



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

APR 09 1998

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By Loni Gumataotao
Time 4:00 p.m.
Date 4.9.98

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 532 (COR), "AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE VOTER INTRODUCTION PROGRAM AND INCREASING THE ACCESS FOR THE PEOPLE OF GUAM TO THE PROCESS OF MAKING LAWS", which I have signed into law today as **Public Law No. 24-164**.

This legislation allows citizens to draft bills and present the bills for introduction to the Legislature. In order to have the citizen bills introduced, a petition of signatures must be collected of those who are in favor of the legislation. The number of signatures required to place a bill for introduction and legislative action is different, however, than the number of signatures required to place draft legislation before the voters for approval as an initiative.

Recent legislation, Public Law No. 24-132, allows a bill to be placed before the public for vote, and thereby enactment into law, if a petition containing 10% of all votes counted for all candidates for Governor at the last preceding general election where a Governor was elected is presented to the Guam Election Commission. By contrast, this legislation requires a petition containing no less than 5% of the total number of voters who voted for the office of Governor in the previous gubernatorial general election to be attached to a draft bill for the bill to be introduced into the legislative process, irrespective of sponsorship by any elected senator.

00742

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 4-9-98
Time: 4:30
Rec'd by: [Signature]
Print Name: Charlene Duan

It is not likely that senators will refuse to introduce a bill into the legislative process that is backed by a petition of a large group of Guam's citizens, however, this legislation allows the introduction into legislation of a bill where senators refuse to do so. It also provides for the automatic movement of a citizens' bill through the legislative process, even if senators do not move the bill along through the public hearing and placement on session agenda stages. Even so, this does not guarantee that a bill entered into the legislative process by a group of citizens will get passed. It can still be voted down by the senators.

By contrast, legislation put on the ballot by the initiative process will become law at the will of the people.

Very truly yours,



Carl T. C. Gutierrez

Attachment

00742

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 532 (COR), "AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 2 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE VOTER INTRODUCTION PROGRAM AND INCREASING THE ACCESS FOR THE PEOPLE OF GUAM TO THE PROCESS OF MAKING LAWS," was on the 27TH day of March, 1998, duly and regularly passed.




ANTONIO R. UNPINGCO
Speaker

Attested:




MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by the Governor this 3rd day of April, 1998, at
10:30 o'clock 9 .M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 4-9-98

Public Law No. 24-164

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

Bill No. 532 (COR)

As amended on the Floor.

Introduced by:

Mark Forbes
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO ADD A NEW CHAPTER 12 TO TITLE 2
OF THE GUAM CODE ANNOTATED, RELATIVE
TO CREATING THE VOTER INTRODUCTION
PROGRAM AND INCREASING THE ACCESS FOR
THE PEOPLE OF GUAM TO THE PROCESS OF
MAKING LAWS.

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

2 **Section 1.** Chapter 12 is hereby added to Title 2 of the Guam Code
3 Annotated to read as follows:

4 **"CHAPTER 12.**

5 **VOTER INTRODUCTION PROGRAM.**

6 **Section 12101. Short Title.** The program established is
7 called the Voter Introduction Program, or alternatively the 'VIP.'

8 **Section 12102. Purpose.** The purpose of this Program
9 established in this Chapter is to allow the voters of Guam to introduce
10 bills directly into the Guam Legislature to ensure that the Legislature
11 deals with issues considered of importance to significant portions of
12 Guam's electorate. As this is the intent, this Chapter is to be interpreted
13 liberally and in a manner that promotes the purpose of allowing voters
14 greater access to the creation of law.

15 **Section 12103. Voters May Introduce Bills.** A person registered
16 to vote in Guam, or a group of such persons ('sponsoring voter' or
17 'voters'), may introduce bills into the Guam Legislature in accordance
18 with the procedures set forth in this Chapter. Such a bill is known as a
19 'VIP Bill.' A proposed VIP Bill shall be presented to the Chairperson of
20 the Committee on Rules, ('Chairperson'), by the sponsoring voter, or
21 voters, of the Bill.

