of the next General Election for Mayors and Vice Mayors; and it be further

RESOLVED, that the President certify to and the Council Secretary attests the adoption hereof, and that copies of the same be thereafter transmitted to



Mayors' Council of Guam

Konschelon Mahot Guahan

PRESS RELEASE – January 9, 2014

At its regularly scheduled monthly meeting yesterday, the Mayors' Council of Guam unanimously supported a motion made by Piti Mayor Vicente Gumataotao and seconded by Chalan Pago- Ordot Mayor Jessy Gogue to support the passage of Bill 241-32, AN ACT TO AMEND TITLE 3, SECTION 13106; TO ADD A NEW TITLE 3 GCA SECTION 13107; TO RENUMBER THE EXISTING SECTIONS 13107 – 13109; TO AMEND ITEM (B) OF TITLE 3 GCA SECTION 6105; TO AMEND ITEMS (A) AND (B), AND TO DELETE ITEM (C) OF TITLE 5 GCA CHAPTER 40 SECTION 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS AND VICE MAYORS PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS. This bill was introduced by Senator Rory Respicio of *I Mina Trentai Dos Na Liheslaturan Guahan*.

The proposed legislation allows Mayors and Vice Mayors to seek other elective offices within their prescribed terms of office without having to resign from office. It also allows those villages with Vice Mayors to have an incumbent Vice Mayor make the personal decision to assume the office of Mayor or not if there is vacancy in the mayoral position. It further allows for a special election to be set if a vacancy for Mayor or Vice mayor occurs 240 days or more before the date of the next General Election for Mayors and Vice Mayors.

For more information, you may call Mayor Paul McDonald, 472-8285 or Mayor Robert Hofmann, 475-1532, President and Vice President of the Mayors' Council of Guam respectively.

-30-





COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

January 13, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: Fiscal Notes /Waivers

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Attached please find the fiscal notes, or waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary
Tina Rose Muña Barnes
Member

FISCAL NOTES:

Bill Nos. 235-32 (COR), 236-32 (COR), 237-32 (COR); 239-32 (COR), 240-32 (COR), 241-32 (COR), and 242-32 (COR)

Senator
Frank Blas Aguon, Jr.
Member

WAIVER:

Bill No. 245-32 (COR)

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator
Aline Yamashita
Member

Si Yu'os ma'åse'!

2014 JAN 13 PM 2:38

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

JOSE S. CALVO
DEPUTY DIRECTOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Senator Rory Respicio

FACSIMILE NUMBER: 472-3547

FROM: BBMR

Total Pages including this page: 15

If you do not receive legible copies of all the pages, please call back as soon

as possible. Phone numbers (671) 475-9412/9450. Fax number (671) 472-2825

RE: Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR), 242-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR).

COMMENTS: Fiscal Notes to be picked up via Central Files.

Thank You!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
DEPUTY DIRECTOR

JAN 10 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 235-32(COR), 236-32(COR), 237-32(COR), 239-32(COR), 240-32(COR), 241-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 245-32(COR), ^{242-32(COR)}

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 241-32 (COR)**

AN ACT TO AMEND TITLE 3 GCA 13106; TO ADD A NEW TITLE 3 GCA 13107; TO RENUMBER THE EXISTING §13107-13109; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER §40 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: Maria Pangelinan, Executive Director
Department's General Fund (GF) appropriation(s) to date:	950,781
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$950,781

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2013 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

DR/1/14

Analyst: Dina P. Rivera Date: 1/2/14 Director: John A. Rios, Director Date: JAN 10 2014

Footnotes:
According to information received from the Executive Director of the Guam Election Commission, this would apply to a vacancy of 240 days or more prior to the date of the next general election which would be applicable to a vacancy occurring before or by March of 2016. Next, the Executive Director continued to explain that the cost impact would vary depending on the village the vacancy occurred. For example, if a Mayoral vacancy occurred in the village of Agana Heights, there is only 2 precincts. Thus, the cost involved would be less compared to the village of Dededo that has 13 precincts. The fiscal impact would result primarily from the number of ballots required to be printed, supplies and staff required to conduct the Special Election. Finally, it was mentioned that for this Special Election, the ballot counting equipment will not be used. Instead, all ballots will be hand counted. This could minimize the overall cost impact.



