

*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)	Telena Cruz Nelson	AN ACT RELATIVE TO INITIATING THE RECALL ELECTION OF THE MAYOR OF THE VILLAGE OF YONA 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			Request: 1/8/20  1/13/20	

Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telen Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
**35<sup>TH</sup> GUAM LEGISLATURE**

January 13, 2020

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

# MEMO

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

**From:** Senator Régine Biscoe Lee  
Chair, Committee on Rules

**Re:** Fiscal Notes

*Buenas yan Håfa adai.*

Attached, please find the fiscal notes for the following bills:

**Bill No. 246-35 (LS)**  
**Bill No. 256-35 (COR)**  
**Bill No. 259-35 (COR)**  
**Bill No. 263-35 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 259-35 (COR)**

**AN ACT RELATIVE TO INITIATING THE RECALL ELECTION OF THE MAYOR OF THE VILLAGE OF YONA 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.**

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:	\$1,399,414
Department's Other Fund appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$1,399,414</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2019 Unreserved Fund Balance	\$22,850	\$0	\$22,850
FY 2020 Adopted Revenues	\$0	\$0	\$0
FY 2020 Appro. (P.L. 35-36 thru )	\$0	\$0	\$0
Sub-total:	\$22,850	\$0	\$22,850
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$22,850</b>	<b>\$0</b>	<b>\$22,850</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2020 (if applicable)	FY 2021	FY 2022	FY 2023	FY 2024
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	<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? / / N/A / / Yes / X/ No  
 If no, what is the additional amount required? \$ 22,850 / / N/A
- Does the Bill establish a new program/agency? / / Yes / X/ No  
 If yes, will the program duplicate existing programs/agencies? / X/ N/A / / Yes / / 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:

Analyst: <u>Abigail Reyes, BMA III</u>	Date: <u>1/10/2020</u>	Director: <u>Lester L. Carlson, Jr., Director</u>	Date: <u>JAN 13 2020</u>
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Notes:  
 1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 259-35 (COR)

The proposed legislation intends to initiate the recall election of the mayor of the village of Yona as well as amend pertinent section of the Guam Code Annotated to include the results of a recall election as an event causing vacancy in the municipal offices of mayor and vice mayor. Further, the proposed legislation intends to appropriate \$22,850 from the unappropriated General Fund balance as of the end of Fiscal Year 2019 to conduct the recall election.

Per a public hearing on Bill No. 246-35(LS), the Guam Election Commission (GEC) Executive Director testified that a recall election would cost approximately \$22,850. However, the GEC Executive Director further noted that should the recall vote result in the vacancy of the Mayor position in Yona, a subsequent special election would need to occur. The special election is also estimated at \$22,850.

As reflected in the September 2019 Consolidated Revenue & Expenditure Report (CRER), total gross General Fund (GF) revenue collections in FY 2019 was approximately \$798,066,773, or \$22,437,805 over the adopted GF level of \$775,628,968 in P.L. 34-116. However, it is important to note that the FY 2018 Government of Guam Audit reflects a cumulative deficit of \$83,448,863. Due to the cumulative General Fund shortfall of \$83,448,863, the Bureau does not recommend any appropriation of revenues collected in excess of the adopted FY 2019 General Fund levels contained in P.L. 34-116 as it is *not* fiscally prudent. Appropriating from such a source will hinder the Government of Guam's ability to reduce the cumulative General Fund deficit.

The Bureau also notes that the referenced Guam Code Annotated (GCA) citation contained in the proposed legislation should be amended to reflect §13106 of Chapter 13, Title 3, GCA (relative to events causing vacancies in the municipal offices of Mayor and Vice Mayor) as opposed to §1013.1 of Chapter 10, Title 1, Guam Code Annotated (relative to the Liberation Day Carnival).