22 **Section 12104. Bills Must Be in Proper Form.** Any VIP Bill
23 introduced in the Guam Legislature under the provisions of this
24 Chapter must be in the same form as detailed in the laws of Guam and
25 the Standing Rules of the Guam Legislature prevailing at the time of

1 introduction. A VIP Bill shall be introduced by the Chairperson at the
2 request of the sponsoring voter, or voters. Should the Chairperson
3 determine the VIP Bill not to be in proper form at the time of
4 submission, the Chairperson shall return the VIP Bill to the sponsoring
5 voter, or voters, with a detailed description of what is necessary to
6 correct the form of the VIP Bill and make it acceptable for introduction,
7 except that the Chairperson shall not reject a VIP Bill as submitted by
8 the sponsoring voter, or voters, on the basis of content, nor shall the
9 Chairperson edit the content of any VIP Bill after it has been accepted
10 for submission. The Chairperson must refer the VIP Bill to a standing
11 committee of the Guam Legislature for public hearing within fifteen (15)
12 days of its receipt.

13 **Section 12105. Public Hearing.** The standing committee of the
14 Guam Legislature to which a VIP Bill has been referred shall hold a
15 public hearing on the VIP Bill no later than forty-five (45) days after the
16 date of referral to that standing committee. Should the standing
17 committee fail to hold a public hearing on the VIP bill by the deadline
18 designated herein, the Chairperson of the Committee on Rules shall
19 assume oversight responsibility for the VIP Bill and hold a public
20 hearing on the VIP Bill within thirty (30) days. If after thirty (30) days,
21 the Chairperson of the Committee on Rules fails to hold a public hearing
22 on the VIP Bill, it shall be placed, without hearing, on the second
23 reading file of the Legislative agenda for the next Legislative day,
24 notwithstanding any other provision of law.

25 **Section 12106. Committee Amendments to VIP Bills.**

1 Subsequent to a public hearing, the standing committee of the Guam
2 Legislature exercising oversight over the VIP bill at the time of the
3 hearing may make amendments to the VIP Bill, except that the
4 sponsoring voter shall be fully notified of such amendments and must
5 agree in writing to such amendments. A VIP Bill which has received a
6 public hearing must be placed in the second reading file of the
7 Legislative agenda for no later than the second legislative day after the
8 public hearing. After a VIP bill has been placed in the second reading
9 file, it shall be treated as any other bill before the Guam Legislature.

10 **Section 12107. Petition.** The sponsoring voter, or voters, shall
11 attach to the VIP Bill when presented to the Chairperson of the
12 Committee on Rules for purpose of introduction a petition of support
13 for the proposed VIP Bill signed by duly registered voters in Guam
14 numbering no less than five percent (5%) of the total number of voters
15 who voted for the office of Governor in the previous gubernatorial
16 general election. A proposed bill shall not be considered a VIP Bill
17 unless this petition is attached with the required number of valid
18 signatures.”

PL 29-164

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MAR 18 1998

Speaker Antonio R. Unpingco
Twenty-fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 532 was referred, wishes to report its findings and recommendations **TO DO PASS BILL NO. 532** "An act to add a new Chapter 12 to 2GCA to create the Voter Introduction Program (VIP) and increase the access of the people of Guam to the process of making laws."

The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Thank you and si Yu'os ma'ase for your attention to this matter.


MARK FORBES

Attachments

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MEMORANDUM

TO: Committee Members
FR: ~~Chairman~~
SUBJECT: Committee Report- Bill No. 532 "An act to add a new Chapter 12 to 2GCA to create the Voter Introduction Program (VIP) and increase the access of the people of Guam to the process of making laws."

Transmitted herewith for your information and action is the report on Bill No. 532 from the Committee on Rules, Government Reform and Federal Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 532
4. Public Hearing Sign-in Sheet
5. Fiscal Note/Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.


