

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
259-35 (COR) As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole	Telena Cruz Nelson	AN ACT RELATIVE TO INITIATING THE RECALL ELECTION OF THE MAYOR OF THE VILLAGE OF YONA; TO APPROPRIATE FUNDING TO CONDUCT THE RECALL ELECTION AND SPECIAL ELECTION SHOULD THE RECALL BE SUCCESSFUL; AND AN ACT TO AMEND § 1013.1 OF CHAPTER 10, TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE RESULTS OF A RECALL ELECTION IN EVENTS CAUSING VACANCY IN MUNICIPAL OFFICES.	12/27/19 12:07 p.m.	1/7/20	Committee on General Government Operations, Appropriations, and Housing	1/15/20 9:00 a.m.	1/17/20 11:12 a.m.	Request: 1/8/20 1/13/20	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	1/17/20 Emergency Session	AN ACT TO AMEND § 13106 AND ADD A NEW § 13106.1 TO CHAPTER 13 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO PERMANENT AND TEMPORARY VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND VICE MAYOR; AND TO AMEND §§ 40110, 40124, AND 40127 OF ARTICLE 1, CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO FILLING VACANCIES OF MAYORS, THE ESTABLISHMENT OF A MUNICIPAL PLANNING COUNCIL (MPC) WITHIN EACH DISTRICT OF GUAM, AND FILLING VACANCIES IN THE MPC.	1/18/20	1/18/20	1/30/20				



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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
Thirty-Fifth Guam Legislature

January 18, 2020

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith is **Bill No. 259-35 (COR)**, which was passed by *I Mina'trentai Singko Na Liheslaturan Guåhan* on January 18, 2020.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (1)

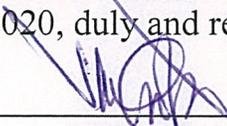


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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 259-35 (COR)**, “AN ACT TO *AMEND* § 13106 AND *ADD* A NEW § 13106.1 TO CHAPTER 13 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO PERMANENT AND TEMPORARY VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND VICE MAYOR; AND TO *AMEND* §§ 40110, 40124, AND 40127 OF ARTICLE 1, CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO FILLING VACANCIES OF MAYORS, THE ESTABLISHMENT OF A MUNICIPAL PLANNING COUNCIL (MPC) WITHIN EACH DISTRICT OF GUAM, AND FILLING VACANCIES IN THE MPC,” was on the 18th day of January 2020, duly and regularly passed.



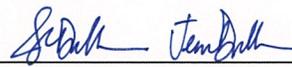
Tina Rose Muña Barnes
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 18th day of JAN,
2020, at 6 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 259-35 (COR)

As amended by the Committee on General Government Operations, Appropriations, and Housing; and further amended in the Committee of the Whole.

Introduced by:

Telena Cruz Nelson
Jose "Pedro" Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 13106 AND *ADD* A NEW § 13106.1 TO CHAPTER 13 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO PERMANENT AND TEMPORARY VACANCIES IN THE MUNICIPAL OFFICES OF MAYOR AND VICE MAYOR; AND TO *AMEND* §§ 40110, 40124, AND 40127 OF ARTICLE 1, CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO FILLING VACANCIES OF MAYORS, THE ESTABLISHMENT OF A MUNICIPAL PLANNING COUNCIL (MPC) WITHIN EACH DISTRICT OF GUAM, AND FILLING VACANCIES IN THE MPC.

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

2 **Section 1.** § 13106 of Chapter 13, Title 3, Guam Code Annotated, is
3 *amended* to read:

4 **“§ 13106. Events Causing a Permanent Vacancy in the**
5 **Municipal Offices of Mayor and Vice Mayor.**

6 The municipal offices of Mayor and Vice Mayor become vacant on the
7 happening of any of the following events:

8 (a) death of the incumbent;

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

11 (c) resignation from office;

12 (d) refusal or failure to assume office;

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

15 (f) conviction of a felony, or of a crime involving moral
16 turpitude;

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

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

22 (i) when an incumbent has sought and won election to another
23 office and assumed the new office, constituting voluntary
24 relinquishment of the original office; or

1 (j) if the results of a recall election, in accordance with § 1121
2 of Chapter 1, Title 3, Guam Code Annotated, are in favor of the removal
3 of the incumbent.

4 The occurrence of any event under Subsections (a) through (j), with
5 respect to a person or persons elected to office, after the election but before
6 the term of office is to commence, constitutes a vacancy on the date the term
7 commences, *unless* the person or persons so elected is the incumbent, in which
8 case, the vacancy occurs on the date of such event.”

