

*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
<b>259-35 (COR)</b> 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	
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>VETOED</b>		<b>NOTES</b>	
	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	1/21/20		1/21/20 4:41 p.m. Supplemental Document to the Committee Report on Bill No. 259-35 (COR), As amended by the Committee on General Government Operations, Appropriations, and Housing  Received: 1/21/20 Mess and Comm. Doc. No. 35GL-20-1427.	

UFISINAN I MAGA'HÅGA  
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO  
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO  
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

7561-20-1427  
Speaker Tina Rose Muña Barnes

January 21, 2020

**HONORABLE TINA ROSE MUÑA BARNES**

Speaker

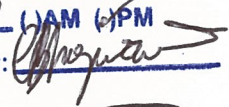
*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

JAN 21 2020  
Time 5:00 AM (PM)  
Received By: 

**Re: Veto of Bill 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"**

Dear Madame Speaker:

I agree with your legislative counsel and I am therefore exercising my executive responsibility to veto Bill 259-35. There are provisions of this bill that encroach upon the core functions of the Executive branch. And I am unwilling to sign any legislation into law that compromises the delicate balance between the three branches of government.

For nearly four months now, the village of Yona has been able to address the needs of its people with the help of the Mayors' Council of Guam. And although it has done so without the physical presence of a mayor, this is a unique issue that can be addressed. Bill 259-35 is the Legislature's attempt to address this issue. While I understand the desire to do the right thing, the right thing must also be done the right way. That is the central reason for this veto.

In fact, prior to 2013, Guam's laws provided a sound and organic process towards filling vacancies in the municipal offices of Mayor and Vice Mayor. This process was used several times and

1427

2020 JAN 21 PM 5:08  


To: Speaker Tina Rose Muña Barnes  
Fr: Governor of Guam  
Date: January 21, 2020  
Re: Veto of Bill 259-35 (COR)

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Page 2 of 2

provided Guam's villages with strong and reputable leaders in the interim. With this letter, I am transmitting a bill which proposes that we utilize the process that has so effectively served our villages in the past. I hope that the Legislature will agree with this view and consider my proposal in its next session.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*

Governor of Guam

Enclosure(s): Proposed Bill

cc via email: *Sigundo Maga'låhen Guåhan*



2020-0120  
RCVD AT CENTRAL FILES  
JAN 21 '20 AM 9:11  
Lillian Kosaka

*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)





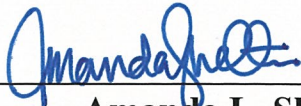
***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**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 18<sup>th</sup> day of January 2020, duly and regularly passed.

  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**

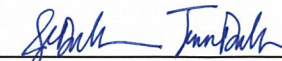
Attested:



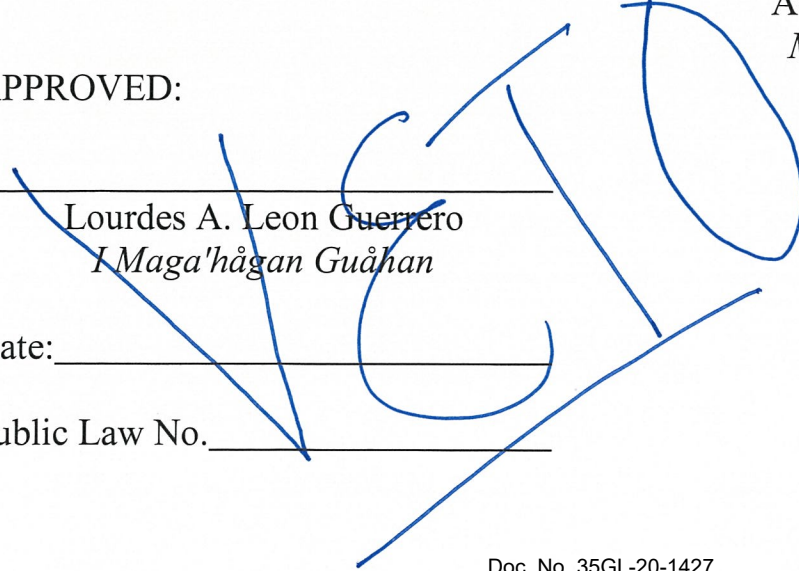
\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 18<sup>th</sup> 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 "Pedo" Terlaje  

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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.