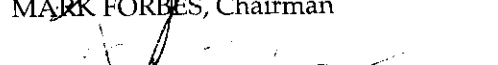

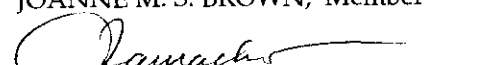
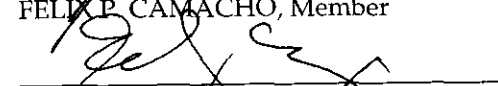
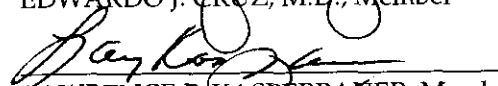
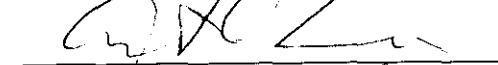


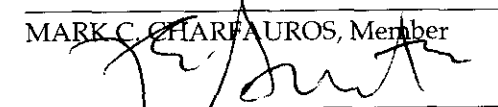
MARK FORBES

Attachments

Committee on Rules, Government Reform and Federal Affairs
Twenty Fourth Guam Legislature

Voting Record

Bill No. 532 "An act to add a new Chapter 12 to 2GCA to create the Voter Introduction Program (VIP) and increase the access of the people of Guam to the process of making laws."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK FORBES, Chairman	✓	_____	_____	_____
 ANTHONY C. BLAZ, Vice-Chairman	_____	_____	_____	_____
 ELIZABETH BARRETT-ANDERSON, Member	✓	_____	_____	_____
JOANNE M. S. BROWN, Member	_____	_____	_____	_____
 FELIX P. CAMACHO, Member	✓	_____	_____	_____
 EDUARDO J. CRUZ, M.D., Member	_____	_____	_____	_____
 LAWRENCE F. KASPERBAUER, Member	x	_____	_____	_____
 ALBERTO A. C. LAMORENA V., Member	✓	_____	_____	_____
 CARLOTTA A. LEON GUERRERO, Member	✓	_____	_____	_____
 JOHN C. SALAS, Member	✓	_____	_____	_____
MARK C. CHARFAUROS, Member	_____	_____	_____	_____
 FRANCIS E. SANTOS, Member	✓	_____	_____	_____
ANTONIO R. UNPINGCO, Member	_____	_____	_____	_____

Twenty-Fourth Guam Legislature

**Committee On Rules,
Government Reform & Federal Affairs
Senator Mark Forbes, Chairman**

Committee Report

on

Bill No. 532

“An act to add a new Chapter 12 to 2GCA to create the Voter Introduction Program (VIP) and increase the access of the people of Guam to the process of making laws.”

I. OVERVIEW

The Committee on Rules, Government Reform and Federal Affairs held a public hearing on Tuesday, March 10, 1998 at 10:35 a.m. in the conference room of the Chairman of the Committee on Rules, Government Reform and Federal Affairs. Public Notice of the hearing was announced in the March 5th, 6th, 8th, and 10th, 1998 issues of the Pacific Daily News.

Senators in attendance were:

Senator Mark Forbes, Chairman
Senator Edwardo J. Cruz, Member
Senator Frank Blas Aguon Jr.

There being no individuals present to testify on the bill, the Chairman declared the bill formally heard. The Chairman indicated that the Committee would accept any written testimony on this bill during the next few days. No written testimony was submitted after the public hearing.

II. FINDINGS AND RECOMMENDATION

The Committee on Rules, Government Reform and Federal Affairs finds that Bill 532 would allow the voters of Guam to actually introduce bills directly to the Guam Legislature. This measure, if passed into law, would guarantee that the Legislature address and deal with those issues considered of importance to a large number of Guam's electorate. The Committee further finds that this measure would enable any registered voter in Guam to introduce bills into the Guam Legislature. Currently, no such mechanism exists, and voters must lobby senators to take on their cause and develop legislation to address their issues.

Bill 532 provides the voters with a more direct alternative. Such VIP bills would be treated in the same manner as legislation that the Governor of Guam wishes the Legislature to address. The VIP bills would be introduced by the Chairperson of the Committee on Rules, Government Reform and Federal Affairs, at the request of the sponsoring voter or voters. The Chairperson must then refer the bill to a standing committee of the Legislature within fifteen days of receipt. The bill also requires that a public hearing be held by the appropriate standing committee on the bill within forty-five days of referral. Once the bill has been publicly heard, the VIP bill must be placed on the second reading file of the Legislative agenda for no later than the second legislative day after the public hearing. Such provisions ensure that even those issues that may not be popular with the lawmakers, yet deemed of significant importance to a portion of the electorate, are still dealt with by the Legislature.

