

FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1, "An Act to repeal and reenact Sections 11102, and 11107; to add Sections 11102.1, 11102.2, 11102.3, 11102.4, 11102.5, 11102.6, 11102.7, 11102.8, and 11102.9; to repeal Section 11105 and to amend Section 11105 all of the Government Code to provide for an Elected Board of Education and for other purposes", was on the 19th day of January, 1977, duly and regularly passed.

Joseph F. Ada
JOSEPH F. ADA
Speaker

ATTESTED:

Ernesto M. Espaldon
ERNESTO M. ESPALDON
Legislative Secretary

This Act was received by the Governor this 20th day of January, 1977, at 2:15 o'clock P.M.

Ruth F. Non Paf
RUTH F. NON PAF
Assistant Staff Officer
Governor's Office

APPROVED:

/s/ RUDOLPH G. SABLAN

RUDOLPH G. SABLAN
Acting Governor

DATED: 1:55 p.m.

1/21/77

Public Law No. 14-1

FOURTEENTH GUAM LEGISLATURE
1977 (FIRST) Regular Session

Bill No. 1
As Substituted by
Committee on Education

Introduced by

K. B. Aguen
F. J. Quitugua
B. D. Ada
F. F. Blas
E. M. Calvo
E. R. Dugas
F. R. Santos
A. R. Unpingco
J. H. Underwood
J. F. Ada
E. T. Charfaures
J. R. Dugas
E. M. Repaldon
C. T.C. Gutierrez
A. M. Palomo
B. M. Palomo
J. M. Rivera
J. R. San Agustin
R. F. Taitano
T. V.C. Tanaka
H. Trapp

AN ACT TO REPEAL AND REENACT SECTIONS 11102,
AND 11107; TO ADD SECTIONS 11102.1, 11102.2,
11102.3, 11102.4, 11102.5, 11102.6, 11102.7,
11102.8 AND 11102.9; TO REPEAL SECTION
11105 AND TO AMEND SECTION 11106 ALL OF THE
GOVERNMENT CODE TO PROVIDE FOR AN ELECTED
BOARD OF EDUCATION AND FOR OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Section 11102 of the Government Code is
3 repealed and reenacted to read:

4 "Section 11102. Board. The Board shall consist
5 of eleven (11) elected members, and three (3) non-voting
6 ex-officio members, all citizens of the United States
7 of America and residents of the Territory of Guam,
8 one (1) of whom shall be a youth member who shall
9 be a resident of the Territory of Guam, a citizen
10 of the United States, has passed his sixteenth birthday
11 and would be less than eighteen years old at the
12 time he is nominated. One (1) member recommended
13 by the Commanding Officer of the United States Air Force
14 personnel on Guam, one (1) member recommended by
15 the Commanding Officer of the United States Navy personnel
16

1 on Guam and one (1) member recommended by the exclusive
2 bargaining agent of the teachers within the department
3 shall be appointed by the Board to serve as non-voting
4 ex-officio members."

5 Section 2. New Sections 11102.1, 11102.2, 11102.3,
6 11102.4, 11102.5, 11102.6, 11102.7, 11102.8 and 11102.9 are
7 added to the Government Code to read:

8 "Section 11102.1. Same: Elected Members.

9 The members of the Board of Education shall be public
10 officers elected from the districts delineated in
11 Section 11102.2 in accordance with Title III of
12 this Code, provided that the youth member shall
13 be elected at-large and further provided that, Title
14 III of this Code notwithstanding, candidates for
15 such election shall be nominated only as provided
16 in Section 11102.3.

17 Section 11102.2. Same: Districts. There
18 shall be two (2) Board members for each district for
19 the municipalities and villages as indicated in
20 the following table:

21 District 1. Municipality of Dededo and
22 Municipality of Yigo.

23 District 2. Municipality of Barrigada,
24 Municipality of Mangilao and
25 Sinajana Village.

26 District 3. Village of Tamuning, Agaña Heights,
27 Mongmong Tote-Maite and the
28 Municipality of Agaña.

29 District 4. Chalan Pago and Ordot, Municipality
30 of Yona, Municipality of Talofofo,
31 Municipality of Inarajan and

1 Municipality of Marize.

2 District 5. Municipality of Umatac, Municipality
3 of Agat, Santa Rita Village,
4 Municipality of Piti, and Asau-Maina.

5 Section 11102.3. Same: same: nomination.

6 Nomination of candidates for election to the Board
7 shall be made by petition on forms prescribed by
8 the Election Commission and initiated by the candidate.
9 In order for a person's name to be placed on the
10 ballot for election to the Board, such petition
11 must be signed by not less than one hundred persons
12 registered to vote within the Territory and must
13 be filed with the Commission not more than sixty
14 (60) days nor less than thirty (30) days prior to
15 the election for such members. No defect in any
16 nominating petition presented to the Commission
17 shall prevent the filing of another petition which
18 is presented within the allowed filing period.
19 Such petitions shall be maintained on file with
20 the Commission for not less than ten (10) years.

21 Section 11102.4. Same: same: first election:
22 terms. The members first elected shall be elected
23 at a special election to be held on April 16, 1977.
24 The terms of office of persons elected pursuant
25 to this section shall commence at 12 o'clock noon
26 on the date of their certification of election by
27 the Election Commission. The person receiving the
28 highest number of votes in each district shall
29 serve until 12 o'clock noon on the first Monday
30 of January 1981. The person in each district receiving
31 the second highest number of votes shall serve until
32 12 o'clock noon on the first Monday of January 1979.