9 **Section 2.** A new § 13106.1 is hereby *added* to Chapter 13 of Title 3, Guam
10 Code Annotated, to read:

11 **“§ 13106.1. Temporary Vacancy.**

12 In the absence of a Vice Mayor, if a Mayor is temporarily unable, as
13 determined by the Municipal Planning Council of the affected municipality,
14 to perform his or her duties under 5 GCA § 40112 for more than thirty (30)
15 consecutive calendar days due to any circumstance not described in § 13106
16 of this Chapter or 5 GCA § 40110(b), the Municipal Planning Council of the
17 affected municipality *shall* appoint an Acting Mayor with the advice and
18 consent of *I Liheslaturan Guåhan*. Upon legislative confirmation, the Acting
19 Mayor *shall* serve until the duly elected Mayor can return to his or her official
20 duties, the position is declared permanently vacant, or a new Mayor is duly
21 elected by the people of the affected municipality in an election.”

22 **Section 3.** § 40110 of Article 1, Chapter 40, Division 4, Title 5, Guam Code
23 Annotated, is *amended* to read:

24 **“§ 40110. Permanent Vacancies.**

25 (a) Vice Mayors. A vacancy in the office of the Vice Mayor *less than*
26 two hundred forty (240) days before the date of the next general election for

1 Mayors and Vice Mayors *shall* be filled for the unexpired term by a majority
2 vote of the Municipal Planning Council of the municipality in which the
3 vacancy occurs, subject to the advice and consent of *I Liheslatura* (the
4 Legislature).

5 (b) Mayors. If by reason of death, resignation, removal from office,
6 inability or failure to perform, as determined by the Guam Election
7 Commission, there *shall* be a vacancy in the office of the Mayor *less than* two
8 hundred forty (240) days before the date of the next general election for
9 Mayors and Vice Mayors:

10 (1) it *shall* be filled by the Vice Mayor in a municipality where
11 there is a Vice Mayor, and there *shall* be a vacancy in the position of
12 Vice Mayor until the end of the term; or

13 (2) if there is no Vice Mayor and the vacancy is *less than* two
14 hundred forty (240) days before the date of the next general election for
15 Mayors and Vice Mayors, the vacancy for the remaining term *shall* be
16 filled by a majority vote of the Municipal Planning Council of the
17 municipality in which the vacancy occurs, subject to the advice and
18 consent of *I Liheslatura* (the Legislature); or

19 (3) if the Municipal Planning Council is not established within
20 the municipality, the Executive Director of the Mayors Council of
21 Guam *shall* be appointed to serve as the Acting Mayor of said
22 municipality for up to ninety (90) calendar days. The Acting Mayor
23 *shall* nominate members to establish the Municipal Planning Council
24 of said municipality who *shall* be approved by a two-thirds (2/3) vote
25 of the Mayors Council of Guam.”

1 **Section 4.** § 40124 of Article 1, Chapter 40, Division 4, Title 5, Guam Code
2 Annotated, is *amended* to read:

3 **“§ 40124. Municipal Planning Council: Establishment.**

4 There is established a Municipal Planning Council within each of the
5 districts of Guam.

6 (a) The Mayor, upon taking office, *shall* select and appoint a
7 Municipal Planning Council (MPC) within thirty-five (35) calendar
8 days after taking office.

9 (b) If the MPC is not established by the Mayor of said
10 municipality pursuant to Subsection (a) of this Section, the Mayor *shall*
11 submit a memorandum to the Mayors Council of Guam (MCOG) and *I*
12 *Liheslaturan Guåhan* providing the reasons for his or her failure to
13 comply with Subsection (a) of this Section. The MCOG may, in its
14 discretion, provide an additional thirty (30) calendar days to comply
15 with Subsection (a) of this Section.

16 (c) If the MPC is not established within one hundred twenty-
17 five (125) days of the Mayor taking office, the Executive Director of
18 the MCOG *shall* appoint the members of the MPC who *shall* be
19 approved by a two-thirds (2/3) vote of MCOG. The Executive Director
20 *shall* transmit the names of the approved members of the MPC to the
21 Speaker of *I Liheslaturan Guåhan* and *I Maga'hågan Guåhan.*”

22 **Section 5.** § 40127 of Article 1, Chapter 40, Division 4, Title 5, Guam Code
23 Annotated, is *amended* to read:

24 **“§ 40127. Municipal Planning Council: Vacancy.**

25 In case of a vacancy in the Municipal Planning Council (MPC) by
26 reason of death, resignation or incapacity, said vacancy *shall* be filled by:

1 (a) appointment of the Mayor of said municipality, within
2 ninety (90) calendar days; or

3 (b) if there is a vacancy in the Office of the Mayor of said
4 municipality, the vacancy in the MPC *shall* be filled in accordance with
5 § 40124(c) of this Chapter.”

6 **Section 6. Effective Date.** This Act *shall* be effective upon enactment.