The Committee further finds that Bill 532 provides specific measures that ensure that the intent of the VIP bill is not compromised. Upon submission to the Rules Chairperson, the Chairperson is prohibited from making any changes to the bill. Moreover, subsequent to the public hearing, the standing committee with oversight on the bill may amend the measure only after the sponsoring voter has been notified of the changes and agrees in writing to such amendments. The Committee finds that Bill 532 does in fact increase the access of the voters of Guam to the process of making laws.

Accordingly, the Committee on Rules, Government Reform and Federal Affairs, to which Bill No. 532 was referred does hereby submit its findings and recommendations to the Twenty-fourth Guam Legislature **TO DO PASS BILL NO. 532** "An act to add a new Chapter 12 to 2GCA to create the Voter Introduction Program (VIP) and increase the access of the people of Guam to the process of making laws."

24th Guam Legislature
Committee on Rules, Government
Reform and Federal Affairs
Senator Mark Forbes, Chairman



MAR 05 1998

MEMORANDUM

TO: Chairman
Committee on Rules, Government Reform and Federal Affairs

FROM: Chairman
Committee on Rules, Government Reform and Federal Affairs

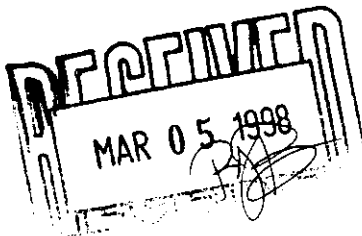
SUBJECT: Referral- Bill No. 532

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment



**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

Bill No. 532 (COR) Date Received 3/06/98
 Amendatory Bill YES NO Date Reviewed 3/06/98
 Department/Agency Affected: Guam Legislature
 Department/Agency Head: Honorable Antonio R. Umpingco, Speaker
 Total FY Appropriation to Date: \$12,950,000.00
 Bill Title (Preamble): AN ACT TO ADD A NEW CHAPTER 12 TO 2GCA TO CREATE THE VOTER INTRODUCTION PROGRAM (VIP) AND INCREASE THE ACCESS OF THE PEOPLE OF GUAM TO THE PROCESS OF MAKING LAWS.

Change in Law: Adds a new Chapter 12 to Title 2, GCA.

Bill's Impact on Present Program Funding:

Increase Decrease Reallocation No Change
 Bill is for: Operations Capital Improvement Other-

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Guam Legislature	1/		1/

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					1/
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO - IF NO, ADD'L AMT REQUIRED N/A
 AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					N/A
OTHER						
TOTAL						

ANALYST William P. Taitingford DATE 3/5/98
 DIRECTOR JOSEPH E. RIVERA DATE MAR 10 1998
 Acting Director

Footnotes: 1/ See attached comments.

Comments to Bill No. 532(COR)

The Bureau anticipates a financial impact to the Guam Legislature's FY1998 operating budget with respect to costs associated in implementing the Voter Introduction Program (VIP). The applicable standing committees of the Guam Legislature must hold public hearings on any VIP bill introduced in the Legislature for passage by the Guam Legislature.

The General Fund revenues available for appropriation, as adopted in Public Law 24-59, is \$353,292,790 (includes \$7,600,000 Autonomous Agency Fund, \$7,000,000 Use Tax and \$36,000,000 in Section 30 funds). The appropriations for FY1998 in P.L. 24-59 is \$346,128,092 plus continuing appropriations for debt service of \$2,504,141 for a total appropriation against of \$348,632,234. Pursuant to P.L. 24-59, surplus FY1998 revenues available for appropriations is \$4.6M.

However, it should be noted that the expected combined collection from both the Autonomous Agency Fund and the Use Tax is only \$3.0M, a reduction of \$11.6M ($\$14.6 - 3.0 = \11.6). As such, \$341,739,919 in revenue less \$348,632,234 in appropriations leaves an expected shortfall of (\$6,892,315) as of P.L. 24-59.