1 The term of the youth member shall expire on the
2 first Monday of January 1979.

3 Section 11102.5. Same: same: subsequent
4 elections: terms. After the first election, the
5 term of office for the youth member shall be two
6 (2) years and for all other members the term of
7 office shall be four (4) years. Commencing with
8 the general election to be held in 1978 one (1)
9 member shall be elected from each district
10 at the general election held in even-numbered
11 years. Terms of office of such newly elected members
12 shall commence at 12 o'clock noon on the first Monday
13 of January following their election and shall terminate
14 at 12 o'clock noon on the first Monday of January
15 four (4) years thereafter.

16 Section 11102.6. Same: youth member absence
17 authorized. The youth member is authorized to absent
18 himself from any meeting when he feels his presence
19 would not be in the best interest of the Department
20 due to the nature of the subject under discussion.

21 Section 11102.7. Membership prior to election.
22 The terms of Board members in office on the effective
23 date of this Act shall terminate at 12 o'clock noon
24 on the date of the commencement of the terms of
25 the first elected members.

26 Section 11102.8. Same: vacancies. Vacancies
27 occurring on the Board of Education shall be filled
28 by appointment of the Governor with the consent of
29 the Legislature.

30 Section 11102.9. Should a court of competent
31 jurisdiction declare that the districting formula set out

1 in Section 11102.2 of the Government Code as added
2 by Section 2 of this Act is unconstitutional or in
3 conflict with the Organic Act of Guam the elected
4 members of the Board shall be chosen at-large until
5 such time as the Legislature shall by law provide for
6 a districting formula which is not unconstitutional."

7 Section 3. Section 11105 of the Government Code is
8 repealed.

9 Section 4. Section 11106 of the Government Code is
10 amended to read:

11 "Section 11106. Same: Act. The concurrence
12 of six (6) members of the Board shall be necessary
13 to the validity of any of its acts."

14 Section 5. Section 11107 of the Government Code is
15 repealed and reenacted to read:

16 "Section 11107. Same: pay. Members shall
17 be paid the amount of Seventy-Five Dollars (\$75.00)
18 for each day on which they attend a regular, special
19 or executive meeting, not to exceed Three Hundred
20 Dollars (\$300.00) in any month, and shall be
21 reimbursed for reasonable and necessary expenses
22 incurred in the performance of their duties as
23 certified by the Treasurer of Guam."

24 Section 6. Section 15200.3 of Chapter III of Title XVI
25 of the Government Code of Guam is hereby amended to read as
26 follows:

27 "Section 15200.3. Same: election of. The
28 Election Commission shall conduct a general election
29 April 16, 1977, at which the voters of each municipal
30 district shall elect delegates to the Convention.
31 The Public Official Financial Disclosure Act
32 (Government Code of Guam Sections 1800-1805) shall

1 not apply to delegate candidates. The Election Code
2 and regulations promulgated thereunder shall apply
3 with the following exceptions:

4 (1) The election shall be non-partisan.

5 (No political party directly or indirectly shall
6 sponsor, nominate, or endorse any of the candidates
7 for the general election of delegates established
8 by this Chapter).

9 (2) No primary election shall be conducted.

10 (3) The Election Commission may elect to forego
11 mechanical tabulation in favor of determining the
12 official final results by a means of manual tabulation.
13 Procedures regarding any such manual tabulation
14 shall be duly promulgated by Election Commission
15 rules and regulations.

16 (4) Sections 2300 through 2304 and Sections
17 2306 through 2320 of the Government Code of Guam
18 (Guam Election Code) need not be complied with."

19 Section 7. Section 15200.15 of Chapter III of Title
20 XVI of the Government Code of Guam is hereby amended to read
21 as follows:

22 "Section 15200.15. Rules and Regulations.

23 The Election Commission shall promulgate the necessary
24 rules and regulations to conduct the referendum
25 and implement its purpose. By such rules and re-
26 gulations, the Election Commission may elect to forego
27 mechanical tabulation and establish a procedure for
28 final, official manual tabulation of the referendum
29 votes.

30 Upon the approval by not less than a majority
31 of the voters (counting only the affirmative or negative
32 votes) participating in such referendum, the Constitution

1 shall become effective in accordance with its terms."

2 Section 8. Section 4 of Public Law 13-202 is hereby
3 amended to read as follows:

4 "Section 4. The sum of Seventy-Six Thousand
5 Dollars (\$76,000.00) is appropriated from any available
6 funds in the Unappropriated Surplus of the General
7 Fund to the Election Commission for the purpose of
8 conducting the election for delegates to the Convention
9 and for the purpose of conducting the referendum."

10 Section 9. Referendum. A referendum shall be submitted
11 to the people at the election to be held on April 16, 1977
12 so that the people may express their will concerning various
13 important questions.

14 Section 10. Rules, regulations, form and content. The
15 Election Commission shall implement this Act and if necessary,
16 promulgate rules and regulations to effectuate the purposes
17 of this Act. The approval of any question on the referendum
18 shall require a plurality of the votes cast thereon. The
19 form of and the questions contained in the referendum shall
20 be as follows:

21 GAMBING

22 FOR	AGAINST	
23 / /	/ /	Slot Machines
24 / /	/ /	Casinos
25 / /	/ /	One Government Controlled Casino

26 Section 11. The Election Commission shall within
27 thirty (30) days after the referendum publish the results of
28 said referendum.

29 Section 12. There is hereby appropriated the sum of
30 Forty-Two Thousand Dollars (\$42,000.00) from the Unappropriated
31 Surplus of the General Fund to the Election Commission for
32 the purposes of Sections 1, 2, 9, 10 and 11 of this Act.