

*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
<b>241-32 (COR)</b>	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.		<b>Fiscal Note Requested 12/24/13 Fiscal Note Received 1/13/14</b>



# COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

January 13, 2014

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## Memorandum

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

Senator  
Vicente (Ben) C. Pangelinan  
Member

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

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

**Subject:** Fiscal Notes /Waivers

Senator  
Dennis G. Rodriguez, Jr.  
Member

*Hafa Adai!*

Vice-Speaker  
Benjamin J.F. Cruz  
Member

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 31<sup>st</sup> 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), <sup>242-32(COR)</sup>

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:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$950,781</b>

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
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- 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.



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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](mailto: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

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>241-32 (COR)</b>	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.
<b>242-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND §28.65 OF CHAPTER 28, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF INDECENT EXPOSURE.
<b>243-32 (COR)</b>	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.
<b>244-32 (COR)</b>	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.
<b>245-32 (COR)</b>	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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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 GUÅHAN  
2013 (FIRST) REGULAR SESSION

Bill No. *24*-32 (COR)

Introduced by:

R.J. RESPICIO

T.C. ADA

*T.R.M. Barnes*

2013 DEC 16 PM 2:52  
*[Signature]*

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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