COMMITTEE ON RULES

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Senator
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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Speaker
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Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

December 24, 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

RE: Request for Fiscal Notes– Bill Nos. 241-32 (COR), 242-32(COR), 243-32 (COR), 244-32 (COR) and 245-32 (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 of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
241-32 (COR)	R.J. RESPICIO T.C. ADA T. R. MUÑA BARNES	AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.
242-32 (COR)	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.
243-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO IMPLEMENT THE LAW ENFORCEMENT PAY ADJUSTMENT FOR EMPLOYEES OF THE UNIFIED JUDICIARY OF GUAM, FUND CAPITAL IMPROVEMENTS TO THE MUNICIPAL MARKET OF MANGILAO AND TO CREATE THE RESPONSIBLE NON- PROFIT ENDOWMENT FUND, BY AMENDING §2 OF CHAPTER I AND ADDING §§ 13, 14 AND 15 TO CHAPTER XI, EACH OF PUBLIC LAW 32-68.
244-32 (COR)	FRANK B. AGUON, JR.	AN ACT AMENDING PUBLIC LAW 32-068 RELATIVE TO WITHHOLDING TAX REVENUE COLLECTIONS AND MAKING APPROPRIATIONS TO THE UNIFIED JUDICIARY FOR LAW ENFORCEMENT SALARY INCREASE IMPLEMENTATION.
245-32 (COR)	Vicente (ben) C. Pangelinan	AN ACT TO AMEND SECTIONS 8144, 8145, AND 8149, ARTICLE 1, CHAPTER 8, TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO CUSTODIANS, INVESTMENT AGENTS, AND BANK DEPOSITS.



COMMITTEE ON RULES

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December 16, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 241-32(COR)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 241-32(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'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

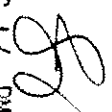
Bill No. 24 -32 (COR)

Introduced by:

R.J. RESPICIO

T.C. ADA

T.R.M. BERNES

2013 DEC 16 PM 2:52


AN ACT TO AMEND TITLE 3 GCA § 13106; TO ADD A NEW TITLE 3 GCA § 13107; TO RENUMBER THE EXISTING §§ 13107-13109; TO AMEND ITEM (b) OF TITLE 3 GCA § 6105; TO AMEND ITEMS (a) AND (b), AND TO DELETE ITEM (c) OF TITLE 5 GCA CHAPTER 40 § 40110; RELATIVE TO A VACANCY IN A MAYOR'S OR VICE MAYOR'S OFFICE, AND TO PROVIDE FOR A SPECIAL ELECTION TO FILL ANY VACANCY AMONG GUAM MAYORS OR VICE MAYORS, PROVIDED THAT SUCH VACANCY OR VACANCIES OCCUR 240 DAYS OR MORE BEFORE THE DATE OF THE NEXT GENERAL ELECTION FOR MAYORS AND VICE MAYORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. "TITLE 3 GCA § 13106. Events Causing Vacancy in the
3 Municipal Offices of Mayor and Vice Mayor" is amended to read:

4 "The municipal offices of mayor and vice mayor become vacant on
5 the happening of any of the following events:

6 (a) death of the incumbent;

7 (b) declaration of mental incompetence by a final judgment or
8 final order of a court of competent jurisdiction;

9 (c) resignation from office;

10 (d) refusal or failure to assume office;

1 (e) the decision of a competent tribunal declaring void his or
2 her election;

3 (f) conviction of a felony, or of a crime involving moral
4 turpitude;

5 (g) his or her change of residence from the municipality in
6 which he or she was elected;

7 (h) when an incumbent is incapacitated because of illness and
8 unable to continue for the remainder of the term to which he or she
9 was elected; or

10 (i) when an incumbent has sought and won election to another
11 office and assumed the new office, constituting *voluntary*
12 *relinquishment* of the original office.

13 The occurrence of any event under (a) through (i), with respect
14 to a person or persons elected to office, after the election but before
15 the term of office is to commence, constitutes a vacancy on the date
16 the term commences, unless the person or persons so elected is the
17 incumbent, in which case, the vacancy occurs on the date of such
18 event."

19 Section 2. A *new* § 13107 is *added* to TITLE 3 GCA Chapter 13.

20 *Existing* §§ 13107-13108 are *renumbered* accordingly.

