

I Mina'trentai Sais Na Lihelaturan Guåhan
BILL STATUS


BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
81-36 (COR)	Telo T. Taitague Joanne Brown V. Anthony Ada	AN ACT TO AMEND §§ 9106(a) AND 9112, BOTH OF ARTICLE 1, CHAPTER 9, DIVISION 1, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO MEMBERSHIP AND VOTING ON THE GUAM VISITORS BUREAU BOARD OF DIRECTORS.	3/12/21 1:44 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 81-36 (COR)

Introduced by:

Telo T. Taitague
Joanne Brown
V. Anthony Ada



**AN ACT TO AMEND §§ 9106(a) AND 9112, BOTH OF
ARTICLE 1, CHAPTER 9, DIVISION 1, TITLE 12,
GUAM CODE ANNOTATED, RELATIVE TO
MEMBERSHIP AND VOTING ON THE GUAM
VISITORS BUREAU BOARD OF DIRECTORS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam law allows members of the Guam Visitors Bureau (GVB) – natural
4 persons, partnerships, and corporations – to acquire multiple voting rights in the
5 election of individuals to serve on the GVB Board of Directors, on the basis of one
6 (1) vote for each annual contribution of One Hundred Dollars (\$100.00).
7 Contributing members may be present and may vote by proxy, provided written
8 authorization is communicated in advance to GVB. *I Liheslatura* further finds that
9 such a method of selecting members to serve on the GVB Board of Directors
10 makes it difficult, if not impossible, for small businesses across our tourism
11 industry to have a seat at the table.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to eliminate roadblocks
13 preventing small businesses from contributing their ideas at the highest levels of
14 GVB's decision-making process. Moreover, *I Liheslatura* intends through this Act

1 to eliminate opportunities for well-funded members of GVB to monopolize or
2 otherwise unfairly influence decisions involving the use of taxpayer resources,
3 particularly revenues of the Tourist Attraction Fund (TAF). *I Liheslatura* envisions
4 through this Act, that the limited resources of the TAF will be focused less on
5 Guam's main tourism district and more on initiatives that support much-needed
6 improvements to the Guam Product including, but are not limited to, cultural sites
7 and activities, recreation areas, and infrastructure upgrades.

8
9 **Section 2.** § 9106(a) of Article 1, Chapter 9, Division 1, Title 12, Guam
10 Code Annotated, is *amended*, to read:

11 “(a) The exercise of the powers of the Bureau shall be directed by the Board
12 of Directors composed of twelve (12) members selected in accordance with this
13 Section. Five (5) directors, referred to as ‘appointed directors’ shall be members
14 and shall be appointed by the Governor with the advice and consent from the
15 Legislature. One of the appointed directors shall be a commissioner or assistant
16 commissioner selected by the Commissioner’s Council. Two (2) members shall be
17 appointed by the Speaker of the Guam Legislature and shall be referred to as the
18 ‘Legislative Directors’. Four (4) directors, referred as ‘elected directors’ shall be
19 contributing members in good standing elected by the membership in a manner
20 that protects the confidentiality of the voting process. The five (5) appointed, the
21 legislative directors and four (4) elected directors shall then select the twelfth
22 (12th) director by a vote requiring concurrence of eight (8) of the directors. The
23 twelfth (12th) director shall be actively and directly involved in the tourism
24 industry. There shall be one (1) alternate director who shall be appointed by the
25 Speaker of the Legislature with the consent of the Legislature. He shall have no
26 voting power unless and until a member of the Board of Directors is absent from a
27 meeting. The alternate shall replace the first absent director. Should a absent

1 director, who has been replaced by an alternate arrive at a meeting, his voting
2 power displaces that of the alternate on any matters which arise after his arrival.
3 The alternate director shall not replace a director who is present at a meeting but
4 chooses to leave prior to the close of the meeting. The Board of Directors shall
5 elect from amongst its body a chairperson and vice chairperson. The twelfth (12th)
6 director from a previous board shall not be held over solely to act as the twelfth
7 (12th) director of a new board. ~~The twelfth (12th) director of a new board. (sic) The~~
8 twelfth (12th) director of a previous board may be appointed as the twelfth (12th)
9 director of any subsequent board as set forth herein.”

10
11 **Section 3.** § 9112 of Article 1, Chapter 9, Division 1, Title 12, Guam Code
12 Annotated, is *amended*, to read:

13 **“§ 9112. Members.**

14 (a) Any person including natural persons, partnerships, and corporations
15 shall be entitled to be a member of the Bureau.

16 (b) There shall be two (2) classes of membership:

17 (1) ‘Contributing Members’ who shall be those members contributing
18 the sum of One Hundred Dollars (\$100.00) or more annually; and

19 (2) ‘Honorary Members’ being those members contributing less than
20 One Hundred Dollars (\$100.00) annually. Only contributing Members shall
21 be entitled to vote, however, membership meetings shall be open to all
22 members.

23 ~~(c) Contributing members may acquire multiple voting rights on the basis of~~
24 ~~one (1) vote for each annual contribution of One Hundred Dollars (\$100.00),~~
25 ~~payable in lump sum or installments, provided, no single membership shall be~~
26 ~~entitled to more than ten (10) votes. All contributions of contributing members~~

1 herein mentioned shall be cash and must be paid in full ninety (90) days prior to
2 having any voting rights.

3 (d) A quorum of the membership shall require attendance of at least fifty
4 percent (50%) of the total voting power of the members. Except as otherwise
5 provided by law, any act of the members shall require a vote of a majority of the
6 voting power of the members present at any meeting duly held. ~~Contributing~~
7 ~~members may be present and may vote by proxy, provided written authorization of~~
8 ~~proxy is delivered to the Secretary or General Manager, or the Chairperson of the~~
9 ~~meeting at least twenty-four (24) hours prior to the commencement of the meeting~~
10 ~~which is the subject of the proxy.~~

11 (e) Notwithstanding any other provision of law, government funds of any
12 department, agency or instrumentality of the government may not be used to pay
13 membership dues or acquire voting rights. Any such funds used to acquire or
14 continue membership or acquire or continue voting rights after October 1, 1985
15 shall be reimbursed to the affected department, agency or instrumentality of the
16 government.

17 (f) ~~At elections of directors by the membership, each member who has~~
18 ~~acquired the right to cast votes at such election shall cast as many votes as the~~
19 ~~member has acquired for each of four (4) candidates. Notwithstanding the~~
20 ~~provisions of Section 307 of the Civil Code, cumulative voting is prohibited.”~~
21

22 **Section 4. Severability.** *If any provision of this Act or the application to*
23 *any person or circumstance is found to be invalid or contrary to law, such*
24 *invalidity shall not affect other provisions or applications of this Act that can be*
25 *given effect without the invalid provision or application, and to this end the*
26 *provisions of this Act are severable.*