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

Bill No. \_\_\_\_\_

Introduced by:

\*  
\_\_\_\_\_

**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 OF ARTICLE 1,  
CHAPTER 40, DIVISION 4, TITLE 5, GUAM CODE  
ANNOTATED, RELATIVE TO THE ORGANICITY OF  
FILLING VACANCIES IN THE MUNICIPAL OFFICES OF  
MAYOR AND VICE MAYOR**

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

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

**3 “§ 13106. Events Causing a Permanent Vacancy in the Municipal Offices of Mayor  
4 and Vice Mayor.**

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

**7 (a) death of the incumbent;**

**8 (b) declaration of mental incompetence by a final judgement or final order of a court  
9 of competent jurisdiction;**

**10 (c) resignation from office;**

**11 (d) refusal or failure to assume office;**

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

**13 (f) conviction of a felony, or of a crime involving moral turpitude;**

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

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

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

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

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

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

9 **“§ 13106.1 Temporary Vacancy.**

10 If there is a temporary vacancy greater than (30) days in the office of Mayor, caused  
11 by other than official business, and there is no Vice Mayor, the vacancy shall be filled by the  
12 Governor by appointment after soliciting the non-binding recommendations of the Municipal  
13 Planning Council of the municipality.”

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

16 **“§ 40110. Permanent Vacancies.**

17 (a) Vice Mayors. A vacancy in the office of the Vice Mayor ~~less than two hundred~~  
18 ~~forty (240) days before the date of the next general election for Mayors and Vice Mayors shall~~  
19 ~~be filled for the unexpired term by *I Maga'hågan Guåhan* (The Governor) by appointment~~  
20 ~~after soliciting the non-binding recommendations of a majority vote of the municipal planning~~  
21 ~~council of the municipality in which the vacancy occurs, subject to the advice and consent of *I*~~  
22 ~~*Liheslatura* (the Legislature).~~

23 (b) Mayors. *If* by reason of death, resignation, removal from office, inability or failure  
24 to perform, there shall be a vacancy in the office of the Mayor, it shall be filled for the  
25 unexpired term. ~~less than two hundred forty (240) days before the date of the next general~~  
26 ~~election for Mayors and Vice Mayors, it shall be filled by the Vice Mayor in a municipality~~  
27 ~~where there is a Vice Mayor, and there shall be a vacancy in the position of Vice Mayor until~~  
28 ~~the end of the term. In a municipality where there is no Vice Mayor and the vacancy is less~~  
29 ~~than 240 days before the date of the next general election for Mayors and Vice Mayors, the~~  
30 ~~vacancy shall be filled by a majority vote of the Municipal Planning Council of the~~



1 ~~municipality in which the vacancy occurs, subject to the advice and consent of *I Liheslatura*~~  
2 ~~(The Legislature).”~~ The vacancy shall be filled by *I Maga’hågan Guåhan* (the Governor) by  
3 appointment after soliciting the non-binding recommendations of the Municipal Planning  
4 Council of the municipality in which the vacancy occurred, subject to the advice and consent  
5 of *I Liheslatura* (the Legislature), provided, however, that in a municipality where there is a  
6 Vice -Mayor, the Vice-Mayor shall automatically assume the position of Mayor and there shall  
7 be a vacancy in the position of Vice-Mayor.

8 **Section 4. Severability.** If any provision of this Act or its application to any person or  
9 circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions  
10 or applications of this Act which can be given effect without the invalid provisions or applications,  
11 and to this end the provisions of this Act are severable.”