1 **"13107. Special Election to fill a Vacancy or Vacancies in the**
2 **Municipal Offices of Guam Mayors and Vice Mayors.** The Guam
3 Election Commission shall call for a special election on a Saturday on
4 or about sixty (60) days after a vacancy occurs in an office of Mayor
5 or Vice Mayor, whenever one (1) or more vacancies occur therein 240
6 days or more *prior* to the date of the next general election for Mayors
7 and Vice Mayors. There shall be no primary election. Candidates
8 must file their candidacies no later than thirty (30) days prior to the
9 special election date. The highest vote-getter (or vote-getters if there
10 is more than one [1] vacancy), shall be certified by the Guam Election
11 Commission as elected and shall be administered the oath of office
12 immediately to fill the unexpired vacancy. If both Mayor and Vice
13 Mayor offices are vacant, resulting in a special election for two [2]
14 vacancies, the highest vote-getter shall become the Mayor-Elect, and
15 the second highest shall become the Vice Mayor-Elect."

16 **Section 3. Section 6105 (b) of Title 3 Guam Code Annotated**
17 **Chapter 6 is amended to read:**

18 **"§ 6105. Person Eligible for Only One (1) Office.**

19 (a) No person shall be eligible for more than one (1) elective office to
20 be filled in the same election. The term "election" as used in this Section

1 includes a general and a local election held on the same date, so as to
2 prohibit a person from running for office in a local election and in a general
3 election at the same time.

4 (b) No person shall be eligible for an office to be filled in an election if
5 sixty (60) days prior to the primary he or she is holding another elective
6 office, the term of which will not expire on or prior to the date of
7 commencement of the term of office for which he or she is running, with
8 the exception of any elective office for which a special election would be
9 required in the event of a vacancy."

10 Section 4. "Title 5 GCA Chapter 40 § 40110, "Vacancies," items (a)
11 and (b) are *amended*, and item (c) is *deleted*, to read:

12 "§ 40110. Vacancies. "(a) Vice-Mayors. A vacancy in the office
13 of the Vice-Mayor less than 240 days before the date of the next
14 general election for Mayors and Vice-Mayors shall be filled for the
15 unexpired term by [~~I Maga'lahi (the Governor) by appointment after~~
16 ~~soliciting the non-binding recommendations of~~] a majority vote of the
17 Municipal Planning Council of the municipality in which the vacancy
18 occurs, subject to the advice and consent of *I Liheslatura* (the
19 Legislature).

20 "(b) Mayors. If by reason of death, resignation, removal from

1 office, inability or failure to perform, there shall be a vacancy in the
2 office of the Mayor [~~it shall be filled for the unexpired term.~~] less
3 than 240 days before the date of the next general election for Mayors
4 and Vice-Mayors, it shall be filled [~~The vacancy shall be filled by /~~
5 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~
6 ~~binding recommendations of the Municipal Planning Council of the~~
7 ~~municipality in which the vacancy occurred, subject to the advice and~~
8 ~~consent of / Liheslatura (the Legislature); provided, however, that~~] by
9 the Vice-Mayor in a municipality where there is a Vice-Mayor, [~~the~~
10 ~~Vice Mayor shall automatically assume the position of Mayor~~] and
11 there shall be a vacancy in the position of Vice-Mayor until the end of
12 the term. In a municipality where there is no Vice-Mayor and the
13 vacancy is less than 240 days before the date of the next general
14 election for Mayors and Vice-Mayors, the vacancy shall be filled by a
15 majority vote of the Municipal Planning Council of the municipality
16 in which the vacancy occurs, subject to the advice and consent of /
17 Liheslatura (the Legislature)." [~~The vacancy shall be filled by /~~
18 ~~Maga'lahi (the Governor) by appointment after soliciting the non-~~
19 ~~binding recommendations of the Municipal Planning Council of the~~
20 ~~municipality in which the vacancy occurred, subject to the advice and~~

1 ~~consent of the Legislature (the Legislature); provided, however, that in~~
2 ~~a municipality where there is a Vice Mayor, the Vice Mayor shall~~
3 ~~automatically assume the position of Mayor and there shall be a~~
4 ~~vacancy in the position of Vice Mayor.~~

5 ~~(c) Temporary vacancy. If there is a temporary vacancy greater~~
6 ~~than thirty (30) days in the office of Mayor, caused by other than~~
7 ~~official business, and there is no Vice Mayor, the vacancy shall be~~
8 ~~filled by the Governor by appointment after soliciting the non-~~
9 ~~binding recommendations of the Municipal Planning Council of the~~
10 ~~municipality.]~~

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